



# City Council Report

**Date:** July 1, 2021  
**To:** City Council  
**Through:** Marc Heirshberg, Deputy City Manager  
**From:** Beth Huning, City Engineer  
Rob Kidder, Assistant City Engineer  
**Subject:** Vacating a portion of public Right-of-Way located in the 1000 block of East University Drive  
Council District 4

## Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to vacate a portion of public right-of-way (ROW) located in the 1000 block of East University Drive, and sell the vacated ROW at appraised value.

## Background

In Mesa City Code, Chapter 10, Section 9-10-1 Disposition of Roadways, the City Council may dispose of unnecessary public roadways, upon application being made to the Real Estate Services office and upon paying an application fee plus any value of the land.

For a public road right-of-way to be taken out of the City's street system, and the land returned to private use, the City Council must authorize a Resolution that "vacates" the excess right-of-way. The term "vacate" is used in our Council Reports in order to match the wording used in the Arizona Revised Statute (A.R.S.) § 28-7205.

## Discussion

The adjacent property owner has requested the City vacate twenty-feet (20') of the existing sixty-five-foot (65') half street ROW located in the 1000 block of East University Drive, for the development of a new 53-unit apartment complex. In 1993, twenty-nine-feet (29') of additional ROW was dedicated in document numbers 1993-0446148 and re-recorded in 1993-0815892, in the records of Maricopa County, Arizona. This created the sixty-five-foot (65') existing ROW. There are no existing utilities or improvements within the portion of the ROW to be vacated, therefore, staff has determined that the requested ROW is no longer needed for this portion of East University Drive by the City.

The ROW to be vacated is 1,335 square feet. It was appraised by an independent fee appraiser on May 19, 2021. The market value of the ROW is \$13,350.00. The developer has agreed to pay this amount.

**Alternatives**

An alternative is to not vacate the ROW. Choosing this alternative will result in the property owner not being able to develop the property as planned.

**Fiscal Impact**

The fiscal impact of this request is the \$750.00 processing fee plus the appraised value of the ROW in the amount of \$13,350.00, both paid by the developer.

**Coordinated With**

The Engineering, Energy Resources, Water Resources, Transportation and Development Services Departments, along with outside utility companies, concur with this request.