



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: Extinguish a portion of a Drainage Easement located at 11444 East Germann Road
Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a drainage easement located at 11444 East Germann Road.

Background

Arizona Revised Statutes Title 28 §§ 7201-7215 and Mesa City Code Title 9, Chapter 10, provide the City Council with authority to abandon, vacate or extinguish (collectively, hereafter, "abandon") unnecessary roadways, rights-of-way, or easements to which the City holds right or title to; the type of right or title the City owns (roadway, right-of-way, or easement) determines the law under which the City Council has its right to abandon. The term "abandon" is used in this Council Report to cover all three types of terminations of the City's rights or title. Additionally, the City generally maintains the right to release restrictive covenants it holds on real property.

Drainage easements are granted to the City of Mesa to allow for the conveyance or retention of storm water from public streets onto private property. When an easement is no longer needed, or conflicts with new development, the City Council may extinguish the easement to provide owners with the ability to fully utilize their property. To remove an easement from a property's title, City Council may approve a resolution to extinguish (abandon) the easement in accordance with provisions in the Mesa City Code Title 9, Chapter 10.

Discussion

The drainage easement was recorded in document no. 2008-0313670, on February 9, 2008, records of Maricopa County, Arizona. The owner is requesting a portion of the drainage easement be extinguished to allow construction of a new micro mill for CMC

Steel. Staff has determined the drainage easement is no longer needed by the City. A new drainage easement will be granted with the new development.

Alternatives

An alternative is to not extinguish the requested portion of drainage easement. Choosing this alternative would result in the existing drainage easement conflicting with the construction of a new micro mill for CMC Steel.

Fiscal Impact

The fiscal impact of this request is the \$750.00 processing fee collected from the applicant.

Coordinated With

The Engineering, Planning and Development Services Departments concur with this request.