



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 Drainage Easements located at 3223 South Ellsworth Road
Council District 6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish drainage easements located at 3223 South Ellsworth 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

These drainage easements were dedicated on Lot 13 of the Final Plat for First Mesa Commerce Park, Phase 2, recorded in Book 1167 of Maps, Page 44, records of Maricopa County, Arizona and on Lot 14 as shown on the Affidavit of Change recorded in document number 2020-0649399, records of Maricopa County, Arizona. The owner is requesting the drainage easements be extinguished to allow construction of a new data

center for Comarch Data. Staff has determined the drainage easements are no longer needed by the City. New drainage easements will be granted with the development.

Alternatives

An alternative is to not extinguish the drainage easements. Choosing this alternative would result in the existing drainage easements conflicting with the construction of a new data center for Comarch.

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.