



City Council Report

Date: June 1, 2009
To: City Council
Through: Jack Friedline, Deputy City Manager
Beth Huning, City Engineer
From: Craig K. Crocker, Property Acquisition Supervisor
Engineering – Real Estate Services
Subject: Extinguish a Public Utility Easement at 4325 East Southern Avenue
Council District #6

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a Public Utility Easement located at 4325 East Southern Avenue.

Background

Public Utilities Easements (PUE) are dedicated to the City of Mesa to allow for the installation and maintenance of public utilities on private property. Building codes do not allow the construction of permanent structures within an easement. When a public easement is no longer needed, or conflicts with new development, the City Council must extinguish unused easements to provide owners the ability to fully utilize their property. To remove an easement from a property's title, City Council must approve a Resolution to extinguish the easement in accordance with provisions in the Arizona Revised Statutes.

This PUE was dedicated in 2005. The project originally planned for this property was cancelled. The new owner, Mountain American Credit Union, now wishes to develop the property.

Discussion

The Development and Sustainability Department is requiring the extinguishment of this easement as part of the plan review process since the current development plans conflict with the location of the existing PUE. A new easement was dedicated in February of 2009 in accordance with the new site plan.

Alternative

The alternative is to not extinguish this portion of the easement. Choosing this alternative will prohibit the property owner from constructing the development as approved by the Development and Sustainability Department, and will require a redesign and re-submittal of the plans.


Fiscal Impact

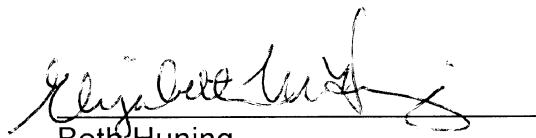
The fiscal impact for this request is the \$750.00 processing fee paid by the property owner.


Concurrence

The Engineering, Water Resources, and Energy Resources Departments and the Development and Sustainability Department, as well as the appropriate outside utility companies concur with this recommendation.


Jennifer Cleavenger
Real Estate Specialist II


Craig Crocker
Property Acquisition Supervisor


Beth Huning
City Engineer


Jack Friedline
Deputy City Manager

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF MESA, MARICOPA COUNTY, ARIZONA,
EXTINGUISHING A PORTION OF A PUBLIC UTILITY
EASEMENT.**

WHEREAS, the City Council has determined that a portion of a Public Utility Easement located at 4325 East Southern Avenue (APN: 140-56-189) recorded in document 2005-0435200, records of Maricopa County, as hereafter described, is no longer needed.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That pursuant to the provisions of Section 28-7214, Arizona Revised Statutes, all rights of the City of Mesa in and to the following described portion of a Public Utility Easement is extinguished:

See Exhibit "A" attached hereto and by this reference made a part hereof.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Clerk

JC

Exhibit A

Being a portion of the Northeast Quarter of Section 33, Township 1 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona. Also being a part of Lot 1, Book 637, Page 39 of the Maricopa County Recorder's and more particularly described as follows:

Commencing at the northeast corner of said Section 33, thence North 89 degrees 02 minutes 12 seconds West along the north line of the Northeast Quarter of said Section 33, 363.75 feet;

Thence departing said north line South 02 degrees 24 minutes 43 seconds West, 125.10 feet to the Point of Beginning;

Thence South 47 degrees 24 minutes 43 seconds West, 12.72 feet

Thence North 87 degrees 35 minutes 17 minutes West, 165.27 feet;

Thence North 00 degrees 57 minutes 48 seconds East, 43.23 feet;

Thence North 44 degrees 02 minutes 12 seconds West, 4.84 feet;

Thence North 89 degrees 02 minutes 12 seconds West, 28.28 feet;

Thence South 44 degrees 02 minutes 12 seconds East, 5.02 feet;

Thence South 00 degrees 57 minutes 48 seconds West, 19.33 feet;

Thence South 89 degrees 02 minutes 12 seconds East, 8.16 feet;

Thence South 00 degrees 57 minutes 48 seconds West, 43.27 feet;

Thence South 87 degrees 35 minutes 17 seconds East, 12.55 feet;

Thence South 02 degrees 24 minutes 43 seconds East, 9.09 feet;

Thence South 87 degrees 35 minutes 17 seconds East, 20.00 feet;

Thence North 02 degrees 24 minutes 43 seconds East, 9.09 feet

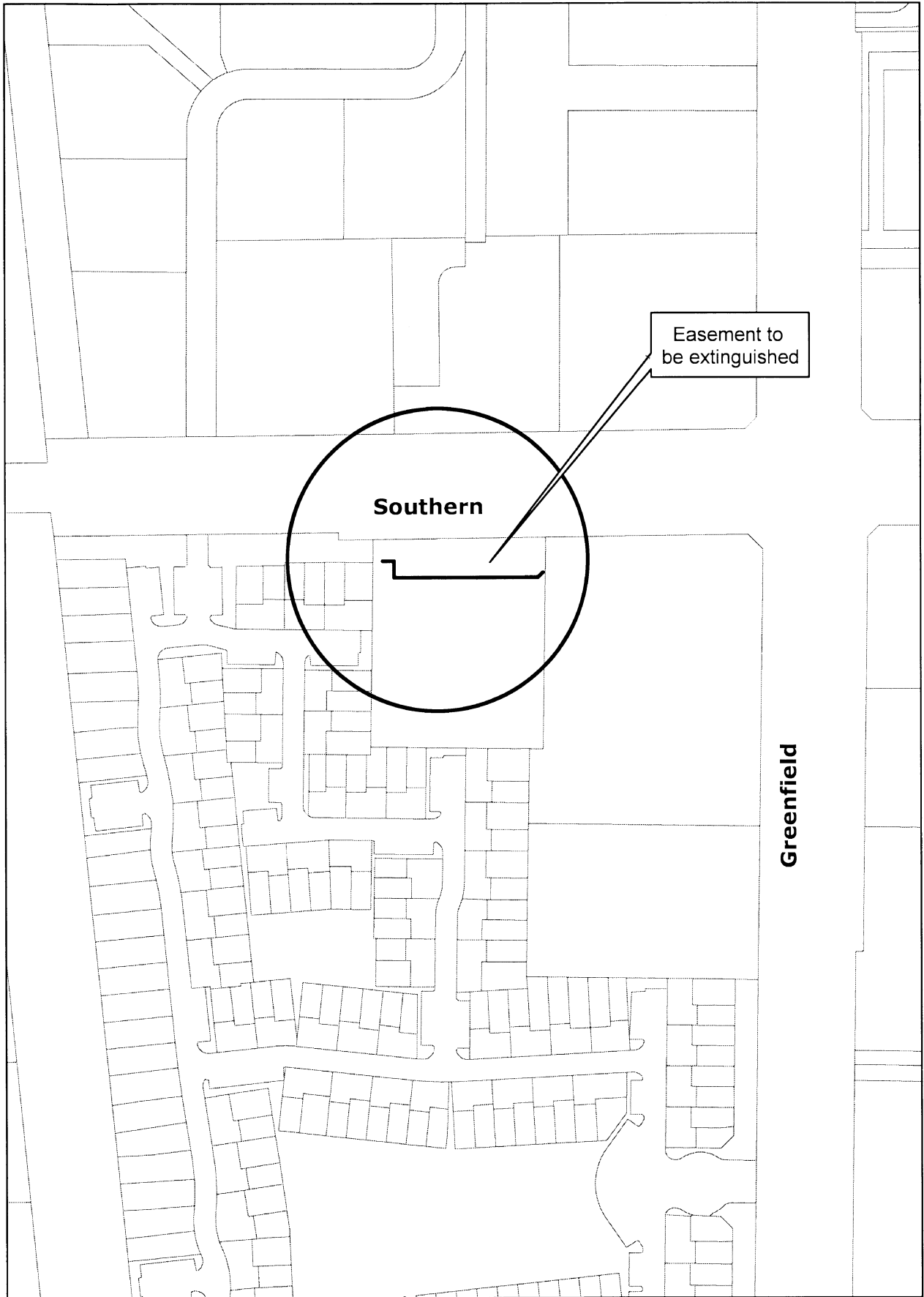
Thence South 87 degrees 35 minutes 17 seconds East, 160.51 feet;

Thence North 47 degrees 24 minutes 43 seconds East, 16.99 feet;

Thence North 87 degrees 24 minutes 08 seconds West, 11.30 feet;

Thence North 02 degrees 24 minutes 43 seconds East, 16.95 feet to the Point of Beginning.

**Public Utilities Easement Extinguishment
at 4325 E. Southern Ave.**



*Not to scale