



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 1761 W. Kiowa Avenue
Council District #3

Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a Public Utility Easement located along the back of 1761 W. Kiowa 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.

The subject easement was dedicated in 1975 on the plat of Dobson Ranch Unit Three. The easement is located across the back of this private home inside their fence. The home backs up to the City's Dobson Ranch Golf Course. Due to its location inside the fence, another public utility easement was dedicated adjacent to the property. Salt River Project and Qwest are located within the new easement and this PUE is no longer needed.

Discussion

The Development and Sustainability Department is requiring the extinguishment of this easement as part of the plan review process for the property owner's swimming pool permit application. Since the current plans for the swimming pool conflict with the location of the existing PUE, an extinguishment of the easement is required. The PUE area has been blue staked and there are no existing utilities present. Additionally, the respective private utilities have provided letters stating they no longer need the original PUE.

Alternative

The alternative is to not extinguish this easement. Choosing this alternative will prohibit the property owner from constructing a swimming pool on his lot.

Fiscal Impact

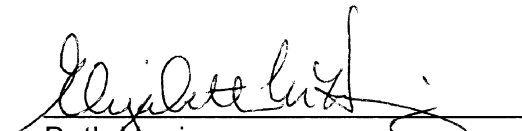
The fiscal impact for this request is the \$350.00 processing fee paid by the property owner.


Concurrence

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


Kimberly Fallbeck
Real Estate Specialist II *by CAC*


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 PUBLIC UTILITY EASEMENT.**

WHEREAS, the City Council has determined that a Public Utility Easement located at 1761 W. Kiowa (APN: 305-07-507A), 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 Public Utility Easement is extinguished:

That certain 8-foot Public Utility Easement located along the Southerly 8 feet of Lots 1416 and 1417, DOBSON RANCH UNIT THREE, as recorded on the plat of record on file in the office of the County Recorder, Maricopa County, Arizona, as recorded in Book 181 of Maps, Page 45.

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

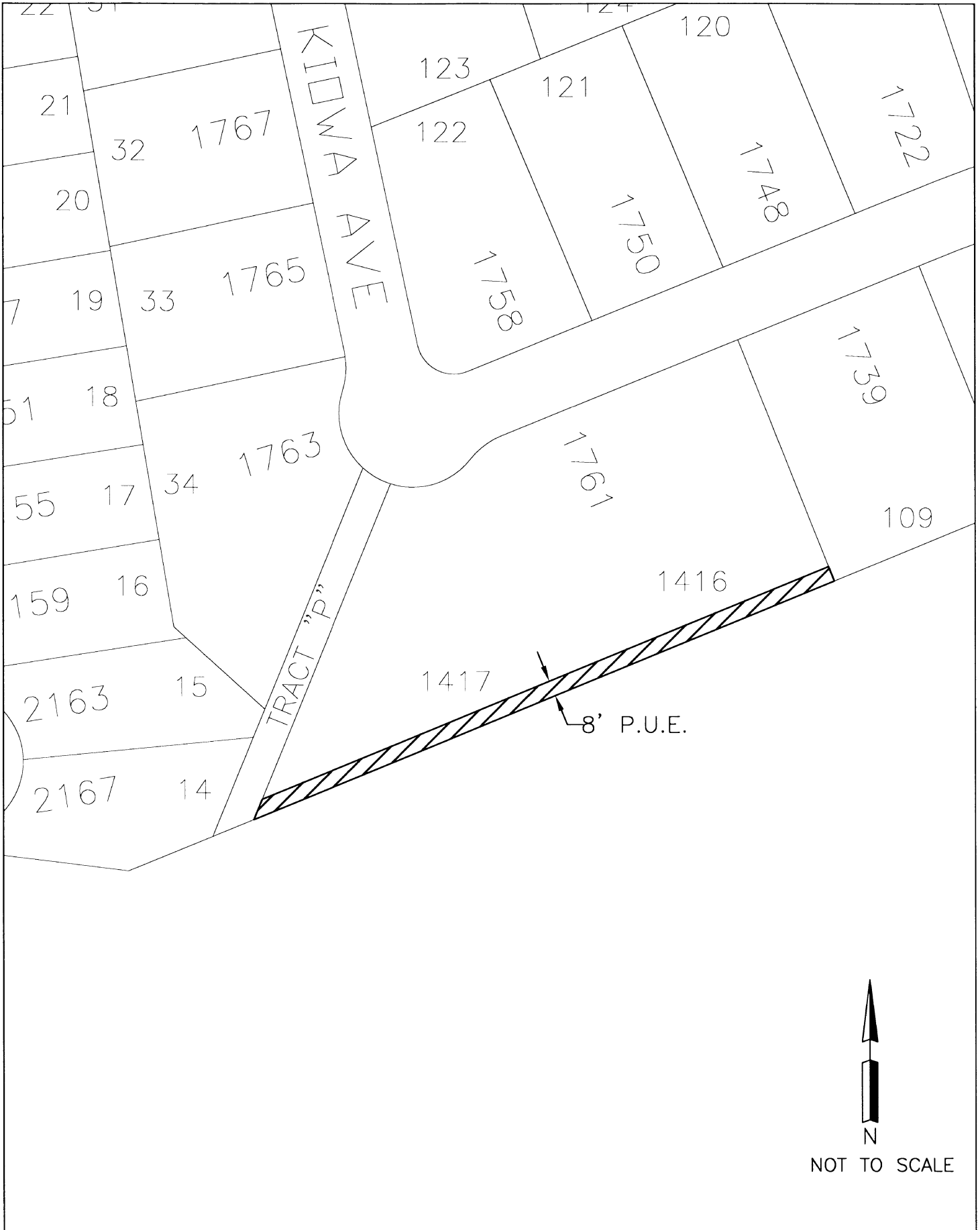
APPROVED:

Mayor

ATTEST:

City Clerk

/kf



DRAWN BY: W. PRICE
CHECKED: K. FALLBECK
APPROVED: C. CROCKER

COUNCIL ILLUSTRATION FOR THE EXTINGUISHMENT OF THE
8' P.U.E., LOTS 1416 & 1417, DOBSON RANCH UNIT
THREE SUBDIVISION

D-2582

