



AGENDA
ITEM 5b
DATE 1-25-10

City Council Report

Date: January 25, 2010
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 portion of a Public Utility Easement at 1950 South Rialto Street.
Council District #6

Strategic Initiatives:



Purpose and Recommendation

The purpose of this report is to consider staff's recommendation to extinguish a portion of a Public Utility Easement located along the back of the property at 1950 South Rialto Street.

Background

Public Utility 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 1995 on the plat of Sierra Ranch. The easement is located across the back of this private residence inside the fence. The plat of Sierra Ranch also identifies an 8 foot public utility easement adjacent to the street running along the front of the property. The easement in the front of the property contains the facilities for the neighborhood so the easement along the back is no longer required.

Discussion

The Development and Sustainability Department is requiring the partial 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, a partial extinguishment of 5 feet of the 8-foot 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. The easement for these utilities is along the front of the property, adjacent to the street.

Alternative

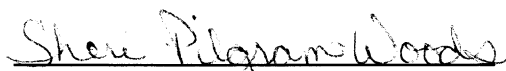
The alternative is to not extinguish this easement. Choosing this alternative will prohibit the property owner from constructing a swimming pool on his lot.

Fiscal Impact

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

Concurrence

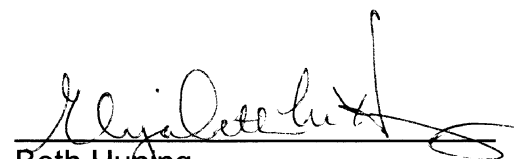
The Engineering Department, and the Development and Sustainability Department, as well as the appropriate outside utility companies concur with this recommendation.



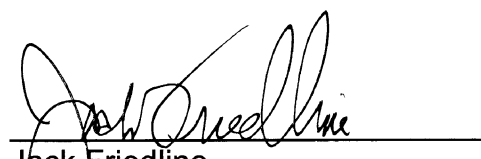
Sheri Pilgram-Woods
Real Estate Specialist II



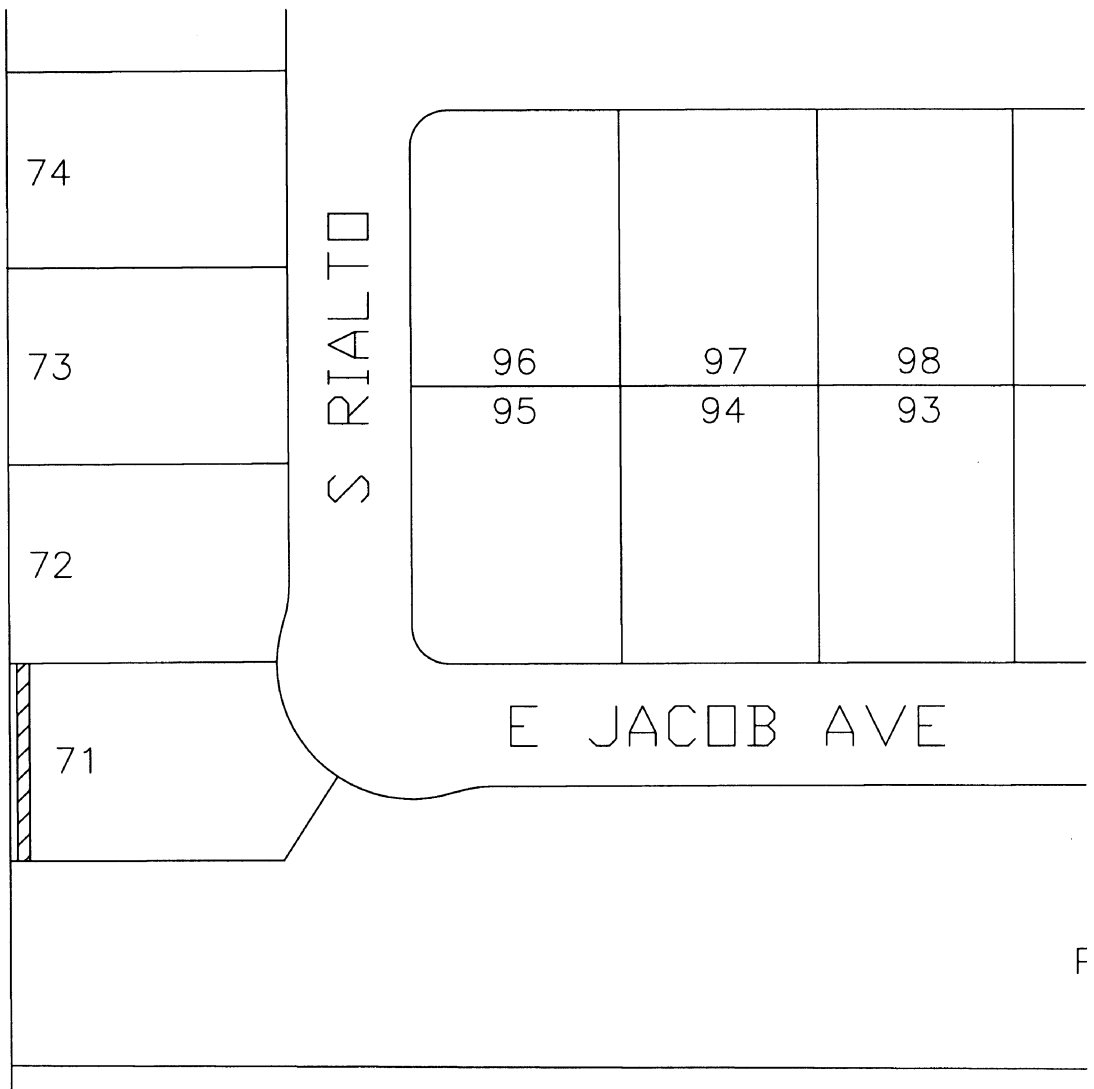
Craig Crocker
Property Acquisition Supervisor



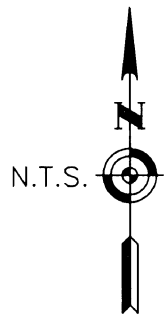
Beth Huning
City Engineer



Jack Friedline
Deputy City Manager



PROPOSED 5' EXTINGUISHMENT OF 8' P.U.E.



DRAWN BY: A. BISILLE
 CHECKED: S. PILGRAM
 APPROVED: C. CROCKER

COUNCIL ILLUSTRATION FOR PROPOSED 5' EXTINGUISHMENT OF 8' PUBLIC UTILITY EASEMENT (PUE) AT 1950 S. RIALTO

D-2601

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 portion of the Public Utility Easement located at 1950 South Rialto (APN: 220-80-531), 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 are extinguished:

The east 5' of that certain 8-foot Public Utility Easement located along the westerly 8 feet of Lot 71, SIERRA RANCH, as recorded on the plat of record on file in the office of the County Recorder, Maricopa County, Arizona, as recorded in Book 394 of Maps, Page 29.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this _____ day of _____, 2010.

APPROVED:

Mayor

ATTEST:

City Clerk

/spw