

## **ORDINANCE NO. 5938**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AMENDING MESA CITY CODE TITLE 1, CHAPTER 20, SECTION 4 REGARDING THE DELEGATION OF AUTHORITY TO THE CITY MANAGER TO EXTINGUISH, ABANDON, AND GRANT CERTAIN EASEMENTS AND TO DEDICATE RIGHTS-OF-WAY AND EASEMENTS TO THE PUBLIC FROM CITY OWNED LAND; AND AMENDING TITLE 9 CHAPTER 10 REGARDING THE EXTINGUISHMENT OF RIGHT-OF-WAY EASEMENTS.

WHEREAS, Mesa City Charter Section 303 designates the City Manager as the chief administrative officer of the City, responsible for the administration and coordination of all departments, boards, and affairs assigned by the City Charter, ordinance or resolution.

WHEREAS, the Mesa City Charter Section 101(B) provides that the City Council may determine the manner in which to lease, sell, convey, exchange, and otherwise dispose of any real property owned by the City.

WHEREAS, through Title 1, Chapter 20 of the City Code, the City Council assigned certain responsibilities to the City Manager that are within the authority of the City Council.

WHEREAS, the City Council amended Title 1, Chapter 20 of the Mesa City Code by Ordinance No. 4975, after determining that, in certain circumstances, it is appropriate to have the City Manager dedicate rights-of-way and easements to the public from City owned property and to grant or assign certain easements to entities providing utility services.

WHEREAS, the City Council has determined it to be appropriate to amend the City Code to delegate the authority to the City Manager to authorize the extinguishment and abandonment of certain easements granted or dedicated to the City and to dedicate rights-of-way from City owned property to other governmental entities, and to make other adjustments to the City Code related to the processing of applications for the disposition of roadways and extinguishment right-of-way of easements as provided herein.

WHEREAS, Arizona Revised Statutes Title 28, Chapter 20, Article 8 requires City Council action to extinguish right-or-way easements no longer needed by the City, but does not require City Council action to extinguish other types of easements;

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Mesa, Arizona, as follows:

SECTION 1: Title 1, Chapter 20, Section 4 of the Mesa City Code is hereby amended as follows:

1-20-4: DUTIES:

The Manager shall be the chief administrative officer of the City, responsible to the Council for administration and coordination of all departments, boards, and affairs assigned to him by this Chapter, by ordinance, or by resolution. He shall have authority and responsibility to:

- (A) Attend Council meetings and present information and recommendations he deems necessary or as requested by any member of the Council, but he shall have no vote.
- (B) Recommend to, and upon approval by the Council, appoint all City officers (except those subject to Council appointment pursuant to Section 401 of the Mesa City Charter), and when deemed necessary, suspend, and after approval of the Council, remove them.
- (C) Pursuant to the merit system regulations, appoint, and when necessary remove, all employees of the City, except as he may authorize heads of departments and offices to appoint and remove their own subordinates. Any unexcused voluntary absence of any employee shall constitute resignation.
- (D) Recommend to the Council personnel policies and assignments for efficient operation of the City government.
- (E) Submit to the Council the annual budget and capital program.
- (F) Supervise all expenditures and purchases of the City.
- (G) See that all laws, provisions of this Chapter, and acts of the Council subject to enforcement by him or by officers under his direction are faithfully executed.
- (H) Execute or cause to be executed by his designated representative all contracts and other lawful documents authorized by the Council.
- (I) Grant, **ABANDON, EXTINGUISH**, or assign easements **OVER, ACROSS, UNDER, AND UPON CITY-OWNED PROPERTY AND PRIVATE PROPERTY THAT ARE NON-ROADWAY EASEMENTS DESCRIBED IN TITLE 28, CHAPTER 20, ARTICLE 8 OF THE ARIZONA REVISED STATUTES, INCLUDING EASEMENTS FOR PUBLIC OR PRIVATE IMPROVEMENTS, UNDERGROUND OR OVERHEAD UTILITIES SUCH AS ELECTRICITY, GAS, STEAM, COMMUNICATION, TELECOMMUNICATIONS, DATA TRANSMISSION, CABLE TV, WATER, DRAINAGE, OR SEWAGE, SIDEWALKS, LANDSCAPING, TRAFFIC SIGNALS, STREETLIGHTS, AND FLOOD CONTROL**, ~~to utility and telecommunication entities, public agencies, or governmental entities for utility and telecommunication easements, storm water and drainage easements, and similar types of easements that are intended to benefit the public or to allow utility services to City owned property.~~ The grants, or assignments, **OR EXTINGUISHMENTS** may be from City owned property, City rights-of-way, or other

property for which the City has a property right that allows it to grant, ~~or~~ assign, **OR EXTINGUISH** such easements.

(J) Dedicate rights-of-way and easements to the public **AND TO OTHER GOVERNMENTAL ENTITIES** from City owned property.

(K) Enter into and execute a grant agreement for the receipt of grant funds, in any amount, and from any source under the following conditions:

- (1) When there is a declared national, state, or local emergency or when the grant is related to or intended to mitigate the effects of an emergency; or
- (2) When the grant has a local match requirement of \$100,000 or less, excluding matching funds satisfied from federal, state, or other entity funding sources and excluding non-monetary matching sources, and the grant does not require the city to hire additional full-time employees; or
- (3) When the grant is for a capital improvement project; or
- (4) When the grant is for a Falcon Field Airport Project; or
- (5) The City Manager, or designee, will provide City Council with periodic updates on all grant agreements the City Manager enters into and executes pursuant to the authority in this section.

(L) Perform any other lawful duties required of him by the Council.

**SECTION 2:** That Title 9, Chapter 10, Sections 1 and 2 of the Mesa City Code are hereby amended as follows:

**9-10-1: DISPOSITION OF ROADWAYS:**

Pursuant to the provisions of Title 28, Chapter 20, Article 8, of the Arizona Revised Statutes, the City Council may dispose of unnecessary public roadways, upon application being made to the Real Estate Services offices on forms prepared by that office and upon paying ~~an~~ **THE** application fee **AS SET FORTH IN THE SCHEDULE OF FEES AND THE PURCHASE PRICE FOR THE VALUE OF THE LAND** ~~.for each application in accordance with the following schedule:~~

|   |   |
|---|---|
| <del>Single Family Residential Land</del> | <del>\$350 plus value of the land</del> |
| <del>All Other Land</del>                 | <del>\$750 plus value of the land</del> |
| <del>Residential Alley Roadways</del>     | <del>\$0</del>                          |

9-10-2: EXTINGUISHMENT OF **RIGHT-OF-WAY** EASEMENTS:

Pursuant to the provisions of Title 28, Chapter 20, Article 8 of the Arizona Revised Statutes, the City Council may extinguish **RIGHT-OF-WAY** easements no longer needed by the City upon application being made to the Real Estate Services offices on forms prepared by that office and upon paying an application fee **AS SET FORTH IN THE SCHEDULE OF FEES.** ~~for each application in accordance with the following schedule:~~

|  |       |
|--|-------|
| <del>Residential Single Lot</del>        | \$350 |
| <del>Undeveloped Subdivision</del>       | \$750 |
| <del>Commercial and all other land</del> | \$750 |

SECTION 3: AMENDED LANGUAGE. In the sections of this Ordinance that are intended to amend the Mesa City Code, additions to the City Code are written in text that is in **BOLD AND ALL CAPS**, and deletions to the City Code are written in ~~striketrough~~.

SECTION 4: RECITALS. The recitals above are fully incorporated in this Ordinance by reference.

SECTION 5: EFFECTIVE DATE. The effective date of this Ordinance shall be thirty (30) days following adoption by the City Council.

SECTION 6: SEVERABILITY. That the terms and provisions of this Ordinance are severable and if any section, subsection, sentence, clause phrase or portion of this Ordinance, or any part of the Mesa City Code adopted herein, is for any reason held to be invalid, unenforceable or unconstitutional by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in effect.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 21st day of April, 2025.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk