

Salt River Pima-Maricopa Indian Community
COMMENT TRACKER (PUBLIC PROCESS) – N 86th STREET AND E WEBER DRIVE ROAD AND UTILITY EASEMENT PROJECT
As-of February 27, 2025

Activity Code	Question/Comment/Statement	Staff/Applicant Response
LMB-Pre_Q1	What do you mean by a lump sum payment?	This easement is for a Road and Utility Easement . It's not a Lease so there is no re-occurring payment since it is not a "revenue generating" lease. It is an Easement; the landowners will be paid a "lump sum" payment for the easement rights.
LMB-Pre_Q2	Does that mean the Community is buying the land?	No, the community is not buying your land. It is simply paying for the easement rights to construct, install, operate, and maintain the road and distribution/service type utilities on the N 86 th Street and E Weber Drive alignments.
LMB-Pre_Q3	Weber Drive is currently just a field, is the plan to put infrastructure all the way to the freeway?	Weber Drive will dead-end at the freeway; there will be no freeway access from Weber Drive as it is physically too close to McKellips Road and too close to the L-202/L-101 transition ramps. At build-out we will see a two-lane service road on Weber Drive (east of N 86 th Street) along with basic utilities (electric, tele/data, water, sewer, etc.). At build-out, we will see a full 110-ft wide road-and-utility corridor on Weber Drive (between N 84 th Street and N 86 th Street). Construction will be phased based on the needs of the landowners and/or developers. The first thing we will see constructed on the Weber Drive alignment will be a sewer main; the other road-and-utility improvements will follow.
LMB-Pre_Q4	How does the existing SRPMIC sewage lift station at Weber Drive transport sewage to the city of Mesa "North West Water Reclamation Facility" given its location on the west side of the L-101 Freeway?	There is a "pressurized" sewage pipe that runs under the L-101 Freeway, under the Salt River, and under the L-202 Freeway over to the nearest municipal sewage treatment plant in the City of Mesa.
LMB-Pre_Q5	What happens to the deceased landowners payments?	The funds go into a holding account with the BIA until their estate is probated and their heirs are identified by the courts. Once the deceased landowner's estate is probated, those funds are then distributed to the new heirs.
LMB-H_Q6	Have you received all the right-of-way consents for this project?	Yes, we currently have enough consents from the allotments involved with this project. However, we will still accept any consents that come in. We just need bare majority (>50.01%) of the undivided interests in each allotment. In full transparency, there are three allotments where staff will be asking the BIA Superintendent to sign-off on deceased-not-probated interests assuming this project is in their best interests.

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LMB-H_Q7	What is the percentage needed in order to move forward with this project?	Federal Regulation require 50.01% on each allotment involved. The superintendent is allowed by the regulation to sign off on behalf of any estates not probated and whereabouts unknown with payment of ROW market value to those owners/heirs. This is typical to almost every right-of-way project and allowed by the federal regulations.
C-H_Q8	I don't remember if the paperwork said it was to lease or to sell the land. I misplaced my paperwork, can I get another copy.	This easement is for a Road and Utility Easement. It's not a Lease so there is no re-occurring payment since it is not a "revenue generating" lease. It is an Easement; the landowners will be paid a "lump sum" payment for the easement rights. One of the ROW Staff will provide you a copy of your ROW consent paperwork before you leave tonight.
C-H_Q9	If BIA Tract No. 695 is not part of this right-of-way project, how will the road-and-utility improvements be constructed?	During the near-term, we will likely see just two-lanes of traffic either direction in that area on the east side of that street alignment. The same developer who wants to develop on the east side of N 86 th Street, also wants to develop on the west side of N 86 th Street. We are hopeful that the landowner with a controlling interest in that allotment will come around between now-and-then. As mentioned during the presentation, Staff obtained consents from 6 of the 7 landowners in that tract, but there is one individual with a 50% undivided interest (a controlling interest) who has not been responsive or available to discuss. We would have needed 50.01% signature consents to include that tract in this project. It is unfortunate, but staff will put forth a separate ROW project when/if that landowner is ready to develop her land.
C-H_Q10	You mentioned the big difference in land values for the land adjacent to McKellips Road vs the land that is further south without any legal ingress/egress or service utilities. Do you expect that landlocked land to increase in value once these easements have been acquired.	Yes. For certain. Allotments with existing road-and-utility easements and service/distribution utilities will almost always appraise for more than undeveloped or landlocked allotments (assuming all other things are equal).
C-H_Q11	Who will maintain the landscaping and general upkeep of the area?	Given, these will be SRPMIC road-and-utility easements, the responsibility for the operation and maintenance will ultimately belong to our Public Works (Road and Utilities) Department. Sometimes, we see development agreements put in place that place the landscape responsibility on the adjacent developers (just for the sake of continuity or maybe a higher-degree of care), but there are not any of those agreements in place at this moment for this project area.

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C-H_Q12	Given the landowners still own the underlying land, which is the case with all of Right-of-Way Easements, could those landowners be sued in tribal court and found liable or culpable in those extreme situations that may involve loss of life or significant financial loss?	<p>Staff believes this is a non-issue because:</p> <ol style="list-style-type: none"> 1. It is unclear what circumstances would need to be established to blame an underlying landowner for a serious accident. Yes, while they own the land, they do not have operation and maintenance responsibilities of said road-and-utility corridor. 2. Liability in auto accident usually comes down to the other driver(s) actions or a maintenance/design issue of some kind, in which case a government department could be liable, but not the landowner. 3. Finally, outside attorneys are unlikely to take on cases that have a low likelihood of success. Personal liability against a land owner with a fractional interest in an underlying ROW would be one such an example.
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