

RESOLUTION NO. 15-1695

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AUTHORIZING THE ESTABLISHMENT OF A PUBLIC UTILITY EASEMENT ADJACENT TO A SECTION OF SHERMAN STREET TO BE ADMINISTERED AND MAINTAINED BY THE CITY; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the power vested in the City of Goodyear (“City”) by its Charter and pursuant to A.R.S. § 9-499.01, the Mayor and Council of the City of Goodyear have the power to administer and establish public utility easements; and

WHEREAS, the City owns a certain parcel of real property consisting of approximately 100 acres (City 100 Acre Parcel) located at the northwest corner of South Estrella Parkway and the alignment of North Goodyear Boulevard (the “City 100 Acre Parcel”); and

WHEREAS, pursuant to that certain Purchase Agreement and Escrow Instructions dated October 31, 2014 by and between the City of Goodyear, an Arizona municipal corporation and Basis Schools, Inc., an Arizona non-profit corporation (the “Purchase Agreement”), the City sold Basis approximately 11 acres of the City 100 Acre Parcel (the “Basis Site”) for the development of a charter school; and

WHEREAS, the development of the Basis Site requires the construction or placement of certain utility lines or conduit for lines as specified in said agreement. These lines are to be placed in either the road right-of-way or within established public utility easements; and

WHEREAS, the property upon which portions of such utility lines will be constructed or placed is owned by the City; and

WHEREAS, pursuant to the Purchase Agreement, the City is to construct or place certain utility lines and conduits; and

WHEREAS, the City is in the process of designing the required utility lines and conduit lines and has had prepared the legal descriptions for the property within the City 100 Acre Parcel where public utility easements are needed; and

WHEREAS, the City has not platted the City 100 Acre Parcel and has not established the necessary public utility easements; and

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that the public health, safety, and welfare require the establishment of public utility easements to provide for a public utility easement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Goodyear find and determine that a public utility easement hereinafter in the location described and depicted in Exhibit A attached hereto is necessary for present and prospective use by the City of Goodyear, its directors, officers, employees, agents, representatives, permittees and franchisees and hereby declares that the City of Goodyear establish a public utility easement on, over, under, across, above and through the real property described in Exhibit "A," attached hereto and incorporated herein by this reference, for all purposes, including, but not limited to entering upon, locating, constructing, maintaining, repairing, replacing, using and/or authorizing the location, construction, maintenance, repair, replacement, and/or use of all utility facilities including water; gas; electricity; sewer; poles; wires; conduits; ducts; cables, telemetering and communications equipment; drainage facilities and appurtenances thereto, etc., upon, together with the right of access to the easement and for the easement for these purposes stated herein.

SECTION 2. The City Clerk shall cause a certified copy of this Resolution, including Exhibit A, attested by the City Clerk, to be recorded in the official records of the Maricopa County Recorder.

SECTION 3. That this Resolution shall become effective upon its adoption.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Maureen Scott, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk

EXHIBIT A

Legal Description



EXHIBIT A

LEGAL DESCRIPTION

A PUBLIC UTILITY EASEMENT OVER THAT TRACT AS CONVEYED TO THE CITY OF GOODYEAR BY DEED OF RECORD IN INSTRUMENT NUMBER 2004-0234018, MARICOPA COUNTY RECORDS (MCR) AND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 7 (3" CITY OF GOODYEAR BRASS CAP IN HANDHOLE) FROM WHICH POINT THE EAST QUARTER CORNER THEREOF (3" MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE) BEARS N00°26'39"E A DISTANCE OF 2638.27 FEET;

THENCE N47°57'59"W A DISTANCE OF 2007.57 FEET TO THE SOUTHEAST CORNER OF THAT TRACT AS CONVEYED TO BASIS SCHOOLS, INC. BY DEED OF RECORD IN INSTRUMENT NUMBER 2014-0846426, MCR WITH SAID SOUTHEAST CORNER TO BE KNOWN AS POINT "A" AND POINT OF BEGINNING #1 (POB #1);

THENCE N00°26'47"E, ALONG THE EAST LINE OF SAID BASIS SCHOOLS, INC. TRACT, A DISTANCE OF 10.00 FEET;

THENCE S89°33'13"E, ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 18.90 FEET;

THENCE 209.28 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT AND CONTINUING ACROSS SAID CITY OF GOODYEAR TRACT, HAVING A RADIUS OF 448.00 FEET, THROUGH A CENTRAL ANGLE OF 26°45'56" AND A CHORD BEARING OF S76°10'15"E TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF SHERMAN STREET AS SHOWN IN INSTRUMENT NUMBER 2009-0812733, MCR;

THENCE N89°33'13"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 23.30 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT FROM WHICH POINT THE RADIUS POINT BEARS S24°29'21"W;

THENCE 183.80 FEET ALONG THE ARC OF SAID NON-TANGENT CURVE TO THE LEFT AND ACROSS SAID CITY OF GOODYEAR TRACT, HAVING A RADIUS OF 438.00 FEET, THROUGH A CENTRAL ANGLE OF 24°02'34" AND A CHORD BEARING OF N77°31'56"W;

THENCE N89°33'13"W, CONTINUING ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 18.90 FEET TO POINT OF BEGINNING #1 (POB #1);

AND;

Sheet 1 of 4

*Professional Land
Surveyor AZ No. 33868*

Preparing Firm: RITICH-POWELL & ASSOCIATES, INC.

Address: 5727 N. 7TH STREET, SUITE 120 PHOENIX, AZ 85014

Phone: 602-263-1177

Fax: 602-277-6286

(Expires 6/30/17)
ELECTRONIC SEAL
<http://www.btr.state.az.us/>



EXHIBIT A

LEGAL DESCRIPTION

A PUBLIC UTILITY EASEMENT OVER THAT TRACT AS CONVEYED TO THE CITY OF GOODYEAR BY DEED OF RECORD IN INSTRUMENT NUMBER 2004-0234018, MARICOPA COUNTY RECORDS (MCR) AND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "A";

THENCE N89°33'13"W, ALONG THE SOUTH LINE OF SAID BASIS SCHOOLS, INC. TRACT, A DISTANCE OF 851.00 FEET TO A SOUTHWEST CORNER THEREOF BEING POINT OF BEGINNING #2 (POB #2);

THENCE N89°33'13"W, ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 433.98 FEET;

THENCE S00°26'38"W, CONTINUING ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 38.00 FEET TO A POINT ON THE SOUTH LINE THEREOF;

THENCE N89°33'13"W, ALONG THE SOUTH LINE OF SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 10.00 FEET;

THENCE N00°26'38"W, ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 48.00 FEET;

THENCE S89°33'13"E, CONTINUING ACROSS SAID CITY OF GOODYEAR TRACT, A DISTANCE OF 433.98 FEET TO A POINT ON THE WEST LINE OF SAID BASIS SCHOOLS, INC. TRACT;

THENCE S44°33'13"E, ALONG SAID WEST LINE, A DISTANCE OF 14.14 FEET TO POINT OF BEGINNING #2 (POB #2).

THE ABOVE DESCRIBED EASEMENT CONTAINS: (AREA #5) 2,156 SQUARE FEET (0.0495 ACRE) + (AREA #6) 4,770 SQUARE FEET (0.1095 ACRE) = 6,926 SQUARE FEET (0.1590 ACRE) OF LAND, MORE OR LESS, INCLUDING ANY EASEMENTS OF RECORD.

THE BASIS OF BEARING FOR THE ABOVE DESCRIPTION IS N00°26'39"E FOR THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN ON THE PLSS SUBDIVISION RECORD OF SURVEY - MARICOPA COUNTY GEODETIC DENSIFICATION AND CADASTRAL SURVEY RECORDED IN BOOK 694, PAGE 38, MARICOPA COUNTY RECORDS.

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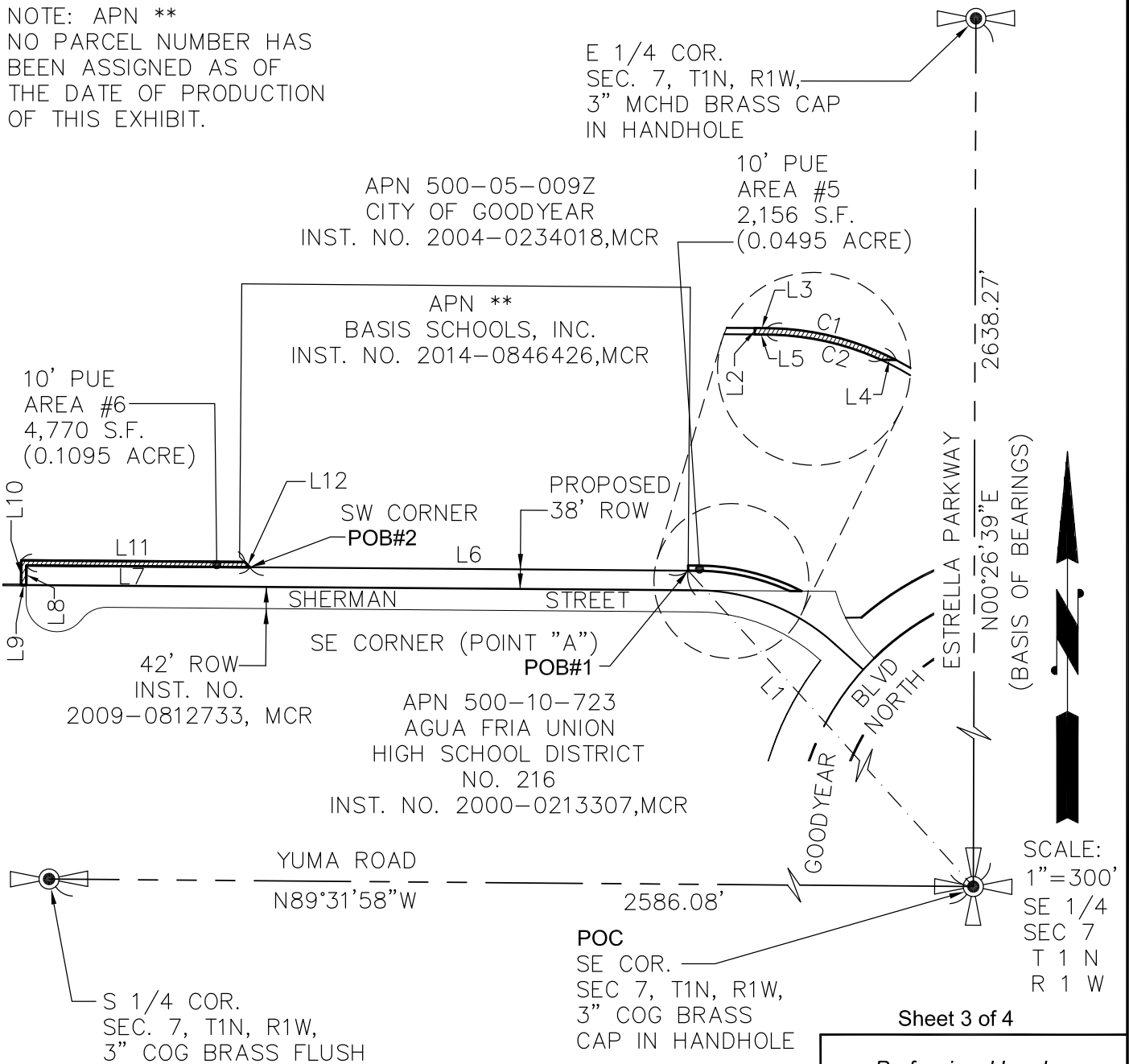
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EXHIBIT A

SKETCH

NOTE: APN **
NO PARCEL NUMBER HAS
BEEN ASSIGNED AS OF
THE DATE OF PRODUCTION
OF THIS EXHIBIT.



Sheet 3 of 4

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** SEE LINE & CURVE
TABLE ON SHEET 4 **

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SKETCH

LINE TABLE					
LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L1	N47°57'59"W	2007.57'	L7	N89°33'13"W	433.98'
L2	N00°26'47"E	10.00'	L8	S00°26'38"W	38.00'
L3	S89°33'13"E	18.90'	L9	N89°33'13"W	10.00'
L4	N89°33'13"W	23.30'	L10	N00°26'38"W	48.00'
L5	N89°33'13"W	18.90'	L11	S89°33'13"E	433.98'
L6	N89°33'13"W	851.00'	L12	S44°33'13"E	14.14'

CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING
C1	448.00'	26°45'56"	209.28'	S76°10'15"E
C2	438.00'	24°02'34"	183.80'	N77°31'56"W

Sheet 4 of 4

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