

RESOLUTION NO. 15-1700

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY ABANDONING CERTAIN STREETS AND RELATED PUBLIC UTILITY EASEMENTS AND TEMPORARY DRAINAGE EASEMENTS DEDICATED TO THE CITY IN THE REPLAT OF PALM VALLEY PHASE VI PERIMETER WEST FINAL PLAT APPROVED BY THE GOODYEAR CITY COUNCIL ON OCTOBER 3, 2011.

WHEREAS, on December 4, 2006, the Goodyear City Council approved a final plat for that certain parcel of land known interchangeable as Palm Valley Phase VI Perimeter West and Palm Valley 303 Phase I and which is generally located east of Cotton Lane, west of Loop 303, north of Indian School Road and south of Camelback Road (“Palm Valley Phase VI Perimeter West Final Plat”); and

WHEREAS, the Palm Valley Phase VI Perimeter West Final Plat was recorded on September 28, 2007 in the official records of the Maricopa County Recorder at Book 950 page 13, instrument number 2007 1070797; and

WHEREAS, on December 6, 2010, the Goodyear City Council approved a Replat of Palm Valley Phase VI Perimeter West Final Plat (“2010 Replat”), which was never recorded and which was rescinded by the Goodyear City Council by Resolution 11-1449 on October 3, 2011; and

WHEREAS, on October 3, 2011, the Goodyear City Council approved the Replat of Palm Valley Phase VI Perimeter West Final Plat (“2011 Replat”), which was recorded on October 25, 2011 at Book 1098, Page 26, instrument 2011-0882287 in the official records of the Maricopa County Recorder (“2011 Replat”) and pursuant to which the property owner dedicated various property interests to the City; and

WHEREAS, the property owner is seeking to replat the property that is subject to the 2011 Replat to consolidate certain of the lots created pursuant to the 2011 Replat in order to accommodate the needs of end users with whom the property owner has been working; and

WHEREAS, the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat will eliminate the need for certain of the streets and easements that were dedicated to the City pursuant to the 2011 Replat; and

WHEREAS, the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat eliminates the need for the streets and related public utility and temporary drainage easements for West College Avenue and North 169th Avenue located within the Property described and generally depicted in Exhibit A, attached hereto (“Abandonment Area”); and

WHEREAS, neither West College Avenue nor North 169th Avenue located within the Abandonment Area have been constructed and no utilities have been installed within the public utility easements adjacent to these platted streets; and

WHEREAS, the property owner has asked the City to abandon the streets and related easements located within Abandonment Area that had been dedicated to the City for West College Avenue and North 169th Avenue; and

WHEREAS, pursuant to A.R.S. § 28-7202, the Goodyear City Council is vested with the power to dispose of streets owned by the City that are not necessary for public uses as a roadway; and

WHEREAS, if the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat is approved and recorded, West Collect Avenue and the portion of North 169th Avenue depicted in Exhibit B will no longer be needed for public use as a roadway or for any other purpose; and

WHEREAS, the recordation of cross-access easements prior to the recordation of the proposed replat will be a condition of approval of the the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat; and

WHEREAS, if the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat is approved and upon recordation of the cross-access easements, the abandonment of the streets located with the property depicted in Exhibit A will not leave any portion of the property that is subject to the proposed replat without access to the public roads and streets of the City of Goodyear; and

WHEREAS, the market value of the City's interest in the property legally described in Exhibit A is nominal and the City will receive consideration for the abandonment of such interests in the form of tax revenues gained by the development of the platted property, the elimination of the City's responsibility for such rights-of-ways and relief from potential liability for property damages, injury or death that may occur in the abandoned streets; and

WHEREAS, the Goodyear City Council, having considered the feasibility, advantages, and necessity of the abandonment of the City's interest in the property legally described in Exhibit A, find that it is in the public's best interest to grant the abandonment by vacation in connection with the approval and recordation of the proposed replat.

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

SECTION 1. Subject to the recordation of the Replat of a Replat of Palm Valley Phase VI Perimeter West Final Plat approved this 16th day of March, 2015, the streets, public utility easements, and temporary drainage easements located within the Property legally described in Exhibit A and depicted in Exhibit B, which are attached hereto and made a part hereof, are vacated and abandoned, and title to the streets transferred pursuant to A.R.S. § 28-7205.

SECTION 2. The abandonment of the streets and easements provided for in Section 1 above shall not become effective until this Resolution is recorded in the office of the County Recorder for Maricopa County Arizona, and this Resolution shall not be recorded until after the Replat of

a Replat of Palm Valley Phase VI Perimeter West Final Plat approved this 16th day of March, 2015 is recorded in the office of the County Recorder of Maricopa County Arizona.

SECTION 3. If requested, the City Manager is authorized to execute a quit claim deed to release all rights held by the City of Goodyear in the property legally described in Exhibit A to the owner(s) of record of the fee simple title to the property being abandoned pursuant to this Resolution.

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

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Maureen Scott, being the duly appointed, qualified City Clerk of the City of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 15-1700 is a true, correct and accurate copy of Resolution No. 15-1700, passed and adopted at a regular meeting of the Council of the City of Goodyear, Maricopa County, Arizona, held on the _____ day of _____ 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

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

seal

City Clerk