

RESOLUTION NO. 15-1702

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING PORTIONS OF THE PUBLIC RIGHT-OF-WAY ALONG THE NORTH SECTION LINE (OLD ELLIOT ROAD) AND EAST SECTION LINE (UNNAMED ALIGNMENT) OF SECTION 16, TOWNSHIP 1 SOUTH, RANGE 2 WEST, ADJACENT TO THE ARROYO RANCH DEVELOPMENT (SECTION LINE ROADS) TO BE UNNECESSARY FOR A PUBLIC ROADWAY; AUTHORIZING THE EXCHANGE OF THE SECTION LINE FOR THE PREVIOUSLY REALIGNED ELLIOT ROAD AND THE SPUR ROAD DEDICATION; AUTHORIZING EXECUTION OF A QUIT CLAIM DEED TO EFFECTUATE EXCHANGE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Section Line Roads, located in a portion of the Northeast Quarter of Section 16 Township 1 South, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, including the specific rights-of-way more particularly described by the legal description attached as Exhibit "A" to this Resolution, were acquired by Maricopa County from the Arizona State Land Department (ASLD) on February 4th, 1960 under ASLD Right-of-Way Number 9-2369 and recorded in the Maricopa County Records at Docket 3216, page 443 on March 29, 1960 ("ASLD Right-of-Way"); and

WHEREAS, the ASLD Right-of-Way was subsequently annexed by the City of Goodyear and thus became a City road; and

WHEREAS, a portion of the ASLD Right-of-Way is adjacent to that certain property consisting of an approximately 40 acre parcel of land known as Arroyo Ranch (the "Arroyo Ranch Property."

WHEREAS, the City of Goodyear determined that it was necessary to Realign Elliot Road, due to issues related to the topography and the development of the master planned community known as Estrella (formerly Estrella Mountain Ranch); and

WHEREAS, the City of Goodyear determined that due to issues related to the topography of the property, the development of a roadway adjacent to the eastern boundary of the Arroyo Ranch Property is not feasible; and

WHEREAS, the City of Goodyear officially abandoned a portion of the ASLD Right-of-Way adjacent to the Arroyo Ranch Property consisting of 45 feet of the 100 foot Section Line Roads directly adjacent to the Arroyo Ranch Property in September of 1987 per City Ordinance 87-225; and

WHEREAS, in October of 1987 the City of Goodyear was granted Right-of-Way number 16-94823 for the Realigned Elliot Road, along with the Spur Road to access the Arroyo Ranch Arroyo Ranch Property; and

WHEREAS, the realignment of Elliot Road and the decision that a roadway along the eastern boundary of the property is not feasible eliminates the need for the remaining portion of the ASLD Right-of-way adjacent to the Arroyo Ranch Property consisting of 55 feet of the ASLD Right-of-Way adjacent to Arroyo Ranch Development; and

WHEREAS, the current owners of the Arroyo Ranch Property, Arroyo Ranch LLLP, an Arizona limited liability limited partnership has filed an application requesting the City abandon the remaining 55 feet of the portions of the Old Section Line Roads adjacent to the Arroyo Ranch Property, said portions of the rights-of-way for the Section Line Roads are more specifically described by the legal description attached as Exhibit "A" to this Resolution

WHEREAS, pursuant to A.R.S. § 28-7202, the City Council of the City of Goodyear is vested with the power to determine and find that a public roadway or portion thereof is not necessary for public use as a roadway; and

WHEREAS, the abandonment of the right-of-way described in Exhibit "A" attached hereto will not leave any portion of the Arroyo Ranch Property without access to the public roads and streets of the City of Goodyear; and

WHEREAS, it has been recommended by the City of Goodyear Director of Engineering that it is in the best interest of the City that the portions of the rights-of-way for the Section Line Roads specifically described by the legal description attached as Exhibit "A" to this Resolution be declared as unnecessary for public use as a roadway; 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 Arroyo Ranch 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 right-of-way; and

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that a portions of the rights-of-way for Section Line Road, more specifically described by the legal description attached as Exhibit "A" to this Resolution are no longer needed for public roadway purposes; and

WHEREAS, the Mayor and Council of the City of Goodyear find that the portion of the ASLD Right-of-Way described in Exhibit "A" attached hereto is no longer needed for public roadway purposes; and

WHEREAS, the Mayor and Council of the City of Goodyear is mandated under A.R.S. § 28-7208 to vest title to abandoned roadways only upon consideration being paid from the owner of the abutting property to which the roadway accrues, giving due consideration to its degree of fragmentation and marketability and any public benefit received by the City in return for the abandoned roadway; and

WHEREAS, the Mayor and Council of the City of Goodyear find that the market value of the portion of the ASLD Right-of-Way described in Exhibit "A" attached hereto is nominal and the

value is offset by the consideration the City would receive from the abandonment of such right-of-way 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-way, relief from potential liability for property damages, injury or death that may occur within the right-of-way;

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

SECTION 1. The portion of the ASLD Right-of-Way legally described in Exhibit "A" attached hereto is no longer needed for public roadway purposes and therefore the City hereby vacates and abandons the right-of-way described in Exhibit "A" attached hereto.

SECTION 2. Title to the roadway right-of-way being vacated shall vest, subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the land to which it accrues, in the abutting owners of records as provided in A.R.S. § 28-7205.

SECTION 3. Pursuant to A.R.S. § 28-7210 rights-of-way or easements for existing sewer, gas, water or similar pipelines and appurtenances; for canals, laterals, or ditches and appurtenances; and for electric, telephone and similar lines and appurtenances, shall continue as they existed prior to the abandonment.

SECTION 4. Pursuant to A.R.S. § 28-7213, this resolution shall take effect when it is recorded with the Maricopa County Recorder's Office.

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

