

## **RESOLUTION NO. 15-1722**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE RELEASE AND RELINQUISHMENT OF AN EASEMENT FOR AN OUTFALL SEWER AND TREATED EFFLUENT LINE, AND THE ASSOCIATED CONSTRUCTION EASEMENT LOCATED SOUTHEAST OF YUMA ROAD AND BULLARD WASH.

WHEREAS, on or about October 31, 1991 AMCOR Investments Corporation, a California corporation, and predecessor in interest to SUN MP Investment Properties, LLC. ("Sun MP") granted to the City an Easement for the purpose of operating and maintaining an outfall sewer and treated effluent line, which was recorded in the official records of Maricopa County on December 19, 1991 as Instrument Number 91-0595146 ("Sewer Easement"), along with a Construction Easement for the purpose of constructing an outfall sewer and treated effluent line which was recorded in the official records of Maricopa County on December 19, 1991 as Instrument Number 91-0595145 ("Construction Easement"), jointly referred to herein as ("Easements"); and,

WHEREAS, on or about July 26, 2001 SunChase Estrella Limited Partnership, an Arizona limited partnership, predecessor in interest to Sun MP granted to the City a replacement easement (west of Bullard Wash) for the operation, maintenance, repair and replacement of an underground sewer line and associated facilities, which was recorded in the office records of Maricopa County on September 6, 2001 as Instrument Number 2001-0822124; and

WHEREAS, Sun MP seeks to abandon the Easements, and the areas Sun MP seeks to be abandoned are the Sewer Easement legally described in the attached Exhibit A-1 and depicted in the attached Exhibit A-2 and the Construction Easement legally described in the attached Exhibit B-1 and depicted in the attached Exhibit B-2 ("Easement Areas"); and,

WHEREAS, most of the Easement Areas are currently located within property subsequently dedicated to the City as Bullard Wash and Bullard Ave, with only a small portion remaining on property currently owned by Sun MP; and

WHEREAS, the Sun MP has indicated there are no existing outfall sewer or treated effluent lines located with the Easement Areas; and,

WHEREAS, the City has inspected the property and confirmed there are no existing or planned outfall sewer and/or treated effluent lines located within the Easement Areas; and,

WHEREAS, pursuant to A.R.S. § 9-402, the City Council of the City of Goodyear is vested with the power to dispose of easements owned by the City that are no longer needed; and,

WHEREAS, the City has determined the Easements are no longer needed; and,

WHEREAS, the Goodyear City Council, having considered the feasibility, advantages and necessity of the abandonment of the City's interests in the Easements, finds that it is in the public's best interest to grant this release and relinquishment of the Easements;

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 hereby approve, authorize and direct the extinguishment of the easement rights in the Sewer Easement legally described in the attached Exhibit A-1, depicted in the attached Exhibit A-2 and granted to the City in that document recorded in the official records of Maricopa County on December 19, 1991 as Instrument Number 91-0595146.

SECTION 2. The Mayor and Council of the City of Goodyear hereby approve, authorize and direct the extinguishment of the easement rights in the Construction Easement legally described in the attached Exhibit B-1 and depicted in the attached Exhibit B-2 granted to the City in that document recorded in the official records of Maricopa County on December 19, 1991 as Instrument Number 91-0595145.

SECTION 3. The City Manager is hereby authorized to execute and deliver all documents necessary on behalf of the City of Goodyear to effect the extinguishment of said Easements and to carry out the intent of this Resolution.

SECTION 4. The document used to release and relinquish the Easements shall be in a form as approved by the City Attorney.

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. 15-1722 is a true, correct and accurate copy of Resolution No. 15-1722, 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