

AGENDA ITEM # \_\_\_\_\_

DATE: November 9, 2015

COAC NUMBER: 15-5700

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

**SUBJECT: Partial Abandonment of a  
Sewer Line Easement in CantaMia**

**STAFF PRESENTER:** Linda R. Beals,  
Real Estate Coordinator

**COMPANY:** AV Homes of Arizona,  
LLC

**CONTACT:** Brian Konderik,

**RECOMMENDATION:**

ADOPT RESOLUTION NO. 15-1730 CONDITIONALLY ABANDONING PORTIONS OF A SEWER LINE EASEMENT DEDICATED TO AND ACCEPTED BY THE CITY IN FEBRUARY OF 2007; AUTHORIZING EXECUTION OF RELEASE AND TERMINATION AGREEMENT AND OTHER DOCUMENTS AS MAY BE NEEDED; AUTHORIZING NON-SUBSTANTIVE CHANGES TO RELEASE AND TERMINATION AGREEMENT BY CITY ATTORNEY; AUTHORIZING RECORDATION OF RELEASE AND TERMINATION; PROVIDING FOR AN EFFECTIVE DATE.

**PURPOSE:**

Resolution No. 15-1730 authorizes the conditional release and relinquishment of portions of an existing City Sewer Easement within the CantaMia Development. The approval of the MASTER PLAT OF CANTAMIA PHASES 2 AND 3 AND A REPLAT OF A PORTION OF TRACT A AS DEFINED IN PROVINCE AT ESTRELLA MOUNTAIN RANCH PARCEL 13 RECORDED IN BOOK 922, PAGE 47 RECORDS OF MARICOPA COUNTY, ARIZONA ("Master Plat"), contemplates the relocation of a portion of an existing sewer line and includes new rights of way for the relocation of the line. (Linda R. Beals, Real Estate Coordinator)

**BACKGROUND AND COMMUNITY BENEFIT:**

In February 2007, NNP III-Estrella Mountain Ranch, LLC, a Delaware limited partnership and predecessor in interest to AV Homes of Arizona, LLC, an Arizona limited liability company ("AV Homes") granted to the City a Sewer Line Easement which was recorded in the official records of Maricopa County on March 5, 2007 as Instrument Number 2007-0263243 ("Sewer Easement"). A sewer line was subsequently built within the Sewer Easement area to serve the CantaMia development.

City Staff has recommended the approval of the Master Plat which dedicates rights of way needed for the relocated portions of the sewer line. Further, City Staff has determined that upon the approval, acceptance and recordation of the Master Plat, the completion of the removal of the existing sewer line located within the portions of the Sewer Easement area that are to be abandoned and the relocation of the removed sewer

lines, the portions of the Sewer Easement within which the existing sewer lines were removed will no longer be needed.

**PREVIOUS ACTIONS AND DISCUSSION:**

As previously noted, in February 2007, NNP III-Estrella Mountain Ranch, LLC, a Delaware limited partnership granted the City a Sewer Line Easement, in which a sewer line was built and is currently in operation.

In December 2014 the City Council Approved the Preliminary Plat for CantaMia Phase 2 and 3, which is generally located southwest of Estrella Parkway and southeast of Willis Road.

City staff is recommending the approval of the MASTER PLAT OF CANTAMIA PHASES 2 AND 3 AND A REPLAT OF A PORTION OF TRACT A AS DEFINED IN PROVINCE AT ESTRELLA MOUNTAIN RANCH PARCEL 13 RECORDED IN BOOK 922, PAGE 47 RECORDS OF MARICOPA COUNT, ARIZONA under a separate Council Action to be presented prior to this item.

**FISCAL ANALYSIS:**

The abandonment has no fiscal impact to the City.

**ATTACHMENTS:**

Resolution No. 15-1730