

RESOLUTION NO. 15-1730

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, 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.

WHEREAS, on or about February 28, 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"); and

WHEREAS the purpose of Sewer Easement was for the operation, maintenance, repair, and replacement of an underground sewer line and associated facilities within the property legally described in Exhibit A and depicted in Exhibit B to the Sewer Easement (the "Easement Property"); and

WHEREAS, a sewer line has been constructed within the Easement Property; and

WHEREAS, on December 15, 2014 the Goodyear 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; and

WHEREAS, the Goodyear City Council has approved 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", which contemplates the relocation of a portion of an existing sewer line; and

WHEREAS, the Master Plat dedicates rights of way needed for the relocated portions of the sewer line; and

WHEREAS, the City 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 Easement Property that are to be abandoned and the relocation of the removed sewer lines the portions of the Easement Property within which the existing sewer lines were removed will no longer be needed; 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 Goodyear City Council, having considered the feasibility, advantages and necessity of the abandonment of the City's interests in portions of the Easement Property, finds that it is in the public's best interest to approve the abandonment of the portions of the Easement Property that will no longer be needed following the recordation of the Master Plat, the completion of the removal and relocation of the portions of the existing sewer line located within the Easement Property that is to be abandoned;

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

SECTION 1. Subject to the recordation 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 (the "Master Plat"), the completion of the removal of the existing sewer line located within the portions of the Easement Property that are to be abandoned and the relocation of the removed sewer lines, the Mayor and Council of the City of Goodyear hereby approve the termination of portions of the Easement Property described in the Release and Termination of Easement (Partial Abandonment) attached hereto as Exhibit 1 (the "Release and Termination").

SECTION 2. The City Manager is hereby authorized to execute and deliver a Release and Termination substantially in the form attached hereto as Exhibit A after the effective date of this Resolution and to execute any other documents on behalf of the City reasonably needed to carry out the intent of this Resolution and the Release and Termination of Easement (Partial Abandonment) attached hereto as Exhibit 1.

SECTION 3. The City Attorney or his designee is hereby authorized to make non-substantive modifications to the Release and Termination prior to its execution, including but not limited to the insertion of the recording information for the Master Plat.

SECTION 4. This Resolution shall become effective after the recordation of the Master Plat and after the existing sewer lines located within the portions of the Easement Property being released and terminated in the Release and Termination and after the City Engineer or his/her designee has issued a formal notification that the relocation of the removed sewer lines is complete and the warranty period has commenced.

SECTION 5. After the effective date of this Resolution, the City Clerk is hereby directed to record the executed Release and Termination.

Georgia Lord, Mayor

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

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

City Clerk