

RESOLUTION NO. 17-1841

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING ESTABLISHMENT OF PUBLIC STREETS BY APPROVING MAP OF DECLARATION, PROVIDING DIRECTION REGARDING RECORDATION OF MAP OF DECLARATION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the power vested in the city of Goodyear (the “City”) by its Charter and pursuant to A.R.S. § 9-276, the Mayor and Council of the city of Goodyear have the power to establish, construct, improve, regulate, vacate, and modify roadways open to the public; and

WHEREAS, the City owns a certain parcel of real property at generally located at the southwest corner of Indian School Road and Cotton Lane (the “City Property”); and

WHEREAS, the City entered into that certain document, the Agreement for Sale and Purchase of Real Estate by and between AI Arizona DC, LLC, a Delaware limited liability company and the city of Goodyear (the “Aldi/City Agreement”) for the sale by the City to Aldi of a portion of the City Property; and

WHEREAS, the City entered into that certain document, the Agreement for Sale and Purchase of Real Estate between RP PV VI LLC and the city of Goodyear (the RPPV/City Agreement), for the sale by the City to RP PV VI LLC of the remainder of the City Property; and

WHEREAS pursuant to the terms of the Aldi/City Agreement and a separate agreement between AI Arizona DC, LLC and RP PV VI LLC, RP PV VI LLC is required to construct certain Offsite Infrastructure improvements that requires the establishment of public utility easements, temporary drainage easements and various utility easements; and

WHEREAS, the Offsite Infrastructure improvements to be constructed includes half-street improvements to sections of Indian School Road and to sections of Cotton Lane adjacent to the City Property; and

WHEREAS, the construction of the half-street improvements to Indian School Road and to Cotton Lane referred to herein requires the establishment by the City of a public street in the areas within which street improvements are to be constructed and

WHEREAS, a Map of Declaration, has been prepared which describes and depicts the areas of City Property to be declared as public streets. A copy of said Map of Declaration is attached hereto as Exhibit A.

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

SECTION 1. The Mayor and Council of the city of Goodyear find and determine that it is in the interest of the public health, safety and welfare of the City to establish as

public streets that portion of the City property located at the southwest corner of Indian School Road and Cotton Lane as more particularly described and depicted in the Map of Declaration attached hereto as Exhibit A, and by reference, made a part hereof.

SECTION 2. The Mayor and Council of the city of Goodyear hereby approve the Map of Declaration attached hereto generally in the form attached hereto as Exhibit A subject to the following:

- Prior to the submittal of the Map of Declaration for recordation, the Map of Declaration shall be revised to: remove the references to LSE from the PUE references, remove the water easement, remove the sewer easement, and revise the temporary drainage easements to reflect the revised drainage plans.
- Subject to the approval of the Engineering Director or her designee and of AI Arizona DC, LLC, a Delaware limited liability company, minor revisions may be made to the Map of Declaration being approved herein as may be necessary to correspond to final approved civil engineering plans.

SECTION 3. The Mayor and Council hereby authorize and direct the City Manager or his/her designee to execute the final approved Map of Declaration.

SECTION 4. The Mayor and Council hereby authorize and direct the City Manager or his/her designee to record or cause to be recorded the Map of Declaration as part of the closing in which AI Arizona DC, LLC consummates the purchase of certain real property owned by the city of Goodyear pursuant to that certain Agreement for Sale and Purchase of Real Estate by and between AI Arizona DC, LLC, a Delaware limited liability company and the city of Goodyear approved by the Mayor and Council of the city of Goodyear on by Resolution 17-1813 on June 5, 2017 subject to the following;

- Prior to recordation, the recording numbers (MCR) of all documents referenced in the Map of Declaration shall be inserted onto the final approved Map of Declaration.

SECTION 4. The Map of Declaration approved herein shall not be effective until it is recorded as provided herein.

SECTION 5. This Resolution shall become effective upon its adoption by the Mayor and Council of the city of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

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

