

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

SUBJECT: Conditional Abandonment of portions of the Streets and Public Utility Easements within Airport Subdivision No. 2 and Airport Subdivision No. 4	STAFF PRESENTER: Linda Beals, Real Estate Coordinator CASE NUMBER: None OTHER PRESENTER: None
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PROPOSED ACTION:

ADOPT RESOLUTION NO. 2019-1931 CONDITIONALLY VACATING/ABANDONING CERTAIN STREETS AND RELINQUISHING ALL INTEREST IN CERTAIN PUBLIC UTILITY EASEMENTS PREVIOUSLY DEDICATED TO THE CITY IN THE PLAT FOR AIRPORT COMMERCENTER SUBDIVISION 4 AND IN AIRPORT COMMERCENTER SUBDIVISION 2; PROVIDING FOR AN EFFECTIVE DATE OF THE ABANDONMENT AND IMPOSING REQUIREMENTS AND CONDITIONS FOR THE ABANDONMENT TO BECOME EFFECTIVE; AND IMPOSING A DEADLINE FOR COMPLETION OF THE ABANDONMENT.

BACKGROUND AND PREVIOUS ACTIONS:

The final plat for Airport Commercenter Subdivision No. 2 was approved by the Goodyear City Council in December, 1983 and recorded in the records of the Maricopa County Recorder at Book 259, Page 44 and is generally located west of El Cielo and south of Maricopa County 85 ("Subdivision No. 2 Plat").

The final plat for Airport Commercenter Subdivision No. 4 was approved by the Goodyear City Council in June, 1985 and recorded in the records of the Maricopa County Recorder at Book 286, Page 20 and is generally located at the northeast corner of Bullard Avenue and Broadway Road ("Subdivision No. 4 Plat").

The Subdivision No. 2 Plat and the Subdivision No. 4 Plat included dedications of the right-of-way for streets and public utility easements as identified in each of the plats.

All of the lots (Lots 1 through 40 inclusive) within the Subdivision No. 2 Plat and Parcels A and B within the Subdivision No. 4 Plat were recently sold, and the new owner is in the process of re-platting the property it acquired, in a manner that requires the abandonment of certain of the streets, as described in Exhibit A of Resolution 2019-1931 (the "Street Abandonment Area"), and the relinquishment of the public utility easements, as described in Exhibit B of Resolution 2019-1931 (the "PUE Abandonment Area").

STAFF ANALYSIS:

The city is processing a re-plat that will release Parcels A and B from the Subdivision No. 4 Plat and a re-plat that will include all of the lots and tracts within the Subdivision No. 2 Plat and Parcels A and B which are being released from the Subdivision No. 4 Plat into one plat that will consolidate all of the lots and tracts (forty lots and one tract) in the Subdivision No. 2 Plat and

Parcels A and B in the Subdivision No. 4 Plat into five (5) lots and one tract, as generally reflected in the draft of the plat titled PHX 10-11 Phase 1, a copy of which is attached to Resolution 2019-1931 (“PHX 10-11 Phase 1 Plat”).

The consolidation of the lots and tract as reflected in the PHX 10-11 Phase 1 Plat requires the abandonment of the right-of-way in the Street Abandonment Area and the relinquishment of the public utility easements in the PUE Abandonment Area.

City staff has confirmed there are no existing street or utility improvements in the Street Abandonment Area or the PUE Abandonment Area and the recording of the PHX 10-11 Phase 1 Plat provides adequate access to all lots within the PHX 10-11 Plat and the abandonment of the right-of-way within the Street Abandonment Area will not impair access to any of the remaining parcels and tracts within the Subdivision No. 4 Plat.

The new owner has requested the approval of the abandonment of the previously described Street Abandonment Area and the PUE Abandonment Area, which will be contingent upon all of the following:

- i. The Goodyear City Council has approved a re-plat substantially in the form of the PHX 10-11 Phase 1 Plat attached to Resolution 2019-1931 as Exhibit C.
- ii. All of the conditions necessary for the recordation of the re-plat have been satisfied.
- iii. The City Engineer or his/her designee have been authorized by the property owner or its representatives to record the re-plat.

FISCAL ANALYSIS:

There will be no fiscal impact to the city in fiscal year 2019 or future years related to the abandonments of the streets or the relinquishment of the public utility easements provided for in Resolution 2019-1931.

RECOMMENDATION:

Staff recommends the adoption of Resolution 2019-1931, conditionally approving the vacating/abandonment of the streets depicted and legally described in Exhibit A attached thereto and relinquishing all interest in certain public utility easements depicted and legally described in Exhibit B.

ATTACHMENTS:

1. Resolution 2019-1931 with Exhibits

Exhibit A – Depiction and Legal Description of the City’s ROW

Exhibit B – Depiction and Legal Description of the Easements

Exhibit C – Draft of Re-Plat titled PHX 10-11 Phase 1