

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Annexation of Broadway Road
Right-of-way Between S. Bullard Avenue
and S. Litchfield Road.**

STAFF PRESENTER: Joe Schmitz, Long
Range Planner

CASE NUMBER: 18-100-00001

APPLICANT: Christopher Baker,
Development Services Director

PROPOSED ACTION:

1. ADOPT ORDINANCE NO. 2019-1420 APPROVING THE TRANSFER FROM MARICOPA COUNTY TO THE CITY OF GOODYEAR RIGHT-OF-WAY GENERALLY LOCATED WITHIN THE BROADWAY ROAD ALIGNMENT BETWEEN S. BULLARD AVENUE AND S. LITCHFIELD ROAD, APPROVING THE ANNEXATION OF SUCH RIGHT-OF-WAY, AND EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF GOODYEAR, MARICOPA COUNTY, STATE OF ARIZONA UPON THE APPROVAL OF THE TRANSFER BY THE MARICOPA COUNTY BOARD OF SUPERVISORS IN COMPLIANCE WITH THE REQUIREMENTS OF A.R.S. SECTION 9-471(N); PROVIDING AUTHORITY AND DIRECTION TO THE CITY CLERK; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
2. Authorize the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation for improvements to Broadway Road between S. Bullard Avenue and S. Litchfield Road that may be initiated prior to completion of the annexation of said Broadway Road right-of-way, including certain Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes.

BACKGROUND AND PREVIOUS ACTIONS:

This item has not been previously presented to Council. A 33-foot wide easement for roadway purposes was reserved by the Maricopa County Engineer on either side of the section line in 1921 for a total width of 66 feet. An additional seven feet was obtained by Maricopa County in 1965 which increased the total width of the right-of-way to 80 feet. An additional 15 feet was dedicated to the city of Goodyear in 1985 by the subdivision plat for the Airport Commercenter No.4. The roadway has a paved surface of about 30 feet centered on the section line and has a centerline and edge striping.

STAFF ANALYSIS:

Current Policy:

Pursuant to ARS 9-471(N), a county right-of-way or roadway may be transferred to an adjacent city by mutual consent of the governing bodies of the county and city if the property transferred is adjacent to the receiving city and if the city and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies. A transfer of

property made pursuant to this subsection is treated by the receiving city as if the transferred property was newly annexed territory.

Surrounding Properties:

The majority of the property on the north side of Broadway Road is vacant and currently being farmed. Of the five properties on the north side of Broadway, about one-half mile of frontage (2,704') is owned by the owner of the Phoenix 10-11 project. The balance of the north side is owned by: Sun Life Assurance of Canada (753'); Williams Communications (140'); IXC Carrier Inc. (352'); Goodyear Industrial Center LLC (650'); and Pusan Pipe America Inc. (640').

The south side of Broadway Road is predominantly vacant except for four farmhouses, one of which may be abandoned. The property on the south side is owned by: Robert Wagner (4,054'); Fred Amator (347.5'); and B & B Goodyear LLC (1,310').

Details of the Request & Staff Analysis:

The annexation of this right-of-way is being pursued at this time to shift the ownership of the right-of-way from Maricopa County to the City to facilitate the issuance of permits for the anticipated construction of street improvements and access to adjacent properties.

The owner of the property where the Phoenix 10-11 project is to be located on the north side of Broadway Road intends to develop the property with industrial and warehouse uses. A site plan has been submitted for two industrial buildings to be developed on the southerly portion of the 280-acre site. A portion of the Broadway Road right-of-way will be developed with half-street improvements along the half-mile frontage of the Phoenix 10-11 project.

Once annexed, all of the right-of-way will be under the jurisdiction of the City of Goodyear and construction permits will be processed by the City.

However, due to the fact that the annexation must be scheduled for action by the Maricopa County Board of Supervisors and the possibility that the annexation may not be completed before construction of the planned roadway improvements commences, City staff is recommending that the City Council authorize the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation (MCDOT) for improvements to Broadway Road between S. Bullard Avenue and S. Litchfield Road that may be initiated prior to completion of the annexation of said Broadway Road right-of-way, including certain Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes. This approach was recommended by MCDOT and will avoid having the construction plans reviewed by both jurisdictions. A draft version of the Permit Conditions is attached hereto, but they may require minor revisions once they have been reviewed by all parties. The recommendation includes authorizing the City Attorney to make non-substantive changes to the Permit Conditions.

Public Participation:

This section of Broadway Road right-of-way complies with the State Statutes for annexation. No petitions or public hearings are required for an annexation of a County right-of-way.

FISCAL ANALYSIS:

Although a fiscal impact analysis has not been conducted on this specific project, all new development will have an ongoing fiscal impact on the City. The development is responsible for construction of all infrastructure necessary to serve the site and will generate one-time revenue for the City through payment of permits, construction sales tax and development impact fees. Longer term fiscal impacts include maintenance of the roadway, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, and state shared revenues from the anticipated commercial and industrial development.

RECOMMENDATION:

Staff finds that the proposed annexation meets the criteria under state statutes for a right-of-way annexation and would be in the best interests of the City in order to control and coordinate development of this roadway. Therefore staff recommends approval of the proposed ordinance and authorizing the City Engineer to submit an application and obtain a Construction Permit to the Maricopa County Department of Transportation for improvements to Broadway Road between S. Bullard Avenue and S. Litchfield Road that may be initiated prior to completion of the annexation of said Broadway Road right-of-way, including certain Permit Conditions attached hereto, subject to approval by the City Attorney of any non-substantive changes.

ATTACHMENTS:

1. Ordinance No. 2019-1420
 - a. Exhibit A – Legal Description
 - b. Exhibit B – Annexation Map
2. MCDOT Permit Conditions
3. Aerial Photo