

ORDINANCE NO. 2019-1420

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, 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.

WHEREAS, the City of Goodyear, Arizona (“City of Goodyear”) desires to annex an approximate 10.32-acre tract of Maricopa County, Arizona right-of-way, eighty (80) feet in width, generally located within the Broadway Road alignment between S. Bullard Avenue and S. Litchfield Road, which is described and depicted in Exhibit A and Exhibit B attached hereto and incorporated herein; and

WHEREAS, said right-of-way must meet the requirements of the Arizona Revised Statutes Section 9-471 (N), which states: “As an alternative to the procedures established in this section, a county right-of-way or roadway may be transferred to an adjacent city or town by mutual consent of the governing bodies of the county and city or town if the property transferred is adjacent to the annexing city or town and if the city or town and county each approve the proposed transfer as a published agenda item at a regular public meeting of their governing bodies;” and

WHEREAS the proposed transfer is being considered during a regular public meeting of the City of Goodyear and is included on a published agenda; and

WHEREAS, said right-of-way to be transferred to the City of Goodyear is adjacent to the annexing municipality, namely the City of Goodyear, and all the provisions of A.R.S. Section 9-471 (N) have been fully observed; and

WHEREAS, the Mayor and Council of the City of Goodyear, Arizona find that adoption of this Ordinance to approve the transfer and annexation of the right-of-way described and depicted in Exhibit A and Exhibit B attached hereto and incorporated herein and to extend the corporate limits of the City of Goodyear to include such right-of-way to be in the best interests of the public health, comfort, convenience, safety, and general welfare of the citizens of the City;

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

SECTION 1. TRANSFER AND ANNEXATION

The transfer from Maricopa County to the City of Goodyear and the annexation of the 10.32-acre tract of Maricopa County, Arizona right-of-way generally

located within the Broadway Road alignment between S. Bullard Avenue and S. Litchfield Road as described and depicted in Exhibit A and Exhibit B attached hereto and incorporated herein is hereby approved; and 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), the corporate limits of the City of Goodyear are hereby extended and increased to include within the corporate limits of the City of Goodyear the territory as described in Exhibit A attached hereto and as depicted in Exhibit B attached hereto, and said territory is hereby declared to be part of the City of Goodyear, Arizona.

SECTION 2. COUNTY CONSENT

A certified copy of this Ordinance shall be filed with the Board of Supervisors of Maricopa County, Arizona for the Board of Supervisors' action on the transfer pursuant to A.R.S. Section 9-471(N). The city clerk shall, upon the approval of the transfer by the Maricopa County Board of Supervisors, take all appropriate and necessary actions to finalize the annexation/transfer of the right-of-way approved hereby.

SECTION 3. SEVERABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective as prescribed by law.

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

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Ordinance No. 2019-1420 is a true, correct and accurate copy of Ordinance No. 2019-1420, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said ordinance.

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

seal

City Clerk