

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

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

PROPOSED ACTION:

ADOPT RESOLUTION NO. 2019-1939 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 NO. 4; 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:

On April 8, 1985, the Town of Goodyear Council approved a rezone of approximately 430 acres on the east side of Bullard Avenue and the north side of Broadway Road, extending eastward to the intersection of Litchfield Road and MC-85. The rezone was from a mix of hard C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial) zoning to the Final Planned Area Development (PAD) zoning district with underlying C-2 (General Commercial), I-1 (Light Industrial Park), and I-2 (General Industrial) zoning. A portion of the rezoned property had been subdivided by the final plat for Airport Commercenter Subdivision No. 2, which was recorded on December 8, 1983 in the records of the Maricopa County Recorder at Book 259, Page 44 ("Subdivision No. 2 Plat") and another portion of the property was subdivided by the final plat for Airport Commercenter Subdivision No. 4, which 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 ("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 the respective plats.

Approximately 279 of the 430 acres, consisting of 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. At the new property owner's request (hereinafter the "Property Owner"), the approximate 279 acres of property was rezoned by Ordinance 2018-1418 adopted by the Mayor and Council of the City of Goodyear on December 17, 2018 to the I-1 Light Industrial Park zoning district with a PAD Overlay with the adoption of the PHX 10-11 I-1 Light Industrial Park Zoning District with PAD Overlay, dated November 2018. The Property Owner is in the process of replatting the property it acquired into one plat that will include all of the lots and tracts within the Subdivision No. 2 Plat and Parcels A and B of the Subdivision No. 4 Plat ("PHX 10-11 Phase 1 Plat"). The PHX 10-11 Phase 1 Plat requires the abandonment of various streets and easements that were dedicated in the Subdivision No. 2 Plat and in the Subdivision No. 4 Plat.

The Property Owner cannot finalize the PHX 10-11 Phase 1 Plat until the property owner and City agree upon the infrastructure the Property Owner must construct or cause to be constructed for the city to provide water and wastewater service to the property. In anticipation of the Phase 10-11 Phase 1 Plat being finalized the City conditionally approved the abandonment of certain streets and the relinquishment of certain identified public utility easements dedicated to the City in the Subdivision No. 2 Plat and in the Subdivision No. 4 Plat.

STAFF ANALYSIS:

In the interim and prior to completion of the PHX 10-11 Phase 1 Plat, the Property Owner is desirous of proceeding with construction on parcels A and B within the Subdivision No. 4 Plat and is in the process of preparing a minor land division to combine parcels A and B into one parcel ("Minor Land Division"). The consolidation of Parcels A and Parcel B in Subdivision No. 4 Plat requires the abandonment of a section of Airport Way (the Street Abandonment Area), the public utility easements adjacent to the east and west side of the section of Airport Way that is being abandoned and the public utility easements adjacent to the south side of La Estrella (collectively the "PUE Abandonment Area"), all of which were dedicated in Subdivision No. 4 Plat.

No improvements have been constructed within the Street Abandonment Area, and city staff has received clearances from utility providers providing service in the area that there are no utility lines within the Street Abandonment Area. City staff has confirmed that the abandonment of the right-of-way within the Street Abandonment Area will not impair access to any of the parcels and tracts within the Subdivision No. 4 Plat and that the public utility easements within the PUE Abandonment Area being relinquished are not needed to provide utility services to any of the parcels and tracts within the Subdivision No. 4 Plat. Moreover, the Property Owner and the City are entering into a development agreement that established the Property Owner's responsibility for the water, wastewater and industrial discharge on-site and off-site infrastructure needed to serve the property, which allows for the development of the property to occur, as set forth in the development agreement, pending the City's determination of the water, wastewater and industrial discharge on-site and off-site infrastructure needed to serve the property. Based on the foregoing, neither the Street Abandonment Area nor the PUE Abandonment Area are necessary for public use.

The Street Abandonment Area and the PUE Abandonment Area being abandoned by Resolution No. 2019-1939 were included within the legal descriptions of the streets and public utility easements that were to be abandoned by Resolution 2019-1931. Accordingly, staff will, at a future council meeting, be bringing forth either an amendment to Resolution 2019-1931 or a replacement resolution that will revise the description of the streets and public utility easements being abandoned to exclude the streets and public utility easement being abandoned by Resolution No. 2019-1939.

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 2019-1939.

RECOMMENDATION:

Staff recommends the adoption of Resolution 2019-1939, 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 2019-1939 with Exhibits
 - Exhibit A – Depiction and Legal Description of the City’s ROW
 - Exhibit B – Depiction and Legal Description of the Easements