

**CITY OF GOODYEAR
COUNCIL ACTION REPORT**

**SUBJECT: Final Plat and Abandonment
for Project Rapid****STAFF PRESENTER:** Katie Wilken,
Planning Manager**CASE NUMBER:** 19-520-00001**APPLICANT:** Jeff Hunter, Hunter
Engineering, Inc.

PROPOSED ACTION:

1. ADOPT RESOLUTION NO. 2019-1947 CONDITIONALLY VACATING, ABANDONING AND RELINQUISHING CERTAIN RIGHTS-OF-WAY AND PUBLIC UTILITY AND SIDEWALK EASEMENTS PREVIOUSLY DEDICATED TO THE CITY IN THE PLAT FOR AIRPORT GATEWAY BUSINESS CENTER; PROVIDING FOR AN EFFECTIVE DATE OF THE ABANDONMENT; IMPOSING REQUIREMENTS AND CONDITIONS FOR THE ABANDONMENT TO BECOME EFFECTIVE; PROVIDING FOR THE EXPIRATION OF THE ABANDONMENT APPROVAL; AND PROVIDING AN EFFECTIVE DATE OF THE RESOLUTION.
2. Approve the Final Plat for Project Rapid, subject to the following stipulations:
 1. Prior to recordation of the plat all of the conditions necessary for the recordation of Resolution No. 2019-1947 shall have been satisfied;
 2. Any technical corrections to the final plat required by the City Engineer shall be made prior to the recordation of the final plat;
 3. An updated title report shall be provided prior to the recordation of the final plat and all changes needed to reflect any change in ownership and the existence of any lender, including the required lenders consent shall be made to the final plat; and consent by the lender to the dedications;
 4. Resolution 2019-1947 shall be recorded prior to the recordation of the final plat;
 5. The final plat shall be recorded immediately following the recordation of Resolution 2019-1947.

BACKGROUND AND PREVIOUS ACTIONS:

- The Property was zoned I-1, Light Industrial, when it was annexed into the city.
- On March 26, 2007, the City Council approved a final plat for Airport Gateway Business Center. The final plat was recorded on January 29, 2008 in the records of the Maricopa County Recorder at Book 969 of Maps, Page 24.
- Approximately 19 acres of the 26 acres was zoned Planned Area Development (PAD), under the Airport Gateway Business Park PAD, and approved by City Council on January 14, 2008 by Ordinance No. 08-1100.

STAFF ANALYSIS:

The Goodyear City Council approved the Airport Gateway Business Center Final Plat (“AGBC Plat”) in March 2007 and it was recorded on January 29, 2008 in the records of the Maricopa County Recorder at Book 969 of Maps, Page 24. The AGBC Plat subdivided approximately 26.42 acres of property generally located west of Litchfield Road and north of Yuma Road into ten (10) lots (the “AGBC Property”). The AGBC Plat included dedications of right-of-way for the streets (“ROW”) and public utility and sidewalk easements (hereinafter collectively referred to as “PUEs”) identified in the AGBC Plat. Although no private development has occurred within the AGBC Property, all of the streets that were identified within the AGBC Plat were constructed, City owned water and wastewater utilities were installed within such streets, and private electrical utilities were installed within the PUEs as needed for the operation of street improvements.

The AGBC Property is in the process of being sold to one purchaser (hereinafter referred to as the “Purchaser”), who, with the authorization of the current owner, is in the process of replatting the AGBC Property under the name of Final Plat for Project Rapid. The Final Plat for Project Rapid consolidates all ten (10) lots in the AGBC Plat into two (2) lots. The consolidation of the lots reflected in the Final Plat for Project Rapid requires sections of the existing streets and utilities constructed within previously dedicated ROW to be removed and the ROW to be abandoned and requires existing electrical utilities installed within previously dedicated PUEs to be removed and the PUEs relinquished. The applicant has requested that the City abandon such ROW and PUEs.

The City has the authority to dispose of rights-of-way and easements that are no longer necessary for public use. The rights-of-way and easements that are to be vacated, abandoned and relinquished will no longer be necessary for the public’s use after all of the following have occurred.

1. The City Engineer or his/her designee has received Utility Clearance Letters from the remaining companies, other than the City of Goodyear, that provide utility services in the area consenting to the City’s abandonment of the Abandonment/Relinquishment Area; and
2. A permit has been issued by the City for: the removal of the street improvements and the City water and wastewater improvements located within the Abandonment/Relinquishment Area; the construction of the street improvements for the cul-de-sac at the intersection of South Camino Oro and West Grant Street reflected on the Final Plat for Project Rapid; and the installation of additional water and wastewater utility infrastructure within South Camino Oro and West Grant Street, required to be installed as a result of the removal of the water and wastewater improvements within the Abandonment/Relinquishment Area; and
3. The City Engineer has received financial assurances in the form of a cash bond or a fully funded escrow account acceptable to the City Attorney or his designee that assures the following; (i) the completion of the removal of the street improvements and the City water and wastewater improvements located within the Abandonment/Relinquishment Area; (ii) the completion of the street improvements for the cul-de-sac at the intersection of South Camino Oro and West Grant Street reflected on the Final Plat for Project Rapid; and (ii)

the installation of additional water and wastewater utility infrastructure within South Camino Oro and West Grant Street, required to be installed as a result of the removal of the water and wastewater improvements; and

4. The City Engineer or his/her designee has received an amendment to the City Access Agreement, in a form acceptable to the City Attorney or his/her designee, executed by Crane expressly consenting to the abandonment of the right-of-way and the removal of Well MW-65A from the Crane Access Agreement; and
5. The City Engineer or his/her designee is prepared and has received direction to record the Final Plat for Project Rapid. The Final Plat for Project Rapid shall be recorded in the office of the County Recorder for Maricopa County, Arizona immediately following the recordation of this Resolution No. 2019-1947.

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 increased demands for municipal services, the costs of which may or may not be offset by increased property values/tax levies, city sales tax, state shared revenues and the increased demand for commercial and retail development. Any areas that will be maintained by the City are constructed by the developer and then conveyed to the City two years after construction.

RECOMMENDATION:

Upon satisfaction of the conditions set forth above, the rights-of-way and public utility and sidewalk easements the City is being asked to vacate, abandon and relinquish, will no longer be needed for public use. The final plat is consistent with the land use and development standards. The final plat is consistent with the technical requirements of the city's Subdivision Regulations. The proposed subdivision provides for the orderly development of the parcel by identifying the required infrastructure needed to serve the development. Accordingly, the Staff recommends approval of the Abandonment Resolution No. 2019-1947 and of the Final Plat for Project Rapid.

ATTACHMENTS:

1. Resolution No. 2019-1947
 - a. Exhibit A – 60' Right of Way and 10' P.U.E. & Sidewalk Easement Abandonment Legal Description
2. Final Plat for Project Rapid
3. Aerial Photo