

## **RESOLUTION NO. 2019-1950**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY RELINQUISHING AND TERMINATING ALL INTEREST IN AN EXCLUSIVE SEWER LINE EASEMENT LOCATED WITHIN THE LAS BRISAS DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE OF THE RELINQUISHMENT AND TERMINATION; IMPOSING REQUIREMENTS AND CONDITIONS FOR THE RELINQUISHMENT AND TERMINATION TO BECOME EFFECTIVE; PROVIDING FOR THE EXPIRATION OF THE RELINQUISHMENT AND TERMINATION APPROVAL; AND PROVIDING FOR AN EFFECTIVE DATE OF THE RESOLUTION.

WHEREAS, on September 11, 2006, the City Council adopted Ordinance No. 2006-1020 rezoning that certain property known as the Las Brisas Phase Two, which is generally located at the southwest corner of Citrus Road and Elwood Street, and approved a preliminary plat for Las Brisas Phase Two; and

WHEREAS, a map of dedication (MOD) for portions of West Las Brisas Drive and South 183<sup>rd</sup> Avenue was approved by the City Council on June 25, 2007; and

WHEREAS, a final plat for Las Brisas Phase 2C was approved by the City Council on December 10, 2007; and

WHEREAS, the Las Brisas Phase Two Final PAD, dated January 2006, was amended on February 11, 2008 by Ordinance No. 2008-1105 to amend the zoning on an approximate 19.35 acre portion of the property from PAD (C-1) to PAD (General Commercial); and

WHEREAS, an Exclusive Sewer Line Easement was dedicated by Taylor Morrison/Arizona, Inc., and accepted by the city in October, 2013, which was recorded in the official records of Maricopa County on October 10, 2013 as document 2013-0899735, a copy of which is attached hereto as Exhibit "1" ("Easement"); and

WHEREAS, the Easement was for a sewer line that was to run through Las Brisas Phase 2, in a generally north to south direction from Las Brisas Drive to a location north of Broadway Road; and

WHEREAS, the final plat approved on December 10, 2007 was never recorded and on November 4, 2013, the City Council rescinded the approval of the final plat approved on December 10, 2007 and approved final plats for Phases 2C.1, 2C.2, 2C.3, 2C.4 and 2C.6, which consists of all of the property within Phase 2C located west of 183<sup>rd</sup> Avenue; and

WHEREAS, a minor land division (MLD) for the portion of Las Brisas Phase 2C located east of 183<sup>rd</sup> Avenue was approved on October 24, 2014 subdividing that portion of Phase 2C into three tracts (A, B & C); and

WHEREAS, on May 8, 2017, the Las Brisas Phase Two Final PAD was amended by Ordinance No. 2017-1341 to rezone parcels identified within Las Brisas Phase 2 as 2B.1, 2B.2 2B.3 and 2C.5, and on that same day, Council approved a Preliminary Plat for Las Brisas Phase 2B.1, 2B.2, 2B.3 and 2C.5; and

WHEREAS, Final plats for Las Brisas Phases 2B.1 and 2B.2 were approved by the City Council on December 18, 2017; and

WHEREAS, the property owner has submitted the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183<sup>rd</sup> Avenue (2C.5) ("Las Brisas 2C.5"); and

WHEREAS, the city has confirmed the sewer line was not constructed within the area described in Exhibit "A" of the Easement ("Easement Area"); and

WHEREAS, the property owner has requested the relinquishment and termination of the Easement, since portions of the Easement conflict with the development of Las Brisas 2C.5; and

WHEREAS, the Easement will no longer be required upon the recording of Las Brisas 2C.5 the portions of the sewer line previously intended to be placed within the Easement Area, since they will now be placed within dedicated streets; and

WHEREAS, pursuant to A.R.S. § 9-402, the Goodyear City Council is vested with the power to dispose of easements owned by the city that are no longer needed; and

WHEREAS, the Goodyear City Council finds that, subject to the conditions and requirements of this Resolution, including the requirement for the recordation of Las Brisas 2C.5 which dedicates the city streets where the sewer line will be placed, the Easement being relinquished and terminated by this Resolution is no longer necessary; and

WHEREAS, the Goodyear City Council, having considered the feasibility, advantages and necessity of the release and relinquishment of the city's interest in Easement, finds that it is in the public's best interest to grant this release and relinquishment of the Easement;

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

#### SECTION 1. RELINQUISHMENT

Upon the recordation of this Resolution pursuant to the terms and conditions set forth below, the Exclusive Sewer Line Easement granted to the City in that document recorded in the official records of Maricopa County on October 10, 2013 as document 2013-0899735, a copy of which is attached hereto and made a part hereof, is relinquished and terminated.

SECTION 2. EFFECTIVE DATE OF RELINQUISHMENT AND TERMINATION

The relinquishment and termination of the Exclusive Sewer Line Easement granted to the City in that document recorded in the official records of Maricopa County on October 10, 2013 as document 2013-0899735 shall become effective upon the recordation of the this Resolution No. 2019-1950 and its exhibit with the office of the County Recorder of Maricopa County, Arizona.

SECTION 3. RECORDATION OF RESOLUTION

This Resolution No. 2019-1950 shall not be recorded until the following has occurred:

The City Engineer or his/her designee is prepared and has received direction to record the Re-Plat of Tract C of the Minor Land Division Map of Las Brisas Phase 2C and of Tract G of the Map of Dedication for West Las Brisas Drive and South 183<sup>rd</sup> Avenue (2C.5) approved this 25th day of March, 2019.

The re-plat referred to herein shall be recorded in the office of the County Recorder for Maricopa County, Arizona immediately following the recordation of this Resolution No. 2019-1950.

SECTION 4. If this Resolution is not recorded within six months of the date this Resolution is passed and adopted by the Mayor and Council of the city of Goodyear, Maricopa County, then the Resolution shall not be recorded and Exclusive Sewer Line Easement legally described in Exhibit "A" of the attached Exhibit "1" shall not relinquished or terminated pursuant to this Resolution.

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

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 Resolution No. 2019-1950 is a true, correct and accurate copy of Resolution No. 2019-1950, 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 resolution.

Given under my hand and sealed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

seal

City Clerk