

## **RESOLUTION NO. 2019-1949**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ABANDONING CERTAIN STREETS AND RELINQUISHING ALL INTEREST IN CERTAIN PUBLIC UTILITY EASEMENTS DEDICATED TO THE CITY IN THE FINAL PLAT OF LAS BRISAS PHASE 2B; 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 .

WHEREAS, on July 9, 2007 the Goodyear City Council approved a final plat for that certain parcel of land known as the Final Plat of Las Brisas, Phase 2B, which is generally located at the southwest corner of Citrus Road and Elwood Street (“Las Brisas Phase 2B”); and

WHEREAS, Las Brisas Phase 2B was recorded on January 29, 2008 in the official records of the Maricopa County Recorder at Book 969, Page 32, instrument number 2008-0077556; and

WHEREAS, certain streets and public utility easements were dedicated to the city in the Final Plat of Las Brisas Phase 2B; and

WHEREAS, no development had occurred within the Final Plat of Las Brisas Phase 2B, and the property owner sought to re-plat the property to accommodate current market demand; and

WHEREAS, the re-plat required the abandonment of certain streets and public utility easements that had been dedicated to the City in the Final Plat of Las Brisas Phase 2B; and

WHEREAS, on December 18, 2017, the City Council approved three final plats and Resolution 17-1847, which provided for the abandonment of certain streets and public utility easements that had been dedicated to the City and that were within the section of Phase 2B being replatted; and

WHEREAS, one of the final plats was titled, “Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B and a Re-Plat of a Portion of the Re-Plat of Tract D of the Replat of Las Brisas Phase 2A (Phase 2B.1)” and the other was titled, a “Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (the Phase 2B.2)”;

Whereas, the two final plats at resolution were recorded in the official records of Maricopa County on January 8, 2018 with the Phase 2B.1 Final Plat being recorded at Book 1362 of Maps Page 2 (document 2018 0015069); the Phase 2B.2 Final Plat being recorded at Book 1362 of Maps Page 1 (document 2018-0015066) and Resolution 17-1847 being recorded as document 2018 0014629; and

Whereas, the remaining portion of Las Brisas Phase 2B was left unchanged at the time of the January 2018 abandonments and re-plats; and

WHEREAS, the property owner has now submitted a re-plat of the remaining portion of Las Brisas 2B, which is that certain document titled “Re-Plat of a Portion of the Final Plat of Las Brisas Phase 2B (2B.3),” to create Las Brisas 2B.3; and

WHEREAS, no development has occurred within the area described as Las Brisas 2B.3 since Las Brisas 2B was recorded; and

WHEREAS, the streets and public utility easements that were dedicated to the city within the portions of the Las Brisas Phase 2B that will become Las Brisas 2B.3 are being realigned; and

WHEREAS, along with the submittal of the re-plat, the property owner is requesting the abandonment of the streets and the relinquishment of the public utility easements dedicated to the city that are located within the portions of Las Brisas Phase 2B, that will become Las Brisas 2B.3, which area is described in the legal description attached Exhibit “A”. This legal description is consistent with the area included in the re-plat; and

WHEREAS, streets and public utility easements are being dedicated in the re-plat for Las Brisas 2B.3, therefore, the previously dedicated streets and public utility easements located within the portion of Las Brisas Phase 2B being re-platted as 2B.3 will no longer be needed in the locations as originally dedicated; and

WHEREAS, the city has received utility clearances from all known utility companies serving the immediate area, confirming that there are no existing or planned utilities located within the existing PUEs that are to be abandoned; and

WHEREAS, no public streets or utility infrastructure improvements have been constructed within any of the right-of-way dedicated to the city for streets that are to be abandoned; 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, pursuant to A.R.S. § 28-7201 *et seq.*, the Goodyear City Council is vested with the power to dispose of streets owned by the city that are not necessary for public uses as a roadway; and

WHEREAS, the Goodyear City Council finds that, subject to the conditions and requirements of this Resolution, including the requirement for the recordation of the re-plat discussed herein in which replacement streets and public utility easements are being dedicated to the city, the streets and public utility easements being vacated and abandoned by this Resolution are no longer necessary for public use; and

WHEREAS, the Goodyear City Council finds that consideration and other public benefit commensurate with the value of the city’s interest in the various streets and easements being abandoned, giving due consideration to its degree of fragmentation and marketability, will be provided to the city by the owners of the abutting property in the form of the right-of-way and easements being dedicated in the re-plat, tax revenues gained by the development of the property

within the re-plat, the elimination of the city's responsibility for such rights-of-ways and relief from potential liability for property damages, injury or death that may occur in the abandoned property; and

WHEREAS, the Goodyear City Council, having considered the feasibility, advantages, and necessity of the abandonment of the city's interest in the streets, and easements within the boundaries of the legally described property in Exhibit A, find that it is in the best interest to grant the abandonment, vacation and relinquishment in connection with the approval and recordation of the proposed re-plat;

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

SECTION 1. ABANDONMENT

Upon the recordation of this Resolution pursuant to the terms and conditions set forth below, the streets and the public utility easements located within the property legally described in Exhibit A, which is attached hereto and made a part hereof, are vacated and abandoned and relinquished and title to the streets transferred pursuant to ARS § 28-7205.

SECTION 2. EFFECTIVE DATE OF THE ABANDONMENT

The vacating, abandonment and relinquishment of the streets and public utility easements within the area depicted and legally described in Exhibit A attached hereto and incorporated herein by this reference shall become effective upon the recordation of this Resolution No. 2019-1949 and its exhibit with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. RECORDATION OF RESOLUTION

This Resolution No. 2019-1949 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 a Portion of the Final Plat of Las Brisas Phase 2B (2B.3) approved this 25<sup>th</sup> 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 2019-1949.

SECTION 4. EXPIRATION OF ABANDONMENT APPROVAL

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 the streets and the public



Exhibit "A"  
Legal Description