

RESOLUTION NO. 2019-1958

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY VACATING AND ABANDONING A PORTION OF A STREET KNOWN AS WEST MOUNTAIN VISTA DRIVE; 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.

WHEREAS, on May 10, 2010 the Goodyear City Council approved the Map of Dedication for South 182nd Drive and a portion of West Mountain Vista Drive within Montecito Village at Estrella Mountain Ranch, which was recorded on July 6, 2010 in the records of the Maricopa County Recorder at Book 1059 of Maps, Page 15 (“MOD”); and

WHEREAS, the city is processing the Final Plat of Estrella Parcel 9.31 (“Final Plat”) which is adjacent to both West Mountain Vista Drive and South 182nd Drive; and

WHEREAS, the West Mountain Vista Drive entry location per the Final Plat has been moved to the west, which requires the abandonment of a portion of West Mountain Vista Drive dedicated in the MOD original entry location. The portion of the West Mountain Vista Drive to be abandoned is depicted and legally described in the attached Exhibit “A” (“Abandonment Area”); and

WHEREAS, no improvements have been constructed within the Abandonment Area, and city staff has received clearances from utility providers providing service in the area that there are no utility lines within the Abandonment Area; and

WHEREAS, city staff has confirmed that Final Plat provides adequate access to all lots and tracts within the Final Plat and the abandonment of the right-of-way within the Street Abandonment Area; and

WHEREAS, city staff has confirmed that the Final Plat will provide the necessary public utility easement in the location of the Abandonment Area; and

WHEREAS, pursuant to A.R.S. § 28-7202, 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 City Council finds that the Abandonment Area will not be necessary for public use following the approval and recordation of the Final Plat; and

WHEREAS, the City Council finds that consideration and other public benefit commensurate with the value of the City’s interest in the Abandonment Area, 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 tax revenues gained by the development of the abandoned property, 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;

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

SECTION 1. ABANDONMENT

Subject to the conditions and requirements below, the right-of-way for the street depicted and legally described in Exhibit A attached hereto and incorporated herein by this reference is vacated, abandoned and relinquished and title to the street is transferred pursuant to ARS § 28-7205.

SECTION 2. EFFECTIVE DATE OF THE ABANDONMENT

The vacating/abandonment of the street provided for in Section 1 above shall become effective upon the recordation of this Resolution 2019-1958 and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. RECORDATION OF RESOLUTION

This Resolution 2019-1958 shall not be recorded until all of the following have occurred: (i) all of the conditions necessary for the recordation of the Final Plat of Estrella Parcel 9.31 approved this 22nd day of April, 2019 have been satisfied; and (ii) the City Engineer or his/her designee is prepared and has received direction to record the Final Plat of Estrella Parcel 9.31. The City Clerk shall record this Resolution 2019-1958 with the office of the County Recorder for Maricopa County, Arizona after being notified by the City Engineer or his designee that all of the conditions necessary for the recordation of this Resolution 2019-1958 have been satisfied; and immediately following the recordation of this Resolution 2019-1958, the City Clerk shall record the Final Plat referred to herein.

SECTION 4. EXPIRATION OF ABANDONMENT APPROVAL

If this Resolution is not recorded within one year 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 street depicted and legally described in Exhibit A attached hereto shall not be vacated, abandoned and/or relinquished pursuant to this Resolution.

SECTION 5. This Resolution shall become effective upon its adoption by the Mayor and Council of the city of Goodyear, Maricopa County.

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

Date: _____

APPROVED AS TO FORM:

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

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

City Clerk