

RESOLUTION NO. 2019-1971

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, ABANDONING A PORTION OF NORTH SARIVAL AVENUE IN EXCHANGE FOR A PORTION OF NORTH PEBBLECREEK PARKWAY AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO CARRY OUT THE INTENT OF THIS RESOLUTION.

WHEREAS, North Sarival Avenue, located in a portion of the East half of Section 24, Township 2 North, Range 2 West and a portion of the West half of Section 19, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, was declared as a road by Maricopa County in Book 6 of Road Maps, Page 27 and Book 4 of Road Maps, Page 44, in Official Records of Maricopa County as a County Road; and

WHEREAS, Sarival Avenue was subsequently annexed by the City of Goodyear and thus became a city road; and

WHEREAS, that portion of Sarival Avenue described in Exhibit A attached hereto and incorporated herein by reference (the “Sarival Avenue Abandonment Area”) is an existing roadway located between Lots 3A and 4A, as well as 3B and 4B, on that certain “Replat of PV303 East – Phase A, Lots 3 and 4” recorded on April 26, 2017 in the official records of the Maricopa County Recorder at Book 1322 page 39, in instrument number 2017-0298125; and

WHEREAS, on April 24, 2017, the City Council approved Resolution 17-1799 providing for the conditional abandonment of the Sarival Avenue Abandonment Area; and

WHEREAS, Resolution 17-1799 contained a deadline for all of the conditions to be met of eighteen months, which expired in October of 2018 prior to the conditions having been completed; and

WHEREAS, the Owners of the Lots 3A, 4A, 3B and 4B of the Replat of PV303 East – Phase A, Lots 3 and 4 of the official records of the Maricopa County Recorder at Book 1322 page 39, have recently purchased the property anticipating that the Sarival Avenue Abandonment Area will be abandoned; and

WHEREAS, the Sarival Avenue Abandonment Area is not needed to provide access to Lots 3A, 4A, 3B and 4B since the construction of N. Pebblecreek Parkway roadway extension tying into N. Sarival Avenue and the W. Sells Drive roadway have been completed; and

WHEREAS, right of way for North Pebblecreek Parkway and public utility easements adjacent to the North Pebblecreek Parkway have been dedicated to the city; and

WHEREAS, the abandonment of the Sarival Avenue Abandonment Area will result in a gaps in the public utility easements adjacent to North Pebblecreek Parkway and West Sells Drive requiring the dedication of Public Utility Easements to eliminate the gaps; and

WHEREAS, all of the conditions provided for in Resolution 17-1799 have now been met, including:

- i. The City Engineer or his/her designee has received Utility Clearance Letters from all utility companies providing services in the area consenting to the city's abandonment of the Sarival Avenue Abandonment Area; and
- ii. The City Engineer or his/her designee has issued a Notice of Approval for the Pebble Creek Road Project; and
- iii. City Engineer or his/her designee has received the required Public Utility Easements to eliminate the gaps created by the abandonment of the Sarival Avenue Abandonment Area, unsigned copies of which are attached as Exhibit B; 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 consideration and other public benefit commensurate with the value of the city's interest in the Sarival Avenue Abandonment Area, giving due consideration to its degree of fragmentation and marketability, has been provided to the city by the prior owners of the abutting property in the form of the right of way dedicated for Pebblecreek Parkway, the dedication of the public utility easements, 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 OF SARIVAL AVENUE

Subject to the following reservation(s) the City hereby vacates and abandons its interests in the Sarival Avenue Abandonment Area described and depicted in Exhibit "A" attached hereto.

- 1.1 Pursuant to A.R.S. § 28-7205, title to the Sarival Avenue Abandonment Area shall vest, subject to the same encumbrances, liens, limitations, restrictions and estates as existing on the land to which it accrues, in the owners of record of the land abutting the Sarival Avenue Abandonment Area as of the date of this Resolution is recorded.

SECTION 2. EFFECTIVE DATE OF ABANDONMENT

The abandonment of the Sarival Avenue Abandonment Area shall become effective upon the Recordation of this Resolution and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. RECORDATION

The City Clerk shall record this Resolution upon approval of this Resolution by the City Council. Immediately after the recordation of this Resolution, the City Clerk shall record the previously described Public Utility Easements.

SECTION 4. FUTURE ACTIONS

The City Manager and/or his designee is authorized to take all other actions necessary to carry out the intent of 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

CERTIFICATION OF RECORDING OFFICER

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. 2019-1971 is a true, correct and accurate copy of Resolution No. 2019-1971, 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