RESOLUTION NO. 2019-1992

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING PUBLIC RIGHTS-OF-WAY FOR PORTIONS OF SOUTH BALLPARK WAY AND WEST FESTIVAL WAY ADJACENT TO LOT 10 OF THE FINAL PLAT OF BALLPARK VILLAGE – WOOD CORPORATE CAMPUS TO BE UNNECESSARY FOR PUBLIC ROADWAYS AND VACATING AND ABANDONING SUCH UNNECESSARY PUBLIC ROADWAYS; RESERVING AND DECLARING A UTILITY EASEMENT FOR EXISTING PUBLIC UTILITIES WITHIN THE ABANDONED ROADWAYS; IMPOSING CONDITIONS FOR THE ABANDONMENT TO BECOME EFFECTIVE; PROVIDING FOR THE RECORDATION OF THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, South Ballpark Way and West Festival Way were dedicated as part of the FINAL PLAT OF BALLPARK VILLAGE – WOOD CORPORATE CAMPUS, recorded in Book 996, Page 50 in the official records of Maricopa County and are situated in a portion of the West Half of Section 17, Township 1 North, Range 1 West, of the Gila and Salt River Meridian, Maricopa County, Arizona ("Ballpark Plat"); and

WHEREAS, portions of South Ballpark Way and West Festival Way adjacent to Lot 10 of the Ballpark Plat, as more particularly described in Exhibit A and depicted in Exhibit B attached hereto ("ROW Area") are improved as an extension to the entry plaza for the Goodyear Ballpark located in within Lot 10 of the Ballpark Plat; and

WHEREAS, since the existing improvements in the ROW Area are not consistent with improvements allowed within the city streets and there are no street improvements or any future need for street improvements in the ROW Area, city staff has determined it is in the best interest of the city to abandon the existing roadway and incorporate it into Lot 10 by a re-plat of Lot 10 of the Ballpark Plat; and

WHEREAS, because there are existing public utilities within the ROW Area, it is necessary, upon the abandonment of the ROW Area for the city to declare a Utility Easement for the area described in Exhibit A, limited to: operating, maintaining, replacing and or repairing existing public utilities; and

WHEREAS, pursuant to A.R.S. § 28-7202, the Mayor and Council of the city of Goodyear are vested with the power to determine and find that a public roadway or portion thereof is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Council of the city of Goodyear find and determine that the portions of South Ballpark Way and West Festival Way adjacent to Lot 10 of the Ballpark Plat, as more particularly described in Exhibit A and depicted in Exhibit B to this Resolution are unnecessary for public roadway purposes; and

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

Resolution No. 2019-1992

SECTION 1. ABANDONMENT

The Mayor and Council of the city of Goodyear find and determine that that the portions of South Ballpark Way and West Festival Way adjacent to Lot 10 of the Ballpark Plat, as more particularly described Exhibit A and depicted in Exhibit B to this Resolution are unnecessary for public roadway purposes and, subject to the utility easement being declared and reserved herein, are vacated, abandoned and relinquished and title to the streets transferred pursuant to ARS § 28-7205.

SECTION 2. RESERVATION & DECLARATION OF UTILITY EASEMENT.

The vacation, abandonment and relinquishment of the portions of South Ballpark Way and West Festival Way adjacent to Lot 10 of the Ballpark Plat, as more particularly described in Exhibit A and depicted in Exhibit B to this Resolution is subject to the reservation and declaration of the following Utility Easement:

The Mayor and Council of the City of Goodyear hereby reserve and declare a Utility Easement under the portions of South Ballpark Way and West Festival Way adjacent to Lot 10 of the Ballpark Plat, as more particularly described in Exhibit A and depicted in Exhibit B to this Resolution a utility easement for use by the City and it's permittees solely for the purpose of operating, maintaining, repairing and replacing public utility improvements currently existing within the area described in Exhibit A and depicted in Exhibit B to this Resolution. No new public utility improvements shall be constructed within the utility easement being reserved and declared herein except for City owned utility improvements.

SECTION 3. EFFECTIVE DATE OF THE ABANDONMENT

The vacating/abandonment of the streets provided for in Section 1 above and the utility easement being reserved and declared in Section 2 above shall become effective upon the recordation of this Resolution 2019-1992 and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 4. CONDITIONS PRECEDENT TO RECORDATION OF THE RESOLUTION

This Resolution 2019-1992 shall not be recorded until all of the following have occurred:

- (i) the Goodyear City Council has approved a re-plat substantially in the form of the Re-plat of a Portion of Ballpark Village – Wood Corporate Campus attached hereto as Exhibit C;
- (ii) all of the conditions necessary for the recordation of the re-plat substantially in the form of the Re-plat of a Portion of Ballpark Village Wood Corporate Campus attached hereto as Exhibit C have been satisfied; and
- (iii) the City Engineer or his/her designee has authorized the recording of the re-plat substantially in the form of the Re-plat of a Portion of

Ballpark Village – Wood Corporate Campus attached hereto as Exhibit C.

SECTION 5. RECORDATION OF RESOLUTION AND FINAL PLAT

The City Clerk shall record this Resolution 2019-1992 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 set forth in Section 4 above have been satisfied; and immediately following the recordation of this Resolution 2019-1992, the City Clerk shall record or cause to be recorded the re-plat referred to herein.

SECTION 6. EFFECTIVE DATE OF THIS RESOLUTION

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

•	the Mayor and Council of the city of Goodyear, Maricopa County,
	Georgia Lord, Mayor
	Date:
ATTEST:	APPROVED AS TO FORM:
Darcie McCracken. City Clerk	Roric Massey, City Attorney

Resolution No. 2019-1992

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CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA	
) ss.
County of Maricopa	
Goodyear, Maricopa County, Arizona, certify to correct and accurate copy of Resolution No. 20 the Council of the city of Goodyear, Maric	the duly appointed, qualified City Clerk of the city of that the foregoing Resolution No. 2019-1992 is a true, 019-1992, passed and adopted at a regular meeting of copa County, Arizona, held on the day of as present and, by a vote, voted in favor
Given under my hand and sealed this _	day of
	City Clerk

Resolution No. 2019-1992 Page 4 of 4

EXHIBIT "A"

LEGAL DESCRIPTION OF ABANDONED AREA

A PARCEL OF LAND SITUATED IN A PORTION OF THE WEST HALF OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 10 OF BALLPARK VILLAGE - WOOD CORPORATE CAMPUS AS RECORDED IN BOOK 996 OF MAPS ON PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE UPON AND WITH THE SOUTH LINE OF SAID LOT 10, SAME BEING THE NORTH RIGHT OF WAY LINE OF WEST FESTIVAL WAY, NORTH 89 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 75.13 FEET;

THENCE DEPARTING SAID LINE, SOUTH 63 DEGREES 46 MINUTES 10 SECONDS WEST, A DISTANCE OF 135.86 FEET;

THENCE NORTH 45 DEGREES 46 MINUTES 45 SECONDS WEST, A DISTANCE OF 82.70 FEET;

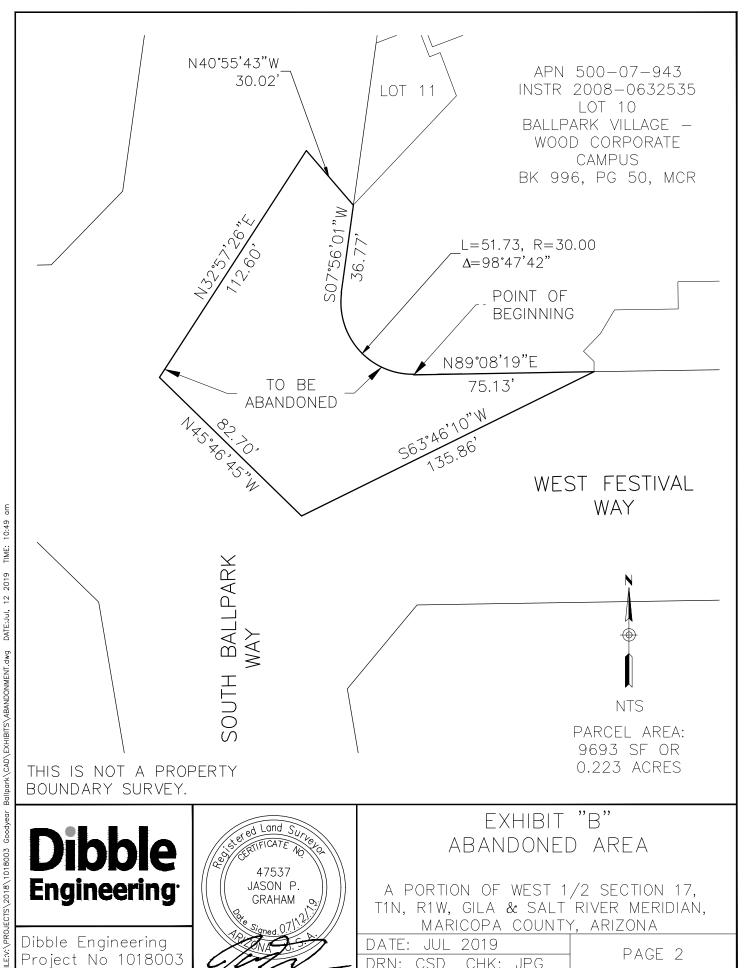
THENCE NORTH 32 DEGREES 57 MINUTES 26 SECONDS EAST, A DISTANCE OF 112.60 FEET;

THENCE SOUTH 40 DEGREES 55 MINUTES 43 SECONDS EAST, A DISTANCE OF 30.02 FEET TO THE SOUTH CORNER OF LOT 11 OF THE AFORESAID BALLPARK VILLAGE - WOOD CORPORATE CAMPUS, AND LYING IN THE EAST RIGHT OF WAY LINE OF SOUTH BALLPARK WAY;

THENCE UPON AND WITH SAID EAST RIGHT OF WAY LINE, SOUTH 07 DEGREES 56 MINUTES 01 SECONDS WEST, A DISTANCE OF 36.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98 DEGREES 47 MINUTES 42 SECONDS, AN ARC LENGTH OF 51.73 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 9,693 SQUARE FEET OR 0.223 ACRES OF LAND, MORE OF LESS.

47537
JASON P.
GRAHAM O.



Dibble **Engineering**

Dibble Engineering Project No 1018003



EXHIBIT "B" ABANDONED AREA

A PORTION OF WEST 1/2 SECTION 17, T1N, R1W, GILA & SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DATE: JUL 2019 DRN: CSD CHK: JPG

PAGE 2

RE-PLAT OF

A PORTION OF BALLPARK VILLAGE - WOOD CORPORATE CAMPUS

BEING A RE-PLAT OF LOT 10 OF BALLPARK VILLAGE - WOOD CORPORATE CAMPUS RECORDED IN BOOK 996 OF MAPS, PAGE 50, MCR, SITUATED IN A PORTION OF THE WEST HALF OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:

THAT THE CITY OF GOODYEAR, A MUNICIPAL CORPORATION, INCLUDING ITS HEIRS, SUCCESSORS AND ASSIGNS, AS OWNER, HAS SUBDIVIDED UNDER THE NAME OF REPLAT OF BALLPARK VILLAGE - WOOD CORPORATE CAMPUS, A PORTION OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN PLATTED HEREON AND HEREBY DECLARES THAT SAID FINAL PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS, EASEMENTS AND STREETS CONSTITUTING THE SAME. EACH LOT, TRACT AND STREET SHALL BE KNOWN BY THE NUMBER, LETTER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT.

THE CITY OF GOODYEAR, A MUNICIPAL CORPORATION

BY:

T'S MAYOR	DATF

ACKNOWLEDGMENT

COUNTY OF MARICOPA

ON THIS _____ DAY OF ______, 2019, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, _____, WHO ACKNOWLEDGED HIMSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING

IN WITNESS WHEREOF, I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

BY:

NOTARY PUBLIC MY COMMISSION EXPIRES

INSTRUMENT FOR THE PURPOSES HEREIN CONTAINED.

BASIS OF BEARINGS

THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 17, HAVING A BEARING OF NOO°50'40"W PER BOOK 996 OF MAPS, PAGE 50.

LEGAL DESCRIPTION OF RESULTANT PARCEL

A PARCEL OF LAND SITUATED IN A PORTION OF THE WEST HALF OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING ALL OF LOT 10 OF BALLPARK VILLAGE - WOOD CORPORATE CAMPUS AS RECORDED IN BOOK 996, MAPS ON PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

TOGETHER WITH THAT PORTION OF SOUTH BALLPARK WAY AND WEST FESTIVAL WAY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 10 OF BALLPARK VILLAGE -WOOD CORPORATE CAMPUS AS RECORDED IN BOOK 996 OF MAPS ON PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE UPON AND WITH THE SOUTH LINE OF SAID LOT 10, SAME BEING THE NORTH RIGHT OF WAY LINE OF WEST FESTIVAL WAY, NORTH 89 DEGREES 08 MINUTES 19 SECONDS EAST, A DISTANCE OF 75.13 FEET;

THENCE DEPARTING SAID LINE, SOUTH 63 DEGREES 46 MINUTES 10 SECONDS WEST, A DISTANCE OF 135.86 FEET;

THENCE NORTH 45 DEGREES 46 MINUTES 45 SECONDS WEST, A DISTANCE OF 82.70 FEET;

THENCE NORTH 32 DEGREES 57 MINUTES 26 SECONDS EAST, A DISTANCE OF 112.60 FEET;

THENCE SOUTH 40 DEGREES 55 MINUTES 43 SECONDS EAST, A DISTANCE OF 30.02 FEET TO THE SOUTH CORNER OF LOT 11 OF THE AFORESAID BALLPARK VILLAGE - WOOD CORPORATE CAMPUS, AND LYING IN THE EAST RIGHT OF WAY LINE OF SOUTH BALLPARK WAY;

THENCE UPON AND WITH SAID EAST RIGHT OF WAY LINE, SOUTH 07 DEGREES 56 MINUTES 01 SECONDS WEST, A DISTANCE OF 36.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98 DEGREES 47 MINUTES 42 SECONDS, AN ARC LENGTH OF 51.73 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 9,693 SQUARE FEET OR 0.223 ACRES OF LAND, MORE OF LESS.

LEGAL DESCRIPTION OF ABANDONED AREA

A PARCEL OF LAND SITUATED IN A PORTION OF THE WEST HALF OF SECTION 17, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, AND BEING A PORTION OF SOUTH BALLPARK WAY AND WEST FESTIVAL WAY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHWEST CORNER OF LOT 10 OF BALLPARK VILLAGE -WOOD CORPORATE CAMPUS AS RECORDED IN BOOK 996 OF MAPS ON PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA;

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THENCE UPON AND WITH SAID EAST RIGHT OF WAY LINE, SOUTH 07 DEGREES 56 MINUTES 01 SECONDS WEST, A DISTANCE OF 36.77 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 98 DEGREES 47 MINUTES 42 SECONDS, AN ARC LENGTH OF 51.73 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 9,693 SQUARE FEET OR 0.223 ACRES OF LAND, MORE OF LESS.

DEVELOPER/OWNER

CITY OF GOODYEAR 190 N LITCHFIELD RD GOODYEAR, AZ 85338

SURVEYOR

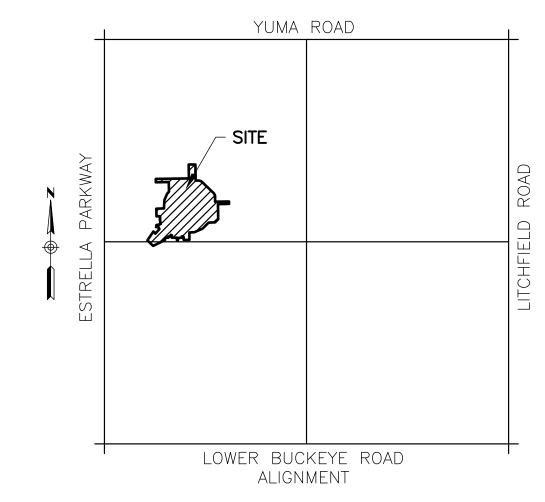
DIBBLE ENGINEERING 7878 N. 16TH STREET, SUITE 300 PHOENIX, AZ 85020 CONTACT: JASON P. GRAHAM (602) 957-1155

UTILITIES

ARIZONA PUBLIC SERVICE TELEPHIONE: CENTURY LINK WATER: CITY OF GOODYEAR SEWER: CITY OF GOODYEAR SOLID WASTE: CITY OF GOODYEAR POLICE: CITY OF GOODYEAR FIRE: CITY OF GOODYEAR SOUTHWEST GAS

LOT 10 AREA

333,002 SF OR 7.645 ACS NET



VICINITY MAP SECTION 17 T1N, R1W

1. ALL NEW OR RELOCATED UTILITIES SHALL BE PLACED UNDERGROUND EXCEPT 69KV AND LARGER POWER LINES.

- 2.STRUCTURES AND LANDSCAPING WITHIN VISIBILITY EASEMENTS WILL BE LIMITED TO GROUND COVER, FLOWERS AND GRANITE LESS THAN 2 FEET (MATURE) IN HEIGHT AND/OR TREES WITH BRANCHES LESS THAN 6 FEET ABOVE THE GROUND. TREES SHALL NOT BE PLACED LESS THAN 8 FEET APART.
- 3.NO STRUCTURE OF ANY KIND SHALL BE CONSTRUCTED WITHIN A PUE EXCEPT UTILITIES, WOOD, WORE OR REMOVABLE SECTION TYPE FENCING, ASPHALT OR CONCRETE PAVING. GOODYEAR SHALL NOT BE REQUIRED TO REPLACE ANY CONSTRUCTION, PAVING OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION. HOWEVER, DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION, THE CITY OF GOODYEAR WILL USE REASONABLE CARE AND CONSIDERATION OF EXISTING LANDSCAPING. IT IS FURTHER UNDERSTOOD THAT ALL PERSONS OTHER THAN THE CITY OF GOODYEAR SHALL BE REQUIRED TO REPLACE ANY OBSTRUCTIONS, PAVING OR PLANTING THAT MUST BE REMOVED DURING THE COURSE OF MAINTENANCE, CONSTRUCTION, OR RECONSTRUCTION.
- 4. THE CITY OF GOODYEAR IS NOT RESPONSIBLE FOR AND WILL NOT ACCEPT MAINTENANCE OF ANY PRIVATE UTILITIES, PRIVATE STREETS OR PRIVATE FACILITIES AND LANDSCAPED AREAS WITHIN THIS DEVELOPMENT.
- 5. THIS DEVELOPMENT IS ADJACENT TO AGRICULTURAL USES AND MAY THEREFORE BE SUBJECT TO NOISE, DUST AND ODORS ASSOCIATED WITH THEIR USE.
- 6. THIS DEVELOPMENT IS SUBJECT TO ATTENDANT NOISE, VIBRATIONS, DUST AND ALL OTHER EFFECTS THAT MAY BE CAUSED BY OVER FLIGHTS AND BY THE OPERATION OF AIRCRAFT LANDING AT OR TAKING OFF FROM THE PHOENIX-GOODYEAR AIRPORT AND LUKE AIR FORCE BASE. EACH LOT PURCHASER SHALL SIGN A SEPARATE STATEMENT ACKNOWLEDGING RECIEPT OF THIS DISCLOSURE.

CITY OF GOODYEAR APPROVALS

APPROVED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA THIS _____, 2019.

BY:		
	MAYOR	DATE
ATTEST:		
ATIEST,	CITY CLERK	DATE
BY:		
	CITY ENGINEER	DATE

CERTIFICATION

THIS PLAT IS ONLY VALID IF IT BEARS THE ORIGINAL SEAL AND INKED SIGNATURE OF THE CERTIFYING PROFESSIONAL LAND SURVEYOR.

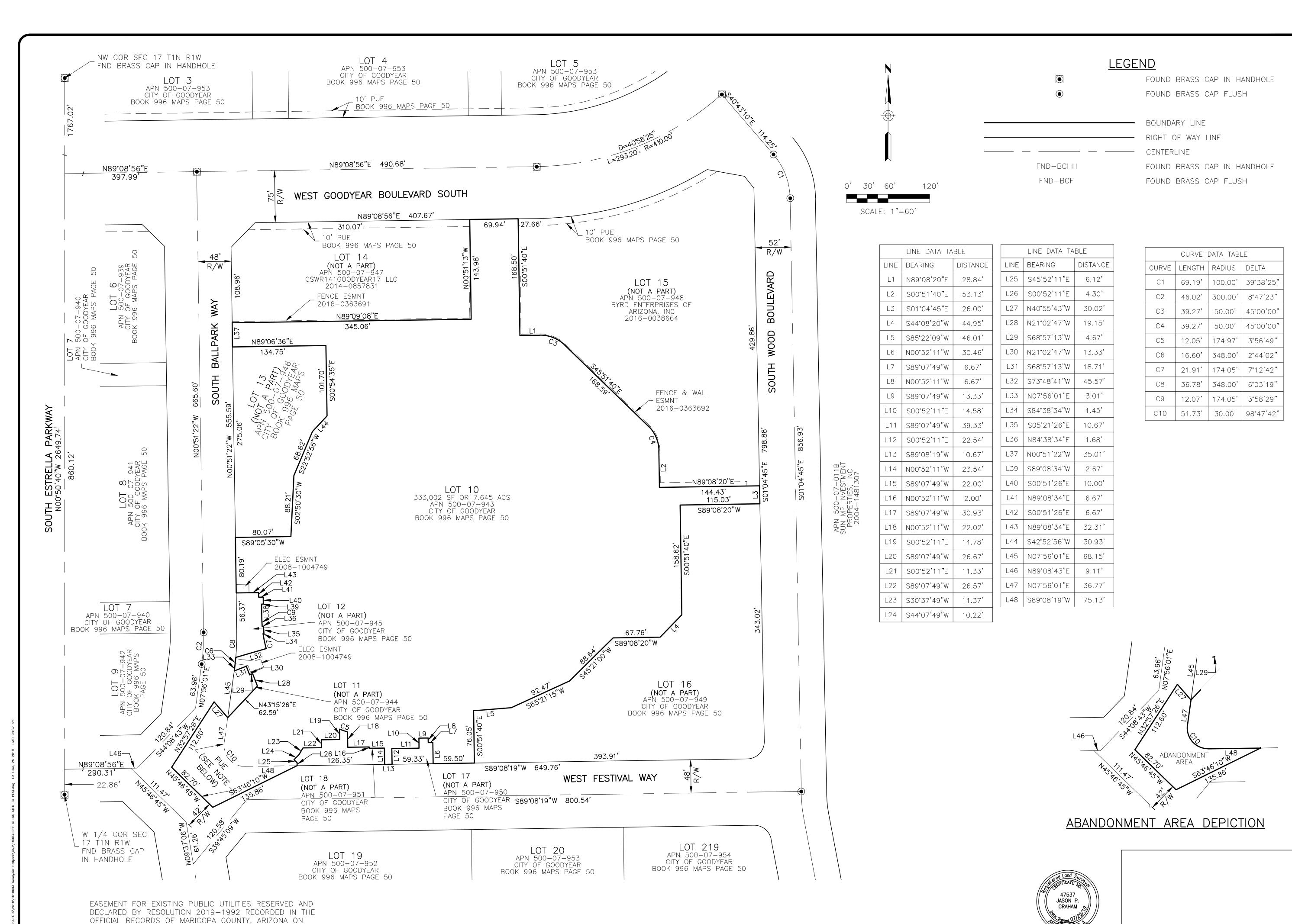
THIS IS TO CERTIFY THAT THIS MAP AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS" ADOPTED IN FEB., 2002, AND THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND WAS SURVEYED AND DRAWN UNDER MY DIRECTION IN THE MONTH OF FEBRUARY, 2019.

JASON P GRAHAM, RLS 47537



7878 Suite Phoer P 602 F 602

• **5**



_____ AS INSTRUMENT NO. _____.

SECTION 17, F, GILA & SALT TY, ARIZONA

85020 155 838

7878 N. 16th Suite 300
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