

## **RESOLUTION NO. 2020-2018**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PORTION OF LITCHFIELD ROAD SOUTH OF PICO DRIVE TO BE UNNECESSARY FOR PUBLIC ROADWAY AND EXTINGUISHING AN EXISTING HIGHWAY EASEMENT; DECLARING A PUBLIC UTILITY, SIDEWALK AND ACCESS EASEMENT; PROVIDING TERMS FOR EXTINGUISHMENT AND DECLARATION TO BE EFFECTIVE; PROVIDING FOR THE RECORDATION OF THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city is currently in the process of preparing a final plat for the future disposition of property it owns that is located northeast of Litchfield Road and Western Avenue, which was formerly used for public safety facilities (the “Public Safety Site”); and

WHEREAS, part of the Public Safety Site was conveyed to the City by quit claim deed on September 26, 1955 recorded on October 31, 1955 in Docket 1749, Page 527 in the records of the Maricopa County Recorder (the “City Property”); and

WHEREAS, as part of the research and evaluation process for the final plat, staff discovered that a portion of the City Property, as more particularly described Exhibit A attached hereto and incorporated herein by this reference is identified in the records of Maricopa County as public right-of-way; and

WHEREAS, upon further research, staff discovered that reason the portion of the City Property described in Exhibit A attached hereto and incorporated herein by this reference is identified in the records of Maricopa County is because in 1974, the then Town of Goodyear granted Maricopa County an easement over the property described and depicted in Exhibit A attached hereto and incorporated herein by reference in that certain document titled Easement and Agreement for Highway Purposes, recorded in Docket 10597, Page 77 in the records of the Maricopa County Recorder (the “Highway Easement”); and

WHEREAS, the portion of the City Property described in Exhibit A attached hereto and incorporated herein by this reference is located back of the sidewalk on the section of Litchfield Road between East Pico Drive and the road that connects Litchfield to East Pico Drive is part of the parking lot in front of one of the structures on the Public Safety Site, and is not being used, nor is staff aware that it ever has been used, as public right-of-way; and

WHEREAS, because the portion of the City Property described in Exhibit A attached hereto and incorporated herein is not, and has not been, used as public right-of-way and is not needed for public right-of-way, the City acquired the Highway Easement from Maricopa County by an Assignment of Easements recorded on December 19, 2019 as Document No. 2019-1028219 in the records of the Maricopa County Recorder so the City could extinguish the easement and include the portion of the City Property described in Exhibit A into the new lots that will be created when the final plat for the Public Safety Site is completed and presented to council; and

WHEREAS, it has been determined that there is no future need for street improvements in the portion of the City Property as more particularly described and depicted in Exhibit A attached hereto and incorporated herein by this reference and city staff has determined it is in the best interest of the city to extinguish the Easement and Agreement for Highway Purposes, recorded in Docket 10597, Page 77 in the records of the Maricopa County Recorder as assigned to the City of Goodyear in the Assignment of Easements recorded on December 19, 2019 as Document No. 2019-1028219 in the records of the Maricopa County Recorder; and

WHEREAS, because there are existing public utilities within the portion of the City Property encumbered by the Highway Easement, it is necessary for the city to declare a Public Utility, Sidewalk and Access Easement over this area; 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 portion of Litchfield Road south of Pico Drive, adjacent to the city property addressed as 1111 S. Litchfield Road, as more particularly described in Exhibit A attached hereto and incorporated herein by this reference is unnecessary for public roadway purposes.

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

SECTION 1.     EXTINGUISHMENT

The Mayor and Council of the City of Goodyear find and determine that the portion of Litchfield Road, as more particularly described Exhibit A attached hereto and incorporated herein by reference is unnecessary for public roadway purposes.

SECTION 2.     The right-of-way easement over the real property, more particularly described in Exhibit A, attached hereto and incorporated herein by this reference created by the Easement and Agreement for Highway Purposes, recorded in Docket 10597, Page 77 in the records of the Maricopa County Recorder assigned to the City of Goodyear in the Assignment of Easements recorded on December 19, 2019 as Document #2019-1028219 in the records of the Maricopa County Recorder is hereby extinguished pursuant to A.R.S. § 28-7214.

SECTION 3.     DECLARATION OF A PUBLIC UTILITY, SIDEWALK AND ACCESS EASEMENT.

The Mayor and Council of the City of Goodyear, on behalf of the City of Goodyear as owner of the property described in Exhibit A attached hereto and incorporated herein by this reference, hereby declare a Public Utility, Sidewalk and Access Easement on the property described in Exhibit A attached hereto and

incorporated herein by this reference (the “Public Utility Easement Area”). Such public utility easement is for the purposes of: a.) installing, operating, maintaining, replacing and/or repairing any public utilities in, over above and under the westerly ten feet (10’) of the Public Utility Easement Area by the City of Goodyear and its permittees; b.) after the date of this this Resolution; operating, maintaining, replacing and/or repairing any public utilities installed in, over above and under the Public Utility Easement Area before the date of this this Resolution by the City of Goodyear and its permittees; c.) installing operating, maintaining, repairing and/or replacing public sidewalks over and above the westerly ten feet (10’) of the Public Utility Easement Area by the City of Goodyear and its permittees; d.) providing access for the purposes set forth herein and for pedestrian travel by the general public over any public sidewalks installed within the public utility easement area. It is the express intent of the City of Goodyear that this Public Utility, Sidewalk and Access Easement not be extinguished by, merged into, modified, or otherwise deemed affected by any other interest or estate in the Public Utility Easement Area described in Exhibit A attached hereto and incorporated herein by this reference now or hereafter held by the City of Goodyear or its successors or assigns.

SECTION 4. EFFECTIVE DATE OF EXTINGUISHMENT AND DECLARATION

The extinguishment of the right-of-way easement as provided for in Section 2 above and the Public Utility, Sidewalk and Access Easement being declared in Section 3 above, shall become effective upon the recordation of this Resolution 2020-2018 and its exhibit with the office of the County Recorder for Maricopa County, Arizona.

SECTION 5. RECORDATION OF RESOLUTION

The City Clerk shall record this Resolution 2020-2018 including Exhibit A attached hereto with the office of the County Recorder for Maricopa County, Arizona upon the Effective Date of this Resolution.

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.

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

EXHIBIT "A"  
LEGAL DESCRIPTION  
FOR  
ABANDONMENT

A PARCEL OF LAND SITUATED IN A PORTION OF THE SOUTHWEST QUARTER OF SECTION 10, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 10, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 10 BEARS NORTH 00 DEGREES 36 MINUTES 38 SECONDS EAST, A DISTANCE OF 2633.95 FEET;

THENCE UPON AND WITH THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 10, NORTH 00 DEGREES 36 MINUTES 38 SECONDS EAST, A DISTANCE OF 250.20 FEET;

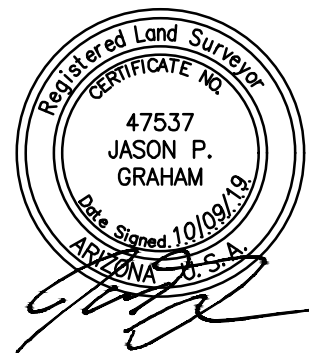
THENCE DEPARTING SAID WEST LINE, SOUTH 89 DEGREES 23 MINUTES 22 SECONDS EAST, A DISTANCE OF 58.38 FEET TO A POINT ON A SOUTH LINE OF THAT CERTAIN PARCEL DESCRIBED IN DOCKET 10597 ON PAGE 77, RECORDS OF MARICOPA COUNTY, ARIZONA AND ALSO BEING THE POINT OF BEGINNING;

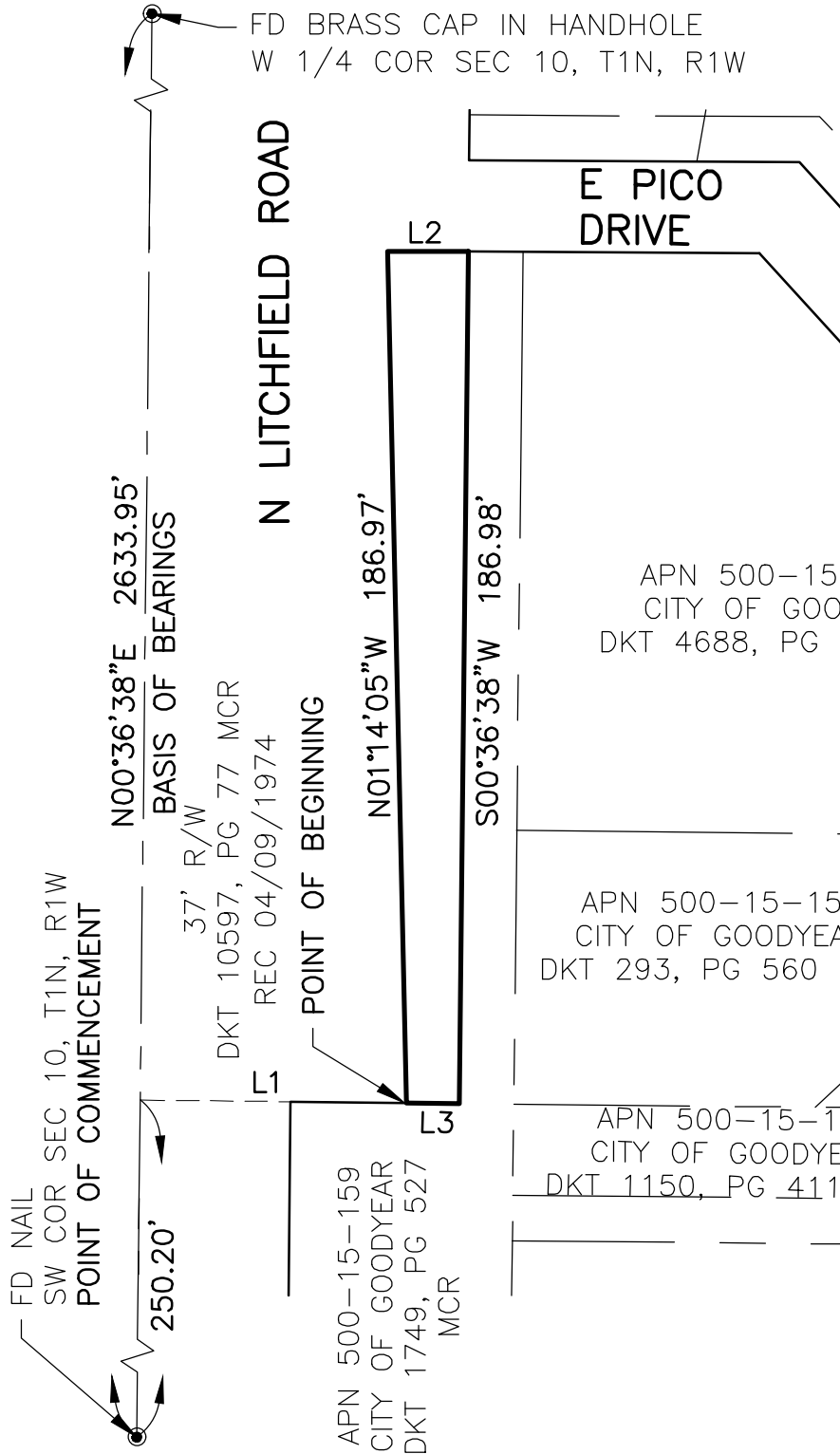
THENCE NORTH 01 DEGREES 14 MINUTES 45 SECONDS WEST, A DISTANCE OF 186.97 FEET TO THE SOUTH RIGHT OF WAY LINE OF EAST PICO DRIVE;

THENCE UPON AND WITH SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 43 MINUTES 30 SECONDS EAST, A DISTANCE OF 17.64 FEET;

THENCE DEPARTING SAID SOUTH RIGHT OF WAY LINE, SOUTH 00 DEGREES 36 MINUTES 38 SECONDS WEST, A DISTANCE OF 186.98 FEET TO THE AFORESAID SOUTH LINE OF THAT CERTAIN PARCEL DESCRIBED IN DOCKET 10597 ON PAGE 77;

THENCE UPON AND WITH SAID SOUTH LINE, NORTH 89 DEGREES 23 MINUTES 22 SECONDS WEST, A DISTANCE OF 11.62 FEET TO THE POINT OF BEGINNING AND CONTAINING A COMPUTED AREA OF 2735 SQUARE FEET OR 0.063 ACRES OF LAND, MORE OR LESS.





LINE DATA TABLE		
LINE	BEARING	DISTANCE
L1	S89°23'22"E	58.38'
L2	S89°43'30"E	17.64'
L3	N89°23'22"W	11.62'



NTS

PARCEL AREA:  
2735 SF OR  
0.063 ACRES

THIS IS NOT A PROPERTY  
BOUNDARY SURVEY.

**Dibble  
Engineering**

Dibble Engineering  
Project No 1019087



**EXHIBIT "B"**  
**ABANDONMENT**

A PORTION OF THE SOUTHWEST 1/4  
SECTION 10, T1N, R1W, GILA & SALT RIVER  
MERIDIAN, MARICOPA COUNTY, ARIZONA

DATE: OCT 2019  
DRN: CSD CHK: BAR