

RESOLUTION NO. 2020-2042

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, FINDING THE ASSIGNMENT AND ASSUMPTION OF IRRIGATION FACILITIES AGREEMENT WITH ROOSEVELT IRRIGATION DISTRICT (THE "ASSIGNMENT AGREEMENT") TO BE IN THE BEST INTERESTS OF THE CITY OF GOODYEAR AND APPROVING THE ASSIGNMENT AGREEMENT; AUTHORIZING AND DIRECTING EXECUTION OF ASSIGNMENT AGREEMENT; PROVIDING FOR REVOCATION OF ASSIGNMENT AGREEMENT; AUTHORIZING AND DIRECTING ACTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of approximately 78 acres of land generally located at the southeast corner of Sarival Avenue and Elwood Street, and commonly known as Elwood Logistics intends to construct a 650,000-1.3 million square foot industrial building, suitable for use as advanced manufacturing, internet fulfillment, distribution or other light industrial uses; and

WHEREAS, the property owner intends to construct the industrial building prior to having a purchaser or lessee for the building; and

WHEREAS, the property owner has an approved Site Plan and construction drawings have been submitted to the city for engineering and building improvements; and

WHEREAS, to move forward with the development of the Elwood Logistics property, certain RID infrastructure improvements need to be removed from the Elwood Logistics property (the "RID Facilities"); and

WHEREAS, as a condition for the removal of the RID Facilities, RID is requiring either the removal of a 24" abandoned RID line located within the right of way of a section of South Village Blvd. and 161st Ave, north of W. Elwood St. or the agreement of the city to accept responsibility for the abandoned line; and

WHEREAS, the removal of the 24" abandoned RID line with a section of South Village Blvd and 161st Ave north of Elwood Street, will cause severe disruptions to the traveling public and to the residents within Sarival Village; and

WHEREAS, city staff does not foresee any issues or costs associated with leaving this line in place; and

WHEREAS, the Mayor and Council of the city of Goodyear, Arizona find it in the best interest of the city of Goodyear and its residents, for the city to assume ownership of the 24" abandoned RID line located within the right-of-way of a section of South Village Blvd. and 161st Ave, north of W. Elwood St., pursuant to the terms and conditions set forth in that certain Assignment and Assumption of Irrigation Facilities Agreement, a copy of which is attached hereto as Exhibit A and which is incorporated herein by this reference;

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

SECTION 1. FINDINGS AND APPROVING ASSIGNMENT AGREEMENT.

The Mayor and Council of the city of Goodyear find the approval of the Assignment and Assumption of Irrigation Facilities Agreement by and between the city of Goodyear, an Arizona municipal corporation and the Roosevelt Irrigation District, an Arizona municipal corporation, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference (the "Assignment Agreement") to be in the best interest of the city of Goodyear and its residents and hereby approve the Assignment Agreement.

SECTION 2. AUTHORIZATION AND DIRECTION TO EXECUTE AGREEMENT.

Unless the authorization granted herein has been revoked as set forth in Section 3 below, the City Manager or her designee is hereby authorized and directed to execute the Assignment Agreement, following written notification from an authorized agent of the Roosevelt Irrigation District that the Board of Directors of the Roosevelt Irrigation District has approved the Assignment Agreement.

SECTION 3. REVOCATION OF AUTHORIZATION.

If the City Manager has not received written notification from an authorized agent of the Roosevelt Irrigation District, that the Board of Directors of the Roosevelt Irrigation District has approved the Assignment Agreement within six months of the date this Resolution is passed and adopted by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, the authorization to execute the Assignment Agreement is hereby revoked and the Assignment Agreement shall not be executed.

SECTION 4. AUTHORIZATION AND DIRECTION TO ACT.

The City Manager or her designee is hereby authorized and directed to take any and all actions and to execute all documents necessary to carry out the intent of this Resolution, and the terms of the Assignment Agreement.

SECTION 5. EFFECTIVE DATE.

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

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