

## **RESOLUTION NO. 2020-2062**

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; DECLARING A PUBLIC UTILITY, SIDEWALK AND ACCESS EASEMENT; PROVIDING FOR RECORDATION OF THE RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE 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 182<sup>nd</sup> 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 9.22 and 9.24 A&B (“Final Plat”) which is adjacent to West Mountain Vista Drive and west of South 182<sup>nd</sup> Drive; and

WHEREAS, the West Mountain Vista Drive entry location is being relocated 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”; and

WHEREAS, in order to accommodate any utilities that may be located in the area being abandoned, the City is reserving a Public Utility, Sidewalk and Access Easement over the area being abandoned; and

WHEREAS, city staff has confirmed that Final Plat provides adequate access to all lots and tracts within the Final Plat; 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 portion of the West Mountain Vista Drive depicted and legally described in the attached Exhibit “A” is not necessary for street right-of-way and will not be needed following the approval and recordation of the Final Plat but that a Public Utility, Sidewalk and Access Easement is needed within such area; and

WHEREAS, the City Council finds that consideration and other public benefit commensurate with the value of the City’s interest in the portion of the West Mountain Vista Drive depicted and legally described in the attached Exhibit “A” being abandoned, including the reservation of the Public Utility, Sidewalk and Access Easement, and 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

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 except that the City of Goodyear specifically reserves for itself a Public Utility, Sidewalk and Access Easement over the area depicted and legally described in Exhibit A attached hereto and incorporated herein by this reference. Such public utility easement is for the purposes of installing, operating, maintaining, replacing and/or repairing any public utilities in, over above and under the Public Utility Easement Area by the City of Goodyear and its permittees and 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 area depicted and legally 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 2. EFFECTIVE DATE OF THE ABANDONMENT AND DECLARATION OF A PUBLIC UTILITY, SIDEWALK AND ACCESS EASEMENT

The vacating/abandonment of the street provided for in Section 1 and the reservation of the Public Utility, Sidewalk and Access Easement provided for in Section 1 above shall become effective upon the recordation of this Resolution 2020-2062 and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3 RECORDATION OF RESOLUTION

This Resolution 2020-2062 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 9.22 and 9.24 A&B approved this 8<sup>th</sup> day of June, 2020 have been satisfied; (ii) the Final Plat of Estrella Parcel 9.22 and 9.24 A&B has been fully executed; and (iii) the City Engineer or his/her designee is prepared and has received direction to record the Final Plat of Estrella Parcel 9.22 and 9.24 A&B. The City Clerk shall record this Resolution 2020-2062 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 2020-2062 have been satisfied; and immediately following the

recordation of this Resolution 2020-2062, 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.

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\_\_\_\_\_.

\_\_\_\_\_  
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. 2020-2062 is a true, correct and accurate copy of Resolution No. 2020-2062, 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

**EXHIBIT “A”**

**LEGAL DESCRIPTION FOR**

**Partial Right-of-Way Abandonment**

**West Mountain Vista Drive**

**(on the following pages)**

EXHIBIT "A"  
LEGAL DESCRIPTION FOR  
**PARTIAL RIGHT-OF-WAY ABANDONMENT**  
**WEST MOUNTAIN VISTA DRIVE**

All that certain lot, tract, or parcel of land, situated in a portion of the Northwest Quarter of Section 34, Township 1 South, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

**COMMENCING** at a found GLO brass cap for the Northwest corner of said Section 34, from which a found GLO brass cap for the West Quarter corner of said Section 34 bears South 0 deg. 41 min. 9 sec. West (Basis of Bearings) - 2621.64 feet;

**THENCE** South 0 deg. 41 min. 9 sec. West along the West line of the Northwest Quarter of said Section 34, a distance of 813.42 feet;

**THENCE** South 89 deg. 18 min. 51 sec. East departing said West line, a distance of 1,893.65 feet to a point in the South right-of-way line of West Mountain Vista Drive as shown in the Map of Dedication recorded in Book 1059 of Maps, Page 15, MCR, said point being the **TRUE POINT OF BEGINNING**;

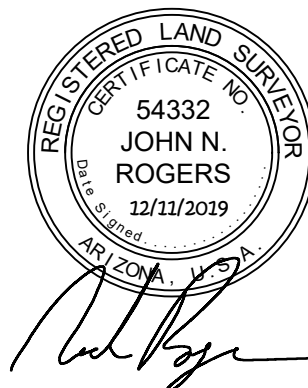
**THENCE** North 77 deg. 3 min. 0 sec. East departing said South right-of-way line, a distance of 104.00 feet to the South right-of-way line of said West Mountain Vista Drive;

**THENCE** South 32 deg. 3 min. 0 sec. West along said South right-of-way line, a distance of 16.97 feet;

**THENCE** South 77 deg. 3 min. 0 sec. West along said South right-of-way line, a distance of 80.00 feet;

**THENCE** North 57 deg. 57 min. 0 sec. West along said South right-of-way line, a distance of 16.97 feet to the **POINT OF BEGINNING**, containing 1,104 square feet or 0.025 acres of land, more or less.

*Exhibit map attached and made a part hereof.*



# POINT OF COMMENCING

FND. GLO BRASS CAP  
NW 1/4 COR. SEC. 34  
T1S, R2W

ESTRELLA PARCEL 9.31  
BK. 1464 OF MAPS, PG. 3, MCR

**SOUTH 184TH DRIVE**

**WEST MOUNTAIN VISTA DRIVE**  
(BK. 1059 OF MAPS, PG. 15, MCR)

RIGHT-OF-WAY ABANDONMENT  
1,104 SQ. FT. / 0.025 AC.

S 89°18'51" E 1893.65'

**POINT OF BEGINNING**

NNP III ESTRELLA MOUNTAIN RANCH LLC  
2013-0589950, MCR

## LINE TABLE

LINE #	BEARING	DISTANCE
L1	N77°03'00"E	104.00
L2	S32°03'00"W	16.97
L3	S77°03'00"W	80.00
L4	N57°57'00"W	16.97

**BASIS OF BEARINGS**

S 00°41'09" W 2621.64'  
1808.22'

FND. GLO BRASS CAP  
WEST 1/4 COR. SEC. 34  
T1S, R2W



0 50  
SCALE IN FEET

**EXHIBIT "A" MAP SHOWING  
PARTIAL RIGHT-OF-WAY ABANDONMENT, FOR WEST  
MOUNTAIN VISTA DRIVE SITUATED IN A PORTION  
OF THE NORTHWEST QUARTER OF SECTION 34, T1S, R2W  
OF THE G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA**

**GOODWIN AND  
MARSHALL INC.**

**CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS**

2705 S. Alma School Road, Suite 2  
Chandler, Arizona 85044  
(602) 218-7285

Scale: 1" = 50'

Date: 12/11/2019

Job No.: 10813A

Drafted: P.R.L.

Checked: J.N.R.

Sheet

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of

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