

RESOLUTION NO. 2020-2079

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ESTABLISHMENT OF PUBLIC RIGHT-OF-WAY AND THE ESTABLISHMENT OF A PUBLIC UTILITY, SIDEWALK AND ACCESS EASEMENT FOR THE DEVELOPMENT OF A PORTION OF INDIAN SCHOOL ROAD; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant the power vested in the city of Goodyear (“City”) by its Charter and pursuant to A.R.S. § 9-276, the Mayor and Council of the city of Goodyear have the power to establish, construct, improve, regulate vacate, modify roadways open to the public; and

WHEREAS, pursuant to the power vested in the city of Goodyear (“City”) by its Charter, and pursuant to A.R.S. § 9-499.01, the Mayor and Council of the city of Goodyear have the power to administer and establish public utility easements; and

WHEREAS, the city owns a certain parcel of real property, located at the northwest corner of Cotton Lane and Indian School Road, which was deeded to the city in the Special Warranty Deed recorded as Document No. 2003-0588322 in the records of the Maricopa County Recorder (the “City Property”); and

WHEREAS, the City Property is currently developed as a drainage and retention basin for storm water runoff from Cotton Lane and Indian School Road in their ultimate build-out condition; and

WHEREAS, the half-street improvements for the north-half of Indian School Road, located on the south side of the City Property, are to be constructed in connection with the development of the property located to the west of the City property; and

WHEREAS, for the city to finalize the plans and for the developer to proceed with the construction, the city must declare the portion of the City Property described and depicted in the attached Exhibit “A” as public right-of-way and establish a public utility and sidewalk easement over the portion of the City Property described and depicted in the attached Exhibit “B”; and

WHEREAS, it is in the best interest of the public for the portion of the City Property described and depicted in Exhibit “A” to be declared as public street and to establish a public utility, sidewalk and access easement on the portion of the City Property described and depicted in Exhibit “B”, both of which shall be owned and maintained by the city.

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

SECTION 1. The Mayor and Council of the city of Goodyear find and determine that the public health, safety and welfare of the city require that the portion of the City Property, more particularly described and depicted in Exhibit “A” attached hereto and by reference made a part hereof, be formally declared as public right-of-way and the portion of the City Property, more particularly described and depicted in Exhibit

"B" attached hereto and by reference made a part hereof, be declared as Public Utility, Sidewalk and Access Easement for present and prospective use by the city of Goodyear, it directors, officers, employees, agents, representatives, permittees and franchisees.

SECTION 2. The city of Goodyear, an Arizona municipal corporation, including its heirs, successors and assigns, as owner of that real property more particularly described and depicted in Exhibit "A" attached hereto and by reference made a part hereof, hereby declare such property to be public right-of-way and maintained by the city of Goodyear.

SECTION 3. The City of Goodyear, an Arizona municipal corporation, including its heirs, successors and assigns, as owner of that real property more particularly described and depicted in Exhibit "B" attached hereto and by reference made a part hereof, hereby declares a Public Utility Easement on, over, under, across, above and through the real property described in Exhibit "B", for the purposes of installing, operating, maintaining replacing and or repairing public utilities and public sidewalks in, over, above and under the real property described in Exhibit "B" by the city of Goodyear and its permittees and for the use of the public sidewalks by the general public. It is the express intent of the city of Goodyear that this easement not be extinguished by, merged into, modified, or otherwise deemed affected by reason of the city of Goodyear's ownership of the underlying fee property interest.

SECTION 4. This Resolution shall become effective on the date it is passed and adopted by the Mayor and Council of the city of Goodyear. The City Clerk shall cause a certified copy of this Resolution, including Exhibits A and B, to be recorded in the official records of the Maricopa County Recorder.

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. 2020-2079 is a true, correct and accurate copy of Resolution No. 2020-2079, 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 Establishing Public Right of Way

(on the following pages)

EXHIBIT "A"
LEGAL DESCRIPTION FOR
RIGHT-OF-WAY

All that certain lot, tract, or parcel of land, situated in a portion of the Southeast Quarter of Section 23, Township 2 North, 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 Maricopa County aluminum cap stamped "RLS#21080" for the South Quarter corner of said Section 23, from which a found brass cap in handhole for the Southwest corner of said Section 23 bears North 89 deg. 59 min. 41 sec. West (Basis of Bearings) - 2,639.84 feet and from which a previously found City of Goodyear Brass cap (now obliterated) for the Southeast corner of said Section 23 bears South 89 deg. 59 min. 49 sec. East - 2,639.88 feet;

THENCE South 89 deg. 59 min. 49 sec. East along the South line of the Southeast Quarter of said Section 23, a distance of 2,406.88 feet;

THENCE North 00 deg. 13 min. 42 sec. East departing said South line and being 233.00 feet West of and parallel with the East line of the Southeast Quarter of said Section 23, a distance of 33.00 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 00 deg. 13 min. 42 sec. East, a distance of 40.02 feet;

THENCE North 88 deg. 43 min. 48 sec. East, a distance of 136.09 feet;

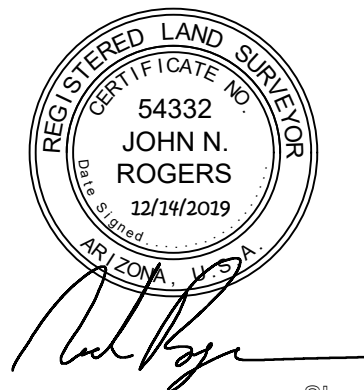
THENCE North 45 deg. 06 min. 57 sec. East, a distance of 45.28 feet;

THENCE South 89 deg. 46 min. 18 sec. East, a distance of 32.00 feet;

THENCE South 00 deg. 13 min. 42 sec. West being 33.00 feet West of and parallel with the East line of the Southeast Quarter of said Section 23, a distance of 74.87 feet;

THENCE North 89 deg. 59 min. 49 sec. West being 33.00 feet North of and parallel with the South line of the Southeast Quarter of said Section 23, a distance of 200.00 feet to the **POINT OF BEGINNING**, containing 9,935 square feet or 0.228 acres of land, more or less.

Exhibit map attached and made a part hereof.



LINE TABLE

| LINE # | BEARING | DISTANCE |
|--------|-------------|----------|
| L1 | N00°13'42"E | 33.00 |
| L2 | N00°13'42"E | 40.02 |
| L3 | N88°43'48"E | 136.09 |
| L4 | N45°06'57"E | 45.28 |
| L5 | S89°46'18"E | 32.00 |
| L6 | S00°13'42"W | 74.87 |
| L7 | N89°59'49"W | 200.00 |

FND. M.C.D.O.T.
BRASS CAP, FLUSH
E 1/4 COR. SEC. 23,
T2N, R2W

N 00°13'42" E 2603.23'

N. COTTON LANE

CALCULATED POSITION OF C.O.G. BRASS CAP
DESTROYED IN CONSTRUCTION, LOCATION IS
PER PREVIOUS SURVEYS, SEC COR. SEC. 23, T2N, R2W

RIGHT-OF-WAY
9,935 SQ. FT. / 0.228 AC.

RADOS PROPERTIES - CALIFORNIA LAND LLC
2016-0467332, MCR

POINT OF BEGINNING

10' PUE PER
2010-0872258, MCR

65.11' R/W PER
2010-0872257, MCR

BASIS OF BEARINGS

N 89°59'41" W 2639.84'

2406.88'

S 89°59'49" E 2639.88'

FND. BRASS CAP
IN HANDHOLE
SW COR. SEC. 23,
T2N, R2W

W. INDIAN SCHOOL ROAD

POINT OF COMMENCING

FND. MARICOPA COUNTY ALUMINUM
CAP, RLS#21080, S 1/4 COR. SEC. 23, T2N, R2W

**EXHIBIT "A" MAP SHOWING
RIGHT-OF-WAY, SITUATED IN A PORTION
OF THE SOUTHEAST QUARTER OF SECTION 23, T2N, 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" = 200'

Date: 12/14/2019

Job No.: 10861A

Drafted: J.N.R.

Checked: J.N.R.

Sheet

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of

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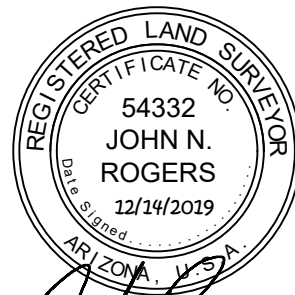


EXHIBIT “B”

Legal Description for Establishing Public Utility Sidewalk and Access Easement

(on the following pages)

EXHIBIT "A"
LEGAL DESCRIPTION FOR
10' PUBLIC UTILITY EASEMENT

All that certain lot, tract, or parcel of land, situated in a portion of the Southeast Quarter of Section 23, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

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THENCE South 89 deg. 59 min. 49 sec. East along the South line of the Southeast Quarter of said Section 23, a distance of 2,406.88 feet;

THENCE North 00 deg. 13 min. 42 sec. East departing said South line and being 233.00 feet West of and parallel with the East line of the Southeast Quarter of said Section 23, a distance of 73.02 feet to the **TRUE POINT OF BEGINNING**;

THENCE North 00 deg. 13 min. 42 sec. East, a distance of 10.00 feet;

THENCE North 88 deg. 43 min. 48 sec. East, a distance of 131.83 feet;

THENCE North 45 deg. 06 min. 57 sec. East, a distance of 45.43 feet;

THENCE South 89 deg. 46 min. 18 sec. East, a distance of 36.15 feet;

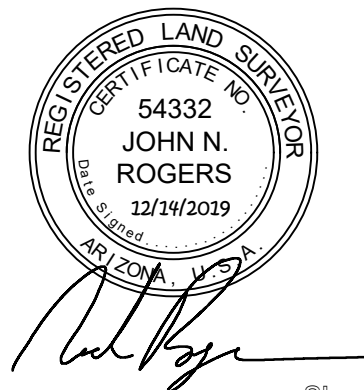
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THENCE North 89 deg. 46 min. 18 sec. West, a distance of 32.00 feet;

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Exhibit map attached and made a part hereof.



LINE TABLE

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| L1 | N00°13'42"E | 73.02 |
| L2 | N00°13'42"E | 10.00 |
| L3 | N88°43'48"E | 131.83 |
| L4 | N45°06'57"E | 45.43 |
| L5 | S89°46'18"E | 36.15 |
| L6 | S00°13'42"W | 10.00 |
| L7 | N89°46'18"W | 32.00 |
| L8 | S45°06'57"W | 45.28 |
| L9 | S88°43'48"W | 136.09 |

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FND. BRASS CAP
IN HANDHOLE
SW COR. SEC. 23,
T2N, R2W

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10' PUBLIC UTILITY EASEMENT, SITUATED IN A PORTION
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OF THE G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA**

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