

RESOLUTION NO. 2020-2100

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING A PORTION OF 175th AVENUE BETWEEN THE UNION PACIFIC RAILROAD AND MC-85 UNNECESSARY FOR PUBLIC ROADWAY AND VACATING THE ROADWAY; PROVIDING FOR THE RECORDATION OF THE RESOLUTION; AND PROVIDING FOR EFFECTIVE DATES OF THE ABANDONMENT AND RESOLUTION.

WHEREAS, in 1987 AMCOR Investments, a California corporation provided a Quit Claim Deed to the City of Goodyear for the portion of 175th Avenue alignment that is located between the Union Pacific Railroad and MC-85; and

WHEREAS, this portion of 175th Avenue bisects property owned by BT Goodyear, LLC, an Arizona limited liability company (“BT Goodyear”); and

WHEREAS, BT Goodyear has filed an application with the city to abandon this portion of the 175th Avenue as more particularly described in Exhibit “A” attached hereto and incorporated herein (“175th Avenue Abandonment Area”) to allow the two parcels to be developed without the separation created by a bisecting roadway; and

WHEREAS, the 175th Avenue Abandonment Area has not been used as a public right-of-way, and no street improvements have been constructed within the 175th Avenue Abandonment Area; and

WHEREAS, City staff has confirmed that the 175th Avenue Abandonment Area is not part of the City’s Master Transportation Plan and is not needed for public right-of-way; and

WHEREAS, because there is an existing natural gas line located in the 175th Avenue Abandonment Area, the City granted Southwest Gas Corporation a gas line easement within the 175th Avenue Abandonment Area, which was a condition of Southwest Gas Corporation’s consent to the abandonment of the 175th Abandonment Area; and

WHEREAS, because the city has received utility clearances confirming there are no additional existing public utilities within the 175th Avenue Abandonment 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 the 175th Avenue described in Exhibit “A” is unnecessary for public roadway purposes; and

WHEREAS, the market value of the City’s interest in the property legally described and depicted in Exhibit A is nominal and the City will receive consideration for the abandonment of such interests in the form of tax revenues gained by the development of the BT Goodyear 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 public roadway.

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 portion of the 175th Avenue alignment, as more particularly described Exhibit "A" attached hereto and incorporated herein by reference is unnecessary for public roadway purposes and is hereby vacated pursuant to A.R.S. § 28-7205.

SECTION 2. The public roadway shall be vacated as provided for in Section 2 and this vacation shall become effective upon the recordation of this Resolution 2020-2100 and its exhibit with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. Pursuant to A.R.S. § 28-7205, title to the property being vacated and abandoned herein shall vest, subject to all existing encumbrances, liens, limitations, restrictions and estates, to the owners of record of the land abutting the property as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference as of the date this Resolution is recorded.

SECTION 4. The City Clerk shall record this Resolution 2020-2100 including Exhibit "A" attached hereto with the office of the County Recorder for Maricopa County, Arizona within ten (10) days of the effective date of this Resolution.

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

STATE OF ARIZONA)
) ss.
County of Maricopa)

Given under my hand and sealed this _____ day of _____, 20____.

City Clerk

Exhibit “A”

Legal Description
175th Avenue Abandonment Area

(on the following pages)

EXHIBIT "A"

July 22, 2019

LEGAL DESCRIPTION FOR
RUBBERMAID
175TH AVENUE ABANDONMENT

A strip of land as described in Document No. 87-187212, Records of Maricopa County, Arizona, being situated in the North Half of Section 26, Township 1 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, said strip being 130.00 feet wide lying 65.00 feet on each side of the following described centerline:

Commencing at the City of Goodyear Brass Cap in handhole marking the North Quarter Corner of said Section 26, from which the Aluminum Cap in handhole marking the Northeast Corner of said Section 26 bears South 89°38'05" East, a distance of 2,648.28 feet;

Thence South 00°18'20" West, along the West line of the Northeast Quarter of said Section 26, a distance of 961.62 feet to the beginning of a tangent curve of 1,000.00 foot radius, concave Easterly;

Thence Southerly, along said curve, through a central angle of 05°48'36", a distance of 101.40 feet to the Southerly right-of-way line of the Union Pacific Railroad, being the Point of Beginning;

Thence continuing Southerly, along said curve, through a central angle of 24°10'24", a distance of 421.90 feet to the Northerly right-of-way line of MC85 and the Terminus of the above described centerline.

The side lines of said 130.00 foot strip to be extended or shortened to terminate at said right-of-way lines.

Containing 54,863 Square Feet or 1.259 Acres, more or less.

