

RESOLUTION NO. 2022-2201

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY VACATING A PORTION OF A STREET KNOWN AS LOWER BUCKEYE ROAD ALONG THE NORTHERN BOUNDARY OF THE PROPERTY WITHIN THE FINAL PLAT OF AVION AT BALLPARK VILLAGE PHASE 1B; EXTINGUISHING CITY'S EASEMENT INTEREST PORTION OF LOWER BUCKEYE ROAD BEING VACATED; AND PROVIDING: EFFECTIVE DATE FOR VACATING STREET AND EXTINGUISHMENT OF EASEMENT, DIRECTION, AND EFFECTIVE DATE OF RESOLUTION.

WHEREAS, in September 1927, Maricopa County recorded a Road Map at Book 3, Page 16 in the Maricopa County Records, which depicts a 66-foot roadway for what is now known as Lower Buckeye Road. A 33-foot portion of the roadway lies on the north side of Section 19, Township 1 North, Range 1 West: and

WHEREAS, in February 1966, Maricopa County acquired an Easement for Highway Purposes, recorded on February 9, 1966 as Docket 5916, Page 592 of the Maricopa County Records. This easement is for a 7-foot area which lies adjacent to the south side of the 33-foot portion of Lower Buckeye Road declared in 1927; and

WHEREAS, in February of 1987 the city annexed Lower Buckeye Road by Ordinance 1987-0200, Recorded as Document of 1987-0367423 of the Maricopa County Records, wherein all of Maricopa County's interest in of the portions of Lower Buckeye Road included in the Ordinance 1987-0200 was transferred to the city; and

WHEREAS, on October 26, 2020, the Goodyear City Council adopted Ordinance 2020-1480, re-zoning approximately 153.6 acres to the Final Planned Area Development (PAD) District for the development to be known as Avion at Ballpark Village; and

WHEREAS, Avion at Ballpark Village is bounded by Lower Buckeye Road on the north, Elwood Street on the south, Estrella Parkway on the east and Sarival Village on the west; and

WHEREAS, the existing section of Lower Buckeye Road along the northern boundary of Avion at Ballpark Village property dead ends at Sarival Village; and

WHEREAS, there will be no road connections between Avion at Ballpark Village and Sarival Village; and

WHEREAS, the city is processing a Final Plat of Avion at Ballpark Village-Phase 1A (the "Avion Phase 1A Final Plat") and a Final Plat of Avion at Ballpark Village – Phase 1B (the "Avion Phase 1B Final Plat"); and

WHEREAS, the planned development for the portion of the Avion at Ballpark Village property within the Avion Phase 1B Final Plat, that is located on the south side of Lower Buckeye Road contemplates a single-entry point into the property off of Lower Buckeye Road located near the eastern boundary of the property within the Avion Phase 1B Final Plat; and

WHEREAS, the city has been asked to declare the portion of Lower Buckeye Road as described and depicted in Exhibit A (the "Abandonment Area") as not being necessary for public use as roadway and to relinquish its interest in the Abandonment Area;

WHEREAS, city staff has concluded that the Abandonment Area is no longer necessary for public use as roadway because Lower Buckeye Road terminates at the western boundary of Avion at Ballpark Village and because it is not needed to provide access into the property included within the Final Plat of Avion at Ballpark Village – Phase 1B; and

WHEREAS, the utility clearances have been provided to the city confirming there are no existing public utilities within the Abandonment Area; and

WHEREAS, city staff has confirmed that the Avion at Ballpark Village – Phase 1B Final Plat, upon recordation, provides adequate access to all lots and tracts within the Avion at Ballpark Village – Phase 1B 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 use as a roadway; and

WHEREAS, pursuant to A.R.S. § 28-7214, the Goodyear City Council is vested with the power to extinguish right-of-way easements when the city does not own title to a roadway but holds right-of-way easements; and

WHEREAS, the Goodyear City Council finds that the portion of the Lower Buckeye Road included within the property legally described and depicted in the attached Exhibit “A” is not necessary for public streets and there are no public utilities needed within this area; and

WHEREAS, the Goodyear City Council finds and determines that the portion of Lower Buckeye Road described and depicted in Exhibit “A” (the “Abandonment Area”) is unnecessary for public roadway purposes; and

WHEREAS, pursuant to A.R.S. § 28-7208, giving due consideration of the degree of fragmentation and marketability of the real property interests being relinquished (i.e. easement rights within the Abandonment Area), the City Council, finds that the market value of the city’s real property interests in the Abandonment Area is nominal, and that the city will receive consideration and other public benefit commensurate with the value of the city’s easement interests in the Abandonment Area in the form of tax revenues gained by the development of Avion at Ballpark Village, the elimination of the city’s responsibility for maintaining road improvements within the Abandonment Area, and relief from potential liability for property damages, injury or death that may occur in within the right-of-way being abandoned and the easement being terminated.

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

SECTION 1. VACATING OF ROADWAY

Subject to the terms and conditions set forth below, the Mayor and Council of the City of Goodyear find and determine that the portion of Lower Buckeye Road described and depicted in 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. EXTINGUISHMENT AND TERMINATION

Pursuant to A.R.S. § 28-7214, and subject to the terms and conditions set forth below, the City of Goodyear hereby extinguishes and terminates any interest it has in any right-of-way/road easements created by the recordation of Road Map at Book 3, Page 16 recorded on September 13, 1927 in the Maricopa County Records and the Easement for Highway Purposes, recorded on February 9, 1966 as Docket 5916, Page 592 of the Maricopa County Records solely with respect to the property legally described and depicted in Exhibit A attached hereto and incorporated herein by this reference.

SECTION 3. EFFECTIVE DATE FOR VACATING ROADWAY AND EXTINGUISHING EASEMENTS

The vacating of the portion of Lower Buckeye Road described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference described in Section 1 above and the extinguishment and termination of the City's interest in any right-of-way/road easements within the portion of Lower Buckeye Road described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference described in Section 2 above shall become effective upon the recordation of this Resolution 2022-2201 and its exhibits with the office of the County Recorder for Maricopa County, Arizona.

SECTION 4. CONDITIONS FOR RECORDATION OF RESOLUTION

This Resolution 2022-2201 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 Avion at Ballpark Village-Phase 1B approved this 10th day of January, 2022 have been satisfied; and (ii) the City Engineer or his/her designee is prepared and has received direction to record the Final Plat of Avion at Ballpark Village-Phase 1B. The City Clerk shall record this Resolution 2022-2201 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 2022-2201 have been satisfied; and immediately following the recordation of this Resolution 2022-2201, the City shall record the Final Plat for Avion at Ballpark Village – Phase 1B referred to herein.

SECTION 5. EXPIRATION OF APPROVAL

If this Resolution is not recorded within one year of the date this Resolution is passed and adopted by the Goodyear City Council, then this Resolution shall not be recorded and the vacating of the portion of Lower Buckeye Road described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference (the "Abandonment Area") and the termination and extinguishment of the City's easement rights within the Abandonment Area created by the recordation of Road Map at Book 3, Page 16 recorded on September 13, 1927 in the Maricopa County Records and the Easement for Highway Purposes, recorded on February 9, 1966 as Docket 5916, Page 592 as provided in Sections 1 and 2 above shall not become effective.

SECTION 6 EFFECTIVE DATE OF 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, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

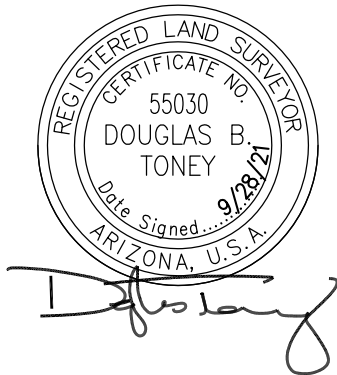


Exhibit A

September 28, 2021
Project # 090568-01-001

LEGAL DESCRIPTION ROW ABANDONMENT PHASE 1B

THAT PORTION OF THE NORTHEAST QUARTER OF SECTION 19, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 19, BEING MARKED BY AN ALUMINUM CAP, FROM WHICH POINT THE NORTHEAST CORNER OF SAID SECTION 19, BEING MARKED BY A BRASS CAP IN HAND HOLE, BEARS NORTH 89°57'14" EAST (BASIS OF BEARINGS), A DISTANCE OF 2598.60 FEET;

THENCE NORTH 89°57'14" EAST, ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 737.45 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT, CONCAVE NORTHEASTERLY AND HAVING A RADIUS POINT THAT BEARS NORTH 66°22'33" EAST, A RADIAL DISTANCE OF 50.00 FEET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 66°25'19", AN ARC DISTANCE OF 57.96 FEET TO A POINT OF TANGENCY ON THE SOUTH LINE OF THE NORTH 30 FEET OF SAID NORTHEAST QUARTER;

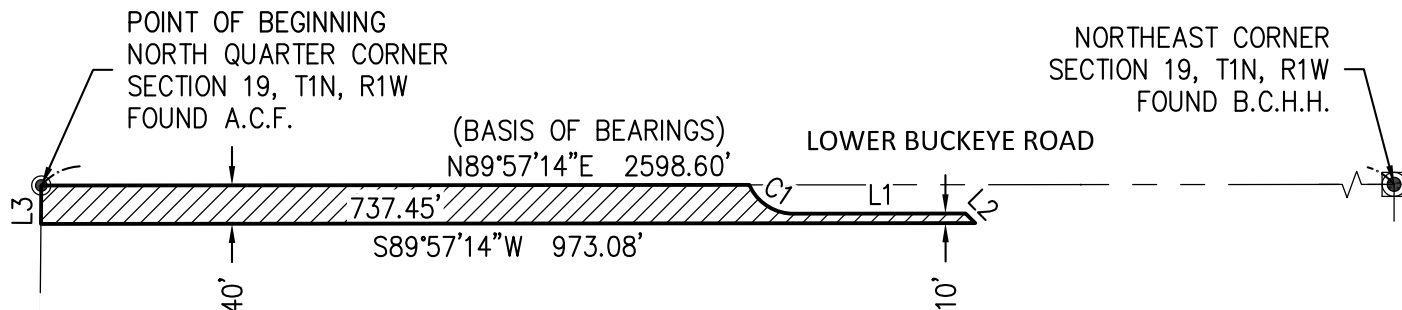
THENCE NORTH 89°57'14" EAST, ALONG SAID SOUTH LINE, A DISTANCE OF 179.44 FEET;

THENCE SOUTH 45°01'23" EAST, A DISTANCE OF 14.14 FEET TO THE SOUTH LINE OF THE NORTH 40 FEET OF SAID NORTHEAST QUARTER;

THENCE SOUTH 89°57'14" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 973.08 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER;

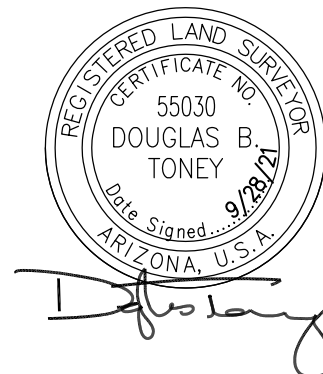
THENCE NORTH 00°29'22" EAST, ALONG SAID WEST LINE, A DISTANCE OF 40.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 32,192 SQ.FT. OR 0.7390 ACRES, MORE OR LESS.



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	179.44'	N89°57'14"E
L2	14.14'	S45°01'23"E
L3	40.00'	N00°29'22"E

CURVE TABLE			
CURVE #	LENGTH	RADIUS	DELTA
C1	57.96'	50.00'	066°25'19"



Name: Phase 1B Abandonment

North: 881016.404' East: 552299.133'

Segment #1 : Line

Course: N89°57'14"E Length: 737.45'
North: 881016.997' East: 553036.583'

Segment #2 : Curve

Length: 57.96' Radius: 50.00'
Delta: 066°25'19" Tangent: 32.73'
Chord: 54.77' Course: S56°50'07"E
Course In: N66°22'33"E Course Out: S00°02'46"E
RP North: 881037.034' East: 553082.393'
End North: 880987.034' East: 553082.433'

Segment #3 : Line

Course: N89°57'14"E Length: 179.44'
North: 880987.178' East: 553261.873'

Segment #4 : Line

Course: S45°01'23"E Length: 14.14'
North: 880977.184' East: 553271.876'

Segment #5 : Line

Course: S89°57'14"W Length: 973.08'
North: 880976.401' East: 552298.796'

Segment #6 : Line

Course: N00°29'22"E Length: 40.00'
North: 881016.399' East: 552299.138'

Perimeter: 2002.07' Area: 32192 Sq. Ft.
Error Closure: 0.006 Course: S43°38'03"E
Error North: -0.0044 East: 0.0042

Precision 1: 333678.33

