

RESOLUTION NO. 2022-2269

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING AN EXCLUSIVE UTILITY EASEMENT WITHIN FUTURE ALIGNMENTS OF BROADWAY ROAD AND 159TH AVENUE, PROVIDING DIRECTION REGARDING THE RECORDATION OF THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE.

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 utility easements; and

WHEREAS, the City owns real property located south of MC-85 and west of Estrella Parkway that it acquired for various City facilities (the "City Property"); and

WHEREAS, the City Property includes property located within sections of the 159th Avenue and the Broadway Road future alignments (the "Road Alignment Properties"); and

WHEREAS, the 159th Avenue and Broadway Road have not been constructed within the Road Alignment Properties Property; and

WHEREAS, City-owned sanitary sewer lines and a reclaimed water line were installed within Road Alignment Properties located within the City Property; and

WHEREAS, the City has completed construction of the surface water pipeline project, which included the placement of a portion of the surface water pipeline adjacent to the existing sanitary sewer lines and a reclaimed water line within the Road Alignment Properties; and

WHEREAS, the Road Alignment Properties have not been declared or established as public roads; and

WHEREAS, it is not clear if or when, the sections of 159th Avenue and Broadway Road will be constructed within Road Alignment Properties in which the existing sanitary sewer lines, reclaimed water line, and surface water pipeline are located; and

WHEREAS, the City has determined it is in its best interest to declare an exclusive utility easement, for city utilities in the location described and depicted on the attached Exhibit "A," to provide record notice of the utility easement on the City Property in the Maricopa County recorder's office.

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 it is in the interest of the public health, safety, and welfare of the city to establish, for the benefit and exclusive use by the City of Goodyear, an exclusive utility easement in the locations described and depicted in Exhibit "A".

SECTION 2. The Mayor and Council of the City of Goodyear hereby declare the establishment of an exclusive utility easement to and for the benefit of the City of Goodyear, on, over, under, across, above, and through the real property described in

"Exhibit "A", attached hereto and incorporated herein by this reference (the "Easement Area"), for use by the City of Goodyear, its representatives, agents, and contractors, including sub-contractors, for the following purposes: for entering upon, operating, inspecting, constructing, maintaining, repairing, replacing utility facilities owned and operated by the City of Goodyear, including water lines, sewer lines, telemetering, communications equipment, and appurtenances thereto together with the right of access to the Easement Area for the purposes stated herein. No merger of title, estate, or interest shall be deemed effected by the City of Goodyear's current fee ownership in the property described in Exhibit "A", and 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 any other interest or estate in the property described in Exhibit "A," now or hereafter held by the City of Goodyear or its successors or assigns.

SECTION 3. The Mayor and Council of the City of Goodyear hereby direct the City Manager or his/her designee to record or cause to be recorded this Resolution declaring an exclusive utility easement for the benefit of the City of Goodyear.

SECTION 4. The utility easement established herein shall become effective upon the recordation of this Resolution in the official records of the Maricopa County Recorder.

SECTION 5. This Resolution shall become effective upon its adoption by the Mayor and Council of the City of Goodyear.

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"

City Property – Legal Descriptions

LEGAL DESCRIPTION
APN: 500-83-008L
NEW EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF LAND DESCRIBED AS PARCEL NO. 1 IN DOCUMENT 2002-1214164, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN ALUMINUM CAP FLUSH MARKING THE NORTH QUARTER CORNER OF SAID SECTION 30, FROM WHICH A BRASS CAP IN HAND HOLE MARKING THE NORTHEAST CORNER OF SAID SECTION 30, BEARS SOUTH 89 DEGREES 59 MINUTES 17 SECONDS EAST (BASIS OF BEARINGS AS SHOWN ON BOOK 694, PAGE 38, MARICOPA COUNTY RECORDS), A DISTANCE OF 2615.76 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 30, SOUTH 89 DEGREES 59 MINUTES 17 SECONDS EAST, A DISTANCE OF 1307.88 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 13 MINUTES 34 SECONDS WEST, A DISTANCE OF 70.00 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 17 SECONDS WEST, A DISTANCE OF 1222.87 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 53 SECONDS WEST, A DISTANCE OF 1253.01 FEET;

THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 85.00 FEET TO THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 30;

THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF 1323.03 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 198,058 SQUARE FEET OR 4.55 ACRES, MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.



N 1/4 CORNER
SEC. 30,
T1N, R1W
FD. ALUMINUM
CAP FLUSH
POB

NE CORNER
SEC. 30,
T1N, R1W
FD. BCHH

W. BROADWAY ROAD(ALIGNMENT)

(BASIS OF BEARINGS)
S89°59'17"E 2615.76'

500-83-008L
CITY OF GOODYEAR
PARCEL NO. 1
DOC. 2002-1214164, MCR

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°59'17"E	1307.88'
L2	S00°13'34"W	70.00'
L3	N89°59'17"W	1222.87'
L4	S00°12'53"W	1253.01'
L5	N90°00'00"W	85.00'
L6	N00°12'53"E	1323.03'

- ① 25' SEWER ESMT
DOC. 2001-0721663, MCR
- ② 30' SEWER ESMT
DKT. 15438, PG. 600, MCR

NEW EASEMENT
198,058 SQ. FT. OR 4.55 ACRES MORE OR LESS
71,441 SQ. FT. OR 1.64 ACRES MORE OR LESS
(WITHIN EXISTING EASEMENTS)
126,617 SQ. FT. OR 2.91 ACRES MORE OR LESS
(OUTSIDE OF EXISTING EASEMENTS)

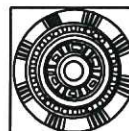


CENTER CORNER
SEC. 30, T1N, R1W
FD. 1/2" REBAR

LEGEND

- = SECTION LINE
- = PROPERTY LINE
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING
- ROW = RIGHT-OF-WAY
- ESMT = EASEMENT
- MCR = MARICOPA COUNTY RECORDER
- FD. = FOUND
- BCHH = BRASS CAP IN HAND HOLE
- /// = NEW EASEMENT

EXHIBIT "A"



AZTEC ENGINEERING
4561 E. McDowell Rd., Phoenix, AZ 85008
Tel(602)454-0402 Fax(602)454-0403
website: www.aztec.us

DR: GLG	CK: CWH	SHEET	TOTAL	
DATE: 4-11-19	REV:	NO.	SHEETS	
N.T.S.		1	1	