

RESOLUTION NO. 2022-2270

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING EXCLUSIVE UTILITY EASEMENTS LOCATED WITHIN SECTIONS OF FUTURE ALIGNMENT OF BROADWAY ROAD NEAR AND THROUGH BULLARD WASH, 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 various sections of Bullard Wash (the "City Property"), including a section of Bullard Wash located within the future Broadway Road alignment (the "Broadway Road Alignment Property"); and

WHEREAS, Broadway Road has not been constructed within the Broadway Road Alignment Property; and

WHEREAS, a City-owned sanitary sewer line has been installed within the Broadway Road Alignment 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 line within the Broadway Road Alignment Property; and

WHEREAS, the Broadway Road Alignment Property has not been declared or established as public road; and

WHEREAS, it is not clear if or when Broadway Road will be constructed within the Broadway Road Alignment Property where the surface water pipeline and the sanitary sewer line are located; and

WHEREAS, the City has determined it is in its best interest to declare exclusive utility easements for city utilities in the locations described and depicted on the attached Exhibit "A." to provide record notice of the utility easements 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 _____, 2022.

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: 500-07-022S

NEW EASEMENT

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF THE LAND DESCRIBED IN DOCUMENT 2001-0595009, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 20, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 20, BEARS NORTH 00 DEGREES 29 MINUTES 29 SECONDS EAST (BASIS OF BEARINGS), A DISTANCE OF 2612.26 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20, SOUTH 89 DEGREES 57 MINUTES 33 SECONDS EAST, A DISTANCE OF 1184.78 FEET TO THE WEST LINE OF SAID LAND DESCRIBED IN DOCUMENT 2001-0595009 AND THE **POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTH LINE AND ALONG SAID WEST LINE, NORTH 00 DEGREES 30 MINUTES 38 SECONDS EAST, A DISTANCE OF 10.00 FEET;

THENCE SOUTH 89 DEGREES 57 MINUTES 33 SECONDS EAST, A DISTANCE OF 665.02 FEET TO THE EAST LINE OF SAID LAND DESCRIBED IN SAID DOCUMENT 2001-0595009;

THENCE ALONG SAID EAST LINE, SOUTH 00 DEGREES 30 MINUTES 38 SECONDS WEST. A DISTANCE OF 10.00 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 20;

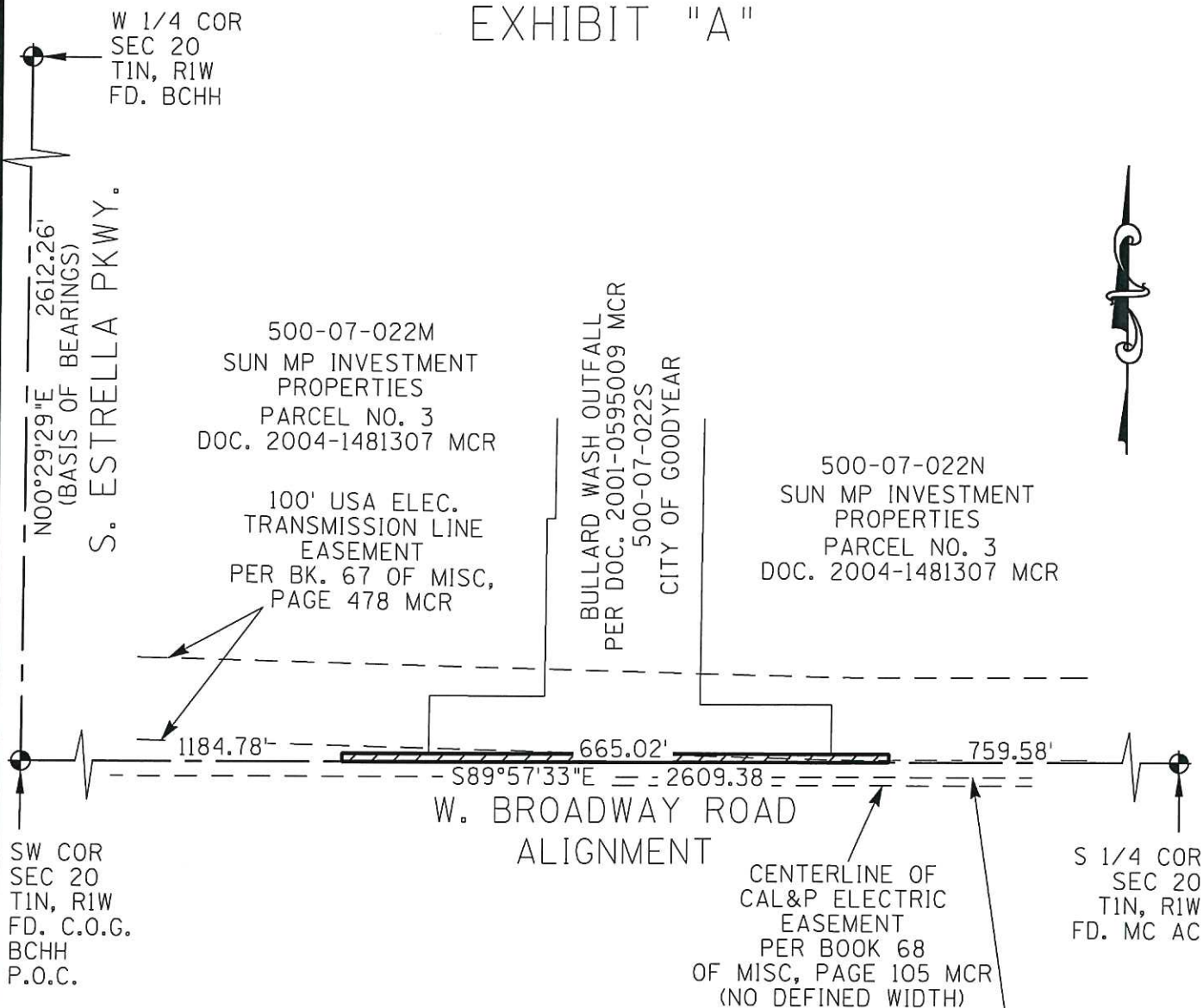
THENCE ALONG SAID SOUTH LINE, NORTH 89 DEGREES 57 MINUTES 33 SECONDS WEST, A DISTANCE OF 665.02 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 6,649 SQUARE FEET OR 0.15 ACRES, MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.



EXHIBIT "A"

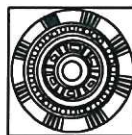


LEGEND

- — — = SECTION LINE
- — — = PROPERTY LINE
- - - - - = EASEMENT LINES
- AC = ALUMINUM CAP
- ROW = RIGHT-OF-WAY
- ESMT = EASEMENT
- MC = MARICOPA COUNTY
- MCR = MARICOPA COUNTY RECORDER
- FD = FOUND
- P.O.C. = POINT OF COMMENCEMENT
- P.O.B. = POINT OF BEGINNING
- ▨ = NEW EASEMENT

SEE SHEET 2 FOR DETAIL AND LINE TABLE

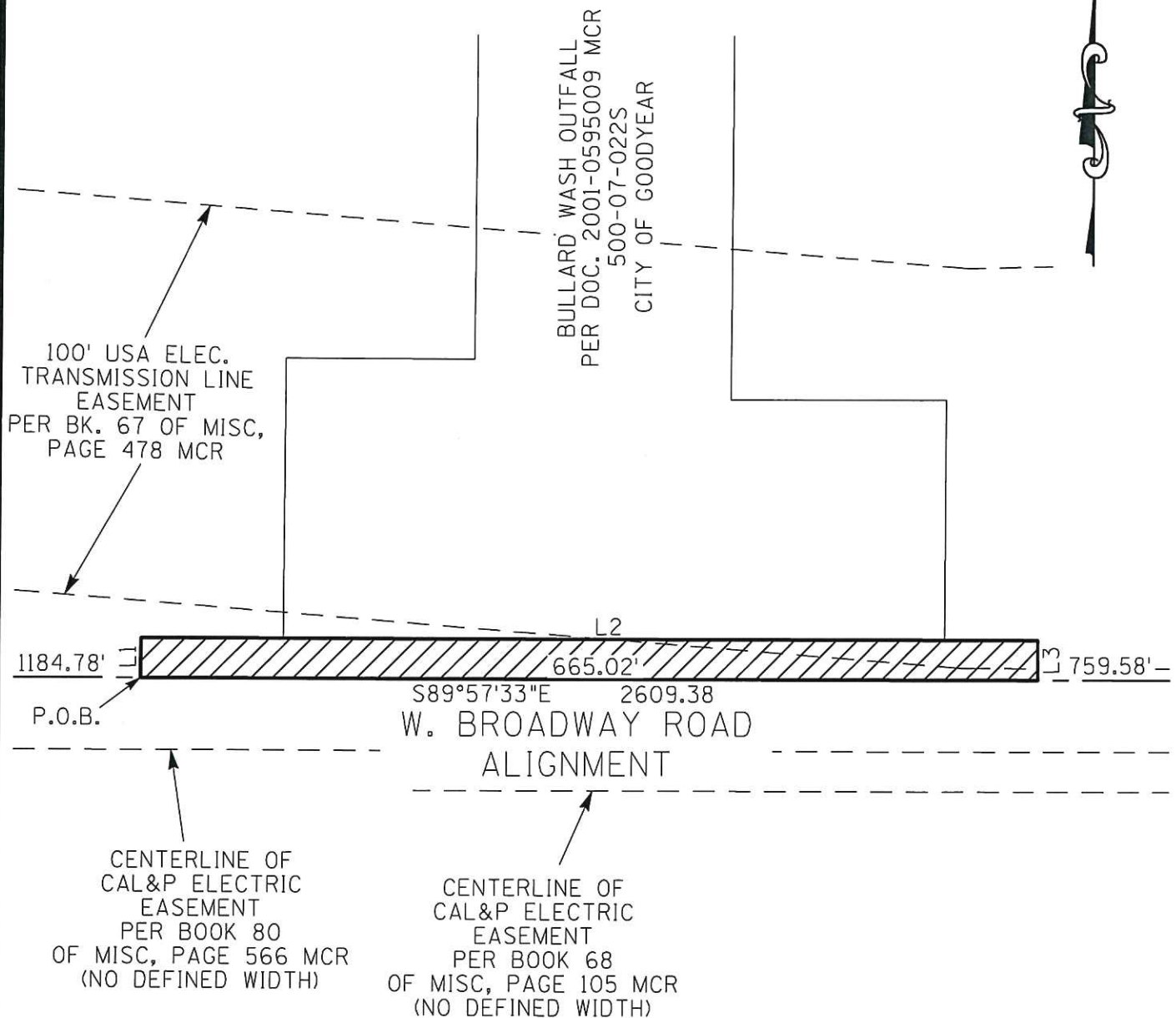
EXHIBIT "A"



AZTEC ENGINEERING

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

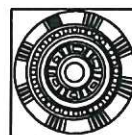
DR: GLG	CK: CWH	SHEET	TOTAL	
DATE: 04-29-19	REV:	NO.	SHEETS	
SCALE: 1"=200'		1	2	



6,649 SQ. FT. OR 0.15 ACRES MORE OR LESS
(NEW EASEMENT) – TOTAL
(1319 SQ. FT. OR 0.03 ACRES MORE OR LESS
WITHIN OVERLAPPING EXISTING EASEMENTS)
(5330 SQ. FT. OR 0.12 ACRES MORE OR LESS
OUTSIDE OF EXISTING EASEMENTS)
UNDEFINED WIDTH ELECTRICAL TRANSMISSION LINE
EASEMENTS NOT INCLUDED IN EASEMENT AREAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°30'38"E	10.00'
L2	S89°57'33"E	665.02'
L3	S00°30'38"W	10.00'

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DR: GLG	CK: CWH	SHEET NO.	TOTAL SHEETS	
DATE: 04-29-19	REV:			
SCALE: NOT TO SCALE		2	2	

LEGAL DESCRIPTION
APN: 500-81-006K
NEW EASEMENT

A PARCEL OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, ALSO BEING A PORTION OF THE LAND DESCRIBED IN DOCUMENT 2001-0595009, RECORDS OF MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 29, BEARS SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST (BASIS OF BEARINGS), A DISTANCE OF 2645.80 FEET;

THENCE ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 29, SOUTH 89 DEGREES 57 MINUTES 33 SECONDS EAST, A DISTANCE OF 1184.78 FEET TO THE WEST LINE OF SAID LAND DESCRIBED IN DOCUMENT 2001-0595009 AND THE **POINT OF BEGINNING**;

THENCE LEAVING SAID WEST LINE AND CONTINUING ALONG SAID NORTH LINE, SOUTH 89 DEGREES 57 MINUTES 33 SECONDS EAST, A DISTANCE OF 665.02 FEET TO THE EAST LINE OF SAID LAND DESCRIBED IN DOCUMENT 2001-0595009;

THENCE LEAVING SAID NORTH LINE AND ALONG SAID EAST LINE, SOUTH 00 DEGREES 09 MINUTES 04 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS WEST, A DISTANCE OF 70.00 FEET;

THENCE NORTH 88 DEGREES 48 MINUTES 49 SECONDS WEST, A DISTANCE OF 500.10 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 33 SECONDS WEST, A DISTANCE OF 95.00 FEET TO THE WEST LINE OF SAID DOCUMENT 2001-0595009;

THENCE ALONG SAID WEST LINE, NORTH 00 DEGREES 09 MINUTES 04 SECONDS EAST, A DISTANCE OF 40.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 29,801 SQUARE FEET OR 0.68 ACRES, MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.



EXHIBIT "A"



NW COR
SEC 29
T1N, R1W
FD. C.O.G.
BCHH
P.O.C.

N 1/4 COR
SEC 29
T1N, R1W
FD. MC AC

W. BROADWAY ROAD ALIGNMENT

S89°57'33"E 2609.38
665.02'

1184.78'

759.58'

2645.80'
S. ESTRELLA PKWY.
500°14'15"W
(BASIS OF BEARINGS)

30' SEWER, STORM,
AND WATER EASEMENT
PER DKT. 15981-488 MCR

500-81-006P
SUN MP
INVESTMENT PROPERTIES
PARCEL NO. 6
DOC. 2004-1481307 MCR

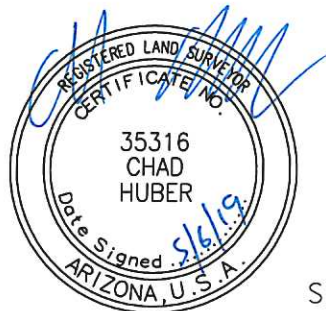
BULLARD WASH OUTFALL PER
DOC. 2001-0595009 MCR
AND DOC. 1999-0989284 MCR
AND DOC. 2000-0046248 MCR
AND DOC. 2000-0273109 MCR
500-81-006K CITY OF GOODYEAR

CENTERLINE OF
CAL&P ELECTRIC
EASEMENT
PER BOOK 68
OF MISC, PAGE 105 MCR
(NO DEFINED WIDTH)

CENTERLINE OF
CAL&P ELECTRIC
EASEMENT
PER BOOK 80
OF MISC, /PAGE 566 MCR
(NO DEFINED WIDTH)

500-81-006L
SUN MP INVESTMENT
PROPERTIES
PARCEL NO. 6
DOC. 2004-1481307 MCR

W 1/4 COR
SEC 29
T1N, R1W
FD. BCHH

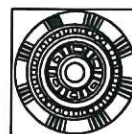


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SEE SHEET 2 FOR DETAIL AND LINE TABLE

EXHIBIT "A"

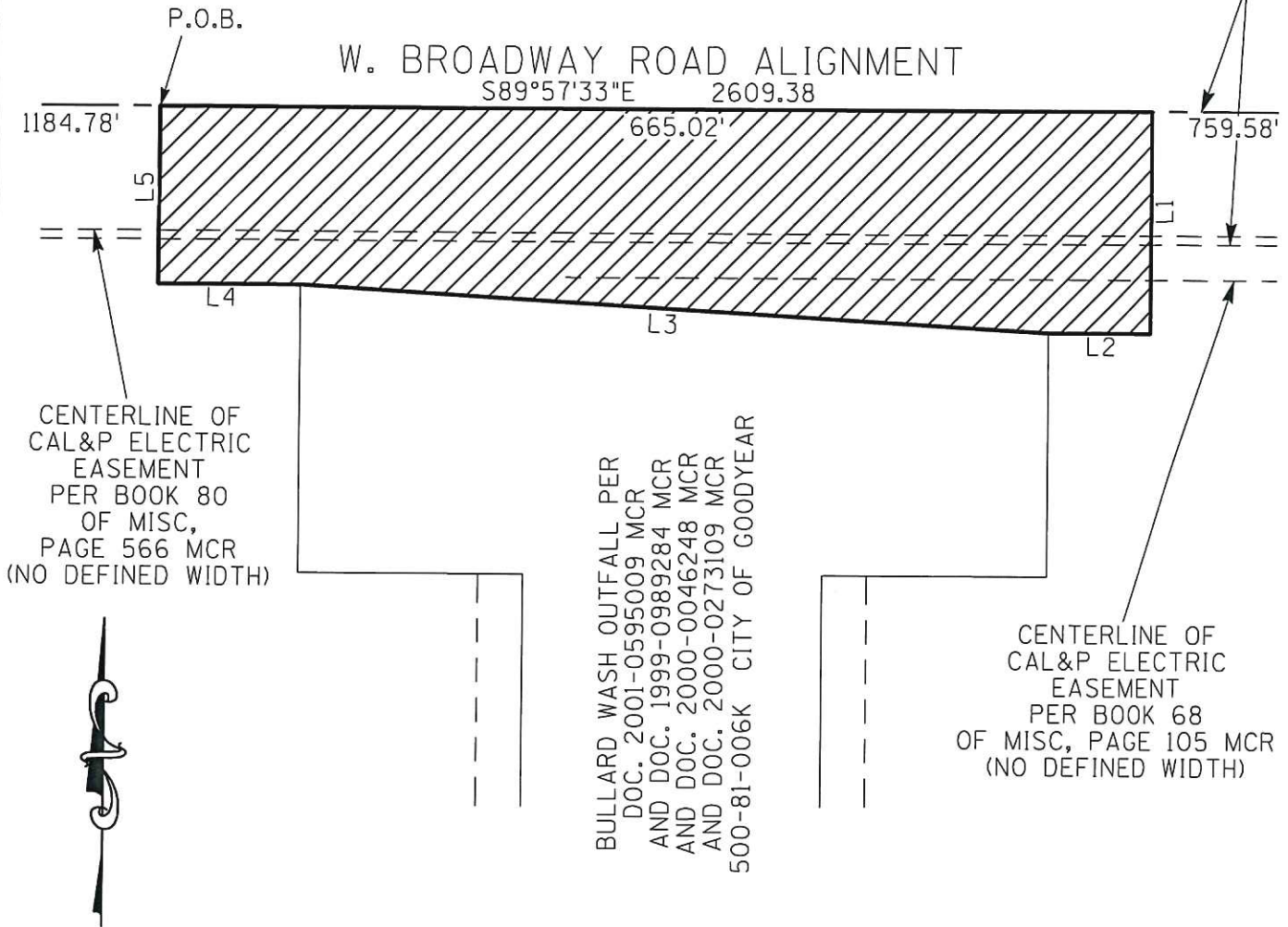


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DATE: 5-6-19	REV:	NO.	SHEETS	
SCALE: 1"=200'		1	2	

30' SEWER, STORM,
AND WATER EASEMENT
PER DKT. 15981-488 MCR

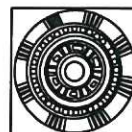


29,801 SQ. FT. OR 0.68 ACRES MORE OR LESS
(NEW EASEMENT) – TOTAL
(19,952 SQ. FT. OR 0.46 ACRES MORE OR LESS
WITHIN OVERLAPPING EXISTING EASEMENTS)
(9,849 SQ. FT. OR 0.22 ACRES MORE OR LESS
OUTSIDE OF EXISTING EASEMENTS)
UNDEFINED WIDTH ELECTRICAL TRANSMISSION LINE
EASEMENTS NOT INCLUDED IN EASEMENT AREAS

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S00°09'04\"W	50.00'
L2	N89°57'33\"W	70.00'
L3	N88°48'49\"W	500.10'
L4	N89°57'33\"W	95.00'
L5	N00°09'04\"E	40.00'



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DATE: 5-6-19	REV:			
SCALE: NOT TO SCALE		2	2	