

RESOLUTION NO. 2023-2298

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ESTABLISHMENT OF PUBLIC RIGHT-OF-WAY FOR THE DEVELOPMENT OF A PORTION OF S. COTTON LANE; REQUIRING RECORDATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in December 2007, the City of Goodyear purchased approximately 90 acres of property from El Cidro Ranch, LLC with the intent of preserving it for the expansion of State Route 303; and

WHEREAS, a portion of the property acquired by the City of Goodyear is located adjacent to the south side of W. Elwood Street west of S. Cotton Lane, which includes an approximate ten-foot (10') strip of land between W. Elwood Street and the northern boundary of property owned by Cotton Land Commerce Park, LLC, a Delaware limited liability company located at the southwest corner of W. Elwood Street and S. Cotton Lane; and

WHEREAS, Cotton Land Commerce Park, LLC is seeking to develop its property located at the southwest corner of W. Elwood Street and South Cotton Lane (the "Cotton Lane Commerce Park Property"); and

WHEREAS, in connection with the development of the Cotton Lane Commerce Property, the Owner is required to widen S. Cotton Lane, which requires the City to declare a portion of the ten-foot (10') strip, legally described and depicted in Exhibits "A" and "B," attached hereto and incorporated herein by this reference; and

WHEREAS, pursuant to 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.

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 city-owned property legally described and depicted in Exhibits "A" and "B," attached hereto and incorporated herein by this reference, be formally declared as public right-of-way.

SECTION 2. The Mayor and Council of the City of Goodyear, on behalf of the City of Goodyear, an Arizona municipal corporation, as owner of that real property more particularly described and depicted in Exhibits "A" and "B," attached hereto and incorporated herein by this reference, hereby declare the real property described and depicted in Exhibit "A" to be public right-of-way maintained by the City of Goodyear.

SECTION 3. Resolution 2023-2298 shall be effective upon the date of its adoption.

SECTION 4. 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, by a _____ vote, this _____ day of _____, 2023.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

EXHIBIT "A"

RIGHT OF WAY DECLARATION

LEGAL DESCRIPTION

BEING A PORTION OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 23, MARKED BY A BRASS CAP FLUSH STAMPED "CITY OF GOODYEAR 2008 RLS #35832" FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 23, MARKED BY A BRASS CAP IN HANDHOLE STAMPED "MARICOPA HIGHWAY DEPT. BEARS SOUTH 0°11'30" WEST, A DISTANCE OF 2644.54 FEET;

THENCE SOUTH 0°11'30" WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23, A DISTANCE OF 75.00 FEET TO A POINT ON A LINE 75.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23;

THENCE NORTH 89°43'24" WEST, ALONG SAID PARALLEL LINE, A DISTANCE OF 33.00 FEET TO THE POINT OF BEGINNING;

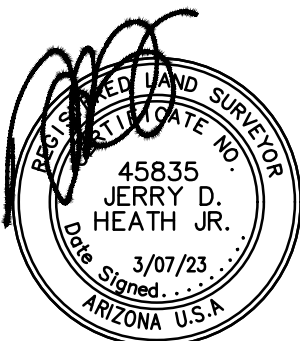
THENCE, CONTINUING NORTH 89°43'24" WEST, ALONG SAID PARALLEL A DISTANCE OF 83.70 FEET;

THENCE NORTH 44°53'51" WEST, A DISTANCE OF 14.19 FEET TO A POINT ON A LINE 65.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 23;

THENCE SOUTH 89°43'24" EAST, ALONG SAID PARALLEL LINE, A DISTANCE OF 93.74 FEET;

THENCE SOUTH 00°11'30" WEST A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

CONTAINS 0.020 ACRES (871 S.F.) MORE OR LESS.



TITLE: **XB06**
SCALE: N.T.S.
DATE: 03/07/23
DESC: RIGHT OF WAY
DECLARATION

HUNTER

ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

DWG.NO. XB06
PROJ.NO. COHN001

EXHIBIT "B"

RIGHT OF WAY DECLARATION

N. 1/4 COR.
SEC. 23, T.1N., R.2W.
FOUND IRON BAR
W/ NO CAP

E. 1/4 COR. SEC. 23, T.1N., R.2W.
FOUND BRASS CAP FLUSH STAMPED
"CITY OF GOODYEAR 2008 RLS #35832"
POINT OF COMMENCEMENT

W. ELWOOD ST.

65' R/W

N89°43'24"W 2647.13'
N. LINE, S.E. 1/4, SEC. 23, T.1N., R.2W.

CITY OF GOODYEAR
APN 502-43-025R
DEED: 2007-135654 M.C.R.



LINE TABLE		
LINE	BEARING	DISTANCE
L1	N89°43'24"W	33.00'
L2	N89°43'24"W	83.70'
L3	N44°53'51"W	14.19'
L4	S89°43'24"E	93.74'
L5	S00°11'30"W	10.00'

A.P.N. 502-43-959
COTTON LAND
COMMERCE PARK, LLC

POINT OF BEGINNING

33' R/W PER
BK. 3, PG. 16

75.00'

2569.54'

S0°11'30"W 2644.54'
(BASIS OF BEARING)

E. LINE, S.E. 1/4, SEC. 23, T.1N., R.2W.

S. COTTON LN.

S.E. COR. SEC. 23, T.1N., R.2W.
FOUND BRASS CAP IN HANDHOLE
STAMPED "MARICOPA HIGHWAYDEPT.
2008 RLS 42937"



TITLE: **XB06**
SCALE: 1"=100'
DATE: 3/07/23
DESC: RIGHT OF WAY
DECLARATION

HUNTER

ENGINEERING

10450 N. 74TH ST., SUITE 200
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

DWG.NO. XB06
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