

RESOLUTION NO. 2024-2407

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY ACQUIRED FOR WEST GOODYEAR BOULEVARD NORTH, GENERALLY LOCATED ALONG THE SOUTH SIDE OF WEST GOODYEAR BOULEVARD NORTH APPROXIMATELY 795 FEET EAST OF ESTRELLA PARKWAY; PROVIDING FOR RECORDATION AND EFFECTIVE DATES.

WHEREAS, by special warranty deed dated January 28, 2015 and recorded in the official records of Maricopa County as Instrument 2015-0120487, the City of Goodyear acquired fee ownership of certain property conveyed to it for Goodyear Boulevard North; and

WHEREAS, following the relocation of the Goodyear City Center and the rezoning of property adjacent to Goodyear Boulevard, the City of Goodyear reclassified Goodyear Boulevard from the City Center arterial to a major collector thereby reducing the amount of right-of-way needed for S. Goodyear Boulevard West; and

WHEREAS, the city has been asked by the owner of property adjacent to a section of the property the city acquired for West Goodyear Boulevard North to vacate and abandon a portion of West Goodyear Boulevard North as described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference (the "Abandonment Area"); 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 roadway; and

WHEREAS, after concluding the Abandonment Area is no longer necessary for public use as roadway, city staff contacted all utility and telecommunication providers who have agreements that would allow them to install facilities within city right-of-way about the request to vacate and abandon the Abandonment Area asking whether they had facilities in the area; and

WHEREAS, the utility and telecommunication providers were told that the city would treat their failure to respond within the deadline provided as confirmation that the provider had no facilities within the Abandonment Area; and

WHEREAS, city staff has received confirmations from certain utility and telecommunication providers that the providers have no facilities within the Abandonment Areas, and city staff is treating the non-response from other providers as confirmation that those providers have no existing facilities within the Abandonment Area.

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

SECTION 1. FINDINGS

The Goodyear City Council finds that the portion of West Goodyear Boulevard North legally described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference (the "Abandonment Area") is not necessary for public use as a roadway.

The Goodyear City Council further finds, that pursuant to A. R. S. § 28-7208, and having given due consideration of the degree of fragmentation and marketability of the real property interests being relinquished (i.e. fee interest rights within the Abandonment Area), that the market value of the city's real property interests in the Abandonment Area is nominal and is off-set by other public benefits the City will receive in the form of tax revenues gained by the development of Ballpark Village North, the elimination of the City's responsibility for maintaining roadway improvements within the Abandonment Area, and relief from potential liability for property damages, injury or death that may occur within the Abandonment Area.

SECTION 2. VACATING OF RIGHT-OF-WAY

Subject to the terms and conditions set forth below, the Mayor and Council of the City of Goodyear vacate and abandon the property dedicated for right-of-way for West Goodyear Boulevard North legally described and depicted in Exhibit "A" attached hereto and incorporated herein by this reference (the "Abandonment Area"). Title to the vacated and abandoned right-of-way shall vest in the owners of abutting land pursuant to A. R. S. § 28-7205 subject to the same encumbrances, liens, limitations, restrictions, and estates as exist on the vacated and abandoned right-of-way prior to it being vacated and abandoned.

SECTION 3. RECORDATION AND EFFECTIVE DATE FOR VACATING ROADWAY

Following its effective date, the City Clerk is directed to record Resolution 2024-2407 and its exhibit with the office of the County Recorder of Maricopa County, Arizona at which time the vacating and abandonment of the Abandonment Area described in Section 2 above shall become effective.

SECTION 4. EFFECTIVE DATE OF RESOLUTION

This Resolution 2024-2407 shall be effective upon the date of its adoption by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 2024.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

Exhibit "A"
Abandonment Area

**LEGAL DESCRIPTION
GOODYEAR BOULEVARD NORTH
RIGHT OF WAY ABANDONMENT**

March 13, 2024
Job No. 5965
Page 1 of 1

AN ABANDONMENT OF A PORTION OF RIGHT OF WAY DEDICATED IN DOCUMENT NUMBER 2015-0120487, MARICOPA COUNTY RECORDS, ARIZONA, LOCATED WITHIN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 8, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CITY OF GOODYEAR BRASS CAP IN HANDHOLE MARKING THE SOUTHWEST CORNER OF SAID SECTION 8, FROM WHICH THE BRASS CAP FLUSH MARKING THE SOUTH QUARTER OF SAID SECTION 8, BEARS SOUTH 89 DEGREES 26 MINUTES 30 SECONDS EAST, A DISTANCE OF 2,587.21 FEET;

THENCE NORTH 00 DEGREES 26 MINUTES 40 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 8, A DISTANCE OF 1,319.19 FEET;

THENCE DEPARTING SAID WEST LINE, SOUTH 89 DEGREES 26 MINUTES 28 SECONDS EAST, ALONG THE NORTH LINE OF SAID RIGHT OF WAY DEDICATION, A DISTANCE OF 627.00 FEET;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 26 MINUTES 40 SECONDS WEST, A DISTANCE OF 26.50 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 26 MINUTES 28 SECONDS EAST, A DISTANCE OF 168.93 FEET TO THE EAST LINE OF SAID DEDICATION;

THENCE SOUTH 00 DEGREES 33 MINUTES 32 SECONDS WEST, ALONG THE EAST LINE OF SAID DEDICATION, A DISTANCE OF 48.50 FEET;

THENCE DEPARTING SAID EAST LINE, NORTH 89 DEGREES 26 MINUTES 28 SECONDS WEST, ALONG THE SOUTH LINE OF SAID DEDICATION, A DISTANCE OF 168.83 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 26 MINUTES 40 SECONDS EAST, A DISTANCE OF 48.50 FEET TO THE POINT OF BEGINNING.

SAID ABANDONMENT CONTAINS 8190 SQUARE FEET OR 0.188 ACRES, MORE OR LESS.



WEST 1/4 CORNER
SECTION 8, T.1N., R.1W.
FOUND CITY OF GOODYEAR
BRASS CAP IN HANDHOLE



LINE TABLE		
LINE	DIRECTION	LENGTH
L1	S89°26'28"E	168.93'
L2	S00°33'32"W	48.50'
L3	N89°26'28"W	168.83'
L4	N00°26'40"E	48.50'
L5	S00°26'40"W	26.50'
L6	N00°33'32"E	26.50'
L7	S89°26'28"E	168.98'

FOUND CITY OF GOODYEAR
BRASS CAP IN HANDHOLE

FOUND CITY OF GOODYEAR
BRASS CAP IN HANDHOLE

75' R/W
BK. 533,
PG. 37

W. GOODYEAR BLVD NORTH

S89°26'28"E 795.98'
75' R/W 627.00'
DOC. 15-0120487

L5 (TIE)

L7

L1

L3

L6 (TIE)

POINT OF
BEGINNING

APN 500-04-011M
OWNER: UNITED STATES POSTAL SERVICE
DOC. 1999-1045300, M.C.R.
NOT A PART

APN 500-09-149
OWNER: GOODYEAR 27 LLC
DOC. 2021-0790009, M.C.R.
NOT A PART

S. ESTRELLA PARKWAY

W. HADLEY STREET

W. YUMA ROAD

SOUTHWEST CORNER
SECTION 8, T.1N., R.1W.
FOUND CITY OF GOODYEAR
BRASS CAP IN HANDHOLE
POINT OF COMMENCEMENT

S89°26'30"E 2587.21'
BASIS OF BEARING

SOUTH 1/4 CORNER
SECTION 8, T.1N., R.1W.
FOUND BRASS CAP FLUSH

RICK
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rickengineering.com

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**LEGAL DESCRIPTION
RIGHT OF WAY
ABANDONMENT
GOODYEAR, ARIZONA**

PROJECT NO: P5965

DRAWN BY:	CRS	SCALE:	N.T.S.
CHECKED BY:	MAB	DATE:	3/13/2024