

RESOLUTION NO. 2024-2409

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, CONDITIONALLY APPROVING THE TERMINATION OF A PORTION OF AN EXISTING DRAINAGE EASEMENT; PROVIDING AUTHORIZATION AND DIRECTION FOR RECORDATION; AND PROVIDING EFFECTIVE DATES OF THE TERMINATION AND RESOLUTION.

WHEREAS, the City is the beneficiary of a non-exclusive and temporary drainage easement dedicated to the City by that certain document titled Nonexclusive Easement To Construct and Maintain Drainage Facilities (Lot 33) recorded in the official records of Maricopa County on June 20, 2013, as Instrument Number 2013-0565269 (the "Existing Drainage Easement"); and

WHEREAS, a portion of the Existing Drainage Easement is located on Lot 33 of the Final Plat for Ballpark Village-Wood Corporate Campus (the "Property"), which is being developed; and

WHEREAS, the Grading and Drainage Plans for The Diamond at Ballpark Village (City Project number E23-01378) require the construction of drainage facilities in two different locations within the Property that will replace the existing drainage facilities located within the Property; and

WHEREAS, the Owner is required to provide the City with two new drainage easements for the replacement drainage facilities; and

WHEREAS, the owner of the property under development has requested that the Existing Drainage Easement over the portion of the property being developed be terminated; and

WHEREAS, pursuant to A.R.S. § 9-402, the City Council of the City of Goodyear is vested with the power to dispose of city-owned easements that are no longer needed; and

WHEREAS, the City staff has determined that upon the City's receipt of the new temporary drainage easements for the replacement drainage facilities to be constructed within the Property, the Existing Drainage Easement over the portion of the Property is no longer needed.

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 upon receipt of the two drainage easements in form approved by the City Attorney or his designee required for the construction of the drainage facilities that are to be constructed pursuant to the Grading and Drainage Plans for The Diamond at Ballpark Village (City Project number E23-01378) (the "Replacement Easements") the Existing Drainage Easement in the property legally described and depicted in Exhibit "A" attached hereto is no longer needed by the City.

SECTION 2. CONDITIONAL APPROVAL OF TERMINATION

Subject to satisfaction of the conditions set forth herein, the Mayor and Council approve the termination of the easement granted the City, in the Nonexclusive

Easement to Construct and Maintain Drainage Facilities (Lot 33) in the property described and depicted on Exhibit "A," attached hereto and incorporated herein by this reference, and authorize and direct the City Manager to execute a Partial Termination and Release of Temporary Drainage Easement in the form attached hereto as Exhibit "B," upon satisfaction of the following:

1. A determination by the City Attorney or his designee that the information in the Beneficiary Consent and Tenant Subordination exhibits attached to the Replacement Easements is accurate, which shall be based on a current title report to be provided by the owner of the Property; and
2. The City's receipt of originals of the two replacement drainage easements, executed by the Property Owner, the lender, and tenant as reflected in the Beneficiary Consents and the Tenant Subordinations attached as exhibits to the replacement easements.

SECTION 3. RECORDATION AND EFFECTIVE DATE OF TERMINATION

Following the execution of the Partial Termination and Release of Temporary Drainage Easement by the City Manager, the City Clerk is directed to record the fully executed copy of the Partial Termination and Release of Temporary Drainage Easement with the office of the County Recorder of Maricopa County, Arizona at which time the termination of the easement described in Section 2 above shall become effective.

SECTION 4. EFFECTIVE DATE OF RESOLUTION

Resolution 2024-2409 shall be effective upon the date of its adoption.

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

DRAINAGE EASEMENT ABANDONMENT LEGAL DESCRIPTION

EXHIBIT "A"

DRAINAGE EASEMENT ABANDONMENT LEGAL DESCRIPTION

BEING A PORTION OF LOT 33, BALLPARK VILLAGE-WOOD CORPORATE CAMPUS, AS RECORDED IN BOOK 996 OF MAPS, PAGE 50, OFFICIAL RECORDS OF MARICOPA COUNTY RECORDER, LOCATED WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 1 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 20, MARKED BY A BRASS CAP IN HANDHOLE, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION 20, TOWNSHIP 1 NORTH, RANGE 1 WEST, BEING A BRASS CAP IN HANDHOLE, BEARS NORTH 0°07'38" EAST, A DISTANCE OF 2661.36 FEET;

THENCE NORTH 00°07'38" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 20, A DISTANCE OF 612.35 FEET;

THENCE SOUTH 89°52'22" EAST, A DISTANCE OF 75.00 FEET TO A POINT ON THE WEST LINE OF SAID LOT 33 AND THE POINT OF BEGINNING;

THENCE SOUTH 89°52'37" EAST, A DISTANCE OF 30.00 FEET;

THENCE SOUTH 00°07'38" WEST, A DISTANCE OF 296.00 FEET;

THENCE SOUTH 89°54'39" EAST, A DISTANCE OF 358.32 FEET;

THENCE SOUTH 49°14'16" EAST, A DISTANCE OF 228.85 FEET;

THENCE SOUTH 00°07'38" WEST, A DISTANCE OF 74.66 FEET, TO A POINT ON THE SOUTH LINE OF SAID LOT 33, SAID POINT BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTH, HAVING A RADIUS OF 985.00 FEET, ALONG A CHORD BEARING OF SOUTH 83°27'55" WEST, FOR A CHORD DISTANCE OF 214.87 FEET;

THENCE SOUTHWESTERLY ALONG SAID NON-TANGENT CURVE AND SAID SOUTH LINE, THROUGH A CENTRAL ANGLE OF 12°31'25", FOR AN ARC LENGTH OF 215.30 FEET TO A TANGENT POINT;

THENCE SOUTH 89°43'37" WEST, CONTINUING ALONG SAID SOUTH LINE, A DISTANCE OF 313.58 FEET;

THENCE NORTH 45°04'22" WEST, A DISTANCE OF 49.32 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 33;

THENCE NORTH 00°07'38" EAST, ALONG SAID WEST LINE, A DISTANCE OF 511.82 FEET TO THE POINT OF BEGINNING.

SAID EASEMENT CONTAINS 3.067 ACRES, (133,599 S.F.)±.



TITLE: **XB05**
SCALE: 1"=120'
DATE: 11/8/23
DESC: DRN. EASE.
ABANDONMENT

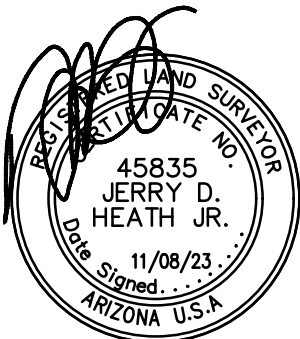
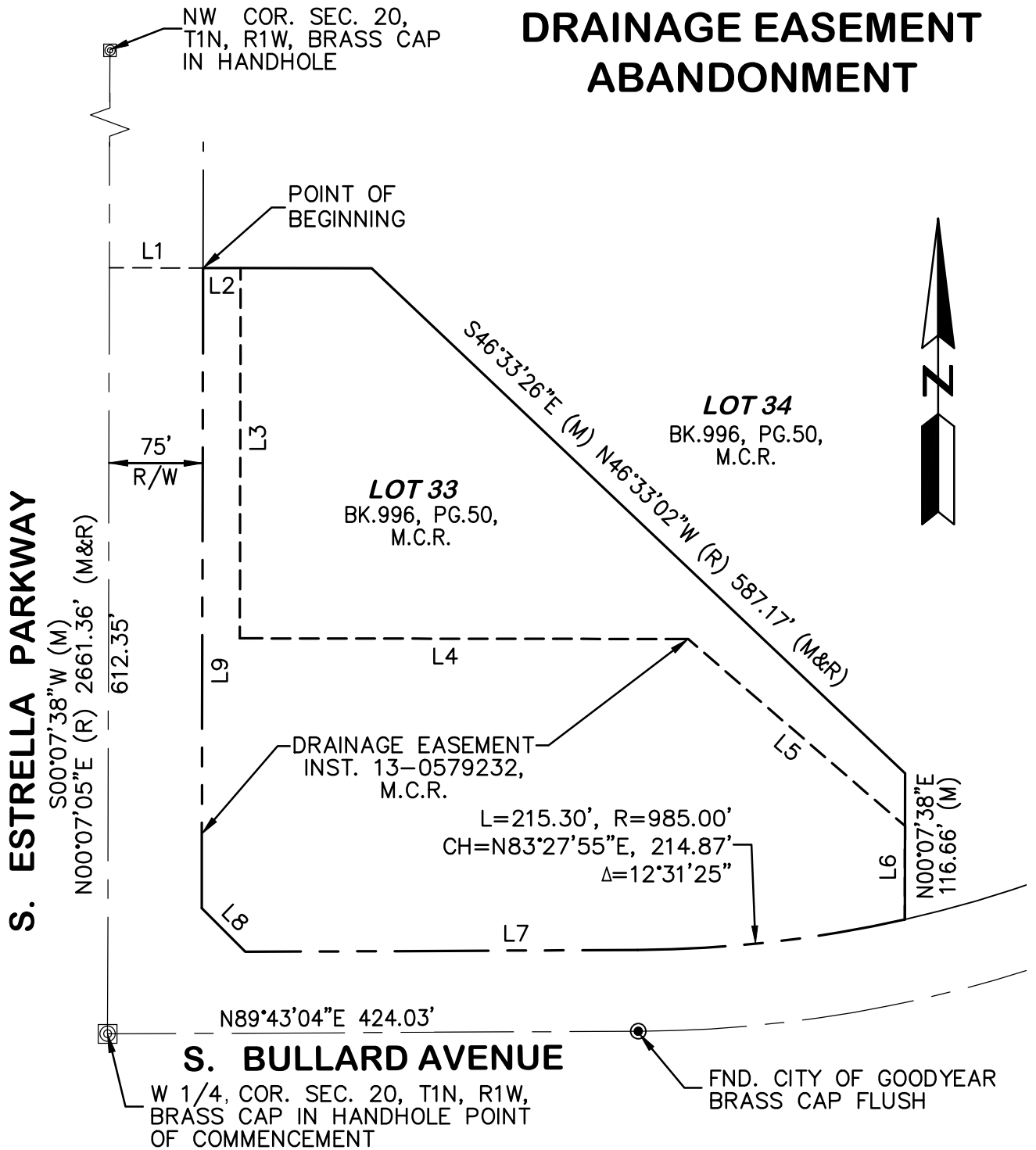
HUNTER
ENGINEERING

10446 N. 74TH ST., SUITE 140
SCOTTSDALE, AZ 85258
T 480 991 3985
F 480 991 3986

CIVIL AND SURVEY

PROJ.NO.B0YD002

EXHIBIT "B" DRAINAGE EASEMENT ABANDONMENT



TITLE: **XB05**
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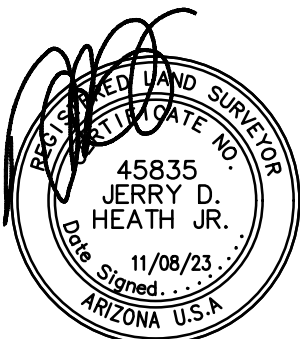
CIVIL AND SURVEY

PROJ.NO.BOYD002

EXHIBIT "B"

DRAINAGE EASEMENT ABANDONMENT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°52'22"E	75.00'
L2	S89°52'37"E	30.00'
L3	S00°07'38"W	296.00'
L4	S89°54'39"E	358.32'
L5	S49°14'16"E	228.85'
L6	S00°07'38"W	74.66'
L7	S89°43'37"W	313.58'
L8	N45°04'22"W	49.32'
L9	N00°07'38"E	511.82'



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EXHIBIT B

PARTIAL TERMINATION AND RELEASE OF TEMPORARY DRAINAGE EASEMENT

When Recorded Mail to:

City of Goodyear
City Clerk / KGR
1900 N. Civic Square
Goodyear, Arizona 85395
QS-087A

EXEMPT UNDER A.R.S. § 11-1134(A)(2)

PARTIAL TERMINATION AND RELEASE OF TEMPORARY DRAINAGE EASEMENT

THIS PARTIAL TERMINATION AND RELEASE OF TEMPORARY DRAINAGE EASEMENT (the “Release”) is executed this ____ day of _____, 2024 by the CITY OF GOODYEAR, an Arizona municipal corporation (the “City”).

RECITALS

A. The City is the beneficiary of a non-exclusive and temporary drainage easement dedicated to the City by that certain document titled Nonexclusive Easement To Construct and Maintain Drainage Facilities (Lot 33) recorded in the official records of Maricopa County on June 20, 2013, as Instrument Number 2013-0565269 (the “Existing Drainage Easement”).

B. A portion of the Existing Drainage Easement is located on Property that is being developed, and replacement drainage facilities are to be installed, and two new temporary drainage easements for the replacement drainage facilities are to be dedicated to the City.

C. The owner of the Property has requested that the Existing Drainage Easement over the portion of the Property legally described in Exhibit “A,” attached hereto and by reference made a part hereof (the “Easement Termination Area”) be terminated.

D. The City has determined that upon the City’s receipt of the new temporary drainage easements for the replacement drainage facilities that are to be installed, the Existing Drainage Easement over the Easement Termination Area is no longer needed.

E. WHEREAS, pursuant to A.R.S. § 9-402, the City Council of the City of Goodyear is vested with the power to dispose of easements owned by the City that are no longer needed; and

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates and releases its rights, title, and interests, granted the City, in the Nonexclusive Easement to Construct and Maintain Drainage Facilities (Lot 33) in the property described and depicted on Exhibit “A,” attached hereto and incorporated herein by this reference. The Existing Drainage Easement shall remain in full force

and effect as to all property described therein except for that portion of the property described in Exhibit "A," (i.e. the Easement Termination Area).

This Partial Termination and Release of the Existing Drainage Easement is not intended to, nor does it, release any rights, title, and/or interest the City may have in the property described in Exhibit A, attached hereto and incorporated herein by this reference, that arises by virtue of any other dedication or conveyance instrument recorded in the Official Records of the Maricopa County Recorder, other than the portion of the Existing Drainage Easements being released and terminated herein.

The page number on this document is exclusive of exhibits.

CITY OF GOODYEAR,
an Arizona municipal corporation

By: _____
Wynette Reed
Its: City Manager

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this _____ day of _____, 2024 by Wynette Reed, the City Manager of the CITY OF GOODYEAR, an Arizona municipal corporation, for and on behalf thereof.

Notary Public

Attest:

Darcie McCracken, City Clerk

Approved as to Form:

Roric Massey, City Attorney

Exhibit on the Following Pages

EXHIBIT "A"
LEGAL DESCRIPTION
Easement Termination Area

EXHIBIT "A"

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EXHIBIT "B"

DRAINAGE EASEMENT ABANDONMENT

S. ESTRELLA PARKWAY

S00°07'38"W (M)
N00°07'05"E (R) 2661.36' (M&R)
612.35'

NW COR. SEC. 20,
T1N, R1W, BRASS CAP
IN HANDHOLE

POINT OF
BEGINNING

L1

L2

75'

R/W

L3

LOT 33

BK.996, PG.50,
M.C.R.

LOT 34

BK.996, PG.50,
M.C.R.

S46°33'26"E (M) N46°33'02"W (R) 587.17' (M&R)

L4

DRAINAGE EASEMENT
INST. 13-0579232,
M.C.R.

L=215.30', R=985.00'
CH=N83°27'55"E, 214.87'
Δ=12°31'25"

L5

L6

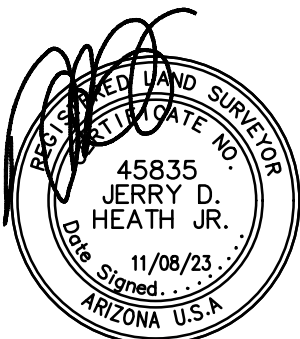
N00°07'38"E
116.66' (M)

N89°43'04"E 424.03'

S. BULLARD AVENUE

W 1/4, COR. SEC. 20, T1N, R1W,
BRASS CAP IN HANDHOLE POINT
OF COMMENCEMENT

FND. CITY OF GOODYEAR
BRASS CAP FLUSH



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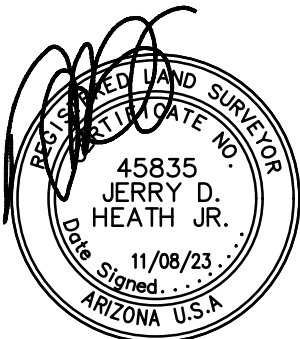
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