

RESOLUTION NO. 2024-2414

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING SECTIONS OF 175th AVENUE AND ELWOOD STREET UNNECESSARY FOR PUBLIC ROADWAY AND EXTINGUISHING THE RIGHT OF WAY EASEMENT GRANTING THE CITY THE UNNECESSARY PUBLIC ROADWAY; PROVIDING FOR THE RECORDATION OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATES OF THE EASEMENT EXTINGUISHMENT AND THE RESOLUTION.

WHEREAS, in 1987 AMCOR Investments, a California corporation conveyed to the City of Goodyear a Right-of-Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620 for a section of property located at the intersection of what was to be developed as South 175th Avenue and W. Elwood Street (formerly Dunlap) (the "Right-of-Way Easement"); and;

WHEREAS, under the terms of the Right-of-way Easement, the Right-of-Way Easement is to terminate is to terminate upon a resolution by the City of Goodyear that it is no longer needed: and

WHEREAS, the city received an application to abandon the Right of Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620, a copy of which is attached hereto and incorporated herein as Exhibit "A" (the "Abandonment Area"); and

WHEREAS, the Abandonment Area has not been used as a public right-of-way, and no street improvements have been constructed within the Abandonment Area; and

WHEREAS, City engineering staff has confirmed that the Abandonment Area is not needed for public right-of-way; and

WHEREAS, Owner provided the city received utility clearances confirming there are no existing public utilities within the Abandonment Area; and

WHEREAS, pursuant to A.R.S. § 28-7202, the Mayor and Council of the City of Goodyear are vested with the power to determine and find that a public roadway or portion thereof is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that the portion of S. 175th Avenue and W. Elwood Street alignments described in the Right-of-Way Easement attached hereto and incorporated herein by this Resolution as Exhibit "A" is unnecessary for public roadway purposes; and

WHEREAS, pursuant to A.R.S. § 28-7213, the Mayor and Council of the City of Goodyear are vested with the power to extinguish right-of-way easements by resolution.

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 portion of the S. 175th Avenue alignment and the W. Elwood Street alignment, as more particularly described in the Right-of-Way Easement attached hereto and incorporated herein as Exhibit "A" is unnecessary for public roadway purposes and is hereby vacated pursuant to A.R.S. § 28-7205 and the Right of Way Easement attached hereto as Exhibit "A" granting the city an easement for such public right-of-way extinguished.

SECTION 2. The public roadway shall be vacated and the Right of Way Easement attached hereto as Exhibit A extinguished as provided for in Section 1, and the vacation of the public roadway and extinguishment of the Right of Way Easement shall become effective upon the recordation of this Resolution 2024-2414 and Exhibit A attached hereto with the office of the County Recorder for Maricopa County, Arizona.

SECTION 4. The City Clerk shall record this Resolution 2024-2014 and Exhibit A attached hereto with the office of the County Recorder for Maricopa County, Arizona within ten (10) days of the effective date of this Resolution.

SECTION 2. Resolution 2024-2041 shall be effective upon the date of 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 _____, 2024.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

19870193620_2 Unofficial
Document

Exhibit "A"

When recorded, return to:

CITY OF GOODYEAR
119 N. LITCHFIELD RD.
GOODYEAR, ARIZONA 85308

RIGHT-OF-WAY EASEMENT

The undersigned ("Grantor") hereby grants to the City of Goodyear, an Arizona municipal corporation ("Grantee"), an easement for right-of-way purposes over the real property described on Exhibit "A" attached hereto and incorporated herein by this reference (the "Property"). Grantor shall not make any use of the Property that would interfere with the use of the easement granted herein. Grantee shall be solely responsible for maintenance and repair of any roadway improvements on the Property. This easement shall terminate upon the first to occur of any of the following events:

A. Extension of 175th Avenue north from the intersection of 175th Avenue and Dunlap Road;

B. Extension of Dunlap Road west from the intersection of 175th Avenue and Dunlap Road; or

C. Adoption by the Grantor of a resolution declaring that Grantor no longer needs the easement granted herein.

IN WITNESS WHEREOF, the Grantor has placed its signature on this 31st day of March, 1987.

AMCOR INVESTMENTS CORPORATION,
a California corporation

By [Signature]
Its Assistant Secretary

STATE OF ARIZONA)
)ss
County of Maricopa)

The foregoing instrument was acknowledged to before me this 31st day of March, 1987, by Jeff Eehart, the Assistant Secretary of AMCOR INVESTMENTS CORPORATION, a California corporation, for and on behalf of the corporation.

[Signature]
Notary Public

My Commission Expires:

My Commission Expires Sept. 2, 1989

RECORDED IN OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA	
MAR 31 '87 - 4 35	
KEITH F. [Signature] County Recorder	
FEE	8.00 FLS 2 I.G.

Baker Land Surveying

87 193620

FRED L BAKER, L.S.

March 30, 1987
Rubbermaid
Temporary R.O.W. Easement
BLS #2813

LEGAL DESCRIPTION OF A PARCEL OF LAND

That portion of the Southeast quarter of Section 23, Township 1 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the intersection of the East line of the West 135.00 feet of said Southeast quarter with the South line of the North 65.00 feet of said Southeast quarter;
THENCE southwesterly to the intersection of the South line of the North 135.00 feet of said Southeast quarter with the East line of the West 65.00 feet of said Southeast quarter;
THENCE northerly along said East line, to the South line of the North 65.00 feet of said Southeast quarter;
THENCE easterly along said South line to the POINT OF BEGINNING.

Subject to: Existing rights-of-way and easements.

Said parcel containing 2,450 square feet or 0.056 acres, more or less.

Unofficial Document

EXHIBIT "A"

