

ORDINANCE NO. 2024-1625

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECREASING THE CORPORATE LIMITS OF THE CITY OF GOODYEAR PURSUANT TO ARIZONA REVISED STATES SECTIONS 9-471.02 AND 9-471.03 BY DEANNEXING CERTAIN PUBLIC RIGHT-OF-WAY TO MARICOPA COUNTY SUBJECT TO APPROVAL BY THE MARICOPA COUNTY BOARD OF SUPERVISORS; DIRECTING THE CITY CLERK TO RECORD A COPY OF THIS ORDINANCE AND TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE AND EXHIBIT A TO THE CLERK AND CHAIRMAN OF THE MARICOPA COUNTY BOARD OF SUPERVISORS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 27, 2021, the Goodyear City Council adopted Ordinance 2021-1517 rezoning approximately 20 acres of property located south of MC85 and west of South Cotton Lane (the "Property") to MF-24 (Multi-Family Residential District) with a PAD Overlay (the Lakin Park Bungalows PAD Overlay); and

WHEREAS, a site plan for the development of a multi-family development of 218 for-rent bungalows to be known as the Bungalows at Lakin Park (the "Bungalows") on the Property was administratively approved on May 17, 2023, which included a stipulation that required that the two parcels upon which the Bungalows were to be developed be combined into one parcel; and

WHEREAS, the Property is adjacent to MC-85 and the Maricopa County Department of Transportation ("MCDOT") required that certain street improvements be made to the section of MC-85 adjacent to the Property (the "MCDOT Improvements"); and

WHEREAS, the existing right of way for MC-85 and the improvements thereon is located within the unincorporated area of Maricopa County;

WHEREAS, MCDOT asked the city to acquire as right-of-way approximately 0.4673-acres legally described and depicted in Exhibit A attached hereto located within the City of Goodyear (the "Right-of-Way") needed for the MCDOT Improvements and to deannex and return the Right-of-Way to the County; and

WHEREAS, the Final Plat for Bungalows at Lakin Park dedicating the Right-of-Way was approved on September 9, 2024 and was recorded on October 15, 2024 at Book 1825 Page 37 (Instrument 2024-0548052) of the Official Records of Maricopa County, Arizona; and

WHEREAS, A.R.S. §§ 9-471.02 and 9-471.03 provide a method of deannexation of land from a municipality to a county; and

WHEREAS, pursuant to A.R.S. § 9-471.02 (I) and § 9-471.03 (B), because the public right-of-way for MC-85 is partially located within the City of Goodyear and partially located within the unincorporated area of Maricopa County, the Right-of-way can be deannexed, severed from the City of Goodyear and returned to Maricopa County; and

WHEREAS, the Goodyear City Council desires to comply with the request of the County by deannexing the Right-of-Way, severing it from the City of Goodyear and returning the Right-of-Way to Maricopa County.

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

SECTION 1. Pursuant to A.R.S. §§ 9-471.02 and 9-471.03, the public right-of-way legally described and depicted in Exhibit A attached hereto is to be deannexed and severed by the City of Goodyear and returned to Maricopa County.

SECTION 2. Pursuant to A.R.S. § 9-471.03, the Goodyear City Council declares the public right-of-way legally described and depicted in Exhibit A attached hereto is deannexed and returned to Maricopa County upon fulfillment of the conditions set forth in A.R.S. § 9-471.03, which includes the adoption of an ordinance by the Board of Supervisors legally describing the public right-of-way and declaring the return of the public right-of-way to Maricopa County upon fulfillment of the conditions set forth in A.R.S. § 9-471.03.

SECTION 3. Upon fulfillment of the conditions set forth in A.R.S. § 9-471.03 for the deannexation of public right-of-way, the public right-of-way legally described and depicted in Exhibit A attached hereto is deannexed, severed and returned to Maricopa County and no longer part of the City of Goodyear, and the corporate limits of the City of Goodyear are reduced and decreased to exclude within the corporate limits of the City of Goodyear the public right-of-way legally described and depicted in Exhibit A attached hereto.

SECTION 4. The depiction of the public right-of-way in Exhibit A attached hereto accurately depicts the boundaries of the public right of way being deannexed and is an accurate map of the public right-of-way being deannexed. The Mayor of the City of Goodyear is authorized and directed, as may be required, to certify that said map is an accurate map of the public right-of-way conditionally deannexed under the provisions of this Ordinance.

SECTION 5. The City Clerk is hereby authorized and directed to do the following:

1. Record a copy of this Ordinance with the Maricopa County Recorder's Office
2. Forward a certified copy of this Ordinance, including Exhibit A attached hereto that legally describes and depicts the public right-of-way being deannexed, with the Clerk of the Maricopa County Board of Supervisors and to the Chairman of the Maricopa County Board of Supervisors.

SECTION 6. The deannexation provided for herein shall become effective in the manner provided by law upon approval of the Maricopa County Board of Supervisors.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

**BUNGALOWS AT LAKIN PARK
DEANNEXATION
LEGAL DESCRIPTION**

A portion of land being situated within the West Half of Section 26, Township 1 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at a found brass cap flush accepted as the South Quarter corner of said Section 26 from which a found half inch rebar accepted as the Southwest corner thereof bears North 89°44'33" West, 2647.68 feet;

Thence North 89°44'33" West, 1727.73 feet along the south line of the West half of said Section 26;

Thence leaving said south line, North 00°15'27" East, 1978.63 feet to a point on the southerly Right of Way line of MC 85 as recorded in Book 4, Page 22, Maricopa County Records, Arizona and also being the **POINT OF BEGINNING**;

Thence the following two (2) courses along said southerly Right of Way line;

Thence North 38°54'49" East, 496.86 feet to the beginning of a tangent curve concave southeasterly, having a radius of 5679.58 feet;

Thence northeasterly along said curve, through a central angle of 07°27'28", an arc length of 739.26 feet to a non-tangent line;

Thence leaving said southerly Right of Way line, South 72°25'25" East, 17.12 feet along the westerly line of the Flood Control District of Maricopa County as recorded in Document No. 2013-0542642 of Maricopa County Records, Arizona, to a non-tangent curve, concave southeasterly, having a radius of 5664.58 feet, the center of which bears South 43°32'43" East;

Thence leaving said westerly line, southwesterly along said curve, through a central angle of 02°11'58", an arc length of 217.44 feet to a non-tangent line;

Thence South 45°44'41" East, 5.00 feet to a non-tangent curve, concave southeasterly, having a radius of 5659.58 feet, the center of which bears South 45°44'41" East;

Thence southwesterly along said curve, through a central angle of 03°40'03", an arc length of 362.28 feet to a non-tangent line;

Thence North 49°24'44" West, 5.00 feet to a non-tangent curve, concave southeasterly, having a radius of 5664.58 feet, the center of which bears South 49°24'44" East;

Thence southwesterly along said curve, through a central angle of 01°40'27", an arc length of 165.52 feet to a tangent line;

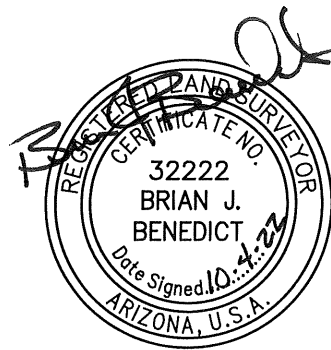
Thence South 38°54'49" West, 490.52 feet;

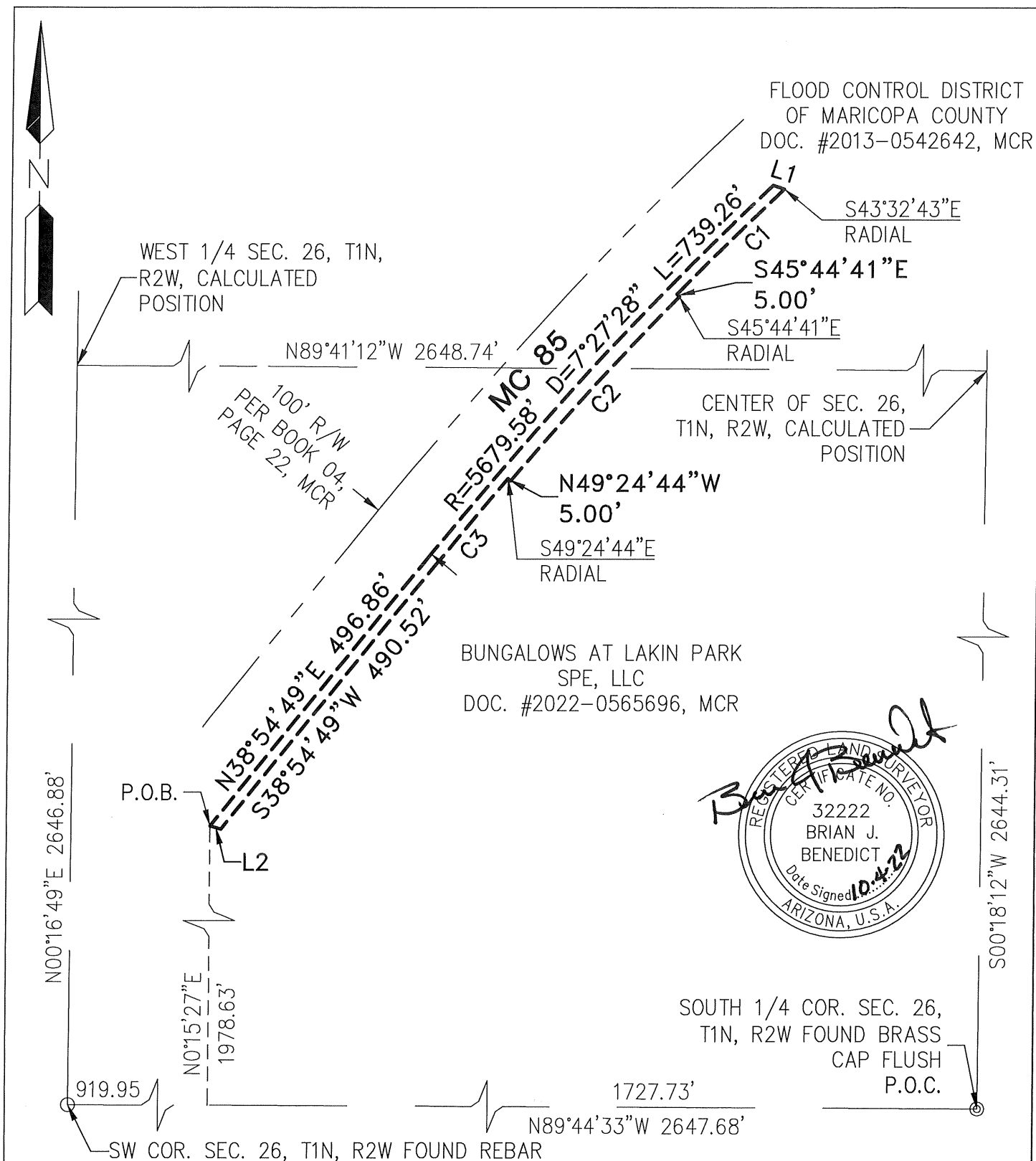
Thence North 74°00'29" West, 16.29 feet to the **POINT OF BEGINNING**.

The above described parcel contains a computed area of 20,354 sq. ft. (0.4673 acres) more or less and being subject to any easements, restrictions, rights-of-way of record or otherwise.

The description shown hereon is not to be used to violate any subdivision regulation of the state, county and/or municipality or any land division restrictions.

Prepared by: HILGARTWILSON, LLC
2141 E. Highland Avenue, Suite 250
Phoenix, AZ 85016
Project No: 1981
Date: October 2022





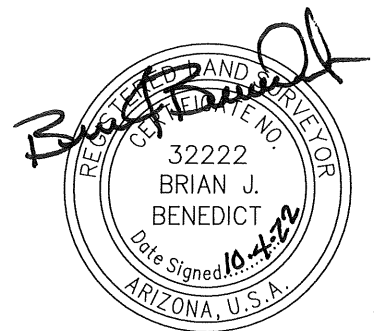
P.O.B. - POINT OF BEGINNING
P.O.C. - POINT OF COMMENCEMENT

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PROJ.NO.: 1981	BUNGALOWS AT LAKIN PARK	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: OCT 2022	DEANNEXATION	
SCALE: N.T.S.	GOODYEAR, ARIZONA	
DRAWN BY: RG	EXHIBIT	
CHECKED BY: BJB		

LINE TABLE		
LINE NO.	DIRECTION	LENGTH
L1	S72°25'25"E	17.12'
L2	N74°00'29"W	16.29'

CURVE TABLE			
CURVE NO.	RADIUS	DELTA	LENGTH
C1	5664.58'	2°11'58"	217.44'
C2	5659.58'	3°40'03"	362.28'
C3	5664.58'	1°40'27"	165.52'



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PROJ.NO.: 1981	BUNGALOWS AT LAKIN PARK DEANNEXATION GOODYEAR, ARIZONA EXHIBIT	 HILGARTWILSON 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: OCT 2022		
SCALE: NONE		
DRAWN BY: RG		
CHECKED BY: BJB		