

## **RESOLUTION NO. 2024-2437**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, FINDING THAT ACQUISITION OF REAL AND PERSONAL PROPERTY INTERESTS NEEDED FOR THE COMPLETION OF IMPROVEMENTS TO THE WEST SIDE OF BULLARD AVENUE BETWEEN CELEBRATE LIFE WAY AND THE NORTHERN BOUNDARY OF THE SECTION OF BULLARD AVENUE ADJACENT TO LOT 3, MINOR LAND DIVISION OF "SNYDER'S OF HANOVER" ACCORDING TO BOOK 828 OF MAPS, PAGE 41, RECORDS OF MARICOPA COUNTY, ARIZONA AND CELEBRATE LIFE WAY IS A MATTER OF PUBLIC NECESSITY; AUTHORIZING AND DIRECTING CITY STAFF TO ACQUIRE SUCH INTERESTS BY DEDICATION, DONATION, PURCHASE OR THE EXERCISE OF THE POWER OF EMINENT DOMAIN; PROVIDING AUTHORIZATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor and Council of the City of Goodyear previously approved Capital Improvement Project Number 42052 Bullard Avenue widening to improve and widen the western half of Bullard Avenue between Celebrate Life Way and the northern boundary of the section of Bullard Avenue adjacent to Lot 3, Minor Land Division of "Snyder's of Hanover" according to Book 828 of Maps, page 41, Records of Maricopa County, Arizona (the "Snyder's Property") through the addition of street lanes, turn lanes, a bike lane, sidewalks, landscaping, and drainage facilities, the relocation of existing utilities and irrigation facilities and the relocation of a traffic signal (the "Project Improvements"); and

WHEREAS, the completion of the Project Improvements will improve traffic flow, safety, capacity on Bullard Avenue south of the Snyder's Property and will improve accessibility for motor vehicles, bicycles, and pedestrians on Bullard Avenue south of the Snyder's Property; and

WHEREAS, the completion of the Project Improvements requires the acquisition of various real property interests, such as additional right-of-way in fee interest, public utility and sidewalk easements and temporary construction easements, and the acquisition of private improvements located within such real property interests; and

WHEREAS, the City of Goodyear has considered alternatives available to it, has balanced the greater public good and the least private injury that will result from the city's acquisition of the real property interests necessary for the completion of the Project Improvements and the private improvements thereon, and has determined that locating the Project Improvements within the land from the properties identified Exhibit "A" attached hereto results in the greater public good and the least private injury.

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

**SECTION 1.** The Council of the City of Goodyear finds that the acquisition, from the owners of the properties identified in Exhibit "A" attached hereon, of the real property interests, and any improvements thereon, needed for the construction of the Project Improvements to widen the western half of Bullard Avenue between the Snyder's Property and Celebrate Life Way and the securing of immediate possession of such real and personal property interests is for a public and necessary purpose and is in the best interest of the citizens of the City of Goodyear.

SECTION 2. Subject to the terms set forth herein, city staff is hereby authorized and directed to acquire, by dedication, donation, purchase, or the exercise of the power of eminent domain, the real and personal property interests needed for the completion of the Project Improvements from the owners of the properties identified on Exhibit "A" attached hereto as determined by the final engineering design plans, which includes, but is not limited to, fee ownership of additional right of way; public utility and sidewalk easements, sidewalk easements; drainage easements; and temporary construction easements. Written offers and purchase agreements for the real and personal property interests to be acquired shall be in a form approved by the City Attorney or his designee.

SECTION 3 If city staff is not able to acquire the real and personal property interests needed for the completion of the Project Improvements from the owners of the properties identified on Exhibit "A" attached hereto by dedication donation, or purchase within a reasonable period of time, the City Attorney is hereby authorized and directed to commence or cause the commencement of condemnation proceedings, through the exercise of the power of eminent domain, to acquire, in the name of the City of Goodyear, the real and personal property interests needed for the construction of the Project Improvements and to secure immediate possession of such real and personal property interests. The City Attorney is further authorized and directed to undertake all actions and to perform all acts necessary in furtherance of the acquisition of such real and personal property interests.

SECTION 4. The City Manager or designee is expressly authorized to take all actions and execute all documents necessary to acquire the real and personal property interests needed for the completion of the Project Improvements to widen the west half of Bullard Avenue between the Snyder's Property and Celebrate Life Way, and to carry out the intent of this Resolution.

SECTION 5. Resolution 2024-2437 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"

