

RESOLUTION NO. 2025-2461

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, VACATING AND ABANDONING A PORTION OF RIGHT-OF-WAY LOCATED ALONG THE MID SECTION LINE WITHIN SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 WEST.

WHEREAS, on November 5, 1927 by that certain document titled "Unit No. 52 of Romola of Arizona Grape Fruit Unit" recorded in the official records of the Maricopa County, Arizona Recorder at book 17 page 28, certain right-of-way was dedicated to Maricopa County for public highways; and

WHEREAS, the right-of-way was annexed into the city of Goodyear by Ordinance 89-284 adopted by the Goodyear City Council on April 8, 1989 recorded in the official records of the Maricopa County, Arizona Recorder as Instrument 89-389274; and

WHEREAS, the city has been asked by the owner of the adjacent and surrounding property to vacate and abandon a portion of the existing right of way alignment across the section of the property described and depicted in Exhibit "A" and Exhibit "B" 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, the Abandonment Area has not been improved and has not been used by the public as a roadway, and staff has determined that the Abandonment Area will not be developed as a public street when the adjacent property develops and is not needed for public use as a roadway; and

WHEREAS, after concluding the Abandonment Area is not 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 regarding 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 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 property legally described and depicted in Exhibit "A" and Exhibit "B" 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 Citrus Farms, 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 right-of-way legally described and depicted in Exhibit "A" and Exhibit "B" 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 2025-2461 and its exhibits 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 2025-2461 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 28 day of April, 2025.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Jasmine Pernicano, City Clerk

Roric Massey, City Attorney

**Exhibit “A” and “B”
Abandonment Area**

EXHIBIT "A"

LOCATED WITHIN A PORTION OF THE WEST HALF OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A 40 FOOT WIDE ROADWAY ABANDONMENT BEING 20 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE WHICH SHALL BE LENGTHENED OR SHORTED TO THE WEST BOUNDARY LINE OF THE FINAL PLAT RECORDED AS ABEL RANCH PHASE 2, BOOK 1774, PAGE 31, RECORDS OF MARICOPA COUNTY:

SAID CENTERLINE DESCRIBED AS FOLLOWS;

COMMENCING AT A FOUND 3" BRASS CAP IN HANDHOLE ACCEPTED AS THE WEST QUARTER CORNER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 WEST, FROM WHICH A FOUND BRASS CAP IN HANDHOLE ACCEPTED AS THE NORTHWEST QUARTER CORNER OF SECTION 23, TOWNSHIP 2 NORTH, RANGE 2 WEST, THEREOF BEARS N00°18'20"E A DISTANCE OF 2641.82 FEET;

THENCE, ALONG THE WEST-EAST MID SECTION LINE OF SAID SECTION 23, S89°34'36"E A DISTANCE OF 33.00 FEET TO THE EASTERLY RIGHT OF WAY LINE OF CITRUS ROAD AND ALSO BEING THE POINT OF BEGINNING;

THENCE, CONTINUING ALONG SAID MID-SECTION LINE, S89°34'36"E A DISTANCE OF 1558.96 FEET TO A POINT ENDING ON THE ABOVE DESCRIBED WESTERLY LINE OF SAID RECORDED FINAL PLAT OF ABEL RANCH PHASE 2;

THE ABOVE DESCRIBED ABANDONMENT CONTAINS A COMPUTED AREA OF 62,358 SQUARE FEET OR 1.43 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS, RESTRICTIONS, OR RIGHTS OF WAY OF RECORD OR OTHERWISE.

THE DESCRIPTION SHOWN HEREON IS NOT TO BE USED TO VIOLATE ANY SUBDIVISION REGULATIONS OF THE STATE, COUNTY AND/OR MUNICIPALITY OR ANY OTHER LAND DIVISION RESTRICTIONS.



JOB NO. 21000351 DATE: 02-07-2024 SHEET 1 OF 2

EXHIBIT "A"
40' ROADWAY ABANDONMENT
CITRUS FARMS
APN 502-31-010C
MARICOPA COUNTY, ARIZONA

