

RESOLUTION NO. 23-27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, VACATING AND ABANDONING, WITHOUT COMPENSATION, A PORTION OF SECTION LINE RIGHTS-OF-WAY IN SECTIONS 27 AND 28 OF TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GENERALLY LOCATED SOUTH OF THE UNION PACIFIC RAILROAD TRACKS AND NORTH OF W. HONEYCUTT AVENUE BETWEEN N. MARICOPA ROAD AND JOHN WAYNE PARKWAY WITHIN THE CITY OF MARICOPA.

WHEREAS, A.R.S. §28-7201, et. seq. provides that the City may dispose of a public roadway or portion thereof that is no longer necessary for public use; and

WHEREAS, the City is authorized pursuant to A.R.S. §28-7215(B) to abandon, without compensation, a portion of section line rights of way in Section 27 and 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located south of the Union Pacific Railroad tracks and north of W. Honeycutt Avenue between N. Maricopa Road and John Wayne Parkway, legally described and generally depicted on Exhibit "A" attached hereto, if the City determines that said portions of the right of way have no public use or market value and if the person taking title to said portions of the right of way agree to assume the cost of maintaining the abandoned portions of such right of way and agrees to assume the liability for the abandoned portions of such right of way; and

WHEREAS, pursuant to A.R.S. §28-7205, title to the abandoned portions of such right of way vests in the abutting property owner subject to the same encumbrances, liens, limitations, restrictions and estates as exist on the land to which it accrues; and

WHEREAS, the abutting property owner, The Butz Family Trust dated August 12, 2011 ("Owner") agrees to assume liability for the abandoned portions of such right of way as evidenced by the Agreement attached as Exhibit "B"; and

WHEREAS, the Mayor and City Council find that the section line rights of way in Section 27 and 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located south of the Union Pacific Railroad tracks and north of W. Honeycutt Avenue between N. Maricopa Road and John Wayne Parkway, legally described and generally depicted on Exhibit "A" attached hereto, has no public use; and

WHEREAS, the Mayor and City Council of the City of Maricopa, Arizona, find it to be in the best interest of the City to vacate and abandon a portion of section line rights of way in Section 27 and 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located south of the Union Pacific Railroad tracks and north of W. Honeycutt Avenue between N. Maricopa Road and John Wayne Parkway within the City of Maricopa without compensation.

NOW, THEREFORE, BE IT RESOLVED BY the Mayor and City Council of the City of Maricopa, Arizona as follows:

1. That a portion of section line rights of way in Section 27 and 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located south of the Union Pacific Railroad tracks and north of W. Honeycutt Avenue between N. Maricopa Road and John Wayne Parkway, legally described and generally depicted on Exhibit "A", is hereby vacated and abandoned without compensation.

2. That pursuant to A.R.S. §28-7205, title to the abandoned portion of the right-of-way vests in Owner as the owner of the abutting property, subject to the same encumbrances, liens, limitations, restrictions and estates as exist on land to which it accrues.

3. That the rights of way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals, or ditches and appurtenances and for electric, telephone and similar lines and appurtenances shall continue as they existed prior to the vacation or abandonment thereof.

4. That Owner, to whom title to the abandoned portion of the right-of-way vests, agrees to assume the cost of maintaining such vacated and abandoned portions of said right-of-way and agrees to assume liability for such vacated and abandoned portions of said right-of-way.

5. That the City Clerk is hereby authorized and directed to record a copy of this Resolution with the Pinal County Recorder evidencing the City's vacation and abandonment of a portion of section line rights of way in Section 27 and 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located south of the Union Pacific Railroad tracks and north of W. Honeycutt Avenue between N. Maricopa Road and John Wayne Parkway, legally described and generally depicted on Exhibit "A" attached hereto, and vesting of title to said abandoned portion of said right-of-way in Owner, the owner of the abutting property.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 16th day of May, 2023.

APPROVED:

Nancy Smith
Mayor

ATTEST:

Vanessa Bueras, MMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney

EXHIBIT A
Legal Description and Map

EXHIBIT B
Agreement