

RESOLUTION NO. 24-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, VACATING AND ABANDONING, WITHOUT COMPENSATION, A PORTION OF WEST HONEYCUTT AVENUE GENERALLY LOCATED EAST OF STATE ROUTE 347 BETWEEN THE UNION PACIFIC RAILROAD TRACKS AND DESERT CEDARS DRIVE 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 West Honeycutt Avenue generally located east of State Route 347 between the Union Pacific Railroad tracks and Desert Cedars Drive, legally described and generally depicted on Exhibit “A” attached hereto (“Right of Way”), if the City determines that the Right of Way has no public use or market value and if the person taking title to the Right of Way agrees to assume the cost of maintaining the Right of Way and agrees to assume the liability for the Right of Way; and

WHEREAS, pursuant to A.R.S. §28-7205, title to the 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, TTRG AZ Maricopa Honeycutt Development, LLC, a Delaware limited liability company (“Owner”) hereby agrees to assume liability for the Right of Way as evidenced by the Agreement attached as Exhibit “B”; and

WHEREAS, the Mayor and City Council find that the Right of Way 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 the Right of Way without compensation.

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

- 1.** That the Right of Way’s hereby vacated and abandoned without compensation.
- 2.** That pursuant to A.R.S. §28-7205, title to 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 Right of Way vests, agrees to assume the cost of maintaining such Right of Way and agrees to assume liability for such 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 the Right of Way, and vesting of title the 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 April, 2024.

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