

## **RESOLUTION NO. 17-17**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, AMENDING AND RESTATING PRIOR RESOLUTION NO. 15-20 RECORDED IN THE OFFICIAL RECORDS OF PINAL COUNTY AT DOCUMENT NO. 2015-029578, AND RESOLUTION NO. 15-21 RECORDED IN THE OFFICIAL RECORDS OF PINAL COUNTY AT DOCUMENT NO. 2015-029579 CONCERNING CERTAIN REAL PROPERTY LOCATED WITHIN THE CITY OF MARICOPA IN A PORTION OF THE SOUTHEAST QUARTER OF SECTION 21 TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA.**

**WHEREAS**, on April 21, 2015, the City of Maricopa, Arizona (hereinafter, the "City") approved, passed and adopted Resolution No. 15-20 and Resolution No. 15-21, which were recorded in the Official Records of Pinal County, Arizona on May 6, 2015 at Document Nos. 2015-029578 and 2015-029579, respectively (collectively, the "Prior Resolutions"); and

**WHEREAS**, the Prior Resolutions were approved, passed and adopted by the City in response to one or more applications (the "Prior Applications") received from GREAT WESTERN BANK, a South Dakota corporation (hereinafter, "Owner"), as the owner of that certain real property situated in the Maricopa Manor Subdivision within the City's geographical boundaries identified as Lots 41, 68, 69, 70, 71, 72, and 73 of Amended Maricopa Manor, according to Book 8 of Maps, Page 27, records of Pinal County, Arizona, together with that portion of a public alley in Amended Maricopa Manor situated between said Lots 41, 68, 69, 71, 72 and 73, which was abandoned in Resolution No. 04-39 by the City of Maricopa and recorded March 19, 2009 in Document No. 2009-027419, Official Records of Pinal County, Arizona, as originally described on Exhibit "A-1" attached hereto (collectively, with all buildings, improvements, entitlements, rights and appurtenances located on or appurtenant thereto, the "Property"); and

**WHEREAS**, in connection with the Prior Applications, the Owner of the Property asked the City to, among other things, approve and/or acknowledge the combination or consolidation of the various lots which comprise the Property into a single lot or parcel (whether by abandonment of the applicable lot lines or otherwise); and

**WHEREAS**, after the approval, adoption and recording of the Prior Resolutions, the Owner discovered certain discrepancies in the Prior Resolutions, which have given rise to questions that affect Owner's title to the Property; and

**WHEREAS**, Owner has now asked the City to amend and restate the Prior Resolutions pursuant to this Resolution in order to correct and/or clarify any unintentional omissions and/or discrepancies in the Prior Resolutions in order to approve a lot combination application submitted to Pinal County, Arizona by the Owner, which is intended to combine all of the eight (8) separate tax parcels which comprise the Property into one (1) tax parcel (the "Lot Combination Application"), as depicted on Exhibit "B" attached hereto; and

**WHEREAS**, after the approval, adoption and recording of the Prior Resolutions, Owner received written notice from the Arizona Department of Transportation (ADOT) of ADOT's intent to acquire a portion of the Property consisting of a rectangular strip of land containing approximately 3500 square feet of space situated along the east boundary of the Property and affecting only that portion of the Property originally known as Lot 70 of Amended Maricopa Manor (hereinafter, the "Condemnation Property"), which was sold and conveyed by Owner to ADOT pursuant to that certain Special Warranty Deed recorded on April 25, 2017 in the Official Records of Pinal County, Arizona at Fee No. 2017-028817; and

**WHEREAS**, in light of the foregoing, the City is willing to amend and restate the Prior Resolutions to confirm the approval of the Lot Combination Application as pertaining to the Property (but excluding the Condemnation Property), subject to the terms set forth in this Resolution.

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

**Section 1.** Subject to the conditions set forth herein, the City hereby: (i) amends and restates the Prior Resolutions pursuant to this Resolution; (ii) confirms the City's approval of the Lot Combination Application, as submitted to the City by Owner as of the date of this Resolution, which will have the effect of combining all of the eight (8) separate tax parcels which originally comprised the Property (but now excluding the Condemnation Property, which has been conveyed to ADOT) into one (1) tax parcel, as depicted on Exhibit "B" attached hereto; (iii) confirms that, as combined or consolidated, the Property will be legally described as set forth on Exhibit "A-2" attached hereto; and (iv) confirms that, notwithstanding the location of the original lot lines of the Property, as set forth in the plat for Amended Maricopa Manor, according to Book 8 of Maps, Page 27, records of Pinal County, Arizona, the buildings and improvements constructed on the Property, as and where presently situated, shall not (after the approval of the Lot Combination Application) be deemed to violate any minimum setback requirements set forth by the City, or be deemed by the City to encroach over any internal lot lines for the Property.

**Section 2.** The City Manager, or his designee, is hereby authorized and directed to execute all documents and take steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 20<sup>th</sup> day of June, 2017.

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Christian Price  
Mayor

ATTEST:

APPROVED AS TO FORM:

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Vanessa Bueras, CMC  
City Clerk

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Denis Fitzgibbons  
City Attorney

**EXHIBIT "A-1"**

**ORIGINAL LEGAL DESCRIPTION  
OF THE PROPERTY**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF PINAL,  
STATE OF ARIZONA:

**PARCEL NO. 1:**

Lots 41, 68, 69, 70, 71, 72 and 73, Amended Maricopa Manor, according to Book 8 of Maps, Page 27, records of Pinal County, Arizona.

**EXCLUDING, HOWEVER:**

The East 28.00 feet of Lot 70, Amended Maricopa Manor, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, in Book 8 of Maps, Page 27, located in the Southeast quarter (SE1/4) of Section 21, Township 4 South, Range 3 East, Gila and Salt River Meridian, Pinal County, Arizona.

**PARCEL NO. 2:**

That portion of the public alley in Maricopa Manor Amended recorded in Book 8 of Maps, Page 27, records of Pinal County, Arizona between Lots 41, 68, 69, 71, 72 and 73 which was abandoned in Resolution No. 04-39 by the City of Maricopa, Arizona recorded March 19, 2009 in Recording No. 2009-027419, records of Pinal County, Arizona.

**EXHIBIT "A-2"**

**LEGAL DESCRIPTION OF COMBINED PARCELS**

That part of the Southeast Quarter of Section 21, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, City of Maricopa, Arizona more particularly described as follow.

Commencing at the Southeast corner of Section 21, Township 4 South, Range 3 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Thence N00°00'00"E along the East line of said Section 21, and along the centerline of John Wayne Parkway, a distance of 380.01 feet;

Thence N00°00'00"E continuing along the East line of said Section 21, and along the centerline of John Wayne Parkway, a distance of 40.00 feet;

Thence S90°00'00"W a distance of 33.01 feet to a point of intersection for the north right of way line for Garvey Avenue and the existing west right of way line for John Wayne Parkway, said point being the **POINT OF BEGINNING**;

Thence S89°59'20"W along the north right of way line of Garvey Avenue a distance of 360.03 feet to the beginning of a tangent curve concave northeasterly having a radius of 19.97 feet;

Thence northwesterly along the arc of said curve to the right through a central angle of 89°56'45" a distance of 31.35 feet to the beginning of a tangent curve concave westerly having a radius of 921.64 feet, said point also lying on the easterly right of way of Condrey Avenue;

Thence northwesterly along the arc of said curve to the left and along the easterly right of way of Condrey Avenue through a central angle of 05°08'44" a distance of 82.77 feet;

Thence N05°19'29"W along the easterly right of way of Condrey Avenue a distance of 137.98 feet;

Thence N89°57'57"E a distance of 149.52 feet;

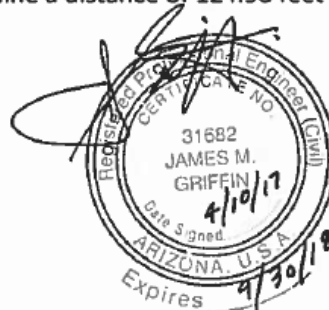
Thence N00°02'32"W a distance of 20.06 feet;

Thence S89°57'58"E a distance of 200.06 feet to a point on the west right of way line of John Wayne Parkway;

Thence S00°00'00"E along said west right of way line a distance of 134.97 feet;

Thence N89°59'41"E along an east-west section of right of way a distance of 47.05 feet;

Thence S00°00'00"E along said east right of way line a distance of 124.98 feet to the **POINT OF BEGINNING**.



**EXHIBIT "B"**

**DEPICTION OF LOT COMBINATION PLAN**

**[See Attached]**