

## **RESOLUTION NO. 20-51**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA AUTHORIZING THE WAIVER OF THE FOUR-YEAR ADVANCE NOTICE OF ABANDONMENT AND PAVEMENT QUALITY REPORT REQUIRED BY A.R.S. §28-7209 TO ALLOW THE STATE OF ARIZONA, BY AND THROUGH THE DEPARTMENT OF TRANSPORTATION, TO ABANDON ITS INTEREST IN AND TO CERTAIN RIGHT OF WAY LOCATED AT THE SOUTH END OF THE OLD MARICOPA ROAD/STATE ROUTE 347 ALIGNMENT TO THE CITY OF MARICOPA AND AUTHORIZING THE CITY MANAGER TO EXECUTE ANY ADDITIONAL DOCUMENTS RELATED TO SUCH WAIVER.**

**WHEREAS**, the City would like to acquire from the State of Arizona, by and through its Department of Transportation (ADOT), a portion of right of way located at the south end of the old Maricopa Road/ State Route 347 alignment; and

**WHEREAS**, pursuant to A.R.S. §28-7209, before the State of Arizona vacates or abandons a portion of a state route or state highway, they must meet certain requirements including, but not limited to, providing four years' advance notice to the affected jurisdiction and ensuring that major maintenance will not be required for at least 5 years; and

**WHEREAS**, pursuant to A.R.S. §28-7209(A)(2) and (B), such four years' advance notice and condition of pavement can be waived by mutual agreement of the State of Arizona and the affected jurisdiction; and

**WHEREAS**, the City would like to waive the four-year advance notice of abandonment and pavement quality report required by A.R.S. §28-7209 to expedite the acquisition of this right of way from ADOT.

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

**Section 1:** The Maricopa City Council hereby authorize the waiver of the four-year advance notice of abandonment and pavement quality report required by A.R.S. §28-7209 to allow ADOT to abandon its interest in and to certain right of way located at the south end of the Old Maricopa Road/State Route 247 alignment to the City of Maricopa in the form attached to and made a part of this Resolution.

**Section 2:** The Maricopa City Council hereby authorizes the City Manager to execute any additional documentation related to this waiver of the four-year advance notice of abandonment and pavement quality report required by A.R.S. §28-7209.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Maricopa,  
Arizona this 1<sup>st</sup> day of December, 2020.

APPROVED:

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Christian Price  
Mayor

ATTEST:

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Vanessa Bueras, CMC  
City Clerk

APPROVED AS TO FORM:

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Denis Fitzgibbons  
City Attorney