

RESOLUTION NO. 23-74

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, EXCHANGING A PORTION OF RIGHT-OF-WAY IN SECTION 28 OF TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, GENERALLY LOCATED WEST OF THE CURRENT ALIGNMENT OF N. MARICOPA ROAD ALIGNMENT SOUTH OF W. HONEYCUTT AVENUE FOR A PORTION OF REAL PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF W. HONEYCUTT ROAD AND N. MARICOPA ROAD WITHIN THE CITY OF MARICOPA.

WHEREAS, A.R.S. §28-7203 provides that the City may exchange a roadway or portion of a roadway with an abutting owner for all or part of a new public roadway; and

WHEREAS, the City is authorized pursuant to A.R.S. §28-7203 to exchange a portion of right of way in Section 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located west of the current alignment of N. Maricopa Road south of W. Honeycutt Avenue, legally described and generally depicted on Exhibit “A” attached hereto (“City Property”) for a portion of real property generally located at the southwest corner of the intersection of W. Honeycutt Road and N. Maricopa Road, legally described and generally depicted on Exhibit “B” attached hereto (“Owner Property”); and

WHEREAS, pursuant to A.R.S. §28-7203, title to the exchanged properties “vests in the grantee when the exchange is made”; and

WHEREAS, Maricopa Investments, LLC, a Michigan limited liability company (“Owner”) agrees to assume liability for the City Property and, when the real property generally known as Assessor Parcel No. 510-29-001B is developed, to reimburse the City for 50% of the costs of the installation of the improvements at the intersection W. Honeycutt Road and N. Maricopa Road as evidenced by the Agreement attached as Exhibit “C”; and

WHEREAS, City agrees to assume liability for the Owner Property as evidenced by the Agreement attached as Exhibit “C”; 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 exchange the City Property with the Owner Property south of W. Honeycutt Road for N. Maricopa Road.

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

1. That a portion of right of way in Section 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located west of the current alignment of N. Maricopa Road south of W. Honeycutt Avenue, legally described and generally depicted on Exhibit “A” attached hereto, is hereby exchanged for a portion of real property generally located

at the southwest corner of the intersection of W. Honeycutt Road and N. Maricopa Road, legally described and generally depicted on Exhibit “B” attached hereto.

2. That pursuant to A.R.S. §28-7203, title to the City Property vests in Owner and title to the Owner Property vests in City 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 exchange thereof.

4. That City, to whom title to the Owner Property vests, agrees to assume the cost of maintaining such portions of said real property and agrees to assume liability for such portions of said real property.

5. That Owner, to whom title to the City Property vests, agrees to assume the cost of maintaining such portions of said right-of-way and agrees to assume liability for such portions of said right-of-way.

6. That Owner hereby agrees that, when the real property generally known as Assessor Parcel No. 510-29-001B is developed, Owner or their successors and assigns shall reimburse the City for 50% of the costs of the installation of the improvements to the intersection of W. Honeycutt Road and N. Maricopa Road as evidenced by the Agreement attached as Exhibit “C.”

7. 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 exchange of a portion of right of way in Section 28 of Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, generally located west of the current alignment of N. Maricopa Road south of W. Honeycutt Avenue, legally described and generally depicted on Exhibit “A” attached hereto (“City Property”) for a portion of real property generally located at the southwest corner of the intersection of W. Honeycutt Road and N. Maricopa Road, legally described and generally depicted on Exhibit “B” attached hereto (“Owner Property”), and vesting of title to said City Property in Owner and vesting of title of said Owner Property in City.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 5th day of December, 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 of City Property

EXHIBIT B
Legal Description and Map of Owner Property

EXHIBIT C
Agreement