

RESOLUTION NO. 19-11

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, VACATING AND ABANDONING, WITH COMPENSATION IN THE FORM OF AN EASEMENT, PAPAGO STREET AND A PORTION OF MCDAVID ROAD GENERALLY LOCATED NORTH OF EDWARDS AVENUE, SOUTH OF THE UNION PACIFIC RAILROAD TRACKS, AND WEST OF STATE ROUTE 347 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, pursuant to A.R.S. §28-7205, title to the abandoned portions of such public roadway 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, A.R.S. §28-7208 provides that vesting of title pursuant to A.R.S. §28-7205 “is subject to the giving of consideration from the owner of the abutting property to the governing body in an amount deemed by the governing body to be commensurate with the value of the abandoned roadway...”; and

WHEREAS, the Mayor and City Council find that the portion of McDavid Road and the portion of Papago Street, as legally shown and described on Exhibit “A” attached hereto, has no public use; and

WHEREAS, 45030, LLC, an Arizona limited liability company (“45030”), the abutting property owner agrees to assume liability for the abandoned right-of-way as evidenced by the Agreement attached as Exhibit “B”; 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 Papago Street and a portion of McDavid Road generally located north of Edwards Avenue, South of the Union Pacific Railroad tracks and west of State Route 347 within the City of Maricopa for consideration.

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

1. That Papago Street and a portion of McDavid Street legally shown and described on Exhibit “A”, is hereby vacated and abandoned in exchange for compensation to the City.

2. That pursuant to A.R.S. §28-7205, title to the abandoned portion of the right-of-way vests in 45030 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 45030, 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 Papago Street and a portion of McDavid Road generally located north of Edwards Avenue, South of the Union Pacific Railroad tracks and west of State Route 347 as shown and legally described on Exhibit "A" and vesting of title to said abandoned portion of said right-of-way in 45030, the owner of the abutting property.

PASSED AND ADOPTED by the Mayor and City Council of the City of Maricopa, Arizona this 19th day of March, 2019.

APPROVED:

Christian Price
Mayor

ATTEST:

Vanessa Bueras, CMC
City Clerk

APPROVED AS TO FORM:

Denis Fitzgibbons
City Attorney