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Garcia

When recorded mail to:

City of Goodyear  
City Clerk's Office  
1900 N. Civic Square  
Goodyear AZ 85395

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**RESOLUTION NO. 2024-2414**

DECLARING SECTIONS OF 175<sup>th</sup> AVENUE AND ELWOOD STREET  
UNNECESSARY FOR PUBLIC ROADWAY AND EXTINGUISHING THE RIGHT OF  
WAY EASEMENT GRANTING THE CITY THE UNNECESSARY PUBLIC ROADWAY;  
PROVIDING FOR THE RECORDATION OF THIS RESOLUTION; AND PROVIDING  
FOR AN EFFECTIVE DATES OF THE EASEMENT EXTINGUISHMENT AND THE  
RESOLUTION.

**DO NOT REMOVE**

**This is part of the official document**

**RESOLUTION NO. 2024-2414**

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING SECTIONS OF 175<sup>th</sup> AVENUE AND ELWOOD STREET UNNECESSARY FOR PUBLIC ROADWAY AND EXTINGUISHING THE RIGHT OF WAY EASEMENT GRANTING THE CITY THE UNNECESSARY PUBLIC ROADWAY; PROVIDING FOR THE RECORDATION OF THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATES OF THE EASEMENT EXTINGUISHMENT AND THE RESOLUTION.

WHEREAS, in 1987 AMCOR Investments, a California corporation conveyed to the City of Goodyear a Right-of-Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620 for a section of property located at the intersection of what was to be developed as South 175<sup>th</sup> Avenue and W. Elwood Street (formerly Dunlap) (the "Right-of-Way Easement"); and

WHEREAS, under the terms of the Right-of-way Easement, the Right-of-Way Easement is to terminate is to terminate upon a resolution by the City of Goodyear that it is no longer needed: and

WHEREAS, the city received an application to abandon the Right of Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620, (the "Abandonment Area"); and

WHEREAS, the Abandonment Area has not been used as a public right-of-way, and no street improvements have been constructed within the Abandonment Area; and

WHEREAS, City engineering staff has confirmed that the Abandonment Area is not needed for public right-of-way; and

WHEREAS, Owner provided the city received utility clearances confirming there are no existing public utilities within the Abandonment Area; and

WHEREAS, pursuant to A.R.S. § 28-7202, the Mayor and Council of the City of Goodyear are vested with the power to determine and find that a public roadway or portion thereof is unnecessary for public use as a roadway; and

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that the portion of S. 175<sup>th</sup> Avenue and W. Elwood Street alignments described in the Right-of-Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620, is unnecessary for public roadway purposes; and

WHEREAS, pursuant to A.R.S. § 28-7213, the Mayor and Council of the City of Goodyear are vested with the power to extinguish right-of-way easements by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1. The Mayor and Council of the City of Goodyear find and determine that the portion of the S. 175<sup>th</sup> Avenue alignment and the W. Elwood Street alignment, as more particularly described in the Right-of-Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620, is unnecessary for public roadway purposes and is hereby vacated pursuant to A.R.S. § 28-7205 and the Right of Way Easement granting the city an easement for such public right-of-way extinguished.

SECTION 2. The public roadway shall be vacated and the Right of Way Easement recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1987 0193620, extinguished as provided for in Section 1. The vacation of the public roadway and extinguishment of the Right of Way Easement shall become effective upon the recordation of this Resolution 2024-2414 with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. The City Clerk shall record this Resolution 2024-2414 with the office of the County Recorder for Maricopa County, Arizona within ten (10) days of the effective date of this Resolution.

SECTION 4. Resolution 2024-2414 shall be effective upon the date of its adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a 6-0 vote, this 24<sup>th</sup> day of June, 2024.

  
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Joe Pizzillo, Mayor

Date: 7-1-2024

ATTEST:

  
\_\_\_\_\_  
Darcie McCracken, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Roric Massey, City Attorney

