

2025063-11-1-1--
Hoyp

When recorded mail to:

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

RESOLUTION NO. 2024-2428

DECLARING SECTIONS OF EL CIELO UNNECESSARY FOR PUBLIC ROADWAY,
VACATING SUCH SECTIONS OF EL CIELO, AUTHORIZING THE TERMINATION OF PUBLIC
UTILITY EASEMENTS ADJACENT TO THE SECTION OF EL CIELO BEING VACATED,
PROVIDING FOR THE RECORDATION OF THE RESOLUTION; AND PROVIDING FOR AN
EFFECTIVE DATES OF THE ABANDONMENT AND THE RESOLUTION.

DO NOT REMOVE

This is part of the official document

RESOLUTION NO. 2024-2428

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING SECTIONS OF EL CIELO UNNECESSARY FOR PUBLIC ROADWAY, VACATING SUCH SECTIONS OF EL CIELO, AUTHORIZING THE TERMINATION OF PUBLIC UTILITY EASEMENTS ADJACENT TO THE SECTION OF EL CIELO BEING VACATED, PROVIDING FOR THE RECORDATION OF THE RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATES OF THE ABANDONMENT AND THE RESOLUTION.

WHEREAS, on December 8, 1983 Broadway Investments, LTD., a California partnership conveyed to the City of Goodyear by Final Plat for the Airport Commercecenter Subdivision No. 2 recorded in the official records of the Maricopa County, Arizona Recorder as Instrument No. 1983 0492562 (the "Commercecenter Plat") right-of-way for the development of a public roadway to be known as titled El Cielo, which was to provide access to a number of lots created by the Commercecenter Plat, and public utility easements adjacent to the such right-of-way; and

WHEREAS, Microsoft Corporation, a Washington corporation ("Microsoft") acquired approximately 279 acres of real property within the City of Goodyear generally located between the north side of Broadway and the south side of MC-85 extending from east of Bullard Avenue to west of Litchfield Road (the "Microsoft Property"), which included all of the property within the Commercecenter Plat; and

WHEREAS, Microsoft re-platted the Microsoft Property by Final Plat for PHX 10-11 Phase 1 recorded in the official records of the Maricopa County, Arizona Recorder at Book 1481 page 17 (Instrument 20190682117) (the "PHX 10-11 Plat"), which consolidated a number of lots, including lots which required access from El Cielo; and

WHEREAS, the city received an application from Microsoft to abandon a portion of the property conveyed for right-of-way for the development of El Cielo as more particularly described in Exhibit "A" attached hereto and incorporated herein (the "ROW Abandonment Area") and to terminate the portion of the Public Utility Easement adjacent to the right-of-way to be abandoned as more particularly described in Exhibit "B" attached hereto and incorporated herein (the "PUE Termination Area"); and

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

WHEREAS, the ROW Abandonment Area is no longer needed for access and its development as a public road is inconsistent with Microsoft's development plans for the Microsoft Property; and

WHEREAS, City engineering staff have confirmed that the ROW Abandonment Area is not needed for public right-of-way and the city owned public utility improvements that are located in the ROW Abandonment Area are no longer needed and have been capped and abandoned in place; and

WHEREAS, City engineering staff have confirmed that the PUE Termination Area adjacent to the ROW Abandonment Area is no longer needed.

WHEREAS, City real-estate staff confirmed that none of the utility and telecommunication providers who are authorized to install facilities within city right-of-way do not have any infrastructure within the ROW Abandonment Area or the PUE Termination 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 dispose of the such roadway; and

WHEREAS, pursuant to A.R.S. § 9-402, the city has the power to dispose of easements conveyed to the city that are no longer needed; and

WHEREAS, the City of Goodyear Engineering and Design Standards require the dedication of public utility easements adjacent to public right-of-way, and City engineering staff have determined that once the ROW Abandonment Area is vacated and abandoned, the public utility easement adjacent to the ROW Abandonment Area is no longer needed.

WHEREAS, a new public utility easement will be required in the area adjacent to the new boundaries of El Cielo that will be result after the ROW Abandonment Area is vacated and abandoned as more particularly described Exhibit "C" attached hereto and incorporated herein by reference.

WHEREAS, the Mayor and Council of the City of Goodyear find and determine that the portion of El Cielo described in Exhibit "A" is unnecessary for public roadway purposes; and

WHEREAS, the market value of the City's interest in the property legally described and depicted in Exhibit A is nominal and the City will receive consideration for the abandonment of such interests in the form of tax revenues gained by Microsoft's further development of the Microsoft Property, the elimination of the City's responsibility for such rights-of-ways, and the relief from potential liability for property damages, injury or death that may occur in the Abandonment Area.

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 El Cielo, as more particularly described Exhibit "A" attached hereto and incorporated herein by reference is unnecessary for public roadway purposes and should be vacated and that the portion of the Public Utility Easement adjacent to the portion of El Cielo being vacated and abandoned as more particularly described Exhibit "B" attached hereto and incorporated herein by reference is no longer needed; and

SECTION 2. The portion of El Cielo, as more particularly described Exhibit "A" attached hereto and incorporated herein by reference is hereby vacated, which vacation shall become effective upon the recordation of this Resolution 2024-2428 and the exhibits attached hereto with the office of the County Recorder for Maricopa County, Arizona.

SECTION 3. Pursuant to A.R.S. § 28-7205, title to the property being vacated and abandoned herein shall vest, subject to all existing encumbrances, liens, limitations, restrictions and estates, to the owners of record of the land abutting the portion of El Cielo being vacated and abandoned as of the date this Resolution is recorded.

SECTION 4 Upon the city's receipt of a public utility easement for the area adjacent to the new boundaries of El Cielo that will result upon the recordation of this Resolution as more particularly described Exhibit "C" attached hereto and incorporated herein by reference, which shall be in a form provided by the City Attorney or his designee, the Mayor and Council of the City of Goodyear authorize the City Manager to execute a document in a form approved by the City Attorney or his designee terminating the portion of the existing public utility easement adjacent to the portion of El Cielo that is being vacated and abandoned as more particularly described in Exhibit "B" attached hereto and incorporated herein.

SECTION 5. The City Clerk shall record this Resolution 2024-2428 and Exhibit A attached hereto with the office of the County Recorder for Maricopa County, Arizona within ten (10) days of the effective date of this Resolution.

SECTION 6. Resolution 2024-2428 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 28th day of October, 2024.



Joe Fizzillo, Mayor

Date: 10-28-2024

ATTEST:



Darcie McCracken, City Clerk

APPROVED AS TO FORM:



Roric Massey, City Attorney



EXHIBIT 'A'

**PARTIAL RIGHT OF WAY ABANDONMENT
OF EL CIELO**

THAT PORTION OF EL CIELO, A PUBLIC RIGHT OF WAY, AS SHOWN ON THE FINAL PLAT OF "PHX 10-11 PHASE 1", ACCORDING TO BOOK 1481 OF MAPS, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA, ALSO LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT NORTH QUARTER CORNER OF SAID SECTION 21 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH 89°10'28" EAST, 2630.09 FEET;

THENCE SOUTH 89°10'28" EAST, 1315.04 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21;

THENCE SOUTH 00°52'11" EAST, 1025.10 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00°52'11" EAST, 439.90 FEET TO THE BEGINNING OF A NON-TANGENT CURVE WHOSE CENTER RADIUS BEARS NORTH 00°52'11" WEST, 60.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 138°11'23", AN LENGTH OF 144.71 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°11'23", AN ARC LENGTH OF 25.23 FEET;

THENCE NORTH 00°52'11" WEST, 335.45 FEET;

THENCE NORTH 89°07'49" EAST, 20.93 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, WHOSE CENTER RADIUS BEARS NORTH 79°01'03" EAST, 60.00 FEET;

THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°26'58", AN LENGTH 24.56 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED CONTAINS 15,916 SQUARE FEET MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.

RYAN D. GILBERT, RLS
GILBERT LAND SURVEYING
4361 S SQUIRES LANE
GILBERT, AZ 85297
480-275-8020
PROJECT NO. 24-0302-ROW



EXHIBIT 'A'

PARTIAL RIGHT OF WAY ABANDONMENT OF EL CIELO

N 1/4 CORNER
SECTION 21,
T1N, R1W
**POINT OF
COMMENCEMENT**

NE CORNER
SECTION 21,
T1N, R1W

**W. LOWER
BUCKEYE RD**

S89°10'28"E 2630.09'

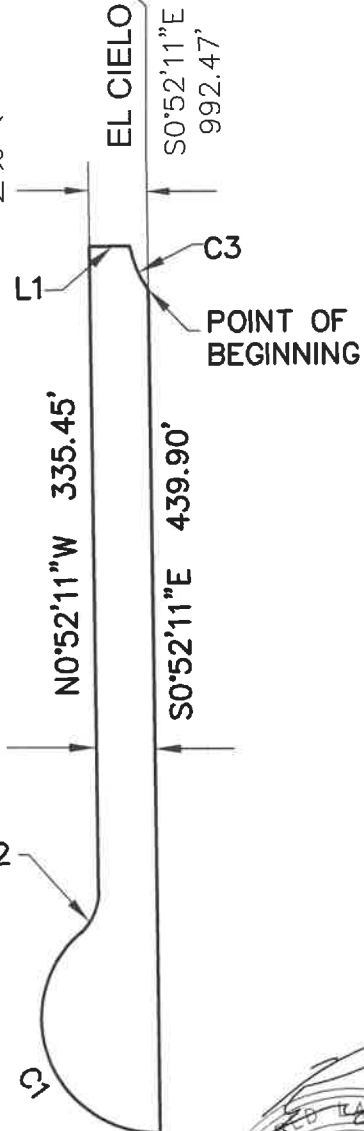
1315.04' 1315.05'



30' RIGHT OF WAY
BK 259, PG 44, MCR
TO REMAIN

LOT 6
BK 1481,
PG 17, MCR

60' RIGHT OF WAY
ABANDONMENT



LINE TABLE		
LINE	LENGTH	BEARING
L1	20.93'	N89° 07' 49"E

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD	C.L.
C1	144.71'	60.00'	138°11'23"	S21° 46' 29"E	112.10'
C2	25.23'	30.00'	48°11'23"	N23° 13' 31"E	24.49'
C3	24.56'	60.00'	23°26'58"	S22° 42' 26"E	24.39'

NOTE: THIS EXHIBIT IS MEANT SOLELY AS A REFERENCE TO THE LEGAL DESCRIPTION TO WHICH IT IS ATTACHED.



GILBERT LAND SURVEYING, PLC
4361 S. Squires Lane, Gilbert, Arizona 85297
Phone: (480) 275-8020 - info@gilbertsurvey.com

PROJ. NO.: 24-0302-ROW
PAGE: 2 OF 2 PAGES
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EXHIBIT 'B'

PUBLIC UTILITY EASEMENT ABANDONMENT

A PORTION OF LOT 6 OF THE FINAL PLAT OF "PHX 10-11 PHASE 1", ACCORDING TO BOOK 1481 OF MAPS, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA, ALSO LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT NORTH QUARTER CORNER OF SAID SECTION 21 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH 89°10'28" EAST, 2630.09 FEET;

THENCE SOUTH 89°10'28" EAST, 1315.04 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21;

THENCE SOUTH 00°52'11" EAST, 1465.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00°52'11" EAST, 10.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, WHOSE CENTER RADIUS BEARS NORTH 00°52'11" WEST, 70.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 138°11'23", AN ARC LENGTH OF 168.83 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 20.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE A CENTRAL ANGLE OF 48°11'23", AN ARC LENGTH OF 16.82 FEET;

THENCE NORTH 00°52'11" WEST, 335.45 FEET;

THENCE NORTH 89°07'49" EAST, 10.00 FEET;

THENCE SOUTH 00°52'11" EAST, 335.45 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 30.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 48°11'23", 25.23 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 60.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 138°11'23", AN ARC LENGTH OF 144.71 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED CONTAINS 5,132 SQUARE FEET MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.

RYAN D. GILBERT, RLS
GILBERT LAND SURVEYING
4361 S SQUIRES LANE
GILBERT, AZ 85297
480-275-8020
PROJECT NO. 24-0302-PUE



EXHIBIT 'B' PUBLIC UTILITY EASEMENT ABANDONMENT

N 1/4 CORNER
SECTION 21,
T1N, R1W
**POINT OF
COMMENCEMENT**

NE CORNER
SECTION 21,
T1N, R1W

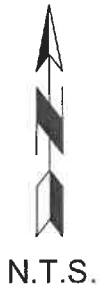
**W. LOWER
BUCKEYE RD**

S89°10'28"E 2630.09'

1315.04'

1315.05'

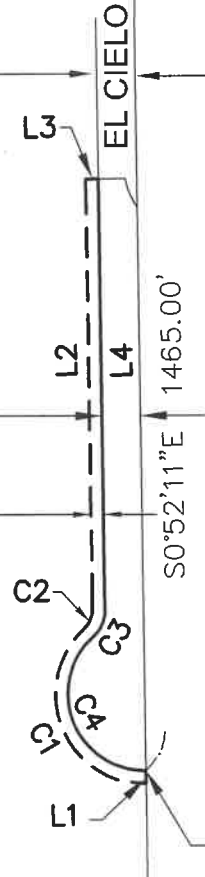
30' RIGHT OF WAY
BK 259, PG 44, MCR
TO REMAIN



RIGHT OF WAY TO BE
ABANDONED BY SEPARATE
INSTRUMENT

10' PUBLIC UTILITY
EASEMENT
ABANDONMENT

LOT 6
BK 1481, PG 17,
MCR



**POINT OF
BEGINNING**



NOTE: THIS EXHIBIT IS MEANT
SOLELY AS A REFERENCE TO
THE LEGAL DESCRIPTION TO
WHICH IT IS ATTACHED.

LOT 1
BK 1481, PG 17,
MCR



GILBERT LAND SURVEYING, PLC
4361 S. Squires Lane, Gilbert, Arizona 85297
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EXHIBIT 'B'

PUBLIC UTILITY EASEMENT ABANDONMENT

LINE TABLE		
LINE	LENGTH	BEARING
L1	10.00'	S0° 52' 11"E
L2	335.45'	N0° 52' 11"W
L3	10.00'	N89° 07' 49"E
L4	335.45'	S0° 52' 11"E



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	168.83'	70.00'	138°11'23"	S21° 46' 30"E	130.78'
C2	16.82'	20.00'	48°11'23"	S23° 13' 31"W	16.33'
C3	25.23'	30.00'	48°11'23"	S23° 13' 31"W	24.49'
C4	144.71'	60.00'	138°11'23"	S21° 46' 30"E	112.10'



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EXHIBIT 'C'

PUBLIC UTILITY EASEMENT

AN EASEMENT LOCATED WITHIN EL CIELO, A PUBLIC RIGHT-OF-WAY, AS SHOWN ON THE FINAL PLAT OF "PHX 10-11 PHASE 1", ACCORDING TO BOOK 1481 OF MAPS, PAGE 17, RECORDS OF MARICOPA COUNTY, ARIZONA, ALSO LOCATED IN THE NORTH HALF OF SECTION 21, TOWNSHIP 1 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT NORTH QUARTER CORNER OF SAID SECTION 21 FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 21 BEARS SOUTH 89°10'28" EAST, 2630.09 FEET;

THENCE SOUTH 89°10'28" EAST, 1315.04 FEET ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 21;

THENCE SOUTH 00°52'11" EAST, 992.47 FEET TO A POINT LOCATED ON THE EASTERLY RIGHT-OF-WAY LINE OF SAID EL CIELO, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 00°52'11" EAST, 32.64 FEET ALONG SAID EASTERLY RIGHT-OF-WAY LINE TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE NORTHEAST, WHOSE CENTER RADIUS BEARS NORTH 55°34'05" EAST, 60.00 FEET;

THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 23°26'58", AN ARC LENGTH OF 24.56 FEET;

THENCE SOUTH 89°07'49" WEST, 20.93 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF SAIS EL CIELO;

THENCE NORTH 00°52'11" WEST, 10.00 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE;

THENCE NORTH 89°07'49" EAST, 30.00 FEET, DEPARTING FROM SAID WESTERLY RIGHT-OF-WAY LINE TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED CONTAINS 423 SQUARE FEET MORE OR LESS.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.

RYAN D. GILBERT, RLS
GILBERT LAND SURVEYING
4361 S SQUIRES LANE
GILBERT, AZ 85297
480-275-8020
PROJECT NO. 24-0302-U



EXHIBIT 'C' FOR PUBLIC UTILITY EASEMENT

N 1/4 CORNER
SECTION 21,
T1N, R1W
**POINT OF
COMMENCEMENT**

NE CORNER
SECTION 21,
T1N, R1W

**W. LOWER
BUCKEYE RD**

S89°10'28"E 2630.09'
1315.04'

1315.05'



LOT 6
BK 1481, PG
17, MCR

30' R/W
BK 259, PG
44, MCR

**POINT OF
BEGINNING**

EL CIELO

S0°52'11"E 992.47'

L3

L2

L4

L1

**PUBLIC
UTILITY
EASEMENT
DEDICATED
HEREON**

30' R/W
TO BE
ABANDONED
BY SEPARATE
INSTRUMENT

LINE TABLE

LINE	LENGTH	BEARING
L1	32.64'	S0° 52' 11"E
L2	20.93'	S89° 07' 49"W
L3	10.00'	N0° 52' 11"W
L4	30.00'	N89° 07' 49"E

Curve Table

CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C1	24.56'	60.00'	23°26'58"	S22° 42' 26"E	24.39'

NOTE: THIS EXHIBIT IS MEANT SOLELY AS A
REFERENCE TO THE LEGAL DESCRIPTION
TO WHICH IT IS ATTACHED.



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