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When recorded mail to:

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

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**RESOLUTION NO. 2024-2429**

DECLARING SECTIONS OF S. 143RD AVENUE UNNECESSARY FOR PUBLIC ROADWAY,  
VACATING SUCH SECTIONS OF S. 143RD AVENUE, AUTHORIZING THE TERMINATION  
OF PUBLIC UTILITY EASEMENTS ADJACENT TO THE SECTION OF S. 143RD AVENUE  
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. 2024-2429

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING SECTIONS OF S. 143<sup>RD</sup> AVENUE UNNECESSARY FOR PUBLIC ROADWAY, VACATING SUCH SECTIONS OF S. 143<sup>RD</sup> AVENUE, AUTHORIZING THE TERMINATION OF PUBLIC UTILITY EASEMENTS ADJACENT TO THE SECTION OF S. 143<sup>RD</sup> AVENUE 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 at that time as Airport Way but that is now known as 143rd Avenue), 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 2019 0682117) (the "PHX 10-11 Plat"), which consolidated a number of lots, including lots which required access from S. 143<sup>rd</sup> Avenue; 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 S. 143<sup>rd</sup> Avenue 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

WHEREAS, City engineering staff have confirmed that the public utility easement adjacent to the ROW Abandonment Area is no longer needed.

WHEREAS, City real-estate staff confirmed that the city has no utility facilities within the ROW Abandonment Area; and

WHEREAS, City real estate staff confirmed that except for utility improvements installed pursuant to a separate easement granted to a private utility company, none of the utility and telecommunication providers who are authorized to install facilities within city right-of-way or public utility easements 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, the Mayor and Council of the City of Goodyear find and determine that the portion of S. 143<sup>rd</sup> Avenue 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 S. 143<sup>rd</sup> Avenue, 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 S. 143<sup>rd</sup> Avenue 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 S. 143<sup>rd</sup> Avenue, 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 2024-2429 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 S. 143<sup>rd</sup> Avenue being vacated and abandoned as of the date this Resolution is recorded.

SECTION 4. The City Clerk shall record this Resolution 2024-2429 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 5. The City Manager is hereby authorized and directed to execute a document approved by the City Attorney or his designee terminating the public utility easement adjacent to the portion of S. 143<sup>rd</sup> Avenue being vacated and abandoned as more particularly described Exhibit "B" attached hereto (the "Easement Termination") and to have the executed Easement Termination recorded in the official records of Maricopa County, Arizona.

SECTION 6. Resolution 2024-2429 shall be effective upon the date of its adoption by the Mayor and Council of the City of Goodyear.

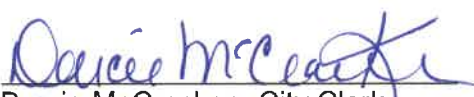
PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a 6-0 vote, this 28<sup>th</sup> day of October, 2024.

  
\_\_\_\_\_  
Joe Pizzillo, Mayor

Date: 10.28.2024

ATTEST:

APPROVED AS TO FORM:

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

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



**EXHIBIT 'A'**  
**PARTIAL RIGHT OF WAY ABANDONMENT**  
**OF 143RD AVENUE**

THAT PORTION OF 143RD AVENUE, 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 THE NORTH QUARTER CORNER OF SAID SECTION 21, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION BEARS SOUTH 89°10'28" EAST, 2630.09 FEET;

THENCE SOUTH 01°42'11" EAST, 1854.23 FEET TO THE **POINT OF BEGINNING**;

THENCE SOUTH 00°28'01" EAST, 488.49 FEET;

THENCE NORTH 89°20'02" WEST, 80.02 FEET;

THENCE NORTH 00°28'01" WEST, 486.34 FEET;

THENCE NORTH 89°07'49" EAST, 80.00 FEET TO THE **POINT OF BEGINNING**.

THE ABOVE DESCRIBED CONTAINS 38,993 SQUARE FEET MORE OR LESS.

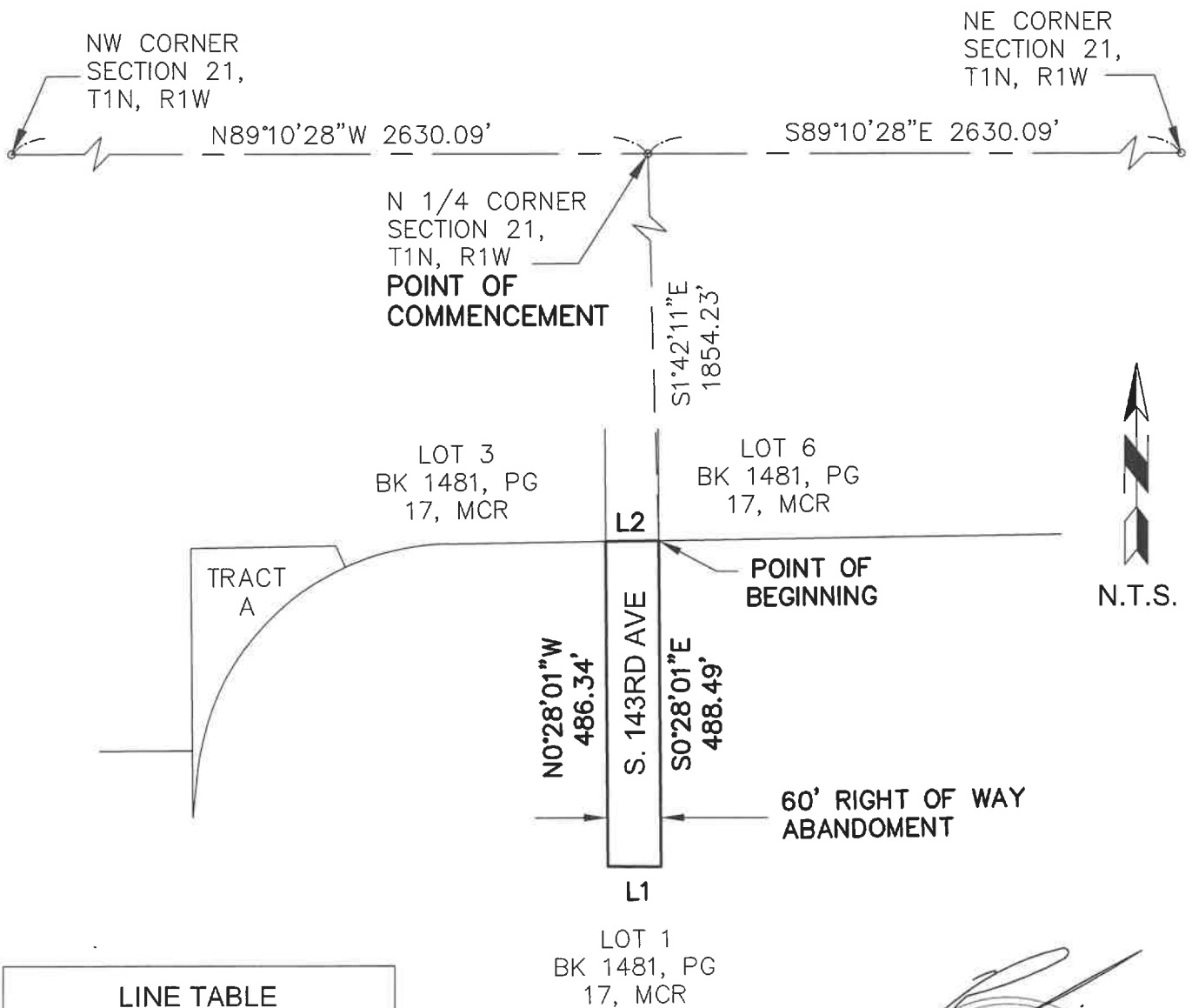
SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.

RYAN D. GILBERT, RLS  
GILBERT LAND SURVEYING  
4361 S SQUIRES LANE  
GILBERT, AZ 85297  
480-275-8020  
PROJECT NO. 240106-A



# EXHIBIT 'A'

## PARTIAL RIGHT OF WAY ABANDONMENT OF 143RD AVENUE



LINE TABLE		
LINE	LENGTH	BEARING
L1	80.02'	N89° 20' 02"W
L2	80.00'	N89° 07' 49"E



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

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## EXHIBIT 'B'

### LEGAL DESCRIPTION FOR PUBLIC UTILITY EASEMENT ABANDONMENT

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

**COMMENCING** AT THE NORTH QUARTER CORNER OF SAID SECTION 21, FROM WHICH THE NORTHWEST CORNER OF SAID SECTION BEARS NORTH 89°13'00" WEST, 2627.31 FEET;

THENCE SOUTH 02°15'32" EAST, 1854.58 FEET TO A POINT LOCATED ON THE NORTH LINE OF SAID LOT 1, SAID POINT BEING THE **POINT OF BEGINNING**;

THENCE SOUTH 00°28'01" EAST, 157.83 FEET;

THENCE SOUTH 44°19'54" WEST, 11.35 FEET;

THENCE SOUTH 00°28'01" EAST, 322.73 FEET TO THE BEGINNING OF A CURVE TO LEFT, HAVING A RADIUS OF 15.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°55'35", AN ARC LENGTH OF 7.83 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT, HAVING A RADIUS OF 60.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 239°51'10", AN ARC LENGTH OF 251.17 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT, HAVING A RADIUS OF 15.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 29°55'35", AN ARC LENGTH OF 7.83 FEET;

THENCE NORTH 00°28'01" WEST, 322.02 FEET;

THENCE NORTH 45°40'06" WEST, 11.27 FEET;

THENCE NORTH 00°28'01" WEST, 157.83 FEET TO THE NORTH LINE OF SAID LOT 1;

THENCE NORTH 89°07'47" EAST, 116.00 FEET ALONG THE SAID NORTH LINE TO THE **POINT OF BEGINNING**;

EXCEPT FOR THAT PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS 143RD AVENUE AS SOWN  
ON SAID PLAT LYING WITHIN THE AREA DESCRIBED ABOVE.

SEE ATTACHED EXHIBIT DRAWING BY REFERENCE MADE A PART HERETO.

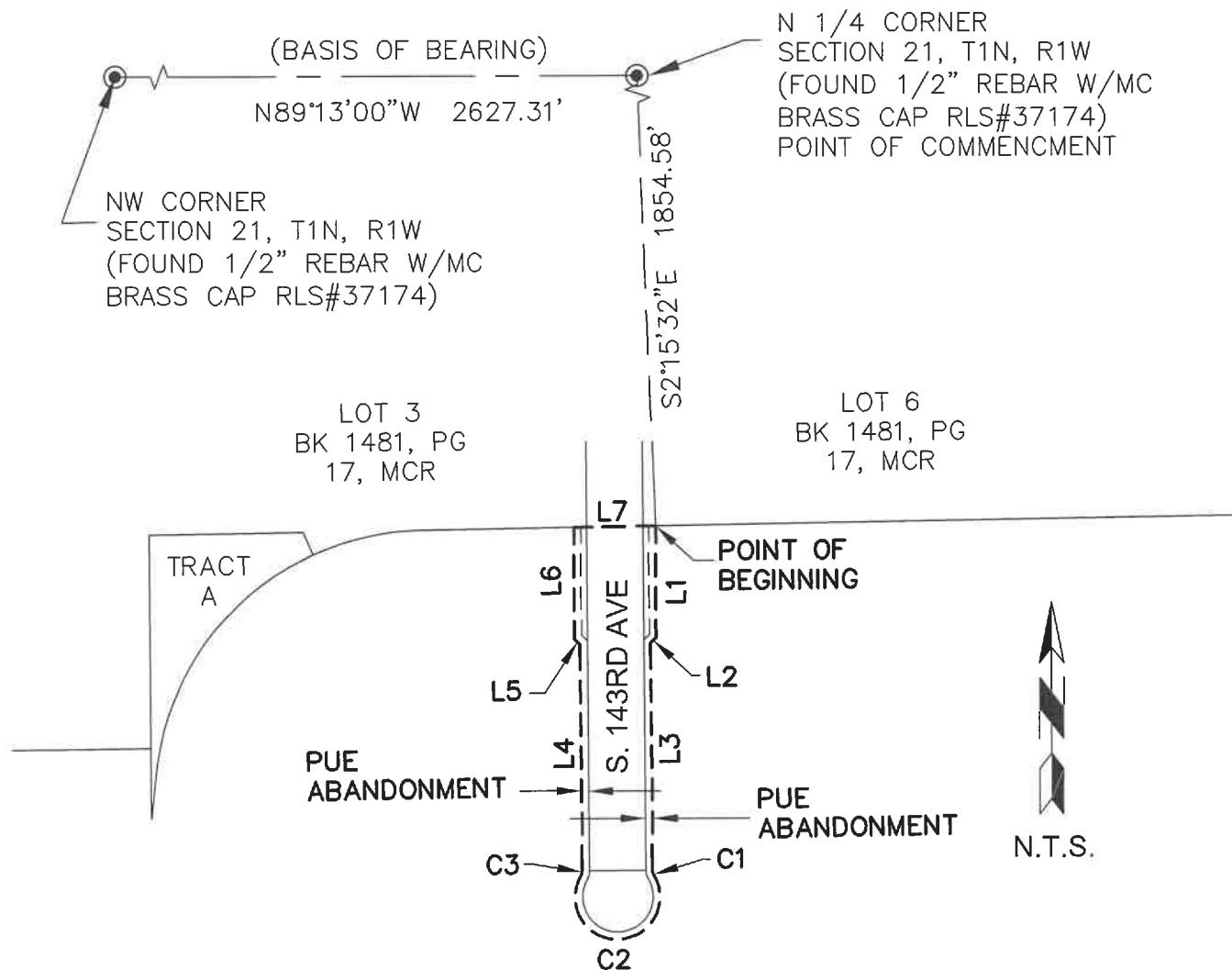
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480-275-8020  
PROJECT NO. 24-0105





# EXHIBIT 'B'

## PUBLIC UTILITY EASEMENT (PUE) ABANDONMENT



LOT 1  
BK 1481, PG  
17, MCR



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



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**EXHIBIT 'B'**  
**PUBLIC UTILITY EASEMENT (PUE)**  
**ABANDONMENT**

LINE TABLE		
LINE	LENGTH	BEARING
L184	157.83'	S0° 28' 01"E
L185	11.35'	S44° 19' 54"W
L186	322.73'	S0° 28' 01"E
L187	322.02'	N0° 28' 01"W
L188	11.27'	N45° 40' 06"W
L189	157.83'	N0° 28' 01"W
L190	116.00'	N89° 07' 47"E



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CHORD LENGTH
C134	7.83'	15.00'	29°55'35"	S15° 25' 49"E	7.75'
C135	251.17'	60.00'	239°51'10"	N89° 31' 59"E	104.00'
C136	7.83'	15.00'	29°55'35"	N14° 29' 47"E	7.75'



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