

RESOLUTION NO. 21-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA AMENDING THE AUTHORIZATION AND DIRECTION TO ACQUIRE ALL OF THE PROPERTY NECESSARY TO INCLUDE PROPERTY NECESSARY FOR A PUBLIC UTILITY EASEMENT, FOR THE COMPLETION OF THE WIDENING OF PORTER ROAD WITHIN THE CITY LIMIT OF MARICOPA BY DEDICATION, DONATION, PURCHASE, EXCHANGE OR UNDER THE POWER OF EMINENT DOMAIN AS A MATTER OF PUBLIC NECESSITY.

WHEREAS, the City of Maricopa owns and maintains Porter Road and desires to protect and provide for the continued and increasing use of Porter Road by the public; and

WHEREAS, the City has expended considerable public funds in the construction, maintenance and improvements of Porter Road and in the design of improvements of Porter Road south of and at the intersection of W. Smith Enke Road; and

WHEREAS, on July 20, 2021, City Council approved Resolution 21-35 authorizing and directing the acquisition of all property necessary for the completion of the widening of Porter Road; and

WHEREAS, the authorization and direction provided in Resolution 21-35 did not include the property for the necessary public utility easement; and

WHEREAS, the City Council believes it is in the best interest of the City to authorize the acquisition of certain real property, including the property necessary for the public utility easement, adjoining Porter Road necessary and convenient to the design, construction, expansion, widening, maintenance, improvements and ongoing use of Porter Road; and

WHEREAS, the Mayor and City Council of the City of Maricopa, Arizona have determined and does hereby find that the property to be taken is necessary for these public purposes.

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

Section 1. That it is deemed necessary and essential as a matter of public use and necessity that Porter Road be widened south of and at the intersection with W. Smith Enke Road (the "Project"). That it is deemed essential as a matter of public use and necessity that the necessary property and associated rights of way and easements be acquired, including by eminent domain, for construction, maintenance and completion of the Project identified on Exhibit "A" attached hereto, including all related facilities, within the corporate limits of the City of Maricopa.

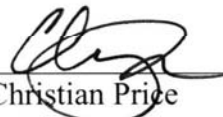
Section 2. That staff is directed to proceed with the acquisition of real and/or personal property and associated rights of way and easements, including by eminent domain, for construction, maintenance and completion of the Project, as indicated in Exhibit "A" attached hereto.

Section 3. That property affected by this Resolution is necessary for the development, design and construction of the Project.

Section 4. Shall the need arise the Mayor or the City Manager is hereby authorized to execute any documents that may be necessary to carry out the purpose of this resolution.


PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa Arizona, this 12th day of October, 2021.

APPROVED:



Christian Price
Mayor

ATTEST:



Vanessa Bueras, MMC
City Clerk



APPROVED AS TO FORM:



Denis M. Fitzgibbons
City Attorney



Exhibit "A"
Porter Road
Condemnation

Job 21-0552

July 8th, 2021

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 3 EAST OF THE GILA AND SALT RIVER MERIDIAN, PINAL COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A BRASS CAP FLUSH AT THE NORTHEAST CORNER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 3 EAST, FROM WHICH THE EAST QUARTER CORNER OF SAID SECTION 23, BEING A FOUND PK NAIL WITH WASHER "PLS 57280", BEARS SOUTH 00 DEGREES 10 MINUTES 19 SECONDS WEST, A DISTANCE OF 2683.60 FEET;

THENCE ALONG THE EAST LINE OF SAID NORTHEAST QUARTER OF SECTION 23, SOUTH 00 DEGREES 10 MINUTES 19 SECONDS WEST, 250.35 FEET;

THENCE LEAVING SAID EAST LINE, SOUTH 87 DEGREES 25 MINUTES 26 SECONDS WEST, ALONG THE NORTH LINE OF TRACT A, PROVINCE PARCEL 9, FEE 2008-021463 P.C.R., 63.06 FEET;

THENCE NORTH 00 DEGREES 10 SECONDS 19 SECONDS EAST, 250.35 FEET TO THE CENTERLINE OF SMITH ENKE ROAD;

THENCE ALONG SAID CENTERLINE OF SMITH ENKE ROAD, NORTH 87 DEGREES 25 MINUTES 26 SECONDS EAST, 63.06 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 15,768.92 SQUARE FEET, OR .362 ACRES, MORE OR LESS, AND SUBJECT TO ANY EASEMENTS, RESTRICTIONS, AND/OR RIGHT-OF-WAYS OR RECORD OR OTHERWISE.



A handwritten signature in black ink, appearing to read 'Michael D. Pollock', written over the bottom portion of the seal.

Jul 08, 2021 8:52am s:\Projects\2021\21-0552\Land Survey\Legals\Porter Road Condemnation\21-0552 Porter Rd Condemnation.dwg

NORTH QUARTER CORNER
SECTION 23, T4S, R3E
CALCULATED POSITION

NORTHEAST CORNER
SECTION 23, T4S, R3E
FOUND CITY OF MARICOPA
BRASS CAP FLUSH
POINT OF BEGINNING

SMITH ENKE ROAD

S87°25'26"W 2640.35'

N87°25'26"E
63.06'

33' ROADWAY EASEMENT
DOCKET 375, PAGE 572, P.C.R.
(9460.16 SF.)

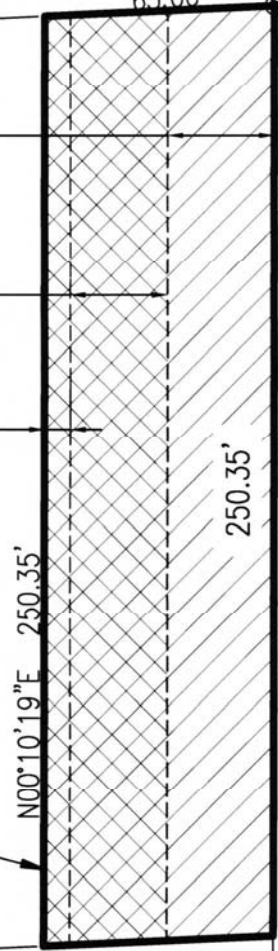
22' RIGHT-OF-WAY
PROPOSED CONDEMNATION

8' (PROPOSED CONDEMNATION
FOR P.U.E.)

APN 512-07-0010



TOTAL LAND AREA:
15768.92 SQUARE FEET
0.362± ACRES, MORE OR LESS

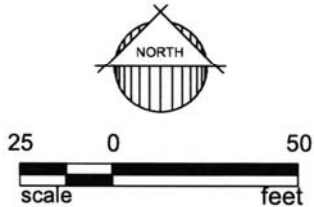


S0°10'19"W 2683.60' (BASIS OF BEARING)

PORTER ROAD

S87°25'26"W
63.06'

EAST QUARTER CORNER
SECTION 23, T4S, R3E
FOUND PK NAIL WITH WASHER
PLS 57280



21-0 52

EXHIBIT "A"

PORTER ROAD CONDEMNATION



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