

RESOLUTION 23-39

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF MARICOPA, ARIZONA, APPROVING A WAIVER OF THE FOUR-YEAR ADVANCE NOTICE OF ABANDONMENT AND PAVEMENT QUALITY REPORT, IN ACCORDANCE WITH A.R.S. §28-7209, RELATED TO THE STATE OF ARIZONA'S ABANDONMENT OF PROPERTY GENERALLY LOCATED SOUTH OF THE UNION PACIFIC RAILROAD TRACKS BETWEEN STATE ROUTE 347 AND N. MARICOPA ROAD AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE WAIVER AND ANY OTHER DOCUMENTS NECESSARY FOR THE TRANSFER OF THIS PROPERTY.

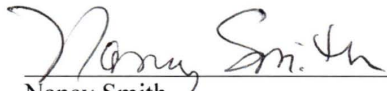
WHEREAS, pursuant to Resolution 22-46, the Maricopa City Council previously approved an Intergovernmental Agreement with the State of Arizona, through the Department of Transportation, to transfer ownership, jurisdiction and perpetual maintenance of State Route 347 (the "IGA"); and

WHEREAS, the IGA did not include approximately .24 acres of property commonly known as Pinal County Assessor Parcel No. 510-26-061, which is generally located south of the Union Pacific Railroad tracks between State Route 347 and N. Maricopa Road (the "Property"); and

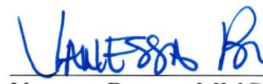
WHEREAS, after consultation with staff, the City Council has determined that waiving the Four-Year Advance Notice of Abandonment and Pavement Quality Report, in accordance with A.R.S. §28-7209, to obtain this Property is in the best interest of the City of Maricopa.

NOW, THEREFORE, BE IT RESOLVED that the Maricopa City Council hereby approves the waiver of the Four-year Advance Notice of Abandonment and Pavement Quality Report, in accordance with A.R.S. §28-7209, for the Property and authorizes the City Manager to execute the waiver, in the form attached to and made a part of this Resolution, and any other documents necessary for the transfer of this Property.

PASSED AND ADOPTED by the Mayor and Council of the City of Maricopa, Arizona, this 20th day of June, 2023.


Nancy Smith
Mayor

ATTEST:


Vanessa Bueras, MMC
City Clerk

APPROVED AS TO FORM:



FROM: Mayor and City Council, Maricopa, Arizona
Maricopa City Hall, 39700 West Civic Center Plaza
Maricopa, Arizona 85138-3501

TO: Arizona Department of Transportation
205 South Seventeenth Avenue, Mail Drop 612E
Phoenix, Arizona 85007-3212
Attn.: Byron Hopkins, Right of Way Group Titles Liaison
Resolution/Disposal Unit

RE: **WAIVER OF A.R.S. 28-7209**

LOCATION: That portion of right of way along State Route 347 acquired as a part of ADOT Parcel 11-0977 for the construction of MARICOPA ROAD, being a portion of the Northwest quarter of the Northwest quarter (NW¼ NW¼) of Section 27, Township 4 South, Range 3 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described in that certain Warranty Deed, dated May 17, 2017, accepted May 18, 2017, and recorded May 30, 2017, in Document No. 2017-037934, records of Pinal County, Arizona, as demarcated and, shaded in yellow on Sheets P-3 and P-5 of the Right of Way Plans of the MARICOPA ROAD, Maricopa Union Pacific Railroad Crossing, Project 347 PN 172 H007, ADOT Drawing D-11-T-497, marked as Exhibit "A"; and shaded in yellow on the aerial view overlay, and marked as Exhibit "B", respectively, of ADOT Disposal D-C-111-C, attached hereto and made a part hereof.

— — — — WAIVER — — — —

By signing below, the City of Maricopa, Arizona hereby waives the Four-Year Advance Notice of Abandonment and Pavement Quality Report, in accordance with the provisions of Arizona Revised Statutes § 28-7209, which will allow the State of Arizona, by and through its Department of Transportation (ADOT) to abandon, in the near future, according to law, all of its interest in and to the above referenced right of way to the City of Maricopa.


Signature _____ Title Mayor Date 6/28/2023