

RESOLUTION NO. 2024-97

RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF PEORIA, ARIZONA, AUTHORIZING THE GRANTING OF A DEDICATION OF PUBLIC ROADWAY AND PUBLIC UTILITY EASEMENTS TO THE PUBLIC AT THE SOUTHEAST CORNER OF 75TH AVENUE AND JOMAX ROAD.

WHEREAS, proposed half-street improvements for the south half of Jomax Road between 72nd Drive and 75th Avenue includes the placement of utilities and infrastructure within the City owned parcel at the southeast corner of 75th Avenue and Jomax Road resulting in the dedication of the necessary land rights for the proposed improvements.

WHEREAS, Pursuant to Article I, Section III of the Peoria City Charter, the City Council may convey any right, title or interest in any real property in such terms as the City Council determines to be appropriate and necessary; and

WHEREAS, Pursuant to the Peoria City Charter and in accordance with the findings set forth above, the Mayor and Council of the City of Peoria consent to the granting of a Dedication of Public Roadway and two Public Utility Easements and authorize the City Manager to execute the documents; and

NOW THEREFORE, be it resolved by the Mayor and Council of the City of Peoria, Maricopa County, Arizona as follows:

SECTION 1. That the Mayor and Council authorize the granting of the attached Dedication of Public Roadway and Public Utility Easements to the public and authorize the City Manager to execute the documents; and

SECTION 2. That the City Clerk shall record the Dedication of Public Roadway attached as "Exhibit A" and Public Utility Easements attached as "Exhibit B" with the Maricopa County Recorder's Office.

Resolution No. 2024-97
SEC 75th Avenue & Jomax Road
December 17, 2024
Page 2 of 2

PASSED AND ADOPTED by the Mayor and Council of the City of Peoria,
Arizona this 17th day of December, 2024.

Jason Beck, Mayor

Date Signed

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

EXHIBITS:

- A. Dedication of Public Roadway
- B. Public Utility Easements (x2)

When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

DEDICATION OF PUBLIC ROADWAY

The City of Peoria, an Arizona municipal corporation, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby dedicate to the public, in Maricopa County, Arizona, the following described property to be used as a public roadway:

(See attached description, Exhibit A)

for public roadway and utility purposes.

The Grantor(s) hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to dedicate it.

EXHIBIT A

DATED: _____

**GRANTOR: CITY OF PEORIA,
an Arizona municipal corporation**

Henry Darwin, City Manager

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

Exhibit A – Legal Description and Sketch



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF PERMANENT RIGHT-OF-WAY

Being a part of a tract of land conveyed to the City of Peoria, as recorded in Document 2016-0294009, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the West line of said section, South 00°05'05" East, 33.00 feet to the South right-of-way line of Jomax Road being the TRUE POINT OF BEGINNING.

THENCE along said South line, South 89°56'01" East 426.22 feet to the East line of said tract; THENCE along said East line, South 00°00'22" East 30.00 feet; THENCE North 89°56'01" West 21.91 feet; THENCE North 00°03'59" East 8.00 feet; THENCE North 89°56'01" West 404.29 feet to the West line of said tract; THENCE along said West line, North 00°04'58" West 22.00 feet to the TRUE POINT OF BEGINNING

Containing 0.219 acre (9,552 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described right-of-way.

EXHIBIT A CONT'D

Page 1 of 2

Title: RIGHT-OF-WAY TAKING

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

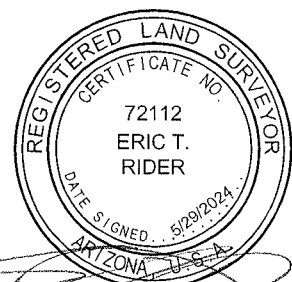
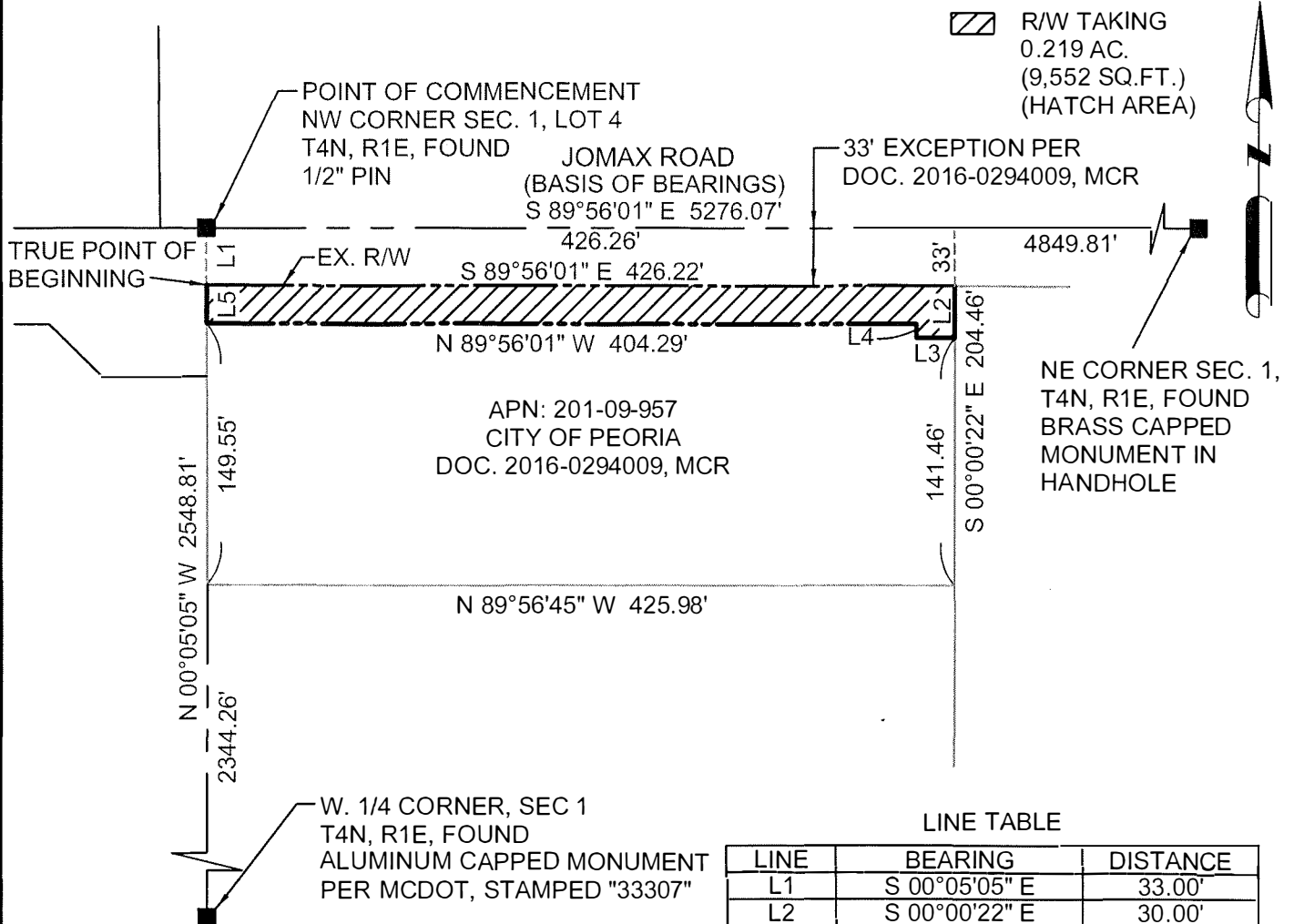




EXHIBIT A SKETCH



R/W TAKING
0.219 AC.
(9,552 SQ.FT.)
(HATCH AREA)

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°05'05" E	33.00'
L2	S 00°00'22" E	30.00'
L3	N 89°56'01" W	21.91'
L4	N 00°03'59" E	8.00'
L5	N 00°04'58" W	22.00'

THIS EXHIBIT DOES NOT REPRESENT A BOUNDARY SURVEY AND SHOULD NOT BE RELIED UPON AS SUCH.

THE LINES SHOWN HEREON ARE THE RESULT OF CURRENT DEEDS OF RECORD AND A LIMITED FIELD SURVEY.

THIS EXHIBIT WAS PREPARED WITHOUT THE BENEFIT OF TITLE EXAMINATION. SAID EXAMINATION MAY REVEAL EASEMENTS, RIGHTS-OF-WAY, ENCUMBRANCES RESTRICTIONS, OR RIGHTS OF OTHERS THAT ARE NOT SHOWN HEREON.

Title: RIGHT-OF-WAY TAKING

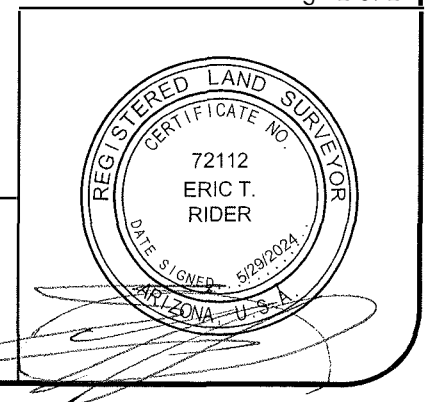
Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

EXHIBIT A CONT'D



When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

EASEMENT FOR PUBLIC UTILITIES

CITY OF PEORIA, an Arizona municipal corporation, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the public, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of all public utilities over, under, and across the following described property situated in the County of Maricopa, State of Arizona, described as follows:

(See attached description, Exhibit A)

To have and hold the easement unto the public, together with the right of ingress and egress to permit the construction, operation, maintenance, and replacement of all public utilities.

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

The easement includes the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said public utilities.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted, all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

EXHIBIT B

Easement for Public Utilities
Page 2 of 2

The City of Peoria shall not be responsible for replacing any landscaping or any improvement placed in the easement by grantee or its successors or assigns, except as noted herein.

Date: _____

GRANTOR: CITY OF PEORIA, an Arizona
municipal corporation

By: _____
Henry Darwin, City Manager

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney



EXHIBIT A

LEGAL DESCRIPTION

DESCRIPTION OF 8-FOOT PUBLIC UTILITY EASEMENT

Being an 8-foot Public Utility Easement across a part of a tract of land conveyed to the City of Peoria, as recorded in Document 2016-0294009, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the West line of said section, South 00°05'05" East, 55.00 feet to the TRUE POINT OF BEGINNING.

THENCE South 89°56'01" East 404.29 feet; THENCE South 00°03'59" West 8.00 feet; THENCE North 89°56'01" West 404.29 feet to the west line of said tract also being the west line of said section; THENCE along said line, North 00°03'59" East 8.00 feet to the TRUE POINT OF BEGINNING

Containing 0.074 acre (3,234 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described utility easement.

EXHIBIT B CONT'D

Page 1 of 2

Title: 8-FOOT PUBLIC UTILITY EASEMENT

Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

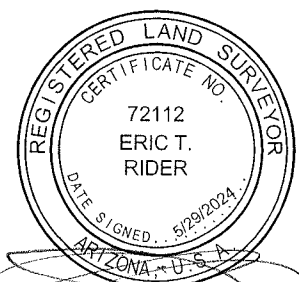

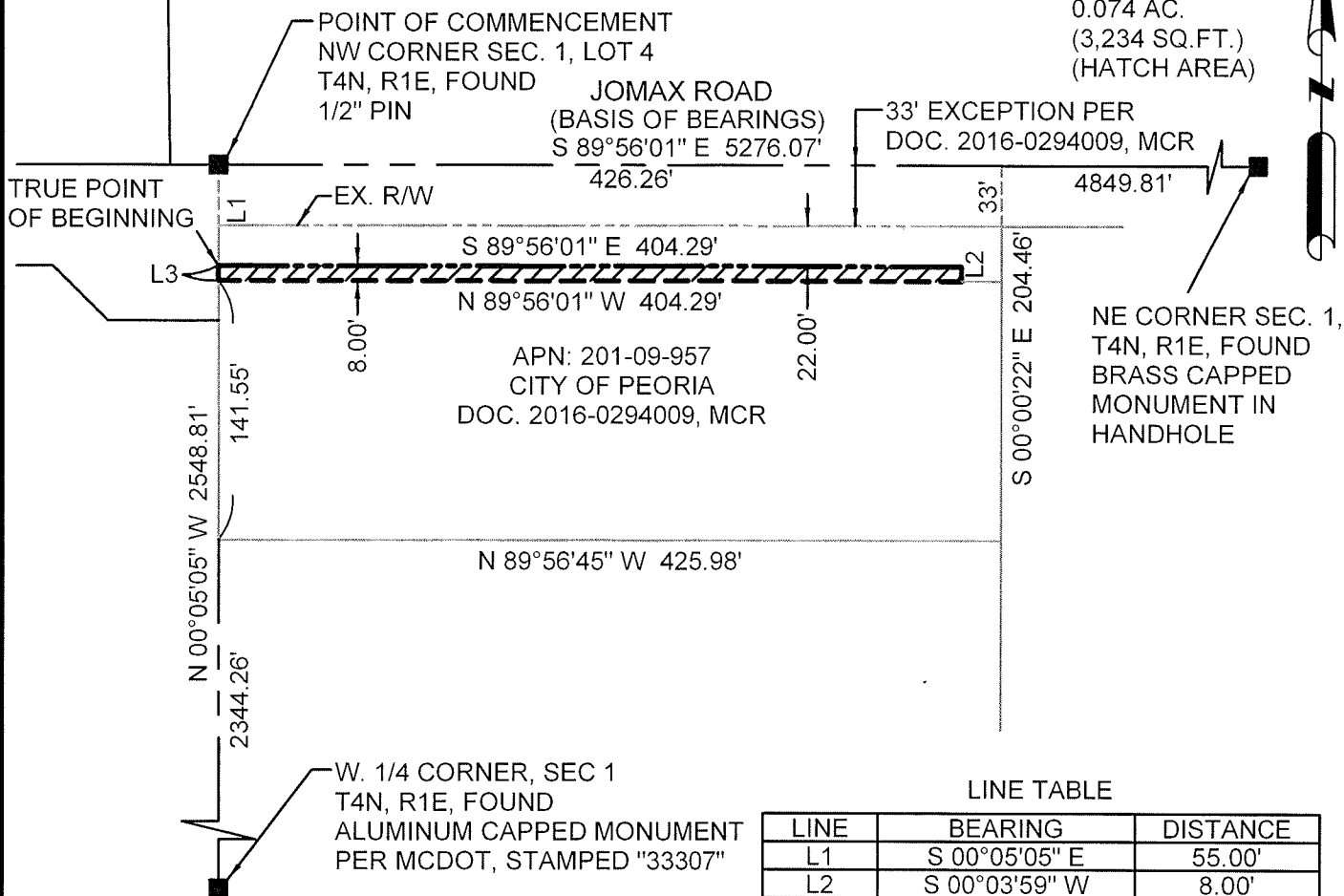




EXHIBIT A SKETCH

 8' PUBLIC UTILITY
EASEMENT
0.074 AC.
(3,234 SQ.FT.)
(HATCH AREA)



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°05'05" E	55.00'
L2	S 00°03'59" W	8.00'
L3	N 00°03'59" E	8.00'

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Title: 8-FOOT PUBLIC UTILITY EASEMENT

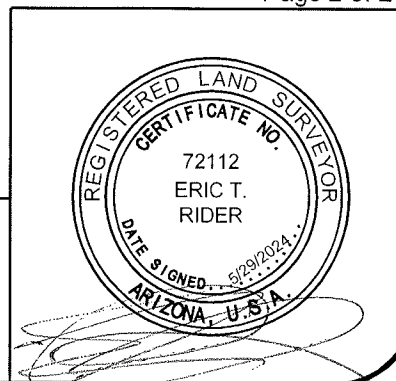
Preparing Firm: Strand Associates

Address: 5029 East Sunrise Drive, Suite 100, Phoenix AZ 85044

Phone: 602-437-3733

Fax:

EXHIBIT B CON'TD



When Recorded/Executed Mail to:

City Clerk
City of Peoria
8401 West Monroe
Peoria, Arizona 85345

EASEMENT FOR PUBLIC UTILITIES

CITY OF PEORIA, an Arizona municipal corporation, Grantor, for and in consideration of the sum of One Dollar and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant to the public, a permanent and perpetual easement for the following purposes, namely: The right to enter upon for construction, maintenance, operation and replacement of all public utilities over, under, and across the following described property situated in the County of Maricopa, State of Arizona, described as follows:

(See attached description, Exhibit A)

To have and hold the easement unto the public, together with the right of ingress and egress to permit the construction, operation, maintenance, and replacement of all public utilities.

And the Grantor hereby covenants that it is lawfully seized and possessed on this aforementioned tract or parcel of land; that it has a good and lawful right to sell and convey it; and that they will warrant the title and quiet possession thereto against the lawful claim of all persons.

The easement includes the right to cut back and trim such portion of the branches and tops of the trees now growing or that may hereafter grow upon the above described premises, as may extend over said easement, so as to prevent the same from interfering with the efficient maintenance and operation of said public utilities.

In the event the right, privilege and easement herein granted shall be abandoned and permanently cease to be used for the purposes herein granted, all rights herein granted shall cease and revert to the grantors, their heirs or assigns.

EXHIBIT B CON'TD

Easement for Public Utilities
Page 2 of 2

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Date: _____

GRANTOR: CITY OF PEORIA, an Arizona
municipal corporation

By: _____
Henry Darwin, City Manager

ATTEST:

Agnes Goodwine, City Clerk

APPROVED AS TO FORM:

Emily Jurmu, City Attorney

EXHIBIT B CONT'D

File: S:\PHO\3400--3499\022\Survey\Exhibits\City of Peoria\3485-022 Peoria APS.dwg Time: May 30, 2024 - 10:55am

DESCRIPTION OF AN
ELECTRIC EASEMENT
FOR ARIZONA PUBLIC SERVICE (APS)

Being an Electric Easement for Arizona Public Service across a part of a tract of land conveyed to the City of Peoria, as recorded in Document 2016-0294009, Maricopa County Records, located in the Northwest quarter of Section 1, Lot 4, Township 4 North, Range 1 East of the Gila and Salt River Meridian, City of Peoria, Maricopa County, Arizona being further described as follows:

COMMENCING at a 1/2" steel pin marking the Northwest corner of said section being North 89°56'01" West, 5276.07 feet from a brass capped monument in handhole marking the Northeast corner of said section; THENCE along the West line of said section, South 00°05'05" East, 63.00 feet to the TRUE POINT OF BEGINNING.

THENCE South 89°56'01" East 16.25 feet; THENCE along a line parallel to the West line of said section, South 00°05'05" East 35.67 feet; THENCE North 89°56'01" West 16.25 feet to said West line; THENCE along said line, North 00°05'05" West 35.67 feet to the TRUE POINT OF BEGINNING.

Containing 0.013 acre (580 sq. ft.), more or less, and being subject to all easements and rights-of-way, whether recorded or not. See page two (2) for depiction of the above-described easement.

EXHIBIT B CONT'D



PAGE 1 OF 2

**APS ELECTRIC EASEMENT
CITY OF PEORIA, ARIZONA**

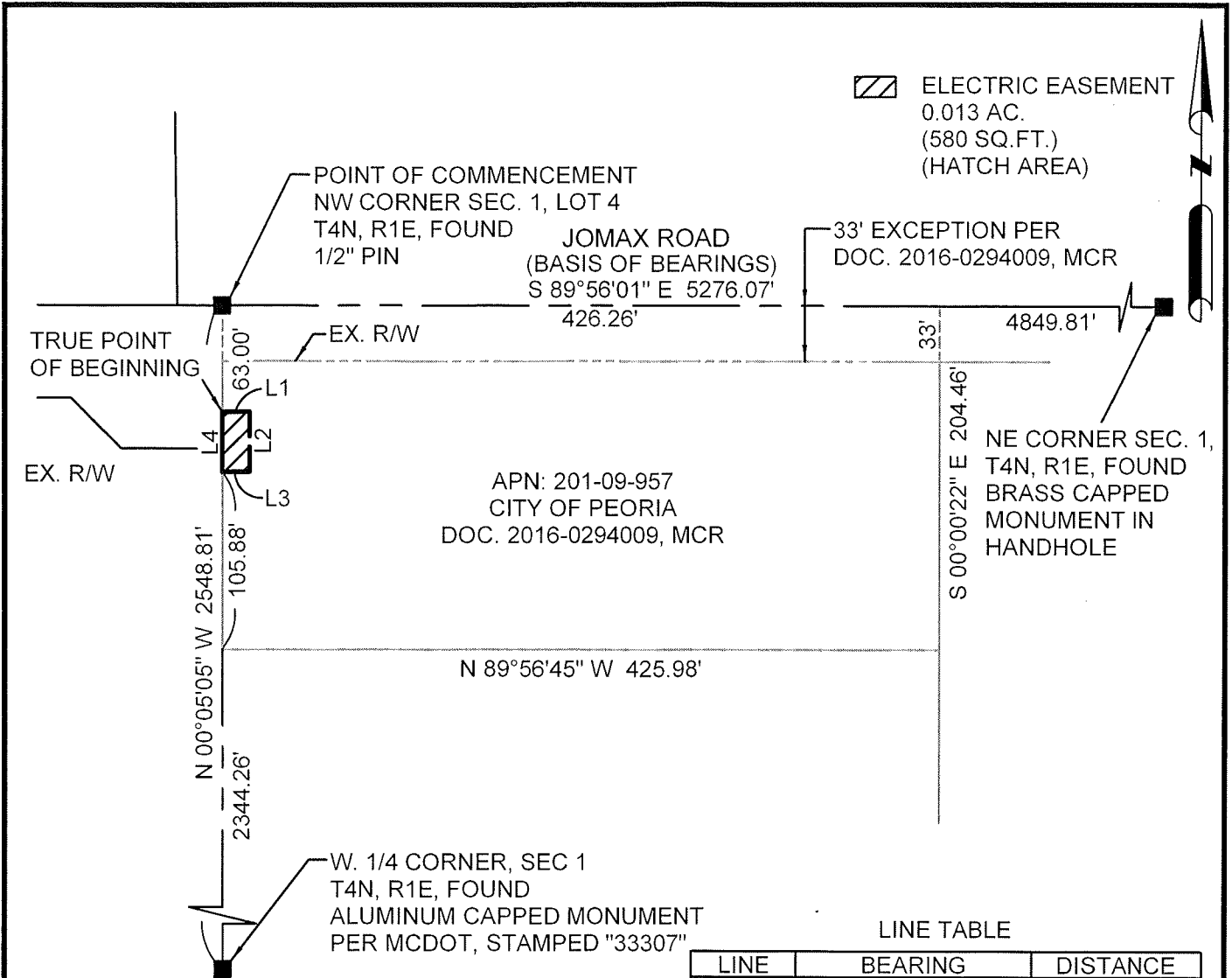
**OWNER: CITY OF PEORIA
PEORIA, AZ 85345**

NW QUARTER, LOT 4, SECTION 1, T4N, R1E, MARICOPA COUNTY



EXHIBIT A
3485.022

File: S:\PHO\3400--3499\3485\022\Survey\Exhibits\City of Peoria\3485-022 Peoria APS.dwg Time: May 30, 2024 - 10:55am

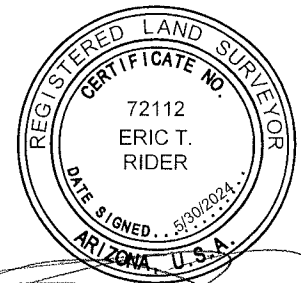


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EXHIBIT B CONT'D



PAGE 2 OF 2

**APS ELECTRIC EASEMENT
CITY OF PEORIA, ARIZONA**

**OWNER: CITY OF PEORIA
PEORIA, AZ 85345**

NW QUARTER, LOT 4, SECTION 1, T4N, R1E, MARICOPA COUNTY



EXHIBIT B

3465.022