

CITY OF BUCKEYE
Regular Council Meeting
COUNCIL ACTION REPORT

MEETING DATE: 02/03/26	AGENDA ITEM: 4.A. DS - Warner Road Right-of-Way -- Resolution No. 16-26
DATE PREPARED: 02/03/26	DISTRICT NO.: 1 and 3
STAFF LIAISON: Ron Moll, City Engineer, rmoll@buckeyeaz.gov, (480) 997-1702	
DEPARTMENT: Development Services	AGENDA ITEM TYPE: Consent Agenda Items / New Business

ACTION/MOTION: (This language identifies the formal motion to be made by the Council)
 Council to take action on Resolution No. 16-26 approving the dedication back to developer, or developer's successor-in-title, of real property described within the instrument entitled Special Warranty Deed for Right-Of-Way and Other Related Purposes, recorded at Instrument Number 2009-0309268, Maricopa County Recorder, situated generally in the East Half of Section 23, and the West Half of Section 24, Township 1 North, Range 4 West, Gila and Salt River Base and Meridian.

SUMMARY

PROJECT DESCRIPTION:

The purpose of Resolution No. 16-26 is to approve the dedication to the developer, or successor in title, of that portion of the roadway conveyed to the City on January 27, 2009, Instrument Number 2009-0309268, Maricopa County Recorder, in connection with the Warner Street Bridge project.

Pursuant to the provisions of that certain Development Agreement [Westpark], dated December 6, 2022, between the City of Buckeye, Arizona, and (i) KEMF WP. 2.2, (ii) KEMF WP 2.3, (iii) KEMF WP 3 East, (iv) KEMF WP Commercial, (v) KEMF WP 3 West, and (vi) KEMF Westwind East, each an Arizona limited liability company, recorded at Instrument No. 20220895675, Maricopa County Recorder, the City contractually agreed that if ADOT abandoned its plans to construct the Warner Street Bridge, then City, upon request of the developer, would dedicate the road right-of-way described in Resolution No. 16-26 back to developer or developer's successors.

On January 6, 2026, Council adopted Resolution No. 03-26, approving Amendment No. One to the Intergovernmental Agreement, A.G. Contract P0012008004871, State Route 85 -- Southern to Interstate 10, dated March 16, 2009, between the City and the State of Arizona Department of Transportation (ADOT), to remove the scope of work related to the Warner Street Bridge. The East and West Connector roadways were completed by the City (then, Town) several years ago. The construction of the connector bridge was to be a joint project between the City, ADOT, and developer. Due to changes in the remaining portions of their development, the developer no longer desired the bridge.

As of April 2013, (i) KEMF WP Commercial, LLC, and (ii) KEMF WP 3, LLC, are the adjacent property owners of the Road Right-of-Way, and said Right-of-Way will be dedicated to them as set forth in Resolution No. 16-26.

BENEFITS:

As this portion of Road Right-of-Way serves no public purpose and is surrounded by privately owned property, the conveyance of this Road Right-of-Way back to the KEMF Entities or the successor-in-title, removes it from the City's responsibility.

FUTURE ACTION:

Record Resolution No. 16-26, and any other instrument as reasonably necessary.

FINANCIAL IMPACT STATEMENT:

N/A.

CURRENT FISCAL YEAR TOTAL COST:

N/A.

Items related to a project or facility location must include an attached vicinity map for Council Review.

ATTACHMENTS:

[Vicinity Map - Bridge Approach](#)

[SWD to KEMF entities - MCR 20130307456.pdf](#)

[SWD into City - MCR 20090309268.pdf](#)

[25-1120_1386 WESTPARK - ROW ABANDONMENT \(EAST\) - LE.pdf](#)

[6R PLZM-25-0045 WESTPARK - ROW ABANDONMENT \(WEST\) - L&E.pdf](#)

[5R PLZM-25-0045 WESTPARK - ROW ABANDONMENT \(WEST OF WEST CONNECTOR\)-L&E.pdf](#)

[4A Resolution_No._16-26_with_Exhibits__ACC_1.26.26__Redacted.pdf](#)