

When Recorded Return to:
City Clerk, City of El Mirage
10000 N. El Mirage Road
El Mirage, AZ 85335

Exempt under A.R.S. § 11-1134(A)(2)

EASEMENT ABANDONMENT

This Easement ABANDONMENT (the “Easement Abandonment”) is given as of this ____ day of _____, 20 ____, by the CITY OF EL MIRAGE (the “City”), an Arizona municipal corporation.

WHEREAS, MICROSOFT CORPORATION (“Microsoft”), a Washington corporation, is the owner of certain real property more particularly described in Exhibit A attached hereto (the “Parcel”).

WHEREAS, a non-exclusive appurtenant slope easement was granted to the City via the Final Plat as filed in Book 1543, Page 19 of the records of Maricopa County, Arizona, burdening the real property more particularly described in Exhibit B attached hereto (the “Slope Easement” or “Easement”). The Easement was granted to the City to allow grading of the future El Mirage Alternative Access project.

WHEREAS, Microsoft wishes to construct a fence and any other improvements in Microsoft’s sole discretion along the south property line of the Parcel in the vicinity of the Easement (“Improvements”).

WHEREAS, Microsoft has requested that the City execute this Easement Abandonment in order to evidence the termination of the Slope Easement, which may benefit the Parcel, in order to facilitate the construction of Microsoft’s Improvements.

WHEREAS, the City is authorized pursuant to A.R.S. §9-402.E to abandon, terminate, release and relinquish an easement that the City no longer needs.

WHEREAS, it has been determined by the City that the Easement is no longer needed.

NOW, THEREFORE, in consideration of the premises and promises contained herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City agrees as follows:

1. Recitations. The foregoing recitations are true and correct and are incorporated herein by this reference.
2. Abandonment of Easement. The City hereby abandons, terminates, releases and relinquishes the Slope Easement.

3. Binding Effect. The covenants contained in in this Easement Abandonment are not personal but shall run with the land and shall benefit the fee simple title holder of the Property, and their respective heirs, personal representatives, transferees, successors or assigns.

[Signatures on the following page]

IN WITNESS WHEREOF, the City of El Mirage, Arizona, by its Mayor and its Clerk, duly authorized, have affixed hereunto their hand and caused its official seal to be affixed on this _____ day of _____, 20__.

CITY OF EL MIRAGE, an Arizona municipal corporation

Alexis A. Hermosillo, Mayor

STATE OF ARIZONA)
) SS.
COUNTY OF MARICOPA)

The foregoing instrument was acknowledged before me this _____ day of _____, 20__, before me by Alexis A. Hermosillo, Mayor of the City of El Mirage, an Arizona municipal corporation, and being authorized to do so, executed the foregoing instrument on behalf of the City for the purposes therein stated.

Notary Public

My Commission Expires: _____

ATTEST:

Sharon Antes, City Clerk

Dated:_____

Approval as to Form

By: _____
Justin Pierce, City Attorney

EXHIBIT A
Microsoft Parcel Legal Description

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THAT CERTAIN DOCUMENT ENTITLED "SPECIAL WARRANTY DEED" FILED AS DOCUMENT NO. 2008-167192 RECORDS OF MARICOPA COUNTY, ARIZONA BEING SITUATED WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 3 NORTH, RANGE 1 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND BRASS CAP IN HAND HOLE ACCEPTED AS THE WEST QUARTER CORNER OF SAID SECTION 35 FROM WHICH A FOUND BRASS CAP IN HAND HOLE ACCEPTED AS THE NORTHWEST CORNER OF SAID SECTION 35 THEREOF BEARS NORTH 00°02'01" EAST, 2626.79 FEET;

THENCE SOUTH 89°10'32" EAST, 40.00 FEET ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 TO A LINE BEING 40.00 EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35 BEING THE POINT OF BEGINNING;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°02'01" EAST, 2226.77 FEET ALONG SAID PARALLEL LINE;

THENCE LEAVING SAID PARALLEL LINE, SOUTH 89°11'54" EAST, 15.00 FEET TO A LINE BEING 55.00 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE NORTH 00°02'01" EAST, 335.03 FEET ALONG SAID PARALLEL LINE;

THENCE LEAVING SAID PARALLEL LINE, NORTH 45°25'04" EAST, 14.05 FEET TO A LINE BEING 55.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE SOUTH 89°11'54" EAST, 185.02 FEET ALONG SAID PARALLEL LINE;

THENCE LEAVING SAID PARALLEL LINE, NORTH 00°02'01" EAST, 22.00 FEET TO A LINE BEING 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE SOUTH 89°11'54" EAST, 53.99 FEET ALONG SAID PARALLEL LINE; THENCE LEAVING SAID PARALLEL LINE, SOUTH 00°48'06" WEST, 59.83 FEET; THENCE SOUTH 89°11'54" EAST, 57.76 FEET;

THENCE NORTH 00°48'06" EAST, 59.83 FEET TO THE AFORESAID LINE BEING 33.00 FEET SOUTH OF AND PARALLEL WITH THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE SOUTH 89°11'54" EAST, 2210.19 FEET ALONG SAID PARALLEL LINE TO A LINE BEING 60.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE LEAVING SAID PARALLEL LINE, SOUTH 00°00'15" WEST, 2594.83 FEET ALONG SAID PARALLEL LINE TO THE AFORESAID SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 35;

THENCE LEAVING SAID PARALLEL LINE, NORTH 89°10'32" WEST, 2533.30 FEET (2533.31 FEET CALCULATED) ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

Legal Description

PHX 80

El Mirage, Arizona

EXHIBIT B
Slope Easement Legal Description

LEGAL DESCRIPTION:

A portion of that parcel of land being a portion of that certain document entitled "Special Warranty Deed" filed as Document Number 2008-167192, Records of Maricopa County, Arizona, being situated within a portion of the Northwest Quarter of Section 35, Township 3 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, and more particularly described as follows:

Commencing at a found brass cap in hand hole accepted as the west quarter corner of said Section 35 from which a brass cap in hand hole accepted as the northwest corner of said Section 35 thereof bears North 0 degrees 02 minutes 01 seconds East, 2,626.79 feet;

thence South 89 degrees 10 minutes 32 seconds East, 40.00 feet along the south line of said Northwest Quarter of Section 35 to a line being 40.00 east of and parallel with the west line of the Northwest Quarter of said Section 35;

thence South 89 degrees 10 minutes 32 seconds East, 1,281.22 feet along the south line of said Northwest Quarter of Section 35 to a point hereinafter being referred to as Point "A";

thence North 0 degrees 49 minutes 28 seconds East, 40.00 feet to a point on the north line of the south 40.00 feet of said Northwest Quarter, said point being the POINT OF BEGINNING;

thence North 0 degrees 49 minutes 28 seconds East, 20.00 feet;

thence South 89 degrees 10 minutes 32 seconds East, 70.00 feet;

thence South 0 degrees 49 minutes 28 seconds West, 20.00 feet;

thence North 89 degrees 10 minutes 32 seconds West, along said north line, 70.00 feet to the POINT OF BEGINNING.