

When recorded Mail to:

City of Goodyear
City Clerk/lrb
190 N. Litchfield Road
P.O. Box 5100
Goodyear, Arizona 85338

EXEMPT UNDER A.R.S. § 11-1134(A)(2)

TERMINATION AND RELEASE OF EASEMENT

THIS TERMINATION AND RELEASE OF EASEMENT (the "Release") is executed this ____ day of _____, 2020 by the CITY OF GOODYEAR, an Arizona municipal corporation (the "City").

RECITALS

- A. WHEREAS, on or about February 9, 2010 the City accepted a Nonexclusive Permanent Sewer Easement from LIBERTY PROPERTY LIMITED PARTNERSHIP, a Pennsylvania limited partnership ("Liberty") which was recorded in the official records of Maricopa County on February 10, 2010 as Instrument Number 2010-0113802 ("Existing Sewer Easement"); and,
- B. WHEREAS, the Existing Sewer Easement was provided to support the development of the Camelback 303 Commerce Park, which was zoned PAD; and
- C. WHEREAS, the Camelback 303 Commerce Park was not developed and in November 2018, the majority of the property within the Camelback 303 Commerce Park was rezoned from PAD to I-1; and
- D. WHEREAS, in June 2020 the City adopted the Wastewater Master Plan for Section 23, as prepared by Hilgart Wilson which provides a wastewater solution consistent with rezoning of the property from PAD to I-1 ("2020 Wastewater Master Plan"); and
- E. WHEREAS, Liberty has determined that the location of the Existing Sewer Easement is inconsistent with Liberty's development plans under the current zoning and has requested that the City terminate and release the Existing Sewer Easement in exchange for a replacement sewer easement; and,
- F. WHEREAS, Liberty has provided the City with an executed replacement sewer easement, in a location which is acceptable to the City Engineer, or his designee, and consistent with the 2020 Wastewater Master Plan("Replacement Sewer Easement"); and

- G. WHEREAS, the Replacement Sewer Easement shall be recorded immediately after the recording of this Termination and Release of Easement; and
- H. WHEREAS, Pursuant to A.R.S. § 9-402, the City Council of the City of Goodyear is vested with the power to dispose of easements owned by the City that are no longer needed; and
- I. WHEREAS, the City has determined that having been provided with a fully executed Replacement Sewer Easement that will be recorded after the recordation of the termination of the Existing Sewer Line Easement, the Existing Sewer Easement is no longer needed.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates and releases the document recorded in the official records of Maricopa County on February 10, 2010 as Instrument Number 2010-00113802.

This Release is not intended to, nor does it, release any interest that the City may have arising by virtue of any other instrument recorded with the Maricopa County Recorder, including without limitation, any deed or easement other than the aforementioned Existing Sewer Easement.

Signatures and Acknowledgement on Following Page

Dated this ____ day of _____ 2021.

CITY OF GOODYEAR, ARIZONA

By:_____

Its:_____

State of Arizona)
)ss.
County of Maricopa)

On this day, personally appeared before me _____, as
_____ of the CITY OF GOODYEAR, ARIZONA, an Arizona municipal
corporation, on behalf of said corporation.

Notary Public

Attest:

Darcie McCracken, City Clerk

Approved as to Form:

Roric Massey, City Attorney