

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 OF EASEMENTS

THIS TERMINATION OF EASEMENT (the “Release”) is executed this ____ day of _____, 2022 by the CITY OF GOODYEAR, an Arizona municipal corporation (the “City”).

RECITALS

- A. WHEREAS, on or about March 5, 1963 the Universal March Corporation, a Delaware corporation provided a perpetual easement to the Town of Goodyear, a municipality for the construction, erection, operation, maintenance, repair, alteration, inspection and replacement of a well, motor and other facilities of every kind and description utilized in the operation of a well and pumping plant which was recorded in the official records of Maricopa County on March 5, 1963 in Docket 4486, Page 172 (“Well Site #4 Easement”); and,
- B. WHEREAS, on or about March 5, 1963 the Universal March Corporation, a Delaware corporation provided a perpetual easement to the Town of Goodyear, a municipality for the installation and continued operation, maintenance and repair, alteration, inspection and replacement of an underground pipeline to convey water for the Town to convey water for general use in its water system which was recorded in the official records of Maricopa County on March 5, 1963 in Docket 4486, Page 174 (“Water Line Easement”); and,
- C. WHEREAS, the Well Site #4 Easement and the Water Line Easement may collectively be referred to as (the “Easements”); and
- D. WHEREAS, in approximately 1985, Well Site #4 was abandoned by the Town of Goodyear due to presence of TCE and perchlorate in the groundwater caused by the chemical disposal practices of Unidynamics/Phoenix, Inc, a Delaware corporation (“Unidynamics”), Crane Co., a Delaware corporation (“Crane”) and their corporate predecessors, and the closure of which became the subject of a claim and counterclaim between the UPI, Crane and the City; and
- E. WHEREAS, on or about January 23, 2006, the City of Goodyear, City Council approved a Settlement Agreement and Release by and between UPI, Crane, and

the City ("2006 Settlement Agreement"), which in addition to other terms and conditions, required: a.) UPI and Crane to abandon and close Well Site #4 at their sole cost and expense; and b.) the City to transfer ownership of Well Site #4 to Crane Co.; and

- F. WHEREAS, the City executed and recorded the Notice of Transfer of Well Site #4 as recording number 2007-0871815 in the official records of Maricopa County on August 1, 2007, transferring all rights to the well to UPI and CRANE; and
- G. WHEREAS, on or about January, 2008, Crane completed the closure of the well and filed a Well Owner's Notification of Abandonment for Well Site #4 with the Arizona Department of Water Resources; and
- H. WHEREAS, Goodyear Industrial Properties, LLC, a South Carolina limited liability company ("GIP") is in the process of developing the property which includes the area encumbered by the Easements as part of the JDA Commerce Center; and
- I. WHEREAS, neither the City or GIP has been able to find record of the City specifically terminating their interest in the Well Site #4 Easement or the associated Water Line Easement; and
- J. 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
- K. WHEREAS, consistent with the requirements of the 2006 Settlement Agreement, the City has confirmed there is no current or future use for the Well Site #4 Easement or the associated Water Line Easement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby terminates the Well Site #4 Easement and Water Line Easement. The termination of the Well Site #4 Easement and the Water Line Easement shall become effective upon the recordation of this Termination of Easements in the Official Records of the Maricopa County recorder, and upon such recordation, the Well Site #4 Easement and the Water Line Easement shall no longer have any further force or effect.

This Termination of Easements is intended only to terminate the City's property interests created by the Well Site #4 Easement and Water Line Easement. This Termination and Release of Easements is not intended to, nor does it, release any interest that the City may have in any of the real property subject to Well Site #4 Easement and Water Line Easement arising by virtue of any other dedication or conveyance instrument recorded in the Official Records of the Maricopa County Recorder even if such dedication or conveyance instrument includes all or part of the property subject to the Well Site #4 Easement and Water Line Easement.

Dated this ____ day of _____ 2022.

CITY OF GOODYEAR, ARIZONA

By: _____

Name: _____

Its: _____

State of Arizona)
)ss.
County of Maricopa)

On this ____ day of _____, 2022, 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