

ORDINANCE NO. 2969 NEW SERIES

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, AUTHORIZING THE EXECUTION OF A SEWER LINE EASEMENT LOCATED AT LOT 4A OF ASPERA; AND DIRECTING THE CITY CLERK TO RECORD A CERTIFIED COPY OF THIS ORDINANCE.

WHEREAS, Store Capital Acquisitions, LLC, owns Lot 4A of the Aspera real estate development project located north of State Route 101 and west of 75th Avenue; and

WHEREAS, Store Capital Acquisitions, LLC, is developing this parcel for commercial uses; and

WHEREAS, Store Capital Acquisitions, LLC, needed to install a new sewer line to meet the sewer demands of future development on Lot 4A of Aspera; and

WHEREAS, construction of the new sewer line has been completed and approved by the City; and

WHEREAS, Store Capital Acquisitions, LLC is granting a new sewer line easement to the City so that the City may operate, repair, replace, maintain or remove facilities and appurtenances consistent with providing sewer service.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the City is hereby accepting an easement for the location of a new sewer line pursuant to the Conveyance of Easement, which is attached as Exhibit A. Upon the execution by the Grantor, Store Capital Acquisitions, LLC, the City will have legal title to an easement for the purpose of operating, repairing, replacing, maintaining and removing sewer lines consistent with the City Code.

SECTION 2. The Council hereby authorizes and instructs the City Manager to execute the Conveyance of Easement, which is attached hereto as Exhibit A, granting a sewer line easement described herein to the City.

SECTION 3. The City Clerk is instructed and authorized to forward a certified copy of this ordinance and conveyance of easement for recording to the Maricopa County Recorder's Office.

PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this _____ day of _____, 2015.

M A Y O R

ATTEST:

City Clerk (SEAL)

APPROVED AS TO FORM:

City Attorney

REVIEWED BY:

Acting City Manager
o_eng_store capital.doc

EXHIBIT A

When recorded, mail to:

City Clerk, City of Glendale
5850 West Glendale Avenue
Glendale, Arizona 85301

CONVEYANCE OF EASEMENT

For Ten Dollars and other valuable consideration, We, **Store Capital Acquisitions, LLC** a Delaware limited liability company, do hereby convey to the City of Glendale, an Arizona municipal corporation, an easement to install, repair, operate, maintain and remove a sewer line and appurtenances ("facilities") upon, over and under the surface of the following described property:

See Attached Description, "Exhibit A"

Together with the right of ingress and egress to, from, across and along the Grantor's Property, and with the right to use lands adjacent to said easement during temporary periods of construction; the right to operate, repair, replace, maintain, and remove facilities and appurtenances from said premises; to add to or alter said facilities at any reasonable time; and to trim or remove any trees or shrubs that in the judgment of the City may interfere with the construction, operation or maintenance of said facilities.

By accepting this easement, the City of Glendale agrees to exercise reasonable care to avoid any damage to said real property above described.

Dated this _____ day of _____, 2015.

By: _____
Michael T. Bennett,
Executive VP and General Counsel

**Exempt Pursuant to A.R.S. §11-1134(A)(2),
11-1134(A)(3)**

STATE OF ARIZONA }
County of Maricopa } ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2015
by Michael T. Bennett, Executive VP and General Counsel, who acknowledged that he executed this
instrument for the purposes therein contained.

Notary Public

My commission expires:

NWC 75th Avenue/ Beardsley Rd

EXHIBIT A

LEGAL DESCRIPTION 20' PUBLIC SEWER EASEMENT

A portion of Lot 4A as shown on "Minor Land Division of Lot 3 and Lot 4 of Aspera Final Plat", recorded in Book 1215, Page 16, Records of Maricopa County, Arizona, located within the southeast quarter of Section 23, Township 4 North, Range 1 East of the Gila and Salt River Meridian, Maricopa County, Arizona, being described as follows:

COMMENCING at an Arizona Department of Transportation aluminum cap in handhole found at the Southeast Corner of said Section 23, from which a Bureau of Land Management brass cap found at the south quarter corner thereof bears North 89°53'57" West, a distance of 2643.29 feet; thence along the south line of the southeast quarter of said Section 23, North 89°53'57" West, 495.67 feet; thence leaving said south line, North 00°06'03" East, 567.34 feet to a point on the north line of a 20' wide sewer easement according to Document Number 1996-0378562, Records of Maricopa County, and the POINT OF BEGINNING;

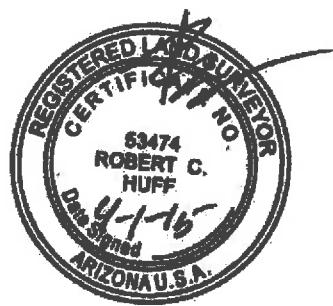
thence leaving said north line, North 14°46'49" West, 271.83 feet to a point on the north line of said Lot 4A;

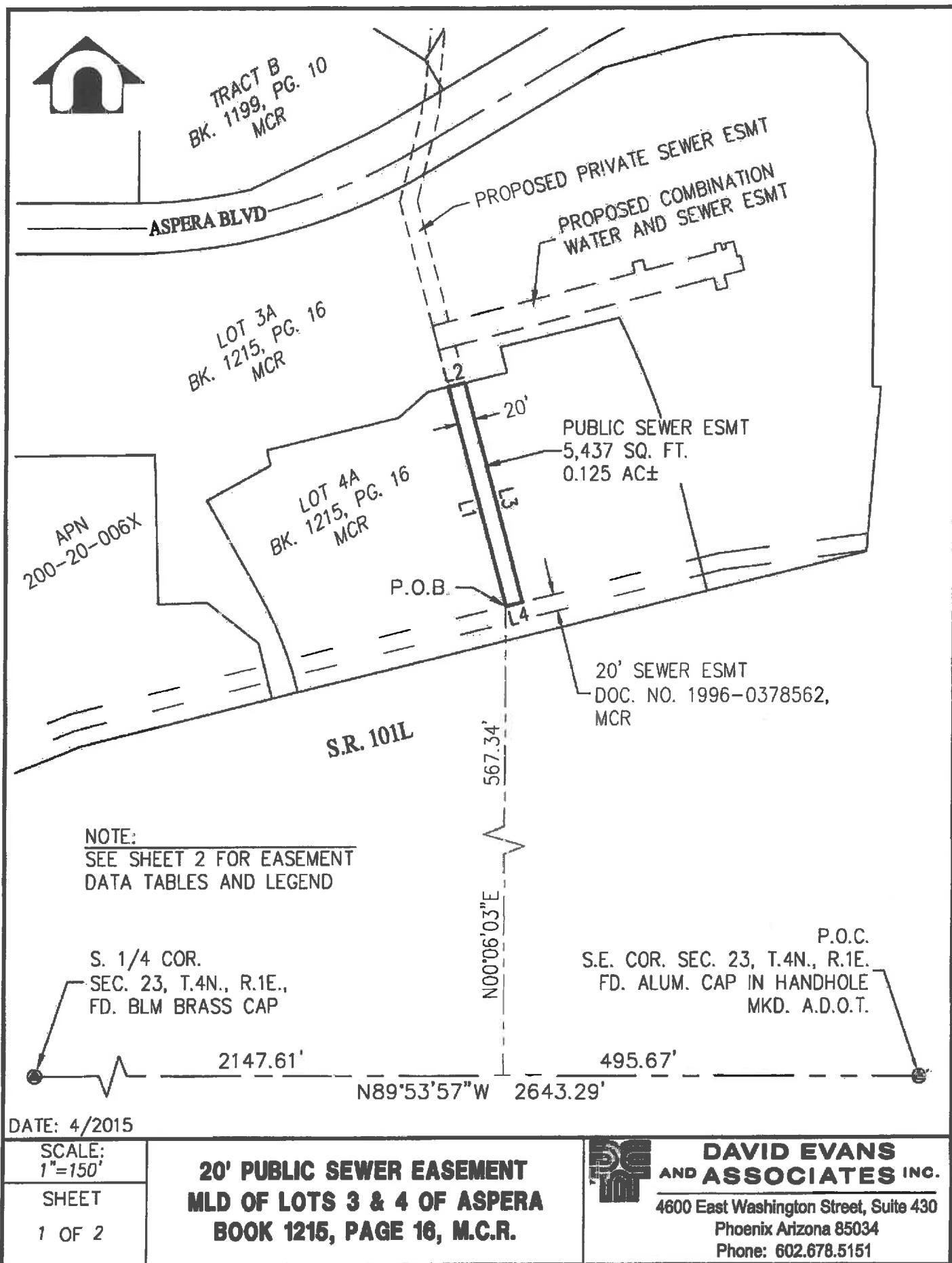
thence along the north line of said Lot 4A, North 76°02'49" East, 20.00 feet;

thence leaving said north line, South 14°46'49" East, 271.83 feet to a point on the north line of said 20' wide sewer easement;

thence along the north line of said 20' wide sewer easement, South 76°02'43" West, 20.00 feet to the POINT OF BEGINNING.

Said parcel containing 5,437 square feet or 0.125 acres, more or less.





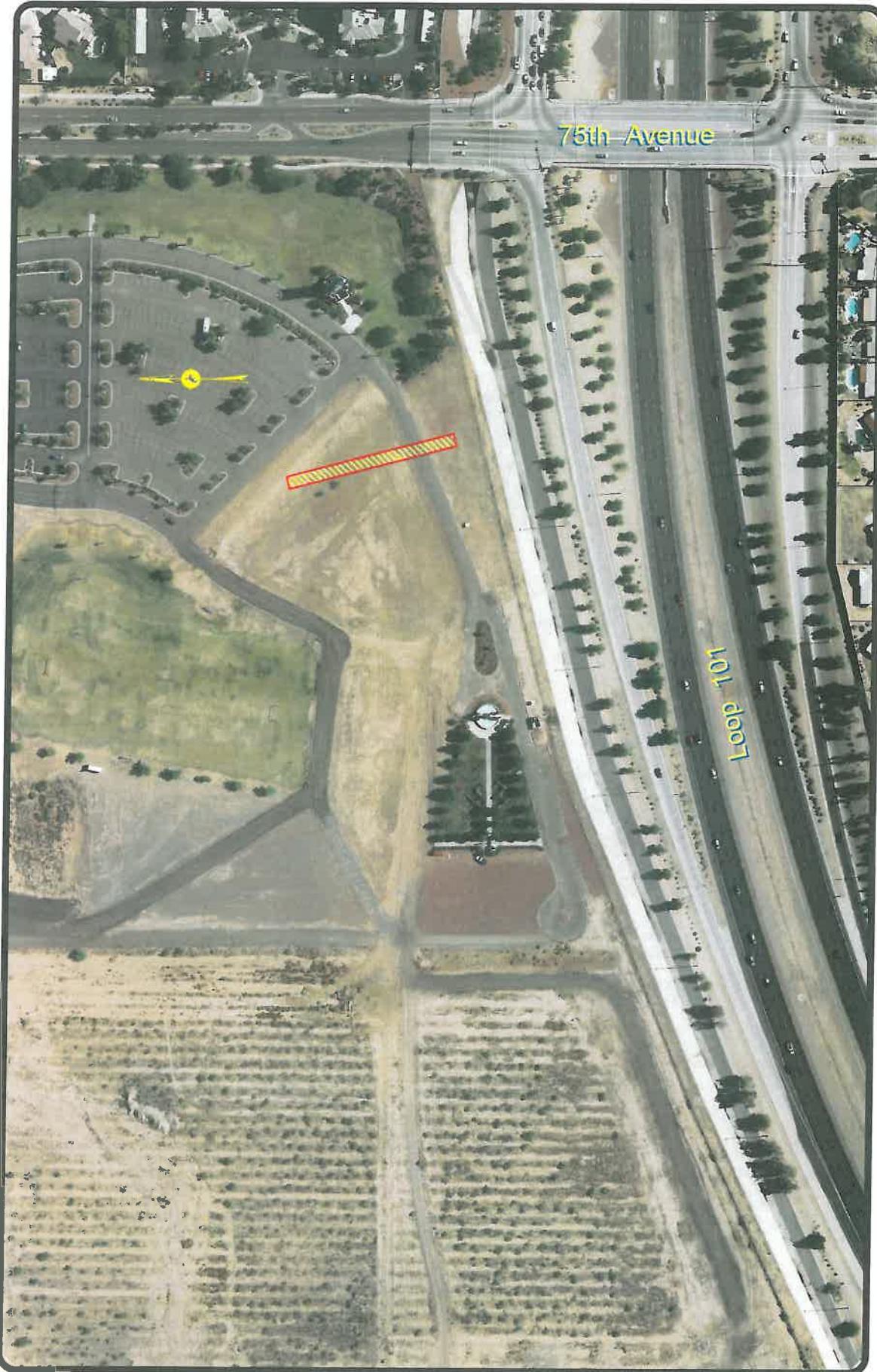
| EASEMENT LINE TABLE | | |
|---------------------|-------------|---------|
| LINE | BEARING | LENGTH |
| L1 | N14°46'49"W | 271.83' |
| L2 | N76°02'49"E | 20.00' |
| L3 | S14°46'49"E | 271.83' |
| L4 | S76°02'43"W | 20.00' |

LEGEND

P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 BLM = BUREAU OF LAND MANAGEMENT
 A.D.O.T. = AZ DEPT. OF TRANSPORTATION
 MLD = MINOR LAND DIVISION
 ESMT = EASEMENT

DATE: 4/2015

| | | |
|------------------|--|---|
| SCALE: N.T.S. | 20' PUBLIC SEWER EASEMENT MLD OF LOTS 3 & 4 OF ASPERA BOOK 1215, PAGE 16, M.C.R. |  DAVID EVANS AND ASSOCIATES INC. 4600 East Washington Street, Suite 430 Phoenix Arizona 85034 Phone: 602.678.5151 |
| SHEET 2 OF 2 | | |



SEWER LINE EASEMENT AT ASPERA LOT 4A

