

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, EXTINGUISHING THE 5-FOOT USE AND BENEFIT EASEMENTS LOCATED ON 110 LOTS OF THE 223 LOTS RECORDED ON THE FINAL PLAT FOR EASTMARK – DU 3/4 NORTH PHASE 4 MDR, LOCATED NORTH OF THE NORTHEAST CORNER OF SOUTH ELLSWORTH ROAD AND EAST POINT TWENTY-TWO BOULEVARD, AND THE 5-FOOT USE AND BENEFIT EASEMENTS LOCATED ON 118 LOTS OF THE 350 LOTS RECORDED ON THE FINAL PLAT FOR EASTMARK – DU 3/4 NORTH PHASE 5 MDR, LOCATED SOUTH OF THE SOUTHEAST CORNER OF SOUTH ELLSWORTH ROAD AND EAST WARNER ROAD.**

WHEREAS, pursuant to Arizona Revised Statutes Title 28 §§ 7201-7215 and/or Mesa City Code Title 9, Chapter 10, the City Council has the authority to abandon, vacate or extinguish (collectively, hereafter, “abandon”) unnecessary roadway, right-of-way, or easements to which the City holds right or title to.

WHEREAS, the City Council has determined that the 5-foot use and benefit easements on lots 2-9, 11-21, 23-25, 28-35, 37-48, 50-65, 67-77, 79-85, 87-89, 91-98, and 101-123, dedicated on The Final Plat for Eastmark – DU 3/4, North Phase 4 MDR, recorded in Book 1495 of Maps, Page 36, records of Maricopa County, Arizona (2019-0943242), located north of the northeast corner of South Ellsworth Road and East Point Twenty-Two Boulevard as hereinafter described (“Phase 4 Use and Benefit Easements”), are no longer needed.

WHEREAS, the City Council has determined that the 5-foot use and benefit easements on lots 92-112, 114-117, 120-128, 131-136, 138-150, 153-163, 165-178, 181-194, 196-213, and 215-222, dedicated on The Final Plat for Eastmark – DU 3/4, North Phase 5 MDR, recorded in Book 1521 of Maps, Page 33, records of Maricopa County, Arizona (2020-0341233), located south of the southeast corner of South Ellsworth Road and East Warner Road as hereinafter described (“Phase 5 Use and Benefit Easements”), are no longer needed.

WHEREAS Mesa City Code 9-10-2 permits the City Council to extinguish easements

no longer needed by the City upon application and payment of the application fee.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: All rights of the City of Mesa in and to the Phase 4 Use and Benefit Easements are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION ON  
**EXHIBIT A** ATTACHED HERETO AND MADE A PART  
HEREOF FOR THE LEGAL DESCRIPTION

Section 2: All rights of the City of Mesa in and to the Phase 5 Use and Benefit Easements are abandoned and deemed extinguished:

PLEASE REFER TO THE LEGAL DESCRIPTION ON  
**EXHIBIT B** ATTACHED HERETO AND MADE A PART  
HEREOF FOR THE LEGAL DESCRIPTION

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this 5<sup>th</sup> day of April, 2021.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**EXHIBIT A**  
**LEGAL DESCRIPTION**  
**Eastmark DU 3 / 4 North Phase 4 MDR**  
**Use and Benefit Easement Extinguishment**

Those certain Use and Benefit Easements located on LOTS 2-9, 11-21, 23-25, 28-35, 37-48, 50-65, 67-77, 79-85, 87-89, 91-98, AND 101-123, OF THE FINAL PLAT FOR EASTMARK – DU 3/4 NORTH, PHASE 4 MDR, RECORDED IN BOOK 1495 OF MAPS, PAGE 36 (2019-0943242, 11/21/19) RECORDS OF MARICOPA COUNTY, ARIZONA.

**EXHIBIT B**  
**LEGAL DESCRIPTION**  
**Eastmark-DU 3 /4 North Phase 5 MDR**  
**Use and Benefit Easement Extinguishment**

Those certain Use and Benefit Easements located on LOTS 92-112, 114-117, 120-128, 131-136, 138-150, 153-163, 165-178, 181-194, 196-213, AND 215-222, OF THE FINAL PLAT FOR EASTMARK – DU 3/4 NORTH PHASE 5 MDR, RECORDED IN BOOK 1521 OF MAPS, PAGE 33 (2020-0341233, 04/21/2020), RECORDS OF MARICOPA COUNTY, ARIZONA.