

WHEN RECORDED, RETURN TO:

**City of Tempe
31 East 5th Street
Tempe, Arizona 85281
Attn: City Clerk**

NOTICE AND TERMINATION OF CROSS ACCESS AGREEMENT

THIS NOTICE AND TERMINATION OF CROSS ACCESS AGREEMENT is made and entered into to be effective August 1, 2011 by and between **THE CITY OF TEMPE**, an Arizona municipal corporation (“City”) and **ARIZONA BOARD OF REGENTS**, acting on behalf of Arizona State University (“ASU”) and is as follows:

W I T N E S S E T H:

WHEREAS, the **CITY OF TEMPE**, an Arizona municipal corporation (“City”) and **Arizona Board of Regents**, acting on behalf of Arizona State University (“ASU”) own certain adjacent land which is the subject of a Mutual Deed of Easement evidenced by various recorded documents, including a Stipulation for Partial Release of Lis Pendens recorded at Docket 13874, Page 631, a Mutual Deed of Easement recorded October 19, 1979, Docket 13975, page 1008, as corrected by Agreement recorded January 7, 1982, at Docket 15750, Page 245, in the office of the Maricopa County Recorder (collectively, the “Easement Agreement”); and

WHEREAS, as the current owners of the property subject to the Easement Agreement, City and ASU now desire to terminate said agreement.

NOW, THEREFORE, City and ASU hereby agree as follows:

1. City and ASU hereby terminate the Easement Agreement and all easements and other rights granted or reserved therein, effective August 1, 2011, and from and after such date, acknowledge and agree that the Easement Agreement shall be of no further force or effect.

3. This Notice and Termination shall be governed by the laws of the State of Arizona. Each party and the person signing for each party represents and warrants to the other than it has the full right, ability and power to enter into this Notice and Termination and each party will indemnify and hold harmless the other from and against any and all liability, losses, costs, damages, claims, expenses and attorneys’ fees of any kind incurred as a consequence or result of the breach by the representing party of the representation and warranty contained in this paragraph. This Notice and Termination may be signed in counterparts.

IN WITNESS WHEREOF, the parties have executed this Notice and Termination of Cross Access Easement to be effective as of the date set forth above.

THE CITY OF TEMPE, an Arizona municipal corporation

By: _____

Name: _____

Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2011 by _____ the _____ of The City of Tempe, an Arizona municipal corporation, for and on behalf of said City.

Notary Public

My Commission Expires:

**ARIZONA BOARD OF REGENTS, a body corporate, acting for and on behalf of
ARIZONA STATE UNIVERSITY**

By: _____

Name: _____

**Title: Associate Vice President for Administration and
Business Services**

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____,
2007 by _____ the _____ of The City of Tempe, an Arizona
municipal corporation, for and on behalf of said City.

Notary Public

My Commission Expires:
