

WHEN RECORDED, RETURN TO:
City of Scottsdale
One Stop Shop/Records
7447 E. Indian School Road, Suite 100 Scottsdale, AZ 85251

Exempt from Affidavit of Value
under A.R.S. § 11-1134(A)(2, 3)



**CITY OF SCOTTSDALE
PUBLIC ART EASEMENT**

Project: Marshall Way Entrance
APN: 173-50-092

FOR ONE DOLLAR (\$1.00) and other good and valuable consideration received, Shipp Holdings, L.L.C., an Arizona limited liability company, successor by merger to Shipp Ltd., Limited Liability Partnership ("Grantor"), does hereby grant to the City of Scottsdale, an Arizona municipal corporation ("Grantee"), a nonexclusive easement upon, over, under and across the parcel of land (the "Property") described on the legal description and sketch attached hereto as Exhibits "A" and "B". The sole purpose of the easement is for the installation, maintenance, repair, modification and replacement from time to time of public art subject to the specifications attached as Exhibit "C" ("Permitted Art"), and appurtenances related thereto.

Grantor hereby warrants and covenants to Grantee and its successors and assigns that Grantor is lawfully seized and possessed of the Property; that Grantor has a good and lawful right to make the grant described herein; and that Grantee shall have title and quiet possession against the claims of all persons claiming through Grantor.

If Grantee disturbs or damages any of the property or improvements of Grantor in the exercise of any rights under this instrument, all such property or improvements disturbed or damaged shall be restored as close to original condition as possible, at the expense of Grantee. The easement granted herein is not exclusive, and shall not operate to prevent the use of the Property for purposes which do not interfere with the uses permitted herein.

Should (i) the Grantee cease to use the Easement for its intended purpose for a continuous period of six (6) months, or (ii) the Permitted Art not be maintained or becomes subject to disrepair and such non-maintenance or non-repair continues for a period of sixty days following written notice to Grantee, or (iii) the Permitted Art is removed, Grantor may terminate this Easement upon recordation of a notice of termination in the official records of Maricopa County, and any and all interest in Grantor's Land granted by this Easement shall revert to the Grantor, its successors, or assigns. Upon termination of this Easement, Grantee shall, at its cost and expense, restore the Property to its condition prior to the placement of the Permitted Art (including removal of any pedestals, platforms, and similar improvements). Upon request by Grantor, Grantee shall execute and record a document terminating the Easement at no cost to the Grantor.

The person executing this document on behalf of a corporation, trust or other organization warrants his or her authority to do so and that all persons necessary to bind Grantor have joined in this document. This document runs with the land, subject to the terms hereof, in favor of Grantee's successors and assigns.

DATED this 14th day of March, 2018

Grantor: Shipp Holdings, LLC, an Arizona limited liability company, successor by merger to Shipp Ltd., Limited Liability Partnership

Herbert Shipp

By: Herbert Shipp

As: Managing Partner

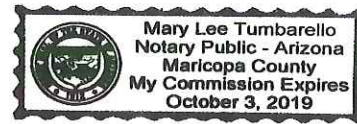
State of Arizona)
) ss.
County of Maricopa)

This document was acknowledged before me this 14th day of March, 2018, by Herbert Shipp as Managing Partner for and on behalf of Shipp Holdings, L.L.C., an Arizona limited liability company.

Mary Lee Tumbarello
NOTARY PUBLIC

My commission expires:

10/3/2019



APPROVED AS TO FORM

Joe Padilla
Bruce Washburn, City Attorney
By: Joe Padilla, Deputy City Attorney

EXHIBIT A
LEGAL DESCRIPTION FOR
MARSHALL WAY
ENTRY FEATURE EASEMENT DEDICATION

That portion of Lot 12 of Western Park Properties Unit Three, as recorded in Book 62 of Maps, Page 21, Records of Maricopa County, Arizona, being situated in the Southeast Quarter of Section 22, Township 2 North, Range 4 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the City of Scottsdale Brass Cap flush marking the intersection of the monument lines of Indian School Road and Marshall Way (platted as Marshall Avenue) as depicted on the plat of said Western Park Properties Unit Three, from which the City of Scottsdale Brass Cap flush marking the intersection of the monument lines of Marshall Way and 3rd Avenue, as depicted on the plat of said Western Park Properties Unit Three bears North 00°58'53" East, a distance of 501.95 feet;

Thence North 00°58'53" East, along the monument line of said Marshall Way, a distance of 50.51 feet;

Thence North 89°01'07" West, a distance of 44.00 feet to a point on the East line of said Lot 12, said point being the True Point of Beginning;

Thence continuing North 89°01'07" West, a distance of 2.04 feet;

Thence North 43°57'29" West, a distance of 15.89 feet;
Thence North 40°08'09" East, a distance of 13.80 feet;

Thence South 55°46'14" East, a distance of 5.45 feet to a point on the East line of said Lot 12;

Thence South 00°58'53" West, along said East line, a distance of 18.97 feet to the True Point of Beginning.

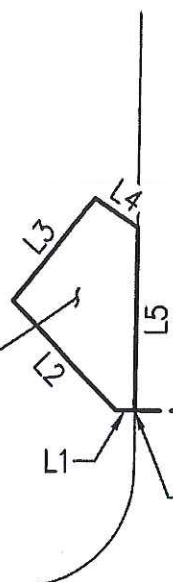
Containing 175 Square Feet or 0.004 Acres, more or less.



Expires: 3/31/20

| LINE TABLE | | |
|------------|-------------|--------|
| NO. | BEARING | LENGTH |
| L1 | N89°01'07"W | 2.04' |
| L2 | N43°57'29"W | 15.89' |
| L3 | N40°08'09"E | 13.80' |
| L4 | S55°46'14"E | 5.45' |
| L5 | S00°58'53"W | 18.97' |

ENTRY FEATURE
EASEMENT DEDICATED
LOT 12
PER BOOK 62 OF MAPS
PAGE 21, M.C.R.



3RD AVENUE

MARSHALL WAY
(PLATTED AS
MARSHALL AVENUE)

451.44'
501.95'(M)

N89°01'07"W
44.00'

T.P.O.B.

N00°58'53"E

50.51'

P.O.C.

INDIAN SCHOOL ROAD

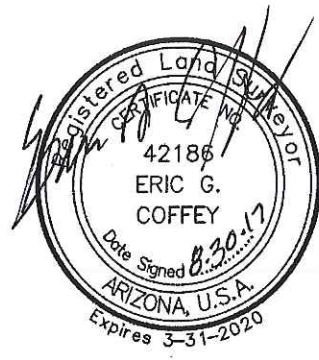
S89°59'38"E 1768.31'(M)

SOUTH 1/4 CORNER, SECTION 22
TOWNSHIP 2 NORTH, RANGE 4 EAST



- (M) = MEASURED
- L1 = LINE NUMBER
- T.P.O.B. = TRUE POINT OF BEGINNING
- P.O.C. = POINT OF COMMENCEMENT

ALL VALUES SHOWN
ARE CALCULATED
UNLESS NOTED
OTHERWISE.



| | | |
|---|--|--------|
| SCALE 1" = 20' | <h1>MARSHAL WAY</h1> | |
| EXHIBIT | | |
| 4550 North 12th Street Phoenix, Arizona 85014 Phone 602-264-6831 http://www.cvlci.com | <h2>EXHIBIT B - ENTRY FEATURE EASEMENT DEDICATION</h2> | 1 OF 1 |

***** STATUE EASEMENT

The date and time is
Wed Aug 30 09:36:02 2017
and you are logged into job [TMCLOSE]

* FILENAME = COBDSTUE

BOUNDARY

N89-01-07W 2.043
N43-57-29W 15.894
N40-08-09E 13.804
S55-46-14E 5.446
S00-58-53W 18.969

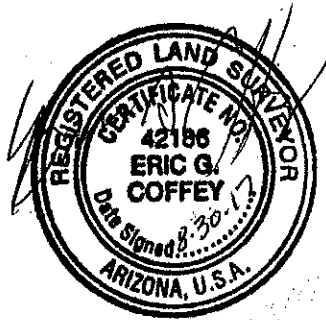
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Misclosure: One part in 598791

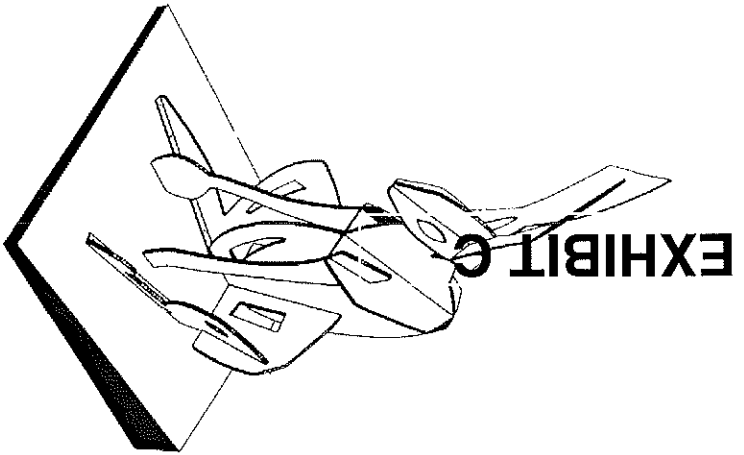
North error = 0.000
East error = 0.000

Area = 175 0.004 AC

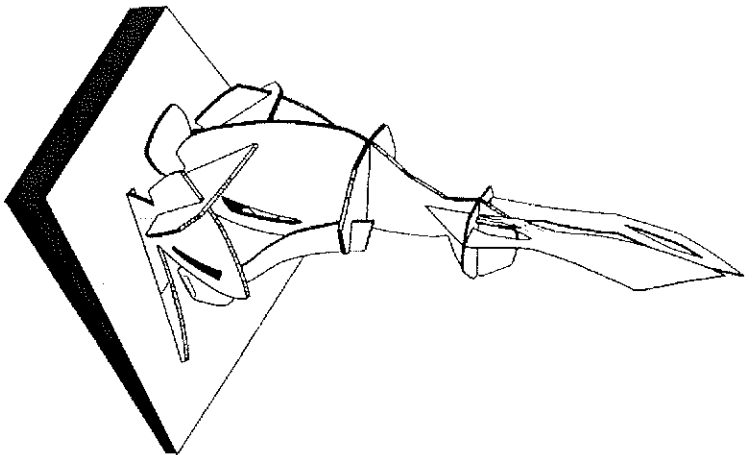
*** END OF RUN



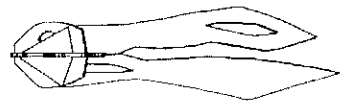
Expires: 3/31/20



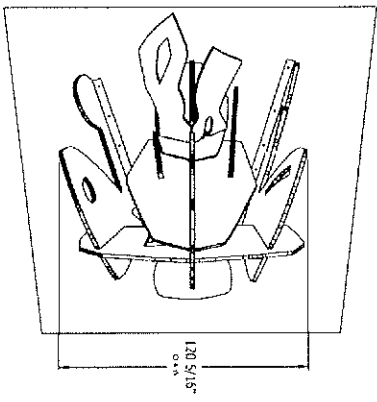
ISOMETRIC - FRONT



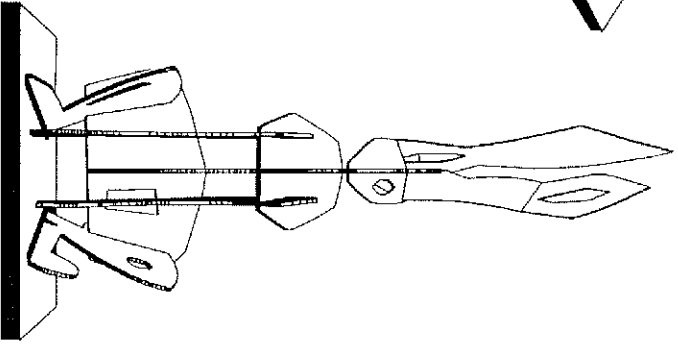
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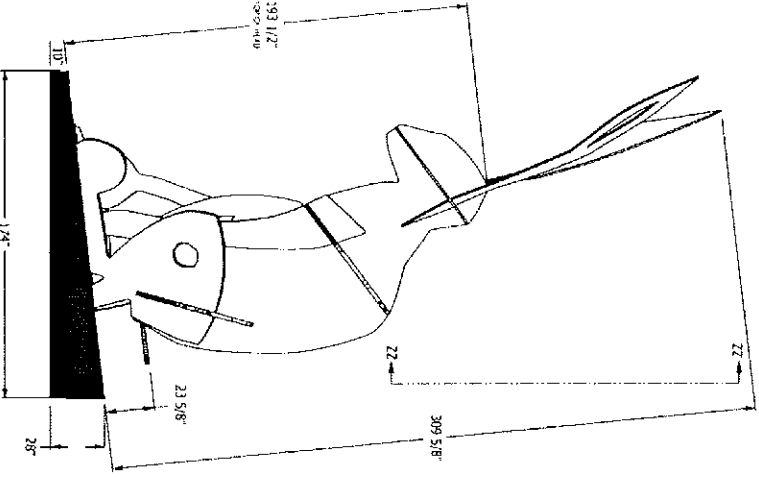
SECTION ZZ-ZZ



PLAN



ELEVATION



PROFILE

EXHIBIT C

ARTIST: JOHN RANDALL NELSON
JACKRABBIT ASSEMBLY
 REVISION 04

MATERIAL: ASTM A36 PLATE
 WEIGHT: 20,800 LBS. (APPROX.)