

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)

PUBLIC UTILITY AND ACCESS EASEMENT

GRANTOR:

**RP PV III LLC, a Delaware limited liability company**

GRANTEE:

**CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation**

For the consideration of One Dollar (\$1.00), and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, **RP PV III LLC, a Delaware limited liability company**, ("Grantor") does hereby grant and convey to the **CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation**, its successors, assigns and permittees (collectively "Grantee"), a Public Utility and Access Easement. The Public Utility and Access Easement shall be a permanent easement upon, over, under, across, above and through the real property described in Exhibit "A," attached hereto and incorporated herein (the "Easement Area"), for all purposes, including, but not limited to entering upon, locating, constructing, maintaining, repairing, replacing, and/or repairing all utility facilities, included but not limited to: water sewer, and gas lines; poles; wires; conduits; ducts; cables; telemetering and communications equipment; drainage facilities and appurtenances thereto; etc upon, together with the right of access to the Easement Area for these purposes.

The Grantee shall have all rights and privileges necessary or convenient for the full use and enjoyment of the easement, servitude and privileges herein granted for the purposes herein described.

This Public Utility and Access Easement constitutes a covenant running with the land for the benefit of the Grantee.

Grantor and its respective successors and assigns shall have no responsibility or liability for the construction, operation, maintenance, or repair of any facilities constructed pursuant to the rights granted by this Public Utility and Access Easement unless installed by them. Grantor and its respective successors and assigns, hereby waives and releases Grantee from any and all liability for damage to the Property that results from the exercise of the rights granted under this easement provided Grantee shall, as soon as practicable restore the Property to a neat and presentable condition.

Grantor reserves for itself, its successors and assigns all such rights and privileges in the Easement Area as may be used without interfering with or abridging the rights and easements hereby acquired.

This Public Utility and Access Easement constitutes a covenant running with the land for the benefit of the Grantee.

IN WITNESS WHEREOF, this instrument is executed this \_\_\_\_ day of \_\_\_\_\_, 2016.

GRANTOR:  
RP PV III LLC, a Delaware limited liability company

By: [Signature]

Its: Vice President Date: 1/7/16

State of Arizona       )  
                                  )ss.  
County of Maricopa    )

The foregoing instrument (Public Utility and Access Easement) was acknowledged before me this 7th day of January, 2016 by Sean T. Walters, as Vice President of RP PV III LLC, a Delaware limited liability company.



[Signature]  
Notary Public

ACCEPTED by the CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation, the \_\_\_\_ day of \_\_\_\_\_, 2015.

By: \_\_\_\_\_

Its: \_\_\_\_\_ Date: \_\_\_\_\_

State of Arizona       )  
                                  )ss.  
County of Maricopa    )

The foregoing instrument (Public Utility and Access Easement) was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2016 by \_\_\_\_\_, as \_\_\_\_\_ of the CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation, on behalf of said corporation.

\_\_\_\_\_  
Notary Public

*Exhibits on Following Pages*

EXHIBIT "A"  
10' PUBLIC UTILITY AND LANDSCAPE EASEMENT  
LEGAL DESCRIPTION

All that certain lot, tract, or parcel of land, situated in a portion of the Southeast Quarter of Section 24, Township 2 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, and being more completely described as follows, to-wit:

COMMENCING at a found City of Goodyear brass cap for the Southeast corner of said Section 24, from which a found Maricopa County Department of Transportation aluminum cap for the East Quarter corner of said Section 24 bears North 00 deg. 15 min. 08 sec. East (Basis of Bearings) – 2629.83 feet;

THENCE North 00 deg. 15 min. 08 sec. East along the East line of the Southeast Quarter of said Section 24 and the centerline of Sarival Avenue as shown in the Map of Dedication of Palm Valley Phase V recorded in Book 720 of maps, Page 27, MCR, at 1116.92 feet pass a found City of Goodyear brass cap at the centerline intersection of Sarival Avenue and Charles Boulevard and continue a total distance of 1189.92 feet to a point in the North terminus line of Sarival Avenue as shown in said Map of Dedication;

THENCE North 89 deg. 44 min. 52 sec. West departing said East line and continue along said North terminus line, a distance of 42.00 feet to the intersection of said North terminus line and West right-of-way line of Sarival Avenue as shown in said Map of Dedication, said point being the TRUE POINT OF BEGINNING;

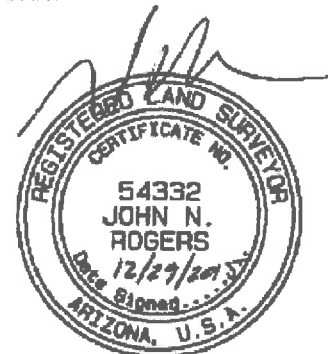
THENCE North 89 deg. 44 min. 52 sec. West departing said West right-of-way line, a distance of 10.00 feet;

THENCE North 00 deg. 15 min. 08 sec. East being 52.00 feet West of and parallel to the East line of the Southeast Quarter of said Section 24, a distance of 178.04 feet;

THENCE South 82 deg. 37 min. 27 sec. East, a distance of 10.08 feet;

THENCE South 00 deg. 15 min. 08 sec. West being 42.00 feet West of and parallel to the East line of the Southeast Quarter of said Section 24, a distance of 176.79 feet to the POINT OF BEGINNING, containing 1,774 square feet or 0.041 acres of land, more or less.

Exhibit map attached and made a part hereof.





(UNSUBDIVIDED)  
RP PV IV, LLC  
2010-0605241, MCR

(UNSUBDIVIDED)  
RP PV IV, LLC  
2010-0605241, MCR

**BASIS OF BEARINGS**  
EAST LINE OF THE SE 1/4  
SEC. 24, T2N, R2W

FND. M.C.D.O.T. ALUMINUM CAP FLUSH  
AT THE EAST 1/4 COR. SEC. 24, T2N, R2W

33' 33'

66.00' DEDICATED COUNTY ROAD PER  
BK. 6 OF ROAD MAPS, PG. 27, MCR  
AND COUNTY ROAD PER BK. 4 OF  
ROAD MAPS, PG 44, MCR

SE 1/4 SEC. 24  
T2N, R2W

SW 1/4 SEC. 19  
T2N, R1W

GRAPHIC SCALE 1"=200'  
0 200 400

S82°37'27"E  
10.08'

**10' PUBLIC UTILITY  
AND LANDSCAPE EASEMENT**  
0.041 AC. / 1,774 SQ. FT.

(UNSUBDIVIDED)  
RP PV III, LLC  
2014-0746188, MCR

N00°15'08"E  
178.04'

S02°39'43"E  
177.02'

9' FUTURE R/W

N89°44'52"W  
42.00'

N89°44'52"W  
10.00'

73.00'

**W. CHARLES BLVD**

BK. 720, PG. 27, MCR

**POINT OF BEGINNING**

**POINT OF COMMENCING**

FND. CITY OF GOODYEAR BRASS CAP  
IN HANDHOLE AT THE SEC COR.  
SEC. 24, T2N, R2W

FND. CITY OF GOODYEAR BRASS CAP FLUSH

**SARIVAL AVENUE**

BK. 720, PG. 27, MCR

SHEET 2 OF 2

**EXHIBIT "A" MAP  
10' PUBLIC UTILITY AND LANDSCAPE EASEMENT**

**GOODWIN &  
MARSHALL &**

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS

4809 E. Thistle Landing Dr., Suite 100, Phoenix, AZ 85044  
(602) 218-7285

Scale: 1" = 200'

Date: 12/29/2015

Job No.: 10455A

Drafted: J.N.R.

Checked: R.D.H.



EXPIRES 3/31/2016

W:\10455A - PV900\COGO\VPV303 EAST PHASE A\PHASE A FLAT\VPV303 EAST PHASE A.pro