

WHEN RECORDED RETURN TO:

City Clerk/lrb  
CITY OF GOODYEAR  
190 North Litchfield Road  
P.O. Box 5100  
Goodyear, Arizona 85338

**BENEFICIARY CONSENT AND SUBORDINATION  
OF PUBLIC UTILITY AND ACCESS EASEMENT**

RG-IPA Goodyear, LLC, a Delaware limited liability company ("Grantor") owns that certain property legally described in Exhibit "1", attached hereto (the "Grantor's Property"). The Huntington National Bank, a national banking association is the Beneficiary under that certain Construction Deed of Trust, Assignment of Rents and Fixture Filing dated January 24, 2017 and recorded on January 24, 2017 as Instrument No. 2017-54926 of the official records of the County Recorder of Maricopa County, State of Arizona (the "Deed of Trust"). The Deed of Trust is secured by the Grantor's Property. The Huntington National Bank, a national banking association as the Beneficiary under the Deed of Trust, on behalf of themselves and all future successors and assigns hereby consents to Grantor granting to the City of Goodyear the Public Utility and Access Easement attached hereto as Exhibit "2" (the "Public Utility Easement").

The Beneficiary, on behalf of themselves and all future successors and assigns hereby subordinate the Deed of Trust and the loan secured thereby to the Public Utility Easement and agree that any acquisition, transfer or sale of all or part of Grantor's Property is subject to the Public Utility Easement pursuant to the provisions of the Deed of Trust, whether by foreclosure, deed in lieu, or other means shall be subject to the Public Utility Easement. It is expressly understood that this consent and subordination applies only to the portion of the Grantor's Property that is subject to the Public Utility Easement and that the consent and subordination shall not, in any way, affect the Deed of Trust and the loan secured thereby upon the remainder of Grantor's Property. The undersigned(s) represent they have full power and authority to execute this Beneficiary Consent and Subordination of Deed of Trust to the Public Utility Easement on behalf of the represented Beneficiary.

This Consent may be executed in counterparts, all such counterparts shall be deemed to constitute one and the same instrument.

IN WITNESS WHEREOF, Beneficiaries have caused this Beneficiary Consent and Subordination of Deed of Trust to the Public Utility Easement to be signed by their duly authorized representatives as of the date set forth below;

*[Signatures and Exhibits Continued on Following Pages]*

# EXHIBIT "1"

## LEGAL DESCRIPTION OF THE PROPERTY

A PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 WEST, GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 32;

THENCE SOUTH 00 DEGREES 20 MINUTES 34 SECONDS WEST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, 1295.00 FEET TO THE INTERSECTION WITH THE CENTERLINE OF W. VIRGINIA AVENUE AS SHOWN IN BOOK 648 OF MAPS, PAGE 13 OF MARICOPA COUNTY RECORDS;

THENCE SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, ALONG SAID CENTERLINE, 288.12 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 34 SECONDS WEST, 55.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID VIRGINIA AVENUE MARKING THE BEGINNING OF A CURVE, THE CENTER OF WHICH BEARS SOUTH 00 DEGREES 20 MINUTES 34 SECONDS WEST, 1945.00 FEET;

Unofficial Document

THENCE EASTERLY, ALONG SAID RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 04 DEGREES 57 MINUTES 45 SECONDS FOR AN ARC DISTANCE OF 168.46 FEET TO THE INTERSECTION WITH THE EASTERLY LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL, AS SHOWN IN BOOK 515 OF MAPS, PAGE 38 OF MARICOPA COUNTY RECORDS, MARKING THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE THE FOLLOWING COURSES AND DISTANCES;

THENCE EASTERLY, CONTINUING ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 00 DEGREES 45 MINUTES 43 SECONDS, FOR AN ARC DISTANCE OF 25.87 FEET;

THENCE SOUTH 83 DEGREES 55 MINUTES 58 SECONDS EAST, 100.00 FEET TO THE BEGINNING OF A CURVE WITH A RADIUS OF 2055.00 FEET TO THE LEFT;

THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 05 DEGREES 43 MINUTES 28 SECONDS, FOR AN ARC DISTANCE OF 205.32 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 26 SECONDS EAST, 613.16 FEET TO THE BEGINNING OF A CURVE WITH A RADIUS OF 2545.00 FEET TO THE RIGHT;

THENCE EASTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 07 DEGREES 58 MINUTES 10 SECONDS, FOR AN ARC DISTANCE OF 353.99 FEET TO THE INTERSECTION WITH THE PROPOSED WESTERLY LINE OF BULLARD WASH;

THENCE ALONG SAID PROPOSED WESTERLY LINE THE FOLLOWING COURSES AND DISTANCES;

THENCE SOUTH 13 DEGREES 30 MINUTES 28 SECONDS WEST, 118.81 FEET TO THE BEGINNING OF A CURVE WITH A RADIUS OF 197.00 FEET TO THE RIGHT;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 34 DEGREES 18 MINUTES 17 SECONDS, FOR AN ARC DISTANCE OF 117.95 FEET;

THENCE SOUTH 47 DEGREES 48 MINUTES 45 SECONDS WEST, 540.24 FEET TO THE BEGINNING OF A CURVE WITH A RADIUS OF 1250.00 FEET TO THE LEFT;

THENCE SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 27 DEGREES 00 MINUTES 57 SECONDS, FOR AN ARC DISTANCE OF 589.39 FEET TO THE BEGINNING OF A NON-TANGENT LINE;

THENCE LEAVING SAID WESTERLY LINE, NORTH 89 DEGREES 27 MINUTES 45 SECONDS WEST, 613.18 FEET TO A POINT ON A CURVE ON THE AFOREMENTIONED EASTERLY LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 81 DEGREES 45 MINUTES 48 SECONDS WEST, 1492.40 FEET;

THENCE NORTHERLY, ALONG SAID EASTERLY LINE AND ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 01 DEGREE 23 MINUTES 40 SECONDS, FOR AN ARC DISTANCE OF 36.32 FEET;

THENCE NORTH 06 DEGREES 50 MINUTES 32 SECONDS EAST, CONTINUING ALONG SAID EASTERLY LINE, 1081.56 FEET TO THE POINT OF BEGINNING.

## EXHIBIT "2"

When recorded Mail to:

City of Goodyear  
City Clerk/Irb  
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:

**RG-IPA GOODYEAR, 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, **RG-IPA GOODYEAR, 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, operation, 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.

IN WITNESS WHEREOF, this instrument is executed this 2 day of March, 2017.

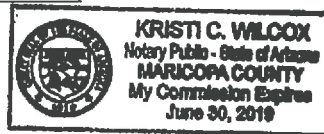
GRANTOR:

By: W. J. Feltis

Its: MEMBER Date: 3-2-17

State of Arizona )  
 )ss.  
County of Maricopa )

The foregoing instrument (Public Utility and Access Easement) was acknowledged before me this 2 day of March, 2017 by William J. Feltis, as MEMBER of RG-IPA GOODYEAR, LLC, a Delaware limited liability company.



Kristi C. Wilcox  
Notary Public

ACCEPTED by the CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation, the \_\_\_\_ day of \_\_\_\_\_, 2017.

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 \_\_\_\_\_, 2017 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"**  
**LEGAL DESCRIPTION**  
**LIV GOODYEAR**  
**10 FT PUBLIC UTILITY EASEMENT**

A 10.00 wide foot strip of land being situated within the Northwest Quarter of Section 32, Township 2 North, Range 1 West of the Gila and Salt River Meridian, Maricopa County, Arizona, being more particularly described as follows:

**COMMENCING** at a brass cap in hand hole accepted as the Northwest corner of Section 32 from which a brass cap in hand hole accepted as the West Quarter corner of said Section 32 thereof bears South 00°20'34" West, 2641.41 feet (Basis of Bearing);

Thence South 00°20'34" West, 1295.00 feet along the west line of said Section 32 to a point on the monument line of Virginia Avenue as shown on the Map of Dedication for West Virginia Avenue and West Cambridge Avenue as recorded in Book 648, Page 13, in the office of the Maricopa County Recorder.

**THENCE THE FOLLOWING 2 COURSES ALONG SAID MONUMENT LINE;**

Thence leaving said west line South 89°39'26" East, 288.12 to the beginning of a tangent curve, concave southerly, having a radius of 2000.00 feet;

Thence easterly along said curve, through a central angle of 4°59'00" an arc length of 173.95 feet;

Thence leaving said monument line, South 06°04'02" West, 55.00 feet to a non-tangent curve, concave southerly, having a radius of 1945.00 feet, the center of which bears South 05°18'19" West, being on the south Right-Of-Way line of said Virginia Avenue and the **POINT OF BEGINNING**.

**THENCE THE FOLLOWING 5 COURSES ALONG SAID SOUTH RIGHT-OF-WAY LINE;**

Thence easterly along said curve, through a central angle of 00°45'43", an arc length of 25.87 feet to a tangent line;

Thence South 83°55'58" East, 100.00 feet to the beginning of a tangent curve concave northerly, having a radius of 2055.00 feet;

Thence easterly along said curve, through a central angle of 05°43'28", an arc length of 205.32 feet to a tangent line;

Thence South 89°39'26" East, 613.16 feet to the beginning of a tangent curve concave southerly, having a radius of 2545.00 feet;



Thence easterly along said curve, through a central angle of 07°58'10", an arc length of 353.99 feet to a non-tangent line;

Thence South 13°30'28" West, 10.04 feet to a point on a line 10.00 feet south of and parallel to the south Right-Of-Way line of said Virginia Avenue to a non-tangent curve, concave southerly, having a radius of 2535.00 feet, the center of which bears South 08°17'30" West;

**THENCE THE FOLLOWING 5 COURSES ALONG SAID PARALLEL LINE;**

Thence westerly along said curve, through a central angle of 07°56'56", an arc length of 351.69 feet to a tangent line;

Thence North 89°39'26" West, 613.16 feet to the beginning of a tangent curve concave northerly, having a radius of 2065.00 feet;

Thence westerly along said curve, through a central angle of 05°43'28", an arc length of 206.32 feet to a tangent line;

Thence North 83°55'58" West, 100.00 feet to the beginning of a tangent curve concave southerly, having a radius of 1935.00 feet;

Thence westerly along said curve, through a central angle of 00°46'12", an arc length of 26.00 feet to a tangent line;

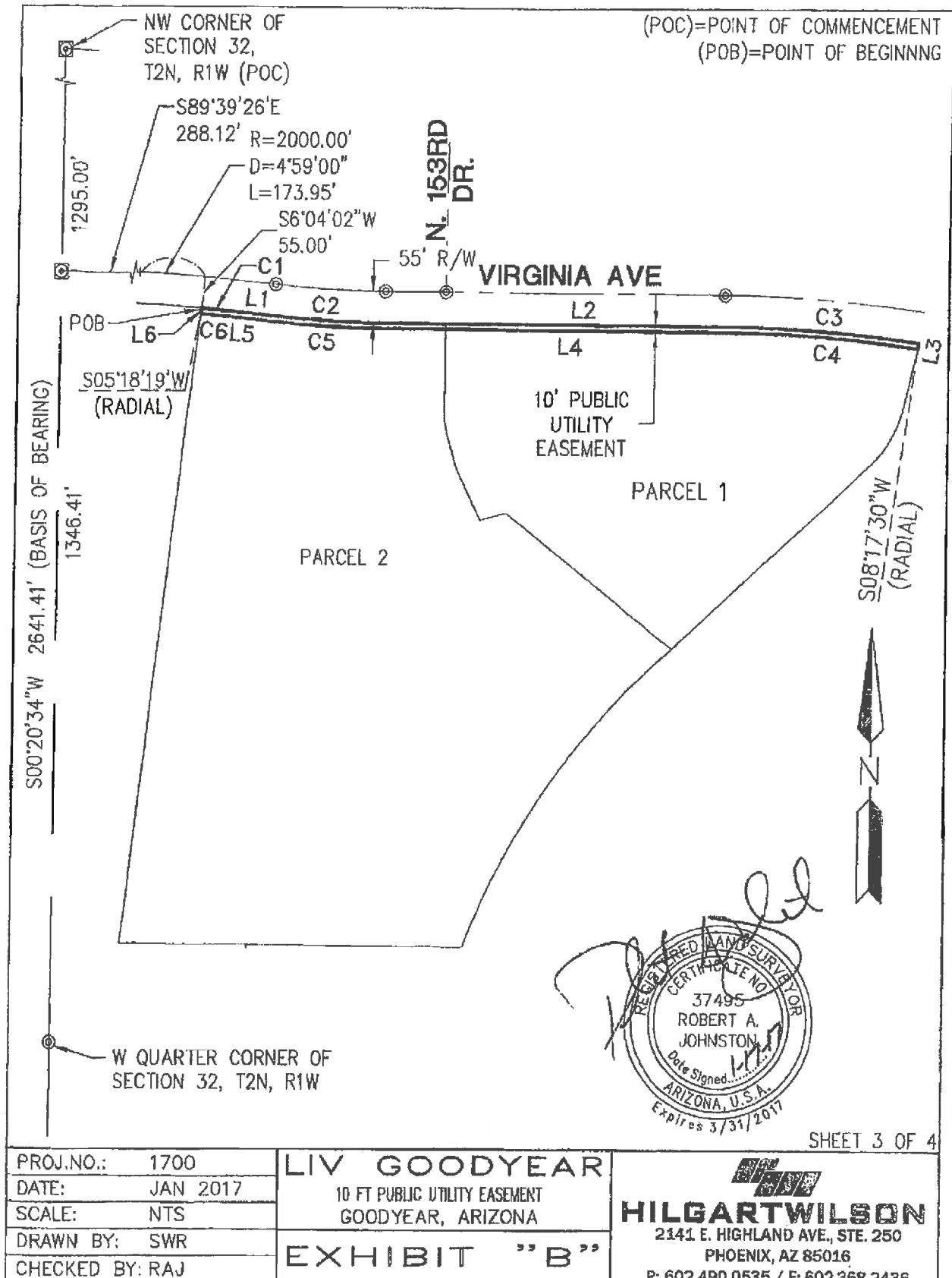
Thence North 06°50'32" East, 10.00 feet to the **POINT OF BEGINNING**.

Said portion of land containing 12,978 s.f., or 0.298 acres, more or less and being subject to any easements, restrictions, and/or rights-of-way.

This description shown hereon is not to be used to violate subdivision regulations of the state, county and/or municipality of any other land division restrictions.

Prepared by: HILGARTWILSON, LLC  
2141 E. Highland Avenue, Suite 250  
Phoenix, AZ 85016  
Project No.: 1700  
Date: January 2017

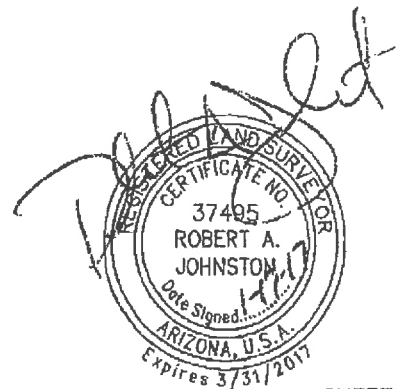







LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S83°55'58"E	100.00'
L2	S89°39'26"E	613.16'
L3	S13°30'28"W	10.04'
L4	N89°39'26"W	613.16'
L5	N83°55'58"W	100.00'
L6	N06°50'32"E	10.00'

CURVE TABLE			
CURVE #	RADIUS	DELTA	LENGTH
C1	1945.00'	0°45'43"	25.87'
C2	2055.00'	5°43'28"	205.32'
C3	2545.00'	7°58'10"	353.99'
C4	2535.00'	7°56'56"	351.69'
C5	2065.00'	5°43'28"	206.32'
C6	1935.00'	0°46'12"	26.00'



SHEET 4 OF 4

PROJ.NO.: 1700	<b>LIV GOODYEAR</b> 10 FT PUBLIC UTILITY EASEMENT GOODYEAR, ARIZONA  <b>EXHIBIT "B"</b>	 <b>HILGARTWILSON</b> 2141 E. HIGHLAND AVE., STE. 250 PHOENIX, AZ 85016 P: 602.490.0535 / F: 602.368.2436
DATE: JAN 2017		
SCALE: NTS		
DRAWN BY: SWR		
CHECKED BY: RAJ		