

RESOLUTION NO. 17-1839

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, DECLARING PUBLIC UTILITY EASEMENTS, PROVIDING DIRECTION REGARDING THE RECORDATION OF THE RESOLUTION, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the power vested in the city of Goodyear ("City") by its Charter and pursuant to A.R.S. § 9-499.01, the Mayor and Council of the city of Goodyear have the power to administer and establish public utility easements; and

WHEREAS, the City owns a certain parcel of real property at generally located at the southwest corner of Indian School Road and Cotton Lane; and

WHEREAS, the pursuant to that certain Agreement for Sale and Purchase of Real Estate by and between AI Arizona DC, LLC, a Delaware limited liability company and the city of Goodyear (the "Aldi/City Agreement") and pursuant to a separate agreement between AI Arizona DC, LLC and RP PV VI LLC, RP PV VI LLC is required to construct certain Offsite Infrastructure improvements that requires the establishment of public utility easements, temporary drainage easements and various utility easements.

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

SECTION 1. The Mayor and Council of the city of Goodyear find and determine that it is in the interest of the public health, safety and welfare of the City to establish, for the benefit of the public, public utility easements in the locations described and depicted in Exhibit "1", which consists of two separate legal descriptions and which is attached hereto and incorporated herein by reference.

SECTION 2 The Mayor and Council of the city of Goodyear hereby declare the establishment of a public utility easements on, over, under, across, above and through the real property described in Exhibit "1", attached hereto and incorporated herein by this reference, for use by the city of Goodyear and its permittees for locating, constructing, maintaining, repairing, replacing, using and/or authorizing the location, construction, maintenance, repair, replacement, and/or use of public utility facilities including water; gas; electricity; and sewer; poles; wires; conduits; ducts; cables, telemetering and communications equipment; drainage facilities and appurtenances thereto, etc. upon, together with the right of access to the easements and for the easements for these purposes stated herein

SECTION 2. The Mayor and Council of the city of Goodyear hereby direct the City Manager or his/her designee to record or cause to be recorded this Resolution declaring public utility easements as part of the closing in which AI Arizona DC, LLC consummates the purchase of certain real property owned by the city of Goodyear

pursuant to that certain Agreement for Sale and Purchase of Real Estate by and between AI Arizona DC, LLC, a Delaware limited liability company and the city of Goodyear approved by the Mayor and Council of the city of Goodyear on by Resolution 17-1813 on June 5, 2017.

SECTION 3 The public utility easements declared herein shall not become effective until this Resolution is recorded as provided herein.

SECTION 4. This Resolution shall become effective upon its adoption by the Mayor and Council of the City of Goodyear.

PASSED AND ADOPTED by the Mayor and Council of the city of Goodyear, Maricopa County, Arizona, this _____ day of _____, 20____.

Georgia Lord, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

STATE OF ARIZONA)
) ss.
County of Maricopa)

I, the undersigned Darcie McCracken, being the duly appointed, qualified City Clerk of the city of Goodyear, Maricopa County, Arizona, certify that the foregoing Resolution No. 17-1839 is a true, correct and accurate copy of Resolution No. 17-1839, passed and adopted at a regular meeting of the Council of the city of Goodyear, Maricopa County, Arizona, held on the _____ day of _____, 20____, at which a quorum was present and, by a _____ vote, _____ voted in favor of said resolution.

Given under my hand and sealed this _____ day of _____, 20____.

seal

City Clerk

Exhibit "1"
Page 1 of 6

EXHIBIT "1"
LEGAL DESCRIPTION
10' PUBLIC UTILITY EASEMENT

All that certain lot, tract, or parcel of land, situated in a portion of the Northeast Quarter of Section 26, 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 flush for the Northeast corner of said Section 26, from which a found aluminum cap for the East Quarter corner of said Section 26 bears South 00 deg. 17 min. 08 sec. West (Basis of Bearings) - 2641.42 feet, and from which a found aluminum cap stamped "LS 21080" for the North Quarter corner of said Section 26 bears North 89 deg. 59 min. 49 sec. West - 2639.88 feet;

THENCE North 89 deg. 59 min. 49 sec. West along the North line of the Northeast Quarter of said Section 26, a distance of 1009.33 feet;

THENCE South 00 deg. 00 min. 11 sec. West departing said North line, a distance of 65.00 feet to the **TRUE POINT OF BEGINNING**;

THENCE South 89 deg. 59 min. 49 sec. East being 65.00 feet South of and parallel with the North line of the Northeast Quarter of said Section 26, a distance of 520.56 feet;

THENCE South 86 deg. 10 min. 58 sec. East, a distance of 165.36 feet;

THENCE South 89 deg. 59 min. 49 sec. East being 76.00 feet South of and parallel with the North line of the Northeast Quarter of said Section 26, a distance of 235.36 feet;

THENCE South 44 deg. 51 min. 20 sec. East, a distance of 46.62 feet;

THENCE South 00 deg. 17 min. 08 sec. West being 55.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 60.69 feet;

THENCE South 09 deg. 12 min. 58 sec. West, a distance of 12.88 feet;

THENCE South 00 deg. 17 min. 08 sec. West being 57.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 42.51 feet;

THENCE North 89 deg. 42 min. 52 sec. West, a distance of 6.00 feet;

THENCE South 00 deg. 17 min. 08 sec. West being 63.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 25.00 feet;

THENCE South 15 deg. 05 min. 26 sec. East, a distance of 10.37 feet;

THENCE South 89 deg. 42 min. 52 sec. East, a distance of 5.25 feet;

THENCE South 00 deg. 17 min. 08 sec. West being 55.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 1415.27 feet;

THENCE North 89 deg. 59 min. 49 sec. West, a distance of 10.00 feet;

THENCE North 00 deg. 17 min. 08 sec. East being 65.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 1405.32 feet;

THENCE North 89 deg. 42 min. 52 sec. West, a distance of 2.87 feet;

THENCE North 15 deg. 05 min. 26 sec. West, a distance of 19.34 feet;

THENCE North 00 deg. 17 min. 08 sec. East being 73.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 36.35 feet;

THENCE South 89 deg. 42 min. 52 sec. East, a distance of 6.00 feet;

THENCE North 00 deg. 17 min. 08 sec. East being 67.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 33.30 feet;

THENCE North 09 deg. 12 min. 58 sec. East, a distance of 12.88 feet;

THENCE North 00 deg. 17 min. 08 sec. East being 65.00 feet West of and parallel with the East line of the Northeast Quarter of said Section 26, a distance of 55.76 feet;

THENCE North 44 deg. 51 min. 20 sec. West, a distance of 38.30 feet;

THENCE North 89 deg. 59 min. 49 sec. West being 86.00 feet South of and parallel with the North line of the Northeast Quarter of said Section 26, a distance of 231.54 feet;

THENCE North 86 deg. 10 min. 58 sec. West, a distance of 165.36 feet;

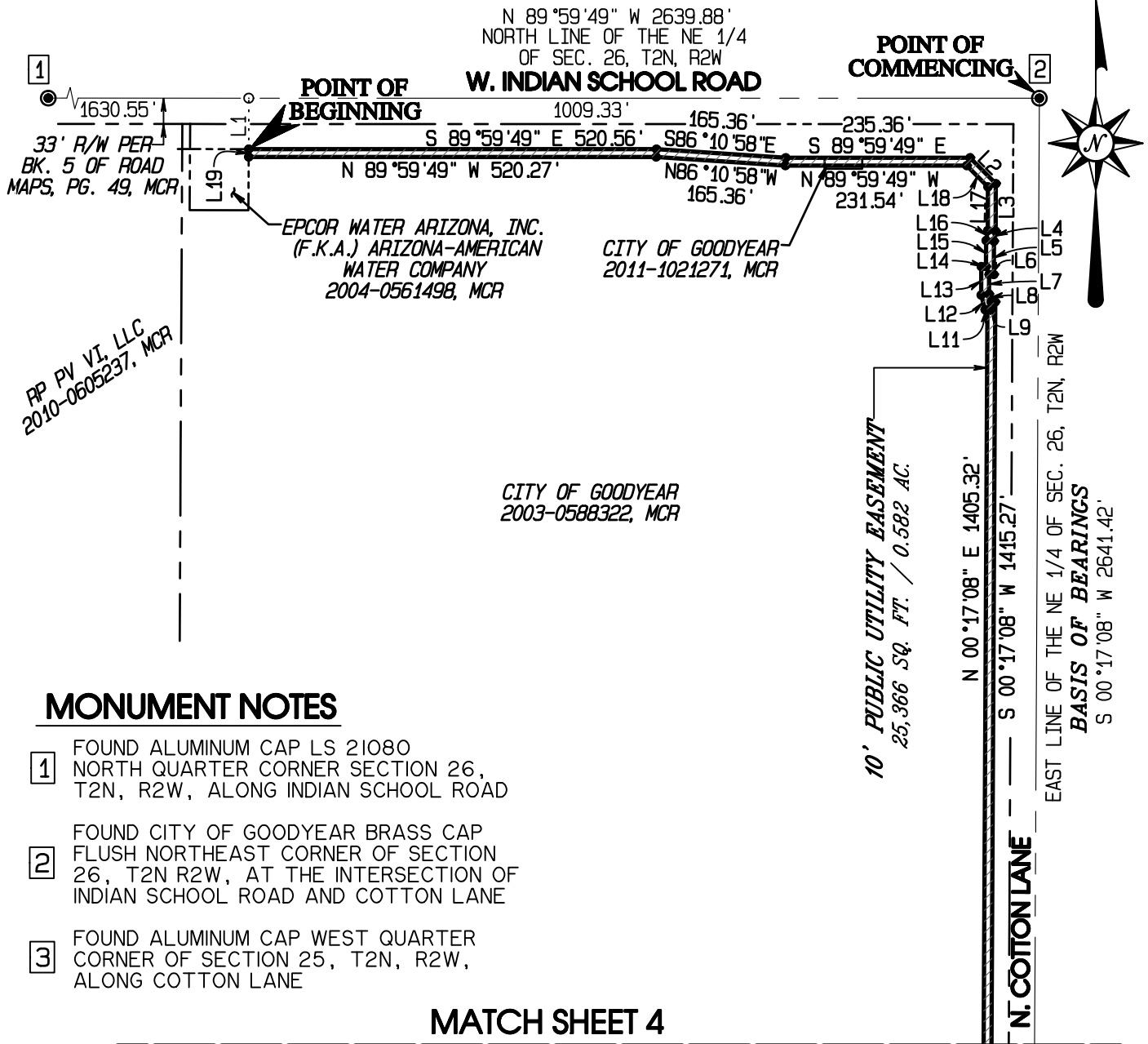
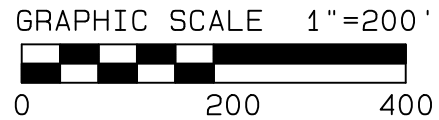
THENCE North 89 deg. 59 min. 49 sec. West being 75.00 feet South of and parallel with the North line of the Northeast Quarter of said Section 26, a distance of 520.27 feet;

THENCE North 00 deg. 17 min. 08 sec. East,
a distance of 10.00 feet to the **POINT OF BEGINNING**,
containing 25,366 square feet or 0.582 acres of land, more or less.

Exhibit attached and made a part hereof.



EXPIRES 3/31/2019



MONUMENT NOTES

- 1 FOUND ALUMINUM CAP LS 21080
NORTH QUARTER CORNER SECTION 26,
T2N, R2W, ALONG INDIAN SCHOOL ROAD
- 2 FOUND CITY OF GOODYEAR BRASS CAP
FLUSH NORTHEAST CORNER OF SECTION
26, T2N R2W, AT THE INTERSECTION OF
INDIAN SCHOOL ROAD AND COTTON LANE
- 3 FOUND ALUMINUM CAP WEST QUARTER
CORNER OF SECTION 25, T2N, R2W,
ALONG COTTON LANE

MATCH SHEET 4

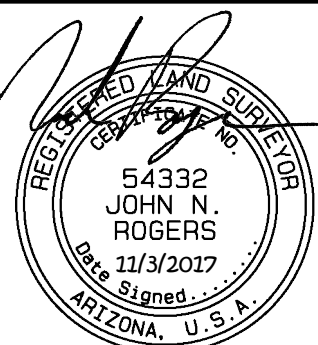
PAGE 3 OF 4

EXHIBIT "A"
10' PUBLIC UTILITY EASEMENT
PORTION OF THE NORTHEAST QUARTER OF SECTION 26, T2N, R2W
OF THE G.&S.R.B.&M., MARICOPA COUNTY, ARIZONA

GOODWIN AND
MARSHALL INC.

CIVIL ENGINEERS ~ PLANNERS ~ SURVEYORS
2705 S. ALMA SCHOOL RD. #2, CHANDLER, AZ 85286
(602) 218-7285

Scale: 1"=200'
Date: 11/2/2017
Job No.: 10590A
Drafted: B.A.J.
Checked: J.N.R.



EXPIRES 3/31/2019

MATCH SHEET 3

CITY OF GOODYEAR
2003-0588322, MCR

LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°00'11"W	65.00'
L2	S44°51'20"E	46.62'
L3	S00°17'08"W	60.69'
L4	S09°12'58"W	12.88'
L5	S00°17'08"W	42.51'
L6	N89°42'52"W	6.00'
L7	S00°17'08"W	25.00'
L8	S15°05'26"E	10.37'
L9	S89°42'52"E	5.25'
L10	N89°59'49"W	10.00'
L11	N89°42'52"W	2.87'
L12	N15°05'26"W	19.34'
L13	N00°17'08"E	36.35'
L14	S89°42'52"E	6.00'
L15	N00°17'08"E	33.30'
L16	N09°12'58"E	12.88'
L17	N00°17'08"E	55.76'
L18	N44°51'20"W	38.30'
L19	N00°17'08"E	10.00'

RP PV VI, LLC
2010-0605237, MCR

10' PUBLIC UTILITY EASEMENT
25,366 SQ. FT. / 0.582 AC.

33' R/W PER
BK. 3 OF ROAD MAPS, PG. 32, MCR
BK. 5 OF ROAD MAPS, PG. 34, MCR

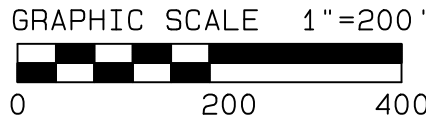
N 00°17'08" E 1405.32'

S 00°17'08" W 1415.27'

N. COTTON LANE

EAST LINE OF THE NE 1/4 OF SEC. 26, T2N, R2W

BASIS OF BEARINGS
S 00°17'08" W (M) 2641.42'



PAGE 4 OF 4

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THENCE South 00 deg. 17 min. 08 sec. West, a distance of 10.00 feet;

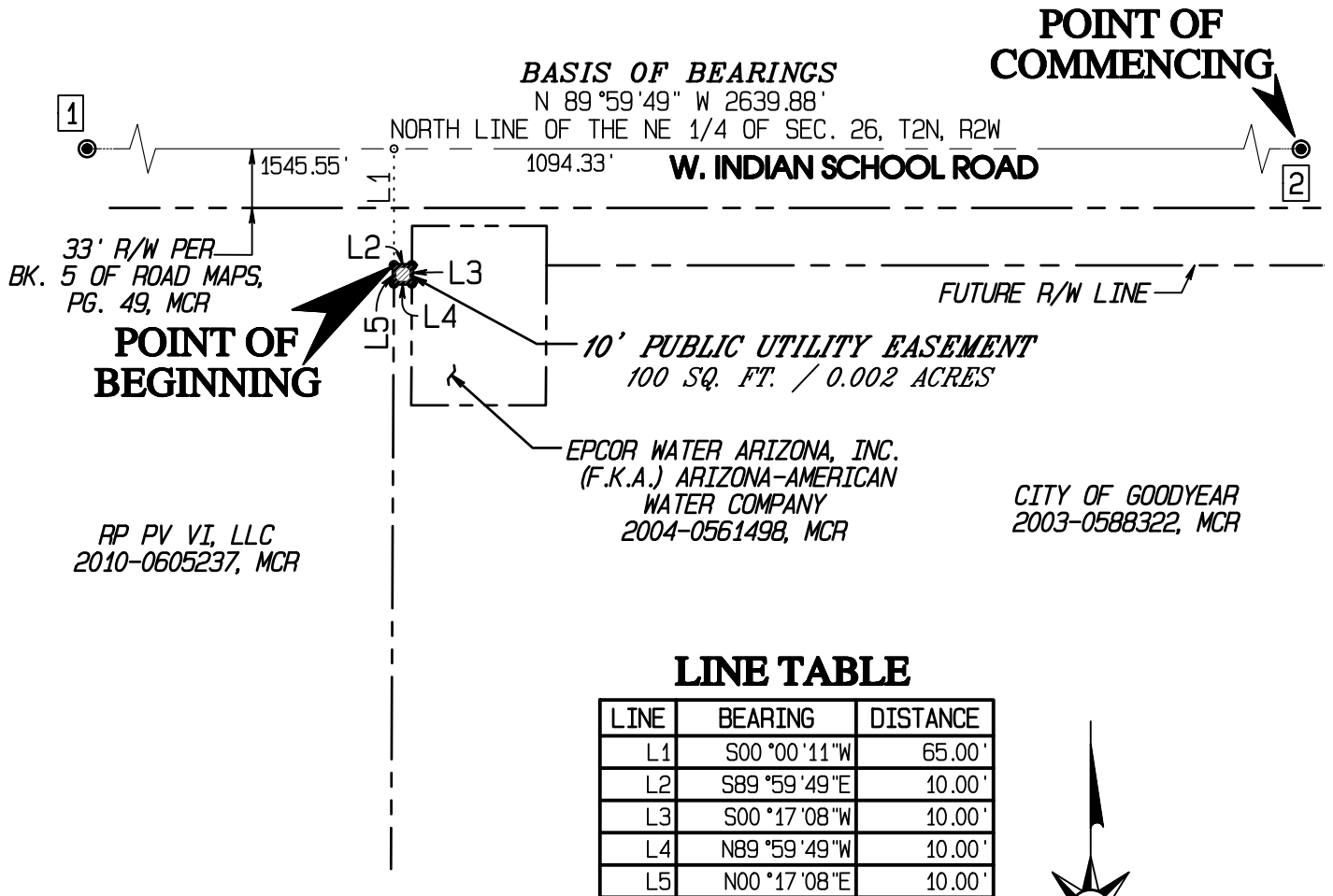
THENCE North 89 deg. 59 min. 49 sec. West being 75.00 feet South of and parallel with the North line of the Northeast Quarter of said Section 26, a distance of 10.00 feet;

THENCE North 00 deg. 17 min. 08 sec. East, a distance of 10.00 feet to the **POINT OF BEGINNING**, containing 100 square feet or 0.002 acres of land, more or less.

Exhibit attached and made a part hereof.



EXPIRES 3/31/2019

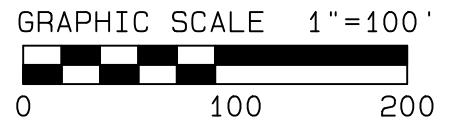


LINE TABLE

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L3	S00°17'08"W	10.00'
L4	N89°59'49"W	10.00'
L5	N00°17'08"E	10.00'

MONUMENT NOTES

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- 2 FOUND CITY OF GOODYEAR BRASS CAP FLUSH NORTHEAST CORNER OF SECTION 26, T2N R2W, AT THE INTERSECTION OF INDIAN SCHOOL ROAD AND COTTON LANE



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