

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)

**PERMANENT ACCESS EASEMENT  
(Lost Lift Station)**

GRANTOR:

GRANTEE:

NNP III – EMR 3, LLC, a Delaware limited liability company

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, NNP III –EMR 3, LLC, a Delaware limited liability company (“GRANTOR”), does hereby grant and convey to CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation (“GRANTEE”), a permanent, non-exclusive easement over, upon and across the real property described in Exhibit A attached hereto and incorporated herein (the “ACCESS AREA”) as reasonably needed to provide ingress and egress to construct, operate, maintain and repair, the Lost Lift Station depicted on Exhibit A attached hereto.

GRANTEE and its successors and assigns 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. GRANTOR reserves for itself, its successors and assigns the right to use the ACCESS AREA and to grant other easements, licenses, leases, and/or rights-of-way over, under, upon and across the ACCESS AREA for purposes that do not substantially impair GRANTEE’S easement rights conveyed herein.

GRANTOR and GRANTEE both acknowledge this Permanent Access Easement shall be subject to and subordinate to all existing easements, rights of way, licenses, and matters of record, including but not limited to the rights to Tucson Electric Power Company under that certain Right-of-Way Easement recorded in the official records of the Maricopa County Recorder on May 20, 1988 at instrument 88-243783.

Grantee acknowledges and agrees that it has ingress and egress access to and from the ACCESS AREA by existing dedicated public streets or public rights-of-way, and by one or more easements of record.

GRANTEE shall not place any structure on, under or over the ACCESS AREA, nor shall GRANTEE locate any surface installation on any part of the ACCESS AREA, or place any fence or enclosure structure on the ACCESS AREA.

GRANTEE shall indemnify and hold GRANTOR, its successors and assigns, harmless from and against any and all claims, suits, losses, liability or expense, including, without limitation, reasonable attorney fees, but excluding any punitive or consequential damages, arising out of GRANTEE'S negligent acts or omissions with respect to the use of the easement, servitude and privileges herein granted. This indemnification shall survive the termination of this Permanent Access Easement as to any such loss or liability arising prior to such termination.

This Permanent Access Easement constitutes a covenant running with the land for the benefit of GRANTEE, its successors and assigns.

[Signatures on following pages.]

IN WITNESS WHEREOF, this instrument is executed as of this \_\_\_\_ day of \_\_\_\_\_, 2018.

**GRANTOR:**

NNP III – EMR 3, LLC,  
a Delaware limited liability company

By: 

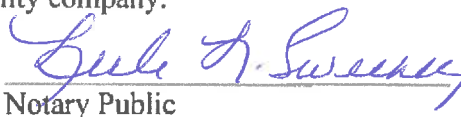
Name: William M. Olson

Its: Senior Vice President

State of Arizona        )  
                                      )ss.

County of Maricopa    )

The foregoing instrument (Permanent Access Easement) was acknowledged before me this  
18<sup>th</sup> day of April, 2018 by William M. Olson, as Senior Vice President  
of NNP III – EMR 3, LLC, a Delaware limited liability company.

  
Notary Public

My commission expires:



**GRANTEE:**

ACCEPTED and AGREED TO by the CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation

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

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

State of Arizona        )  
                                      )ss.  
County of Maricopa    )

The foregoing instrument (Permanent Access Easement) was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2018 by \_\_\_\_\_, as \_\_\_\_\_ of the CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation, on behalf of said corporation.

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

My commission expires:

In accordance with that certain Right-of-Way Easement recorded in the Official Records of Maricopa County, Arizona on May 20, 1988 as Instrument No. 88-243783, the undersigned hereby consents to the foregoing Permanent Access Easement.

TUCSON ELECTRIC POWER COMPANY,  
an Arizona corporation

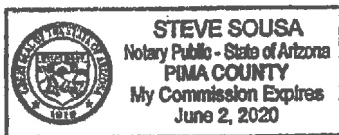
By: Cory Pinter  
Name: Cory Pinter  
Title: Supervisor, Land Resources

State of Arizona        )  
                                  )ss.  
County of Pima        )

The foregoing instrument (Permanent Access Easement) was acknowledged before me this 12<sup>th</sup> day of APRIL, 2018 by Cory Pinter, as SUPERVISOR of Tucson Electric Power Company, an Arizona corporation, on behalf of said corporation.

[Signature]  
Notary Public

My commission expires:



## **Exhibit A**

### **Description of Access Area**

**LEGAL DESCRIPTION  
LOST LIFT STATION ACCESS ROAD EASEMENT  
APN 400-03-018E  
ESTRELLA**

A parcel of land lying in the Southwest Quarter of Section 1, Township 1 South, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows;

COMMENCING at the General Land Office (GLO) brass cap found on pipe at the Southwest Corner of said Section 1, from which the aluminum cap found flush at the West Quarter Corner of said Section 1 bears North 00 degrees 39 minutes 35 seconds East a distance of 2,606.17 feet, said line being the West line of the said Southwest Quarter of Section 1, and said line being the basis of bearings of this description;

Thence along said West line of the Southwest Quarter, North 00 degrees 39 minutes 35 seconds East a distance of 1,546.97 feet to a point;

Thence South 89 degrees 20 minutes 25 seconds East a distance of 811.19 feet to the POINT OF BEGINNING;

Thence North 20 degrees 27 minutes 24 seconds East a distance of 138.10 feet to a point;

Thence North 21 degrees 07 minutes 02 seconds East a distance of 135.23 feet to a point;

Thence North 17 degrees 46 minutes 34 seconds East a distance of 220.90 feet to a point;

Thence North 56 degrees 00 minutes 38 seconds East a distance of 45.97 feet to a point;

Thence North 64 degrees 55 minutes 53 seconds East a distance of 49.73 feet to a point;

Thence South 86 degrees 48 minutes 39 seconds East a distance of 227.82 feet to a point;

Thence South 14 degrees 48 minutes 27 seconds East a distance of 73.75 feet to a point;

Thence South 21 degrees 29 minutes 33 seconds West a distance of 98.07 feet to a point;

Thence South 24 degrees 06 minutes 59 seconds West a distance of 185.98 feet to a point;

Thence South 26 degrees 30 minutes 34 seconds West a distance of 96.60 feet to a point;

Thence South 27 degrees 58 minutes 31 seconds West a distance of 159.25 feet to a point;

4/4/2018

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848.012A

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Descriptions\RetentionBasinAccessRoadEasement-ParcelC\_rev1.docx

Thence South 55 degrees 04 minutes 11 seconds West a distance of 55.00 feet to a point;  
Thence South 76 degrees 40 minutes 14 seconds West a distance of 63.97 feet to a point;  
Thence South 88 degrees 24 minutes 11 seconds West a distance of 85.83 feet to a point;  
Thence North 54 degrees 05 minutes 41 seconds West a distance of 53.70 feet to a point;  
Thence North 31 degrees 31 minutes 07 seconds West a distance of 51.90 feet to a point;  
Thence North 00 degrees 42 minutes 29 seconds West a distance of 32.29 feet to the POINT OF BEGINNING;

EXCEPT therefrom the following described parcel of land:

COMMENCING at the General Land Office (GLO) brass cap found on pipe at the Southwest Corner of said Section 1, from which the aluminum cap found flush at the West Quarter Corner of said Section 1 bears North 00 degrees 39 minutes 35 seconds East a distance of 2,606.17 feet, said line being the West line of the said Southwest Quarter of Section 1, and said line being the basis of bearings of this description;

Thence along said West line of the Southwest Quarter, North 00 degrees 39 minutes 35 seconds East a distance of 1,546.97 feet to a point;

Thence South 89 degrees 20 minutes 25 seconds East a distance of 811.19 feet to a point;

Thence North 20 degrees 27 minutes 24 seconds East a distance of 138.10 feet to a point;

Thence South 69 degrees 12 minutes 47 seconds East a distance of 20.00 feet to the POINT OF BEGINNING;

Thence South 20 degrees 27 minutes 24 seconds West a distance of 134.25 feet to a point;

Thence South 00 degrees 42 minutes 29 seconds East a distance of 23.04 feet to a point;

Thence South 31 degrees 31 minutes 07 seconds East a distance of 42.40 feet to a point;

Thence South 54 degrees 05 minutes 41 seconds East a distance of 42.92 feet to a point;

Thence North 88 degrees 24 minutes 11 seconds East a distance of 76.98 feet to a point;

Thence North 76 degrees 40 minutes 14 seconds East a distance of 58.10 feet to a point;

Thence North 55 degrees 04 minutes 11 seconds East a distance of 46.36 feet to a point;

4/4/2018

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Descriptions\RetentionBasinAccessRoadEasement-ParcelC\_rev1.docx

Thence North 27 degrees 58 minutes 31 seconds East a distance of 154.17 feet to a point;  
Thence North 26 degrees 30 minutes 34 seconds East a distance of 95.93 feet to a point;  
Thence North 24 degrees 06 minutes 59 seconds East a distance of 185.10 feet to a point;  
Thence North 21 degrees 29 minutes 33 seconds East a distance of 91.05 feet to a point;  
Thence North 14 degrees 48 minutes 27 seconds West a distance of 52.66 feet to a point;  
Thence North 86 degrees 48 minutes 39 seconds West a distance of 208.25 feet to a point;  
Thence South 64 degrees 55 minutes 53 seconds West a distance of 43.13 feet to a point;  
Thence South 56 degrees 00 minutes 38 seconds West a distance of 37.47 feet to a point;  
Thence South 17 degrees 46 minutes 34 seconds West a distance of 214.55 feet to a point;  
Thence South 21 degrees 07 minutes 02 seconds West a distance of 135.69 feet to the POINT  
OF BEGINNING.

Containing an area of 34,162 SQUARE FEET or 0.784 ACRES, more or less.

See attached Exhibit "B" drawing by reference made a part hereto



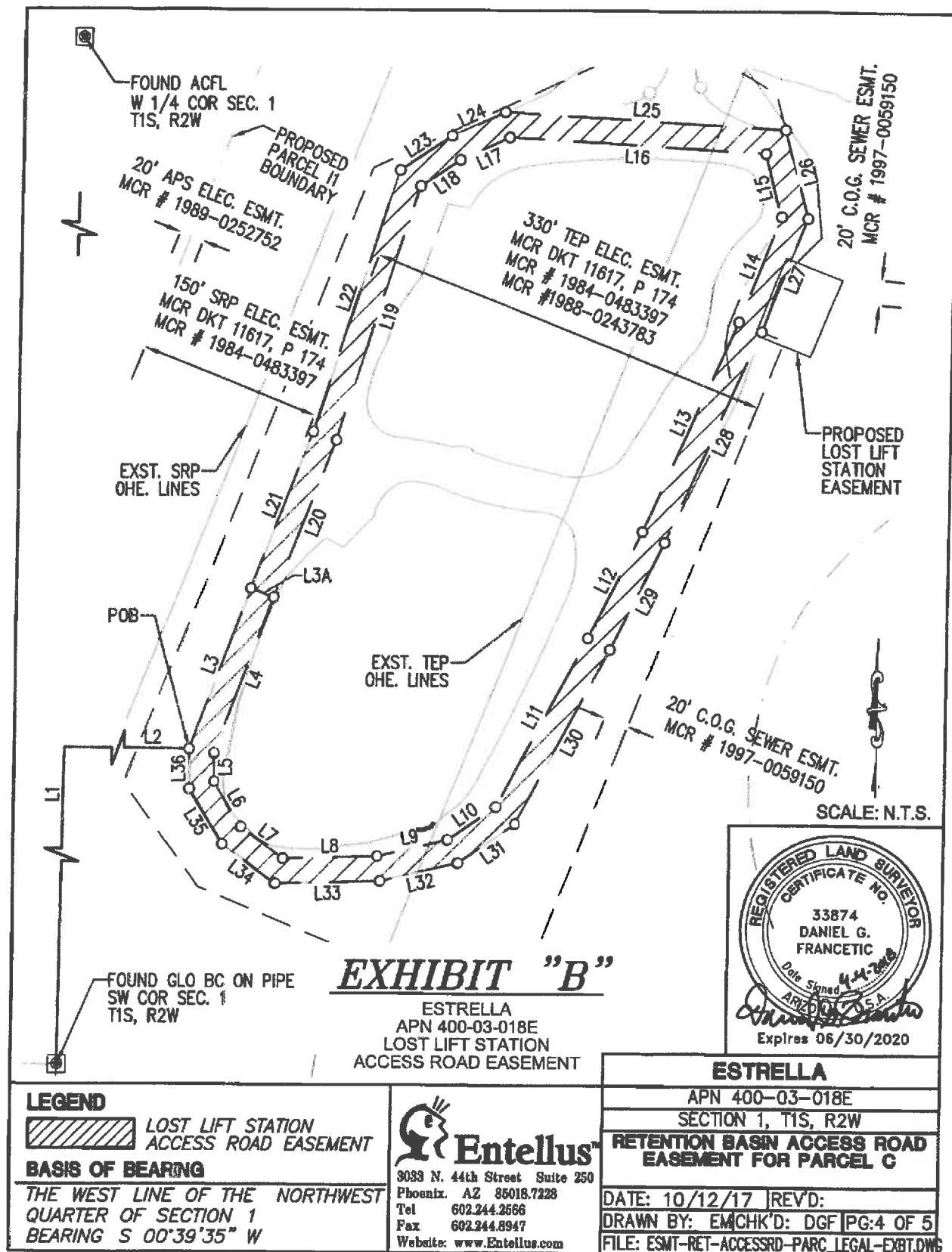
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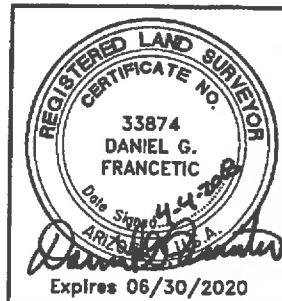




APN 400-03-018E  
PARCEL C

LINE TABLE		
#	LENGTH	BEARING
L1	1546.97'	N00°39'35"E
L2	811.19'	S89°20'25"E
L3	138.10'	N20°27'24"E
L4	134.25'	S20°27'24"W
L5	23.04'	S00°42'29"E
L6	42.40'	S31°31'07"E
L7	42.92'	S54°05'41"E
L8	76.98'	N88°24'11"E
L9	58.10'	N76°40'14"E
L10	46.36'	N55°04'11"E
L11	154.17'	N27°58'31"E
L12	95.93'	N26°30'34"E
L13	185.10'	N24°06'59"E
L14	91.05'	N21°29'33"E
L15	52.66'	N14°48'27"W
L16	208.25'	N86°48'39"W
L17	43.13'	S64°55'53"W
L18	37.47'	S56°00'38"W
L19	214.55'	S17°46'34"W
L20	135.69'	S21°07'02"W

LINE TABLE		
#	LENGTH	BEARING
L21	135.23'	N21°07'02"E
L22	220.90'	N17°46'34"E
L23	45.97'	N56°00'38"E
L24	49.73'	N64°55'53"E
L25	227.82'	S86°48'39"E
L26	73.75'	S14°48'27"E
L27	98.07'	S21°29'33"W
L28	185.98'	S24°06'59"W
L29	96.60'	S26°30'34"W
L30	159.25'	S27°58'31"W
L31	55.00'	S55°04'11"W
L32	63.97'	S76°40'14"W
L33	85.83'	S88°24'11"W
L34	53.70'	N54°05'41"W
L35	51.90'	N31°31'07"W
L36	32.29'	N00°42'29"W
L3A	20.00'	S69°12'47"E



**LEGEND**



LOST LIFT STATION  
ACCESS ROAD EASEMENT

**BASIS OF BEARING**

THE WEST LINE OF THE NORTHWEST  
QUARTER OF SECTION 1  
BEARING S 00°39'35" W



**Entellus**

3039 N. 44th Street Suite 250  
Phoenix, AZ 85018.7228  
Tel 602.244.2566  
Fax 602.244.8947  
Website: www.Entellus.com

**ESTRELLA**

APN 400-03-018E

SECTION 1, T1S, R2W

**LOST LIFT STATION ACCESS ROAD  
EASEMENT**

DATE: 10/12/17 /REV'D:

DRAWN BY: EM/CHK'D: DGF/PG:5 OF 5

FILE: ESMT-RET-ACCESSRD-PARC\_LEGAL-EXBT.DWG