

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)(3)

PERMANENT NON-EXCLUSIVE DRAINAGE AND ACCESS EASEMENT AGREEMENT

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 – ESTRELLA MOUNTAIN RANCH, LLC, a Delaware limited liability company** (“NNP”) does hereby grant and convey to **THE VILLAGES AT ESTRELLA MOUNTAIN RANCH COMMUNITY ASSOCIATION, an Arizona nonprofit corporation** (the “Villages”), and the **CITY OF GOODYEAR, an Arizona municipal corporation** (the “City”), a permanent non-exclusive easement (the “Easement”) upon, over, under, across, above and through the real property described in Exhibit “A” attached hereto and incorporated herein (the “Easement Area”).

The Easement is for the purposes of the receipt, retention, and conveyance of storm water run-off from the property known as Estrella Parcel 9.30 described in Exhibit “B” attached hereto along with the public rights-of-way adjacent to Parcel 9.30 (collectively the “Benefitted Properties”) and includes the right to construct, operate, inspect, maintain, repair, remove and replace those certain storm water run-off drainage facilities (the “Facilities”) which shall be constructed and installed by NNP per the Grading & Drainage Plans for Estrella Parcel 9.30 (HTE #2019-3523) dated November 21, 2019, prepared by Kimley Horn and Associates, Inc. and approved by the City on December 12, 2019 as such plans may be amended and approved by the City (the “Approved Plans”). The Villages’ and the City’s rights herein granted include the right of ingress and egress across NNP’s property located adjacent to the Easement Area, if necessary to access the Easement Area for the purposes set forth herein.

The City and the Villages shall have all rights and privileges necessary or convenient for the full use and enjoyment of the Easement for the purposes herein described.

The ongoing maintenance of the Facilities is required to preserve the integrity and purpose of the overall drainage system serving the Benefitted Properties. Failure to provide periodic maintenance of the Facilities can prevent the drainage system from performing to its intended design purpose and can result in reduced performance. Periodic inspections and maintenance are required to have the storm drainage system provide the level of protection for which it was designed.

The Villages shall be responsible for the operation and maintenance of the Facilities in accordance with the Approved Plans. The Villages shall ensure that the Facilities are maintained in operating condition and repair at all times. Should the Villages fail to properly operate, maintain or repair the Facilities within a timely manner, the City may, at its discretion, provide the Villages with written notice that maintenance is required. The Villages shall have 30 days from the date of its receipt of such written notice to commence the required maintenance work, and 60 days after such 30-day period to complete the required maintenance work, unless the work cannot, with commercially reasonable effort, be completed within such 60-day period, in which event the Villages shall diligently pursue such work until completion. If the work is not started or completed within the time prescribed, the City on behalf of the Villages shall be entitled to enter the Easement Area, perform the maintenance work, and invoice the Villages for the costs incurred for such work, the payment of which shall be due to the City within fifteen (15) days after written demand.

No building or structure of any nature or kind whatsoever shall be constructed or placed on or over the Easement Area.

Provided such relocation provides the necessary drainage needed to accommodate the storm water flows from the Benefitted Properties reflected in the Approved Plans, the Easement Area may be relocated and this Permanent Non-Exclusive Drainage and Access Easement Agreement may be amended or replaced, upon the recording of a replacement easement reflecting the new location of the Easement Area, in conformity with grading and drainage plans approved of the City of Goodyear Director of Engineering or his/her designee.

This Permanent Non-Exclusive Drainage and Access Easement Agreement constitutes a covenant running with the land, burdening the Easement Area as the servient estate, and benefitting the Benefitted Properties as the benefitted estate, and it shall not be merged and/or extinguished if all or any portion of the Easement Area and any portion of the Benefitted Properties is now or hereafter becomes held under common ownership.


NNP 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 as of this ____ day of _____, 2020.

Signatures, Acknowledgements and Exhibits on Following Pages

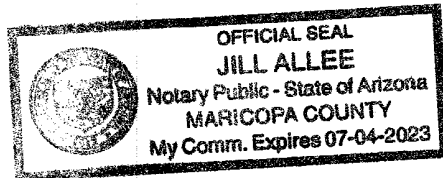
GRANTOR:

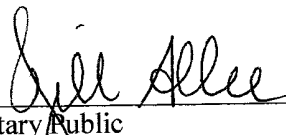
NNP III-ESTRELLA MOUNTAIN RANCH, LLC, a Delaware limited liability company

By: 
William M. Olson, Senior Vice President

State of Arizona)
)ss.
County of Maricopa)

The forgoing instrument (Permanent Non-Exclusive Drainage and Access Easement) was acknowledged before me this 28th day of May, 2020 by William M. Olson, as Senior Vice President of NNP III – ESTRELLA MOUNTAIN RANCH, LLC, a Delaware limited liability company.




Notary Public

Signatures, Acknowledgements and Exhibits on Following Pages

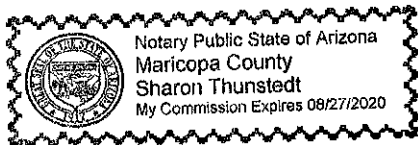
GRANTEE:

ACCEPTED by **THE VILLAGES AT ESTRELLA MOUNTAIN RANCH COMMUNITY ASSOCIATION**, an Arizona nonprofit corporation, as of the 28 day of May, 2020.

By: Larry Horn
Name: Larry Horn
Its: VCA vice president

State of Arizona)
)ss.
County of Maricopa)

The foregoing instrument (Permanent Non-Exclusive Drainage and Access Easement) was acknowledged before me this 28 day of May, 2020 by Larry Horn, as the VCA Vice President of THE VILLAGES AT ESTRELLA MOUNTAIN RANCH COMMUNITY ASSOCIATION, an Arizona nonprofit corporation, on behalf of said corporation.



Sharon Thunstedt
Notary Public

Signatures, Acknowledgements and Exhibits on Following Pages

ACCEPTED by the **CITY OF GOODYEAR, an Arizona municipal corporation**, as of the ____ day of____, 2020.

By:_____

Its:_____

State of Arizona)
)ss.
County of Maricopa)

The foregoing instrument (Permanent Non-Exclusive Drainage and Access Easement) was acknowledged before me this____ day of_____, 2020 by_____, as_____of the CITY OF GOODYEAR, an Arizona municipal corporation, on behalf of said corporation.

Notary Public

Exhibit(s) on Following Page(s)

EXHIBIT "A"

**LEGAL DESCRIPTION
TEMPORARY DETENTION EASEMENT (TDE)**

A PORTION OF LAND LYING WITHIN SECTIONS 34, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT, A FOUND GLO BRASS CAP BEING THE SOUTHEAST CORNER OF SECTION 27, FROM WHICH THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 27, BEARS SOUTH 88°51'31" WEST, A DISTANCE OF 2,731.34 FEET;

THENCE LEAVING SAID SOUTHEAST CORNER SOUTH 67°02'22" WEST, A DISTANCE OF 2,164.15 FEET, TO THE **POINT OF BEGINNING**;

THENCE SOUTH 30°30'38" WEST, A DISTANCE OF 107.87 FEET;

THENCE NORTH 58°09'42" WEST, A DISTANCE OF 108.35 FEET;

THENCE NORTH 15°34'08" WEST, A DISTANCE OF 7.35 FEET;

THENCE NORTH 28°26'30" EAST, A DISTANCE OF 90.09 FEET;

THENCE NORTH 74°28'34" EAST, A DISTANCE OF 14.21 FEET;

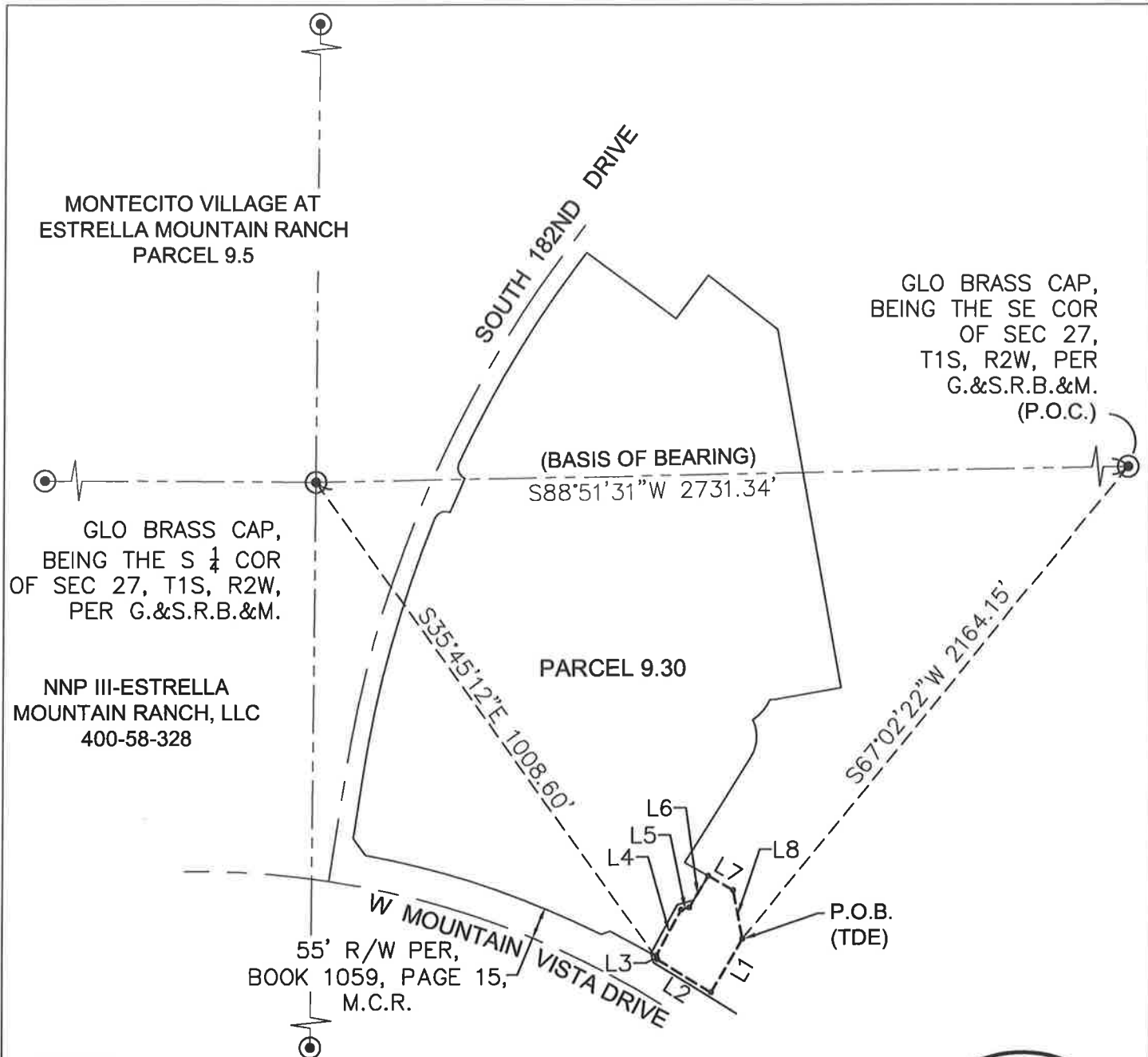
THENCE NORTH 30°30'38" EAST, A DISTANCE OF 63.64 FEET;

THENCE SOUTH 60°19'11" EAST, A DISTANCE OF 50.18 FEET;

THENCE SOUTH 10°55'36" EAST, A DISTANCE OF 85.86 FEET, TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 17,262 SQUARE FEET 0.40± ACRES MORE OR LESS.

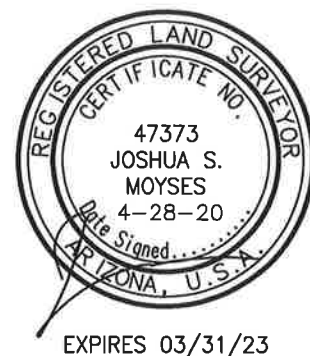




LEGEND

(P.O.C.) POINT OF COMMENCEMENT
(P.O.B.) POINT OF BEGINNING
R/W RIGHT-OF-WAY
T.D.E. TEMPORARY DETENTION EASEMENT
M.C.R. MARICOPA COUNTY RECORDER

————— PARCEL LINE
————— MONUMENT LINE
- - - - - SECTION LINE
- - - - - TEMPORARY DETENTION EASEMENT (DEDICATED)



TEMPORARY DETENTION EASEMENT EXHIBIT B		STRATEGIC SURVEYING, LLC 1102 W. SOUTHERN AVE., STE 4 TEMPE, AZ 85282 PHONE: (480) 272-7634	DRAWN	JD
			CHECKED	JSM
			SCALE	NTS
			DATE	4/28/20
			PAGE	2 OF 3

LINE TABLE		
LINE #	LENGTH	BEARING
L1	107.87'	S30°30'38"W
L2	108.35'	N58°09'42"W
L3	7.35'	N15°34'08"W
L4	90.09'	N28°26'30"E
L5	14.21'	N74°28'34"E
L6	63.64'	N30°30'38"E
L7	50.18'	S60°19'11"E
L8	85.86'	S10°55'36"E



EXPIRES 03/31/23

TEMPORARY DETENTION
EASEMENT
EXHIBIT B



STRATEGIC
SURVEYING, LLC

1102 W. SOUTHERN AVE., STE 4
TEMPE, AZ 85282
PHONE: (480) 272-7634

DRAWN	JD
CHECKED	JSM
SCALE	NTS
DATE	4/28/20
PAGE	3 OF 3

**CLOSURE REPORT
TEMPORARY DETENTION EASEMENT (TDE)**

North: 838639.6190' East: 549925.7578'
Segment #1 : Line
Course: N28° 26' 30"E Length: 90.09'
North: 838718.8353' East: 549968.6644'
Segment #2 : Line
Course: N74° 28' 34"E Length: 14.21'
North: 838722.6385' East: 549982.3560'
Segment #3 : Line
Course: N30° 30' 38"E Length: 63.64'
North: 838777.4666' East: 550014.6658'
Segment #4 : Line
Course: S60° 19' 11"E Length: 50.18'
North: 838752.6195' East: 550058.2623'
Segment #5 : Line
Course: S10° 55' 36"E Length: 85.86'
North: 838668.3161' East: 550074.5373'
Segment #6 : Line
Course: S30° 30' 38"W Length: 107.87'
North: 838575.3823' East: 550019.7720'
Segment #7 : Line
Course: N58° 09' 42"W Length: 108.35'
North: 838632.5395' East: 549927.7243'
Segment #8 : Line
Course: N15° 34' 08"W Length: 7.35'
North: 838639.6198' East: 549925.7516'
Perimeter: 527.56' Area: 17262.63 Sq. Ft.
Error Closure: 0.0062 Course: N82° 03' 43"W
Error North: 0.00086 East: -0.00615
Precision 1: 85088.71



EXPIRES: 3/31/23

EXHIBIT "B"

LEGAL DESCRIPTION

PARCEL 9.30

A PORTION OF LAND LYING WITHIN SECTIONS 27 AND 34, TOWNSHIP 1 SOUTH, RANGE 2 WEST OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT, A FOUND GLO BRASS CAP BEING THE SOUTHEAST CORNER OF SECTION 27, FROM WHICH THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 27, BEARS SOUTH 88°51'31" WEST, A DISTANCE OF 2,731.36 FEET;

THENCE ALONG THE SOUTH LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 27, SOUTH 88°51'31" WEST, A DISTANCE OF 1,889.80 FEET, TO THE **POINT OF BEGINNING**;

THENCE LEAVING SAID SOUTH LINE, NORTH 10°04'33" WEST, A DISTANCE OF 250.44 FEET;

THENCE NORTH 52°18'42" WEST, A DISTANCE OF 153.11 FEET;

THENCE SOUTH 36°32'00" WEST, A DISTANCE OF 93.04 FEET;

THENCE NORTH 53°28'00" WEST, A DISTANCE OF 192.00 FEET, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SOUTH 182ND DRIVE, PER MAP OF DEDICATION, MONTECITO VILLAGE AT ESTRELLA MOUNTAIN RANCH, RECORDED IN BOOK 1059, PAGE 15, MARICOPA COUNTY RECORDS;

THENCE ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 36°32'00" WEST, A DISTANCE OF 32.48 FEET, TO THE BEGINNING OF A TANGENT CURVE WHOSE RADIUS IS 1,970.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 11°26'11", AND LENGTH OF 393.22 FEET, TO THE BEGINNING OF A COMPOUND CURVE WHOSE RADIUS IS 20.00 FEET;

THENCE SOUTHEASTERLY, ALONG SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 91°31'41", AND LENGTH OF 31.95 FEET;

THENCE SOUTH 23°34'08" WEST, A DISTANCE OF 64.00 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WHOSE RADIUS BEARS SOUTH 23°34'08" WEST, A DISTANCE OF 20.00 FEET;

THENCE SOUTHWESTERLY ALONG SAID EASTERLY RIGHT-OF-WAY ON A CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 91°31'41", AND LENGTH OF 31.95 FEET, TO THE BEGINNING OF A COMPOUND CURVE WHOSE RADIUS IS 1,970.00 FEET;

THENCE SOUTHWESTERLY, ALONG SAID CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 13°23'38", AND LENGTH OF 460.52 FEET;

THENCE CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, SOUTH 08°38'49" WEST, A DISTANCE OF 110.71 FEET;

THENCE SOUTH 35°34'12" EAST, A DISTANCE OF 35.84 FEET, TO THE NORTHERLY RIGHT-OF-WAY LINE OF WEST MOUNTAIN VISTA DRIVE, PER MAP OF DEDICATION, MONTECITO VILLAGE AT ESTRELLA MOUNTAIN RANCH, RECORDED IN BOOK 1059, PAGE 15, PER MARICOPA COUNTY RECORDS, AND ALSO THE BEGINNING OF A NON-TANGENT CURVE WHOSE RADIUS BEARS SOUTH 10°40'25" WEST, IS 1,555.00 FEET;

THENCE EASTERLY ALONG SAID NORTHERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 15°51'59", AND LENGTH OF 430.61 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY NORTH 72°29'27" EAST, A DISTANCE OF 16.69 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY SOUTH 61°33'30" EAST, A DISTANCE OF 80.00 FEET;

THENCE NORTH 28°26'30" EAST, A DISTANCE OF 94.78 FEET, TO THE BEGINNING OF A TANGENT CURVE WHOSE RADIUS IS 20.00 FEET;

THENCE EASTERLY ON A CURVE TO THE RIGHT, WHOSE CENTRAL ANGLE IS 92°04'08", AND LENGTH OF 32.14 FEET;

THENCE NORTH 30°30'38" EAST, A DISTANCE OF 50.00 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WHOSE RADIUS BEARS SOUTH 30°30'38" WEST, IS 1,732.00 FEET;;

THENCE WESTERLY ALONG A CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 2°04'08", AND LENGTH OF 62.54 FEET;

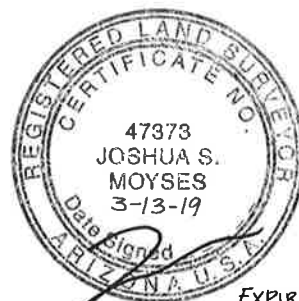
THENCE NORTH 28°26'30" EAST, A DISTANCE OF 270.03 FEET, TO THE BEGINNING OF A NON-TANGENT CURVE WHOSE RADIUS BEARS NORTH 31°33'29" WEST, A DISTANCE OF 88.00 FEET;

THENCE EASTERLY ON A CURVE TO THE LEFT, WHOSE CENTRAL ANGLE IS 32°40'04", AND LENGTH OF 50.17 FEET;

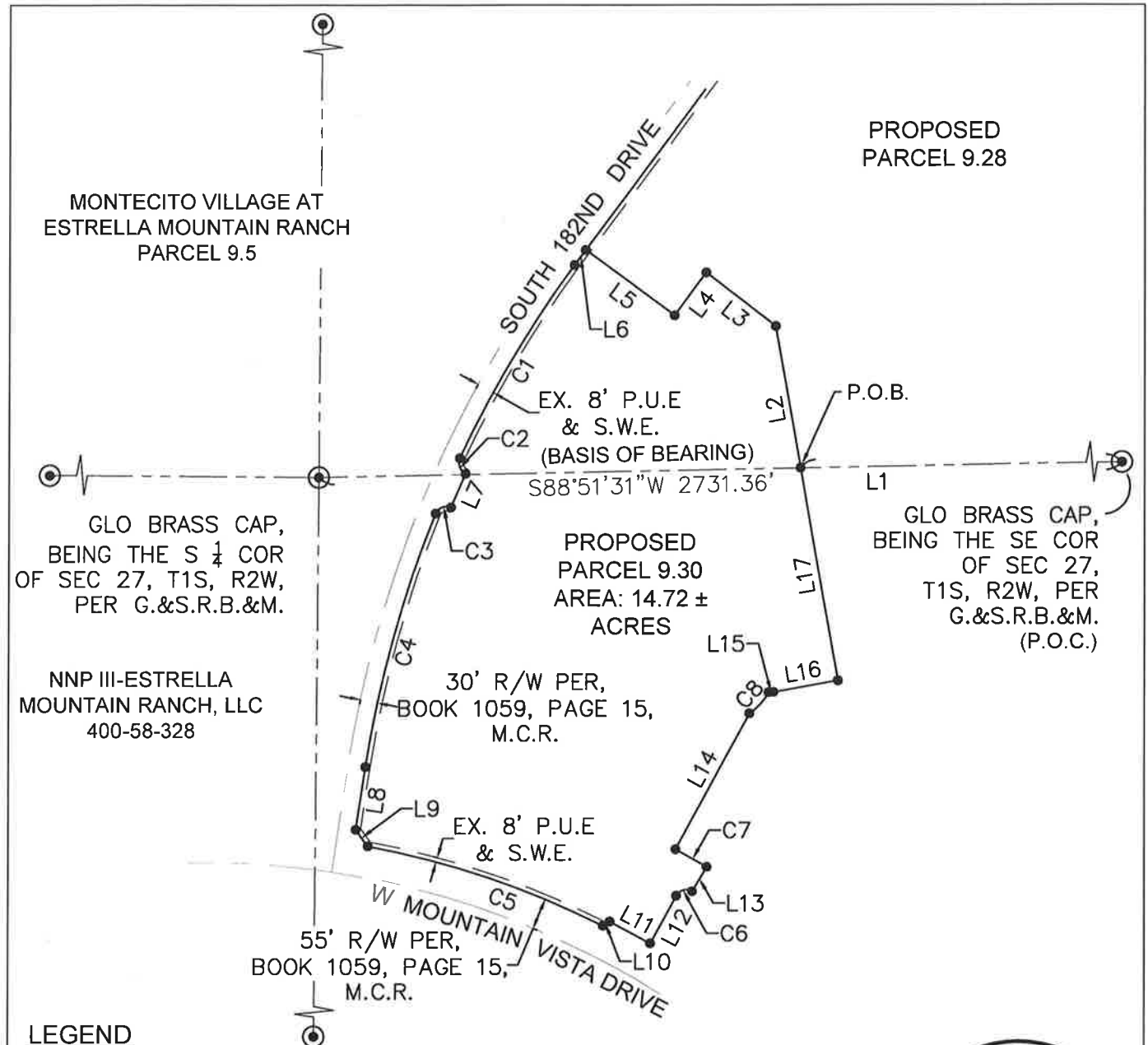
THENCE NORTH 86°00'19" EAST, A DISTANCE OF 8.64 FEET;

THENCE NORTH 79°55'27" EAST, A DISTANCE OF 115.00 FEET;

THENCE NORTH 10°04'33" WEST, A DISTANCE OF 377.60 FEET, TO THE **POINT OF BEGINNING.**



EXPIRES 03-31-2020



EXPIRES 03/31/20

N.T.S.

PARCEL
 9.30
 EXHIBIT B



STRATEGIC
 SURVEYING, LLC

1102 W. SOUTHERN AVE., STE 4
 TEMPE, AZ 85282
 PHONE: (480) 272-7634

DRAWN	JD
CHECKED	JSM
SCALE	NTS
DATE	3/13/19
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LINE TABLE		
LINE #	LENGTH	BEARING
L1	1889.80'	S88°51'31"W
L2	250.44'	N10°04'33"W
L3	153.11'	N52°18'42"W
L4	93.04'	S36°32'00"W
L5	192.00'	N53°28'00"W
L6	32.48'	S36°32'00"W
L7	64.00'	S23°34'08"W
L8	110.71'	S8°38'49"W
L9	35.84'	S35°34'12"E

LINE TABLE		
LINE #	LENGTH	BEARING
L10	16.69'	N72°29'27"E
L11	80.00'	S61°33'30"E
L12	94.78'	N28°26'30"E
L13	50.00'	N30°30'38"E
L14	270.03'	N28°26'30"E
L15	8.64'	N86°00'19"E
L16	115.00'	N79°55'27"E
L17	377.60'	N10°04'33"W

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CHD BEARING	CHD LENGTH
C1	393.22'	1970.00'	11°26'11"	S30°48'54"W	392.57'
C2	31.95'	20.00'	91°31'41"	S20°40'02"E	28.66'
C3	31.95'	20.00'	91°31'41"	S67°48'17"W	28.66'
C4	460.52'	1970.00'	13°23'38"	S15°20'38"W	459.47'
C5	430.61'	1555.00'	15°51'59"	S71°23'36"E	429.24'
C6	32.14'	20.00'	92°04'08"	N74°28'34"E	28.79'
C7	62.54'	1732.00'	2°04'08"	N60°31'26"W	62.54'
C8	50.17'	88.00'	32°40'04"	N42°06'29"E	49.50'



EXPIRES 03/31/20

PARCEL
9.30
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