

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)

**WATER LINE AND ACCESS EASEMENT
(WLE 4 – 30" Line)**

GRANTOR:

**NNP III-ESTRELLA MOUNTAIN
RANCH, 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, **NNP III-ESTRELLA MOUNTAIN RANCH, LLC, a Delaware limited liability company ("GRANTOR")** does hereby grant and convey to the **CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation**, its successors and assigns (collectively "**GRANTEE**") a perpetual easement within, on, across, over, and under the real property described in Exhibit "A," attached hereto and incorporated herein (the "**Easement Area**") for the purposes stated herein. The easement granted herein shall be for the purposes of: entering upon and constructing, operating, maintaining, inspecting, modifying, repairing, removing, and/or replacing within, on, across, over, and under the Easement area the following: underground water lines and appurtenances (the "**Water Line Facilities**") and **Access Facilities**, as that term is defined below.

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.

GRANTOR reserves the right to use the Easement Area for purposes that are not inconsistent with the City's easement rights conveyed herein and that do not interfere with or endanger any of the Water Line Facilities and/or Access Facilities constructed within, on, across, over or under the Easement Area. GRANTOR shall not locate, erect, construct or permit to be located, erected or constructed, any building or other structure or drill any well within Easement Area. GRANTOR shall not install any landscaping within the Easement Area.

GRANTEE shall be responsible for the operation of any Water Line Facilities constructed within the Easement Area.

GRANTOR, at its sole cost except as otherwise provided herein, shall be responsible for the maintenance, inspection, modification, repair, removal, repair and/or replacement of the Water Line Facilities, until such time as GRANTEE accepts the Water Line Facilities in writing, following the expiration of the applicable warranty period (“**Acceptance**”), provided the need for such work is not caused by any negligent or intentional wrongful action by GRANTEE within the Easement Area, in which case GRANTEE shall be responsible for all resulting costs incurred by GRANTOR as a result of GRANTEE’S negligence or intentional wrongful action. Upon Acceptance of the Water Line Facilities, GRANTEE shall be responsible for the construction, operation, maintenance, inspection, modification, repair, removal and/or replacement of the Water Line Facilities.

Because the Water Line Facilities are not being located within street right-of-way, GRANTOR agrees to install and maintain improvements to the surface of the Easement Area as needed to comply with the requirements in the City of Goodyear Engineering Design Standards and Policies Manual for access to underground water lines. GRANTOR shall install improvements to the surface of the Easement Area as reflected in the plan set titled NNP III – Estrella Mountain Ranch LLC 30-inch water transmission line Cotton Lane to Willis Road as approved by the City of Goodyear as may be amended and approved by the City of Goodyear (the “**Approved Construction Plans**”) to provide GRANTEE access to the Water Line Facilities. The improvements to the surface of the Easement Area to be constructed pursuant to the Approved Construction Plans are referred to as the “**Access Facilities**”. GRANTOR shall be responsible for maintaining, inspecting, repairing, and/or removing and replacing the Access Facilities as needed to ensure the Access Facilities are consistent with the Approved Construction Plans, including keeping the Access Facilities free from vegetation. If GRANTOR fails to maintain the Access Facilities as required herein, GRANTEE shall have the right, but not the obligation, to maintain, inspect, repair, and/or remove and replace the Access Facilities consistent with the Construction Plans and GRANTOR shall reimburse GRANTEE for the costs GRANTEE incurs in doing so.

This Water Line, Fiber Line and Access Easement, including the covenants and provisions set forth herein, runs with the land and is binding upon GRANTOR and all successors and assigns in interest or title to the Easement Area for the benefit of GRANTEE.

IN WITNESS WHEREOF, this instrument is executed this 30th day of April, 2021.

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 foregoing instrument (Water Line and Access Easement) was acknowledged before me this 30th day of April, 2021 by William M. Olson, as Senior Vice President of NNP III-ESTRELLA MOUNTAIN RANCH, LLC, a Delaware limited liability company.



Notary Public
My Commission Expires: 7/14/22

Signatures, Acknowledgements and Exhibits Continue on Following Pages

GRANTEE:

ACCEPTED by the CITY OF GOODYEAR, ARIZONA, an Arizona Municipal Corporation, the _____ day of _____, 2021.

By: _____

Its: _____

State of Arizona)
)ss.
County of Maricopa)

The foregoing instrument (Water Line and Access Easement) was acknowledged before me this ____ day of _____, 2021 by _____, as of the CITY OF GOODYEAR, ARIZONA, an Arizona municipal corporation, on behalf of said corporation.

Notary Public

Exhibit(s) on Following Page(s)

EXHIBIT "A"

LEGAL DESCRIPTION

Exhibit(s) on Following Page(s)



EXHIBIT "A"

LEGAL DESCRIPTION FOR ESTRELLA MOUNTAIN RANCH SECTION 26 WATERLINE EASEMENT CITY OF GOODYEAR

A portion of the parcels of land described in Maricopa County Recorder Documents # 2005-0643150 and 2006-0660447 lying in the West Half of Section 26, 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 on pipe found at the South Quarter Corner of said Section 26, from which the GLO brass cap on pipe found at the Southeast Corner of said Section bears South 87 degrees 21 minutes 20 seconds East a distance of 2,634.61 feet, said line being the South line of the Southeast Quarter of said Section 26, and said line being the basis of bearings for this description;

Thence along the South line of the Southwest Quarter of said Section 26, North 89 degrees 04 minutes 21 seconds East a distance of 1,450.50 feet to a point on the existing centerline of Estrella Parkway as defined on the Map of Dedication for "Estrella Parkway Phase 3" found in Maricopa County Recorder Book 771 of Maps, Page 9;

Thence along said centerline, North 22 degrees 58 minutes 39 seconds West a distance of 729.29 feet to a point;

Thence North 67 degrees 01 minute 21 seconds East a distance of 120.00 feet to a point on the existing east right-of-way line of Estrella Parkway as defined on said "Estrella Parkway Phase 3", said point being the POINT OF BEGINNING;

Thence along said existing east right-of-way line, North 22 degrees 58 minutes 39 seconds West a distance of 43.16 feet to a point;

Thence North 67 degrees 01 minute 21 seconds East a distance of 10.00 feet to a point on the east line of the existing 10-foot waterline easement defined in Document # 2013-0389998 of the Maricopa County Recorder;

Thence along said east line, and the east line of a 10-foot public utility easement defined in Document # 2013-0389997 of the Maricopa County Recorder, North 22 degrees 58 minutes 39 seconds West a distance of 166.84 feet to a point;

Thence continuing along the east line of said public utility easement, South 67 degrees 01 minute 21 seconds West a distance of 35.01 feet to a point;



Thence continuing along last mentioned east line, North 22 degrees 58 minutes 51 seconds West a distance of 336.82 feet to a point on a non-tangent curve to the right being concave easterly and having a radius of 2900.00 feet bearing North 67 degrees 00 minutes 58 seconds East;

Thence continuing along last-mentioned east line and along said non-tangent curve through a central angle of 30 degrees 43 minutes 24 seconds an arc distance of 1,555.05 feet to a point;

Thence continuing along last-mentioned east line, North 16 degrees 08 minutes 49 seconds East distance of 117.95 feet to a point;

Thence North 09 degrees 32 minutes 48 seconds East a distance of 28.78 feet to a point on said east line the existing 20-foot waterline easement described in Document # 2013-0389998;

Thence along last-mentioned east line, North 54 degrees 32 minutes 13 seconds East a distance of 32.53 feet to a point;

Thence continuing along last-mentioned east line, North 09 degrees 32 minutes 48 seconds East a distance of 203.58 feet to a point;

Thence North 80 degrees 27 minutes 12 seconds West a distance of 8.00 feet to a point on said existing east right-of-way line of Estrella Parkway;

Thence along said existing east right-of-way line and the projection thereof, North 09 degrees 32 minutes 49 seconds East a distance of 110.00 feet to a point on said east line of the existing public utility easement described in Document #2013-0389997;

Thence along last-mentioned existing east easement line, North 80 degrees 27 minutes 11 seconds West a distance of 17.57 feet to a point;

Thence continuing along last-mentioned east easement line, North 35 degrees 27 minutes 12 seconds West a distance of 17.57 feet to a point;

Thence continuing along last-mentioned east easement line, North 09 degrees 32 minutes 48 seconds East a distance of 188.69 feet to the point of curvature for a tangent curve to the right being concave southeasterly and having a radius of 2,900.00 feet;

Thence continuing along last-mentioned east easement line and said tangent curve through a central angle of 15 degrees 08 minutes 14 seconds an arc distance of 766.17 feet to a point;

Thence continuing along last-mentioned east easement line, North 70 degrees 59 minutes 30 seconds East a distance of 11.21 feet to a point;

Thence continuing along last-mentioned east easement line, South 64 degrees 56 minutes 26 seconds East a distance of 21.90 feet to a point on a non-tangent curve to the right being concave southeasterly and having a radius of 2,870.00 feet bearing South 65 degrees 09 minutes 52 seconds East;



Thence continuing along last-mentioned east easement line and along said non-tangent curve, through a central angle of 02 degrees 12 minutes 24 seconds an arc distance of 110.53 feet to a point;

Thence continuing along last-mentioned east easement line, North 63 degrees 10 minutes 25 seconds West a distance of 21.90 feet to a point;

Thence continuing along last-mentioned east easement line, North 19 degrees 06 minutes 49 seconds West a distance of 11.21 feet to a point on a non-tangent curve to the right being concave southeasterly and having a radius of 2,900.00 feet bearing South 62 degrees 48 minutes 21 seconds East;

Thence continuing along last-mentioned east easement line and along said non-tangent curve, through a central angle of 03 degrees 34 minutes 12 seconds an arc distance of 180.70 feet to a point;

Thence continuing along last-mentioned east easement line, North 38 degrees 05 minutes 23 seconds East a distance of 146.26 feet to a point on a non-tangent curve to the right being concave southeasterly and having a radius of 2,885.00 feet bearing South 56 degrees 21 minutes 13 seconds East;

Thence continuing along last-mentioned east easement line and along said non-tangent curve, through a central angle of 04 degrees 10 minutes 30 seconds an arc distance of 210.22 feet to a point;

Thence continuing along last-mentioned east easement line, North 83 degrees 54 minutes 31 seconds East a distance of 19.57 feet to a point on the projection of said east right-of-way line of Estrella Parkway;

Thence along said east right-of-way line and its projection, North 39 degrees 32 minutes 52 seconds East a distance of 147.88 feet to a point on the east line of the public utility, landscape, and sidewalk easement as described on said Map of Dedication for "Estrella Parkway Phase 3";

Thence along last-mentioned east easement line, North 50 degrees 27 minutes 08 seconds West a distance of 19.02 feet to a point on a new non-tangent curve to the right being concave southeasterly and having a radius of 2,890.00 feet bearing South 48 degrees 57 minutes 47 seconds East, said point also being on the east line said waterline easement described in Document # 2013-0389998;

Thence along last-mentioned east easement line and said non-tangent curve, through a central angle of 05 degrees 45 minutes 58 seconds an arc distance of 290.84 feet to a point;

Thence continuing along last-mentioned east easement line, North 03 degrees 11 minutes 44 seconds East a distance of 14.47 feet to a point on a non-tangent curve to the right being concave southeasterly and having a radius of 2,900.00 feet bearing South 42 degrees 59 minutes 34



seconds East, said point also being on the east line of said public utility easement described in Document # 2013-0389997;

Thence along last-mentioned east easement line and said non-tangent curve, through a central angle of 02 degrees 27 minutes 34 seconds an arc distance of 124.48 feet to a point;

Thence continuing along last-mentioned east easement line, South 84 degrees 37 minutes 49 seconds East a distance of 41.98 feet to a point on a non-tangent curve to the right being concave southeasterly and having a radius of 2,870.00 feet bearing South 39 degrees 57 minutes 01 second East;

Thence continuing along last-mentioned east easement line and said non-tangent curve, through a central angle of 03 degrees 37 minutes 25 seconds, an arc distance of 181.52 feet to a point on the North line of the Northwest Quarter of said Section 26;

Thence along said North line, South 89 degrees 45 minutes 15 seconds East a distance of 30.11 feet to a point;

Thence South 08 degrees 28 minutes 27 seconds West a distance of 17.03 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,840.00 feet bearing South 36 degrees 04 minutes 50 seconds East;

Thence along said non-tangent curve, through a central angle of 04 degrees 07 minutes 18 seconds an arc distance of 204.30 feet;

Thence North 84 degrees 37 minutes 49 seconds West a distance of 27.91 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,860.00 feet bearing South 40 degrees 35 minutes 38 seconds East;

Thence along said non-tangent curve, through a central angle of 07 degrees 44 minutes 44 seconds an arc distance of 386.63 feet to a point;

Thence South 05 degrees 27 minutes 08 seconds East a distance of 25.53 feet to a point;

Thence South 39 degrees 32 minutes 52 seconds West a distance of 172.54 feet to a point;

Thence South 83 degrees 54 minutes 31 seconds West a distance of 19.01 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,855.00 feet bearing South 52 degrees 26 minutes 03 seconds East;

Thence along said non-tangent curve, through a central angle of 03 degrees 56 minutes 34 seconds an arc distance of 196.46 feet to a point;

Thence South 38 degrees 05 minutes 23 seconds West a distance of 145.51 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,870.00 feet bearing South 59 degrees 16 minutes 27 seconds East;



Thence along said non-tangent curve, through a central angle of 02 degrees 50 minutes 45 seconds an arc distance of 142.55 feet to a point;

Thence South 18 degrees 10 minutes 25 seconds East a distance of 41.87 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,840.00 feet bearing South 62 degrees 42 minutes 22 seconds East;

Thence along said non-tangent curve, through a central angle of 02 degrees 42 minutes 35 seconds an arc distance of 134.31 feet to a point;

Thence South 70 degrees 03 minutes 34 seconds West a distance of 41.87 feet to a point on a non-tangent curve to the left being concave southeasterly and having a radius of 2,870.00 feet bearing South 66 degrees 00 minutes 07 seconds East;

Thence along said con-tangent curve through a central angle of 14 degrees 27 minutes 05 seconds an arc distance of 723.88 feet to a point;

Thence South 09 degrees 32 minutes 48 seconds West a distance of 158.69 feet to a point;

Thence South 35 degrees 27 minutes 11 seconds East a distance of 53.74 feet to a point;

Thence South 09 degrees 32 minutes 48 seconds West a distance of 330.43 feet to a point;

Thence South 54 degrees 32 minutes 13 seconds West a distance of 32.53 feet to a point;

Thence South 09 degrees 32 minutes 48 seconds West a distance of 18.09 feet to a point;

Thence South 16 degrees 08 minutes 49 seconds West a distance of 117.47 feet to a point on a non-tangent curve to the left being concave easterly and having a radius of 2,870.00 feet bearing South 82 degrees 18 minutes 16 seconds East;

Thence along said non-tangent curve, through a central angle of 30 degrees 40 minutes 46 seconds an arc distance of 1,536.77 feet to a point;

Thence South 22 degrees 58 minutes 51 seconds East a distance of 289.39 feet to a point;

Thence South 67 degrees 58 minutes 39 seconds East a distance of 49.51 feet to a point;

Thence South 22 degrees 58 minutes 39 seconds East a distance of 222.43 feet to a point;

Thence South 67 degrees 01 minute 21 seconds West a distance of 40.00 feet to the POINT OF BEGINNING.

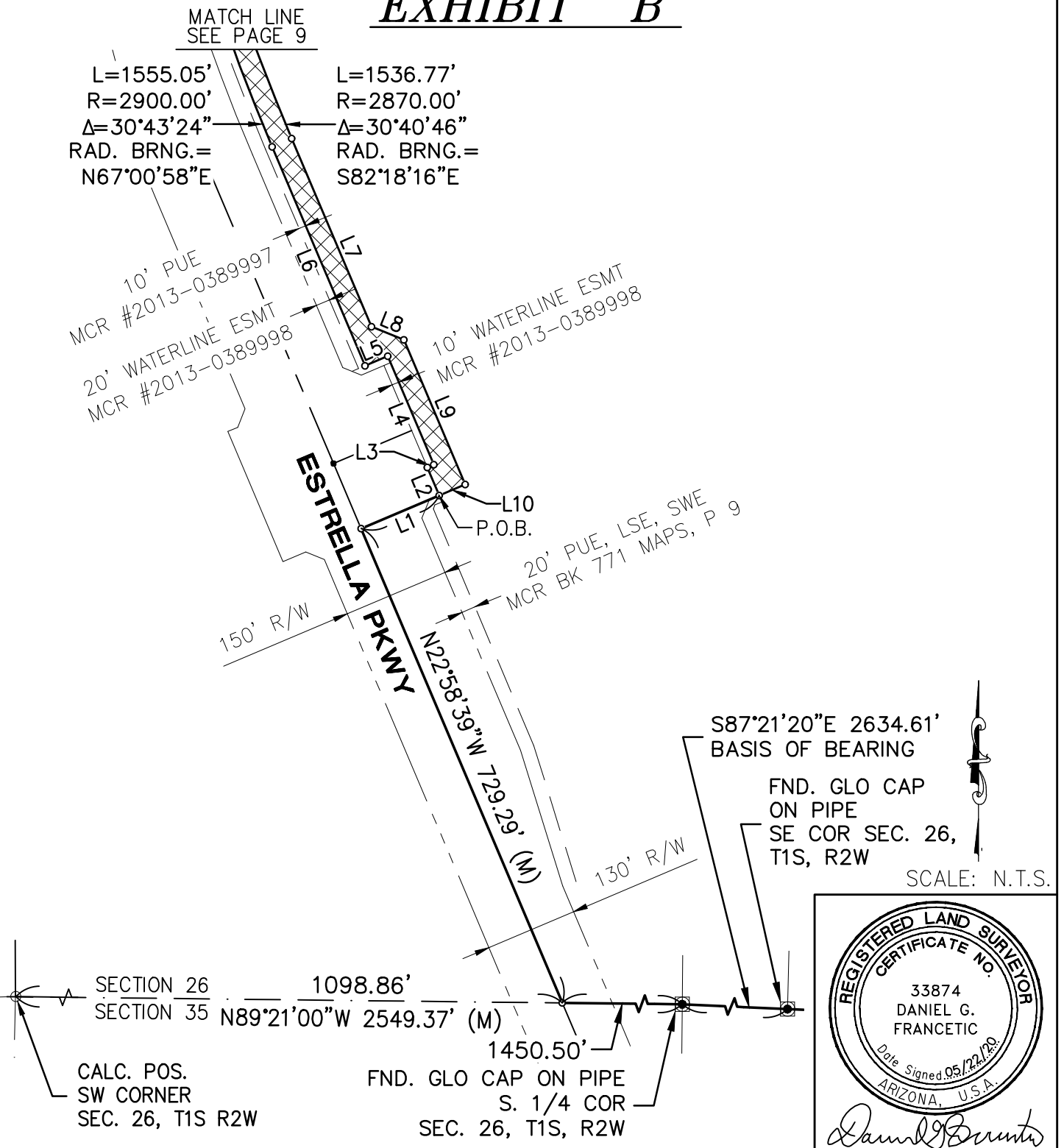


Containing an area of 157,438 SQUARE FEET or 3.614 ACRES, more or less.

See attached Exhibit "B" drawing.



EXHIBIT "B"



LEGEND



WATER ESMT.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 26
BEARING S87°21'20"E



Entellus™
3088 N. 44th Street Suite 250
Phoenix, AZ 85018.7228
Tel 602.244.2566
Fax 602.244.8947
Website: www.Entellus.com

CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

30' WATER TRANSMISSION LINE WATER EASEMENT

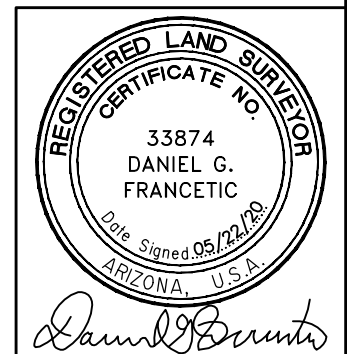
DATE: 05/22/20 REV'D:

DRAWN BY: JME CHK'D: DGF PG: 7 OF 13

FILE: SEC 26_ESMT

EXHIBIT "B"

Line Table		
Line #	Length	Direction
L1	120.00'	N67° 01' 21"E
L2	43.16'	N22° 58' 39"W
L3	10.00'	N67° 01' 21"E
L4	166.84'	N22° 58' 39"W
L5	35.01'	S67° 01' 21"W
L6	336.82'	N22° 58' 51"W
L7	289.39'	S22° 58' 51"E
L8	49.51'	S67° 58' 39"E
L9	222.43'	S22° 58' 39"E
L10	40.00'	S67° 01' 21"W



CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

**30' WATER TRANSMISSION LINE
WATER EASEMENT**

DATE: 05/22/20 REV'D:

DRAWN BY: JME CHK'D: DGF PG: 8 OF 13

FILE: SEC 26_ESMT

LEGEND



WATER ESMT.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 26
BEARING S87°21'20"E



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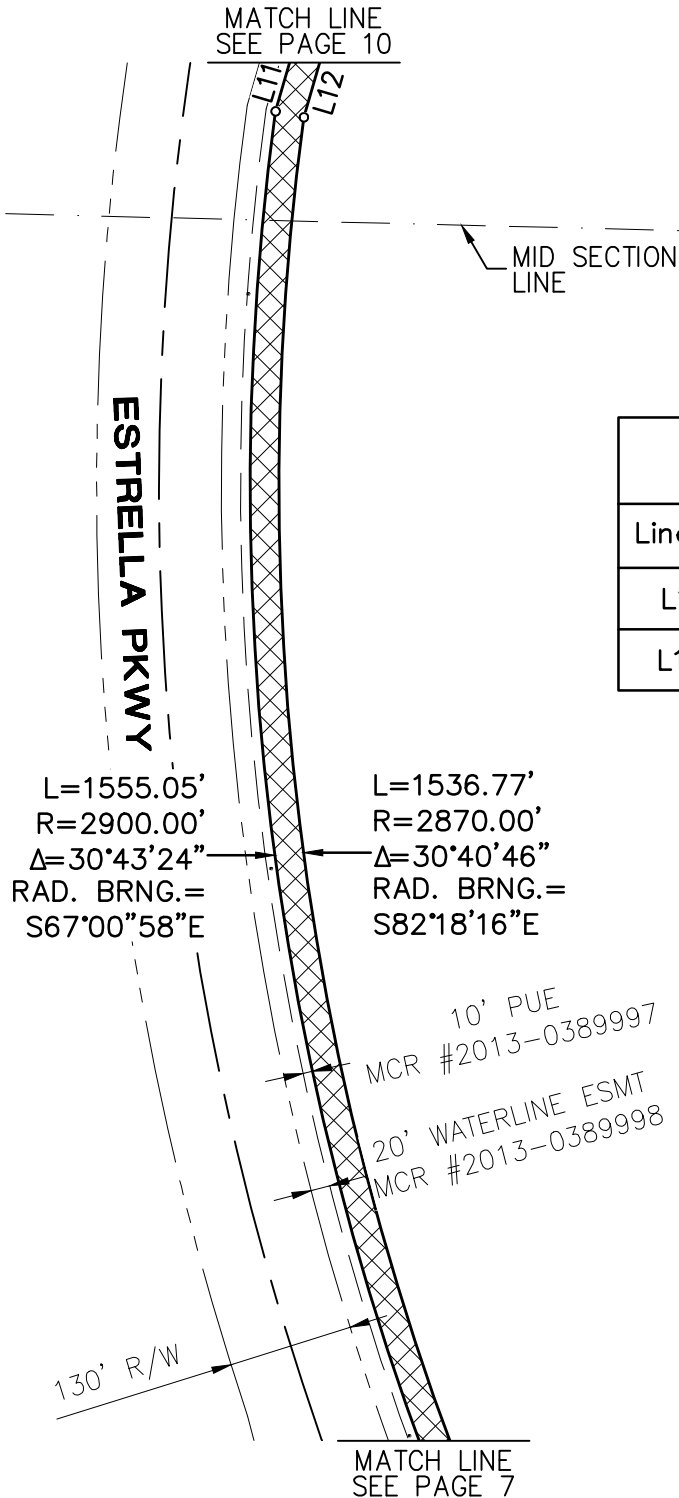
Phoenix, AZ 85018.7228

Tel 602.244.2566

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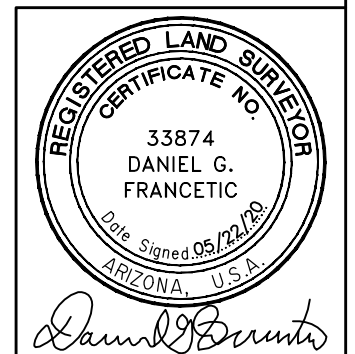
Website: www.Entellus.com

EXHIBIT "B"



Line Table		
Line #	Length	Direction
L11	117.95'	N16° 08' 49\"E
L12	117.47'	S16° 08' 49\"W

SCALE: N.T.S.



CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

**30' WATER TRANSMISSION LINE
WATER EASEMENT**

DATE: 05/22/20 REV'D:
 DRAWN BY: JME CHK'D: DGF PG: 9 OF 13
 FILE: SEC 26_ESMT

LEGEND



WATER ESMT.

BASIS OF BEARING

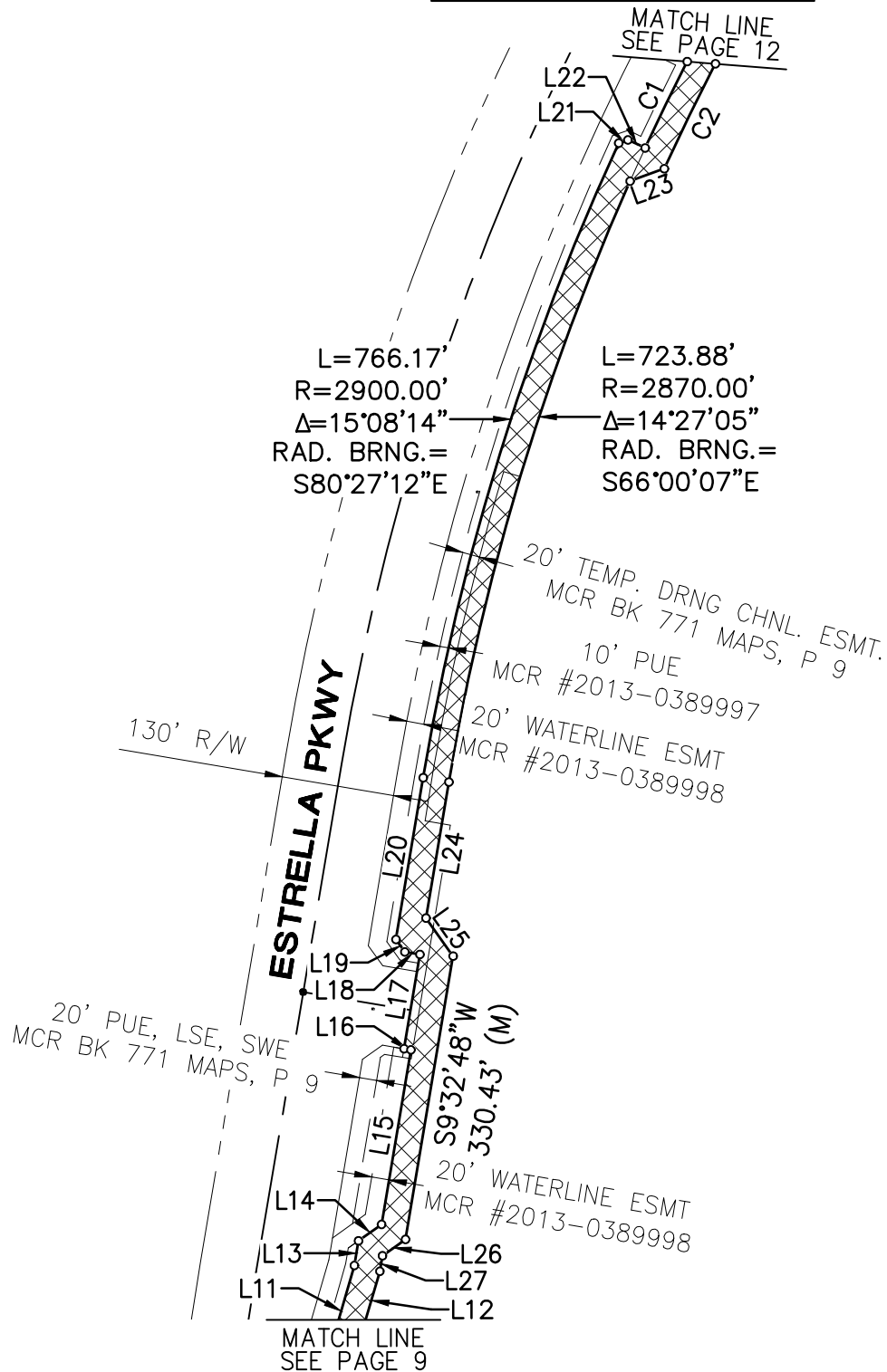
THE SOUTH LINE OF THE SOUTHEAST
 QUARTER OF SECTION 26
 BEARING S87°21'20\"E



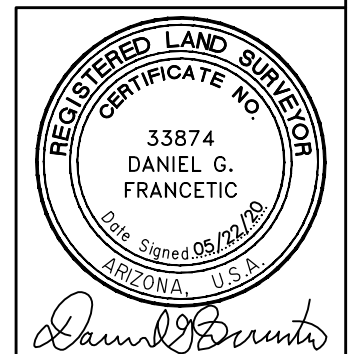
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EXHIBIT "B"



SCALE: N.T.S.



CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

**30' WATER TRANSMISSION LINE
WATER EASEMENT**

DATE: 05/22/20 REV'D:

DRAWN BY: JME CHK'D: DGF PG:10 OF 13

FILE: SEC 26_ESMT

LEGEND



WATER ESMT.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 26
BEARING S87°21'20"E



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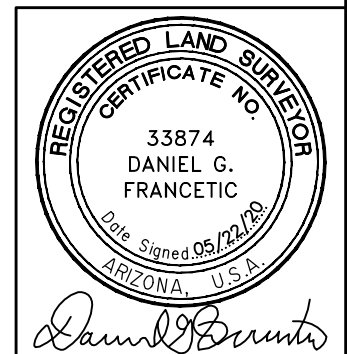
Website: www.Entellus.com

EXHIBIT "B"

Line Table		
Line #	Length	Direction
L11	117.95'	N16° 08' 49"E
L12	117.47'	S16° 08' 49"W
L13	28.78'	N9° 32' 48"E
L14	32.53'	N54° 32' 13"E
L15	203.58'	N9° 32' 48"E
L16	8.00'	N80° 27' 12"W
L17	110.00'	N9° 32' 49"E
L18	17.57'	N80° 27' 11"W
L19	17.57'	N35° 27' 12"W

Line Table		
Line #	Length	Direction
L20	188.69'	N9° 32' 48"E
L21	11.21'	N70° 59' 30"E
L22	21.90'	S64° 56' 26"E
L23	41.87'	S70° 03' 34"W
L24	158.69'	S9° 32' 48"W
L25	53.74'	S35° 27' 11"E
L26	32.53'	S54° 32' 13"W
L27	18.09'	S9° 32' 48"W

Curve Table				
Curve #	Length	Radius	Delta	Rad. Brng.
C1	110.53'	2870.00'	2°12'24"	S65°09'52"E
C2	134.31'	2840.00'	2°42'35"	S62°42'22"E



CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

30' WATER TRANSMISSION LINE WATER EASEMENT

DATE: 05/22/20 REV'D:
 DRAWN BY: JME CHK'D: DGF PG:11 OF 13
 FILE: SEC 26_ESMT

LEGEND



WATER ESMT.

BASIS OF BEARING

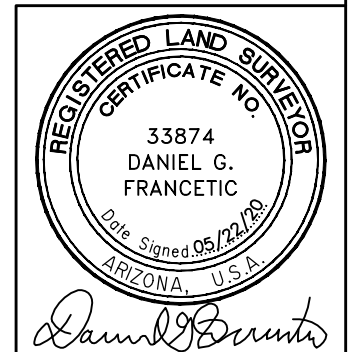
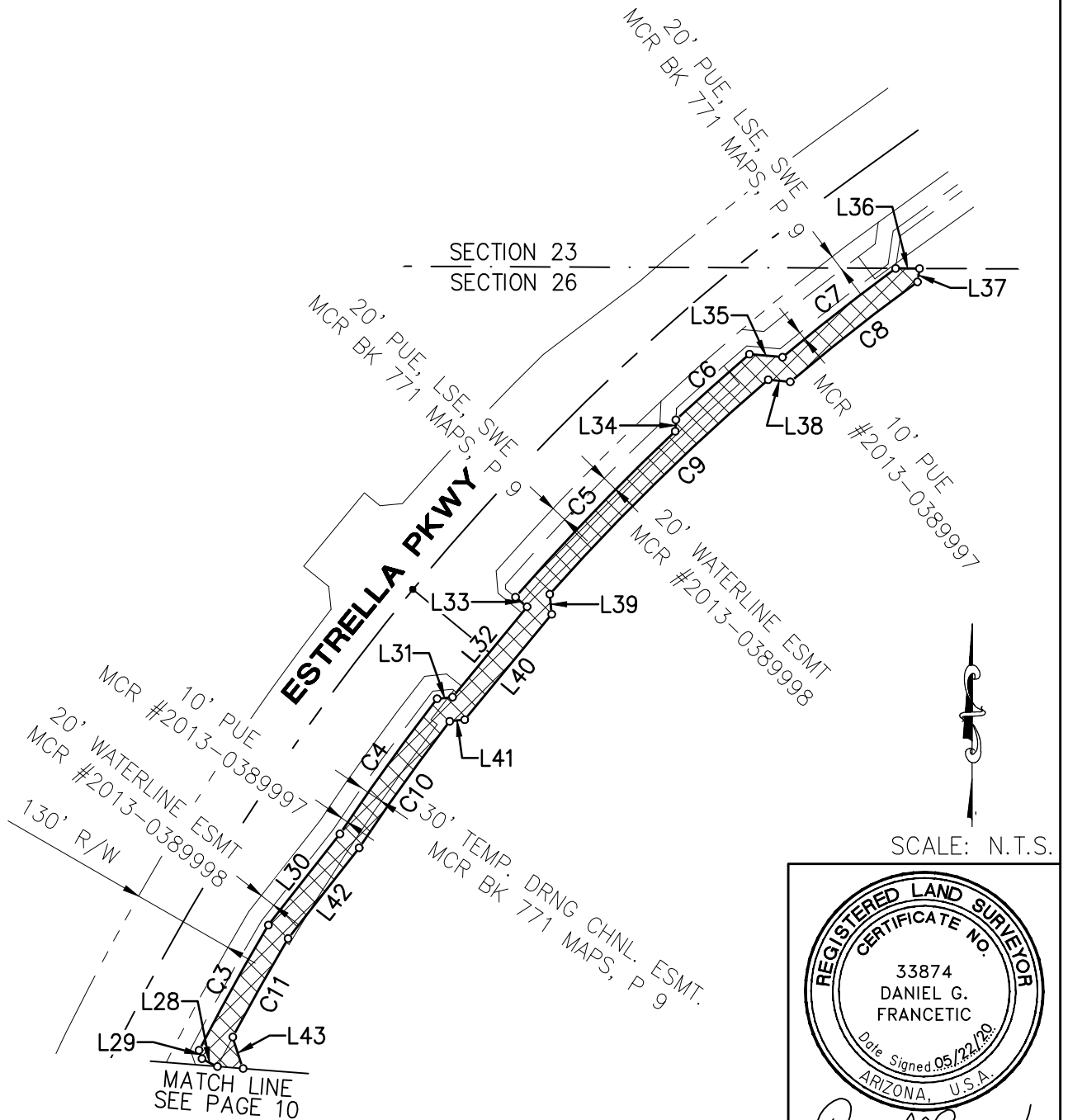
THE SOUTH LINE OF THE SOUTHEAST
 QUARTER OF SECTION 26
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CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

**30' WATER TRANSMISSION LINE
WATER EASEMENT**

DATE: 05/22/20 REV'D:

DRAWN BY: JME CHK'D: DGF PG:12 OF 13

FILE: SEC 26_ESMT

LEGEND



WATER ESMT.

BASIS OF BEARING

THE SOUTH LINE OF THE SOUTHEAST
QUARTER OF SECTION 26
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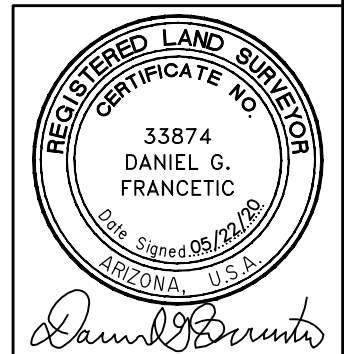
Website: www.Entellus.com

EXHIBIT "B"

Line Table		
Line #	Length	Direction
L28	21.90'	N63° 10' 25"W
L29	11.21'	N19° 06' 49"W
L30	146.27'	N38° 05' 23"E
L31	19.57'	N83° 54' 31"E
L32	147.88'	N39° 32' 52"E
L33	19.02'	N50° 27' 08"W
L34	14.47'	N3° 11' 44"E
L35	41.98'	S84° 37' 49"E

Line Table		
Line #	Length	Direction
L36	30.11'	S89° 45' 15"E
L37	17.03'	S8° 28' 27"W
L38	27.91'	N84° 37' 49"W
L39	25.53'	S5° 27' 08"E
L40	172.54'	S39° 32' 52"W
L41	19.01'	S83° 54' 31"W
L42	145.51'	S38° 05' 23"W
L43	41.87'	S18° 10' 25"E

Curve Table				
Curve #	Length	Radius	Delta	Rad. Brng.
C3	180.70'	2900.00'	3°34'12"	S62°48'21"E
C4	210.22'	2885.00'	4°10'30"	S56°21'13"E
C5	290.84'	2890.00'	5°45'58"	S48°57'57"E
C6	124.48'	2900.00'	2°27'34"	S42°59'34"E
C7	181.52'	2870.00'	3°37'25"	S39°57'01"E
C8	204.30'	2840.00'	4°07'18"	S36°04'50"E
C9	386.63'	2860.00'	7°44'44"	S40°35'38"E
C10	196.46'	2855.00'	3°56'34"	S52°26'03"E
C11	142.55'	2870.00'	2°50'45"	S59°16'27"E



CITY OF GOODYEAR, AZ

ESTRELLA MOUNTAIN RANCH, LLC

SECTION 26, T1S, R2W

30' WATER TRANSMISSION LINE WATER EASEMENT

DATE: 05/22/20 REV'D:
 DRAWN BY: JME CHK'D: DGF PG:13 OF 13
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WATER ESMT.

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