

When recorded please return to:

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Phoenix, AZ 85004

PARTIAL RELEASE AND RESTATEMENT OF EASEMENT

This PARTIAL RELEASE AND RESTATEMENT OF EASEMENT is given this ____ of _____, 2021 by the ROOSEVELT IRRIGATION DISTRICT, an Arizona municipal corporation (herein after "DISTRICT"), through its undersigned agent to CITY OF GOODYEAR (GOODYEAR), an Arizona municipal corporation (herein after "GRANTEE").

"DISTRICT"

Name: ROOSEVELT IRRIGATION DISTRICT
Address: 103 West Baseline Road, Buckeye, Arizona 85326
Phone: (623) 386-2046 Fax: (623) 386-4360
Representative: Mr. Donovan Neese, Superintendent

"GRANTEE"

Name: CITY OF GOODYEAR (GOODYEAR)
Address: 190 N. Litchfield Road
Goodyear, Arizona 85338
Phone: (623) 882-7051

RECITALS:

- A. On May 8, 1928, SUTHERLIN, BARRY & CO., INC., as owner, granted to the DISTRICT an easement for the construction, maintenance and operation of canals, ditches and laterals upon, over, along and across several Sections of land including, but not limited to, the East half of the Southeast Quarter in Section 7, Township 1 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as recorded in the official records of Maricopa County, Arizona, at Book 220,

Pages 392-393, and incorporated herein by reference (hereinafter referred to as the "Easement").

- B. In conjunction with the relocation of DISTRICT'S facilities and the planned development of the GRANTEE'S Property, the GRANTEE has requested that the DISTRICT modify the Easement within the GRANTEE'S Property by releasing a portion of its Easement, while maintaining sufficient easement area to permit normal operation of THE DISTRICT's irrigation facilities and adjacent operation and maintenance roads.
- C. Pursuant to the above, the DISTRICT herein desires to release to the GRANTEE the portion of its Easement described and shown in Exhibit "A" through "H" attached hereto as "Roosevelt Irrigation District Easement Extinguishment".

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. The DISTRICT hereby releases, relinquishes, and conveys all right, title, and interest in said Roosevelt Irrigation District Easement Retirement Area, described and shown in Exhibit "A" through "H" attached hereto and incorporated by reference herein, to the GRANTEE.
- 2. The effect of this PARTIAL RELEASE AND RESTATEMENT OF EASEMENT is that only that portion of the Easement described in Exhibit "A" through "H" as the Roosevelt Irrigation District Easement Retirement Area is, in fact, released; the DISTRICT continues to own a perpetual easement for the construction, maintenance and operation of canals, ditches, and laterals upon, over, along and across the balance of the Easement as well as all attendant rights stated in the original Easement recorded in Book 220, Pages 392-393 in the Official Records of Maricopa County Recorder.
- 3. All of the provisions of this AGREEMENT, including the benefits and burdens, run with the land and are binding upon and inure to the assigns, successors, heirs, administrators, executors, personal representatives, legal representatives, lessees, and/or tenants of the lot owners and the DISTRICT subject to the conditions herein contained.
- 4. As to the portion of the Easement not being released, the District reaffirms and restates the following:
 - A. The DISTRICT's Easement includes roadways along the DISTRICT's Facilities for the DISTRICT's use in accessing the Facilities for the construction, maintenance and operation of

canals, ditches and laterals. The DISTRICT's use of such Facilities may create noise, dust and/or odor.

- B. The DISTRICT's roadways within the Easement may not be improved roads and the DISTRICT does not have plans for these to become improved or paved roads.
- C. The Easement provides for the uses and purposes of irrigation and drainage and maintenance of irrigation pipelines, canals, laterals, structures and drainage ditches, together with such rights of entry upon, passage over, deposit of excavated earth, and storage of material and equipment on such pipelines, canals, laterals and area as may be necessary or useful for the construction, operation, maintenance, inspection, cleaning out, and repair of such Facilities.
- D. The DISTRICT may, without notice to any property owner, trim any vegetation in the remaining Easement which impedes The DISTRICT's use of its Facilities or access to its Facilities within the Easement.

Notwithstanding the foregoing, nothing in paragraph 4 and the subparagraphs herein are intended to nor does it expand the scope of the Easement.

- 5. Any party may enforce this AGREEMENT by appropriate legal action and the prevailing party in such litigation may recover as part of its costs in such action reasonable attorneys' fees, costs and expenses of enforcing its rights hereunder. This AGREEMENT contains the entire AGREEMENT between the parties. Any modification of this AGREEMENT or additional obligation assumed by either party in connection with this AGREEMENT shall be binding only if evidenced in writing and signed by each party. This AGREEMENT shall be construed in accordance with the laws of the State of Arizona.
- 6. The failure of either party to this Agreement to insist on the performance of any of the terms and conditions herein contained, or the waiver of any breach of any of the terms and conditions herein contained, shall not be construed as thereafter waiving any such terms and/or conditions, but the same shall continue and remain in full force and effect as if no such forbearance or waiver had occurred.
- 7. If any provision of this Agreement is declared invalid or unenforceable, that provision shall be modified by the Parties to the extent necessary to make it valid and enforceable. If it cannot be so modified, it shall be deemed

severed, and the remaining provisions of this Agreement shall remain in full force and effect.

8. Each representative of a party signing this Release represents that he or she is authorized to do so.
9. This RELEASE may be executed in one or more counterparts, all of which, taken together, shall constitute one and the same instrument. The parties authorize each other to attach all such signature pages to a single document so that the signatures of all parties will be physically attached to the same document for recording.
10. The acceptance date of this RELEASE shall be the day which the last party executes the RELEASE.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT.

Counsel Accepted:

CITY OF GOODYEAR,
an Arizona municipal corporation

By: _____

Its Authorized Agent

Date _____

ROOSEVELT IRRIGATION DISTRICT,
an Arizona municipal corporation

By: _____

Title: _____

Date _____

ACKNOWLEDGMENT BY GRANTEE

STATE OF _____ }
COUNTY OF _____ } ss.

On this _____ day of _____, 2021, personally appeared before me _____, personally known to me to be an Authorized Agent of CITY OF GOODYEAR, an Arizona municipal corporation, who acknowledged before me that he signed the foregoing instrument as Authorized Agent for CITY OF GOODYEAR, an Arizona municipal corporation, and that the seal impressed on the within instrument is the seal of said Company; and that said instrument is the free and voluntary act of said Company, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of said Company and that said Company executed the same.

WITNESS my hand and official seal.

Notary Public
Residing at: _____

My commission expires:

Attest:

Darcie McCracken, City Clerk

Approved as to Form

Roric Massey, City Attorney

ACKNOWLEDGMENT BY DISTRICT

STATE OF ARIZONA)
) ss.
County of Maricopa)

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by _____, the _____ of the Roosevelt Irrigation District, on behalf of said municipal corporation.

Notary Public

My Commission Expires:

EXHIBIT “A” – “H”

**Roosevelt Irrigation District
Legal Description and
Easement Retirement Area Exhibits**

EXHIBIT "A"

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A, AS RECORDED
IN DOCUMENT NO. 2020-0875007, MARICOPA
COUNTY RECORDER'S OFFICE, (M.C.R.)

A portion property described in recorded Document No. 2020-0875007, Maricopa County Recorders (M.C.R.), situate in the East Half of Section 7, Township 1 North, Range 2 West of the Gila and Salt River Meridian, Maricopa County, Arizona, United States of America, more particularly described as follows:

Commencing at the Southeast corner of said Section 7, being a brass cap in handhole, from which the East Quarter corner of said Section 7, being a brass cap in handhole bears North 00°26'37" East (**Basis of Bearing**), a distance of 2638.34 feet;
Thence along said east line, North 00°26'37" East, a distance of 1394.17 feet;
Thence departing said line, North 89°33'23" West, a distance of 107.10 feet to a point on the northerly right-of-way line of Goodyear Boulevard North as described in Book 685 of Maps, Page 36, M.C.R., being the **Point of Beginning**;
Thence North 89°33'23" West, a distance of 660.55 feet to the beginning of a curve concave to the southwest having a radius of 600.00 feet;
Thence West, along said curve, through a central angle of 41°22'55", an arc length of 433.35 feet;
Thence departing said north line, South 88°44'24" West, a distance of 30.66 feet, to a point on the northerly right-of-way line of Sherman St., and the beginning of a non-tangent curve concave to the northeast having a radius of 300.00 feet, from which the center bears North 63°53'06" East;
Thence North, along said curve, through a central angle of 10°30'04", an arc length of 54.98 feet;
Thence North 89°33'15" West, a distance of 89.25 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 438.00 feet, from which the center bears South 24°29'19" West;
Thence West, along said curve, through a central angle of 24°02'34", an arc length of 183.80 feet;
Thence North 89°33'15" West, a distance of 18.95 feet, to the southeast corner of the property described in Document No. 2014-0846426, M.C.R.;



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EXHIBIT "A"

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A, AS RECORDED IN
DOCUMENT NO. 2020-0875007, MARICOPA COUNTY
RECORDER'S OFFICE, (M.C.R.)

Thence departing said north line, along the east line and extension thereof of said property, North 00°26'45" East, a distance of 1268.72 feet, to a point on the south right-of-way line of Harrison Street;

Thence along said right-of-way line, South 89°26'34" East, a distance of 275.04 feet;

Thence departing said right-of-way line, South 00°05'14" West, a distance of 2.00 feet;

Thence South 89°24'52" East, a distance of 639.82 feet;

Thence South 82°13'56" East, a distance of 234.38 feet to a point on said Harrison Street right-of-way line;

Thence along said right-of-way line, South 79°30'59" East, a distance of 18.54 feet;

Thence South 89°25'32" East, a distance of 227.90 feet;

Thence South 44°29'58" East, a distance of 0.99 feet;

Thence departing said south right-of-way line, South 00°26'02" West, a distance of 1168.68 feet to the **Point of Beginning**.

Containing 1,716,389 Square Feet or 39.403 Acres, more or less.

Subject to existing rights-of-way and easements.

Together with a portion of land further described as Exhibit "C";

Commencing at the Northeast Corner of Tract A as described in recorded Document No. 2020-0875007, (M.C.R.), from which the Northwest corner of Lot 1 bears North 89°33'30" West (**Basis of Bearing**), being a point on the West right-of-way line of Estrella Parkway as described in Book 490 of Maps, Page 20, M.C.R., being the **Point of Beginning**;

Thence along said right-of-way line, South 00°26'37" West, a distance of 14.72 feet to a point on the North right-of-way line of Harrison Street;

Thence along said North right-of-way line, South 45°30'01" West, a distance of 46.62 feet;

Thence North 89°26'34" West, a distance of 1094.95 feet;

Thence departing said right-of-way line, North 00°05'14" East, a distance of 16.30 feet;



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EXHIBIT "A"

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A, AS RECORDED IN
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RECORDER'S OFFICE, (M.C.R.)

Thence North 89°37'51" West, a distance of 105.38 feet;
Thence North 00°05'14" East, a distance of 29.28 feet to a point on the north boundary line of said Tract A;
Thence along said north line, South 89°33'30" East, a distance of 1233.61 feet to the **Point of Beginning**.

Containing 55,085 Square Feet or 1.265 Acres, more or less.

Subject to existing rights-of-way and easements.

Together with a portion of land further described as Exhibit "D";

Commencing at the Northeast corner of Tract A as described in recorded Document No. 2020-0875007, (M.C.R.), from which the Northwest corner of Lot 1 bears North 89°33'30" West (**Basis of Bearing**), being a point on the West right-of-way line of Estrella Parkway as described in Book 490 of Maps, Page 20, M.C.R.;
Thence along said north boundary line, North 89°33'30" West, a distance of 1257.29 feet to the **Point of Beginning**;
Thence departing said north line, South 00°16'24" West, a distance of 45.19 feet to a point on the North right-of-way line of Harrison Street;
Thence along said right-of-way line, North 89°26'32" West, a distance of 169.34 feet;
Thence departing North 00°26'45" East, A Distance of 44.84 feet to a point on the northern boundary line of Tract A;
Thence along said line, South 89°33'30" East, A Distance of 169.20 feet to the **Point of Beginning**.

Containing 7,620 Square Feet or 0.175 Acres, more or less.

Subject to existing rights-of-way and easements.

EXCEPTING ANY PORTION WHICH MAY FALL IN THE HARRISON STREET
RIGHT-OF-WAY.



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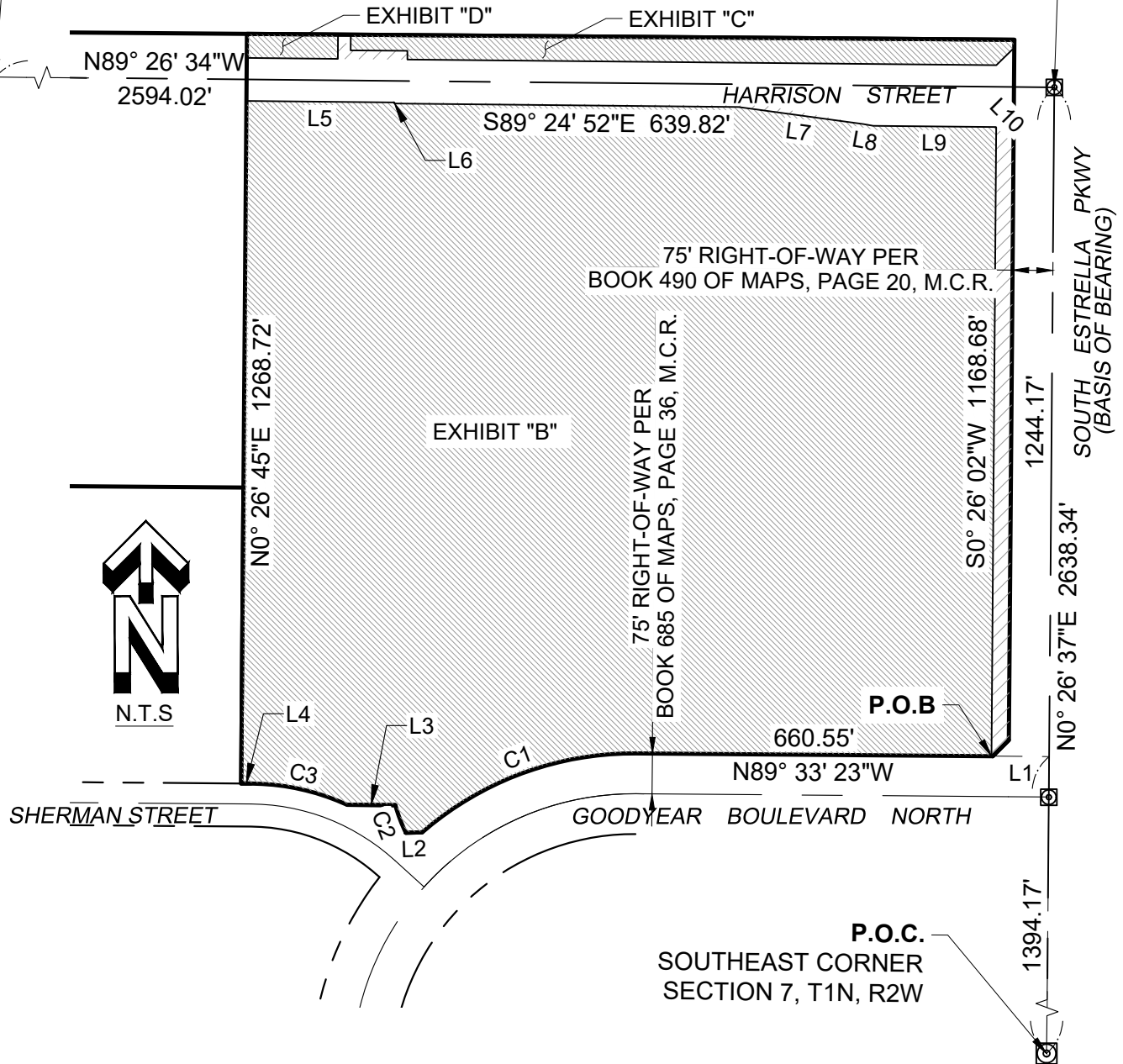


WEST QUARTER CORNER
SECTION 7, T1N, R2W
CALCULATED

EXHIBIT "B"

EAST QUARTER CORNER
SECTION 7, T1N, R2W

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A AS RECORDED IN
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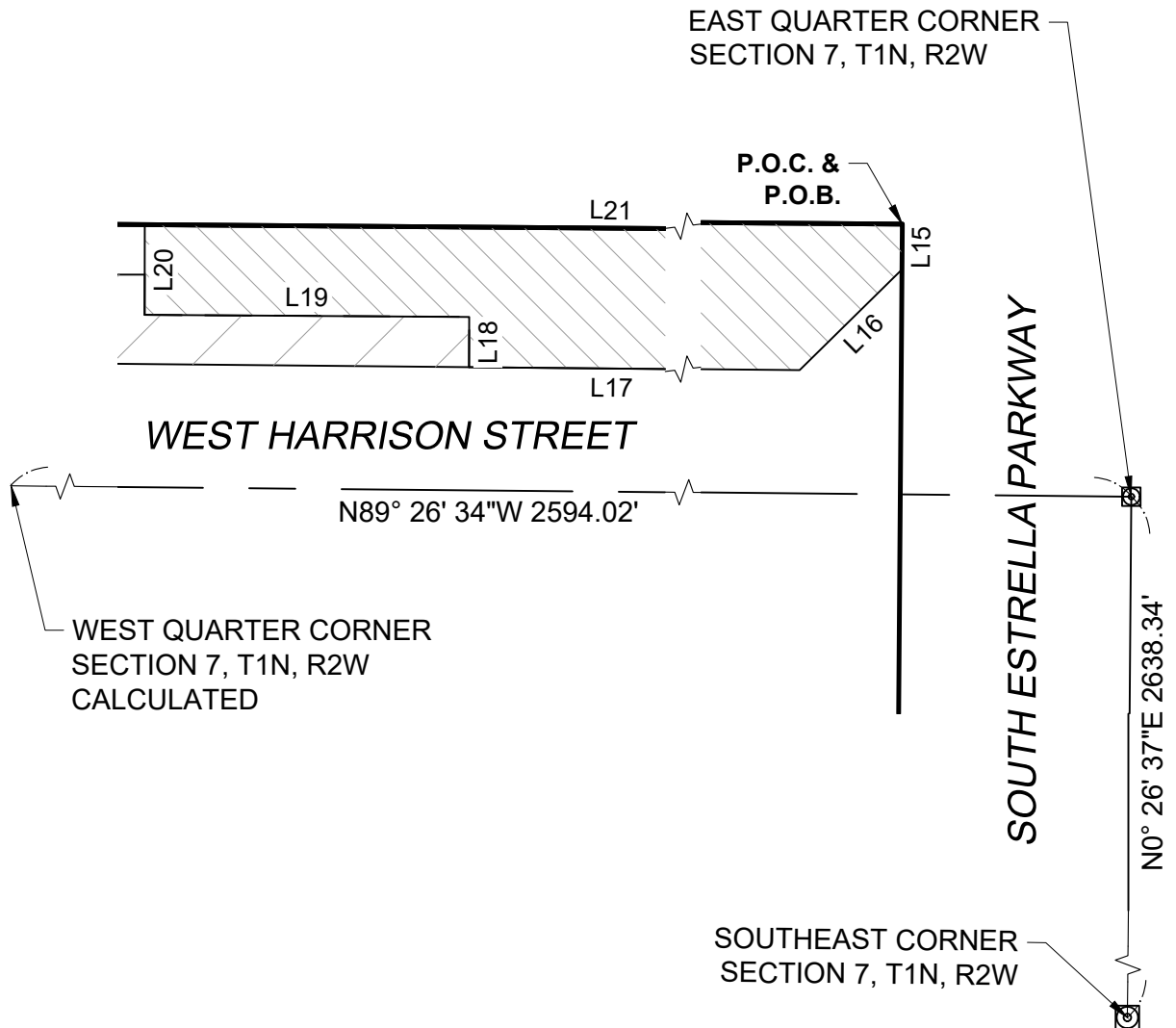
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EXHIBIT "C"

PROPERTY DESCRIPTION FOR
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PORTION OF LOT 1 AND TRACT A, AS RECORDED
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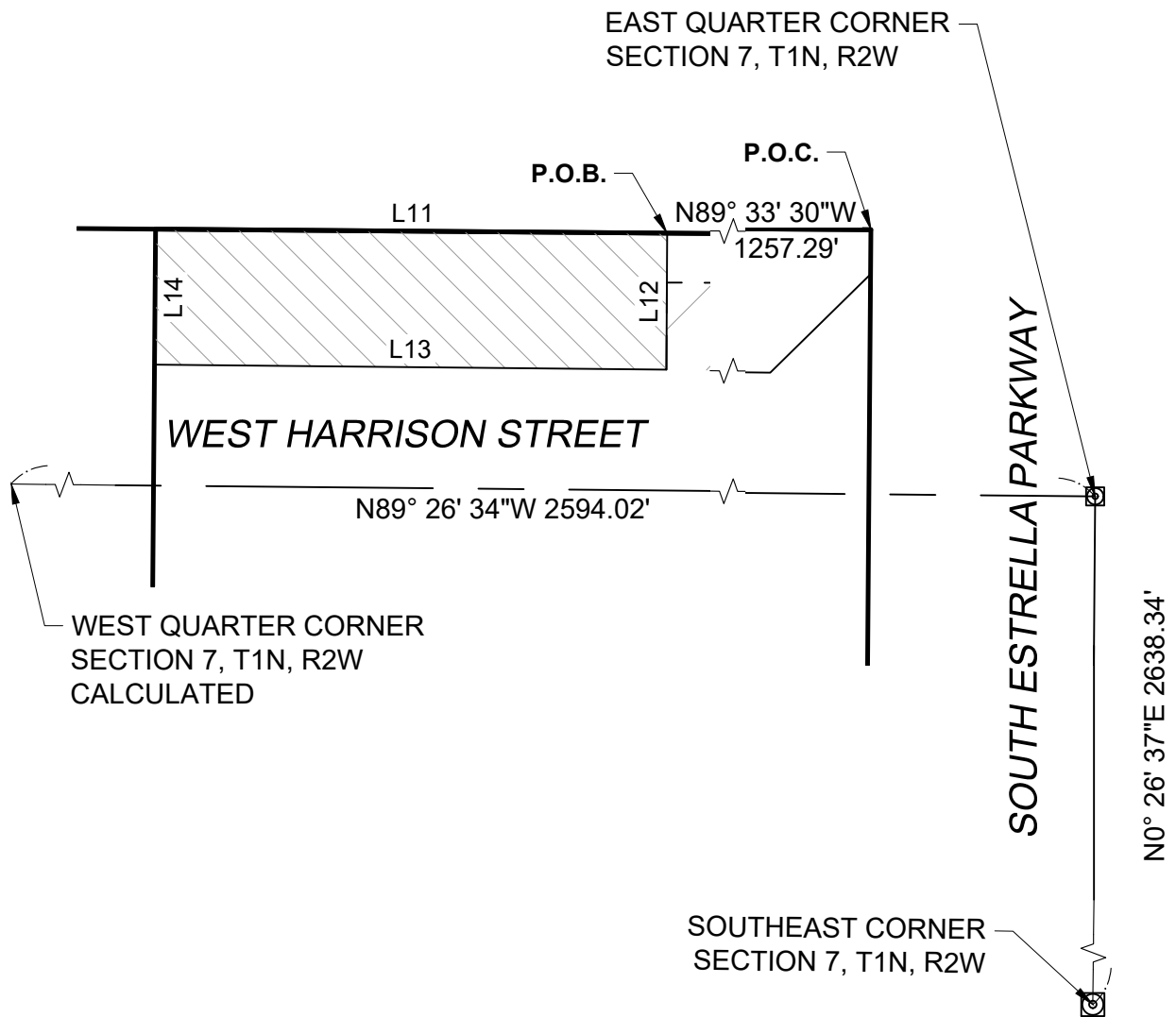
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EXHIBIT "D"

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A, AS RECORDED
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EXHIBIT "E"

PROPERTY DESCRIPTION FOR
A RETIREMENT OF EASEMENT OVER A
PORTION OF LOT 1 AND TRACT A, AS RECORDED
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COUNTY RECORDER'S OFFICE, (M.C.R.)

LINE TABLE		
LINE	LENGTH	BEARING
L1	107.10	N89° 33' 23"W
L2	30.66	S88° 44' 24"W
L3	89.25	N89° 33' 15"W
L4	18.95	N89° 33' 15"W
L5	275.04	S89° 26' 34"E
L6	2.00	S0° 05' 14"W
L7	234.38	S82° 13' 56"E
L8	18.54	S79° 30' 59"E
L9	227.90	S89° 25' 32"E
L10	0.99	S44° 29' 58"E

LINE TABLE		
LINE	LENGTH	BEARING
L11	169.20	S89° 33' 30"E
L12	45.19	S0° 16' 24"W
L13	169.34	N89° 26' 32"W
L14	44.84	N0° 26' 45"E
L15	14.72	S0° 26' 37"W
L16	46.62	S45° 30' 01"W
L17	1094.95	N89° 26' 34"W
L18	16.30	N0° 05' 14"E
L19	105.38	N89° 37' 51"W
L20	29.28	N0° 05' 14"E
L21	1233.61	S89° 33' 30"E

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD LENGTH
C1	433.35	600.00	41°22'56"	S69° 45' 02"W	424.00
C2	54.98	300.00	10°30'04"	N20° 51' 52"W	54.91
C3	183.80	438.00	24°02'34"	N77° 31' 58"W	182.45



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"EXHIBIT "F"

CLOSURE REPORT FOR
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PORTION OF LOT 1 AND TRACT A, AS RECORDED
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COUNTY RECORDER'S OFFICE, (M.C.R.)

EXHIBIT "B" CLOSURE

N89°33'23" W 660.55	N89°33'15" W 18.95
RB = S00°26'29" W	N00°26'45" E 1268.72
R = 600.00	S89°26'34" E 275.04
A = 433.35	S00°05'14" W 2.00
C = 423.99	S89°24'52" E 639.82
CB = S69°45'02" W	S82°13'56" E 234.38
D = 41°22'55"	S79°30'59" E 18.54
T = 226.61	S89°25'32" E 227.90
RB = N40°56'26" W	S44°29'58" E 0.99
S88°44'24" W 30.66	S00°26'02" W 1168.68
RB = N63°53'06" E	Area = 1,716,389 39.403 AC
R = 300.00	Closing course: 207°25'46" 0.01
A = 54.98	Precision: 1/422,212
C = 54.91	North Error: 0.011
CB = N20°51'52" W	East Error: 0.01
D = 10°30'04"	
T = 27.57	
RB = S74°23'10" W	
N89°33'15" W 89.25	
RB = S24°29'19" W	
R = 438.00	
A = 183.80	
C = 182.45	
CB = N77°31'58" W	
D = 24°02'34"	
T = 93.27	
RB = N00°26'45" E	



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"EXHIBIT "G"

CLOSURE REPORT FOR
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PORTION OF LOT 1 AND TRACT A, AS RECORDED
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EXHIBIT "C" CLOSURE

S00°26'37" W 14.72

S45°30'01" W 46.62

N89°26'34" W 1094.95

N00°05'14" E 16.30

N89°37'51" W 105.38

N00°05'14" E 29.28

S89°33'30" E 1233.61

Area = 55,085 1.265 AC

Closing course: 198°28'39" 0.003

Precision: 1/956,454

North Error: 0.003

East Error: 0.001



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"EXHIBIT "H"

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COUNTY RECORDER'S OFFICE, (M.C.R.)

EXHIBIT "D" CLOSURE

S00°16'24" W 45.19

N89°26'32" W 169.34

N00°26'45" E 44.84

S89°33'30" E 169.20

Area = 7620 0.175 AC

Closing course: 29°05'32" 0.01

Precision: 1/56,690

North Error: 0.01

East Error: 0.003



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