

When recorded Mail to:

City of Goodyear
City Clerk / LRB
190 N. Litchfield Road
P.O. Box 5100
Goodyear, Arizona 85338
QS-116

EXEMPT UNDER A.R.S. § 11-1134(A)(3)

PUBLIC UTILITY AND SIDEWALK EASEMENT

GRANTOR:

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

GRANTEE:

**CITY OF GOODYEAR, an Arizona
Municipal Corporation and its successors
and assigns**

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 the **CITY OF GOODYEAR, an Arizona municipal corporation**, its successors, assigns (collectively “GRANTEE”), a permanent 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”). Such Easement is for the purposes of: (i) entering upon, locating, inspecting, installing, constructing, maintaining, operating, replacing, and/or repairing all public utility facilities by GRANTEE and its Permittees; (ii) entering upon, constructing, installing, maintaining, repairing and/or replacing public sidewalks by GRANTEE and its Permittees; and (iii) travel by the public over installed sidewalks.

GRANTEE shall have all rights and privileges necessary or convenient for the full use and enjoyment of the Easement Area for the purposes described above.

GRANTOR reserves the right to use the Easement Area for uses that are not inconsistent with and do not interfere with the use of the Easement Area by GRANTEE and its Permittees for the purposes specified above. No building, structure, or above ground utility facility shall be placed upon the Easement Area without the written permission of GRANTEE.

GRANTOR and its respective successors and assigns shall have no responsibility or liability for the construction, operation, maintenance, or repair of any facilities constructed pursuant to the rights granted by this Public Utility and Sidewalk Easement except to the extent of any warranty required by Grantee as to any such facilities installed by Grantor.

GRANTOR and its respective successors and assigns, hereby waives and releases GRANTEE from any and all liability for damage to GRANTOR'S property resulting from the exercise of the rights granted herein provided that GRANTEE repairs such damage and restores GRANTOR's property to a neat and presentable condition as soon as practicable after the completion of any work within the Easement Area.

This Public Utility and Sidewalk Easement 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 Public Utility and Sidewalk Easement is executed this day of _____, 20_____.

Signatures, Acknowledgements and Exhibits on Following Pages

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

By: [Signature]

Its: SVP

State of Arizona)
)ss.
County of Maricopa)

The foregoing instrument (Public Utility and Sidewalk Easement) was acknowledged before me this 1st day of September, 2021 by William M. Olson, as Senior Vice President of NNP III – EMR 3, LLC, a Delaware limited liability company.



[Signature]
Notary Public

Signatures, Acknowledgments and Exhibits on Following Pages

GRANTEE:

ACCEPTED by the **CITY OF GOODYEAR, an Arizona Municipal Corporation**, this ____ day of _____, 20____.

By: _____

Its: _____

State of Arizona)
)ss.
County of Maricopa)

The foregoing instrument (Public Utility and Sidewalk Easement) was acknowledged before me this ____ day of _____, 20____ 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

EXHIBIT A
PUE EASEMENT DEDICATION
LEGAL DESCRIPTION

A PARCEL OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 1 SOUTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 1;

THENCE SOUTH 89° 30' 18" EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 1, 1485.27 FEET;

THENCE NORTH 00° 29' 42" EAST, 841.76 FEET TO THE NORTHWEST CORNER OF S. SENDERO DRIVE, AS DEPICTED ON THE MAP OF DEDICATION FOR ESTRELLA - HILLSIDE DRIVE & SENDERO DRIVE, AS RECORDED IN BOOK 1370, PAGE 11, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH 48° 00' 48" EAST, ALONG THE NORTH LINE OF SAID S. SENDERO DRIVE, 60.00 FEET TO THE NORTHEAST CORNER OF SAID S. SENDERO DRIVE, AND A POINT ON THE SOUTHWESTERLY LINE OF ESTRELLA PARCEL 11.C AS RECORDED IN BOOK 1392, PAGE 46, RECORDS OF MARICOPA COUNTY, SAID POINT BEING A NON TANGENT CURVE WHOSE RADIUS BEARS SOUTH 48° 00' 48" WEST, 520.00 FEET;

THENCE NORTHWESTERLY, 22.40 FEET ALONG SAID SOUTHWESTERLY LINE, ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 02° 28' 05" TO A WESTERLY CORNER OF TRACT B OF SAID PARCEL 11.C, BEING THE POINT OF BEGINNING;

THENCE NORTHWESTERLY, 516.19 FEET CONTINUING ALONG SAID CURVE, WHOSE RADIUS BEARS SOUTH 45° 32' 43" WEST, 520.00 FEET, CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 56° 52' 34";

THENCE SOUTH 78° 40' 08" WEST, 54.42 FEET;

THENCE NORTH 11° 19' 52" WEST, 8.00 FEET;

THENCE NORTH 78° 40' 08" EAST, 54.42 FEET TO A POINT OF CURVATURE OF A TANGENT CURVE, WITH A RADIUS OF 528.00 FEET;

THENCE EASTERLY, 525.58 FEET ALONG THE ARC OF SAID CURVE CONCAVE TO THE SOUTHWEST, THROUGH A CENTRAL ANGLE OF 57° 02' 00" TO THE WESTERLY LINE OF SAID PARCEL 11.C;

THENCE SOUTH 55° 48' 39" WEST, ALONG SAID WESTERLY LINE, 8.13 FEET TO THE POINT OF BEGINNING.

CONTAINING 4,602 SQ.FT. OR 0.1057 ACRES MORE OR LESS.



Westwood

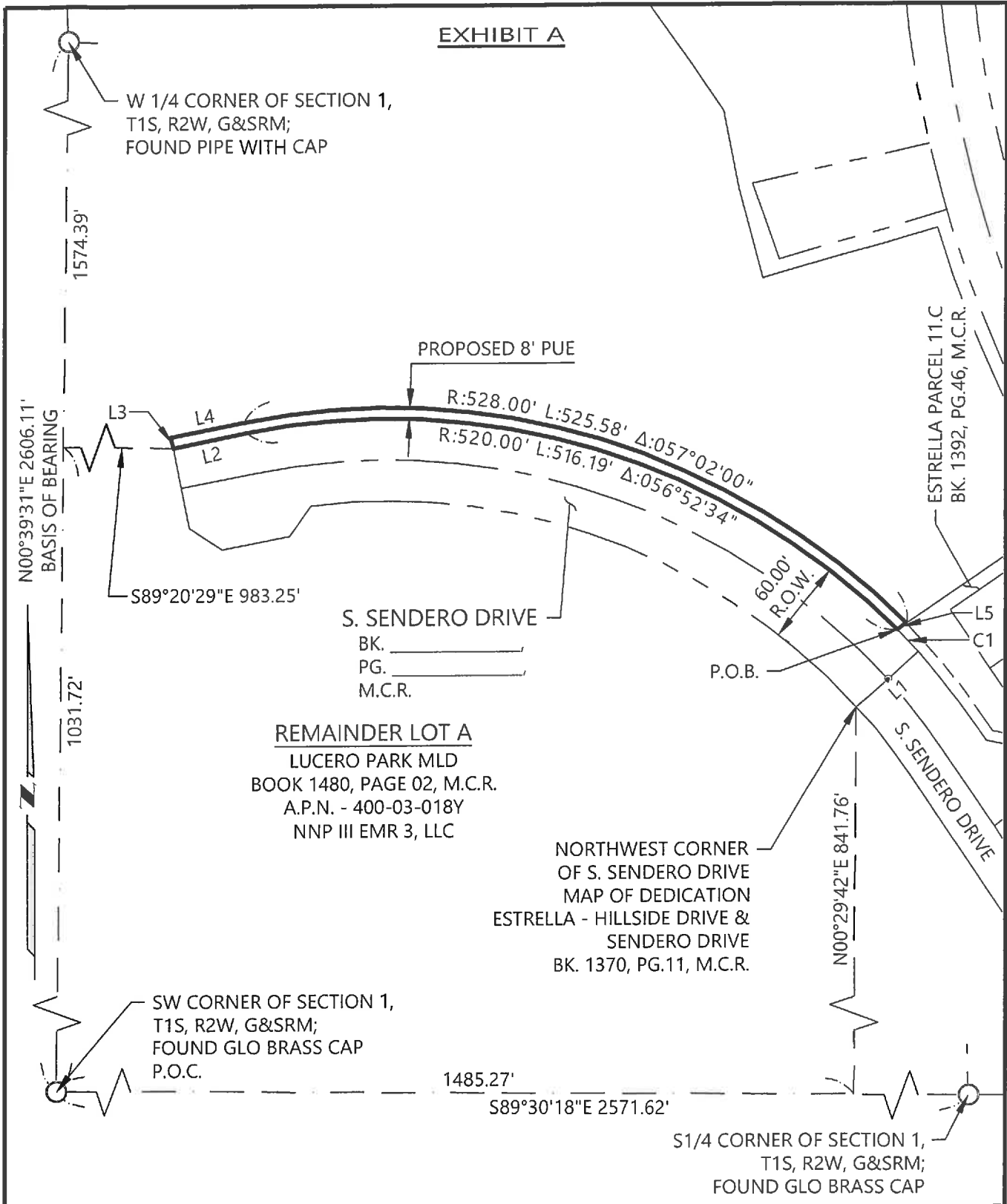
PUE DEDICATION
SOUTH SENDERO DRIVE-PHASE 2
GOODYEAR, ARIZONA

SHEET NUMBER:

1 OF 3

DATE: 04-09-2021
PROJ: 0017340

EXHIBIT A



Westwood

PUE DEDICATION
SOUTH SENDERO DRIVE-PHASE 2
GOODYEAR, ARIZONA

SHEET NUMBER:

2 OF 3

DATE: 04-09-2021
PROJ: 0017340

EXHIBIT A

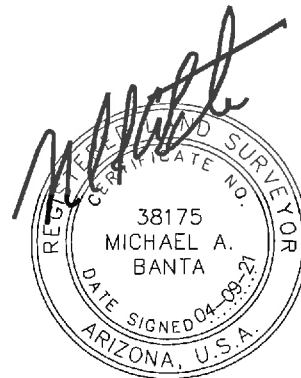
LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N48°00'48"E	60.00'
L2	S78°40'08"W	54.42'
L3	N11°19'52"W	8.00'
L4	N78°40'08"E	54.42'
L5	S55°48'39"W	8.13'

CURVE TABLE					
CURVE #	RADIUS	LENGTH	DELTA	CHORD BEARING	CHORD DISTANCE
C1	520.00'	22.40'	2°28'05"	N43°13'15"W	22.40

LEGEND

—————	RIGHT OF WAY LINE
-----	SECTION LINE
—————	CENTER LINE
—————	PROPOSED EASEMENT LINE
-----	EXISTING EASEMENT LINE

P.O.C.	POINT OF COMMENCEMENT
P.O.B.	POINT OF BEGINNING
BK.	BOOK
PG.	PAGE
R.O.W.	RIGHT OF WAY
PUE	PUBLIC UTILITIES EASEMENT



Westwood

PUE DEDICATION
SOUTH SENDERO DRIVE-PHASE 2
GOODYEAR, ARIZONA

SHEET NUMBER:

3 OF 3

DATE: 04-09-2021
PROJ: 0017340