

RESOLUTION NO. 2022-2268

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, TERMINATING SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT FOR LAS PALMAS AND DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS AND INCORPORATED BY REFERENCE IN ORDINANCE 2022-1557 FILED WITH THE CITY CLERK RELATED TO THE REZONING CASE FOR – LAS PALMAS AT WEST GOODYEAR.

Be it resolved by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, as follows:

SECTION 1 TERMINATION OF DEVELOPMENT AGREEMENT

The Mayor and Council of the City of Goodyear hereby approve and authorize the termination of the Second Amended & Restated Development Agreement for Las Palmas recorded at MCR No. 2016-0285130 as set forth herein:

- The City Manager is authorized to execute a Termination of Las Palmas Development Agreement substantially in the form attached hereto as Exhibit H subject to any modifications needed to effectuate the termination of the agreement as approved by the City Attorney or his designee; and
- The Termination of Las Palmas Development Agreement shall be recorded in the Official Records of the Maricopa County Recorder but shall not be recorded until the deadline for referring Ordinance 2022-1557, which is thirty (30) days from the date the ordinance is adopted by the City Council and made available to the public.

SECTION 2. DECLARATION OF PUBLIC RECORDS

That certain document titled “Official Supplementary Zoning Map No. 22-02 City of Goodyear, AZ – Rezone Case,” a copy of which is attached hereto as Exhibit A, is hereby declared a public record.

That a certain document titled “Las Palmas Overall Zoning Exhibit,” a copy of which is attached hereto as Exhibit B, is hereby declared a public record.

That a certain document titled “Reduced R1-4 Zoning Description,” a copy of which is attached hereto as Exhibit C, is hereby declared a public record.

That a certain document titled “Reduced R1-6 Zoning Description,” a copy of which is attached hereto as Exhibit D, is hereby declared a public record.

That a certain document titled “C-2 Zoning Description,” a copy of which is attached hereto as Exhibit E, is hereby declared a public record.

That a certain document titled “PFD Zoning Description,” a copy of which is attached hereto as Exhibit F, is hereby declared a public record.

That certain document titled "Las Palmas at West Goodyear PAD Overlay (September 2022)," a copy of which is attached hereto as Exhibit G, is hereby declared a public record.

SECTION 3. PURPOSE OF DECLARATION

The aforementioned documents are declared public records in connection with the adoption of Ordinance 2022-1557.

SECTION 4. COPIES FILED WITH THE CITY CLERK

Either three paper copies or one paper copy and one electronic copy maintained in compliance with section A.R.S 44-7041 of each of the aforementioned documents being declared public records herein are ordered to remain on file with the City Clerk and to be available for public use and inspection during regular business hours.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona, by a _____ vote, this _____ day of _____, 20_____.

Joe Pizzillo, Mayor

Date: _____

ATTEST:

APPROVED AS TO FORM:

Darcie McCracken, City Clerk

Roric Massey, City Attorney

OFFICIAL SUPPLEMENTARY ZONING MAP NO. 22-02

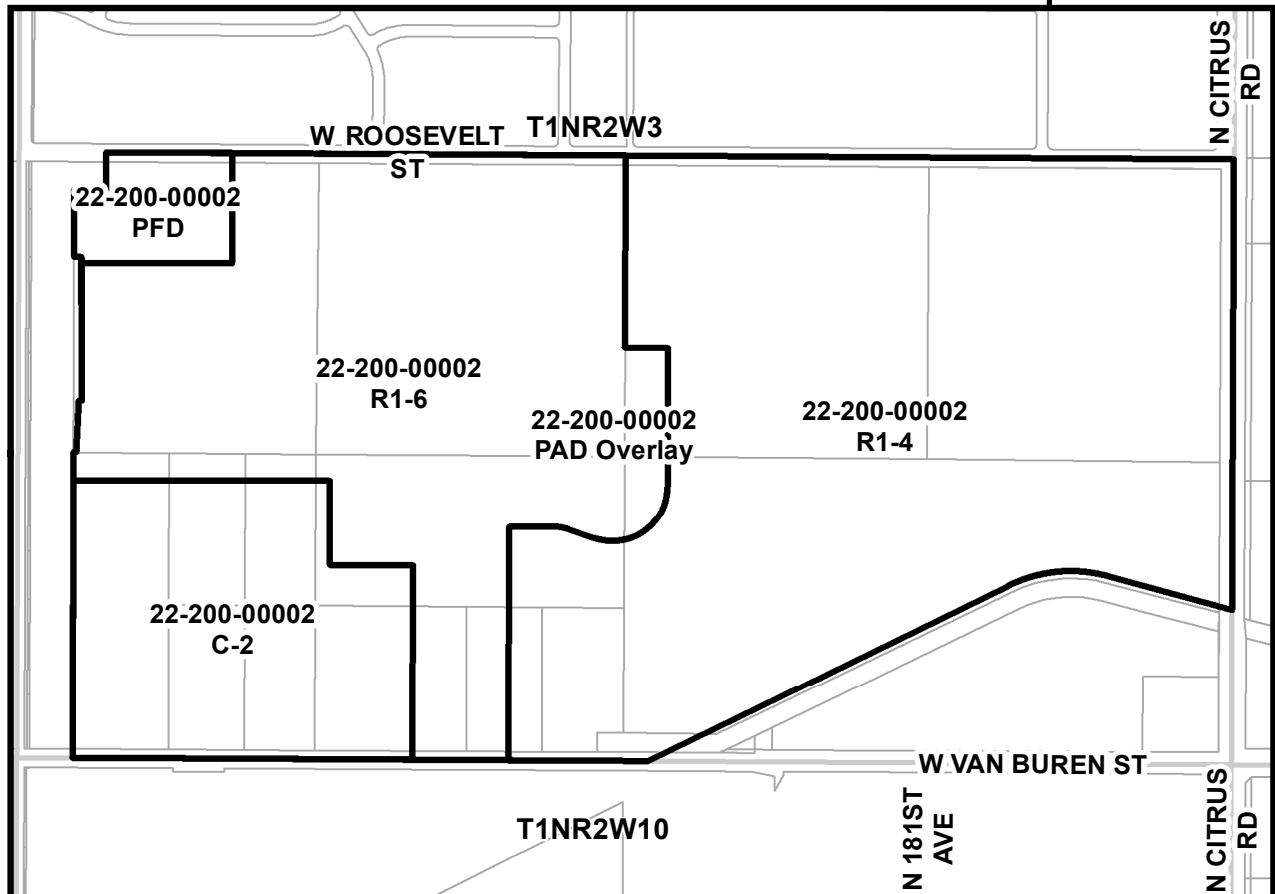
AMENDING ARTICLE 1, SECTION 1-1-4 OF THE ZONING ORDINANCE OF
THE CITY OF GOODYEAR. AMENDED BY ORDINANCE NO. _____,
PASSED BY THE CITY COUNCIL OF THE CITY OF GOODYEAR, ARIZONA,
THIS _____ DAY OF _____, 2021.

MAYOR

CITY CLERK

SUBJECT PROPERTY:

**A portion of the South Half of Section 3, Township 1 North,
Range 2 West of the Gila and Salt River Base and Meridian,
Maricopa County, Arizona.**



SOURCE: CITY OF GOODYEAR G.I.S.

CITY OF GOODYEAR, AZ - REZONE CASE

EXHIBIT
A

REZONE FROM PAD TO C-2, PFD, R1-4, R1-6
W/ PAD Overlay 22-200-00002

DATE:
August 2022

EXHIBIT “B”

Las Palmas Overall Zoning Exhibit

THAT PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY BRASS CAP IN HAND HOLE, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 3 BEARS NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST AT A DISTANCE OF 2641.08 FEET;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 3 NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 2399.38 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST 1334.46 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS EAST 10.77 FEET;

THENCE NORTH 03 DEGREES 03 MINUTES 05 SECONDS EAST 223.04 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 55 SECONDS EAST 14.52 FEET;

THENCE NORTH 00 DEGREES 18 MINUTES 58 SECONDS WEST 625.63 FEET;

THENCE NORTH 89 DEGREES 28 MINUTES 16 SECONDS WEST 30.23 FEET;

THENCE NORTH 00 DEGREES 07 MINUTES 42 SECONDS EAST 291.18 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 138.30 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 09 SECONDS EAST 168.00 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE BEARS NORTH 89 DEGREES 39 MINUTES 02 SECONDS WEST AT A DISTANCE OF 380.00 FEET;

THENCE ALONG SAID EAST-WEST MID-SECTION LINE SOUTH 89 DEGREES 39 MINUTES 02 SECOND EAST 2266.35 FEET TO THE CENTER OF SAID SECTION 3;

THENCE CONTINUING ALONG SAID EAST-WEST MID-SECTION LINE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 2644.40 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE BEARS SOUTH 00 DEGREES 17 MINUTES 12 SECONDS WEST A DISTANCE OF 2641.13 FEET;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF SAID SECTION 3, SOUTH 00 DEGREES 17 MINUTES 12 SECONDS WEST 1967.84 FEET TO THE NORTH LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL RIGHT OF WAY;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 74 DEGREES 48 MINUTES 31 SECONDS WEST 555.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 626.02'

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41 DEGREES 06 MINUTES 04 SECONDS, A DISTANCE OF 449.07 FEET;

THENCE SOUTH 64 DEGREES 05 MINUTES 56 SECONDS WEST 1784.43 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 3, NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST 102.84 FEET TO THE SAID SOUTH QUARTER CORNER OF SECTION 3 AND **THE POINT OF BEGINNING.**

SAID PARCEL CONTAINS 11,922,560 SQUARE FEET OR 273.7112 ACRES, MORE OR LESS.

EXHIBIT "C"
REDUCED R1-4
ZONING DESCRIPTION

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 1 NORTH, 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 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, BEARS NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 2642.22 FEET;

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 2138.32 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 21 MINUTES 30 SECONDS EAST, 1016.63 FEET;

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, 196.47 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 200.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 18 DEGREES 27 MINUTES 06 SECONDS, AN ARC LENGTH OF 64.41 FEET;

THENCE SOUTH 71 DEGREES 11 MINUTES 24 SECONDS EAST, 117.54 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 240.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO LEFT, THROUGH A CENTRAL ANGLE OF 108 DEGREES 27 MINUTES 38 SECONDS, AN ARC LENGTH OF 454.32 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 58 SECONDS EAST, 605.80 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 02 SECONDS WEST, 190.00 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 58 SECONDS EAST, 840.00 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, ALONG SAID EAST-WEST MID-SECTION LINE, 2648.55 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 3, SAID CORNER BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP FLUSH;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE, SOUTH 00 DEGREES 17 MINUTES 12 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 3, 1967.84 FEET TO THE NORTH RIGHT OF WAY LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL;

THENCE DEPARTING SAID EAST LINE, NORTH 74 DEGREES 48 MINUTES 31 SECONDS WEST, ALONG SAID NORTH RIGHT OF WAY LINE, 555.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 626.02 FEET;

THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 41 DEGREES 06 MINUTES 04 SECONDS, AN ARC LENGTH OF 449.07 FEET;

THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH 64 DEGREES 05 MINUTES 56 SECONDS WEST, 1748.43 FEET TO A POINT ON THE SOUTH LINE OF SAID SOUTHEAST QUARTER, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DIVISION BRASS CAP IN A HAND HOLE BEARS SOUTH 89 DEGREES 40 MINUTES 58 SECONDS EAST, 2543.26 FEET;

THENCE NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST, ALONG SAID SOUTH LINE, 102.84 FEET TO THE SOUTH QUARTER CORNER OF SAID SECTION 3, SAID CORNER BEING MARKED BY A BRASS CAP IN A HAND HOLE;

THENCE DEPARTING SAID SOUTH LINE, NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 502.76 FEET TO THE **POINT OF BEGINNING.**

SAID PARCEL CONTAINS 5,982,697 SQUARE FEET, OR 137.3438 ACRES MORE OR LESS.

EXHIBIT "D"
REDUCED R1-6
ZONING DESCRIPTION

A PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 1 NORTH, 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 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, BEARS NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 2642.22 FEET;

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3, 1721.71 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 845.57 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 02 SECONDS WEST, 362.77 FEET;

THENCE NORTH 00 DEGREES 20 MINUTES 32 SECONDS EAST, 370.64 FEET;

THENCE NORTH 89 DEGREES 57 MINUTES 50 SECONDS WEST, 1118.10 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 124.59 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS EAST, 10.77 FEET;

THENCE NORTH 03 DEGREES 03 MINUTES 05 SECONDS EAST, 223.04 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 55 SECONDS EAST, 14.52 FEET;

THENCE NORTH 00 DEGREES 19 MINUTES 08 SECONDS WEST, 417.48 FEET;

THENCE NORTH 00 DEGREES 19 MINUTES 14 SECONDS WEST, 182.12 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, 657.26 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 09 SECONDS EAST, 485.21 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, ALONG SAID EAST-WEST MID-SECTION LINE, 1712.48 FEET;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE, SOUTH 00 DEGREES 20 MINUTES 58 SECONDS WEST, 840.00 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, 190.00 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 58 SECONDS WEST, 605.80 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 240.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 108 DEGREES 27 MINUTES 38 SECONDS, AN ARC LENGTH OF 454.32 FEET;

THENCE NORTH 71 DEGREES 11 MINUTES 24 SECONDS WEST, 117.54 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 200.00 FEET;

THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 18 DEGREES 27 MINUTES 06 SECONDS, AN ARC LENGTH OF 64.41 FEET;

THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST, 196.47 FEET;

THENCE SOUTH 00 DEGREES 21 MINUTES 30 SECONDS WEST, 1016.63 FEET TO SAID SOUTH LINE;

THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH LINE, 416.62 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 3,968,154 SQUARE FEET, OR 91.0963 ACRES MORE OR LESS.

EXHIBIT "E"
C-2
ZONING DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, 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 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, BEARS NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 2642.22 FEET;

THENCE SOUTH 89 DEGREES 38 MINUTES 30 SECONDS EAST, ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, 241.70 FEET TO THE **POINT OF BEGINNING**;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST, 1209.88 FEET;

THENCE SOUTH 89 DEGREES 57 MINUTES 50 SECONDS EAST, 1118.10 FEET;

THENCE SOUTH 00 DEGREES 20 MINUTES 32 SECONDS WEST, 370.64 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, 362.77 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 33 SECONDS WEST, 845.57 FEET TO A POINT ON SAID SOUTH LINE;

THENCE NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST, ALONG SAID SOUTH LINE, 1480.00 FEET TO THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 1,662,117 SQUARE FEET, OR 38.1570 ACRES MORE OR LESS.

EXHIBIT "F"
PFD
ZONING DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE, FROM WHICH THE SOUTHWEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE BEARS SOUTH 00 DEGREES 12 MINUTES 33 SECONDS WEST, 2642.22 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, ALONG THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3, 380.00 FEET TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EAST-WEST MID-SECTION LINE, SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST, 550.00 FEET;

THENCE DEPARTING SAID EAST-WEST MID-SECTION LINE, SOUTH 00 DEGREES 14 MINUTES 56 SECONDS WEST, 485.27 FEET;

THENCE NORTH 89 DEGREES 39 MINUTES 02 SECONDS WEST, 657.46 FEET;

THENCE NORTH 00 DEGREES 06 MINUTES 22 SECONDS EAST, 26.00 FEET;

THENCE NORTH 89 DEGREES 28 MINUTES 16 SECONDS WEST, 30.23 FEET;

THENCE NORTH 00 DEGREES 07 MINUTES 34 SECONDS EAST, 291.18 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 138.30 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 09 SECTIONS EAST, 168.00 FEET TO A POINT ON SAID EAST-WEST MID-SECTION LINE AND THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS 309,908 SQUARE FEET, OR 7.1145 ACRES MORE OR LESS.

Exhibit G

Las Palmas at West Goodyear PAD Overlay

September 2022

PERMITTED USES

R1-4 (Single Family Detached) with Reduced Development Standards

The permitted uses within the portion of the Property zoned R1-4 (Single Family Detached) Residential Zoning District with Reduced Development Standards (hereinafter the "R1-4 Property") shall be the uses permitted in the R1-4 (Single Family Detached) Residential Zoning District as set forth in Section 3-2-2 of the Goodyear Zoning Code as it may be amended except as follows:

1. A water campus for a potable well shall be a permitted use
2. An interior suite with an accessory cooking facility (second kitchen) ("Interior Suite") shall be permitted as an accessory use to a single family detached residential unit if the following conditions are met:
 - A. Only one Interior Suite shall be permitted per lot and it shall be located on the ground floor; and
 - B. The Interior Suite shall be attached to and a part of the single-family residential unit and must be under the same roof as the residential unit; and
 - C. Utility services for the Interior Suite shall not be metered separately from the residential unit; and
 - D. At least one internal doorway shall be provided between the Interior Suite and the remainder of the residential unit; and
 - E. An Interior Suite shall not have a private yard area that is fenced or walled off from the remainder of the lot. This requirement shall not prohibit required pool fences, fenced in animal areas, garden fencing, or other fencing used for purposes other than providing a private yard for the Interior Suite; and
 - F. An Interior Suite shall not have a parking space served by a driveway separated and apart from the driveway and parking areas provided for the remainder of the residential unit; and
 - G. An Interior Suite shall not provide separate mail service or have a separate address from the residential unit. Elevations on the residential unit must minimize any secondary entry visible from the street and have the appearance of a single-family home. Entry from a second garage in a shared driveway fulfills this requirement.

In the event any future modifications to the Goodyear Zoning Ordinance permit an accessory use similar in concept to the Interior Suite described herein and the requirements for such accessory use differ than those set forth above, then the owner of the Property may elect to be subject to the Goodyear Zoning Ordinance as modified or may continue to adhere to the requirements set forth in this Ordinance.

R1-6 (Single Family Detached) with Reduced Development Standards

The permitted uses within the portion of the Property zoned R1-6 (Single Family Detached) Residential Zoning District with Reduced Development Standards (hereinafter the "R1-6 Property") shall be the uses permitted in the R1-6 (Single Family Detached) Residential Zoning District as set forth in Section 3-2-2 of the Goodyear Zoning Code as it may be amended except as follows:

1. A water campus for a potable well shall be a permitted use
2. An interior suite with an accessory cooking facility (second kitchen) ("Interior Suite") shall be permitted as an accessory use to a single family detached residential unit if the following conditions are met:
 - A. Only one Interior Suite shall be permitted per lot and it shall be located on the ground floor; and
 - B. The Interior Suite shall be attached to and a part of the single-family residential unit and must be under the same roof as the residential unit; and
 - C. Utility services for the Interior Suite shall not be metered separately from the residential unit; and
 - D. At least one internal doorway shall be provided between the Interior Suite and the remainder of the residential unit; and
 - E. An Interior Suite shall not have a private yard area that is fenced or walled off from the remainder of the lot. This requirement shall not prohibit required pool fences, fenced in animal areas, garden fencing, or other fencing used for purposes other than providing a private yard for the Interior Suite; and

- F. An Interior Suite shall not have a parking space served by a driveway separated and apart from the driveway and parking areas provided for the remainder of the residential unit; and
- G. An Interior Suite shall not provide separate mail service or have a separate address from the residential unit. Elevations on the residential unit must minimize any secondary entry visible from the street and have the appearance of a single-family home. Entry from a second garage in a shared driveway fulfills this requirement.

In the event any future modifications to the Goodyear Zoning Ordinance permit an accessory use similar in concept to the Interior Suite described herein and the requirements for such accessory use differ than those set forth above, then the owner of the Property may elect to be subject to the Goodyear Zoning Ordinance as modified or may continue to adhere to the requirements set forth in this Ordinance.

C-2 (General Commercial)

The permitted uses within the portion of the Property zoned C-2 (General Commercial) Zoning District (hereinafter the "C-2 Property") shall be the uses permitted within the C-2 (General Commercial) Zoning District as set forth in Section 3-3-3 of the Goodyear Zoning Code as it may be amended except as follows:

1. The following uses shall be added as principal permitted uses by right:
 - A. A water campus for a potable well; and
 - B. Storage buildings consisting of individually rented storage rooms which are independently accessed and locked and are used for dead storage purposes, including indoor RV storage subject to the following conditions: (i) the storage property shall be located on the northern half of the C-2 Parcel; (ii) the storage property shall occupy no more than 20% of the total area of the C-2 Parcel; (iii) windows or faux windows, if installed, shall not be mirrored in a manner that causes glare or reflection; (iv) all windows/doors shall be tinted; (v) the interior contents, decorations and interior storage unit doors (or replica unit doors) shall not be visible from the exterior of the building in any direction; (vi) the interior of the building shall not be visible from any public street with the exception of the public office/customer entrance; (vii) the hours of operation shall be limited to the hours between 5:00 a.m. and 10:00 p.m. Monday – Sunday; (viii) any sliding gates installed shall be screened in an architecturally designed manner which shields the interior storage from the public view (PVC, vinyl, or similar slats inserted into a gate does not constitute an architecturally designed manner); and (ix) if RV Storage is provided, the RV storage area shall be fully screened from street views and from adjacent residential development and shall be contained within buildings and the buildings shall match the main building on the site; and
 - C. Indoor Equipment rental shall be permitted subject to the following condition: all maintenance and repair of equipment shall be done within an enclosed building to limit noise and light; and
 - D. Brewpub shall be permitted subject to the following conditions: (i) all manufacturing, storage, and retail sales shall occur within an enclosed building and (ii) any outdoor storage of goods, inventory, machinery, or equipment is screened by a minimum 6' solid block wall.
2. The following uses shall not be permitted as principal permitted uses:
 - A. Adult bookstore, adult novelty store and adult theater; and
 - B. Bus terminals
 - C. Cleaning and dying plants
 - D. Hotels and motels
 - E. Pawn shop
 - F. Taxidermist

PFD (Public Facilities)

The permitted uses within the portion of the Property zoned PFD (Public Facilities) Zoning District (hereinafter the “PFD Property”) shall be the uses permitted within the Public Facilities District in accordance with Article 3-3-5 of the City of Goodyear Zoning Ordinance as it may be amended except as follows:

1. The following uses shall be added as principal permitted uses by right:
 - A. A water campus for a potable well owned and operated by a private water company that is regulated by the Arizona Corporation Commission.

DEVELOPMENT STANDARDS

The Development Standards for R1-4 (Detached Single-Family) Residential Zoning District with Reduced Development Standards shall apply to the R1-4 Property except as modified below:

Development Standard	Las Palmas at West Goodyear – R1-4 (Non-Extended Lots)	Las Palmas at West Goodyear – R1-4 (Extended Lots) ⁽¹⁾
Minimum Lot Area	4,275	5,175
Minimum Lot Width (feet) ⁽²⁾	40	40
Minimum Lot Depth (feet)	95	115
Maximum Building Coverage	75%	75%
Minimum Rear Setback (feet)	15	20

(1) 50% of the lots shall be “Extended Lots”.

(2) 30% of the lots shall be 45 feet.

The Development Standards for R1-6 (Detached Single-Family) Residential Zoning District with Reduced Development Standards shall apply to the R1-6 Property except as modified below

Development Standard	Las Palmas at West Goodyear – R1-6
Minimum Lot Width (feet)	55 feet

The Development Standards for C-2 General Commercial Zoning District shall apply to the C-2 Property except as modified below:

Development Standard	Las Palmas at West Goodyear – C-2
Maximum Building Height ⁽¹⁾	30

(1) Exclusive of the height of any architectural elements or parapet walls permitted by Article 8-3, Sections B and C

The Development Standards for PFD (Public Facilities) Zoning District shall apply to the PFD Property unless the city is prohibited from requiring such compliance by law.

DEVELOPMENT DESIGN GUIDELINES AND REGULATIONS

The following design guidelines and regulations shall apply to all developments within Las Palmas at West Goodyear.

DEVELOPMENT REGULATIONS

General

1. The number of residential units within the Property shall not exceed 750.

R1-4 and R1-6 RESIDENTIAL DESIGN GUIDELINES AND ADDITIONAL REGULATIONS

General

1. Unless expressly modified in this document, all development within the Property shall comply with the applicable requirements of the City of Goodyear Zoning Ordinance and City of Goodyear Design Guidelines applicable to development in the R1-4 (Single Family Detached) Residential Zoning District with Reduced Development Standards and the R1-6 (Single Family Detached) Residential Zoning District with Reduced Development Standards.
2. Perimeter walls shall only be constructed along the rear of the residential lots. Landscape areas shall be used to break up the visual of the rear individual lot walls.

3. In areas by the Primary and secondary entry features decorative split rail fencing or white crossbuck fencing shall be used as accents to allow views in and out of the community.
4. The minimum separation between fences and/or walls shall be 20 feet. Any fence or wall not along the boundary of a residential lot constructed within 20 feet to 50 feet of another fence or wall shall have a maximum of four feet of masonry and shall use view fencing for the remaining portion of the fence or wall. Walls along a residential lot within 20 feet to 50 feet of another fence or wall may include six feet of masonry to screen the home, except that side walls along the rear setback portion of the lot shall have a maximum of four feet of masonry and shall use view fencing for the remaining portion of the wall. This regulation does not apply to retaining walls that do not extend above ground level.
5. A usable, covered outdoor patio should be provided on the rear side of each residential unit. Covered patio dimensions shall be at least 100 square feet covered, with a minimum interior dimension of eight feet covered. A covered patio may encroach up to five feet into a rear setback.

Amenity Elements

The development of the Property shall include the following Amenity Elements which support the Reduced R1-4 and R1-6 development standards and the PAD Overlay:

6. An approximately 9-acre Central Park and amenity center located near the center of the Property shall be developed. The Central Park shall provide usable active open space area and shall include all of the following resident and recreational amenities as generally depicted in Las Palmas Conceptual Central Park At Las Palmas attached hereto as Exhibit A:
 - a. A Recreational pool area and spa; and
 - b. A Restroom Building; and
 - c. A Showers; and
 - d. A Pool Deck with seating; and
 - e. A Gas Fire Place with seating; and
 - f. A Dining Pavilion with Shaded Picnic Tables and Barbeques; and
 - g. A minimum of two bocce ball courts (or similar amenity); and
 - h. A Shaded Tot Lot; and
 - i. An Activities Lawn; and
 - j. A Cornhole Lawn with a minimum of boards to support two separate games (or similar amenity); and
 - k. A minimum of four Pickleball courts; and
 - l. A Sand Volleyball Court; and
 - m. A basketball half-court; and
 - n. Outdoor Work-out stations; and
 - o. Dog park; and
 - p. An Arrival plaza; and
 - q. Parking; and
 - r. Decorative split rail fencing adjacent to parking areas and public/private entrances.

Except as otherwise provided in a development agreement approved by the City Council, the portion of the Property where the 9-acre Central Park is to be located shall be included in the first recorded final plat subdividing all or part of the Property and no Temporary Certificates of Occupancy, Certificates of Occupancy or Certificates of Completion shall be issued for any structure with the Property, except for model homes, until the Central Park that includes the resident and recreational amenities set forth above, as been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator.

The size of the Central Park may be reduced to 7 acres subject to the following:

- The Central Park shall include all of the resident and recreational amenities described above; and
 - Prior to the approval of the first final plat subdividing all or part of the Property or the issuance of any permit for work within the Property, Owner has conveyed, in fee, a portion of the Property zoned R1-4 (Detached Single Family) Residential District and/or R1-6 (Detached Single Family) Residential District to the Liberty Elementary School District for an elementary or middle school site and Liberty Elementary School District has accepted such conveyance; and
 - Prior to approval of the first final plat subdividing all or part of the Property or the issuance of any permit for work within the Property, Owner provides documentation acceptable to the City Attorney or his designee demonstrating that the conveyance and acceptance discussed above has been completed; and
 - The dedicated school site shall be included in the first final plat subdividing all or part of the Property, and Owner of the Property, except for the portion of the Property conveyed to the Liberty School District and the portion of the Property zoned PFD (Public Facilities) Zoning District, shall be responsible for constructing all infrastructure improvements required to be constructed along the frontage of the dedicated school site, including water and wastewater improvements and street improvements. The timing of the construction of such improvements shall be determined at the time the final plat that includes the school site is platted.
7. All residential units developed within the Property shall be located within one-quarter ($\frac{1}{4}$) a mile from either the Central Park or a Neighborhood Park. Final plats subdividing all or part of the Property shall not be approved unless each of the residential lots located within the final plat is located within one-quarter ($\frac{1}{4}$) a mile from either the Central Park or a Neighborhood Park that was included in another recorded final plat subdividing part of the Property or that is included in the final plat to be approved. No Certificates of Completion, Temporary Certificates of Occupancy, or Certificates of Occupancy shall be issued for any structure within a recorded final plat, except for model homes, until all parks (Neighborhood Parks and Central Park) that have to be completed so all platted lots are located within one quarter ($\frac{1}{4}$) a mile of a neighborhood park or the Central Park have been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator.
 8. A minimum of four Neighborhood Parks shall be developed within the Property, including an approximately 1.6-acre Park West, an approximately 1.4-acre Park East, an approximately 0.56-acre Park North, and an approximately 1-acre Park South as set forth in the Las Palmas Conceptual Park East and West at Las Palmas and Las Palmas Conceptual Pocket Park South and North at Las Palmas. At least two of the Neighborhood Parks described herein shall be included in the first recorded final plat subdividing all or part of the Property. No Certificates of Completion, Temporary Certificates of Occupancy, or Certificates of Occupancy shall be issued for any structure on the Property, except for model homes, until the two Neighborhood Parks including the resident and recreational amenities for the two parks as set forth in the Conceptual Park and Open Space Plan attached hereto as Exhibit B have been substantially completed as determined by the City of Goodyear Building Official or his designee or are under construction and bonded for completion as approved by the City of Goodyear Zoning Administrator.
 9. An 8-foot wide decomposed granite trail within the R1-4 Property located along the RID Canal and the southern boundaries of the R1-4 Property, so the trail runs from east-west between Citrus Road to the area western boundary of the R1-4 Property. The trail shall be owned and maintained by the HOA, but shall be available for use by the general public and an easement shall be dedicated to the City of Goodyear, in a form acceptable to the City Attorney or his/her designee, that allows for such public use.

The development of the Property shall include the following Connectivity Elements which support the Reduced R1-4 and R1-6 development standards and the PAD Overlay:

1. The development shall be considered in-fill.
2. An 8-foot wide decomposed granite trail within the R1-6 Property located along the eastern and northern boundaries of the C-2 Property, the western boundary of the R1-6 Property, and the southern and eastern boundaries of the PFD Property so the trail runs from north-south between Van Buren and Roosevelt Street. The trail shall be owned and maintained by the HOA, but shall be available for use by the general public and an easement shall be dedicated to the City of Goodyear, in a form acceptable to the City Attorney or his/her designee, that allows for such public use.
3. 8-foot sidewalks shall be installed along all streets entering into the Property from arterial streets and collector streets entrance roads leading to the Central Park.
4. The block lengths within the portion of the Property zone R1-4 (Detached Single Family) Residential Zoning District with Reduced Development Standards shall not exceed 660' between separations of streets and open space.

Streetscape Elements

The development of the Property shall include the following Streetscape Elements which support the Reduced R1-4 and R1-6 development standards and the PAD Overlay:

1. The following West Goodyear Elements shall be installed:
 - a. To create a sense of arrival for residents and visitors as they enter the Property, entries to the Property off of Van Buren Street, Citrus Road, and Roosevelt Street shall be developed with significant open space areas with landscaping consistent with an agrarian theme, including olive and/or palm groves, and with attractive street scape elements including decorative paving (not stamped asphalt) and decorative split rail fencing (or cable rail), which shall be generally consistent with the Las Palmas Conceptual Low Entry Wall Portal, attached hereto as Exhibit C; the Las Palmas Conceptual Entry Monument and Portal, attached hereto as Exhibit D; the Las Palmas Conceptual Vehicular Entry Gates and Portal, attached hereto as Exhibit E ; and the Las Palmas Conceptual Perspective Views at Project Entries, attached hereto as Exhibit F (collectively the "West Goodyear Entry Exhibits"); and
 - b. To reflect the historic agricultural character of the area, the Property will be developed with agrarian theming around its parks with split rail (or cable rail) fencing installed at park entrance features and split rail (or cable rail) fencing installed as accent features along Citrus Road; and
 - c. A nine-foot wide landscape strip with shade trees planted 25 feet on center adjacent to curb and gutter and an eight-foot wide concrete sidewalk adjacent to the landscape strip shall be installed along the frontage of the section of Citrus Road adjacent to the Property; and
 - d. Entry monuments shall be installed at entries into the Property off of Van Buren Street, Citrus Road and Roosevelt Street and a monument sign shall be installed at the corner of Citrus Road and Roosevelt Street, all of which shall include the "West Goodyear" identification generally consistent with the West Goodyear Entry Exhibits.
2. Additional Streetscape Elements as set forth in section 3-4-3 of the Goodyear Zoning Ordinance shall be incorporated into the development of the Property so that development within the R1-4 Property satisfies the requirements for R1-4 reduced development standards and so that the development within the R1-6 Property satisfies the requirements for R1-6 reduced development standards. These elements shall be agreed upon prior to the approval of a preliminary plat subdividing all or part of the Property.

GENERAL COMMERCIAL (C-2) DESIGN GUIDELINES AND REGULATIONS

General

1. Unless expressly modified in this document, all development within the Property shall comply with requirements of the City of Goodyear Zoning Ordinance and City of Goodyear Design Guidelines applicable to development in the C-2 (General Commercial) Zoning District.
2. All permitted uses are subject to Administrative Site Plan review.
3. Off-street parking and loading shall comply with Goodyear Zoning Ordinance Article 6.
4. Site wall style shall complement existing walls in the West Goodyear area.
5. Site lighting, pavers, landscaping, signage design, and other community features shall complement the character and themes established within the West Goodyear area.
6. The commercial development shall bear the name of the master plan such as "<Project Name> at West Goodyear."
7. If at the time the C-2 Parcel is developed, a single-family residential zoning district exists immediately to the west, an 80-foot-wide landscape and drainage buffer shall be installed on the western boundary of the C-2 Parcels in order to buffer the single-family residential from the C-2 Parcels.

EXHIBIT "A"



OVERALL CENTRAL PARK PLAN



PERSPECTIVE VIEW, OVERALL CENTRAL PARK

LEGEND

- | | |
|--|---|
| 1. RECREATION POOL AREA & SPA | 15. SHADE SAIL |
| 2. RESTROOM BUILDING | 16. ACTIVITY LAWN |
| 3. PUMP ROOM | 17. CORN HOLE LAWN |
| 4. SHOWERS | 18. PICKLE BALL COURTS |
| 5. POOL DECK, CHAISE LOUNGES | 19. SAND VOLLEYBALL |
| 6. LOUNGE CHAIRS WITH FIRE PLACE | 20. 1/2 BASKETBALL COURT |
| 7. DINING PAVILION WITH PICNIC TABLES & BARBECUE | 21. CENTRAL GREEN, MOVIE NIGHT, 4TH OF JULY, FIELD, DETENTION BASIN |
| 8. 2 BOCCIE BALL COURTS | 22. ARROYO TRAIL |
| 9. ACCESSIBLE PARKING | 23. OUTDOOR WORK-OUT EQUIPMENT |
| 10. WALKWAYS | 24. DOG PARK |
| 11. SEATING BENCHES | 25. DOG PARK |
| 12. PAVILION FOR EVENTS | 26. PICNIC AREA WITH SHADE SAIL |
| 13. PICNIC PLAZA | 27. PICNIC PAVILION |
| 14. CHILDREN'S PLAY AREA (2-6 & 5-12) | 28. ARRIVAL PLAZA |

LAS PALMAS | CONCEPTUAL CENTRAL PARK AT LAS PALMAS

Lennar | Goodyear, AZ | May 26, 2022

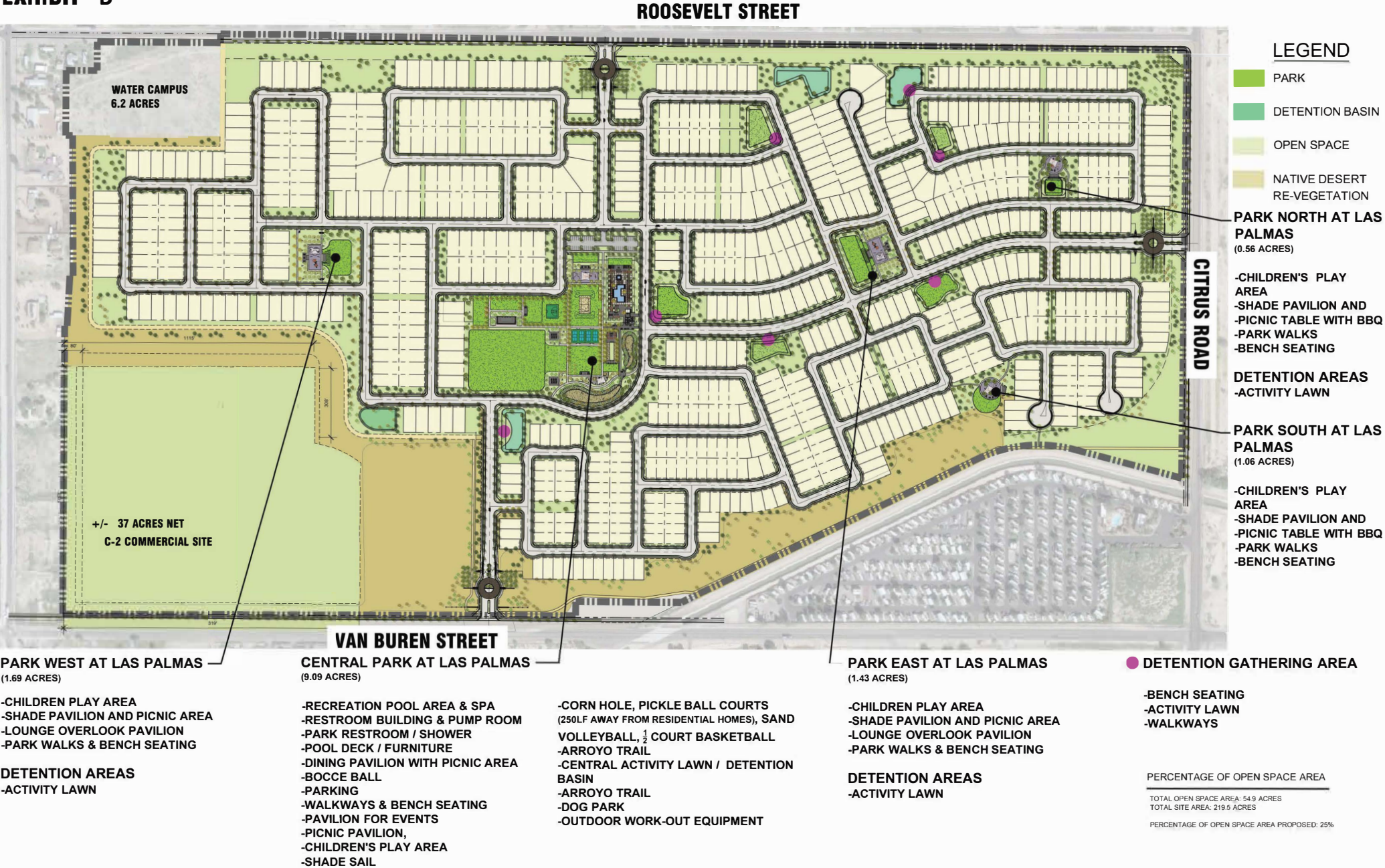


SCALE: 1"= 10'-0"

LENNAR

SMP
SUMMIT ENVIRONMENTAL DESIGN
3410 COURTNEY BLVD SUITE 200
DANA POINT CA 92629
(949) 453-1440

EXHIBIT "B"



LAS PALMAS | CONCEPTUAL PARK AND OPEN SPACE PLAN

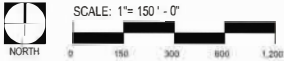
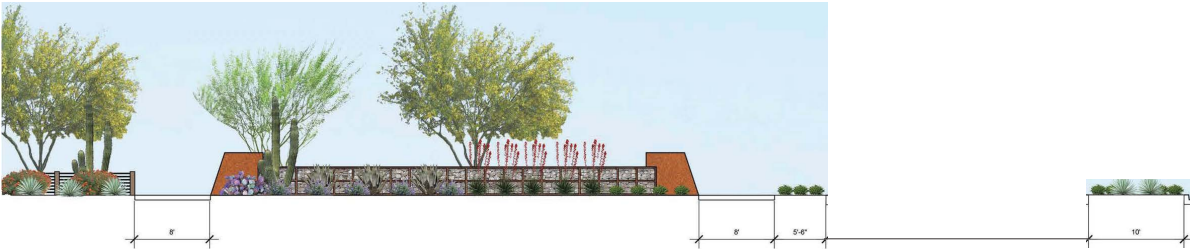


EXHIBIT "C"



LEGEND

- | | | | |
|----|---------------------------|----|-------------|
| 1. | 3' GABION WALL | 4. | CROSS WALKS |
| 2. | 36" CABLE RAIL FENCE | 5. | HORSE TRAIL |
| 3. | 4' PAINTED METAL PILASTER | | |

LAS PALMAS | CONCEPTUAL LOW ENTRY WALL PORTAL

Lennar | Goodyear, AZ | May 26, 2022



SCALE: 3/16" = 1'-0"

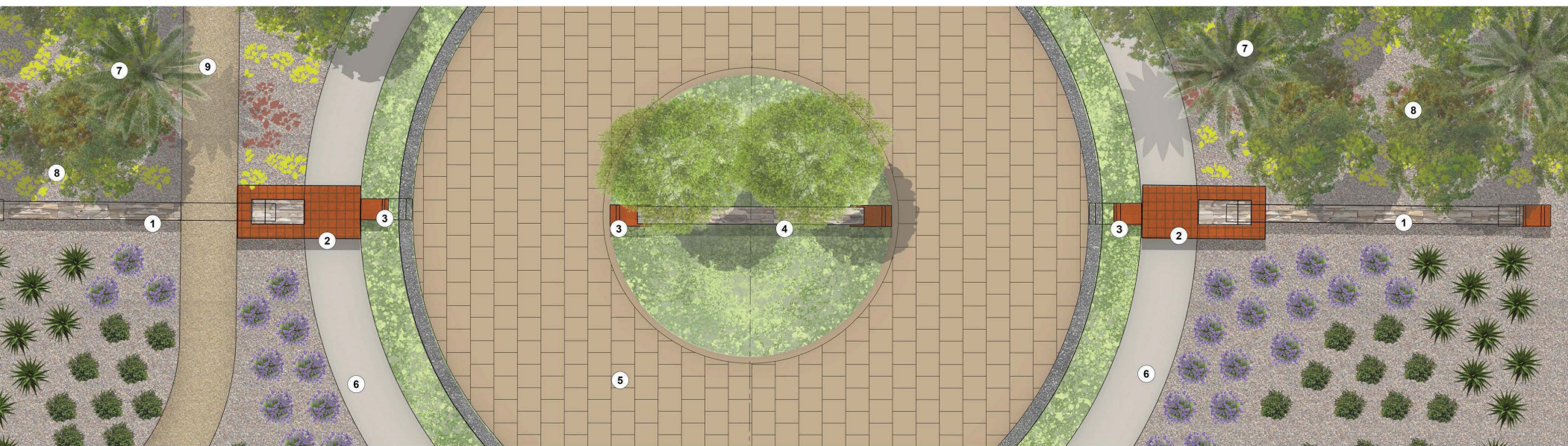


LENNAR

SMI

SUMMERS MURPHY & PARTNERS, INC.
34107 COUNTY HWY. SUITE 200
DANA POINT CA 92629
(949) 443-1446

EXHIBIT "D"

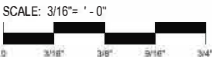


LEGEND

- | | | | |
|----|---|----|----------------------|
| 1. | 24" LOW STONE WALL | 5. | CONCRETE UNIT PAVING |
| 2. | 11' STONE CLAD PORTAL WITH METAL TRELLIS | 6. | CROSS WALKS |
| 3. | 4' PAINTED METAL PILASTER | 7. | PALM GROVE |
| 4. | ENTRY MONUMENT STONE CLAD SIGN WALL WITH METAL PAINTED PILASTER | 8. | OLIVE GROVE |
| | | 9. | HORSE TRAIL |

LAS PALMAS | CONCEPTUAL ENTRY MONUMENT AND PORTAL

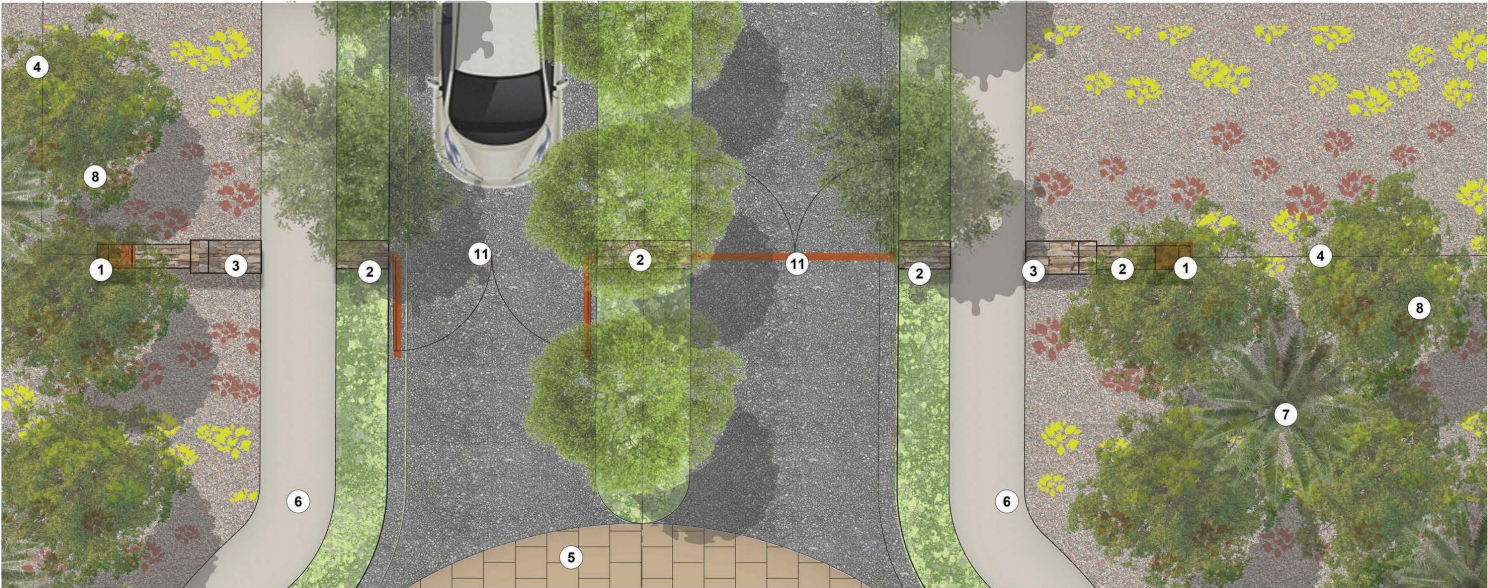
Lennar | Goodyear, AZ | May 26, 2022



LENNAR

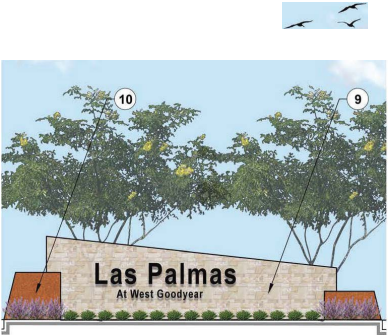
SMP
ENVIRONMENTAL DESIGN
SUMMERSMURPHY & PARTNERS, INC.
34197 COAST HWY SUITE 300
DANA POINT CA 92629
(949) 443-1488

EXHIBIT "E"



LEGEND

- 1. 7' PAINTED METAL PILASTER
- 2. 6' TALL STONE CLAD WALL
- 3. 7' STONE CLAD PORTAL
- 4. 5'-6" HIGH TUBULAR STEEL VIEW FENCE
- 5. CONCRETE UNIT PAVING
- 6. CROSS WALKS
- 7. PALM GROVE
- 8. OLIVE GROVE
- 9. CORNER MONUMENT
- 10. STONE CLAD SIGN WALL WITH METAL PAINTED PILASTER
- 11. 4' PAINTED METAL PILASTER
- 12. 6' HIGH TUBULAR STEEL VEHICULAR GATE



CITRUS AND ROOSEVELT CORNER MONUMENT

LAS PALMAS | CONCEPTUAL VEHICULAR ENTRY GATES AND PORTAL

Lennar | Goodyear, AZ | May 26, 2022

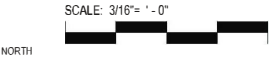


EXHIBIT "F"



PERSPECTIVE VIEW, VEHICULAR ENTRY GATE



PERSPECTIVE VIEW, MONUMENT SIGN PORTAL



PERSPECTIVE VIEW, VEHICULAR ENTRY MONUMENT



BIRDSEYE VIEW, TYPICAL MONUMENT ENTRY

LAS PALMAS | CONCEPTUAL PERSPECTIVE VIEWS AT PROJECT ENTRIES

Lennar | Goodyear, AZ | May 26, 2022

LENNAR

SMP
ENVIRONMENTAL DESIGN
SUMMERS MURPHY & PARTNERS, INC.
34197 COAST HWY, SUITE 200
DANA POINT, CA 92629
(949) 443-1466

When recorded Mail to:

EXHIBIT "H"

City of Goodyear
City Clerk
1900 N. Civic Square
Goodyear, Arizona 85395

TERMINATION OF LAS PALMAS DEVELOPMENT AGREEMENT

This Termination of Las Palmas Development Agreement (“Notice of Termination”) is being executed by the City of Goodyear, an Arizona municipal corporation (the “City”) and Keith-Palm Canyon LLC, an Arizona limited liability company and Rini Realty Company, an Ohio corporations (“Owners”) (collectively the City and Owners are referred to as the “Parties”).

WHEREAS, Owners collectively own approximately 273.71 acres of land that is more particularly described in Exhibit 1 attached hereto and incorporated herein by this reference (the “Property”); and

WHEREAS, Owners and the City have entered into numerous agreements related to the development of the Property that have been amended and superseded by subsequent amended and restated agreements, including the following

- Pre-Annexation Development Agreement, recorded in the official records of the Maricopa County Records (“MCR”) at 2003-1506843
 - Amendment to Development Agreement for Las Palmas recorded at MCR No. 2005-1759482
 - Second Amendment to Pre-annexation Agreement for Las Palmas recorded at MCR No. 2011-1018935
- Memorandum of Understanding Regarding West Goodyear Regional Infrastructure recorded in the Official Records of the Maricopa County Recorder as Instrument No. 2005-1315299,
- Amended & Restated Development Agreement (Las Palmas recorded at MCR No. 2013-0906216;

(The foregoing agreements and amendments are collectively referred to as the “Superseded Las Palmas Development Agreements”)

- Second Amended & Restated Development Agreement for Las Palmas recorded at MCR No. 2016-0285130;

(The Second Amended and Restated Development Agreement for Las Palmas recorded at MCR No. 2016-0285130 is hereinafter sometimes referred to as the “Existing Las Palmas Development Agreement”); and

WHEREAS, of the foregoing agreements, the Existing Las Palmas Development Agreement is the only currently agreement in effect specific to only this Property; and

WHEREAS, Owners have applied to rezone the Property in a manner that requires the imposition of additional development obligations and/or modifications of terms of the Existing Las Palmas Development Agreement; and

WHEREAS, because of the re-zoning and developments that have occurred since the effective date of the Existing Las Palmas Development Agreement, various terms in the Existing Las Palmas Development Agreement are no longer needed or are not consistent with the re-zoning, and rather than amend or replace the Existing Las Palmas Development Agreement, the Existing Las Palmas Development Agreement is to be terminated as a condition of the re-zoning and the outstanding obligations, including the triggers for the construction of certain on-site and off-site street improvements, are being included as conditions of the rezoning; and

WHEREAS Owners and City desire to terminate the Existing Las Palmas Development Agreement and provide record notice that Existing Las Palmas Development Agreement and the Superseded Las Palmas Development Agreements have been terminated and have no further force and effect and are to be removed from the Property's title.

NOW, THEREFORE, the City and Owners hereby agree as follows:

1. Second Amended & Restated Development Agreement for Las Palmas recorded at MCR No. 2016-0285130 is hereby terminated effective the date this Termination of Las Palmas Development Agreement is recorded in the official records of the Maricopa; and upon the recordation of this Termination of Las Palmas Development Agreement, the Second Amended & Restated Development Agreement for Las Palmas recorded at MCR No.2016 0285130 shall have no further force and effect and are to be removed from the Property's title.

2. The City shall not record this Termination of Las Palmas Development Agreement until the deadline for referring Ordinance 2022-1557, which is thirty (30) days from the date the ordinance is adopted by the City Council and made available to the public.

3. This Termination of Las Palmas Development Agreement may be executed in two or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one agreement, binding on the Parties. Further this Termination of Las Palmas Development Agreement may be executed and delivered by electronic transmission. A manually signed copy of this Termination of Las Palmas Development Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Termination of Las Palmas Development Agreement provided however, Owners shall deliver an original to the City for recordation in the Official Records of Maricopa County.

4. Notice is hereby given that the following agreements and amendments that address the development of the Property have been terminated and have no further force and effect and are to be removed from the Property's title:

- Pre-Annexation Development Agreement, recorded in the official records of the Maricopa County Records (“MCR”) at 2003-1506843
 - Amendment to Development Agreement for Las Palmas recorded at MCR No. 2005-1759482
 - Second Amendment to Pre-annexation Agreement for Las Palmas recorded at MCR No. 2011-1018935
- Memorandum of Understanding Regarding West Goodyear Regional Infrastructure recorded in the Official Records of the Maricopa County Recorder as Instrument No. 2005-1315299,
- Amended & Restated Development Agreement (Las Palmas recorded at MCR No. 2013-0906216;
- Second Amended & Restated Development Agreement for Las Palmas recorded at MCR No. 2016-0285130;

IN WITNESS WHEREOF, the Parties have caused this Termination of Las Palmas Development Agreement to be executed on the dates set forth below.

OWNERS:

KEITH-PALM CANYON, LLC
an Arizona limited liability company

By:_____

Frank Keith

ITS: Manager/ Manager

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument (Termination of Las Palmas Development Agreement) was acknowledged before me this____ day of _____, 2022 by Frank Keith, who, upon oath, acknowledged himself to be the Manager/Member of Keith-Palm LLC, an Arizona limited liability company, and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of Keith-Palm LLC.

Notary Public

Signatures, Acknowledgements and Exhibits Continued on Following Pages

RINI REALTY COMPANY
an Ohio Corporation

By:_____

Name: _____

Title: _____

STATE OF OHIO)
)ss.
COUNTY OF CUYAHOGA)

The foregoing instrument (Termination of Las Palmas Development Agreement) was acknowledged before me this ____ day of _____, 2022 by _____, who, upon oath, acknowledged himself to be the _____ of Rini Realty Company, an Ohio corporation, and that he, being authorized to do so, executed the foregoing instrument for the purposes therein contained on behalf of Rini Realty Company.

Notary Public

• • • •

Signatures, Acknowledgments and Exhibits on Following Pages

CITY:

CITY OF GOODYEAR,
an Arizona Municipal Corporation,

By: _____

Julie Karins

Its: City Manager

STATE OF ARIZONA)
)ss.
COUNTY OF MARICOPA)

The foregoing instrument (Termination of Las Palmas Development Agreement) was acknowledged before me this _____ day of _____, 2022 by Julie Karins, as City Manager of the CITY OF GOODYEAR, an Arizona municipal corporation, on behalf of said corporation.

Notary Public

Exhibit on Following Page(s)

EXHIBIT “1”

Las Palmas Overall Zoning Exhibit

THAT PORTION OF THE SOUTH HALF OF SECTION 3, TOWNSHIP 1 NORTH, RANGE 2 WEST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY BRASS CAP IN HAND HOLE, FROM WHICH THE SOUTHWEST CORNER OF SAID SECTION 3 BEARS NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST AT A DISTANCE OF 2641.08 FEET;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 3 NORTH 89 DEGREES 38 MINUTES 30 SECONDS WEST 2399.38 FEET;

THENCE NORTH 00 DEGREES 12 MINUTES 33 SECONDS EAST 1334.46 FEET;

THENCE NORTH 89 DEGREES 37 MINUTES 05 SECONDS EAST 10.77 FEET;

THENCE NORTH 03 DEGREES 03 MINUTES 05 SECONDS EAST 223.04 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 55 SECONDS EAST 14.52 FEET;

THENCE NORTH 00 DEGREES 18 MINUTES 58 SECONDS WEST 625.63 FEET;

THENCE NORTH 89 DEGREES 28 MINUTES 16 SECONDS WEST 30.23 FEET;

THENCE NORTH 00 DEGREES 07 MINUTES 42 SECONDS EAST 291.18 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 138.30 FEET;

THENCE NORTH 00 DEGREES 13 MINUTES 09 SECONDS EAST 168.00 FEET TO A POINT ON THE EAST-WEST MID-SECTION LINE OF SAID SECTION 3, FROM WHICH THE WEST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE BEARS NORTH 89 DEGREES 39 MINUTES 02 SECONDS WEST AT A DISTANCE OF 380.00 FEET;

THENCE ALONG SAID EAST-WEST MID-SECTION LINE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 2266.35 FEET TO THE CENTER OF SAID SECTION 3;

THENCE CONTINUING ALONG SAID EAST-WEST MID-SECTION LINE SOUTH 89 DEGREES 39 MINUTES 02 SECONDS EAST 2644.40 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE, FROM WHICH THE SOUTHEAST CORNER OF SAID SECTION 3, BEING MARKED BY A MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN A HAND HOLE BEARS SOUTH 00 DEGREES 17 MINUTES 12 SECONDS WEST A DISTANCE OF 2641.13 FEET;

THENCE ALONG THE EAST LINE OF THE SOUTH HALF OF SAID SECTION 3, SOUTH 00 DEGREES 17 MINUTES 12 SECONDS WEST 1967.84 FEET TO THE NORTH LINE OF THE ROOSEVELT IRRIGATION DISTRICT CANAL RIGHT OF WAY;

THENCE ALONG SAID NORTH RIGHT OF WAY LINE NORTH 74 DEGREES 48 MINUTES 31 SECONDS WEST 555.62 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 626.02'

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 41 DEGREES 06 MINUTES 04 SECONDS, A DISTANCE OF 449.07 FEET;

THENCE SOUTH 64 DEGREES 05 MINUTES 56 SECONDS WEST 1784.43 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 3;

THENCE ALONG THE SOUTH LINE OF SAID SECTION 3, NORTH 89 DEGREES 40 MINUTES 58 SECONDS WEST 102.84 FEET TO THE SAID SOUTH QUARTER CORNER OF SECTION 3 AND **THE POINT OF BEGINNING.**

SAID PARCEL CONTAINS 11,922,560 SQUARE FEET OR 273.7112 ACRES, MORE OR LESS.