

CONSENT TO ASSIGNMENT

The undersigned, on behalf of the City of Goodyear, an Arizona municipal corporation, hereby consents to the assignment by HE CAPITAL KR, LLC, a Delaware limited liability company, of its respective rights, title, interest in, and obligations under that certain Development, Financing Participation and Intergovernmental Agreement No. 1, dated as of February 6, 2006, and recorded on February 13, 2006, as Instrument No. 2006-0201706 in the Official Records of Maricopa County, Arizona, and thereafter assigned by that certain Assignment and Assumption of CFD Development Agreement, dated as of July 31, 2007, and recorded on July 31, 2007, as Instrument No. 2007-0865454 in the Official Records of Maricopa County, Arizona (collectively, the “CFD Agreement”) with respect to any property subject to such CFD Agreement that is acquired by KR TIC 1 LLC, an Arizona limited liability company, and KR TIC 2 LLC, an Arizona limited liability company (collectively the “KR Entities”). HE Capital KR, LLC will remain liable for all obligations under the CFD Agreement with respect to any property covered by such agreement until the property subject to such agreement has been acquired by the KR Entities. This consent in no way modifies the terms of the CFD Agreement, and such agreement continues to run with the land and bind all future successors in interest to title to any or all the real property subject thereto.

CITY OF GOODYEAR, ARIZONA, an
Arizona municipal corporation

By: _____
Doug Sandstrom, Finance Director

STATE OF ARIZONA)
) ss.
COUNTY OF MARICOPA)

On this ____ day of November, 2023, before me personally appeared Doug Sandstrom, the Finance Director of the City of Goodyear, Arizona, an Arizona municipal corporation, whose identity was proven to me on the basis of satisfactory evidence to be the person who he claims to be, and acknowledged that he signed this Consent to Assignment on behalf of the City of Goodyear.

I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct.

(Seal and Expiration Date)

Notary Public in and for the State of Arizona