

Koll Development Company

4150
North
Drinkwater
Blvd.

Suite 200
Scottsdale,
Arizona
85251

Tele #
480-444-2000
Fax #
480-444-2001

118 DR 99

TRANSMITTAL

VIA HAND DELIVERY

Date: July 24, 2001

To: Steve Kaminski

From: Tom Alford

City of Scottsdale

Re: Map of Dedication-The Summit

Enclosed:

Steve: Here are 3 sets of mylars for execution by the appropriate City of Scottsdale parties. If the City has now changed their mandate, and will record these with the County, then that would be great, if not, then call me and I will pick them up and have them recorded. Thanks for your help.

____ Per your request
____ For execution and return
____ For review and approval

____ For your information and file
____ Return when completed
____ Route to: _____

Additional Comments: _____

cc: _____

Koll Development Company

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North
Drinkwater
Blvd.

Suite 200
Scottsdale,
Arizona
85251

Tele #
480-444-2000
Fax #
480-444-2001

TRANSMITTAL

Date: April 28, 2000

To: Wendy Hardy From: Tom Alford
City of Scottsdale
(hand delivery)

Re: The Summit @ Scottsdale
NAOS

Enclosed:

Plan depicting NAOS areas currently roped on site for plant salvage work.

<input checked="" type="checkbox"/>	Per your request	<input checked="" type="checkbox"/>	For your information and file
<input type="checkbox"/>	For execution and return	<input type="checkbox"/>	Return when completed
<input type="checkbox"/>	For review and approval	<input type="checkbox"/>	Route to: _____

Additional Comments: Please contact me should you have questions subsequent to your Tuesday site inspection.

cc: _____

APR 28 2000



Title Facts & Agency

700 W. Campbell Ave., Suite 15
Phoenix, AZ 85013
Phone 602.265.8622
Facsimile 602.265.8712
titlefacts@worldnet.att.net

November 10, 1999

1180R99

Koll Development Co.
Attention: Steven D. Pacquer
Suite 375
2777 E. Cambelback Rd.
Phoenix, AZ 85016

Re: Empie property and access easement
TF&A File No. 102054-00

Dear Mr. Pacquer:

You have requested that this Company examine the public records pertaining to certain property located in Section 14, Township 5 North, Range 4 East, as depicted on Maricopa County Assessor's records as Assessor's Parcel No. 216-51-03A. Said parcel consists of an approximately 10.34 acre parcel situated in the Southeast quarter of the Northwest quarter of said Section 14, and includes a 30' strip of land extending from said 10.34 acre parcel, Westerly to Scottsdale Road. By virtue of your fax transmission to us dated October 28, 1999 and subsequent telephone conversations with John Gerlofs of our office, you requested that we furnish documentation relating to the above referenced 30 foot strip and determine if there exists recorded documents that indicate the strip provides access to the 10-acre parcel.

We have concluded our review of the public records relating to the 30 foot strip and have set forth on the attached Exhibit "A" the pertinent documents. Copies of those documents are also provided herewith, although certain of these copies are not very legible. We were able to read the contents of those documents from the microfilm and will attempt here to summarize their effect on the property and our conclusion that there currently exists an appurtenant easement for ingress and egress to and from the 10-acre parcel to Scottsdale Road over the South 30 feet of the Northwest quarter of said Section 14.

Item No. 1 reflects an Agreement between K. T. Palmer, etux and Thomas D. Darlington, etux, as Sellers and Joseph C. Lincoln, etux, as Buyers, wherein the entire North half of the Section was purchased under the terms thereof. This Agreement was consummated as evidenced by the Pay-off Deed reflected in Item No. 4.

Prior to the full pay-off, Lincoln received a deed as partial-pay-off (Item 2) and the legal description on that deed recites a metes and bounds description as Parcel No. 1 (which describes the 9+ Acre parcel in the Southeast quarter of the Northwest quarter); and a Parcel No. 2 being the South 30 feet of the Northwest quarter. Concurrently with the recording of that partial pay-off deed there was a sale of the 9+ acre parcel, described by metes and bounds, together with an easement for ingress and egress over the South 30 feet of the Northwest quarter. It is at this point that there is established an "Appurtenant" easement for ingress and egress in favor of the 9+ acre parcel.

Koll Development Co.
Attention: Steven D. Pacquer
November 10, 1999
Page 2

The 9+ acre parcel becomes the "Dominant tenement" and the 30 foot strip becomes the "Servient tenement". By appurtenant it is meant that the easement parcel (Servient tenement) becomes a part of and travels with the title to the 9+ acre parcel (Dominant tenement).

We proceeded to research the title to this appurtenancy through the date of October 21, 1999 and although there are numerous documents describing and transferring title to both the 9+ acre parcel and its appurtenant easement (including the purchase of the property by the Empies [the current owners]) we found no document that we view as disturbing or severing or in any way affecting the rights that were established in the aforesaid Item No. 3 on Exhibit "A".

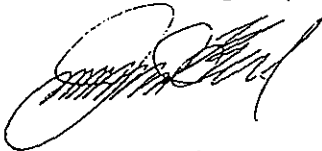
We conclude therefore that title to the 9+ acre parcel includes an appurtenant easement for ingress and egress to and from Scottsdale Road over the South 30 feet of the Northwest quarter of the Section.

One final observation: It is unclear why the Maricopa County Assessor has shown the 30 foot strip in question as a portion of Parcel No. 03A. In fact, it appears that title to the underlying fee is vested other than in Mr. and Mrs. Empie. The Empies however, do have an easement right over that strip. It would seem appropriate that the taxes pertaining to the 30 feet should be assessed elsewhere. Perhaps the Maricopa County Assessor's office could explain this anomaly.

Should you have any questions in this matter, please let us know.

Very truly yours,

Title Facts & Agency, Inc.



James E. Keil
President

/jek
Attachment (Exhibit "A")

EXHIBIT "A"

ORDER NO. 102054-00

ITEM NO.	:	1
RECORDING DATE	:	04/26/1955
DOCUMENT TYPE	:	AGREEMENT
RECORDING NO.	:	01607-0561
GRANTOR/FIRST PARTY	:	K. T. PALMER AND ELIZABETH G. PALMER, HIS WIFE; THOMAS D. DARLINGTON, A WIDOWER AND BERTRAM N. SNOW AND MARIE TOWNSEND SNOW, HIS WIFE (SELLERS)
GRANTEE/SECOND PARTY	:	JOSEPH C. LINCOLN AND LESGHINKA LINCOLN, HIS WIFE (BUYERS)
REMARKS	:	ALL N1/2 SEC. 14
ITEM NO.	:	2
RECORDING DATE	:	11/01/1956
DOCUMENT TYPE	:	WARRANTY DEED
RECORDING NO.	:	02024-0583
GRANTOR/FIRST PARTY	:	K. T. PALMER AND ELIZABETH G. PALMER, HIS WIFE; THOMAS D. DARLINGTON, A WIDOWER AND BERTRAM N. SNOW AND MARIE TOWNSEND SNOW, HIS WIFE
GRANTEE/SECOND PARTY	:	JOSEPH C. LINCOLN AND LESGHINKA LINCOLN, HIS WIFE
REMARKS	:	PARTIAL PAY-OFF OF AGREEMENT @1607/561 PARCEL 1: M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4. PARCEL 2: SOUTH 30 FEET OF NW1/4 SEC. 14
ITEM NO.	:	3
RECORDING DATE	:	11/01/1956
DOCUMENT TYPE	:	WARRANTY DEED
RECORDING NO.	:	02024-0585
GRANTOR/FIRST PARTY	:	JOSEPH C. LINCOLN AND LESGHINKA LINCOLN, HIS WIFE
GRANTEE/SECOND PARTY	:	D. K. TAYLOR AND JOYCE H. TAYLOR, HIS WIFE
REMARKS	:	M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER SOUTH 30 FEET OF NW1/4 SEC. 14
ITEM NO.	:	4
RECORDING DATE	:	02/07/1958
DOCUMENT TYPE	:	WARRANTY DEED
RECORDING NO.	:	02395-0226
GRANTOR/FIRST PARTY	:	K. T. PALMER AND ELIZABETH G. PALMER, HIS WIFE; THOMAS D. DARLINGTON, A WIDOWER AND BERTRAM N. SNOW AND MARIE TOWNSEND SNOW, HIS WIFE
GRANTEE/SECOND PARTY	:	JOSEPH C. LINCOLN AND LESGHINKA LINCOLN, HIS WIFE
REMARKS	:	PAY-OFF DEED FOR AGREEMENT RECORDED IN DOCKET 1607, PG 561
ITEM NO.	:	5
RECORDING DATE	:	01/29/1959
DOCUMENT TYPE	:	QUIT CLAIM DEED
RECORDING NO.	:	02735-0424
GRANTOR/FIRST PARTY	:	LESGHINKA LINCOLN, ALSO KNOWN AS LESGHINKA E. LINCOLN
GRANTEE/SECOND PARTY	:	JOSEPH C. LINCOLN
REMARKS	:	ALL N1/2 SEC. 14 "PARTITION DEED"

EXHIBIT "A"

ORDER NO. 102054-00

ITEM NO.	:	6
RECORDING DATE	:	02/27/1959
DOCUMENT TYPE	:	AGREEMENT
RECORDING NO.	:	02770-0080
GRANTOR/FIRST PARTY	:	D. K. TAYLOR AND JOYCE H. TAYLOR, HUSBAND AND WIFE (SELLERS)
GRANTEE/SECOND PARTY	:	LYLE LANCASTER AND GERTUDE LANCASTER, HUSBAND AND WIFE
REMARKS	:	M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER SOUTH 30 FEET OF NW1/4 SEC. 14
ITEM NO.	:	7
RECORDING DATE	:	02/25/1963
DOCUMENT TYPE	:	WARRANTY DEED
RECORDING NO.	:	04474-0594
GRANTOR/FIRST PARTY	:	JOSEPH C. LINCOLN, A DIVORCED MAN
GRANTEE/SECOND PARTY	:	PHOENIX TITLE AND TRUST COMPANY, AN ARIZONA CORPORATION, AS TRUSTEE (TRUST NO. 4508 - ESCROW #597095)
REMARKS	:	ALL N1/2 SEC. 14 EXCEPT M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER SOUTH 30 FEET OF NW1/4 SEC. 14
ITEM NO.	:	8
RECORDING DATE	:	03/26/1971
DOCUMENT TYPE	:	DECLARATION OF ABANDON-MENT
RECORDING NO.	:	08601-0811
GRANTOR/FIRST PARTY	:	LYLE LANCASTER AND GERTRUDE LANCASTER
GRANTEE/SECOND PARTY	:	ABANDONS RESTRICTIONS CONTAINED IN 2024/585
REMARKS	:	
ITEM NO.	:	9
RECORDING DATE	:	03/26/1971
DOCUMENT TYPE	:	AGREEMENT
RECORDING NO.	:	08601-0812
GRANTOR/FIRST PARTY	:	LYLE LANCASTER AND GERTUDE LANCASTER, HIS WIFE, SELLERS
GRANTEE/SECOND PARTY	:	HAROLD J. BAKER AND JOANNE BAKER, HIS WIFE, BUYERS
REMARKS	:	M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER SOUTH 30 FEET OF NW1/4 SEC. 14
ITEM NO.	:	10
RECORDING DATE	:	12/08/1971
DOCUMENT TYPE	:	AFFIDAVIT
RECORDING NO.	:	09109-0425
GRANTOR/FIRST PARTY	:	HAROLD J. BAKER AND JOANNE BAKER, HIS WIFE, BUYERS
GRANTEE/SECOND PARTY	:	LYLE LANCASTER AND GERTUDE LANCASTER, HIS WIFE, SELLERS
REMARKS	:	FORFEITURE OF AGREEMENT @08601-0812

EXHIBIT "A"

ORDER NO. 102054-00

ITEM NO. : 11
RECORDING DATE : 09/27/1974
DOCUMENT TYPE : AGREEMENT
RECORDING NO. : 10847-0050
GRANTOR/FIRST PARTY : LYLE LANCASTER AND GERTUDE LANCASTER, HIS WIFE,
SELLERS
GRANTEE/SECOND PARTY : HART W. EMPIE AND ARLENE S. EMPIE, HUSBAND AND WIFE,
BUYERS
REMARKS : M & B DESCRIBING 10+ ACRE PARCEL IN SE1/4NW1/4,
TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS
OVER SOUTH 30 FEET OF NW1/4 SEC. 14

ITEM NO. : 12
RECORDING DATE : 05/16/1975
DOCUMENT TYPE : QUIT CLAIM DEED
RECORDING NO. : 11162-1186
GRANTOR/FIRST PARTY : DOROTHY A. LINCOLN
GRANTEE/SECOND PARTY : HART W. EMPIE AND ARLENE S. EMPIE, JTWROS
REMARKS : LINCOLN HAD NO RIGHT TITLE OR INTEREST AS OF DATE OF
THIS DOCUMENT

ITEM NO. : 13
RECORDING DATE : 08/31/1979
DOCUMENT TYPE : STATUTORY WARRANTY DEED
RECORDING NO. : 13869-0946
GRANTOR/FIRST PARTY : LYLE LANCASTER AND GERTUDE LANCASTER, HIS WIFE
GRANTEE/SECOND PARTY : HART W. EMPIE AND ARLENE S. EMPIE, HIS WIFE
REMARKS : PAY-OFF DEED FOR AGREEMENT FOR SALE @10847-0050

JUL-10-00 06:45A K.D.C.

602 308 4434
Page 1

P.03

Received: 6/29/00 11:38;

6029448605 -> KOLL;

NO.352 P001/002

06/29/00 11:39 DEVELOPMENT ENG -> 4804442001

www.deipro.com



6-29-00

Stuart M. Morkun
Koll Development Company
4150 N. Drinkwater Blvd., Ste 200
Scottsdale, AZ 85251

1180299

Dear Stuart:

The damaged fence line was field located and is 39.54 feet north of the southern line of the Northwest quarter of Section 14, Township 5 North, Range 4 East, GR&SB&M section line at its western most point before it angles and runs north into the Koll property. At the eastern property line of the Koll property, the fence line has been measured 39.32 feet north of said section line. The fence line is located within the 50' exception for public right of way as shown on attached exhibit.

The fence is 9.32 feet minimum north of the north line of the 30' ingress/ egress easement as recorded in Dkt. 2024, page 585.

Sincerely,

Jeff Hosea
Project Manager

Jul-10-00 06:45A K.D.C.

602 308 4434

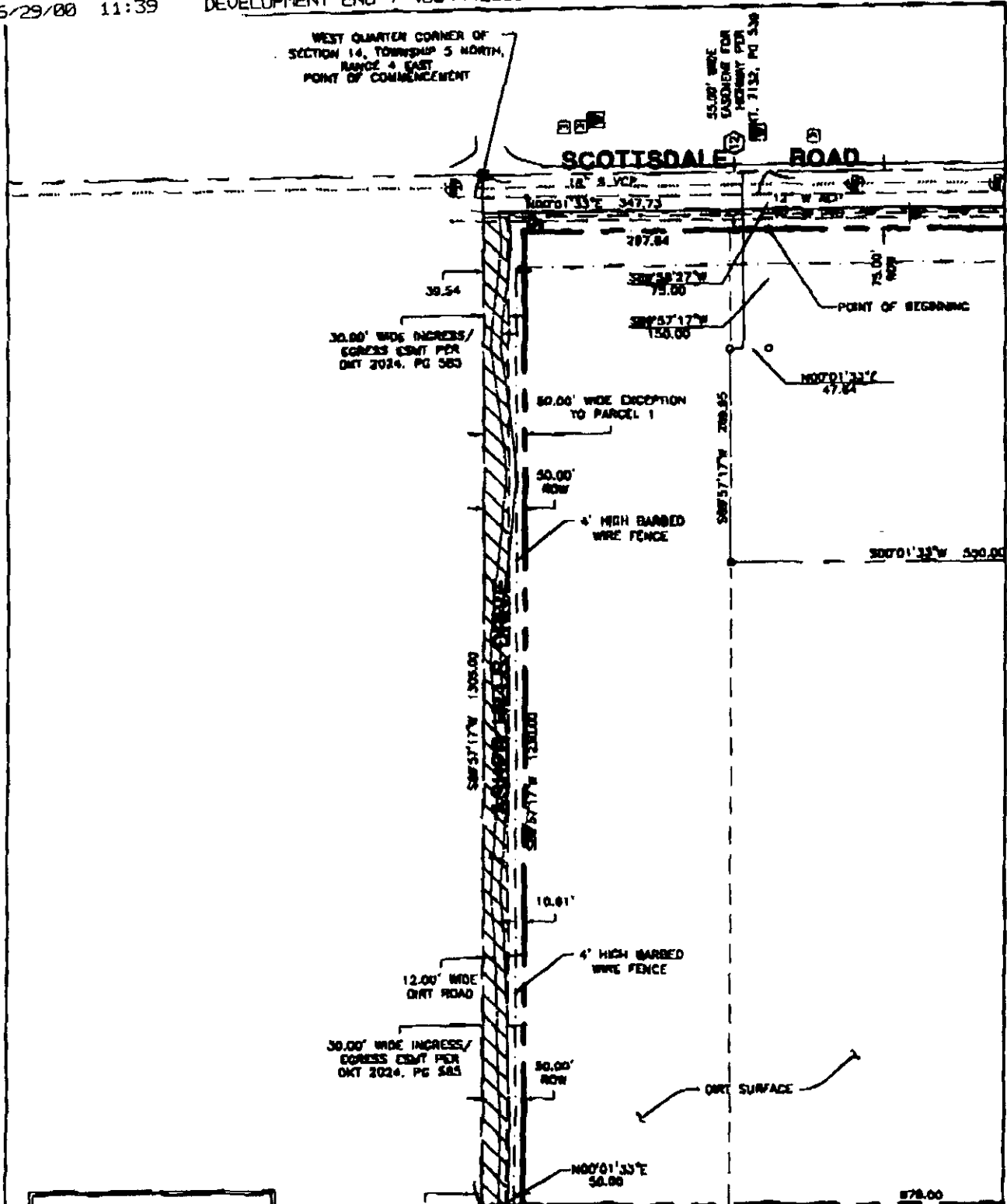
P.04

Received: 6/29/00 11:38;

8029448605 -> KOLL; Page 2

NO.352 P002/002


06/29/00 11:39 DEVELOPMENT ENG -> 4804442001



 AREA OF EASEMENT FOR DMT. 2024, PG 585

BOUNDARY EXHIBIT SUMMIT AT SCOTTSDALE

DATE: 6/29/2000 G:\DWG\9155\9155exh1 DRAWN: CJB


NOT TO SCALE

6225 N 24TH STREET, SUITE 200
PHOENIX, AZ 85016
PH 602-954-0038 FX 602-944-8605

DEI PROFESSIONAL SERVICES

SCHULENBURG & POLITAN, P.L.C.

Attorneys at Law

John A. Schulenburg
John R. Politan

6909 E. Greenway Parkway, Suite 245
Scottsdale, Arizona 85254

Telephone: (480) 991-9711
Facsimile: (480) 991-8011

June 23, 2000

FACSIMILE TRANSMISSION COVER SHEET

TO: Tom Rief, Project Review for Summit Development
FROM: John R. Politan, Esq.
FAX NUMBER: 480-312-7088
CLIENT: Empie
NUMBER: 4289.001
COMMENTS: See attached.

118DR99

ORIGINAL TO FOLLOW BY MAIL: _ YES _X_ NO

IF YOU DO NOT RECEIVE 4 PAGES (INCLUDING THIS COVER SHEET) PLEASE CALL IMMEDIATELY.

THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS ATTORNEY PRIVILEGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE TO DELIVER IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA THE U.S. POSTAL SERVICE. THANK YOU.

G:\DATA\4289\Tom Reif Fax.wpd

SCHULENBURG & POLITAN, P.L.C.*Attorneys at Law*John A. Schulenburg
John R. Politan6909 E. Greenway Parkway, Suite 245
Scottsdale, Arizona 85254Telephone: (480) 991-9711
Facsimile: (480) 991-8011

Daniel E. Rosenfield

Writer's E-Mail address: jpolitana@splaw.net

June 23, 2000

VIA FACSIMILE 602-277-4507 AND U.S. MAILJames Burns, Esq.
**CARSON, MESSENGER, ELLIOT,
LAUGHLIN & RAGAN, P.L.L.C.**
3300 North Central, Suite 1900
P.O. Box 33907
Phoenix, Arizona 85067-3907Re: Our Clients: Hart W. Empie and Arlene S. Empie
Your Client: Koll Development Company
Matter: Private Road/Easement

Dear Mr. Burns:

As you know, our offices represent Hart W. ("Bill") Empie and his wife, Arlene S. ("Sunnie") Empie who reside on the approximate ten (10) acre parcel of property in the southeast quarter of the northwest quarter of Section 14, Township 5 North, Range 4 East, as depicted on the Maricopa County Assessor's records. Also as you know, several weeks ago, we began discussions with you, as the representative for Koll Development Company, the alleged developer of the Target Center which fronts on Scottsdale Road near our clients' property, with regard to the potential use and development of the Empie's private road. As we have discussed on several occasions, the Empies claim a permanent, exclusive easement for ingress and egress servient to their ten (10) acre parcel.¹ This easement is an approximate thirty (30) foot wide strip of land extending from the southwest corner of their ten (10) acre parcel westerly to Scottsdale Road along the southern boundary of the northwest quarter of Section 14. Your clients' real estate development fronts on Scottsdale Road immediately north and adjacent to a portion of our clients' thirty (30) foot wide road easement.

Our clients entered into negotiations with your client in good faith in an effort to try and resolve the differences existing between them. My last settlement offer was communicated to you almost thirty (30) days ago. We have heard nothing since. That is, until this past Wednesday, June 21st when the fence that runs along the northern boundary of our clients' easement was partially removed and earth movers began crossing over our clients' private easement and destroying approximately ninety (90) feet of our clients' desert landscaping in the process.

¹ Actually, there is a real belief that the Empies have acquired fee simple title to this roadway parcel, but that is not germane for purposes of this letter.

James Burns, Esq.
**CARSON, MESSENGER, ELLIOT,
LAUGHLIN & RAGAN, P.L.L.C.**
June 23, 2000
Page 2

Please construe this letter as formal demand by our client upon Koll Development Company, the City of Scottsdale, and any and all presently unknown construction contractors and other parties working in concert with Koll Development and/or the City of Scottsdale, to immediately cease and desist from any further unlawful trespassing onto our clients' private roadway. In addition, we are requesting that you or your clients' insurance representatives immediately contact our offices to discuss the appropriate procedure for assessing damages to our client's property and what it will cost to restore the land and the landscaping to its previous condition.

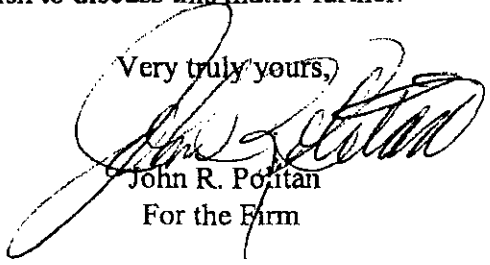
You should also construe this letter as formal notice that we will be instituting civil action in Superior Court in the immediate future to establish our clients' permanent easement (fee title) claim, as well as to redress the trespass damages referenced above from the parties responsible. Because of the fact that the earth movers are in operation and potentially trespassing on our clients' property at the very moment that I write this letter, I am sending this letter out with a degree of urgency that does not allow me to do a detailed investigation as to all of the parties involved. On information and belief, the earth movers are owned and operated by Red Mountain Construction, which our clients believe to be a contractor working for your clients.

Out of an abundance of caution, and to make every effort to put everyone on notice of our clients' legal position in this matter, I am copying this letter to the mayor and other appropriate department heads within the City of Scottsdale, as well as to Gregg Tryhus who is involved in an adjacent development and other parties. All recipients of copies of this letter are to construe this as formal notice of our clients' claims upon each of them.

Our clients believe that the trespassing on to their property was intentional, and in direct derogation of their claimed property interests of which we have made your clients intimately aware over the last several months. Such an intentional trespass may even warrant an award of punitive damages for the flagrant conduct of these contractors.

It is our hope that "cooler heads" will prevail and that your client, and any and all other third parties involved, will immediately cease and desist from this unlawful trespass until everyone's rights and obligations can be intelligently determined in the appropriate forum. Please do not hesitate to contact me if you wish to discuss this matter further.

Very truly yours,



John R. Politan
For the Firm

James Burns, Esq.

**CARSON, MESSENGER, ELLIOT,
LAUGHLIN & RAGAN, P.L.L.C.**

June 23, 2000

Page 3

JRP\tlp

cc: Mayor Mary Manross (Via Facsimile 480-312-2738)
City Manager Dick Bowers (Via Facsimile 480-312-2738)
City Attorney David Pennartz (Via Facsimile 480-312-2548)
Debbie Dollar Planning Systems Director (Via Facsimile 480-312-7088)
Community Development Director Kroy Ekblaw (Via Facsimile 480-312-7088)
Tom Reif, Project Review for Summit Development (Via Facsimile 480-312-7088)
Gregg Tryhus (Via Facsimile 480-998-4706)
Bill and Sunnie Empie (Via Facsimile 480-488-9530)

G:\DATA\4289\James Burns 001\tr.wpd

Rief, Tom

From: Rief, Tom
Sent: Tuesday, July 18, 2000 5:50 PM
To: Smetana, John; Chase, Jon; Williams, Greg N.; Kirby, Don; Harris, Sharyl
Subject: Target

I need your help to better understand what is happening w/ the development of the Summit (Target):

I drove up there today and they have the entire site graded and are starting some utility / infrastructure work in Scottsdale Road. It appears they also have bladed in a new drive just north of the existing drive within the Ashler Hills R.O.W. As you may know, the existing Ashler Hills road services the Empie's property to the east and the Empie's are at odds with the developers of the shopping center (and the City too). The Empie's have actually gone as far as to have their attorney file a complaint against the developers (in which the entire City Council and top staff were copied)

My question is, what permits do they have and related to that, how do we respond to stipulation #7 of the D-R case (118-DR-99) which states:

7. DRB approval is contingent on the following: 1) The applicant/developer agrees to hold the City of Scottsdale harmless and agrees to defend and indemnify the City of Scottsdale in any litigation concerning access and/or the Empie's property interest; 2) The applicant/developer must provide one of the following to the City prior to construction of the road: a) Title insurance for the City of Scottsdale guaranteeing title in fee simple subject to such exceptions compatible with use as a public right-of-way as the City approves in writing; or b) consent of Empie's; or c) court order resolving property rights; **OR D) SUCH OTHER ACCESS FOR PUBLIC USES AS MAY BE ACCEPTABLE TO CITY STAFF.**

Do we have an indemnity agreement w/ Koll Development to hold us harmless, etc.? Since it could be argued that construction of Ashler Hills Rd. has begun, which of the 4 (2a - 2d) have been satisfied? The City Attorney needs to update the Council and he has asked me to help. Could I find out:

- What permits they have been issued? Sharyl (???)
- Where they are in the plan review process? Jon, Greg (???)
- How has plan review interpreted & enforced the above stip? Greg (???)
- What work is currently being done in the field w/ regards to anything in or near Ashler Hills? John (???)

Due to the visibility and high neighborhood interest in this project, I thank you or anyone in your dept. for any feedback you can give me.

ps) I have forwarded the same questions on to Koll to find out how they have responded to stip. #7.

Tom Rief
Development Coordination Manager

Summit
ALSO
YOU SPEAK TO
re: sign/ization
← roadway improvements

Rief, Tom

From: Rief, Tom
Sent: Wednesday, July 19, 2000 5:09 PM
To: Rief, Tom
Subject: FW: Empie Esmt.

Tom Rief
Development Coordination Manager

From: Rief, Tom
Sent: Wednesday, July 19, 2000 5:09 PM
To: Pennartz, David
Cc: Ekblaw, Kroy; Bronski, Donna
Subject: Empie Esmt.

David, as a follow up to our discussions regarding the status of construction at the Scottsdale Summit (Target) shopping center (case 118-DR-99) and the stipulation which states:

DRB approval is contingent on the following: 1) The applicant/developer agrees to hold the City of Scottsdale harmless and agrees to defend and indemnify the City of Scottsdale in any litigation concerning access and/or the Empies' property interest; 2) The applicant/developer must provide one of the following to the City prior to construction of the road: a) Title insurance for the City of Scottsdale guaranteeing title in fee simple subject to such exceptions compatible with use as a public right-of-way as the City approves in writing; or b) consent of Empies; or c) court order resolving property rights; OR D) SUCH OTHER ACCESS FOR PUBLIC USES AS MAY BE ACCEPTABLE TO CITY STAFF.

I found out that the following permits have been issued:

- The project has preliminary plan approval and permits for water construction, permit C-21552 and grading, permit C-21482. The plans don't include work on the Ashler Hills alignment.
- Permit 35213 - Native Plant. PC #5092-99A. Issued 3/20/2000. NEC of Ashler Hills & Scottsdale Rd.
- Occupancy type - SFR. No inspections requested or performed.
- Permit 29556 - Sign. PC #5092-99. Issued 11/12/99. 7206 E. Ashler Hills. Occupancy type - B. No inspections requested or performed.
- Permit 34503 - Sign. PC 715-00. Issued 2/24/2000. 32655 N. Scottsdale Rd. Occupancy type - B. No inspections.
- Preliminary information is that there's been no grading on the access road and no building permits are issued.
- Recently the Target contractor blasted, which apparently "shook" the Empie people. Blasting isn't permitted or inspected by the City, this is done by Rural Metro Fire. The permitting process includes mandatory notifications and seismic monitoring under certain conditions. In addition to the mandatory notification, the Inspector advised the contractor to make informal notifications to properties outside the mandatory radius. Apparently this wasn't done, so there's probably some ill will over this also.

Since only site grading and off-site water line construction has occurred, it seems the intent of the stipulation has not been compromised. A temporary access drive has been cleared which is north of the Empie access easement. I spoke with a representative from Koll Development and they indicated they were not constructing Ashler Hills Drive at this time. They have not submitted any plans for Ashler hills either and realize they need to resolve the issue with the Empies and comply with the D-R stips before they do so.

I hope this helps, if there is anything else you need just let me know.

Tom Rief
Development Coordination Manager

LAW OFFICES

CARSON MESSINGER ELLIOTT LAUGHLIN & RAGAN, P.L.L.C.

KEITH W. RAGAN
HARRY M. BEGGS
JOHN H. ANDERSON
CAROL M. BARON
WILLIAM A. CLARKE
JAMES A. BURNS
WALLACE L. LARSON
ROBERT P. LINDFORS
MICHAEL M. BEGGS

LEE R. PERRY
G. WAYNE MCKELLIPS, JR.
RICHARD J. GALVAN
MICHAEL P. ANTHONY
PAUL B. KERTMAN
CHRISTOPHER R. PERRY
MICHAEL NEVELS
JAMIE B. PALFAI
BENJAMIN C. GREEN

75TH
ANNIVERSARY
1924-1999

GENE S. CUNNINGHAM (1887-1958)
CHARLES A. CARSON, JR. (1891-1952)
WM. H. MESSINGER (1897-1987)
LARRY LAUGHLIN (1918-1988)
C. A. CARSON III (1921-1998)

RICHARD H. ELLIOTT
RETIRED

SUITE 1900
3300 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012
TELEPHONE (602) 264-2261

POST OFFICE BOX 33907
PHOENIX, ARIZONA 85067

FAX (602) 277-4507

VIA HAND DELIVERY

July 11, 2000

John R. Politan, Esq.
Schulenburg & Politan, P.L.C.
6909 E. Greenway Parkway, Suite 245
Scottsdale, Arizona 85254



118DR99

Re: *Hart W. Empie and Arlene S. Empie*

Dear Mr. Politan:

This is in response to your letter dated June 23, 2000 to Jim Burns of this office. Mr. Burns is out of the office and I will be handling the matter in his absence.

Your letter is incorrect in several respects. First, it repeatedly accuses our client of unlawful trespassing. Your letter, however, is unclear as to the nature of the interest in the property being claimed by your clients. You refer to it variously as an "easement," a "private easement," a "permanent, exclusive easement," a "private roadway," and your "client's property." You further state that "there is a real belief that the Empies have acquired fee simple title to this roadway parcel, but that is not germane [sic] for purposes of this letter," and you threaten to institute legal proceedings to establish your clients' "permanent easement (fee title) claim."

The nature of your clients' claim is germane, both respect to your clients' right to compensation and your allegations of trespassing. Your clients simply do not own the property. To our knowledge, the only basis for claiming ownership of the property is that certain quit claim deed from Dorothy A. Lincoln to the Empies which was recorded in the Maricopa County Recorder's Office on May 16, 1975 in Docket 11162-1186. However, as pointed out in our client's February 4, 2000 letter to your clients, Ms. Lincoln did not own the property at the time and, therefore, the Empies could not, and did not, acquire title thereby. We would respectfully refer you to that letter, including the chain of title reports prepared by each of First American Title Insurance Company and Title Facts & Agency included therewith. Copies of the letter and reports are enclosed herewith for your review. We do not understand your references to the Empies' purported ownership of the property, but would be willing to consider any evidence you might have to support such a claim, including, if possible, a title report confirming the same.

The Empies have an easement over the property for ingress and egress to their property. Again, we do not understand your references to an "exclusive" easement or to a "permanent

John R. Politan, Esq.
July 11, 2000
Page 2

easement (fee title) claim". The applicable language purports only to grant them an easement, not fee simple title. Likewise, there is no reference to exclusivity or any similar words. It is simply an easement for ingress and egress. This right of ingress and egress will not be affected by the extension of Ashler Hills Drive over the property. Accordingly, your clients have no right to curtail the development or to recover any damages. Our client's \$25,000.00 offer was made to facilitate an expeditious resolution of the matter, not because it believed your clients have an actionable claim or suffered any compensable damages. It is unfortunate that your clients rejected the offer and refuse to participate in good faith negotiations with our client.

It is also unfortunate that your clients have chosen to make wrongful accusations of misconduct against our client. Our client did not trespass on your clients' property. As noted above, the property does not belong to your clients. The City of Scottsdale owns the property. Your clients only have an easement over the property and, to our knowledge, they have had complete and unencumbered access to their home at all times.

Accordingly, our client did not wrongfully remove any fence or damage any landscaping belonging to your clients. Any fences or landscaping on the property belongs to the City, not the Empies. Moreover, it is our understanding that the fence in question is not even located on the easement property. Enclosed herewith is a June 29, 2000 letter (with attachment) from DEI Professional Services confirming that the fence was situated approximately ten (10) feet from the easement property.

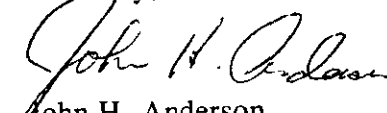
Unsupported allegations such as those contained in your letter are unhelpful at best and actionable at worst. We believe everyone's time would be better spent working to resolve the matter in a calm and professional manner.

In this regard, your letter suggests that you made the most recent settlement offer and that we have not responded thereto. This is not correct. You did not make the most recent settlement offer. We did. The offer was in the amount of \$25,000.00. Your clients rejected this offer approximately forty (40) days ago and refused to make a counteroffer. That is the current status of the settlement negotiations.

Based on your letter, it appears you and your clients believe the judicial arena is the appropriate forum to resolve the status of your clients' interest in the property as well as any issues surrounding your erroneous allegations of unlawful trespass. We sincerely regret this is the case.

If you have any questions or additional information you would like us to consider, please let me know. Our client remains willing to discuss an amicable resolution of the problem.

Sincerely,


John H. Anderson

JHA/rph
Enclosures

John R. Politan, Esq.
July 11, 2000
Page 3

cc: Mayor Mary Manross (hand delivered)
City Manager Dick Bowers (hand delivered)
City Attorney David Pennartz (hand delivered)
Debbie Dollar Planning Systems Director (hand delivered)
Community Development Director Kroy Ekblaw (hand delivered)
Tom Reif, Project Review for Summit Development (hand delivered)
Gregg Tryhus (via facsimile 480-998-4706)
Mark Whitfield, Donahue Schriber Realty Group (via facsimile 949-854-4251)
John Grimes, DHC Property Development (via facsimile 612-761-3728)
Dominic Petrucci, Koll Development Company (via facsimile 480-444-2002)
Stuart Morkun, Koll Development Company (via facsimile 480-444-2001)



DEVELOPMENT COMPANY

February 4, 2000

118DR99

Mr. Hart W. Empie
Ms. Arlene S. Empie
32227 North Scottsdale Road
P.O. Box 2293
Carefree, Arizona 85377

Re: Easement Property

Dear Mr. and Mrs. Empie:

Pursuant to our recent DRB hearing on the Summit at Scottsdale project, this letter is meant to clarify certain facts that were raised at that meeting.

As you may know, Donahue Schriber Realty Group, L.P. and Dayton Hudson Corporation purchased property near your property. In connection with that transaction, the City of Scottsdale required the Seller (State Farm/Amberjack) to convey a 50 foot strip of land for purposes of creating a public street known as Ashler Hills Drive. Included in the property conveyed to the City of Scottsdale was the land upon which your easement is located.

At the January 20, 2000 hearing before the Scottsdale Development Review Board, you indicated your belief that you owned the land upon which the easement is located. This belief was based on a quit claim deed from Dorothy A. Lincoln to you which was recorded in the Maricopa County Recorder's Office on May 16, 1975 in Docket 11162-1186. It was also based on the fact that you have apparently been paying real property taxes on the land since shortly after the quit claim deed was recorded.

Your belief is understandable. Most deeds actually convey an interest in real property, and most people do not pay real property taxes on property they do not own. Unfortunately, that is not always the case, and is certainly not the case in this situation. A deed conveys an interest in property *if, and only if*, the person giving the deed has an interest to convey. In other words, he or she must be the record owner of the interest in the recorded chain of title (i.e., the official records reflect that he or she acquired the interest from someone who owned it; the prior owner acquired the property from someone who owned it; and so forth).

By way of example, if John Doe owns property and conveys it to Richard Roe, then Richard Roe becomes the owner of the property and appears in the chain of title. Richard Roe is the only person who can transfer the property further. However, this does not mean that someone else cannot record

a deed purporting to transfer the very same property to another person. However, if that person does not have any interest in the property, then no interest is transferred by such deed and the purported transfer is not part of the chain of title (even though the deed purports to make such a transfer). It would be analogous to someone else trying to sell your home. He or she could record a deed that purported to sell your home; however, it simply would not be effective.

In this case, Dorothy A. Lincoln did not own the land when she gave you the quit claim deed. We have reviewed chain of title reports prepared by each of First American Title Insurance Company and Title Facts & Agency. Each company independently concluded that Ms. Lincoln did not own the property at the time she gave you the deed. Copies of these reports are enclosed for your examination.

This is all a long winded way of saying to you that Ms. Lincoln's quit claim deed merely conveyed to you whatever interest she had in the property. Since she had no interest in the property at the time (i.e., she was not in the chain of title), you acquired no interest in the property from Ms. Lincoln.

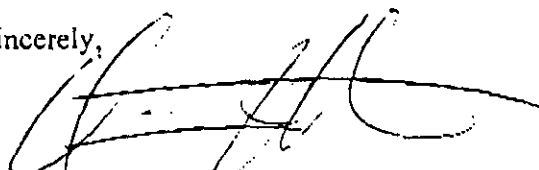
The fact that you may have been paying taxes on the property since the quit claim deed was recorded probably resulted from the assessor believing that the deed actually conveyed an ownership interest in the property to you. This would be nothing more than a mistake by the assessor. If you concur with our position after your investigation, we will be happy to assist you in causing the assessor to change its records so that you will not be paying these taxes in the future.

We sincerely hope this letter is helpful. It is our desire to work with any neighboring land owners in an amicable and professional manner. We believe you should conduct whatever investigation you deem appropriate with respect to the ownership of the property. We are confident you will conclude that the analysis contained in this letter is correct.

If we can be of any further assistance or if you or your representatives would like to discuss the matter further, please let us know.

Thank you for your anticipated courtesy and cooperation, and we look forward to a prompt resolution of this matter.

Sincerely,



Dominic J. Petrucci
President
Intermountain Region

**FIRST AMERICAN TITLE INSURANCE COMPANY**

4801 E. Washington St., #130 • Phoenix, Arizona 85034
(602) 685-7738 • Fax (602) 685-7791

January 20, 2000

Carson, Messinger, Elliott, Laughlin
& Ragan, P.L.L.C.
Attn: James Burns, Esq.
3300 North Central, Ste. 1900
Phoenix, AZ 85012

118 DR99

Dear Jim:

Regarding ownership of the 30 foot strip of land from Scottsdale Road to the Empie property over the South 30 feet of that portion of the Northwest quarter, Section 14, Township 5N, Range 4E, in examining the property, I found the chain of title to be as follows:

- 1). Patent to John Bailey
- 2). Decree of Distribution of the estate of John Bailey to Myrtha Bailey
- 3). Deed from Myrtha Bailey Callis to Roland Fettman
- 4). Deed from Roland Fettman to K.J. Palmer
- 5). Agreement from K.J. Palmer to Joseph C. Lincoln and wife (not Dorothy) in Docket 1607-561
- 6). In Docket 2395-226 payoff Deed of Agreement in #5.
- 7). Docket 2735-424 Deed from Leschinka Lincoln to her spouse Joseph C. Lincoln
- 8). Docket 4474-594 Deed from Joseph C. Lincoln to Phoenix Title and Trust
- 9). 7065-522 Deed from TA (successor to Phoenix Title to Southwestern Research & General Investment Company, an Arizona corporation then foreclosed by Judicial foreclosure:
 - a). Lis Pendens 10994-725
 - b). Certificate of Appointment of Receiver, 11177-952
 - c). Sheriff's Certificate of Sale, 11378-1050
 - d). Sheriff's Deed to State Farm Mutual,, 11577-488
 - e). Deed from State Farm to Amberjack 95-359739

Carson, Messinger, Elliott, Laughlin
& Ragan, P.L.L.C.
Attn: James Burns, Esq.

Page Two

Dorothy A. Lincoln, who purportedly conveyed the strip in Docket 11162-1186, never owned the property. The Empies acquired their property, together with an easement for ingress and egress, from the Lancasters. First, on an Agreement in 10847-50, then the payoff deed in 13869-946. The Lancasters acquired the property including easement from the Taylors who acquired it from Joseph C. and Leschinka Lincoln in Docket 2024-585.

Fee to the 30 feet in question was never vested in the Empies.

Sincerely,



Vicki Case
Sr. Title Officer

FAX

Koll Development Co.

4150 Drinkwater Boulevard

Suite 200

Scottsdale, AZ 85251

Telephone: 480-444-2000

Fax: 480-444-2001

Date: May 31, 2000
Number of pages including cover sheet 3

From: Tom Alford
Confirmation to be mailed: _____

To:
Mark Whitfield
Tom Reif
George Melara
Scott Grubitz

Fax:
949/854-4251
480/312-7088
480/949-6801
480/949-6801

MSD RGA

REMARKS:

Urgent For your review Reply ASAP Please comment

Please call Amy or Lynn at (480) 444-2000 if this transmission is incomplete or illegible.

The logo for KOLL Development Company, featuring the word "KOLL" in a bold, white, sans-serif font centered within a solid black square.

DEVELOPMENT COMPANY

May 31, 2000

VIA FACSIMILE (480) 312-7781

Mr. Jon Chase
Quality Control Director
City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

**Re: The Summit Retail Center
Scottsdale, AZ**

Dear Jon:

In an effort to keep you informed of our current status in obtaining the necessary plan review and permit approvals through the City of Scottsdale, we provide yet another update on this process.

On-Site Documentation:

May 25, 2000-As of this date we have received the "at-risk" grading permit which was requested per our submittal and letter of May 18, 2000. This was approved per discussions with Mr. Ernie Nix in our April 25, 2000 meeting to review the second round of City review comments.

June 15, 2000-Per our consultant's resubmittal of the on-site drawings as of the date of this letter, we would request final review and approval of the overall site package by this date. Our resubmittal does include additional site electrical information not previously reviewed. Should any hold-ups occur in obtaining the full release by this date, we would request the opportunity the pull permits for specific aspects of the work which may have no outstanding comments to address.

Building Documentation:

June 1, 2000-This is our date for first submittal of the project building drawings for ultimate release of permits for the initial seven retail buildings to be constructed by our development. We have elected to forego the earlier submittal of foundation only packages, in order to consolidate and simplify this review process in a more typical manner. We will be requesting an expedited review process for this submittal.

June 22, 2000-In consideration of an expedited review process of no more than 15 business days, this would be the date for receipt of first review comments from the City.

July 3, 2000-Anticipated date for resubmittal of the building documentation from our consultants in addressing the first review comments.

Rief, Tom

From: Rief, Tom
Sent: Monday, June 05, 2000 4:17 PM
To: Chase, Jon; Kirby, Don; Clark, Carol; Nix, Ernest
Cc: Kercher, Phil
Subject: Summit in-lieu \$

1/80299

FYI:

Via inter-office mail, I am sending you a copy of Koll's proposed Scottsdale Road in-lieu payment. As you know, Koll is developing the Scottsdale Summit (Target center) at Ashler Hills & Scottsdale Road.

I appreciate your timely cooperation with regards to reviewing their proposal.

If you have questions, please feel free to contact Tom Alford, Koll's construction manager @ 444-2000 or me.

Thanks.
Tom Rief
Development Coordination Manager



DEVELOPMENT COMPANY

June 1, 2000

VIA FACSIMILE (480) 312-7088 and REGULAR MAIL

Mr. Tom Rief
Development Coordination Manager
City of Scottsdale
Community Development
7447 E. Indian School Rd.
Suite 105
Scottsdale, AZ 85251

**Re: The Summit @ Scottsdale
Scottsdale Road "In Lieu" Fee Payment**

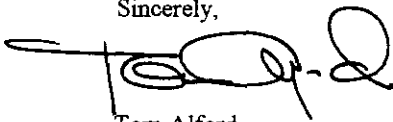
Dear Tom:

Attached you will find an estimate of our proposed "in lieu" fee payment for our development's share of the ultimate Scottsdale Road improvements. This estimate was prepared by our consultants subsequent to meetings with Bob Brown of your Transportation Department. We have formatted the estimate utilizing similar information previously provided in the City's negotiation of the public improvement "in lieu" fees with the Grayhawk development. Based upon conceptual plans prepared by our civil engineer for the ultimate Scottsdale Road improvements; which followed design information provided by Mr. Brown for the existing improvements adjacent to the Belasara development; we have inserted quantities specific to the extent of our responsibility and design and calculated a total utilizing unit costs previously submitted and approved in the Grayhawk estimate.

Prior to Mr. Brown's recent departure from the City, he directed us to continue communications concerning this issue through your office. With this information provided, we are eager to reach agreement with the City on this issue. As you are aware, this is just one aspect of the Scottsdale Road improvement issue that needs to be resolved, and will potentially lead to further decisions by the City regarding the direction and timing of the actual roadway improvements. Obviously, these other decisions directly impact the development of our retail center.

Upon receipt, we would expect that you will need to forward this information to the appropriate department personnel for review and consideration. Please notify our office as soon as possible about any questions, comments or the potential of a meeting in order to expedite the resolution and acceptance of the appropriate "in lieu" fees.

Sincerely,



Tom Alford
Construction Manager for the Project

cc: Stuart Morkun
Mark Whitfield
Tom Beck

The Summit Payment in Lieu					
Koll Development Obligation for The Summit development					
(Payment in Lieu for 0.62 Lane Miles of Improvements on Scottsdale Road in front of site ¹)					
Item Description	Total Quantity	Koll's Share	Unit	Unit Cost	Koll's Total Cost
ROADWAY IMPROVEMENTS					
4/10 Paving	19,434	6,478	SY	\$ 11.50	\$ 74,497
Bike Lane	1,322	441	SY	\$ 11.50	\$ 5,068
Plant Salvage		1	LS	\$ 775	\$ 775
Clearing and Grubbing		1	LS	\$ 1,000	\$ 1,000
Subgrade Preparation	21,434	7,145	SY	\$ 4.50	\$ 32,151
Vertical Curb and Gutter	6,197	2,066	LF	\$ 8.00	\$ 16,525
Signage and Striping		1	LS	\$ 10,000	\$ 10,000
Removals		1	LS	\$ 1,500	\$ 1,500
Utility Relocate		1	LS	\$ 1,500	\$ 1,500
Median Landscaping	25,782	8,594	SF	\$ 1.50	\$ 12,891
Subtotal - Roadway					\$ 155,907
DRAINAGE IMPROVEMENTS					
5 Barrel (3' high X 6' wide) Box Culvert X 150' long	476	159	CY	\$ 250	\$ 39,667
Headwalls - 2 ea.	20	7	CY	\$ 250	\$ 1,667
Subtotal - Drainage					\$ 41,333
TOTAL ESTIMATED CONSTRUCTION COST					\$ 197,240
INCIDENTALS					
Traffic Control	5%				\$ 9,862
Construction Staking/As-Built Drawings	7%				\$ 13,807
Mobilization	5%				\$ 9,862
Construction Inspection/Project Management	5%				\$ 9,862
Tax	5%				\$ 9,113
Design	5%				\$ 9,862
Subtotal - Incidentals					\$ 62,367
TOTAL ESTIMATED PROJECT COSTS:					\$ 259,608
¹ Site frontage used in this estimate is 1,630 l.f.					

MSDPGA

Rief, Tom

From: Brown, Bob
Sent: Friday, May 12, 2000 7:14 PM
To: Ekblaw, Kroy
Cc: Rief, Tom; Korf, Michelle; Little, John C.
Subject: Scottsdale Road, Construction South of Dove Valley

Kroy has suggested a summary of the Scottsdale Road opportunity at Dove Valley south.

There is the opportunity to get a portion of Scottsdale Road constructed on its ultimate grade and alignment. This would be a continuation south of the ultimate 4 lanes constructed by Terravita south to Dove Valley. The Terravita 4 lanes of Scottsdale Rd. could be readily expanded to six lanes if ever needed, and as shown as six in the GP. It may never go to six, but it might. Two developers, Grayhawk and Summit, have come along at about the same time making it potentially possible to get private interests to continue Scottsdale Road south at its ultimate grade and alignment at four lanes. If it could happen, it would make the Transportation and Planning Departments happy, the developer happy and COPP happy. COPP is interested in a finished look for Scottsdale Road along the Summit shopping center. We would end up with an ultimate grade and alignment four of possibly an ultimate six lanes from Carefree Highway south to Ashler Hills.

I am currently working with Tom Alford, construction manager for Koll Development Company 602-308-4444, the developer of the Summit shopping center approved for the east side of Scottsdale Rd, north of Ashler Hills. They must as soon as possible present to the city their estimate for the construction of 2 of the ultimate design for 6 lanes of Scottsdale Rd along their frontage. They are having Tom Beck of Entranco Engineering 602-889-7074 concept design two things. One- an ultimate six lane Scottsdale Road, hopefully from Dove Valley to Ashler Hills (they were encouraged to design 800' north beyond their frontage to reach there) Two- four of the ultimate six lanes that would actually be constructed now.

Developers are stipulated to either build their frontage improvements or pay an in lieu payment to the city. In Lieu is by now a very wealthy person. Here we are trying to build a pot of money that will cause Summit with Grayhawk to build Scottsdale Rd. to four of the ultimate six lanes. Currently Scottsdale Rd. is just laid on the desert, it needs to be raised, culverted and flattened to its ultimate grade.

Once Summit gives the estimate, there is not much time to quibble about cost. It is best to reach an equitable compromise and proceed to take their amount and pool it with the \$866K agreed to from Whisper Rock(Grayhawk), the developer recently approved for the old Amberjack site. This money is based on the estimated cost to improve a lane mile along their Scottsdale Rd., Lone Mt., and Pima Rd. frontages. It is all being aimed at Scottsdale Rd., where the heavy use is, and where there is a chance for continuation of ultimate improvements.

Time is of the essence for the Summit, a March 2001 opening. To get the half mile of Scottsdale Rd. south of Dove Valley built in accord with this time frame, the design and construction needs to occur in a tight time frame. It is important to continue to stress to Summit that in constructing the ultimate four of six lanes of Scottsdale Rd. they will save the "throw away" expense of \$200K plus for interim turn lanes, long tapers, and drive connections. Effectively, they, in their calculations should be encouraged to think of their contribution as the above two ultimate frontage lanes and the throw away amount.

The Whisper Rock Master Plan approval calls for them to work with other developers by July 1, 2000, unless extended by the City, to agree to build Scottsdale Road, or pay the in lieu fee.

Someone in Transportation needs to press this to get it done.

Bob Brown
480-312-2389

Rief, Tom

From: Brown, Bob
Sent: Wednesday, May 24, 2000 1:02 PM
To: Korf, Michelle; Little, John C.; Ramsey, Steve; Williams, Jr., George; Ekblaw, Kroy; Rief, Tom
Subject: Scottsdale Rd.

It looks like we are at a stage where just maybe Koll (Summit Shopping Center) will take a serious look at building, along with the Whisper Rock \$866K commitment the ultimate grade and alignment four of the possible ultimate six lanes of Scottsdale Rd. for the ½ mile between Ashler Hills and Dove Valley. They will avoid a lot of throwaway temporary construction by doing this and get a finished look.

I have asked George Williams of Traffic Engineering to pursue the technical side by working with Koll; and their Engineer, Entranco.

Bob Brown
480-312-2389



DHC PROPERTY DEVELOPMENT

#118-DR-99
Plan check # 5092-99

March 30, 2000

Cindy Reilly, Associate Planner
City of Scottsdale
7447 East Indian School Road
Suite 125
Scottsdale, Arizona, 85251

Subject: Proposed T 1327 Target Store in Scottsdale
Re: Sightline Analysis for screening of roof top units.

Dear Ms Reilly:

Per our teleconversation last week, I have included with this letter, the Sightline Analysis for the purpose of screening the roof top units for the proposed Target Store in Scottsdale. I have included sections to show you the location of the units from the perimeter walls.

If you have any questions please contact me at 612- 761-1597. I am sending this overnight.

Respectfully yours,

RAQUEL RUDQUIST

Raquel Rudquist, AIA
Sr. Project Architect

CC: Lori Johnson, TPN-11C
Jude Petersen, RSP
Thomas Loyas, TPN-12B

Attachments: 1. Roof Plan
2. Sightline Analysis package
3. Sightline information worksheet

H:\data\word\RaquelR\032900.doc

APPROVED
Cindy Reilly 4/10/00
DATE



Fax Transmittal

Date: 4/27/00

To: Cindy Rilly

From: Ray Smith

Fax #: 480-312-7781

Phone: 602-954-0038

Number of pages transmitted, including cover sheet 5

SUBJECT: Summit AT Scottsdale

Comments: Cindy, I hope this helps.

Please let me know if you have

any questions.

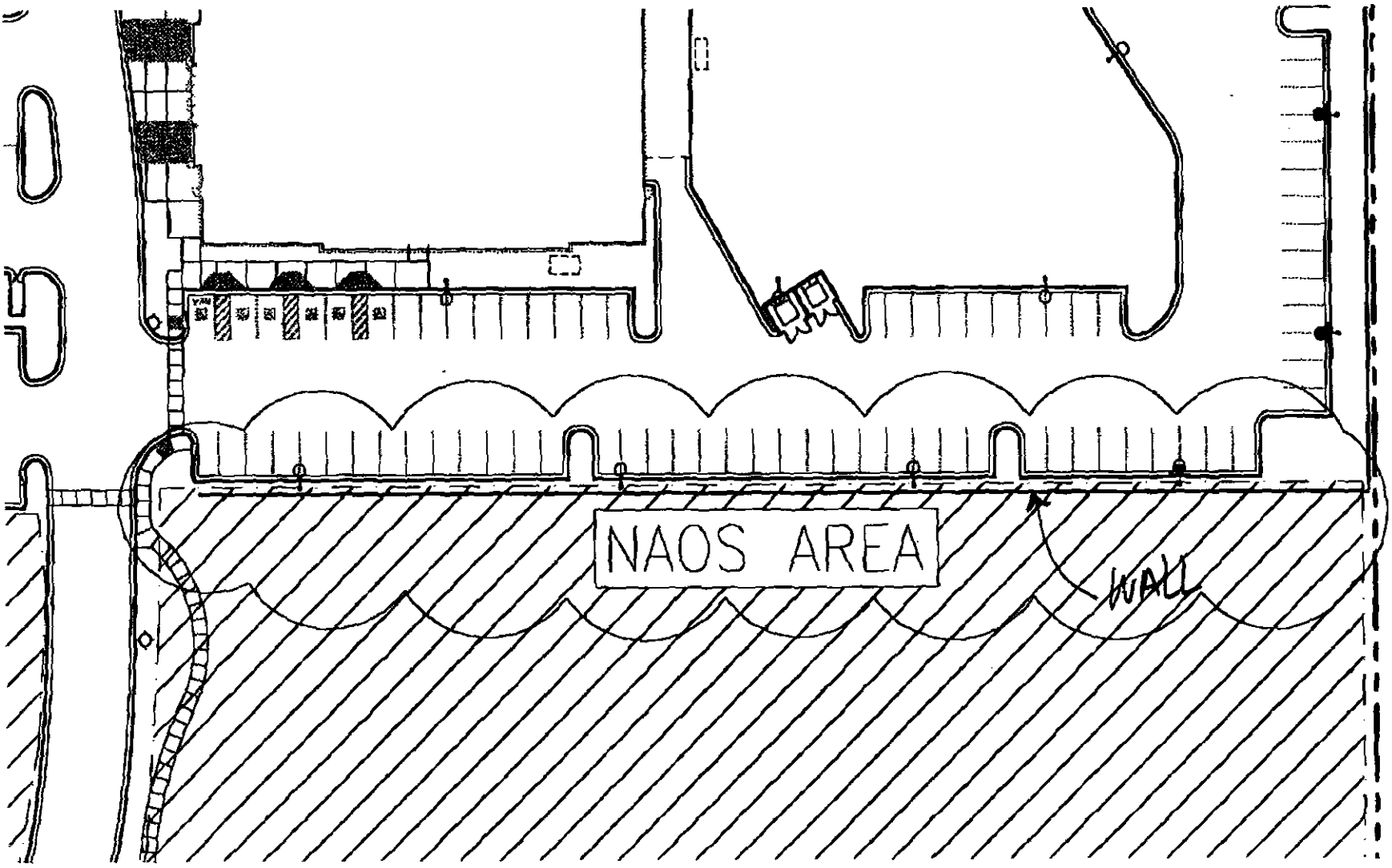
Ray

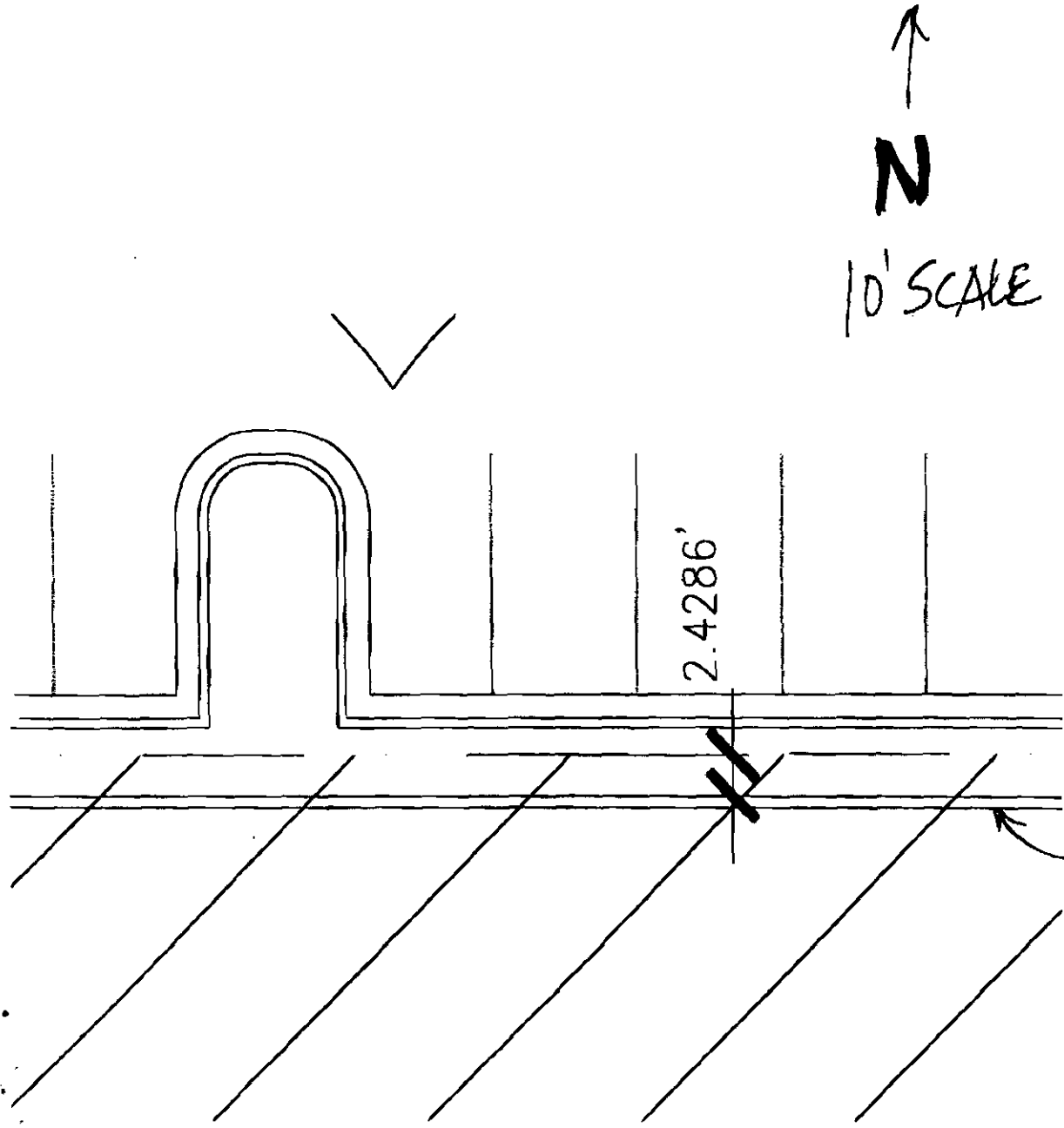
If you have any question, or if this transmittal is incomplete, please call and ask for _____ Thank you.

Phoenix Headquarters
8225 North 24th Street, Suite 200
Phoenix, AZ 85018
602.954.0038 Phone • 602.944.8805 Fax

California
3919 Westerly Place, Suite 202
Newport Beach, CA 92660
949.955.0350 Phone • 949.955.0351 Fax

New Mexico
2929 Coors Blvd. NW, Suite 309
Albuquerque, NM 87120
505.836.6944 Phone • 505.836.6946 Fax





N
↑
10' SCALE

2.4286'

WALL LOCATION
AFTER BEING MOVED
2' FT. TO THE SOUTH.

KOLL

DEVELOPMENT COMPANY

March 13, 2000

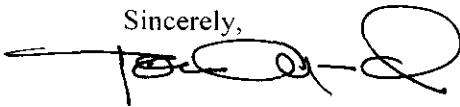
Mr. Greg Williams
Planner
City of Scottsdale
7447 E. Indian School Road
Suite 125
Scottsdale, AZ 85251

Re: The Summit @ Scottsdale

Dear Mr. Williams:

Attached please find a copy of our authorization from the Target Corporation to represent them concerning the above referenced site development, as relates to City of Scottsdale processing and permitting issues. Mr. Jim Theusch of Target has provided this authorization and may be contacted @ (612) 761-1562, should you have any questions regarding this matter. Please forward this authorization as necessary to the appropriate departments that may be involved with this project. Thank you for your assistance and please do not hesitate to call should you have further questions or concerns.

Sincerely,



Tom Alford
Construction Manager for Koll Development Co.-AZ, LLC

cc: w/attachment
Mr. Tom Rief
Mr. Jim Theusch
Mr. Stuart Morkun
Mr. Mark Whitfield

nt by: KOLL



DEVELOPMENT COMPANY

March 3, 2000

Mr. Jim Theusch
Target Corporation
1000 Nicollet Mall, NM1-12E
Minneapolis, MN 55403

VIA FACSIMILE

Re: The Summit at Scottsdale
Scottsdale, AZ

Dear Mr. Theusch

In order to more efficiently process municipal approvals, we are requesting your authorization to act on the behalf of the Target Corporation for issues relating to site entitlements and site permitting through the City of Scottsdale. All submittals made on Target's behalf, shall be processed with Target's full knowledge. Please understand that we would not represent Target in issues which were counter to those previously addressed and approved between your company and our company.

This notice shall hereby allow the Koll Development Company, acting in this limited capacity as agent for Target Corporation, a Minnesota corporation, for the sole purpose of coordinating City of Scottsdale site entitlements and site permitting processes related to the development of the Summit at Scottsdale Project.

Please indicate your acceptance of the above, by signing in the space provided below.

Target Corporation
a Minnesota corporation

AGREED AND ACCEPTED:

Target Corporation

Best regards,

Tom Alford
Construction Manager
Koll Development Company

By: JIM THEUSCH

Name: JIM THEUSCH

Its: SR. SITE DEV. MGR.

Date: 3/3/00

cc: Stuart Morkun
Mark Whitfield
Summit - Tenant-Corr. / TI 3.2f

FAX

Koll Development Co.

4150 N. Drinkwater Blvd.

Ste. 200

Scottsdale, AZ 85251

Telephone: 480-444-2000

Fax: 480-444-2001

Date: May 8, 2000
Number of pages including cover sheet 2

From: Tom Alford
Confirmation to be mailed: no

To: Ms. Cindy Reilly
City of Scottsdale-Planning

Fax: (480) 312-7781
Re: The Summit @ Scottsdale

REMARKS:

- Urgent
- For your review
- Reply ASAP
- Please comment

Cindy: Here is the cover letter from our lot split application which identifies the items previously provided to the City, such that they will not be resubmitted with the lot split. Could you please ok this with Greg Williams and have him follow-up with Brian Hancock. Thanks.

Please call Kathy at (602) 308-4444 if this transmission is incomplete or illegible.



www.deipro.com

MEMORANDUM

Date: 05/03/00

To: City of Scottsdale
Development Services

From: Jason R. Kack, RLS
Vice President
Survey Division Leader

Subject: Lot Split for Summit at Scottsdale
DEI #99155

Attached hereto is our lot split package for the above referenced project. We have attached all items in the lot split application form except the following:

- Item #6 NAOS
- Item #7 Drainage Report
- Item #8 Archeological Survey

These items have all been submitted and accepted by the City of Scottsdale through the course of site engineering and architectural reviews.

The attached lot split conforms with the site development packages currently in for review at COS if you require any additional information or have any questions please do not hesitate to call on me.



Fax Transmittal

Date: 5/8/00

To: Cindy Reilly

From: Ray Smith

Fax #: 480-312-7781

Phone: _____

Number of pages transmitted, including cover sheet 3

SUBJECT: NWAs Exhibit - Summit At Scottsdale

Comments: Cindy, can you please

call me as soon as you get

this. Thank you.

Ray

602.954.0038

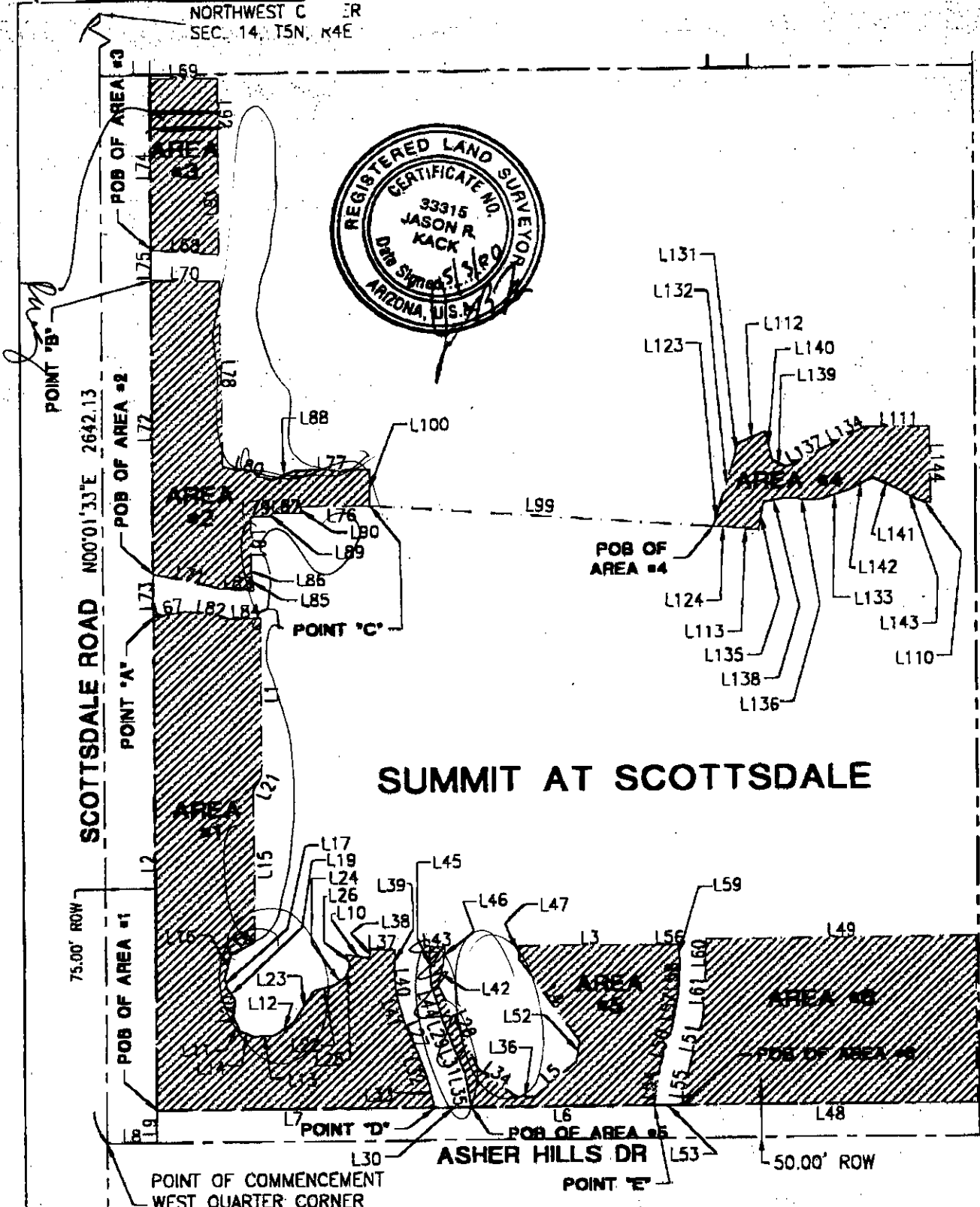
If you have any question, or if this transmittal is incomplete, please call and ask for _____ Thank you.

Phoenix Headquarters
6225 North 24th Street, Suite 200
Phoenix, AZ 85016
602.954.0038 Phone • 602.944.8605 Fax

California
3919 Westerly Place, Suite 202
Newport Beach, CA 92660
949.955.0350 Phone • 949.955.0351 Fax


New Mexico
2929 Coors Blvd. NW, Suite 309
Albuquerque, NM 87120
505.836.6944 Phone • 505.836.6946 Fax

NORTHWEST CORNER
SEC. 14, T5N, R4E



SUMMIT AT SCOTTSDALE

N.A.O.S. AREA EXHIBIT SUMMIT AT SCOTTSDALE


NORTH
NOT TO SCALE
REVISED: 5/2/00

DATE: 4/28/2000 G:\DWC\9155\SURVEY\naos-exhib DRAWN: JAH

DEI PROFESSIONAL SERVICES
6225 N. 24TH STREET, SUITE 200
PHOENIX, AZ 85016
PH 602-954-0038 FX 602-944-8605

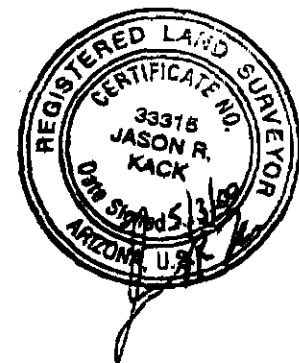
LINE TABLE		
LINE	LENGTH	BEARING
L1	241.89	S00°00'00"W
L2	759.70	N00°01'33"E
L3	213.65	N89°50'36"W
L4	156.96	S34°52'30"E
L5	83.30	S48°55'58"W
L6	274.48	N89°57'17"E
L7	410.72	S89°57'17"W
L8	75.00	N89°57'17"E
L9	50.00	N00°01'33"E
L10	34.91	S81°18'20"E
L11	22.03	S23°52'17"E
L12	32.86	N53°04'43"E
L13	31.38	N86°28'59"E
L14	22.02	S66°50'25"E
L15	231.69	S00°00'00"W
L16	34.93	S15°04'41"W
L17	17.22	S10°29'03"E
L18	41.53	S59°31'13"W
L19	22.00	S34°02'24"E
L20	28.32	S04°00'30"W
L21	25.82	S27°16'32"W
L22	31.00	N75°57'15"E
L23	59.14	N31°59'14"E
L24	20.69	N54°50'48"E
L25	19.23	N19°00'47"E
L26	18.11	N18°19'00"W
L27	50.38	S22°58'32"E
L28	145.26	N24°33'52"W
L29	44.29	S21°05'24"E
L30	54.88	N89°57'17"E
L31	44.31	S22°49'45"E
L32	43.42	S18°44'24"E
L33	45.27	S12°21'34"E
L34	67.72	N53°25'41"W
L35	53.81	S10°00'28"E
L36	29.89	N85°22'00"W
L37	37.27	S89°56'25"E
L38	12.54	N02°32'35"E
L39	36.41	S01°19'44"W
L40	32.38	S04°45'43"E
L41	46.13	S14°55'13"E
L42	35.62	N13°43'43"E
L43	22.75	S89°56'09"W
L44	58.59	S16°34'00"E
L45	56.22	S01°30'37"E
L46	23.77	N04°51'30"E
L47	19.35	S00°03'51"E
L48	444.80	N89°57'17"E
L49	406.66	S89°53'09"W
L50	68.27	N16°59'29"E

L51	77.35	S15°23'50"W
L52	31.53	S07°27'29"W
L53	41.03	N89°57'17"E
L54	60.13	N08°56'33"E
L55	81.78	S11°30'24"W
L56	25.29	S89°56'18"W
L57	48.84	N09°41'02"E
L58	49.76	N03°21'19"E
L59	25.33	N06°00'52"W
L60	44.41	S00°45'26"W
L61	76.44	S03°31'15"W
L62	256.27	N00°00'00"W
L63	OMITTED	
L64	OMITTED	
L67	49.57	N79°57'06"E
L68	100.07	N84°50'44"W
L69	99.23	N89°48'45"E
L70	100.08	N85°53'27"W
L71	102.58	S76°47'07"E
L72	449.79	S00°01'33"W
L73	65.78	N00°01'33"E
L74	264.40	N00°01'33"E
L75	46.47	N00°01'33"E
L76	101.64	N90°00'00"E
L77	110.24	N90°00'00"W
L78	284.73	N00°37'44"W
L79	29.96	N90°00'00"E
L80	78.53	N73°24'36"W
L81	79.19	N00°07'24"W
L82	69.41	S79°03'52"E
L83	48.92	S85°16'05"E
L84	40.76	N88°06'05"E
L85	28.99	N06°31'48"W
L86	4.67	N03°20'22"W
L87	43.95	N90°00'00"E
L88	36.37	S66°59'33"W
L89	4.44	N00°00'00"W
L90	10.65	N00°00'00"W
L91	160.35	S00°00'00"W
L92	113.37	S00°09'24"E
L95	OMITTED	
L96	OMITTED	
L99	515.80	S85°52'51"E
L100	55.26	N00°00'00"W
L101	OMITTED	
L103	OMITTED	
L104	OMITTED	
L105	OMITTED	
L108	OMITTED	
L110	19.42	S79°52'06"E
L111	95.56	N89°16'52"W
L112	44.82	S66°22'54"W
L113	39.45	S83°22'51"E
L114	OMITTED	
L115	OMITTED	
L118	OMITTED	

L119	OMITTED	
L122	OMITTED	
L123	26.35	S17°15'47"W
L124	28.74	S86°49'52"E
L125	OMITTED	
L127	OMITTED	
L131	23.44	S15°00'13"W
L132	82.23	S16°43'13"W
L133	48.46	N71°41'46"E
L134	80.97	S63°16'19"W
L135	43.42	N09°36'07"E
L136	52.39	S86°48'16"E
L137	75.06	S62°54'46"W
L138	31.77	N81°20'29"E
L139	23.65	N61°16'31"W
L140	45.00	N12°49'56"W
L141	46.12	S84°33'26"E
L142	38.80	N61°36'50"E
L143	32.99	S60°11'46"E
L144	117.12	N01°04'38"W

NOTE:

**LINE NUMBERS 65, 66, 93, 94, 97, 98, 102, 106, 107, 109, 116, 117, 120, 121, 126, 128, 129, AND 130 HAVE BEEN INTENTIONALLY OMITTED.



N.A.O.S. AREA EXHIBIT SUMMIT AT SCOTTSDALE

DATE: 4/28/2000

G:\DWG\9155\SURVEY\naos-exhib

DRAWN: JAH

DEI

6225 N 24TH STREET, SUITE 200
PHOENIX, AZ 85016

PH 602-954-0038 FX 602-944-8605

PROFESSIONAL SERVICES

REVISED: 5/2/00

5092-99B
Summit
118-DR-79

Reilly, Cindy

From: Hamilton, Scott
Sent: Monday, July 10, 2000 3:41 PM
To: Reilly, Cindy
Subject: The Summitt

Hi Cindy,

I just met with a couple guys representing "The Summit" (5092-99B). I reviewed the plans and everything looks good to me. Please let me know if you need something more formal than this email to document my approval. Thanks Cindy!!

Scott Hamilton

Trails Coordinator

City of Scottsdale

Parks, Recreation, and Facilities

(480) 312-7722

(602) 250-6875 (page)

118-DR-99

Reilly, Cindy

To: Hamilton, Scott
Subject: RE: The Summitt

This will do. I'll put a copy of this in the file for future reference. Thanks Scott!

Cindy D. Reilly

*Associate Planner
Development Quality Control/Compliance Division
City of Scottsdale
(480) 312-4218
FAX: (480) 312-7781
creilly@ci.scottsdale.az.us*

From: Hamilton, Scott

Sent: Monday, July 10, 2000 3:41 PM

To: Reilly, Cindy

Subject: The Summitt

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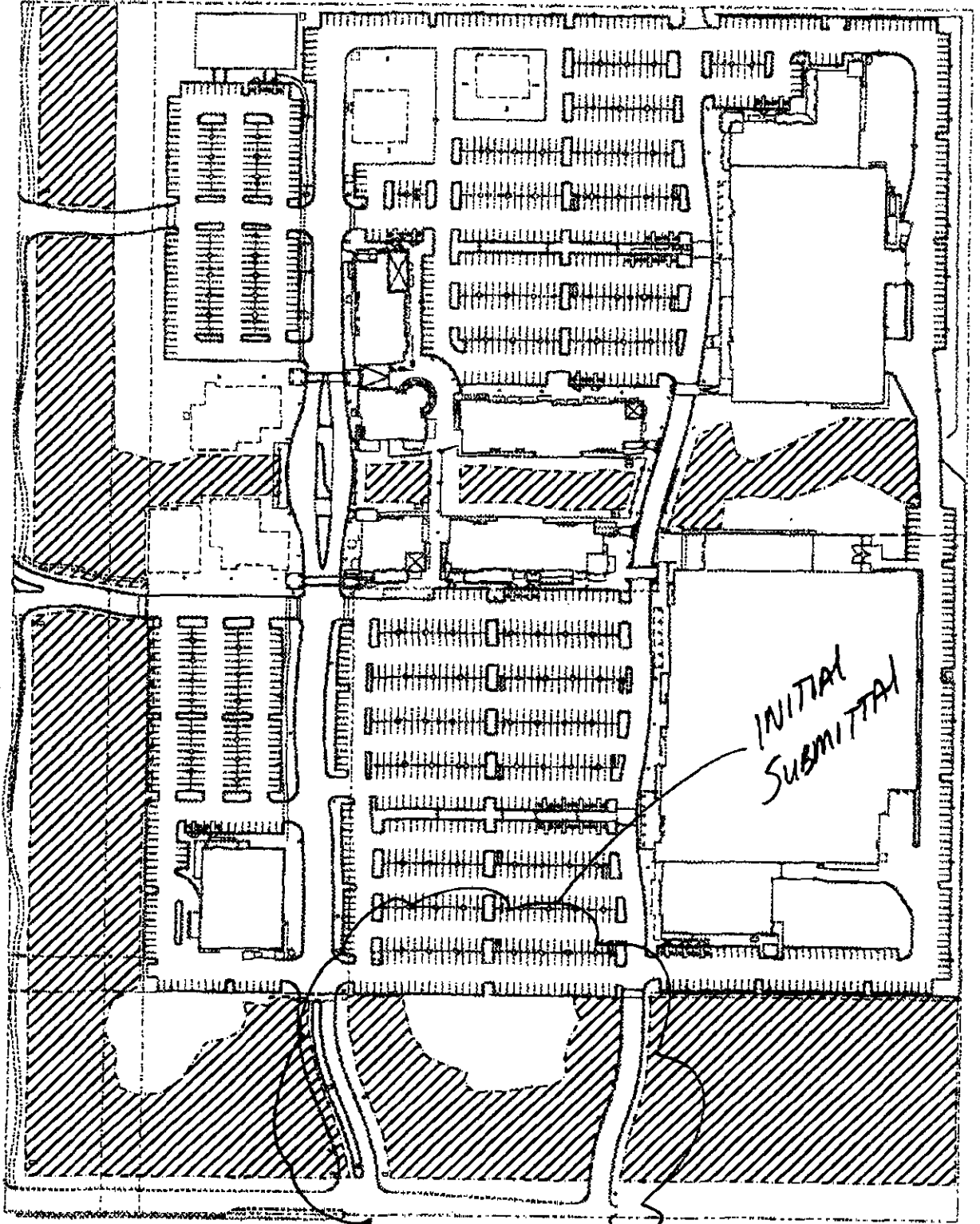
Parks, Recreation, and Facilities

(480) 312-7722

(602) 250-6875 (page)



SCOTTSDALE ROAD



ASHLER HILLS ROAD

CARSON MESSINGER ELLIOTT LAUGHLIN & RAGAN, P.L.L.C.

LAW OFFICES

SUITE 1900
3300 NORTH CENTRAL AVENUE
PHOENIX, ARIZONA 85012
TELEPHONE (602) 264-2261

TELEPHONE (602) 264-2261

FAX (602) 277-4507

POST OFFICE BOX 33907
PHOENIX, ARIZONA 85067

December 12, 2000

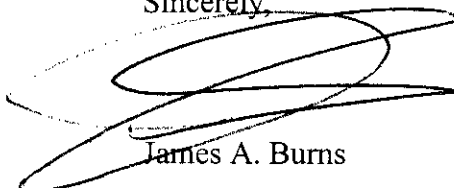
Ms. Donna M. Bronski
Deputy City Attorney
City of Scottsdale
Scottsdale, AZ 85251

Re: Summit Development

Dear Donna:

This will confirm that the fully executed indemnity agreement and the title policy from First American Title Insurance Company have been delivered to the City of Scottsdale by Donahue Schriber Realty Group, L.P., a Delaware limited partnership and accordingly Stipulation 7 of the Roadway, Intersection and Access Design of the Traffic Stipulation Requirements Circulation and Refuse section of the Development Review Board Approval for the Summit at Scottsdale project dated January 20, 2000 has been satisfied.

Sincerely,



James A. Burns

AGREED:

The City of Scottsdale

By: 

Its: 
ZONING ADMINISTRATOR

JAB/st

enc.

cc: Stuart Morkun

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

I strongly object to any plan that would allow a "super store" such as Target to be placed on this property. I understand that it is currently zoned C2 and potentially could be considered for commercial use; I am also strongly opposed to that. I am a homeowner along this corridor and any building of a shopping center of this magnitude would be devastating to my lifestyle and detrimental to my property value as well as that of my fellow homeowners. Please listen to the voice of the residents and work with us to stop this travesty.

Carol A. Arnold
7059 E. Shooting Star
Way
Scottsdale, AZ.
85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

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B. William Arnold
10/11/99

B. William Arnold
7059 E. Shooting Star Way
Scottsdale, AZ 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
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Mayor & City Council

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Melissa & Gaud Somera
6030 E. Someran Tr.
Cave Creek, AZ 85331

Kim Barry
4030 E. Somoran Trail
Cave Creek
AZ 85331

We are also opposed to selling parcel 16 to Del Webb.
The Cave Creek school district cannot handle any more children.

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

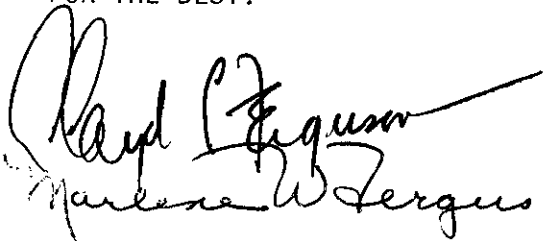
For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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We moved out this far to be away from the hustle-bustle! Scottsdale has more than enough shopping. Maybe some small shops would be okay BUT NOT TARGET!!! We moved back in May after being in Sedona for seven years because of business. What a change in the CITY and not FOR THE BEST!



Paul Ferguson
Marlene W Ferguson

33837 N. 70th Way, Scottsdale, AZ 85262 480-595-1537

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Louis Gallo
Susan Gallo
6899 E. Thirsty Cactus Ln.
Scottsdale, Az. 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Mr. and Mrs. Steven George
30217 N. 60th St.
~~Scottsdale~~, Az 85331
Cave Creek,

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

- ✓ Debbi Dollar, Community Planning
- ✓ Kroy Ekblaw, Project Review
- ✓ Planning Commissioners
- Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Paul Hart
Joanne Hart
 JOANNE ? PAUL HART
 6887 EAST THIRST
 SCOTTSDALE, AZ
 85264

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Jacqueline D. Lopez
6807 E. Sunset Sky Circle
Scottsdale 85262
Az.

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

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Charles J. Lopez
6807 E. Sunset Sky Cir
Scottsdale, 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
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Charles J. Madigan

Mr. Charles J. Madigan
7092 E. Mighty Saguaro Way
Scottsdale, AZ 85262-7322

*DMO
9/29/99*

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

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Sincerely,

*William M. Mauck
6318 E. Desert Royale Cir.
Scottsdale, AZ 85262*

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Sincerely
Jeanne L. Mauck
16318 E. Rusty Coyote Circle
Scottsdale, AZ 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

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Marian Moeller
6974 E Soaring Eagle Way
Scottsdale

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
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Thank You.

*Davis Meyer
7122 E. Hillman Way
Scottsdale, 85262*

FOR THE PUBLIC RECORD

CITY OF SCOTTSDALE
3939 CIVIC CENTER BLD.
SCOTTSDALE, AZ 85251

FOR DISTRIBUTION TO:

DEBBI DOLLAR, COMMUNITY PLANNING
KROY EKBLAW, PROJECT REVIEW
PLANNING COMMISSIONERS
MAYOR AND CITY COUNCIL

RE: THE SUMMIT AT SCOTTSDALE - NE CORNER
OF SCOTTSDALE ROAD AND ASHLER HILLS
ROAD, SOUTH OF THE BOULDERS RESORT

I UNDERSTAND SUBJECT PROPERTY IS CURRENTLY
ZONED C2 AND POTENTIALLY COULD BE CONSIDERED
FOR COMMERCIAL USE. ANY PLAN THAT WOULD
ALLOW ANY SORT OF SUPER STORE, SUCH AS
TARGET OR OTHER STRIP SHOPPING CENTER STORE,
TO BE PLACED ON SUBJECT PROPERTY IS
OBJECTIONABLE AND NOT IN KEEPING WITH THE
GENERALLY RESIDENTIAL NATURE OF THE AREA.
I AM A HOMEOWNER ALONG THIS CORRIDOR
AND ANY COMMERCIAL DEVELOPMENT WILL
RECEIVE THE CLOSEST SCRUTINY BECAUSE
OF THE POTENTIAL FOR INCREASED TRAFFIC AND

PAGE 2 (CONTINUED) THE SUMMIT AT SCOTTSDALE

EXCESSIVE COMMERCIAL AND TRAFFIC LIGHTING?
IS IT REALLY NECESSARY TO HAVE THESE
KINDS OF STRIP MALLS ON EVERY OTHER
CORNER? IS CONGESTION THE GOAL?

Mrs. Fuller Tree
CONSTANCE POWELL
7146 E. ALOE VERA DR.
SCOTTSDALE, AZ 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

Re: The Summit at Scottsdale - The Northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, just south of the Boulders Resort

I strongly object to any plan that would allow a "super store" such as Target to be placed on this property. I understand that it is currently zoned C2 and potentially could be considered for commercial use; I am also strongly opposed to that. I am a homeowner along this corridor and any building of a shopping center of this magnitude would be devastating to my lifestyle and detrimental to my property value as well as that of my fellow homeowners. Please listen to the voice of the residents and work with us to stop this travesty.

Sincerely -

Michelle Ross
6482 E. Shooting Star Way
Scottsdale, AZ 85262-7379
(480.595.0602)

FOR THE PUBLIC RECORD


City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

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DR RICHARD SORRENTO
480-488-5454

FOR THE PUBLIC RECORD

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3939 Civic Center Blvd.
Scottsdale, AZ 85251

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Amr Adnan
6574 E. Coastal ISGURAN LN
Scottsdale, AZ 85262

FOR THE PUBLIC RECORD

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3939 Civic Center Blvd.
Scottsdale, AZ 85251

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George M. Stueh
32723 N. 70th St.

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

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A handwritten signature in black ink, appearing to read "Vicki Kueh". The signature is fluid and cursive, with a long horizontal stroke at the end.

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
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Ferrallita -

*J. R. Thumel
Linda L. Thumel
6521 E. Crested Saguaro
Scottsdale AZ
85262
480 - 595 8874*

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

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Arantia Van Camp
6502 E. CRESTED SAGUARO LN.
SCOTTSDALE, AZ 85262

FOR THE PUBLIC RECORD

City of Scottsdale
3939 Civic Center Blvd.
Scottsdale, AZ 85251

For Distribution To:

Debbi Dollar, Community Planning
Kroy Ekblaw, Project Review
Planning Commissioners
Mayor & City Council

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*Carolee Van Camp
6502 E. Crested Saguaro Ave
Scottsdale 85262
TerraVita*

URGENT

To: Mayor and City Council Members
Voice Number:
Fax Number: 990-1221
Company: Scottsdale Mayor and City Council
From: Cindy Foster
Company:
Fax Number: 480-488-7102
Voice Number: 480-488-5705
Date: 12/14/99
Number of Pages: 1
Subject: Reference Case #309PA99

Message:

I am faxing regarding the development of this property. I live in this area. This is inappropriate development of this land. This decision is undesirable for this residential area. We have to handle too much traffic now due to other development in this area. No one wants this in this area. Why can't you listen to the residents and stop the undesirable developing of this rural area.

118-DR-99

BIG BOX BUSTERS PRESENT THE FACTS AND THE ISSUES

Donohue & Schriber of Newport Beach and Koll Development propose a strip mall, The Summit, on North Scottsdale Road south of Dove Valley Road across from Terra Vita residential community. A Big Box Store in this location would have substantial negative impact on traffic, noise, light pollution, air quality, property value, and a protected national historical resource.

Citizens locally are at issue with the 325,000-square-foot strip mall and in particular, the targeted Big Box store that is the size of two football fields. Over 1,000 people attended three standing-room-only meetings to express their disapproval yet Scottsdale's mayor and project review staff have allowed Summit's developer to circumvent standard procedure and go straight to GO on the Design Review board.

The issue is that a Big Box retail store does not conform to the Land Use which is designated Special Use: Cultural, Institutional. Scottsdale adapted a General Plan so citizens know how the city will grow. Any change to the Land Use Plan requires a General Plan amendment approved by city council, not granted by the mayor and staff.

The issue is a 325,000-square-foot strip mall, residential-locked on all sides by fine homes. With the city's blessing, vast planned residential communities now surround the proposed Summit making it clearly incompatible with the neighborhood. Moreover, this proposal is for only part of the commercial property. The developers are taking a "wait-see" attitude before proceeding with the remainder. If we allow one Big Box, we may get more.

The issue is a burgeoning traffic load. As an anchor store, Target needs 24,000 cars a day. Summit's proposal shows 1800 parking spaces that will be used 12 hours a day. By comparison, Terra Vita Marketplace has 400. Traffic would be funneled into the strip mall from one route only—Scottsdale Road—adding enormous pressure on Scottsdale Road and Carefree Highway that funnels traffic to school locations and is the northernmost I-17 connection.

The issue is air quality. Vehicle exhaust trapped in stagnant air November 29 and 30 caused valley pollution levels for carbon monoxide to jump to the unhealthful range violating federal health standards. The USEPA said it would impose limits on new or expanding businesses by March unless the Valley could come up with a plan.

The issue is noise and light pollution. For thousands of neighbors, the quiet of the desert and the pleasure of the night sky would forever be replaced by cars, semi trucks and trailers who deliver goods to a Target store 12 hours or more a day. (Walmart in November extended their store hours from 6 am.) Rooftop mechanical equipment runs day and night. Lighting is driven by safety which the city will determine, so rest assured it would be well-lighted for your security.

The issue is there are questions the developer cannot answer because they say "the city is the overlying ingredient." City staff will handle: drainage on a southwest-sloping alluvial flood plain, encephalitis-carrying mosquito-breeding water detention basins, and traffic lights.

Strip malls are born, go down, and are reborn. How do you see Summit in its second stage? In Austin, Minnesota, a Spam Museum will open in a 76,800-square-foot former Kmart, abandoned since 1991; Scottsdale's Galleria still to be decided. We need to ask ourselves, what does this project add to our city that we do not already have? Westcor's regional mall on Scottsdale Road with a selection of megastores will be 10 minutes away. We do not need a Big Box Store on every corner and certainly not in residential neighborhoods.

We will not be the first to stop a Big Box store. Six years ago, Al Norman stopped Wal Mart from locating in his hometown in Greenfield, Massachusetts, and thus began his career in stopping "undesirables" across the nation when he founded Sprawl-Busters. "Sprawl-busting Victories" are reported in nearly 100 communities across the nation where megastores have been rejected or withdrawn. Norman was featured on PBS CH. 8 "Newshour with Jim Lehrer" on November 10 and again on CBS "60 Minutes."

His web site www.sprawl-busters.com includes a News Flash about Target in the Sonoran Desert.

Sprawl-Busters reports that Tucson's city council passed a new zoning ordinance requiring developers to go before a public hearing instead of just an unelected zoning administrator and also requiring a city council vote on superstore proposals. Moreover, the new law limits groceries and prescriptions to only 10% of a store's square footage.

Sprawl-Busters reports that Concerned Citizens of Chandler stopped the commercialization of their neighborhood. Chandler's city council voted unanimously to turn down a proposed Wal Mart supercenter. The store was described by one city council person as fitting "an oversized foot into a shoe that's just too small." The rejected Wal Mart sued which is just another poor example of what a company will do if a community does not support them.

The fact is developers have targeted the wrong location for a Big Box Store. It is not appropriate for Target nor any other Big Box Store to be in a residential neighborhood. Elsewhere in the city, neighborhoods have been encroached upon by commercial development and finally upzoned to commercial. Here is a reverse situation. Considering the hundreds of homes next to the Summit, the now incompatible commercial zoning, horrendous traffic situation, site constraints: limited access and slope, downzoning becomes a practical answer. It has been done before. In 1984, citizens petitioned the city to protect the Sonoran Desert and successfully downzoned 22 square miles of land south of Dove Valley including the land now owned by Whisper Rock. It will be the neighbors that make the decision whether the land use stays Cultural/Institutional as it is now designated or whether it is downzoned to be compatible with the surrounding community.

The developers' proposal is not a *fait accompli*, as they would like you to think. Eyes rolled when Amberjack was contested. The people won; State Farm Insurance sold Amberjack. Target can move on, too.

Cover Sheet

concerning

CASE # 309PA99

From H & H Sacharoff
7143 E. Aloe Vera Drive
Scottsdale, Az., 85262

488-4083

& Elisabeth Kübler Ross

118-DZ-99

December in the year of our Lord 1999

Mr. Thomas Rief
Project Coordinator for the Summit
Re: Case #309PA99.....

This is to express my feelings with regard to the Shopping center that is planned within very close proximity to our home.

When we moved here almost five years ago, it was such, that it fit our needs perfectly. It was a place of quiet beauty, that even offered us the opportunity to gaze at the heavens at night, with no street lights to dim the view.

With the advent of this proposed "addition" to the neighborhood, all of this will be lost. It is bad enough to have all the new developments go up around us, but that is realistically what happens, when others want to share the beauty that we have found. Please bear in mind that this is a residential area, and as such we are entitled to all the quiet and comfort that it will afford. Terravita, where we live, has a shopping area called "The Terravita Marketplace." That is more than sufficient. We ask only that you consider the investment that so many of us have made that will undoubtedly go down the drain with the cheapening this new "venture," will foster.

There is so much land south of this beautiful area that would be more than suitable. We implore you to investigate further to find the perfect spot for it in an area zoned for commercial endeavors.

I speak both for myself naturally, my husband, and our dear neighbor across the way, Elisabeth Kübler Ross.

Thank you for taking all of this into consideration.

Yours very truly,

Mr. and Mrs. Howard Sacharoff

*P.S.
This also was such
a beautiful desert.
I object to the
desecration of
it. EKR*

FOR THE PUBLIC RECORD

Distribution: All City Council Planning Commission and Development Review Board Members

October 23, 1999

RE: The Summit Development

To: City Council Members
3939 Civic Center Blvd.
Scottsdale, AZ 85251

Liso Mayan

From: Marilyn K. and Philip K. Ware
32676 N. 68th Place
Scottsdale, AZ 85262-7117
480-488-8538 FAX: 480-595-0681

After much family conversation we have found these are our main concerns with the proposed development.

- Increased traffic; egress and ingress concerns
- Increased noise and esthetic pollution
- Increased exhaust and dust pollution (brown cloud)
- Light pollution in a "no street lights area"
- Increase traffic on non-through streets to access The Summit or avoid the traffic of it
Example: (West on Asher Hills; north on 68th St; West on Dove Valley , a combo of paved and non paved 'less than 2 lane roads' already overused for 'back way' access to middle and high school by families and high schoolers , too often at high rates of speed)
- Loss of a beautiful piece of potential housing property against the foothills on the East
- Loss of the boutique nature of nearby shopping in Terravita Marketplace, downtown Carefree and Cave Creek, The Boulders Hotel and el Pedregal and Pinnacle Peak/Pima area.
- Loss of the Old West atmosphere of Rawhide and Cave Creek

We would ask for you each to take the responsibility of coming out to view the property in late afternoon so you might catch the sunset on the foothills and enjoy the stars after dusk (without security lights). You might even hear a coyote howling!

It occurs to us that the development might better be located on Dynamite, nearer a proposed main East/West artery North of 101.

On this site, should it be developed as shopping, why not an area that looks more like Pinnacle Peak and Pima or Terravita Marketplace , both of which are extremely busy, with a variety of fine eaterys, groceries like A.J.'s or Wild Oats, or even a small theater complex. The sales tax records should bear out the success of those.

A Target store is just not consistent with the neighborhood.

cc: Donahue Schriber/Koll

118.DR.99

FACSIMILE COVER PAGE

Date: 9/19/99
Time: 16:04:24
Pages: 2

To: Development Review Board
Company: City of Scottsdale
Fax #: 312-7781

From: Mr. & Mrs. Robert Barnes
Address: 7465 Soaring Eagle Way
Scottsdale, AZ 85262
Fax #: 480.488.9696
Voice #: 480.488.9696

Message:

Attached is a corrected copy of a fax sent yesterday, September 18th.

We are mailing a signed corrected copy.

We apologize for any confusion this may have caused.

118-DR.99

For the Public Record

*Connie B. and Robert G. Barnes
7465 Soaring Eagle Way
Scottsdale, Arizona 85262*

September 18, 1999

RE: PLANNED DEVELOPMENT OF THE SUMMIT

Development Review Board
7447 E. Indian School
Scottsdale, Arizona 85251

Dear Board Members:

As homeowners in the area, the planned development of the commercial site called The Summit at Scottsdale Road and Ashler Hills Drive in north Scottsdale is a great concern to us. Nowhere else in Scottsdale, that we know of, can one find a commercial site of this size that is not located on major cross streets. Nowhere else in Scottsdale, that we know of, can one find a commercial site of this size so close to single family dwellings.

We are very concerned about the air and noise pollution and the additional traffic this will bring to this part of Scottsdale Road. The announced number of 1,800 parking spaces seems far too intense for a community location. Ashler Hills is one planned entrance; the other is Dove Valley (the developer has obtained an easement across R1-43 zoning). Neither of these roads is a major intersection. In fact Ashler Hills serves single family homes west of Scottsdale Road and does not exist at this time east of Scottsdale Road. The use of Dove Valley Road as an entrance to the shopping center seems to be inappropriate. The street is private west of Scottsdale Road, and on the east side it serves only the Winfield residential development ending at its guard gate.

This large commercial development is located in the beautiful Desert Foothills Scenic Drive. It seems ironic that a 325,00+ square foot commercial site with its vast amount of concrete and asphalt would be a part of this Scottsdale landmark/scenic corridor.

The C-2 zoning came to Scottsdale when this land was annexed. However, we ask that you do whatever possible to make this site appropriate for the Scottsdale community for which it is being planned.

Thank you for serious consideration of this matter involving the future of Scottsdale.

Sincerely,

Robert G. Barnes

Connie B. Barnes

For the Public Record

*Connie B. and Robert G. Barnes
7465 Soaring Eagle Way
Scottsdale, Arizona 85262*

September 18, 1999

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This large commercial development is located in the beautiful Desert Foothills Scenic Drive. It seems ironic that a 325,00 square foot commercial site with its vast amount of concrete and asphalt would be a part of this Scottsdale landmark.

We understand that this C-2 zoning is grandfather zoning and came to Scottsdale when this land was annexed. However, we ask that you do whatever possible to make this site appropriate for the Scottsdale community for which it is being planned.

Thank you for serious consideration of this matter involving the future of Scottsdale.

Sincerely,

Robert G. Barnes

Connie B. Barnes

For the Public Record

*Connie B. and Robert G. Barnes
7465 Soaring Eagle Way
Scottsdale, Arizona 85262*

September 18, 1999

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This large commercial development is located in the beautiful Desert Foothills Scenic Drive. It seems ironic that a 325,00+ square foot commercial site with its vast amount of concrete and asphalt would be a part of this Scottsdale landmark/scenic corridor.

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Sincerely,



Robert G. Barnes



Connie B. Barnes

118-DR-99

Fax

Please deliver immediately to: City of Scottsdale City Staff & Planning

of:

Fax number: 1-480-312-7781

Voice number:

Fax received from: Ron/Shirley McGinnis

of: Shirlon Inc.

Fax number: 1-734-844-0013

Voice number: 1-734-844-0013

Date: 9/21/99

Time: 5:37:06 PM

Number of Pages: 2

Subject:

Message:

September 21, 1999

Scottsdale City Council
(FAX) 1-480-313-1138

We are homeowners in the wonderful new development of Winfield (@ 7468 E. Soaring Eagle Way). We enjoy the "last frontier" in the High Sonoran Desert. The climate, the natural habitat, no traffic gridlock (yet) and the unsurpassed vistas and splendors of the Valley (with no city lights).

All now in jeopardy with the proposed (and surprised) retail development planned for Scottsdale Road and Dove Valley. The entrance to Winfield!!!!!!

Based on a COPP-hosted meeting (mid last week), it has been "revealed" that this area now has been targeted for a TARGET store/retail development.

We wish that this letter be entered as a Matter of Record that we oppose such a development. . . and will petition, along with many other concerned citizens and neighbors, for its blockage and/or defeat.

NOTE: If indeed Dayton-Hudson is amiable for discussion(s), there might be consideration for an upscale, scaled-down retail development (i.e. along the lines of the Borgata—With a Hudson's (note TARGET) as a flagship store). Anything else is totally unacceptable!



Shirley and Ronald McGinnis
7468 E. Soaring Eagle Way
Scottsdale, Arizona 85262
(480) 595-7581

MICKIE and BUD NATHANSON
6978 E. THIRSTY CACTUS LANE
SCOTTSDALE, AZ. 85262
VOICE [480] - 488-7733 FAX [602] -595-1644
E-MAIL MICKIEBUD@AOL.COM

September 15, 1999

Scottsdale City Council

FOR THE PUBLIC RECORD

COPIES TO ALL PLANNING COMMISSIONERS

Subject: Text Amendment for the Public Neighborhood Center

Much of Scottsdale's North zoning is archaic, relative to their surrounding residential areas, but the Citizens of Scottsdale do not additionally need text amendments that would further allow developers to ruin areas.

Subject: The Summit at Scottsdale

It still amazes me how irresponsible the City Council is, when it comes to zoning. The fact that the Council has never had the foresight to Green Belt plan the City, leaves me stunned. Now all the City does is react to developers. The "Summit" is such an example. Here is a huge development with an 1800 car plus parking facility placed smack in the middle of high profile residential communities such AS the Boulders, Winfield, Terravita, the new Grayhawk development and upscale private homes. No traffic studies have been done. No noise studies have been done. No studies on the impact of night commercial deliveries have been done. No concern has been given to the desires of abutters and surrounding neighborhoods. Obviously, impact on the Desert Scenic Drive has been ignored; building heights will be such that they will be readily seen from the road. It is time the City Council influence these developments for the communities and not for the developers.

Yours truly,

Bud and Mickie Nathanson

118-DR-97

6955 East Mighty Saguaro Way
Scottsdale, Arizona, 85262
Telephone: 602-488-0151
480

For the Public Record.

Mayor Sam Campana
City Council Members
City of Scottsdale
3939 Civic Center Boulevard
Scottsdale, AZ. 85251

September 15, 1999

Dear Mayor Campana and City Council Members,

Re. The Summit at Scottsdale.

Zoning established in the early 1970s, prior to annexation by the City in 1984, clearly is no longer appropriate given the demographics in the northernmost part of Scottsdale in 1999. It is hardly surprising, therefore, that homeowners in The Boulders, Terravita, and Winfield, as well as custom homeowners in North Scottsdale, Carefree, and Cave Creek, who bought their homes expressly for the natural desert setting, should vehemently oppose such obsolete commercial/industrial zoning in a unique Sonoran Desert area.

It is our understanding that the intention of the Mayor and City Council Members is to serve the best interests of the community. So we need you to know that an overwhelming majority of the community of Northern Scottsdale objects strongly to locating a 325,000 square foot retail center with 1800 parking spaces and a Target store as anchor in this scenic desert corridor.

To date, we are told, there has been no environmental study, no traffic study, and no study to assess the impact of noise and lighting on a primarily residential area. The developers of The Summit are doing their best to be cooperative and we appreciate that, but contrary to their stated goal, a retail center of this size will not enhance the lifestyle of the community, and it is laughable to suggest that a 125,000 square foot Target store can "blend with the natural desert setting."

So we are asking you **please**, when you review this project, to bear in mind the opposition and real distress of the residents of this area, and to take into account the real threat to our homes, to the lifestyle we chose, and to the beauty of the Sonoran Desert that inspired us all to live here.

And we ask for your support.
Thank you, and sincerely yours,



Judy Blum and Rex Powell

✓Cc: Planning Commission
Development Review Board

118-DR 99

news

R E L E A S E



**DONAHUE
SCHRIBER**

3501 Jamboree Road
Suite 300, South Tower
Newport Beach, CA 92650

MEDIA ADVISORY

For Immediate Release

Contact: Judi Lapin, Donahue Schriber (949) 737-2417
Dominic Petrucci, Koll Development Co. (602) 308-4444

Date: August 31, 1999

*TOM
F.Y.I.
DAVE*

DONAHUE SCHRIBER CLOSES LAND ACQUISITION FOR THE SUMMIT AT SCOTTSDALE

Who: **Owner and Developer:** Donahue Schriber, a private REIT that owns and operates 51 shopping centers in California, Arizona and Nevada, representing 15 million square feet of space, will own, lease and manage The Summit at Scottsdale.
Co-Developer: Koll Development Company, Arizona Division, will handle entitlement aspects and share development and leasing responsibilities.
Architect: Nelsen Architects Inc., Scottsdale, Arizona.

What: Closed on the purchase of a 47-acre site from Amberjack Inc. for the development of a 525,000-square-foot community lifestyle shopping center. The center will feature Target as its general merchandise anchor, a full-line, upscale grocer and a high caliber collection of retailers and restaurants in a lifestyle district. Project design will include a blend of aesthetics of the natural desert setting.

Where: Located at the northeast corner of Scottsdale Road and Ashler Hills Road in Scottsdale, Arizona.

When: Tentative opening date of spring 2001.

#

118-DR-99



NELSEN ARCHITECTS INC.
SCOTTSDALE AUSTIN

Architecture
Interiors
Planning

Corporate Office
Suite 100
7031 E. Camelback Road
Scottsdale, Arizona 85251
Tel (602) 949-6800
Fax (602) 949-6801

Austin, Texas
Suite 200
718-1/2 Congress Avenue
Austin, Texas 78701
Tel (512) 457-8400
Fax (512) 457-8770

FACSIMILE TRANSMISSION

DATE: 08/11/99

TO: TOM RIEF

FAX #:(602)-312-7781

FROM: ANDY TIMBERG

PAGES: 3

NAI JOB#: 99029-1.2

RE: PRE-APP MEETING

**COPY TO: THOMAS MEEKS (DEI),
MARK WHITFIELD, DAVE MUDGETT (DONAHUE SCHRIBER)
STUART MORKUN (KOLL DEVELOPMENT)**

ORIGINAL TO FOLLOW BY MAIL: NO

COMMENTS:

TOM:

FOR YOUR RECORD, HERE ARE THE MEETING MINUTES FROM OUR PRE-APP MEETING WITH YOU ON 8/9/99 REGARDING THE SUMMIT AT SCOTTSDALE PROJECT.

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118-DR-99



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SCOTTSDALE AUSTIN

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**PROJECT MEETING #1
MEETING MINUTES**

Project: The Summit @ Scottsdale
Date: August 9, 1999

Project Number: 99029
Location: City of Scottsdale

Pre-Application Meeting

Attendees: Stuart Morkun, Koll
Steve Pacquer, Koll
Thomas Meeks, DEI
Tom Rief, C.O.S.
George Melara, NAI
Andy Timberg, NAI

Distribution: All Attendees, Brad Nelsen, NAI, Erston Senger, NAI, Jeff Brand, NAI

DESCRIPTION

ACTION

Comments and issues regarding the master plan:

- 1.1 A concern over the Ashler Hills Road connection to the East was voiced. The road needs to be adequate to serve the residential or cultural areas to the East, and also provide comfortable access to the Emmy house.
- 1.2 A traffic light at Ashler Hills is not planned by the City but would be the likely location if one was to be added on Scottsdale Road frontage.
- 1.3 Tom Rief informed us that 404 issues were a consideration for disturbances to washes over 50 cfs. More information regarding the revised 404 regulations supposedly being instituted this fall needs to be obtained. DEI
- 1.4 With the property to the East being zoned residential, the rear of the project (back of Target and market) is a concern for potential future residences.
- 1.5 The DRB process was discussed with the following suggestions resulting:
 - A comprehensive Design Concept Plan/Masterplans would be helpful and possibly required by the DRB. This would include sketches, drawings and images pertaining to architectural and landscape character. Features such as medians, shade structures, pedestrian paths, treatment of big box majors, etc. would be part of this.
 - The Concept Plan could be developed and presented to City staff by Tom Rief prior to the DR submission to introduce the staff to the project and bring to light any major issues. This would also be an opportunity to educate staff on the process we have been going through in responding to the concerns of neighbors, community, and the City. A study session could then be arranged with DR Board to discuss the project.
 - Prior to DR, a meeting is to be set up with City engineers to discuss drainage, retention, traffic, etc.
- 1.6 ^{Don} Tom Happ serves as a lighting consultant for the City and may be a helpful resource for the project.




The Summit @ Scottsdale
Project Meeting
August 10, 1999
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- 1.7 The specification of water line sizes and Dove Valley Road improvements being stipulated as part of the lot split seemed premature, especially since the property does not belong to Donahue Schriber/Koll. Tom will discuss with Greg Williams and advise Stuart. Tom Reif
C.O.S.
- 1.8 Concerns were raised by Koll regarding the stipulations in the lot split. Specifically the 150' scenic corridor requirement, utility installation and road way improvements.
- 1.9 Tom Reif stated that the 150' scenic corridor is a new and "evolving" policy which carries some flexibility in its implementation.
- 1.10 Tom Reif issued a preliminary DR checklist.

END OF MEETING

These meeting notes will be filed as part of the permanent record for this project. Any questions regarding discrepancies and/or exclusions are to be raised within seven days for possible amendment. If no questions are raised, these minutes will stand approved as written.

Respectfully submitted,
NELSEN ARCHITECTS, INC.



Andy Timberg

Press Release

August 4, 1999

DONAHUE SCHRIBER ANNOUNCES ARIZONA PROJECT WITH KOLL DEVELOPMENT

Newport Beach, Calif. — Donahue Schriber announced today their plans to join forces with Phoenix-based Koll Development Company in the development of the last major parcel fully zoned for commercial uses in the fast-growing northeast valley of Scottsdale, Arizona. The prime 47-acre site at Scottsdale Road and Ashler Hills Drive is being purchased by Donahue Schriber from Amberjack Inc., a subsidiary of State Farm Insurance, for the co-development of a 325,000-square-foot community lifestyle shopping center. The project will represent continuing growth for Donahue Schriber in the Arizona market but a first in both a ground-up development within the state and a partnering with Koll.

Currently being marketed as The Summit at Scottsdale, the center will encompass 40 acres of the site and feature a general merchandise anchor, a food and drug component and a collection of both national and local retailers and restaurants in a lifestyle district. Located just south of the world renowned Boulders Resort in neighboring Carefree, Arizona, leasing efforts will focus on the needs of the surrounding community and architectural plans will include a blend of aesthetics of the natural desert setting. A tentative schedule calls for an opening date of spring 2001.

According to Donahue Schriber Executive Vice President, David Mudgett, Koll will spearhead the development and entitlement aspects of the project, lending their 20-years of development experience in the Phoenix and Scottsdale market. "We're very excited about the opportunity to work with Koll Development Company and have the benefit of their breadth of experience in this market," said Mr. Mudgett. "With four existing centers in the Phoenix/Tucson area, this new project fits with our growth strategy to expand our presence in the western states." Donahue Schriber will oversee the development process and provide leasing and management services for the project.

Koll Development Company Executive Vice President, Dominic Petrucci, who leads the Koll team on the project, said "We're equally pleased to join forces with Donahue Schriber. Their 30 years of retail development, leasing and management experience will be a tremendous asset to a project of this caliber. This property presents an exciting opportunity for both companies."

A private REIT since January 1997, Donahue Schriber owns and operates 51 neighborhood, community and power centers in California, Nevada and Arizona, representing 15 million square feet of retail space. In 1998 the company acquired the assets of Diversified Shopping Centers, giving it an even larger presence across the western states.

Koll Development Company is one of the nation's leading real estate investment and development companies, with a historical real estate portfolio valued at more than \$6.5 billion and totaling over 70 million square feet.

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THE SUMMIT AT SCOTTSDALE



NAME:
The Summit at Scottsdale

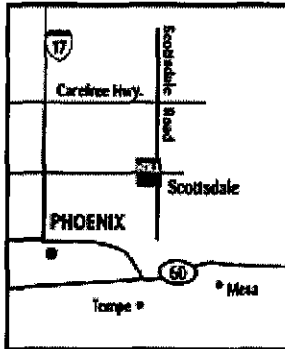
LOCATION:
NEC Ashler Hills and Scottsdale Road
Scottsdale, Arizona

PROJECT SIZE:
47 acres (325,000 SF GLA)

ANCHORS:
Target

CONTACTS:
Koll Development Company
Dominic Petrucci
602/308-4444
petruccid@koll.com

Donahue Schriber Realty Group
Candace Rice
(949)737-2423
crice@dsrg.com



DESCRIPTION:

The Summit at Scottsdale is the "people place" for North Scottsdale and Carefree. As the center of activity for the ever burgeoning residential communities of North Scottsdale, the Summit at Scottsdale will provide a pedestrian friendly environment which the community will embrace for its convenience, character and neighborhood friendliness.

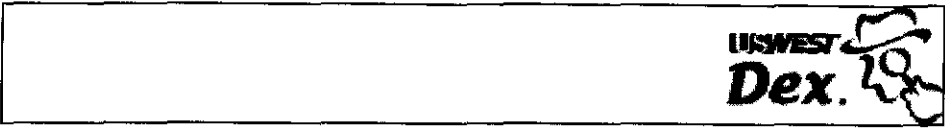
Its distinctive design, inspired by the native Saguaro cactus and alluvial boulders that characterize the Sonoran desert, is combined with a modern desert style. Whether dining, shopping or browsing at the Summit, visitors will agree that it is truly a unique place of Southwestern character.

Conveniently located on Scottsdale Road, the major north south thoroughfare in Scottsdale. The Summit at Scottsdale's mix of restaurants, markets, fashion boutiques, and lifestyle shops is easily accessible by all those seeking an exceptional shopping experience.

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Leading Stories

Neighbors miffed at plan for N. Scottsdale Target

Mike Padgett The Business Journal

The proposed addition of a Target store in an upscale area of north Scottsdale has some residents on edge.

Developers, however, promise that they will be sensitive to the way they design it.

Nonetheless, the issue is likely to spark debate in the months ahead.

Residents of gated communities in north Scottsdale say a Target store, planned as the anchor in a retail center just south of the Boulders, will hurt property values.

"There are great concerns on the part of all the folks who live around there," said Marcita Ryon, president of Coalition of Pinnacle Peak, a group of local residents opposed to high-density developments.

Ryon's group is hosting a public meeting on the issue at 7 p.m., Sept. 13 in the community center in Legend Trails, east of Pima Road.

"The people around there are going to crowd the hall and they're going to want some answers," Ryon said. "Winfield, Terravita, The Boulders, I've heard from folks all over. Just every little community area you can think of in that direction."

A shopping center anchored by Target is planned for the 47-acre parcel on the east side of Scottsdale Road between Dove Valley Road and Ashler Hills Drive. The land was occupied by the Carefree Studios, which were demolished in late July.

The land was sold in late August to Donahue Schriber, a private REIT that owns and operates 51 shopping centers in Arizona, California and Nevada. The former owner was Amberjack Inc., a subsidiary of State Farm Insurance Co.

The land is part of the scenic view corridor along Scottsdale Road that stretches roughly from Pinnacle Peak Road north into Carefree.

Designing the shopping center to fit in with the desert environment and scenic corridor is a major concern, said Dominic Petrucci, executive vice president of Koll Development Co., Phoenix.

Koll and Donahue Schriber will share development and leasing duties.

"No one wants to plop down a Target store that's like the normal one you see," Petrucci said. "It wouldn't be consistent with our early visions of the project."

Critics call the project a "power retail center." Petrucci refers to it as a "community lifestyle shopping center."

The center will include an upscale grocery and a high-caliber collection of retailers and restaurants, according to Donahue Schriber. The stores will have a total of 325,000 square feet, including 120,000 for Target. Petrucci said Bashas' officials are interested. Tentative opening is spring 2001.

The shopping center will be on the south side of Winfield, east across Scottsdale Road from Terravita and on the north side of Whisper Rock, a community of at least 250 luxury homes planned by Grayhawk Development.

Many of the Winfield homes are on a slope where residents will look out over the shopping center and its parking lot.

One of the entrances to Winfield is Dove Valley Road, which is expected to be shared with the shopping center.

Scottsdale economic development director Dave Roderique said the developer could file a site plan as early as October. The city's design review board would then study the proposal.

Roderique said his office has received several calls from residents.

"The people are saying they want to stop it and we don't have any ability to do that," he said.

Because the land already has the necessary commercial zoning, the city is limited to influencing the developer's design of the

project, he said.

"It's going to be simply whether they're going to choose to do that, to try to make themselves a better neighbor," Roderique said.

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Leading Stories

Carefree Studios leveled for power retail center

Mike Padgett The Business Journal

The Carefree Studios complex in north Scottsdale, where some of The New Dick Van Dyke Show television programs were filmed in the early 1970s, has been demolished to make room for a retail center.

The familiar brick buildings, a landmark along Scottsdale Road since their construction more than 30 years ago, were torn down in late July.

Today, the 47-acre site is planned for a power retail center that could include a national discount store, said Dave Roderique, Scottsdale's economic development director.

"We hear a Target and a grocery store are the anchors," Roderique said. "Whether or not that is an appropriate use, who knows."

He added that placing a discount store in the middle of several gated communities in north Scottsdale is unusual.

Plans for the 325,000-square-foot retail center, called The Summit at Scottsdale, could face opposition.

Worried about a large discount store as an anchor is Marcita Ryon, president of the Coalition of Pinnacle Peak.

"We don't want to see a Target or a Home Depot, that sort of a project there," Ryon said. "That is absolutely abhorrent to the people of the community and those of us up here in the foothills."

The property is at the southeast corner of Scottsdale and Dove

Valley roads. On the property's northern border is Winfield, a community of homes in the mid-\$200,000s to mid-\$300,000s range.

A half-mile north of the retail site is The Boulders Golf Course, one of the Valley's most exclusive.

On the south side of the planned retail center is Whisper Rock, a master-planned golf community proposed by Grayhawk Development.

West across Scottsdale Road is Terravita, a gated golf community where home resales can exceed \$400,000. The president of the Terravita homeowners association is Charlie Majka, who doubts residents of Terravita and Winfield would want a "big-box" discount store like Target next to their communities.

"It raises everybody's eyebrows," Majka said. "I personally wouldn't like it. I don't think there's a need for it up here."

The property is owned by State Farm Insurance Co., which is selling it to Donahue Schriber, a private REIT in Newport Beach, Calif. The REIT owns and operates 51 community and power centers in Arizona, California and Nevada.

Escrow will close this month, said Dominic Petrucci, vice president of the Phoenix office of Koll Development. Koll is partnering with Donahue Schriber to develop the property.

Petrucci declined to reveal plans for the property.

"No rumors are to be confirmed at this time," Petrucci said. "We don't have any signed agreements with Target or anyone else."

He said the parcel is the last and largest commercially zoned land in north Scottsdale.

From Bell Road north to Carefree Highway, a distance of 11 miles, the only other retail centers are at Carefree Highway and Scottsdale Road, and at Pinnacle Peak and Scottsdale Roads.

Petrucci said his office has been contacted by several national retailers interested in a proposal.

"We're going to do something that fits in with the character of the neighborhood and the character of that entire region," Petrucci said.

Preliminary plans include national retailers as well as local merchants, restaurants, a drug store and a major grocery store.

Whatever the decision, Koll plans to make a profit. "Whether

you're making widgets or building buildings, you're in it to make money," Petrucci said. "We're not in this as a charitable operation."

Even though many residents are out of state for the summer months, Petrucci will be scheduling meetings soon to share Koll's plans with residents and with Grayhawk developers.

The land has been owned since the mid-1970s by a subsidiary of State Farm called Amberjack Ltd., 1620 West Fountainhead Parkway, Tempe.

The studio property was part of a 935-acre parcel designed for a master-planned community called Amberjack.

State Farm had proposed a community with 1,200 homes on the property. The City Council rejected the plan in 1998 after it ran into strong opposition from the Coalition of Pinnacle Peak.

State Farm later sold most of the land to Grayhawk Development, keeping title to the commercially-zoned 47 acres. Grayhawk changed the name to Whisper Rock and reduced the density to a minimum of 250 luxury homes.

The Carefree Studios were built in the late 1960s, according to press accounts. At the time, the studios were one of the first commercial ventures on North Scottsdale Road, which then was two lanes.

The demolition of the old studios, which have been closed for years, won't "have much of an impact on the film industry in Arizona," said Kevan Kaighn, spokeswoman for the Arizona Department of Commerce.

"It's a pretty outdated facility," she said.

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