

**THIS FLYER IS FOR INFORMATIONAL PURPOSES ONLY AND NOT INTENDED  
AS LEGAL ADVICE.**

***Re: Proposition 207 - Private Property Rights Protection Act  
(A.R.S. § 12-1131 to § 12-1138)***

Under Proposition 207, the Private Property Rights Protection Act (A.R.S. § 12-1131, et. seq.), a property owner is permitted to make a claim for just compensation if the value of the owner's property is reduced by the city's enactment of a land-use law to the property. A land-use law is defined as a law or regulation that regulates the use or division of land, such as municipal zoning laws, or regulates accepted farming or forestry practices.

For example, a property owner may file a claim against a city if the owner's existing rights to use, sell, divide, or possess the property is diminished in value by enactment or applicability of land-use laws to their property, even though the owner made the request or application to the city.

Under Proposition 207, the city may request a waiver of a property owner's potential Proposition 207 claim for any of the numerous land-use actions within the city's jurisdiction, such as rezoning property, platting, abandonments, annexations, change of use, requesting a use permit, or approval of development plans or site plans. The waiver is specific to the action requested.

By signing the waiver, a property owner acknowledges that a Prop.207 claim may exist but that the property owner voluntarily relinquishes the right to any claims that the city's land-use laws, applicable to the owner's property, reduce the property's value.

Not all land-use laws that are applied to an owner's property will raise a Prop.207 compensation requirement. The following seven (7) types of land-use laws are exempt from the application of Prop.207:

1. Laws or regulations that limit or prohibit the use or division of real property enacted for the protection of the public's health and safety, including rules and regulations relating to fire and building codes, health and sanitation, transportation, traffic control, solid or hazardous waste, and pollution control.
2. Laws or regulations that limit or prohibit the use or division of real property and laws historically recognized as "public nuisance" laws.
3. Laws or regulations that are required by the Federal government.

4. Laws or regulations that limit or prohibit the use or division of property for the purpose of housing sex-offenders, selling illegal drugs, liquor control, or pornography, obscenity, or any other adult-oriented businesses.
5. Laws or regulations that establish locations for utility facilities.
6. Laws or regulations that do not directly regulate an owner's land.
7. Laws or regulations that were enacted before the effective date of Prop. 207 (December 7, 2006).

A complete version of Proposition 207 is available at your local law library, at Title 12, Chapter 8, Article 2.1 of the Arizona Revised Statutes.

**If The Waiver Is Not Executed**

If an owner elects not to sign a waiver, he/she will execute a Refusal to Sign Waiver Form and return the form to city staff. For legislative actions such as re-zonings or general plan amendments, information regarding whether a waiver has been executed will be included in the staff report for the case and the owner's case and application will move through the city's process.

**Questions Regarding the Waiver**

If you have specific questions on the interpretation of Proposition 207 and/or execution of a waiver, you may consult with privately retained counsel. City staff, including the City Attorney's office, are prohibited from giving legal advice to private parties.

WHEN RECORDED RETURN TO:  
CITY OF SCOTTSDALE  
ONE STOP SHOP//RECORDS

( )

7447 East Indian School Road, Suite 110  
Scottsdale, AZ 85251

City of Scottsdale Case No. \_\_\_\_\_

WAIVER OF RIGHT TO MAKE A CLAIM UNDER PROPOSITION 207  
(A.R.S. § 12-1131 et.seq.)

The undersigned is the fee title Owner of property, (Parcel No) 173-02-001-E  
located at 5900 N. CRAWFORD REEF RD Scottsdale, Maricopa  
County, Arizona, that is the subject of a request by owner for a:

☒ Use Permit    ☐ Abandonment    ☐ Land division    ☐ Development Review  
☐ Other \_\_\_\_\_

By signing this document, the undersigned Owner agrees and consents to all of the conditions and/or stipulations imposed by the Scottsdale Planning Commission, Development Review Board, city staff, or the City Council in conjunction with Owner's request for application of the city's land use laws to the Owner's property

Owner waives any right to compensation or diminution in value that may be asserted now or in the future under Proposition 207, the Private Property Rights Protection Act (A.R.S. § 12-1131, et.seq.), based upon Owners request in case no. \_\_\_\_\_.

Dated this 28 day of MARCH, 2011.

Owner: PARK PLAZA LLC  
(Type Name)

BY MY MDC LIMITED PARTNERSHIP  
A MANAGING MEMBER  
BY MARTIN POLLACK, IT GENERAL PARTNER  
By: \_\_\_\_\_  
(Signature of Owner)

STATE OF ARIZONA )

County of Maricopa ) ss.

Subscribed and sworn before me this 28th day of March, 2011 by  
Martin Pollack

\_\_\_\_\_  
Notary Public

My Commission Expires:

09/29/2011

