

**207 Waiver**

**Title**

**Legal Description**

**Policy or Appeals**

**Correspondence Between Legal & Staff**

**Letter of Authorization**

**SECURITY TITLE AGENCY**

WHEN RECORDED RETURN TO:  
ARIZONA DEPARTMENT OF TRANSPORTATION  
R/W OPERATIONS  
205 SOUTH 17<sup>TH</sup> AVENUE (612E)  
PHOENIX, AZ 85007-3212

EXEMPT FROM AFFIDAVIT  
BY A.R.S. §11-1134-A-3

111 150226911

**ARIZONA DEPARTMENT OF TRANSPORTATION  
SPECIAL WARRANTY DEED**

The **STATE OF ARIZONA**, acting by and through its **Department of Transportation**, and pursuant to A.R.S. §28-7095, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATION, does hereby convey to **CACTUS 101, LLC, an Arizona Limited Liability Company**, whose address is 6621 North Scottsdale Road, Phoenix, AZ 85250, that certain real property situated in the county of **Maricopa**, State of Arizona:

**SEE EXHIBIT "A" ATTACHED HERETO  
AND BY REFERENCE MADE A PART HEREOF.**

**SUBJECT TO** current taxes and assessments, reservations and all easements, rights of way, covenants, conditions, restrictions, liens and encumbrances of record, the Grantor does hereby covenant that it will forever warrant and defend the title to the above described land against the lawful claims of all persons claiming by, through or under the Grantor herein, and no others.

**PROJECT: RBM 600-1-703      DISPOSAL NO. D-M-285      PARCEL: L-M-326  
SECTION: Scottsdale Road - Doubletree Ranch Road      101L MA 034 H0830 01R**

**JD:11.05.04**

IN WITNESS WHEREOF, this instrument is executed this 5<sup>th</sup> day of November, 2004.

ARIZONA DEPARTMENT OF TRANSPORTATION

*S. E. Hansen*

Chief Right of Way Agent

NOTARY CERTIFICATION

STATE OF ARIZONA     )  
                                      ) SS  
County of Maricopa    )

Unofficial Document

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of November, 2004, by S. E. HANSEN, the Chief Right of Way Agent of the ARIZONA DEPARTMENT OF TRANSPORTATION, who acknowledged to me that he executed this instrument for the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

My Commission expires:

March 5, 2008



*Lorraine Hernandez*

Notary Public

## EXHIBIT "A"

That portion of Lots 79, 78, and 59 of the DESERT HILLS NORTH SUBDIVISION, according to Book 154, Page 14, records of Maricopa County, Arizona, situated in the Northeast quarter (NE¼) of Section 24, Township 3 North, Range 4 East, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Northwest corner of said Lot 78;

thence along the West line of said Lot 78, South 0°00'00" East 21.91 feet to the POINT OF BEGINNING;

thence South 83°12'22" East 151.06 feet to the East line of said Lot 78;

thence along said East line, South 0°00'00" East 18.41 feet;

thence South 81°24'16" East 17.45 feet to the West face of an existing sound wall;

thence along said West face of said existing sound wall, South 6°06'57" East 393.14 feet, to a point 44.56 feet North of and at right angle to the centerline of <sup>Unofficial Document</sup> ~~County~~ <sup>County</sup> Side Drive;

thence South 89°43'30" West 59.14 feet to the West line of said Lot 59;

thence along said West line of Lot 59, North 0°00'00" East 217.69 feet to the Northwest corner of said Lot 59;

thence along the South line of said Lot 78, South 89°59'54" West 150.00 feet to the Southwest corner of said Lot 78;

thence along the West line of said Lot 78, North 0°00'00" East 212.39 feet to the POINT OF BEGINNING.

45,480 square feet, more or less.

(continued)

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**PROJECT:** RBM 600-1-703   **SECTION:** Scottsdale Rd.-Doubletree Ranch Rd.   **PARCEL:** D-M-285  
L-M-326

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101L MA 034 H0830 01R

Disposal

HS/CR 8/28/2002

There shall be no right or easement of access to, from or between the parcel of land described above and State Route 101 Loop (formerly, State Route 117) (PIMA FREEWAY), along the North and East line of said parcel of land;

GRANTOR AND GRANTEE AGREE that the existing fence along the South line of the above described property and the North side of Sunnyside Drive shall be converted to allow legal ingress and egress to said parcel from Sunnyside Drive;

GRANTOR RESERVES unto the public and various utility companies, easements for existing utilities, if any, within the above described property, in accordance with Arizona Revised Statute 28-7210 including, but not limited to, a force main sanitary sewer line and a water line located along the east boundary of the parcel described herein and Sunnyside Drive, as depicted on Arizona Department of Transportation As-Built Plans Project 600-1-544.

GRANTOR RESERVES a 15 foot wide easement running along the existing freeway sound wall for maintenance purposes related to State Route 101 Loop.

Unofficial Document

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L-M-326

101L MA 034 H0830 01R

Disposal

HS/CR 8/28/2002

Pre-application No.: 249-PA-2014  
Project Name: Cactus #101

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:

- a. Street Address: 8710 E SUNNYSIDE A.
- b. County Tax Assessor's Parcel Number 175-13-121A
- c. General Location SW CORNER OF CACTUS & 101
- d. Parcel Size: 1.09 ACRES
- e. Legal Description: \_\_\_\_\_

(If the land is a platted lot, then write the lot number, subdivision, name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.

3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.

4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the general manager of the City of Scottsdale Planning and Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.

7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land and may expose me or the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)  
BRYAN MEALEY  
ANTHONY ARDIZZONE  
\_\_\_\_\_  
\_\_\_\_\_

Date  
4-3 2014  
4-3 2014  
\_\_\_\_\_  
\_\_\_\_\_

Signature  
Bryan Mealey  
Anthony Ardizzone  
\_\_\_\_\_  
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