

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

EXHIBIT "A"

PARCEL NO. 1:

A portion of PERIMETER CENTER, situated in the Northeast quarter of Section 36, Township 4 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona being more particularly described as follows:

COMMENCING at the centerline intersection of Perimeter Drive with 85th Street, as shown on the Map of Dedication of Right of Way and Easements for PERIMETER CENTER PHASE II, according to the Plat of record in the office of the County Recorder of Maricopa County, Arizona in Book 332 of Maps, page 49;

THENCE North 67 degrees 50 minutes 48 seconds East along the centerline of said 85th Street, 150.00 feet to the beginning of a curve with a radius of 450.00 feet to the right;

THENCE Easterly continuing along said centerline and along the arc of said curve, through a central angle of 47 degrees 49 minutes 13 seconds, for an arc distance of 375.58 feet to the beginning of a non tangent line;

THENCE North 25 degrees 40 minutes 01 seconds East 35.00 feet to a point on the Easterly right of way line of 85th Street marking the POINT OF BEGINNING;

THENCE continuing North 25 degrees 40 minutes 01 seconds East, 488.92 feet to the beginning of a non tangent curve, the center of which bears South 41 degrees 02 minutes 30 seconds West, 5539.58 feet;

THENCE Southeasterly along the arc of said curve to the right, through a central angle of 02 degrees 21 minutes 06 seconds for an arc distance of 227.36 feet to a point of compound curvature marking the beginning of non-tangent curve, the center of which bears South 45 degrees 38 minutes 49 seconds West, 5729.58 feet;

THENCE Southeasterly along the arc of said curve to the right, through a central angle of 02 degrees 36 minutes 15 seconds for an arc distance of 260.40 feet to the beginning of a non tangent line;

THENCE South 53 degrees 02 minutes 00 seconds West, 445.67 feet to the aforementioned Easterly right of way line of 85th Street;

THENCE North 36 degrees 58 minutes 00 seconds West, along said right of way line, 34.98 feet to the beginning of a curve with a radius of 485.00 feet to the left;

THENCE Northwesterly, continuing along said right of way line and along the arc of said curve through a central angle of 27 degrees 21 minutes 59 seconds for an arc distance of 231.65 feet to the POINT OF BEGINNING.

EXCEPT all oil gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description; and

EXCEPT all materials which may be essential to the production of fissionable materials as reserved to the State of Arizona in Patent to said land; and

EXCEPT any portion conveyed to the State of Arizona by and through its Department of Transportation by Warranty Deed recorded August 25, 1998 in 98-0751665 of Official Records.

PARCEL NO. 2:

A portion of Section 36, Township 4 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

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THENCE North 36 degrees 58 minutes 00 seconds West, along the centerline of said 85th Street, 552.08 feet;

THENCE North 53 degrees 02 minutes 00 seconds East, 35.00 feet to a point on the Northeasterly right of way line of said 85th Street, marking the POINT OF BEGINNING;

THENCE continuing North 53 degrees 02 minutes 00 seconds East, 445.66 feet to a point on a curve on the Southwesterly right of way line of State Route 101 Freeway, from which the center of said curve bears South 49 degrees 15 minutes 04 seconds West, 5729.58 feet;

THENCE Southeasterly, along said Westerly right of way line, and along the arc of said curve through a central angle of 02 degrees 59 minutes 03 seconds for an arc distance of 298.42 feet;

THENCE South 53 degrees 02 minutes 00 seconds West, 457.59 feet to the aforementioned Northeasterly right of way line of said 85th Street;

THENCE North 36 degrees 58 minutes 00 seconds West, along said right of way line, 298.15 feet to the POINT OF BEGINNING;

EXCEPT all oil gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description; and

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THENCE North 36 degrees 58 minutes 00 seconds West, along the centerline of said 85th Street, 253.93 feet;

THENCE North 53 degrees 02 minutes 00 seconds East, 35.00 feet to a point on the Northeasterly right of way line of said 85th Street, marking the POINT OF BEGINNING;

THENCE continuing North 53 degrees 02 minutes 00 seconds East, 457.59 feet to a point on a curve on the Southwesterly right of way line of State Route 101 Freeway, from which the center of said curve bears South 52 degrees 14 minutes 07 seconds West, 5729.58 feet;

THENCE Southeasterly along said Southwesterly right of way line, and along the arc of said curve, through a central angle of 03 degrees 40 minutes 34 seconds for a distance of 368.18 feet;

THENCE South 63 degrees 36 minutes 38 seconds West, 477.76 feet to a point on a curve on the aforementioned Northeasterly right of way line of said 85th Street, from which the center of said curve bears North 76 degrees 48 minutes 20 seconds West, 80.00 feet;

THENCE Northerly and Northwesterly along said Northeasterly right of way line, and along the arc of said curve through a central angle of 77 degrees 07 minutes 04 seconds for an arc distance of 107.68 feet to a point of reverse curvature marking the beginning of a curve with a radius of 12.00 feet to the right;

THENCE Northwesterly, continuing along said Northeasterly right of way line and along the arc of said curve, through a central angle of 26 degrees 57 minutes 24 seconds, for an arc distance of 5.65 feet;

THENCE North 36 degrees 58 minutes 00 seconds West, continuing along said Northeasterly right of way line, 177.22 feet to the POINT OF BEGINNING;

EXCEPT all oil gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description; and

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THENCE South 37 degrees 07 minutes 19 seconds East, 35.00 feet to the Southeasterly right of way line of Saint John Road, marking the POINT OF BEGINNING;

THENCE North 53 degrees 02 minutes 00 seconds East, along said Southeasterly right of way line of said Saint John Road, 21.87 feet to the beginning of a curve with a radius of 12.00 feet;

THENCE Northeasterly, along said Southeasterly right of way line and along the arc of said curve, through a central angle of 26 degrees 57 minutes 45 seconds, for an arc distance of 5.65 feet to a point of reverse curvature marking the beginning of a curve with a radius of 80.00 feet;

THENCE Easterly and Northeasterly, along said Southeasterly right of way line and along the arc of said curve through a central angle of 66 degrees 48 minutes 04 seconds for an arc distance of 93.27 feet;

THENCE North 63 degrees 36 minutes 38 seconds East, 477.76 feet to a point on a curve on the Southwesterly right of way line of State Route 101 Freeway, from which the center of said curve bears South 55 degrees 55 minutes 01 seconds West, 5729.58 feet;

THENCE Southeasterly along said Southwesterly right of way line, and along the arc of said curve, through a central angle of 01 degrees 34 minutes 43 seconds for an arc distance of 157.87 feet;

THENCE South 57 degrees 29 minutes 44 seconds West, continuing along said Southwesterly right of way line, 10.00 feet to the beginning of a non tangent curve, the center of which bears South 57 degrees 29 minutes 44 seconds West, 5719.58 feet;

THENCE Southeasterly, continuing along said Southwesterly right of way line and along the arc of said curve through a central angle of 02 degrees 19 minutes 25 seconds for an arc distance of 231.95 feet;

THENCE South 14 degrees 13 minutes 21 seconds West, continuing along said Southwesterly right of way line, 64.58 feet;

THENCE South 58 degrees 23 minutes 36 seconds West, continuing along said Southwesterly right of way line 100.21 feet;

THENCE South 31 degrees 36 minutes 24 seconds East continuing along said Southwesterly right of way line, 15.00 feet to the Northwestern right of way line of Princess Drive as shown on said Map of Dedication;

THENCE South 58 degrees 23 minutes 36 seconds West, along said Northwestern right of way line 436.35 feet;

THENCE North 31 degrees 36 minutes 24 seconds West, 474.06 feet to the POINT OF BEGINNING;

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2-ZN-2010
1st: 4/8/2010

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:

- a. Street Address: 17821, 17799, 17791, and 17761 N. 85th Street
- b. County Tax Assessor's Parcel Number: 215-07-212 K, L, M and 215-07-212N
- c. General Location: Northwest Corner of Loop 101 and Princess Drive
- d. Parcel Size: 16.72 acres
- e. Legal Description: See Attached 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)
Beverly D. Bernisse
Lynne A. Lagarde
Michael Edwards
ADAM VALENTE

Date
May 18, 2010
May 17, 2010
MAY 19, 2010
MAY 19, 2010

Signature
Beverly D. Bernisse
Lynne Lagarde
Michael Edwards
ADAM VALENTE

04/12/2010

Arizona Corporation Commission
State of Arizona Public Access System

7:51 AM

Jump To...[Scanned Documents](#) [Amendments](#) [Microfilm](#)**Corporate Inquiry****File Number:** L-0885911-6[Check Corporate Status](#)**Corp. Name:** SCOTTSDALE PERIMETER I, L.L.C.**Domestic Address**

6929 E GREENWAY PKWY #100

SCOTTSDALE, AZ 85254

Statutory Agent Information**Agent Name:** CORPORATION SERVICE COMPANY**Agent Mailing/Physical Address:**

2338 W ROYAL PALM RD STE-J

PHOENIX, AZ 85021

Agent Status: APPOINTED 09/20/1999**Additional Corporate Information****Corporation Type:** DOMESTIC L.L.C.**Business Type:****Incorporation Date:** 09/20/1999**Corporate Life Period:** PERPETUAL**Domicile:** ARIZONA**County:** MARICOPA**Approval Date:** 09/20/1999**Original Publish Date:** 10/18/1999**Manager/Member Information**AUSTIN O FURST JR
MANAGER18526 COOL SPRING RD
MILTON, DE 19968**Date of Taking Office:** 06/25/2002**Last Updated:** 06/28/2002FROGTOWN HOLDINGS INC
MEMBERA DELAWARE CORPORATION
18526 COOL SPARING RD
MILTON, DE 19968**Date of Taking Office:** 06/25/2002

	Last Updated: 07/18/2002
SUSAN C FURST 1994 TRUST MEMBER AUSTIN O FURST JR (TRUSTEE) PO BOX 392 LEWES, DE 19958 Date of Taking Office: 09/20/1999 Last Updated: 10/15/1999	CATHERINE T FURST 1994 TRUST MEMBER AUSTIN O FURST JR (TRUSTEE) PO BOX 392 LEWES, DE 19958 Date of Taking Office: 09/20/1999 Last Updated: 10/15/1999

Scanned Documents

(Click on gray button to view document - will open in a new window)

Document Number	Description	Date Received
00779885	MULTIPLE CHANGES	08/25/2003

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Amendments

Amendment Date	Amendment Type	Publish Date	Publish Exception
06/25/2002	AMENDMENT	10/04/2002	

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Microfilm

Location	Date Received	Description
11346001028	09/20/1999	ARTICLES OF ORGANIZATION
20247004043	10/18/1999	PUBLICATION OF ARTICLES OF ORGANIZATION
20267014023	01/31/2001	AGENT ADDRESS CHANGE
11534010037	06/25/2002	AMENDED & RESTATED ARTICLES
20313050022	10/04/2002	PUB OF AMENDED/RESTATED ARTICLES
31747000736	08/25/2003	MULTIPLE CHANGES

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- [Return to A.C.C. Corporations Division Main Page](#)
- [Return to Arizona Corporation Commission Home Page](#)

TITLE REPORT

COMMITMENT FOR TITLE INSURANCE
ISSUED BY:
Empire West Title Agency
As agent for
First American Title Insurance Company
INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

TABLE OF CONTENTS

Agreement to Issue Policy

Schedule A

1. Commitment Date
2. Policies to be Issued, Amounts And Proposed Insured
3. Interest in the Land and Owner
4. Description of the Land

Schedule B-1 - Requirements

Schedule B-2 - Exceptions

Conditions

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY

If you have any questions about the Commitment, contact:

Empire West Title Agency
2400 E. Biltmore Circle, Ste 1150, Phoenix, AZ 85016
Phone: 602-749-7000 Fax: 602-386-3001

2-ZN-2010
1st: 4/8/2010

COMMITMENT FOR TITLE INSURANCE
ISSUED BY

Empire West Title Agency
As agent for
First American Title Insurance Company
AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment.

When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when Policy is issued and then our obligation to you will be under the Policy.

Our obligation under the Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2

The Conditions.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction:

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

The above exceptions will be eliminated from any ALTA Extended Coverage Policy, ALTA Plain Language Policy, ALTA Homeowner's Policy, ALTA Expanded Coverage Residential Loan policy and any short form versions thereof. However, the same or similar exceptions may be made.

SCHEDULE AAddress Reference: **17821,17799, 17791 AND 17761 NORTH 85TH STREET, SCOTTSDALE, AZ**1. Effective Date: **March 02, 2010 at 7:30 am**

2. Policy or Policies to be issued:

A. ALTA Owners 2006 Standard Coverage

\$5,000,000.00Proposed Insured: **The City of Scottsdale**

B.

Proposed Insured:

3A. The estate or interest in the land described in this Commitment and covered herein is **Fee** and title thereto is at the effective date hereof vested in:**SCOTTSDALE PERIMETER I, L.L.C., an Arizona limited liability company**

3B. Title to the estate herein described upon issuance of the Policy shall be vested in:

The City of Scottsdale4. The land referred to in the Commitment is situate in the county of **Maricopa**, State of **Arizona** and is described in the attached exhibit "A".

Please direct all inquires and correspondence to:
Empire West Title Agency
Escrow Officer: Patty Marino
Phone: 602-749-7000

Empire West Title Agency, issuing agent for
First American Title Insurance Company
By: Diana Lawter
Title Department

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SCHEDULE B
SECTION ONE - REQUIREMENTS

1. Pay second half of 2009 taxes.
2. Proper showing that all assessments due and payable, levied by The Perimeter Center Owners Association, have been paid to and including the closing date of this transaction.
3. **NOTE:** The title examination performed by Empire West Title Agency did not disclose any open encumbrances. Please inquire with the parties to the transaction and their agents as to whether open encumbrances are known to exist, and advise the title department accordingly.
4. Furnish a copy of the Articles of Organization, stamped "filed" by the Arizona Corporation Commission, and any amendments thereto, of Scottsdale Perimeter I, LLC, an Arizona limited liability company.
5. Furnish a fully executed copy of the Operating Agreement, and any amendments thereto, of Scottsdale Perimeter I, LLC, an Arizona limited liability company.
6. Record Deed from SCOTTSDALE PERIMETER I, L.L.C., an Arizona limited liability company to The City of Scottsdale.

NOTE: See attached tax sheets for the following Parcel Numbers: 215-07-212K and 215-07-212L and 215-07-212M and 215-07-212N

24-month Chain of Title: The only conveyance(s) affecting said land recorded within the 24 months preceding the date of this commitment is (are) as follows:

Deed recorded December 30, 1999 as Document No. 99-1163702.
Deed recorded January 31, 2000 as Document No. 900-72307.

NOTE: If no conveyances were found in that 24 month period, the last recorded conveyance is reported. If the subject land is a lot in a subdivision plat less than 24 months old, only the conveyances subsequent to the plat are reported.

Map Note: The attached map, if any, may or may not be a survey of the land depicted hereon. First American Title Insurance Company expressly disclaims any liability for loss or damage which may result from reliance on this map except to the extent coverage for such loss or damage is expressly provided by the terms and provisions of the title insurance policy, if any, to which this map is attached.

Arbitration notice: The policy to be issued may contain an Arbitration Clause. When the amount of insurance is less than the certain dollar amount set forth in any applicable arbitration clause, all arbitrable matters shall be arbitrated at the option of either the Company or the Insured as the exclusive remedy of the parties. If you desire to review the terms of the policy, including any arbitration clause that may be included, contact the office that issued this commitment or report to obtain a sample of the policy jacket for the policy that is to be issued in connection with your transaction.

SCHEDULE B
SECTION TWO -- EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. Printed exceptions and exclusions from coverage are contained in the policy or policies to be issued. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. **Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.**
2. **Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or which may be asserted by persons in possession thereof.**
3. **Easements, liens or encumbrances or claims thereof, which are not shown by the public records.**
4. **Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.**
5. **(a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.**
6. **Any lien, or right to a lien, for services, labor or material heretofore or hereafter furnished, imposed by law and not shown by the public records.**
7. **Taxes for the year 2010, a lien not yet due and payable.**
8. **The right to enter upon said land and prospect for, mine and remove all coal, oil, gas, minerals or other substances, as reserved in the Patent to said land.**
9. **Water rights, claims or title to water, whether or not shown by the public records.**
10. **Any charge upon said land by reason of its inclusion in The Perimeter Center Owners Association.**
11. **Easements, restrictions, reservations, conditions and set-back lines as set forth on the plat recorded in Book 332 of Maps, Page 49 and Affidavit of Change recorded as 95-616539, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).**
12. **Covenants, conditions, restrictions, liabilities and obligations in the document recorded as 96-32725 and amendment thereto recorded as 02-1106683 and thereafter Declaration of Establishment recorded as 97-235855 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes.**

13. The right of the State of Arizona to prohibit, limit and control access to the limited access highway as set forth in instrument recorded in 98-751665 of Official Records.
14. An easement for flowage and drainage and incidental purposes, recorded in Document no.08-992440 of Official Records.



March 3, 2010

Tim Curtis
Principal Planner
City of Scottsdale
Planning and Development Services
7447 E. Indian School Road
Scottsdale, AZ 85251

Re: I-1 PCD development standards amendment
APN# 215-07-212K, 215-07-212L, 215-07-212M and 215-07-212N

Dear Tim:

As owner of the properties at 17821, 17799, 17791 and 17761 N. 85th Street, I hereby authorize Lynne A. Lagarde and the law firm of Earl, Curley & Lagarde, P.C., to represent our interests in all matters related to obtaining the requested Rezoning/I-1 PCD Development Standards Amendment and any other approvals necessary for our proposed use of the property.

Sincerely,

Beverly D. Eernisse
Vice President
Furst Properties, LLC

BDE/clb

2-ZN-2010
1st: 4/8/2010

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

POLICY OF THE CITY OF SCOTTSDALE ON APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

RIGHTS OF PROPERTY OWNER

In addition to other rights granted to you by the U.S. and Arizona Constitution, federal and state law and city ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1) Any dedication or exaction which is required of you by an administrative agency or official of the city as a condition of granting approval of your request to use, improve or develop your real property. This appeal right does not apply to a dedication or exaction required as part of a city legislative act (for example a zoning ordinance) where an administrative agency or official has no discretion to determine the dedication or exaction.
- 2) The adoption or amendment of a zoning regulation that creates a taking of property in violation of Arizona and federal court decisions.

APPEAL PROCEDURE

The appeal must be in writing and specify the City action appealed and the date final action was taken, and it must be filed with or mailed to the hearing officer designated by the city within 30 days after the final action is taken. Address the appeal as follows:

Hearing Officer, C/O City Clerk
3939 Drinkwater Blvd.
Scottsdale, AZ 85251

- ❖ No fee will be charged for filing
- ❖ The City Attorney's Office will review the appeal for compliance with the above requirements, and will notify you if your appeal does not comply.
- ❖ Eligible appeals will be forwarded to the hearing officer, and a hearing will be scheduled within 30 days of receipt by the hearing officer of your request. Ten days notice will be given to you of the date, time and place of the hearing unless you indicate that less notice is acceptable to you.
- ❖ The city will submit a takings impact report to the hearing officer.
- ❖ In an appeal from a dedication or exaction, the City will bear the burden of proving that the dedication or exaction to be imposed on your property bears an essential nexus between the requirement and a legitimate governmental interest and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement or development you proposed.
- ❖ In an appeal from the adoption or amendment of a zoning regulation, the City will bear the burden of proving that any dedication or exaction requirement in the zoning regulation is roughly proportional to the impact of the proposed use, improvement, or development, and that the zoning regulation does not create a taking of property in violation of Arizona and federal court cases.
- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
- ❖ The hearing officer can modify or delete a dedication or exaction or, in the case of an appeal from a zoning regulation, transmit a recommendation to the City Council.
- ❖ If you are dissatisfied with the decision of the hearing officer, you may file a complaint for a trial de novo with the Superior Court within 30 days of the hearing officer's decision.

If you have questions about this appeal process, you may contact:

City Attorney's Office
3939 Drinkwater Blvd.
Scottsdale, AZ 85251
(480) 312-2405

Please be aware that City staff cannot give you legal advice. You may wish, but are not required, to hire an attorney to represent you in an appeal.

**Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications**

I hereby certify that I am the owner of property located at:

17821, 17799, 17791 and 17761 N. 85th Street, Scottsdale 85255
(address where development approval, building permits, or city required improvements and dedications are being required)

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Scottsdale as part of my property development on the parcel listed in the above address.

Beverly D. Cernusse
Signature of Property Owner
Authorized Signatory

March 17, 2010
Date