
207 Waiver
Title
Legal Description
Policy or Appeals
Correspondence Between Legal & Staff
Letter of Authorization

Wood, Patel & Associates, Inc.
(480) 834-3300
www.woodpatel.com

Revised May 5, 2015
August 26, 2014
WP# 123808.37

Page 1 of 2
See Exhibit "A"

PARCEL DESCRIPTION

Skysong Retail Parcel

A parcel of land lying within the northwest quarter of Section 2, Township 1 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northwest corner of said Section 2, a 3-inch City of Scottsdale brass cap in handhole, from which the west quarter corner of said section, a stone in handhole, bears South 00°00'06" West (basis of bearing), a distance of 2636.82 feet;

THENCE along the west line of said section, South 00°00'06" West, a distance of 401.25 feet;

THENCE leaving said west line, South 89°59'54" East, a distance of 65.00 feet, to the east right-of-way line of Scottsdale Road and the **POINT OF BEGINNING**;

THENCE leaving said east right-of-way line, South 89°59'54" East, a distance of 174.93 feet;

THENCE South 11°39'00" East, a distance of 73.81 feet;

THENCE North 90°00'00" East, a distance of 95.72 feet;

THENCE South 00°00'00" West, a distance of 165.53 feet;

THENCE North 90°00'00" West, a distance of 245.40 feet;

THENCE North 00°00'00" East, a distance of 27.25 feet;

THENCE North 90°00'00" West, a distance of 40.15 feet, to said east right-of-way line of Scottsdale Road;

THENCE along said east right-of-way line, North 00°00'06" East, a distance of 210.56 feet, to the **POINT OF BEGINNING**.

Containing 1.3626 acres, or 59,356 square feet of land, more or less.

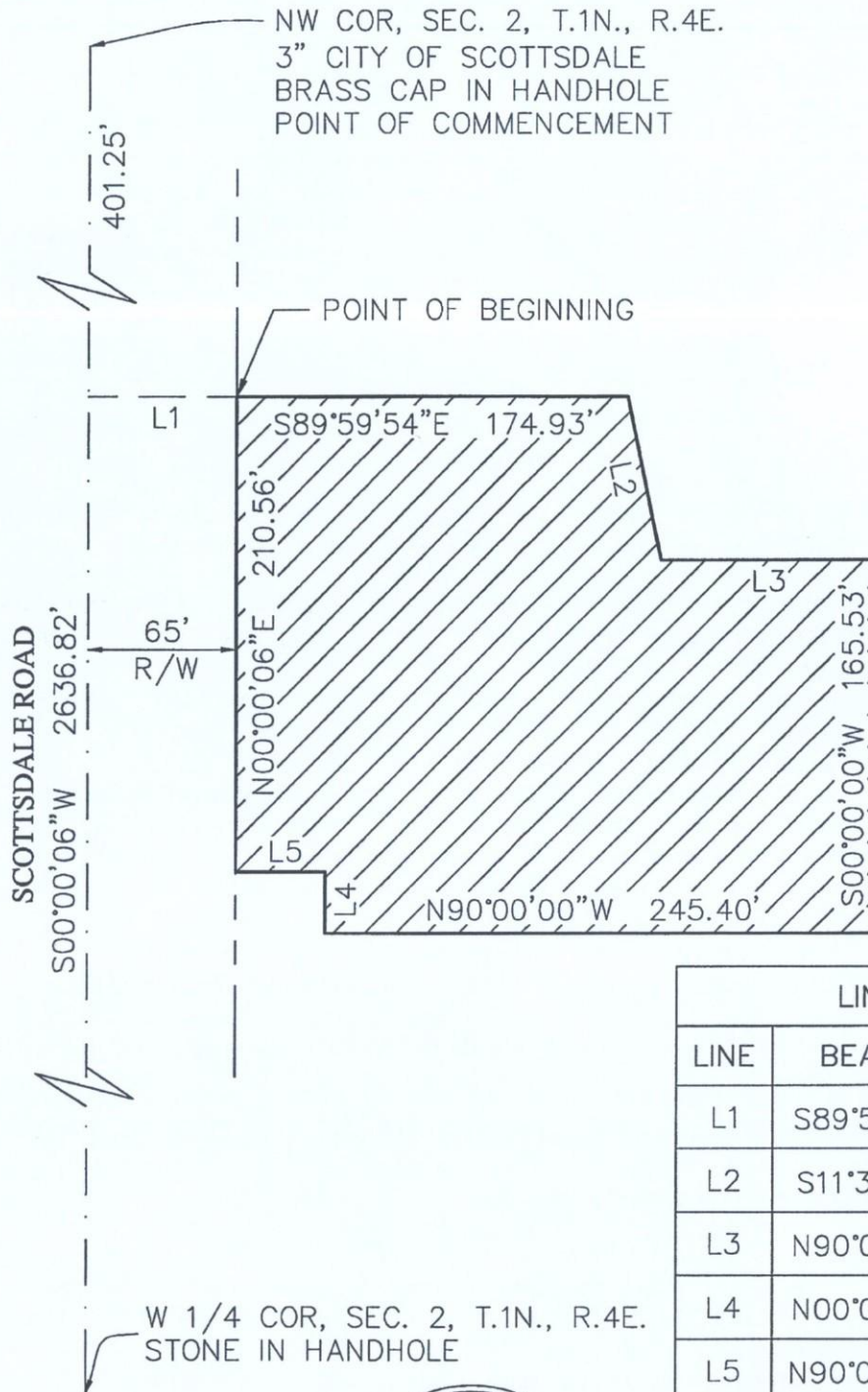
Subject to existing rights-of-way and easements.

This parcel description was prepared without the benefit of survey field work and is based on the unrecorded ALTA/ASCM Survey of Skysong ASU Scottsdale Innovation Center – Skysong 3 prepared by Wood Patel and Associates, dated 08-13-13, job number 123808.32 and other client provided information. Any monumentation noted in this parcel description is based on said ALTA/ASCM Survey. This parcel description isn't intended to (nor does it) create a land division or partition, nor show ownership limits or changes.

X:\Y-Drive\WP\Parcel Descriptions\2012 Parcel Descriptions\123808.37 Skysong Retail Parcel L12R01 5-5-15.docx



24-DR-2015
5/6/2015



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°59'54"E	65.00'
L2	S11°39'00"E	73.81'
L3	N90°00'00"E	95.72'
L4	N00°00'00"E	27.25'
L5	N90°00'00"W	40.15'

WOOD/PATEL
MISSION: CLIENT SERVICE™
(480) 834-3300
WWW.WOODPATEL.COM
PHOENIX - MESA - TUCSON



EXHIBIT "A"

SKYSONG
RETAIL PARCEL
REVISED 05/05/2015
WP#123808.37
PAGE 2 OF 2
NOT TO SCALE

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24-DR-2015
5/6/2015



Appeals of Dedication, Exactions, or Zoning Regulations

Rights of Property Owner

In addition to the 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) when 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 violations of Arizona and federal court decision.

Appeal Procedure

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

- 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 *nevo* with the Superior Court within 30 days of the hearing officer's decision.

For questions, you may contact:

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

Address your appeal to:

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

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.

Planning, Neighborhood and Transportation Division

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

**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:

1375 N. Scottsdale Road

(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.



Signature of Property Owner

4/20/15

Date



DECLARATION OF
CONFLICT OF INTEREST OR PERSONAL INTEREST

NAME: JOE YOUNG

PUBLIC BODY: DEVELOPMENT REVIEW BOARD

DATE OF PUBLIC MEETING: 10/15/15 AGENDA ITEM NO.: 6

DESCRIPTION OF ITEM: SKYSONG RESTAURANT

☒ I declare that I have a "substantial interest" in the above-referenced decision or matter, as provided in A.R.S. § 38-501 et seq., and, therefore, declare that I have a conflict of interest in the decision or matter.

Describe the substantial interest held by you or your relative(s) referred to above:

WAS CONTACTED BY LANDSCAPE ARCHITECT
ABOUT IRRIGATION DESIGN. HAVE COLLABORATED WITH
IS ARCH ON OTHER PAST
PROJECTS.

☐ I don't believe that I have a substantial interest in the above-referenced decision or matter and, therefore, do not have a conflict of interest as provided by Arizona law, but I believe that my active participation in the above-referenced decision or matter might raise the perception of undue influence or impropriety.

Explain: _____

To avoid a conflict of interest or the perception of undue influence or impropriety, as indicated above, I will refrain from participating in any manner in the decision(s) or matter(s) identified above.

[Signature]
Signature

10/15/15
Date Signed

PLEASE NOTE: Completion and filing of this form with the City Clerk's Office is not, by itself, sufficient for a public officer to meet the requirements of the Conflict of Interest law and Code of Ethical Behavior (S.R.C. § 2-47 et seq.). To complete the requirements the public officer must state publicly at the meeting of the public body that he or she has a conflict of interest, or that participation might raise the perception of undue influence or impropriety; then recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.

A copy of this form will be filed as a supplement to the public officer's Personal Interest Disclosure form.

PO Box 2260
Tempe, AZ 85280

April 28 2015

City of Scottsdale
Planning and Development
7447 E Indian School Rd., Ste. 105
Scottsdale, Arizona 85251

RE: SkySong Restaurants Building – 1375 N. Scottsdale Road

To Whom It May Concern:

The purpose of this letter is to formally authorize the firms and individuals identified below to file and process all necessary applications, including but not limited to a development review application which may be related to securing entitlements to allow the development of a restaurants building on behalf of ASUF Scottsdale, L.L.C. for the above referenced property more fully described in the legal description enclosed with this letter.

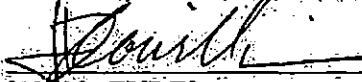
- Wetta Ventures, including but not limited to its representative David A. Wetta and Paul Salinas;
- The law firm of Gammage & Burnham, including but not limited to its representatives, Manjula M. Vaz and Rob Lane;
- The specialty design firm of Brick & West Design, including but not limited to its representative Michael Rumpelstin;
- The design and engineering consulting firm of Bury, including but not to its representative Aaron Parencia; and,
- The landscape architecture firm of the design element, including but not limited to its representative Marc Beyer

ASUF Scottsdale, L.L.C., an Arizona limited liability company, has the development rights for the property identified above.

Sincerely,

ASUF Scottsdale, L.L.C., an Arizona limited liability company,

By


[SIGNATURE]

J. DONALD CONVILLION
[PRINT NAME]

Its

VP REAL ESTATE
[PRINT TITLE]

Encl. Legal Description

24-DR-2015
5/6/2015

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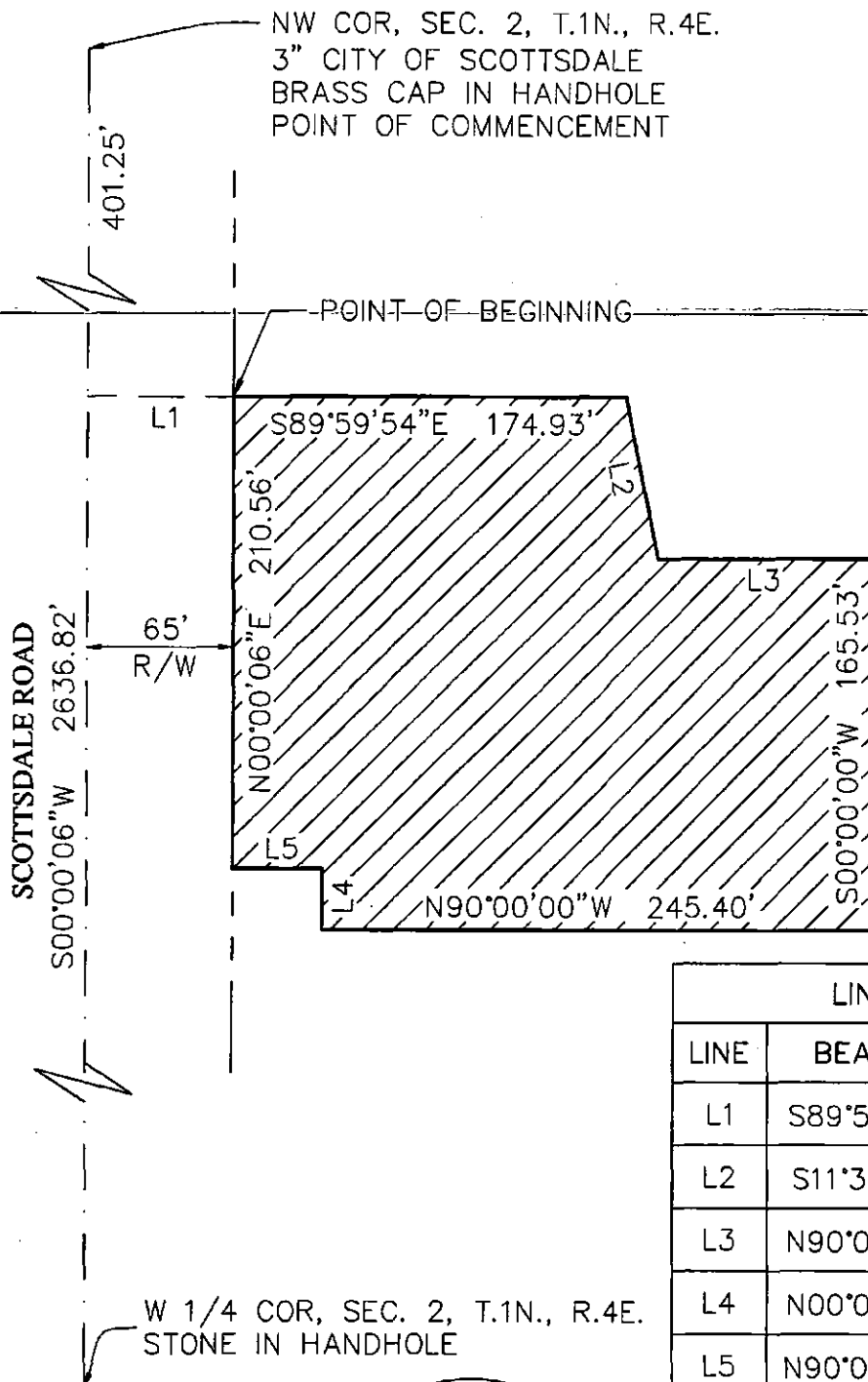
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