

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

LOT 1 OF "A PROPERTY ASSEMBLAGE IN THE CITY OF SCOTTSDALE ARIZONA", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE MARICOPA COUNTY RECORDER, IN BOOK 937 OF MAPS, PAGE 03.

PARCEL NO. 2:

THAT PART OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF LOT 2 SAID SECTION 3, (NORTH QUARTER CORNER OF SAID SECTION 3);

RUN THENCE NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF LOT 2 SAID SECTION 3 (NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 3), A DISTANCE OF 381.81 FEET TO A POINT FROM WHICH THE NORTHEAST CORNER OF LOT 2 SAID SECTION 3, BEARS NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST, A DISTANCE OF 930.59 FEET;

RUN THENCE SOUTH 0 DEGREES 08 MINUTES 00 SECONDS WEST, PARALLEL TO THE EAST LINE OF LOT 2 SAID SECTION 3, A DISTANCE OF 65.05 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 0 DEGREES 08 MINUTES 00 SECONDS WEST, PARALLEL TO THE EAST LINE OF LOT 2 SAID SECTION 3, A DISTANCE OF 309.85 FEET TO A POINT ON THE NORTH LINE OF PAP AGO PARKWAY, AS RECORDED IN BOOK 78 OF MAPS, PAGE 12, MARICOPA COUNTY RECORDS;

RUN THENCE NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST, ALONG THE NORTH LINE OF SAID PAP AGO PARKWAY, PARALLEL TO THE NORTH LINE OF LOT 2 SAID SECTION 3, A DISTANCE OF 387.55 FEET;

RUN THENCE NORTH 0 DEGREES 08 MINUTES 00 SECONDS EAST, PARALLEL TO THE EAST LINE OF LOT 2 SAID SECTION 3, A DISTANCE OF 309.85 FEET;

RUN THENCE SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST, PARALLEL TO AND 65.00 FEET SOUTH OF THE NORTH LINE OF LOT 2 SAID SECTION 3, A DISTANCE OF 387.55 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 3:

THE WEST 150 FEET OF THE EAST 543 FEET OF THE NORTH 375 FEET OF FARM UNIT "B", FARM UNIT PLAT OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 65 FEET THEREOF.

PARCEL NO. 4:

THAT PART OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

FROM THE NORTHEAST CORNER OF LOT 2, SECTION 3 (NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 3);

RUN THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 2 A DISTANCE OF 393 FEET (RECORD) 393.02 FEET (MEASURED) TO THE POINT OF BEGINNING;

81C101 (6/06) ALTA Commitment - 2006

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THENCE SOUTHERLY PARALLEL TO THE EAST LINE OF SAID LOT 2, TO A POINT ON THE NORTH LINE OF PAPAGO PARKWAY, AS RECORDED IN BOOK 78 OF MAPS, PAGE 12, MARICOPA COUNTY RECORDS;

RUN THENCE EASTERLY, ALONG THE NORTH LINE OF SAID PAPAGO PARKWAY TO A POINT FROM WHICH THE EAST LINE OF SAID LOT 2 LIES 252.50 FEET (RECORD) 253.50 FEET (MEASURED) EASTERLY AS MEASURED ALONG SAID NORTH LINE OF PAPAGO PARKWAY;

RUN THENCE NORTHERLY TO A POINT ON THE NORTH LINE OF SAID LOT 2 FROM WHICH THE NORTHEAST CORNER OF SAID LOT 2 LIES 265.81 FEET (RECORD) 266.81 FEET (MEASURED) EASTERLY AS MEASURED ALONG SAID NORTH LINE;

RUN THENCE WESTERLY ALONG SAID NORTH LINE TO THE TRUE POINT OF BEGINNING.

EXCEPT THE NORTH 65 FEET THEREOF.

PARCEL NO. 4A:

AN EASEMENT FOR ACCESS AS CREATED IN 86-028756 OF OFFICIAL RECORDS OVER A PORTION OF FARM UNIT "B", FARM UNIT PLAT, OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID FARM UNIT "B";

THENCE WESTERLY ALONG THE NORTH LINE OF SAID FARM UNIT "B", SOUTH 89 DEGREES 02 MINUTES 50 SECONDS WEST (RECORD) SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST (MEASURED), A DISTANCE OF 265.81 FEET (RECORD) 266.81 FEET (MEASURED);

THENCE SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST (RECORD) SOUTH 01 DEGREES 54 MINUTES 04 SECONDS EAST (MEASURED), A DISTANCE OF 65.00 FEET (RECORD) 65.01 FEET (MEASURED) TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS EAST (RECORD) NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST (MEASURED), A DISTANCE OF 18.50 FEET;

THENCE SOUTH 00 DEGREES 32 MINUTES 45 SECONDS EAST (RECORD) SOUTH 01 DEGREES 33 MINUTES 45 SECONDS EAST (MEASURED), A DISTANCE OF 53.00 FEET;

THENCE SOUTH 89 DEGREES 02 MINUTES 50 SECONDS WEST (RECORD) SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST (MEASURED), A DISTANCE OF 32.00 FEET;

THENCE NORTH 00 DEGREES 32 MINUTES 45 SECONDS WEST (RECORD) NORTH 01 DEGREES 33 MINUTES 45 SECONDS WEST (MEASURED), A DISTANCE OF 53.00 FEET;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS EAST (RECORD) NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST (MEASURED), A DISTANCE OF 13.50 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL NO. 5:

A PORTION OF FARM UNIT "B", FARM UNIT PLAT, OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID FARM UNIT "B";

THENCE WESTERLY ALONG THE NORTH LINE OF SAID FARM UNIT "B", SOUTH 89 DEGREES 02 MINUTES 50 SECONDS WEST (RECORD) SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST (MEASURED), A DISTANCE OF 265.81 FEET (RECORD) 266.81 FEET (MEASURED);

THENCE SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST (RECORD) SOUTH 01 DEGREES 54 MINUTES 04 SECONDS EAST (MEASURED), A DISTANCE OF 374.66 FEET (RECORD) 374.59 FEET (MEASURED) TO THE



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(Continued)

NORTH LINE OF PAPAGO PARKWAY SUBDIVISION AS RECORDED IN BOOK 78 OF MAPS, PAGE 12 OF MARICOPA COUNTY RECORDS;

THENCE EASTERLY ALONG THE NORTH LINE OF SAID PAPAGO PARKWAY SUBDIVISION NORTH 89 DEGREES 01 MINUTES 50 SECONDS EAST (RECORD) NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST (MEASURED), A DISTANCE OF 252.50 FEET (RECORD) 253.50 FEET (MEASURED) TO THE EAST LINE OF SAID FARM UNIT "B";

THENCE ALONG SAID EAST LINE NORTH 01 DEGREES 09 MINUTES 20 SECONDS EAST (RECORD) NORTH 00 DEGREES 08 MINUTES 00 SECONDS EAST (MEASURED), A DISTANCE OF 374.85 FEET (RECORD) 374.83 FEET (MEASURED) TO THE POINT OF BEGINNING;

EXCEPT ANY PART LYING WITHIN THE PROPERTY CONVEYED TO THE CITY OF SCOTTSDALE RECORDED IN DOCKET 11913, PAGE 854; AND

EXCEPT THE NORTH 40 FEET; AND
EXCEPT THE NORTH 65 FEET OF THE EAST 180 FEET; AND

EXCEPT THE EAST 30 FEET;

PARCEL NO. 5A:

AN EASEMENT FOR ACCESS AS CREATED IN 86-028756 OF OFFICIAL RECORDS OVER A PORTION OF FARM UNIT "B", FARM UNIT PLAT, OF LOT 2, SECTION 3, TOWNSHIP 1 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID FARM UNIT "B";
THENCE WESTERLY ALONG THE NORTH LINE OF SAID FARM UNIT "B", SOUTH 89 DEGREES 02 MINUTES 50 SECONDS WEST (RECORD) SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST (MEASURED), A DISTANCE OF 265.81 FEET (RECORD) 266.81 FEET (MEASURED);

THENCE SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST (RECORD) SOUTH 01 DEGREES 54 MINUTES 04 SECONDS EAST (MEASURED), A DISTANCE OF 65.00 FEET (RECORD) 65.01 FEET (MEASURED) TO THE TRUE POINT OF BEGINNING;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS EAST (RECORD) NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST (MEASURED), A DISTANCE OF 18.50 FEET;
THENCE SOUTH 00 DEGREES 32 MINUTES 45 SECONDS EAST (RECORD) SOUTH 01 DEGREES 33 MINUTES 45 SECONDS EAST (MEASURED), A DISTANCE OF 53.00 FEET;

THENCE SOUTH 89 DEGREES 02 MINUTES 50 SECONDS WEST (RECORD) SOUTH 88 DEGREES 01 MINUTES 50 SECONDS WEST (MEASURED), A DISTANCE OF 32.00 FEET;
THENCE NORTH 00 DEGREES 32 MINUTES 45 SECONDS WEST (RECORD) NORTH 01 DEGREES 33 MINUTES 45 SECONDS WEST (MEASURED), A DISTANCE OF 53.00 FEET;

THENCE NORTH 89 DEGREES 02 MINUTES 50 SECONDS EAST (RECORD) NORTH 88 DEGREES 01 MINUTES 50 SECONDS EAST (MEASURED), A DISTANCE OF 13.50 FEET TO THE TRUE POINT OF BEGINNING.





Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:

- a. Street Address: 6925, 6905, 6863 & 6861 E. McDowell Rd
- b. County Tax Assessor's Parcel Number: 129-11-001 M, P, S, T & U
- c. General Location: SWC of 70th & McDowell
- d. Parcel Size: 7.43 acres
- e. Legal Description: See 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 Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.

5. I will immediately deliver to the Director of the City of Scottsdale Planning & 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 and 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) | Date | Signature |
|------------------------|-----------------------------|------------------------|
| <u>Michele Hammond</u> | <u>Nov 4</u> , 20 <u>15</u> | <u>Michele Hammond</u> |
| _____ | _____, 20__ | _____ |
| _____ | _____, 20__ | _____ |
| _____ | _____, 20__ | _____ |

Planning and Development Services

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

October 27, 2015

Via Hand-Delivery, to:

City of Scottsdale
Planning & Development Services Department
7447 East Indian School Road, Suite 105
Scottsdale, Arizona 85251

Re: Letter of Authorization – Skye (SEC of 68th & McDowell)

To Whom It May Concern:

This letter authorizes the firms and companies of K. Hovnanian Homes, Berry Riddell LLC, LVA Urban Design Studio, Technical Solutions, and Sustainability Engineering Group to represent and act on behalf of **777 Properties, LLC** in connection with the General Plan Amendment and Zoning applications and related City matters for property located east of the southeast corner of 68th Street and McDowell Road (APNs# 129-11-001M, 129-11-001P, 129-11-001S, 129-11-001T, 129-11-001U) in the City of Scottsdale, Maricopa County, Arizona.

777 Properties, LLC

By: _____

Its: Member/Manager

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**

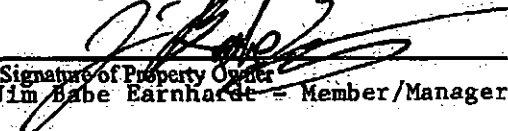
I hereby certify that I am the owner of property located at:

6925, 6905, 6863, & 6861 East McDowell Road, Scottsdale, AZ 85257

(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.

777 Properties, LLC



Signature of Property Owner
Jim Babe Earnhardt - Member/Manager

Nov. 2, 2015
Date