

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

**EXHIBIT "A"**

A portion of Tracts 3A as shown on State Plat No. 16 Core South, according to Book 324 of maps, Page 50 as recorded in the Maricopa County Recorders Office, Maricopa County, Arizona, situated in the Northwest Quarter of Section 35, 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 West quarter corner of said Section 35, from which the Northwest corner of said Section 35 bears North 00 degrees, 09 minutes 29 seconds East, a distance of 2640.37 feet;

Thence North 00 degrees 09 minutes 29 seconds East, along the West line of said Section 35, a distance of 680.12 feet to the Point of Beginning of the parcel herein described;

Thence North 00 degrees 09 minutes 29 seconds East, continuing along the West line of said Section 35, a distance of 545.14 feet to a point on the South line of the minor subdivision plat for the Scottsdale Road & Union Hills Drive, according to Book 1131 of Maps, Page 32, records of Maricopa County, Arizona;

Thence South 89 degrees 50 minutes 31 seconds East, leaving said Section line, along said South Subdivision line, a distance of 75.00 feet to a point on the East right of way line of Scottsdale Road;

Thence North 45 degrees 04 minutes 44 seconds East, leaving said East right of way line, continuing along said South Subdivision line, a distance of 59.48 feet;

Thence North 90 degrees 00 minutes 00 seconds East, a distance of 441.07 feet;

Thence North 84 degrees 27 minutes 19 seconds East, a distance of 98.99 feet;

Thence South 82 degrees 46 minutes 39 seconds East, a distance of 160.65 feet to the point of curve of a non tangent curve to the left, of which the radius point lies North 47 degrees 23 minutes 41 seconds East, a radial distance of 94.00 feet;

Thence Easterly along the arc of said curve, through a central angle of 84 degrees 56 minutes 31 seconds, a distance of 139.36 feet;

Thence South 07 degrees 09 minutes 14 seconds West, leaving said South Subdivision line, a distance of 225.71 feet;

Thence South 00 degrees 09 minutes 29 seconds West, a distance of 343.98 feet;

Thence North 89 degrees 50 minutes 31 seconds West, a distance of 915.01 feet to the Point of beginning of the parcel herein described.

**EXCEPT** all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizes of every name and description , together with all uranium, thorium or any other material which is or may be determined by the laws of the United States, or of this state, or decisions of court, to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as set forth in document recorded September 14, 2015 as 2015-0660434, of Official Records.

**Fidelity National Title Insurance Company**  
**COMMITMENT FOR TITLE INSURANCE**  
**SCHEDULE A**

Effective Date: **March 24, 2016 at 5:00 P.M.**, as to Recorders Office of Maricopa County, Arizona and  
**May 12, 2015 at 9:00 A.M.**, as to Arizona State Land Department

1. Policy (or Policies) to be issued: Policy Amount:

**ALTA 2006 EXTENDED OWNER'S POLICY**

Proposed Insured: **JLB REALTY,LLC, a Texas limited liability company**

2. The estate or interest in the land described or referred to in this commitment and covered herein is **Fee Simple** and title thereto is at the effective date vested in:

**State of Arizona as to Fee interest; and**

**JLB REALTY, LLC as equitable interest by Certificate of Purchase issued by State of Arizona, C.P. No. 53-117739, Recorded September 14, 2015 as 2015-0660434, of Official Records.**

3. Title to the estate or interest in the land upon issuance of the policy shall be vested in:

**JLB REALTY,LLC, a Texas limited liability company**

4. The land referred to in the Commitment is described as follows:

**SEE ATTACHED EXHIBIT "A"**

5. The address of the land referred to in the Commitment is described as follows:

**N/A**

Countersigned  
**Thomas Title & Escrow, LLC**

BY:   
Authorized Signature

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**EXCEPT** all oil, gas, other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizers of every name and description, together with all uranium, thorium or any other material which is or may be determined by the laws of the United States, or of this state, or decisions of court, to be peculiarly essential to the production of fissionable materials, whether or not of commercial value, as set forth in document recorded September 14, 2015 as 2015-0660434, of Official Records.

# Fidelity National Title Insurance Company

## COMMITMENT FOR TITLE INSURANCE

### SCHEDULE B - SECTION I REQUIREMENTS

Effective Date: **March 24, 2016, 5:00pm**

The following are the requirements to be complied with prior to the issuance of the policy or policies. Unless otherwise noted, all documents must be recorded in the office of the Recorder of the County in which the property is located.

1. **Furnish Plat of Survey of the subject property by a Registered Land Surveyor in accordance with the "Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys" which became effective February 23, 2016. Said Plat of survey shall include the required certification and, at a minimum, also have shown thereon Items 1, 8, 11(b), 16, 17, 20(b) from Table A thereof. If zoning assurances are requested, items 7(a), 7(b), 7(c) and 9 from Table A and information regarding the usage of the property must be included.**
2. **Provide proper notification prior to the closing of this transaction to Thomas Title & Escrow for an inspection to be completed and to disclose any additional exceptions and/or requirements.**
3. **Furnish full and complete copy of any unrecorded lease, agreement, contract and/or license with all supplements, assignments and amendments and fully executed owner's affidavit prior to close of transaction. The owner's affidavit shall also state that none of the leases referred to in the affidavit contain a first right of refusal or option to purchase. Thomas Title & Escrow reserves the right to except additional items and/or make requirements after review of the foregoing documents.**
4. **Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing**
5. **Record Patent Deed from State of Arizona to JLB Realty, LLC, a Texas limited liability company, to pay off Certificate of Purchase referred below:  
C.P. No. 53-117739 recorded September 14, 2015 as 2015-0660434, of Official Records.**

### END OF SCHEDULE B - REQUIREMENTS

**DISCLOSURE NOTE: In the event any Affidavit required pursuant to A.R.S. 33-422 has been, or will be, recorded pertaining to the land, such Affidavit is not reflected in this Commitment nor will it be shown in any policy to be issued in connection with this Commitment. The statute applies only to unincorporated land in an unincorporated area of a county.**

# Fidelity National Title Insurance Company

## COMMITMENT FOR TITLE INSURANCE

### SCHEDULE B - SECTION II EXCEPTIONS

Effective Date: **March 24, 2016, 5:00pm**

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

**A. Defects, liens, encumbrances, adverse claims or other matters, if any, created, first appearing in the public records or attaching subsequent to the effective date shown on this title commitment, but prior to the date the proposed Insured acquires for value of record the estate or interest or mortgage covered by this commitment.**

- 1. Taxes for the full year of 2016. (The first half is due October 1, 2016 and is delinquent November 1, 2016. The second half is due March 1, 2017 and is delinquent May 1, 2017)**
- 2. Reservations contained in the Patent from the State of Arizona, reading as follows: Subject to any and all reservations, easements, or rights of way heretofore legally obtained and now in full force and effect.**
- 3. Water rights, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records. This exception is not limited by reason of disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.**
- 4. An easement for right of way for Scottsdale Road and incidental purposes recorded as Book 71 of Miscellaneous, Page 503; Book 6 of Road Maps, Page 4 and Docket 3494, Page 100 and In Book 13 of Road Maps, Page 94, of Official Records.**
- 5. All matters as set forth in State Plat No. 16 Core South, recorded as Book 324 of Maps, Page 50, of Official Records.**
- 6. The terms, conditions and provisions contained in the document entitled Development Agreement recorded as 2002-1240137 and First Amendment recorded as 2011-923510, of Official Records.**
- 7. An easement for R/W No. 16-109215 for Public Roadway, Underground Utilities and Drainage and incidental purposes recorded as 2005-182711, of Official Records.**
- 8. Right of the State of Arizona, its lessees or permittees to enter upon those lands for the purpose of exploration, development and removal of the minerals described in exception to said land, provided by the rules of the State Land Department and the laws of Arizona recorded as 2015-0660434, of Official Records.**

9. **The following matters are disclosed by a search of the Arizona State Land Department:**

**Right of Way No. 18-94347 for electric lines expiring November 29, 2015 to Arizona Public Service.**

**Right of Way No. 18-105262 for electric lines expiring December 9, 2019 to Arizona Public Service.**

**Right of Way No. 18-105976 for Communication lines expiring September 19, 201 to Cox Communications, Phoenix Inc.**

**Right of Way No. 16-116171 for Flood Control Channel assigned to the City of Scottsdale.**

**END OF SCHEDULE B - EXCEPTIONS**

## 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:

SEC SCOTTSDALE ROAD: CHAUNCEY LANE

(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

\_\_\_\_\_  
Date

SEE ATTACHED  
LETTER OF  
AUTHORIZATION  
FROM THE AZ.  
STATE LAND DEPT.



Douglas A. Ducey  
Governor

Lisa A. Atkins  
Commissioner

## Arizona State Land Department

March 31, 2016

1616 West Adams, Phoenix, Arizona 85007  
(602) 542-4631

Kevin L. Rancil  
JLB Partners  
9721 E. Via de Ventura, Suite 215  
Scottsdale, Arizona 85258

RE: State Trust land located in T4N, R4E, Section 35 in Maricopa County  
ASLD Certificate of Purchase (the "CP") KE# 53-117739  
JLB Realty LLC – Authorization to Apply for Rezoning and Amended Development Standards

Dear Mr. Rancil:

In response to your March 30, 2016 e-mails, attached please find the following items related to your anticipated submittal to the City of Scottsdale ("City") for rezoning and amended development standards on the State Trust land referenced above:

- Owner's Authorization Letter from the Arizona State Land Department ("ASLD"), authorizing JLB Realty LLC to apply to the City for rezoning and amended development standards (the "Entitlements"); and,
- ASLD's Waiver of Claims for Diminution in Value of Property Under Proposition 207 ("207 Waiver").

The attached items will serve in place of ASLD's signature on the City forms titled "Development Application," "Request for Site Visits and/or Inspections," and "Owner Certification Acknowledging Receipt of Notice of Right to Appeal Exactions and Dedications."

Please be aware that our attached Authorization Letter allows you to submit your Entitlement request, and that the City, under their review and approval authority, may require revisions to your submittal as it moves through the Entitlement process.

ASLD appreciates your consideration in this matter, and looks forward to working with you and the City through this process. Please contact me at 602-542-6331 or [medelman@azland.gov](mailto:medelman@azland.gov) if you have any questions.

Sincerely,

Mark Edelman, AICP  
Manager  
Planning and Engineering Section

cc: Paul Peterson, Section Manager, ASLD Sales & Commercial Leasing  
Angela Calabresi, ASLD Sales & Commercial Leasing

attachments

19-ZN-2002#4  
4/1/16