

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

WHEN RECORDED RETURN TO:
CITY OF SCOTTSDALE
ONE STOP SHOP/RECORDS
()
7447 East Indian School Road, Suite 100
Scottsdale, AZ 85251

WAIVER OF RIGHT TO MAKE A CLAIM UNDER PROPOSITION 207
(A.R.S. § 12-1131 et. seq.)
City of Scottsdale Case No. 10-UP-2016

The undersigned is the fee title Owner of property, (*Parcel No.*) 175-49-012A located at 10200 N Scottsdale Rd Scottsdale, Maricopa County, Arizona, that is the subject of a request by Owner for a Conditional Use permit.

By signing this document, the undersigned Owner agrees and consents to all of the conditions and/or stipulations imposed by the Scottsdale Planning Commission, City Staff, or the City Council in conjunction with Owner's request for application of the city's land use laws to the Owner's property.

Owner waives any right to compensation for diminution in value that may be asserted now or in the future under Proposition 207, the Private Property Rights Protection Act (A.R.S. § 12-1131, et.seq.), based upon Owner's request in case no. 10-UP-2016.

Dated this 16th day of June, 2017.

Owner: LYNNA MORRISON
(Type Name)

By Lynna A. Morrison
(Signature of Owner) 175-49-012A

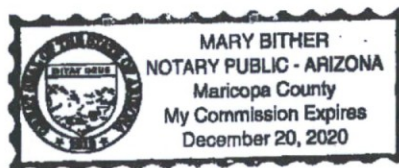
STATE OF ARIZONA)
) ss.
County of Maricopa)

Subscribed and sworn to before me this 16th day of June, 2017 by

Lynna Morrison

[Signature]
Notary Public

My Commission Expires:
12/20/20



Short Waiver Form

WHEN RECORDED RETURN TO:
CITY OF SCOTTSDALE
ONE STOP SHOP/RECORDS
()
7447 East Indian School Road, Suite 100
Scottsdale, AZ 85251

WAIVER OF RIGHT TO MAKE A CLAIM UNDER PROPOSITION 207
(A.R.S. § 12-1131 et. seq.)
City of Scottsdale Case No. 10-UP-2016

The undersigned is the fee title Owner of property, (*Parcel No.*) 175-49-012C, 175-49-012D, located at 10200 N Scottsdale Rd Scottsdale, Maricopa County, Arizona, that is the subject of a request by Owner for a Conditional Use permit.

By signing this document, the undersigned Owner agrees and consents to all of the conditions and/or stipulations imposed by the Scottsdale Planning Commission, City Staff, or the City Council in conjunction with Owner's request for application of the city's land use laws to the Owner's property.

Owner waives any right to compensation for diminution in value that may be asserted now or in the future under Proposition 207, the Private Property Rights Protection Act (A.R.S. § 12-1131, et.seq.), based upon Owner's request in case no. 10-UP-2016.

Dated this 13th day of June, 2017.

Owner: Circle K Stores Inc.
(Type Name)

By: [Signature]
(Signature of Owner) 175-49-012C & D

STATE OF ARIZONA)
) ss.
County of Maricopa)

Subscribed and sworn to before me this 13th day of June, 2017 by

Kim Kwiatkowski, Assistant Secretary

[Signature]
Notary Public

My Commission Expires:
6/24/19



Short Waiver Form

PROPERTY OWNER AUTHORIZATION

I do hereby authorize those business entities and persons listed below to apply for land development approvals, including but not limited to site plan review, variances, use permits, building permits and other approvals and permits for the following property:

Property: APN # 175-49-012C and 175-49-012D
NWC of Scottsdale & Gold Dust, Scottsdale, AZ

Authorized Persons/Firms: Law Office of David Cisiewski, PLLC
 Land Development Consultants, LLC
 David Cisiewski
 Michael Scarbrough
 Tracy Roedel
 Nick Fore
 William Scarbrough
 Sofia Hernandez
 Justin Pierce

OWNER: Circle K Stores Inc



Signature

10-7-16

Date

Address: 1130 W. Warner Road, Tempe, AZ 85284

10-UP-2016
10/24/16

PROPERTY OWNER AUTHORIZATION

I do hereby authorize those business entities and persons listed below to apply for land development approvals, including but not limited to site plan review, variances, use permits, building permits and other approvals and permits for the following property:

Property: APN # 175-49-012A
NWC of Scottsdale & Gold Dust, Scottsdale, AZ

Authorized Persons/Firms: Law Office of David Cisiewski, PLLC
 Land Development Consultants, LLC
 David Cisiewski
 Michael Scarbrough
 Tracy Roedel
 Nick Fore
 William Scarbrough
 Sofia Hernandez
 Justin Pierce

FTT Total Wine Center, LLC,
an Arizona limited liability company

By: **Carbas Corporation,**
an Arizona corporation
Its: Manager

By: 
Name: Lynn A. Morrison
Title: President and CEO

10320 N. Scottsdale Road
Scottsdale, Arizona 85253
Attention: Lynn A. Morrison
Facsimile: (480) 991-4701

10-UP-2016
10/24/16

Action by Resolution

Authorizing FTT Total Wine, LLC to Submit Development Application

The undersigned being all of the Directors of AZ FINANCIAL TT CORPORATION, an Arizona corporation, the sole corporate member of FTT Total Wine, LLC, an Arizona limited liability company, (the "Company") certify that the following resolutions were adopted by its Directors effective as of the 1st day of October 2016:

WHEREAS, the Company has entered into a Purchase Agreement and Escrow Instructions dated February 22, 2016 with Circle K Stores, Inc., a Texas corporation as "Buyer" (the "Purchase Agreement"); and

WHEREAS, the Purchase Agreement anticipates that Circle K will submit the necessary applications required by City of Scottsdale for its intended development and use of the property to be purchased by Buyer under the Purchase Agreement; and

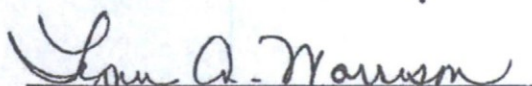
WHEREAS, the Company, in its capacity as "Seller", has agreed to cooperate in the necessary application and approval processes.

NOW THEREFORE, BE IT RESOLVED, that the Company is authorized to sign such applications and other submittals as are necessary to implement the intent of the Purchase Agreement, together with such actions as are necessary to perform all related acts as the officers of the Company may deem necessary or proper in order to carry out the purposes and said acts, executions, and deliveries are hereby authorized, approved and ratified.

This Document may be executed in counterparts, and the signature of any person required by this Document shall be effective if signed on any and/or all counterparts. All counterparts together shall be considered one and the same Document.

The foregoing resolutions have not been amended, modified or revoked and the same are now in full force and effect. Facsimile and PDF signatures shall have the same effect as original signatures and faxed and PDF copies may be relied upon as if they were originals for all purposes.

Executed by the sole directors of the Company:



Lynn A. Morrison



Lisa Gundvaldson

10-UP-2016
10/24/16

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:
 - a. Street Address: 10200 N SCOTTSDALE RD
 - b. County Tax Assessor's Parcel Number 175-49-012C & 175-49-012D
 - c. General Location NWC SCOTTSDALE & GOLD DUST
 - d. Parcel Size: .75 ACRES
 - e. Legal Description: SECTION 27, TOWNSHIP 3N, RANGE 4E
(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)	Date	Signature
<u>MICHAEL SCARBROUGH</u>	<u>October 20</u> , 20 <u>16</u>	<u>[Signature]</u>
<u>DAVE CISIEWSKI</u>	<u>October 20</u> , 20 <u>16</u>	<u>[Signature]</u>
<u>WILLIAM SCARBROUGH</u>	<u>Oct 20</u> , 20 <u>16</u>	<u>[Signature]</u>
<u>NICK FORE</u>	<u>OCTOBER 19</u> , 20 <u>16</u>	<u>[Signature]</u>
<u>JUSTIN PIERCE</u>	<u>October 19</u> , 20 <u>16</u>	<u>[Signature]</u>

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1. This affidavit concerns the following parcel of land:
 - a. Street Address: 10300 N SCOTTSDALE RD
 - b. County Tax Assessor's Parcel Number 175-49-012A - PORTION OF
 - c. General Location NWC SCOTTSDALE & GOLD DUST
 - d. Parcel Size: .204 ACRES
 - e. Legal Description: SECTION 27 TOWNSHIP 3N RANGE 4E
(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.

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Name (printed)	Date	Signature
<u>MICHAEL SCARBROUGH</u>	<u>OCTOBER 20th 2016</u>	<u>[Signature]</u>
<u>DAVE CISIEWSKI</u>	<u>OCTOBER 20, 2016</u>	<u>[Signature]</u>
<u>WILLIAM SCARBROUGH</u>	<u>OCTOBER 20, 2016</u>	<u>[Signature]</u>
<u>NICK FORE</u>	<u>OCTOBER 19, 2016</u>	<u>[Signature]</u>
<u>JUSTIN PIERCE</u>	<u>October 19, 2016</u>	<u>[Signature]</u>

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:

APN: 175-49-012A

(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.

FTT Total Wine Center, LLC,
an Arizona limited liability company

By: Carbas Corporation,
an Arizona corporation

Its: Manager

By: *Lynn A. Morrison*
Name: LYNN A. MORRISON
Title: PRESIDENT

10/11/16
Date

APPEALS OF DEDICATIONS, EXACTIONS, OR ZONING REGULATIONS

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

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- ❖ The hearing officer must render his decision within five working days after the appeal is heard.
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- ❖ 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.

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

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**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:

APN: 175-49-012 C& D; 10200 North 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

10-7-16
Date