

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

**LEGAL DESCRIPTION
(SCOTTSDALE FASHION SQUARE)**

LOT 1 (SCOTTSDALE FASHION SQUARE)

A portion of Lots 1 and 2 SCOTTSDALE FASHION SQUARE LAND DIVISION as recorded in Book 1000, Page 42 Maricopa County records. Situated in the Northeast quarter of Section 22, Township 2 North, Range 4 East, Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 22;

THENCE South 88 degrees 54 minutes 09 seconds West, along the South line of said Northeast quarter, 507.49 feet;

THENCE North 01 degrees 05 minutes 51 seconds West, 55.00 feet to the Northerly right-of-way line of Camelback Road marking the POINT OF BEGINNING;

THENCE along said Northerly right-of-way line the following courses and distances;

South 88 degrees 54 minutes 09 seconds West, 57.46 feet;

THENCE North 01 degrees 05 minutes 51 seconds West, 6.00 feet;

THENCE South 88 degrees 54 minutes 09 ^{Unofficial Document}seconds West, 219.82 feet;

THENCE South 01 degrees 05 minutes 51 seconds East, 6.00 feet;

THENCE South 88 degrees 54 minutes 09 seconds West, 532.14 feet to the beginning of a curve with a radius of 20.00 feet to the right;

THENCE northwesterly along the arc of said curve, through a central angle of 90 degrees 07 minutes 31 seconds, for an arc distance of 31.46 feet to the Easterly right-of-way line of Goldwater Boulevard;

THENCE along said Easterly right-of-way line the following courses and distances;

North 00 degrees 58 minutes 20 seconds West, 389.14 feet to the beginning of a curve with a radius of 1194.26 feet to the right;

THENCE along the arc of said curve, through a central angle of 09 degrees 33 minutes 46 seconds, for an arc distance of 199.33 feet;

THENCE North 88 degrees 50 minutes 48 seconds East, 20.92 feet;

THENCE North 00 degrees 02 minutes 13 seconds West, 105.14 feet to the beginning of a non-tangent curve, the center of which bears

South 76 degrees 14 minutes 43 seconds East, with a radius of 1194.26 feet;

THENCE along the arc of said curve, through a central angle of 00 degrees 14 minutes 38 seconds,
for an arc distance of 5.08 feet;

THENCE North 13 degrees 59 minutes 55 seconds East, 268.06 feet;

THENCE North 89 degrees 17 minutes 00 seconds East, departing from the aforementioned Easterly
right-of-way line of Goldwater Boulevard, 712.77 feet;

THENCE South 01 degrees 05 minutes 30 seconds East, 282.53 feet;

THENCE North 88 degrees 56 minutes 47 seconds East, 471.10 feet to a point on the Westerly right-
of-way line of Scottsdale Road;

THENCE South 00 degrees 02 minutes 04 seconds East, along said Westerly right-of-way line,
399.73 feet;

THENCE South 89 degrees 04 minutes 50 seconds West, 317.70 feet;

THENCE South 01 degrees 15 minutes 10 seconds East, 241.89 feet;

THENCE South 88 degrees 59 minutes 51 seconds West, 141.75 feet;

Unofficial Document

THENCE South 01 degrees 00 minutes 09 seconds East, 48.47 feet to the POINT OF BEGINNING.

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Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 665 -PA- 2018

Project Name: WONDERSPACES

Project Address: 7014 E CAMELBACK RD. STE. 548

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: _____

Print Name

Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

Commitment for Title Insurance

Requirements for Submitting Evidence of Title to the City of Scottsdale Planning Department



The City of Scottsdale planning department requires applicants for various zoning applications, building permits and other approvals to provide evidence of land ownership. Unless city staff directs otherwise, the required evidence shall be a title insurance commitment meeting the following requirements:

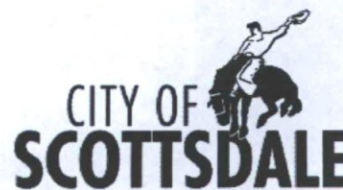
1. The applicant shall instruct the title insurance company to prepare a normal title insurance commitment.
2. The title commitment must cover the whole project site, just as if the city were a commercial real estate developer who was going to buy the whole site from whoever owns it today.
3. The title insurance commitment must be in the same form and have the same wording that the title insurer usually uses when a sophisticated real estate purchaser is buying land from a sophisticated seller. For example, it must not have any extra notes, disclaimers or other language that is not in a normal title insurance commitment for a straightforward land purchase.
4. The City of Scottsdale must be listed as the proposed insured.
5. The proposed insurance amount must be a reasonable estimate of the actual dollar value of the whole site. (The price for the most recent arms-length sale of the whole site is usually an acceptable amount.)
6. The Schedule B requirements must call for:
 - a. A deed from the current owner to the city.
 - b. Releases of all liens, as if the city were going to pay cash for the land and not assume any liens or take subject to any liens.
 - c. Termination of all leases. (Leases with 24 or fewer months remaining in their term may be listed in the Schedule B exceptions instead.)
 - d. Any other specific payments or specific document recordings that the title insurer would normally call for (such as payment of delinquent property taxes).
7. The Schedule B exceptions must show any other specific title matters that may exist.
8. Title companies sometimes state in their title commitments that they will update the title search before issuing a title insurance policy. That's o.k. if the language is clear that the update will only include new title documents that are recorded after the title commitment date. For example, it is o.k. to have wording that says: "Additional items may be added based on new documents recorded before closing." But there must not be vague wording such as this: "Check with title examiner for additional items before closing."
9. The title search date on the title commitment must be less than 30 days old.
10. Both "standard coverage" and "extended coverage" title commitments are acceptable. (The title information on an extended coverage commitment must be identical to the title information that would be on a standard coverage commitment. The only difference is that the Schedule B requirements for an "extended coverage" commitment will call for a survey and will allow the title company to add Schedule B exceptions or requirements for any problems the survey reveals.)
11. There is no need to open an escrow to make a routine dedication. The city will record the dedication directly without sending it through the title company. Often, the city will not actually buy the title insurance described in the commitment or require the applicant to buy it. But, if the city decides to do it (or require the applicant to do it), then the city or the applicant will follow up with the title insurer to pay the insurance premium and satisfy the Schedule B requirements so that the title insurer will issue the policy.
12. The applicant shall inform city staff in writing of any and all title changes that occur after the title commitment is issued.
13. The city reserves the right for city staff to require additional evidence of title, including but not limited to an extended title insurance policy in favor of the city.

Revised October 12, 2006

14-UP-2018
09/18/18

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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 and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

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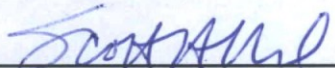
Owner Certification
Acknowledging Receipt
Of
Notice Of Right To Appeal
Exactions And Dedications

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

7014 E. Camelback Rd., Ste. 584, Scottsdale, Arizona

(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

9/12/18

Date

14-UP-2018
09/18/18

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 7014 E. Camelback Rd. Ste. 584
- b. County Tax Assessor's Parcel Number: 173-37-009A
- c. General Location: NWC Scottsdale Rd. + Camelback (Scottsdale Fashion Square)
- d. Parcel Size: 953,249 sq ft
- e. Legal Description: See attached

(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)

ANDREA D LEWKOWITZ

Date

9. 18, 2018

Signature

[Signature]

_____, 20____

_____, 20____

_____, 20____

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