



207 Waiver

Title

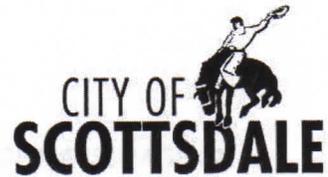
Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 3215 N Hayden Rd, Scottsdale, AZ 85251
- b. County Tax Assessor's Parcel Number: 130-33-085C
- c. General Location: West side of Hayden Rd, south of Osborn about 1/10 of a mile
- d. Parcel Size: 79,598 s.f.
- e. Legal Description: see attached 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)

TOM FRENKEL

JEFF GRAHAM

Date

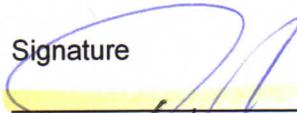
2/28, 2019

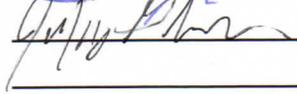
2/28, 2019

_____, 20__

_____, 20__

Signature





Planning and Development Services

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

Legal Description

TRACT "A", TRAIL WEST UNIT TWO AMENDED, ACCORDING TO BOOK 92 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA;

EXCEPT THE NORTH 175 FEET; AND

EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT THE SOUTHWEST CORNER OF TRACT "A" OF TRAIL WEST UNIT TWO AMENDED, ACCORDING TO BOOK 92 OF MAPS, PAGE 37, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE NORTH (ASSUMED BEARING), ALONG THE WEST LINE OF SAID TRACT "A", A DISTANCE OF 21.86 FEET;

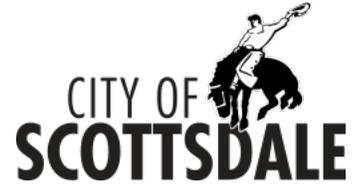
THENCE NORTH 89 DEGREES 45 MINUTES 35 SECONDS EAST, A DISTANCE OF 246.22 FEET TO THE EAST LINE OF SAID TRACT "A";

THENCE SOUTH 0 DEGREES 08 MINUTES 33 SECONDS EAST, ALONG THE EAST LINE OF SAID TRACT "A" AND SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 37.51 FEET TO THE NORTH LINE OF LOT 115 OF TRAIL WEST UNIT ONE, ACCORDING TO BOOK 82 OF MAPS, PAGE 29, RECORDS OF MARICOPA COUNTY, ARIZONA;

THENCE SOUTH 89 DEGREES 51 MINUTES 27 SECONDS WEST, ALONG THE NORTH LINE OF LOTS 113, 114 AND 115 OF SAID TRAIL WEST UNIT ONE, A DISTANCE OF 246.27 FEET TO THE NORTHWEST CORNER OF SAID LOT 113;

THENCE NORTH, 15.23 FEET TO THE POINT OF BEGINNING

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 violation 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

Appeals of Dedication, Exactions or Zoning Regulation



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

Rights of Property Owner

In all matters, the rights granted to you by the U.S. and Arizona Constitutions, Federal and state law and ordinances or regulations, you are hereby notified of your right to appeal the following City actions relating to your property:

- 1. A final order of dedication which is required to you by an administrative agency or official of the city as a condition of granting approval of your project or use involving or impacting your real property. This appeal right does not apply to a dedication or exaction required as part of a legislative act of the City Council.

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

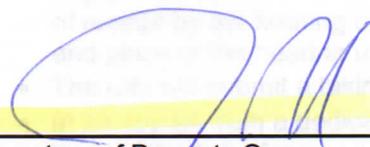
3215 N Hayden Rd, Scottsdale, AZ 85251

(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.

- 2. Terms will be changed to bring
- 3. The City Executive Director will review the appeal for compliance with the zoning regulations, and will
- 4. If the City Executive Director does not comply

- 5. If the City Executive Director does not comply
- 6. If the City Executive Director does not comply
- 7. If the City Executive Director does not comply



Signature of Property Owner

2/27/2019

Date

For questions, you may contact:
City's Planning & Zoning
2000 Camelback Blvd
Scottsdale, AZ 85251
480-717-4425

Address where appeal to:
Planning & Zoning, City Clerk
2000 Camelback Blvd
Scottsdale, AZ 85251

Please do not assume that this document is a legal document. You may wish to consult with an attorney to help you understand its rights.

Planning and Zoning Services