

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

April 30, 2018

City of Scottsdale
Planning and Development Services
7447 E. Indian School Road
Scottsdale, Arizona 85251

Re: Authorization – 7301 E. Butherus, Scottsdale, Arizona (APN No. 215-56-024B)

To whom it may concern:

Please accept this letter as authorization for Withey Morris, PLC to file applications for land use entitlements for the above reference property. I hereby certify that I am the property owner and / or authorized agent of property owner and have the authority to grant this authorization.

Sincerely,
SDL Restaurant Group LLC

By: Bek Lin, LLC
[Signature]

It's: lessee

12-UP-2018
07/20/18

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 7301 E. Butherus
- b. County Tax Assessor's Parcel Number: 215-56-024B
- c. General Location: Southeast corner of Butherus Drive and 73rd Street
- d. Parcel Size: +/- 2 acres
- 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)

Date

Signature

Jerry S. Bavin
Jerry S. Bavin

5/17, 2018
5/20, 2018
_____, 20____

[Signature]
GEORGE PROGOZEL - WITNEY MORRIS PC

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • scottsdaleaz.gov

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 of 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 of 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

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:

7301 E. Butherus, Scottsdale Arizona (APN No. 215-56-024B)

(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.

Bob Lin, LLC, licensed Realtor

Signature of Property Owner

5/17/18

Date

12-UP-2018
07/20/18

EXHIBIT "1 "

Escrow No. 601-5708628 (KG)

PARCEL NO. 1:

BEGINNING AT THE NORTHEAST CORNER OF LOT 21, THUNDERBIRD INDUSTRIAL AIRPARK NO. 2, A SUBDIVISION RECORDED IN BOOK 118 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID CORNER BEING THE TRUE POINT OF BEGINNING;

THENCE SOUTH 1 DEGREE 08 MINUTES 00 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 21, A DISTANCE OF 306.83 FEET;

THENCE NORTH 71 DEGREES 39 MINUTES 27 SECONDS WEST, A DISTANCE OF 334.10 FEET TO THE INTERSECTION WITH A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 783.95 FEET, SAID CURVE BEING THE EAST RIGHT OF WAY LINE OF 73RD STREET AS SHOWN ON THE PLAT OF SAID THUNDERBIRD INDUSTRIAL AIRPARK NO. 2;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 11 DEGREES 23 MINUTES 33 SECONDS A CURVED DISTANCE OF 155.88 FEET;

THENCE NORTH 1 DEGREE 08 MINUTES 00 SECONDS EAST ALONG SAID RIGHT OF WAY, A DISTANCE OF 28.13 FEET TO A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 25.00 FEET;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS, A CURVED DISTANCE OF 39.27 FEET;

THENCE SOUTH 88 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE SOUTH RIGHT OF WAY LINE OF BUTHERUS DRIVE, AS SHOWN ON THE PLAT OF SAID ^{Unofficial Document} THUNDERBIRD INDUSTRIAL AIRPARK NO. 2, A DISTANCE OF 278.70 FEET TO THE TRUE POINT OF BEGINNING;

EXCEPT ALL URANIUM, THORIUM AND ALL OTHER MATERIALS DETERMINED TO BE PARTICULARLY ESSENTIAL TO THE PRODUCTION OF FISSIONABLE MATERIALS, AS RESERVED TO THE UNITED STATES OF AMERICA IN DEED RECORDED AUGUST 12, 1953 IN DOCKET 1185, PAGE 139.

PARCEL NO. 2:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 21, THUNDERBIRD INDUSTRIAL AIRPARK NO. 2, A SUBDIVISION RECORDED IN BOOK 118 OF MAPS, PAGE 10, RECORDS OF MARICOPA COUNTY, ARIZONA, SAID CORNER BEING THE TRUE POINT OF BEGINNING;

THENCE NORTH 71 DEGREES 39 MINUTES 27 SECONDS WEST, A DISTANCE OF 104.69 FEET;

THENCE NORTH 1 DEGREE 08 MINUTES 00 SECONDS EAST, A DISTANCE OF 83.17 FEET;

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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: 924 -PA- 17

Project Name: BLK Live Restaurant and Music

Project Address: 7301 E. Butherus Drive, Scottsdale

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: Jeremy S. Banie, BLK Live, LLC
Print Name

[Signature]
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	

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