

207 Waiver

Title

Legal Description

Policy or Appeals

Correspondence Between Legal & Staff

Letter of Authorization

Appendix A: Legislative Draft of Proposed Amended Development Standards

Sec. 5.100. - Single-family Residential (R1-43).

(Ord. No. 4005, § 1(Res. No. 8947, Exh. A, § 24), 4-3-12)

Sec. 5.101. - Purpose.

This district is intended to promote and preserve residential development. Large lots are required to maintain a low density of population. The principal land use is single-family dwellings and uses incidental or accessory thereto together with required recreational, religious and educational facilities.

Sec. 5.102. - Use regulations.

A. *Permitted uses.* Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Accessory buildings, swimming pools, home occupations and other accessory uses. The landing and taking-off of aircraft is not a valid accessory use in residential districts and is prohibited.
2. Adult care homes; subject to the following criteria:
 - a. Floor area ratio: Is limited to thirty-five hundredths (0.35) of the net lot area.
 - b. Capacity: The maximum number of residents other than the manager or property owner at the home is ten (10).
 - c. Location: An adult care home shall not be located within seven hundred fifty (750) feet of another adult care home on the same street frontage or within five hundred (500) feet in any other direction of another adult care home.
 - d. Compatibility: The home and its premises shall be maintained in a clean, well-kept condition that is consistent in materials and design style with homes in the surrounding or adjacent neighborhood.
 - e. Parking: All parking for the property owner and any employees shall be provided in off-street locations but in no case shall parking occupy more than three-tenths (0.3) of the required front yard.
3. Charter school located on property with a net lot size of one (1) acre or more.
4. Day care home.
5. Day care group home.
6. Dwelling units, single-family, including Vacation rental or Short-term rental, limited to one main dwelling per lot.
7. Guest houses, as an accessory use subject to the following criteria:
 - a. The cumulative square footage of the guest house(s) shall be no greater than one-half (1/2) the livable square footage of the main dwelling.
 - b. The guest house shall be connected to the water meter for the main dwelling. It shall not be separately metered.
 - c. The guest house shall not be rented or offered for rent independent of the main dwelling.
8. Model homes.
9. Municipal uses.

10. Wireless communications facilities; Types 1, 2, and 3, subject to the requirements of Sections 1.906, 3.100 and 7.200.
11. Private tennis courts.
12. Public, elementary and high schools.
13. Temporary sales office buildings and buildings for uses incidental to construction work, to be removed upon completion or abandonment of construction work.
14. Churches and places of worship; subject to Development Review Board approval and compliance with the following standards, as well as those otherwise required in the R1-43 District:
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than twenty thousand (20,000) square feet (net).
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Building height: Development Review Board may allow building heights, including towers, spires, and mechanical equipment (such equipment must be screened) limited to thirty (30) feet in height, and may allow a maximum of ten (10) percent of the roof area to exceed the height limit by fifteen (15) feet. Height and location are subject to the Development Review Board review and approval for compatibility with the established neighborhood character. Maximum permissible heights may not be achievable in all neighborhoods. (This provision supersedes Sections 7.100 through 7.102, exceptions to height restrictions, which shall not apply to churches within this district.)
 - d. Required open space.
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by the net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall observe the minimum front yard setbacks of the district for all frontages. On streets classified in the Transportation Master Plan as major arterial or greater, parking may be located between the established front building line and the front yard setback. On all other street classifications, parking shall be located behind the established front building line(s).
 A minimum of fifteen (15) percent of all parking areas shall be landscaped.
 A ten-foot minimum landscape setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height.
 All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be set back a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be shut off by 10:00 p.m.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines that are adjacent to residential districts shown on Table 4.100.A., or the residential portion of a

Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

There shall be a three-foot high landscaped berm along all street frontages where parking occurs.

- h. Access: All churches must have primary access to a street classified in the Transportation Master Plan as a minor collector or greater.

Access to a local or local collector residential street is prohibited when the primary worship center, auditorium or other major gathering place exceeds three thousand (3,000) square feet.

- i. Operations: No outdoor activities shall be permitted after 10:00 p.m.

- j. Noise: Outdoor speakers or paging systems are not allowed.

B. *Uses subject to conditional use permit.*

1. Cemetery (see section 1.403 for criteria).
2. Community buildings and recreational facilities not publicly owned, such as: Athletic fields, boys' clubs, etc.
3. Farms.
4. Golf course (except miniature golf course or commercial driving range).
5. Ham transmitting or receiving radio antennas in excess of seventy (70) feet.
6. Wireless communications facilities; Type 4, subject to requirements of Sections 1.400, 3.100 and 7.200.
7. Private colleges and universities having a regular curriculum, with their related services and activities.
8. Private school having no room regularly used for housing or sleeping overnight. Subject to Development Review Board approval and compliance with standards, including, but not limited to, the following as well as those otherwise required in the R1-43 District.
 - a. Lot area: The minimum lot area shall be equal to that required for the district, except that no lot shall be less than eighty-six thousand (86,000) square feet minimum lot size.
 - b. Floor area ratio: In no case shall the gross floor area of the structure(s) exceed an amount equal to 0.20 multiplied by the net lot area.
 - c. Noise: Outdoor speaker systems or bells are not allowed.
 - d. Required open space:
 - i. Minimum: 0.24 multiplied by the net lot area.
 - ii. For building heights over twenty (20) feet: the minimum open space requirement plus 0.004 multiplied by net lot area for each foot of building height over twenty (20) feet.
 - iii. NAOS may be included in the required open space.
 - e. Parking: Parking shall be allowed in the front yard setbacks of the district for schools on streets classified in the Transportation Master Plan as minor collector or greater. There shall be a three-foot high landscaped berm or wall along the street frontage where parking occurs. On all other street classifications, parking shall be located behind the established front building line(s). A minimum of fifteen (15) percent of all parking areas in addition to open space in d. above shall be landscaped. A twenty-foot minimum landscaped setback shall be provided where parking is adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential

Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.

- f. Lighting: All pole mounted lighting shall be directed down and shielded and shall be a maximum of sixteen (16) feet in height. All lighting adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A., shall be setback a minimum of thirty (30) feet from the property line. All lighting, other than security, shall be turned off by 10:00 p.m., unless otherwise approved through a special event permit.
 - g. Screening: There shall be a minimum six-foot high masonry wall and/or landscape screen, as approved by the Development Review Board, on the side and rear property lines adjacent to residential districts shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A.
 - h. Access: All private schools shall have frontage on a street classified in the Transportation Master Plan as a minor collector or greater. Side street access to a local collector residential street is prohibited when the number of students allowed to attend the school is greater than two hundred fifty (250). A drop off area shall be provided that accommodates a minimum of five (5) cars at one (1) time.
 - i. Operations: No outdoor activities shall be permitted after 8:00 p.m. unless otherwise approved through a special event permit. Any additions to, expansions of or proposed playgrounds or outdoor activity areas shall be setback fifty (50) feet from the property line (including right-of-way width) of any single-family residential district shown on Table 4.100.A., or the single-family residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the single-family residential districts shown on Table 4.100.A. or setback twenty-five (25) feet from any Two-family Residential R-2, Medium Density Residential R-3, Townhouse Residential R-4, Resort/Townhouse Residential R-4R, Multi-family Residential R-5 or Manufactured Home M-H district property line (including right-of-way width). All playgrounds and outdoor activity areas shall be screened from any residential district shown on Table 4.100.A., or the residential portion of a Planned Community P-C or any portion of a Planned Residential Development PRD with an underlying zoning district comparable to the residential districts shown on Table 4.100.A. by a minimum six-foot high screen wall and/or landscape screen, as approved by the Development Review Board.
 - j. Building design: All buildings shall be designed to be compatible with the surrounding residential neighborhood. All building elevations shall be approved by the Development Review Board.
 - k. Circulation plan: The applicant shall submit a circulation plan to ensure minimal conflicts between the student drop-off area, potential van and bus drop-off area, parking, access driveways, pedestrian and bicycle paths on site.
9. Public utility buildings, structures or appurtenances thereto for public service uses.
 10. Recreational uses including commercial stables, ranches and tennis clubs (see section 1.403 for specific uses and development criteria for each).

(Ord. No. 2394, § 1, 9-16-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2470, § 1, 6-16-92; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3103, § 1, 1-6-98; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3697, § 1(Exh. 1), 9-26-06; Ord. No. 3879, § 1(Exh. § 6), 3-2-10; Ord. No. 3899, § 1(Res. No. 8342, Exh. A, § 4), 8-30-10; Ord. No. 3920, § 1(Exh. §§ 24, 25), 11-9-10; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 25, 26), 4-3-12; Ord. No. 4140, §

1(Res. No. 9643, Exh. A, § 2), 2-25-14; Ord. No. 4143, § 1(Res. No. 9678, Exh. A, §§ 74, 75), 5-6-14; Ord. No. 4288, § 1(Res. No. 10650, § 1, Exh. A), 11-14-16)

Sec. 5.103. - Reserved.

Editor's note— Ord. No. 4164, § 1(Res. No. 9857, § 1, Exh. A, § 8), adopted Aug. 25, 2014, repealed § 5.103 which pertained to approvals required and derived from Ord. No. 3225, § 1, adopted May 4, 1999.

Sec. 5.104. - Property development standards.

The following property development standards shall apply to all land and buildings in the R1-43 District:

A. *Lot area.*

1. Each lot shall have a minimum lot area of not less than ~~forty three thousand (43,000)~~ **twenty thousand (20,000) square feet.**
2. If a parcel of land or a lot of record in separate ownership has less width or area than herein required and has been lawfully established and recorded prior to the date of the passage of this ordinance, such lot may be used for any purpose permitted in this section.

B. *Lot dimensions.*

Width. All lots shall have a minimum lot width of ~~one hundred fifty (150)~~ **one hundred (100) feet.**

C. *Density.* There shall be not more than one (1) single-family dwelling unit on any one (1) lot.

D. *Building height.* No building shall exceed ~~thirty (30)~~ **twenty-four (24) feet** in height, except as otherwise provided in article VII.

E. *Yards.*

1. *Front Yard.*

- a. There shall be a front yard having a depth of not less than ~~forty (40)~~ **twenty (20) feet.**
- b. Where lots have a double frontage on two (2) streets, the required front yard of ~~forty (40)~~ **twenty (20) feet** shall be provided on both streets.
- c. On a corner lot, the required front yard of ~~forty (40)~~ **twenty (20) feet** shall be provided on each street. No accessory buildings shall be constructed in a front yard. *Exception:* On a corner lot which does not abut a key lot or an alley adjacent to a key lot, accessory buildings may be constructed in the yard facing the side street.

2. *Side Yard.* There shall be a side yard of not less than ~~twenty (20)~~ **ten (10) feet** on each side of a building.

3. *Rear Yard.* There shall be a rear yard having a depth of not less than ~~thirty five (35)~~ **thirty (30) feet.**

4. Other requirements and exceptions as specified in article VII.

F. *Distance between buildings.*

1. There shall be not less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall be not less than ~~forty (40)~~ **twenty (20) feet.**

G. *Walls, fences and landscaping.* Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side and rear yard. Walls, fences and hedges up to twelve (12) feet in height are allowed subject to a twenty-foot setback from the side and rear

property line. Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard, except as provided in Article VII. The height of the wall or fence is measured from within the enclosure. Exception: Where a corner lot does not abut a key lot or an alley adjacent to a key lot, the height of walls, fences and hedges in the yard of the longer street frontage need only conform to the side yard requirements.

- H. *Access.* All lots shall have vehicular access on a dedicated street, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.
- I. *Corral.* Corral not to exceed six (6) feet in height shall be permitted on the property line or within the required front, side or rear yard.

(Ord. No. 2509, § 1, 6-1-93; Ord. No. 4005, § 1(Res. No. 8947, Exh. A, §§ 27, 28), 4-3-12)

Sec. 5.105. - Off-street parking.

The provisions of article IX shall apply.

Sec. 5.106. - Signs.

The provisions of article VIII shall apply.

Sec. 5.107.

[Repealed by Ordinance No. 1575.]

**COMMITMENT FOR TITLE INSURANCE
ISSUED BY:
Thomas Title & Escrow, LLC
a division of EWTAZ
As agent for
First American Title Insurance Company**

INFORMATION

The Title Insurance Commitment is a legal contract between you and the company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

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Agreement to Issue Policy

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Schedule B-2 - Exceptions

Conditions

**Countersigned
Thomas Title & Escrow, LLC**

By: Frank W Busch
Authorized Signature

First American Title Insurance Company

Dennis J. Gilmore
Dennis J. Gilmore
President
Jeffrey S. Robinson
Jeffrey S. Robinson
Secretary

**YOU SHOULD READ THE COMMITMENT VERY CAREFULLY
If you have any questions about the Commitment, contact:**

**Thomas Title & Escrow, LLC
7150 E. Camelback Rd., Ste 195, Scottsdale, AZ 85251
Phone: 480-222-1116 Fax: 480-222-1117**

**5-ZN-2018
04/03/18**

COMMITMENT FOR TITLE INSURANCE
ISSUED BY

Thomas Title & Escrow, LLC
a division of EWTAZ
As agent for
First American Title Insurance Company
AGREEMENT TO ISSUE POLICY

We agree to issue a policy to you according to the terms of this Commitment.

When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within six months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when Policy is issued and then our obligation to you will be under the Policy.

Our obligation under the Commitment is limited by the following:

The Provisions in Schedule A.

The Requirements in Schedule B-1.

The Exceptions in Schedule B-2

The Conditions.

This Commitment is not valid without SCHEDULE A and Sections 1 and 2 of SCHEDULE B.

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

1. (a) Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.
3. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.
4. Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land and not shown by the Public Records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the Public Records.

The above exceptions will be eliminated from any ALTA Extended Coverage Policy, ALTA Plain Language Policy, ALTA Homeowner's Policy, ALTA Expanded Coverage Residential Loan policy and any short form versions thereof. However, the same or similar exceptions may be made.

**FIRST AMERICAN TITLE INSURANCE COMPANY
ISSUED BY
Thomas Title & Escrow, LLC
SCHEDULE A**

Effective Date: **March 23, 2018 at 5:00 pm**

1. Policy or Policies to be issued:

A. ALTA Owners 2006 Standard Coverage **\$700,000.00**

Proposed Insured: **City of Scottsdale, a municipal corporation**

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

McDowell Citrus 100, LLC, an Arizona limited liability company

3. Title to the estate herein described upon issuance of the Policy shall be vested in:

City of Scottsdale, a municipal corporation

4. The land referred to in the Commitment is situate in the county of **Maricopa**, State of **Arizona** and is described in the attached Exhibit "A".

Please direct all inquires and correspondence to:
Thomas Title & Escrow, LLC
Escrow Officer: Diane Carpenter
Phone: 480-222-1116

Thomas Title & Escrow, LLC, issuing agent for
First American Title Insurance Company
By: Tony Choe
Title Department

EXHIBIT "A"

The Southwest quarter of the Northwest quarter of the Northwest quarter of Section 12, Township 5 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

End of Exhibit "A"

SCHEDULE B
SECTION ONE - REQUIREMENTS

1. Pay second half of 2017 taxes.

NOTE: Taxes are assessed in the total amount of \$2,948.64 for the year 2017 under Assessor's Parcel No. 216-47-012B.

2. Intentionally Omitted

3. Intentionally Omitted.

4. Intentionally Omitted

5. Intentionally Omitted

6. Intentionally Omitted

7. Intentionally Omitted

8. Furnish a copy of the Articles of Organization, stamped "filed" by the Arizona Corporation Commission; a fully executed copy of the Operating Agreement, and any amendments thereto; and a list of the current members of McDowell Citrus 100, LLC, a(n) Arizona limited liability company. NOTE: Final determination as to which parties must execute all documents on behalf of the company shall be made upon compliance with above.

9. Record Deed from McDowell Citrus 100, LLC, an Arizona limited liability company, to Buyer(s).

NOTE: The Company reserves the right to make further requirements and/or exception based upon its review of the documentation submitted to satisfy the above requirements.

End of Schedule B - Section One

SCHEDULE B
SECTION TWO -- EXCEPTIONS

Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction. Printed exceptions and exclusions from coverage are contained in the policy or policies to be issued. Copies of the policy forms should be read. They are available from the office which issued this Commitment.

1. Taxes for the full year of 2018. (The first half is due October 1, 2018 and is delinquent November 1, 2018. The second half is due March 1, 2019 and is delinquent May 1, 2019).
2. Intentionally Omitted
3. Intentionally Omitted
4. An easement for road and incidental purposes recorded in [Docket 1830, Page 153](#) and thereafter resolution vacating and abandoning a portion of the road, but reserving a public utility easement as set forth in Resolution recorded as [94-0332120](#), of Official Records.
5. An easement for road or highway, public utilities and incidental purposes recorded as [94-0445317](#), of Official Records.
6. An easement for road or highway, public utilities and incidental purposes recorded as [94-0529835](#), of Official Records.
7. Intentionally Omitted
8. Intentionally Omitted
9. Intentionally Omitted

End of Schedule B - Section Two

CONDITIONS

1. DEFINITIONS

- (a) "Mortgage" means mortgage, deed of trust or other security instrument.
- (b) "Public Records" means title records that give constructive notice of matters affecting the title according to the state law where the land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section Two may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attached between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section One are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

comply with the Requirements shown in Schedule B - Section One

or

eliminate with our written consent any Exceptions shown in Schedule B - Section Two.

We shall not be liable for more than the Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claims, whether or not based on negligence, which you may have against us concerning the title to the land must be based upon this Commitment and is subject to its terms.

7150 E. Camelback Rd., Ste 195
Scottsdale, AZ 85251
Phone: 480-222-1116
Fax: 480-222-1117

PRIVACY POLICY

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information-particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information that you provide to us. Therefore, we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means.
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer-reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us, or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities that need to know the information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

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:

34303 N. Hayden Rd. Scottsdale, AZ 85266

(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.

Paul R. Regan
Signature of Property Owner

3/29/18
Date