



207 Waiver

Title

Legal Description / Ads

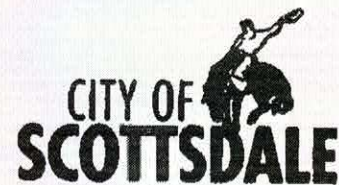
Policy or Appeals

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: 11653 East Sahuaro Drive
- b. County Tax Assessor's Parcel Number: 217-28-986
- c. General Location: Northeast of 116th St. & Shea Blvd.
- d. Parcel Size: 2.52 Acres
- e. Legal Description: Lot 3, Mountainside Plaza, Maricopa County Book 632 of Maps, Page 30.

(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)

Josh Simon

Peter Krahenbuhl

Jeff Hunt

Lance Meinhold

Date

AUGUST 30, 2019

AUGUST 28, 2019

AUGUST 30, 2019

August 30, 2019

Signature

[Signature]

[Signature]

[Signature]

**Planning and Development Services**

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • [www.ScottsdaleAZ.gov](http://www.ScottsdaleAZ.gov)



# Section 404 Certification Form



Before the City issues development permits for a project, the developer's Engineer or the property owner must certify that it complies with or is exempt from Section 404 of the Clean Water Act of the United States. Section 404 regulates the discharge of dredged or fill material into a wetland, lake (including dry lakes), river, stream (including intermittent streams, ephemeral washes and arroyos) or other waters of the United States.

Prior to submittal of improvement plans to Project Review, this form must be completed (and submitted with the improvement plans) as evidence of compliance.

## Certification of Section 404 Permit Status:

Owner's Name: SIMONCRE Phone No.: 480-745-1956  
Project Name/Description: Kerrys Car Car - Shea Case No.: \_\_\_\_\_  
Project Location/Address: 11653 East Sahuaro Drive  
Scottsdale, Arizona 85259

A registered Engineer or the property owner must check the applicable condition and certify by signing below that:

**1. Section 404 does apply to the project because there will be a discharge of dredged or fill material to waters of the U.S., and:**

☐ A Section 404 Permit has already been obtained for this project.

or

☐ This project qualifies for a "Nationwide Permit," and this project will meet all terms and conditions of the applicable nationwide permit.

**2. Section 404 does not apply to the project because:**

☒ No watercourse waters of the U.S. exist on the property.

☐ No jurisdictional waters of the U.S. exist on property. Attached is a copy of the COE's Jurisdictional Determination.

☐ Watercourses or other waters of the U.S. do exist on the property, but the project will not involve the discharge of dredged or fill material into any of these waters.

I certify that the above statement is true.



09-09-19

Engineer's Signature and Seal, or Owner's Signature

Date

Principal

Title/ Company

## Planning and Development Services

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August 28, 2019

Re: APN: 217-28-986 / 11653 East Sahuaro Drive  
SimonCRE Second III, LLC

To Whom It May Concern:

This letter will serve as authorization for SimonCRE Second III, LLC ("Buyer") and retained consultants listed here below, to act as an agent on behalf of Colgen Investments, LLC ("Owner"), for the purpose of preparing and processing the necessary documents relative to my property with the City of Scottsdale, Maricopa County, & the State of Arizona.

Thank you,

Kenneth L. Wiegner  
Signature

KENNETH L. WIEGNER  
Name (printed)

KLW@COLGEN.COM  
Email

480-991-7889  
Phone

8475 E. HARTFORD DR  
Address

SCOTTSDALE, AZ 85255  
Address

#### CONTACT INFORMATION

SimonCRE Second III, LLC	CIVIL ENGINEERING	ARCHITECTURAL	CONTRACTOR
Joshua Simon	Jeff Hunt	Lance Meinhold	
Manager	Cypress Civil Development, LLC	Larson Associate Architects. Inc.	
(602) 672-4559	(623) 282-2498	(480) 375-8755	
joshua@simoncre.com	jphunt@cypresscivil.com	lmeinhold@larson-architects.com	
Jared Atkisson			
Director of Construction			
(480) 745-7862			
jared.atkisson@simoncre.com			
Peter Krahenbuhl			
VP of Development			
(480) 887-0644			
Peter.krahenbuhl@simoncre.com			

10-UP-2019  
09/26/2019

# 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](http://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:

11653 E. Saguaro Drive

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(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.



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Signature of Property Owner

30 August 2019

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Date

Architect as Agent to Owner