

207 Waiver
Title
Legal Description
Policy or Appeals
Correspondence Between Legal & Staff
Letter of Authorization



Current Planning Services
Long Range Planning Services

[Plan Review, Approved Plan, Permit Inspection(s)]

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, JESUS MREILLO

at the following number (480) 312-7849

Signature: [Signature] Date: 11/1/12

Printed Name: JASON EISENBERG

Check box if signature refused

Copy of Bill of Rights left at: _____

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
 1. Present photo identification on entry of the premises.
 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 3. Disclose any applicable inspection fees.
 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
 1. The rights described in subsection A of this section.
 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
 1. At the time of the inspection.
 2. Notwithstanding any other state law, within thirty working days after the inspection.
 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.

LEGAL DESCRIPTION

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THENCE ALONG THE NORTH LINE OF SAID SECTION, SOUTH 89 DEGREES 58 MINUTES 37 SECONDS EAST, A DISTANCE OF 55.00 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00 DEGREES 00 MINUTES 24 SECONDS WEST A DISTANCE OF 55.00 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89 DEGREES 58 MINUTES 37 SECONDS EAST, A DISTANCE OF 824.33 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE;

THENCE SOUTHWESTERLY ALONG SAID CURVE, HAVING A RADIUS OF 1 237.56 FEET, CONCAVE NORTHWESTERLY, WHOSE RADIUS BEARS NORTH 79 DEGREES 53 MINUTES 24 SECONDS WEST, THROUGH A CENTRAL ANGLE OF 43 DEGREES 58 MINUTES 38 SECONDS, A DISTANCE OF 949.89 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT LINE;

THENCE SOUTH 47 DEGREES 30 MINUTES 36 SECONDS WEST, A DISTANCE OF 395.99 FEET;

THENCE NORTH 89 DEGREES 59 MINUTES 36 SECONDS WEST, A DISTANCE OF 40.00 FEET;

THENCE NORTH 00 DEGREES 00 MINUTES 24 SECONDS EAST, A DISTANCE OF 1052.87 FEET TO THE POINT OF BEGINNING.

EXCEPT THE NORTH 55 FEET; AND

EXCEPT THE WEST 55 FEET.

ALSO EXCEPT THOSE PORTIONS OF PINNACLE PEAK ROAD AND SCOTTSDALE ROAD DEDICATED IN FEE BY "MAP OF DEDICATION AND PARCEL MAP FOR SILVERSTONE AT PINNACLE PEAK", ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, RECORDED IN BOOK 883 OF MAPS, PAGE 17.

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For Informational Purposes Only, the tax parcel of said land as shown in the Maricopa
County Assessor's Office is: APN 212-02-001K

LEGAL DESCRIPTION

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15-ZN-2005 #2
2/12/2013

OF DEDICATION AND PARCEL MAP FOR SILVERSTONE AT PINNACLE PEAK",
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Promenade Corporate Center
16435 N. Scottsdale Rd., Suite 405
Scottsdale, Arizona 85254
480.222.1116
Facsimile 480.222.1117
www.thomastitle.com

Order No. 121708-330- Update 1
Leah

CONDITION OF TITLE REPORT

SCHEDULE A

1. Effective Date: February 1, 2013 at 5:00 P.M.
2. This is a Condition of Title Report only. This report does not represent nor commit any type of title insurance. The liability incurred is limited to the amount of the fees paid for this report.

FOR THE BENEFIT AND USE OF:

Attn: Amber Smith,
Contract Administrator

Van Tuyl Group

3. The estate or interest in the land described or referred to in this Report and covered herein is:

Fee Simple
4. Title to the estate or interest in said land is at the effective date hereof vested in:

RHVT LIMITED PARTNERSHIP, an Arizona limited partnership
5. The land referred to in this Report is in the State of Arizona, County of Maricopa, and is described on Exhibit "A" attached hereto and made a part hereof.

Countersigned
Thomas Title & Escrow, LLC

BY: 
Authorized Signature

15-ZN-2005 #2
2/12/2013

CONDITION OF TITLE REPORT

SCHEDULE B

1. Second installment of 2012 taxes, a lien, payable on or before March 1, 2013 and delinquent May 1, 2013.
2. Taxes for the full year of 2013. (The first half is due October 1, 2013 and is delinquent November 1, 2013. The second half is due March 1, 2014 and is delinquent May 1, 2014).
3. A plat recorded in Book 13, Page 94 of Road Maps, purporting to show a county roadway.
4. An easement for underground electric lines and incidental purposes recorded as Docket 8085, Page 647, of Official Records.
5. An easement for electric lines and incidental purposes recorded as 91-383008, of Official Records.
6. Easements, restrictions, reservations, conditions and set-back lines as set forth on the plat recorded as Book 883 of Maps, Page 17, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c).
7. Covenants, conditions, restrictions, liabilities and obligations in the document recorded as 2006-1608074, of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes.
8. An easement for gas pipeline and incidental purposes recorded as 2008-112730, of Official Records.
9. An easement for public utilities and incidental purposes recorded as 2009-187787, of Official Records.
10. An easement for waterline and incidental purposes recorded as 2009-694299, of Official Records.
11. An easement for public access and incidental purposes recorded as 2009-694312, of Official Records.
12. An easement for temporary drainage and incidental purposes recorded as 2009-771351, of Official Records.

13. The terms, conditions and provisions contained in the document entitled Public Art Agreement recorded as 2009-965527, of Official Records.

END OF SCHEDULE B - EXCEPTIONS

CONDITION OF TITLE REPORT

EXHIBIT "A"

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For Informational Purposes Only, the tax parcel of said land as shown in the Maricopa County Assessor's Office is: APN 212-02-001K

Pre-application No _____
Project Name: 212-02-051K

AFFIDAVIT OF AUTHORITY TO ACT FOR PROPERTY OWNER

1 This affidavit concerns the following parcel of land:

- a. Street Address: 7227 E Pinnacle Peak Rd, Scottsdale, AZ 85255
- b. County Tax Assessor's Parcel Number 212-02-051K
- c. General Location SE of Scottsdale Rd and Pinnacle Peak Rd
- d. Parcel Size: 12.35 ACRES
- e. Legal Description: 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 general manager of the Scottsdale Planning and Development Services Department a written statement revoking my authority.

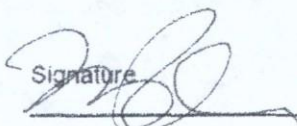
5 I will immediately deliver to the general manager of the City of Scottsdale Planning and Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.

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 or 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)
MIKE RICHARD

Date
February 7 2012

Signature


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County Assessor's Office is: APN 212-02-001K



VAN TUYL
GROUP

602.230.1051 office
602.230.2826 fax

1550 East Missouri Avenue, Suite 300
Phoenix, Arizona 85014

www.vantuygroup.com

October 11, 2012

Eisenberg Company
2231 E. Camelback Road
Suite 215
Phoenix, Arizona 85016

Re: Silverstone Development Inc. - Letter of Authorization

To whom it may concern:

We, Silverstone Development, Inc., are ownership for the properties located at the Southeast Corner of Pinnacle Peak Road and Scottsdale Road in Scottsdale, AZ, commonly known as Silverstone.

As owner of the above described real property, we hereby authorize Eisenberg Company to act as agent on our behalf to file and process an amendment to the existing zoning on a portion of said property.

Please feel free to contact me if you have any questions.

Very Truly Yours,

Michael Pacheco
Director
Construction & Real Estate Department
Silverstone Development, Inc.

15-ZN-2005 #2
2/12/2013



Request for Site Visits and/or Inspections Development Application

This request concerns all property identified in the development application.

Pre-application No: _____ - PA - _____

Project Name: SILVERSTONE

Project Address: 7227 E. PINNACLE PEAK ROAD SCOTTSDALE, AZ 85255

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 owners agent:

Michael Pacheco
Print Name
[Signature]
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning, Neighborhood & Transportation Division
7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

Rev. 7/2012

15-ZN-2005 #2
2/12/2013

