

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

Legal



Affidavit of Authority to Act as the Property Owner

1. This affidavit concerns the following parcel of land:
 - a. Street Address: 1345 North Scottsdale Road
 - b. County Tax Assessor's Parcel Number: 121-17-014B
 - c. General Location: South East corner of Scottsdale Rd & McDowell Rd.
 - d. Parcel Size: 1.22673 AC.
 - 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
<u>RONALD LOUVILLION</u>	<u>5-16</u> , 20 <u>17</u>	<u>[Signature]</u>
_____	_____, 20__	_____
_____	_____, 20__	_____
_____	_____, 20__	_____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

EXHIBIT "A"

**LEGAL DESCRIPTION
Skysong ASU Scottsdale Innovation Center
APN 131-17-014H
Building 5**

A parcel of land lying within Section 2, Township 1 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the northwest corner of said Section 2, a City of Scottsdale brass cap in handhole, from which the west quarter corner of said section, a stone in handhole, bears South 00°00'06" West (basis of bearing), a distance of 2636.82 feet;

THENCE along the west line of said section, South 00°00'06" West, a distance of 1014.98 feet;

THENCE leaving said west line, South 89°59'54" East, a distance of 65.00 feet, to the east right-of-way line of Scottsdale Road and the **POINT OF BEGINNING**;

THENCE leaving said east right-of-way line, South 90°00'00" East, a distance of 159.01 feet;

THENCE South 00°00'00" West, a distance of 176.02 feet;

THENCE South 01°14'34" East, a distance of 72.40 feet;

THENCE South 00°05'10" West, a distance of 20.03 feet;

THENCE South 00°48'21" East, a distance of 2.49 feet;

THENCE South 00°04'51" West, a distance of 55.58 feet;

THENCE South 00°57'04" East, a distance of 44.98 feet, to the north line of a 20-foot alley as shown on Final Plat recorded in Book 85, page 33, Maricopa County Records (M.C.R.);

THENCE along said north line, South 88°59'19" West, a distance of 161.29 feet, to the east right-of-way line of said Scottsdale Road;

THENCE leaving said north line, along said east right-of-way line, North 00°00'06" East, a distance of 374.31 feet to the **POINT OF BEGINNING**.

Containing 59,559 square feet or 1.3673 acres, more or less.



Legal Description
Skysong ASU Scottsdale Innovation Center
APN 131-17-014H
Building 5

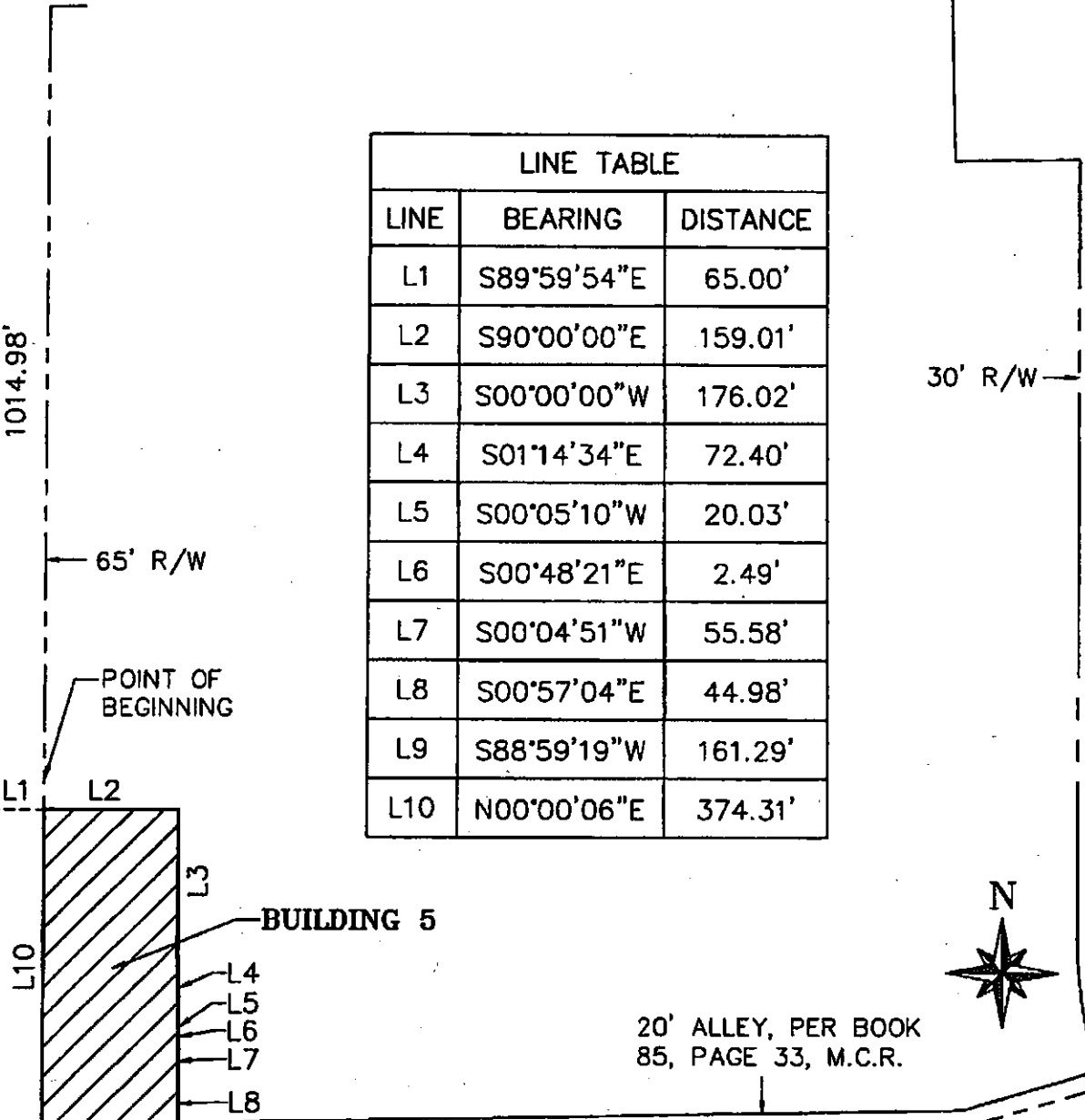
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NW COR., SEC. 2, T1N, R4E
 CITY OF SCOTTSDALE
 BRASS CAP IN HANDHOLE
 POINT OF COMMENCEMENT

MCDOWELL ROAD

(BASIS OF BEARING)
 S00°00'06"W 2636.82'
 1014.98'

SCOTTSDALE ROAD



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S89°59'54"E	65.00'
L2	S90°00'00"E	159.01'
L3	S00°00'00"W	176.02'
L4	S01°14'34"E	72.40'
L5	S00°05'10"W	20.03'
L6	S00°48'21"E	2.49'
L7	S00°04'51"W	55.58'
L8	S00°57'04"E	44.98'
L9	S88°59'19"W	161.29'
L10	N00°00'06"E	374.31'

65' R/W

POINT OF BEGINNING

30' R/W

74TH STREET

BUILDING 5



20' ALLEY, PER BOOK
 85, PAGE 33, M.C.R.

NEW PAPAGO PARKWAY UNIT 9
 BOOK 85, PAGE 33, M.C.R.

W 1/4 COR., SEC. 2, T1N, R4E
 STONE IN HANDHOLE

WOOD/PATEL
 MISSION: CLIENT SERVICE®
 (480) 834-3300
 WWW.WOODPATEL.COM



EXPIRES 12-31-17

EXHIBIT "B"
 SKYSONG ASU SCOTTSDALE
 INNOVATION CENTER
 APN 131-17-014H
 BUILDING 5
 NOT TO SCALE

Parcel Map Check Report

Parcel Name: 2663-L20R02

North: 895,952.1807'

East: 697,148.8174'

Segment# 1: Line

Course: S89° 59' 59.98"E

Length: 159.010'

North: 895,952.1806'

East: 697,307.8274'

Segment# 2: Line

Course: S0° 00' 00.01"W

Length: 176.018'

North: 895,776.1626'

East: 697,307.8274'

Segment# 3: Line

Course: S1° 14' 33.71"E

Length: 72.397'

North: 895,703.7827'

East: 697,309.3975'

Segment# 4: Line

Course: S0° 05' 09.90"W

Length: 20.027'

North: 895,683.7557'

East: 697,309.3674'

Segment# 5: Line

Course: S0° 48' 21.44"E

Length: 2.488'

North: 895,681.2679'

East: 697,309.4024'

Segment# 6: Line

Course: S0° 04' 51.50"W

Length: 55.582'

North: 895,625.6860'

East: 697,309.3238'

Segment# 7: Line

Course: S0° 57' 04.38"E

Length: 44.977'

North: 895,580.7152'

East: 697,310.0705'

Segment# 8: Line

Course: S88° 59' 19.18"W

Length: 161.289'

North: 895,577.8684'

East: 697,148.8066'

Segment# 9: Line

Course: N0° 00' 06.02"E
North: 895,952.1804'

Length: 374.312'
East: 697,148.8175'

Perimeter: 1,066.100'
Error Closure: 0.0003
Error North : -0.00026

Area: 59,559.45Sq.Ft.
Course: S33° 32' 12.27"E
East: 0.00017

Precision 1: 3,553,666.667





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 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 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, Neighborhood and Transportation Division

15151 N. Scottsdale Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ F

24-DR-2017

**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:

1345 North Scottsdale Road.

(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.


Signature of Property Owner

5.16.17

Date

**ASUF Scottsdale, LLC
1475 N. Scottsdale Road, Suite 200
Scottsdale, AZ**

City of Scottsdale
7447 E. Indian School Road
Scottsdale, AZ 85251

RE: Development Review Board Submittal for SkySong Hotel

To Whom It May Concern:

This is to authorize Jonathan Stelzer of the Plaza Companies to submit applications for Development Review Board approval of a hotel building for SkySong, located at 1301 through 1475 N. Scottsdale Road, on behalf of ASUF Scottsdale, LLC, Lessee under the Master Ground Lease dated August 9, 2004.

If you have any questions or need further information, do not hesitate to contact me at (602) 418-2005 or by email at don.couvillion@asu.edu.

Thankd for your cooperation in this matter.

Very Truly Yours,



J. Donald Couvillion
Vice President