

When recorded return to:
Clerk
Pinal County Board of Supervisors
P.O. Box 827
Florence, AZ 85132

CONSENT TO SCHEDULE FOR DEVELOPMENT/CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE

This Consent to Schedule for Development and Conditions/Stipulations and Waiver of Claims for Diminution in Value ("Consent and Waiver") is made in favor of Pinal County (the "County") by LDR-SWC Hunt Hwy & G.C., L.L.C. ("Owner").

Owner warrants and represents that Owner is the fee title owner of the property described herein, and that no other entity or person has an ownership interest in the property. Prior to Owner's transfer, sale or conveyance of all or any part of its right, title and interest in the Property at any time within thirty (30) days of the County's approval of Owner's application described herein, Owner shall notify the County of said transfer, sale or conveyance and shall require the new Owner to execute and agree to this Consent and Waiver as part of any transfer, sale or conveyance of the property described herein.

Owner acknowledges that A.R.S. § 12-1134 of the Arizona Private Property Rights Protection Act provides in some cases that a county is required to pay just compensation to a landowner if the County approves a land use law that reduces the fair market value of the owner's property. Owner further acknowledges that A.R.S. § 12-1134 authorizes a private property owner to waive any claim for diminution in value of property in connection with any action proposed by a county or any action requested by the property owner.

Owner has submitted an application to Pinal County ("County") requesting the County approve a rezone from CB-1 to MR and Planned Area Development (PAD) Overlay District for development of the following described property ("Property"):

LEGAL DESCRIPTION IS ATTACHED HERETO AS EXHIBIT "A."

By signing below, Owner agrees and consents to all conditions/stipulations/Schedule for Development imposed by Pinal County in conjunction with the approval of the rezone from CB-1 to MR and PAD Overlay District, Case No. PZ-032-23 & PZ-PD-007-23, which are attached hereto as EXHIBIT B.

By signing below, Owner acknowledges that the approval of the rezone from CB-1 to MR and PAD Overlay District Case No. PZ-032-23 & PZ-PD-007-23, might affect existing rights to use, divide, sell or possess the Property.

By signing below, Owner hereby waives any and all rights to claim compensation for diminution in value pursuant to A.R.S. §12-1134 that may now or in the future exist as a result of the approval of the rezone from CB-1 to MR and PAD Overlay District, Case No. PZ-032-23 & PZ-PD-007-23, and the Schedule for Development and conditions/stipulations imposed in conjunction with the approval. Owner waives any and all rights to claim compensation for diminution in value for any action taken by the County to rescind approval of rezone from CB-1 to MR and PAD Overlay District in Case No. PZ-032-23 & PZ-PD-007-23 because of non-compliance with the Schedule for Development and/or any of the approved conditions/stipulations.

This Consent and Waiver shall run with the land and shall be binding upon all present and subsequent property owners.

Owner consents to the recordation of this Consent and Waiver after approval of the above-referenced case by the County. If Owner withdraws its application prior to final action of the County or the County denies the application, Owner is released from this Consent and Waiver.

OWNER: LDR-SWC Hunt Hwy & G.C., L.L.C.
[Print Entity Name]

OWNER: _____
[Print Entity Name]


Signature

Its: Member
[Title, if applicable]

Dated: August 19, 2024

Signature

Its: _____
[Title, if applicable]

Dated: _____

INDIVIDUAL ACKNOWLEDGMENT: ***[To be filled out if NOT a corporation, partnership, or trust]***

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, _____, by

[Insert Name of Signor(s)]

Notary Public

My commission expires: _____

CORPORATION, OFFICER, PARTNER OR TRUSTEE ACKNOWLEDGMENT: *[To be filled out if a corporation, partnership, or trust]*

STATE OF Arizona)
COUNTY OF Maricopa) ss.

The foregoing instrument was acknowledged before me, this 19 day of August, 2024, by Gary Davidson as Member of LDR-SWC Hunt Hwy & G.C., LLC an AZ, LLC corporation, who being authorized to do so, executed the foregoing instrument on behalf of said entity for the purposes stated therein.

Notary Public

My commission expires: 2-15-2027



KAREN L. DYER
Notary Public - Arizona
Maricopa Co. / #643738
Expires 02/15/2027

ACKNOWLEDGMENT: *[Use only when a second company is signing on behalf of owner.]*

STATE OF _____)
COUNTY OF _____) ss.

The foregoing instrument was acknowledged before me, this ____ day of _____, 20____, by _____ as _____ of _____, an _____ corporation, as _____ for _____ who being authorized to do so, executed the foregoing instrument on behalf of said entities for the purposes stated therein.

Notary Public _____

My commission expires: _____

Exhibit A

LDR-SWC Hunt Hwy & G.C., L.L.C.

Legal Description

Lot 1, of SWC HUNT HIGHWAY & GOLF CLUB DRIVE, a subdivision of Pinal County, Arizona, recorded in Fee No. 2022-116712, records of Pinal County, Arizona.

EXHIBIT B

PZ-PD-007-23 STIPULATIONS

1. The stipulations enumerated herein pertain to the area described in case PZ-032-23 & PZ-PD-007-23;
2. Approval of this PAD (PZ-PD-007-23) will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
3. Johnson Ranch BTR Planned Area Development (PAD) Overlay District (PZ-PD-007-23) is to be developed as shown by the site plan/development plan dated April 1, 2024, the PAD Narrative dated April 9, 2024, along with the other supplementary documentation as modified by the revised site plan submitted to the County on July 7, 2024, to remove the access point on Johnson Ranch Boulevard and provide a new right in/right out access from Hunt Highway in accordance with the applicable criteria set forth in Chapter 2.176 of the Pinal County Development Services Code;
4. Approval of this Planned Area Development (PAD) Overlay District is contingent upon the Board of Supervisors zone change approval as set forth in Planning Case PZ-032-23;
5. The applicant/property owner shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building Safety Department;
6. A dust registration permit from the Pinal County Air Quality Control District shall be obtained prior to the disturbance of 0.1 acres or more;
7. All construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
8. Half-street right-of-way dedication will be required for HUNT HIGHWAY. The required minimum half-street right-of-way is Sixty-Five Feet (65') for HUNT HIGHWAY along the development's frontage (Northern Boundary). Any additional right-of-way needed for any required infrastructure improvements, such as deceleration/turn lanes, (as identified in the approved Traffic Impact Analysis) for HUNT HIGHWAY shall be the responsibility of the applicant;
9. HUNT HIGHWAY has been identified as a "Route of Regional Significance". Applicant will be required to comply with the "Regionally Significant Routes for Safety and Mobility, Final Report, December 2008" and the current "Access Management Manual" or as approved by the County Engineer;
10. A Traffic Impact Analysis (TIA) will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures and shall be approved prior to the Site Plan approval;
11. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
12. All right-of-way dedication shall be free and unencumbered;
13. A traffic signal shall be installed at no cost to Pinal County at the primary entrance to the development on HUNT HIGHWAY in accordance with Pinal County standards, subject to engineering design review and approval by the County Engineer;
14. Any roadway sections, alignments, access locations and access movements shown in the PAD are conceptual only and have not been approved by the Pinal County Engineer;

15. A drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall include a grading & drainage plan that complies with the current Pinal County Drainage Manual and shall be approved prior to or concurrent with Site Plan approval. The approved Drainage Report and grading & drainage plan shall include provisions to accommodate offsite runoff and shall provide retention for storm waters in an onsite retention/common retention area in accordance with the current Pinal County Drainage Manual or as approved by the County Engineer; and
16. In addition to the primary entrance, the Johnson Ranch Multi-Family development shall provide an additional permanent cross-access from Johnson Ranch Multi-Family to Hunt Highway in the northwest portion of the development. The cross-access shall be for the exclusive use of residents of Johnson Ranch Multi-Family.
17. Developer to provide an emergency only access point to Johnson Ranch Boulevard. Said access will be for emergency vehicles only.