PINAL COUNTY
WIDE OPEN OPPORTUNITY

## INFORMATION ABOUT CONSENT TO CONDITIONS/STIPULATIONS AND WAIVER OF CLAIMS FOR DIMINUTION IN VALUE

Pinal County, as part of the application process concerning land use requests, is now requesting that property owners or their authorized agents execute and return the attached Consent and Waiver. This policy is a result of that part of the Private Property Rights Protection Act (Proposition 207 *est. 2006*) that deals with regulatory takings and changes in land uses (A.R.S. §§12-1134 – 12-1138).

By signing the Consent and Waiver, the property owner agrees and consents to all conditions and stipulations in conjunction with the property owner's application, acknowledges that approval of the application might affect current or existing rights to use, divide, sell or possess the owner's property, and waives any right to compensation for diminution in value that may result from approval.

The Consent and Waiver form will be provided at the Concept Review Meeting to allow ample time for review. Should the Pinal County Planning and Zoning Commission ("Commission") recommend approval of the property owner's application, the form will again be provided to applicant together with the Commission's recommended stipulations/conditions. These materials will be provided to the applicant via e-mail, within three business days of the Planning Commission hearing. The property owner is requested to return the executed document to the Pinal County Planning and Development Department within 10 working days so that the document can be inserted into the packet to be presented to the Supervisors as part of the planning staff's report.

If an owner does not sign the Consent and Waiver, the application will continue through the normal County process. The Supervisors will be informed of the refusal and this will be one of the factors considered by the Supervisors.

If the Commission recommends denial of the property owner's application but the Supervisors decide to approve the application, the property owner will be requested to sign the Consent and Waiver with attached conditions/stipulations and conditions, after the Board of Supervisors' hearing.

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 **Islamic Community Center of Tempe** ("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 **rezoning and planned area development** 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 **rezoning and planned area development**, Case No. **PZ-013-24 & PZ-PD-007-24**, which are attached hereto as EXHIBIT B.

By signing below, Owner acknowledges that the approval of the **rezoning and planned area development** Case No. **PZ-013-24 & PZ-PD-007-24**, 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 **rezoning and planned area development**, Case No. **PZ-013-24 & PZ-PD-007-24**, 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 **rezoning and planned area development** in Case No. **PZ-013-24 & PZ-PD-007-24** 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: **Islamic Community Center of Tempe** OWNER: _____
[Print Entity Name] [Print Entity Name]

_____ _____
Signature Signature

Its: Operations and Maintenance Director Its: _____
[Title, if applicable] [Title, if applicable]

Dated: 8/19/2024 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 )
) ss.
COUNTY OF Maricopa )

The foregoing instrument was acknowledged before me, this 19 day of August, 20 24, by Thomas Isaak as
***[Insert Name of Officer]***
Operations and Maintenance Director of Islamic Community Center of Tempe
***[Insert Title]*** ***[Insert Name of Company]***
an 501 C non-profit corporation, who being authorized to do so, executed the
***[Insert State of Incorporation]***
foregoing instrument on behalf of said entity for the purposes stated therein.

Notary Public

My commission expires: Jul 26, 2026

EMILY RUTKOWSKI
Notary Public - Arizona
Maricopa County
Commission # 633054
My Comm. Expires Jul 26, 2026

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

STATE OF _____ )
) ss.
COUNTY OF _____ )

The foregoing instrument was acknowledged before me, this ____ day of _____, 20____, by _____ as
***[Insert Signor's Name]*** ***[Insert Title]***
of _____, an _____ corporation,
***[Insert Name of Second Company]*** ***[Insert State of Incorporation]***
*as* _____ *for* _____
***[i.e. member, manager, etc.]*** ***[Owner's Name]***
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: _____