

**CONSENT TO CONDITIONS & WAIVER OF LAND USE LAW CLAIMS**  
**("Consent & Waiver")**

1. The undersigned is the owner(s) ("Owner") of the parcel of land described in Exhibit 1 hereto (the "Property"). Owner has applied for and seeks the City's approval for a: (a) Minor General Plan Amendment to change the Character Type from Neighborhoods to Mixed Use Activity District; and (b) Rezone from RS-9-PAD, RS-6-PAD, RSL-2.5-PAD, RM-2-PAD and LC-PAD to GC PAD; with a Council Use Permit to allow 100% residential uses on the first floor of within a General Commercial zoning district; and modification of the Destination at Gateway PAD by removing 89± acres. These requests will allow a mixed-use development in Case Nos. #ZON20-00129 and #ZON19-00805 (together the "Land Use Application").

Owner agrees and consents to all the conditions and stipulations approved as part of or in connection with the Land Use Application. Owner waives any claim under Arizona Revised Statutes § 12-1134, including any right to compensation for reduction to the fair market value of the Property, that may now or in the future exist as a result of, or that arises out of, the approval or application of the Land Use Application or any stipulations and/or conditions of approval to the Land Use Application.

Owner represents and warrants to being the owner of fee title to the Property or to being a person who has legal authority to bind all fee title owners of the Property to this Consent & Waiver. The terms of this Consent & Waiver shall run with the land and shall be binding upon all subsequent landowners. Owner consents to the recordation of this Consent & Waiver.

If Owner withdraws the application for the Land Use Application prior to final action by the City, Owner is released from this Consent and Waiver.

Dated this 4 day of May, 2020.

OWNER:

**Signal Butte 24, LLC**  
1121 W. Warner Rd. Ste. 109  
Tempe, AZ 85284

Brandon Wotkins  
Print Name

[Signature]  
Sign Name

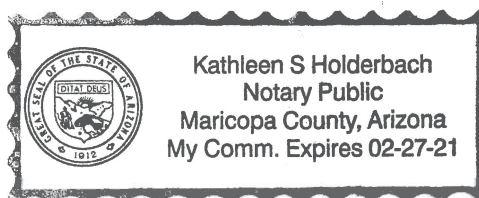
STATE OF ARIZONA       )  
  ) ss.  
County of Maricopa       )

On this 4th day of May, 2020, before me, the undersigned Notary Public, personally appeared Brandon Wolfswinkel, who acknowledged that this document was executed for the purposes therein contained.

Kathleen S Holderbach  
Notary Public

My Commission Expires:

2-27-2021



## Exhibit "1"

PARCEL NO. 2:

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL IN SECTION THIRTY-SIX (36), TOWNSHIP ONE (1) SOUTH, RANGE SEVEN (7) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

EXCEPT ANY AND ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED IN DEED RECORDED DECEMBER 30, 1970 IN DOCKET 8464, PAGE 630.

PARCEL NO. 3:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION THIRTY-SIX (36), TOWNSHIP ONE (1) SOUTH, RANGE SEVEN (7) EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

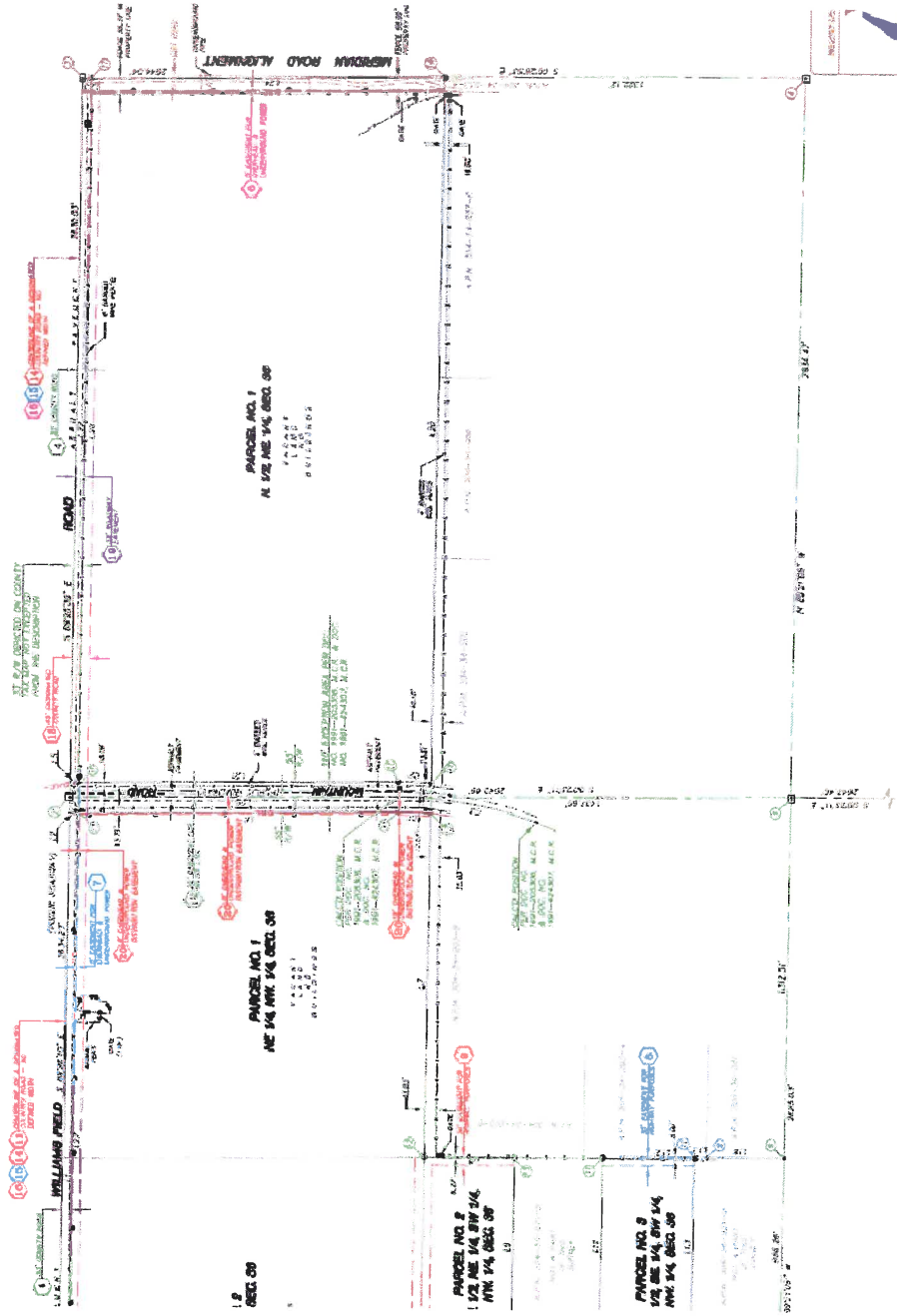
EXCEPT ANY AND ALL OIL, GAS AND MINERAL RIGHTS AS RESERVED IN DEED RECORDED DECEMBER 30, 1970 IN DOCKET 8464, PAGE 630;

ALSO EXCEPT THAT PORTION GRANTED TO MARICOPA COUNTY, A POLITICAL SUBDIVISION, IN FINAL ORDER OF CONDEMNATION NO. CV 90-18579, RECORDED MAY 7, 1991 AS 91-205306 AND RECORDED SEPTEMBER 12, 1991 AS 91-424307 OF OFFICIAL RECORDS.

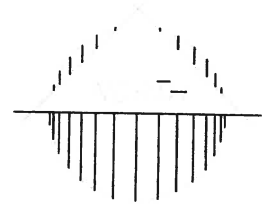
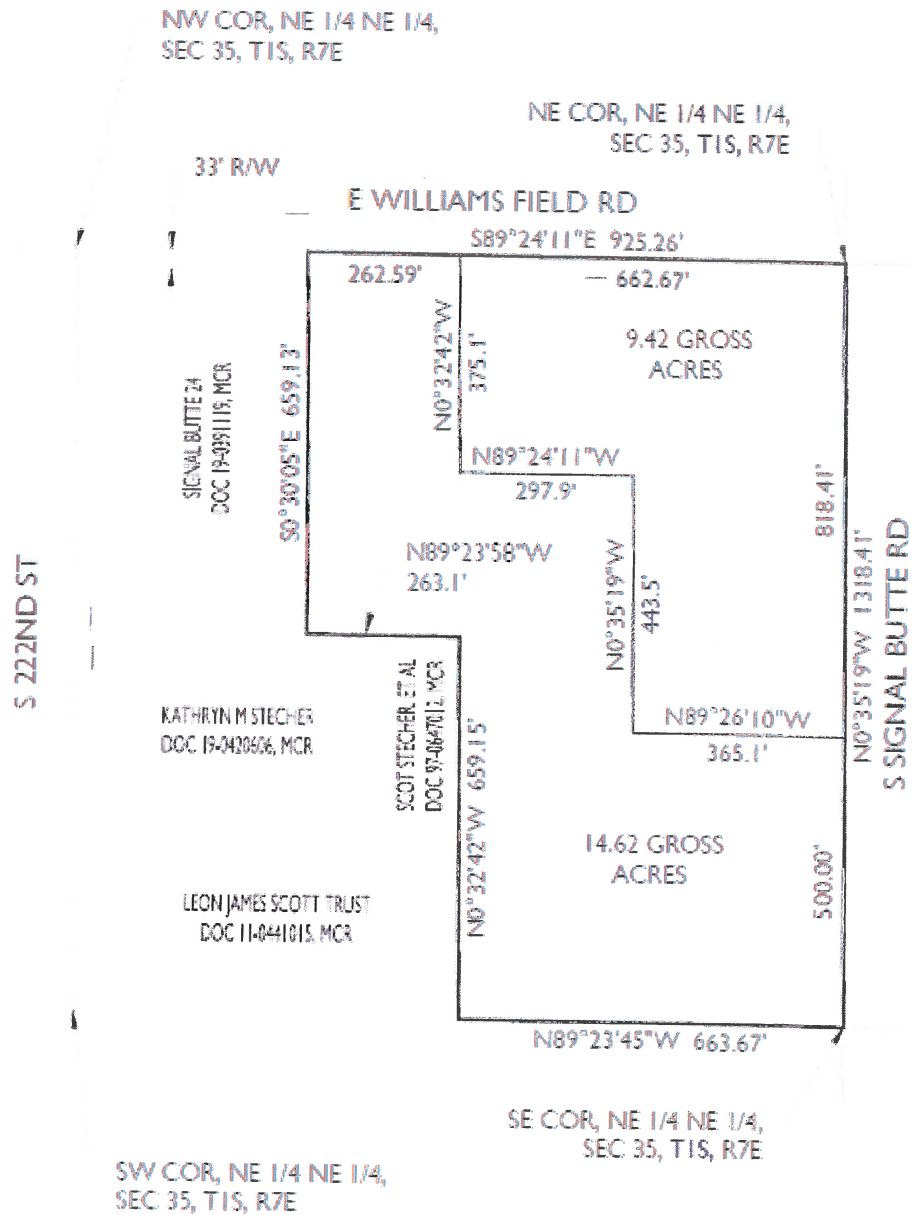
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CHANCE	REMARKS	DATE
1	1777.50	10/1/00
2	1777.50	10/1/00
3	1777.50	10/1/00
4	1777.50	10/1/00

MONUMENT TABLE	
1	1/4 COR. SEC. 36 - T40 N. MARICOPA COUNTY BRASS CAP
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100	1/4 COR. SEC. 36 - T40 N. MARICOPA COUNTY BRASS CAP



# Exhibit "1"



SCALE: 1"=300'

17-199.5

Destination at Gateway



1130 N. Alma School Rd.  
Ste. 120 Mesa, AZ 85201  
760.333.2250 | 480.333.2250  
www.epsgroupinc.com