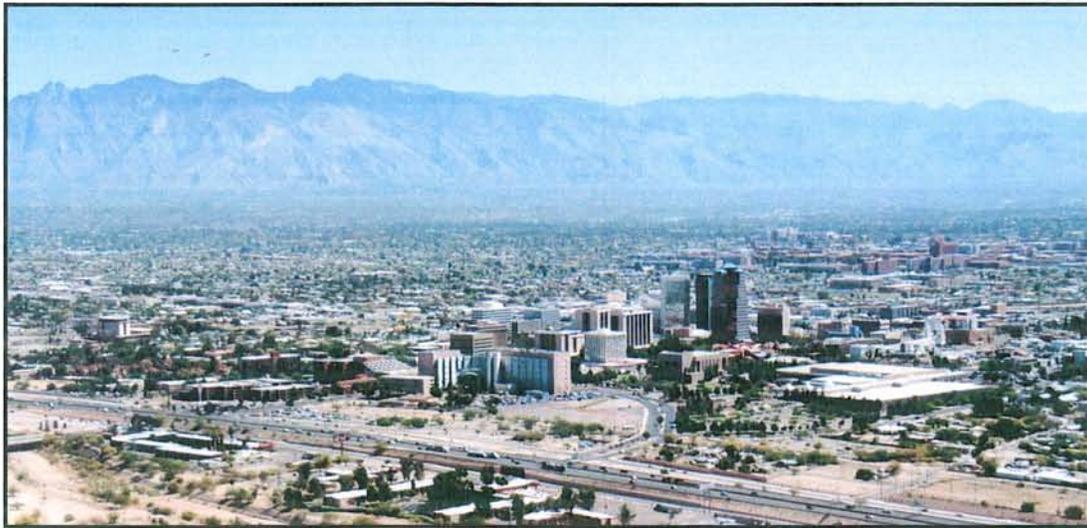


**CITY OF TUCSON  
REAL ESTATE DIVISION**

**REQUEST FOR PROPOSALS (RFP)**

R.P. # 2959  
345 E. TOOLE AVENUE, TUCSON AZ



**REAL ESTATE DIVISION  
201 N. STONE AVENUE  
6<sup>TH</sup> FLOOR  
TUCSON, AZ 85726-7210**

**(520) 791-4181**

**City of Tucson  
Request for Proposals (RFP)  
345 N. Toole Avenue  
Tucson, Az 85701**

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**EXHIBITS**

- 1. Location Map**
- 2. Photos**
- 3. Appraisal Summary**
- 4. Area Exhibits**
- 5. Preliminary Title Report**

**City of Tucson  
Real Estate Program  
201 N. Stone, Tucson, Arizona**

**REQUEST FOR PROPOSALS (RFP)**

**I. Notice of Call for Proposals**

The City of Tucson offers at public sale the parcel of real property described below. Written sealed proposals will be accepted at the Office of the Real Estate Division, 6th Floor, 201 N. Stone Avenue, Tucson, Arizona 85701. All written sealed proposals must be received by no later than 10:00 A.M. on Thursday, May 22nd 2008. Proposals received after that time and date shall be rejected and not considered by the City of Tucson. Sale is subject to approval of the Mayor and Council, and the City reserves the right to reject any and all proposals.

**Property Offered**

22,661 square foot office building located at 345 E. Toole Avenue, Tucson, Arizona. The property is located on the eastside of downtown Tucson within the designated downtown revitalization district (Rio Nuevo) and contiguous to a master planned area for cultural attractions, residential & commercial projects. . Sale of the property is for the building only and does not include any parking or excess land. As a result of no parking available on site, a Modification of Development Regulations (MDR) will be required. The MDR is an administrative process that allows for the adaptive reuse of buildings within the downtown core by identifying and securing parking spaces in other locations. The City will work with the successful bidder in identifying appropriate parking areas and obtaining an MDR.

**Current Zoning**

The property is zoned OCR-2 (Office/Commercial/Residential) under the Land Use Code.

**Asking Price**

This property was appraised at \$1,700,000 in October 2007. Any proposal for less than the appraised value will be considered in conjunction with the submission requirements. A complete copy of the appraisal is available at the following link:

[http://dot.ci.tucson.az.us/realestate/pdfs/RP2959\\_APPRAISAL.pdf](http://dot.ci.tucson.az.us/realestate/pdfs/RP2959_APPRAISAL.pdf)

**Evaluation Criteria**

Proposals will be evaluated in terms of economic and other impacts to the City, taking into consideration:

- Proposed use of the property that compliments the overall vision for the area and number of employees associated with the use
- Proposed interior and/or exterior improvements and timeframes for completion
- Cost of any proposed improvements and financial capacity to complete
- General qualifications of bidder as an asset/property manager
- Bid price and terms

## **Selection**

An evaluation committee led by the Downtown Tucson Partnership and including City staff will review the proposals and make a recommendation to the Mayor and Council. Upon direction by Mayor and Council, an Offer to Purchase shall be negotiated based substantially on the contents of the selected proposal and a request for Mayor and Council consideration will be scheduled.

## **Broker Participation**

The City of Tucson welcomes Broker participation and will pay a commission fee equal to 3% of the full purchase price to qualified Arizona Licensed brokers representing the buyer upon successful close of escrow. No commission fee will be paid if Broker/Agent is also a Principal/Buyer.

## **Pre-Submission Conference/Building Tour**

Tuesday April 29, 2008 at 10:00 A.M.

345 E. Toole Ave, 3<sup>rd</sup> Floor Conference Room, Tucson, Arizona

## **Submission Instructions**

Written sealed proposals will be accepted at the Office of the Real Estate Division, 6th Floor, 201 N. Stone Avenue, Tucson, Arizona. All written sealed proposals must be received by no later than 10:00 A.M. on Thursday May 22nd 2008. Proposals received after that time and date shall be rejected and not considered by the City of Tucson.

Submissions must be made in a sealed package with the statement "MacArthur Building Proposal" and the bidder's name, address and phone number clearly indicated on the package. Bidders are required to submit six (6) completed copies of the submission.

## **II. Project & Area Information**

345 E. Toole Avenue, also known as the MacArthur Building was built in 1907. It was originally named the Hotel Heidel and served as a hotel for the railroad. It was sold in 1910 and later renamed the MacArthur Hotel. The building was listed on the National Register of Historic Places in 1982, but then was delisted in 1984 after a partial collapse of one side led to a façade being put on the building. In the mid-1980's, the building was converted to office space.

The property was acquired by the City in 2005 for City uses. The property currently has three tenants in the building including the City's Urban Planning Department. This Department is anticipated to vacate the building in mid 2008. One private sector tenant, Pima Prevention Partnership has a lease that expires in December 2009 and another tenant, Lloyd Construction is on a month to month lease.

## **Description of Improvements**

The improvements consist of 22,661 gross square feet on an approximate 8,536 square foot parcel. The building is constructed of stucco over masonry and the roof is flat, built-up, wood and steel joists. The windows are glass, steel and aluminum sash. The floors are tile over concrete and carpet over concrete. The building is comprised of three floors with handicap assessable restrooms on each floor. The heating and cooling are roof mounted combination units.

The legal description of the property consists of the building footprint as it currently exists. Temporary Revocable Easements (TRE's) have been reserved for the awnings that overhang into the right of way. Additionally, public utility easements are being reserved along the west and south side of the building to accommodate the dumpsters, utilities and ingress/egress.

The property is zoned OCR-2 (Office/Commercial/Residential) under the Land Use Code. Interested parties are encouraged to review plans for the area including the Rio Nuevo Master Plan at [www.tucsonaz/planning](http://www.tucsonaz/planning) and [www.tucsonaz.gov/rionuevo/maps\\_and\\_plans/index.html](http://www.tucsonaz.gov/rionuevo/maps_and_plans/index.html). A copy of the preliminary survey and legal description may be found on the following link:

<http://tdotmaps.transview.org/Images/RealEstate/INFO/INF025.PDF>

A copy of the building plans may be found on the following link:  
<http://dot.ci.tucson.az.us/realestate/pdfs/MacArthur.pdf>

### **Special Conditions**

Sale of this property shall include deed restrictions preventing the property from ever being demolished. Additionally, the Purchase Agreement may include monetary penalties and/or reversionary clauses as remedies for non-performance for any improvement timelines and schedules.

Any proposed exterior improvements must be in conformance with the Secretary of Interior's Standards for Rehabilitation, existing zoning, and be consistent with the intent of the Rio Nuevo and Downtown Zone section of the Land Use Code. Issuance of permits for any exterior improvements shall be subject to review and positive recommendation from the Design Review Board (DRB) and the Plans Review Subcommittee of the Tucson-Pima County Historical Commission and State Historic Preservation Office (SHPO), if applicable.

### **Special Assessments**

The property is located in the downtown Business Improvement District (BID). The purpose of the BID is to improve the appearance, safety and marketing of a thirty-block area of downtown Tucson. Fees are assessed to properties located in the district, which help pay for services such as graffiti abatement, extra trash collection, and security guards. The fee paid is based on the size of the land and the size of the improvements located on a property. The current annual calculation is based on the lot square footage times \$0.106 plus building square footage times \$0.053. This assessment is included on the property tax statement and is payable semi annually on November 1<sup>st</sup> and May 1<sup>st</sup>.

### **Depot Plaza Project**

Adjacent to the south of the MacArthur Building is the MLK/Depot Plaza Project. This redevelopment project by the City of Tucson and Williams & Dame Development (WDD) was approved by Mayor and Council in November 2006 and will include the renovation of the existing Martin Luther King (MLK) apartments, now named One North Fifth with 85 market-rate and 11 affordable apartments and 8,000 square feet of commercial uses along the Congress Street frontage. One North Fifth is scheduled to be completed this summer. WDD will also build a mixed-use building along Fifth Avenue with approximately 80 apartments and 3,000 square feet of ground floor commercial uses.

The City will develop, own and manage a third building on site containing 68 public housing apartments for low-income elderly and disabled persons. Additionally, the City is building a public parking garage for 286 cars. Approximately one half of the garage spaces will be for hourly users with the remainder for monthly commitments. The City will provide open space, pedestrian and vehicular improvements for Depot Plaza and the nearby vicinity. The garage is anticipated to be completed in the first half of 2009. The new City-owned building is projected to be completed in 2010. More information is available at <http://www.tucsonaz.gov/csd/pdf/MLKrevitailiation.pdf>

### **4<sup>th</sup> Avenue Underpass Project**

Downtown Tucson will soon have a new eastside ‘gateway’ – an attractive and easy entry to our rapidly progressing city center. Reconstruction of the Fourth Avenue Underpass has begun and is scheduled to be completed in the summer of 2009. The new underpass will provide for one lane in each direction carrying vehicle and streetcar traffic, separate bicycle lanes and two pedestrian ways accessible for persons with disabilities.

The lighted pedestrian walkways, 20 feet wide on the east side and 10 feet wide on the west, will provide safe and convenient access between the Fourth Avenue shopping and entertainment district and the Congress Street Entertainment District and the rest of Downtown. An elevated walkway will provide convenient pedestrian access from the Historic Depot to the public plaza development planned for the area surrounding the intersection of Congress Street and Fourth Avenue. More information is available at <http://dot.ci.tucson.az.us/projects/4thAvenue/pdfs/4thAveNewsB.pdf>

### **Modern Streetcar System**

The property is currently projected to be within proximity to service by a modern streetcar system planned to connect the University of Arizona to the 4<sup>th</sup> Avenue shopping district and the east and west sides of downtown. Local funding for the modern streetcar project was approved as part of the successful Regional Transportation Authority Plan vote in Pima County in May 2006. More information is available at <http://www.tucsontransitstudy.com/>

## **III. Submission Requirements**

Submission requirements shall include the following:

- A. Narrative description of the proposed use of the building that compliments the overall vision for the area and number of employees associated with the use.
- B. Proposed interior and exterior improvements to the building and timeframes for completing.
- C. Cost of proposed improvements, if any and financial capacity to complete.
- D. General qualifications of bidder as an asset and property manager.
- E. Bid Price, terms of sale and any proposed contingencies of sale.
- F. Bid Package Acknowledgement & Receipt Form ( See Page 8).

## **IV. Pre-Submission Conference/Building Tour**

Although not mandatory, interested parties are strongly encouraged to attend the conference and tour. The date and time is indicated on Page 2 of this document. The purpose of this conference will be to clarify the contents of this Request for Proposals in order to prevent any misunderstanding of the City's requirements, representations, and process. Any doubt as to the requirements of this Request for Proposals or any apparent omission or discrepancy should be presented to the City at this conference. The City will then determine the appropriate action necessary, if any, and issue a written amendment to the Request for Proposals. Oral statements or instructions will not constitute an amendment to this Request for Proposals.

## **V. Selection Process**

All proposals will be evaluated based upon the evaluation criteria and a determination will be made by the evaluation committee as to which proposal, if any, will be forwarded to the Mayor and Council for consideration. Upon direction by the Mayor and Council, an Offer to Purchase Agreement shall be negotiated with the successful bidder. Upon completion of the Offer to Purchase Agreement terms and conditions, staff will take the item to Mayor and Council for approval. The City reserves the right to reject any and all proposals.

## **VI. Proposed Selection Schedule**

|                  |   |
|------------------|---|
| June 2008        | Review Submissions and conduct interviews, if necessary |
| July 2008        | Recommendation to Mayor and Council for direction       |
| July/August 2008 | Negotiate Offer to Purchase Agreement                   |
| September 2008   | Return to Mayor and Council for approval of Agreement   |

## **VII. Inquiries**

### Contacts

City of Tucson Real Estate Program

Telephone Number (520) 791-4181

Attn: Lou Ginsberg, Director

Tim Murphy, Special Projects Coordinator

Glenn Lyons, CEO, Downtown Tucson Partnership – (520) 243-1932

## **VIII. City Rights Reserved**

Notwithstanding any other provision of the Request for Proposals, the City reserves the right to:

- Waive any immaterial defect or informality;
- Reject any or all submissions, or portions thereof;
- Reissue a new or revised Request for Proposals; and
- Request one or more bidders to submit a more detailed submission

This RFP does not commit the City of Tucson to enter into a contract or development agreement, to pay any cost incurred in the preparation of a submission in response to this request or in subsequent exclusive negotiations. Further, this RFP does not convey to any bidder any contractual or property rights.

## **IX. Property Rights/Disclosure of Information**

All materials submitted in response to this RFP and submissions subsequent thereto, shall become the property of the City of Tucson upon delivery. By tendering a response to this RFP, bidders agree that the content of every other submission is confidential and proprietary and waives any right of access to those submissions during the review period. The foregoing waiver shall not apply to the submission selected under this RFP, if any, or to the submission of any bidder contesting, protesting or otherwise challenging an award or recommendation, once made. Any bidder tendering a submission in response to this RFP further acknowledges and understands that the City of Tucson is a public entity required to abide by public records laws and shall not be liable for disclosures required by law.

## **X. Submission Rejection/Right to Disqualify**

Submission of terms, conditions and/or agreements may result in rejection if such terms, conditions or agreements are deemed unacceptable by the City in its sole discretion. The City of Tucson reserves the right to disqualify any bidder who fails to provide information or data specifically requested herein or who provides materially inaccurate or misleading information or data. The City of Tucson reserves the right to disqualify any bidder on the basis of any real or apparent conflict of interest. This disqualification is at the sole discretion of the City of Tucson.

## **XI. Special Terms and Conditions**

### **A. Reservation of Rights by City of Tucson**

The issuance of this RFP and the acceptance of submissions do not constitute an agreement by the City of Tucson that any contract will actually be entered into by the City of Tucson.

### **B. Form and Terms of Sale Agreement**

By submitting a submission in response to this RFP, each bidder agrees that the development agreement and/or sale and any other contract resulting from this RFP may be drafted under the supervision of the Tucson City Attorney. Bidders may not insist on the use of standard contract agreements, documents or forms, and waive any demand for the use of standard agreement forms. Selection of a bidder does not obligate the City of Tucson to accept all of the terms of the successful bidder's submission.

### **C. Copyright and Patent Indemnification**

By responding with a submission to this RFP, each bidder agrees to hold the City of Tucson, and its officers, agents, employees, and consultants free and harmless against any and all liability, including costs of claims, suits and attorneys' fees, arising from, growing out of, or incidental to the actual or alleged use of any copyrighted composition, secret or proprietary process, patented or unpatented invention, article or appliance.

### **D. Applicable Law**

Any and all disputes arising under this RFP and any contract negotiated as a result of this RFP shall be governed by the laws of the State of Arizona. The venue for any action brought to enforce provisions of the contract shall be in Pima County, Arizona.

### **E. No Partnership/Business Organization**

Nothing in this RFP or in any subsequent development agreement, lease, or any other contract entered into as a result of this RFP shall constitute, create, give rise to or otherwise be recognized as a partnership or formal business organization of any kind between or among the City of Tucson or the bidder.

### **F. Employment Restrictions and Indemnity**

No person who is an officer, employee, contractor or consultant of a bidder shall be an officer or employee of the City of Tucson. No rights of the City of Tucson's civil service, retirement or personnel rules accrue to bidder, its officers, employees, contractors, or consultants. The successful bidder shall have the sole responsibility for all salaries, wages, bonuses, retirement, withholdings, worker's compensation and occupational disease compensation, insurance, unemployment compensation, other benefits and taxes and premiums appurtenant thereto concerning its officers, employees, contractors, and consultants. Bidder shall save and hold the City of Tucson harmless with

respect to any and all claims for payment, compensation, salary, wages, bonuses, retirement, withholdings, worker's compensation and occupational disease compensation, insurance, unemployment compensation, other benefits and taxes and premiums in any way related to bidder's officers, employees, contractors and consultants.

**G. Immigration and Naturalization**

All bidders shall be required to be in compliance with the Naturalization Reform Act of 1986 and all rules and regulations promulgated thereunder.

**H. Non-Discrimination Requirements**

In its employment policies and practices, public accommodations and provision of services, bidder shall comply with all relevant and applicable federal, state, and local laws, regulations and standards relating to discrimination, bias, and/or limitations, such as, but not limited to, Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, the Arizona Civil Rights Act, the Arizonans with Disabilities Act, the Human Relations provisions of the Tucson Code, and the Mayor and Council policy adopted on September 25, 2000, prohibiting the direct or indirect grant of discretionary City of Tucson funds to organizations that have a policy of discrimination on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status or marital status.

**XII. Conflicts of Interest**

This RFP and any award, development agreement, lease, or other relationship resulting from this RFP are subject to the Arizona conflict of interest laws, A.R.S. § 38-501 et seq., including A.R.S. § 38-511, which provides for cancellation of contracts in certain circumstances involving conflicts of interest.

## **BID PACKAGE ACNOWLEDGEMENT & RECEIPT**

The bidder(s) in this Request for Proposal (RFP) submittal acknowledge the receipt of a complete bid package including all documents listed on the Bid Package Checklist (Table of Contents). Bidder further acknowledges that they have reviewed the contents of the bid package as listed on the Bid Package Checklist.

\_\_\_\_\_  
Bidder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Bidder

\_\_\_\_\_  
Date

## **BROKERS ACKNOWLEDGEMENT**

I, \_\_\_\_\_ (insert name), am a licensed real estate broker/agent in the State of Arizona. I represent the bidder(s) in this submittal. I have reviewed the contents of the Bid Package for this property and acknowledge that if my client(s) is/are the successful bidder in the purchase of this property, that upon the successful close of escrow to this transaction, I or my broker, will be paid a commission equal to 3% of the gross sales price.

\_\_\_\_\_  
Broker/Agent Signature

\_\_\_\_\_  
Date

Name of Brokerage Company: \_\_\_\_\_

Address of Brokerage Company: \_\_\_\_\_

MLS Agent #: \_\_\_\_\_ MLS Office #: \_\_\_\_\_

Office Phone: \_\_\_\_\_ Office Fax: \_\_\_\_\_

Cell Phone #: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

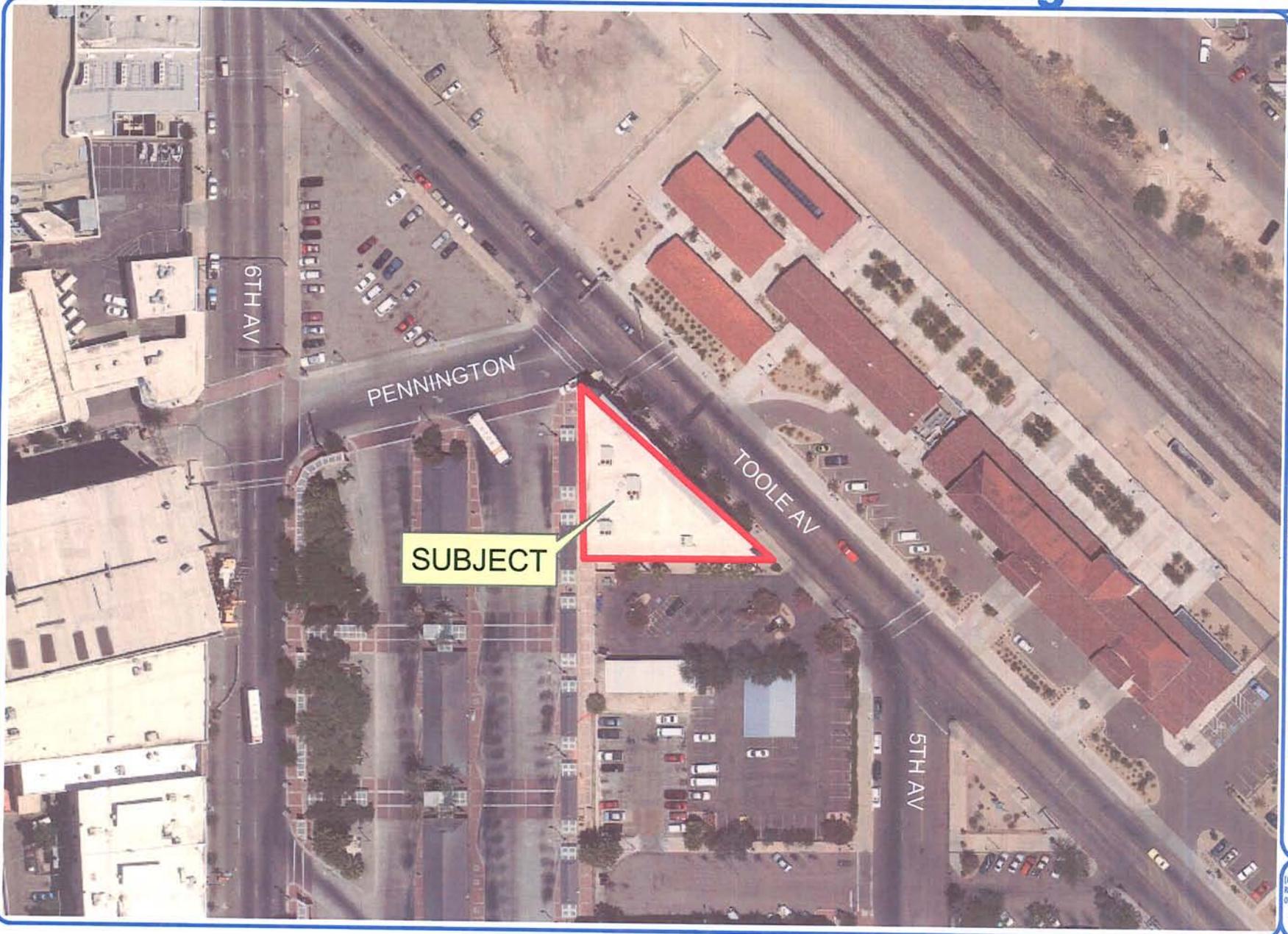
# **EXHIBITS**

- 1. Location Map**
- 2. Photos**
- 3. Appraisal Summary**
- 4. Area Exhibits**
- 5. Preliminary Title Report**



# LOCATION MAP

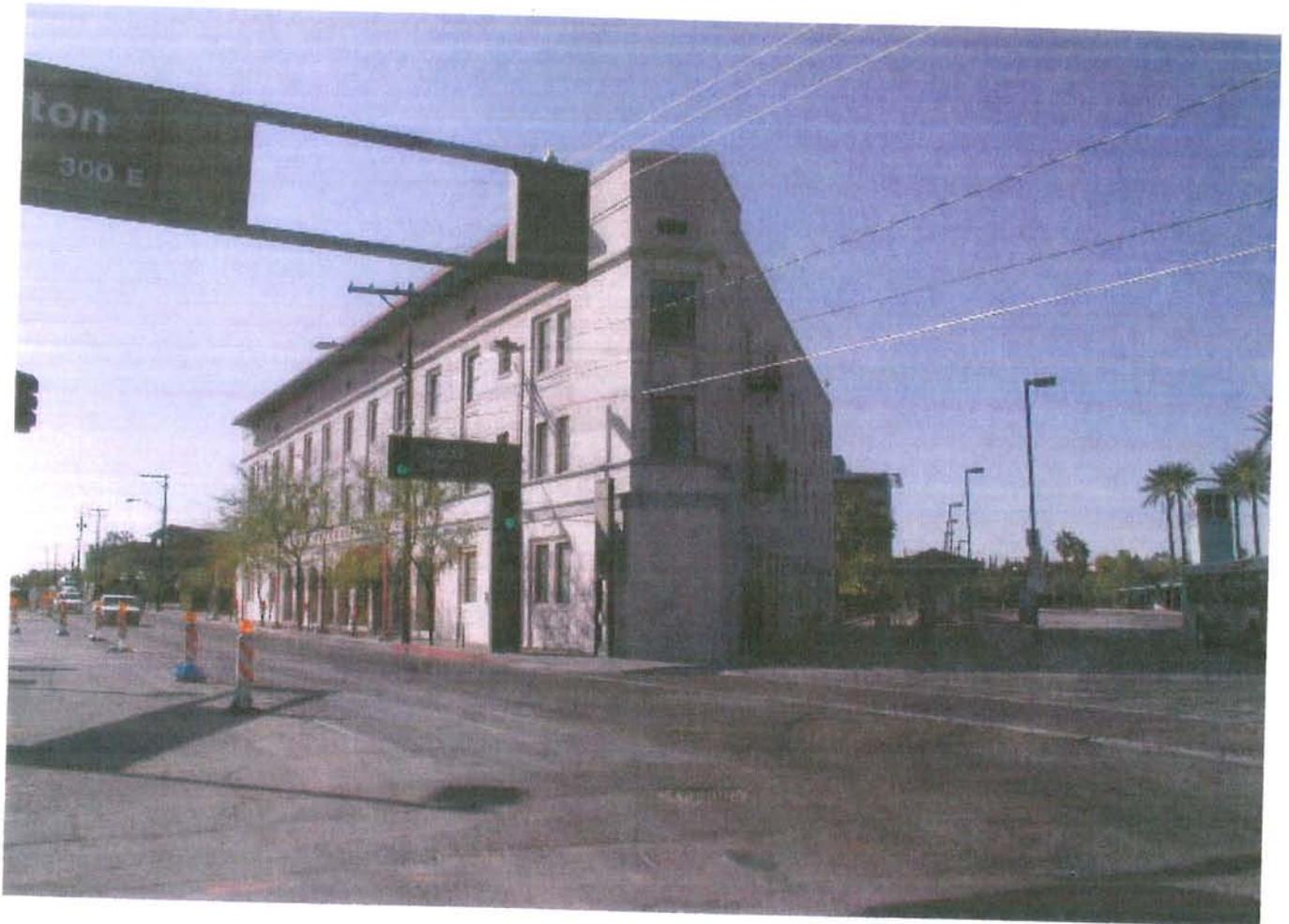
## RP 2959 MacArthur Building



TRANSPORTATION DEPARTMENT  
REAL ESTATE DIVISION

(ID#)PROJECTS:  
RP2959\_MACARTHUR  
070119  
DAVE KOSS

1021-07



LOOKING SOUTHEAST FROM TOOLE AVE. AND PENNINGTON ST.

**SUBJECT PHOTOGRAPH**

**Subject Photographs**  
- VIEW OF SUBJECT FROM TOOLE AVENUE



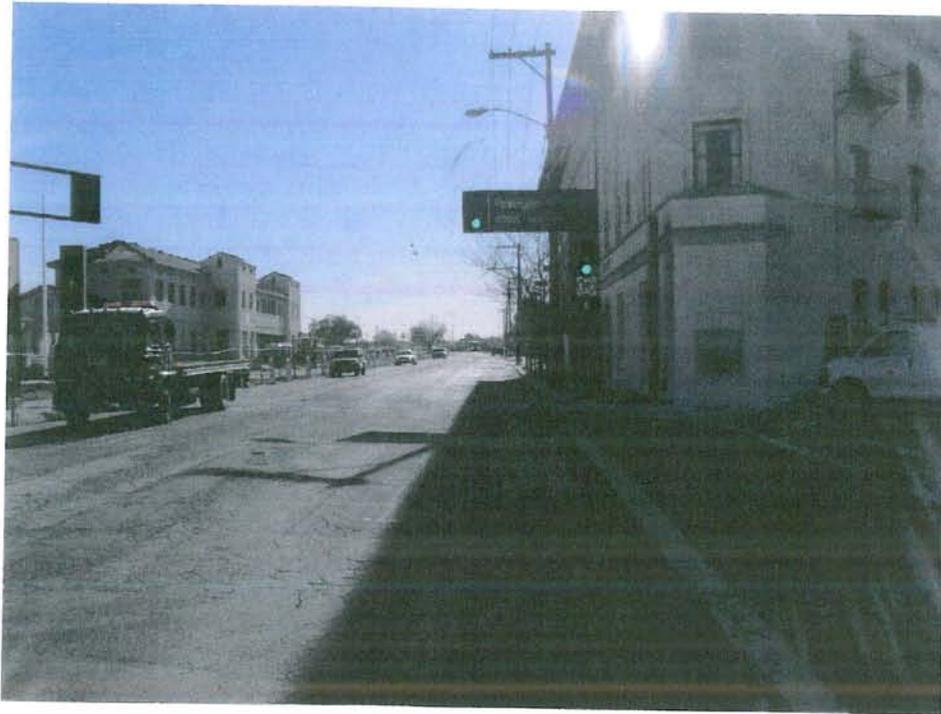
- SOUTH ELEVATION OF THE BUILDING



- VIEW WEST ALONG TOOLE AVENUE



- VIEW EAST ALONG TOOLE AVENUE



CITY INDEX NUMBER 08014

**M. BERNSTEIN REAL ESTATE APPRAISALS**

1147 N. HOWARD BOULEVARD  
Tucson, Arizona 85716

Telephone (520) 325-3554  
Facsimile (520) 622-3308  
email: [mkbappraiser@comcast.net](mailto:mkbappraiser@comcast.net)

A SUMMARY APPRAISAL REPORT

OF THE MACARTHUR OFFICE BUILDING  
LOCATED AT  
345 EAST TOOLE AVENUE  
TUCSON, PIMA COUNTY, ARIZONA

FOR

CITY OF TUCSON  
REAL ESTATE DIVISION

BY

MICHAEL BERNSTEIN  
STATE OF ARIZONA CERTIFIED GENERAL REAL ESTATE APPRAISER  
CERTIFICATE NUMBER 30370

AS OF  
SEPTEMBER 24, 2007

OUR FILE NUMBER 1021-07

1021-07

### SUMMARY OF SALIENT FACTS AND CONCLUSIONS

|                            |   |
|----------------------------|---|
| Date of Value:             | September 24, 2007  |
| Date of Report:            | October 8, 2007   |
| Location:                  | 345 East Toole Avenue<br>Tucson, Arizona  |
| Ownership:                 | City of Tucson.   |
| Assessor's Parcel Number:  | Portion of 117-06-089A.   |
| Purpose of Appraisal:      | Estimate market value "as is."  |
| Intended Use of Appraisal: | Financial basis for disposition.  |
| Intended User:             | City of Tucson.   |
| Interest Appraised:        | Leased fee.   |
| Property Type:             | Office  |
| Property Size:             | 7,285 sq. ft. – 1st floor<br><u>7,688 sq. ft.</u> – 2 <sup>nd</sup> /3 <sup>rd</sup> floors, each<br>22,661 sq.ft – gross building area |
| Site Size:                 | 8,000 square feet.  |
| Site Coverage:             | 91%   |
| Zoning:                    | OCR-2, mixed-use classification   |
| Highest and Best Use       |   |
| As Vacant:                 | Commercial development  |
| As Improved:               | Office use.   |

1021-07

### SUMMARY OF MARKET VALUE

The following was indicated as of September 24, 2007:

**MARKET VALUE OF SUBJECT PROPERTY "AS IS" ..... \$1,700,000**

In addition to the general underlying assumptions attached, the value estimate is subject to the following extraordinary assumption:

1. A current structural engineering report was not provided. The subject building required structural stabilization during a past renovation. I assume that the structural integrity of the subject building is sound. Further, I assume a stigma has not attached to the property decreasing its market value.

Further, this appraisal is subject to the following contingent conditions:

1. None.

CHANGES IN ANY OF THE ABOVE ASSUMPTIONS OR CONDITIONS WOULD AFFECT THE VALUE ESTIMATE OF THE SUBJECT PROPERTY.

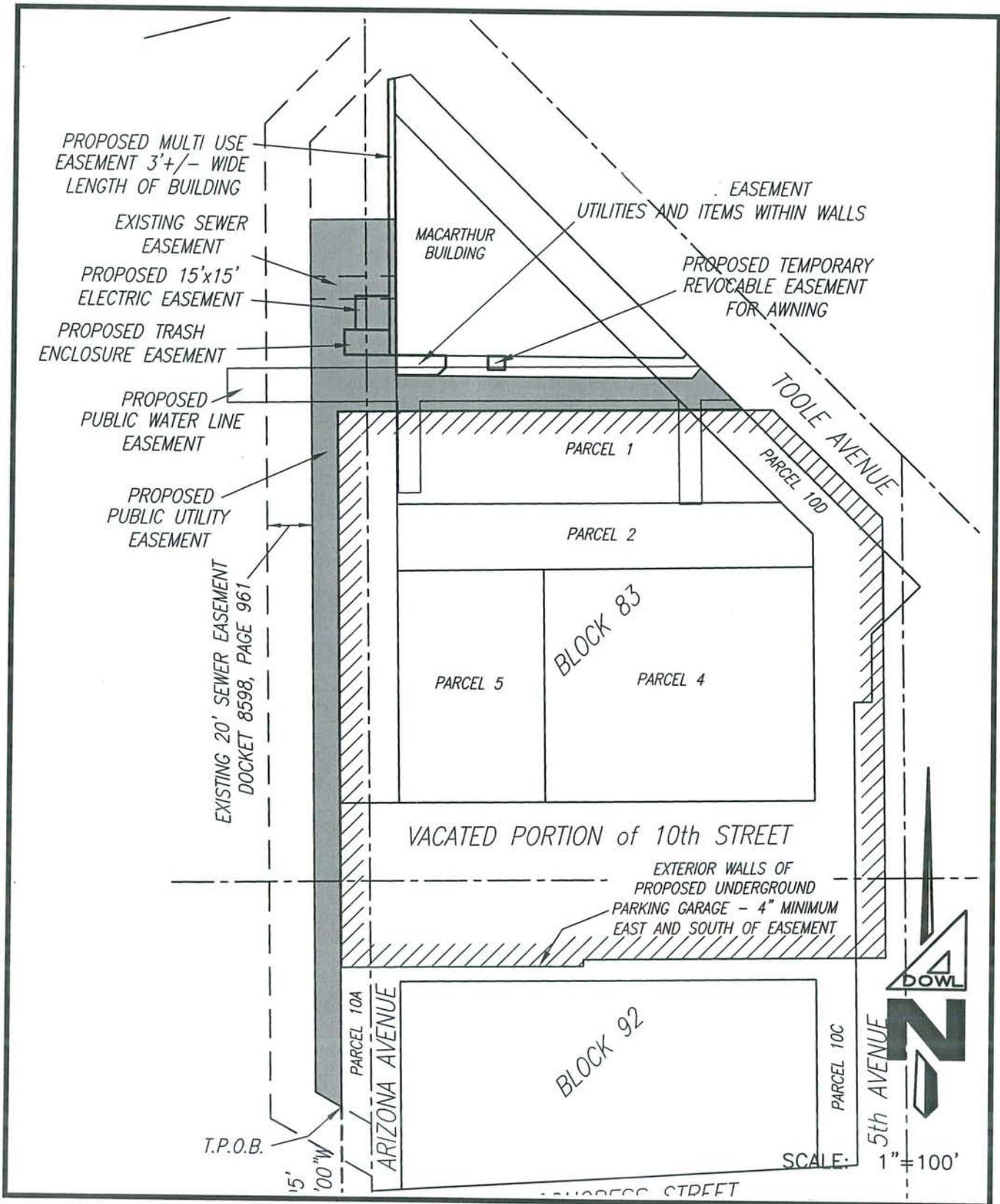
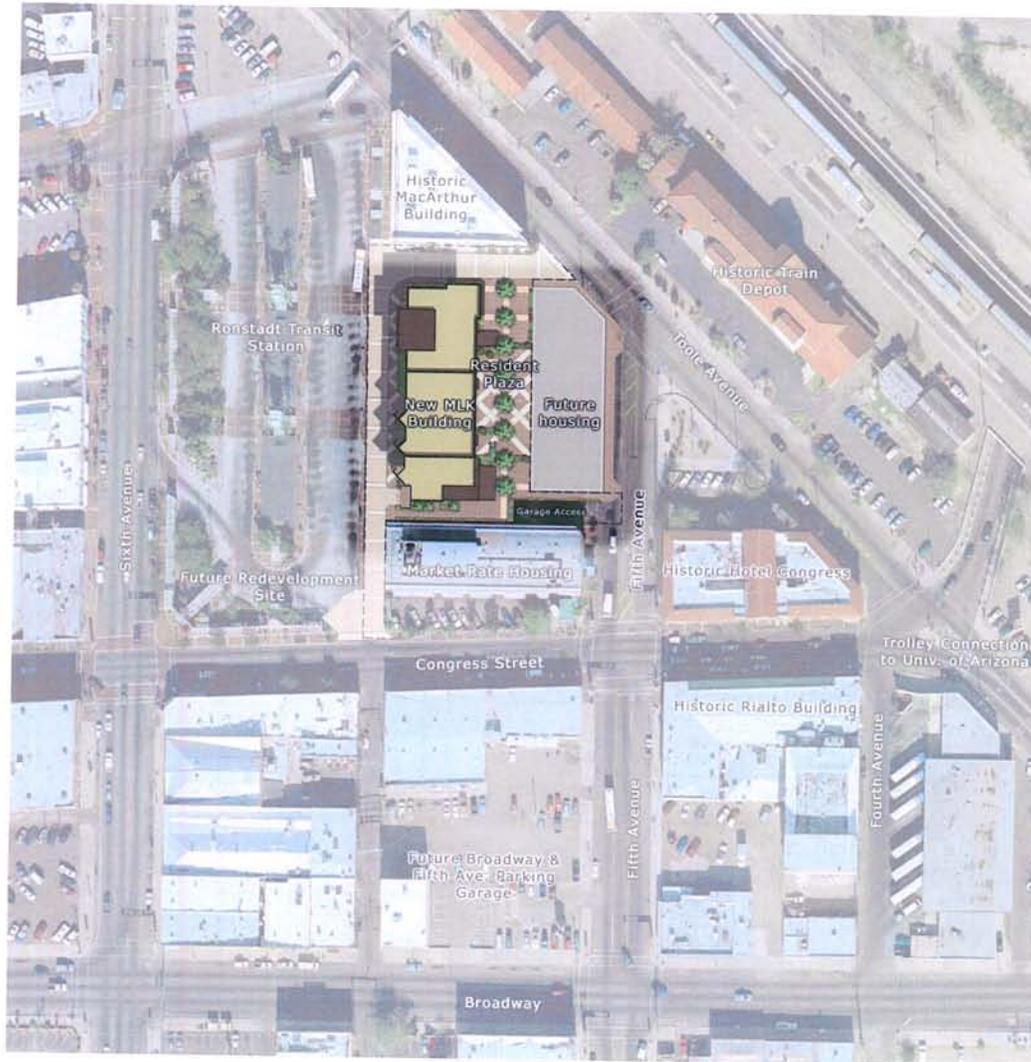


EXHIBIT SHOWING  
 PROPOSED EASEMENT LOCATIONS  
**DEPOT PLAZA**  
 City of Tucson, Arizona

SHEET 1 OF 1





**MLK Apartments at Depot Plaza TUCSON, ARIZONA**

AERIAL SITE PLAN

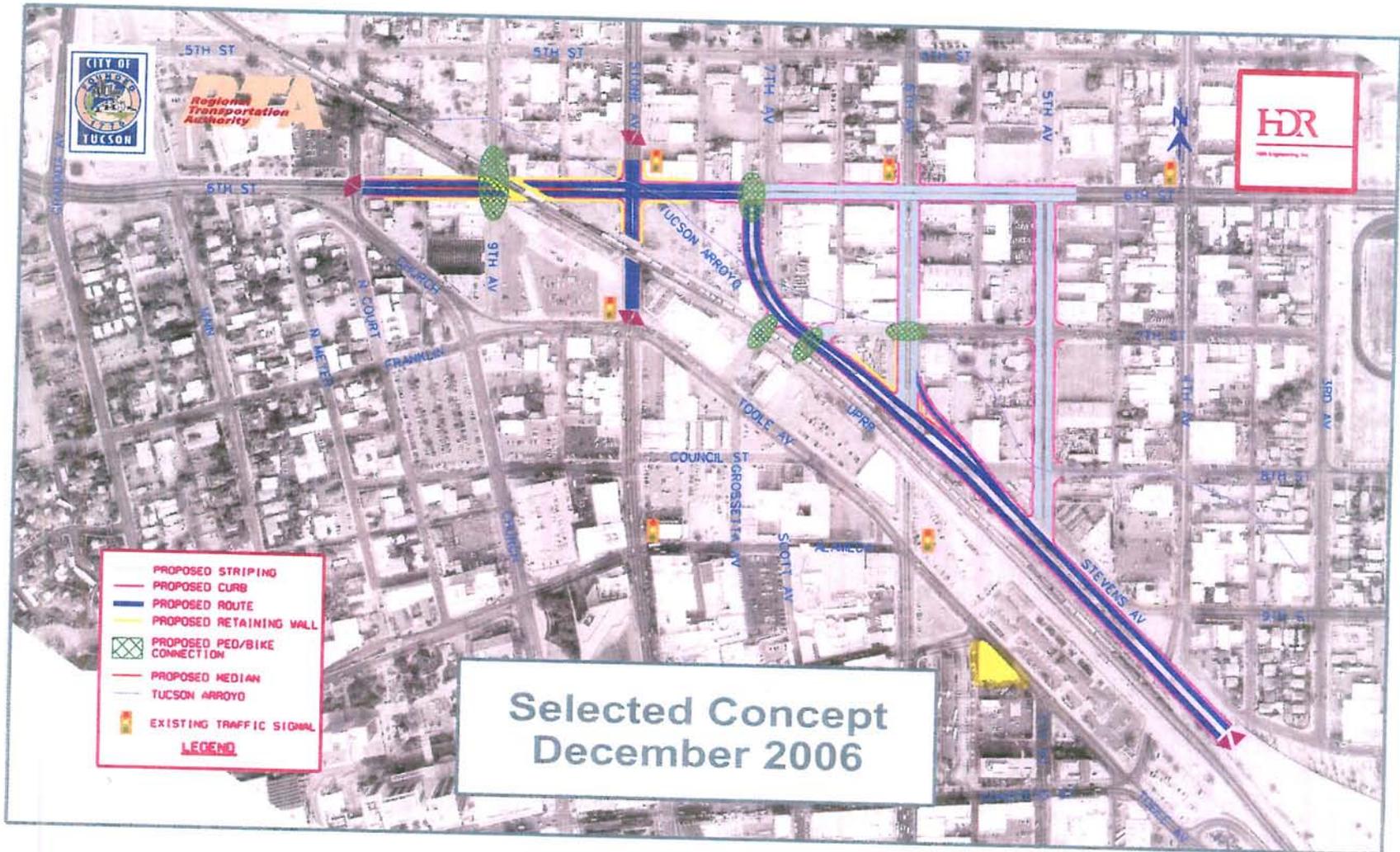
04 January 2007

094251



**nelsen architects**

PC  
Austin • Scottsdale



PROPOSED BARRAZA-AVIATION EXTENSION



## ZONING

The subject site is zoned OCR-2, a mixed use classification, under the jurisdiction of the City of Tucson Land Use Ordinance.

The purpose of this zone is to provide for high-rise development that serves the community and region, located in major activity centers or at transit centers. A mixture of development types is encouraged, including office, commercial, and high-density residential uses.

The following Land Use Classes are principal Permitted Land Uses within this zone, subject to compliance with the development and compatibility criteria.

A. Commercial Services Use Group

1. Administrative and Professional Office
2. Alcoholic Beverage Service
3. Communications
4. Day Care
5. Entertainment
6. Financial Service
7. Food Service
8. Medical Service - Extended Health Care
9. Medical Service - Major
10. Medical Service - Outpatient
11. Parking
12. Personal Service
13. Technical Service
14. Transportation Service, Land Carrier
15. Travelers' Accommodation, Lodging

B. Retail Trade Use Group

1. Food and Beverage Sales
2. General Merchandise Sales
3. Vehicle Rental and Sales

1021-07

C. Civic Use Group

1. Civic Assembly
2. Correctional Use: Supervision Facility
3. Cultural Use
4. Educational Use: Elementary and Secondary Schools
5. Educational Use: Postsecondary Institution and Instructional School
6. Membership Organization
7. Postal Service
8. Protective Service
9. Religious Use

D. Recreation Use Group

1. Recreation

E. Residential Use Group

1. Family Dwelling "X"
2. Group Dwelling
3. Residential Care Services: Adult Care Service or Physical and Behavioral Health Service
4. Residential Care Services: Rehabilitation Service - children's facilities
5. Residential Care Services: Shelter Care - victims of domestic violence

F. Restricted Adult Activities Use Group

1. Adult Commercial Services
2. Adult Recreation
3. Adult Retail Trade

G. Storage Use Group

1. Commercial Storage
2. Personal Storage

H. Utilities Use Group

1. Distribution System

I. Industrial Use Group

1. Salvaging and Recycling, limited to household goods donation center

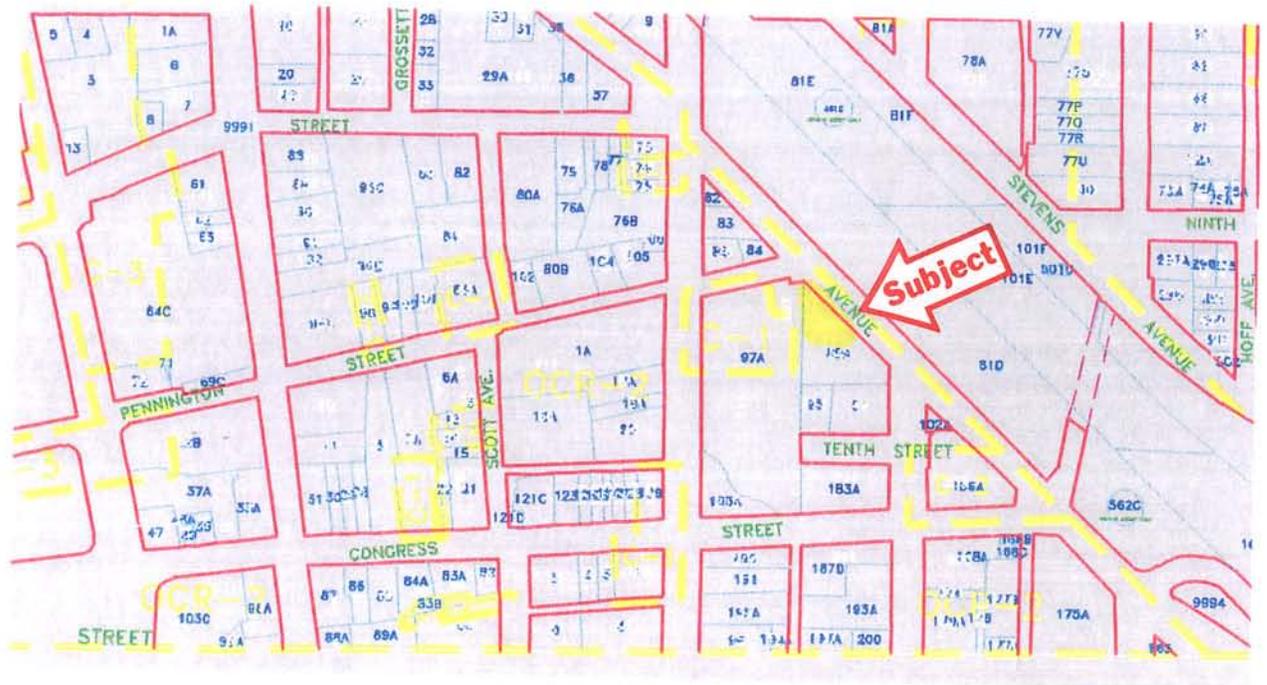
Additional special exception land uses may be permitted. Development restrictions are based upon the individual land use.

1021-07

Overlay zones and planning areas provide recommendations, incentives, and additional review processes. They are not approved zonings and all proposed uses and redevelopments would need to go through the planning and review process. The subject appears to be within these overlay zones and planning areas:

1. El Centro Redevelopment Plan
2. Downtown Heritage Incentive Zone
3. Downtown Area Infill Incentive District
4. Rio Nuevo and Downtown Zone

1021-07



NORTH ^

ZONING MAP

**First American Title Insurance Company  
SCHEDULE A**

**ESCROW/CLOSING INQUIRIES** should be directed to your Escrow Officer: **Janice Saunders at (520)615-4231**

Address Reference:

**vacant land  
Tucson, AZ**

Effective Date: **March 18, 2008** at 7:30 a.m.

1. Policy or (Policies) to be issued:

ALTA 2006 Extended Owner's Policy for \$0.00

Proposed Insured:

**To Be Determined**

2. The estate or interest in the land described or referred to in this commitment and covered herein is fee simple and title thereto is at the effective date hereof vested in:

**City of Tucson, a municipal corporation**

3. Title to the estate or interest in the land upon issuance of the policy shall be vested in:

**To Be Determined**

4. The land referred to in this Commitment is located in Pima County, AZ and is described as:

**SEE EXHIBIT "A " ATTACHED HEREIN**

Title officer: Charlie Davies @ (602)685-7745.

**First American Title Insurance Company**

**SCHEDULE B**

**PART TWO:**

1. Taxes for the year 2007 are exempt.
2. Taxes for the full year of 2008.  
(The first half is due October 1, 2008 and is delinquent November 1, 2008. The second half is due March 1, 2009 and is delinquent May 1, 2009.)
3. Reservations or Exceptions in Patents, or in Acts authorizing the issuance thereof.
4. Easements, restrictions, reservations, conditions and set-back lines as set forth on the plat recorded as Book 3 of Maps, Page 70, 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).
5. The terms, conditions and provisions contained in the document entitled "Development Agreement of the Depot Plaza Project" recorded December 01, 2006 as Docket 12942, Page 163.
6. The effect of a map purporting to show the land recorded as Book 10 of Surveys, Page 94 and recorded as Book 13 of Surveys, Page 64.
7. An easement for telephone poles, other necessary wires and incidental purposes, recorded as Book 57 of Miscellaneous, Page 418.
8. An easement for telephone, telegraph lines and incidental purposes, recorded as Book 68 of Miscellaneous, Page 269.
9. An easement for sewer line and incidental purposes, recorded as Docket 8598, Page 961 and re-recorded as Docket 8764, Page 1487.
10. An unrecorded lease dated January 25, 2006, executed by City of Tucson, Arizona, an Arizona municipal corporation as lessor and Wells Fargo Bank, N.A., a national banking association as lessee, as disclosed by a(n) Memorandum of Lease recorded January 25, 2006 as Docket 12727, Page 8.

(Affects Parcel No. 1)

11. The following matters disclosed by an ALTA/ACSM survey made by \_\_\_\_\_ on \_\_\_\_\_, designated Job No. \_\_\_\_\_:

\_\_\_\_\_

NOTE: This matter will be more fully set forth or deleted upon compliance with the applicable requirement set forth herein.

12. The rights of parties in possession by reason of any unrecorded lease or leases or month to month tenancies affecting any portion of the within described property.

NOTE: This matter will be more fully set forth or deleted upon compliance with the applicable requirement(s) set forth herein.

13. Water rights, claims or title to water, whether or not shown by the public records.

**End of Schedule B**

**First American Title Insurance Company**

**REQUIREMENTS:**

1. Compliance with A.R.S. 11-480 relative to all documents to be recorded in connection herewith. See note at end of this section for details.
2. All of 2007 taxes are paid in full.

NOTE: Taxes are assessed in the total amount of \$0.00 for the year 2007 under Assessor's Parcel No. 117-06-089A 1.

Taxes for the year 2007 are exempt.

3. Furnish Plat of Survey of the subject property by a Registered Land Surveyor in accordance with the "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" as currently established. Said Plat of Survey shall include the recommended certification and, at the minimum, also have shown thereon Items 1, 6, 8, 10, 11(b), 16, 17 and 18 from Table A thereof.

NOTE: If a Zoning Endorsement is requested, Items 7(a), 7(b) and 7(c) of Table A will also be required. If "parking" is to be added to the endorsement, the number and type of parking spaces must be shown on the survey. Property use information must also be provided to First American Title Insurance Company.

4. Furnish copies of any existing leases affecting the within described property and insertion of said leases in Schedule B of the Policy of Title Insurance.
5. Furnish the names of parties to be insured herein and disposition of any matters disclosed thereby.
6. Record Warranty Deed from City of Tucson, a municipal corporation to Buyer(s).

NOTE: If this will be other than a Cash Transaction, notify the title department prior to close and additional requirements will be made.

NOTE: In connection with Arizona Revised Statutes 11-480, as of January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:

- a. Print must be ten-point type or larger.
  - b. A margin of two inches at the top of the first page for recording and return address information and margins of one-half inch along other borders of every page.
  - c. Each instrument shall be no larger than 8-1/2 inches in width and 14 inches in length.
7. Return to title department for final recheck before recording.

DISCLOSURE NOTE: In the event any Affidavit required pursuant to A.R.S. § 33-422 has been, or will be, recorded pertaining to the land, such Affidavit is not reflected in this Commitment nor will it be shown in any policy to be issued in connection with this Commitment.

**End of Requirements**