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## ARIZONA SUPREME COURT

AREK FRESSADI,

Plaintiff – Appellant - Petitioner

v.

TOWN OF CAVE CREEK,

Defendant - Appellee

CA-CV-13-0209-PR

Court of Appeals, Div. One, No. 1 CA-CV-12-0238

Maricopa County Superior Court Case No. CV2009-050821

AFFIDAVIT IN SUPPORT OF PETITION FOR REVIEW

STATE OF ARIZONA	)
COUNTY OF MARICOPA	) ss. )

**RALPH D. NISENBAUM, PE** being of full age and duly sworn upon his oath, hereby affirms as follows:

- 1. I am a Registered Civil Engineer in the State of Arizona. I make this Affidavit based on my personal knowledge of the facts stated herein.
- 2. I recently returned to Arizona having been a resident of Alaska for the last three years. Prior to residing in Alaska, I resided in Texas for one year.
- 3. Arvel R. Jones, RLS and I performed background research, office drafting, and field surveying to record the following documents in Maricopa County: #2002-0256784, #2003-0481222, and #2003-0488178 for parcel #211-10-010 and #2003-1312578 for parcel 211-10-003.

- 4. The Town of Cave Creek required Arvel R. Jones, RLS to write the legal descriptions including easements and to draft the surveys for parcels 211-10-010 and 211-10-003 with a strip of land twenty-five feet (25') wide adjacent to Schoolhouse Rd. that could be dedicated by separate instrument to the Town of Cave Creek as a part of the lot split approval process.
- 5. The Town indicated that they would handle the paperwork for the dedications of the twenty-five foot wide strips of land exacted from parcels 211-10-010 and 211-10-003.
- 6. The Town required the dedication of easements to approve the split of parcel 211-10-010, and that the survey be recorded (#2002-0256784) in order to permit driveways to the subject lots in March, 2002.
- 7. The Town required the dedication of an easement over the entirety of the twenty-five foot strip of land exacted from the split of parcel 211-10-010 as an easement in order to permit the sewer extension in July, 2002.
- 8. I designed and Arvel Jones, RLS surveyed the installation of the sewer extension including the Andorra Wash crossing on Schoolhouse Rd. to serve the buildable lots split from parcel 211-10-010.
- 9. Cave Creek required the dedication of lot 211-10-010D to be recorded in April, 2003 (#2003-0488178) for final approval of the sewer installed to serve the buildable lots split from parcel 211-10-010.

Further Affiant sayeth naught.

Ralph D. Nisenbaum, PE

ACKNOWLEDGED, SUBSCRIBER day of September, 2013, by Ralph D.	
By:	Troy Tagaban  Notary Public  Maricopa County, Arizona  My Comm. Expires 09-12-15