



Affidavit Signed by Property Owner or Authorized Agent for Rezoning Applications

Completion of the applicable affidavits listed below is required for ALL rezoning requests except requests to rezone to a General Use District. Each time proposed zoning conditions are revised after the initial application is submitted, a new affidavit must be provided to the case planner. **Must be notarized.**

Check any of the below applicable to the rezoning request and complete the respective affidavit(s):

(1) Affidavit of Individual Property Owner

- Required where the property owner maintains sole authority to make binding statements and commitments regarding the request, and the property owner is one or more individuals.

AND/ OR

(2) Affidavit of Corporate Entity Property Owner

- Required where the property owner maintains sole authority to make binding statements and commitments regarding the request, and the property owner is a corporate or similar entity.

OR

3) Affidavit of Authorized Agent

- Required where the property owner has authorized another individual or entity to represent him/her through the public hearing process and make binding statements and commitments regarding the request.
 - Selection of this option requires submittal of Power of Attorney or redacted sales contract per Part 3D above.
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(1) Affidavit of Individual Property Owner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF

(Property Owner)

I/We, _____, being first duly sworn, hereby depose and say:

1. I am over eighteen years of age and competent to make this Affidavit. All statements made herein are based upon my personal knowledge.

2. I (“the Applicant”) am the owner of certain real property located at _____, and identified as _____ (“the Property”).

3. On or about _____ [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property (“the Application”).

4. The Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

5. In addition to the zoning conditions or provisions listed above in paragraph 5, the Applicant, through counsel or otherwise, may offer or consent to at any hearing before the Town of Cary Planning and Zoning Board or Town Council certain additional conditions of approval (which additional conditions of approval, along with the zoning conditions or provisions listed in paragraph 4, are collectively referred to hereinafter as the “Conditions of Approval”).

6. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances, the officially adopted comprehensive plan or other plans, or the impacts reasonably expected to be generated by the development or use of the site.

7. I intend for the Town to rely on this Affidavit and in offering the Conditions of Approval, I hereby swear that:

- a. all zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the property owner/applicant's independent judgment; and
- b. the property owner/applicant is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. the property owner/applicant understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- d. the property owner/applicant intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning; and
- e. the property owner/applicant will take all appropriate measures to ensure that future property owners are aware of the zoning conditions and provisions.

Further the Affiant sayeth not.

This the ____ day of _____, 20__.

Name:

Sworn and subscribed before me this the ____ day of _____, 20__.

Notary Public Signature _____

Notary Public Printed or Typed Name _____

My commission expires: _____

[Notarial Seal]

(2) Affidavit of Corporate Entity Property Owner

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF

(Owner Corporation/LLC/etc.)

I, _____, being first duly sworn, hereby depose and say:

1. I am over eighteen years of age and competent to make this Affidavit. All statements made herein are based upon my personal knowledge.

2. _____ (“the Applicant”) is the owner of certain real property located at _____, and identified as _____ (“the Property”).

3. On or about _____ [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property (“the Application”).

4. I am the _____ [insert title of person signing] for the Applicant and I have been duly authorized to represent and bind the Applicant and execute this Affidavit.

5. The Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

6. In addition to the zoning conditions or provisions listed above in paragraph 5, the Applicant, through counsel or otherwise, may offer or consent to at any hearing before the Town of Cary Planning and Zoning Board or Town Council certain additional conditions of approval (which additional conditions of approval, along with the zoning conditions or provisions listed in paragraph 5, are collectively referred to hereinafter as the “Conditions of Approval”).

7. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances, the officially adopted comprehensive plan or other plans, or the impacts reasonably expected to be generated by the development or use of the site.

8. I intend for the Town to rely on this Affidavit and in offering the Conditions of Approval, I hereby swear that:

- a. all zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the property owner/applicant's independent judgment; and
- b. the property owner/applicant is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. the property owner/applicant understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- d. the property owner/applicant intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning; and
- e. the property owner/applicant will take all appropriate measures to ensure that future property owners are aware of the zoning conditions and provisions.

Further the Affiant sayeth not.

This the ____ day of _____, 20__.

Signature: _____

Name:

Title:

Sworn and subscribed before me this the ____ day of _____, 20__.

Notary Public Signature _____

Notary Public Printed or Typed Name _____

My commission expires: _____

[Notarial Seal]

(3) Affidavit of Authorized Agent

STATE OF NORTH CAROLINA
COUNTY OF WAKE

AFFIDAVIT OF

(Agent)

I/We, _____, being first duly sworn, hereby depose and say:

1. I am over eighteen years of age and competent to make this Affidavit. All statements made herein are based upon my personal knowledge.

2. _____ (“the Applicant”) is/are the owner(s) of certain real property located at _____, and identified as _____ (“the Property”).

3. On or about _____ [insert date], the Applicant submitted to the Town of Cary an Application for a rezoning of the Property (“the Application”).

4. The Applicant has granted me the legal authority to represent and bind the Applicant and execute this Affidavit.

5. I have discussed the following zoning conditions or provisions with the Applicant, and the Applicant has agreed to volunteer the following zoning conditions or provisions in support of the Rezoning:

6. In addition to the zoning conditions or provisions listed above in paragraph 5, the Applicant, through counsel or otherwise, may offer or consent to at any hearing before the Town of Cary Planning and Zoning Board or Town Council certain additional conditions of approval (which additional conditions of approval, along with the zoning conditions or provisions listed in paragraph 5, are collectively referred to hereinafter as the “Conditions of Approval”).

7. All Conditions of Approval that the Applicant offers in connection with the Rezoning are offered to address the conformance of the development and use of the site to Town ordinances, the officially adopted comprehensive plan or other plans, or the impacts reasonably expected to be generated by the development or use of the site.

8. I intend for the Town to rely on this Affidavit and in offering the Conditions of Approval, I hereby swear that:

- a. all zoning conditions and provisions are freely offered as proposed zoning laws, based solely on the property owner/applicant's independent judgment; and
- b. the property owner/applicant is not relying upon any statement by the Town staff or any member of the Town Council in connection with the decision to offer any zoning conditions or provisions; and
- c. the property owner/applicant understands that other parties that have standing in the rezoning proceeding are relying on the validity of the zoning conditions and provisions; and
- d. the property owner/applicant intends for all future owners of the property to be bound by the zoning conditions and provisions should the Town Council adopt them as part of the rezoning; and
- e. the property owner/applicant will take all appropriate measures to ensure that future property owners are aware of the zoning conditions and provisions.

Further the Affiant sayeth not.

This the ___ day of _____, 20__.

Signature: _____

Name:

Title:

Sworn and subscribed before me this the ___ day of _____, 20__.

Notary Public Signature _____

Notary Public Printed or Typed Name _____

My commission expires: _____