

Richard D. McKinney
Trustee, Richard D. McKinney Family Trust
8223 E. Cholla St.
Scottsdale, AZ 85260

August 19, 2013

Tempe City Attorney
Civil Division
21 E. Sixth Street, Suite 201
Tempe, AZ 85281

Re: Proposed Modifications to Tempe's Outdoor Advertising Ordinance (the "Billboard Ordinance")

To Whom It May Concern:

I'm the owner of the property located at 1616 E. Curry Rd., Tempe, AZ (the "Property"). CBS Outdoor has been operating a legal non-conforming billboard on my property for a very long time pursuant to a lease agreement.

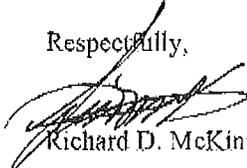
It has come to my attention that the City is in the process of amending its Billboard Ordinance. The most recent draft includes a provision whereby the owner of the billboard structure and not the property owner has the right to trade the billboard for a new one at a different location. The proposed language is shown below for your convenience:

**THE OWNER OF THE PHYSICAL SIGN, AND NOT THE PROPERTY OWNER, IS
CONSIDERED THE OWNER OF THE NONCONFORMING SIGN**

This is completely unfair to property owners such as myself. Although my tenant owns the physical structure, I own the "use" of the sign which is a property right that I and only I should be allowed to do with what I please. Although I've granted CBS Outdoor a right to apply for a permit to use my property so that they can operate a billboard on my property, I've never conveyed my property rights for using or trading the non-conforming use. Thus, I am hereby requesting that the above referenced language be changed to fit the facts - i.e., that the landowner be considered the owner of the non-conforming use and that the landowner (and not the sign owner) be the one allowed to relocate a non-conforming billboard.

In its current form I, and similarly situated property owners, would be stripped of this potentially valuable property right which by the stroke of a pen as drafted in this ordinance, you'd hand over to my tenant with no compensation to the property owner. If this isn't a Prop 207 claim I don't know what is.

Respectfully,


Richard D. McKinney, Trustee