Staff Summary Report

Tempe

City Council Meeting Date: 05/28/09 **Agenda Item Number: 50**

SUBJECT: This is the second public hearing for a Historic Overlay District for DATE PALM MANOR.

DOCUMENT NAME: 20090528dsrl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request for **DATE PALM MANOR (PL090049)** (multiple property owners; Tempe Historic Preservation Office, applicant) consisting of thirty-eight (38) lots with single-family homes, all within approximately 7.84 acres, located at 2106 S. Mill Avenue; 5-137 W. Palmcroft Drive; 2015-2030 S. Dromedary Drive; 32-121 W. Palmdale Drive; and 2019-2025 S. Dateland Drive, in the R1-6, Single-Family Residential District and the R-3, Multi-Family Residential Limited District. The request includes the following:

HPO09001 (Ordinance No. 2009.12) – Historic Overlay District consisting of thirty-eight (38) lots.
ZOA09002 (Ordinance No. 2009.12) – Code Text Amendment for Section 5-502 of the Zoning and Development Code.

PREPARED BY: Ryan Levesque, Senior Planner (480-858-2393)

REVIEWED BY: Lisa Collins, Development Services Planning Director (480-350-8989)
Chris Anaradian, Development Services Manager (480-858-2204)

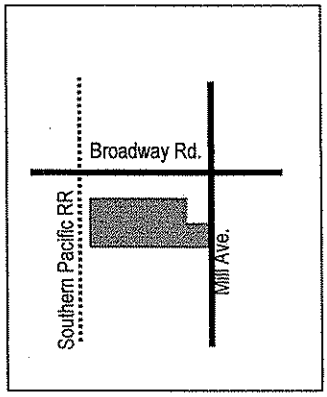
LEGAL REVIEW BY: Teresa Voss, Assistant City Attorney (480-350-8814)

FISCAL NOTE: N/A

RECOMMENDATION:
Staff – Approval
Historic Preservation Commission – Approval (6-0 vote)
Development Review Commission – Approval (6-0 vote)

ADDITIONAL INFO:

Net site area	7.84 acres (excludes ROW)
Total Lots	38 lots (36 dwellings)
Distinctive Characteristics:	
Contributing Properties	35
Non-Contributing Prop.	3
Signed Waiver Forms	35 lots (92% of district properties)



A neighborhood meeting was held on March 12 and 18, 2009 with this application.

PAGES:

1. List of Attachments
2-4. Comments
4. Reason for Approval / Conditions of Approval
5. History & Facts / Zoning & Development Code Reference

ATTACHMENTS:

1-2. Ordinance No. 2009.12
2-3. Waiver of Rights and Remedies form (example)
4-7. Opt-Out form (example)
8. Location Map
9-17. Aerial / Photos
18. Date Palm Manor Amended Subdivision
19. Conforming vs. Non-Conforming Properties / Signed Waivers map

COMMENTS:
This Date Palm Manor neighborhood is located southwest of the intersection on Mill Avenue and Broadway Road. The proposed Historic Overlay District consists of thirty-eight (38) lots with single-family homes, on approximately 7.84 acres, located at 2106 S. Mill Avenue; 5-137 W. Palmcroft Drive; 2015-2030 S. Dromedary Drive; 32-121 W. Palmdale Drive; and 2019-2025 S. Dateland Drive, in the R1-6, Single-Family District and one property located at 10 W. Palmcroft Drive in the R-3, Multi-Family Residential Limited District. Two of the homes in the neighborhood occupy two lots each through a property lot tie affidavit, resulting in 36 homes located on 38 lots. DATE PALM MANOR is identified as a Cultural Resource Area in the Tempe General Plan 2030.

PUBLIC INPUT
On March 12 and on March 18, 2009 Tempe Historic Preservation staff held neighborhood meetings to notify property owners, residents, owners within 300' and neighborhood/homeowner association representatives within the vicinity of the process and request for historic district designation. Three residents were in attendance at the March 18th meeting. All comments provided to staff include strong support for the designation process. Questions were asked about any existing renters input. The response was that there were no objections, all favorable. There were questions on the process for providing exterior improvements; it can be done based on factors of compliance with Code standards and whether the property is contributing or non-contributing. To this date, the Historic Preservation staff has fielded various inquiries and questions on the historic designation process and what it means to have such a designation.

There are currently three property owners who have not signed the waiver form, thus having not made a decision to be full participants in the designation process. Two of the property owners do not wish to be involved in the designation process at this time. These owners have not yet spoken at the public hearings. The estate of the other property owner, recently deceased, is being finalized in court. It is uncertain at this time if the future property owner(s) will support the designation or not.

WAIVER FORM & OPT-OUT FORM
Typically, applicants or property owners involved in a general plan amendment, rezoning, planned area development or historic designation, upon conditions of approval, are required to sign a waiver of rights and remedies form waiving any claims for diminution of property value related to the action requested. This is required for applications as a result of recent legislation passed by the voters found in Arizona Revised Statutes, Section 12-1134, also known as "Proposition 207". For this request, Historic Preservation staff has collected signed and notarized waiver forms for 35 of the 38 lot owners within this proposed district.

If there are property owners in dispute of this request, staff has developed an "Opt-Out form" that has been reviewed/revised and found acceptable by the Attorney's Office, which would provide an owner an opportunity to exclude their property from the provisions of the district designation. The property would remain within the district, to preserve the integrity of the district boundaries, but would not be subject to Historic Preservation review. This would then allow any future owner of the property, if desired, to opt back into the district provisions without an extensive public hearing process. The owner(s) could then sign a waiver of rights and remedies form, acceptable to the City, and have the document recorded at the County.

If the property owner does not sign either the waiver form or the opt-out form, staff recommends the property still remain within the historic overlay district. By state law, an owner has up to 3 years from the date of designation for any potential claims. Prior to that time, an opt-out form may be provided to the owner if a dispute were to arise against the City. Historic Preservation staff has sent by certified mail the waiver forms and opt-out forms to the remaining property owners. No response has been received at this time.

PROJECT ANALYSIS

BACKGROUND + STATUS –
A nomination for historic designation and listing of the DATE PALM MANOR HISTORIC DISTRICT was submitted to the Tempe Historic Preservation Office by a group of property owners along with waivers of rights and remedies under A.R.S. §12-1134 executed by owners of 92% (n=35) of the lots in the proposed district. At a meeting held March 12, 2009, the Tempe Historic Preservation Commission reached consensus to hold a public hearing, to take input from owners, stakeholders, and interested persons and to make a recommendation regarding the proposed designation. This staff summary and recommendation is provided for use by the commission in their deliberation.

SIGNIFICANCE –
DATE PALM MANOR is significant as a best example of early Post WWII custom home development in Tempe. When Agnew

Construction began turning the Valsunda Date Gardens into an exclusive development of large and expensive homes, care was taken to retain as many of the majestic date palms to provide a unique landscape setting for the upscale homes. Annexed along with the site for the new Tempe High School, this subdivision was the first residential inroad into the zone of agricultural operations south of residential development which ended at Broadway Road. The innovative curvilinear street pattern enhanced this pastoral setting while limited access further reinforced the peaceful and picturesque character of the neighborhood. Separation provided by limited access also improved safety and privacy for the neighborhood. Many homes in the Date Palm Manor Subdivision were built at twice the price of homes in contemporaneous Tempe subdivisions. Many prominent Tempe families relocated from older parts of the city to the innovative new neighborhood and Date Palm Manor Subdivision built out in just five years.

AGE –

DATE PALM MANOR began selling in 1954 and was substantially complete by 1959 with ninety-percent 90% of the lots developed. Average age of a home in the subdivision is now 53 years with construction dates ranging from 1953 to 1962. The most frequently occurring year built value for homes in Date Palm Manor is 1955. With the median year built 1956, Date Palm Manor Subdivision homes average in the 95th percentile of all Tempe Properties in terms of age.

CONDITION –

Agnew Construction built custom homes with unique designs in DATE PALM MANOR. These homes often sold at twice what contemporaneous subdivisions sold homes for. Agnew also sold lots to individuals who wanted to build their own house with the deed specifying minimum construction requirements. Accordingly, while it is difficult to identify temporal changes to these unique properties, the high degree of initial quality coupled with the large size of the original homes lends credibility to the appearance that relatively few changes have been made to areas of these properties visible from the rights-of-way.

CHARACTER DEFINING FEATURES -

DATE PALM MANOR was annexed into the city limits before it was developed. Agnew Construction advertised that asphalt surfaced streets, curbs, and sidewalks were included in the price of the lots. In-place infrastructure appealed to the up-scale market Agnew was seeking and helped support requirements for quality design stated in the lot deeds for custom-built homes. Careful design of streets and lot layouts maximized retention of the spectacular date palms and greatly enhanced the feeling of an established neighborhood. At the private property level, properties contributing generally to the distinctive character of the district comprise roughly 92%, a substantial majority. Housing styles in Date Palm Manor represent main-stream if upscale tastes with the classic ranch house style being by far the most frequent form.

The popular Ranch Style gained momentum in the postwar era as builders adapted nationwide patterns to regional preferences and available local materials. Unlike the simple rectangular form of the mass-market Ranch, homes in Date Palm Manor are characterized by projecting wings and rambling plans often with a high degree of detail and differing materials composing primary facades.

A defining feature of the typical postwar American subdivision was the mass produced housing made possible by changes in the production process. Methods of mass construction had been applied to the production of war housing. Following the war, builders began utilizing these methods to mass produce housing in residential subdivision developments. Improvements were made with tools and machines, more work was done off site, shop and site fabrication methods were extensively used for prefabrication and panelized systems, and new materials were used -- all of which facilitated the large-scale development of postwar suburbs. But Date Palm Manor tells a different story. Date Palm Manor homes reflected quality and tradition in materials as well as methods of construction. Skilled builders worked with experienced designers to create a collection of unique homes where quality and craftsmanship were valued as much as innovative or new construction technologies.

INTEGRITY –

Integrity is the ability of a property to convey its significance. To be listed in the Tempe Historic Property Register, properties must not only be significant under ordinance criteria, and must also retain integrity. A district proposed for designation under criteria related to design and construction must, in general, retain integrity of setting, design, feeling, and materials. DATE PALM MANOR exceeds minimum requirements and continues to convey integrity of setting, design, materials, and feeling.

CONCLUSION

Upon careful review, staff finds this property eligible for historic designation and listing in the Tempe Historic Property Register. DATE PALM MANOR is considered eligible for historic designation and listing in the Tempe Historic Property Register as provided by Sec. 14A-4. Designation of landmarks, historic properties and historic districts –

(a) The following criteria are established for designation of an individual property, building, structure or archeological site:

(1) It meets the criteria for listing on the Arizona or national register of historic places;

(2) It is found to be of exceptional significance and expresses a distinctive character, resulting from:

a. A significant portion of it is at least fifty (50) years old; is reflective of the city's cultural, social, political or economic past; and is associated with a person or event significant in local, state or national history; or

b. It represents an established and familiar visual feature of an area of the city, due to a prominent location or singular physical feature; or

(3) If it has achieved significance within the past fifty (50) years, it shall be considered eligible for designation as a landmark if it is an integral and critical part of an historic district or demonstrates exceptional individual importance by otherwise meeting or exceeding the criteria specified in paragraphs (1) or (2) of this subsection above. At such time as a landmark becomes fifty (50) years old, it will automatically be reclassified as an historic property.

(b) The following criteria are established for designation of an historic district:

(1) The district consists of an area in which are located a substantial concentration of properties, buildings or structures which individually meet the criteria in subsection (a) of this section above, as well as others which contribute generally to the overall distinctive character of the area, and are united historically or visually by plan or physical development; district boundaries coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines; other district boundaries coincide with logical physical or man-made features and reflect recognized neighborhood or area boundaries; and other noncontributing properties or vacant parcels are included where necessary to create appropriate boundaries;

REASONS FOR APPROVAL:

1. The Date Palm Manor neighborhood has met the criteria established in Section 14a-4, Historic Preservation.
2. The site is designated as a "Cultural Resource Area" by the General Plan 2030, with the intent to preserve the underlying zoning and recognize the significance of identified post World War II subdivisions in our community.
3. A substantial majority of owners are in support of this request. An Opt-Out form is available for owners who are not sure of the designation, thus protecting the City of Tempe from any claims under Proposition 207 for diminution of property values.

CONDITIONS OF APPROVAL:

None

HISTORY & FACTS:

January 20, 1954	"Date Palm Manor" Subdivision recorded at the County.
February 11, 1954	Ordinance No. 226, area annexed into the Tempe city limits.
April 14, 1954	"Date Palm Manor Amended" subdivision recorded at the County.
1954 – 1962	Primary construction period for homes in Date Palm Manor.
August 2, 2008	Date Palm Manor neighborhood meeting held with residents to discuss the potential of a historic district.
March 12, 2009	A neighborhood meeting was scheduled by the Historic Preservation Commission at Hatton Hall, 34 East 7th Street, Tempe, AZ at 6 p.m. (unofficial meeting)
March 18, 2009	A rescheduled neighborhood meeting, complying with all notification requirements, was held by the Historic Preservation Office at Hatton Hall, 34 East 7th Street, Tempe, AZ at 6 p.m.
April 9, 2009	Historic Preservation Commission recommended approval of this request for Date Palm Manor, for designation as a historic overlay district.
April 28, 2009	Development Review Commission on consent, recommended approval for this request.
May 14, 2009	City Council introduced and held first public hearing for this request.

CODE REFERENCE:

Zoning and Development Code, Section 6-304, Zoning Amendment
City Code, Chapter 14a, Historic Preservation

ORDINANCE NO. 2009.12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AMENDING THE CITY OF TEMPE ZONING MAP, PURSUANT TO THE PROVISIONS OF ZONING AND DEVELOPMENT CODE PART 2, CHAPTER 1, SECTION 2-106 AND 2-107, RELATING TO THE LOCATION AND BOUNDARIES OF DISTRICTS.

****

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

Section 1. That the City of Tempe Zoning Map is hereby amended, pursuant to the provisions of Zoning and Development Code, Part 2, Chapter 1, Section 2-106 and 2-107, by adding a Historic Overlay District to the existing R1-6, Single-Family Residential District and R-3, Multi-Family Residential Limited District and designating it as R1-6 and R-3 respectively with the Date Palm Manor Historic Overlay District on approximately 7.84 acres.

LEGAL DESCRIPTION

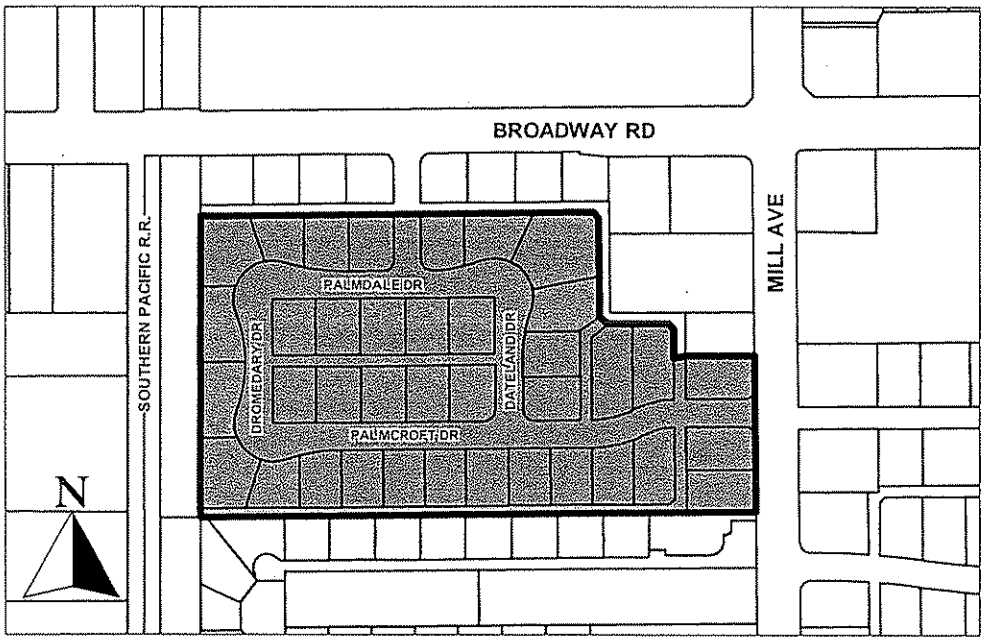
Lots 8 through 30 and 32 through 49, of DATE PALM MANOR AMENDED, according to the plat of record in the office of the County Recorder or Maricopa County, Arizona, in Book 59 of Maps, Page 8.

TOTAL AREA IS 7.84 ACRES.

SECTION 2. That Section 5-502 (D) of the Zoning and Development Code, pertaining to district boundaries, is hereby added to read as follows:

D. **DATE PALM MANOR.** THE LOCATION AND BOUNDARIES OF THE DATE PALM MANOR HISTORIC OVERLAY DISTRICT ARE ESTABLISHED AS SHOWN ON THE MAP ENTITLED "ZONING MAP, CITY OF TEMPE", DATED MAY 28, 2009, AS AMENDED. PROPERTIES IN THE DATE PALM MANOR HISTORIC OVERLAY DISTRICT INCLUDE LOTS 8 THROUGH 30 AND 32 THROUGH 49, OF DATE PALM MANOR AMENDED, AS RECORDED IN BOOK 59 OF MAPS, PAGE 8, ACCORDING TO THE MARICOPA COUNTY RECORDER.

FIGURE 5-502D. DATE PALM MANOR HISTORIC OVERLAY DISTRICT



Section 3. Further, any conditions of approval imposed by the City Council as part of **Case # HPO09001 and ZOA09002** are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 4. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this _____ day of _____, 2009.

_____
Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____
City Attorney

WHEN RECORDED RETURN TO:
City of Tempe
Development Services Department
31 E. 5th Street
Tempe, AZ. 85281

WAIVER OF RIGHTS AND REMEDIES UNDER A.R.S. §12-1134

This Waiver of Rights and Remedies under A.R.S. § 12-1134 (Waiver) is made in favor of the City of Tempe (City) by _____

_____

_____(Owner/s).

Owner acknowledges that A.R.S. § 12-1134 provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property (Private Property Rights Protection Act).

Owner further acknowledges that the Private Property Rights Protection Act authorizes a private property owner to enter an agreement waiving any claim for diminution in value of the property in connection with any action requested by the property owner.

Owner has submitted Application No. **PL090049** to the City requesting that the City approve the following:

_____ GENERAL PLAN AMENDMENT
_____ ZONING MAP AMENDMENT
_____ PAD OVERLAY
__X__ HISTORIC PRESERVATION DESIGNATION/OVERLAY
_____ USE PERMIT
_____ VARIANCE
_____ DEVELOPMENT PLAN REVIEW
_____ SUBDIVISION PLAT/CONDOMINIUM PLAT
_____ OTHER _____
(Identify Action Requested))

for development of the following real property (Property):

Parcel No. : _____

_____

_____
(Legal Description and Address)

By signing below, Owner voluntarily waives any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist as a result of the City's approval of the above-referenced Application, including any conditions, stipulations and/or modifications imposed as a condition of approval.

This Waiver shall run with the land and shall be binding upon all present and future owners having any interest in the Property.

This Waiver shall be recorded with the Maricopa County Recorder's Office.

Owner warrants and represents that Owner is the fee title owner of the Property, and that no other person has an ownership interest in the Property.

Dated this _____ day of _____, 2009.

_____ _____
(Signature of Owner) *(Printed Name)*

_____ _____
(Signature of Owner) *(Printed Name)*

State of _____)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 2009, by

_____

_____.

_____
(Signature of Notary)

(Notary Stamp)

A new form, OPTION TO EXCLUDE PROPERTY FROM HISTORIC PRESERVATION REVIEW, is available for properties located in areas proposed for designation as historic districts. This form is made available by the Tempe Historic Preservation Office in response to voter adoption of the "Private Property Rights Protection Act."

The Act (e.g., A.R.S. 12-1134.I) provides that in some cases a city must pay just compensation to a land owner if the city approves a land use law that reduces the fair market value of the owner's property. The Act further recognizes that private property owners can enter into agreements with cities to waive any claim for diminution in value of their property in connection with any action requested by the property owner.

City of Tempe historic property designation is granted at the request of the property owners and applies Historic Overlay Zoning to properties that are determined to be eligible under the provisions of the Tempe Historic Preservation Ordinance – Chapter 14A of the Tempe City Code. The city requires owners seeking designation to provide a zoning waiver to avoid any potential for argument that the application of this zoning overlay to their property would constitute a "diminution in value" of the property as defined by the Act.

In instances where an owner fails to provide a zoning waiver, the City of Tempe will include the property in the district and the property will be subject to the historic overlay zoning review procedures as well as any standards or guidelines adopted for the district unless the owner provides the City with an the attached "OPTION TO EXCLUDE PROPERTY FROM HISTORIC PRESERVATION REVIEW" form duly executed. This form provides owners the ability to have their property excluded from regulations applicable to historic overlay zoning. The form may be submitted to the City within three years after the effective date of the historic designation, and before there is a change in ownership of the property.

WHEN RECORDED RETURN TO:
City of Tempe
Historic Preservation Office
21 E. 6th Street, #208
Post Office Box 5002
Tempe, AZ. 85280

OPTION TO EXCLUDE PROPERTY FROM HISTORIC PRESERVATION REVIEW

Tempe Historic Preservation Office has begun a zoning process to designate the Date Palm Manor neighborhood as a Tempe Historic District and to list the district in the Tempe Historic Property Register. This voluntary process is underway at the request of a majority of neighborhood Property owners who have submitted a nomination and provided zoning waivers.

If you do not wish to have your Property subjected to the **Date Palm Manor Historic District** overlay zoning regulations, you may choose to opt-out of historic preservation review by completing and returning this form to the Tempe Historic Preservation Office.

NOTICE OF EXCLUSION FROM HISTORIC PRESERVATION REVIEW

This notice to decline historic preservation review is made by

_____
_____
_____
(Owners)

for the following real property (Property):

Parcel No. _____
_____
_____
_____
(Legal Description and Address)

By signing below, Owners voluntarily exclude their Property from the historic overlay zoning review procedures as well as any standards or guidelines which may be adopted for the **Date Palm Manor Historic District.** In so doing, Owners acknowledge that the Property will not be entitled to, and they hereby waive the ability to receive, any of the rights, benefits or privileges (if any) conferred by application of the historic overlay zoning standards for the **Date Palm Manor Historic District**. This exclusion shall run with the land and shall apply to all present and future owners having any interest in the Property; unless terminated by submittal of a notarized "Waiver of Rights and Remedies" on a form acceptable to the Tempe Historic Preservation Office.

Owners represent that they own fee title to the Property, that no other person has an ownership interest in the Property, and that they have the power to execute this option.

Dated this _____ day of _____, 20__.

_____ _____
(Signature of Owner) *(Printed Name)*

_____ _____
(Signature of Owner) *(Printed Name)*

State of _____)
) ss
County of _____)

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20__, by

_____

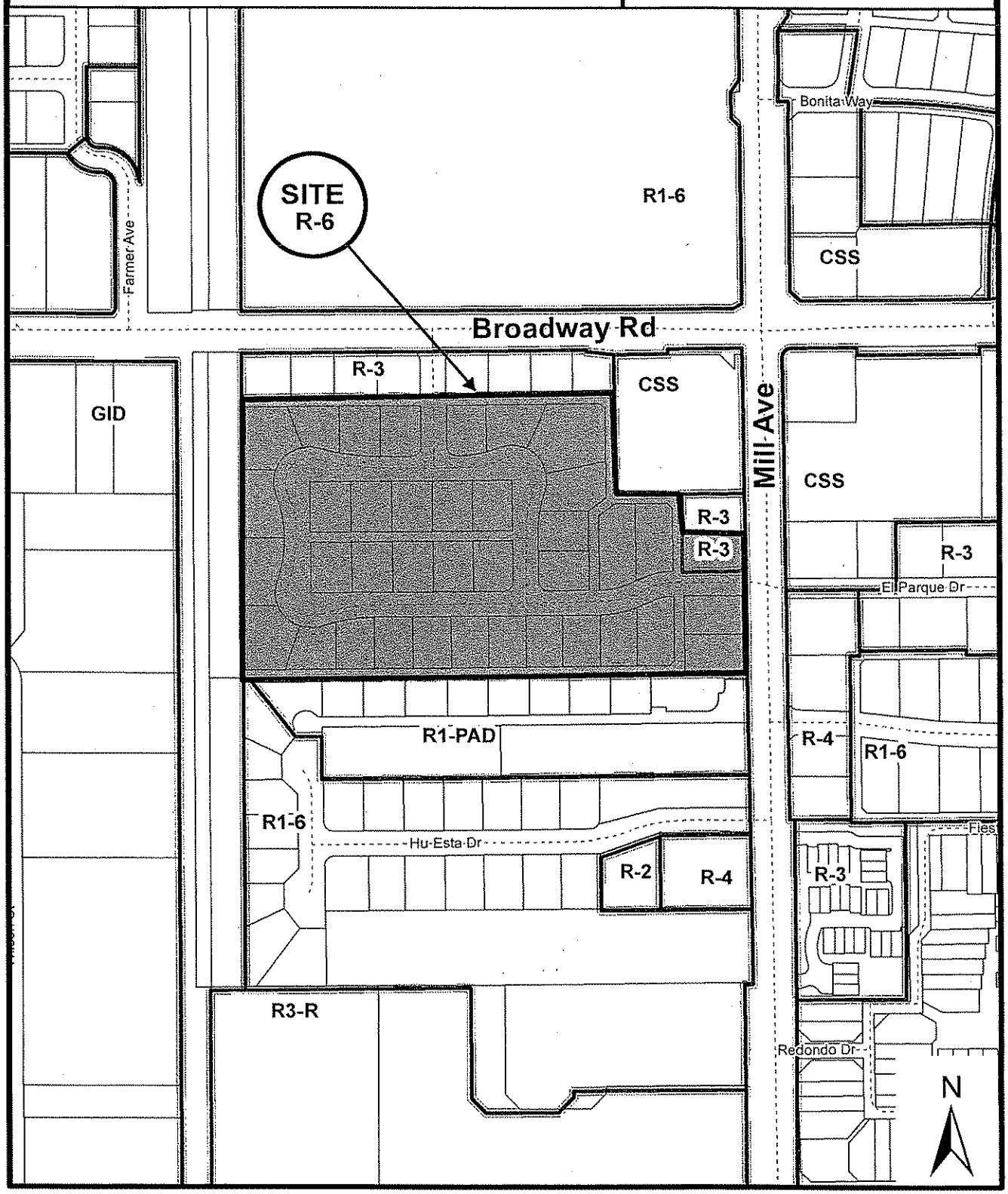
_____.

_____
(Signature of Notary)

(Notary Stamp)

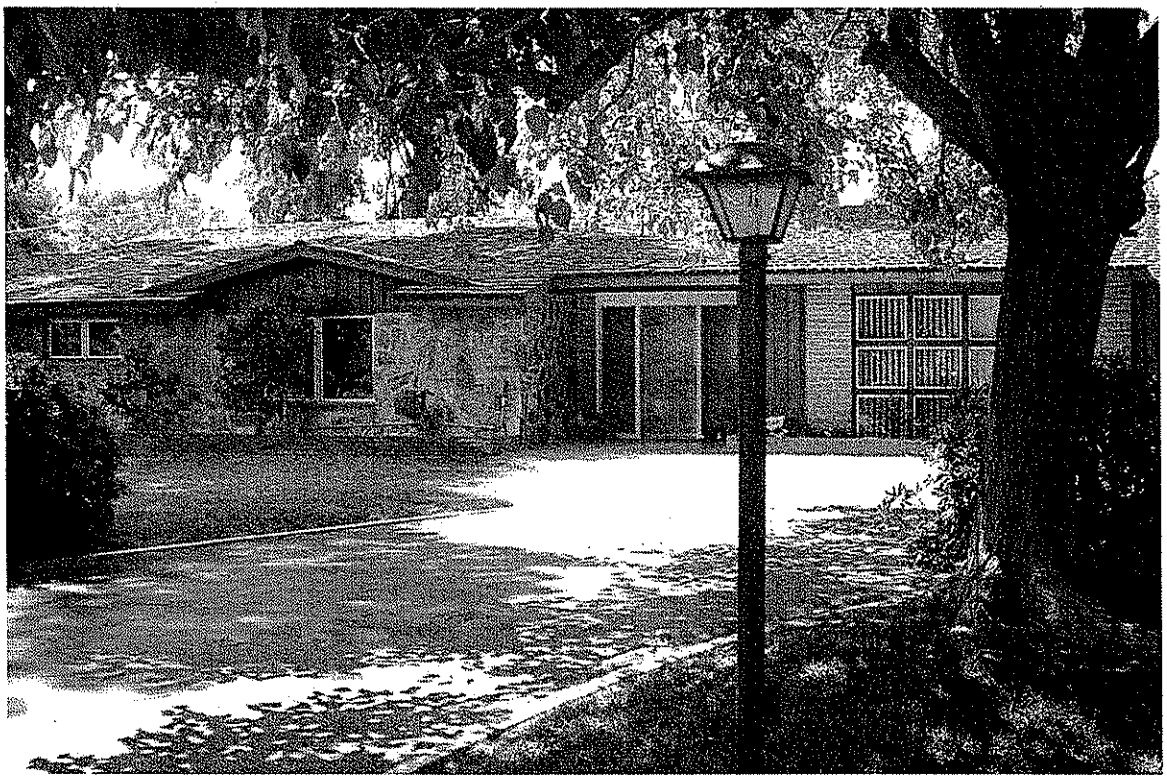
Tempe

DATE PALM MANOR	PL090049



Location Map

DATE PALM MANOR (PL090049)



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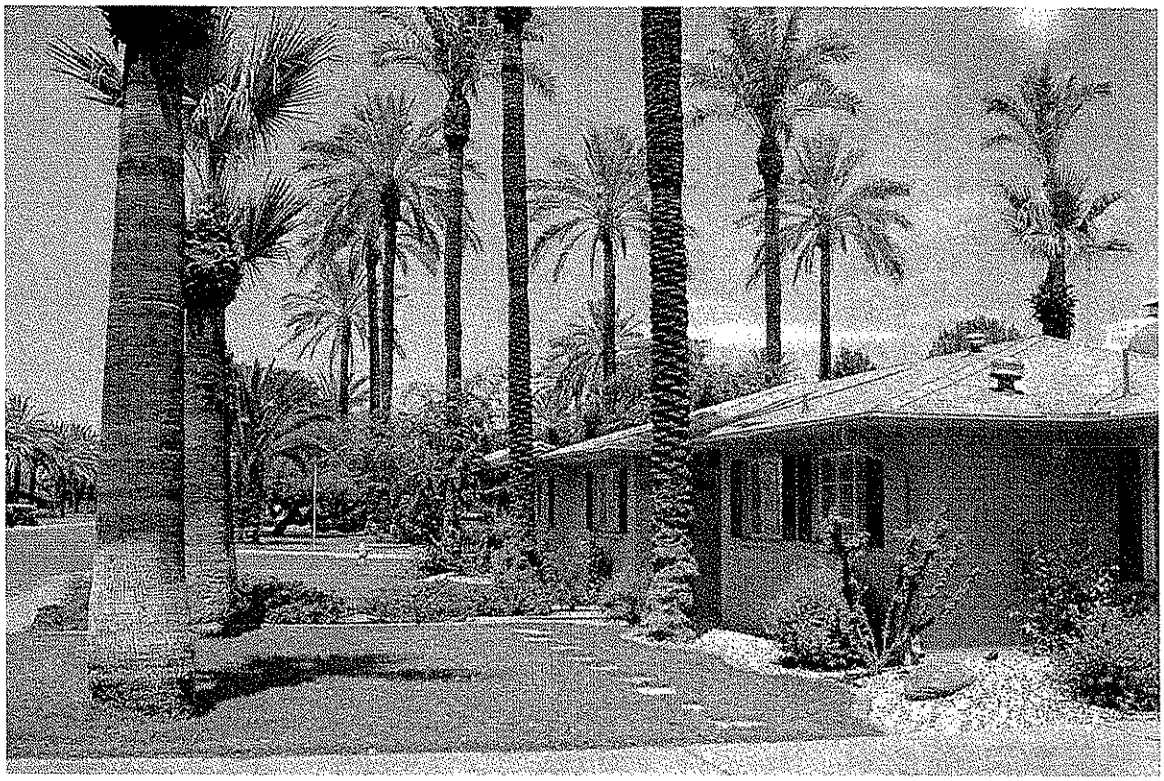

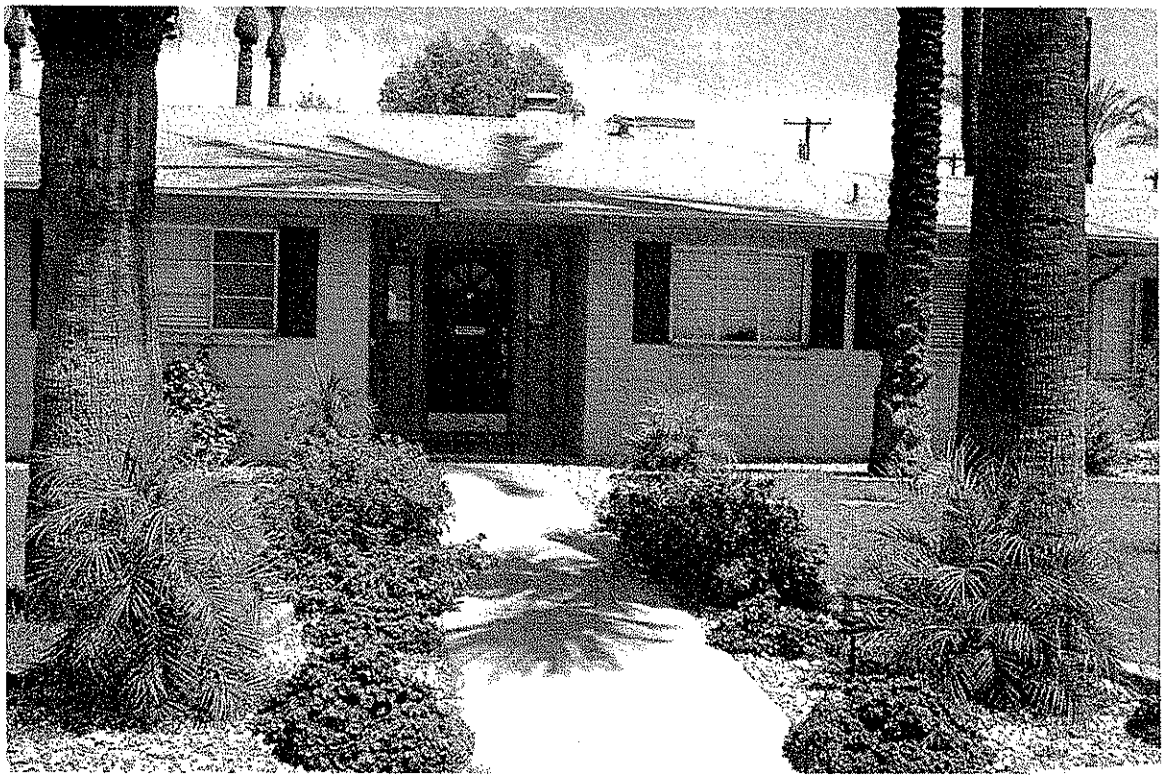

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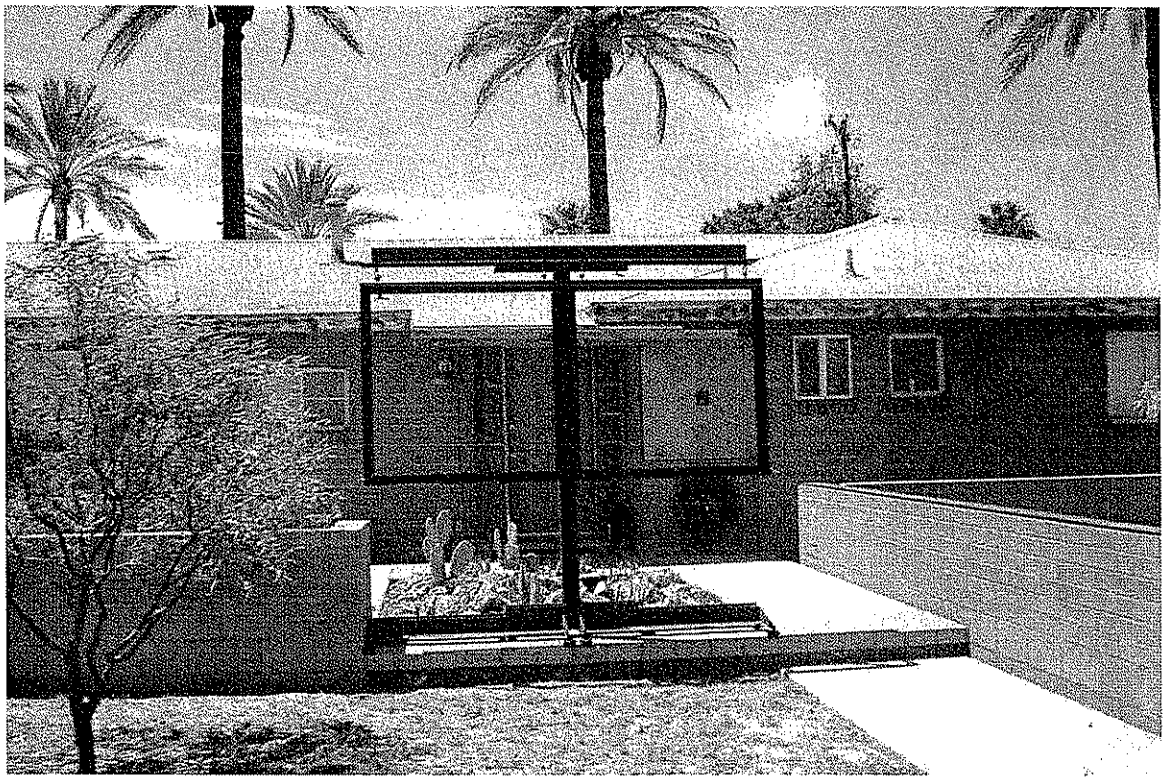

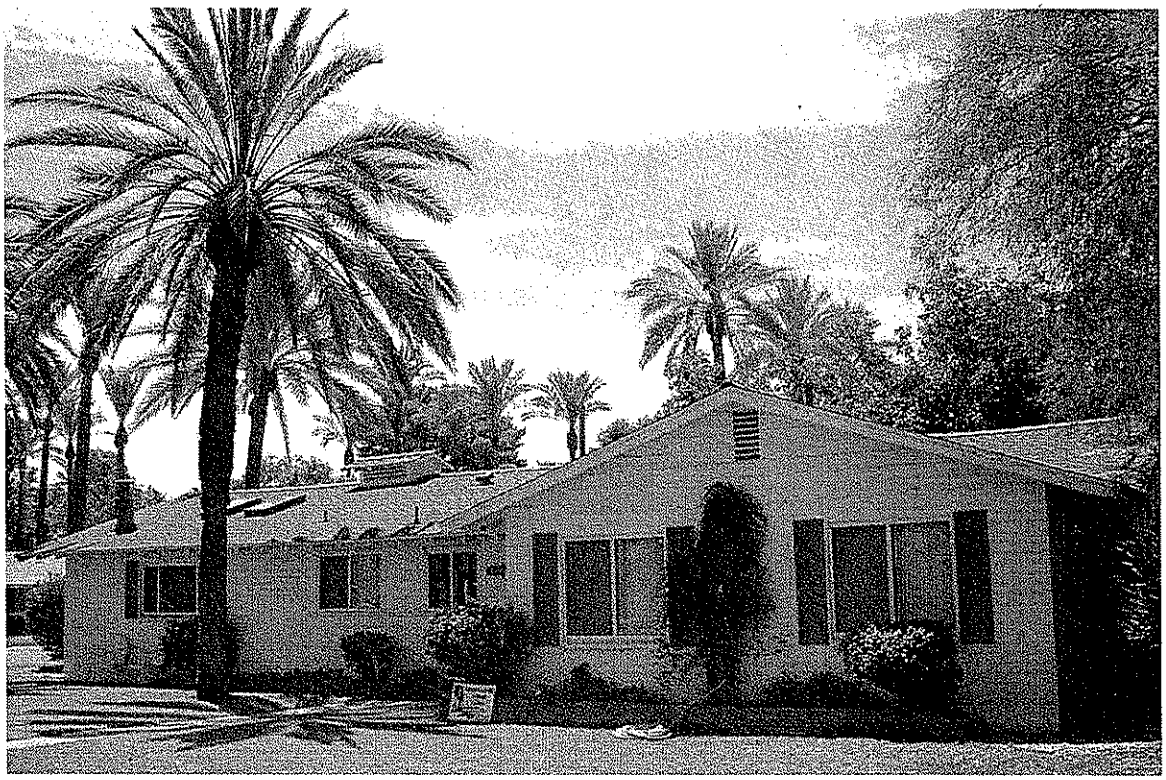

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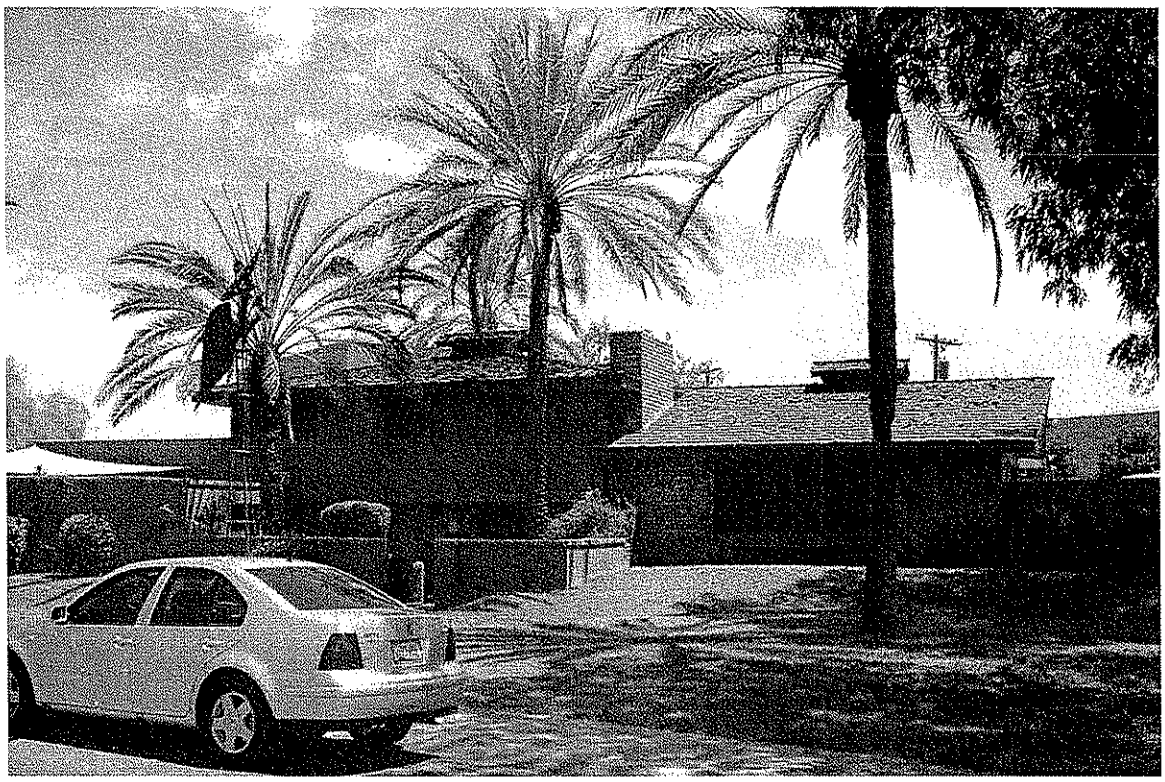

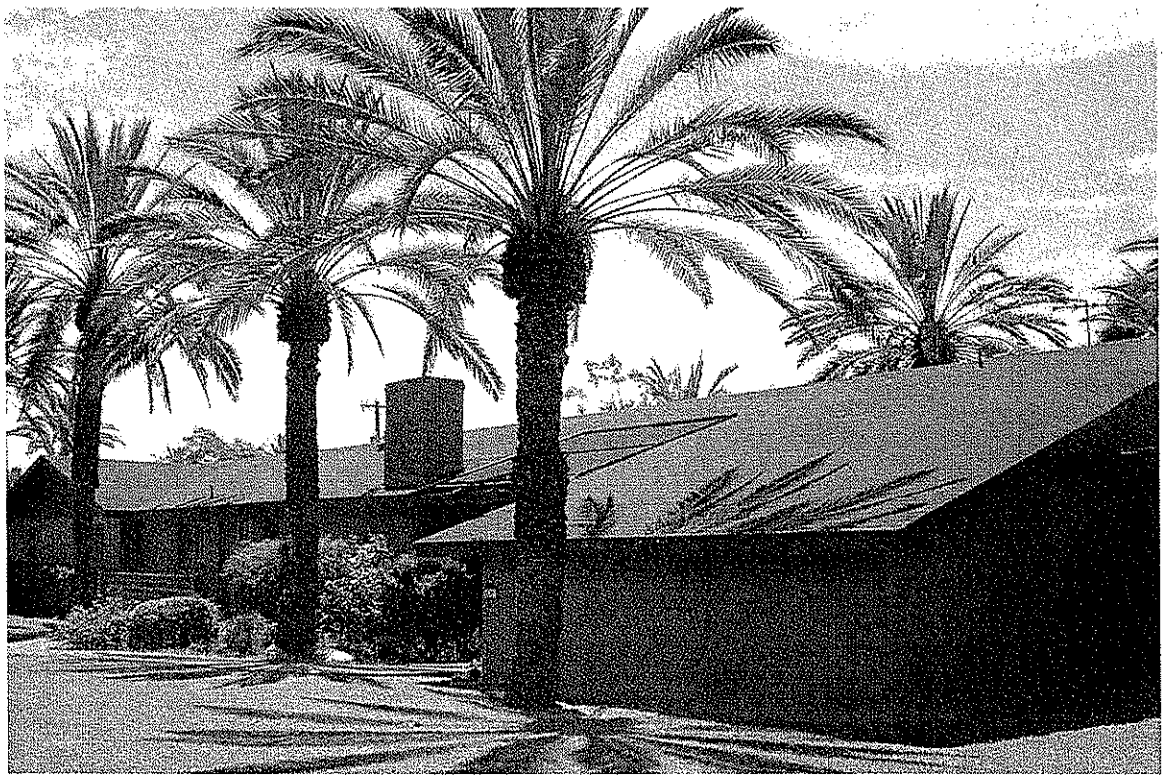

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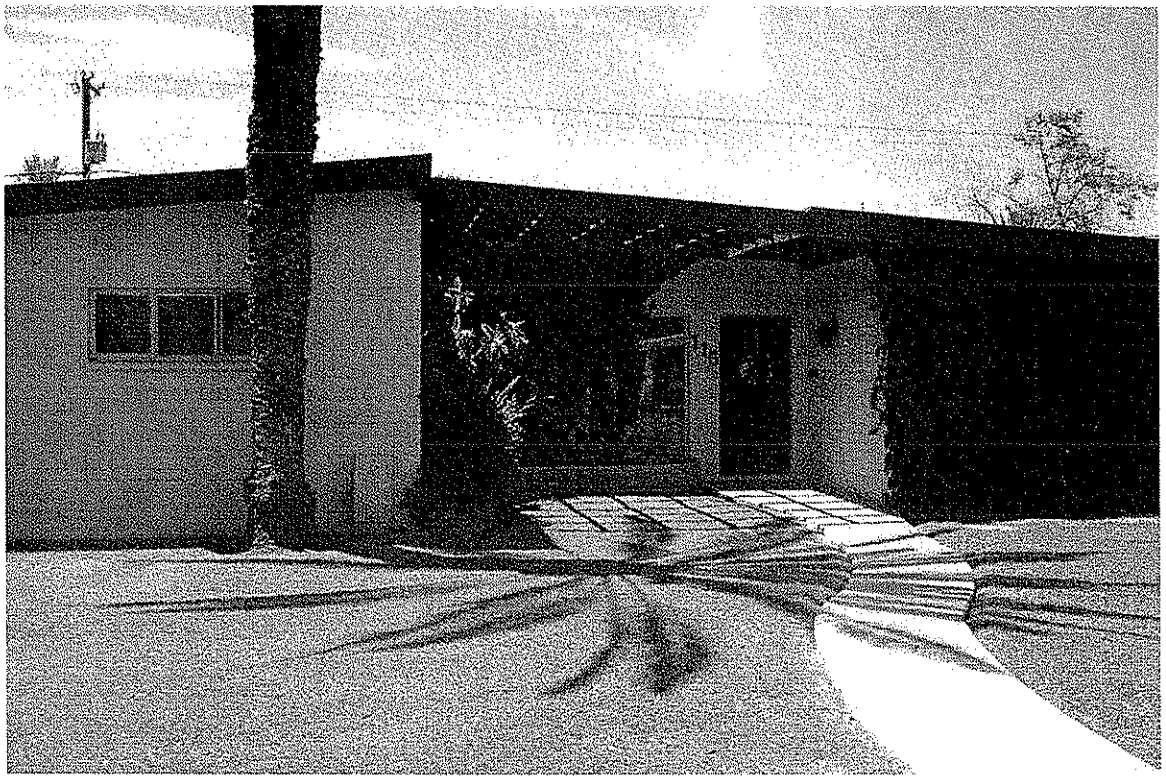

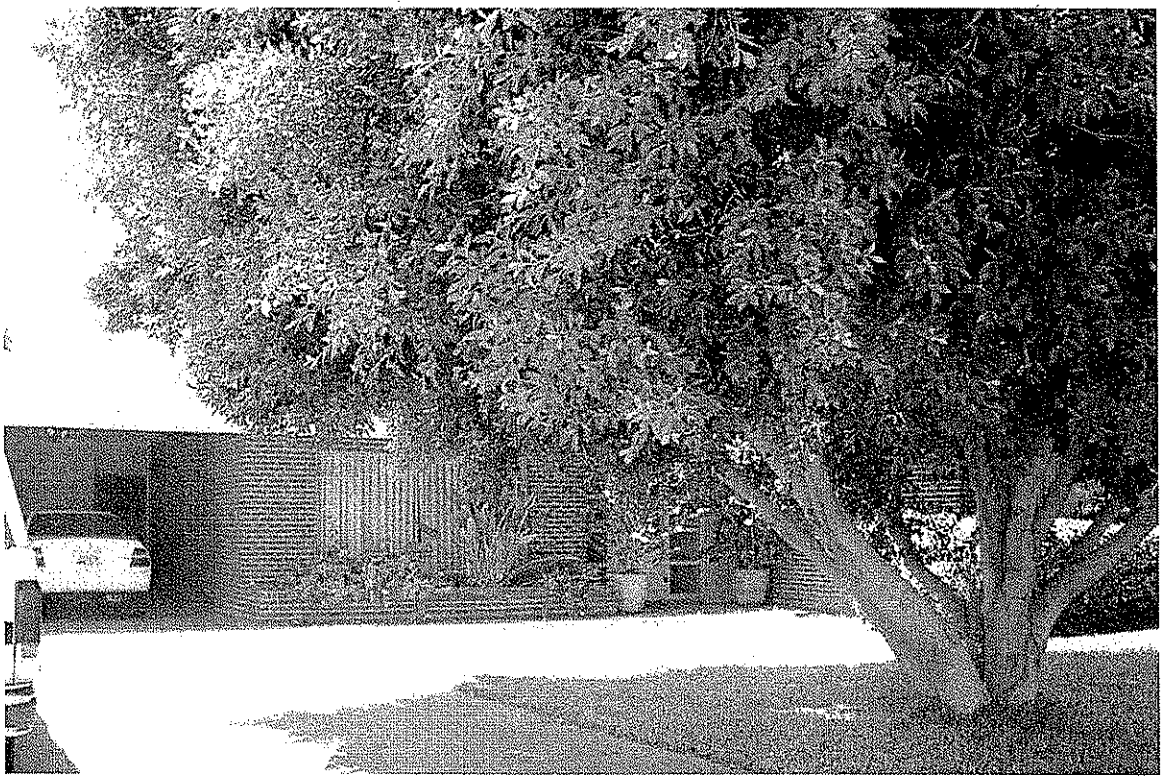

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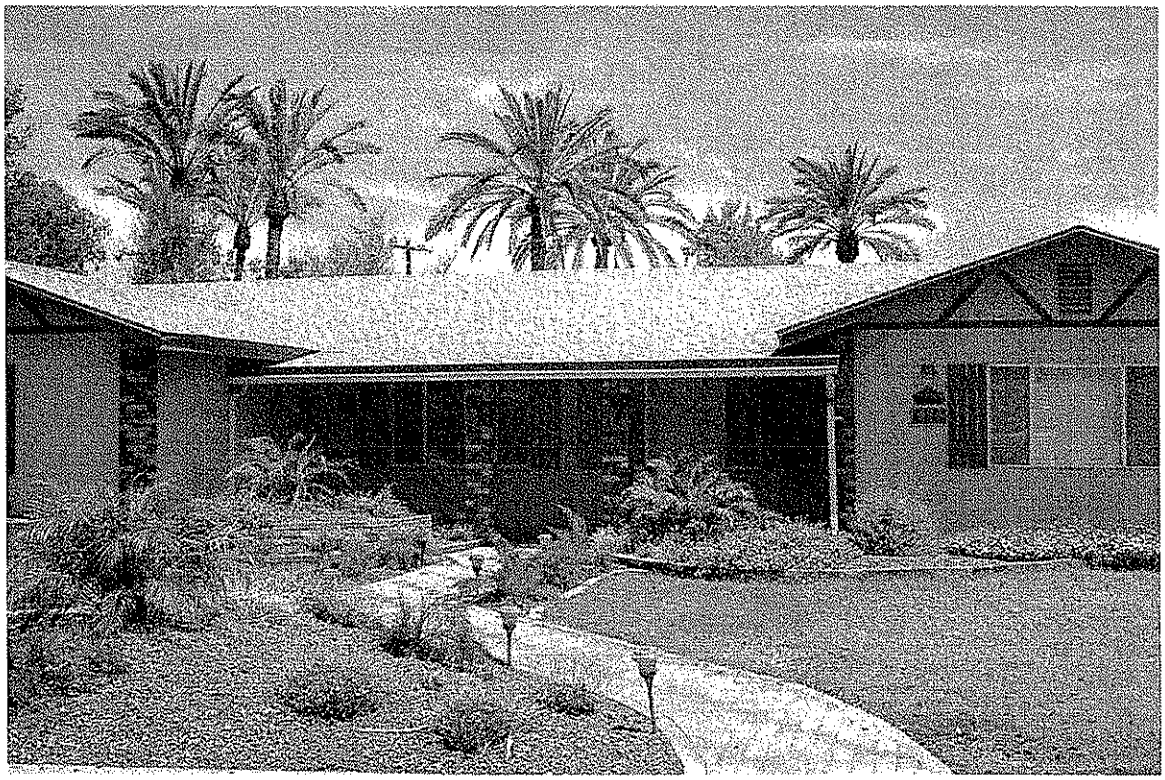

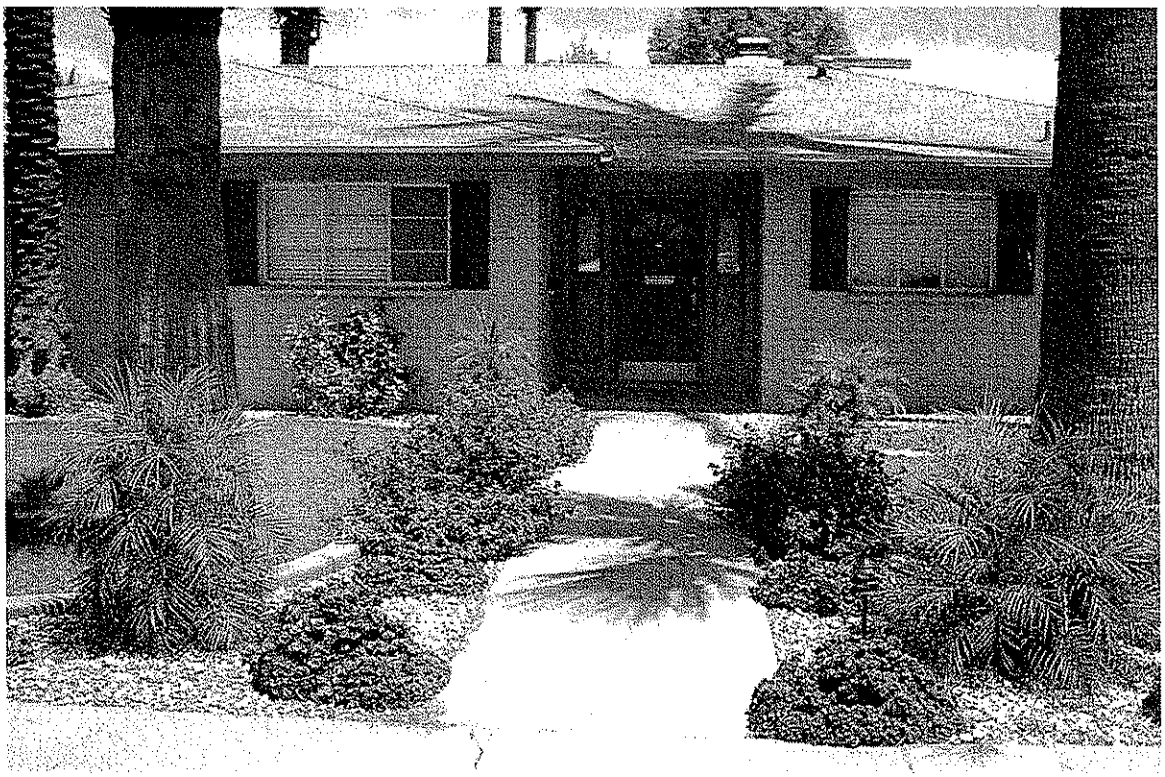

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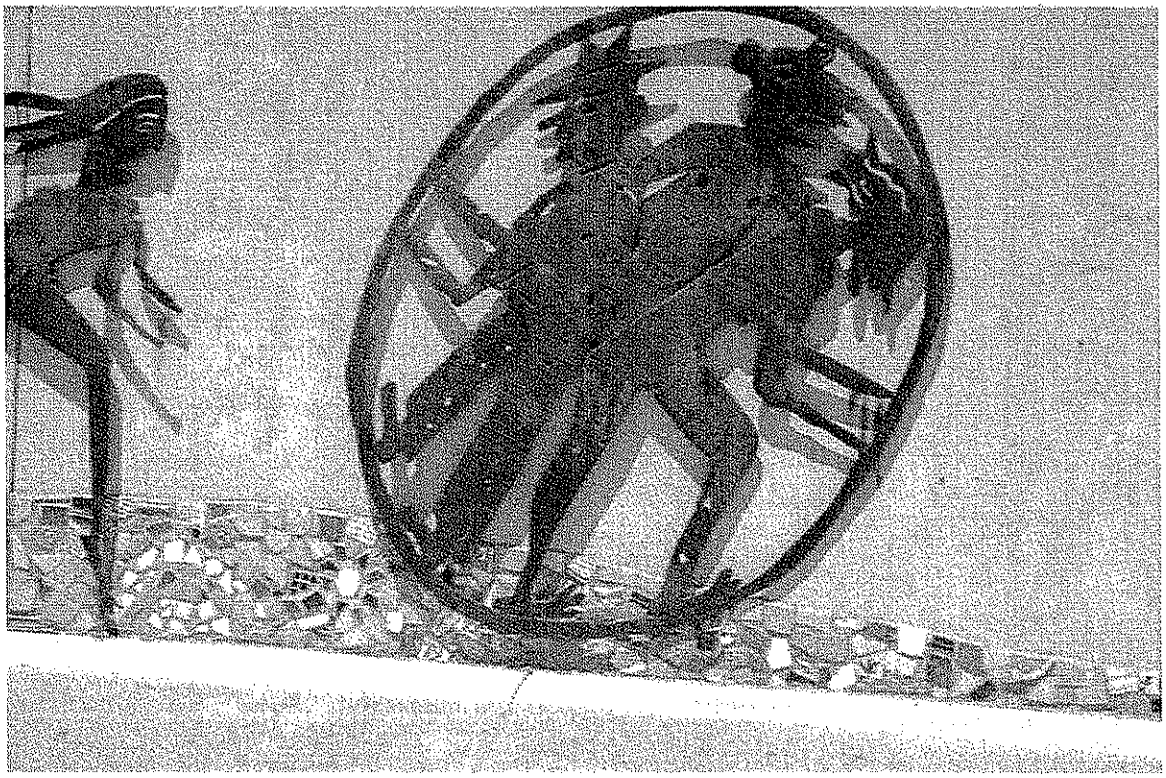
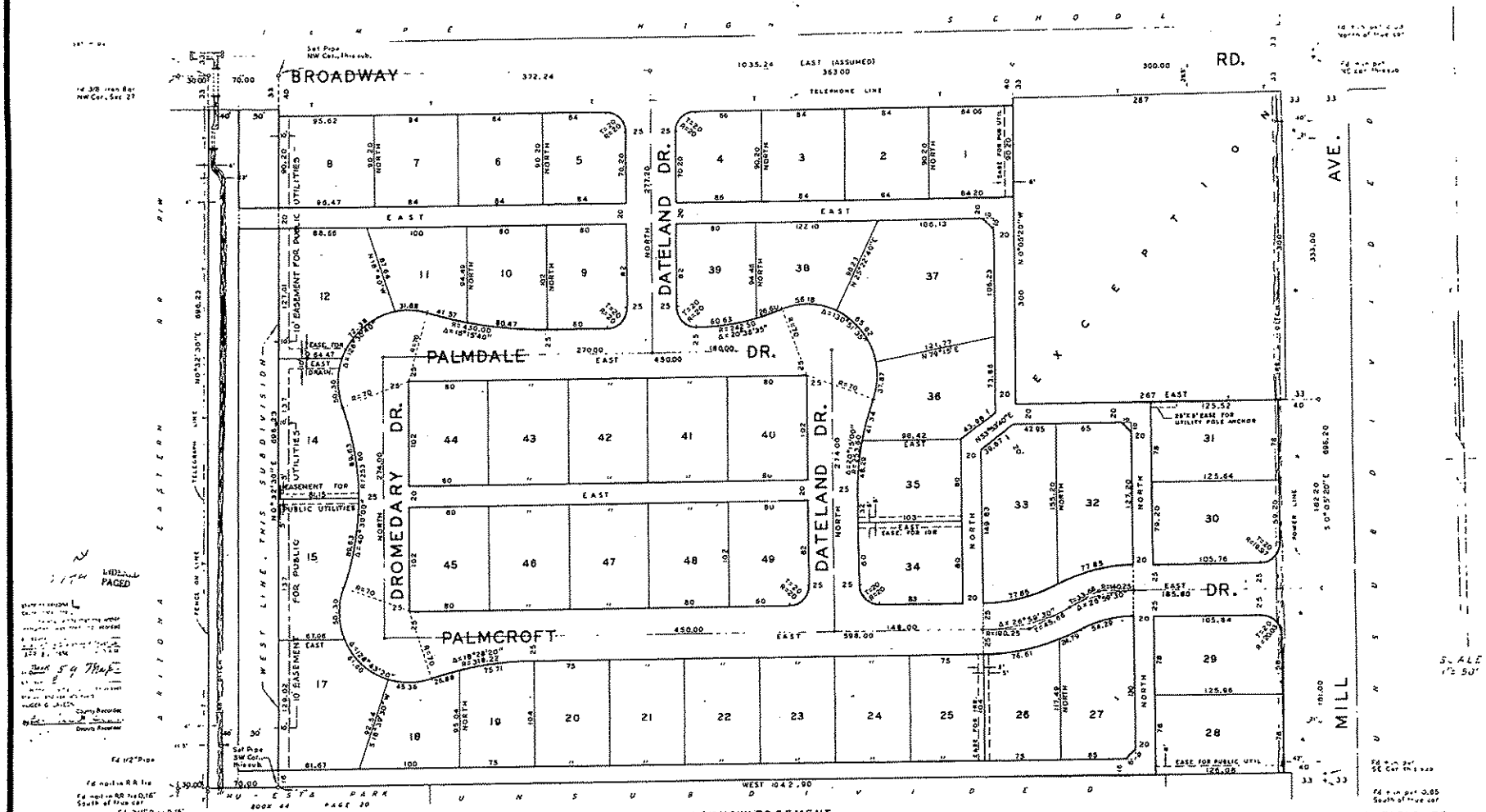


ATTACHMENT 17

DATE PALM MANOR AMENDED

59-8

A SUBDIVISION OF PART OF THE NW1/4, NW1/4, SEC. 27, T.1N., R.4E., G.&S.R., B.&M., MARICOPA COUNTY, ARIZONA



DEDICATION

KNOW ALL MEN BY THESE PRESENTS That the Arizona Title Guarantee and Trust Company, an Arizona Corporation, Trustee, has subdivided under the name of DATE PALM MANOR AMENDED, the North 696.20 feet of that part of the NW 1/4, NW 1/4, Sec. 27, T. 1N., R. 4E., G. & S. R., B. & M., Maricopa County, Arizona, lying West of what is commonly known as Mill Avenue, and East of the right of way of Arizona Eastern Railroad, except that parcel shown as "EXCEPTION" hereon, and hereby publishes this plat as and for the plat of said DATE PALM MANOR AMENDED, and hereby declares that said plat sets forth the location and gives the dimensions of the lots, streets and alleys constituting same, and that each lot and street shall be known by the number or name given each respectively on said plat, and hereby dedicates to the public for use as such, the streets and alleys shown on said plat and included in the above described premises. Easements are dedicated for the purposes shown.

IN WITNESS WHEREOF the Arizona Title Guarantee and Trust Company, as Trustee, has hereunto caused its corporate name to be signed and its corporate seal to be affixed and the same to be attested by the signatures of F.E. Pettycrew, its Vice President, and G.R. Sloane, its Secretary, thereunto duly authorized.

Done at Phoenix, Arizona, this 14 day of APRIL, 1954.

ARIZONA TITLE GUARANTEE AND TRUST COMPANY, TRUSTEE

BY [signature] VICE PRESIDENT ATTEST: [signature] SECRETARY

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNY OF MARICOPA

On this, the 14 day of APRIL, 1954, before me, the undersigned officer, personally appeared F.E. Pettycrew and G.R. Sloane who acknowledged themselves to be Vice President and Secretary, respectively, of the Arizona Title Guarantee and Trust Company, a corporation, and that they, as such officers, respectively, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation, as Trustee, by themselves as such officers, respectively.

IN WITNESS WHEREOF I hereunto set my hand and official seal.

My Commission expires 5-23-54

[signature] NOTARY PUBLIC

NOTE.

Due to this amendment, Lots 13 & 16 have been deleted.

APPROVAL

Approved by the Common Council of the City of Tempe, Arizona, this 8th day of April, 1954.

BY [signature] MAYOR

ATTEST: [signature] CLERK

CERTIFICATE

This is to certify that the survey and subdivision of the premises described and platted hereon was made under my direction during the month of April, 1954.

[signature] REGISTERED ENGINEER

WESTERN ENGINEERING, INC.
29-A E. FIRST AVENUE
SCOTTSDALE, ARIZONA
JOB NO. 531130

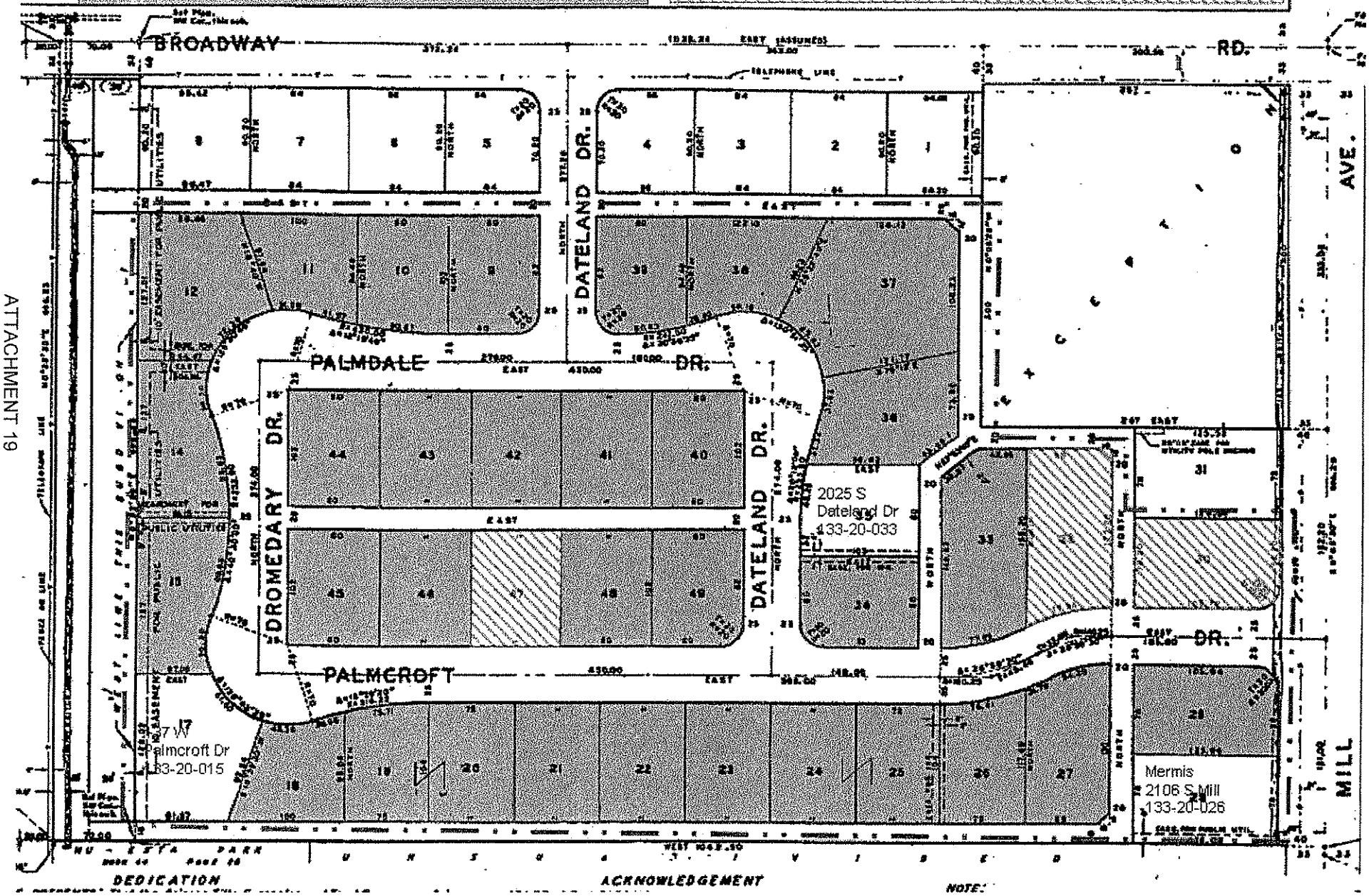
ATTACHMENT 18

DATE PALM MANOR AMENDED

A SUBDIVISION OF PART OF THE NW1/4, NW1/4, SEC. 27, T.1N., R.4E., G.&S.R., B.&M., MARICOPA COUNTY, ARIZONA

Waivers received at HPO as of 02/02/2009 n = 35 / 38 (92%)

Non-Contributing Properties n = 3/38 (7%)



ATTACHMENT 19