

**207 Waiver**

**Title**

**Legal Description**

**Policy or Appeals**

**Correspondence Between Legal & Staff**

**Letter of Authorization**

★ ASK FOR A  
CORRECT SIGNED  
+ NOTARIZED WAIVER!

WHEN RECORDED RETURN TO:  
CITY OF SCOTTSDALE  
ONE STOP SHOP/RECORDS  
( )  
7447 East Indian School Road, Suite 100  
Scottsdale, AZ 85251

City of Scottsdale  
**Historic Preservation District Overlay Waiver of Claims for Diminution in Value of Property**  
Under Proposition 207 (A.R.S. §12-1131, et seq.)  
City of Scottsdale Case No. 1-HP-2013

ADDRESS INCORRECT

The undersigned is the fee title owner of property, Parcel No. 174-10-111-B located at 6427 E Indian School Rd. Owner acknowledges that he/she is aware of the application by the City of Scottsdale for the formation of a Historic Preservation District Overlay that will include Owner's property within the boundaries of the District. Owner has independently determined and believes that the formation of a Historic Preservation District Overlay, which will include Owner's property, will not diminish the fair market value of Owner's property. Owner, together with its heirs, successors, or assignees hereby voluntarily waives any rights to make any claim for diminution in value of Owner's property, pursuant to A.R.S. §12-1134, as a result of the formation of a Historic Preservation District Overlay that will include the Owner's property. Owner acknowledges that he/she is under no compulsion to enter into this Agreement.

Owner understands that this Waiver shall run with the Property and be binding upon subsequent landowners. Owner consents to the recording of this Waiver with the Maricopa County Recorder.

Owner warrants and represents that Owner is the fee title Owner to the property and has legal power to execute this Waiver Agreement.

OWNER(S) Dr Gene James  
(Type Name of Owner)

By: Dr Gene James  
(Signature of Owner)

OWNER(S) \_\_\_\_\_  
(Type Name of Owner)

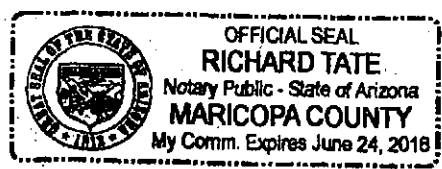
By: \_\_\_\_\_  
(Signature of Owner)

State of AZ }  
County of Maricopa } ss.

SUBSCRIBED AND SWORN to before me this 8<sup>th</sup> day of May  
2013, by Gene James

[Signature]  
Notary Public

My commission expires:  
6/24/2016



HP Waiver Form

**REFUSAL TO SIGN WAIVER  
OF RIGHT TO MAKE A CLAIM UNDER PROPOSITION 207**

I, \_\_\_\_\_, the undersigned, being the fee title Owner of the property, (Parcel No.) 174-10-111B located at 8620 E McDonald Dr in Scottsdale, Maricopa County, Arizona hereby acknowledges receipt of a "Waiver of Right to Make a Claim under Proposition 207" and, upon review and consideration, decline to sign said waiver.

Dated this 8<sup>th</sup> day of May, 2013.

By: \_\_\_\_\_  
(Printed Name of Owner)

Owner: \_\_\_\_\_  
(Signature of Owner)

7983848

## THE ARIZONA REPUBLIC



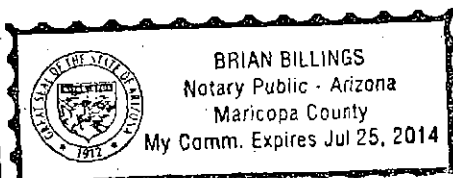
STATE OF ARIZONA  
COUNTY OF MARICOPA } SS.

Manny Vargas, being first duly sworn, upon oath deposes and says: That he is a legal advertising representative of the Arizona Business Gazette, a newspaper of general circulation in the county of Maricopa, State of Arizona, published at Phoenix, Arizona, by Phoenix Newspapers Inc., which also publishes The Arizona Republic, and that the copy hereto attached is a true copy of the advertisement published in the said paper on the dates as indicated.

The Arizona Republic  
Zones 8/9

March 23, 2013

Sworn to before me this  
25<sup>TH</sup> day of  
March A.D. 2013



Notary Public

## NOTICE OF HISTORIC PRESERVATION COMMISSION HEARING

NOTICE IS HEREBY GIVEN that the Historic Preservation Commission of the City of Scottsdale, Arizona, will hold a public hearing on April 11, 2013, at 5:30 PM, in the Community Design Studio Nave, 7506 E. Indian School Road, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

14-ZN-2012 (8620 E. McDonald Drive) Request by the City of Scottsdale's Historic

5-HP-2012 Historic Preservation Commission for approval of a zoning map amendment

from Single Family Residential District (R-1-7) to Single Family

Residential District, Historic Property (R-1-7-HP) to place Historic

Property overlay zoning on the Glass and Garden Community

Church, known as The Garden Church, at 8620 E. McDonald Drive

on 4.5547 acres, and to place this historic place of worship on the

Scottsdale Historic Register. Staff and Applicant contact person is

Don Meserve, 480-312-2523.

15-ZN-2012 (3110 N. Hayden Road) Request by the City of Scottsdale's Historic

6-HP-2012 Historic Preservation Commission for approval of a zoning map amendment

from Single Family Residential District (R-1-7) to Single Family

Residential District, Historic Property (R-1-7-HP) to place Historic

Property overlay zoning on the Holy Cross Lutheran Church at 3110

N. Hayden Road on 1.9711 acres, and to place this historic place

of worship on the Scottsdale Historic Register. Staff and Applicant

contact person is Don Meserve, 480-312-2523.

5-ZN-2013 (6427 E. Indian School Road) Request by the City of Scottsdale's

1-HP-2013 Historic Preservation Commission for approval of a zoning map

amendment from Single Family Residential District (R-1-7) to Single

Family Residential District, Historic Property (R-1-7-HP) to place

Historic Property overlay zoning on the First Church of Christ, Scientist

at 6427 E. Indian School Road on 1.847 acres, and to place this

historic place of worship on the Scottsdale Historic Register. Staff and

Applicant contact person is Don Meserve, 480-312-2523.

A case file on the subject properties is on file at 7447 E. Indian School Road, Suite

105, where it may be viewed by any interested person.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS

MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE

FOLLOWING LOCATIONS:

City Hall, 3939 N. Drinkwater Boulevard

Online at: [http://www.ScottsdaleAZ.gov/city\\_council](http://www.ScottsdaleAZ.gov/city_council)

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

CHAIRMAN

HISTORIC PRESERVATION COMMISSION

Attest:

Don Meserve

Historic Preservation Officer

For additional information visit our web site at [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE

ACCOMMODATION BY CONTACTING FRANCES COOKSON (480-312-2542).

REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE OR AS EARLY AS

POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION FOR CITY USERS.

THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT FRANCES

COOKSON (480-312-2542).

## **Legal Description**

### **Glass and Garden Community Church**

Lots Nine Hundred Fifty (950) to Nine Hundred Fifty-eight (958), inclusive and Tract "A", of PARK SCOTTSDALE SIX, per map recorded in Book 103, Page 24 of Maps, in the office of the County Recorder of said County, and that part of Rovey Avenue, now abandoned, which is described as follows: COMMENCING at the Southwest corner of Lot 953; thence North 92.00 feet along the West line of Lot 953 to the point of beginning; thence North 74.00 feet; thence Southeasterly 18.84 feet along an arc whose radius point lies East 11.99 feet, whose central angle is  $90^{\circ}03'41''$  and whose tangent length is 12.00 feet; thence North  $89^{\circ}63'19''$  East 73.71 feet; thence Northeasterly 19.38 feet along an arc whose angle is  $44^{\circ}28'36''$  East 45.00 feet with a radius of 25.00 feet; thence 211.14 feet along the front boundary of lots 957, 956, 955 and 954, along an arc whose central angle is  $268^{\circ}49'50''$  and whose radius point lies South  $44^{\circ}28'36''$  East 45.00 feet along a curve whose central angle is  $44^{\circ}24'55''$  and whose radius point lies  $44^{\circ}21'14''$  West; thence South  $89^{\circ}86'19''$  West 73.76 feet; thence Southwesterly 18.86 feet to the point of beginning along a curve whose central angle is  $89^{\circ}56'19''$  and whose radius point lies South  $00^{\circ}03'41''$  East 12.01 feet.

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

19680403\_DKT\_7035\_122\_ Unofficial  
Document

STATE OF ARIZONA

County of MARICOPA

APR 3 1968 - 8 00 AM in DOCKET

I hereby certify that the within instrument was filed and recorded

DKT 7035 PAGE 122

and indexed in deeds

FILE NO.

56207

at the request of ARIZONA TITLE

WHEN RECORDED, MAIL TO:

THE GLASS AND GARDEN DRIVE-IN CHURCH  
8502 East Bonnie Rose  
Scottsdale, Arizona, 85257

Witness my hand and official seal.

CLIFFORD H. WARD

County Recorder

By

*Esceller*

Deputy Recorder

COMPARED  
PHOTOSTATED  
FEE:

01-DEED

4 00

Escrow No. 233806

WARRANTY DEED

CONSIDERATION LESS THAN  
\$100.00; NO REVENUE  
STAMPS REQUIRED.

KNOW ALL MEN BY THESE PRESENTS: That

- - - THE LONGVIEW REFORMED CHURCH,

an Arizona corporation, for and in consideration of the sum of -Ten and 00/100

DOLLARS to it in hand paid by THE GLASS AND GARDEN DRIVE-IN CHURCH, An Arizona Corporation,

GRANTEE herein, ~~has granted, sold and conveyed, and~~ by these presents do grant, sell and convey unto

the said GRANTEE all that certain real property situate in the County of Maricopa, State of Arizona, described as follows:

✓ Lots Nine Hundred Fifty (950) to Nine Hundred Fifty-eight (958), inclusive and Tract "A", of PARK SCOTTSDALE SIX, per map recorded in Book 103, Page 24 of Maps, in the office of the County Recorder of said County, and that part of Rovey Avenue, now abandoned, which is described as follows: COMMENCING at the Southwest corner of Lot 953; thence North 92.00 feet along the West line of Lot 953 to the point of beginning; thence North 74.00 feet; thence Southeasterly 18.84 feet along an arc whose radius point lies East 11.99 feet, whose central angle is  $90^{\circ}03'41''$  and whose tangent length is 12.00 feet; thence North  $89^{\circ}63'19''$  East 73.71 feet; thence Northeasterly 19.38 feet along an arc whose angle is  $44^{\circ}24'55''$  with a radius of 25.00 feet; thence 211.14 feet along the front boundary of lots 957, 956, 955 and 954, along an arc whose central angle is  $268^{\circ}49'50''$  and whose radius point lies South  $44^{\circ}28'36''$  East 45.00 feet along a curve whose central angle is  $44^{\circ}24'55''$  and whose radius point lies  $44^{\circ}21'14''$  West; thence South  $89^{\circ}06'19''$  West 73.76 feet; thence Southwesterly 18.86 feet to the point of beginning along a curve whose central angle is  $89^{\circ}56'19''$  and whose radius point lies South  $00^{\circ}03'41''$  East 12.01 feet.

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.

TO HAVE AND TO HOLD the above described property, together with all and singular the rights and appurtenances thereto in any wise belonging unto the said GRANTEE, its heirs and assigns forever. And the GRANTOR hereby binds itself unto the said GRANTEE, its heirs and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof.

IN TESTIMONY WHEREOF, the said, THE LONGVIEW REFORMED CHURCH, an Arizona corporation, has caused this instrument to be executed in its corporate name, by its President and its Clerk of Consistory, and has caused its corporate seal to be hereto affixed, by resolution thereunto duly authorized, on this 12th day of September, 1965.

THE LONGVIEW REFORMED CHURCH

By

*John E. Businger*

President

By

*Kenneth C. Harrah*

Clerk of Consistory

STATE OF ARIZONA

On this the 13<sup>th</sup> day of October 1942, before me, Thomas D. Smith,  
the undersigned, a Notary Public, personally appeared John E. Burner and Kenneth C. Harnish  
who acknowledged themselves to be the President and Secretary of the  
a corporation, and that he, as such, being authorized as to do, executed the foregoing instrument  
for the purposes therein contained, by signing the name of the corporation by himself as  
In witness whereof I hereunto set my hand and official seal  
My Commission Expires Jan 1, 1943 Thomas D. Smith  
Notary Public

ORDINANCE NO. 4090

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, AMENDING ORDINANCE NO. 455, THE ZONING ORDINANCE OF THE CITY OF SCOTTSDALE, BY AND FOR THE PURPOSE OF CHANGING THE ZONING ON THE "DISTRICT MAP" TO ZONING APPROVED IN CASE NO. 14-ZN-2012 FROM SINGLE FAMILY RESIDENTIAL DISTRICT (R1-7) ZONING TO SINGLE FAMILY RESIDENTIAL DISTRICT, HISTORIC PROPERTY (R1-7 HP) ZONING ON A 4.55 +/- ACRE PARCEL LOCATED AT 8620 E. MCDONALD DRIVE.

WHEREAS, the Planning Commission held a hearing on May 8, 2013;

WHEREAS, the City Council held a hearing on June 18, 2013; and

WHEREAS, the City Council finds that the proposed development is in substantial harmony with the General Plan of the City of Scottsdale and will be coordinated with existing and planned development; and

WHEREAS, it is now necessary that the comprehensive zoning map of the City of Scottsdale ("District Map") be amended to conform with the decision of the Scottsdale City Council in Case No. 14-ZN-2012.

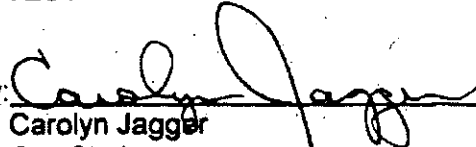
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Scottsdale, as follows:

Section 1. That the "District Map" adopted as a part of the Zoning Ordinance of the City of Scottsdale, showing the zoning district boundaries, is amended by rezoning a 4.55 +/- acre located at 8620 E. McDonald Drive and marked as "Site" (the Property) on the map attached as Exhibit 2, incorporated herein by reference, from Single Family Residential District (R1-7) Zoning to Single Family Residential District, Historic Property (R1-7 HP) Zoning.

Section 2. That the following Legal Description attached hereto as Exhibit 1 is hereby incorporated herein.

PASSED AND ADOPTED by the Council of the City of Scottsdale this 18<sup>th</sup> day of June, 2013.


ATTEST:

By:   
Carolyn Jagger  
City Clerk

CITY OF SCOTTSDALE, an Arizona  
Municipal Corporation

By:   
W.J. "Jim" Lane  
Mayor

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY

By:   
Bruce Washburn, City Attorney  
By: Sherry R. Scott, Deputy City Attorney



**Legal Description**  
**Cases 5-HP-2012 and 14-ZN-2012**  
**Glass and Garden Community Church**

Lots Nine Hundred Fifty (950) to Nine Hundred Fifty-eight (958), inclusive and Tract "A", of PARK SCOTTSDALE SIX, per map recorded in Book 103, Page 24 of Maps, in the office of the County Recorder of said County, and that part of Rovey Avenue, now abandoned, which is described as follows: COMMENCING at the Southwest corner of Lot 953; thence North 92.00 feet along the West line of Lot 953 to the point of beginning; thence North 74.00 feet; thence Southeasterly 18.84 feet along an arc whose radius point lies East 11.99 feet, whose central angle is  $90^{\circ}03'41''$  and whose tangent length is 12.00 feet; thence North  $89^{\circ}63'19''$  East 73.71 feet; thence Northeasterly 19.38 feet along an arc whose angle is  $44^{\circ}28'36''$  East 45.00 feet with a radius of 25.00 feet; thence 211.14 feet along the front boundary of lots 957, 956, 955 and 954, along an arc whose central angle is  $268^{\circ}49'50''$  and whose radius point lies South  $44^{\circ}28'36''$  East 45.00 feet along a curve whose central angle is  $44^{\circ}24'55''$  and whose radius point lies  $44^{\circ}21'14''$  West; thence South  $89^{\circ}86'19''$  West 73.76 feet; thence Southwesterly 18.86 feet to the point of beginning along a curve whose central angle is  $89^{\circ}56'19''$  and whose radius point lies South  $00^{\circ}03'41''$  East 12.01 feet.

SUBJECT TO: Existing taxes, assessments, liens, encumbrances, covenants, conditions, restrictions, rights of way and easements of record.



**WHEN RECORDED RETURN TO:**

CITY OF SCOTTSDALE  
ONE STOP SHOP/RECORDS

( )

7447 East Indian School Road, Suite 100  
Scottsdale, AZ 85251

City of Scottsdale

**Historic Preservation District Overlay Waiver of Claims for Diminution in Value of Property**

Under Proposition 207 (A.R.S. §12-1131, et.seq.)

City of Scottsdale Case No. 5-HP-2012

The undersigned is the fee title owner of property, Parcel No.174-10-111B located at 8620 E McDonald Dr. Owner acknowledges that he/she is aware of the application by the City of Scottsdale for the formation of a Historic Preservation District Overlay that will include Owner's property within the boundaries of the District. Owner has independently determined and believes that the formation of a Historic Preservation District Overlay, which will include Owner's property, will not diminish the fair market value of Owner's property. Owner, together with its heirs, successors, or assignees hereby voluntarily waives any rights to make any claim for diminution in value of Owner's property, pursuant to A.R.S. §12-1134, as a result of the formation of a Historic Preservation District Overlay that will include the Owner's property. Owner acknowledges that he/she is under no compulsion to enter into this Agreement.

Owner understands that this Waiver shall run with the Property and be binding upon subsequent landowners. Owner consents to the recording of this Waiver with the Maricopa County Recorder.

Owner warrants and represents that Owner is the fee title Owner to the property and has legal power to execute this Waiver Agreement.

OWNER(S) Dr. Gene James  
(Type Name of Owner)

By: Dr. Gene James  
(Signature of Owner)

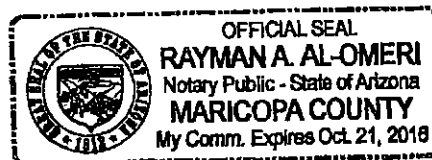
State of AZ }  
County of Maricopa } ss.

SUBSCRIBED AND SWORN to before me this 28<sup>th</sup> day of May  
2013, by Gene Monroe James

[Signature]  
Notary Public

My commission expires:

Oct 21<sup>st</sup> 2016



HP Waiver Form

4/20/13



**NOTICE OF PLANNING COMMISSION HEARING**

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Scottsdale, Arizona, will hold a public hearing on May 08, 2013, at 5:00 P.M. in the City Hall Kiva, 3939 N. Drinkwater Boulevard, Scottsdale, Arizona, for the purpose of hearing all persons who wish to comment on the following:

- 1-GP-2013** (60th Street & Carefree Highway) Request by applicant for a non-major General Plan Amendment from the Cultural Institutional/Public Use land use category to the Suburban Neighborhoods land use category on approximately 13.14 acres located near the southeast corner of N. 60th Street and E. Carefree Highway. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Michele Hammond, 480-385-2727.**
- 1-ZN-2013** (60th Street & Carefree Highway) Request by applicant for approval of a zoning district map amendment from S-R ESL (Service Residential - Environmentally Sensitive Lands) and S-C ESL (Special Campus - Environmentally Sensitive Lands) to R1-7 ESL (Single Family Residential Environmentally Sensitive Lands) on approximately 14.78 +/- acres located near the southeast corner of N. 60th Street and E. Carefree Highway. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Michele Hammond, 480-385-2727.**
- 2-GP-2013** (Villas 136) Request by applicant for approval for a non-major General Plan Amendment from the Commercial Land use category to the Urban Neighborhoods land use category on approximately 8.8 +/- acres located at the southeast corner of N. 136th Street and E. Coyote Road. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Michelle Hammond, 480-385-2727.**
- 4-ZN-2013** (Villas 136) Request by applicant for approval of a zoning district map amendment from Planned Neighborhood Center, Environmentally Sensitive Lands, Hillside District (PNC, ESL, HD) zoning to Medium Density Residential, Environmentally Sensitive Lands (R-3, ESL) located on a 9.8 +/- acre site located at the southeast corner of N. 136th Street and E. Coyote Road. Staff contact person is Keith Niederer, 480-312-2953. **Applicant contact person is Michelle Hammond, 480-385-2727.**
- 2-ZN-2013** (La Z-Boy Furniture Rezone) Request by applicant for approval of a zoning district map amendment from Commercial Office, Downtown Overlay (C-O DO) to Downtown Regional Use - Type 2, Downtown Overlay (D/DRU-2 DO) on a 0.87 +/- acre site located at 6828 E. Camelback Road. Staff contact person is Brad Carr, AICP, 480-312-7713. **Applicant contact person is Mike Forst, 480-894-1286.**
- 14-ZN-2012** (8620 E. McDonald Drive) Request by the City of Scottsdale's Historic Preservation Commission for approval of a zoning district map amendment from Single Family Residential District (R-1-7) to Single Family Residential District, Historic Property (R-1-7 HP) to place Historic Property overlay zoning on the Glass and Garden Community Church, known as The Garden Church, at 8620 E. McDonald Drive on 4.55 +/- acres, and to place this historic place of worship on the Scottsdale Historic Register. **Staff/Applicant contact person is Don Meserve, 480-312-2523.**
- 15-ZN-2012** (3110 N. Hayden Road) Request by the City of Scottsdale's Historic Preservation Commission for approval of a zoning district map amendment from Single Family Residential District (R-1-7) to Single Family Residential District, Historic Property (R-1-7 HP) to place Historic Property overlay zoning on the Holy Cross Lutheran Church at 3110 N. Hayden Road on 1.97 +/- acres, and to place this historic place of worship on the Scottsdale Historic Register. **Staff/Applicant contact person is Don Meserve, 480-312-2523.**
- 5-ZN-2013** (6427 E. Indian School Road) Request by the City of Scottsdale's Historic Preservation Commission for approval of a zoning district map amendment from Single Family Residential District (R-1-7) to Single Family Residential District, Historic Property (R-1-7 HP) to place Historic Property overlay zoning on the First Church of Christ, Scientist at 6427 E. Indian School Road on 1.8 +/- acres, and to place this historic place of worship on the Scottsdale Historic Register. **Staff/Applicant contact person is Don Meserve, 480-312-2523.**

The above items may be discussed at a Study Session prior to the Planning Commission meeting including a Commission update. The public/applicant may attend the study session but may not comment. Please call 480-312-7000 the day before the meeting for the time.

A case file on the subject properties is on file at 7447 E. Indian School Road, Suite 105, where it may be viewed by any interested person.

A COPY OF A FULL AGENDA, INCLUDING ITEMS CONTINUED FROM PREVIOUS MEETINGS IS AVAILABLE AT LEAST 24 HOURS PRIOR TO THE MEETING AT THE FOLLOWING LOCATIONS.

City Hall, 3939 N. Drinkwater Boulevard  
Online at: <http://www.ScottsdaleAZ.gov/Boards/PC>

ALL INTERESTED PARTIES ARE INVITED TO ATTEND.

ALL NON-REMOTE SITE PUBLIC HEARINGS ARE HELD IN THE COUNCIL CHAMBERS, SCOTTSDALE CITY HALL, 3939 N. DRINKWATER BOULEVARD, SCOTTSDALE, ARIZONA.

CHAIRMAN  
PLANNING COMMISSION

Attest  
Lorraine Castro  
Planning Specialist

For additional information visit our web site at [www.scottsdaleaz.gov](http://www.scottsdaleaz.gov)

PERSONS WITH A DISABILITY MAY REQUEST A REASONABLE ACCOMMODATION BY CONTACTING LORRAINE CASTRO (480-312-7620). REQUESTS SHOULD BE MADE 24 HOURS IN ADVANCE, OR AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE ACCOMMODATION. FOR TTY USERS, THE ARIZONA RELAY SERVICE (1-800-367-8939) MAY CONTACT LORRAINE CASTRO (480-312-7620).