

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.

