

## Proposition 207 Waiver Form Now Available

A new form, WAIVER OF RIGHTS AND REMEDIES UNDER A.R.S. §12-1134, is available for submittal on all historic property designation applications processed by the Tempe Historic Preservation Commission. This form is made available in response to recent voter adoption of Proposition 207, the “Private Property Rights Protection Act.”

The Private Property Rights Protection Act (e.g., A.R.S. 12-1134.I) recognizes that private property owners can enter into agreements with political subdivisions to waive any claim for diminution in value of their property in connection with any action requested by the property owner. This form constitutes that agreement.

City of Tempe historic property designation applies Historic Overlay Zoning to a property or 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 now requires owners seeking such designation to provide the waiver form so as 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 this recent legislation.

**WHEN RECORDED RETURN TO:**  
City of Tempe  
Development Services Department  
31 E. 5<sup>th</sup> 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 \_\_\_\_\_  
\_\_\_\_\_(Owners).

Owners acknowledge 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).

Owners further acknowledge 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. **PL 08**\_\_\_\_\_ to the City requesting that the City approve the following:

- \_\_\_\_\_ GENERAL PLAN AMENDMENT
- \_\_\_\_\_ ZONING MAP AMENDMENT
- \_\_\_\_\_ PAD OVERLAY
- 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):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
*(Legal Description and Address)*

By signing below, Owners voluntarily waive any right to claim compensation for diminution in Property value under A.R.S. §12-1134 that may now or in the future exist if the City approves 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 \_\_\_\_\_, 2008.

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

\_\_\_\_\_  
(Printed Name)

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

\_\_\_\_\_  
(Printed Name)

State of Arizona                    )  
  ) ss  
County of \_\_\_\_\_ )

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
(Signature of Notary)

(Notary Stamp)