Agenda Item 3



CITY OF TEMPE HISTORIC PRESERVATION COMMISSION

Meeting Date: 05/11/2021 Agenda Item: 3

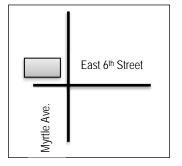
<u>ACTION</u>: Request to repaint the Tempe National Bank building located at 526 South Mill Avenue (PL210089). The applicant is the Paul Almond of Almond ADG, Inc.

<u>RECOMMENDATION</u>: Staff – Approval, with conditions

BACKGROUND INFORMATION: Applicant wishes to repaint the Tempe National Bank building.

The request is as follows:

PL210089 Approve a request to repaint the Tempe National Bank building.



Existing Property Owner Applicant Tempe 526 S Mill Ave LLC Paul Almond – Almond ADG, Inc.

<u>ATTACHMENTS</u>: A. Applicant's submittal B. Tempe National Bank Tempe Historic Property Register designation materials C. Google Street View images D. Tempe National Bank façade conservation easement

STAFF CONTACT(S): John Larsen Southard, Historic Preservation Officer, (480) 350-8870

Department Director: Shelly Seyler, Interim Community Development Director Legal review by: N/A Prepared by: John Larsen Southard, Historic Preservation Officer

COMMENTS:

This property is located on the north side of West 6th Street west of South Mill Avenue.

This request includes the following:

1. Approve a request to repaint the Tempe National Bank building.

The applicant is requesting the Historic Preservation Commission ("HPC") take action on the above item.

HISTORIC PRESERVATION COMMISSION JURISDICTION

The Tempe National Bank building is listed in the Tempe Historic Property Register, thereby necessitating Historic Preservation Commission review and decisioning of this repaint application. Section 14A-6(f) of the Ordinance requires the HPC to "act to approve, deny, conditionally approve or continue an application at the public meeting at which it is initially reviewed."

In addition to the review and decisioning processes associated with a Tempe Historic Property Register listing, the City of Tempe holds a façade conservation easement for the Tempe National Bank building.

PUBLIC INPUT

• Neighborhood meeting not required

HISTORIC OVERVIEW

An excerpt from the "History" and "Context" sections of the May 4th, 2006 City Council staff report on Tempe National Bank Tempe Historic Property Register listing application follows:

History

The historic 1912 Tempe National Bank building survives as tangible evidence of an institution that made significant contributions to the broad patterns of community history and development. The Tempe National Bank was established on January 4, 1901, by pioneer Tempe businessmen and agriculturalists in a demonstration of optimism and commitment to the future of the community.

The Tempe National Bank building became an instant landmark when, with a single bold statement, it first proclaimed a new identity for the community. The 1912 structure still stands in testimony of earlier community aspirations and ambitions. Spared from proposed demolition at the onset of the 21st century, the 2005 interpretive rehabilitation of the structure retains the original scale, proportion, and orientation of the landmark 1912 property as it continues to define the southern gateway to historic Mill Avenue in Tempe.

Paul Hughes, writing in the 1971 First National Bank of Arizona publication "Bank Notes", provides the following summary of the inception of the bank.

"Nowhere was there greater optimism than in Tempe, the village named by Lord Darrell Duppa after the classic Vale of Tempe in ancient Greece. The town refused the temptation to stand in the shadow of Phoenix, just across the River; it insisted on an identity of its own.'

The Normal School was turning out more and more teachers every year, young people prepared to do battle against ignorance on all fronts. And the farming country around the town, fed by waters siphoned laboriously from the Salt, was just about the richest to be found anywhere; apparently it would grow anything. As the new century opened, it was growing a few experimental acres of Egyptian long-staple cotton, already pronounced the best in the whole nation.'

Establishment of a bank seemed a normal part of the expansionist sentiment. And its birth coincided almost precisely with the beginning of the 20th century. It was on January 4, 1901, that the stockholders assembled for the first time. They got together in the offices of Charles Woolf, a pioneer attorney. And when they emerged, they had created the Tempe National Bank.'

The first stockholders included Carl Hayden, of the family that had settled the town, C. G. Jones was elected president; A. C. Ozanne vice-president; and W. H. Wilbur cashier, at a salary of \$75 a month. In virtually no time at all, Tempe National Bank was helping to irrigate the desert with its own variety of liquid assets."

From its establishment in 1901, the bank operated under the control and direction of the community's most intrepid pioneers. The following biographical vignettes illuminate the founding stockholders: W. A. Bolton, early Tempe insurance and real estate broker; Michael Edward Curry, Sr., Tempe Town Councilman and founder of the Tempe Hardware Company; Carl Trumbull Hayden, Arizona's longtime Congressman and Senator, whose record for fifty-six consecutive years of service in the Congress, including an unprecedented forty-two in the Senate, was unsurpassed at the time of his retirement; Cyrus Grant Jones, first president of the Tempe National Bank and alfalfa farmer in Tempe; Albert E. Miller, son of Tempe pioneer Winchester Miller, farmer, rancher, a director of the Tempe Irrigating Canal Company, and president of the Arizona Mercantile Company (In 1900, Miller constructed the Miller Block building); Alfred Carre Ozanne, first vice-president of the Tempe National Bank; Amanda Richards, founding director of the First Christian Church of Tempe incorporated 1898; William Rohrig, well-to-do Tempe rancher and farmer (in 1898 he donated land for construction of the Rohrig School); Wolf Sachs, prominent Arizona cattle rancher, freighter and merchant, Sachs became one of the Valley's most influential citizens and, in 1896, he became one of the first elected members of the Tempe Town Council; Ethelbert Willis Wilbur, organizer of the Mesa City Bank and a member of the committee that developed the Articles of Incorporation for the Salt River Valley Water Users' Association; Walter H. Wilbur, first cashier of the Tempe National Bank and a leading financier of Maricopa County, son of E.W. Wilbur; James W. Woolf, Tempe rancher served in the Arizona Territorial Legislature in 1897 and in 1903 and later formed a partnership with builder Milton H. Meyer to start a local concrete block manufacturing industry. Throughout its long history, the Tempe National Bank would continue to enjoy the attention of Tempe's most prominent citizens and remain intimately linked to the development and progress of the community. Thanks Anderson, Mayor of Tempe from 1930-1932 and 1934-1937, began his banking career here in 1915 and went on to become branch manager and then vice-president of the bank. Joseph Birchett was director of the Tempe National Bank as well as mayor of Tempe from 1912 to 1914. Benjamin Baker Moeur, physician and businessman in Tempe, served two terms as Governor of Arizona and had his practice in the building. Harvey Samuel Harelson started working as a teller at the bank, became assistant cashier and assistant manager, he operated the Harelson Insurance Agency, served on the Tempe Town Council from 1924 to 1928, and was a member of the Tempe Union High School District governing board from 1928 to 1943. Charles C. Woolf, Tempe City Attorney, active in the Phoenix Title and Abstract Company, the Tempe Water Development Company, the Salt River Valley Water Users Association and the Tempe-Mesa Produce Company and had his offices in the building.

Many of these community leaders influenced history through a myriad of individual accomplishments and achievements. Through their concerted actions as directors of the Tempe National Bank, however, each has left a legacy of community development, progress, and prosperity that the historic 1912 Tempe National Bank building continues to recall. The Tempe National Bank was Tempe's first national bank. Since its founding in 1864, the national banking system combined a local presence with a national perspective. Located in communities throughout the country, national bank is part of a strong nationwide system, administered by the Comptroller of the Currency, who represents that system in Congress, in the public arena, and in the courts. National Banks offer the benefits of sophisticated and responsive bank supervision and a fully competitive national charter.

Context

The building opened for business on June 28, 1912; the bank having grown as a financial institution in the stimulating atmosphere of progress then requiring larger facilities. The building is associated with the context of Commerce/Banking. Tempe National Bank financed agricultural projects in Tempe and throughout the valley. Its earliest investments in sugar cane and sugar beet crops along with the Southwestern Sugar Company in Glendale proved unprofitable when the factory failed in 1913, but the bank had significant success in the cotton industry. Tempe National Bank was instrumental in the

development of long-staple "Egyptian" cotton as a Valley crop, and built the first long-staple cotton gin in the United States with equipment shipped from England. The bank's plant at Seventh Street and Ash Avenue later became the Tempe Cotton Exchange.

Located on Mill Avenue next to the 1898 Tempe Hardware Building in downtown Tempe, the 1912 Egyptian Revival structure was the work of Phoenix architect Leighton Green Knipe. Knipe designed the 1914 Tempe City Hall and the 1914 ASU Industrial Arts Building before going on to design of the town plan for Litchfield Park in 1918. In light of his more traditional, neoclassical designs for campus buildings and city hall, the style chosen for the bank building marked a departure for both the architect and the community. The extant structure is believed to be the first commercial building constructed in this idiom in Arizona. Egyptian Revival is arguably one of the most dramatic and enigmatic of all historic architectural styles, remaining largely obscure throughout each wave of revival expression. In fact, this form emerged in the United States around 1820, flourished somewhat during the period 1830-1850 (primarily for memorials, cemeteries, and prisons) and made a brief comeback during the 1920s in conjunction with the Art Deco style and the national fascination with the 1922 discovery of King Tutankhamen's tomb. At no time, however, could it approach the predominance of the other classical revivals.

Much speculation exists as to how Knipe determined that this monumental structure should be executed in the enigmatic Egyptian Revival. Historian Ted Siefer, in his "History of the Tempe National Bank Building" notes that several of the bank's founders were members of the Masonic society wherein Egyptian symbolism is common to both buildings and ritual. Mr. Siefer also notes the bank's ties to agriculture and, at the time of construction, increasingly to cotton.

The Tempe National Bank was added to the Tempe Historic Property Register on May 4th, 2006 (Case Number HPO-2006.19), having been determined to meet or exceed the criteria specified in Section 14A-4(a)(2) of the Ordinance.

PROJECT ANALYSIS

The request is as follows:

Proposal to re-paint the exterior of the bar (old bank building)

New colors will approximate the colors used on the 2000 remodel. See attached photo from 2000.

Base color:

Dunn Edwards DE6346 'Silver Springs'

Trim color:

Dunn Edwards DE6348 'Draw Your Sword'

The repaint proposal appears to include colors that are appropriate for the building given the fact that the proposed colors, or colors very similar to those proposed, are shown in the May 2011 Google Street View images included as Attachment C.

Sheet A1.0 (included in Attachment A), dated June 8th, 2018, includes alterations to the building not reviewed or approved by either the Tempe Historic Preservation Office or Tempe Historic Preservation Commission. Google Street View images included as Attachment C document that alterations proposed in 2018 have been completed. These alterations include work items such as "NEW ADA RAMP," "NEW STAIRS," "NEW RAILING UN-FINISHED METAL," "NEW CONCRETE STEPS TO MATCH ORIGINAL DESIGN." Said alterations are not in compliance with Tempe City Code § 14A-6 or the terms of the Tempe National Bank façade conservation easement.

STAFF RECOMMENDATION

APPROVAL – WITH CONDITIONS

Suggested conditions of approval:

1. Changes to the submittal documents included in this packet must receive Historic Preservation Officer approval via a Certificate of No Effect.

2. Non-painted historic materials, as identified by the Historic Preservation Officer prior to permit issuance, shall not be painted.

Attachment A

Building Permit Application Part 1 of 2

City of Tempe Community Development Department 31 East 5th Street, Garden Level, Tempe, Arizona 85281

(480) 350-4311 Fax (480) 350-8560

http://www.tempe.gov/government/community-development/building-

safety/fees

Tempe.

All applications must be accompanied by the required plans, submittal materials, and correct fee(s)

Engineering plans must be submitted as a separate package under the EN number

		PRO	JECT IN	ORMATION		-	19	
PROJECT NAME	Charles 1	Frumbull bar			EXISTING ZONING	сс		
PROJECT ADDRESS	526 S. Mil	Avenue	SUITE(S)					
PROJECT DESCRIPTION Iccurately describe & explain scope of project	Re-pain	PARCEL NO(S)	132-30-009					
Sec. 8-109.3 Building permit valuation. The applicant for a permit shall provide an estimated construction valuation at the time of nitial application. Construction valuations shall include total value of the proposed work.					PROJECT VALUATION	\$		
Occupancy	n/a		Occupant	™ n/a	Occupancy	n/a		
Group Number of Units /		Residential SQ FT	Area	Number of Stories	Load	Height	1	
Average Size		Commerical SQ FT	n/a	Number of Stories	1	Height	30'	
2 Provention		APPLI	1	FORMATION	1	giit	30	
	Almond AD	OG Architects	ADDRESS		and the second sec			
	Paul Almo	nd	CITY	Scottsdale	AZ		[∠] ⊮ 85251	
EMAL	paul @almondadg.cfm		PHONE 1	480-990-2120	PHONE 2			
	rem, to be reaup/	nete and the submitted documents	are complete	e. I acknowledge that if the appli	cation is deemed to i	be incomplet	le it will be	
APPLICANT SIGNATURE X						DATE 3-23-2	DATE 3-23-21	
ELC MILES	11	PROPERTY	OWNER	INFORMATION		11	1000	
	Tempe 526 Mill Ave LLC 290-700 6th Avenue SW							
CONTACT NAME	Sam Gorde	on	CITY	Calgary	STATE Alberta		ZſP	
	•	exforddevelopments.	PHONE 1 OM	561-273-7423	PHONE 2			
	cant below to pr	ocess this application with the Cit	y of Tempe.	A Star				
OPERTY OWNER SIGNATURE attach written statement authorizing the applicant to file the application(s)			0/9			DATE 3/25/2021		
RACKING #			R CITY US	EONLY			The same	
KAUKING B		Total Valuation:	Dat	e Stamp:	Validation:			
TRACKING #		Total Application Fees:			10.00			
TRACKING #		NCA Code:						
FRACKING # FIL		File With:						
RACKING # Received by:		Received by:						

REV 1/23/2020

CHECKLIST FOR CERTIFICATES OF APPROPRIATENESS

Drawings submitted for Certificates of Appropriateness or No Effect become the property of the Historic Preservation Office. Please be certain that you have a copy of them prior to submission. *Additional information may be required by Historic Preservation Office on a case-by-case basis.*

1. COMPLETED APPLICATION FORM (Attached or available in the Historic Preservation Office.)

Project Submittal Application	Tempe
Project Information	Required
Project Name: Charles Trumbull Bar	
Project Address: 526 S. Mill Avenue	Suite No.:
Proposed Use of Building/Sulte: existing bar	Existing Zoning: CC
Legal Description: L Attached	Parcel No.: 132-30-009
Description of Work/Request: re-paint exterior of existing b	uilding
Valuation (for bu	likling plan review only): 5000.00
Applicant Information	
Company or Firm Name: Almond ADG Architects	Telephone 1: 480-990-2120 Ext:
Applicant's Name: Paul Almond	Telephone 2: () Ext:
Applicant's Street Address : 7580 E. En I Dr.	Fax:
	5251 Email Address(es): paul @almondadg.com
Applicant Signature:	Date: 4-19-21
For City Use O	nly

2. SITE PLAN DRAWN TO SCALE (Minimum Size 11x17) Site plan to include:

- X North arrow AND the scale used in the drawings.
- □ Lot dimensions and lot coverage (The total structural coverage provided on a lot or site inclusive of all roofed areas or structures capable of supporting a roof divided by the net area of the lot or size.)
- X Current square footage, and square footage of proposed new construction.
- Location of existing and proposed property lines, streets, sidewalks, walkways, alleys, driveways, fences, walls, hardscape improvements, and parking lots.
- Setback dimensions of all structures from adjacent property lines (front, rear and sides).
- Location and dimensions of all existing structures, proposed additions, areas of alteration and new structures. This should include buildings, pools, carports, porches, patio covers, accessory buildings, windows, doors, walls, garages, mature trees or other landscape features which impact site planning.
- Distance between existing and new construction (from eave to eave).
- □ Location of all proposed demolition work. *NOTE: Projects with major demolition work may require a demolition plan.*

3. ELEVATIONS AND PLANS (Minimum Size 11x17) Elevations to include:

Dimensioned drawings of ALL facades for each building affected by project, including existing and new construction (Clearly delineate existing and proposed construction on each facade).

Elevation drawings labeled with the appropriate compass directions (i.e., north, south, etc) for each drawing.

- □ Floor plans for the new construction and existing building.
- □ All areas where exterior demolition work is to occur must be clearly noted on elevations, including any expansion of windows, doors, wall demolition, etc.
- Location and size of all existing and proposed windows, exterior doors, archway openings, or other openings in exterior walls. Clearly label which windows and doors are to be affected/changed, and which windows and doors will remain intact.
- Label primary building materials on existing construction and materials proposed to be used for new areas (e.g., stucco over 2" X 6" frame construction, etc.).
- □ Height at the ridgeline(s) from grade of all existing structures and proposed new construction and additions on the lot.
- □ Floor height and ceiling plate from grade for additions and new construction.

4. DETAILS: The following details are required depending on the project scope. ROOFS

- □ For new construction or roof alterations and additions, include a scaled roof plan, roof configuration (e.g., hipped), dimensions and roof slope. For major alterations to historic roof, plan must show above information for both existing and proposed roof.
- □ If roof structure is to be removed, provide structural drawings by a licensed structural engineer, showing methods and materials for work as well as appropriate measures to ensure that exterior walls will remain in sound condition.
- □ Include a manufacturer's cut sheet or material sample for new roofs/roof additions.
- □ For existing and proposed flat roofs, elevations should show roof height with dashed line, as well as parapet wall height. No material sample required.
- □ Label existing and proposed roofing materials, including color, finish and material (e.g., composition 3-tab, dimensional composition shingle, tile, wood shingle, etc.).

WINDOWS AND DOORS

- Include a manufacturer's spec sheet and window schedule for new windows, window alterations and replacements. This schedule should list each window, be keyed to the elevation sheets and specify window materials, size, type (dual pane), configuration (eg. 3/1), method of operation (double hung, casement, etc.), finishes and visible transmittance rating (VTR). Include the dimensions of each existing window opening, as well.
- □ For new windows, include a dimensioned and profile section drawing (to scale, with the scale indicated below the drawing) showing where windows will be installed in the wall structure and extent of recess from exterior wall.
- □ For new doors, include a door schedule, listing each door, keyed to the elevation sheets and specify materials, size, type (dual pane), method of operation (French door, etc.), finishes and visible transmittance rating (VTR) and a manufacturer's cut sheet, shop drawing or photograph of the proposed door.
- □ For new screens, please submit scaled drawings of proposed units, along with material sample or manufacturer's cut sheet for the screening material and frame.
- □ For window and door reconstructions in historic buildings, please include detailed documentation along with window/door proposal. Additional shop drawings may be required to evidence that window/door reconstructions match original design.

EXTERIOR WALLS

- □ For all frame construction, specify size of framing (e.g., 2" X 6" construction).
- X Delineate any proposed changes to wall surfaces/finishes on elevation drawings.
- □ Major alterations, such as second-story additions to one-story structures, require structural drawings by a licensed structural engineer.
- □ For all wood or other siding materials, specify siding type (wood clapboard), size, materials, whether siding will be installed vertically or horizontally, and finish (e.g., painted or stained), and provide a material sample or manufacturer's cut sheet.
- □ For stucco finishes, please indicate finish type, e.g., "sand stucco finish."
- □ For restoration or reconstruction work on historic buildings (porches, columns, brackets, decorative cornices, etc.), include documentation of original design and detailed methods/specifications for completing work.
- □ For cleaning or masonry re-pointing work, include detailed specifications regarding the methods to be employed. Plans should provide for a sample patch and approval of sample by the HPO, as determined by HP Planners.

PORCHES/DECORATIVE ELEMENTS

- □ For awnings, patio covers and carports: specify finish and submit a material sample or manufacturers cut sheet for selected products.
- □ When attaching new awnings, patio covers and carports include a section drawing indicating the method of attachment to the building and exact location of attachment.
- □ For porches, clearly identify the size, shape, and materials for all columns, railings and balustrades, and the spacing between them.

FENCES, WALLS, UTILITIES, SOLAR EQUIPMENT AND SITE FEATURES

- □ For new or modified fences and walls, include materials and finish, height and location.
- □ Fences and returns must comply with the revisions to Zoning Ordinance §703 regarding the allowable height and location of fences and retaining walls, which requires that:

Fence returns or gates within an Historic Preservation overlay district must be set back from the front corners of the house at least 3':

- Front yard fences not exceed 36"
- All fences within an HP overlay district must obtain a CNE or COA
- □ For new gates, both vehicular and pedestrian, identify the materials and design on plans through a sketch or manufacturer's spec sheet
- □ For new and modified driveways, sidewalks, walkways and parking areas, specify materials and location of installation.
- □ For single family homes and duplexes, identify the location of mechanical units and utilities, including electrical and gas meters.
- □ For infill housing, and all projects involving multi-family housing, institutional and commercial applications, include: landscaping plan, and detailed information (location and design) on all proposed parking, lighting, dumpsters, air conditioning, water coolers, mechanical systems, electrical meters, fire hydrants, retention, ramps, and backflow prevention devices.
- Solar Energy Equipment:

All submittals must be drawn to scale and follow these instructions, including elevation drawings, roof plans and site plans.

The number of solar panels and the dimensions of each panel must be listed on the drawings.

Manufacturer's spec sheet and photographs/brochures must be submitted with application.

Submittal must also comply with the Residential Solar Systems submittal requirements from Development Services.

Perspective drawings, if necessary, to demonstrate the visibility or lack thereof, of the panels.

- 5. INFILL In addition to the items listed above, please provide the following for all new detached housing units:
- Height at the ridgeline(s) of a minimum of three (3) similar properties on adjacent lots (not including vacant lots; must include houses on both sides).
- Front setback of a minimum of three (3) similar properties on adjacent lots (not including vacant lots; must include houses on both sides).
- Photographs of lot in question AND photographs of a minimum of three (3) similar properties on adjacent lots (not including vacant lots; must include houses on both sides.)
- □ Height of floor plate from grade of a minimum of three (3) similar properties on adjacent lots (not including vacant lots; must include houses on both sides.)
- □ Information showing that the plans meet the International Energy Conservation Code 2004.

LANDSCAPING AND SITE WALLS

- Minimum 4-foot high block wall, wrought iron fencing, or equivalent enclosure between rear building and rear lot line. Wall return or gate must be set back at least 3' from the front façade of the house to reveal windows, chimney or other architectural features.
- □ Note front yard landscaping on site plan as a minimum*:
 - ♦ One, 2-inch caliper accent tree.
 - Five, 5-gallon drought resistant shrubs.
 - Dust-proofing with turf and ground cover, rock, decomposed granite or equivalent.
 - ♦ An irrigation system with an electric timer.

6. SIGNS: (See sign checklist for complete information)

- □ Full color depiction of the sign itself on 8 ½" x 11" paper showing the design, colors, materials and ALL dimensions of the sign (height, width and depth) and sign pole (where applicable), as well as a mounting detail (unless using existing mounting or freestanding sign).
- □ Color photographs showing the proposed location for the sign on the site/building and its relationship to other buildings and landscape features.
- □ Paint chip or surface finish sample for all proposed sign surfaces.
- □ Mounted Signs: Provide a dimensioned drawing on 8½" x 11" paper showing the exact placement of the sign on the building, the dimension of the building walls and lighting scheme (if either internally or externally illuminated).
- Free-Standing Signs: Also include a dimensioned site layout showing the proposed placement of the sign on the legal lot in question, its relationship to other buildings and landscape features and location of any lighting (if either internally or externally illuminated).
- □ Projecting and Awning Signs: Show the type of bracket proposed, the distance from the bottom of the sign to the sidewalk, and the width of the sidewalk at the proposed location.
- Buildings with multiple tenants: signage applications must include overall signage plan for the building. At a minimum, include drawings and/or photos to show all proposed existing signage for each exterior building feature.

NARRATIVE

Charles Trumbull Bar 526 S. Mill Avenue Tempe, Arizona

Proposal to re-paint the exterior of the bar (old bank building)

New colors will approximate the colors used on the 2000 remodel. See attached photo from 2000.

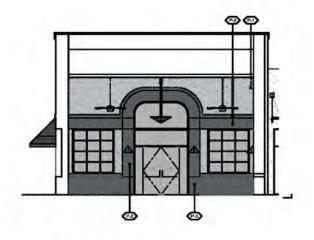
Base color:

Dunn Edwards DE6346 ' Silver Springs'

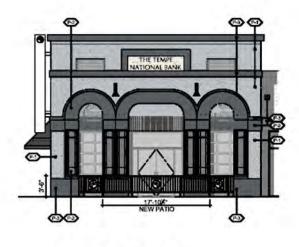
Trim color:

Dunn Edwards DE6348 'Draw Your Sword'

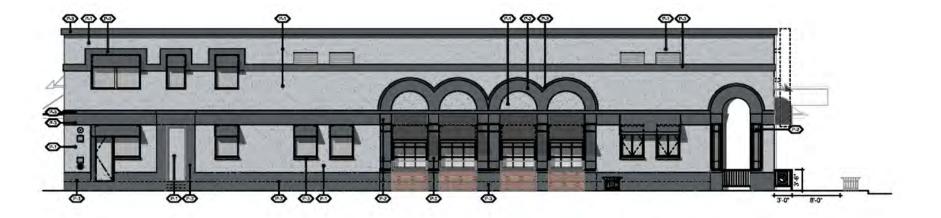






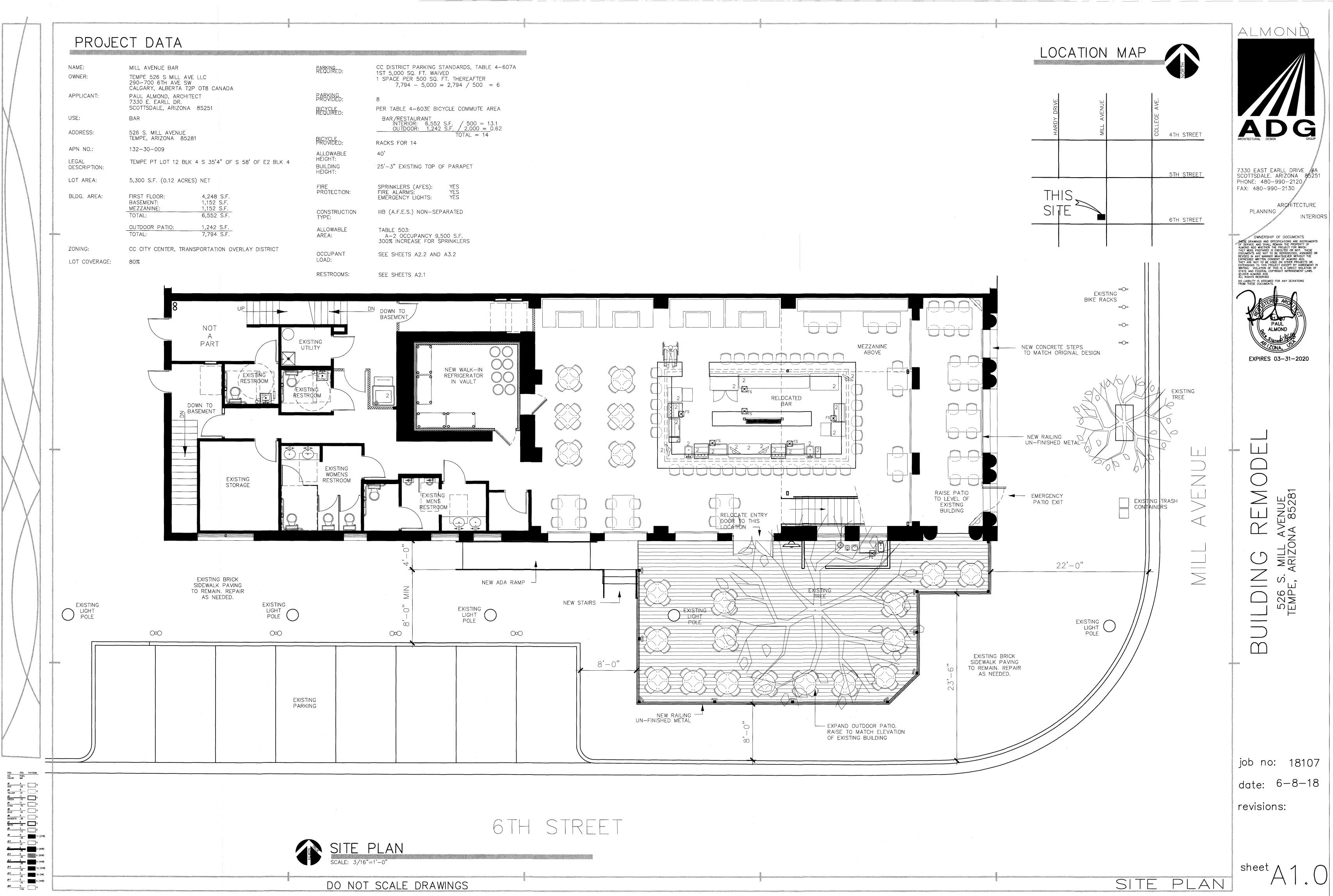






Silver Springs DE6346 RL#533 Draw Your Sword DE6348 RL#589













Attachment B

Staff Summary Report



PLANNED DEVELOPMENT (0406)

City Council Meeting: 05/04/06

SUBJECT: This is the second public hearing for the historic designation of the Tempe National Bank Building, located at 526 South Mill Avenue.

DOCUMENT NAME: 20060504dssa01

SUPPORTING DOCS: Yes

- COMMENTS: Hold the second public hearing for TEMPE NATIONAL BANK BUILDING (RRC060003) (526 Mill LLC, owner / City of Tempe, applicant) Ordinance No. 2006.19 #HPO-2006.16 for the historic designation of the Tempe National Bank Building, consisting of approximately .21 acres, located at 526 South Mill Avenue, in the CC, City Center District.
- **PREPARED BY:** Steve Abrahamson, Senior Planner (480-350-8359)
- **REVIEWED BY:** Steve Venker, Planning and Zoning Manager (480-350-8920)
- FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)
- LEGAL REVIEW BY: N/A
 - FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval Historic Preservation Commission – Approval Redevelopment Review Commission - Approval

ADDITIONAL INFO: This request is for the historic designation of the Tempe National Bank Building. Located at the northwest corner of Sixth Street and Mill Avenue, the area includes .21 acres of land.

The historic 1912 Tempe National Bank building survives as tangible evidence of an institution that made significant contributions to the broad patterns of community history and development. It became an instant landmark when, with a single bold statement, it first proclaimed a new identity for the community. The structure still stands in testimony of earlier community aspirations and ambitions. Spared from proposed demolition at the onset of the 21st century, the 2005 interpretive rehabilitation of the structure retains the original scale, proportion, and orientation of the landmark 1912 property as it continues to define the southern gateway to historic Mill Avenue in Tempe.

Staff recommends approval of the request for the historic designation of the Tempe National Bank building and recommends to the Redevelopment Review Commission and City Council that the property be designated as Tempe Historic Property. At a public hearing held Thursday, March 9, 2006, the Tempe Historic Preservation Commission approved a recommendation to the Redevelopment Review Commission for this request. At the March 21, 2006 public hearing, the Redevelopment Review Commission approved a recommendation to the City Council for this request. On April 20, 2006 City Council introduced and held the first public hearing for this request.

Agenda Item Number: 41

ATTACHMENTS:

- 1 List of Attachments
- 2-5. Comments
- 5. Reasons for Approval/Conditions of Approval
- 5-6 History & Facts
- 6. Description
- A. Ordinance No. 2006.19
- B. Location Map(s)
- C. Aerial Photo(s)
- D. Letter of Explanation
- E. References/Photos

COMMENTS:

Background + Status

An application for designation of the above-referenced property as a Tempe Historic Property and listing in the Tempe Historic Property Registry was submitted by the property owner, 526 Mill LLC. The application has been reviewed by the Historic Preservation Office and all requirements for notification, posting and advertisement, as set forth in Chapter 14A "Historic Preservation" of the Tempe City Code, have been met and a public hearing set. The present function of the property is commercial/retail. The property is zoned CC, "City Center", and identified as "Mixed Use" in General Plan 2030.

History

The historic 1912 Tempe National Bank building survives as tangible evidence of an institution that made significant contributions to the broad patterns of community history and development. The Tempe National Bank was established on January 4, 1901, by pioneer Tempe businessmen and agriculturalists in a demonstration of optimism and commitment to the future of the community.

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Paul Hughes, writing in the 1971 First National Bank of Arizona publication "Bank Notes", provides the following summary of the inception of the bank.

"Nowhere was there greater optimism than in Tempe, the village named by Lord Darrell Duppa after the classic Vale of Tempe in ancient Greece. The town refused the temptation to stand in the shadow of Phoenix, just across the River; it insisted on an identity of its own."

The Normal School was turning out more and more teachers every year, young people prepared to do battle against ignorance on all fronts. And the farming country around the town, fed by waters siphoned laboriously from the Salt, was just about the richest to be found anywhere; apparently it would grow anything. As the new century opened, it was growing a few experimental acres of Egyptian long-staple cotton, already pronounced the best in the whole nation.'

Establishment of a bank seemed a normal part of the expansionist sentiment. And its birth coincided almost precisely with the beginning of the 20th century. It was on January 4, 1901, that the stockholders assembled for the first time. They got together in the offices of Charles Woolf, a pioneer attorney. And when they emerged, they had created the Tempe National Bank.'

The first stockholders included Carl Hayden, of the family that had settled the town, C. G. Jones was elected president; A. C. Ozanne vice-president; and W. H. Wilbur cashier, at a salary of \$75 a month. In virtually no time at all, Tempe National Bank was helping to irrigate the desert with its own variety of liquid assets." p.37

From its establishment in 1901, the bank operated under the control and direction of the community's most intrepid pioneers. The following biographical vignettes illuminate the founding stockholders: W. A. Bolton, early Tempe insurance and real estate broker; Michael Edward Curry, Sr., Tempe Town Councilman and founder of the Tempe Hardware Company; Carl Trumbull Hayden, Arizona's longtime Congressman and Senator, whose record for fifty-six consecutive years of service in the Congress, including an unprecedented forty-two in the Senate, was unsurpassed at the time of his retirement; Cyrus Grant Jones, first president of the Tempe National Bank and alfalfa farmer in Tempe; Albert E. Miller, son of Tempe pioneer Winchester Miller, farmer, rancher, a director of the Tempe Irrigating Canal Company, and president of the Arizona Mercantile Company (In 1900, Miller constructed the Miller Block building); Alfred Carre Ozanne, first vice-president of the Tempe National Bank; Amanda Richards, founding director of the First Christian Church of Tempe incorporated 1898; William Rohrig, well-to-do Tempe rancher and farmer (in 1898 he donated land for construction of the Rohrig School); Wolf Sachs, prominent Arizona cattle rancher, freighter and merchant, Sachs became one of the Valley's most influential citizens and, in 1896, he became one of the first elected members of the Tempe Town Council; Ethelbert Willis Wilbur, organizer of the Mesa City Bank and a member of the committee that developed the Articles of Incorporation for the Salt River Valley Water Users' Association; Walter H. Wilbur, first cashier of the Tempe National Bank and a leading financier of Maricopa County, son of E. W. Wilbur; James W. Woolf, Tempe rancher served in the Arizona Territorial Legislature in 1897 and in 1903 and

later formed a partnership with builder Milton H. Meyer to start a local concrete block manufacturing industry. Throughout its long history, the Tempe National Bank would continue to enjoy the attention of Tempe's most prominent citizens and remain intimately linked to the development and progress of the community. Thanks Anderson, Mayor of Tempe from 1930-1932 and 1934-1937, began his banking career here in 1915 and went on to become branch manager and then vice-president of the bank. Joseph Birchett was director of the Tempe National Bank as well as mayor of Tempe from 1912 to 1914. Benjamin Baker Moeur, physician and businessman in Tempe, served two terms as Governor of Arizona and had his practice in the building. Harvey Samuel Harelson started working as a teller at the bank, became assistant cashier and assistant manager, he operated the Harelson Insurance Agency, served on the Tempe Town Council from 1924 to 1928, and was a member of the Tempe Union High School District governing board from 1928 to 1943. Charles C. Woolf, Tempe City Attorney, active in the Phoenix Title and Abstract Company, the Tempe Water Development Company, the Salt River Valley Water Users Association and the Tempe-Mesa Produce Company and had his offices in the building.

Many of these community leaders influenced history through a myriad of individual accomplishments and achievements. Through their concerted actions as directors of the Tempe National Bank, however, each has left a legacy of community development, progress, and prosperity that the historic 1912 Tempe National Bank building continues to recall.

The Tempe National Bank was Tempe's first national bank. Since its founding in 1864, the national banking system combined a local presence with a national perspective. Located in communities throughout the country, national banks are supervised locally by examiners who understand the people and the economies their banks serve. Each national bank is part of a strong nationwide system, administered by the Comptroller of the Currency, who represents that system in Congress, in the public arena, and in the courts. National Banks offer the benefits of sophisticated and responsive bank supervision and a fully competitive national charter.

Context

The building opened for business on June 28, 1912; the bank having grown as a financial institution in the stimulating atmosphere of progress then requiring larger facilities. The building is associated with the context of Commerce/Banking. Tempe National Bank financed agricultural projects in Tempe and throughout the valley. Its earliest investments in sugar cane and sugar beet crops along with the Southwestern Sugar Company in Glendale proved unprofitable when the factory failed in 1913, but the bank had significant success in the cotton industry. Tempe National Bank was instrumental in the development of long-staple "Egyptian" cotton as a Valley crop, and built the first long-staple cotton gin in the United States with equipment shipped from England. The bank's plant at Seventh Street and Ash Avenue later became the Tempe Cotton Exchange.

Located on Mill Avenue next to the 1898 Tempe Hardware Building in downtown Tempe, the 1912 Egyptian Revival structure was the work of Phoenix architect Leighton Green Knipe. Knipe designed the 1914 Tempe City Hall and the 1914 ASU Industrial Arts Building before going on to design of the town plan for Litchfield Park in 1918. In light of his more traditional, neoclassical designs for campus buildings and city hall, the style chosen for the bank building marked a departure for both the architect and the community. The extant structure is believed to be the first commercial building constructed in this idiom in Arizona. Egyptian Revival is arguably one of the most dramatic and enigmatic of all historic architectural styles, remaining largely obscure throughout each wave of revival expression. In fact, this form emerged in the United States around 1820, flourished somewhat during the period 1830-1850 (primarily for memorials, cemeteries, and prisons) and made a brief comeback during the 1920s in conjunction with the Art Deco style and the national fascination with the 1922 discovery of King Tutankhamen's tomb. At no time, however, could it approach the predominance of the other classical revivals.

Much speculation exists as to how Knipe determined that this monumental structure should be executed in the enigmatic Egyptian Revival. Historian Ted Siefer, in his "History of the Tempe National Bank Building" notes that several of the bank's founders were members of the Masonic society wherein Egyptian symbolism is common to both buildings and ritual. Mr. Siefer also notes the bank's ties to agriculture and, at the time of construction, increasingly to cotton.

Integrity

Now hidden beneath a stucco skin, the Tempe National Bank building was originally detailed and constructed in the Egyptian Revival style. Through a series of remodeling episodes begun in 1950 and culminating in 1976, many of the architectural details of the original structure have been compromised beyond recovery. The 2006 Interpretive Rehabilitation completed by Siefer Associates returns many of the characteristic features to view while avoiding patronizing reconstructions that could create a false sense of history. The

result is a balanced rendering of new and old expressions carefully laid down on the historic structure that retains its original scale, massing, and orientation while continuing to function as a successful commercial property at the core of historic Mill Avenue.

In a recent interview for the Tempe Town News, the architect explains "The National Bank building is part of what gives Tempe its uniqueness. There was talk of tearing it down and we felt strongly that it should be preserved as the southern gateway to historic Tempe. Wherever possible we've kept original features, like the windows, the arches, and the exposed brick interior. We were very excited to discover that the original sign plate on front of the building was in near perfect condition after removing layers of stucco. Where preservation wasn't possible, we used an abstract interpretation. For example, the columns are replicated in the same proportions but we didn't duplicate the ornate decoration. That way people won't interpret them as originals."

The issue of lost integrity is central to the discussion of local register eligibility for the Tempe National Bank building. This report argues that the 2006 interpretive rehabilitation has preserved the 1912 structure and successfully maintained the character and feeling of the street at this location thereby providing adequate basis for eligibility. SHPO Architect and CLG Coordinator Bob Frankeberger (602) 542-6943 supported this position in dialog with the Keeper of the National Register in 2005. A formal request for a determination of eligibility was not pursued, however.

While architectural details are gone, the original 1912 structure stands intact, maintaining the same scale and massing at this prominent corner that has existed for the past 94 years. As downtown Tempe continually changes, even modified surviving historic resources help connect the heart of our community to its roots and origins. Those few properties that survive deserve recognition and support through the process of local historic designation.

Significance

This property is historically significant. From its establishment in 1901, the bank operated under the control and direction of some of the community's most intrepid pioneers. First stockholders were: W. A. Bolton, M. E. Curry, Sr., Carl Hayden, C. G. Jones – President, Albert Miller, A. C. Ozanne – vice-president, Amanda Richards, William Rohrig, Wolf Sachs, Dr. M. J. Scroggs, E. W. Wilbur, W. H. Wilbur – cashier, and J. W. Woolf.

The purpose of this designation is to recognize a prominently located historic property in downtown Tempe, the Tempe National Bank building, the continued existence of which maintains an important, albeit abridged, reference to the rise of prosperity in Tempe during the early 1900's.

Recommendation

Staff and the Redevelopment Review Commission recommends to the City Council that the Tempe National Bank Building be designated as Tempe Historic Property (#31) and that Historic Overlay Zoning be applied to the property.

REASON(S) FOR APPROVAL:

- 1. The subject property meets the following criteria for designation, as found in section 14A-4 of the Tempe City Code.
 - (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; and
 - b. It represents an established and familiar visual feature of an area of the city, due to a prominent location or singular physical feature.
- 2. The Historic Preservation Commission recommends approval for the nomination that the Tempe National Bank building be designated as a historic property and listed on the Tempe Historic Property Register.

CONDITIONS OF APPROVAL: None

HISTORY & FACTS: January 4, 1901	Tempe National Bank established by pioneer Tempe businessmen and agriculturalists.
March 15, 1901	Tempe National Bank opened for business in the offices of bank president C. G. Jones located at the Miller Block building on the southeast corner of Fifth Street and Mill Avenue.
December, 1901	Year-end deposits reported at \$46,733 with loans of \$51,405 indicating rigorous investments. Gross earnings reported at \$4,435 net \$1,733 and surplus \$385.
October 27, 1911	Tempe Daily News reports W. J. Rifley of Phoenix is building contractor for new Tempe National Bank building. L. G. Knipe of Phoenix is architect (TDN 01/26/12). Fixtures installed (TDN 05/17/12)
June 28, 1912	Tempe National Bank opens new building at Sixth Street and Mill Avenue, staff stayed until 9:30 at night to accommodate the crowds.
1921	Perry & Company, an insurance and surety bonds company specializing in cotton crop insurance, moves into the Tempe National Bank building.
1923	Intermountain Building & Loan Association of Salt Lake City establishes a local agency office in the Tempe National Bank building.
1930	Tempe National Bank building extensively remodeled, although the original entrance façade remains intact.
1935	First National Bank of Arizona merged with the Phoenix National Bank, purchased the Tempe National Bank, the Miners and Merchants Bank of Bisbee, and the Phoenix Savings Bank & Trust Company.
1947	Proposed alterations to the Tempe Branch of the First National Bank of Arizona by Phoenix architects Lescher and Mahoney.
1949	Architectural and Engineering plans for remodeling completed by the Capital Company of San Francisco. L.H. & B.L. Nishkian, Consulting Engineers.
1950	Extensive renovation removes or obscures Egyptian Revival detailing leaving the building virtually unrecognizable, save for its overall form, massing, and orientation.
Sept. 16, 1950	Open House: "First National Now Offers Tempe Area The Best In Modern Banking". Noted were the modern stainless steel vault doors and air conditioning of the latest design. – TDN Advertisement
1960	Architectural remodel and expansion plans completed by the First National Bank of Arizona Construction Division depict a modern appearance. "Tempe Head Office Additions and Alterations" drawings stamped by Melvin S. Buros, R.A., and Herbert A. Buros, P.E. Civil.
1961	Construction completed on remodel and addition.
1976	Exterior and interior remodel by First National Bank.
1986	Interior remodel only by First Interstate Bank.

1992	Minor remodel by the Archus Group for First Interstate Bank.				
1998	Minor remodel by the Wagner Partnership for Wells Fargo Bank.				
August 8, 2000	Michael Wilson Kelly completes building condition survey for MCW Holdings, LLC.				
February 5, 2004	City Council approves up to \$25,000 of City General Funds for structural conditions study by 526 Mill LLC.				
November 21, 2005	City of Tempe Development Services Department Design Review Board staff approved a request for the addition of awnings to the south and west elevations of the Tempe National Bank building.				
2006	Interpretive Rehabilitation completed by Siefer Associates for 526 Mill LLC.				
March 9, 2006	Historic Preservation Commission recommended approval of the request for the historic designation of the Tempe National Bank Building, located at 526 South Mill Avenue.				
March 21, 2006	Redevelopment Review Commission recommended approval of the request for the historic designation of the Tempe National Bank Building, located at 526 South Mill Avenue.				
April 20, 2006	City Council introduced and held the first public hearing for the request for the historic designation of the Tempe National Bank Building, located at 526 South Mill Avenue.				
DESCRIPTION:	Owner –526 Mill, LLCApplicant –Historic Preservation Commission, Joe NucciExisting zoning –CC, City Center DistrictTotal site area –.21 acres				

ORDINANCE NO. 2006.19

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 historic designation on approximately .21 acres.

LEGAL DESCRIPTION

Part Lot 10 S 4", Part Lot 11, N 22' 8", Part Lot 12 S 35' 4", of E Block 4, of Tempe Townsite, according to Book 2, of Maps, Page 26, records of Maricopa County, Arizona

TOTAL AREA IS .21 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case #HPO-2006.16 are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. 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 ______, 2006.

Mayor

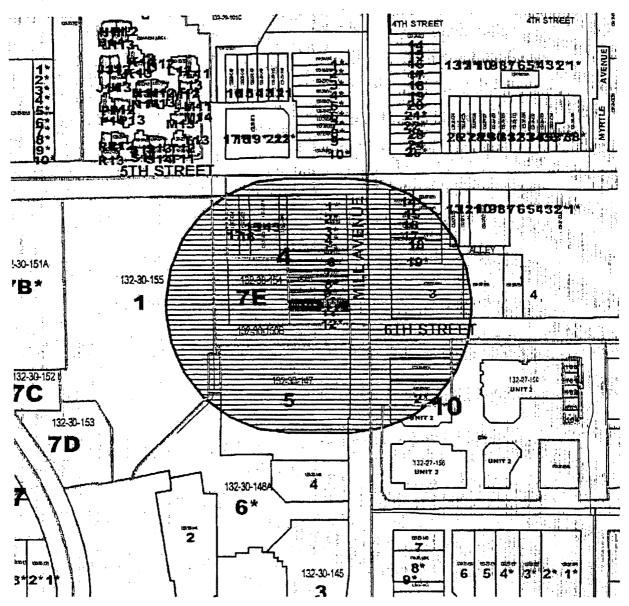
ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney



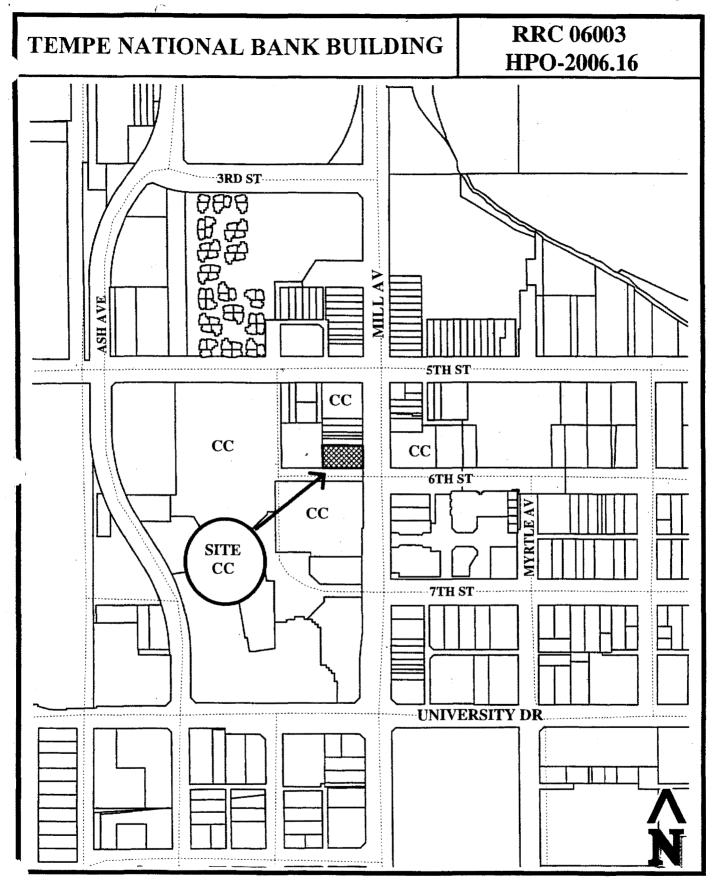


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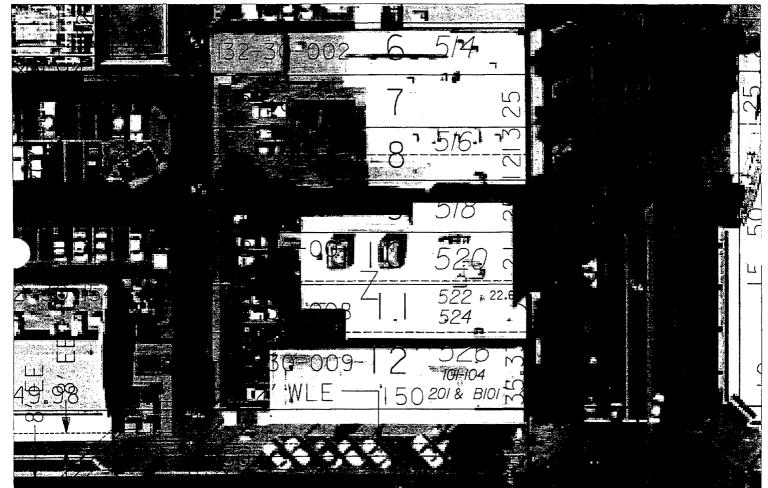
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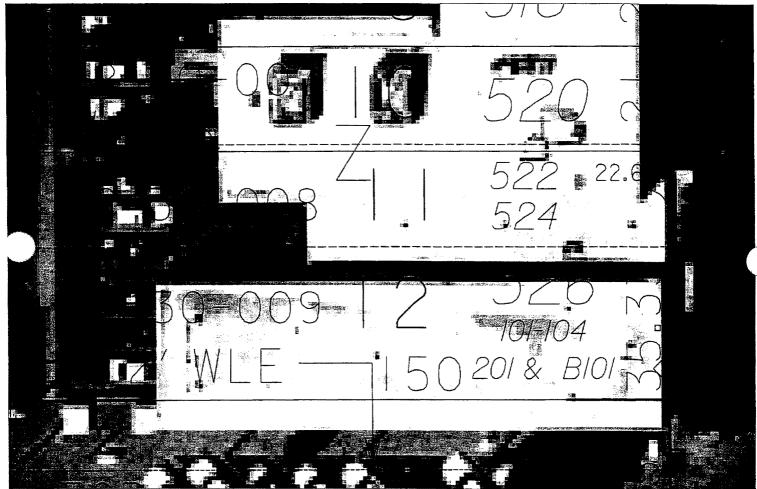
Tempe



Location Map



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526 Mill LLC

520 S. Mill Avenue, Suite 301 Tempe, AZ 85281 4. 480 966-0812 fr. 480 967-7281 email sieferassociates@gwest.net

Joseph Nucci, Historic Preservation Officer City of Tempe, Historic Preservation Office 21 E. 6th Street Suite 208 Tempe, AZ 85280

January 25, 2006

Re: Tempe National Bank Building

Dear Mr. Nucci:

By this letter, I am pleased to submit the Tempe National Bank Building, 526 S. Mill Avenue, for consideration on the Tempe Historic Property Register. This building, originally constructed in 1912, is of historical significance to Tempe not only for its distinctive architectural qualities but also for its connection to important early Tempe leaders such as Carl Hayden, Dr. B.B. Moeur and architect L.G. Knipe. Its value to the local community was expressed by the local newspaper, the Tempe News shortly after its opening when it enthusiastically declared, "No other town the size of Tempe in the world can boast of as fine a bank building or as thoroughly equipped a banking institution as The Tempe National Bank".

Although much of its original architectural fabric was removed during its 1950 remodeling, in our just completed rehabilitation we attempted to restore most of the façade to its original proportion and scale, interpreted in a contemporary perspective. Where possible, we salvaged some of the few remaining historic fragments for public viewing such as the original "Tempe National Bank" sign, wall papered and painted Egyptian motifs, portions of the original ceramic mosaic flooring and of the original gray cement brick, most of which was destroyed during the 1950 remodel.

Despite the loss of much of the original fabric, we believe that the essence of this important historic building remains and taken in the context of other historic properties on this block, it offers the public a glimpse of what old Tempe was like. We therefore believe that this building is worthy of historic status and request your support in granting it a place on the Tempe Historic Property Register.

Very truly yours,

Stuart Siefer, Architect and Managing Member of 526 Mill LLC.

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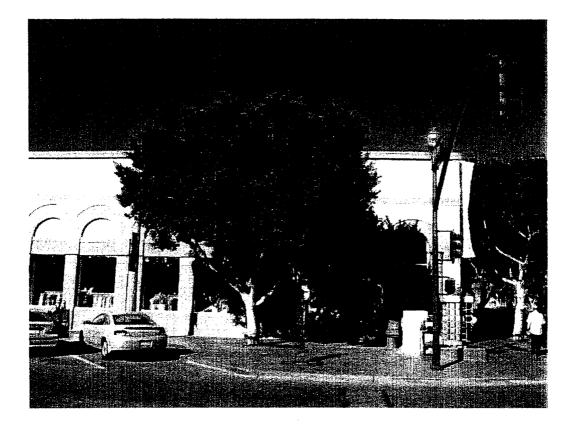
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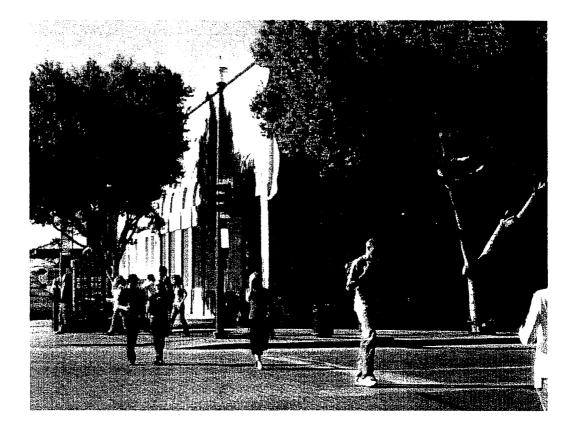


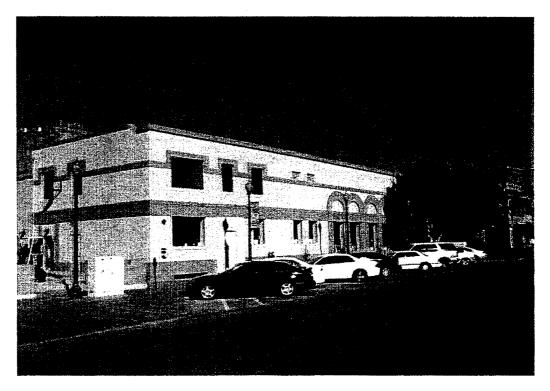


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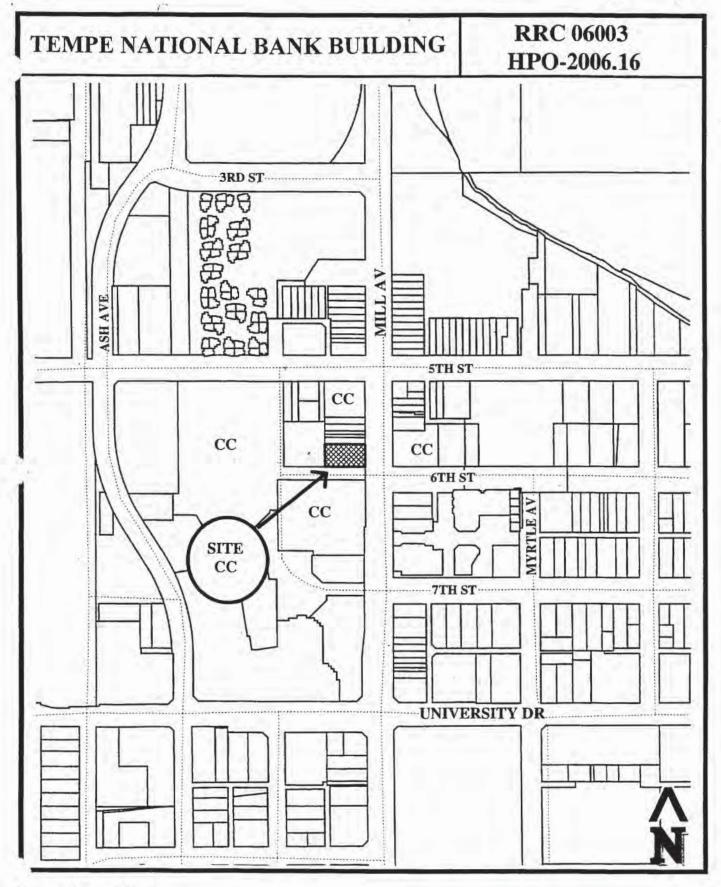








Tempe



Location Map

ORDINANCE NO. 2006.19

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 historic designation on approximately 21 acres.

LEGAL DESCRIPTION

Part Lot 10 S 4", Part Lot 11, N 22' 8", Part Lot 12 S 35' 4", of E Block 4, of Tempe Townsite, according to Book 2, of Maps, Page 26, records of Maricopa County, Arizona

TOTAL AREA IS .21 GROSS ACRES.

Section 2. Further, those conditions of approval imposed by the City Council as part of Case #HPO-2006.16 are hereby expressly incorporated into and adopted as part of this ordinance by this reference.

Section 3. Pursuant to City Charter, Section 2.12, ordinances are effective thirty (30) days after adoption.

ATTEST City Oferk

APPROVED AS TO FORM:

City Attorney

Mayor

Attachment C

Google Maps W 6th St



Image capture: Dec 2020 © 2021 Google

Tempe, Arizona



Google Maps W 6th St



Image capture: Mar 2011 © 2021 Google

Tempe, Arizona



Google Maps S Mill Ave



Image capture: Mar 2019 © 2021 Google

Tempe, Arizona



Google Maps S Mill Ave



Image capture: May 2011 © 2021 Google

Tempe, Arizona



Attachment D

RESOLUTION NO. 2006.27

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, AUTHORIZING THE MAYOR TO EXECUTE A DEVELOPMENT AND DISPOSITION AGREEEMENT BETWEEN THE CITY OF TEMPE AND 526 MILL LLC.

WHEREAS, 526 MILL, LLC is the fee simple owner of the property commonly known as the Tempe National Bank Building located at 526 South Mill Avenue.

WHEREAS, 526 MILL, LLC has made substantial interior and exterior improvements to the Property which have preserved the Property's remaining historic elements and created an architectural treatment compatible to the original Tempe National Bank Building.

WHEREAS, Developer is willing to grant, and the City is willing to accept, a conservation easement on the architectural historic façade which will preserve the historic character of the Property.

WHEREAS, the City and 526 MILL, LLC hereby acknowledge and agree that significant benefits will accrue to the City from the improvements and preservation of Property by Developer.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, as follows:

That the Mayor is authorized to execute the City Development and Disposition Agreement (No. C06-<u>114</u>), a copy of which is on file with the City Clerk's office and to take such further actions as are necessary to implement its terms.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA, this 4th day of May , 2006.

Signature page follows.

MAY

ATTEST: CITY CLERK

APPROVED AS TO FORM:

Muli Pontrelli CITY ATTORNEY

WHEN RECORDED, RETURN TO:

City of Tempe Basket



GRSTELUMP

DEED OF CONSERVATION EASEMENT

Per Res. 2006.27

THIS DEED OF CONSERVATION EASEMENT (the "Easement") is made as of the <u>l2th</u> day of <u>July</u>, 2006, by and between 526 Mill LLC (the "Property Owner"), and the City of Tempe, a municipal corporation organized and existing under the laws of the State of Arizona, (the "City").

RECITALS

A. The City is authorized under Arizona's Uniform Conservation Act, Arizona Revised Statutes, Sections 33-271 through 276, inclusive (collectively, as and if amended, the "Act") to accept conservation easements to protect property significant in Arizona history and culture for the education of the general public.

B. The City is a municipal corporation whose responsibilities include the protection of the public interest in preserving architecturally significant structures within the City of Tempe.

C. The Property Owner is the owner in fee simple of that certain property located at 526 S. Mill Avenue Avenue, Tempe, Maricopa County, Arizona, which is more particularly described in Exhibit "A" attached hereto and made a part hereof (the "Property"), including all improvements, fixtures and buildings thereon (the "Structure").

D. The Property is listed on the Tempe Historic Property Register; and the Property Owner and the City recognize the historical or architectural value and significance of the Property and have the common purpose of conserving and preserving the aforesaid value and significance of the Property. The Property is also commonly know as the Tempe National Bank Building ("Tempe Bank"). The terms Property and Tempe Bank may be used interchangeably in this agreement.

E. In order to effectuate the obligations of the Property Owner under that certain Development and Disposition Agreement dated as of May 4, 2006, the Property Owner desires to sell, grant, convey, transfer and assign to the City and the City, pursuant to the Act, desires to accept a conservation easement on the Tempe Bank.

AGREEMENT

NOW, THEREFORE, in consideration of the City's agreement to pay the Property Owner \$10 and other good and valuable consideration, subject to the terms and conditions of the Program Agreement, the Property owner and the City hereby agree as follows:

1. <u>Grant of Easement</u>: The Property Owner does hereby irrevocably grant, convey, transfer and assign unto the City a "conservation easement," as defined under the Act, in perpetuity, in and to the exterior faces of the Tempe Bank as depicted in Exhibit "B" and which covenants contained herein contribute to the public purpose of conserving and preserving the Tempe Bank and accomplishing the other objectives set forth herein.

2. <u>Property Owner's Covenants</u>: In furtherance of the conservation easement herein granted, the Property Owner hereby covenants and agrees with the City as follows:

2.1 <u>Documentation of the Exterior Condition of the Tempe Bank</u>. For the purpose of this easement, the exterior facades shall be depicted in an original set of photographs dated thirty (30) days following the execution of this Easement, (collectively, the "Photographs") and filed in the Office of the City of Tempe Historic Preservation Officer, or designated successor. The exterior condition and appearance of the Tempe Bank as depicted in the Photographs (collective, the "Present Tempe Bank") is deemed to describe their external nature as of the date thereof.

2.2 <u>Maintenance of the Tempe Bank</u>. The Property Owner will, at all times, maintain each Structure in a good and sound state of repair so as to prevent the deterioration of Tempe Bank or any portion thereof. Subject to the casualty provisions of Paragraph 4 below, this obligation to maintain shall require replacement, repair and reconstruction within a reasonable time whenever necessary to have the external nature of the Tempe Bank Structure at all times appear to be the same as the Present Tempe Bank.

2.3 <u>Maintenance of the Structural Elements</u>. The Property Owner will maintain and repair the Structure as is required to ensure the structural soundness and the safety of the Structure.

2.4 <u>Inspection</u>. In order to periodically observe the Structure, representatives of the City shall have the right to enter the Property to inspect the exterior. This inspection will be made at a time mutually agreed upon by the Property Owner and the City.

2.5 <u>Conveyance and Assignment</u>. The City may convey, transfer and assign this Easement to a similar local, state or national organization whose purposes are to promote historic preservation, and which is a "qualified organization" under Section 170(h)(3) of the Internal Revenue Code of 1986, as amended, provided that any conveyance or assignment requires that the conservation purposes for which this Easement was granted will continue to be carried out.

2

2.6 <u>Insurance</u>. The Property Owner, at his sole cost and expense, shall at all times (a) keep the Structure insured at their replacement cost value on an "all risk" basis to ensure complete restoration of Tempe Bank in the event of loss or physical damage. Said property coverage policy shall contain provisions which ensure that the face amount of the policy is periodically adjusted for inflation, and the Property Owner shall provide a Certificate of Insurance to the City which contains reference to such provision; and (b) carry and maintain liability insurance in an amount satisfactory to the City to protect against injury to visitors or other persons on the property, and to provide a Certificate of Insurance to the City evidencing such insurance, and naming the City as an additional insured on the policy.

2.7 <u>Visual Access</u>. The Property Owner agrees not to substantially obstruct the opportunity of the general public to view the exterior architectural and archaeological features of the Property from adjacent publicly accessible areas such as public streets.

3. <u>Warranties and Representations of the Property Owner</u>. The Property owner hereby represents and warrants to the City as follows:

3.1 <u>Information Furnished, True and Correct</u>. All information give to the City by the Property Owner in order to induce the City to accept this Easement, including all information contained in this Easement, is true, correct and complete.

3.2 <u>Legal, Valid and Binding</u>. This Easement is in all respects, legal, valid and binding upon the Property Owner and enforceable in accordance with its terms, and grants to the City a direct, valid and enforceable conservation easement upon the Tempe Bank.

3.3 <u>No Impairment of Conservation Easement</u>. The Property Owner, for himself, his heirs, personal representatives, and assigns, has not reserved, and to his knowledge, no other person or entity has reserved, any rights, the exercise of which may impair the conservation easement granted herein.

4. <u>Application of Insurance Proceeds</u>. Subject to the insurance proceeds requirements of any recorded Deed of Trust or Mortgage applicable to the Property, in the event of damage or destruction of any of the Structure resulting from casualty, the Property Owner agrees to apply all available insurance proceeds and donations to the repair and reconstruction of the damaged Structure. In the event the City determines, in its reasonable discretion, after reviewing all bona fide cost estimates in light of all available insurance proceeds and other monies available for such repair and reconstruction, that the damage to the Structure is of such magnitude and extent that repair and reconstruction of the damage would not be possible or practical, then the Property Owner may elect not to repair or reconstruct the damaged Structure. Notwithstanding the foregoing, in the event the City notifies the Property Owner in writing that the City has determined that repair and reconstruction of the damaged

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Structure is impossible or impractical and that the damaged Structure presents an imminent hazard to public safety, the Property Owner will at his sole cost and expense raze the damaged Structure and remove all debris, slabs and any other portions and parts of the damaged structure within the time period required by the City to protect the health, safety and welfare of the public, unless the Property Owner has commenced and is diligently pursuing repair or reconstruction of the damaged Structure. Upon razing of the damaged portion of the Structure, the City shall release any interest it has in the insurance proceeds for the damaged Structure. Nothing in this paragraph is intended to supersede or impair the rights to insurance proceeds of a lienholder pursuant to a recorded Deed of Trust or Mortgage applicable to the Property.

5. <u>Indemnification</u>. The Property Owner covenants that he shall pay, protect, indemnify, hold harmless and defend the City at the Property Owner's sole cost and expense from any and all liabilities, claims, attorneys' fees, judgments or expenses asserted against the City, its mayor, city council members, employees, agents or independent contractors, resulting from actions or claims of any nature arising out of the conveyance, possession, administration or exercise of rights under this Easement, except in such matters arising solely from the gross negligence of the City, its mayor, city council members, employees and agents.

5.1 <u>Survival of Indemnification</u>. For purposes of explanation of Paragraph 5 only, and without in any manner limiting the extent of the foregoing indemnification, the Property Owner and the City agree that the purpose of Paragraph 5 is to require the Property Owner to bear the expense of any claim made by any third party against the City, which arises because the City has an interest in the Property as a result of this Easement. The Property Owner will have no obligation to the City for any claims which may be asserted against the City as a direct result of the City's intentional misconduct or gross negligence.

6. Default/Remedy. In the event the Property Owner (a) fails to perform any obligation of the Property Owner set forth herein, or otherwise comply with any stipulation or restriction set forth herein, or (b) any representation or warranty of the Property Owner set forth herein, is determined by the City to have been untrue when made, in addition to any remedies now or hereafter provided by law and in equity, the City or its designee, following prior written notice to the Property Owner, may (aa) institute suit(s) to enjoin such violation by ex parte, temporary, preliminary or permanent injunction, including prohibitory and or mandatory injunctive relief, and to require the restoration of the Property to the condition and appearance required under this Easement or (bb) enter upon the Property, correct any such violation, and hold the Property Owner responsible for the cost thereof, and such cost until repaid shall constitute a lien on the Property, or (cc) revoke the City's acceptance of this Easement by seeking judicial extinguishment in a court of competent jurisdiction on the grounds that the Property Owner's default renders impossible or impractical the continued use of the Property for conservation purposes as defined under the Act. In the vent the Property Owner violates any of its obligations under this Easement, the Property Owner shall reimburse all court costs and attorneys' fees.

7. <u>Waiver</u>. The exercise by the City or its designee of any remedy hereunder shall not have the effect of waiving or limiting any other remedy and the failure to exercise any remedy shall not have the effect of waiving or limiting the use of any other remedy or the use of such remedy at any other time.

8. <u>Effect and Interpretation</u>. The following provisions shall govern the effectiveness and duration of this Easement:

8.1 <u>Interpretation</u>. Any rule of strict construction designed to limit the breadth of restriction on alienation or use of property shall not apply in the construction or interpretation of this Easement, and this Easement shall be interpreted broadly to affect the transfer of rights and restrictions on use herein contained.

8.2 <u>Invalidity of the Act</u>. This Easement is made pursuant to the Act as the same now exists or may hereafter be amended, but the invalidity of such Act or any part thereof, or the passage of any subsequent amendment thereto, shall not affect the validity and enforceability of this Easement according to its terms, it being the intent of the parties hereto to agree and to bind themselves, their successors, heirs and assigns, as applicable, during the Term hereof, whether this Easement be enforceable by reason of any statute, common law or private agreement either in existence now or at any time subsequent thereto.

8.3 <u>Violation of Law</u>. Nothing contained herein shall be interpreted to authorize or permit the Property Owner to violate any ordinance or regulation relating to building materials, construction methods or use, and the Property Owner agrees to comply with all applicable laws, including, without limitation, all building codes, zoning laws and all other laws related to the maintenance and demolition of historic property. In the event of any conflict between any such laws and the terms hereof, the Property Owner promptly shall notify the City of such conflict and shall cooperate with the City and the appropriate authorities to accommodate the purposes of both this Easement and such ordinance or regulation.

8.4 <u>Amendments and Modifications</u>. For purposes of furthering the preservation of the Tempe Bank, the Structure and the other Property and the other purposes of this Easement, and to meet changing conditions, the Property Owner and the City are free to amend jointly the terms of this Easement in writing without notice to any party; provided, however, that no such amendment shall limit the terms or interfere with the conservation purposes of this Easement. Such amendment shall become effective upon recording the same among the land records of Maricopa County, Arizona, in the office of the County Recorder.

8.5 <u>Recitals</u>. The above Recitals are incorporated herein by this reference.

8.6 <u>Time of the Essence</u>. Time is of the essence in the performance of each and every term and condition of this Easement by the Property Owner.

8.7 <u>Feminine and Masculine</u>. For purposes of this Easement, the feminine shall include the masculine and the masculine shall include the feminine.

{Signature pages follow}

IN WITNESS WHEREOF, the Property Owner and the City executed this Easement on the date fist above written, which Easement shall be effective immediately upon such execution.

"Property Owner"

526 Mill LLC, an Arizona limited liability corporation

By Name Grupper Title MANAGING MOMBER

STATE OF ARIZONA

)) ss

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County of Maricopa

The	foregoing	instrument	was	ackno	wledged	befo	re me	this	242	day	of
May	_, 2006	by <u>s</u>	tu Si	efer	-	the	Managi	ng Me	ember	_	of
526 Mil	LLC										

0 Notary Public

My Commission Expires:



ATTEST: City Clerk

APPROVED AS TO FORM:

CITY OF TEMPE, an Arizona municipal corporation

Вĭ Hugh Hallman, Mayor

STATE OF ARIZONA

)) ss

)

new S. Ponpelle

County of Maricopa

City Attorney

	-	•	,				th	
	The	foregoing	instrument	was acknowledged	before	me this	12 day	of
Jul	y	_, 2006	by <u>H</u> u	ugh Hallman	the _	Mayor		of
Ci	ty of	Tempe						

M. Fillma Notary Public

My Commission Expires:

8/20/08

OFFICIAL SEAL KAREN M. FILLMORE NOTARY PUBLIC - State of Arizona MARICOPA COUNTY My Comm, Expires Aug. 20, 2008

Exhibit "A" Legal Description of Property

Parcel No. 1

The North 22 feet 8 inches of the South 58 feet of the East half of Block 4, TEMPE, a subdivision recorded in Book 2 of Maps, Page 26, records of Maricopa County, Arizona, being all that part of the East half of said Block 4, lying South of Lot 10 in said block;

Except the South 35 feet 4 inches of the East half of the said block.

Parcel No. 2

The South 4 inches of Lot 10, Block 4, TEMPE, a subdivision recorded in Book 2 of Maps, page 26, records of Maricopa County, Arizona.

Parcel No. 3

An undivided one-half interest in the North 16 inches of the South 20 inches of the East 100 feet of Lot 10, Block 4, TEMPE, a subdivision recorded in Book 2 of Maps, page 26, records of Maricopa County, Arizona.

Parcel No. 4

That part of the East half of Block 4, a subdivision recorded in Book 2 of Maps, page 26, records of Maricopa County, Arizona, described as follows:

The South 35 feet 4 inches of the East half of said Block 4.

Parcel No. 5

An unrecorded parking agreement as disclosed by Memorandum of Agreement recorded March 4, 1988 in Recording No. 88-102269. Thereafter an Assignment and Assumption Agreement recorded in Recording No. 20000338743.

