

#4

FEB 22 2007



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning & Development - CC Memo No. 07-022

DATE: FEBRUARY 8, 2007

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
DOUG BALLARD, PLANNING & DEVELOPMENT DIRECTOR
JEFF KURTZ, ASSISTANT PLANNING & DEVELOPMENT DIRECTOR
BOB WEWORSKI, PRINCIPAL PLANNER

FROM: ERIK SWANSON, CITY PLANNER

SUBJECT: DVR06-0054 CLEMENTE RANCH

Introduction and Tentative Adoption of Ordinance No. 3881

Request: Request rezoning from Planned Area Development (PAD) to PAD (Amended) for 56 vacant residential lots to eliminate an approved zoning condition requiring that no homes be built within a 300' dairy buffer zone.

Location: South and east of the southeast corner of Germann and Dobson Roads

Applicant: Ralph Pew
Pew and Lake, PLC

Project Info: Parcel 15 – 14 vacant lots
Parcel 2 – 42 vacant lots

RECOMMENDATION

Planning Commission and Staff, finding consistency with the General Plan, Clemente Ranch Area Plan and PAD zoning, recommend approval with conditions.

BACKGROUND

The subject site is located south and east of the southeast corner of Germann and Dobson Roads, within the Clemente Ranch Area Plan. The Clemente Ranch Area Plan is bounded by Germann Road to the north, Alma School Road to the east, Queen Creek Road to the south, and Dobson

Road to the west. Within the Clemente Ranch Area Plan are the following single-family residential subdivisions; Stonefield, Clemente Ranch, and Homestead Park.

The subject site is located within the Clemente Ranch single-family residential subdivision. Directly north of the site is the Dugan Dairy, which is currently being abandoned and removed. South and east of the site are existing homes within the Clemente Ranch subdivision. West, across Dobson Road is the Chuparosa Park.

The Clemente Ranch single-family residential subdivision was approved by City Council in 1993. As part of the approved Clemente Ranch subdivision, a zoning condition required that no homes were to be "constructed within the 250'-300' wide area along the northern property line until the dairies have been abandoned and the improvements have been removed and the site has been cleared." The condition was created due to the operation of three dairies located north of the proposed Clemente Ranch subdivision. Currently, the last remaining dairy is being cleared and is expected to be completely removed by May 2007. With the clearing and removal of all improvements on the dairy in process the request is to eliminate the condition for the dairy buffer. The dairy buffer affects a total of 56 vacant, residential lots.

In 2001, Council approved removal of the dairy-buffer condition for a portion of parcel 15 to allow for the development of 28 homes along the northern border. At the time of Council approval, there were three operating dairies that were not looking to relocate. The approval in 2001 by Council was based upon the relocation of "lagoons" that would no longer affect the northern boundary of parcel 15, where the 28 lots were located. Fourteen vacant lots remain in parcel 15.

Due to the continuing operation of the Dugan Dairy to the north of parcel 2 and the relocation of the lagoons to the site, a request was not filed to have the dairy-buffer removed from parcel 2 in 2001. Currently, there are 42 vacant lots remaining in parcel 2.

In addition to the request to remove the dairy buffer condition the application was advertised as requesting removal of a copper plumbing condition, requiring that all plumbing supply lines be copper plumbing. After further investigation, Staff has come to the conclusion that the request to have the copper plumbing condition removed is no longer applicable, as the condition only applied to the 28 homes approved in 2001.

Staff is in support of the request to eliminate the dairy-buffer based upon two findings. Staff has received a letter from Richard Dugan, owner of Dugan Dairy stating that the dairy is in the process of having the site cleared. The dairy has been sold to Maracay Homes, and is currently requesting rezoning to allow for two single-family residential subdivisions.

PUBLIC/NEIGHBORHOOD NOTIFICATION

This request was noticed in accordance with the requirements of the Chandler Zoning Code.

- Notices were mailed to all property owners within a six-hundred (600') foot radius and all Registered Neighborhood Organizations (RNO's) within one ¼ mile.
- A legal notice was advertised in the newspaper.

- A 4' by 8' public hearing sign was installed on the property.
- A neighborhood meeting was held on Monday January 22, 2007 at Bogle Jr. High school. One neighbor attended and had general questions.

Staff has received two phone calls requesting general information regarding the request. Both neighbors were in support of the proposal.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:

In Favor: 6

Opposed: 0

Absent: 1 (Anderson)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, Clemente Ranch Area Plan, and PAD zoning, recommend approval of DVR06-0054 CLEMENTE RANCH, subject to the following conditions:

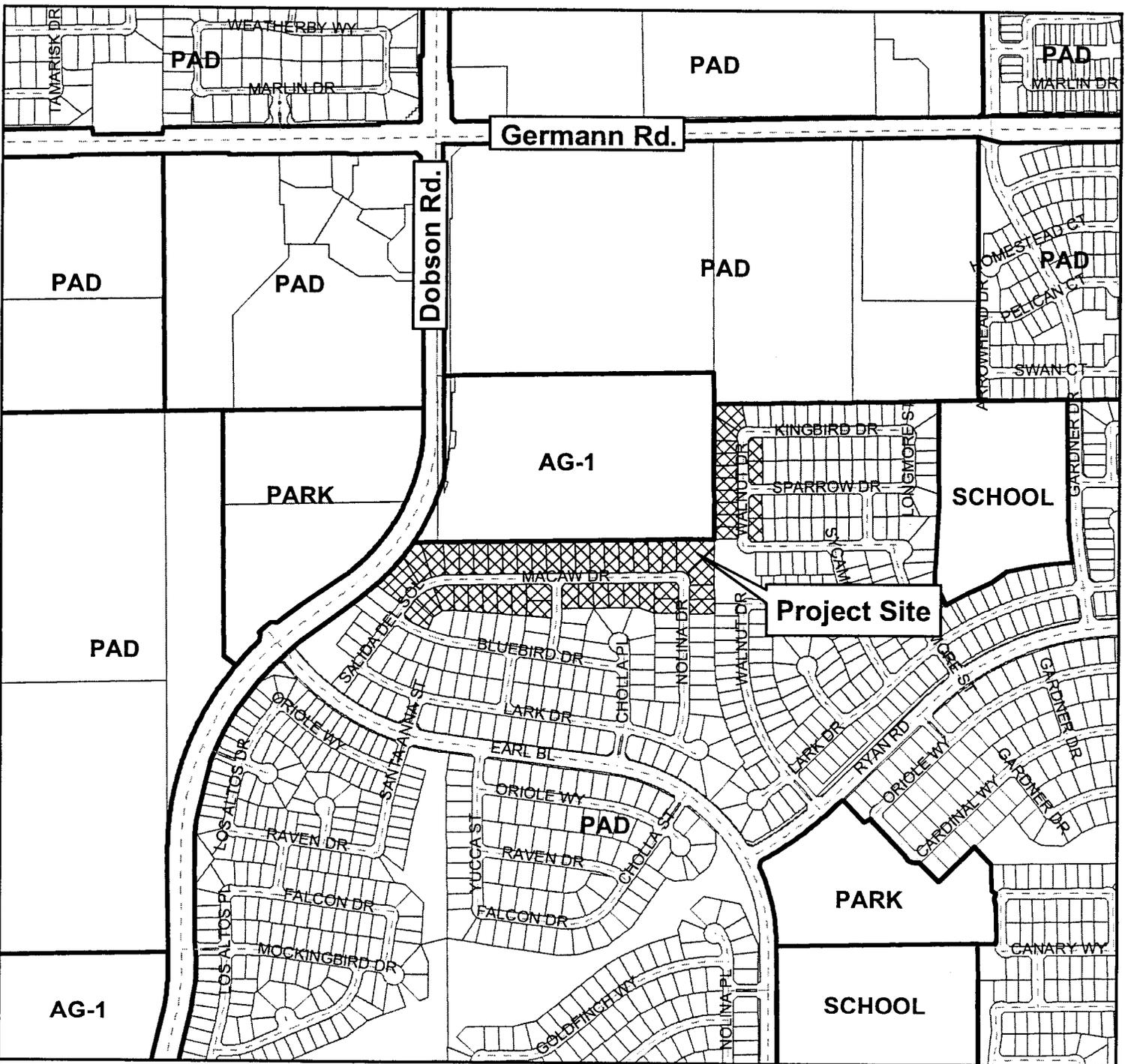
1. Compliance with the original stipulations adopted by the City Council as Ordinance No. 2390, in case Z93-053 Clemente Ranch, except as modified by condition herein.
2. Condition No. 11 of Ordinance No. 2390, providing for no construction on lots within 300 feet of the existing dairies shall no longer apply.
3. Future lots adjacent to Dobson Road, specifically lots 38, 39, and 40, shall be limited to no more than one two-story home for every third lot

PROPOSED MOTION

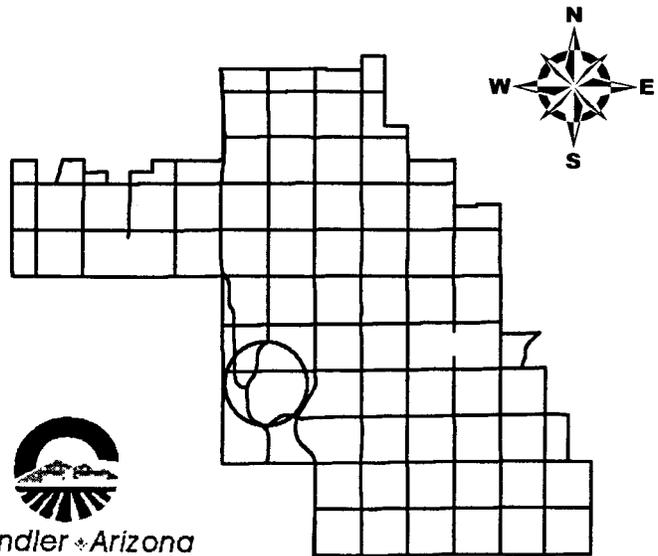
Move to introduce and tentatively adopt Ordinance No. 3881, approving DVR06-0054 CLEMENTE RANCH, subject to the conditions recommended by Planning Commission and Staff.

Attachments:

1. Vicinity Map
2. Parcel 2 map
3. Parcel 15 map
4. Ordinance No. 2390 (original)
5. Ordinance No. 3279 (2001 Ordinance)
6. Letter from Dugan Dairy
7. Applicant Narrative
8. Ordinance No. 3881

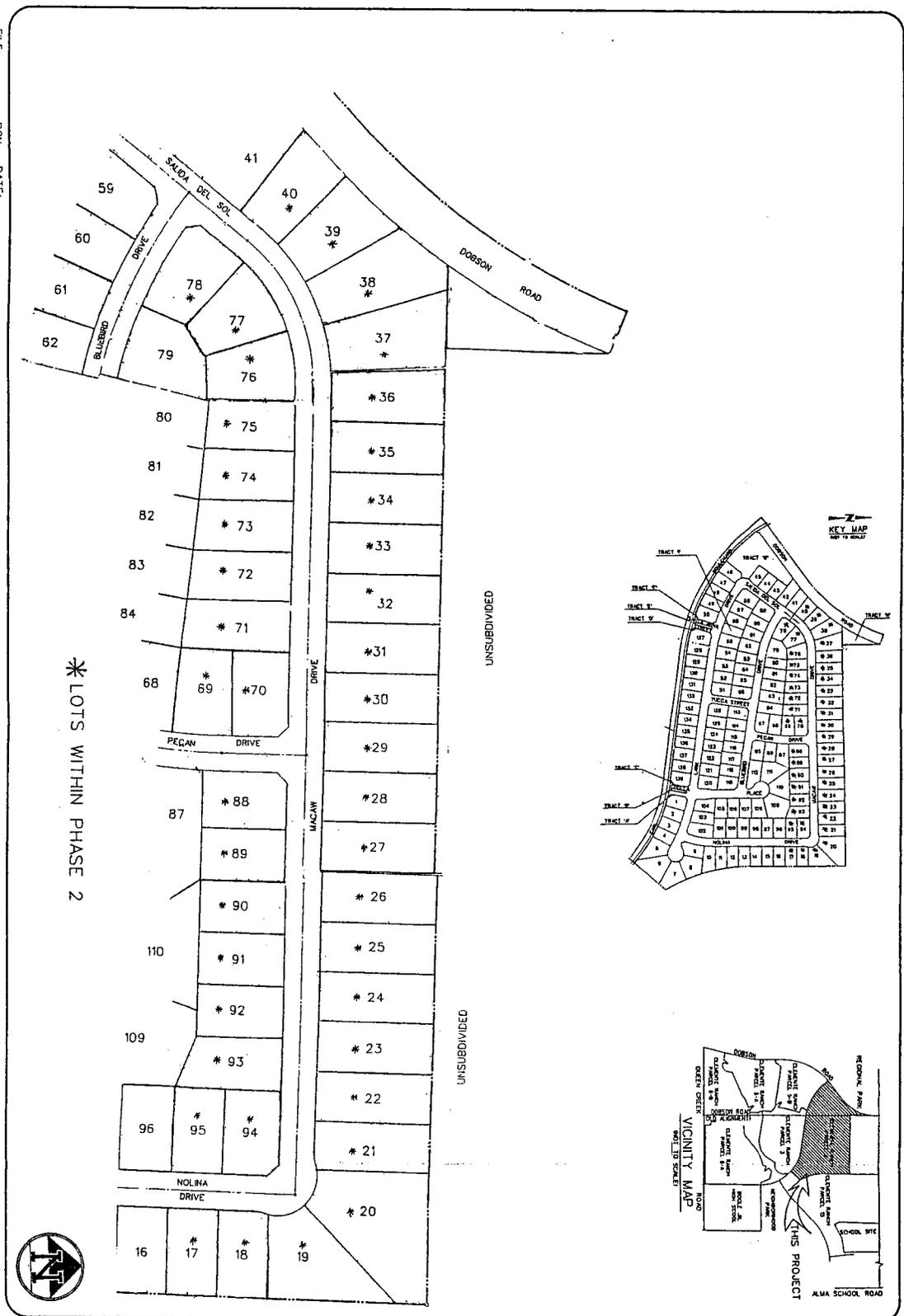


Vicinity Map



 DVR06-0054
Clemente Ranch

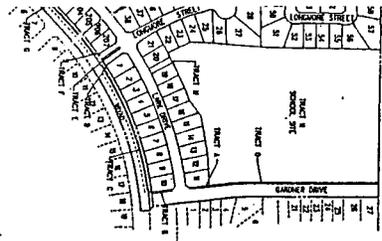
FILE: DGN DATE:
/clemente ranch par2/update.dgn Aug. 15, 2006 09:25:38



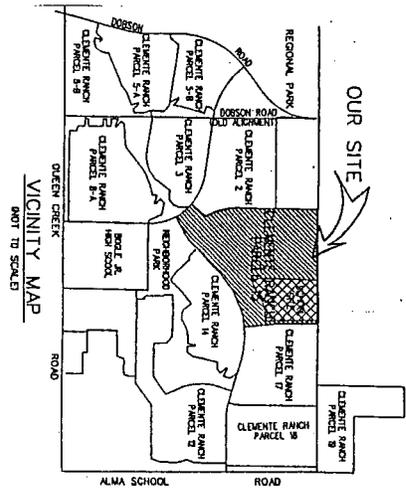
PHASE 2
 LOTTING EXHIBIT
 4550 NORTH 12TH STREET
 PHOENIX, ARIZONA 85014
 TELEPHONE (602) 264-6831

CLEMENTE RANCH PARCEL 2
COE & VAN LOO
 PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE

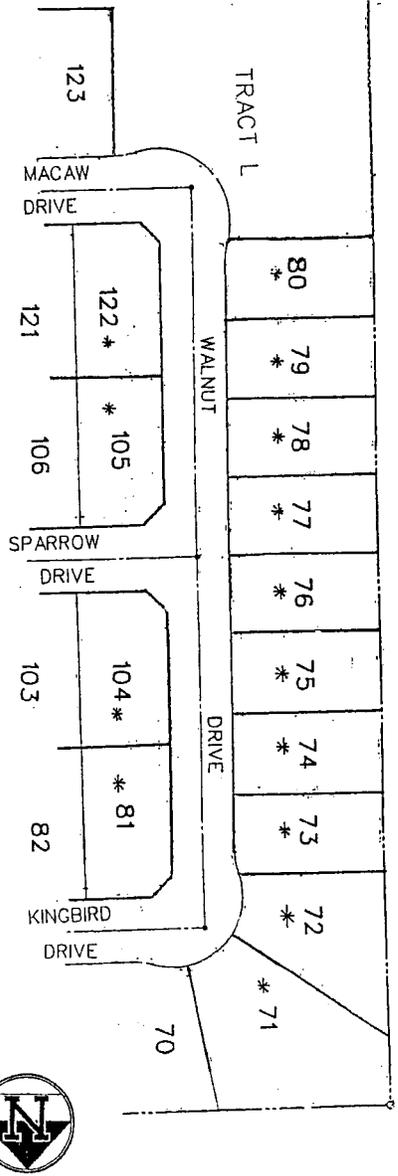
JOB NO. 95-0086
 SHEET 1 of 1



INDEX MAP
NOT TO SCALE



UNSUBDIVIDED



* LOTS WITHIN PHASE 3



CLEMENTE RANCH PARCEL 15

COE & VAN LOO
PLANNING • ENGINEERING • LANDSCAPE ARCHITECTURE

PHASE 3
LOTING EXHIBIT

4550 NORTH 12TH STREET
PHOENIX, ARIZONA 85014
TELEPHONE (602) 264-6831

JOB NO.
95-0086

SHEET
1 of 1

ORDINANCE NO. 2390

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD CONCEPTUAL (Z93-053, CLEMENTE RANCH) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place, and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the properties at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code.

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

SECTION 1. Legal Description of Property:

That portion of Sections 7 and 8, Township 2 South, Range 5 East of Gila and Salt River Basin within Maricopa County, Arizona, more particularly described in zoning case file Z93-053.

Note: The parcels identified as nos. 6 and 7 on Exhibit A were removed from the rezoning request during the Council meeting.

Said parcel is hereby rezoned from AG-1 to PAD subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development booklet, except that the single family (SF) designation underlying Parcel 1 Regional shall be stricken.
2. Construction shall commence above foundation walls on at least 10 units within 2 years of the effective date of the ordinance granting this rezoning or the zoning will revert to AG-1.
3. All the landscaping in rights-of-way and open spaces shall be maintained by the adjacent owner or a home owners association.
4. The conditions, covenants and restrictions (CC & R's) to be filed and recorded with this subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy, with the home owners association responsible for monitoring and enforcement of this requirement.
5. Dedication of rights-of-way in accordance with the Chandler Transportation Plan which are more specifically identified below. Arterial roads rights-of-way shall be dedicated to the City within 30 days of Council Action.
 - a. Alma School Road: 65 feet.
 - b. Dobson Road north of Queen Creek: 130 feet.
 - c. Dobson Road south of Queen Creek: 130 feet from Queen Creek south to the Commerce Drive alignment.
 - d. Queen Creek Road north of section line: 65 feet from Alma School east to the western limits of the project excepting that portion adjacent to the Bogle Junior High School.
 - e. Queen Creek Road south of section line: 32 feet south of the existing 33 feet from western limits of the project to existing Queen Creek Road right-of-way.

6. Design of the neighborhood and community park is conceptual only. Improvements and specific facilities shall be considered by the Parks and Recreation Board.
7. Preliminary Development Plans submitted for parcels within Phase 2 shall demonstrate a solution to the landuse interface along the northern side. Solutions may consider such techniques as a retention/open space area, a no building strip maintained in agricultural production or roadways.
8. Approval by the Zoning Administrator of specific landscape plans for open spaces and rights-of-way.
9. The north half of Queen Creek Road where adjacent to the property shall be constructed at the same time as the south half of Queen Creek Road adjacent to Ocotillo is constructed. If the planned construction of the south half of Queen Creek Road does not occur, the north half's construction shall commence during the calendar year 1995. In any event the north half's construction shall be completed by the end of January 1996.
10. The new Dobson Road construction (full width) shall be the responsibility of the developer.
11. The northern area within Phase 3 (formerly Phase 2) which is adjacent to the existing dairies shall be constructed in substantial conformance with Exhibit B, The Dairy Exhibit. More specifically, there shall be no homes constructed within the 250' - 300' wide area along the northern property line until the dairies have been abandoned and the improvements have been removed and the site has been cleared.

Notification shall be provided to the future homeowners within one quarter mile of the existence of the dairies. Such notification shall occur in the form of a buyer's acknowledgement at the time of closing and shall be identified in the development's CC&R's.

SECTION 2. Except where provided, nothing contained herein shall be construed to be an abridgement of any other ordinance of the City of Chandler.

SECTION 3. The Development and Community Services Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 22nd day of July, 1993.

ATTEST:

Carelynn Deena
CITY CLERK

Coy C Payne
MAYOR

PASSED AND ADOPTED by the City Council this 26th day of August, 1993.

ATTEST:

Carelynn Deena
CITY CLERK

Coy C Payne
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Ordinance No. 2390 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 26th day of August, 1993, and that a quorum was present thereat.

APPROVED AS TO FORM:

Dennis M. O'Neill
CITY ATTORNEY

Carolyn Duvon
CITY CLERK

PUBLISHED: 9/2/93 + 9/9/93

ORDINANCE NO. 3279

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, REZONING A PARCEL FROM PAD TO PAD AMENDED (DVR01-0014 CLEMENTE RANCH PARCEL 15) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

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

SECTION I. Legal Description of Property:

That portion of Section 8, Township 2 South, Range 5 East, Gila and Salt River Base and Meridian, records of Maricopa County, Arizona, being more particularly described as follows:

Lots 54 through 70, and 82 to 92 of Clemente Ranch Parcel 15, a subdivision of a part of Section 8, Township 2 South, Range 5 East, Gila and Salt River Base and Meridian, Maricopa County, Arizona, as recorded in Book 417, Page 41 Maricopa County, Arizona Records Office on June 12, 1996.

Said parcel is hereby rezoned from PAD to PAD (Planned Area Development) Amended subject to the following conditions:

1. Compliance with the original stipulations adopted by the City Council as Ordinance No. 2390, in case Z93-053 Clemente Ranch except as modified by condition herein.
2. Condition No. 11 of Ordinance No. 2390, providing for no construction on lots within 300 feet of the existing dairies shall not apply to the following lots 54 to 70, and 82 to 92.

3. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.
4. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
5. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Rezoning Application Request for Clemente Ranch Parcel 15" kept on file in the City of Chandler Current Planning Division, in file no. DVR00-0014, except as modified by condition herein. Lots 81, 104, 105, and 122 are specifically excluded from this rezoning request.
6. The covenants, conditions and restrictions (CC & R's) to be filed and recorded with the subdivision shall mandate the installation of front yard landscaping within 180 days from the date of occupancy with the homeowners' association responsible for monitoring and enforcement of this requirement.
7. The landscaping in all open spaces and rights-of-way shall be maintained by the adjacent property owner or homeowners' association.
8. The side yard setbacks shall be no less than 5 feet and 10 feet.
9. The homes shall have all copper plumbing lines for those lines under pressure.
10. The same front elevation shall not be built on adjacent or opposite lots.
11. The "Public Subdivision Report", "Purchase Contracts", and CC&R's shall include a disclosure statement outlining that the site is adjacent to agricultural properties that contain existing dairies and shall state that such uses are legal and should be expected to continue indefinitely.
12. Staggered front and rear building setbacks for adjacent house locations shall occur throughout entire subdivision.

13. The applicant shall work with Staff to create a dedicated access path to provide access to future open space to be located to the north or west of Parcel 15.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 28th day of June 2001.

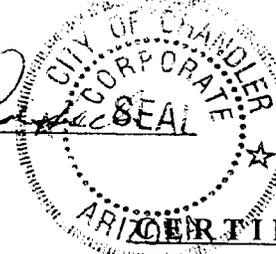
ATTEST:

 *Maria Rodriguez*
asst CITY CLERK

Jill Libbey
MAYOR

PASSED AND ADOPTED by the City Council this 9th day of July 2001.

ATTEST:

 *Maria Rodriguez*
asst CITY CLERK

Jill Libbey
MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3279 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 9th day of July 2001, and that a quorum was present thereat.

Maria Rodriguez
CITY CLERK

APPROVED AS TO FORM:

Dennie M. O'Neill
CITY ATTORNEY

PUBLISHED:

8/8/01
8/13/01

RC Dairy, Inc.



Richard and Claudia Dugan

2481 S. Dobson Rd.
Chandler, AZ 85248-2303
(480) 963-7492
Fax (480) 963-1464

January 9, 2007

Mr. Jeff Kurtz
Planning Director
215 E. Buffalo Street
Chandler, AZ 85225

Re: RC Dairy – Dobson and Germann Roads

Dear Jeff:

As you know, in the summer of 2006, I entered into escrow with Maracay Homes for the purchase of my dairy property located at the southeast corner of Dobson and Germann Roads. Maracay Homes is currently in the process of obtaining zoning and development plan approvals from the City of Chandler.

The dairy will begin to be cleared in the next couple months. It is anticipated that the cows will be moved off the land by May 1, 2007. Given this, there is no longer a need for the buffer area between my dairy and the Clemente Ranch subdivision.

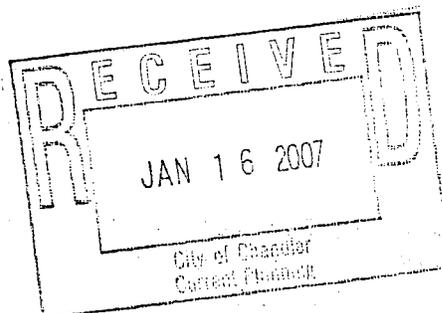
Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Richard Dugan".

Richard Dugan

Cc: David Garcia, Shea Homes



TOTAL P.002

**Shea Homes
Clemente Ranch
Modification to Ordinance Nos. 2390 and 3279**

**Project Narrative
Submitted: October 2006
Revised: December 19, 2006**

Overview

In July 1993, the Chandler City Council approved Ordinance No. 2390 for Clemente Ranch, a single-family subdivision by Shea Homes located south and east of the southeast corner of Dobson and Germann Roads. As part of the approved Ordinance, Condition No. 11 stipulated that no construction on lots within 250' to 300' of the surrounding dairies could occur until the surrounding dairies have been abandoned and any improvement removed and cleared from the sites.

At the time of the original zoning case, a total of 84 lots were affected by the 250' to 300' buffer area, and as such, could not be built. However, in 2001, Shea Homes filed an application to modify the original zoning and to eliminate this stipulation for 28 of the affected homes in Parcel 15, as certain aspects of the adjacent dairy, namely the lagoons, had been moved further away from these lots. This request was approved on June 12, 2001 as Ordinance No. 3279 (DVR01-004 Clemente Ranch Parcel 15). As a result, the 28 homes were successfully constructed shortly thereafter.

Today, the entire Clemente Ranch subdivision is built-out, with the exception of those lots that are within the mandated buffer area of the adjacent dairies, which include 42 lots on parcel 2 and 14 lots on parcel 15, a total of 56 lots remaining to be developed.

On June 7, 2006, Mr. Richard Dugan of RC Dairy, Inc. sent a letter to the City of Chandler as notice that he had reached an agreement with Maracay Homes for the purchase of his dairy which is adjacent to parcels 2 and 15 of Clemente Ranch. This letter, included as part of this application for reference, indicates that RC Dairy is currently in the process of moving its operations off the land and that with the sale of the property Shea Homes should be afforded the opportunity to construct the remaining lots that fall within the buffer area to the adjacent dairy.

Recently, Shea Homes has also been made aware that Maracay Homes has initiated rezoning efforts for this dairy property, entitled Stonefield II. The request

is for a planned area development and preliminary development plan for single family residential zoning (Case No. DVR06-0057).

Project Description

This application includes a request to amend two of the conditions of the existing Zoning Ordinances for the Clemente Ranch subdivision, Ordinance No. 2390 and Ordinance No. 3279.

Condition No. 11 of Ordinance No. 2390 stipulates that "there shall be no homes constructed within the 250' to 300' wide area along the northern property line until the dairies have been abandoned and the improvements have been removed and the site has been cleared."

This condition required that three things be accomplished prior to construction on the lots within the required buffer area:

1. The dairies be abandoned;
2. All improvements be removed from the property;
3. The site be cleared.

The above items are in the process of being satisfied as demonstrated by Mr. Dugan's letter. The letter states that the dairy is in the process of moving its operations off the property and abandoning the site. Shea Homes requests this modification at this time in order to begin construction on the lots that fall within the buffer area prior to the clearing of the site, as stipulated. The adjacent property is no longer intended to be used as a dairy and its operations are being moved from the site; however, Shea Homes has no control over the timing of the improvements on the site being removed and the site being cleared, and therefore, requests this proposed modification to allow the construction on the remaining undeveloped lots.

Maracay Homes' current rezoning efforts are intended to revise the current land use to single family residential. With both projects proposing residential units, the original concept of a buffer is obsolete and unnecessary. Maracay Homes has scheduled a neighborhood meeting for December 19, 2006 and they anticipate City public hearings to follow shortly thereafter.

The applicant is working with staff for a modification to the existing Preliminary Development Plan for the product that was originally approved for the Clemente Ranch subdivision. This request is being handled as an administrative item and is not included with this application.

Additionally, Condition No. 9 of Ordinance No. 3279, which was approved in 1993 as a result of a modification to the existing Zoning Ordinance for the

Clemente Ranch Subdivision, stipulates that “the homes shall have all copper plumbing lines for those lines under pressure.”

This application to modify the existing Ordinances for Clemente Ranch includes a request to modify Condition No. 9 of Ordinance No. 3279 to allow the use of PEX piping in lieu of copper plumbing. PEX piping, a relatively newer alternative to copper lines, has been approved for use in other projects within the City of Chandler and is manufactured, tested and approved according to stringent national ASTM and NSF standards.

Conclusion

Shea Homes is eager to complete the development and build-out of the remaining 56 lots on Parcels 2 and 15 within the Clemente Ranch subdivision. Since the adjacent RC Dairy is in the process of selling its land and moving its operations off the property, combined with Maracay Homes' application to rezone and develop the property, the buffer that currently exists between the Clemente Ranch subdivision and the adjacent dairy is no longer necessary and therefore, Shea Homes requests this modification to the Zoning Ordinance in order to remove Stipulation No. 11 concerning the buffer area. Additionally, Shea Homes requests the ability to use PEX piping in lieu of copper plumbing, by amending Condition No. 9 of Ordinance No. 3279.

ORDINANCE NO. 3881

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM PLANNED AREA DEVELOPMENT (PAD) TO PAD (AMENDED) (DVR06-0054 CLEMENTE RANCH) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

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

SECTION I. Legal Description of Property:

See Attachment 'A'

Said parcel is hereby rezoned from PAD to PAD, subject to the following conditions:

1. Compliance with the original stipulations adopted by the City Council as Ordinance No. 2390, in case Z93-053 Clemente Ranch, except as modified by condition herein.
2. Condition No. 11 of Ordinance No. 2390, providing for no construction on lots within 300 feet of the existing dairies shall no longer apply.
3. Future lots adjacent to Dobson Road, specifically lots 38, 39, and 40, shall be limited to no more than one two-story home for every third lot.

ATTACHMENT 'A'
LEGAL DESCRIPTION
CLEMENTE RANCH

Parcel 2:

Lots 17-40, 69-78, and 88-95 of the Final Plat of Clemente Parcel 2, as set forth in Book 417 of Maps, Page 39, according to the Maricopa County Recorder's Office Docket No. 96-0413784 recorded on 6/12/96.

Parcel 15:

Lots 71-81, 104-105 and 122 of the Final Plat of Clemente Parcel 15, as set forth in Book 417 of Maps, Page 41, according to the Maricopa County Recorder's Office Docket No. 96-0413786 recorded on 6/12/96.