

# Tonto Hills Improvement Association

President: Michael Jans  
Vice President: Ann Dichiara  
Treasurer: Mark LaLiberte  
Secretary: Diana Cole

## Board of Directors SPECIAL Meeting Minutes Tuesday, March 23, 2021

Due to the pandemic, this meeting was conducted via Zoom webinar.

- I. Call to Order: 6:32 p.m.
- II. Roll Call
  - A. Present – Diana Cole, Ann Dichiara, Jim Gibbs, Jacki Hoagland, George Hoxie, Michael Jans, Mark LaLiberte, Jamie Norris, Bud Tolp
  - B. Guests – Steve Rensel and Kym Westhoff were part of the panel. 8 additional Tonto Hills residents were in attendance.
- III. Consent Agenda Items:
  - A. Acceptance of Meeting Agenda of 03/23/21
    - i. Diana Cole made a motion to accept the agenda with a deletion of the agenda item Open Forum. Ann DiChiara – 2<sup>nd</sup>. The motion passed.
- IV. New Business
  - A. Clarification regarding parking on commercial tracts by adjacent businesses per the Tonto Hills Declaration of Restrictions
    - i. Kym Westhoff and Steve Rensel both discussed issues relating to their interpretation of the D of R's.
      - a. Kym Westhoff reviewed the whitepaper titled - Tract G\_Raven's View Historical Analysis 1 and 2 - March, 2021 (both attached)
      - b. Steve Rensel stated
        1. Tract G is no longer in existence because we have APN numbers or parcel numbers for each section
        2. What's described in the DoR's regarding the parking tracts is a use, not an entitlement, it's not an easement, and Kym Westhoff and he each have 50% of it, so they are sharing.
        3. That the balance of the parking tract has been cut up and is now intended for future development.
        4. That a precedent was set previously at the fire department, kachina and building across from Ravens View where the parking tracts were incorporated into the lots.
        5. That once a tax lien has been awarded or through foreclosure any other encumbrances on the land are null and void except taxes owed.
        6. That it's zoned C2. Zoning law trumps DofR's. That we always go with the more stringent rules.
      - c. Kym Westhoff also stated
        1. No documents say that you lose the right to an easement if the parcel is renumbered.
        2. That combining parcels does not negate the right of the owner to parking tract usage.

- ii. It was discussed that Steve Rensel's lot parcel number of 219-12-230A has a description on the Maricopa County Assessor's website as TONTO HILLS MCR 93/5 TRACT G.
- iii. Mark LaLiberte made a motion that the Board uphold the DoRs and acknowledge the right of businesses to use adjacent parking tracts, as recognized in the Amended DoR's, Section 17 and it's subparagraphs and amendments specifically the April 20, 1961 Amendment Docket 3667, page 259, records of Maricopa County which states: (h) The Sections created by and designated as Tracts F, G, H and J are particularly restricted for use as driveways and parking areas for use in connection with the lots as follows:
  - a) Tract F for Lots 201 through 208 inclusive,
  - b) Tract G for Lots 209 through 212 inclusive,
  - c) Tract H for Lots 213-218 inclusive,
  - d) Tract J for Lots 219 through 223 inclusive.And that Ravens View is included in that paragraph.

Ann DiChiara – 2<sup>nd</sup>. There was a roll call vote. The motion passed 8 – yes; 1 – abstain (George Hoxie).

- V. Adjournment – Michael Jans made a motion to adjourn at 7:08 PM. Ann DiChiara- 2<sup>nd</sup>. The meeting was adjourned.

Diana Cole 5/6/21

Diana Cole, Secretary