

TOWN OF PARADISE VALLEY

Mummy Mountain Preserve Trust Update Our 20th Year!

**Joan Levinson, Chair
January 11, 2018**



Mummy Mountain

“To preserve what cannot be replaced by man.”



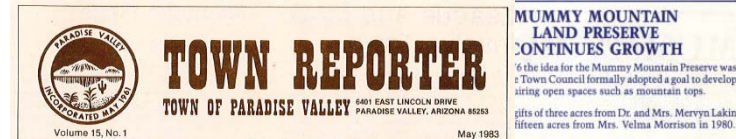
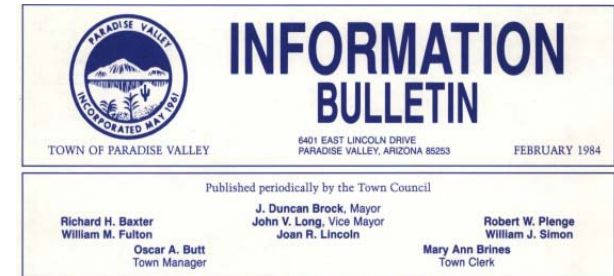
In 1997 Resolution #923 established the Mummy Mountain Preserve Trust to continue the 1976 goal of acquiring open space on Mummy Mountain...

THE FAMILY CIRCUS, By Bil Keane



History

- In 1976 Town formally adopted a goal to acquire open space on Mummy Mountain, the only mountain entirely located in Paradise Valley
- First donation made in 1978
- In 1983 Council was told it would cost \$15 million to acquire 300 acres on top of the mountain (\$50,000/acre)
- In 1997 the Mummy Mountain Preserve Trust was created



Mummy Mountain Preserve

On March 24 Mr. Foorman Mueller presented to Mayor Brock the deed to 33 acres on the top of Mummy Mountain donated to the Town by Burns Investment Opportunities, Inc. The land is to be maintained in a natural and wilderness state forever with no access, usage or trespass allowed.

With the acquisition of this parcel there are now a total of 84 acres in the Mummy Mountain Preserve. Initially a 33 acre parcel was donated to Maricopa County as a bird sanctuary by G.B. McKinley. Then the Town was given 3 acres by Dr. and Mrs.

Mervyn Lakin in September 1978, and Mrs. Velma Morrison donated 15 acres on December 4, 1980.

Last September Mr. Mueller was appointed by Mayor Brock to study the feasibility of acquiring land on Mummy Mountain for a mountain preserve. At that time the Council placed a six month moratorium on the recordation of any new subdivisions on the mountain, and Mr. Mueller was charged with completing his study and reporting to the Council before the moratorium ended. At the conclusion of his assignment Mr. Mueller reported to the Council

that the approximate value of the 300 acres on the top of Mummy Mountain was \$15,000,000. In addition to the 33 acres from Burns, Mr. Mueller has received a letter from Philip F. Schneider, Jr. and W.A. Franke, the owners of approximately 36 acres on Mummy Mountain, which includes a portion of the mountain top, stating that they are seriously considering the possibility of donating a portion of their property, including the mountain top, to the Town. Mr. Mueller suggested the program be expanded beyond gifts of property on the mountain itself to gifts of property any place within the Town. Burns Investment has also given the Town an option to purchase 12 of the uppermost lots in La Place du Sommet at their fair market value until January 13, 1984. Mr. Mueller suggested that a property gift without restrictions which the Town could subsequently sell, as well as cash donations, would provide funds to purchase one or more of the 12 lots.

Mr. Mueller also advised the Council that he had received assurance of private funding by neighbors to repair the scarring on the south side of Mummy Mountain at Glen Drive. He will move along as quickly as all of the details can be put together. The Town of Paradise Valley is very proud of Foorman Mueller, and all citizens owe him a great debt of gratitude.

MUMMY MOUNTAIN LAND PRESERVE CONTINUES GROWTH

The idea for the Mummy Mountain Preserve was the Town Council formally adopted a goal to develop existing open spaces such as mountain tops.

Gifts of three acres from Dr. and Mrs. Mervyn Lakin fifteen acres from Mrs. Velma Morrison in 1980.

3-acre parcel was donated to Maricopa County by Dr. and Mrs. Mervyn Lakin in 1978. That land, designated as a bird sanctuary, was annexed to the Town.

1983 Burns Investment Opportunities, Inc. gave 33 acres of Mummy Mountain to the Town, making the total 84 acres in the Mountain Preserve. Negotiations underway to obtain additional acreage through

the Town Council would like to acquire the entire top of the mountain, approximately 300 acres in all, including the 84 mentioned above. That land will have to be donated to or purchased by the Town. A Bank has been established for this purpose.



Left to right: Joe Adams, Burns Investment; Mayor J. Duncan Brock, Town Manager; Oscar A. Butt, Foorman Mueller, Chairman Mountain Preservation Committee.

Purpose

Acquire, maintain, preserve and protect in perpetuity undeveloped and developed property that can be returned to its natural state, and conservation easements on and around the mountain areas in the Town of Paradise Valley.

Trust operates as 501©(3) charitable organization



Mummy Mountain Preserve Trust

Board of Directors

Name	Member Since
• G. Bernard Barry	• 2003
• Ron Clarke	• 2012
• Joan Levinson	• 2005
• Fred Pakis	• 2005
• Phil Schneider	• 2005
	• 2010



Historically, five Trustees appointed by the Mayor & confirmed by the Council serve three-year staggered terms

Powers and Duties

- Accept donations of land (not just on Mummy Mountain), cash, investments, and other assets
- Land maintained in its natural state in perpetuity
- Land may not be sold, traded, re-designated, leased, or subleased
- No access or use of Mountain Preserve land shall be permitted (police and utility exception)
- Trust may inspect, review, and monitor property
- May undertake cleanup of property



Mountain Preserve

- Of the 320 acres originally identified, approximately 235 acres are now in the Preserve
 - 195-acres in fee title
 - 40-acres conservation easement
- Trust is working to identify land on Camelback Mt & Phoenix Mountain Preserve for preservation

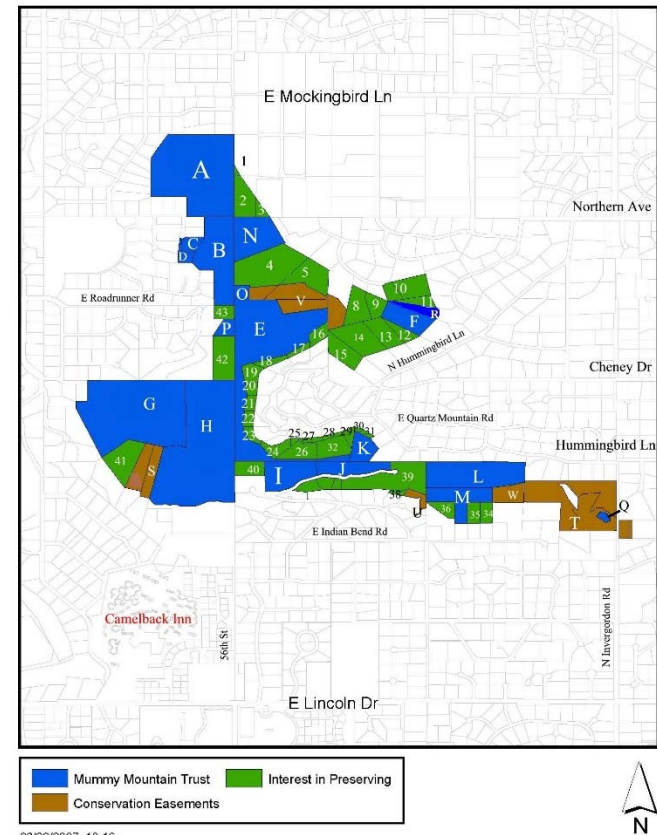


Donations

Year of Donation	Donor	Address	Acres Donated	Parcel	Map Key
2006	DC Paradise LLC	5800 E. Foothill Drive	10 Conservation Easement	169-04-030B	V
2005	Robert and Carole Griego	6134 E. Indian Bend Road	2.98 acre Conservation Easement	169-01-007T	W
2005	Anthony and Jeanne Pavio	7040 N 59 th Pl	1.02 acre Conservation Easement	169-55-040A	U
2003	Stewart Title and Trust	244 W. Osborn Rd, Phx	1.5	169-06-102	C
2003	Donahoe (settlement) Technically not in the Trust. The Town will control the easements until development issues are resolved.		.45 acres in title 19.67 in Conservation Easement plus additional easements	169-01-003F 169-01-003C, D, G	T
2002	Lyle and Nancy Campbell	7837 N. 54 th Place	1.21	169-06-073	D
2001	Curtis and Celeste Dickman	5526 E. Roadrunner Rd	1.5	169-54-030C	P
2000	Richard and Carole Kraemer	5843 E. Foothills Drive North	9.5	169-04-029B	N
1999	David and Jill Christenholz	5800 E. Foothill Drive	1.157	169-04-030A	O
1999	Maricopa County		31	168-76-001B	A
1997	Morris Gilburne (settlement)	5700 Glen Drive	11.5 (purchased through condemnation)	169-55-038A 169-55-038B	I & J
1993	Philip and Nancy Schneider		5.80	169-01-007W	M
1993	William Franke		13.92	169-01-007Q	L
1989	Camelback Inn		41.71	169-06-007F	H
1989	Francis Trecker Trust	7100 Mummy Mountain	6 Conservation Easement	169-06-008 L 169-06-008 M	S
1987	Jack and Diane Peterson		.25 Conservation Easement		
1986	Carl Yarbrough		.301	169-04-009	R
1984	Michael D. Greenbaum		28.36	169-06-003H	G
1983	La Place du Sommet LLC		32	169-02-022B	E
1978	Mervyn and Lorraine Lakin		3.10	169-02-004Q	K
	Steer		5.21	169-04-008A	F
	Morrison		15.09	169-06-004E	B



Mummy Mountain Preserve Trust



Current and Future Activities

- Trust Document – Organizational Changes
 - Rename and rebrand to Paradise Valley Mountain Preserve Trust
 - Increase members from 5 to 7
 - Amend terms of office to start April 1



Donation Outreach Efforts

- Update property interest & ownership lists
- Develop Donation Process Guide
 - Suggested Appraisers
 - Tax opinion letter
 - Information on future development rights after donation

POTENZA CPA, P.C.

JANE K. POTENZA, CPA

February 13, 2013

Mr. Frederick Palis
8115 N. Mohave Road
Paradise Valley, Arizona 85253

RE: Qualified Conservation Contribution Update

Dear Fred:

Considering the recent tax increases that have impacted high net worth individuals, we would like to share with you some good news concerning tax legislation. The Act of 2012 ("the 2012 Taxpayer Relief Act") extended the enhanced charitable contribution deduction (100% for qualified farmers, ranchers, and other charitable contributions with a 15-year carryover period) for two years to apply to such contributions made effective for tax years beginning before December 31, 2005, and revised limitation and enhanced carry forward rules encourage qualified conservation contributions.

The special income tax incentives extended by the 2012 Taxpayer Relief Act of 2012 ("the 2012 Taxpayer Relief Act") extended the enhanced charitable contribution deduction (100% for qualified farmers, ranchers, and other charitable contributions with a 15-year carryover period) for two years to apply to such contributions made effective for tax years beginning before December 31, 2005, and revised limitation and enhanced carry forward rules encourage qualified conservation contributions.

Generally, the total of all charitable contributions deducted in a year cannot exceed 30% of the individual's adjusted taxable income, computed without regard to the deduction or to any net operating loss carryback. However, in a limited number of cases, qualified conservation contributions are not subject to the 30% limitation. For example, in the case of a qualified conservation contribution above the 30% limitation, the deduction of up to 50% of adjusted taxable income. Qualified conservation contributions may be carried forward for 15 years.

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TOWN ATTORNEY LEGAL MEMORANDUM

TO: Mummy Mountain Preserve Trust (MMPT) Members
FROM: Andrew M. Miller, Town Attorney
SUBJECT: Different Impacts of Donating Fee Title as Compared to a Conservation Easement
DATE: April 1, 2016

Members of the MMPT, I was asked to provide a brief summary of the differences between a donation of property in fee title to the MMPT as compared to the donation of a conservation easement. I have listed those differences below. Please also note that the interpretations that rely on the Zoning Ordinance have been reviewed with the current Community Development Director/Zoning Administrator, Eva Cutro, who is in full accord with the items noted below.

Donation of Fee Title:

- May have a larger valuation for tax deduction purposes as all rights in the property being donated are now transferred to the MMPT
- Removes the donated area from the property tax rolls for the property; thereafter the MMPT will receive a property tax bill for that area (which I request a non-profit exemption for each year)
- The donated area cannot be used for certain "land use rights" on the remainder of the donating owner's property, that is, for FAR, setback, and disturbance area calculations (see the contrasting land use rights for conservation area donations noted below)

Donation of a Conservation Easement

- May have a lesser valuation for tax deduction purposes (appraisals are actually secured by the owner who donates the conservation easement, not the MMPT)
- Does not remove the part donated from the tax rolls but arguably has a reduced land value for the property as a whole; owner needs to raise with the Assessor
- The donated "conservation easement area" can be used for "land use rights" on the remainder of the donating owner's property, that is, for FAR calculations, setback measurements, disturbance area, and other uses, but cannot be occupied or "developed" by the owner of the remainder of the parcel
- Actual construction on, access to, or rights to occupy the conservation easement area would not be allowed on the conservation easement area

Please advise if you have additional questions or would like to see additional research or examples of the application of the land use rights noted above on a sample lot plan or other exhibit.



Recognition of Donors

THE FAMILY CIRCUS By Bil Keane



- Create an “art piece” on Town-owned property recognizing people and organizations for donations of land and money to the Trust

*Thank
you* 



Questions?

