

**ORDINANCE 2004 A275**

**AN ORDINANCE OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING AN AMENDMENT TO THE ZONING MAP OF THE PLANNING AND ZONING ORDINANCE FOR PARCEL 404-02-035E FROM R1-35 TO R1L-70 FOR 38.63 ACRES. THIS REZONING IS TO ALLOW FOR THE DEVELOPMENT OF DIAMOND CREEK NORTH SUBDIVISION. THE LOCATION OF THE SITE IS OFF STOLEN BOULEVARD.**

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*WHEREAS*, the Town of Camp Verde adopted the Planning and Zoning Ordinance in Ordinance 87 A23, approved July 9, 1987 and,

*WHEREAS*, Section 113 of the Planning and Zoning Ordinance allows for the amendment, supplement or change of zoning boundaries or zoning text regulations of the Planning and Zoning Ordinance by the Town Council and,

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE:**

Section 1:

- I The Town Council here by finds as follows:
  - A. A request for **Zoning Map Change 2004-02** was filed by Dugan McDonald, agent for Howard Lavitt, owner, for the purpose of rezoning parcel **404-02-035E, from R1-35 and to R1L-70**. The legal description is attached as **Exhibit A**.
  - B. The Zoning Map Change was reviewed by the Planning Commission on **April 1, 2004** in public hearing that was advertised and posted according to state law and by the Town Council on **April 28, 2004**.
  - C. The proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.
  
- II. **Zoning Map Change 2004-01** is approved, based upon the following findings:
  - A. The zoning map change will not injure the public health safety, or welfare of the general public.
  - B. The property is designated Agriculture/ Residential in the Town's General Plan Land Use Map; therefore, the proposed zoning map change is consistent with State Planning Law and the requirements of the Camp Verde Zoning Ordinance.

- C. The Town Council hereby approved **Zoning Map Change 2004-02** for the purpose of the development of Diamond Creek North Subdivision.
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Section 2. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.

Section 3. This ordinance is effective upon completion of publication and any posting as required by law.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

*PASSED AND ADOPTED by a majority vote of the Town Council in an open meeting by the Town Council, Town of Camp Verde, Arizona, on the **28th day of April 2004**, to be effective when publication and posting, pursuant to ARS 9-813, is completed.*

Approved: Mitch Dickinson  
Mitch Dickinson, Mayor

Date: 4/28/04

Attest: Deborah Barber  
Deborah Barber, Town Clerk

Approved as to form:

Julie Kriegh  
Julie Kriegh, Town Attorney

EXHIBIT A

PARCEL 1:

The Southeast quarter of the Southwest quarter of Section 5, Township 13 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

EXCEPTING the following described tracts:

- A. BEGINNING at the Southeast quarter of said Southwest quarter of the Southwest quarter;
- Thence East along the South line thereof, 911.5 feet to a point;
- Thence North 0 degrees, 19 minutes, West, 1045.5 feet to a point;
- Thence South 89 degrees, 56 minutes, West, 417.4 feet to a point;
- Thence Northerly to a point on the North line of said Southeast quarter of the Southwest quarter that is distant North 89 degrees, 56 minutes, East, 493.5 feet from the Northwest quarter of said Southeast quarter of the Southwest quarter;
- Thence South 89 degrees, 56 minutes, West, along the North line, 493.5 feet to the Northwest quarter of said Southeast quarter of the Southwest quarter;
- Thence South 0 degrees, 18 minutes, East, along the West line of said Southeast quarter of the Southwest quarter to the POINT OF BEGINNING.
- B. BEGINNING at the Southwest corner of said Southeast quarter of the Southwest quarter;
- Thence East, along the South line thereof, 911.5 feet to a point;
- Thence North 0 degrees, 19 minutes, West, 1045.5 feet to the POINT OF BEGINNING;
- Thence South 89 degrees, 56 minutes, West, 417.4 feet to a point;
- Thence Northerly to a point on the North line of said Southeast quarter of the Southwest quarter that is distant North 89 degrees, 56 minutes, East, 493.5 feet from the Northwest corner of said Southeast quarter of the Southwest quarter;
- Thence East along the North line of said Southeast quarter of the Southwest quarter, 417.4 feet;
- Thence South to the POINT OF BEGINNING.

PARCEL 2:

The Southwest quarter of the Southeast quarter of Section 5, Township 13 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

EXCEPTING the East 416 feet thereof;

EXCEPTING the East 30 feet of the South 666 feet of that parcel recorded in Book 593 of Official Records, Page 574, Yavapai County, Arizona Recorder's Office.