



## **RESOLUTION 2006-677**

**A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, ADOPTING FINAL PLAT 2006-06 FOR MILLWOOD ESTATES SUBDIVISION LOCATED ON 50.36 ACRES CONSISTING OF PARCELS 404-04-021 & 404-05-085. THIS PROJECT IS LOCATED OFF OF QUARTERHORSE LANE.**

***WHEREAS***, a request for a final plat (2006-06) approval was filed by Jeremy Bach, agent for AZ North Enterprises, owner of the 50.36 acres consisting of tax parcels 404-04-021 & 404-05-085, for Millwood Estates Subdivision; and

***WHEREAS***, a preliminary plat was heard by the Planning Commission on November 3, 2005 and by the Common Council on November 16, 2005 in public hearings that were advertised and posted according to state law; and

***WHEREAS***, the purpose of the Final Plat is to allow for the development of a residential subdivision and to subdivide 50.36 acres consisting of parcels 404-04-021 & 404-05-085 into 30 lots; and

***WHEREAS***, the construction plans have been reviewed and approved by the town engineer, Arizona Engineering; and

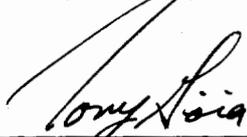
***WHEREAS***, the proposed subdivision will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved with the following stipulations:

- 1) AZ North Enterprises will improve that portion of Quarter Horse Lane adjacent to the development to Town standards;
- 2) applicant will complete voluntarily such drainage mitigation improvements as described on Exhibit A;
- 3) applicant will execute four lot tie affidavits in favor of the Town for a total number of lots not to exceed 26 residences;
- 4) applicant will record CC&R's applicable to the proposed subdivision that include a provision prohibiting further lot splits; and
- 5) upon the applicant's determination of the number of ditch and water rights needed on the subdivision, the developer shall voluntarily transfer 23 acre feet of water rights to the Town of Camp Verde.

**NOW THEREFORE THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE RESOLVE, TO ADOPT FINAL PLAT 2006-06 FOR MILLWOOD ESTATES SUBDIVISION, SUBJECT TO THE FOLLOWING STIPULATIONS:**

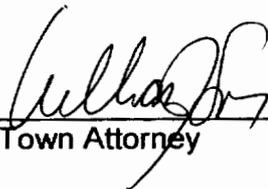
- 1) THE APPLICANT WILL IMPROVE QUARTER HORSE LANE;
- 2) APPLICANT WILL COMPLETE DRAINAGE MITIGATION IMPROVEMENTS IN THE MANNER DESCRIBED ON EXHIBIT A;
- 3) APPLICANT WILL EXECUTE FOUR LOT TIE AFFIDAVITS IN FAVOR OF THE TOWN FOR A TOTAL NUMBER OF LOTS NOT TO EXCEED 26 RESIDENCES;
- 4) APPLICANT WILL RECORD CC&RS AT THE TIME OF RECORDATION OF THE FINAL PLAT APPLICABLE TO THE MILLWOOD ESTATES SUBDIVISION THAT INCLUDES A PROVISION PROHIBITING FURTHER LOT SPLITS; AND
- 5) UPON APPLICANT'S DETERMINATION OF THE NUMBER OF DITCH AND WATER RIGHTS NEEDED ON THE SUBDIVISION, THE DEVELOPER SHALL VOLUNTARILY TRANSFER 23 ACRE FEET TO THE TOWN OF CAMP VERDE.

**PASSED AND APPROVED** by a majority vote of the Town Council of Camp Verde, Arizona, this 22<sup>nd</sup> day of March 2006.

  
\_\_\_\_\_  
Tony Gioia, Mayor

Date: 3-31-06

Approved as to Form:

  
\_\_\_\_\_  
Town Attorney

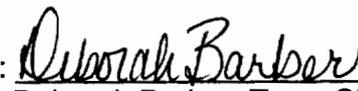
Attest:   
\_\_\_\_\_  
Deborah Barber, Town Clerk

Exhibit "A" Resolution 2006-677



Diamond S Ditch, Inc.  
P. O. Box 1836  
Camp Verde, AZ 86322

Wednesday, March 01, 2006

A proposed resolution by the board of the Diamond S Ditch to accept the provisions of the letter submitted from Luke Safton dated February 23, 2006 is accepted with the provision that the response be drafted and sent by Richard Maybery to the Camp Verde Town Planner Nancy Buckel. This response is to indicate that the proposal from Luke Safton is a reasonable offer based upon several meetings with board members and is accepted as a compromise solution to the problem. It is also to indicate that the Board still expects to see engineering and surveys relating to the proposal.

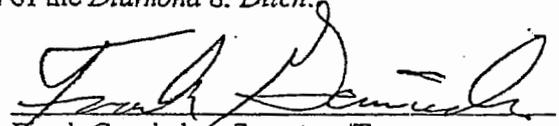
From the minutes of the board meeting of the Diamond S Ditch, February 27, 2006.

Frank Geminden  
Secty/Treas  
Diamond S Ditch

Exhibit "A" Resolution 2006-677

**CERTIFICATION OF RESOLUTION**

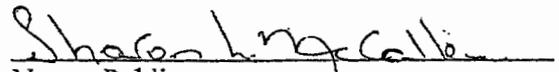
On this 9 day of March, 2006, personally appeared Frank Geminden, as Secretary/Treasurer of the *Diamond S. Ditch*, an Arizona non-profit corporation, who acknowledged that the attached Resolution of the *Diamond S. Ditch* dated March 1, 2006, is a true and correct copy of the Resolution adopted by the Board of Directors of the *Diamond S. Ditch*.

  
Frank Geminden, Secretary/Treasurer  
*Diamond S. Ditch*

State of Arizona     )  
                                  ) ss.  
County of Yavapai    )

On this, the 9 day of March, 2006, before me, the undersigned Notary Public, personally appeared **DIAMOND S. DITCH**, an Arizona non-profit corporation, through its duly authorized officer, **FRANK GEMINDEN**, Secretary/Treasurer, known to me, or satisfactorily proven to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same for the purposes therein contained, being fully authorized and empowered for and on behalf of the corporation to do so.

**IN WITNESS WHEREOF**, I have hereunto set my hand and official seal.

  
Notary Public

My commission expires: 2.08.09

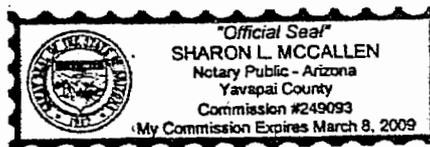


Exhibit "A" Resolution 2006-677



SOUTHWESTERN  
ENVIRONMENTAL  
CONSULTANTS, INC.

E-mail: info@sec-landmgr.com  
www.sec-landmgr.com

February 23, 2006

Diamond S Ditch INC  
Board of Directors  
P.O. Box 1836  
Camp Verde, AZ 86322

RE: Millwood Estates

Dear Directors:

For our mutual understanding as of our last meeting, the agreements are as follows:

1. The Irrigation system as designed by SEC, Inc. is acceptable to the DSD board. The existing concrete will be removed and sloped at a 4:1. Excess concrete or materials (dirt) from the project will be at the disposal of DSD for their use. Any Material left at the completion of the development's improvement will be removed by AzNorth unless prior arrangements have been made with the DSD.
2. Easement: Heritage Land Survey has been retained to survey the top of bank, edge of roadway bank and bottom of roadway bank. This will be added to the plat as the easement for the DSD. The easement is to maintain a 20 foot roadbed. The slope is to be 4:1 but in some locations, with the approval of the DSD where it will impact the building setbacks, this could be reduced. Before recording the final plat, the DSD board will be given the plat for review. No fences are to be constructed within the easement (this is on the plat).
3. Access points: The plat shows two access points at Track B and Quarterhorse Lane. In addition, the 15 foot easement at the northwest corner of the property that extends to the southwest will give DSD a turn-around point or possibly a third access point. The access point at Quarterhorse Lane will be re-graded to allow access directly from Quarterhorse Lane. The bank in this location will be graded to 4:1 slope.
4. Drainage:
  - a. The plat now shows an additional 15 foot wide easement along the west side of the upper half of the property and a 30 foot easement along the south property line and the west side of the lower half of the property for the use by the DSD for any future drainage improvements.

*Growth is inevitable...it's planning that makes the difference.*

Exhibit "A" Resolution 2006-677

Diamond S Ditch  
Board of Directors  
February 15, 2006  
Page 2 of 3

---

- b. AzNorth will install a 48 inch CMP under the ditch at Track B (not to exceed \$30,000). This will drain to the existing ditch along the west side of the lower half of the property. This pipe under the ditch will eliminate the adjacent ponding on the north side of the irrigation ditch and will reduce the runoff that is now impacting the irrigation ditch. AzNorth will further design and build a 48 inch cmp across Quarterhorse Lane that will extend to the floodplain to the south (approx 750 LF).
- c. Randy McDonald will construct the pipe on Mr. Kim's property and AzNorth will pay Mr. Randy McDonald an amount not to exceed \$75,000 at the start of the project.
- d. In the location of the 2<sup>nd</sup> drainage point near Quarterhorse Lane, AzNorth will reinforce 200f of the roadbed. AzNorth will install a 24 inch CMP under the Ditch that will drain the existing detention pond on Diamond Creek and will drain between lots Lots 21 and 22. This improvement is not to exceed \$10,000. DSD will build up the bank around the detention basin of Diamond Creek subdivision with dirt provided by AzNorth.

Please comment if you feel that I have misunderstood anything that we have talked about. Thank you for your time and understanding. Without you and some great ideas, we would not have had a great solution. I look forward to working with you and hope this path continues.

Sincerely,



Luke A. Sefton P.E., C.F.M.  
Vice President

LAS:bhm

c: Tony Cullum  
Rick Mabery  
Jeremy Bach/AzNorth

05-0303CEH

---

By signing below, the Diamond S Ditch Company approves Items 1 through 4:

---

Dick Tinlin, President

---

Charles Wilbers, Vice President

---

Frank Geminden, Secty/Treasuer

---

Clive Jordan, Member

---

Ben Pemberton, Member

---

Kevin Hauser, Member

---

Camron Brees, Member

  
Young Ho Kim, Property Owner

  
\_\_\_\_\_  
Jeremy Bach, AzNorth

FROM :

FAX NO. :9282820731

Mar. 09 2006 12:20PM P2



SOUTHWESTERN ENVIRONMENTAL CONSULTANTS, INC.

E-mail: info@sec-landmgt.com www.sec-landmgt.com

03-09-06P02:27 RCVD

March 8, 2006

Mr. Michael Parry  
1674 Fort Apache  
Camp Verde AZ 86322

RE: Millwood Subdivision

Dear Mr. Parry:

AZNorth, along with the Diamond S Ditch Company, are proposing to install a 48-inch culvert under the Ditch on Mr. Jacob Reay's property that will then cross the Diamond S Ditch to the south (see attached map). At this same location, a ditch approximately 3-feet deep by 10-feet wide will start on your property to the west and extend east to Mr. Reay's property to the location of the new CMP. The 48" culvert will extend onto the Millwood Development and a channel will be constructed on-site to extend to the south property line to the existing 18-inch CMP that goes onto Mr. Young Ho Kim's property. This 18-inch CMP will be replaced with a new 48" CMP that will extend across Mr. Kim's property to the south approximately 750 lf.

These improvements will allow for the CMP that has a capacity of 15 cfs, to be increased to approximately 80 cfs, thereby improving the removing of flood water efficiency by 5 times. The attached sketch is the current design. The final design will have details on how the system will look. The only parts of the system that will be visible are the inlet on Mr. Reay's property, the culvert inlets and outlets, and the drainage ditches. The inlet structure on Mr. Reay's property will be a type of weir. All improvements will be within the Diamond S Ditch prescribed easement.

Extra care will be taken by the equipment operator to prevent any damage to mature vegetation during this process.

AZNorth and Diamond S Ditch request your permission to enter your property in order to install the above described improvements. By signing below, you hereby give your authorization to do so.

If you have any questions, or need more information, please call me at 928-282-7787, ext. 2013.

Sincerely,

Luke A Sefton, P.E.  
Vice President

LAS:bhm

Encl

05-0303CEH

Michael Parry  
3-9-06



*Growth is inevitable...it's planning that makes the difference.*

FROM :

FAX NO. : 9282820731

Mar. 08 2006 05:11PM P1

03-09-06P03:14 RCVD



SOUTHWESTERN  
ENVIRONMENTAL  
CONSULTANTS, INC.

E-mail: info@seclandmgt.com  
www.seclandmgt.com

March 8, 2006

Mr. Jacob Reay  
PO Box 1252  
Camp Verde AZ 86322

RE: Millwood Subdivision

Dear Mr. Reay:

AZNorth, along with the Diamond S Ditch Company, are proposing to install a 48-inch culvert under the Ditch on your property that will then cross the Diamond S Ditch to the south (see attached map). At this same location, a ditch approximately 3-feet deep by 10-feet wide will start on Mr. Michael Parry's property to the west and extend east to your property to the location of the new CMP. The 48" culvert will extend onto the Millwood Development and a channel will be constructed on-site to extend to the south property line to the existing 18-inch CMP that goes onto Mr. Young Ho Kim's property. This 18-inch CMP will be replaced with a new 48" CMP that will extend across Mr. Kim's property to the south approximately 750 lf.

These improvements will allow for the CMP that has a capacity of 15 cfs, to be increased to approximately 80 cfs, thereby improving the removing of flood water efficiency by 5 times. The attached sketch is the current design. The final design will have details on how the system will look. The only parts of the system that will be visible are the inlet on your property, the culvert inlets and outlets, and the drainage ditches. The inlet structure on your property will be a type of weir. All improvements will be within the Diamond S Ditch prescribed easement.

AZNorth and Diamond S Ditch request your permission to enter your property in order to install the above described improvements. By signing below, you hereby give your authorization to do so.

If you have any questions, or need more information, please call me at 928-282-7787, ext. 2013.

Sincerely,

Luke A Sefton, P.E.  
Vice President

L.A.S:bhm

Encl

Jacob Reay

03-0703C141

*Growth is inevitable... it's planning that makes the difference.*