



RESOLUTION 2016-957

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE ("TOWN"), ARIZONA, YAVAPAI COUNTY, ON A REQUEST BY MR. G. SCOTT SIMONTON, MANAGER OR SIMONTON RANCH 18, LLC, OWNER OF THE UN-PLATTED ELK CREEK SUBDIVISION LOCATED IN THE SIMONTON RANCH MASTED PLANNED COMMUNITY, TO PROVIDE FOR AN EXTENSION OF TIME FOR THE PRELIMINARY PLAT APPROVAL OF THE SAID ELK CREEK SUBDIVISION. THIS TIME EXTENSION IS BASED ON THE ORIGINAL "DEVELOPMENT AGREEMENT" BETWEEN THE TOWN OF CAMP VERDE AND HARVARD INVESTMENTS AS RECORDED IN BOOK 3663, PAGE 213 OF THE YAVAPAI COUNTY, ARIZONA, RECORDER, UNDER SECTION 8:11 OF SAID AGREEMENT AS FOLLOWS:

- **"IF THE PAD PLAN IS NOT APPROVED BY THE TOWN COUNCIL, OR IS APPROVED SUBJECT TO CONDITIONS OR STIPULATIONS NOT ACCEPTED BY DEVELOPER, DEVELOPER SHALL HAVE NO OBLIGATION TO CONSTRUCT ANY OF THE IMPROVEMENTS PROVIDED FOR IN THE AGREEMENT OR THE PAD. IF MARKET CONDITIONS AND/OR DEVELOPMENT FINANCING MATERIALLY CHANGE THE FEASIBILITY OF THE PAD PLAN, DEVELOPER MAY INTERRUPT DEVELOPMENT UNTIL MARKET CONDITIONS AND/OR DEVELOPMENT FINANCING ARE AGAIN FAVORABLE, AT WHICH TIME CONTINUED DEVELOPMENT OF THE PROPERTY WILL BE IN ACCORDANCE WITH THE PAD PLAN."**

ASIDE FROM THE ABOVE REFERENCED DEVELOPMENT AGREEMENT, THE DEVELOPER HAS SUBMITTED A LETTER DATED DECEMBER 8, 2015 AGREEING TO THE FOLLOWING:

- **UPDATE THE DRAINAGE REPORT.**
- **SUBMIT A COPY OF THE RECENTLY PREPARED TRAFFIC STUDY ON FINNIE FLAT ROAD.**
- **MAKE CORRECTIONS TO WATER AND SEWER PLANS CAUSED BY THE CONSTRUCTION OF A SEWER LINE THROUGH ELK CREEK TO SERVE THE VERDE VALLEY MEDICAL CENTER.**
- **UPON APPROVAL OF THE FINAL PLAT AND PRIOR TO RECORDATION, AN ASSURANCE OF COMPLETION WILL BE PROVIDED.**

The Common Council and the Town of Camp Verde hereby resolves as follows:

1. The Common Council hereby finds as follows:
 - A. A written request for a time extension to the Preliminary Plat of the ELK CREEK at SIMONTON RANCH SUBDIVISION was filed by Mr. G. Scott Simonton, Manager of Simonton Ranch 18, LLC, Developer of the proposed ELK CREEK SUBDIVISION. This written request for a time extension and additional items agreed to by the Developer is attached as Exhibit "A".
 - B. Per Part Five, Section 505 (PRELIMINARY SUBDIVISION PLAT), Item E.3.b of the current Town of Camp Verde Planning & Zoning Ordinance one of the following terms for approval is provided:

1.

“Approval is valid for a period of twenty-four (24) months from the date of Council action, unless an extended period is requested and approved by Council.”

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby approve a time extension to the Preliminary Plat of the Elk Creek at Simonton Ranch Subdivision for an additional twenty-four (24) months from the date of the approval of this Resolution 2016-057 as permitted under Part Five, Section 505, Item E.3.b of the currently adopted Planning & Zoning Ordinance of the Town of Camp Verde with the following findings:

1. Per the written request and additional items agreed to by the Developer, dated December 8, 2015 (Exhibit "A"), the Assurance of Completion shall include Financial Assurances for all approved improvements such as but not limited to roads, utilities and drainage structures in a form as allowed in the Planning & Zoning Ordinance under Part five, Section 507 (Construction Assurances) Item B (Financial Assurances required) or other methods as recommended by the Planning & Zoning Commission and approved by the Town Council.

PASSED AND ADOPTED BY MAJORITY VOTE OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON JANUARY 20, 2016. WHICH DATE WILL BE KNOWN AS THE RESOLUTION APPROVAL DATE


Charles German – Mayor

1-21-2016
Date

APPROVED AS TO FORM:


Bill Sims – Town Attorney

Attest: 
Virginia Jones, Town Clerk

2.



December 8, 2015

Town of Camp Verde
Mr. Mike Jenkins, Community Development Director
473 S. Main Street, Suite 102
Camp Verde, Arizona 86322

Re: Elk Creek at Simonton Ranch
Parcel 404-23-103P

Mr. Jenkins:

Elk Creek at Simonton Ranch ("Elk Creek") is an approximately 22.97 acre parcel within Simonton Ranch, a Planned Area Development ("PAD"). A preliminary plat for was approved by the Town Council for Elk Creek on July 26, 2006. Shortly thereafter a final plat was submitted together with improvement plans. After Town review and requested changes, in early 2007 the final plat was ready to be forwarded to the Town Council for approval.

The final plat was never forwarded to the Town Council for approval for two reasons: (1) The availability of sewer that had been promised had not been extended to this area and the existing Camp Verde Sanitary District facility did not have the capacity to accept the discharge. In fact, the new sewer facility did not become operational until 2010. (2) In late 2006 and early 2007, the entire country, including the town of Camp Verde, experienced a severe economic downturn and real estate crisis. That continued until the first signs of emerging for the downturn started in mid to late 2012. Then in 2013, the real estate market retreated somewhat and was somewhat level through 2014. 2015 has seen the emergence form the downturn.

The history of what was happening in Camp Verde and the nation is important in that those factors and issues were address in a Development Agreement (Ordinance No. 99-A142) between the Town and the owner of the Simonton Ranch property (formerly Homestead at Camp Verde) and recorded in Book 3663 Page 213 of Yavapai County on May 14, 1999 ("Development Agreement"). Section 8.11 of the Development Agreement states "If market conditions and/or development financing materially change the feasibility of the PAD Plan, Developer may interrupt development until market conditions and/or development financing are again favorable, at which time continued development of the Property will be in accordance with the PAD Plan."

There is no question but what the lack of available sewer and the national real estate downturn caused development and the processing of the final plat to be suspended as accounted for in the Development Agreement. It has not been until 2015 that economic conditions warranted the renewal of that process.

As provided for in the Development Agreement, Simonton Ranch 18, LLC ("Simonton"), the current owner of the Elk Creek property, hereby respectfully requests that the approval for the Elk Creek at Simonton Ranch preliminary plat be extended and/or recognized as only having been suspended as per the Development Agreement terms and that the application for final plat be resumed at the point it was suspended due to the conditions mentioned above.

In recognition of the passage of time from suspension until the present, Simonton agrees to update the Drainage Report, submit a copy of the recently prepared Traffic Study on Finnie flat Road, make corrections to water and sewer plans caused by the construction of a sewer line through Elk Creek to serve the Verde Valley Medical Center, and such other minor revisions as may be requested by Town staff. Simonton also acknowledges that upon approval of the final plat and prior to recordation, an assurance of completion will be provided.

If you have any questions about this request, do not hesitate to contact me at either (480) 218-7575 or Scott@SimontonCompanies.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'G. Scott Simonton', written over a horizontal line.

G. Scott Simonton, Manager
Simonton Ranch 18, LLC