



ORDINANCE 2017 A426

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AMENDING THE TOWN ZONING MAP TO CHANGE THE ZONING CLASSIFICATION OF AN APPROXIMATELY 1.61 ACRE PARCEL, LOCATED AT 1356 N CHUCK DEVINE RD, APN 403-21-023C, FROM R1-70 (RESIDENTIAL: SINGLE FAMILY 70,000-SQUARE-FOOT MINIMUM LOT SIZE) DISTRICT TO R1-18 (RESIDENTIAL: SINGLE FAMILY 18,000-SQUARE-FOOT MINIMUM LOT SIZE); AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011, and

WHEREAS, Part 6, Section 600,C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning boundaries by the Town Council of the Zoning Map of Camp Verde under the Planning & Zoning Ordinance, and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning & Zoning Ordinance by allowing for zoning amendments after public hearings.

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

Section 1. The Town Council hereby finds as follows:

A. A request for **Zoning Map Change 20170253** was filed by Marcy Snyder, owner for parcel 403-21-023C to rezone the subject parcel from **R1-70 (RESIDENTIAL: SINGLE FAMILY 70,000-SQUARE-FOOT MINIMUM LOT SIZE)** to **R1-18 (RESIDENTIAL: SINGLE FAMILY 18,000-SQUARE-FOOT MINIMUM LOT SIZE)**. The legal description is attached as exhibit "A" and the map as exhibit "B".

B. The Planning & Zoning Commission reviewed the request on September 7, 2017 in a public hearing that was advertised and posted according to state law and recommended approval of **Zoning Map Change 20170253**.

C. The proposed Zoning Map Change Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

D. The Waiver of Diminution of Value Claim has been signed by the owner and is attached as exhibit "C".

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by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.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. 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.

Section 4. This ordinance is effective upon the expiration of a thirty 30 day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED BY A MAJORITY VOTE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON THIS 27TH DAY OF SEPTEMBER, 2017.




Charles German - Mayor

Date: 9/28/2017

Approved as to form:



Bill Sims - Town Attorney

Attest: 
Judith Morgan, Town Clerk

cdy

WHEN RECORDED RETURN TO:

TOWN OF CAMP VERDE
473 S MAIN STREET
CAMP VERDE, AZ 86322

AGREEMENT TO WAIVE CLAIM FOR DIMINUTIN IN VALUE
REGARDING ACTION PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER
MARCY SNYDER

When Recorded Return To:
Town of Camp Verde
473 S. Main St
Camp Verde, Arizona 86322

**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 17th day of August, 2017, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Marcy Snyder, ("Owner(s)");

WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, the Town (through its Common Council) has, on the date first above written, duly considered and approved this Agreement with the Owner(s) to waive any claim said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in Exhibit "A" attached hereto and expressly made a part hereof ("Property") and the recitals set forth above are true and correct and are incorporated herein by reference. Owner has independently determined and believes that the application of the Town's land use laws to the Property will not reduce the fair market value of the Property.

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town Community Development Department:

#20170253
Town Application Number

and, are based on certain application(s), copies of which ("Applications") are shown as Exhibit "B" attached hereto and expressly made a part hereof ("Actions").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agrees(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial actions.

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

TOWN OF CAMP VERDE, a municipal corporation of Arizona, (Town)



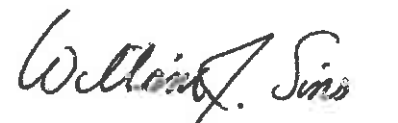
Charles German, Mayor

ATTEST:



Judith Morgan, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney

Dated this 17th day of August, 2017

OWNER:

Marcy Snyder

Print Name

[Signature]

Signature

OWNER:

Print Name

Signature

STATE OF ARIZONA

County of Yavapai ss.

On this 17 day of August, 2017, before me, the undersigned Notary Public, personally appeared Marcy Snyder, who acknowledged that this document was executed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires: 12-9-19

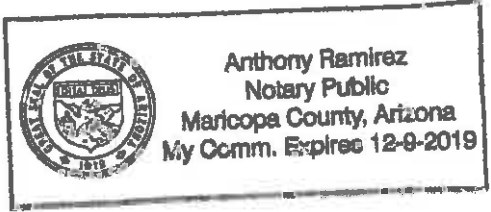


Exhibit A

A tract of land situated in Section 24, Township 14, North, Range 4 East, of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, and more particularly described as follows:

Given as the basis of bearings the most Southerly boundary line of Verde River Meadows No. 2, a subdivision recorded in the office of the Yavapai County Recorder in Book 11 of Maps, page 35 thereof, said line having a bearing of North 42°06'32" West;

Thence commencing at the Southeast corner of Lot 108 of said Verde Meadows No. 2;

Thence North 25° 16'20" East, along the Easterly boundary of said subdivision a distance of 424.17 feet, to the TRUE POINT OF BEGINNING;

Thence continuing North 25° 16'20" East, along the Easterly boundary of said subdivision a distance of 423.64 feet;

Thence South 66°16'14" East a distance of 159.67 feet, to a point on the Westerly right-of-way line of Shotgun Road as shown on the plat of said Verde Meadows No. 2;

Thence South 23° 43'46" West along said Westerly right-of-way line a distance of 423.49 feet;

Thence North 66° 16'14" West a distance of 171.10 feet to the POINT OF BEGINNING.

Exhibit B: Snyder
Zoning Map Change
Application Documents

JUL 18 '17 4:20:57Z



Land Use

Project #: 20170253

Application Form

1. Application is made for:

- Zoning Map Change
- Conceptual Plan Review
- PUD Zoning
- Street Abandonment
- Appeal
- Site Plan Compatibility Review (Commercial)
- Use Permit
- Preliminary Plat
- Variance
- Minor Land Division
- Verification of Non-Conforming Use
- General Plan Amendment
- Final Plat
- Sign
- Wireless Tower

Other: _____

2. Project Name: Re Zone Residential Property

Please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Marcy Snyder Applicant Name: Marcy Snyder

Address: 1356 Chuck Devine Address: 1356 Chuck Devine

City: Camp Verde State: AZ zip: 86322 City: Camp Verde State: AZ zip: 86322

Phone: 928-203-6948 Phone: 928 203-6948

E-mail: Cowboy1202@live.com E-Mail: Cowboy1202@live.com

4. Property Description: Parcel Number 403-21-023C Acres: 1.66

Address or Location: 1356 Chuck Devine, Camp Verde AZ 86322

Existing Zoning: R1B-70 Existing Use: T21-~~18~~ 18 (PROPOSED ZONING)
Proposed Zoning: _____ Proposed Use: (21,780)

5. Purpose: (describe intent of this application in 1-2 sentences)

My parcel has two houses on it. I want to separate my property so that there is one house on each parcel.

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action

Owner: Marcy Date: 6/23/17 AND

I certify that the information and attachments I have submitted are true and correct to the best of my knowledge. In filing this application, I am acting with the knowledge and consent of the property owner(s). I understand that all materials and fees required by the Town of Camp Verde must be submitted prior to having this application processed.

Applicant: Marcy Date: 6/23/17



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473 S MAIN STREET
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REGARDING ACTION PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER
MARCY SNYDER

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20170253

Town Application Number

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TOWN OF CAMP VERDE, a municipal corporation of Arizona, (Town)



Charles German, Mayor

ATTEST:



Judith Morgan, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney

Dated this 17th day of August, 2017

OWNER:

Marcy Snyder
Print Name

[Signature]
Signature

OWNER:

Print Name

Signature

STATE OF ARIZONA

County of Yavapai) SS.

On this 17 day of August, 2017, before me, the undersigned Notary Public.

personally appeared Marcy Snyder, who acknowledged that this document was executed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires: 12-9-19

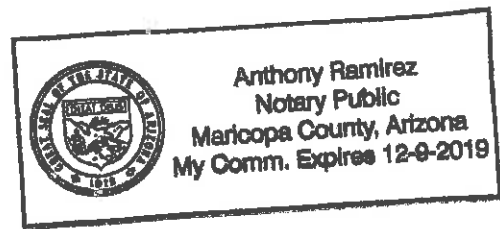


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Land Use

Project #: 20170253

Application Form

1. Application is made for:

- | | | |
|---|------------------------------------|------------------------|
| Zoning Map Change | Use Permit | General Plan Amendment |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PUD Zoning | Variance | Sign |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verification of Non-Conforming Use | |
| Site Plan Compatibility Review (Commercial) | | |

Other: _____

2. Project Name: Re Zone Residential Property

Please print or type legibly

3. Contact information: (a list of additional contacts may be attached)

Owner Name: Marcy Snyder Applicant Name: Marcy Snyder
 Address: 1356 Chuck Devine Address: 1356 Chuck Devine
 City: Camp Verde State: Az Zip: 86322 City: Camp Verde State: Az Zip: 86322
 Phone: 928-203-6948 Phone: 928 203-6948
 E-mail: Cowboy1202@live.com E-Mail: Cowboy1202@live.com

4. Property Description: Parcel Number 403-21-023C Acres: 1.66

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Owner: Marcy Date: 6/23/17 AND

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Applicant: Marcy Date: 6/23/17