



ORDINANCE 2021-A463

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA FOR AN APPLICATION SUBMITTED BY LUKE SEFTON, SEFTON ENGINEERING, ON BEHALF OF THE PROPERTY OWNER, OPPORTUNITY ZONE DEVELOPMENT COMPANY, LLC, FOR A ZONING MAP CHANGE. THE REQUEST IS FOR A CHANGE FROM C2-PAD (COMMERCIAL: GENERAL SALES AND SERVICES, PLANNED AREA DEVELOPMENT) TO M1 (INDUSTRIAL: GENERAL) ON PARCEL 403-15-008, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA, 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 Mayor and Council find that the requested re-zoning will be beneficial to the community and is in conformity with the Camp Verde General Plan, and

WHEREAS, the Mayor and Council find that the procedures required by ARS §9-462.03 and 9-462.04 have been complied with in connection with this zoning action, and

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 #20210222** was filed by Luke Sefton, Sefton Engineering, on behalf of the property owner, Opportunity Zone Development Company, LLC, to request the change from C2-PAD (Commercial: General Sales and Services, Planned Area Development) to M1 (Industrial: General).
- B. The Planning & Zoning Commission reviewed the request on May 13, 2021, in a public hearing that was advertised and posted according to state law and recommended approval of Zoning Map Change #20210222, subject to the following:
 1. An obscuring fence or wall be installed along the property frontage along State Route 260, to protect the visibility of occupants on site from passing vehicles along the highway.

2. The signage used to advertise the occupants on the site be allowed to be mounted on the front fence or wall, using the same materials, design, and font, to maintain consistency in its presentation.
- 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 property owners and is attached as Exhibit "B".

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.

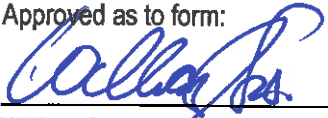
Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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 16TH DAY OF JUNE, 2021.


Dee Jenkins - Mayor

Date: 6-17-21

Approved as to form:

William Sims - Town Attorney

Attest: 
Cindy Pemberton, Town Clerk

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 19 day of March, 2021, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Robert Witt, ("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 claims 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's Community Development Department:

20210222
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 ("Action(s)").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(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 action(s).

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)**



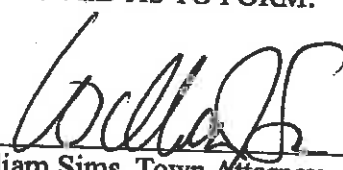
Dee Jenkins, Mayor

ATTEST:



Cindy Pemberton, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney

Dated this 19 day of MARCH, 2021

OWNER:

Robert M. Witt

Print Name

Robert M. Witt
Signature

OWNER:

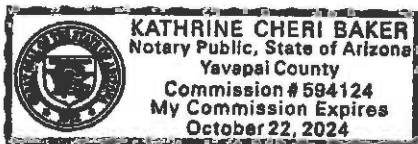
Robert M. Witt

Print Name

Robert M. Witt
Signature

STATE OF ARIZONA)
) ss.
County of Yavapai)

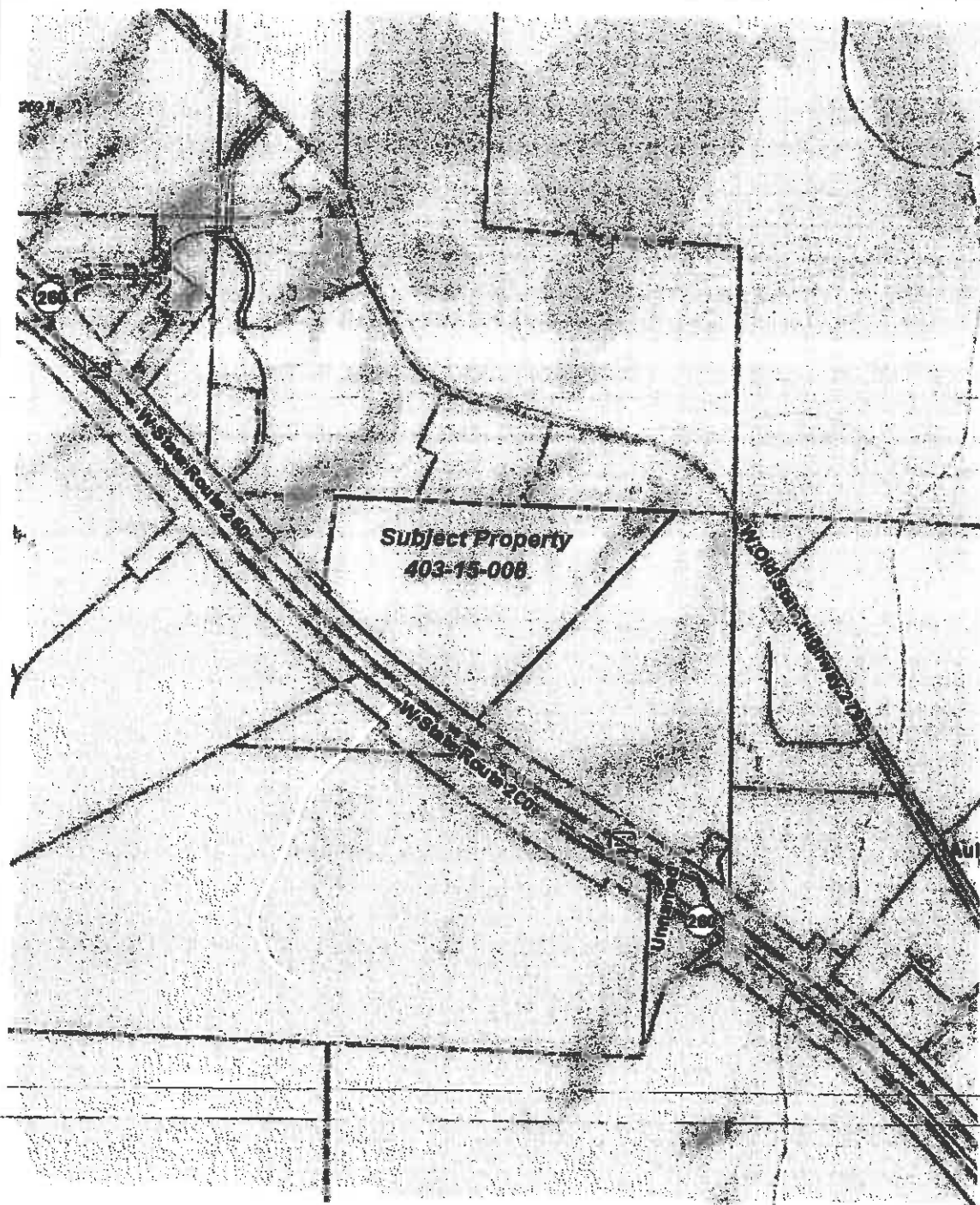
On this 19 day of March, 2021, before me, the undersigned Notary Public,
personally appeared Robert M. Witt, who acknowledged that this document was
executed for the purposes therein contained.



Kathrine Cheri Baker
Notary Public

My Commission Expires: October 22, 2024

Exhibit "A" Property Description and Map
(Can be included as separate document)



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 4.14.2021

Exhibit "B" Town Application
(Copy of completed Town Application)

Exhibit "A" Property Description and Map
(Can be included as separate document)

Exhibit "B" Town Application
(Copy of completed Town Application)



Land Use Application Form

1. Application is made for:

Zoning Map Change	Use Permit	Temporary Use Permit
Conceptual Plan Review	Preliminary Plat	Final Plat
PAD Final Site Plan Review	Variance	Appeal
Street Abandonment	Minor Land Division	Wireless Tower
Administrative Review	Lot Line Adjustment	Zoning Verification
Development Standards Review (Commercial)	Other: <u>Comp Sign Review</u>	

2. Project Name: Witt Zoning Map Change Request**3. Contact Information:** *(a list of additional contacts may be attached)*Owner Name: The Opportunity Zone Development Company LLCApplicant Name: Luke SeftonAddress: 830 S. Main St. Suite 21Address: 40 Stutz Bearcat Dr.City: Cottonwood State: AZ Zip: 86326City: Sedona State: AZ Zip: 86336

Phone: _____

Phone: 928-202-3999

E-mail: _____

E-Mail: ls@sefengco.com**4. Property Description:** Parcel Number 403-15-008 Acres: 24.96Address or Location: Adjacent to the east side of W. State Route 280 less than one mile north of the E Cherry Creek RoundaboutExisting Zoning: C2-PAD Existing Use: VacantProposed Zoning: M1 District (Industrial: General) Proposed Use: N/A**5. Purpose:** *(describe intent of this application in 1-2 sentences)*To establish zoning designation that would allow a primary use and outside storage as an accessory use.**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. I have also attached a completed Permission to Enter form for consent to access the property regarding this action.*Owner: [Signature]Date: 3/15/21*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: [Signature]Date: 3/18/21