



ORDINANCE 2017 A427

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 ACRE PARCEL, LOCATED AT 2480 N ARENA DEL LOMA, APN 403-19-137, FROM R1-35 (RESIDENTIAL: SINGLE FAMILY 35,000-SQUARE-FOOT MINIMUM LOT SIZE) DISTRICT TO RS (RESIDENTIAL AND SERVICES); 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 20170274** was filed by Michele Evans, agent for Abide Maternity Home, parcel 403-19-137 to rezone the subject parcel from **R1-35 (RESIDENTIAL: SINGLE FAMILY 35,000-SQ FT MIN LOT SIZE)** to **RS (RESIDENTIAL AND SERVICES)**. The legal description is attached as exhibit "A" and the map as exhibit "B".

B. The Planning & Zoning Commission reviewed the request on October 5, 2017 in a public hearing that was advertised and posted according to state law and recommended approval of **Zoning Map Change 20170274**.

C. The proposed Zoning Map Change Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and is in conformity with the Town of Camp Verde General Plan.

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by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.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 1ST DAY OF NOVEMBER, 2017.


Charles German - Mayor

Date: 11-9-17

Approved as to form:


Bill Sims - Town Attorney

Attest: 
Judith Morgan, Town Clerk

Exhibits are on file in the Clerk's Office



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 12 day of September, 2017, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Abide Maternity Home, ("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:

#20170274
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)



Charles German, Mayor

ATTEST:



Judith Morgan, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney

Dated this 12 day of September, 2017

OWNER:

Abide Maternity Home
Print Name

Michele Evans
Signature

OWNER:

Print Name

Signature

STATE OF ARIZONA)
County of Yavapai) ss.

On this 12th day of Sept., 2017, before me, the undersigned Notary Public,
personally appeared Michele Evans, who acknowledged that this document was
executed for the purposes therein contained.

Valeri D. Bullard
Notary Public

My Commission Expires: 6/9/21

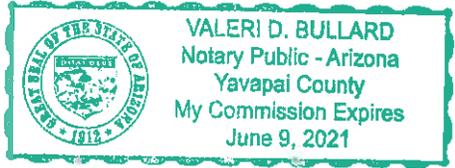


Exhibit "A"

Lot 13, FREEWAY ACRES, according to the plat of record in the office of the Yavapai County Recorder in Book 17 of Maps, page 61.

EXHIBIT B

Yavapai County Print Parcel



Parcel ID	Check Digit
403-19-137	1
Owner	
ABIDE MATERNITY HOME ARIZONA CORPORATION	
Owner's Mailing Address	
PO BOX 3758 CAMP VERDE, AZ 863223758	
Secondary Owner	
N/A	
Recorded Date	
7/2/2015 12:00:00 AM	
Last Transfer Doc Docket	Last Transfer Doc Page
N/A	N/A
Physical Address	
2480 N Arena Del Loma	
Incorporated Area	
Town of Camp Verde	

Assessor Acres	Subdivision	Subdivision Type
1	Freeway Acres	M
School District	Fire District	County Zoning Violation
Camp Verde Unified SD #28	Camp Verde FD	No Zoning Violation

Improvements (2)

Type: Rooming Houses
 Floor area: 3404
 Constructed: 1976

Type: Mobile Home Yard Improvements
 Floor area: 1
 Constructed: 1990

Assessment

Starting with the 2015 tax year, the Limited Property Value is the only value considered for taxation purposes, the Full Cash Value is no longer used for taxation.

Tax Year	2018	2017
Assessed Value(ALV)	\$24,582	\$17,689
Limited Value(LPV)	\$163,879	\$117,927
Full Cash(FCV)	\$183,341	\$133,442
Legal Class	Vacant or Other	Vacant or Other
Assessment Ratio	15%	15%
Usage Code	9050 ?	9050 ?

Taxes

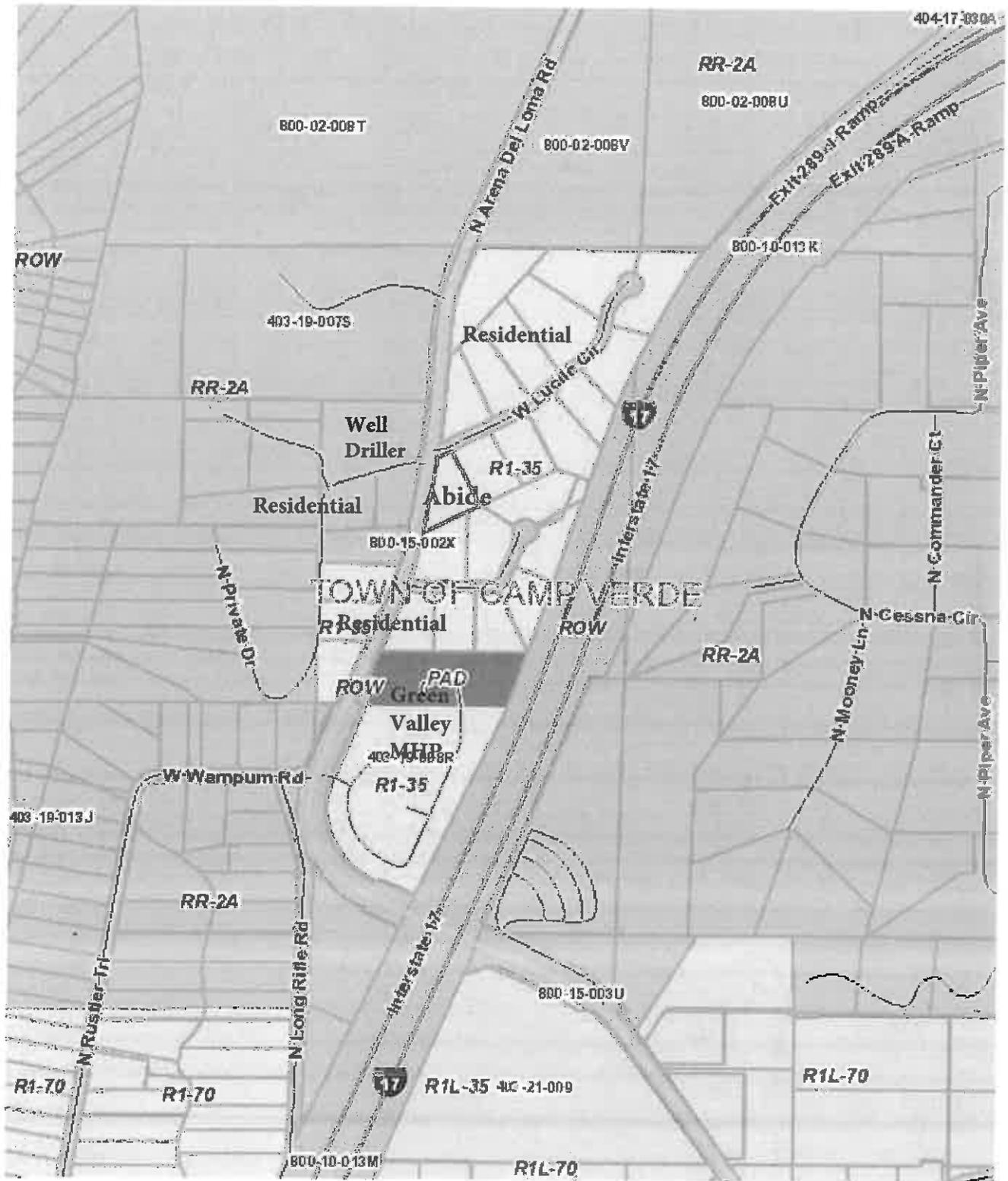
Tax Area Code	2015 Taxes Billed
2877	\$

Recorded Documents & Sales (4)

Date	Book/Page	Type	Cost
11/15/2016	2016-0057895	Warranty Deed	\$104,150
7/2/2015	2015-0031274	Rerecordings	\$0
10/7/1981	1415/907	Unknown	\$0
10/7/1981	1415/907	Unknown	\$0

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.

Abide Maternity Home: Zoning Map Change Vicinity, Zoning & Land Use Map



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Land Use Application Form

Project #: 20170274

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: Abide Maternity Home

Please print or type legibly

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

Owner Name: Abide Maternity Home Applicant Name: Michele Evans

Address: 2480 N Arena del Loma Address: 3217 Clinton

City: Camp Verde State: AZ Zip: 86322 City: Camp Verde State: AZ Zip: 86322

Phone: 928-862-4023 Phone: 928-202-9402

E-mail: info@AbideMaternityHome.com E-Mail: Michele@AbideMaternityHome.com

4. Property Description: Parcel Number 403-19-137 Acres: 1

Address or Location: 2480 N Arena del Loma

Existing Zoning: R1 Existing Use: residence

Proposed Zoning: RS Proposed Use: residence

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

We currently have room for 4 moms. We'd like to rezone in case we can add another building in the future for more mamas.

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: Nichole Evans, CEO Date: 8-3-17 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: Michele Evans Date: 8-3-17



AUG 15 '17 PM 2:27

abide
MATERNITY HOME
life embraced life inspired life equipped

August 15, 2017

To: Town of Camp Verde

Re: Abide Maternity Home Rezoning Request

Dear Sir/Madam:

We are submitting an application for a Zoning Map Change from R1-35 (Residential: Single Family, 35,000 Square Foot Minimum Lot Size) District to RS (Residential and Services) in order to enable us to expand our existing services, while using a zoning district that will remain compatible with the residential uses in the surrounding area.

Abide Maternity Home provides a residential setting for pregnant mothers and their children to receive limited care and education to help them achieve independence. There is a married couple that lives on site also, as staff for the center. The current zoning for the district, R1-35, allows for the limited services currently being provided. Expansion of the center will need a rezoning action to an RS, residential-services designation.

The home currently houses up to four pregnant mothers and their babies, with the average stay ranging from six months to two years. We are proposing to build another building to expand our services for up to five additional mothers and their babies. The new building may also house staff members, be used to provide training and educational services, and a gathering place for the residents.

An application will be made to Northern Arizona Council of Governments for grant funds to expand the existing Maternity Home. In order to apply for the grant, the proper zoning needs to be in place.

Thank you in advance for your time and consideration,

Michele Evans
CEO