



ORDINANCE 2017 A421

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 FROM C2-4 (COMMERCIAL: GENERAL SALES & SERVICE, 4,000-SQUARE-FOOT MINIMUM LOT SIZES) TO C2 PAD (COMMERCIAL: GENERAL SALES & SERVICES, PLANNED AREA DEVELOPMENT), TO DEVELOP AN RV PARK ON AN APPROXIMATELY .42 ACRE PROPERTY. THE PROPERTY IS LOCATED AT 27 W. HEAD STREET, PARCEL 404-28-063J; 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 20170271** was filed by John Stoumbis, owner of parcel 404-28-063J located at 27 W. HEAD STREET, to rezone the subject parcel from **C2-4 (COMMERCIAL: GENERAL SALES & SERVICE, 4,000-SQUARE-FOOT MINIMUM LOT SIZES) TO C2 PAD (COMMERCIAL: GENERAL SALES & SERVICE, PLANNED AREA DEVELOPMENT)** to develop an RV Park. The legal description is attached as exhibit "A" and the map as exhibit "B".

B. The Planning & Zoning Commission reviewed the request on December 7, 2017 in a public hearing that was advertised and posted according to state law and recommended approval of **Zoning Map Change 20170271**.

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by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.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 20TH DAY OF DECEMBER, 2017.


Charles German - Mayor

Date: 12/28/2017

Approved as to form:


Bill Sims - Town Attorney

Attest: 
Judith Morgan, Town Clerk

Maps and Exhibits are available at the Clerk's Office

Please Publish 01-10-2018 and 01-17-2018

SEP 13 '17 AM 8:54

LEGAL DESCRIPTION.

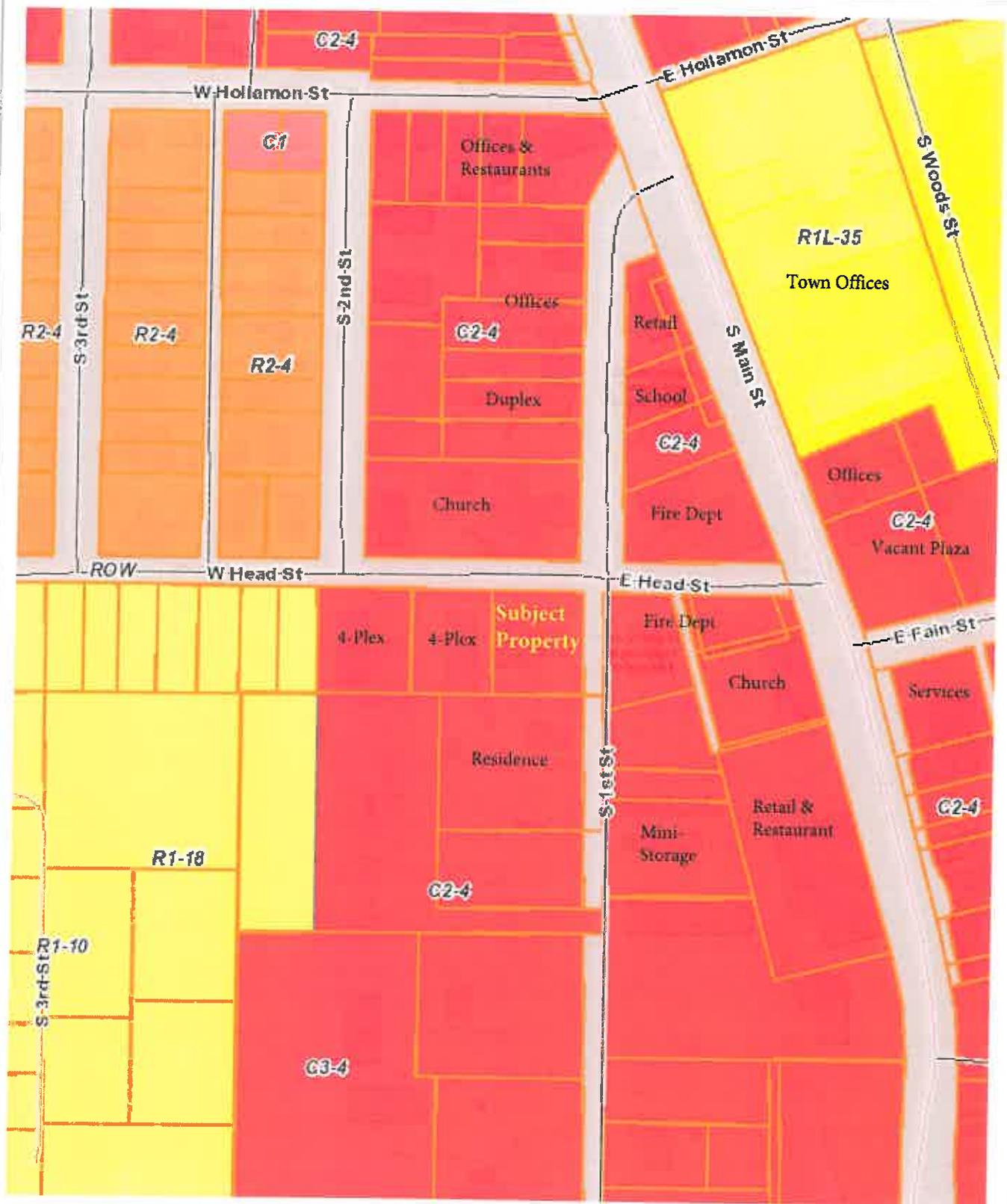
That portion of the Northeast quarter of the Southeast quarter of Section 31, Township 14, North Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows

BEGINNING at the Northeast corner of said Northeast quarter of the Southeast quarter; thence West 150 feet; thence South 150 feet; thence East 150 feet; thence North 150 feet to the POINT OF BEGINNING

DIRECTIONS

From S. Main Street to West on Head Street to the SW Corner of 1st Street and Head Street

Dulce Verde RV Park: Zoning Map Change
Vicinity, Zoning & Land Use Map



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.



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

John Stoumbis, REBECCA HERD, ("Owner(s)");
JOHN STOUMBIS, REBECCA HERD
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:

820170322
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 20 day of February, 2018

OWNER:
John W. Stoumbis
Print Name
[Signature]
Signature

OWNER:
Rebecca M. Herd
Print Name
[Signature]
Signature

STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 20 day of February, 2018, before me, the undersigned Notary Public, personally appeared John Stoumbis Rebecca M Herd who acknowledged that this document was executed for the purposes therein contained.

[Signature]
Notary Public

My Commission Expires: Jan 07 2020

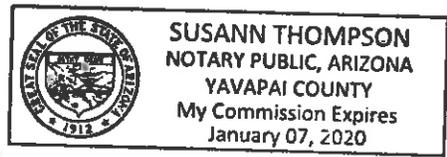


EXHIBIT A

SEP 18 '17 08:04

LEGAL DESCRIPTION.

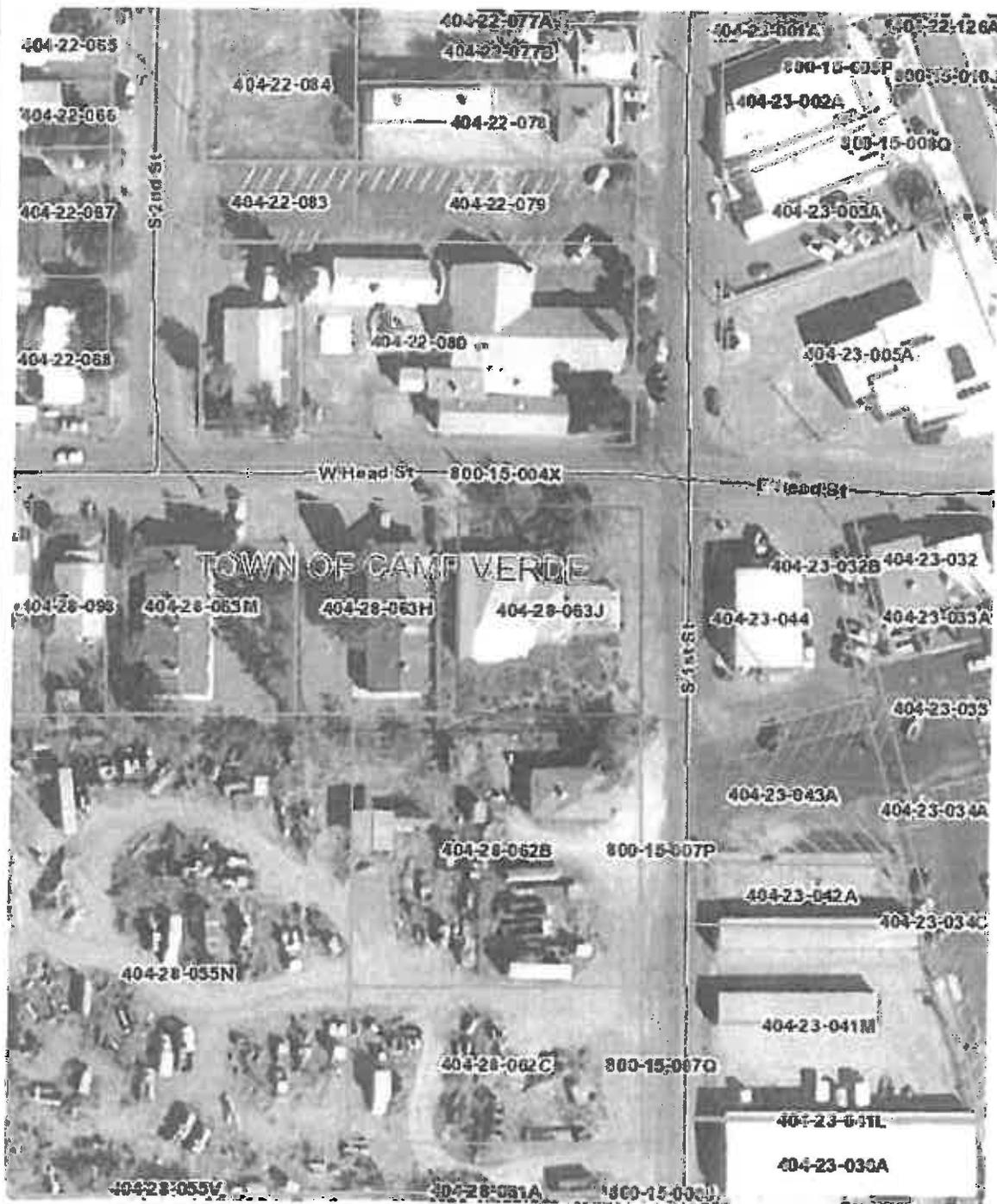
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DIRECTIONS

From S. Main Street to West on Head Street to the SW Corner of 1st Street and Head Street

Dulce Verde RV Park: Property Image
 Project #20170322



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Map printed on 03/15/2017



Land Use Application Form

1. Application is made for:

- | | | |
|---|------------------------------------|------------------------|
| Zoning Map Change | Use Permit | General Plan Amendment |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| <u>PAD Zoning</u> | Variance | Sign |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verification of Non-Conforming Use | Other: _____ |
| Development Standards Review (Commercial) | | |

2. Project Name: Dolce Verde

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

Owner Name: Jarome H. Wright
 Address: 3216 W. Liberty St
 City: Reno State: NV Zip: 89501
 Phone: _____
 E-mail: _____

Applicant Name: John Stambis
 Address: 927 W. Apache Tr.
 City: Camp Verde State: AZ Zip: 86322
 Phone: 480-234-3285
 E-mail: elgolfrocks@gmail.com

4. Property Description: Parcel Number 404-28-003j Acreage .40

Address or Location: 27 W. Head Street
 Existing Zoning: C2-4 Existing Use: Vacant Land
 Proposed Zoning: PAD Proposed Use: RV PARK

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

CHANGE CURRENT ZONING FROM C2-4 TO PAD TO ALLOW
SMALL RV PARK
C2 District (G)(2)(C) (PENDING REZONING)

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: [Signature] Date: 9/11/17 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 processed prior to having this application processed.

Applicant: [Signature] Date: 9-8-17