



RESOLUTION NO. 2017-992

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, FOR A REQUEST SUBMITTED BY CARRIE SINGER, EXECUTIVE DIRECTOR OF THE ANIMAL GUARDIAN NETWORK, ON AN APPROXIMATELY 17 ACRE PARCEL, APN 403-19-007S, LOCATED AT 2555 N ARENA DEL LOMA RD. THE SUBJECT APPLICANT IS REQUESTING APPROVAL OF USE PERMIT 20170327 TO ALLOW FOR AGRI-TOURISM IN A RESIDENTIAL NEIGHBORHOOD ZONED R-R (RESIDENTIAL-RURAL) FOR THE PURPOSE OF AN ANIMAL SANCTUARY AND HEALING RANCH.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby resolve as follows:

1. The Common Council hereby finds as follows:
 - A. A request for approval of Use Permit 20170327 was filed by Carrie Singer, Executive Director of the Animal Guardian Network, owner of Parcel 403-19-007S, located at 2555 N Arena Del Loma Rd., Camp Verde, Arizona. The parcel is zoned R-R (Residential-Rural) and the proposed use (Agri-Tourism) is permitted under such zoning with a Use Permit.
 - B. A neighborhood meeting was held on September 9, 2017 by the applicant to provide for citizen review pursuant to ARS §9-462.03 and as required by the Town of Camp Verde Planning and Zoning Ordinance, Part Six, Section 601 (Zoning Decisions) A3. – Citizen review and participation process.
 - C. The request was reviewed by the Planning and Zoning Commission on November 9, 2017 and by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on December 6, 2017 in public hearings that were advertised and posted according to State Law.
 - D. The purpose of the use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved and the Council hereby finds that the uses covered by the Use Permit and the manner of its conduct will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare generally and the uses shall be in conformity to the conditions, requirements and standards of the Town of Camp Verde Planning and Zoning Ordinance.
 - E. The Waiver of Diminution of Value has been signed by the owner and is attached as Exhibit A.

The Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona do hereby approve Use Permit 20170327 in perpetuity, subject to the limitations of Part Six, Section 601 – Zoning Decisions, C – Use Permit Approvals, Subsection 2, for the purpose of establishing an Animal Sanctuary and Healing Ranch and all other uses allowed under Agri-Tourism with the following findings:

1. The use of this property shall be operated and maintained in a manner consistent with the general provisions of the Town of Camp Verde Planning and Zoning Ordinance per Part Two, Section 203 – Use Districts, D. - R-R District (Residential-Rural), 3.f. Agri-Tourism.
2. Per Part Six, Section 601 – Zoning Decisions, C – Use Permit Approvals, 1.e The Use Permit is valid and operable only for the specific use as granted and subject to any specified time limit. No such use may be modified, changed, altered or increased in intensity, in any manner that conflicts with the Use Permit and/or required conditions of approval, without approval of a new Use Permit.

The following stipulations would be in place:

1. This Use Permit will be reviewed in one year to evaluate potential impacts on the surrounding neighborhood.
2. Public access to the property is limited to pre-arranged walk-in tours, and public amenities and parking outside of gated entry.

All of the requested uses to continue with no time limit, but are subject to the requirements of Part 6, Section 601 – Zoning Decisions, C. – Use Permit Approvals, 1. and 2. of the Town of Camp Verde Planning and Zoning Ordinance.

PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON DECEMBER 6, 2017.

 12/28/2017
Charles C. German, Mayor Date:

Attest:

 12/28/2017
Judith Morgan, Town Clerk Date:

Approved As To Form:



Town Attorney



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

Animal Guardian Networks ("Owner(s)");
CARRIE SINGER
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:

20170327
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 4th day of January, 2018

OWNER:

CARRIE SINGER
Print Name

Carrie Singer
Signature

OWNER:

N/A
Print Name

N/A
Signature

STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 4th day of January, 2018, before me, the undersigned Notary Public,
personally appeared Carrielyn Singer who acknowledged that this document was
executed for the purposes therein contained.

Becky Loza
Notary Public

My Commission Expires: 10-19-2020



Dated June 15, 2017

Deed of Trust

Escrow No. 73523EW

EXHIBIT "A"

Description for a parcel of land being a portion of the Southwest quarter of the Southeast quarter of the Northeast quarter of Section 13 and a portion of Lot 11 of said Section 13, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

Beginning at the Northeast corner of Lot 11 of said Section 13 being a found BLM brass capped pipe stamped T14N R4E C S NE 1/64 Section 13, 1973 from whence a BLM brass capped pipe stamped S N 1/64 S13 S18, 1973 bears North 89 degrees, 41 minutes, 59 seconds East, 1315.55 feet (M) North 89 degrees, 42 minutes, 30 seconds East, 1317.36 feet (R-BLM);

Thence from said Northeast corner of Lot 11, South 89 degrees, 39 minutes, 29 seconds West (M), 600.93 feet (M&R-BLM), South 89 degrees, 40 minutes, 30 seconds West (R-BLM), North 89 degrees, 47 minutes, 30 seconds West, 602.13 feet (Book 1627, Page 760) along the North BLM line of said Lot 11 to the calculated position of the Special Meander Corner as surveyed by Harry K. Smith, Cadastral Surveyor conducted a Resurvey of the 1892 Meanders of the left bank of the Verde River as stated in Book 5006, Pages 66-67 of the BLM Records, from whence a reference point bears North 89 degrees, 39 minutes, 29 seconds East (M), a distance of 135.28 feet (M), said point being a set one-half inch rebar #29263;

Thence from said Special Meander Corner South 1 degrees, 50 minutes, 45 seconds West, 382.42 feet (M) South 2 degrees, 00 minutes West, 390.91 feet (R-Book. 1627, Page 760) along said 1892 meander line to a point;

Thence South (R-Book 1627, Page 760 & M), a distance of 291.90 feet (R-Book 1627, Page 760 & M), along said Left Bank Meander Line to point, being a point on the locally accepted South line of said Lot 11 of Section 13;

Thence South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760 & M), a distance of 144.23 feet (M) along said locally accepted South line of Lot 11 to a found one-half inch rebar with no identification and tag #29263 added;

Thence continuing South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760, measured and basis of bearing for this description), a distance of 449.80 feet (M) along the locally accepted South line of said Lot 11 to a found one-half inch rebar with no identification and tag #29263 added, said point being the locally accepted Southeast corner of said Lot 11;

Dated June 15, 2017

Deed of Trust

Escrow No. 73523EW

Thence South 89 degrees, 34 minutes, 50 seconds East (M), South 89 degrees, 36 minutes, 05 seconds East (R-Book 1627, Page 760), a distance of 446.17 feet (M) along the South line of the Northeast quarter of said Section 13 to a found one-half inch rebar with no identification and tag #29263 added being on the Westerly right of way line of the South Middle Verde Road as recorded in Book 17 of Maps, Page 60 records of Yavapai County;

Thence continuing South 89 degrees, 34 minutes, 50 seconds East, (R-Book 1627, Page 760) along said locally accepted South line of the Northeast quarter of said Section 13, a distance of 33.06 feet (M) to the center line of said South Middle Verde Road;

Thence North 4 degrees, 00 minutes, 05 seconds East (M), North 3 degrees, 58 minutes, 50 seconds East (R), a distance of 339.63 feet (R&M) along said centerline South Middle Verde Road to the beginning of a curve to the right having a radius of 716.20 feet (R&M), a long chord bearing North 12 degrees, 22 minutes, 36 seconds East (M), and a chord distance of 208.64 feet (M);

Thence along said curve to the right and said centerline of said South Middle Verde Road, a distance of 209.38 feet (R&M);

Thence North 20 degrees, 47 minutes, 51 seconds East, 156.40 feet (M), North 20 degrees, 43 minutes, 50 seconds East, 150.97 feet (R) along said centerline of said South Middle Verde Road to a point on the BLM North line of the South half of the Southeast quarter of the Northeast quarter (as measured) of said Section 13;

Thence South 89 degrees, 41 minutes, 59 seconds West (M), South 89 degrees, 42 minutes, 30 seconds West (R-BLM), a distance of 35.23 feet (M) along said BLM North line of the South half of the Southeast quarter of the Northeast quarter (as measured) of said Section 13 to a set one-half inch rebar #29263;

Thence continuing South 89 degrees, 41 minutes, 59 seconds West (M), South 89 degrees, 42 minutes, 30 seconds West (R-BLM), along the BLM North line of the South half of the Southeast quarter of the Northeast quarter of said Section 13, a distance of 548.77 feet (M) to the PLACE OF BEGINNING.



Land Use

Project #: 20170327

Application Form

1. Application is made for:

- | | | |
|---|---|------------------------|
| Zoning Map Change | <input checked="" type="checkbox"/> Use Permit | General Plan Amendment |
| Conceptual Plan Review | <input type="checkbox"/> Preliminary Plat | Final Plat |
| PUD Zoning | <input type="checkbox"/> Variance | Sign |
| Street Abandonment | <input type="checkbox"/> Minor Land Division | Wireless Tower |
| Appeal | <input type="checkbox"/> Verification of Non-Conforming Use | |
| Site Plan Compatibility Review (Commercial) | | |
| Other: _____ | | |

2. Project Name: Healing Canyon Ranch
Please print or type legibly

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

Owner Name: Animal Guardian Network Applicant Name: Carrie Singer
 Address: 4815 E. Carefree Hwy #108-504 Address: 4815 E. Carefree Hwy #108-504
 City: Cave Creek State: AZ Zip: 85331 City: Cave Creek State: AZ Zip: 85331
 Phone: 602-568-5636 Phone: 623-780-1604
 E-mail: Carrie@AnimalGuardianNetwork.org E-Mail: _____

4. Property Description: Parcel Number 403-19-0075 Acres: 4.8 + 16.98

Address or Location: 2555 N. Arena Del Loma Rd, Camp Verde, AZ 86322

Existing Zoning: _____ Existing Use: _____

Proposed Zoning: _____ Proposed Use: _____

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

To obtain a USE PERMIT for the purpose
of running a care-for-life Animal Sanctuary

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: Carrie Singer Date: 9/17/17 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: _____ Date: _____