



Support your local merchants.

**AGENDA
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, JULY 22, 2015 at 6:30 P.M.**

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
 - a) **Approval of the Minutes:**
 - 1) No Minutes for approval
 - b) **Set Next Meeting, Date and Time:**
 - 1) Wednesday, July 29, 2015 at 5:30 p.m. Executive Session Manager Evaluation
 - 2) Wednesday, August 5, 2015 at 6:30 p.m. Regular Session
 - 3) Friday, August 7, 2015 at 9:00 a.m. Manager Evaluation and Goal Setting
 - 4) Wednesday, August 12, 2015 at 5:30 p.m. Work Session
 - 5) Wednesday, August 19, 2015 at 6:30 p.m. Council Hears Planning & Zoning Matters-Cancelled
5. **Special Announcements and presentations:**
 - **There are no Special Announcements or Presentations**
6. **Call to the Public for Items not on the Agenda.**
7. **Public Hearing, discussion and possible approval of Ordinance 2015-A410, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, an Ordinance for Zoning Map change 20150170 per an application submitted by Chester-Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: Single Family Limited) to PUD (Planned Unit Development). The property is located at 30 E State Route 260. Staff Resource: Michael Jenkins**
 - **Call for Staff Presentation**
 - **Declare Public Hearing Open**
 - **Declare Public Hearing Closed**
 - **Call for Council Discussion**
8. **Discussion with the Town Attorney regarding the proposed Camp Verde Water Franchise Agreement to include, but not limited to Possible approval of the agreement, possible approval of a Call of Election or direction to staff or to the Town Attorney Staff Resource: Bill Sims**
9. **Discussion or consultation with the Town Attorney regarding the Special Election. Note Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and ARS §38-431.03(A)(4) discussion or consultation with the Town Attorney to consider Council's position and instruct the Attorney(s) regarding Council's position in contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation. Staff Resource: Bill Sims**

10. **Call to the Public for items not on the agenda.**
11. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Fire District, Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.
12. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries **are** strictly for informing the Council and public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.
13. **Adjournment**

Posted by: Virginia Lewis Date/Time: 7-16-2015 3:30 pm

Note: Pursuant to A.R.S. §38-431.03.A.2 and A.3, the Council may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



Agenda Item Submission Form – Section I

Meeting Date: July 22, 2015 **TOWN COUNCIL**

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation

Requesting Department: Community Development

Staff Resource/Contact Person: Michael Jenkins, Community Development Director

Agenda Title (be exact): Public Hearing, Discussion and possible approval or denial of Ordinance 2015 A410, an ordinance for Zoning Map Change 20150170 per an application submitted by Chester – Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: single family limited) to PUD (Planned Unit Development). The property is located at 30 E. State Route 260.

List Attached Documents: Application, Directions to Property, Letter of Intent, Neighborhood meeting affidavit, Exhibit “A” (Site Plan), Exhibit “B” (Flood Map), Exhibit “C” (Consent to Conditions/Waiver for Diminution of Value), Land Use Map & Zoning Map of Adjacent Properties, copy of Section 203, Item L (Planned Unit Development) from the Planning & Zoning Ordinance.

Estimated Presentation Time: 15 minutes

Estimated Discussion Time: 30 minutes

Reviews Completed by: Michael Jenkins, Community Development Director

- Department Head:** **Town Attorney Comments:**
Under Section 1, Item E (1 & 2) specific requirements need to be spelled out. Is there a Site Plan or other drawing that you could refer to?
- Building Official** *(Community Development Director’s Response) Yes Bill there is the Development Site Plan we will ask for specific input from the applicant and the Council.*

Background Information: Over the years, the subject property has been used for several things such as Residential Housing, Charter School, a Park and back to Residential. The Town had leased the East side of the subject property as a Park which was called the Sunnyside Park. The Charter School’s name was the Chester – Newton Montessori School.

Currently, the subject parcel (404-02-005C) exists as a single parcel which was created from a parcel combination of parcels 404-02-05B & 404-02-97B. Both parcels were in the R1L Zoning District with a density of 35 on the West

parcel and a density of 175 on the East Parcel. On sheet 1 of 2 of Exhibit "A" (Site Plan) Drawings, a note is provided showing the "Old Record Lot Line". This is the division line between the previous East and West Parcels.

Proposal as meeting requirements of the Current General Plan:

The previous East parcel is shown as Open Space and the previous West Parcel is shown as Rural Residential on the current General Plan Land Use Map. Per the requested zone change to a PUD District, the area of the East parcel would remain as open space and the area of the West Parcel would have an existing density of one dwelling per 2.47 Acres, which is less dense by one half dwelling unit per acre than the current General Plan Land Use Map recommends. The proposed Land Uses per this PUD District Zoning Map Change meet the requirements and recommendations of the current Town of Camp Verde General Plan.

This is the first Planned Unit Development that has been processed since the re-write of the Planning & Zoning Ordinance in 2011. Provided below is a cursory review of the requirements and the intent with interpretive comments from the Director for the PUD District: *Note: All interpretive comments will be in italicized text.*

Per Section 203 (USE DISTRICTS), Item L.2 (PUD) Planned Unit Development, the following "PURPOSE" is provided:

- "A Parcel of land planned as a single unit for residential uses rather than as an aggregate of individual lots and may also provide for various types and combinations of land uses (such as commercial centers, industrial complexes, and public or common spaces with single and multifamily housing), with increased flexibility in site regulations (such as setbacks) or land use restrictions (such as mixed residential use). The greater flexibility in locating buildings and combining residential uses make it possible to achieve economies of construction as well as preserving open space."

A common term for what the above "Purpose" describes is "Cluster Development". Consolidating residential, commercial or industrial structures in a specific area and leaving the remaining properties for common uses such as open space and recreation.

Also, under Item 2 (Scope) of subsection "L" it advises that; " The Planned Unit Development regulations that follow shall apply generally to the initiation and regulation of all Planned Unit Development Districts. However, each approved PUD development plan shall be specific to that particular property as approved by Town Council." (*Site Plan specific*)

Further, requirement "a", underneath "Scope" explains that: "Where there are conflicts between PUD regulations and the general zoning, subdivision or other regulations, these regulations shall apply in PUD Districts unless the Council shall find, in the particular case, that the provisions herein do not serve the public to a degree at least equivalent to such general zoning, subdivision or other regulations."

The subject parcel comes before the Commission and Council with already existing structures and uses. Not all of these existing structures meet the current dimensional requirements (Set Backs) for the R1L Zoning District.

Since the property is very large, +-12.35 Acres, and since the actual existing development on the property is consolidated to the West side of and on +- 2.07 Acres of the property, the proposed PUD District can accommodate the existing conditions as well as provide for an Open Space requirement.

Requirement "e" underneath "Scope" explains that an Open Space dedication of 25% of a Development Project is preferred. The actual Open Space provided is 12.35 Acres – 2.07 Acres = +-10.28 Acres Open Space provided.

10.28 Acres = 83% of the total Development. Well over the preferred 25%.

The West end of the subject parcel 404-02-005C is primarily in the flood plain and is in part of the Verde River Meander Land. (See Exhibit "B") showing only a small portion of the West end of the property out of the flood plain and the major portion of the East end of the property in either the flood way or the flood plain. The flood way areas are particularly difficult and expensive to develop due to flood plain regulations such as engineering studies showing that there is no equivalent blockage to flood stage flows. This then makes properties such as these ideal for the P.U.D. District provisions by preferring 25% of the total development area to be designated as Open Space which includes for uses such as Recreation and Agriculture & Cultivation. These uses are being proposed for this Zone Change request.

The following has been completed by the applicant and staff:

- The applicant mailed out letters to the neighboring property owners within 300' of the subject property and invited them to a meeting to express concerns and comments. (Questions and comments included in packet.)
- The meeting was held on June 1st, 2015 at the subject property located at 30 State Route 260 from 6:00 pm until 6:45 pm. There was one neighbor in attendance.
- Community Development received one (1) letter of support due to the need of rental properties in Camp Verde.
- Staff mailed out 10 letters to properties within 300' of the subject parcel on June 11, 2015. This letter advised the neighbors of the Planning & Zoning Commission and Town Council meeting times and dates.

Agencies were notified and the responses are as follows:

- **Town of Camp Verde Building Official:** The Building Division has no comments or concerns on the zoning change. However, prior to any of the structures being used as rental units or single family residences, building permits will need to be issued for each building. They will need to be changed from and E (Educational) Occupancy and Use to an R-3 (Residential) Occupancy and Use and meet requirements of Life, Safety and Health under the 2012 International Residential Code and the 2012 International Existing Building Code.
- **Town of Camp Verde Community Development Director:** The proposed zone change from R1L-35 & R1L-175 to (PUD) Planned Unit Development with a proposed density of one dwelling per 2.47 Acres and a proposed 83% of the development being dedicated as Open Space meets the recommendations of the current General Plan. Staff is in support of the proposed zone change.
- **Camp Verde Fire District:** Kristi Gagnon (Fire Marshal)
Two things are needed: (1.) I need to know the surface of the fire apparatus access roadway and ensure

that it meets our standard, and they need to put no parking signs up on the sides of the fire apparatus access roadway. (2.) I need to know the numbering or lettering system of the buildings since they will all be on the same physical address, and they need to indicate that they will provide identification of the buildings.

- **Yavapai County Flood Control:** This parcel is substantially impacted by the floodplain and floodway of the Verde River. The Revised Study of the Verde River, which will become effective October 16, 2015, could have additional impacts on existing structures. Any future structures must comply with Floodplain Guidelines.
- **Yavapai County Development Services:** The Yavapai County Development Services – Environmental Unit has no comments or concerns concerning the requested zoning map change. The subject property is currently being served by the Camp Verde Sanitary District and the Camp Verde Water Co.
- **Camp Verde Water System:** We have reviewed plans and talked to property owner. Property is served by a 5/8" x 3/4" water service. There is a 2" water line to the property with approximately 100psi on it. If in the future the Customer needs additional services, we have the ability to serve.
- **Camp Verde Sanitary District – Division:** This property is located within the sewer system boundaries. All structures on the property are currently connected to the sewer system. The sewer department is only responsible for the sewer lines up to the property line. The property owner is responsible for all lines on his property. It is the property owner's responsibility to know where all of the lines are before doing any construction work or digging. The Sewer Department Manager (Jan Grogan) has no conflicts with the application. A new fixture count will need to be done after the remodeling is completed.

Planning & Zoning Commission Recommendation: On a motion by Burnside, seconded by Blue, Commission unanimously recommends the approval to Council on Zoning Map Change 20150170, an application submitted by Chester-Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: Single Family limited) to PUD (Planned Unit Development). The property is located at 30 E. State Route 260 with the following stipulations:

1. Provide parking stops in the parking area south of the Town of Camp Verde's sanitary pump station building to prevent vehicle impacts to the building.
2. Provide bollards around the existing transformer in the same parking lot for vehicle impact protection.
3. Comply with the changes to the access road as deemed necessary by the Fire District.

Recommended Motion: A motion to approve or deny Ordinance 2015 A410, an ordinance for Zoning Map Change 20150170, per an application submitted by Chester – Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: single family limited) to PUD (Planned Unit Development). The property is located at 30 E. State Route 260. As required by the Planning & Zoning Ordinance for a PUD (Planned Unit Development), the Site Development Plans are part of this approval and shall be included as EXHIBIT "A" of Ordinance 2015 A410. Also, the following stipulations shall be a part of this motion:

1. Provide parking stops in the parking area south of the Town of Camp Verde's sanitary pump station building to prevent vehicle impacts to the building.
2. Provide bollards around the existing transformer in the same parking lot for vehicle impact protection.
3. Comply with the changes to the access road as deemed necessary by the Fire District.



ORDINANCE 2015 A410

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA AN ORDINANCE FOR ZONING MAP CHANGE 20150170 PER AN APPLICATION SUBMITTED BY CHESTER – CAMPBELL, LLC, BETTY CHESTER & DOWLING CAMPBELL OWNERS OF PARCEL 404-02-005C, WHICH IS 12.35 ACRES. THE PROPERTY OWNER IS REQUESTING TO GO FROM A ZONING OF R1L-35 & R1L-175 (RESIDENTIAL: SINGLE FAMILY LIMITED) TO PUD (PLANNED UNIT DEVELOPMENT). THE PROPERTY IS LOCATED AT 30 E. STATE ROUTE 260.

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 20150170** was filed by Chester – Campbell, LLC, Betty Chester & Dowling Campbell owners for parcel 404-02-005C to rezone the subject parcel **from R1L-35 & R1L-175 to PUD (Planned Unit Development)**. The legal description is attached as exhibit "B".

B. The requested Zoning Map Change 20150170 **was** reviewed by the Planning & Zoning Commission on July 02, 2015 in a public hearing that was advertised and posted according to state law.

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".

E. The following stipulations are required as part of this amendment and approval and shall be shown on the Development Plan for this Planned Unit Development area:

1. Provide Parking stops in the parking area south of the Town of Camp Verde's sanitary pump station building to prevent vehicle impacts to the building.
2. Provide bollards around the existing transformer in the same parking lot for vehicle impact protection.
3. Comply with the changes to the access road as deemed necessary by the Fire District.

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. Per the Planning and Zoning Ordinance, Section 203 (Use Districts), Item L.2 PUD (Planned Unit Development) (Scope) it states the following: "each approved PUD development plan shall be specific to that particular property as approved by Town Council." This indicates that the PUD development plan is a part of the approval of the Council and shall be included as part of this ordinance and is attached as "Exhibit "A" Drawings, Pages 1 & 2 and will be stamped as approved with the date of the Council Hearing (June 24, 2015) and the effective date as described in Section 5 below. Exhibit "A" is available in the Town Clerks office located at 473 South Main, Suite 102, Camp Verde, Arizona 86322.

Section 4. 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 5. 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.

DRAFT

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 22nd day of July, 2015.

Charles German - Mayor

Date: _____

Approved as to form:



Bill Sims - Town Attorney

Attest: _____

Virginia Jones, Town Clerk



ORDINANCE

2015 A410

PROJECT# 20150170

CASE* 15-22

Land Use 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 | Utility Exemption |
| Site Plan Compatibility Review (Commercial) | | |
| Other: _____ | | |

2. Project Name: Sunnyside Farm

3. Contact Information: (a list of additional contacts may be attached) Please print or type legibly

Owner Name: Chester Campbell LLC Applicant Name: Dowling Campbell

Address: 30 HWY 260 E Address: 126 Salt Mine Rd.

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

Phone: 928-300-1077 Phone: 928-567-7137

E-mail: _____ E-Mail: dowlingcampbell@nau.edu

4. Property Description:

Address or Location: 30 HWY 260 E PARCEL: 404-02-005C

Existing Zoning: RIL-35 Existing Use: RESIDENTIAL

RIL-175 Existing Use: RESIDENTIAL

Proposed Zoning: PUD Proposed Use: RESIDENTIAL

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

The purpose is to use existing buildings as leased or rental buildings. (housing)

6. Certification:

This property was used for a school. Includes 5 bldgs.
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: Betty J. Chester Date: April 1, '15 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: Betty J. Chester Date: April 1, '15



Directions to Property

Assessor's Parcel Number 404-02-005C

Applicants Name Chester Campbell LLC

Property Address 30 HWY 260 E. Camp Verde, AZ
86322

Directions To Property:

Turn left from city parking lot onto Main Street.
Turn left at stop light onto Hwy 260 E. Turn left
at shell station onto E. Salt Mine Rd. Property is
on right side of road.

LETTER OF INTENT

PO Box 2166
Camp Verde, AZ 86322

DATE: 05/12/15

SUBJ: Zoning change for our property at 30 HWY 260 E in Camp Verde

We are writing you, as a resident/property owner within the 300 foot limit of our property, asking for your approval of a zoning change we need for our property at 30 HWY 260 E. It is the area across the dirt lane, actually E. Salt Mine Road, from the Shell Station, where our charter school operated until the past year. Since the school has closed, we now need to convert some of the classroom buildings into rental properties, so we need to change our zoning to a Planned Unit Development.

We have very nice buildings and most were houses to begin with. We are not adding any buildings, or making any major changes. Just things like new flooring, revamping a kitchen area, and adding a couple of showers. There will be no visible change to the property as it has been since we have owned it for the last 18 years.

Changing from our school zoning to a Planned Unit Development will also help the traffic situation. The entrance from HWY 30 that ADOT put in when they widened the highway has always been a worry to us. Left turns into the campus from eastbound traffic are illegal and a little chancy. To be legal, you have to drive across the bridge toward Payson, turn around at Quarter Horse Lane, and come back and make a right turn. That, of course, is more than most drivers want to do. In spite of our repeated verbal and written warnings, a huge number of parents, teachers, staff, and the public in general turned left into the campus. This access point is now gated and open only on pre-arranged occasions, like propane and other occasional deliveries. Also, the number of vehicles itself and the number of people will be reduced to something like 5 % of what it had been during our school years. So traffic will be greatly reduced and much safer.

Everyone will use the East Salt Mine Rd. between the Shell station and the pump station. We plan to use the parking area behind the pump station for our renters.

Another issue is the beauty of the place. We want to keep the river and its riparian shoreline and the lower field intact. No development. We already have a small farming program in place for the lower field, which is in keeping with the Camp Verde tradition. We also want to preserve the historic house, barn, and outbuildings. They are irreplaceable. Keep the place just like it looks right now.

We have been told that there is a shortage of rental homes in our area. So this zoning change will also help fill a growing need in the town itself. *JUNE 1, 2015*

We will be having a meeting on Thursday, ~~May 21~~, at 6:00 p.m. on our property to answer any of your questions. Pull in at the Shell station and park behind the pump station. Hope you will be there. We will meet in the school office. If you have questions, please call us at 928-567-7137 or 928-300-1077. We appreciate your consideration.

Sincerely,

Betty J. Chester and Dowling G. Chester

Betty J. Chester, Dowling G. Campbell

Affidavit

Betty Chester member of *Chester Campbell LLC*
I *Douglas Campbell* owner of parcel *404-02-0053* have notified my neighbors within 300' of my residence, by sending letters on *May 14, '15* to notify them of the neighborhood meeting that I conducted on the *1st* day of *June* 20*15*.

I posted my property with meeting date and time on the *15* day of *June* 20*15*.

Betty Chester member of *Chester Campbell LLC*
I *Douglas Campbell* owner of parcel *404-02-0053* have provided a summary of Neighborhood meeting I conducted to the Planning & Zoning Department of Camp Verde within 15 days attesting to the issues and concerns discussed at the Neighborhood Meeting held on the *1* day of *June* 20*15*

Summary

Statement: *See attached*

If Summary statement is too long, attach a copy.

State of Arizona }

County of Yavapai }

Betty J. Chester
Signature of Document Signer No. 1

Douglas Campbell
Signature of Document Signer No. 2

Subscribed and sworn to (or affirmed) before me this *18th* day of *June* 20*15*.

Barbara R. G.
Signature of Notary



DATE: 6/17/15

FR: Betty Chester

BCC

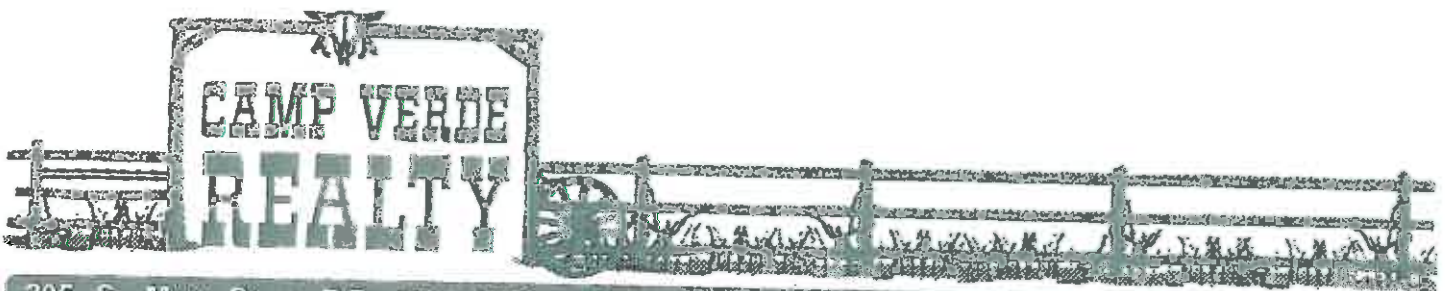
RE: Minutes of neighborhood meeting

On June 1, 2015, the Chester-Campbell LLC members held a meeting for the neighborhood to answer questions about a zoning change for property at 30 HWY 260 E. in Camp Verde.

Present were Betty Chester, Dowling Campbell, Keven Chester, Marshal Miglin, and Jenna Owens. One person, Brenda Houser, attended from the neighborhood.

Ms. Hauser asked three questions—1) are any new buildings going to be built, 2) why is there a desire for the PUD type of zoning, and 3) how will highway access be worked out.

All questions were discuss and answered, with display maps and informed personnel on site. The meeting was convened at 6:00 p.m., and the representatives remained until 7:00, at which time the meeting was concluded.



295 S. MAIN ST. • P.O. BOX 1773 • CAMP VERDE, AZ 86322 • 928-567-6474 • FAX 567-6252

February 18, 2015

To whom it may concern,

This letter is to inform you that Camp Verde Realty is seeking rental properties to accommodate our growing community. We currently send many rental seekers away due to the lack of rental property.

Bridgett Bowers

A handwritten signature in blue ink that reads 'Bridgett Bowers'. The signature is written in a cursive style with a large, sweeping initial 'B'.

Camp Verde Realty

Property Management

" THE TEAM THAT WORKS! "



EXHIBIT C

CONSENT TO CONDITIONS/WAIVER FOR DIMINUTION OF VALUE

The undersigned is the owner of the parcel of land described in EXHIBIT A hereto that is the subject of the Zoning Map Change 20150170 for parcel 404-82-005C. I have reviewed the conditions of rezoning and by signing this document, the undersigned agrees and consents to all the conditions imposed by the Town of Camp Verde in conjunction with the approval of the Rezoning Application and waives any right to compensation for diminution in value pursuant to Arizona Revised Statutes § 12-1134 that may now or in the future exist as a result of the approval of the rezoning and conditions.

Dated this 18th day of JUNE, 2015

OWNER:

OWNER:

Betty Chester
Print Name

Douling G. Campbell
Print Name

Betty J. Chester
Signature

Douling G. Campbell
Signature

members of Chester Campbell LLC

STATE OF ARIZONA)
) ss.
County of YAVAPAI)

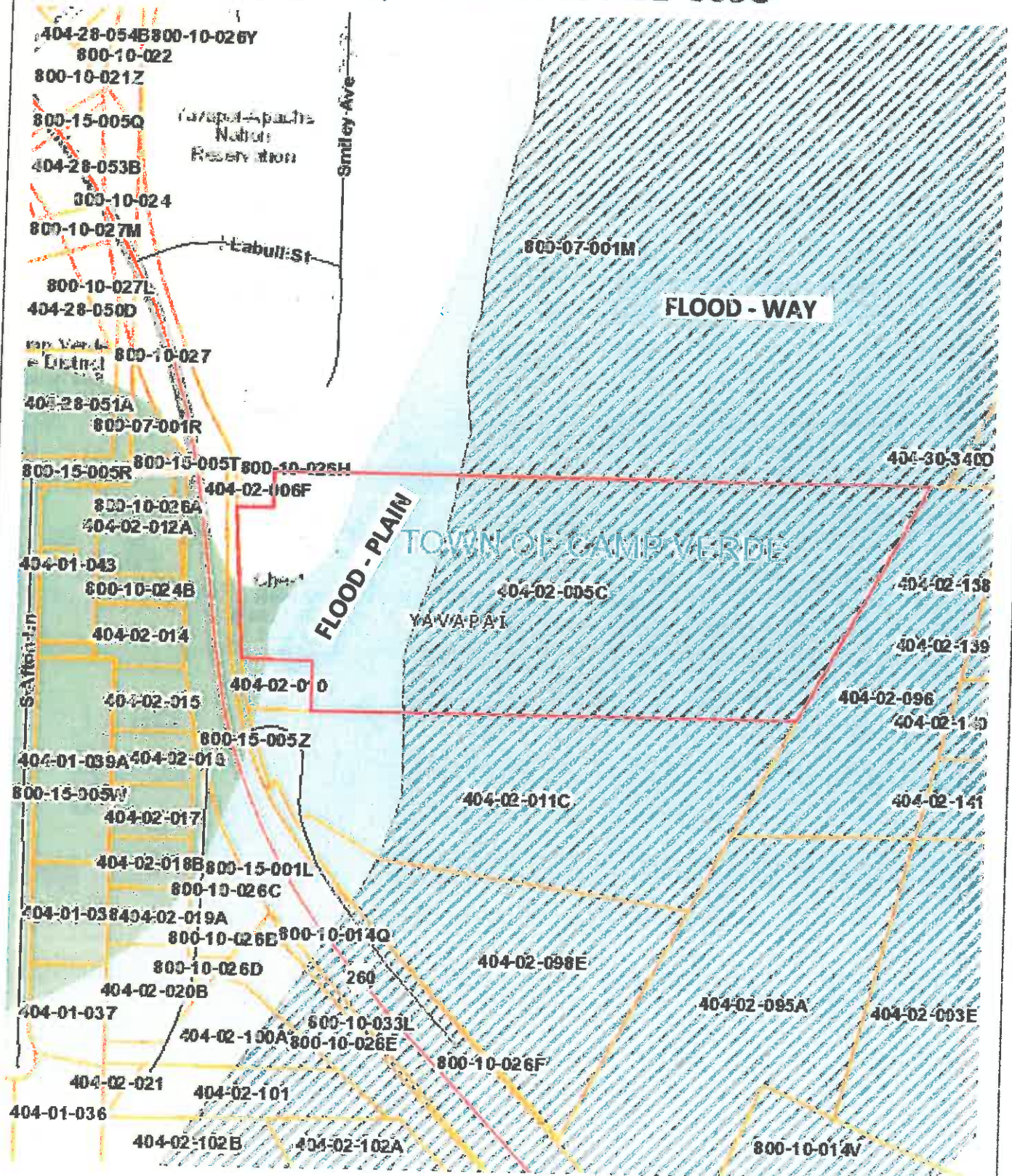
On this 18th day of June, 2015, before me, the undersigned Notary Public, personally appeared BARBARA BRIDGE, who acknowledged that this document was executed for the purposes therein contained.

Barbara Bridge
Notary Public

My Commission Expires: Nov. 6 2017

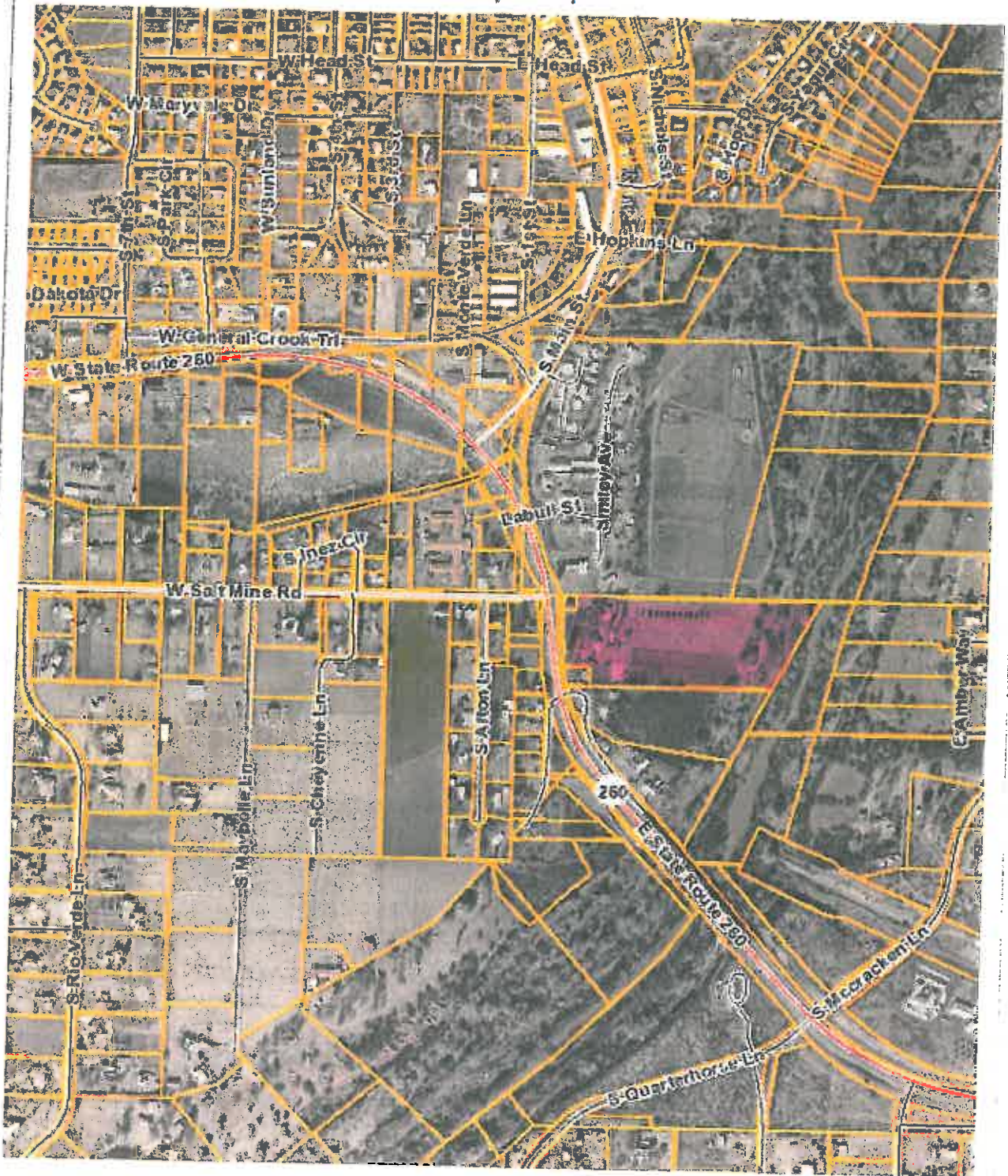


Flood Map - Parcel 404-02-005C



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.

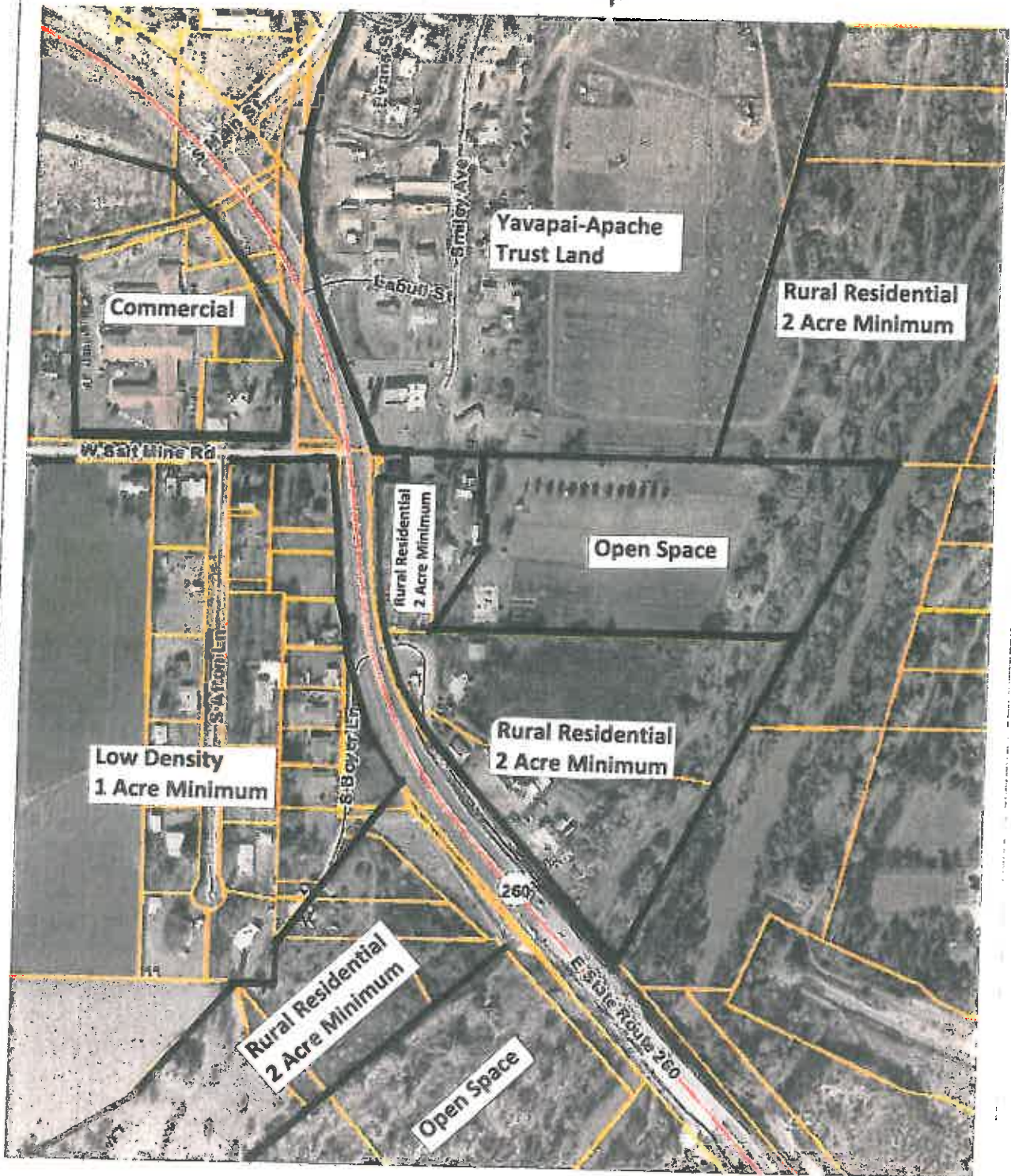
Vicinity Map



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Map printed on 5/14/2015

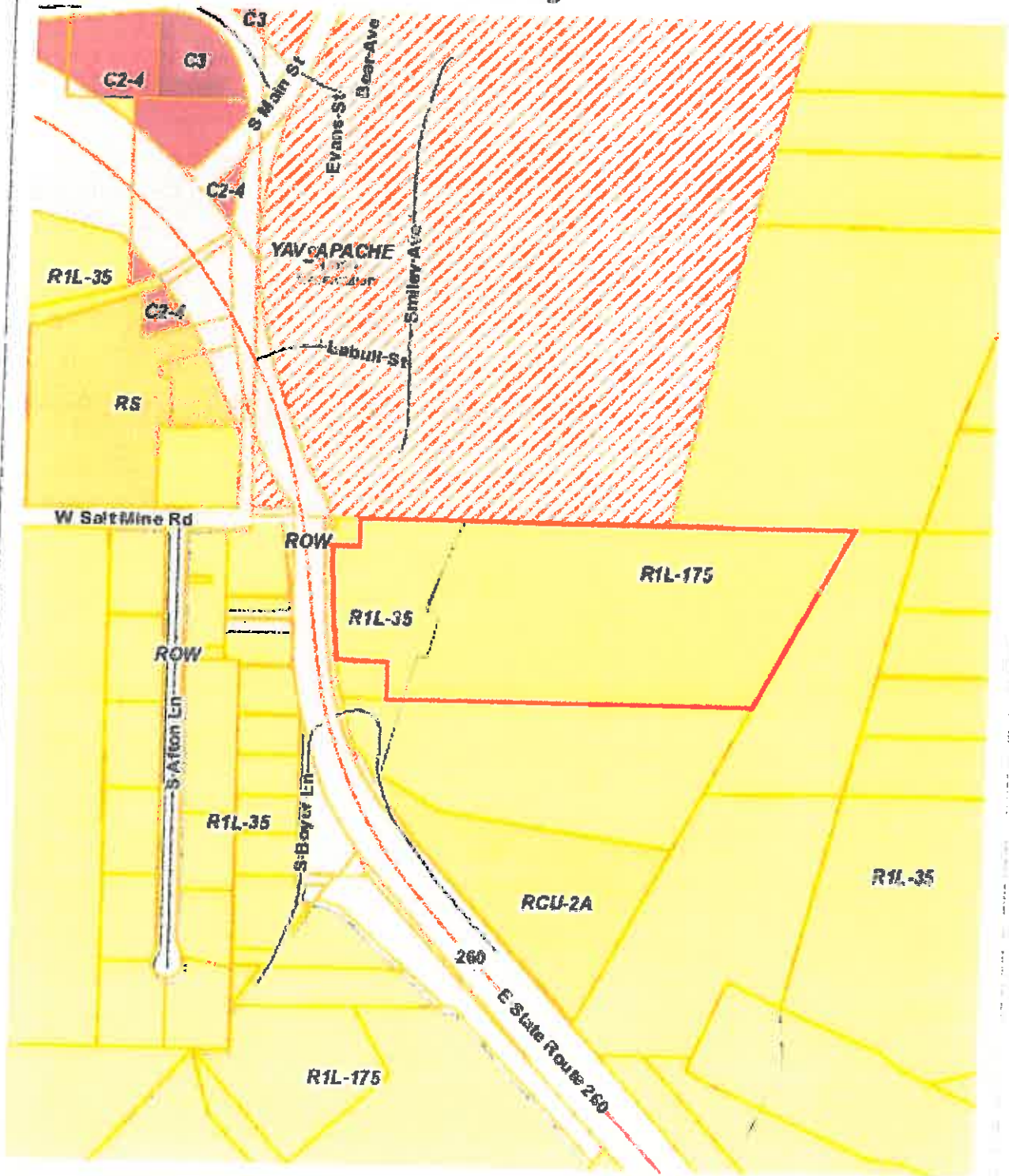
Land Use Map



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Map printed on 5/14/2015

Zoning

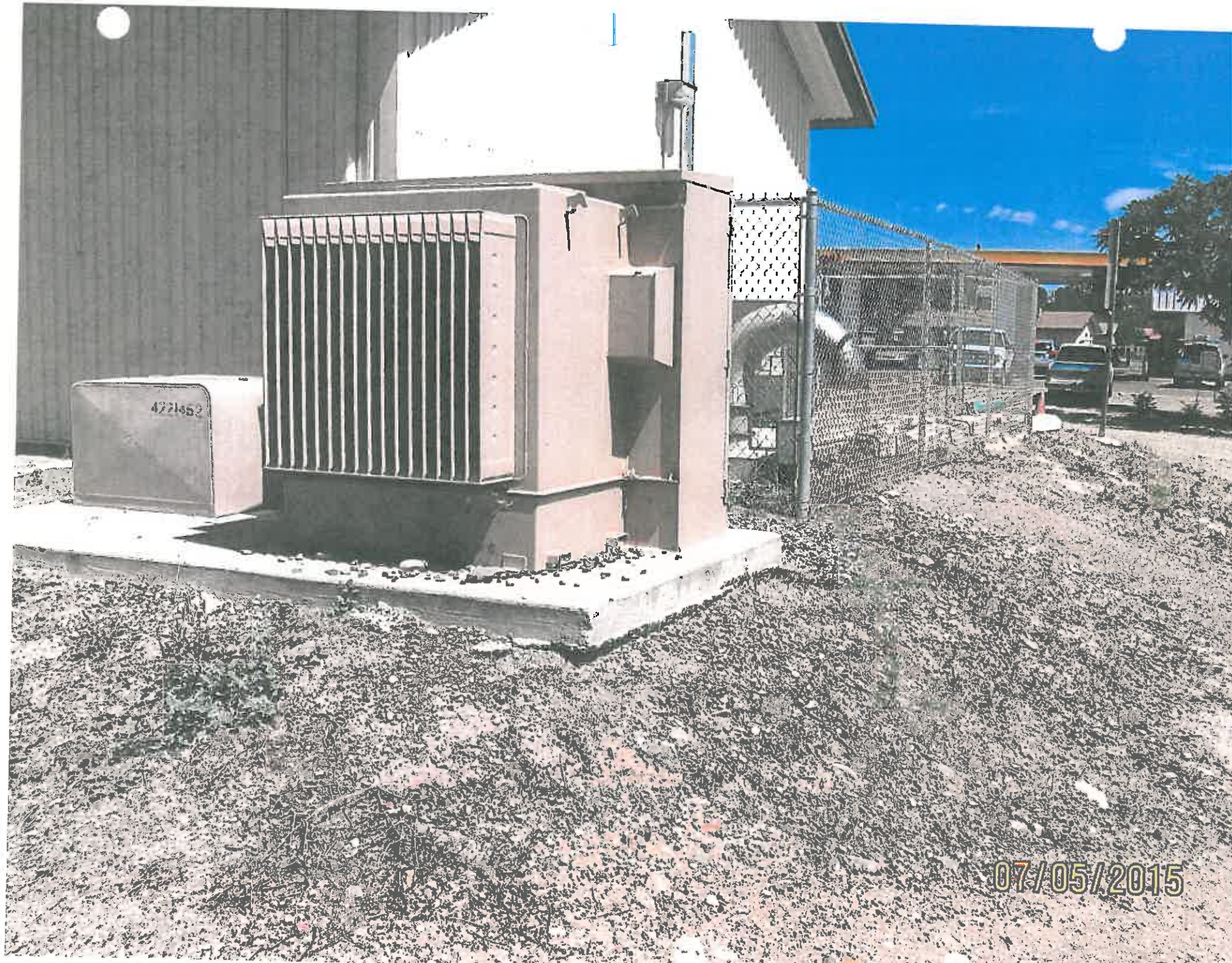


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Reprinted on 5/14/2015



07/05/2015



07/05/2015

L. PUD (Planned Unit Development)

The Planned Unit Development designation allows the site planner to propose the best use and arrangement of the land, with fewer constraints than those imposed by the existing zoning. Site planners can arrange buildings in any desirable manner, eliminate setbacks to save natural features, reduce the length and width of roads, cluster without side yards, and similar design adjustments.

1. **Purpose:** A parcel of land planned as a single unit for residential uses rather than as an aggregate of individual lots and may also provide for various types and combinations of land uses (such as commercial centers, industrial complexes, and public or common spaces with single and multifamily housing), with increased flexibility in site regulations (such as setbacks) or land use restrictions (such as mixed residential use). The greater flexibility in locating buildings and combining residential uses make it possible to achieve economies of construction as well as preserving open space.
2. **Scope:** The Planned Unit Development regulations that follow shall apply generally to the initiation and regulation of all Planned Unit Development Districts. However, each approved PUD development plan shall be specific to that particular property as approved by Town Council.
 - a. Where there are conflicts between P.U.D. regulations and the general zoning, subdivision or other regulations, these regulations shall apply in P.U.D. Districts unless the Council shall find, in the particular case, that the provisions herein do not serve the public to a degree at least equivalent to such general zoning, subdivision or other regulations.
 - b. Where actions, designs or solutions are not literally in accordance with applicable P.U.D. or general regulations, but the Council makes a finding in the particular case that the public purposes are satisfied to an equivalent or greater degree, the Council may make specific modification of the regulations in the particular case (other than area or off-street parking).
 - c. It is intended to permit establishment of new Planned Unit Development Districts for specialized purposes where tracts suitable in location, area, and character for the uses and structures proposed are to be planned and developed on a unified basis. Suitability of tracts for the development proposed shall be determined primarily by reference to the General Plan, but due consideration shall be given to existing and prospective character of surrounding development.
 - d. Within P.U.D. Districts, regulations adapted to such unified planning and development are intended to accomplish purposes of zoning and other applicable regulations to an equivalent or higher degree than where such regulations are designed to control unscheduled development on individual lots, and to promote economical and efficient land use, an improved level of amenities, appropriate and harmonious variety, creative design, and a better environment.
 - e. **Open Space Dedication:** open space shall be included in all developments. A dedication of open space equal to twenty-five percent (25%) of a development project is preferred.
3. **Permitted Uses and Structures:**

Buildings, structures, or premises within the Planned Unit Development shall be used only for the following uses:

 - a. Accessory uses and structures; such uses and structures may be located in the front one-half of a lot, provided they are not nearer the front lot line than the main building or buildings.
 - b. Clubs not operated primarily for commercial purposes.

- c. Community facilities, such as schools, parks, and playgrounds.
- d. Home occupations or cottage industries when indicated as part of the development plan or when in accordance with the provisions of Section 303.
- e. Industrial uses when designed in accordance with the provisions of the PM District requirements, Section 202-l.
- f. Manufactured home and recreational vehicle parks and subdivisions in accordance with the provisions of this Zoning Ordinance and any additional requirements the Council may deem necessary to fulfill the intent of the requirements herein.
- g. Neighborhood retail uses and other non-residential uses limited to those enumerated in the C1 and C2 districts may be specifically and selectively authorized as to type and size only when integrated by design as an essential element of the development, and only in an area proposed to be appropriately zoned for said use and approved as provided herein.
- h. Public utility installations.
- i. Single-family dwelling, two-family, multi-family; detached, semi-detached, and attached. (Manufactured, Modular or Site Built.) Mobile Homes Prohibited See Part 3 Section 306 B.2.c

MINUTES DRAFT
Special Session
THE PLANNING AND ZONING COMMISSION
TOWN OF CAMP VERDE 473 S MAIN STREET
CAMP VERDE, AZ. 86322
COUNCIL CHAMBERS STE. 106
THURSDAY JULY 02, 2015
6:30 PM

1. Call to Order

Chairman Davis called the meeting to order at 6:30 pm.

2. Roll Call

Chairman Davis, Vice Chairman Freeman Commissioners Blue, Hisrich and Norton present.
Absent: Commissioners Hisrich and Parrish.

Also present: Community Development Director Mike Jenkins, Assistant Planner Jenna Owens and Recording Secretary Marie Moore.

3. Pledge of Allegiance

Commissioner Norton led the pledge.

4. Consent Agenda - All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Commission so requests.

- a. Approval of Minutes:**
No minutes for approval.
- b. Set Next Meeting, Date and Time:**
As needed

5. Call to the Public for items not on the Agenda

None.

6. Public Hearing, Discussion and Possible Recommendation for approval (or denial) to Council on Zoning Map Change 20150170, an application submitted by Chester-Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: single-family limited) to PUD (Planned Unit Development). The property is located at 30 E State Route 260.

On a motion by Burnside, seconded by Blue, Commission unanimously recommends the approval to Council on Zoning Map Change 20150170, an application submitted by Chester-Campbell, LLC, Betty Chester & Dowling Campbell owners of parcel 404-02-005C, which is 12.35 acres. The property owner is requesting to go from a zoning of R1L-35 & R1L-175 (Residential: single-family limited) to PUD (Planned Unit Development). The property is located at 30 E State Route 260 with the following stipulations:

- 1. Provide a barrier in the parking area south of the Town of Camp Verde's sanitary pump station to impede traffic on Town Property.
- 2. Provide bollards around the existing transformer for protection.
- 3. Comply with the changes to the access road as deemed necessary by the Fire District.

Community Development Director Mike Jenkins gave a description and overview of the subject parcel listed in the application. Jenkins presented Exhibit A drawing consisting of the parcel description and layout for any clarification needed of the property to Commission. Jenkins explained the PUD plan will be a site plan specific and what is involved in such regulations.

Chairman Davis questioned about any potential impact of changes on the new study of flood control that is to be implemented in October 2015. Jenkins indicated that they are currently being held accountable under the new standards.

Mike Jenkins indicated that it was the staff's recommendation to approve the Zoning Map Change to a PUD.

Applicant, Kevin Chester, indicated that the reason for the request is to allow more than one family may reside on the property. There would not be any changes made to the property other than a potential BBQ pit. Entry would be made on the access road located on Salt Mine Rd. to the east of State Route 260.

Commissioner Blue clarified that all the existing buildings are already on the site plan and the only changes would be done would be renovations to the buildings but no additional buildings were to be built and this Zone Change would be as PUD due to the existing building locations are encroaching into to the setbacks and near the property line.

Commissioner Norton questioned the removal of a shed. Chester stated it needed to be removed due to the requirement by the fire marshal and access requirements. Norton clarified the parking area is referred to as a landscape area and questioned if it was the same area. Chester indicated that was correct.

Commissioner Burnside requested clarification on the statement of the area of the east parcel remaining open space and the area of the west parcel with residential dwellings. Jenkins explained that it is only one parcel and how the zoning differed on the property. Burnside questioned the closet fire hydrant. The applicant indicated there was one located across the road. Burnside indicated his concern with the sewer connection of the property and requested there is an assurance that there is a back flow preventer installed. Burnside mentioned the location of propane tanks. Burnside questioned the "roadway" and if the Public Works Director and Community Development Director considered the impact to the Yavapai-Apache land with whom the road is shared. Commissioner Burnside requested some sort of structure or fence to keep the Town of Camp Verde sanitary buildings from being damaged as well as the transformer be protected.

Chairman Davis clarified that the applicant is willing to comply with the roadway, parking and building identification numbers. The applicant conceded that was correct.

Chairman Davis requested in future times when appropriate, the Yavapai Apache Nation be contacted by staff when their property borders or could be affected by additional traffic.

Commissioner Burnside questioned if the applicant would be allowed to reinstate their farm vegetable store on the property under the PUD. Jenkins affirmed the applicant would be able to do so.

Jenkins indicated that he does not feel that the Town has the ability to require a back flow valve be required. Davis clarified that it was a recommendation.

7. Commission Information Reports:

Chairman Davis reminded Commission members of the August 30th deadline for the General Plan election. Corn Fest open house would be held on Saturday July 18th, 2015 from 10:00 am to 2:00 pm.

8. Staff Comments

None

9. Adjournment

On a motion by Blue, seconded by Freeman, the meeting adjourned at 7:17 pm.

Chairman B.J. Davis

Michael Jenkins Community Development Director

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Planning & Zoning Commission of the Town of Camp Verde during the Special Session of the Planning & Zoning Commission of the Town of Camp Verde, Arizona, held on the 2nd day of July, 2015. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ of _____, 2015.

Marie Moore, Recording Secretary



Agenda Item Submission Form – Section I

Meeting Date: 07-22-2015

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Town Attorney

Staff Resource/Contact Person:

Agenda Title (be exact):

Discussion with the Town Attorney regarding the proposed Camp Verde Water Franchise Agreement to include, but not limited to Possible approval of the agreement, possible approval of a Call of Election or direction to staff or to the Town Attorney Staff Resource: Bill Sims

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

- Department Head: _____ Town Attorney Comments: N/A
- Finance Department N/A
 Fiscal Impact: None
 Budget Code: N/A _____ Amount Remaining: _____
 Comments: _____

Background Information:

Recommended Action (Motion): No Action is necessary

Instructions to the Clerk: None

FRANCHISE AGREEMENT

FOR

CAMP VERDE WATER SYSTEM, INC.

TOWN OF CAMP VERDE, ARIZONA

Section 1 – Grant of Franchise

There is hereby granted to Camp Verde Water System, Inc., a corporation organized and existing under and by virtue of the laws of the State of Arizona (herein called "Grantee"), the right, privilege, and franchise to construct, maintain, and operate upon, over, along, across, and under the present and future public rights-of-way, (including, but not limited to streets, alleys, ways, highways, and bridges), in the Town of Camp Verde, Arizona (herein called "Municipality") water lines, pipes, and mains, together with all necessary or desirable appurtenances, (including, but not limited to valves, fittings, valve boxes, risers, fire hydrants, manholes, control devices, meters, meter boxes, and meter vaults) for its own use (herein called "Franchise"), for the purpose of supplying water to the Municipality, its successors, the inhabitants thereof, and all individuals and entities either within or beyond the limits thereof, for all purposes allowable under state law.

Any water service furnished by the Grantee to the Municipality itself or to any water improvement district within the Municipality shall be the subject of a separate agreement, provided that the terms and conditions of ~~and shall not be governed by the provisions of this Franchise and Franchise Agreement shall control.~~

Commented [WJS1] If the Town is taking this to a vote of the people, if the people approve, the Town can't turnaround the agree. to a new agreement that is not voter approved and that contradicts this voter approved agreement.

The Franchise hereby granted may not be transferred in whole or in part by the Grantee, its successors and assigns, without the prior consent of the Council of the Municipality, which consent shall not be unreasonably or arbitrarily withheld. No consent shall be required in connection with an assignment made as security pursuant to a mortgage or deed of trust in connection with subsequent transfers made pursuant to any such instrument. No consent by Municipality shall be required in the case of transfers of controlling interest in the utility or controlling interest in the utility's operating plant among members of the Bullard family, or involving trusts whose beneficiaries are members of the Bullard family. Upon the occasion of any transfer subject to review by the Municipality, Grantee shall make disclosure and application to the Municipality for consent. The Municipality shall promptly act on any application so received.

Section 2- Grantee's Compliance with Municipality Practice; Plans Submitted for Approval ~~and;~~

Municipality Construction Near Grantee's Facilities

All construction under this Franchise shall be performed in accordance with established practices of the Municipality with respect to such public rights-of-way and road standard ordinances. Before Grantee makes any installations in the public rights-of-way, Grantee shall ~~submit for approval a map showing the location of such proposed installations to the Municipality's Director of Public Works or Council upon request or direction from Municipality~~ obtain a construction permit and submit for approval a map showing the location of such proposed installations to Municipality's Engineer. Municipality and Grantee agree and understand that there may be instances when Grantee is required to make repairs that are of an emergency nature. Grantee shall notify Municipality prior to such repairs, to the extent practicable, and shall obtain the necessary permits in a reasonable time after notification, showing the work performed in the public rights-of-way.

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~~If the Municipality undertakes either directly or through a contractor any construction project adjacent to or near the Grantee's facilities pursuant to this Franchise and Franchise Agreement, the Municipality shall include in all such construction specifications, bids, and contracts, a requirement that, as part of the cost of the project, the contractor or his designee shall compensate the Grantee for the temporary removal, barricading or draining of Grantee's lines, mains or equipment, the location of which may create an unsafe condition in view of the equipment to be utilized or the methods of construction to be followed by the Municipality or its contractor or his designee. Municipality or its contractor or his designee shall also compensate the Grantee for the temporary removal, barricading or draining of Grantee's lines, mains, or equipment for a time period of more than four (4) hours for the Grantee to provide alternative water service to its affected customers. Such temporary removal, barricading or draining of Grantee's lines, mains, or equipment shall only be undertaken by Grantee or its designee. This requirement will not apply to construction by third parties that may affect the Grantee's facilities where Municipality is not undertaking the construction pursuant to this Franchise and Franchise Agreement.~~

Further, ~~such all construction and relocation hereunder as referenced herein~~ shall conform to any and all applicable federal, state, and local laws and regulations, including but not limited to those of the Arizona Corporation Commission and the Arizona State Department of Health Services.

Section 3- Construction and Relocation of Grantee's Facilities; Payment

The lines or related facilities installed or constructed pursuant to this Franchise shall be so located or relocated and so erected as to minimize the interference with traffic, or other authorized uses over, under or through the public rights-of-way. Furthermore, Grantee shall

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not install, construct, maintain or use its facilities in a manner that damages or interferes with any existing facilities of another utility located in the public rights-of-way and agrees to relocate its facilities, if necessary, to accommodate another facility relocation that has a prior rights interest in the public rights-of-way. Those phases of construction of Grantee's facilities relating to traffic control, backfilling, compaction and paving, as well as the location or relocation of lines and related facilities herein provided for shall be subject to established practices and regulations with respect to such public rights-of-way by the Council or the Municipality. The Grantee shall keep accurate records of the location of all facilities in the public rights-of-way and furnish them to the Municipality upon request. Upon completion of new or relocation construction of underground facilities in the public rights-of-way, the Grantee shall provide the Director of Public Works or Council with corrected drawings showing the actual location of the underground facilities in those cases where the actual location differs significantly from the proposed location approved in the plans on file with the Municipality.

Commented [WJS2]: I am not sure the drawings should go to Council. Also please let me know if they should go to the Public Works Directors or the Town Engineer?

~~A. Municipality shall bear the entire cost of relocating Grantee's facilities located within public rights-of-way, a relocation of which is necessary for Municipality's carrying out its functions. Grantee shall bear the entire cost of relocating its facilities located on public rights-of-way, the relocation of which is necessary for Municipality's carrying out of its governmental functions. Notwithstanding the foregoing, if Grantee is requested to perform work of a temporary nature on a governmental project to relieve construction problems which could be relieved by other means, the cost of said temporary work will be borne by Municipality or Municipality's contractor working on the governmental project. Governmental functions are those authorized duties of the Municipality, where the duties involve a general public benefit, not in the nature of a corporate or business undertaking for the corporate benefit and interest of Municipality. Further, such construction and/or relocation shall conform to any and all applicable federal, state, and local laws and regulations, including but not limited to those of the Arizona Corporation Commission and the Arizona Department of Health Services.~~

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~~B. Municipality will bear the entire cost of relocating any of Grantee's facilities, the relocation of which is necessitated by the construction of improvements by or on behalf of Municipality in furtherance of a proprietary function. All functions of Municipality which are not governmental are proprietary. If the Municipality relocates the Grantee's facilities for any reason, the cost of relocation to the Municipality shall not include any upgrade or improvement of Grantee's facilities as they existed prior to relocation.~~

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C. The Municipality shall not exercise its right to require Grantee's facilities to be relocated in an unreasonable or arbitrary manner. The Municipality shall consult with the Grantee in the planting of trees or the construction of structures in the public rights-of-way where Grantee's underground water lines or other appurtenances currently exist. ~~The Grantee and the Municipality may agree to cooperate on the location and the relocation of other facilities in the~~

~~public rights-of-way.~~

D. In the event of a proposal by the Municipality to purchase the assets of Grantee, ~~if the proposal is accepted by Grantee and approved by a vote of the qualified electors of the Municipality as required by A.R.S. § 9-514,~~ the Municipality shall, ~~pursuant to the terms of its proposal,~~ be liable for reimbursement of any expense incurred within the previous twelve (12) months for relocations demanded or directed by the Municipality, as well as for the interim period from the Municipality's proposal to the time of the actual conveyance of the assets.

Section 4: Indemnification

The Municipality shall indemnify and hold the Grantee, its officers, directors, agents, and employees harmless from any and all claims, demands, causes of action, damages, liability, costs, losses, or expenses incurred by the Grantee as a result of the failure of the Municipality to comply with the requirements of Sections 2, 3, and 14 of this Franchise and/or Franchise Agreement. Except as provided in this Section's preceding sentence, the Grantee shall ~~defend, indemnify and hold harmless~~ ~~save~~ the Municipality ~~harmless~~ from ~~and against~~ any ~~and all~~ ~~claims, costs, suits, damages, judgments, expenses and losses including, but not limited to reasonable attorney fees and court costs relating to, arising out of, or alleged to have resulted from expenses and losses incurred as a result of injury or damage to third persons occasioned~~ by the exercise of this Franchise by Grantee.

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Section 5: Restoration of Rights-of-Way

Whenever the Grantee shall cause any opening or alteration whatever to be made for any purpose in any public right-of-way, the work shall be completed with due diligence within a reasonably prompt time, and the Grantee shall, upon completion of such work, restore the property to meet applicable road standard ordinances.

Section 6: Fees

Grantee agrees to pay Municipality in consideration of the grant of this Franchise, a sum equal to two percent (2%) of the gross receipts of Grantee from the sale by it of water at retail for residential and commercial purposes, as determined by Grantee's revenue of the previous month, or if such time occurs that revenues should be adjusted during the franchise period for reasons other than a change in the standard of 2% of the gross receipts for retail residential and commercial purposes as a fee, ~~within the present and any future corporate limits of Municipality that are within the Grantee's Certificate of Convenience and Necessity, as shown by Grantee's~~

Commented [WJS3]: I am not sure what this means.

billing records ("Franchise Fee"). This Franchise Fee shall be due and payable monthly and shall be in lieu of all fees or charges for permits or licenses issued for the construction of Grantee's facilities hereunder or for inspections thereof. For the purpose of verifying the amounts payable hereunder, the books and records of Grantee shall be subject to inspection by duly authorized officers or representatives of Municipality at reasonable times.

Grantee may deduct from the Franchise Fee any tax or license paid by it or levied by Municipality exclusively upon utilities, up to the amount payable under the terms of this Section, unless Municipality's tax ordinances authorize the utility tax to be offset by the amount of any Franchise Fee paid pursuant to a Franchise and Franchise Agreement, in which event the entire 2% Franchise Fee shall be paid and the utility tax offset thereby.

The amount payable under the Franchise Fee shall not be reduced by reason of the payment of any general ad valorem taxes, assessments for special improvements, general sales or transaction privilege license taxes, or any similar general levy measured by Grantee's receipts or sales within Municipality, provided the amount of such sales tax or similar levy may be lawfully and specifically added to Grantee's customer's bills.

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~~Notwithstanding any provision contained herein to the contrary, the total amount of taxes, levies, assessments, and Franchise Fees paid by Grantee shall not exceed five (5%) percent of gross receipts of Grantee from the sale by it of water at retail for residential and commercial purposes within the corporate limits of Municipality.~~

Section 7: Scope of Information

Unless otherwise specified, all of Grantee's recordkeeping and disclosure obligations under this Franchise Agreement and Franchise include and are limited to information relating to this Franchise Agreement and Franchise or to Grantee's rights or obligations under this Franchise Agreement and Franchise.

Section 8: Business License

Notwithstanding any provision to the contrary, the Grantee shall, in addition to the payment provided in section 6, pay any occupation tax established by the Municipality, provided the tax is a flat fee per year and that the annual amount of such fee does not exceed the amount of fees paid by any other similar business operated within the Municipality.

Section 9: Term

This Franchise shall continue and exist for a period of twenty-five (25) years from the date this Agreement is signed by the Municipality and Grantee, provided, however, that either party may terminate this Franchise on its tenth (10th) anniversary by giving written notice of its intentions to do so not less than one (1) year before the date of termination. If such notice is given for the purpose of negotiating a new franchise and such negotiation is successful, the party giving the notice of termination shall be responsible for the costs of the resulting franchise election.

If the Municipality's election, verification by the Municipality of the results of the franchise election or the sixty (60) day timeframe for filing of written acceptance by Grantee does not occur prior to the ending date in the current Franchise Agreement, the current Franchise Agreement's terms shall extend until sixty (60) days after the Municipality's verification of the franchise election results to allow Grantee sufficient time to file its written acceptance of the new Franchise Agreement with the clerk of the Municipality.

Commented [WJ54] What does this refer to?

This Franchise Agreement and Franchise shall become effective and completely terminate and supersede the prior franchise agreement and franchise as of the date of this Franchise Agreement and Franchise.

~~This Franchise and Franchise Agreement shall be void and of no effect if written acceptance thereof by the Grantee is not filed in the office of the Clerk of the Municipality until sixty (60) days after the Municipality's verification of the franchise election results.~~

Commented [WJ55] If the Town is having an election, the Grantee should not have the right to reject the results of the election.

Section 10: Non-Exclusive Franchise

This Franchise is not exclusive, and nothing herein contained shall be construed to prevent the Municipality from granting other like or similar grants or privileges to any other person, firm or corporation.

Section 11: Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions hereof, to the extent applicable to a franchised water public service corporation, are hereby repealed.

Section 12: Independent, Severable Provisions

If any section, paragraph, clause, phrase or provision of this Franchise and Franchise Agreement, other than Section 6, shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Franchise and Franchise Agreement as a whole or any part of the provisions

hereof other than the part so adjudged invalid or unconstitutional. If Section 6 shall be adjudged invalid or unconstitutional in whole or in part by a final judgment of a court of law, after all appeals have been exhausted, this Franchise and Franchise Agreement shall immediately terminate and shall be of no further force or effect.

Section 13: Condemnation; Right Reserved by Municipality

The Municipality reserves the right and power to purchase and condemn the plant, which includes distribution facilities and other property of the Grantee within the corporate limits or any additions thereto, as provided by law.

Section 14: Municipality Use of Facility

In consideration of this Franchise and Franchise Agreement and the rights granted hereby, the Municipality shall have the right to place, maintain, and operate on the lines of the Grantee, its successors, and assigns, erected and maintained upon and along the public rights-of-way any and all pipes, brackets and appurtenances (other than steps or climbing devices), which the Municipality may install and/or own during the term and period of this Franchise and Franchise Agreement, for its municipal fire alarm and police telephone or other municipal communications services utilized for a governmental function, free of any charges for the use of the Grantee's lines; provided, however, all such systems, the installation and maintenance thereof, shall comply with the applicable requirements of the Occupational Safety and Health Act and the National Water Safety Code, as amended, and any applicable requirements of the Arizona Corporation Commission and the Arizona Department of Health Services, in addition to any and all applicable federal, state, and local laws and regulations, and only after written notice to the Grantee; provided however that the Grantee shall assume no liability nor be put to any additional expense in connection therewith and provided, further, that the Municipality's use thereof shall be in such manner as not to interfere with the Grantee's use of its facilities.

Section 15: Expiration

The Municipality and Grantee hereby expressly agree that the following provision shall survive the termination or expiration of this Franchise and Franchise Agreement:

Upon the termination or expiration of the Franchise and Franchise Agreement, if the Grantee shall not have acquired and accepted an extension or renewal hereof or acquired or accepted a franchise license agreement from Municipality, it may remove its facilities and system within the Municipality or at its option, may continue operating its facilities and system within the Municipality, but it shall be required to obtain proper permits each time it makes additional

extensions upon, over, along, across and under the public rights-of-way within the Municipality unless or until such time as a new franchise or franchise license is obtained or the system and facilities are removed or are acquired by the Municipality through the exercise of its power of eminent domain. Grantee's and ~~Grantor's~~Municipality's right to its plant, facilities and its operation thereof shall be as their respective interest shall then appear.

Section 16: Election

Grantee shall pay all costs associated with the franchise election required under A.R.S. § 9-501 et seq. by reimbursement to the Municipality if it is a special election duly and regularly called by the governing body of the Municipality for that purpose, excepting the referenced franchise election in Section 9 hereunder.

Commented [WJSG]: What does this refer to?

Section 17: Notices

Any notice required or permitted to be given hereunder shall be in writing, unless otherwise expressly permitted or required, and shall be deemed effective either (i) upon hand delivery to the person then holding the office shown on the attention line of the address below, or, if such office is vacant or no longer exists, to a person holding a comparable office, or (ii) on the third business day following its deposit with the United States Postal Service, first class and certified or registered mail, return receipt requested, postage prepaid, addressed as follows:

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To Municipality

To Grantee

Section 18: No Third-Party Beneficiaries

There are no third party beneficiaries to this Franchise agreement between Municipality and Grantee.

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TOWN OF CAMP VERDE

CAMP VERDE WATER SYSTEM, INC.

Mayor

President

ATTEST:

Town Clerk

Secretary

APPROVED AS TO FORM:

Town Attorney

Attorney for Camp Verde Water System, Inc.