



ORDINANCE 2018 A432

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA FOR A ZONING MAP CHANGE FROM R1L-70 (RESIDENTIAL: SINGLE FAMILY LIMITED, 70,000 SQUARE-FOOT MINIMUM LOT SIZE) TO C2-PAD (COMMERCIAL: GENERAL SALES & SERVICES, PLANNED AREA DEVELOPMENT). THE PROPERTIES CONSIST OF APPROXIMATELY 67 ACRES LOCATED NORTHWEST OF THE I-17 AND STATE ROUTE 260 INTERCHANGE INCLUDING PARCELS 403-21-014K, 403-21-014L, 403-21-250C, 403-21-014F, 403-21-014M, 403-21-021E, 403-22-021, AND 403-22-018C; AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE THIRTY (30) DAYS AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011, and

WHEREAS, Part 6, Section 600.C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning boundaries by the Town Council of the Zoning Map of Camp Verde under the Planning & Zoning Ordinance, and

WHEREAS, the Mayor and Council find that the requested re-zoning will be beneficial to the community and is in conformity with the Camp Verde General Plan, and

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

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. The Town Council hereby finds as follows:

- A. A request for **Zoning Map Change 2018-0001** was filed by Krishan Ginige, Agent for the property owners, to rezone the subject parcels from R1L-70 (RESIDENTIAL: SINGLE FAMILY LIMITED, 70,000 SQUARE-FOOT MINIMUM LOT SIZE) TO C2-PAD (COMMERCIAL: GENERAL SALES & SERVICES, PLANNED AREA DEVELOPMENT) for the following described real property: The legal description is attached as exhibit "A" and the map as exhibit "B". The above described parcel contains an area of approximately 67 acres.
- B. The Planning & Zoning Commission reviewed the request on January 8, 2018 in a public hearing that was advertised and posted according to state law and recommended approval of Zoning Map Change 2018-0001.

- C. The proposed Zoning Map Change Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.
- D. The Waiver of Diminution of Value Claim has been signed by the property owners and is attached as exhibit "C".

Section 2. That this ordinance be hereby expressly conditioned as follows:

1. Red Moon Development and Construction, Inc, acquisition of title to the property described in Exhibit "A";
2. Approval by the Town Council of a Final Development Site Plan to be reviewed by the Planning and Zoning Commission, and approved by the Town of Camp Verde Town Council as required by the Town of Camp Verde Planning and Zoning Ordinance and Subdivision Regulations Section 203 L.2. PAD (Planned Area Development), Scope, Site Plan requirements, Section 400 D.1. prior to issuance of any building permits;


In the event of non-compliance with any of the above conditions, the zoning designation for the described properties shall revert from C2-PAD (COMMERCIAL: GENERAL SALES & SERVICES, PLANNED AREA DEVELOPMENT) back to the original designation of R1L-70 (RESIDENTIAL: SINGLE FAMILY LIMITED, 70,000 SQUARE-FOOT MINIMUM LOT SIZE) in accordance with the procedures set forth in ARS §9-462.01(E).

Section 3. 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 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.

PASSED AND APPROVED BY A MAJORITY VOTE OF THE TOWN COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA ON THIS 28TH DAY OF FEBRUARY, 2018.


Charles German - Mayor

Date: March 1, 2018

Approved as to form:

Bill Sims - Town Attorney

Attest: 
Judith Morgan, Town Clerk



When Recorded Return To:
Town of Camp Verde
473 S. Main St
Camp Verde, Arizona 86322

**AGREEMENT
TO WAIVE CLAIM FOR DIMINUTION IN VALUE
REGARDING ACTION
PROPOSED BY TOWN OR REQUESTED BY PROPERTY OWNER**

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 19th day of January, 2018, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Edwin Erck, ("Owner(s)");

WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in **Exhibit "A"** attached hereto and expressly made a part hereof ("Property") and the recitals set forth above are true and correct and are incorporated herein by reference. Owner has independently determined and believes that the application of the Town's land use laws to the Property will not reduce the fair market value of the Property.

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town's Community Development Department:

20180001
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.

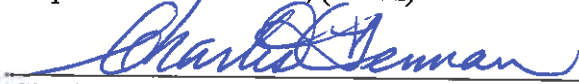
SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

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)



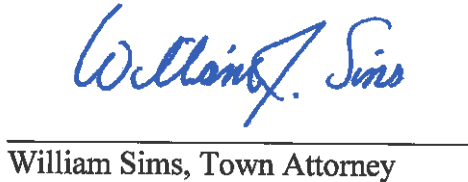
Charles German, Mayor

ATTEST:



Judith Morgan, Town Clerk

APPROVED AS TO FORM:



William Sims, Town Attorney

Dated this 19th day of January, 2018

OWNER:

Edwin E Erck

Print Name

Edwin E Erck
Signature

OWNER:

Print Name

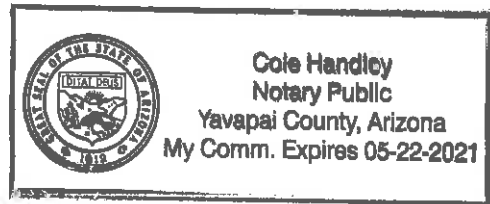
Signature

STATE OF ARIZONA)
County of Yavapai) ss.

On this 19th day of January, 2018, before me, the undersigned Notary Public,
personally appeared *Edwin Erck*, who acknowledged that this document was
executed for the purposes therein contained.

Cole Handley
Notary Public

My Commission Expires: 05-22-2021



Legal Description of Proposed Red Moon RV Resort Property**Parcel 1**

All that portion of the Southwest quarter of the Southwest quarter of Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, lying North and East of the centerline of State Highway No. 260, formerly known as State Highway No. 279, said centerline described as follows:

BEGINNING at a point on the South line of the Southwest quarter of the Southwest quarter of said Section 24 that lies North $89^{\circ}25'$ West, 475 feet from the Southeast corner of said Southwest quarter of the Southwest quarter;
THENCE North $12^{\circ}12'$ West 175 feet; THENCE North $04^{\circ}55'$ West, 391.5 feet;
THENCE North 288.5 feet along a curve to the left with a radius of 573 feet;
THENCE North $33^{\circ}46'$ West, 175 feet;
THENCE 480.8 feet along a curve to the left with a radius of 573 feet;
THENCE North $81^{\circ}51'$ West, 150.4 feet to a point on the West line of the Southwest quarter of the Southwest quarter of Section 24 that lies South $02^{\circ}07'$ West, 90.2 feet from the Northwest corner of said Southwest quarter of the Southwest quarter.

EXCEPTING therefrom the following described parcel:

COMMENCING at the Southeast corner of said Southwest quarter of the Southwest quarter; THENCE North $89^{\circ}25'$ West along the South line of said Southwest quarter of the Southwest quarter, 383.2 feet to the actual POINT OF BEGINNING for the description of this tract; THENCE North $15^{\circ}32'$ West, 100 feet;
THENCE South $87^{\circ}27'$ West, 76.4 feet;
THENCE South $16^{\circ}31'$ East, to a point on the South line of said Southwest quarter of the Southwest quarter;
THENCE East along said South line to the actual POINT OF BEGINNING.

ALSO EXCEPTING therefrom that portion conveyed to the State of Arizona by instrument recorded January 7, 1966 in Book 384 of Official Records, page 285-286, records of Yavapai County, Arizona.

ALSO EXCEPTING therefrom that portion conveyed to the State of Arizona by instrument recorded October 28, 2002 in Book 3970 of Official Records, page 669, records of Yavapai County, Arizona.

Parcel 2:

That portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at Corner No. 1, which point is identical to the Northwest corner of said Lot 5; THENCE South $89^{\circ}26'$ East, 634.7 feet, more or less, on the North line of said Lot 5 to the intersection of the Meander line on the right bank of the Verde River for Corner No. 2;

THENCE South $18^{\circ}30'$ East, on said Meander line, 96.45 feet to Corner No. 3;
THENCE South $24^{\circ}30'$ East on said Meander line, 404 feet to Corner No. 4, which is a point that

Legal Description of Proposed Red Moon RV Resort Property

lies left 300 feet from the centerline of the Black Canyon Highway;
THENCE South $24^{\circ}13'$ West on a line parallel to the said centerline of the Black Canyon Highway, 870.27 feet to Corner No. 5;
THENCE North $0^{\circ}33'$ West, 538.85 feet to Corner No. 6;
THENCE North $82^{\circ}27'$ West, 529 feet to Corner No. 7, which is a point on the West line of said Lot 5;
THENCE North $02^{\circ}03'$ East, on said West line of said Lot 5, 650 feet to the POINT OF BEGINNING.

EXCEPTING therefrom the following described parcel:

That portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Lot 5, being also the Southeast corner of Rio Verde Vista, a subdivision recorded in Book 12 of Maps, page 96, records of Yavapai County, Arizona;
THENCE continuing South $89^{\circ}52'$ East, along the North line of said Lot 5 (the basis of bearings for this description is South $89^{\circ}52'$ East along the south line of said Rio Verde Vista subdivision) 90.15 feet to the TRUE POINT OF BEGINNING;
THENCE South $89^{\circ}52'$ East along the said North line of Lot 5, a distance of 252.09 feet;
THENCE South $40^{\circ}39'24''$ East, 105.58 feet; THENCE South $42^{\circ}20'13''$ West, 227.22 feet;
THENCE North $34^{\circ}01'16''$ West, 299.99 feet to the TRUE POINT OF BEGINNING.

Parcel 3:

A tract of land in Lot 5, Section 24 and the Northeast quarter of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the southwest corner of said Section 24;
THENCE South $89^{\circ}50'$ East, 1869.17 feet to the TRUE POINT OF BEGINNING, the intersection of the Westerly line of this tract with the South section line of Section 24;
THENCE North $23^{\circ}50'$ East, 941.19 feet, more or less, to a point on the Westerly Meander line of the Verde River;
THENCE South $24^{\circ}53'$ East, along said Meander line, 265.8 feet to an intersection with the Westerly right of way line of State Highway No. 79;
THENCE South $23^{\circ}48'$ West, along said right of way line (State Highway course South $23^{\circ}46'$ West) 872.96 feet, more or less, to a point on the North side of the Woods Ditch; THENCE North $54^{\circ}56'$ West, 40.23 feet;
THENCE North $49^{\circ}42'$ West, 127.78 feet;
THENCE North $39^{\circ}52'$ West, 42.63 feet;
THENCE North $23^{\circ}50'$ East, 44.20 feet to the TRUE POINT OF BEGINNING.

Parcel 4:

A tract of land in Lot 5, Section 24 and the Northeast quarter of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian,

Legal Description of Proposed Red Moon RV Resort Property

COMMENCING at the Southwest corner of said Section 24;
THENCE South 89°50' East, 1829.17 feet to the TRUE POINT OF BEGINNING, a point on the Easterly bank of the Woods Ditch;
THENCE North 02°33' West, 124.14 feet to a point on said bank; THENCE North 06°17' West, 135.12 feet to a point on said bank; THENCE North 14°00' East, 170.77 feet to a point on said bank;
THENCE North 00°11' West, 184.50 feet to an intersection of the East bank of the Woods Ditch with the South line of Tract No. 2 of the Deed recorded in Book 197 of Deeds, page 103, in the office of the County Recorder of Yavapai County, Arizona;
THENCE South 82°50' East along said South line 40.0 feet to a corner of said Tract No. 2;
THENCE South 00°56' East, 538.85 feet to the most Southerly corner of said tract;
THENCE South 23°50' West, 175.12 feet to a point on the Easterly bank of the Woods Ditch;
THENCE North 28°38' West, 46.20 feet to the TRUE POINT OF BEGINNING.

Parcel 5:

All of Lot 6 and that portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Lot 5, being also the Southeast corner of Rio Verde Vista, a subdivision recorded in Book 12 of Maps, page 96, records of Yavapai County, Arizona;
THENCE continuing South 89°52' East, along the North line of said Lot 5 (the basis of bearings for this description is South 89°52' East along the south line of said Rio Verde Vista subdivision) 90.15 feet to the TRUE POINT OF BEGINNING;
THENCE South 89°52' East along the said North line of Lot 5, a distance of 252.09 feet;
THENCE South 40°39'24" East, 105.58 feet; THENCE South 42°20'13" West, 227.22 feet;
THENCE North 34°01'16" West, 299.99 feet to the TRUE POINT OF BEGINNING.

Parcel 6:

An irregular portion of meander land with the south most corner lying approx. 2350'E & 630'N from the SW section corner of section 24-14N-4E. Contains 0.60 AC
Yavapai County Assessor's Parcel No. 403-21-014K

Parcel 7:

An irregular portion of meander land with the north most corner lying approx. 1980'E & 1420'S from the W 1/4 corner of section 24-14N-4E. Contains 0.60 AC
Yavapai County Assessor's Parcel No. 403-21-014L

Parcel 8:

An irregular portion of meanderland lying east of & adjacent to government Lots 5 & 6 with the most southerly corner lying approx. 2400'E & 820'N from the W 1/4 corner of section 24-14N-4E. Contains 2.88 AC.
Yavapai County Assessor's Parcel No. 403-21-250C

Legal Description of Proposed Red Moon RV Resort Property

Parcel 9:

A tract of land in the Northwest quarter of Section 25 and the Southwest quarter of Section 24, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, as recorded in Book 4 of Surveys, page 31, with original recordation in Book 815, page 785, Book of Official Records, and further shown on the June-18-83 Results of Survey Map signed and sealed by David M. Sommers, RLS #11281 on April-2-84.

BEGINNING at the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 25 and a stone monument, and the TRUE POINT OF BEGINNING;

thence N 89 27'20" W 383.03 feet (N 89 25' W 383.2 feet, record)

along the North line of the Northwest quarter of the Northwest quarter of said Section 25;

thence N 15 30'31" W 99.94 feet (N 15 32' W 100.0 feet, record);

thence S 87 27'00" W 76.40 feet (S 87 27' W 76.4 feet, record);

thence S 16 31'00" E 566.67 feet (S 16 31' E 578.4 feet, record);

thence S 65 51'49" E 395.24 feet (S 66 12' E 377.0 feet, record);

thence N 24 08'13" E 218.15 feet (N 23 48' E 218.71 feet, record);

thence S 65 51'49" E 104.08 feet (S 66 12' E 104.35 feet, record);

thence N 24 14'18" E 638.78 feet (N 23 46' E 673.00 feet, record);

thence N 06 17'00" W 125.58 feet (N 06 17' W 93.7 feet, record);

thence N 14 00' E 170.77 feet (N 14 00' E 170.77 feet, record);

thence N 0 11' W 184.5 feet (N 0 11' W 184.5 feet, record);

thence N 82 27' W 489.0 feet (N 82 27' W 489.0 feet, record)

to a point on the East line of the Southwest quarter of the Southwest quarter of said Section 24;

thence S 02 05'00" W 670.34 feet (S 02 03' W 672.0 feet, record) along said East line to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that small skewed rectangular portion, 0.2 acre, more or less, and approximately 76 feet by 100 feet, of the Southwest quarter of the southwest quarter of Section 24, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows: commencing for reference from the Southeast corner of the Southwest quarter of the Southwest quarter of said section 24, said 1/16 corner lies S 89 27'20" E, a distance of 1324.94 feet from the Southwest corner of said Section 24, to a point on the South line of said Section 24, said point being N 89 27'20" W 383.03 feet (N 89 25' W 383.2 feet, record) to the TRUE POINT OF BEGINNING;

thence N 15 30'31" W 99.94 feet (N 15 32' W 100 feet, record);

thence S 87 27' W 76.40 feet (S 87 27' W 76.40 feet, record);

thence S 16 31' E (S 16 31' E) to the South line of Section 24; thence Easterly along the South line of said Section 24 to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for Ingress, egress and utilities, including geothermal lines, 35.00 feet in width, in Section 25, along the South boundary of the above described 0.2 acre parcel.

ALSO EXCEPTING THEREFROM a portion of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Legal Description of Proposed Red Moon RV Resort Property

BEGINNING at the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 25, said point lies South 89 25'43" East, a distance of 1324.94 feet from the Northwest corner of said Section 25;

thence south 89 20'45" East, along the North line of said Section 25, a distance of 421.27 feet;

thence South 24 15'46" West, a distance of 490.46 feet;

thence North 65 50'22" West (measured) (North 65 51'49" West record) a distance of 104.13 feet (measured) (104.08 feet record);

thence South 24 10'13" West (measured) south 24 08'13" West record), a distance of 218.38 feet (measured) 218.15 feet record);

thence North 65 47'22" West (measured) (North 65 51'49" West record, a distance of 395.10 feet (measured) (395.24 feet record);

thence North 16 31'00" West, a distance of 470.52 feet to the North line of said Section 25;

thence south 89 25'43" East, a distance of 458.87 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for Ingress, egress and utilities, Including geothermal lines, 35.00 feet in width, along the Westerly 508.87 feet of the North boundary of the above described parcel.

Revised 10/12/17

Application #: 20180001



JAN 22 '18 PM 2:45

Land Use Application Form

1. Application is made for:

- | | | |
|--|------------------------------|-------------------------------|
| Zoning Map Change | Use Permit | Temporary Use Permit |
| Conceptual Plan Review | Preliminary Plat | Final Plat |
| PAD Site Plan Review | Variance | General Plan Amendment |
| Street Abandonment | Minor Land Division | Wireless Tower |
| Appeal | Verif. of Non-Conforming Use | Zoning Verif. / Admin. Review |
| Development Standards Review (Commercial) | | |
| Other: <u>Addendum to Pending Application for Red Moon Development</u> | | Fees: <u>\$14.42</u> |

2. Project Name: Red Moon RV Resort

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

Owner Name: <u>Edwin Erck</u>	Applicant Name: <u>Red Moon Development and Construction, Inc</u>
Address: <u>PO Box 1065</u>	Address: <u>10025 E Dynamite Blvd., Suite B140</u>
City: <u>Camp Verde</u> State: <u>AZ</u> Zip: <u>86322</u>	City: <u>Scottsdale</u> State: <u>AZ</u> Zip: <u>85262</u>
Phone: <u>928-300-5177</u>	Phone: <u>480-947-9253</u>
E-mail: _____	E-Mail: <u>info@RedMoonHomes.com</u>

4. Property Description: Parcel Number 403-22-018C Acres: 6.6
 Address or Location: 980 feet due east from the intersection of Wilshire Blvd and State HWY 260
 Existing Zoning: R1L-70 Existing Use: Vacant
 Proposed Zoning: PAD-C2 Proposed Use: RV Resort

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

Change zoning to accommodate an RV park

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: Edwin Erck Date: 1-19-18 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: [Signature] Date: 1/19/18

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 13 day of JAN, 2018, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

GREGORY W BALDWIN ("Owner(s)");

WITNESSETH:

WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

WHEREAS, Proposition 207 added a new Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes (comprising §§12-1131 through 12-1138) dealing with eminent domain and regulatory takings; and

WHEREAS, ARS §12-1134 permits an owner of private real property to seek just compensation from the state or a political subdivision thereof that enacts or applies a land use law which (subject to certain exceptions) reduces existing rights to use, divide, sell or possess said property and thereby reduces the fair market value of the property; and

WHEREAS, "land use law" includes any statute, rule, ordinance, resolution, or law enacted by the state or political subdivision that regulates the use or division of land or any interest in land; and

WHEREAS, ARS §12-1134(I) recognizes that the state or political subdivisions may reach agreements with private property owners to waive claims for diminution in value resulting from land use law actions proposed by the state or political subdivision or requested by the property owners; and

WHEREAS, the Town (through its Common Council) has, on the date first-above written, duly considered and approved this Agreement with the Owner(s) to waive any claims said Owner(s) may have for diminution in value that may result, now or in the future, from the land use law action(s) proposed by the Town or requested by the Owner(s) as more fully set forth herein;

NOW, THEREFORE, for and in consideration of the mutual covenants and promises

contained herein (and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged), the parties hereto agree as follows:

SECTION ONE. This Agreement applies to that private real property described in Exhibit "A" attached hereto and expressly made a part hereof ("Property") and the recitals set forth above are true and correct and are incorporated herein by reference. Owner has independently determined and believes that the application of the Town's land use laws to the Property will not reduce the fair market value of the Property.

SECTION TWO. The land use law action(s) proposed by the Town or requested by the Owner(s) to which this Agreement applies have been designated as follows by the Town's Community Development Department:

#20180001
Town Application Number

and, are based on certain application(s), copies of which ("Applications") are shown as Exhibit "B" attached hereto and expressly made a part hereof ("Action(s)").

SECTION THREE. By signing this Agreement, the Owner(s) expressly agree(s) and acknowledge(s) that the Owner(s) hereby waive(s) any right to claim diminution in value or claim just compensation for diminution in value of the Property under ARS §12-1134, now or in the future, in relation to the Action(s). This includes (but is expressly not limited to) agreement and consent by the Owner(s) to all conditions that may ultimately be imposed as part of the Action(s).

SECTION FOUR. It is expressly understood by the parties that this Agreement does not add to, detract from, or otherwise modify any discretion, right, power, authority, obligation, or duty of the Town under applicable law with respect to any legislative, administrative, or quasi-judicial action(s).

SECTION FIVE. This Agreement (including any exhibits attached hereto and any addendum) constitutes the entire understanding and agreement of the Owner(s) and the Town and shall supersede all prior agreements or understandings between the Owner(s) and Town regarding the Property. This Agreement may not be modified or amended except by written agreement of the Owner(s) and the Town.

SECTION SIX. This Agreement is made and entered into in Yavapai County, Arizona, and will be construed and interpreted under the laws of the State of Arizona.

SECTION SEVEN. The parties agree that this Agreement may be filed in the Official Records of the County Recorder's Office, Yavapai County, Arizona.

SECTION EIGHT. This Agreement runs with the land and is binding upon all present and future owners of the Property.

SECTION NINE. This Agreement is subject to the cancellation provisions of ARS §38-511.

SECTION TEN. The Owner(s) warrant(s) and represent(s) that the Owner(s) is/are the owner(s) of fee title to the Property, and that no other person(s) has/have any ownership interest(s) in the Property. The person(s) who sign(s) on behalf of the Owner(s) personally warrant(s) and guarantee(s) to the Town that he/she/they have the legal authority to bind the Owner(s) to this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by

and through their authorized representatives the day and year first-above written.

TOWN OF CAMP VERDE, a municipal
corporation of Arizona,
(Town)



Charles German, Mayor

ATTEST:


Judith Morgan, Town Clerk


APPROVED AS TO FORM:


William Sims, Town Attorney

Dated this 12 day of JAN, 2018

OWNER:

OWNER:


Print Name

Print Name


Signature

Signature

STATE OF ARIZONA)
) ss.
County of _____)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Solano)

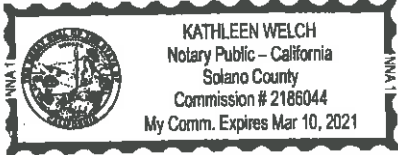
On 1/12/2018 before me, Kathleen Welch, Notary
Date Here Insert Name and Title of the Officer

personally appeared Gregory W. Baldwin
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Agreement to Waive Claim for Diminution in Value

Document Date: 1/12/2018 Number of Pages: 6

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

Signer's Name: _____

Corporate Officer — Title(s): _____

Partner — Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer Is Representing: _____

On this ____ day of _____, 20____, before me, the undersigned Notary Public,
personally appeared _____, who acknowledged that this document was
executed for the purposes therein contained.

Notary Public

My Commission Expires: _____

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

Legal Description of Proposed Red Moon RV Resort Property

Parcel 1

All that portion of the Southwest quarter of the Southwest quarter of Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, lying North and East of the centerline of State Highway No. 260, formerly known as State Highway No. 279, said centerline described as follows:

BEGINNING at a point on the South line of the Southwest quarter of the Southwest quarter of said Section 24 that lies North 89°25' West, 475 feet from the Southeast corner of said Southwest quarter of the Southwest quarter;

THENCE North 12°12' West 175 feet; THENCE North 04°55' West, 391.5 feet;

THENCE North 288.5 feet along a curve to the left with a radius of 573 feet;

THENCE North 33°46' West, 175 feet;

THENCE 480.8 feet along a curve to the left with a radius of 573 feet;

THENCE North 81°51' West, 150.4 feet to a point on the West line of the Southwest quarter of the Southwest quarter of Section 24 that lies South 02°07' West, 90.2 feet from the Northwest corner of said Southwest quarter of the Southwest quarter.

EXCEPTING therefrom the following described parcel:

COMMENCING at the Southeast corner of said Southwest quarter of the Southwest quarter; THENCE North 89°25' West along the South line of said Southwest quarter of the Southwest quarter, 383.2 feet to the actual POINT OF BEGINNING for the description of this tract; THENCE North 15°32' West, 100 feet;

THENCE South 87°27' West, 76.4 feet;

THENCE South 16°31' East, to a point on the South line of said Southwest quarter of the Southwest quarter;

THENCE East along said South line to the actual POINT OF BEGINNING.

ALSO EXCEPTING therefrom that portion conveyed to the State of Arizona by instrument recorded January 7, 1966 in Book 384 of Official Records, page 285-286, records of Yavapai County, Arizona.

ALSO EXCEPTING therefrom that portion conveyed to the State of Arizona by instrument recorded October 28, 2002 in Book 3970 of Official Records, page 669, records of Yavapai County, Arizona.

Parcel 2:

That portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

BEGINNING at Corner No. 1, which point is identical to the Northwest corner of said Lot 5; THENCE South 89°26' East, 634.7 feet, more or less, on the North line of said Lot 5 to the intersection of the Meander line on the right bank of the Verde River for Corner No. 2;

THENCE South 18°30' East, on said Meander line, 96.45 feet to Corner No. 3;

THENCE South 24°30' East on said Meander line, 404 feet to Corner No. 4, which is a point that

Legal Description of Proposed Red Moon RV Resort Property

lies left 300 feet from the centerline of the Black Canyon Highway;
THENCE South 24°13' West on a line parallel to the said centerline of the Black Canyon Highway, 870.27 feet to Corner No. 5;
THENCE North 0°33' West, 538.85 feet to Corner No. 6;
THENCE North 82°27' West, 529 feet to Corner No. 7, which is a point on the West line of said Lot 5;
THENCE North 02°03' East, on said West line of said Lot 5, 650 feet to the POINT OF BEGINNING.

EXCEPTING therefrom the following described parcel:

That portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Lot 5, being also the Southeast corner of Rio Verde Vista, a subdivision recorded in Book 12 of Maps, page 96, records of Yavapai County, Arizona;
THENCE continuing South 89°52' East, along the North line of said Lot 5 (the basis of bearings for this description is South 89°52' East along the south line of said Rio Verde Vista subdivision) 90.15 feet to the TRUE POINT OF BEGINNING;
THENCE South 89°52' East along the said North line of Lot 5, a distance of 252.09 feet;
THENCE South 40°39'24" East, 105.58 feet; THENCE South 42°20'13" West, 227.22 feet;
THENCE North 34°01'16" West, 299.99 feet to the TRUE POINT OF BEGINNING.

Parcel 3:

A tract of land in Lot 5, Section 24 and the Northeast quarter of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the southwest corner of said Section 24;
THENCE South 89°50' East, 1869.17 feet to the TRUE POINT OF BEGINNING, the intersection of the Westerly line of this tract with the South section line of Section 24;
THENCE North 23°50' East, 941.19 feet, more or less, to a point on the Westerly Meander line of the Verde River;
THENCE South 24°53' East, along said Meander line, 265.8 feet to an intersection with the Westerly right of way line of State Highway No. 79;
THENCE South 23°48' West, along said right of way line (State Highway course South 23°46' West) 872.96 feet, more or less, to a point on the North side of the Woods Ditch; THENCE North 54°56' West, 40.23 feet;
THENCE North 49°42' West, 127.78 feet;
THENCE North 39°52' West, 42.63 feet;
THENCE North 23°50' East, 44.20 feet to the TRUE POINT OF BEGINNING.

Parcel 4:

A tract of land in Lot 5, Section 24 and the Northeast quarter of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian,

Legal Description of Proposed Red Moon RV Resort Property

COMMENCING at the Southwest corner of said Section 24;
THENCE South 89°50' East, 1829.17 feet to the TRUE POINT OF BEGINNING, a point on the Easterly bank of the Woods Ditch;
THENCE North 02°33' West, 124.14 feet to a point on said bank; THENCE North 06°17' West, 135.12 feet to a point on said bank; THENCE North 14°00' East, 170.77 feet to a point on said bank;
THENCE North 00°11' West, 184.50 feet to an intersection of the East bank of the Woods Ditch with the South line of Tract No. 2 of the Deed recorded in Book 197 of Deeds, page 103, in the office of the County Recorder of Yavapai County, Arizona;
THENCE South 82°50' East along said South line 40.0 feet to a corner of said Tract No. 2;
THENCE South 00°56' East, 538.85 feet to the most Southerly corner of said tract;
THENCE South 23°50' West, 175.12 feet to a point on the Easterly bank of the Woods Ditch;
THENCE North 28°38' West, 46.20 feet to the TRUE POINT OF BEGINNING.

Parcel 5:

All of Lot 6 and that portion of Lot 5, Section 24, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows:

COMMENCING at the Northwest corner of said Lot 5, being also the Southeast corner of Rio Verde Vista, a subdivision recorded in Book 12 of Maps, page 96, records of Yavapai County, Arizona;
THENCE continuing South 89°52' East, along the North line of said Lot 5 (the basis of bearings for this description is South 89°52' East along the south line of said Rio Verde Vista subdivision) 90.15 feet to the TRUE POINT OF BEGINNING;
THENCE South 89°52' East along the said North line of Lot 5, a distance of 252.09 feet;
THENCE South 40°39'24" East, 105.58 feet; THENCE South 42°20'13" West, 227.22 feet;
THENCE North 34°01'16" West, 299.99 feet to the TRUE POINT OF BEGINNING.

Parcel 6:

An irregular portion of meander land with the south most corner lying approx. 2350'E & 630'N from the SW section corner of section 24-14N-4E. Contains 0.60 AC
Yavapai County Assessor's Parcel No. 403-21-014K

Parcel 7:

An irregular portion of meander land with the north most corner lying approx. 1980'E & 1420'S from the W 1/4 corner of section 24-14N-4E. Contains 0.60 AC
Yavapai County Assessor's Parcel No. 403-21-014L

Parcel 8:

An irregular portion of meanderland lying east of & adjacent to government Lots 5 & 6 with the most southerly corner lying approx. 2400'E & 820'N from the W 1/4 corner of section 24-14N-4E. Contains 2.88 AC.
Yavapai County Assessor's Parcel No. 403-21-250C

Legal Description of Proposed Red Moon RV Resort Property

Parcel 9:

A tract of land in the Northwest quarter of Section 25 and the Southwest quarter of Section 24, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, as recorded in Book 4 of Surveys, page 31, with original recordation in Book 815, page 785, Book of Official Records, and further shown on the June-18-83 Results of Survey Map signed and sealed by David M. Sommers, RLS #11281 on April-2-84.

BEGINNING at the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 25 and a stone monument, and the TRUE POINT OF BEGINNING;

thence N 89 27'20" W 383.03 feet (N 89 25' W 383.2 feet, record)

along the North line of the Northwest quarter of the Northwest quarter of said Section 25;

thence N 15 30'31" W 99.94 feet (N 15 32' W 100.0 feet, record);

thence S 87 27'00" W 76.40 feet (S 87 27' W 76.4 feet, record);

thence S	16	31'00"	E	566.67 feet	(S	16	31'	E	578.4 feet,	record);
thence S	65	51'49"	E	395.24 feet	(S	66	12'	E	377.0 feet,	record);
thence N	24	08'13"	E	218.15 feet	(N	23	48'	E	218.71 feet	record);
thence S	65	51'49"	E	104.08 feet	(S	66	12'	E	104.35 feet	record);
thence N	24	14'18"	E	638.78 feet	(N	23	46'	E	673.00 feet	record);
thence N	06	17'00"	W	125.58 feet	(N	06	17'	W	93.7 feet,	record);
thence N	14	00'	E	170.77 feet	(N	14	00'	E	170.77 feet	record);
thence N	0	11'	W	184.5 feet	(N	0	11'	W	184.5 feet,	record);
thence N	82	27'	W	489.0 feet	(N	82	27'	W	489.0 feet,	record)

to a point on the East line of the Southwest quarter of the Southwest quarter of said Section 24;

thence S 02 05'00" W 670.34 feet (S 02 03' W 672.0 feet, record) along said East line to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that small skewed rectangular portion, 0.2 acre, more or less, and approximately 76 feet by 100 feet, of the Southwest quarter of the Southwest quarter of Section 24, Township 14 North, Range 4 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows: commencing for reference from the Southeast corner of the Southwest quarter of the Southwest quarter of said section 24, said 1/16 corner lies S 89 27'20" E, a distance of 1324.94 feet from the Southwest corner of said Section 24, to a point on the South line of said Section 24, said point being N 89 27'20" W 383.03 feet (N 89 25' W 383.2 feet, record) to the TRUE POINT OF BEGINNING;

thence N 15 30'31" W 99.94 feet (N 15 32' W 100 feet, record);

thence S 87 27' W 76.40 feet (S 87 27' W 76.40 feet record);

thence S 16 31' E (S 16 31' E) to the South line of Section 24; thence Easterly along the South line of said Section 24 to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for Ingress, egress and utilities, including geothermal lines, 35.00 feet in width, in Section 25, along the South boundary of the above described 0.2 acre parcel.

ALSO EXCEPTING THEREFROM a portion of the Northwest quarter of Section 25, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

Legal Description of Proposed Red Moon RV Resort Property

BEGINNING at the Northeast corner of the Northwest quarter of the Northwest quarter of said Section 25, said point lies South 89 25'43" East, a distance of 1324.94 feet from the Northwest corner of said Section 25;

thence south 89 20'45" East, along the North line of said Section 25, a distance of 421.27 feet;

thence South 24 15'46" West, a distance of 490.46 feet;

thence North 65 50'22" West (measured) (North 65 51'49" West record) a distance of 104.13 feet (measured) (104.08 feet record);

thence South 24 10'13" West (measured) south 24 08'13" West record), a distance of 218.38 feet (measured) 218.15 feet record);

thence North 65 47'22" West (measured) (North 65 51'49" West record, a distance of 395.10 feet (measured) (395.24 feet record);

thence North 16 31'00" West, a distance of 470.52 feet to the North line of said Section 25;

thence south 89 25'43" East, a distance of 458.87 feet to the POINT OF BEGINNING.

TOGETHER WITH an easement for Ingress, egress and utilities, Including geothermal lines, 35.00 feet in width, along the Westerly 508.87 feet of the North boundary of the above described parcel.

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

Exhibit B: Red Moon Development
Applications for Zoning Map Change & Letter of Intent

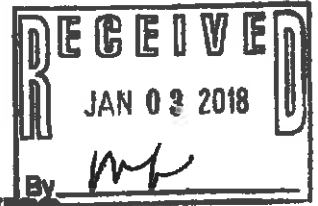
EXHIBIT B

Revised 10/12/17

Application #: 20180001



Land Use Application Form



1. Application is made for:

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

2. Project Name: Red Moon RV Resort

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

Owner Name: CHBALDWIN, LLC
 Address: 330 W H St
 City: Benicia State: CA Zip: 94510
 Phone: 707-751-1694
 E-mail: _____

Applicant Name: Red Moon Development and Construction, Inc
 Address: 10025 E Dynamite Blvd., Suite B140
 City: Scottsdale State: AZ Zip: 85262
 Phone: 480-947-9253
 E-Mail: info@RedMoonHomes.com

4. Property Description: Parcel Number See address/location Acres: 58
 Address or Location: 403-21-014K, 403-21-014L, 403-21-250C, 403-21-014F, 403-21-014M, 403-21-021E, 403-21-021
 Existing Zoning: R1L-70 Existing Use: Vacant
 Proposed Zoning: PAD-C2 Proposed Use: RV Resort

5. Purpose: (describe intent of this application in 1-2 sentences)
Change zoning to accommodate an RV park

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: Cara Ballard agent Date: 01-03-2018 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: Krishan Simige - agent Date: 1/3/18