



RESOLUTION NO. 2018-1005

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, FOR A REQUEST BY TONYA WIERTZEMA OF NASHWA FARMS, FOR USE PERMIT 2018-0012 TO ALLOW FOR AGRI-TOURISM IN A R-R (RESIDENTIAL-RURAL) ZONING DISTRICT FOR THE PURPOSE OF AN EVENT RANCH ON AN APPROXIMATELY 60 ACRE PARCEL, APN 403-13-002A, LOCATED AT 3500 W MAHONEY RD.

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

1. The Common Council hereby finds as follows:
 - A. A request for approval of Use Permit 2018-0012 was filed by Tonya Wiertzema owner of Parcel 403-13-002A, located at 3500 W Mahoney Rd., Camp Verde, Arizona. The parcel is zoned R-R (Residential-Rural).
 - B. A neighborhood meeting was held on June 24 & 25 2017 by the applicant to provide for citizen review pursuant to ARS §9-462.03 and as required by the Town of Camp Verde Planning and Zoning Ordinance, Part Six, Section 601 (Zoning Decisions) A3. – Citizen review and participation process.
 - C. The request was reviewed by the Planning and Zoning Commission on June 7, 2018, in a public hearing that was advertised and posted according to State Law and by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona on June 27, 2018.
 - D. The purpose of the use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved and the Council hereby finds that the uses covered by the Use Permit and the manner of its conduct will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare generally and the uses shall be in conformity to the conditions, requirements and standards of the Town of Camp Verde Planning and Zoning Ordinance.
 - E. The Waiver of Diminution of Value has been signed by the owner and is attached as Exhibit A.

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


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

The following stipulations shall apply:


1. This Use Permit will be not be implemented until all structures relating to this permission have passed final inspections by the Building Department.

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

PASSED AND ADOPTED AT A REGULAR SESSION OF THE COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON JUNE 27, 2018.


Charles C. German, Mayor Date: 6/28/2018

Attest:


Judith Morgan, Town Clerk Date: 6/28/2018

Approved As To Form:


Town Attorney



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

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

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 26 day of MARCH, 2018, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

Tonya Wiertzema, ("Owner(s");
WITNESSETH: TONYA WIERTZEMA

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:

20180112

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 26 day of March, 2018

OWNER:

Tonya Wiertzema
Print Name

OWNER:

N/A
Print Name

Tonya Wiertzema
Signature

N/A
Signature

STATE OF ARIZONA)
) ss.
County of Yavapai)

On this 26th day of March, 2018, before me, the undersigned Notary Public,
personally appeared Tonya Wiertzema, who acknowledged that this document was
executed for the purposes therein contained.

Judy Morgan
Notary Public

My Commission Expires: April 9, 2020

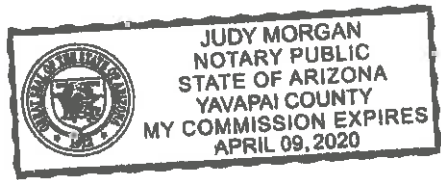


Exhibit "A" Property Description and Map
(Can be included as separate document)

MAY 8 '98 AM 8:20

EXHIBIT A

When recorded return to:
Jeffrey M. Schneck, Esq.
SCHNECK & SMYTH, P.C.
1440 E. Missouri, #250
Phoenix, Arizona 85014
File No: Turner 4

3022141 BK 3555 PG 938
Yavapai County
Patsy Jenney-Colon, Recorder
03/17/1998 04:07P PAGE 1 OF 4
CAPITAL TITLE AGENCY
RECORDING FEE 5.00
SURCHARGE 4.00
POSTAGE 1.00

121729 DO

WARRANTY DEED

For the consideration of Ten Dollars and other valuable considerations, I or we OPAL F. TURNER and PATRICIA ANN DARLAND, Co-Trustees of THE HARVEY H. TURNER, JR. FAMILY TRUST dated August 18, 1994, do hereby convey to TERRY L. WIERTZEMA and TONYA D. WIERTZEMA, Trustees of the WIERTZEMA FAMILY REVOCABLE TRUST dated July 7, 1989, the following described property situated in Yavapai County, Arizona:

SEE EXHIBIT "A" ATTACHED HERETO ANDY BY REFERENCE MADE A PART HEREOF

EXEMPT from Affidavit and fee requirements pursuant to A.R.S. 42-1614B2

THIS DEED IS BEING RECORDED FOR THE SOLE PURPOSE OF CORRECTING THE LEGAL DESCRIPTION IN THE DEED RECORDED IN BOOK 3326, PAGE 880

Pursuant to Section 33-404 A.R.S., the Beneficiaries and their addresses as shown by the records are:

The Harvey H. Turner, Jr. and Opal F. Turner Family Trust dated August 18, 1994
Opal F. Turner, 1451 North 71st Street, Mesa, Arizona 85207

The Wiertzema Family Revocable Trust dated July 7, 1989
Terry Lynn Wiertzema and Tonya Deann Wiertzema, 4102 West Acoma, Phoenix, Arizona 85023

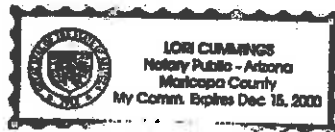
Gr.	5
MAP	51
PCL.	55
	51
3	07

Subject to current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions and restrictions as may appear of record, the Grantor warrants the title against all persons whomsoever.

Dated this 17 day of November, 1997.

STATE OF ARIZONA)
)ss.
County of Maricopa)

SUBSCRIBED, SWORN TO AND ACKNOWLEDGED before me this 17 day of November, 1997, by Opal F. Turner and Patricia Ann Darland, Co-Trustees of the Harvey H. Turner, Jr. and Opal F. Turner Family Trust dated August 18, 1994.



Lori Cummings
NOTARY PUBLIC

MAY 8 '18 AM 8:50

PAGE 3 OF 4
BK 3555 PG 938 FEE#3022141

EXHIBIT "A"

A parcel of land, situate in Section 3, Township 14 North, Range 4 East, Yavapai County, Arizona, being more particularly described as follows:

Beginning for Reference at the South Quarter corner of said Section 3, which is a found 3" iron pipe, bent, per survey recorded at Book 14 of Land Surveys Page 51, Yavapai County Recorders Office (said plat being the basis for this description and made a part hereof by this reference);

Thence N 00d 14m 57s E, along the mid-section line of Section 3, a distance of 1377.13' to the Southwest corner of the Northwest Quarter of the Southeast Quarter of said Section 3, to the True Point of Beginning;

Thence S 88d 07m 11s E, along said South line of the Northwest Quarter of the Southeast Quarter, a distance of 36.96' to the Southwest corner of that certain parcel described at Book 2251 Page 683 (from which a found 2" iron pipe bears N 10d 30m 12s E 4.76');

Thence N 01d 30m 12s E, along the West line of 2251/683, a distance of 266.58' to a found 1/2" rebar with plastic cap stamped "PE4335";

Thence N 01d 32m 20s E, along the West line of 2264/115, a distance of 99.90' to a found 1/2" rebar with plastic cap stamped "PE4335";

Thence N 01d 33m 54s E, along the West line of 2251/683, a distance of 100.20' to a found 1/2" rebar with plastic cap stamped "PE4335";

Thence N 01d 31m 22s E, along the West line of 175/381, a distance of 227.54' to a found 1/2" rebar with plastic cap stamped "PE4335";

Thence N 00d 27m 14s E, a distance of 26.25', to the Southwest corner of 125/96;

Thence N 00d 56m 56s E, along the West line of 125/96, a distance of 141.55' to a found 5/8" rebar with no identification (this corner is locally used as the NW corner of the SW4NW4SE4 Sec. 3);

Thence N 01d 28m 21s E, along the West line of 125/96, a distance of 106.14' to a found 1/2" rebar with plastic cap stamped "PE4335";

Thence N 01d 28m 21s E, along the West line of 1381/872, a distance of 130.00', to a found 1/2" rebar with plastic cap stamped "LS18548", to the Southwest corner of 2450/699;

Thence N 01d 28m 21s E, along the West line of 2450/699, a distance of 264.08', to a found 1/2" rebar, to the Southwest corner of 1994/144;

Thence N 01d 27m 01s E, along the West line of 1994/144, a distance of 1107.22', to the Northwest corner of 1994/144 and the South line of 1811/300;

Thence N 01d 27m 01s E, a distance of 216.44' to a set 1/2" rebar with plastic cap stamped "LS18548" at the intersection of an old fenceline bearing South and West.

Thence S 89d 21m 57s W, along said old fenceline, a distance of 1099.42' to a set 1/2" rebar with plastic cap stamped "LS18548" at the intersection of an old fenceline bearing South, East and West;

Thence S 04d 26m 20s E, along an old fenceline, a distance of 2900.17' to a set 1/2" rebar with plastic cap stamped "LS18548" on the South line of the NW4SW4 of said Section 3;

Thence S 87d 34m 26s E, along said South line, a distance of 777.02', back to the True Point of Beginning.

EXHIBIT A

B00-02-007Q



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.

Map printed on: 6.25.2015

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

MAR 26 '18 PM 5:26



Land Use Application Form

1. Application is made for:

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

2. Project Name: NASHWA Farms, LLC # 403 13 002A

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

Owner Name: Tonya Wiertzema Applicant Name: Same
 Address: 3500 W MA Honey Rd Address: _____
 City: Camp Verde, State: AZ Zip 85009 City: _____ State: _____ Zip: _____
 Phone: 602-525-0630 Phone: _____
 E-mail: tonyaw@CustomXRAY.com E-mail: _____

4. Property Description: Parcel Number 403-13-002A Acres: 60

Address or Location: 3500^W MA Honey Road, Camp Verde, AZ
 Existing Zoning: RR2A Existing Use: Boarding facility
 Proposed Zoning: N/A Proposed Use: Boarding facility & Horse Events

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

Boarding, Horse events, Sheriff posse events, FFA Events, Team roping, Barrel racing, Horse shows, Clinics, Rodeos

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: Tonya Wiertzema Date: 3-19-2018 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: Tonya Wiertzema Date: 3-19-2018