



RESOLUTION 2019-1019

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA APPROVING A PRELIMINARY PLAT FOR THE PURPOSE OF DEVELOPING A 12 LOT BUSINESS PARK ON APPROXIMATELY 6.59 ACRES LOCATED ON THE WEST SIDE OF HOMESTEAD PARKWAY SOUTH OF THE VERDE DITCH; APN 403-23-104W, IN CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

WHEREAS, a request for approval of Preliminary Plat 2018-0437 was filed by Mr. Scott Simonton, owner of Simonton Ranch I LLC, which is owner of parcel 403-23-104W, on November 2, 2018; and

WHEREAS, the request was reviewed by the Planning and Zoning Commission on December 13, 2018 in a public hearing that was advertised and posted according to state law; and

WHEREAS, the purpose of the Preliminary Plat is to develop the White Hawk Business Park with twelve (12) commercial lots, located on parcel 403-23-104W; and

WHEREAS, the site improvements have been initiated and financed by Mr. Simonton in order to fulfill a public-private development agreement regarding relocation of the Verde Valley Archaeology Center and public access to the Town Park; and

WHEREAS, the construction plans for improvements have been approved by the Town Engineer; and

WHEREAS, for efficiency purposes the White Hawk Business Park infrastructure improvements will be constructed in conjunction with Homestead Parkway improvements; and

WHEREAS, the proposed Preliminary Plat is in compliance with the currently adopted General Plan and Planning and Zoning Ordinance, and the proposed use will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

NOW, THEREFORE, THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, ARIZONA HEREBY RESOLVES AS FOLLOWS:

1. The Mayor and Common Council of the Town of Camp Verde hereby approves Preliminary Plat 2018-0437 for the purpose of developing the White Hawk Business Park with twelve (12) commercial lots, located on parcel 403-23-104W.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, this 23th day of January, 2019.


Charles C. German, Mayor Date: 1/25/2019

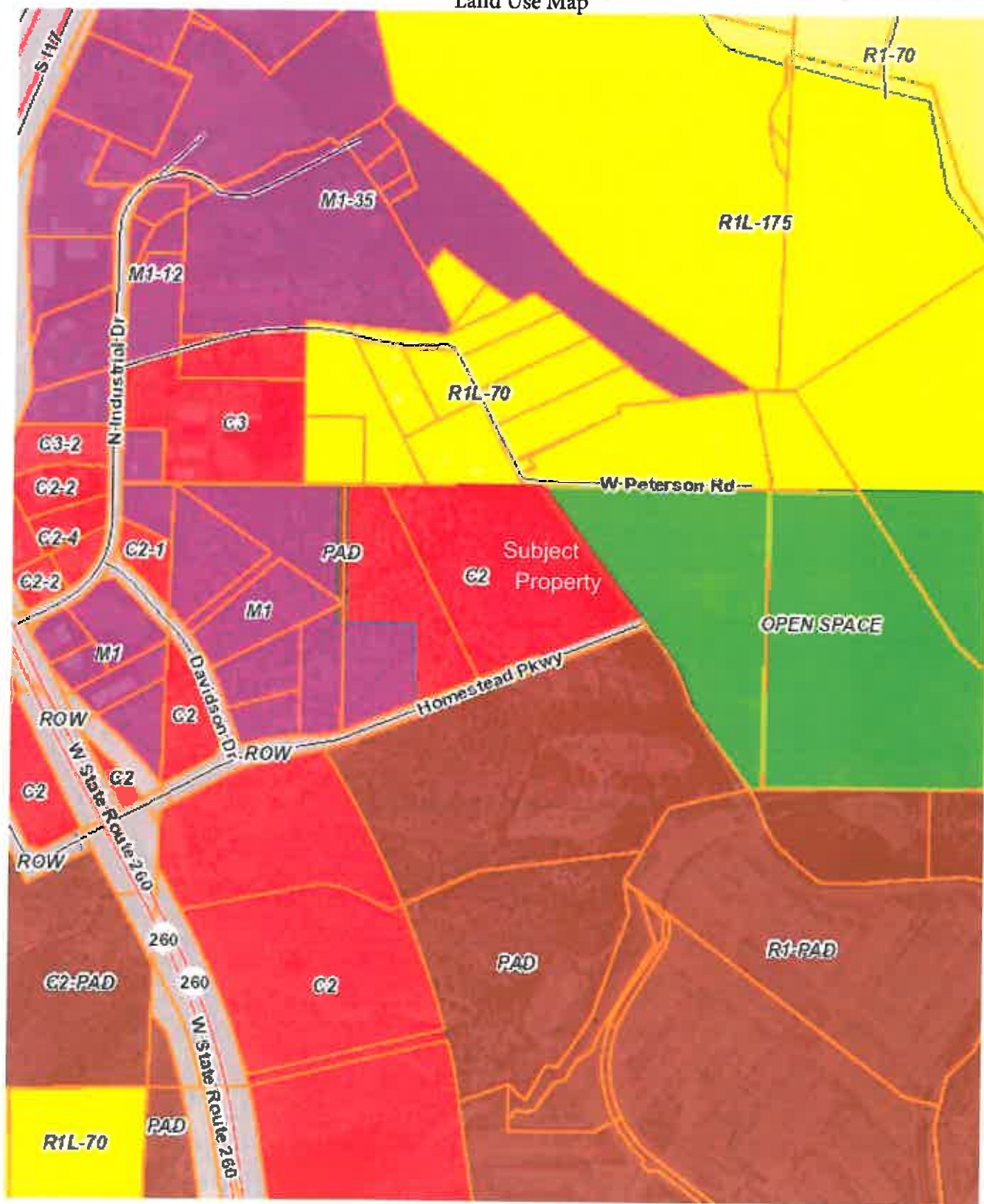
Attest:


Judith Morgan, Town Clerk Date: 1/25/2019

Approved As To Form:


Town Attorney

Preliminary Plat White Hawk
Business Park Vicinity, Zoning &
Land Use Map



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.



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

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

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this 23 day of OCTOBER, 2018, by and between the Town of Camp Verde, a municipal corporation of Arizona ("Town") and:

SIMONTON RANCH I, LLC, ("Owner(s)");

WITNESSETH:

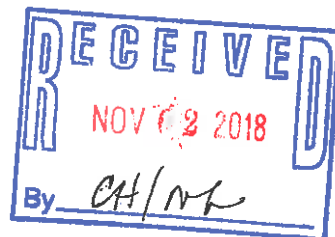
WHEREAS, on December 4, 2006, the Governor of Arizona signed into law the Private Property Rights Protection Act (Proposition 207) approved by the voters on November 7, 2006; and

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:

20180437

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 23 day of OCTOBER, 2018

OWNER: SIMANTON ROYAL, LLC OWNER:

BY: G. SCOTT SIMANTON
Print Name

Print Name

[Signature]
Signature

Signature

STATE OF ARIZONA)
) ss.
County of MARICOPA)

On this 23 day of OCTOBER, 2018, before me, the undersigned Notary Public, personally appeared G. SCOTT SIMANTON, who acknowledged that this document was executed for the purposes therein contained.

[Signature]

Notary Public

My Commission Expires: JUN 30, 2022



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

**LEGAL DESCRIPTION
PARCEL "C"
SIMONTON – GBE PROJECT NO. 14086**

A PARCEL OF LAND LYING IN SECTION 25, TOWNSHIP 14 NORTH, RANGE 4 EAST, G.&S.R.M., TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA DESCRIBED AS FOLLOWS:

COMMENCING AT FOUND ½" REBAR WITH ALUMINUM CAP STAMPED "DALE STONE LS 12218", ACCEPTED AS THE EAST QUARTER CORNER OF SECTION 25 FROM WHICH, A FOUND MAG NAIL WITH AN ALUMINUM CAP STAMPED "DAVID P. FOURNEY RLS 27238", ACCEPTED AS THE CENTER OF SECTION 25 LIES NORTH 89°54'16" WEST (BASIS OF BEARINGS) 2648.13 FEET (NORTH 89°50'00" WEST 2,648.54 FEET PER BOOK 4715 OF OFFICIAL RECORDS, PAGE 803, YAVAPAI COUNTY RECORDS - HEREAFTER REFERRED TO AS "R");

THENCE NORTH 89°54'00" WEST 1009.26 FEET (NORTH 89°50'00" WEST 1009.26 FEET PER "R") TO A COMPUTED POINT IN AN IRRIGATION CANAL, SAID POINT BEING THE **TRUE POINT OF BEGINNING**, FROM WHICH, A FOUND ½" REBAR WITH A BRASS TAG STAMPED "RLS 12218" LIES NORTH 89°54'00" WEST 84.97 FEET;

THENCE SOUTH 36°52'15" EAST ALONG THE EASTERLY LINE OF "R" A DISTANCE OF 326.17 FEET (SOUTH 36°46'24" EAST 325.83 FEET PER "R") TO A COMPUTED POINT IN AN IRRIGATION CANAL;

THENCE SOUTH 37°39'20" EAST ALONG THE EASTERLY LINE OF "R" A DISTANCE OF 104.97 FEET (SOUTH 37°33'01" EAST 104.97 FEET PER "R") TO A COMPUTED POINT IN AN IRRIGATION CANAL;

THENCE SOUTH 37°36'56" EAST ALONG THE EASTERLY LINE OF "R" A DISTANCE OF 263.69 FEET (SOUTH 37°33'01" EAST 263.69 FEET PER "R") TO A COMPUTED POINT IN AN IRRIGATION CANAL;

THENCE SOUTH 37°08'58" EAST ALONG THE EASTERLY LINE OF "R" A DISTANCE OF 6.27 FEET (SOUTH 37°05'03" EAST 6.27 FEET PER "R") TO A COMPUTED POINT IN AN IRRIGATION CANAL AT THE SOUTHEASTERLY CORNER OF "R", SAID POINT BEING A NON-TANGENT POINT OF CURVATURE, THE CENTRAL POINT OF WHICH LIES SOUTH 19°58'16" EAST 630.00 FEET;

THENCE THROUGH A CENTRAL ANGLE OF 02°00'12" ON A CURVE TO THE LEFT IN A SOUTHWESTERLY DIRECTION AN ARC LENGTH OF 22.03 FEET (22.09 FEET PER "R") TO A SET ½" REBAR WITH BRASS TAG STAMPED "RLS 13015";

THENCE SOUTH 68°01'11" WEST (SOUTH 68°05'06" WEST PER "R"), A DISTANCE OF 431.40 FEET TO A SET ½" REBAR WITH BRASS TAG STAMPED "RLS 13015";

THENCE NORTH 27°13'33" WEST 818.49 FEET TO A SET ½" REBAR WITH BRASS TAG STAMPED "RLS 13015" ON THE NORTH LINE OF "R" FROM WHICH, A FOUND ½" REBAR WITH PLASTIC CAP STAMPED "LS 27278" LIES NORTH 89°55'08" WEST 141.79 FEET;

**SIMONTON
PARCEL C
GBE NO. 14086
Page 2 of 2**

THENCE SOUTH 89°55'08" EAST (SOUTH 89°50'00" EAST PER "R") A DISTANCE OF 285.54 FEET TO THE AFOREMENTIONED FOUND ½" REBAR WITH A BRASS TAG STAMPED "RLS 12218";

THENCE SOUTH 89°54'00"EAST (SOUTH 89°50'00" EAST PER "R") A DISTANCE OF 84.97 FEET TO THE POINT OF BEGINNING CONTAINING 287,150 SQUARE FEET OR 6.59 ACRES, MORE OR LESS.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY THAT MAY AFFECT THE ABOVE DESCRIBED PARCEL.



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Map posted on: 2.15.2016

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



EXHIBIT B

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 Zoning | 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: _____ | | Fees: <u>\$2,142.00</u> |

2. Project Name: WHITE HAWK BUSINESS PARK

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

Owner Name: <u>SIMONTON RANCH I, LLC</u>	Applicant Name: <u>SAME</u>
Address: <u>2639 E. LOVEBIRD LANE</u>	Address: <u>SAME</u>
City: <u>GILBERT</u> State: <u>AZ</u> Zip: <u>85297</u>	City: _____ State: _____ Zip: _____
Phone: <u>480-220-8280</u>	Phone: <u>SAME</u>
E-mail: <u>SCOTT@SIMONTONCOMPANIES.COM</u>	Mail: <u>SAME</u>

4. Property Description: Parcel Number 403-23-104W Acres: 6.59

Address or Location: WEST SIDE OF HOMESTEAD PARKWAY SOUTH OF VERDE DITCH

Existing Zoning: G-3 C-2 Existing Use: VACANT LAND

Proposed Zoning: G-3 Proposed Use: BUSINESS PARK

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

Obtain Preliminary Plat Approval to develop property into a 12-lot business park. Provide sites for businesses to locate in Camp Verde.

6. Certification:

I certify that I am the lawful owner of the parcel(s) of land affected by this application and hereby consent to this action.

Owner: [Signature] Date: 10-23-2018 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: [Signature] Date: 10-23-2018