



RESOLUTION NO. 2019-1024

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, APPROVING AN AMENDMENT TO "THE SILVERADO DEVELOPMENT AGREEMENT" BETWEEN THE TOWN OF CAMP VERDE AND VERDE RANCH MH, LLC, AN ARIZONA CORPORATION, IN ORDER TO PROVIDE FOR DEVELOPMENT OF CERTAIN REAL PROPERTY GENERALLY LOCATED EAST OF STATE ROUTE 260 AND NORTH OF FINNIE FLAT RD. WITHIN THE CORPORATE LIMITS OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA.

WHEREAS, pursuant to ARS §9-500.05A, a municipality may, by resolution or ordinance, enter into a development agreement relating to property within the municipality, provided that the development agreement is consistent with the general plan applicable to the property on the date the development agreement is executed; and

WHEREAS, the agreement may by law include the duration, permitted uses of the property, densities and maximum heights of buildings, provisions for reservation of dedication of land for public purposes, provisions to protect environmentally sensitive lands, provisions for preservation and restoration of historic structures, phasing or time of construction or development of the property, requirements for public infrastructure, conditions for special taxing districts, and other matters relating to the development of the property; and

WHEREAS, The Town entered into a Development Agreement (the "Prior Agreement") with CFT Ventures, LLC, an Arizona Corporation (the "Prior Developer") on January 3, 2018; and

WHEREAS, The Prior Agreement required the Prior Developer to obtain a sufficient interest in the Property to carry out the Developer's obligation under the Prior Agreement and to obtain title to the Property prior to Final Development Plan Approval and the issuance of any building permits; and

WHEREAS, The Prior Developer has acquired no additional interest in the Property other than the Prior Agreement and has not acquired title to the Property; and

WHEREAS, Under the Prior Agreement, failure to commence the development of Phase I no later than January 3, 2022 allows the Town to initiate the process to revert the PAD zoning; and

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

1. That certain Amendment to the Development Agreement dated June 26, 2019 by and between the Town of Camp Verde, a municipal corporation of Arizona (hereinafter the "Town") and Verde Ranch MH, LLC, an Arizona Corporation (hereinafter the "Developer"), said agreement being attached hereto and expressly made a part hereof and is attached as Exhibit A, be hereby entered into.
2. That the Amendment to the Development Agreement shall be effective thirty (30) days after passage and approval of this Resolution and in accordance with ARS §9-500.05.

RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA ON JUNE 26, 2019.

 7-3-2019
Charles C. German, Mayor Date:

Attest:

 7-3-2019
Judith Morgan, Town Clerk Date:

Approved as to form:


Town Attorney

WHEN RECORDED RETURN TO:

Town of Camp Verde
473 S Main St Suite 102
Camp Verde, Arizona 86322

Amendment to Silverado Development Agreement

THIS AMENDMENT TO THE SILVERADO DEVELOPMENT AGREEMENT (“Amendment”) is entered into this 26th day of June, 2019, by and between the Town of Camp Verde, an Arizona municipal corporation (“Camp Verde” or “Town”), and Verde Ranch MH, LLC, an Arizona corporation (the “Developer,” “Owner” or “Verde Ranch”).

RECITALS

- A. The Town entered into a Development Agreement (the “**Prior Agreement**”) with CFT Ventures, LLC, an Arizona Corporation (the “**Prior Developer**”) on January 3, 2018;
- B. The Prior Agreement required the Prior Developer to obtain a sufficient interest in the Property to carry out the Developer’s obligation under the Prior Agreement and to obtain title to the Property prior to Final Development Plan Approval and the issuance of any building permits;¹
- C. The Prior Developer has acquired no additional interest in the Property other than the Prior Agreement and has not acquired title to the Property;
- D. Under the Prior Agreement, failure to commence the development of Phase I no later than January 3, 2022 allows the Town to initiate the process to revert the PAD zoning.

AGREEMENTS

NOW, THEREFORE, in consideration of the foregoing premises and the mutual promises and agreements set forth herein, the Parties hereto state, confirm and agree as follows:

- 1, Section 7.2 of the Prior Agreement is amended as follows:

“The Town, in recognition of the valuable considerations being provided by Developer pursuant to this Silverado Agreement and the financial investment of the Developer in developing the

¹ Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Prior Agreement.

Property, hereby agrees that the Property may be developed in phases. A preliminary phasing plan is attached as Exhibit "A". The Town will permit the Developer to make the determination of the phases in which the Property will be developed and the order in which the phases will be completed."

2. Section 7.4 of the Prior Agreement is amended as follows:

"The Town acknowledges and agrees that Verde Ranch is a gated, private community and the roadway infrastructure will remain private. The Town agrees the Developer can avail itself of rural road standards built to MAG specifications and attached as Exhibit "B". The Town acknowledges that construction plans for all roadways shall be reviewed and approved by the Town Engineer prior to commencement of construction."

3. The first paragraph of Section 7.7 of the Prior Agreement is amended as follows:

"The Town has expressed an interest in having public access to the Verde River area and sees a community benefit in the need for public restroom and parking facilities. Developer has an option to purchase the land known as Parcel 12 and agrees to dedicate land to the Town for public restrooms and parking as shown generally in Exhibit "B" of the Silverado Agreement (the "Public Improvements") if the Developer completes the purchase of Parcel 12. The Public Improvements shall be designed and included in the Final Development Plan for Parcel 12 and shall be installed by Developer at its own cost and expense. The Town agrees to grant temporary access to the Developer to construct the Public Improvements and the Town agrees to maintain the Public Improvements thereafter after dedication to the Town and acceptance by the Town Engineer"

4. 12.3 of the Prior Agreement is amended as follows:

Appointment of Representatives. The Parties shall cooperate in the implementation of this Agreement. To facilitate such cooperation, each of Owner and Camp Verde shall designate a representative to act as a liaison with the other Party. The Parties may change their representatives at any time, but each Party agrees to have a current active representative at all times. The representatives shall be as follows:

Camp Verde: Russ Martin, Town Manager
473 S. Main Street, #102
Camp Verde, AZ 86322

Developer: Brad Woodruff
Red Moon Development
4320 S Priceless View Dr.
Gold Canyon, AZ, 85118-5871

With a copy to: Brad Woodruff
Red Moon Development
4320 S Priceless View Dr.
Gold Canyon, AZ, 85118-5871

The representatives shall be available at all reasonable times at the request of either Party to discuss and review the performance of this Agreement and the development of the Property pursuant to this Amendment and the Applicable Rules.

5. Verde Ranch shall attempt to obtain an assignment of the Prior Agreement from the Prior Developer. If Verde Ranch fails to obtain such assignment, Verde Ranch shall not transfer any interest in the Property to the Prior Developer and shall defend and indemnify the Town and its officials, officers, employees and agents for any claim by the Prior Developer in connection with the Prior Agreement.

6. All other terms and conditions of the Prior Agreement remain in full force and effect and are incorporated herein by this reference except that Exhibit C is deleted.

IN WITNESS WHEREOF, the Parties have executed this Amendment to be effective 30 days after the date and time a resolution approving and adopting this Amendment is approved by the Camp Verde Town Council per ARS §9-500.05 (G).

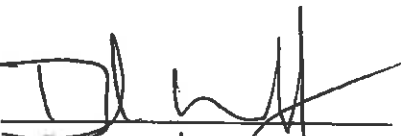
CAMP VERDE:

TOWN OF CAMP VERDE, ARIZONA,
an Arizona municipal corporation

By: 
Its: Mayor

DEVELOPER:

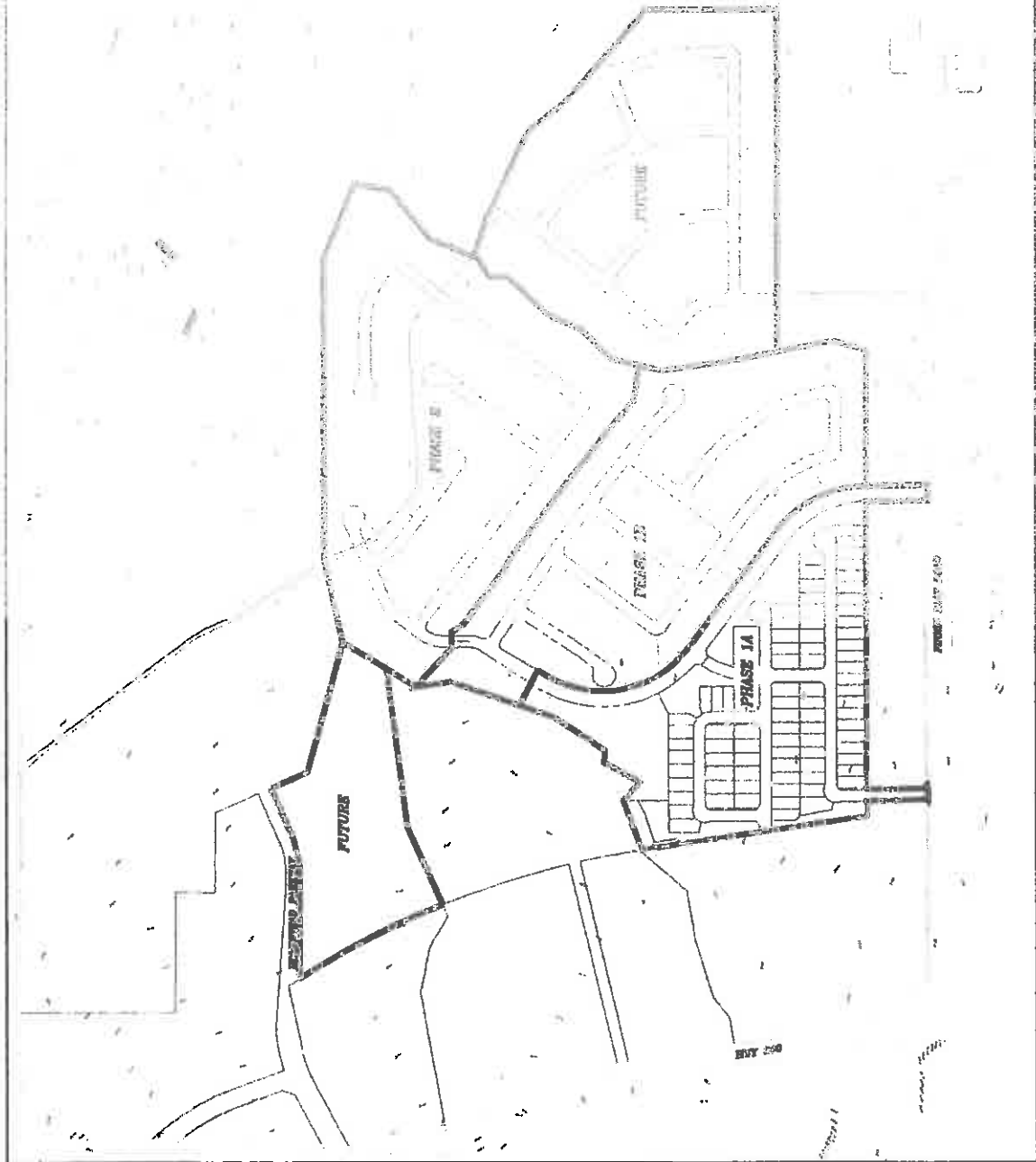
Verde Ranch MH, LLC
an Arizona corporation

By: 
Its: President

**VERDE RANCH
MASTER PLAN PHASE C**

Exhibit A

Original Development
Agreement Recorded
03/07/2018 #2018-0011598

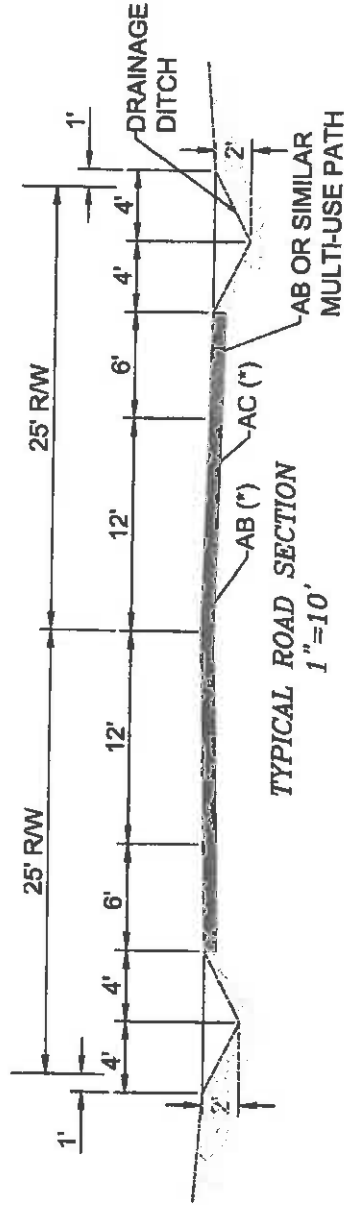
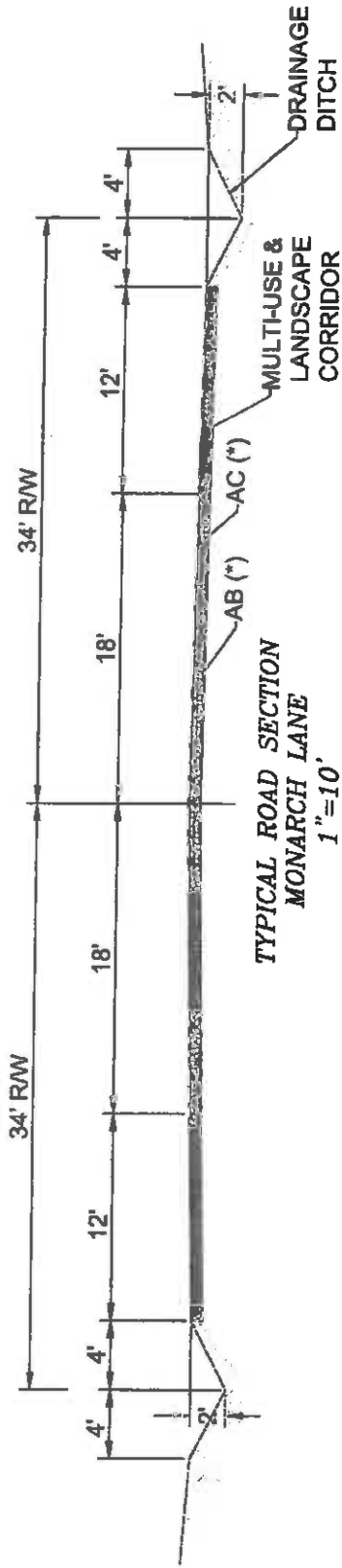


RECORD TO BE FILED IN COUNTY RECORDS

BOOK	PAGE	DATE
2018-0011598	4	07/18/2019

STREET MAP

Exhibit "B"



* ROAD THICKNESS PER
GEOTECHNICAL REPORT

EXHIBIT. NOT FOR CONSTRUCTION. FOR AGENCY REVIEW ONLY

VERDE RANCH
CAMP VERDE, ARIZONA



825 COVE PARKWAY
COTTONWOOD, ARIZONA 86326
(928) 282-7787

TYPICAL ROAD SECTIONS

DATE	DRAWN	SHEET
5/28/19	NMW	1 OF 1
SCALE	CHECKED	PROJECT NO.
1" = 10'	KG	18-062CE

