

ORDINANCE NO. 12-762

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA, REPEALING ORDINANCE NO. 11-754 AND THEREBY REVOKING THE ISSUANCE OF A CONDITIONAL USE PERMIT FOR AN APPROXIMATELY 28-ACRE PORTION OF ASSESSOR'S PARCEL NUMBER 306-05-030V TO ALLOW THE CONTINUED OPERATION OF THE WINDMILL HOUSE EVENTS FACILITY AND ITS PRESENT USES IN THE "AR-5" AGRICULTURAL RESIDENTIAL 5 ACRE MINIMUM ZONE

WHEREAS, at their regular meeting of November 8, 2011, the Town Council confirmed the recommendation of the Planning and Zoning Commission ("Commission") by voting to adopt Ordinance No. 11-754 and thereby approve a Conditional Use Permit ("CUP") for a portion of Assessor's Parcel No. 306-05-030V; and

WHEREAS, Ordinance No. 11-754 included an Engineering Condition that dedication of right-of-way consistent with section 4.23 and 4.28 of the Unified Development Ordinance shall occur along the full frontage of Road 4 North; and

WHEREAS, said dedication should have occurred prior to active use of the CUP and the property owner/applicant, La Vacara Trust/Joe Cordovana, Trustee, has stated to Town officials that he did not intend to fulfill the CUP's requirement to dedicate right-of-way; and

WHEREAS, at a public hearing on September 4, 2012, the Commission heard the matter and voted to recommend to the Town Council that the CUP be revoked due to non-compliance with a stated condition in Ordinance No. 11-754; and

WHEREAS, at their regular meeting of September 25, 2012, the Town Council confirmed the recommendation of the Commission by voting to adopt this Ordinance and thereby repeal Ordinance No. 11-754;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, COUNTY OF YAVAPAI, ARIZONA:

Section 1. That Ordinance No. 11-754 is hereby repealed, thereby revoking the Conditional Use Permit issued for real property legally described on Exhibit "A" located at 1460 W. Road 4 North.

Section 2. This Ordinance repeals any prior enactment by the Town, which is inconsistent herewith.

Section 3. 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.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 25th day of September, 2012.

Chris Marley, Mayor

ATTEST:

APPROVED AS TO FORM:

Jami C. Lewis, Town Clerk

Musgrove Drutz & Kack, P.C.
Town Attorney

Exhibit "A"

A portion of the Southeast quarter of Section 4, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said Southeast quarter;

Thence North $0^{\circ} 50' 25''$ West, along the West line of said Southeast quarter, a distance of 1612.97 feet;

Thence South $89^{\circ}05'01''$ East, a distance of 770.78;

Thence South $0^{\circ}50'25''$ East, a distance of 1629.29 feet to a point on the South line of said Section 4;

Thence North $87^{\circ} 52'20''$ West, along said South line, a distance of 771.45 feet to the POINT OF BEGINNING.