

ORDINANCE NO. 2019-877

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING ORDINANCE NO. 18-853 RELATING TO A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY SIX ACRES OF REAL PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF SOUTH ROAD 1 WEST AND WEST ROAD 2 SOUTH, AT 940 SOUTH ROAD 1 WEST, FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) TO SR-1 (SINGLE FAMILY RESIDENTIAL – 1 ACRE MINIMUM), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) adopted Ordinance No. 18-853 on September 25, 2018, authorizing a change of zoning and amendment to the Town of Chino Valley Official Zoning Map (the “Rezoning”) for an approximately six acre parcel, generally located on the northwest corner of South Road 1 West and West Road 2 South, at 940 South Road 1 West (the “Parcel”) from AR-5 (Agricultural Residential – 5 acre minimum) to SR-1 (Single Family Residential – 1 acre minimum); and

WHEREAS, a stipulation of the Rezoning required the property owner to dedicate the necessary right-of-way to ensure (i) the right-of-way line on Road 1 West is 50’ west of the section line between sections 27 and 28, and (ii) the right-of-way line for Road 2 South is 50’ north of the section line between sections 28 and 33; and

WHEREAS, 25-feet of the required 50-foot right-of-way had previously been dedicated, leaving only 25 additional feet required to meet the conditions of the Rezoning; and

WHEREAS, after Ordinance 18-853 was passed and the Parcel was split into three lots, a Chino Valley Irrigation District (“CVID”) pipe was discovered within the area to be dedicated as the remaining 25-feet of required right-of-way; and

WHEREAS, in order to prevent any conflicts with the existing CVID pipe, the Town Council has determined it is necessary to amend Ordinance 18-853 to require only a 15-foot additional dedication (for a total of 40-feet) on Road 1 West and Road 2 South with the remaining 10-feet to be dedicated by the property owner as a Public Utility Easement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

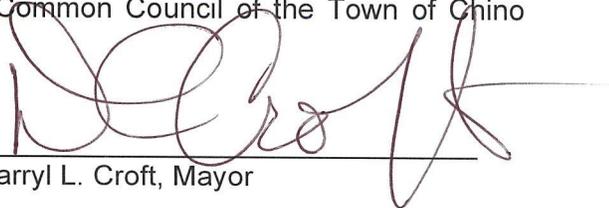
Section 2. Ordinance No. 18-853, Section 3(A) is hereby amended as follows:

- A. The property owner dedicating the necessary right-of-way to ensure (i) the right-of-way line on Road 1 West is 50’ 40’ west of the section line between sections 27 and 28, and (ii) the right-of-way line for Road 2 South is 50’ 40’ north of the section line between sections 28 and 33, AND THE PROPERTY OWNER DEDICATING A 10-FOOT PUBLIC UTILITY EASEMENT AT THE EDGE OF SUCH RIGHT-OF-WAY.

Section 3. The revised legal description for the Parcel (as divided into three lots), showing the dedication of the remaining 15-feet of right-of-way, together with the 10-foot Public Utility Easement (for each lot and collectively), is attached hereto as Exhibit A and incorporated herein by reference. A Record of Survey depicting the revised legal descriptions is attached hereto as Exhibit B and incorporated herein by reference.

Section 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 10th day of December, 2019.



Darryl L. Croft, Mayor

ATTEST:



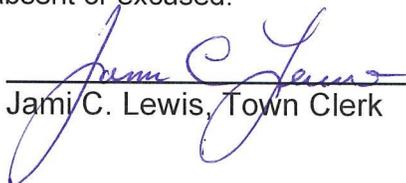
Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2019-877 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on December 10, 2019, and that quorum was present, and that the vote thereon was 7 ayes and 0 nays and 0 abstentions. 0 Council members were absent or excused.



Jami C. Lewis, Town Clerk

EXHIBIT A
TO
ORDINANCE NO. 2019-877

[Legal Description]

See following pages.

EXHIBIT A

Original Legal

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas to the POINT OF BEGINNING;
Thence, North 89° 49' 04" West, 412.05 feet to a 1/2 rebar with cap LS 27737;
Thence, North 00° 13' 20" West, 328.64 feet to a 1/2 rebar with cap LS 27737;
Thence, North 88° 56' 26" West, 53.54 feet to a 1/2 rebar with cap LS 27737;
Thence, North 00° 25' 26" West, 274.13 feet to a 1/2 rebar with cap LS 27738;
Thence South 89° 03' 27" East, 464.61 feet to a 1/2 rebar with cap LS 27737;
Thence, South 00° 24' 56" East, 597.44 feet to the POINT OF BEGINNING;
Said described parcel contains 261484 square feet (6.00 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



LOT 1

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas;
Thence, North 45° 07' 00" West, 21.32 feet to a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 203.50 feet to the POINT OF BEGINNING being a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 193.50 feet to a 1/2 rebar with cap LS 53890;
Thence, North 00° 13' 20" West, 235.39 feet to a 1/2 rebar with cap LS 53890;
Thence South 89° 49' 04" East, 193.10 feet to a 1/2 rebar with cap LS 53890;
Thence, South 00° 19' 08" East, 235.39 feet to the POINT OF BEGINNING.

Said described parcel contains 45493 square feet (1.04 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

TOGETHER WITH

LOT 1 ROW

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas;
Thence, North 45° 07' 00" West, 21.32 feet to a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 203.56 feet to the POINT OF BEGINNING being a 1/2 rebar with cap LS 53890;

Thence, North 89° 49' 04" West, 193.44 feet to a 1/2 rebar with cap LS 53890;

Thence, South 00° 13' 20" East, 15.00 feet to a 1/2 rebar with cap LS 53890;

Thence South 89° 49' 04" East, 193.53 feet to a 1/2 rebar with cap LS 53890;

Thence, North 00° 19' 08" West, 15.00 feet to the POINT OF BEGINNING.

Said described parcel contains 2902 square feet (0.07 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



LOT 2

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas;
Thence, North 45° 07' 00" West, 21.32 feet to the POINT OF BEGINNING, being a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 203.56 feet to a 1/2 rebar with cap LS 53890;
Thence, North 00° 19' 08" West, 235.39 feet to a 1/2 rebar with cap LS 53890;
Thence South 89° 49' 04" East, 203.10 feet to a 1/2 rebar with cap LS 53890;
Thence, South 00° 24' 56" East, 235.40 feet to the POINT OF BEGINNING.

Said described parcel contains 47860 square feet (1.10 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

TOGETHER WITH

LOT 2 ROW

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to the POINT OF BEGINNING, a 1/2 rebar with cap Famas;
Thence, North 89° 49' 04" West, 218.53 feet;
Thence, North 00° 19' 08" West, 15.00 feet to a 1/2 rebar with cap LS 53890;
Thence, South 89° 49' 04" East, 203.56 feet to a 1/2 rebar with cap LS 53890;

Thence, North 00° 24' 56" West, 235.40 feet, to a 1/2 rebar with cap LS 53890;

Thence South 89° 49' 04" East, 15.00 feet;

Thence, South 00° 24' 56" East, 250.40 feet, to the POINT OF BEGINNING;

Said described parcel contains 6809 square feet (0.16 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



LOT 3

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas;
Thence, North 45° 07' 00" West, 21.32 feet to a 1/2 rebar with cap LS 53890;
Thence, North 00° 24' 56" West, 235.40 feet to the POINT OF BEGINNING, being a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 203.10 feet to a 1/2 rebar with cap LS 53890;
Thence, North 89° 49' 04" West, 193.10 feet to a 1/2 rebar with cap LS 53890;
Thence, North 00° 13' 20" West, 78.25 feet to a 1/2 rebar with cap LS 27738;
Thence, North 88° 56' 26" West, 53.54 feet to a 1/2 rebar with cap LS 27738;
Thence North 00° 25' 26" West, 274.13 feet to a 1/2 rebar with cap LS 27738;
Thence, South 89° 03' 27" East, 449.61 feet to a 1/2 rebar with cap LS 53890;
Thence, South 00° 24' 56" East, 347.37 feet to the POINT OF BEGINNING;
Said described parcel contains 153212 square feet (3.52 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

TOGETHER WITH

LOT 3 ROW

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to a 1/2 rebar with cap Famas;

Thence, North 45° 07' 00" West, 21.32 feet to a 1/2 rebar with cap LS 53890;

Thence, North 00° 24' 56" West, 235.40 feet to the POINT OF BEGINNING, being a 1/2 rebar with cap LS 53890;

Thence, North 00° 24' 56" West, 347.37 feet;

Thence, South 89° 03' 27" East, 15.00 feet to a 1/2 rebar with cap LS 53890;

Thence, South 00° 24' 56" East, 347.04 feet;

Thence, North 89° 49' 04" West, 15.00 feet to the POINT OF BEGINNING.

Said described parcel contains 5207 square feet (0.12 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



TOTAL ROW

All that portion of the Southeast Quarter of Section 28, Township 16 North, Range 2 West, Gila and Salt River Meridian, Yavapai County, Arizona, described as follows;

COMMENCING at the East Quarter Corner of said Section 28 a Town of Chino Valley Brass Cap in asphalt;
Thence along the East line of said Section 28, South 00° 25' 35" East, 2649.11 feet (of record South 01° 53' 49" East, 2649.26 feet) to the Southeast corner of said Section 28, a Town of Chino Valley Brass Cap in asphalt;
Thence, North 45° 24' 01" West, 35.43 feet to the POINT OF BEGINNING, a 1/2 rebar with cap Famas;
Thence, North 89° 49' 04" West, 412.05 feet to a 1/2 rebar with cap LS 27738;
Thence, North 00° 13' 20" West, 15.00 feet to a 1/2 rebar with cap LS 53890;
Thence, South 89° 49' 04" East, 397.00 feet to a 1/2 rebar with cap LS 27738;
Thence, North 00° 24' 56" West, 582.64 feet to a 1/2 rebar with cap LS 27738;
Thence, South 89° 03' 27" East, 15.00 feet to a 1/2 rebar with cap LS 27738;
Thence South 00° 24' 56" East, 597.44 feet to the POINT OF BEGINNING.

Said described parcel contains 14918 square feet (0.34 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.



EXHIBIT B
TO
ORDINANCE NO. 2019-877

[Record of Survey]

See following page.

