

ORDINANCE NO. 2021-901

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY FIVE ACRES OF REAL PROPERTY LOCATED APPROXIMATELY 650 FEET EAST OF THE INTERSECTION OF SOUTH ROAD 1 EAST AND EASY STREET WITH A PHYSICAL ADDRESS OF 1155 EASY STREET, FROM AR-5 (AGRICULTURAL RESIDENTIAL – 5-ACRE MINIMUM) TO SR-1.6 (SINGLE FAMILY RESIDENTIAL – 1.6-ACRE MINIMUM).

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley (the “Town”) Official Zoning Map for approximately five acres of real property located approximately 650 feet east of the intersection of South Road 1 East and Easy Street with a physical address of 1155 Easy Street, from AR-5 (Agricultural Residential – 5-acre minimum) to SR-1.6 (Single Family Residential – 1.6-acre minimum) (the “Zoning Map Amendment”); and

WHEREAS, the Town Council has determined that this Zoning Map Amendment conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, any overlay zoning district, and the standards and design requirements contained in the Unified Development Ordinance of the Town of Chino Valley (the “UDO”); and

WHEREAS, all required public notice was provided, and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the Zoning Map Amendment; and

WHEREAS, in accordance with Article II, Sections 1 and 2 of the Arizona Constitution, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

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 hereby incorporated as if fully set forth herein.

Section 2: The Official Zoning Map is hereby amended for property consisting of approximately five acres, described in Exhibit 1 and shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by reference, to rezone it from

AR-5 (Agricultural Residential – 5-acre minimum) to SR-1.6 (Single Family Residential – 1.6-acre minimum), subject to the following stipulations:

1. Pursuant to UDO § 5.3.2, Table 5-1, the minimum required right-of-way dedication includes 40 feet east of the existing east right-of-way line on Road 1 East, dedicated at the time of land division approval (dedication will be from the Easy Street Parcel).
2. Pursuant to UDO § 5.3.2, Table 5-2, the minimum required roadway improvements on Easy Street require the surface to be improved with double chip and in accordance with the standards defined in Table 5-2.
3. Pursuant to UDO § 5.3.2, Table 5-1, the required offsite half-width roadway improvement on South Road 1 East includes the construction of a minimum of 14.5 feet of additional pavement width without on-street parking, or, at the landowner's option and Town Council's approval, the contribution of cash in lieu of construction.
4. Legal access on Easy Street must be made to accommodate owners of future-created parcels.

Section 3: The Town Manager is directed, upon the effective date of this Ordinance, to cause the Official Zoning Map to reflect the Zoning Map Amendment as applicable to the property, indicating the zoning is subject to compliance with the stipulations provided herein.

Section 4: If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 5: The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON THE FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 25th day of May, 2021.



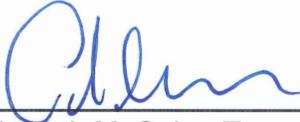
Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins, Town Clerk

APPROVED AS TO FORM:



Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 2021-901 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on May 25, 2021, 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.



Erin N. Deskins, Town Clerk

EXHIBIT 1
TO
ORDINANCE 2021-901

[Legal Description]

5
13

dy

B: 4816 P: 926 06/10/2011 03:36:07 PM SWD
Ana Wayman-Trujillo
OFFICIAL RECORDS OF YAVAPAI COUNTY \$13.00
FAVOUR MOORE WILHELMSEN 2011-0030899

B: 4816 P: 926 06/10/2011 03:36:07 PM SWD
\$13.00 Page: 1 of 4 2011-0030899



Recorded at the Request of:
Mark M. Moore
Favour, Moore & Wilhelmsen, P.A.
1580 Plaza West Drive
Prescott, Arizona 86303

When Recorded Mail To:
Mark M. Moore
Favour, Moore & Wilhelmsen, P.A.
Folder

Send tax notices to:
Lorna DeBastiani
1145 Easy Street
Chino Valley, AZ 86323

Exempt Under A.R.S. § 11-1134(B)(3)

SPECIAL WARRANTY DEED

For the consideration of Ten Dollars, and other valuable considerations, I,

Gene DeBastiani, an unmarried man, who acquired title as a married man,

Grantor,

do hereby convey to

Lorna J. DeBastiani, an unmarried woman,

Grantee,

his interest in the real property located in Yavapai County, Arizona more particularly described on Exhibit A attached hereto.

SUBJECT TO current taxes, assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions and restrictions as may appear of record.

The Grantor hereby binds herself and her heirs and successors to warrant and defend the title, as against all acts of the Grantor and no other.

GRANTOR:

Gene DeBastiani

(Notarization on following page)

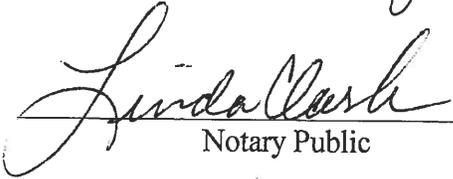


STATE OF ARIZONA)
) ss.
County of Yavapai)

This instrument was acknowledged and executed before me this 10th day of June, 2011
by Gene DeBastiani.

My Commission Expires:

11-14-2012



Notary Public





EXHIBIT A

PARCEL 1

A TRACT OF LAND IN THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26, WHICH BEARS SOUTH 00 DEGREES, 52 MINUTES, 45 SECONDS EAST, 330.20 FEET FROM THE NORTHWEST CORNER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST 50.00 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 52 MINUTES 45 SECONDS, EAST 322.63 FEET ALONG THE WEST LINE OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS, EAST 1,350.58 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE NORTH 00 DEGREES 51 MINUTES 19 SECONDS WEST, 322.63 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER TO A POINT THAT BEARS SOUTH 00 DEGREES 51 MINUTES 19 SECONDS EAST 50.00 FEET FROM THE SOUTHEAST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26; THENCE NORTH 89 DEGREES 19 MINUTES 00 SECONDS WEST 1350.66 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST OF SECTION 26, TOWNSHIP 16 NORTH, RANGE 2 WEST, GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 26; THENCE SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST, 330.20 FEET ALONG THE WEST LINE OF SAID SECTION 26 TO THE SOUTHWEST CORNER OF THE NORTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26; THENCE CONTINUING SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST, 50.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 52 MINUTES 45 SECONDS EAST, 322.63 FEET ALONG THE WEST LINE OF SAID SECTION 26; THENCE SOUTH 89 DEGREES 19 MINUTES 00 SECONDS EAST, 675.29 FEET; THENCE NORTH 00 DEGREES 52 MINUTES 02 SECONDS WEST, 322.63 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 00 SECONDS WEST, 675.33 FEET ON A LINE THAT LIES 50.00 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO THE TRUE POINT OF BEGINNING.



SUBJECT TO AN EASEMENT FOR ROADWAY AND UTILITY PURPOSES 25 FEET IN WIDTH ALONG AND ADJACENT TO THE WEST LINE THEREOF.

PARCEL 2

THE NORTH 50 FEET OF THE SOUTH HALF OF THE NORTH HALF OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 26 TOWNSHIP 16 NORTH RANGE 2 WEST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.

EXHIBIT 2
TO
ORDINANCE 2021-901

[Zoning Exhibit]

See the following page.

Zoning Map

