



Community Development Department  
7501 E. Civic Circle  
Prescott Valley, Arizona 86314  
Phone (928)759-3050  
Fax (928)759-5511  
email: comdev@pvaz.net

## ZONING MAP CHANGE APPLICATION SUBMITTAL CHECKLIST

Application #: \_\_\_\_\_ Site Address: \_\_\_\_\_

**We do not accept any application via facsimile. Also, no incomplete applications will be accepted. All complete applications must contain the following:**

- A mandatory pre-application meeting with the Community Development Department Planner.
- Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section (See Attached Neighborhood Meeting Requirements).
- Request clearly outlined.
- Assessor's parcel number included.
- A legal description of the property for the identified property on the application. **Electronic word format required for legal description & Metes and Bounds Property.**
- List of property owners within radius of three hundred (300) feet of subject property attached.
- Application signed and dated.
- Owner/Agent information provided.
- If agent, letter of authorization from property owner attached.
- Site plan attached including building elevations. **An 8 ½ X 11 and PDF electronic image of the site plan is also required for distribution purposes.**
- Permission to enter property statement signed and notarized.
- A filing fee in the amount of:
  - **Tier I (Non-Planned Area Development):**
    - Residential = **\$428.00 plus \$16.05 per acre or portion of an acre (Up to \$15,000.00)**
    - Commercial = **\$1,337.50 plus 16.05 per acre or portion of an acre (Up to \$15,000.00)**
  - **Tier II (Planned Area Development {PAD} including underlying rezoning):**
    - Residential = **\$535.00 plus \$16.05 per acre or portion of an acre (Up to \$15,000.00)**
    - Commercial = **\$1,337.50 plus 16.05 per acre or portion of an acre (Up to \$15,000.00)**
  - **Tier III (Includes PAD, underlying rezoning and Preliminary Development Plan):**
    - Residential = **\$1,605.00 plus \$37.45 per acre or portion of an acre (Up to \$15,000.00)**
    - Commercial = **\$1,605.00 plus \$37.45 per acre or portion of an acre (Up to \$15,000.00)**
- Proposition 207 Waiver Form signed.



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**PLANNING DIVISION - HEARING APPLICATION  
 ZONING MAP CHANGE**

**COMMERCIAL**  
 **RESIDENTIAL**

Tier I       Tier II       Tier III

**Project Name:** \_\_\_\_\_ **Assessor's Parcel #:** \_\_\_\_\_

**Site Address:** \_\_\_\_\_ **Unit:** \_\_\_\_\_ **Lot:** \_\_\_\_\_

<b>Applicant/Owner:</b> _____  <b>Mailing Address:</b> _____ _____  <b>Phone:</b> _____ <b>Fax:</b> _____ <b>Email:</b> _____	<i>For Staff Use Only</i>
	<b>Meeting Date:</b> /        /  <b>Application No.:</b> _____  <b>Township</b> _____ <b>Section</b> _____ <b>Range</b> _____  <b>Date Received:</b> _____  <b>Zoning:</b> _____  <b>Fees &amp; Charges:</b> _____ <b>Receipt #/Date:</b> _____  <b>Assigned To:</b> _____  <b>Taken By:</b> _____
<b>Agent (If different than property owner. Agent letter must accompany submittal):</b> _____ _____ _____	<b>Mailing Address:</b> _____  <b>Phone:</b> _____ <b>Fax:</b> _____ <b>Email:</b> _____
<b>Detailed Request:</b> _____ _____ _____	
I hereby certify that the information submitted for this application is complete and accurate to the best of my knowledge; and that I am the applicant or the bonafide agent of same as stated in the attached documentation.	
<b>Signature</b> _____ <b>Print Name</b>	<b>Date</b> _____



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**SURROUNDING PROPERTY OWNERS LIST**

Ownership of surrounding properties shall be determined from the latest equalized tax assessment roll.

**To the best of my knowledge, the enclosed list contains the names and addresses of all property owners within 300 feet from the exterior boundaries of the project property perimeter.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Sample: This list will be reproduced; therefore, please type or print legibly.

**ASSESSOR’S PARCEL NUMBER:** 103-03-089  
**NAME:** JOHN DOE  
**ADDRESS:** 653 OUTSIDE LANE  
**CITY, STATE, ZIP CODE:** NOWHERE AZ 85764

Note: No punctuation should be placed on the last line of the address (City, State, and Zip Code)

**Please provide two (2) sets of the property owners listing on self adhesive mailing labels.**

Use the County Assessor’s office, a Title Company or other service companies to garner this information.

**\*THIS FORM AND PROPERTY OWNERS LISTS MUST BE RETURNED WITH APPLICATION SUBMITTAL.**



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**AUTHORIZATION TO ENTER PROPERTY**

APPLICATION #: \_\_\_\_\_ Parcel #: \_\_\_\_\_ Unit/Lot #: \_\_\_\_\_

Legal Description (see attached): \_\_\_\_\_

APPLICANT(s): \_\_\_\_\_

Address: \_\_\_\_\_ Phone No.: \_\_\_\_\_

I, the undersigned, hereby give permission to the Prescott Valley Zoning Inspector (or any Deputy Inspector) in the discharge of his/her duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Prescott Valley Town Code, or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Prescott Valley Town Code; or for any investigations for conditions, compliance and stipulations under the terms of the Prescott Valley Town Code and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer or renewal of the application. Such entry shall be limited between the hours of 7 A.M. and 6 P.M. MST. I understand that this permission to enter property is **OPTIONAL** and **VOLUNTARILY GIVEN** and may be withdrawn or revoked (either in writing or verbally) at any time.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

(check one)

Owner

Agent for \_\_\_\_\_

STATE OF ARIZONA        )  
   ) ss  
 COUNTY OF YAVAPAI    )

On this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ before me, the undersigned Notary Public, personally appeared who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

Notary Public: \_\_\_\_\_

Date Commission Expires: \_\_\_\_\_

## **PRIMARY CONSIDERATIONS RELATED TO PROPOSED DEVELOPMENTS**

There are two general focuses of consideration regarding any development project and change of zoning. They pertain to the appropriateness of proposed **LAND USE** and the nature of **PHYSICAL DEVELOPMENT**. The following discussion provides a synopsis of the major sources of those concerns:

### **LAND USE:**

- 1) The Town of Prescott Valley Zoning Ordinance (established by the Town Council, 1979), implemented Town-wide zoning for control of land uses and development and density standards within the various districts. Adopted physical improvement standards are described by the Uniform Building Code.
- 2) The Town Council approved a *General Plan 2020* in 2002. The Plan is a series of goals and policies developed by the community. The purpose of the General Plan is to delineate goals for long range planning and development over the next twenty years with strategy for their accomplishment. Guidelines pertaining to land usage and physical site development described by a General Plan would be considered in the evaluation of a request.

### **PHYSICAL DEVELOPMENT:**

- 1) Development projects are reviewed by staff with concerns regarding potential impacts associated with the proposed use as addressed by the Town Zoning Ordinance and other adopted Codes, and land use guidelines of the General Plan. These guidelines address potential health, safety and welfare impacts (safe and controlled access, buffering of the use where needed, visibility of the site, outside storage, volatility of materials on-site, etc.). Depending on the manner of development, the degree of concern regarding each of these elements may vary.
- 2) Adopted Town Codes also regulate drainage and grading and building safety issues among others. Additional physical development guidelines may later be recommended by **project reviewing agencies**. It would benefit the developer to become familiar with those requirements before this request evolves into a hearing application. Information and/or copies of these codes are available from various town departments. These recommendations can sometimes delay or establish financially preclusive development requirements.

### **OTHER CONSIDERATIONS:**

As part of the application process, you will be required to submit a list of names and addresses representing the land ownership within three hundred (300) feet of the proposal area. With that in mind, you should begin communicating directly with those property owners in order to develop some familiarity with local sentiments regarding your proposal.

### **PRE-APPLICATION MEETING:**

Prior to the formal submittal of a completed application, you should schedule a meeting with the Planning Department to assess the feasibility of your proposed project.

The initial meeting can be based on a conceptual sketch plan, or a more detailed plan if available. The level of detail and completeness will determine when the application is ready for submittal. The purpose of the initial meeting is to provide staff's opinion on the appropriateness of the proposal and identify the impacts and issues that may be associated with the projects. Some of the issues to be addressed are:

- Impacts on surrounding properties
- Traffic impacts on adjacent streets and neighborhoods
- Need for future right-of-ways and off-site improvements
- Impact on water, sewer and other infrastructure
- Availability of other services
- Flood, drainage patterns and detention

After initial review, continue with completion of application as outlined in the following instructions, incorporating any material deemed necessary. **The item will not be scheduled until all necessary information has been submitted and adequately reviewed by necessary agencies and departments.**

**Note: The applicant or his representative should be present at scheduled meetings to answer questions. Any associated building permits will be issued after Public Hearing approvals and effective date of adopted Ordinances. If construction is planned, the applicants should obtain a Building Permit application and familiarize themselves with the building requirements.**



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## **INSTRUCTIONS FOR ZONING MAP CHANGE**

*When submitting an application review the following prior to submittal.*

1. The legal description of the property is correct.
2. You are the legal owner or have power of attorney to represent the owner. A copy of a recorded deed must be submitted as part of the application to verify ownership. A letter of authorization from the owner is required if you are not the title holder to the property.
3. You have discussed your application with the Planning Staff (pre-application meeting) and have considered any community plans, zoning patterns and trends, etc.
4. The application is complete and accurately describes the existing and proposed future use of the property to be rezoned or modified by a conditional use permit. If the form does not provide sufficient space to properly represent what is proposed, please attach supplementary sheets.
5. You have contacted other departments and agencies, such as Public Works and the Yavapai County Health Department, to see if there are any special requirements for processing of the request.

### **FILING FEES:**

All public hearing application filing fees are NON-REFUNDABLE and must be paid at time of application. Fees are based on the complexity and type of request, acreage involved and changes in density.

### **PROCESSING:**

A request for a hearing for a Zoning Map Change or Conditional Use Permit approval shall be made by completing the application form provided by the Community Development Department. If required, supplementary information, such as a site plan, letter of intent, drainage report and other materials must be filed with your application (see checklist). After checking your application as to form, content and fees, the Department will accept the application. **All incomplete applications can not be accepted and will be returned to the applicant.**

The hearing application is forwarded for review to the various reviewing agencies prior to scheduling the item on a Planning and Zoning Commission agenda.

Staff will complete the following prior to the hearing date:

1. Post the site, post the three (3) required public locations, publish a written notice of hearing, and mail a notice to adjacent landowners.
2. Conduct a field investigation of the site (permission by the landowner must be provided by the applicant prior to site visit); and
3. Prepare a Staff Brief and exhibits for review by the Planning and Zoning Commission.

**Note:** Posting the area and mailings gives surrounding owners notice of your application, thus providing them with an opportunity to express their view before the Commission and/or Town Council either in support of or in protest to your application.

Prior to the public hearing on your application, you will receive written notice of the date, time and place of the meeting. At time of application, staff can indicate tentative dates the application will be heard before the Commission and/or Town Council. There is a timeframe of approximately seven (7) weeks from submittal date to Commission Hearing date.

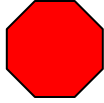
**PLANNING & ZONING COMMISSION HEARINGS:**

On the scheduled hearing date, applications are called in the order shown on a printed agenda. After the staff has presented its recommendation on the application, the applicant will be given an opportunity to speak. Persons in the audience will then be given the opportunity to voice their opinion on the matter. After all comments are made the Chairperson will close the floor and the Commission will then act on the application with a recommendation to deny, approve, or hold the item for further study. A recommendation for approval or denial will be forwarded to the Town Council for final approval. The Town Council must approve the zoning request on two separate occasions, following which there is a thirty (30) day waiting period before zoning becomes effective.

**EFFECTIVE DATE OF ZONING:**

If a Zoning Map Change request is approved, the new zoning will be effective on the 31<sup>st</sup> day after the date of Town Council approval, as per State Statute ARS 11-829. (Conditional Use Permits are effective the day of approval).





Project Discussion  
with Town Staff



Town Clerk Records  
Ordinance – Following 2<sup>nd</sup>  
Reading of Ordinance

Schedule Neighborhood  
Meeting – 30 days prior  
to Planning and Zoning  
Commission Meeting



Building Permits Issued  
– Immediately following  
TC approval

Send Notice of  
Neighborhood Meeting  
to Property Owners  
within 1,000 feet of  
subject property – 10  
days prior to  
Neighborhood Meeting



Forward to Town Council  
for second reading –  
normally 2 weeks from first  
reading

### Zoning Map Change Processing Flowchart

Pre-Application  
Meeting with Town  
Staff



If approved by the  
Planning and Zoning  
Commission, application  
forwarded to the Town  
Council for first reading –  
within 3 weeks from P&Z  
approval

Application  
Submittal



Application forwarded for  
Planning and Zoning  
Commission Review –  
within 8 weeks of the date  
of submittal

Application Review  
– within one (1)  
week of submittal  
date





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**AFFIDAVIDT OF  
NEIGHBORHOOD MEETING**

I, \_\_\_\_\_  Agent,  Applicant,  Property Owner, do hereby certify that a Neighborhood Meeting was conducted in compliance with Section 13-30-012, "Neighborhood Meeting", in Chapter 13, "ZONING", of the Town Code of the Town of Prescott Valley, Arizona.

The meeting was conducted for the following project:

\_\_\_\_\_

By: \_\_\_\_\_ On: \_\_\_\_\_

In accordance with Section 13-30-012(E) this Affidavit is accompanied by:

1. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings; and
2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section.

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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STATE OF ARIZONA            )  
  ) ss  
COUNTY OF YAVAPAI        )

On this \_\_\_ day of \_\_\_\_\_ 20\_\_\_ before me, the undersigned Notary Public, personally appeared who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

Notary Public: \_\_\_\_\_

Date Commission Expires: \_\_\_\_\_

Note: This list will be reproduced; therefore, please type or print legibly.



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**NEIGHBORHOOD MEETING REQUIREMENTS**

**13-30-12 Neighborhood Meeting (Ord 637).**

- A. Neighborhood Meeting Requirements. Persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations or the Town zoning map, or requesting review of Specific Area Plans shall first schedule and conduct at least one (1) neighborhood meeting in accordance with this Section.
  
- B. Neighborhood Meeting Schedule. The neighborhood meetings required herein shall be conducted for the purpose of receiving comments on proposed applications and shall be conducted at least thirty (30) days prior to any public hearing on the application.
  
- C. Neighborhood Meeting Notification. At least ten (10) days prior to any neighborhood meeting, notification shall be provided as follows:
  - 1. Notification by first-class mail to all property owners of record within one thousand (1,000) feet of the property to be included in the application;
  - 2. Notification by first-class mail to all homeowners associations within 1,000 feet of the property to be included in the application;
  - 3. The Zoning Administrator may expand the notification area set forth herein if he/she determines that the potential impact of the proposed application extends beyond the required notification area;
  - 4. Notification by first-class mail to any persons who have specifically requested notice regarding proposed zoning applications by registering their names and addresses with the Town. Such registration may be accomplished by any writing addressed to the Zoning Administrator. Such registrations shall continue for one (1) year unless renewed by the person(s) requesting notice;
  - 5. The notice shall set forth the substance of the proposed application and shall include the time, date and place of the neighborhood meeting. A copy of the notice shall be submitted to the Zoning Administrator prior to the neighborhood meeting; and
  - 6. Posting of one or more signs on the property in locations clearly visible to adjacent residents setting forth the time, date and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. The sign or signs shall comply with the requirements for notification signs set forth in ARS §9-462.04 (as amended).

- D. **Neighborhood Meeting Procedure.** Neighborhood meetings shall be conducted at a location and time, and following a meeting format, approved by the Zoning Administrator. Town staff may or may not attend such meetings (at their discretion) and may augment the meeting record described hereinafter as staff deems necessary.
- E. **Record of Proceedings.** Persons holding the neighborhood meetings required herein shall prepare the following for submittal prior to any public hearing on the application:
1. Certification, on a form established by the Zoning Administrator, that the neighborhood meetings were noticed and conducted in compliance with the requirements of this Section;
  2. A dated photograph of the notification sign or signs posted in compliance with the requirements of this Section; and
  3. A written summary of the neighborhood meetings, including a list of all attendees' names and addresses and a summary of any comments received as a result of the neighborhood meetings.
- F. **Additional Neighborhood Meetings.** The Zoning Administrator may require that additional neighborhood meetings be held. If a subsequent application is substantially different from what was presented at neighborhood meetings, additional meetings may be required by the Zoning Administrator at his/her sole discretion. The same notification procedures prescribed herein shall be followed.
- G. **Other Required Meetings.** Where an application has already been filed and neighborhood meetings were not otherwise required, the Zoning Administrator may at his/her sole discretion require that one or more neighborhood meetings be held as required herein if he/she makes a determination that the application may substantially impact adjacent neighborhoods.
- H. **Neighborhood Meeting Waivers.** The Zoning Administrator may waive the requirement for a neighborhood meeting where a person submits an application requesting amendments to Town zoning regulations or to the Town zoning map pursuant to a previously-approved General Plan Amendment which was subject to a previous neighborhood meeting and public hearing. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the waiver.

### **13-30-15 Pre-Application Review.**

- A. **Pre-Application Review.** All persons who wish to submit applications requesting amendments to the Town's General Plan, Town zoning regulations, or the Town zoning map, or requesting review of Specific Area Plans shall first participate in a pre-application review with Town staff before submitting an application.
- B. **Requests for Pre-Application Review.** Requests for pre-application review shall be filed with the Community Development Department on a form established by the Zoning Administrator. The Zoning Administrator shall endeavor to arrange pre-application reviews with appropriate Town staff at a date, time and location convenient to all involved. Nothing herein shall preclude additional meetings being held as part of the pre-application review as mutually determined by the person or persons requesting the review and the Zoning Administrator.
- C. **Pre-Application Review Process.** Pre-application reviews are one or more informal meetings with appropriate Town staff assigned by the Zoning Administrator. At such meetings, staff shall review the information that persons wishing to apply for amendments to Town zoning regulations or to the Town

zoning map would include in their applications. At such meetings staff shall also review with the persons the record of proceedings for neighborhood meetings held under Section 13-30-012 or the requirements for such neighborhood meetings if they have not yet been held. During such meetings, staff shall provide informal comments on the information provided. No later than fifteen (15) calendar days after the last meeting, staff shall also mail by first-class mail at the address indicated by the person or persons requesting the pre-application review a written summary of staff comments. A copy of said summary shall be included with any subsequent application filed with the Community Development Department.

## **AGENCY CONTACT LIST**

(All are 928 area codes)

### **Planning and Zoning**

	<b>Phone</b>	<b>Fax</b>	<b>E-mail</b>
Richard Parker, Director	759-3050	759-5511	<a href="mailto:rparker@pvaz.net">rparker@pvaz.net</a>
Joe Scott, Planner	759-3057	759-5511	<a href="mailto:jscott@pvaz.net">jscott@pvaz.net</a>
Fernando Gonzalez, Code Enf. Supvsr	759-3067	759-5511	<a href="mailto:fgonzalez@pvaz.net">fgonzalez@pvaz.net</a>

### **Building**

Woody Lewis, Building Official	759-3054	759-5511	<a href="mailto:wlewis@pvaz.net">wlewis@pvaz.net</a>
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### **Public Works**

Norm Davis, Director	759-3070	759-5514	<a href="mailto:ndavis@pvaz.net">ndavis@pvaz.net</a>
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### **Economic Development**

	775-0032	759-0829	
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### **Parks and Recreation**

Brian Witty, Director	759-3090	772-7829	<a href="mailto:bwitty@pvaz.net">bwitty@pvaz.net</a>
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### **Police Department**

Chief	772-9261	772-2700	
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### **Fire Department**

	759-9933	772-4957	
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### **Chamber of Commerce**

	772-8857	772-4267	<a href="mailto:info@.pvchamber.org">info@.pvchamber.org</a>
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### **Yavapai County Health Dept.**

	771-3122	771-3379	
	771-3377	771-3369	

### **Utilities & Others:**

#### **Dava & Associates**

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	778-7587	778-1047	<a href="mailto:mail@davacivil.com">mail@davacivil.com</a>
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#### **UniSource**

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	771-7229	771-1794	
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#### **Arizona Public Service**

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	776-3696	776-3671	
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#### **Century Link**

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	776-2510	776-2504	
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#### **Cable One**

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	443-3341	443-3303	
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#### **ADOT**

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	777-5873	771-0058	
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#### **ADA Needs**

	772-1266	772-3808	
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#### **OMI**

	759-9062	759-9135	
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When Recorded Return To:  
Town of Prescott Valley  
FOLDER



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

*This Waiver is related to Proposition 207 (Article 2.1 to Chapter 8, Title 12 of the Arizona Revised Statutes) dealing with eminent domain and regulatory takings. The Waiver is as an agreement between the Town and the owners in conjunction with the land use law actions requested by the property owners. Each owner of a fee interest in the subject property is asked to sign the waiver agreement and have the signatures properly notarized. Extra sheets for the Owners signature can be made for multiple owners involved in an application. A legal description should be attached by the applicant. The Town will complete the application number when the application is processed and attach a copy of the completed application.*

This Agreement to Waive Claim for Diminution in Value Regarding Action Proposed by Town or Requested by Property Owner ("Agreement") made as of this \_\_\_ day of \_\_\_\_\_, 20\_\_\_, by and between the Town of Prescott Valley, a municipal corporation of Arizona ("Town") and

---

("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, Arizona courts have recognized the inherent authority of municipal corporations to enter into agreements within the scope of their legislative powers, the same as individuals and other corporations, in matters that appertain to said municipal corporations [see, *Town of Tempe v. Corbell*, 17 Ariz. 1 (1915)]; 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").

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:

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and are based on certain application(s), copies of which ("Application(s)) 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 PRESCOTT VALLEY, a  
municipal corporation of Arizona,  
(Town)

\_\_\_\_\_  
Harvey C. Skoog, Mayor

ATTEST:

\_\_\_\_\_  
Diane Russell, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ivan Legler, Town Attorney

STATE OF ARIZONA     )  
  ) ss:  
County of Yavapai     )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 20\_\_, by Harvey C. Skoog, Mayor of the Town of Prescott Valley, a municipal corporation of Arizona, on behalf of said municipal corporation.

\_\_\_\_\_  
Notary Signature

My Commission Expires:  
\_\_\_\_\_

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by and through their authorized representatives the day and year first-above written.

\_\_\_\_\_, (Owner(s))

\_\_\_\_\_

\_\_\_\_\_  
Owner(s) Signature

\_\_\_\_\_  
Owner(s) Signature

STATE OF ARIZONA     )  
  ) ss:  
County of Yavapai     )

On this \_\_\_ day of \_\_\_\_\_, 20\_\_, \_\_\_\_\_  
personally appeared before me,  
\_\_\_\_\_ who is personally known to me,  
\_\_\_\_\_ whose identity I verified on the basis of \_\_\_\_\_  
\_\_\_\_\_ whose identity I verified on the oath/affirmation of \_\_\_\_\_  
a credible witness,  
to be the signer of the foregoing document, and he/she acknowledged that  
he/she signed it.

\_\_\_\_\_  
Notary Signature

My Commission Expires:  
\_\_\_\_\_

**EXHIBIT "A"**

**PROPERTY**

**EXHIBIT "B"**

**APPLICATION(S)**