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RESOLUTION NO. 2022-2231

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, APPROVING AND ADOPTING A FINAL DEVELOPMENT PLAN (FDP21-014) FOR A SUBDIVISION INVOLVING FORTY SEVEN (47) LOTS ON THIRTY NINE AND ONE-FIFTH (39.21) ACRES TO BE KNOWN AS "MINGUS WEST UNIT VI" LOCATED WITHIN THE MINGUS WEST PLANNED AREA DEVELOPMENT (PAD); PROVIDING FINDINGS OF FACT IN SUPPORT OF SUCH APPROVAL PER TOWN CODE SUBSECTION 13-19-060(K); PROVIDING CONDITIONS FOR SUCH APPROVAL PER SUBSECTION 13-19-060(L); AND PROVIDING THAT THIS RESOLUTION SHALL BE EFFECTIVE AFTER ITS PASSAGE AND APPROVAL ACCORDING TO LAW.

WHEREAS, the Town of Prescott Valley annexed by Ordinance No. 383 (dated March 14, 1996) approximately 297 acres of real property located in Section 23, R1E, T1N, G&SRB&M; and

WHEREAS, said property was given a zoning classification of RCU-70 at annexation, which classification was comparable to its former County zoning classification of RCU-2A; and

WHEREAS, the Town entered into a Development Agreement through Resolution No. 757 (dated June 12, 1997) with the developers of said property, which Agreement included (among other things) consideration of re-zoning the 297 acres for development; and

WHEREAS, by Ordinance No. 412 (dated June 12, 1997) Town Council approved the re-zoning of the 297 acres to R1L-18 (PAD) and C1-4 (PAD); and

WHEREAS, on April 11, 1997, the developers submitted for consideration a Preliminary Development Plan (Preliminary Plat) for 468 lots on 297 acres to be known as Mingus West, and said Plan was subsequently approved by the Prescott Valley Planning and Zoning Commission; and

WHEREAS, on October 23, 1997, the Mayor and Council adopted Resolution No. 791 approving a Final Development Plan (Final Plat) for Unit I of the Mingus West development involving sixty (60) lots on approximately 37 acres; and

WHEREAS, on June 28, 2003, the Mayor and Council Adopted Resolution No. 1018 approving a Final Development Plan for Unit II of the Mingus West development involving fifty-nine (59) lots on approximately 33 acres; and

WHEREAS, on December 11, 2003, the Town Council adopted Resolution No. 1231 approving the Amended and Restated Final Development Plan for Mingus West Unit I; and

WHEREAS, on March 24, 2005, the Town Council adopted Resolution 1336 approving an "Assignment of Development Agreement and Acknowledgement" between the Town, Mingus West LLC and Mingus Landcor, LLL transferring the remaining undeveloped lots to Mingus Landcor LLC; and

WHEREAS, on September 1, 2005, the Town Council adopted Resolution No. 1381 approving a Final Development Plan for Unit III of the Mingus West development involving fifty-two (52) lots on approximately 33.5 acres; and

WHEREAS, on July 13, 2006, the Town Council adopted Resolution No. 1448 approving a “Rolling Assignment of Benefits and Obligations under Development Agreement on a Phase by Phase Basis and Acknowledgment” between the Town, Mingus Landcor LLC, and Mingus West Phase 3 LLC, Mingus West Phase 4 LLC, Mingus West Phase 5 LLC, Mingus West Phase 6 LLC, Mingus West Phase 7 LLC, and Mingus West Phase 8 LLC; and

WHEREAS, on July 27, 2006, the Council adopted Resolution No. 1452 approving a Final Development Plan for Unit IV of the Mingus West development involving 52 lots on 33.5 acres; and

WHEREAS, a Preliminary Development Plan (PDP21-003) for Mingus West Phase II comprising 243 lots on 151 acres was approved by the Planning and Zoning Commission at its June 14, 2021 meeting; and

WHEREAS, on February 10, 2022, the Council adopted Resolution No. 2022-2228 approving a Final Development Plan (FDP21-013) for Unit V of the Mingus West Subdivision involving 50 lots on 32 acres; and

WHEREAS, on September 16, 2022, Duane Hunn of Ash-Dorn subsequently submitted a proposed Final Development Plan (FDP22-014) for Unit VI of the Mingus West Subdivision involving 49 lots on 39 acres; and

WHEREAS, the Town Council finds that this Final Development Plan (Final Plat) for Mingus West Unit VI meets or will meet the requirements for Planned Area Developments (PAD’s) under the Town Code [particularly the requirements under Town Code §§13-19-060(K) (L) and (M), 14-020-050(F), and 14-04-080] upon compliance with certain conditions set forth herein;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, ARIZONA, THAT:

1. That certain Final Development Plan (Final Plat) for Mingus West Unit VI, attached hereto and expressly made a part hereof, is hereby approved and adopted as conditioned hereinafter.

2. Said approval is based upon the following findings and conclusions of the Mayor and Common Council:

- (A) This development is consistent with the purpose and intent of the General Plan and Zoning Code of the Town in promoting the health, safety, morals, and general welfare of the public;
- (B) This development appears to be designed to produce an environment of stable and desirable character and the property adjacent to this proposed development will not be adversely affected thereby, particularly regarding property values;

- (C) Every structure containing residential units in this development does appear to have adequate access to public streets; and
- (D) The average density, excluding open areas occupied by streets, is the density required by the pre-existing zoning district regulation otherwise applicable to the site.

3. Pursuant to Town Code §§13-19-060(L) and 14-054-080(A), said approval is conditioned upon the following:

- (A) Strict compliance by the Mingus West developers, their successors and assigns, with the duties and obligations under that certain “Rolling Assignment of Benefits and Obligations under Development Agreement on a Phase by Phase Basis and Acknowledgment”, between the Town, Mingus Lancor LLC, and Mingus West Phase 3 LLC, Mingus West Phase 4 LLC, Mingus West Phase 5 LLC, Mingus West Phase 6 LLC, Mingus West Phase 7 LLC, and Mingus West Phase 8 LLC.
- (B) Approval by the Town Engineer (or his designee) of the engineering plans for the Unit IV development, including approval as to the form and adequacy of the subdivider assurances required in Town Code §14-04-080 and otherwise (including the financial assurances).

4. The Town Clerk is hereby directed to (a) transcribe a certificate of approval upon this Final Development Plan (Final Plat) pursuant to Town Code §14-02-050(F)(2), (b) ensure that all other required certifications are on said Plan (Plat), (c) record the same in the Office of the Yavapai County Recorder, and (d) file the same as an official Plan of the Town in the offices of the Town Clerk and Community Development Director only upon approval by the Town Engineer of the engineering plans and subdivider assurances for the development [See Town Code §§13-19-060(O) and 14-02-050 (F) (3) & (4)].

5. The Mayor (or, in his absence, the Vice-Mayor) is hereby authorized to sign all agreements and other documents necessary to ensure that the Mingus West developers provide all needed financial and other assurances as to construction of required improvements.

6. The Town hereby accepts any property interests which may have been conveyed to the Town in relation to this Final Development Plan (Final Plat) by separate deed prior to or contemporaneous with this approval.

7. This Resolution shall be effective after its passage and approval according to law.

RESOLVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 8th day of December, 2022.

Kell Palguta, Mayor

ATTEST:

Fatima Fernandez, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney