



Development Services Department
7501 E. Skoog Blvd.
Prescott Valley AZ 86314
Phone (928) 759-3050
Fax (928)759-5511
email: devserv@prescottvalley-az.gov

FINAL CONDOMINIUM PLAT APPLICATION SUBMITTAL CHECKLIST

Application #: _____ Site Address: _____

We do not accept any application via facsimile. Also, no application will be accepted unless it is complete including, but not limited to, the following:

- A mandatory pre-application meeting with a Planner.
- Two (2) copies of: a) The Final Plat with electronic PDF.
- Hearing application stating the request and the type of proposed development, the Assessor's Parcel #, signed and dated application and whether applicant is the owner or the agent. If agent, include the name and address of the property owner, phone number, and a letter of authorization.
- A filing fee in the amount of:
 - Final Condominium Plat - \$401.25 plus \$5.35 per lot (or Unit)**
- Permission to enter property statement signed and notarized.
- Letter of intent detailing the proposed use(s) and time period requested (if applicable).
- Proposition 207 Waiver Form

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 requirements.



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PLANNING DIVISION - HEARING APPLICATION

FINAL CONDOMINIUM PLAT

Project Name: _____ **Assessor's Parcel #:** _____

Site Address: _____ **Legal: Unit:** _____ **Lot:** _____

Applicant/Owner Name & Address: _____ _____ _____ Phone: _____ Fax: _____ Email: _____	<i>For Staff Use Only</i>
	Meeting Date: / / Application No.: _____ Township _____ Section _____ Range _____ Date Received: _____ Zoning: _____ Fees & Charges: _____ Receipt #/Date: _____ Assigned To: _____ Taken By: _____
Agent (If different than property owner. Agent letter must accompany submittal)/Agent Address: _____ _____ _____ Phone: _____ Fax: _____ Email: _____	

Condominium Name
 Name: _____
 Number of Units _____

Name	Signature	Date
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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: _____



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Condominium Development in Prescott Valley

The Town Zoning Code Section 13-02-010(A) (58.) provides the following definition: "Condominiums: The individual ownership of a dwelling unit in a multi-unit structure and/or development, including the undivided interest in common areas associated thereto. A condominium may include either a single or multi-story dwelling under one ownership". Since the adoption of the Condominium Act in 1986, condominium development in Arizona is regulated by Title 33, Chapter 9 of the Arizona Revised Statutes (Attached).

The Condominium is different from a subdivision of real property in that units are not owned in fee simple; rather an individual owns only a portion of the rights to the property. As stated Arizona Revised Statutes a "Condominium" means, real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. If there is a unit owner other than a declarant, each unit that has been created, together with its interest in the common elements, constitutes for all purposes a separate parcel of real estate and shall be separately taxed and assessed.

Per ARS Section 33-1211, a condominium may only be created pursuant to Title 33, Chapter 9 by recording a declaration in the same manner as a deed in each county in which any portion of the condominium is located. The declaration shall be indexed in the name of the condominium, the name of the association and otherwise as required by law. Enforcement and regulation of the common areas is accomplished through the establishment of a master declaration recorded in conjunction with an approved (Condominium) Plat.

Chapter 9, Article 1, of the Arizona Revised Statutes prohibits imposition of requirements for a condominium which would not be imposed on a physically identical development under a different form of ownership. This means that condominiums cannot be excluded if all Town Zoning and Building Codes have been met as well as any requirements of Title 33, Chapter 9 of the Arizona Revised Statutes. With this, the underlying real property on which any number of condominium units may exist must be a legally created parcel and meet the Lot size and density requirements of the underlying Prescott Valley Zoning District and Town Code Section 14-03-060.

Statutes allow for local review in the same manner as a platted subdivision. Section 14-03-060 of the Town's Subdivision Code, outlines the requirements for Preliminary and Final Plat approval. Town Code requires that the Final Plat for the condominium project be recorded *after* the project is built to ensure compliance with Town Code requirements.

Section 14-03-060 Condominium Developments.

- A. The processing of subdivision plats for condominium developments shall follow the procedures set forth in this Chapter (14) for the processing of land subdivision plats. All sections of this Chapter shall be applicable to condominium subdivisions. A preliminary site plan shall be considered a Preliminary Plat, and a final site plan a Final Plat.

- B. The Final Condominium Subdivision Plat shall be certified by a registered architect or engineer that the plat accurately depicts the development as constructed, and shall be recorded prior to the sale of the first unit.
1. Conversion of Conventional Apartment Developments. Preliminary Plats shall show the following, in addition to all information required by the department check list for site plans:
 - a. Firewall construction, if required by the Fire Code.
 - b. Additional parking, if required.
 - c. Additional open space, if required.
 - d. Location of individual utility lines and meters, if needed.
 - e. Additional exits.
 2. Final Plats shall show:
 - a. All buildings.
 - b. Private drives and parking areas.
 - c. Required assessments.
 - d. Designation of commonly-owned property.
 - e. Necessary dedication statement.
 - f. Statement concerning the formation of a homeowners' association for the maintenance of the commonly-owned property.
 - g. Necessary certifications and approvals.
 3. New developments:
 - a. Preliminary Plat shall show all of the information required by the department's site plan checklist.
 - b. Final Plats shall show all of the information required in Subsection 14-03-060(B)(2) this Section.
 - c. Building permits shall be issued in accordance with Final Plats approved by the department, prior to recordation of the plat.
 - d. Final Plats to be approved by the Town Council and recorded after construction has been completed and final inspection made.

A Condominium comprising (6) units or more is considered a subdivision under State Law, is regulated by the Arizona Condominium Act, subject to approval of a public report by the Department of Real Estate and requires Certificate of Assured Water Supply (CAWS).

A Condominium comprising less than six (6) units, is not regulated by the State and is not subject to approval of a public report by the Department of Real Estate does not require a CAWS and is instead regulated by the local jurisdiction. The preliminary Condominium Plat then requires approval of the planning and Zoning Commission and the Final Condominium Plat requires Town Council after the project has been finalized and it is determined to be in compliance with all Town Codes and requirements of all other departments and agencies.

Though a Condominium comprising less than six (6) units is not subject to approval by the Department of Real Estate, the Town requires the same documentation to insure compliance with Title 33, Chapter 9 of the Arizona Revised Statutes.

The applicable Department of Real Estate requirements are stated in:

TITLE 4. PROFESSIONS AND OCCUPATIONS
CHAPTER 28. STATE REAL ESTATE DEPARTMENT
ARTICLE 12. DEVELOPMENTS
R4-28-A1219. Condominium Developments

The applicant shall provide the following information about condominium developments:

1. A copy of the recorded condominium declaration, map, and amendments in effect, and
2. An opinion letter from an attorney licensed to practice in Arizona, stating that the condominium plat and declaration of condominium are in compliance with the requirements of A.R.S. §§ 33-1215 and 33-1219.

Historical Note: Section R4-28-A1219 adopted by final rulemaking at 5 A.A.R. 650, effective February 3, 1999 (Supp. 99-1).

A Final Plat shall be submitted for consideration by the Town Council within eighteen (18) months of preliminary plat approval in accordance with Town Code Section 14-03-060 along with a copy of the Condominium Declaration and shall be accompanied by an “Attorney Opinion Letter” stating that the declaration and plat are in conformance with all State requirements of ARS Title 33, Chapter 9, more specifically §§ 13-1215 and 13-1219.

The Preliminary Plat is approved by the Planning and Zoning Commission and the fee is \$750. The Final Plat is approved by the Town Council and the application fee is \$375.

Recorded at the request of:
Town of Prescott Valley
Town Clerk's Office
7501 East Skoog Boulevard
Prescott Valley, AZ 86314



**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:

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.

_____, (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)