



September 7, 2021

Re: Final Plat Approval for Canyon Meadow Estates, **27** lots
Request for Increase in Allowable Groundwater Allocation

Dear Mr. McKay,

The City of Prescott requests the Arizona Department of Water Resources to increase the City's allowable groundwater allocation based upon the recording of the final plat for Canyon Meadow Estates, dated November 15, 2007, for 27 lots.

This submittal requires some background information.

Jeffrey Davis, developer with The M3 Companies, LLC, in a letter to John Moffitt, Attorney for the City of Prescott, dated September 12, 2005, in reference to Canyon Meadow Estates, discusses receiving a message from Mike Bacon that he disagrees with the interpretation that this subdivision should be allowed a groundwater allowance. Mr. Davis counters this assertion by quoting from the ADWR Order of Designation and Conditions of Designation, dated November 24, 1999, paragraph 2(b)(iii):

The total number of residential lots of the final plat is equal to or less than the total number of residential lots of the approved preliminary plat, *or if the plat is part of a "master planned community,"* as that term is defined by A.R.S. § 32-2101, the total number of residential lots of the final plats within the master planned community is equal to or less than the total number of residential lots of the approved preliminary plats within the master planned community.

Mr. Davis makes the point the 27 units is less than the number on all of the preliminary plats. (Attachment A, emphasis added)

City of Prescott Attorney John R. Moffitt responds to the developer of the referenced property, Mr. Jeffrey Davis of The M3 Companies, LLC, on October 15, 2005. He informs Mr. Davis that, according to ADWR, his project is not entitled to a groundwater allowance because it is not tied to a preliminary plat. (Preliminary Plats eligible to receive a groundwater allowance were to have been platted by August 21, 1998.) (Attachment B)

A letter from Gerry L. Wildeman of the Prescott Active Management Area, to this same developer, dated October 20, 2005, reiterates that water is not available because "...there is no preliminary plat of any kind to tie it to." (Attachment C)

The reason that the preliminary plat is dated January 11, 2006, which is post August 21, 1998, is because this area was originally planned as a commercial node.

However, now that the Prescott Lakes Master Plan is being reviewed in its entirety, the City respectfully requests that this subdivision of 27 lots be reconsidered for a groundwater allocation.

As specified in Condition 8 of Decision and Order of the Director, No. 86-401501.0001, the City submits the following information for the Department's review with regard to the above referenced subdivision:

Submittals Required as per Condition 8 of Decision and Order No. 86-401501.0001	Attachments
1. A request to increase the groundwater allocation.	This letter serves as the request.
2. Reference to the subdivision in Exhibit B of the D&O for this request.	Attachment 1
3. Canyon Meadows Estates Preliminary Plat, dated January 11, 2006	Attachment 2
4. City Council reviews the Preliminary Plat for Canyon Meadows Estates, on January 17, 2006, for 27 lots on 9.2 acres. City Council approves the Preliminary Plat for Canyon Meadows Estates on January 24, 2006 and agrees to provide 9.45 acre-feet per year of potable water.	Attachment 3
5. City Council reviews the Final Plat for Canyon Meadows Estates on November 6, 2007. At its meeting on November 13, 2007, it approves the Final Plat and the abandonment of two 30 foot wide roadway/utility easements.	Attachment 4
6. Final Plat of Canyon Meadows Estates for 27 lots on 9.18 acres.	Attachment 5
7. a) A calculation of projected groundwater use for the Final Plat b) Include landscaping plans for Open Space c) CC&Rs related to water use, and d) Any commercial properties included within the Subdivision.	a) Attachment 6 b) Attachment 7 c) Attachment 7 d) N/A



*Terry - Canavest
217-0742*

RECEIVED

SEP 12 2005

**CITY OF PRESCOTT
COMMUNITY DEVELOPMENT**

September 12, 2005

John Moffitt
City Attorney
City of Prescott
201 S Cortez
Prescott, AZ 86303

*C Please see me -
Mike B
9/13*

Re: Canyon Meadows Estates

Dear John:

I forwarded a letter to you, Mike Bacon, and Tom Guice regarding the water units necessary for the plat process of the above-referenced project, Canyon Meadows Estates, which is located inside the Prescott Lakes master plan. I received a message from Mike Bacon stating that he disagrees with our interpretation inasmuch as there is not a preliminary plat that was completed for this site at the same time that the other preliminary plats were completed. I would ask that you take a look at the Order of Designation issued by ADWR, page 8, paragraph 2(b)(iii) which states, "...or if the plat is a part of a 'master-planned community,' as that term is defined by A.R.S. § 32-2101, the total number of residential lots of the final plats within the master planned community is equal to or less than the total number of residential lots of the approved preliminary plats within the master planned community." A copy of this Order is attached for your review.

As we have stated, we have an excess of preliminary platted lots for assured water versus the number of final platted lots inside the master planned community. By including the Canyon Meadows Estates preliminary and final plats, containing 27 units, we will still meet the demands of the above-referenced paragraph by having less units approved through final plats than were previously approved through all of our preliminary plats.

It is our interpretation that this is not requiring a preliminary plat be approved prior to the 1998 deadline, only that the total number of final-platted lots be less than the total number of preliminary platted lots that were approved by 1998.

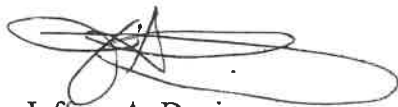
We again argue that you can allow the Canyon Meadows Estates subdivision to utilize Prescott Lakes assured water units and not be required to seek alternative water resources. As obvious, this is not only in the best interest of the developer of that parcel, but also the City of Prescott.

John Moffitt
September 12, 2005
Page 2

We will await a reply as soon as possible. Mr. Bacon is holding up the processing of the
aforementioned plat due to his interpretation that it does not have any water.

Sincerely,

THE M3 COMPANIES, L.L.C.

A handwritten signature in black ink, appearing to read "Jeffrey A. Davis". The signature is stylized with a large, sweeping loop that extends to the right and then curves back under the name.

Jeffrey A. Davis

JAD:rr

cc: Mike Bacon
Tom Guice
Terry Clayton

14. Prescott's projected groundwater use is consistent with the management plan of the Prescott Active Management Area.

Order of Designation
and Conditions of Designation

BASED ON THE FOREGOING, IT IS THE DECISION AND ORDER OF THE DIRECTOR THAT THE CITY OF PRESCOTT IS DESIGNATED AS A CITY WHERE AN ASSURED WATER SUPPLY EXISTS, SUBJECT TO THE FOLLOWING CONDITIONS:

1. On the effective date of this Decision and Order, the Director shall credit the account established pursuant to A.A.C. R12-15-705(R) for Prescott with the volume of groundwater allowance specified by Conclusion 9 of this Decision and Order. This amount may be adjusted at such time as Prescott reports to the Department that any of the 813 lots associated with plats that were approved, but unrecorded, as of August 21, 1998, are recorded.
2. To increase the groundwater allocation in accordance with Conclusion 10, the following shall apply:
 - a) Prescott shall submit the following information to the Department for each subdivision listed in Exhibit A for which a final plat is to be approved by Prescott:
 - i. A request to increase the groundwater allowance and reference to the subdivision listed in Exhibit A for which the request is made.
 - ii. A copy of the preliminary plat approved for the subdivision.
 - iii. A copy of the final plat to be approved for the subdivision.

1 iv. A copy of the standard report of the Prescott Community
2 Development Department to the Prescott City Council on the
3 subdivision explaining any changes between the preliminary plat
4 and the final plat, explaining why the final plat is in substantial
5 conformance with the preliminary plat and finding that the original
6 plat was feasible to develop.

7 v. A calculation of projected water use, including groundwater use, of
8 the proposed changes to the preliminary plat. The information
9 used in making the calculation shall also be submitted, including,
10 but not limited to, the landscaping plans for the open areas of the
11 subdivision, a copy of any proposed deed restrictions or covenants
12 relating to water use at the subdivision and a projection of the
13 nature and type of any commercial properties included in the
14 subdivision.

15
16 b) The Director shall increase Prescott's groundwater allocation in
17 accordance with the equation in Conclusion 10 if the Director finds that all
18 of the following apply:

19 i. Prescott has found that the final plat for the subdivision is either in
20 substantial conformance with the preliminary plat approved by
21 Prescott prior to August 21, 1998, or that it conforms with City of
22 Prescott Subdivision Regulation, Section 12-4-3(D)(22).
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- ii. The total projected water use, including groundwater use, for the subdivision, based on the final plat, is equal to or less than the projected water use based on the approved preliminary plat.
 - iii. The total number of residential lots of the final plat is equal to or less than the total number of residential lots of the approved preliminary plat, or if the plat is a part of a "master planned community," as that term is defined by A.R.S. § 32-2101, the total number of residential lots of the final plats within the master planned community is equal to or less than the total number of residential lots of the approved preliminary plats within the master planned community.
 - c) Condition 2(b)(i) shall be evaluated in accordance with the current policy of the City of Prescott as expressed in Resolution No. 3213, adopted November 23, 1999. A copy of Resolution No. 3213 is attached to this Decision and Order as Exhibit B. If at any time, the City of Prescott alters the policy expressed in Resolution No. 3213 through the amendment or repeal of Resolution No. 3213 or through the adoption of any other policy, ordinance, regulation or enactment that alters the policy expressed in Resolution No. 3213, the Department may modify or revoke this Decision and Order.
 - d) Within 30 days of receiving the request and information specified in Paragraph a) of this Condition, the Director shall notify Prescott whether the criteria of Paragraph b) of this Condition have been met, whether the



CITY OF PRESCOTT

LEGAL DEPARTMENT

201 South Cortez Street
Post Office Box 2059
Prescott, Arizona 86302-2059

Tele: (928) 777-1276
Tdd : (928) 777-1100
Fax : (928) 777-1325

John R. Moffitt
Thomas A. Lloyd
Glenn A. Savona
Gary D. Kidd

October 14, 2005

Mr. Jeffrey A. Davis
The M3 Companies
110 E. Gurley Street
Prescott, AZ 86301

Re: Canyon Meadows Estates

Dear Jeff:

This is to acknowledge receipt of your letter inquiring about the availability of water to the above project.

Inasmuch as the area included within the proposed Canyon Meadows Estates was entirely included within the boundaries of the Prescott Lakes Master Plan, it was our determination that the Canyon Meadows Estates was entitled to a water allocation from the City as a part of our overall allocation to those properties within the Prescott Lakes Master Plan, and that said allocation would be in compliance with ADWR's Order of Designation.

Unfortunately, ADWR disagrees with this interpretation, and has determined that this project is not entitled to groundwater because there is no preliminary plat of any kind to tie it to. We have no alternative but to comply with the dictates of ADWR when it comes to the allocation of groundwater pursuant to our Order of Designation.

Very truly yours,

CITY OF PRESCOTT
LEGAL DEPARTMENT

A handwritten signature in dark ink, appearing to be "JR" or "John R. Moffitt", written over a horizontal line.

JOHN R. MOFFITT
City Attorney

Cc: Connie Tucker

ARIZONA DEPARTMENT OF WATER RESOURCES

Prescott Active Management Area
2200 E. Hillsdale Road • Prescott, Arizona 86301
Telephone (928) 778-7202 • Fax (928) 776-4507



Janet Napolitano
Governor

Herbert R. Guenther
Director

October 20, 2005

Jeffrey A. Davis
The M3 Companies
110 E. Gurley Street
Prescott, Arizona 86301

Re: Canyon Meadows Estates

Mr. Davis:

I am in receipt of a copy of a letter to you from the City of Prescott regarding the subject development. The letter discusses "the availability of water" to the development pursuant to the City of Prescott's Designation of Assured Water Supply and notes that the Department of Water Resources (ADWR) has determined that "the project is not entitled to groundwater because there is no preliminary plat of any kind to tie it to". ADWR made this determination based solely on discussions with City of Prescott staff.

If you would like to obtain an official determination from ADWR regarding this issue, please submit a request in writing to:

Doug Dunham, Manager, Office of Assured Water Supply
500 N. Third Street
Phoenix, Arizona 85004
602-417-2467

To expedite this process, please be as specific as possible in your request and include all original recorded plats as well as new proposed plats. Please don't hesitate to contact either myself or Doug if you require additional information.

Sincerely,

Gerry L. Wildeman, Director
Prescott Active Management Area

cc: Doug Dunham, Manager, ADWR
Sandra Fabritz-Whitney, Assistant Director, ADWR
John R. Moffitt, City Attorney, City of Prescott
Connie Tucker, City of Prescott

Attachment B: Subdivisions Eligible to Receive the Groundwater Allowance

Subdivision Name	Number of Lots on Preliminary Plat	Number of Lots on Final Plats Submitted to ADWR	Remaining Lots that Can Receive Groundwater Allowance Increase
Cliff Rose, Unit 3	21	0	21
Dells at Prescott Lakes	167	101	66
Lakeside@ Prescott Lakes	240	35	205
Mason Ridge	14	0	14
Peaks Unit I @ Prescott Lakes	665	0	665
Peaks Unit II @ Prescott Lakes	150	124	26
Prescott Lakes: Estates Unit 2	239	163	76
Prescott Lakes: Estates Unit 3	12	0	12
Prescott Lakes: Pines	231	216	15
Prescott Lakes: Pinnacle Unit 1	62	0	62
Prescott Lakes: Pinnacle Unit 2	340	0	340
Summit Unit 2	227	133	94
The Club at Forest Trails	49	0	49
Yavapai Hills	1,632	239	1,393
Yavapai Hills in Prescott Valley	489	0	489
Total	4,538	1,011	3,527

Diagram showing the layout of a residential lot with a house and a garage. The house is 24' wide and 36' deep. The garage is 12' wide and 24' deep. The lot is 36' wide and 72' deep. The house is set back 12' from the front street centerline. The garage is set back 12' from the side street centerline. The lot is bounded by a street centerline on the left, a street centerline on the right, and a street centerline on the top. The lot is labeled "LOT 1-10 MIN. SETBACKS".

LOCATION MAP
NOT TO SCALE

NOT TO SCALE

DEAN A. LYON, R.L.S.

CANAVEST DEVELOPMENT, LLC
450 W. GOODWIN SUITE 107
PRESCOTT, AZ 86303
(928) 717-0742

LYON ENGINEERING &
DEVELOPMENT INC.,
121 W. NAVALO DRIVE
SUITE C
PRESCOTT, AZ 86301
(928) 776-1750

ENGINEERS

CANAVEST DEVELOPMENT, LLC
450 W. GOODWIN SUITE 107
PRESCOTT, AZ 86303
(928) 717-0742

SUBDIVIDERS

WILLOW CREEK ROAD - ADJ. ALUMINUM CAP,
SOUTHERLY MOST CAP ON SOUTH SIDE OF
WILLOW CREEK ROAD (N-03), EQUATION STATION
79+65.56 BK - 79+73.40 AHD. ELEV-5149.27

BENCHMARK

ELECTRICITY: ARIZONA PUBLIC SERVICE
GAS: UNISOURCE ENERGY SERVICES
TELEPHONE: U.S. WEST
WATER: CITY OF PRESCOTT
SEWER: CITY OF PRESCOTT

TIES

TAX ASSESSOR PARCEL NUMBER(S):	ZONING
106-18-063G	- SF-12 (PAD)
106-18-063D	- SF-12 (PAD)
106-18-066D	- SF-12 (PAD)
106-18-065E	- SF-12 (PAD)
106-18-067X	- SF-12 (PAD)
105-04-175B	- SF-12 (PAD)

SITE DATA

Scale 1" = 60'



EXHIBIT B
PARTIAL MAP

PRESCOTT CITY COUNCIL
STUDY SESSION
PRESCOTT, ARIZONA
JANUARY 17, 2006

A STUDY SESSION OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, JANUARY 17, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Pro Tem Roecker opened the meeting at 3:00 P.M. and asked City Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

Mayor Pro Tem Roecker
Councilman Bell
Councilman Blair
Councilman Lamerson
Councilman Luzius
Councilwoman Suttles

Absent:

Mayor Simmons (excused)

□ **SUMMARY OF CURRENT OR RECENT EVENTS**

Manager Norwood reminded Council and the audience the Public Hearing on the proposed increases for water rates and impact fees would be held next Tuesday, January 24 at 3:00 P.M.

Mayor Pro Tem Roecker announced Item II. E, regarding the Council Policy for implementation of Proposition 400 would not be discussed today due to the need for more clarification and Item III. B, on the Special Council/Executive Session Agenda regarding the Intergovernmental Agreement with Chino Valley would not be considered today.

I. PRESENTATIONS

A. Presentation of Mid-year Budget Report.

Budget/Finance Director Mark Woodfill gave a Powerpoint presentation regarding the FY2006 Mid-Year Budget Report, which included a summary of current year activity, future challenges, and a review of the FY07 budget calendar.

The presentation included the following information:

- The Year-to-Date Expenditures through December 31, 2005 were:
 - Of the \$183,678,982 FY2006 operating budget, \$36,204,175 had been spent which was approximately 20%.

- 2) She asked Council to ask the developer to enter into a development agreement limiting occupancy to owners only; she realized he couldn't be forced to do that but she wanted Council to ask; many spec homes were built in her area and many were empty;
- 3) She objected to the previous proposal because they were trying to get 39 houses on the property and it wasn't the affordable housing issue she objected to; it was the density. If there was a big issue about who was going to have to pay for paving or putting in roads that subject needed to be opened up and discussed with the residents.

Attorney Moffitt clarified the requirement that homes be owner-occupied was not enforceable by law.

G. Approval of Preliminary Plat for Canyon Meadows, 27 lots on 9.2 acres, located south of Smoke Tree Lane and west of Prescott Lakes Parkway, and associated Water Service Agreement in the amount of 9.45 ac. ft., zoning SF-12 & SF-35. (SP05-003)

Community Development Director Tom Guice explained the Canyon Meadows project was a:

- Planned Area Development with one-third of the site being left as open space;
- the plat met Subdivision Regulations with appropriate ingress/egress access;
- the streets were private streets and this was proposed to be a gated community;
- the streets would be 28-foot paving width within a 36 foot right-of-way;
- Lots 2 – 24 would be townhomes with a common wall and Lots 1, 10, 25, 26, and 27 would be single-family detached units;
- The Planning and Zoning Commission voted 6-0 in favor of the project.;
- Water Allocation Committee approved a water allocation of 9.45 acre feet;

PRESCOTT CITY COUNCIL
REGULAR COUNCIL MEETING
PRESCOTT, ARIZONA
JANUARY 24, 2006

A REGULAR MEETING OF THE PRESCOTT CITY COUNCIL WAS HELD ON TUESDAY, JANUARY 24, 2006, in the Prescott Municipal Building, 201 S. Cortez Street, Prescott, Arizona.

Mayor Simmons opened the meeting at 3:00 P.M. and asked Councilman Lamerson to lead the Pledge of Allegiance.

Mayor Simmons asked City Clerk Elizabeth Burke to call the roll, which was as follows:

Present:

Mayor Simmons
Councilman Bell
Councilman Blair
Councilman Lamerson
Councilman Luzius
Councilman Roecker
Councilwoman Suttles

Absent:

None

SUMMARY OF CURRENT OR RECENT EVENTS

I. PRESENTATIONS

A. Introduction of New Businesses.

1. Frontier Billiards – N. Cortez Street
2. Richie's Express Carwash and Detail – Sheldon Street
3. Mobile Screen Shop – The Gardners
4. Mini Yellow Pages – Pocket size guide to businesses in tri-city area.

B. Presentation by Elisabeth Ruffner re State Land Initiative.

Elisabeth Ruffner gave an update on the petition drive for putting the State Land Initiative on the statewide November General Election ballot. She reported that in order to get the measure on the ballot, 185,000 signatures were needed and 115,000 had been collected so far.

II. CONSENT AGENDA

Councilman Roecker MOVED to ADOPT the Consent Agenda, Items II-A through II-F, which was SECONDED by Councilman Bell. The motion passed unanimously.

A. Approve Downtown Management Agreement with Prescott Downtown Partnership.

B. Approve Resolution No. 3734 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, accepting a grant from the Arizona Office of Tourism to enhance marketing in Downtown Prescott, and authorizing the Mayor and staff to execute any and all documents to implement same.

C. The Ranch at Willow Creek:

1. Approve **Preliminary Plat for The Ranch at Willow Creek**, 16 lots on 14.7 acres, located at the southwest corner of Geneva Drive and Willow Creek Road, with the condition that the road be improved along Geneva Drive from its intersection with Willow Creek Road and continue to the west end of Lot 16; improvements shall include a street pavement width of 28 feet, curb and gutter, and a sidewalk located adjacent to the subject property. (SP05-016)
2. Approve **Water Service Agreement** for 5.6 acre feet with Affordable Housing Resources, LLC, for The Ranch at Willow Creek, located at the southwest corner of Geneva Drive and Willow Creek Road.

D. Canyon Meadows Estates:

1. Approve **Preliminary Plat for Canyon Meadows Estates** dated January 11, 2006, 27 lots on 9.2 acres, located south of Smoke Tree Lane and west of Prescott Lakes Parkway, zoning SF-12 & SF-35. (SP05-003)
2. Approve **Water Service Agreement** for 9.45 acre feet with Canyon Meadows at Prescott Lake LLC, for Canyon Meadows Estates, located south of Smoke Tree Lane and west of Prescott Lakes Parkway.

E. Approve Resolution No. 3736 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona amending Resolution No. 3713 by amending the Intergovernmental Agreement approved therein to accept additional funding from the Yavapai County Flood Control



PRESCOTT CITY COUNCIL JOINT STUDY SESSION/ SPECIAL MEETING AGENDA

**PRESCOTT CITY COUNCIL
PUBLIC MEETING
TUESDAY, NOVEMBER 6, 2007
3:00 P.M.**

**CITY COUNCIL CHAMBERS
201 S. Cortez Street
Prescott, AZ 86303
(928) 777-1100**

The following Agenda will be considered by the Prescott City Council at a Joint Study Session/Special Meeting pursuant to the Prescott City Charter, Article II, Section 13. Notice of this Study Session is given pursuant to Arizona Revised Statutes, Section 38-431.02.

Call To Order

Introductions and Pledge of Allegiance: Vahnnie Sanders, on behalf of Mayor Simmons.

Roll Call:

Mayor Simmons
Councilman Bell
Councilman Blair
Councilman Lamerson

Councilman Luzius
Councilman Roecker
Councilwoman Suttles

☐ SUMMARY OF CURRENT OR RECENT EVENTS

NOTE: *Anyone wishing to speak regarding an item on the agenda must address the Council using the microphone at the podium.*

THE CITY OF PRESCOTT ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS PLEASE CALL 777-1272 OR 777-1100 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

- I. Adopting of Resolution No. 3867-0835 - Supporting a professional services agreement between the Upper Verde River Watershed Protection Coalition and Burgess & Niple, Inc.
- J. Approval of an agreement with LA Consulting, Inc., in the amount of \$112,371.00 for implementation of Phase III of a Maintenance Management System for the Utilities Operations Division of Public Works .
- K. Approval of Amendment One to Contract No. 07-163 with URS Corporation, Granite Creek Structural Analysis, to develop an emergency action plan for each of four City-operated dams in a total amount not to exceed \$74,204.00.
- L. Approval of Amendment One to Contract No. 08-024 with Post, Buckley, Schuh, and Jernigan, Inc., to add design of a new Indian Hills Reservoir to the Zone 39 Water Mains and Pump Station Upgrade Project, in an amount not to exceed \$124,909.00.
- M. Approval of Contract for Risk Management Study with ArmTech in the amount of \$33,000.00.
- N. Approval of Site Plan for Texas Roadhouse, a 7150 sq. ft. restaurant located adjacent and east of Cost Plus World Market, Applicant is Greenberg Farrow.
- O. Approval of Final Plat for the Ranch at Willow Creek comprising 15 lots on approximately 14.7 acres located at the southwest corner of Geneva Drive and Willow Creek Rd., Owner is V.S. Property Group, LLC, Applicant is Virgil Doefler, APN 106-22-008.
- P. Approval of Final Plat for Tamarack Estates consisting of 12 lots on approximately 6.65 acres located northwest of the intersection of East Tamarack and Delano Ave., Applicant is Tamarack Estates, LLC, Agent is Brant Smith, APN 10-03-002A (FP06-020).

Q. Canyon Meadows:

- 1. Adoption of Ordinance No. 4633-0835 - Approval of Plat of Abandonment.
 - 2. Approval of Final Plat for Canyon Meadows Estates, a Planned Area Development comprising 27 lots on approximately 9.2 acres located south of Smoketree Lane and west of Prescott Lakes Parkway, Owner is Canyon Meadows Partners; Applicant is Lyon Engineering, FP07-008, APN 105-04-175B.
- R. Approval of the Minutes of the Regular Voting Meeting of October 9, 2007,

COUNCIL AGENDA MEMO**(11/6/07 & 11/13/07)****DEPARTMENT: COMMUNITY DEVELOPMENT**

AGENDA ITEM: PLAT of ABANDONMENT and
 FINAL PLAT FP07-008 of CANYON MEADOWS ESTATES
 – A PLANNED AREA DEVELOPMENT FINAL PLAT for 27 lots on 9.2±
 acres located South of Smoketree Lane and west of Prescott Lakes
 Parkway.

Approved By:**Date:**

Department Head: Tom Guice		
Finance Director:		
City Manager: Steve Norwood		

APNs: 105-04-175B, 106-18-063D, 063G, 065E, 066D, 0067X (±9.185 acres)

Zoning: SF-12 and SF-35

Applicant/Agent: Lyon Engineering, 121 W. Navajo Drive, Suite C, Prescott, AZ

Owner: Canyon Meadows Partners, 99 Signature Place, Lebanon, TN 37087

REQUEST: This is a two-fold request:

1. A Plat of Abandonment to abandon a 30-foot wide roadway/ utility easement per Book 486 page 168 and a 30-foot wide ingress/egress/utility easement per Book 1269 Page 489 (both of Yavapai County Official Records) which transverses the proposed Final Plat.

2. A Final Plat for a Planned Area Development (PAD) for 27 lots on 9.2± acres for zero lot line single-family homes on one property line on 25 lots with 2 larger single-family homes on the 2 large lots on the south

Project Information:

Number of Units:	27	Parcel Size:	9.2± acres
Minimum Lot Size	5,070 sq. ft	Current Zoning:	SF-12 & SF-35
Maximum Lot Size:	23,950 sq. ft.	Average Lot Size:	7,152 sq. ft
Common Open Space:	3.49± acres (38.11±%)		

Prior Council Action. Council approved the preliminary plat and the associated Water Services Agreement for 9.45 acre-feet in January 2005.

STAFF ANALYSIS

Existing Conditions. The site is undeveloped with native vegetation consisting of grasses and chaparral. The site slopes from the southwest to the northwest with an average slope of 6%; however, the southern portion of the site has slopes over 20%. The drainage cut on Lot 26 was previously constructed at the time of development of prior subdivision units of Prescott Lakes.

General Plan Consistency. The preliminary plat is consistent with the 2003 GP land use map designation of Low Density1-7 DUA, and both the Amended 2005 Prescott

Lakes Master Plan and the Willow Lake Area South Area Plan designations of Single-Family Residential.

Staff notified the surrounding larger lot property owners (particularly to the west) and others within 400 feet of the project site because of the proposed smaller lots. No one objected to the project at the public meetings. The applicant indicated at the Commission meeting that a landscape buffer will be required by the Homeowners Association on the individual lots along the west property line.

Street Access, Circulation and Sidewalks. The project will be a gated community with a single access to Smoke Tree Lane. The proposed private streets will be 28-foot wide (City required width) within a 36-foot private R.O.W., a 2-foot curb and gutter on both sides, and a 4-foot sidewalk on one side. No private or public trails are provided or required.

Hillside Development. Lot 27 is a hillside lot having slope categories of greater than 20%. A non-disturbable Envelope has been submitted to Staff for review and is acceptable.

Landscape Mitigation Plans. No plans have been requested by staff because there does not appear to be any significant issues with revegetation on the project site.

Open Space. There is one open space tract of 3.49 acres and it is within the approved Prescott Lakes Community Master Plan open space calculations. The Prescott Lakes Master Plan Community HOA does not wish to rezone any of its open space parcels to either one of the City's open space zones (NOS or RS) at this time.

Public Utility / Roadway and Ingress / Egress Easements. These existing easements are no longer needed with the approval of the proposed final plat. The abandonment will not impact access or utilities to adjacent properties.

Setbacks. Proposed setbacks vary within the plat:

Lots Nos.	Front	Rear	Sides
1-10	22'	25'	5'-East Side, 0'-West Side
11-18	22'	11'	5'-North Side, 0' South Side
19-25	22'	11'	5'-East Side, 0' West Side
26-27	30'	30'	12'

STAFF RECOMMENDATION

Staff recommends approval of both requests.

Recommended Action:

Move to adopt Ordinance No. 4633-0835 and
Move to Approve Final Plat FP07-008 of Canyon Meadows Estates at Prescott Lakes –
A Planned Area Development.

Site Address

Owner

CANYON MEADOWS PARTNERS LLC
89 SIGNATURE PLACE
LEBANON TN 37087

Subdivision Name

Max Lot Coverage
Max Bldg Height
Setbacks
Front
Side
Rear
Corner

Acres 0.87 acres
Square Ft 37,973 sq.ft.
TRS T14-R2-S14

DOR Usage Code Vacant/Res
Description VACANT RESIDENTIAL URBAN
NON-SUBDIVIDED

Zoning Information

Zoning SF-12 (PAD)

Flood Zone
FIRM Panel

Overlay District Information

HPD District	No
NR District	No
Willow Creek District	Outside
Whipple-Zuma District	Outside
Hwy 69 District	Outside
Prescott East Area Plan	Outside
Prescott Enterprise	Outside
Airport Noise District	Outside
Urban Wildlife Interface	Outside

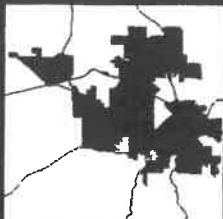
Planner's Actions:

DA-04-157 Development Agreements
prescott lakes amended
DA-02-208 Development Agreements
prescott lakes effluent agreement
DA-02-088A Development Agreements
prescott lakes
DA-02-207 Development Agreements
prescott lakes
DA-06-012A Development Agreements
Res 2858
DA-06-012 Development Agreements
Res 2854

DA-04-034 Development Agreements

revision: 2007-05-29 15:10

Zoning DA-04-034A2 Development Agreements
NONE



This map is a product
of
The City of Prescott



1" = 241'



This document is a graphic representation only of base available sources
The City of Prescott assumes no responsibility for any errors

PLAT OF ABANDONMENT

A PORTION OF THAT CERTAIN EASEMENT RECORDED IN BOOK 486 OF OFFICIAL RECORDS, PAGE 168, AND IN BOOK 1269 OF OFFICIAL RECORDS, PAGE 489, ON FILE IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER, AND LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 14, TOWNSHIP 14 NORTH, RANGE 2 WEST OF THE GILA AND SALT RIVER BASIN AND MERIDIAN YAVAPAI COUNTY, ARIZONA

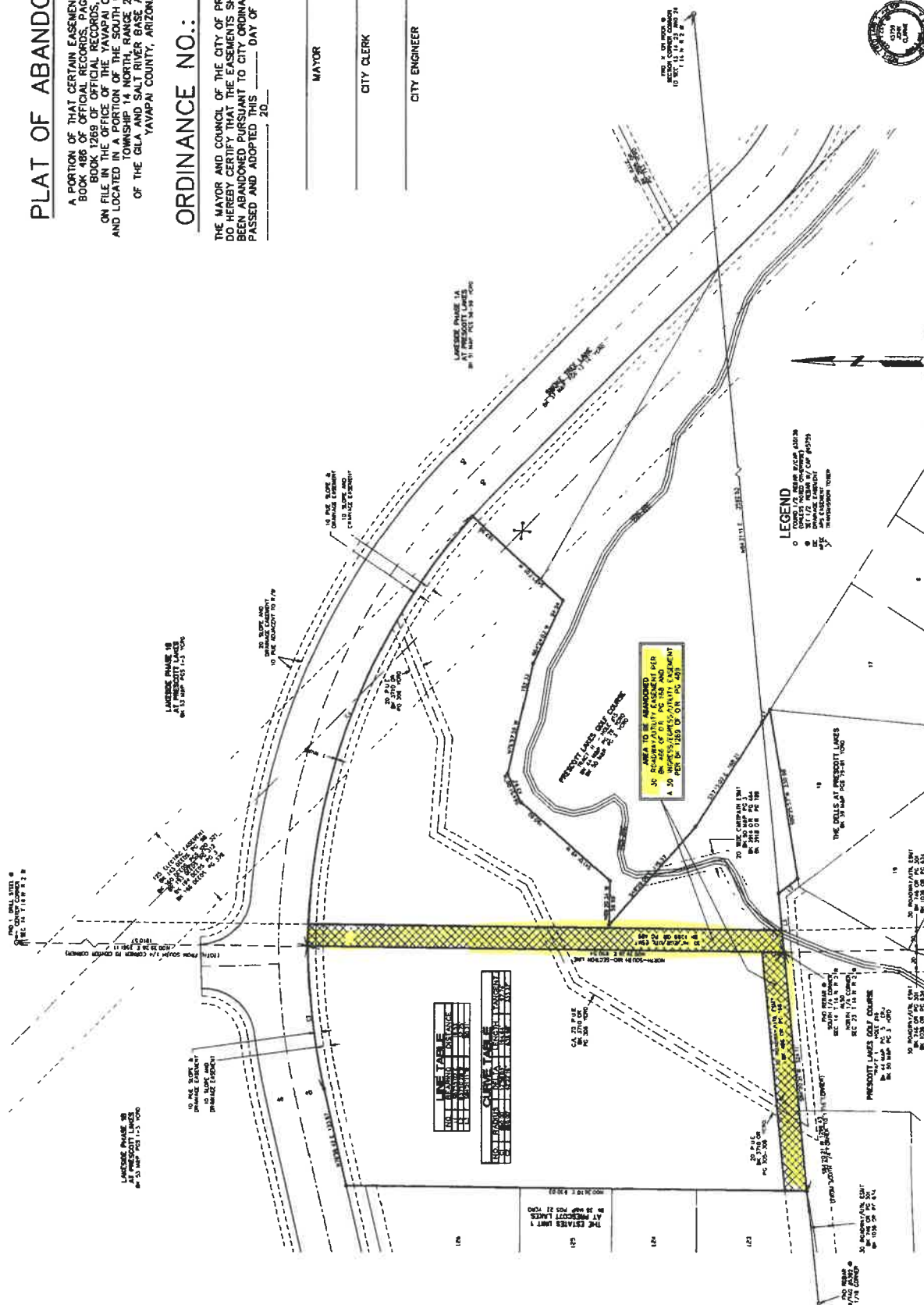
ORDINANCE NO.:

THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, ARIZONA,
DO HEREBY CERTIFY THAT THE EASEMENTS SHOWN HEREON HAVE
BEEN ABANDONED PURSUANT TO CITY ORDINANCE NO. _____
PASSED AND ADOPTED THIS _____ DAY OF _____, 20____.

MAYOR

CITY CLERK

CITY ENGINEER



LINE TABLE		
NO.	FLIGHT NO.	DISTANCE
1	100	100
2	200	200
3	300	300
4	400	400
5	500	500
6	600	600
7	700	700
8	800	800
9	900	900
10	1000	1000

CURVE TABLE			
NO.	RADIUS	LENGTH	MARKING
1	100	100	100
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96	100	100	100

(RECORDED & INDEXED)

Filed and recorded at the request of _____

_____ AD 20 _____

at _____ o'clock _____ M.

Book _____

Page _____

Record of Deeds County Arizona

Court Recorder _____

County Recorder

LS NEW ENGINEERING

3602 CROSSINGS DRIVE
PHOENIX ARIZONA 85018
(602) 778-1750

JOB NO 335-CI DRAIN REP
CITY OF PHOENIX
CLIENT A/C BENCH
DATE 09/04/07
CHECKED BY _____
DRAWN BY _____

POA-ESMTS
SHEET 1 OF 1

N. Canyon Meadows:

1. Adopt Ordinance No. 4633-0835 – An ordinance of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, abandoning a certain 30-foot wide roadway/utility easement per Book 486 Page 168 and a certain 30-foot wide ingress/egress utility easement per Book 1269 Page 489 (both of Yavapai County Official Records) within Canyon Meadows Estates at Prescott Lakes; requesting a final plat thereof; and authorizing the Mayor and City staff to take all necessary steps to effectuate such abandonment and final plat.
2. Approve Final Plat for Canyon Meadows Estates, a Planned Area Development comprising 27 lots on approximately 9.2 acres located south of Smoketree Lane and west of Prescott Lakes Parkway, Owner is Canyon Meadows Partners; Applicant is Lyon Engineering, FP07-008, APN 105-04-175B.

- O. Approve the Minutes of the Prescott City Council Regular Voting Meeting held October 9, 2007, and the Prescott City Council Study Session held October 16, 2007.

V. REGULAR AGENDA

- A. Canvass of the Election Results of the City of Prescott General Election Held November 6, 2007.
- B. Appointment of Member to the Public Safety Personnel Retirement System Board.
- C. Adopt Resolution No. 3866-0834 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, renaming Willow Creek Park to the Jim McCasland Willow Creek Park.
- D. Adopt Resolution No. 3865-0833 – A resolution of the Mayor and Council of the City of Prescott, Yavapai County, Arizona, authorizing the City of Prescott to enter into a Development Agreement with Ponderosa Hotel Management Services for the development of a four-star quality hotel and conference center located at 340 N. Lee Blvd., and authorizing the Mayor and staff to take any and all steps necessary to accomplish the above.
- E. Approve recommended changes to the Outdoor Water Use Code to promote conservation.
- F. Recess into Executive Session.

ORDINANCE NO. 4633-0835

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF PRESCOTT, YAVAPAI COUNTY, ARIZONA, ABANDONING A CERTAIN 30 FOOT WIDE ROADWAY/UTILITY EASEMENT PER BOOK 486 PAGE 168 AND A CERTAIN 30-FOOT WIDE INGRESS/EGRESS/UTILITY EASEMENT PER BOOK 1269 PAGE 489 (BOTH OF YAVAPAI COUNTY OFFICIAL RECORDS) WITHIN CANYON MEADOWS ESTATES AT PRESCOTT LAKES; REQUESTING A FINAL PLAT THEREOF; AND AUTHORIZING THE MAYOR AND CITY STAFF TO TAKE ALL NECESSARY STEPS TO EFFECTUATE SUCH ABANDONMENT AND FINAL PLAT

RECITALS:

WHEREAS, the Mayor and City Council of the City of Prescott has determined that a 30-foot wide roadway/utility easement and a 30-foot wide ingress/egress/utility easement within Canyon Meadows Estates at Prescott Lakes, more particularly described in Exhibit "A", attached hereto and made a part hereof, are not needed nor likely to be needed within a reasonable future time by the City; and

WHEREAS, the Mayor and City Council of the City of Prescott wish to abandon said 30-foot wide roadway/utility easement and 30-foot wide ingress/egress/utility easement with Canyon Meadows Estates at Prescott Lakes to Canyon Meadows Partners, LLC; and

WHEREAS, such abandonment is in compliance with applicable laws and determined to be in the best interest of the public; and

WHEREAS, the grantee of said property is by virtue of the abandonment, the property owner, Canyon Meadows Partners LLC, an Arizona Limited Liability Company, and whereas the grantee wishes to and shall acquire title to said roadway/easement as the property owner; and

WHEREAS, this abandonment is in compliance with ARS Section 28-7201 et seq.; and

WHEREAS, the grantee requests approval of the attached Final Plat for the Canyon Meadows Estates at Prescott Lakes (Exhibit "B"), a Planned Area Development for 27 lots on 9.2+ acres for zero lot line sing-family homes on one property line on 25 lots with 2 larger single-family homes on the 2 large lots on the south. The preliminary plat, which was approved by Council in January, 2005, is consistent with the 2003 GP land use map designation of Low Density 1-7 DUA, and both the Amended 2005 Prescott Lakes Master Plan and the Willow Lake Area South Area Plan designations of Single Family Residential.

KNOW ALL MEN BY THESE PRESENTS:

[illegible]

STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss

ON THIS 14th DAY OF November, 2007, BEFORE ME, THE UNDERSIGNED
NOTARY PUBLIC, DO PERSONALLY APPEAR JOHN W. WATKINS JR. WHO CONFIRMED
HEEDS TO BE THE ALLEGED SIGNER OF THE ABOVE-ENTITLED INSTRUMENT,
AND HE HAS ADMITTED THAT HE IS THE ALLEGED SIGNER OF THE ABOVE-ENTITLED
INSTRUMENT, AND HE HAS SPECIFICALLY EXECUTED THE FOREGOING INSTRUMENT FOR
THE PURPOSE HEREIN CONTAINED, BEING DULY AUTHORIZED TO DO SO.

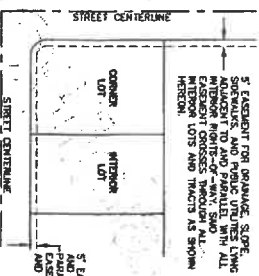
APPROVED BY THE MAYOR AND THE COUNCIL OF THE CITY OF PRESCOTT ON THIS
 25th day of August, 2007.

APPROVED BY THE CITY OF PRESCOTT CITY ENGINEER ON THIS 5TH DAY OF SEPTEMBER, 2007.

David A. Allen MAYOR
Elizabeth Allen CITY CLERK

APPROVED BY THE CITY OF PRESCOTT COMMUNITY DEVELOPMENT DIRECTOR ON THIS
12 DAY OF December, 2007.

COMMUNITY DEVELOPMENT DIRECTOR



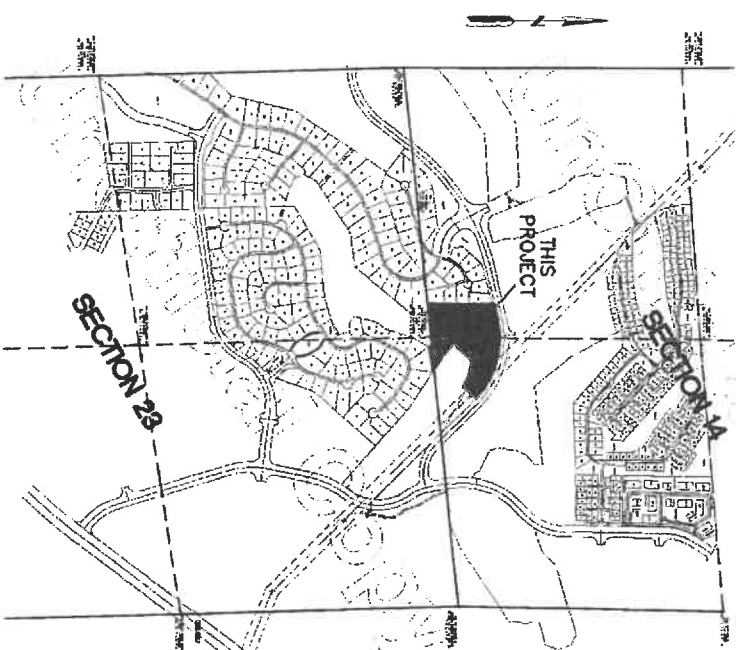
TYPICAL SETBACKS

TYPICAL SETBACKS			
LOT #	FRONT SETBACK	REAR SETBACK	SIDE SETBACKS
LOTS 1-10	25'	25'	5'-EAST SIDE, 0'-WEST SIDE
LOTS 11-18	22'	11'	5'-NORTH SIDE, 0'-SOUTH SIDE
LOTS 19-25	22'	11'	5'-EAST SIDE, 0'-WEST SIDE
LOTS 26-27	30'	30'	12'

5' EASEMENT FOR DRAINAGE, SLOPE, SIDEWALKS, AND PUBLIC UTILITIES LYING ADJACENT TO AND PARALLEL WITH ALL INTERIOR RIGHTS-OF-WAY. SAID EASEMENT CROSSES THROUGH ALL INTERIOR LOTS AND TRACTS AS SHOWN HEREON.

TYPICAL STREET SIDE EASEMENTS

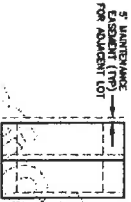
FINAL PLAT OF
CANYON MEADOWS ESTATES
(A PLANNED AREA DEVELOPMENT)
LOCATED IN A PORTION OF THE SOUTH HALF OF SECTION 14
AND A PORTION OF THE NORTH HALF OF SECTION 23, T. 14 N., R. 2 W.,
GILA AND SALT RIVER BASE AND MERIDIAN, YAVAPAI COUNTY, ARIZONA.
27 LOTS ON 9.185 ACRES +/-



ACREAGE TABLE

ACREAGE TABLE	
DESCRIPTION	ACRES
TOTAL PROPERTY	50.00
TOTAL, 1/2 AC. (27)	1.23
TOTAL, 1/4 AC. (27)	0.30
TOTAL TRACTS	1.53
TRACT A	35.01
TRACT B	4.92
TRACT C	0.01
OPEN SPACE, BARNYARD, SLIPS, UTILITIES	1.46

TYPICAL SETBACKS



OSTETS
A112 3.50ac

CERTIFICATION

THIS IS TO SAY THAT THE SURVEY, AND SUBSEQUENT OF THE PREVIOUS DESIGNED AND PLANNED HEREON, WAS MADE UNDER MY DIRECTION DURING THE MONTH OF SEPTEMBER, 2017. THAT THE SURVEY IS TRUE, AND COMPLETE AS SHOWN, THAT THE MOMENTS SHOWN DOES OR WILL BE SAID MOMENTS, THAT THEIR POSITIONS ARE CORRECTLY SHOWN, AND THAT SAID MOMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE COMPLETED. THE MOMENTS ARE OR WILL BE SET WITH 1/2" REBAR AND RETAINED, STAKED L.S. 43159.

LEGEND

- FOUND 1/2" REBAR W/ CAP #20130
(UNLESS NOTED OTHERWISE)
SET 1/2" REBAR W/ CAP #45750
APS EASTMENT
ORANGE EASEMENT
NON VEHICULAR ACCESS EASEMENT
TRANSMISSION TOWER

COMPLIANCE

THE FINAL PLAN FOR "CANYON MEADOWS ESTATES" IS IN COMPLIANCE WITH CURRENT ERECTION REGULATIONS AND CODES OF CITY OF PRESCOTT, PRESCOTT, ARIZONA.

C
C
R
S

CANYON MEADOWS ESTATES IS GOVERNED BY THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR "PINESCOTT LAKES - RESIDENTIAL," WHICH IS RECORDED IN BOOK 3642 OF OFFICIAL RECORDS, PAGE 181, IN THE OFFICE OF THE YAVAPAI COUNTY RECORDER, AND ALL AMENDMENTS THERETO, AND ARE HEREBY INCORPORATED AS A PART OF THIS PLAT.

NOTES

1.) THIS SUBDIVISION IS LOCATED IN THE CITY OF PRESCOTT, ARIZONA, WHICH ASSUMED WATER SUPPLY PURSUANT

6/1/73

FINAL PLAT
SHEET 1 OF 2

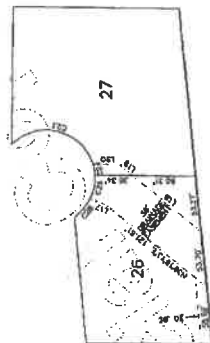
Dec 17, 2007

3

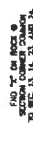
61/74

[illegible]

CURVE TABLE



DRAINAGE EASEMENT DETAIL



99085117

(RECORDED'S DATA)

ed and recorded, at the request

QMS Consulting

Dec. 17, AD. 2004

3:53 o'clock

 $100 \times 61 \div 0.5 = 12200 + 12200$

57

Records of Yavapai County, Arizona

ANA WAYMAN-TRUJILLO

Anthony L. Guel

7 - unguent

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3623 CROSSINGS DRIVE
ROSCOTT 47131

PRESTON, AZ 85003
(928) 776-1750

AC: 550-61
DATE 11/18/07
NAME: JEFF

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1670/11 2009 2009

FINAL PLAT
SHEET 2 OF 2

DEC 17, 2007

26 lots

Attachment 6. Water Demand at Canyon Meadow Estates

No. of Accounts	No. of 60 month Accounts (5 Years)	Annual Water Use acre-feet / year	Average Use by Lot acre-feet / year
27	22	2.79	0.13

(Please note that the City Council's water allocation of 9.45 acre-feet per year for this subdivision is actually much less, at 2.79 acre-feet per year.)

Attachment 7. CC&Rs

Book	Page	Recorded	Description
4959	114	05/28/2013	<p>SUPPLEMENTAL DECLARATION TO THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR PRESCOTT LAKES (NEIGHBORHOOD OF CANYON MEADOW ESTATES AT PRESCOTT LAKES)</p> <p>Cites the first 8 Amendments to the Prescott Lakes CC&Rs. All Common Areas within the neighborhood are to be owned and maintained by the Association as Limited Common Area for the benefit and use of the owners.</p>

WHEN RECORDED RETURN TO:

**Ekmark & Ekmark, L.L.C.
6720 N. Scottsdale Rd., Suite 261
Scottsdale, AZ 85253**

**SUPPLEMENTAL DECLARATION TO THE
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
PRESCOTT LAKES
(Neighborhood of Canyon Meadows Estates at Prescott Lakes)**

THIS SUPPLEMENTAL DECLARATION is made to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes this 17th day of MAY, 2013 by PL DEVELOPER I, L.L.C., an Arizona limited liability company ("Declarant") and Dorn Homes, Inc. ("Developer").

WITNESSETH:

WHEREAS, Prescott Lakes Community Association, Inc. ("Association") is an Arizona nonprofit corporation and is the Association designated under the Declaration of Covenants, Conditions and Restrictions recorded in the Office of the Yavapai County Recorder in Book 3642, Page 161 on February 25, 1999, as thereafter amended from time to time ("Declaration"); and

WHEREAS, on May 3, 1999, a First Amendment to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes was recorded in Book 3659, Page 633 in the Office of the Yavapai County Recorder; and

WHEREAS, on May 25, 1999, a Second Amendment to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes was recorded in Book 3666, Page 358 in the Office of the Yavapai County Recorder; and

WHEREAS, on February 11, 2000, a Third Amendment to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes was recorded in Book 3731, Page 523 in the Office of the Yavapai County Recorder; and

WHEREAS, on March 1, 2000, a Fourth Amendment to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes was recorded in Book 3735, Page 899 in the Office of the Yavapai County Recorder; and

WHEREAS, on April 1, 2002, a Fifth Amendment to the Declaration of Covenants, Conditions and Restrictions for Prescott Lakes was recorded in Book 3914, Page 465 in the Office of the Yavapai County Recorder; and