

**TOWN OF CAREFREE, ARIZONA
ORDINANCE NO. 2004-01**

AN ORDINANCE OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA, GRANTING A SPECIAL USE PERMIT TO USE CERTAIN REAL PROPERTY TO IMPROVE A PRIVATE CROSS ACCESS ROAD TO ACCESS A FIVE LOT SUBDIVISION TAX PARCEL NUMBERS 216-23-5A AND 216-23-4H. THE SUBJECT PRIVATE ROAD WILL BISECT TAX PARCEL 216-23-22A ALONG THE NORTHERN PROPERTY LINE

BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAREFREE, MARICOPA COUNTY, ARIZONA AS FOLLOWS:

Section 1. Pursuant to Section 1601 of the 1996 Town of Carefree Zoning Ordinance, a Special Use Permit shall be and hereby is granted to Carefree Buenan, L.L.C. to use the real property, shown as Parcel 5a and 4H on the Maricopa County Assessor's Book No. 216 Map 23, for the construction and use of a private roadway accessing five lots within the Aribiome subdivision, as disclosed in Application No. Z03-03-SUP.

Section 2. The special use permit shall be and is subject to the following conditions:

1. The applicant/developer shall survey and stake the proposed improvements prior to the commencement of any site work. The applicant/developer shall obtain Mr. Roy Hunt's signed authorization and submit to the Zoning Administrator for approval of the location of all improvements within the access/public utility easement crossing parcel 216-23-22A prior to issuance of building permit. If such authorization modifies the roadway alignment, any such change shall be reflected in the improvement plans and approved by the Town prior to issuance of building permit.
2. A MAG standard traffic sign indicating "private driveway" shall be placed at the entry of the drive and facing Scopa Trail/Grapevine Road. Such signage shall be included in roadway improvement plans.
3. A MAG standard stop sign shall be placed at the westbound lane exiting the private driveway/road. Such signage shall be included in roadway improvement plans.
4. All utilities shall be placed underground and within the utility easement.
5. The driveway/road improvement within the easement shall consist of a thickened "Maricopa Edge". Details of the edge treatment and roadway design shall be provided in the improvement plans.
6. The edge of the road within the proposed subdivision shall consist of a minimum one foot ribbon curb. Details of the edge treatment and roadway design shall be provided in the improvement plans.
7. The C.C. & R's shall reflect that the subject subdivision shall maintain and assume associated liability of the private driveway/road from the public street improvements on Scopa Trail/Grapevine Road into and through the subdivision. The C.C. & R's shall be submitted

reflecting these requirements at time of Final Plat consideration by the Town. Pursuant to the Conditions for Approval for the Preliminary Plat, if the Final Plat is approved by the Town, the C.C. & R's shall be recorded and a recorded copy submitted to the Town.

8. An executed and recorded copy of the cross access/utility easement with Mr. Roy Hunt (owner of parcel 216-23-22A) must be submitted prior to the Town's consideration of the Final Plat. If such agreement is not submitted to the Town prior to the Town's consideration of the Final Plat, the Special Use Permit and Preliminary Plat approval for the subject subdivision shall be null and void.

Section 3. The Town of Carefree Zoning Map is hereby amended to reflect the issuance of the Special Use Permit granted hereunder.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Carefree, Arizona, the 6th day of January 2004.

Ayes _____ Noes _____ Abstentions _____ Absent _____

TOWN OF CAREFREE

By: _____
Edward C. Morgan, Mayor

ATTEST:

Elizabeth L. Wise, Town Clerk

APPROVED AS TO FORM:

Thomas K. Chenal, Town Attorney