

1 Nancy Knight
1803 E. Lipan Cir.
2 Fort Mohave, AZ 86426
Telephone: (951) 837-1617
3 nancy@thebugle.com

4 Plaintiff Pro Per

5 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
6 **IN AND FOR THE COUNTY OF MOHAVE**

7 NANCY KNIGHT,

8 Plaintiff,

9 vs.

10 GLEN LUDWIG and PEARL LUDWIG,
11 Trustees of THE LUDWIG FAMILY TRUST;
12 FAIRWAY CONSTRUCTORS, INC.;
13 MEHDI AZARMI; JAMES B. ROBERTS and
14 DONNA M. ROBERTS, husband and wife;
15 JOHN DOES 1-10; JANE DOES 1-10; ABC
CORPORATIONS 1-10; and XYZ
PARTNERSHIPS 1-10.

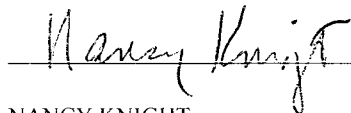
16 Defendants.

Case No.: CV 2018 04003

**PLAINTIFF'S OBJECTIONS TO
EVIDENCE OFFERED IN
DEFENDANT'S REPLY
FOR A MOTION TO DISMISS**

17
18
19 COMES NOW Plaintiff Pro Per, NANCY KNIGHT, hereby submitting her
20 OBJECTIONS to evidence offered for the first time by Defendants in their Reply in accordance
21 with Rule 7.1. (f) (3) (C) . Objections are supported by fact and Plaintiff's Exhibits.

22 RESPECTFULLY submitted this 5 day of March, 2018.

23
24 

25 NANCY KNIGHT
26 Plaintiff Pro Per

FILED
BY: DJ
2018 MAR -5 AM 9:45
VI. J. WELLS
SUPERIOR COURT CLERK



1

THE FACTS

2 **The Plaintiff has standing** and does have CC&Rs for her Tract in the Desert
3 Lakes Subdivision as is evidenced in her Title Insurance Policy and as was referenced
4 already in paragraph 12 of the Complaint. This is evidence that refutes the Defendant’s
5 Reply that the subject CC&Rs apply only to the lots within the individual subdivision.
6 The Plaintiff’s lot(s) were not even conceived until 1998 and therefore not listed among
7 the lots cited for Tract 4076-B dated December 1989 and yet the Plaintiff is bound, as
8 was T&M, to abide in these CC&Rs. **Exhibit 1A** – Plaintiff’s Title Insurance Policy
9 dated March 11, 2010 (see Schedule B for CC&Rs Recording No.; Book 1641 of Official
10 Records, page 895).
11

12

13 The Defendant, on the other hand, has offered no proof of the version of the
14 CC&Rs cited in the Roberts’ 2017 Title Insurance Policy and therefore we can assume
15 they are hiding a material fact.
16

17 The “no general plan or common scheme argument” is refuted since the Desert
18 Lakes Subdivision does have a general plan or common scheme that was controlled by an
19 Architectural Committee comprised of Rinaldi, Passantino, and Varner and cited in both
20 the May 1989 and December 1989 versions of the CC&Rs for the Architectural
21 Committee. The creators of the Desert Lakes Golf Course and Estates Subdivision,
22 Desert Lakes Development L.P., had controlled designs, especially for views, and an
23 Architectural Committee to assure the general plan or common scheme was followed for
24 the entire area including the Plaintiff’s section that was approved for 32 lots in 1998 by
25 Varner and for which the 1989 CC&Rs recorded in Book 1641 apply. (Varner Ref.
26 Exhibit 2A)
27
28

1 **CC&Rs were written for the entire Desert Lakes “subdivision”** and should not
2 be confused by a developer’s subdivision whereby lots are created within Tracts.

3 Defendant Glen Ludwig wrote, “Desert Lakes Estates and Golf Course is a recorded
4 subdivision with Tract Number 4076-A thru 4076-H...” **Exhibit 1B** - ADRE page 9

5 **Desert Lakes Golf Course and Estates is “the subdivision name”** and as such
6 the verbiage in paragraph 20 of the CC&Rs that states, “any person or persons owning
7 real property located within the subdivision”..., was intended to mean in the Desert
8 Lakes “subdivision” and not merely those lots cited within a Tract. Evidence of this fact
9 is found in the CC&Rs as recorded in Book 1641 whereby specific lots are cited that do
10 not include the Plaintiff’s lot, and yet, the Plaintiff’s lot is subject to the provisions
11 established for the Contract.

12 The subdivision name is Desert Lakes Golf Course and Estates. **Exhibit 1C:**
13 Mohave County Subdivision Index and **Exhibit 1D:** Mohave County Road Department
14 Notice (April 2016) citing the Subdivision as Desert Lakes Golf Course - arrows point to
15 the Plaintiff’s street and the Defendant’s subject parcel’s street within the Desert Lakes
16 subdivision.

17 The definition of a “planned community”, as cited by the Defendants in their
18 Reply with references to road maintenance has no relevance in this matter. Roads in the
19 Desert Lakes Golf Course and Estates “Master Planned Community” are maintained by
20 the Mohave County Road Department. Exhibit 1D supra.

21 Desert Lakes Golf Course and Estates fits the definition of a “Master Planned
22 Community”. A Master Planned Community is: “A type of residential plan that includes
23 an unusual number of recreational amenities such as parks, golf courses, lakes, bike
24
25
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1 paths, and jogging trails. The scope of the plan is very large scale and the number and
2 variety of amenities clearly separates it from a normal plan for a housing subdivision.”
3 Source: <http://www.businessdictionary.com/definition/master-planned-community.html>.
4
5 This definition supports T&M’s citing of no common areas in the Master Planned
6 Community of Desert Lakes Golf Course and Estates. **Exhibit 1E** - ADRE Public Report.

7 The Plaintiff’s Complaint is not concerned with only one lot. It concerns many
8 lots within Desert Lakes Golf Course and Estates: The Roberts’ lot is one known to be in
9 violation of front and rear yard setbacks, there exists numerous unimproved lots with
10 Fairway Constructor’s “Build to Suit” signage posted in violation of the CC&Rs, and
11 there exists potentially many more lots that may have setback violations by Azarmi
12 considering his statement made to the Board of Adjustment and from that meeting the
13 entire Desert Lakes subdivision was put at risk for setback reductions through a
14 subsequent BOS Resolution.
15

16
17 There exists no relevance to Oehler’s citing a parcel “reserved” for multi-family
18 residential development that was never actively processed and subsequently expired. The
19 relevant information is for zoning approvals for 32 “Special Development” lots Recorded
20 on October 7, 1998; An extension of time in Resolution No. 2000-399; and the deletion
21 of condition #2 for T&M in Resolution 2002-202. **Exhibit 2A-2D** (pertinent front pages).
22

23 The Plaintiff’s limit of three pages in addressing the Defendant’s new evidence
24 ends here. Please consider or ignore the following “conclusion” as may or may not be
25 allowed as additional pages in accordance with Arizona’s Rules of Civil Procedure.
26
27

28 **CONCLUSION**

1 Based on the evidence in this matter, there exists a reasonable belief that the
2 CC&Rs were intended to protect all property owners within the Desert Lakes Golf
3 Course and Estates “subdivision” and not limited to only those lots cited in a particular
4 developer’s subdivided Tract. It is not credible that some Tracts could have no CC&Rs
5 and therefore those lots would not be subject to any enforcement provisions.
6

7 The Honorable Judge Carlisle is requested to weigh the evidence of the
8 Plaintiff’s proven standing and rights to CC&R enforcement as a property owner in the
9 Desert Lakes Golf Course and Estates Subdivision and to weigh the substantial body of
10 evidence from all of the Mohave County departments that cite Desert Lakes Golf Course
11 and Estates as “The Subdivision”. The Plaintiff pleads for discretion for the weighty
12 importance that the entire Desert Lakes Golf Course and Estates property owners place
13 on protection of their property values and views, including safety features, water
14 conservation concerns, and more which are all substantial concerns that were addressed
15 in the December 1989 version of the Desert Lakes Golf Course and Estates CC&Rs and
16 absent in the May 1989 version.
17
18

19 The Honorable Judge Carlisle is requested to consider the gravity of the offense
20 for the self-serving motive of setback reductions for a larger building footprint, not only
21 for the one subject lot that has been proven in violation of setbacks, but for the apparent
22 orchestrated attempt by Azarmi at setback reductions throughout Desert Lakes for which
23 the owners of 180 parcels were placed at risk with a lack of full disclosure for the Waiver
24 they sent in to Mohave County Development Services. Consider the impact such a
25 change in setbacks would have had on the neighboring parcels in the Desert Lakes
26 community. **Exhibit 3A** map and parcel list.
27
28


1 The Plaintiff pleads for discretion and consideration for the direct affect this case
2 will have on the multitude of parties with enforcement interests for the protection of the
3 future quality and enjoyment of their investment in the Desert Lakes Golf Course and
4 Estates Subdivision. We are not isolated to Tracts. We drive the same streets within the
5 entire subdivision. Unsightly, "Build to Suit" signage is a detriment to the intent of the
6 general plan of the Subdivision. Short driveways with parked vehicles poses a visibility
7 risk and safety concern for all who drive on our streets.
8

9 If, in Discovery, we find that the Roberts' Title Insurance Policy does indeed cite
10 CC&Rs from the May 1989 version, then a Declaratory Judgment eliminating the
11 confusion and inconsistency in the Contract is necessary. If his Policy cites Book 1641,
12 then it is clear we have a December 1989 version that supersedes the May 1989 version
13 and all confusion will be put to rest.
14

15 The Plaintiff is entitled to, and respectfully requests, DENIAL of the Defendant's
16 Motion to Dismiss such that this case may proceed.
17

18 The Plaintiff respectfully requests the Court to DENY the Defendants an award of
19 attorney fees.
20

21 **RESPECTFULLY SUBMITTED** this 5 day of March 2018.

22 
23 _____
Nancy Knight
Plaintiff Pro Per

24 **COPY** of the foregoing was hand delivered
25 on 5 day of March, 2018 to:

26 The law office of Daniel Oehler
27 2001 highway 95, Suite 15
28 Bullhead City, Arizona 86442

Exhibit List for “Objection to Evidence Offered in Reply” to Motion to Dismiss

Exhibit 1A – Plaintiff’s Title Insurance Policy, Page 1 and Schedule B

Exhibit 1B – ADRE Report Page 9 citing “subdivision” in letter from Glen Ludwig

Exhibit 1C – Mohave County Subdivision Index

Exhibit 1D - Mohave County Road Department Subdivision Notice

Exhibit 1E – ADRE Report page 5 “Master Planned Community”

Exhibit 2A - BOS Resolution 98-348 for zoning 32 lots

Exhibit 2B - BOS Resolution 98-349: Multi-family never processed and expired

Exhibit 2C - BOS Resolution 2000-399 for extension of time

Exhibit 2D – BOS Resolution deleting Condition #2

Exhibit 3A – Map of 180 parcels applying for setback reductions

Exhibit 1A

Plaintiff's Title Insurance Policy, Page 1 and Schedule B



SECURITY TITLE AGENCY

1630 South Stapley Drive, Suite 125, Mesa, AZ 85204
(480)345-6345 FAX (602)294-8859

William R. Knight and Nancy L. Knight
41650 Knight Dr.
Murrieta, CA 92562

Date: March 11, 2010
Order No: ST09019621-ST48
Loan No.:
Property Address:
1803 E. Lipan Circle, Fort Mohave Arizona 86426

We appreciate the opportunity of being of service to you. Please refer any questions regarding this policy of title insurance to:

Security Title Agency

CC VR S
Sched R

SCHEDULE B
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any rights, interests or claims, which are not shown by the public records but which could be ascertained by an inspection of the Land or which may be asserted by persons in possession thereof.
3. Easements, liens or encumbrances, or claims thereof, which are not shown by the public records.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other matters which a correct survey would disclose and which are not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b) or (c) are shown in the public records.
6. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the year 2010.
7. The right of entry to prospect for, mine and remove the minerals excepted from the description of said Land in Schedule A.
8. Water rights, claims or title to water, whether or not disclosed by the public records.
9. Easements, covenants, conditions and restrictions as set forth on the recorded plat of said subdivision.
10. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, or source of income, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

→ Recording No.: Book 1641 of Official Records, Page 895,

END OF SCHEDULE B

Exhibit 1B

ADRE Report Page 9 citing “subdivision” in letter from Glen Ludwig

SUBDIVISION CHARACTERISTICS

Topography: Gently sloping to southwest

Flooding and Drainage: Subdivider advises this subdivision is not subject to any known flooding or drainage problems.

Glen L. Ludwig, P.E. of Ludwig Engineering Associates, Inc. in his letter dated April 15, 2014 states that:

Desert Lakes Estates and Golf Course is a recorded subdivision with tract numbers 4076-A thru 4076-H that consists of 575 home sites. The Final Plat of Tract 4076-A was recorded in 1988.

These home sites were constructed on graded and compacted pads. Drainage consideration included finished grading of the pads that slope away to the streets and golf course.

Desert Lakes Estates and Golf Course, including the subject tract had been designated as a flood channel with consideration of the home sites draining to the streets.

Soils: Subdivider advises this subdivision is not subject to expansive or subsidence soils. Soil consists of sand and gravel with mixture of silt with occasional cobbles.

Glen L. Ludwig, P.E. of Ludwig Engineering Associates, Inc. in his letter dated April 15, 2014 states that:

The soils of the site are granular and decomposed granite materials. Expansion or shrinkage of the soils when moistened is not considered to be a problem on these sites.

Adjacent Lands and Vicinity: The zoning surrounding the properties is predominantly R-O (Single-Family Residential/Manufactured Homes Prohibited) and R-1 (Single-Family Residential), with A-R (Agricultural-Residential) and R-E (Residential-Recreation) for most larger parcels over one acre in size. Golf course parcels in the Desert Lakes Golf Course are zoned S-D/C (Special Development/Commercial). Properties along State Highway 95 have mostly commercial zonings including C-2 (General Commercial), C-2H (General Commercial Highway Frontage) and C-MO (Commercial Manufacturing/Open Lot Storage). A block of properties on the north side of Lipan Boulevard between the Desert Lakes Golf Course and Estates and State Highway 95 are zoned M (General Manufacturing).

The Fort Mojave Indian Reservation lands are located within 5 miles of the project. On the Reservation land uses include agricultural, commercial, industrial and residential.

Exhibit 1C

Mohave County Subdivision Index

SUBDIVISION INDEX
G. & S. R. M.
MOHAVE COUNTY, ARIZONA



SUBDIVISION **TWN/RGN/SEC** **BOOK** **MAP**

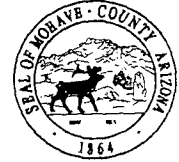
| | | | | |
|-------------------|---|--------------------------|-----|----|
| | DARBY TRACT | (21-17-24) | 303 | 07 |
| (4) | DEL CERRO CONDOMINIUM | (13-20-14, 23) | 109 | 08 |
| | DEL RIO ESTATES TR 4102 | (20-22-32) | 220 | 41 |
| | DELTA CITY UNIT #1 TR 1039 | (17-21-07) | 224 | 12 |
| (2) | DELTA CITY UNIT #2 TR 1061 | (17-21-07) | 224 | 13 |
| (2) | DELTA CITY UNIT 3 TR 1114 | (17-21-07) | 224 | 14 |
| (2) | DELTA CITY UNIT 4 TR 1116 | (17-21-07) | 224 | 15 |
| (7) | DELTA CITY UNIT 5 TR 1208A | (17-21-07) | 224 | 18 |
| | DESERT ARROYO (RS 34/25-25A) | (20-13-15) | 254 | 29 |
| | DESERT CANYON AT SUNRIDGE TR 5156 | (21-21-21) | 348 | 16 |
| (6) | DESERT FOOTHILLS ESTATES TR 5011 | (20-21-05) | 213 | 39 |
| | DESERT FOUNTAIN ESTATES TR 3051-A | (22-17-13) | 330 | 35 |
| | DESERT FOUNTAIN ESTATES TR 3051-B | (22-17-13) | 330 | 36 |
| (3) | DESERT GLEN TR 4015 AMENDED | (20-22-13) | 214 | 43 |
| | DESERT HORIZONS TR 4161 | (19-22-23) | 228 | 18 |
| | DESERT ISLE TRACT 5001 | (20-23-13) | 219 | 24 |
| | DESERT LAKES ESTATES TRACT 4152A | (19-22-36) | 226 | 29 |
| (2) | DESERT LAKES ESTATES AMENDED TR 4152B | (19-22-36) | 226 | 30 |
| | DESERT LAKES ESTATES TR 4152C | (19-22-36) | 226 | 32 |
| (2) | DESERT LAKES ESTATES TR 4152D | (19-22-36) | 226 | 35 |
| (13) | DESERT LAKES GOLF COURSE & ESTATES TR 4076-A PHASE I | (19-22-35, 36) | 226 | 11 |
| <i>Mine</i> → (5) | DESERT LAKES GOLF COURSE & ESTATES TR 4076-B - (CC + RS) | (19-22-35) | 226 | 13 |
| (4) | DESERT LAKES GOLF COURSE & ESTATES TR 4076-C | (19-22-36) | 226 | 28 |
| | DESERT LAKES GOLF COURSE & ESTATES TR 4076-D | (19-22-35) | 226 | 14 |
| | DESERT LAKES GOLF COURSE & ESTATES UNIT F TR 4132 | (19-22-35) | 226 | 20 |
| <i>Mine</i> → | DESERT LAKES GOLF COURSE & ESTATES UNIT E TR 4163 → | (19-22-35) | 226 | 23 |
| | DESERT LAKES GOLF COURSE & ESTATES UNIT H TR 4159 | (19-22-35) | 226 | 21 |
| | DESERT LAWN CEMETERY REVISED TR 1003 | (17-21-05) | 224 | 51 |
| (5) | DESERT RIDGE TR 4032A | (19-22-11) | 222 | 16 |
| (3) | DESERT ROSE ESTATES | (14-20-33) | 115 | 34 |
| (3) | DESERT ROSE UNIT I | (25-22-33) | 317 | 29 |
| (4) | DESERT SHADOWS RANCHOS UNIT ONE | (17-17-29) | 245 | 21 |
| (6) | DESERT SHADOWS RANCHOS OF ARIZONA UNIT 2 FIRST AMENDED | (17-17-31) | 245 | 22 |
| (4) | DESERT SHADOWS RANCHOS UNIT 3 | (17-17-33) | 245 | 24 |
| | DESERT SHADOWS RANCHOS OF ARIZONA UNIT 5 | (17-17-09) | 245 | 05 |
| | DESERT SHADOWS RANCHOS OF ARIZONA UNIT 6 | (17-17-15) | 245 | 10 |
| | DESERT SHADOWS RANCHOS UNITS 7-9 (RESUB INTO LAKE HAVASU ESTATES) | | | |
| | DESERT SHORES UNIT I TR 5007 | (21-21-32) | 347 | 22 |
| (4) | DESERT SKIES UNIT ONE | (16 1/2-18-25) | 207 | 17 |
| (4) | DESERT SKIES UNIT TWO | (16 1/2-18-35) | 207 | 24 |
| | DESERT SKY AT FOX CREEK TRACT NO 5048 | (20-21-31) | 213 | 49 |
| (2) | DESERT SPRINGS RANCHOS TR 3029 | (40-15-03) | 402 | 82 |
| (6) | DESERT STORAGE OF LAKE HAVASU PHASE I & II | (14-20-34) | 115 | 31 |
| | DESERT SUN VILLAS CONDOMINIUMS (ABANDONED) | (13-20-13) | 105 | 26 |
| | DIAMOND BAR ESTATES (PP 7/35) | (30-17-25) | 343 | 30 |
| | DIAMOND M RANCHES UNIT 2 (RS 11/60-60C) | (21-10-17) | 352 | 15 |
| (2) | DIAMOND M RANCHES UNIT III (RS 12/10) | (21-10-09) | 352 | 16 |
| (3) | DIAMOND M RANCHES UNIT IV (RS 13/02-02C) | (21-10-07, 21-11-12, 13) | 352 | 17 |
| | DIAMONDBACK RIDGE TR 1974 | (21-17-01) | 305 | 48 |
| | DIAMONDS EDGE CONDOS | (13-19-20) | 114 | 25 |
| (3) | DOLAN SPRINGS ESTATES TR 1033 | (26-19-36) | 319 | 20 |
| | DOLAN SPRINGS RANCHES (PP 01/46-47) | (26-19-35) | 319 | 22 |

Exhibit 1D

Mohave County Road Department Subdivision Notice

MOHAVE COUNTY ROAD DEPARTMENT

Telephone (928) 757-0905



NOTICE!

The Mohave County Road Department will be chip sealing roads in your area on the following date/dates:

April 11th thru April 15th, 2016

Please have all vehicles off the street and Right of Way between the hours of 5:00 A.M. and 6:00 P.M.

Any Vehicles parked on the Street will be towed by Mohave County Sheriff's Dept. Roads will not be closed. Please travel with care.

→ **SUB DIVISION: Desert Lakes Golf Course**

| | |
|------------------|------------------------------------|
| Frontage Rd | Lipan Blvd to Mt View Rd |
| Pinion Rd | Desert Lakes Dr to E Bndry Tr 4057 |
| Club House Way | Wishing Well Wy to Clubhouse Dr |
| Wishing Well Way | Wishing Well Ln to Club House Way |
| Club House Ct | Chiricahua Dr to Casa Grande Dr |
| → Lipan Cir | Lipan Blvd to End |
| Wishing Well Dr | Club House Dr to End |
| Wishing Well Ln | Wishing Well Dr to Desert Lakes Dr |
| Wishing Pl | Wishing Well Dr to End |
| → Clubhouse Dr | Wishing Well Dr to Joy Ln |
| Desert Lake Dr | Club House Dr to Club House Dr |
| Desert Lakes Dr | Mt View Rd to Club House Dr |
| Club Ct | Club House Dr to NW End |
| Desert Lakes Pl | Desert Lakes Dr to End |
| Fairway Dr | Fairway Bend to Desert Lakes Dr |
| Fairway Bend | Fairway Dr to Fairway Dr |
| Fairway Cir | Fairway Dr to West End |
| Fairway Ct | Fairway Dr to North End |
| Fairway Pl | Desert Lakes Dr to End |

Sweeping will follow in approximately 1 to 2 weeks

IN THE EVENT OF MECHANICAL FAILURE, INCLEMENT WEATHER OR OTHER UNFORESEEN CONDITIONS, THE ABOVE DESCRIBED SCHEDULE IS SUBJECT TO CHANGE.

Exhibit 1E

ADRE Report page 5 "Master Planned Community"

COMMON, COMMUNITY AND RECREATIONAL FACILITIES

Within the Subdivision: None

→ **Within the Master Planned Community:** Desert Lakes Golf Course and Estates. There are no common areas.

ASSURANCES FOR COMPLETION

Assurances for Completion of Subdivision Facilities: All subdivision improvements are completed.

Assurances for Maintenance of Subdivision Facilities: Mohave County will be responsible for maintenance of the streets. The utility companies will be responsible for maintenance of their facilities.

LOCAL SERVICES AND FACILITIES

Schools: Fort Mohave Grade School is approximately 9 miles, Desert Lakes Jr. High School is approximately 1 miles and Laguna High School is approximately 10 miles from the subdivision.

SCHOOL FACILITIES AND BUS SERVICE MAY CHANGE. YOU SHOULD CONTACT THE LOCAL SCHOOL BOARD REGARDING THE CURRENT LOCATION OF SCHOOLS AND BUS SERVICE.

Shopping Facilities: Safeway and Smiths Food Store, are approx. 3 miles north from the subdivision at Highway 95 and Aztec Rd.

Public Transportation: Air travel is available by way of Bullhead Laughlin Airport and Sun Valley Airport

Medical Facilities: Western Arizona Regional Medical Center, 2735 Silver Creek Rd., Bullhead City, AZ

Fire Protection: Ft. Mohave Fire Dept.

Ambulance Service: 911 service area

Police Services: Mohave County Sheriff's Department

Garbage Services: Commercial Refuse Service at a cost to purchasers in the amount of \$33.60 per quarter.

Exhibit 2A

BOS Resolution 98-348 for zoning 32 lots

3
BOS

CC&RS (12-19-1989)



INDEXED

MICROFILMED

98060608 BK 3173 PG 388
OFFICIAL RECORDS OF MOHAVE COUNTY, AZ
JOAN MC CALL, MOHAVE COUNTY RECORDER
10/07/1998 02:38P PAGE 1 OF 3
MOHAVE COUNTY BOARD OF SUPERVISORS
RECORDING FEE 0.00

approved 8/12/1998 Planning
11 10/5/1998 BOS

RESOLUTION NO. 98-348

A RESOLUTION SETTING FORTH A REZONE OF PARCEL V-V AND A PORTION OF PARCEL K-K, DESERT LAKES GOLF COURSE AND ESTATES, TRACT 4076-B, TO BE KNOWN AND SUBDIVIDED AS DESERT LAKES GOLF COURSE AND ESTATES, UNIT E, TRACT 4163, IN SECTION 35, TOWNSHIP 19 NORTH, RANGE 22 WEST, FROM A-R (AGRICULTURAL-RESIDENTIAL) ZONE TO S-D/R-O (SPECIAL DEVELOPMENT/SINGLE FAMILY RESIDENTIAL/MOBILE HOMES PROHIBITED) ZONE, IN THE SOUTH MOHAVE VALLEY AREA, MOHAVE COUNTY, ARIZONA.

WHEREAS, at the regular meeting of the Mohave County Board of Supervisors held on October 5, 1998, a public hearing was conducted to determine whether approval should be granted to Rezone the above-described property as requested by Sterling Varner, representing 1043 Arizona Property, LLC, of Mission Viejo, California, and

WHEREAS, this property is located east of State Highway 95, between Joy Lane and Lipan Boulevard. The site is accessed from State Highway 95 via east on Lipan Boulevard to the site, located on the north side of Lipan Boulevard on the northwest corner of Lipan Boulevard and Lipan Court. The property is vacant and rises to the west. The surrounding land uses consist of vacant land to the south, the Desert Lakes Golf Course and Estates subdivision to the north and east, and several commercial enterprises to the west on the north side of Lipan Boulevard. There are no significant drainage patterns, and

WHEREAS, the applicant requests this zone change to allow for a 32-lot subdivision. The applicant proposes to divide the 4.99-acre parcel into 32 lots ranging from 4,800 square feet to 5,775 square feet and one drainage easement parcel. The Mohave County General Plan designates this area as an Urban Development Area, and

WHEREAS, a review of FEMA FIRM Panel #040058-2445C indicates the parcel described to be in Zone A, in the Special Flood Hazard Area, and

WHEREAS, the following described Findings of Fact are for the above-captioned item:

- a. All notices have been advertised and posted according to regulations.
- b. The proposed action and the effect complies with the Mohave County General Plan.
- c. The site is adequate for the action intended and the use is consistent with the surrounding land uses and terrain.
- d. The neighboring area contains other like land uses similar to the above-proposed action.

Exhibit 2B

BOS Resolution 98-349: Multi-family never processed and expired

BOS

8/12/1998 Planning
Approved 10/5/1998 BOS

RESOLUTION NO. 98-349

A RESOLUTION SETTING FORTH A PRELIMINARY SUBDIVISION PLAN AND PETITION OF EXCEPTION FOR DESERT LAKES GOLF COURSE AND ESTATES, UNIT E, TRACT 4163, BEING A SUBDIVISION OF PARCEL V-V, AND A PORTION OF PARCEL K-K, OF DESERT LAKES GOLF COURSE AND ESTATES, TRACT 4076-B, IN A PORTION OF THE SW¼ OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 22 WEST, IN THE SOUTH MOHAVE VALLEY AREA, MOHAVE COUNTY, ARIZONA.

WHEREAS, at the regular meeting of the Mohave County Board of Supervisors held on October 5, 1998, a public hearing was conducted to determine whether approval should be granted for a Preliminary Subdivision Plan and Petition of Exception for the above described subdivision, as requested by Richard Rieker of Ludwig Engineering, project engineer, San Bernardino, California. The owner/developer is 1043 Arizona Property Limited Liability Corporation, including developers previously known as Desert Lakes Development, Mission Viejo, California, and

WHEREAS, the property is located approximately four (4) miles south of Bullhead City. The property is accessed via State Highway 95, then east one-half mile along and north of Lipan Boulevard to the site, and

WHEREAS, the great majority of this property originally had been platted as Parcel V-V, Desert Lakes Golf Course and Estates, Tract 4076-B, a parcel "reserved" for future multi-family residential development. A subdivision of this property, along with a narrow sliver of the adjacent golf course parcel, was proposed in the form of a Final Plat for Desert Lakes Golf Course and Estates, Tract 4076-E. The developers never actively processed that plat, and let the approval for the original Preliminary Plan of Tract 4076 expire without extension. In 1996, the developers again became interested in subdividing this property, this time however as a single-family residential subdivision, and submitted a new Sketch Plan, which was assigned Tract # 4163, separate from the previous obsolete proposals, and

WHEREAS, the Preliminary Plan for Desert Lakes Golf Course and Estates, Unit E, Tract 4163 depicts five acres subdivided into 32 Special Development single-family residential lots and one large drainage parcel. The residential lots in this subdivision range in size from 4,800 to 5,775 square feet in area. Due to the small size of the project, no phasing is proposed, and

WHEREAS, a portion of this proposed subdivision, Parcel K-K of Desert Lakes Golf Course and Estates, Tract 4076-B, was established as a golf course, drainage easement, and public utility easement. An abandonment of those designations is being processed concurrently with this Preliminary Plan and the rezoning of the property, to make way for the subdivision, and

Exhibit 2C

BOS Resolution 2000-399 for extension of time

505

RESOLUTION NO. 2000-399

9/13/2000 Planning
10/2/2000 BOS

A RESOLUTION SETTING FORTH AN APPROVAL OF AN EXTENSION OF TIME OF THE APPROVED PRELIMINARY SUBDIVISION PLAN FOR DESERT LAKES GOLF COURSE AND ESTATES, UNIT E, TRACT 4163, BEING A PROPOSED SUBDIVISION OF A PORTION OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 22 WEST, IN THE SOUTH MOHAVE VALLEY AREA, MOHAVE COUNTY, ARIZONA.

WHEREAS, at the regular meeting of the Mohave County Board of Supervisors held on October 2, 2000, a public hearing was conducted to determine whether approval should be granted for an Extension of Time as requested by one of the new owners/developers, Peter Kukreja, of West New York, New Jersey, for the above-described subdivision Preliminary Plan. The project engineer is Ludwig Engineering, San Bernardino, California, and

WHEREAS, the property is located approximately four miles south of Bullhead City, and is accessed via State Highway 95, then east one-half mile along Lipan Boulevard to the site, and

WHEREAS, the Preliminary Plan for Desert Lakes Golf Course and Estates, Unit E, Tract 4163, depicts five (5) acres subdivided into 32 Special Development single-family residential lots, and one large drainage parcel. The residential lots range in size from 4,800 to 5,775 square feet in area. Due to the small size of the project, no phasing is proposed, and

WHEREAS, one of the developers of this project has indicated in a letter dated August 8, 2000, that an Extension of Time is being requested as the new development partners need time to "get our act together" and submit the Final Plat for the subdivision, and

WHEREAS, the new Preliminary Plan for this tract was conditionally approved by the Mohave County Board of Supervisors on October 5, 1998, per BOS Resolution No. 98-349, with project approval automatically expiring on October 5, 2000. Subdivision Regulations, Article 3.10-1, states: "Upon application to the Commission and prior to the expiration of the time limit, extensions in increments of one (1) year may be granted by the Board of Supervisors if the subdivider is actively processing the Final Plat. If such action is not taken then all proceedings relating to the plat shall be terminated.", and

WHEREAS, the Mohave County Public Works Department has indicated that upon receipt of any additional submittals of this project for processing, the adequacy of the drainage and compatibility of this proposed subdivision with surrounding development, including without limitation, roadways and easements, utilities, drainage and other improvements, will be reviewed by the county, and has recommended that any required changes or modifications will be the responsibility of the developer, and

Exhibit 2D

BOS Resolution deleting Condition #2

505

Approved 7/11/2002 05

RESOLUTION NO. 2002-202

A RESOLUTION SETTING FORTH AN AMENDMENT TO BOS RESOLUTION NO. 98-349, WHICH CONDITIONALLY APPROVED THE PRELIMINARY PLAN FOR DESERT LAKES GOLF COURSE AND ESTATES, UNIT E, TRACT 4163, BEING A SUBDIVISION OF A PORTION OF SECTION 35, TOWNSHIP 19 NORTH, RANGE 22 WEST, IN THE SOUTH MOHAVE VALLEY AREA, MOHAVE COUNTY, ARIZONA.

WHEREAS, at the regular meeting of the Mohave County Board of Supervisors held on July 1, 2002, a public hearing was conducted to determine whether the conditional approval of the Preliminary Plan for the above-referenced subdivision should be amended, as requested by the owner, T&M Mohave Properties, Mesa, Arizona. The project engineer is Ludwig Engineering, Inc., of San Bernardino, California, and

WHEREAS, the property is located approximately four (4) miles south of Bullhead City. The site is accessed via State Highway 95, then east along Lipan Boulevard to the site, and

WHEREAS, the developer has requested an amendment to eliminate the requirement for the establishment of a property owners association. The association was required to provide permanent maintenance of the drainage parcel along the western boundary of the subdivision, and any other common areas or features within the subdivision. The developer proposes that Mohave County take over the maintenance of the drainage channel, rather than having to create a property owners association for that purpose, and

WHEREAS, the County Engineer has not objected to the developer's proposal, and

WHEREAS, at the public hearing before the Mohave County Planning and Zoning Commission on June 12, 2002, the Commission recommended APPROVAL of an amendment to BOS Resolution No. 98-349, subject to the following conditions:

1. Condition # 2 is deleted, eliminating the requirement for the establishment of a property owners association.
2. Maintenance of the drainage channel adjacent to this subdivision is not to be determined by this amendment, but will be determined by the Board of Supervisors, upon separate recommendation of the County Engineer.

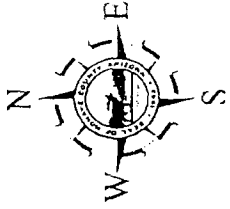
UNOFFICIAL

Exhibit 3A

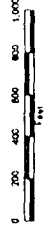
Map and list of 180 parcels applying for setback reductions

Desert Lakes

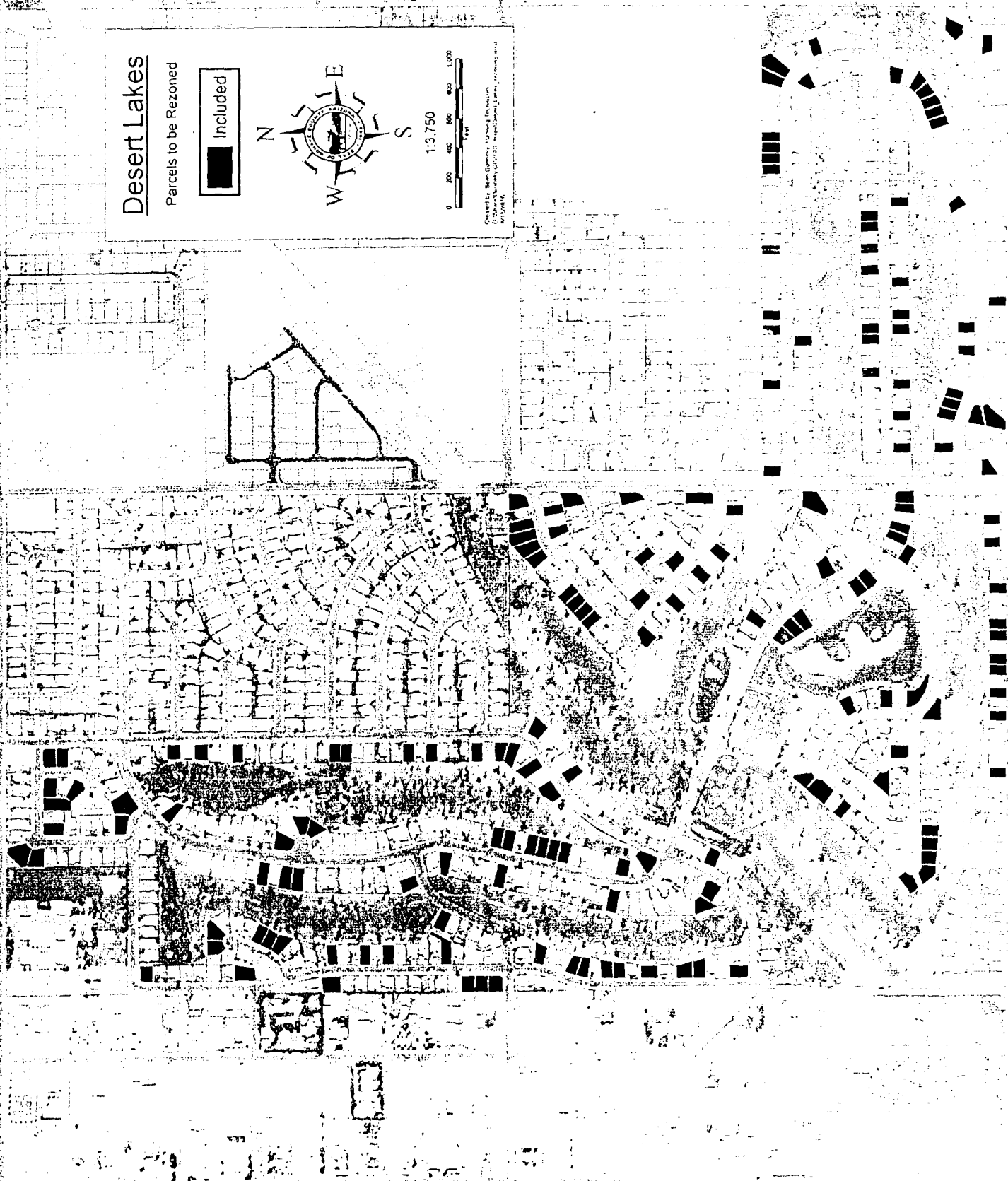
Parcels to be Rezoned



1:3,750



Created by: Ryan O'Brien, Planning Director
City of Clark County, Clark County, Nevada
April 2011



1. Evaluation of a request for an **AMENDMENT TO BOS RESOLUTION NO. 93-122** on Assessor's Parcel Nos. 226-11-002, 226-11-012, 226-11-014, 226-11-015, 226-11-031, 226-11-032, 226-11-034, 226-11-035, 226-11-036, 226-11-037, 226-11-042, 226-11-044, 226-11-045A, 226-11-047, 226-11-049, 226-11-050, 226-11-052, 226-11-056, 226-11-058, 226-11-063, 226-11-064, 226-11-072, 226-11-075, 226-11-077, 226-11-092, 226-11-099, 226-11-102B, 226-11-103A, 226-11-104, 226-11-108, 226-11-109, 226-11-110, 226-11-115, 226-11-118, 226-11-120, 226-11-125, 226-11-133, 226-11-134, 226-11-144, 226-11-145, 226-11-147, 226-11-156, 226-11-166, 226-11-167, 226-11-168, 226-11-173, 226-11-176, 226-11-177, 226-11-179, 226-11-180, 226-11-182, 226-11-184, 226-11-185, 226-11-188, 226-11-191, 226-11-192, 226-11-202, 226-11-212, 226-11-217, 226-11-225, 226-11-229, 226-11-233, 226-13-001, 226-13-002, 226-13-003, 226-13-008, 226-13-009, 226-13-011A, 226-13-013, 226-13-016, 226-13-023, 226-13-025A, 226-13-027, 226-13-035, 226-13-036, 226-13-037, 226-13-038, 226-13-039, 226-13-049, 226-13-059, 226-13-061, 226-13-062, 226-13-064, 226-13-065, 226-13-079, 226-13-082, 226-13-083, 226-13-085, 226-13-086, 226-13-088, 226-13-090, 226-13-095, 226-13-102, 226-13-120, 226-13-126, 226-13-136, 226-13-141, 226-13-149, 226-13-152, 226-13-154, 226-13-157, 226-13-160, 226-13-165, 226-13-166, 226-13-167, 226-13-168, 226-13-172, 226-13-173, 226-13-174, 226-13-175, 226-13-177, 226-13-179, 226-13-181, 226-13-191, 226-13-201, 226-13-208, 226-13-211, 226-13-218, 226-13-225, 226-14-008, 226-14-010, 226-28-001, 226-28-009, 226-28-014, 226-28-015, 226-28-021, 226-28-028, 226-28-029, 226-28-030, 226-28-031, 226-28-036, 226-28-037, 226-28-040, 226-28-057, 226-28-060, 226-28-061, 226-28-066, 226-28-068, 226-28-070, 226-28-071, 226-28-088, 226-28-111, 226-28-126, 226-28-129, 226-28-130, 226-28-131, 226-28-135, 226-28-137, 226-28-148, 226-28-161, 226-28-168, 226-28-171, 226-28-172, 226-28-177, 226-28-180, 226-28-183, 226-28-187, 226-28-192, 226-28-193, 226-28-203, 226-28-215, 226-28-216, 226-28-217, 226-28-218, 226-28-219, 226-28-221, 226-28-227, and 226-28-229, to allow for a setback reduction in front yards from 20 feet to 15 feet and in rear yards from 20 feet to 15 feet, in the South Mohave Valley vicinity (east of State Highway 95 between Joy Lane and Lipan Boulevard), Mohave County, Arizona. **SH**

2. Evaluation of a request for an **AMENDMENT TO BOS RESOLUTION NO. 91-231** on Assessor's Parcel Nos. 226-20-008, 226-20-009, 226-20-017, 226-20-018, 226-20-023, 226-20-025, 226-20-026, 226-20-028, 226-20-031, 226-20-037, and 226-20-038, to allow for a setback reduction in rear yards from 20 feet to 15 feet, in the South Mohave Valley vicinity (east of State Highway 95 between Joy Lane and Lipan Boulevard), Mohave County, Arizona. **SH**