



**OFFICIAL RECORDS OF  
PINAL COUNTY RECORDER  
LAURA DEAN-LYTLER**

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**CAPTION HEADING**

Ordinance 062409-TPTA

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ORDINANCE 062409-TPTA

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA RELATING TO SUBDIVISION DEVELOPMENT; AMENDING THE PINAL COUNTY SUBDIVISION REGULATIONS BY AMENDING ARTICLE 8, SECTION 804.2(D)5 AND ADDING 804.2(D)6 TO ALLOW THIRD PARTY TRUST AGREEMENTS TO BE SUBSTITUTED FOR AN EXISTING ASSURANCE WHERE LOTS HAVE BEEN SOLD IN THE SUBDIVISION IF THE SUBDIVISION MEETS SPECIFIC REQUIREMENTS

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PINAL COUNTY, ARIZONA

SECTION 1. Ordinance No. 120606-SR, Article 8, Section 804.2 is hereby amended by amending subsection 804.2(D)5 to substitute the word "where" for the words "provided that" and adding subsection 804.2(D)6.

SECTION 2. ARTICLE 8 REQUIRED IMPROVEMENTS, FINANCIAL ASSURANCES AND ACCEPTANCE OF IMPROVEMENTS

804.2 **Types of Assurances:** Pinal County, at its discretion, may accept any, or a combination, of the following assurances in a form and substance approved by the County Attorney and acceptable to the Board.

...

D. Third party trust agreement as long as it meets all the requirements listed below:

...

5. A third party trust agreement may be substituted for an existing assurance where no lots have been sold in the subdivision.
6. A third party trust agreement may also be substituted for an existing assurance where lots have been sold in the subdivision if the subdivision meets the following requirements:

- a. No lots that have been sold to individual property owners, except bulk sales, are placed in the third-party trust.
- b. The County Engineer approves a sealed opinion from an Arizona Licensed Engineer, that all necessary infrastructure for the portion of the subdivision where lots have been sold, including but not limited to, improvements related to flood control, grading, drainage, roadway and utilities are in place prior to approval of the third-party trust agreement.
- c. The Planning Director determines that all amenities to support the portion of the subdivision where lots have been sold, including but not limited to trails, tot lots, baseball fields and landscaping have been completed prior to the approval of the third-party trust agreement.
- d. The Board shall hold a public hearing to consider approval of the third-party trust agreement.
- e. The subdivider shall hold a neighborhood meeting, at a location within a five mile radius of the subdivision, for all lot owners in the subdivision to inform them of the proposed third-party trust agreement. The meeting shall be between 5:00 and 9:00 p.m. on a weeknight or between 8:00 a.m. and 5:00 p.m. on a Saturday. The subdivider shall send mailed written notice at least fifteen (15) days before the meeting and it must be held at least fifteen (15) days prior to the public hearing at the Board. The subdivider shall keep minutes of the meeting and provide an attendance sign-up sheet for the names and addresses of all attendees.

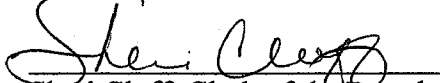
- f. When the subdivider commences construction on the infrastructure in order to develop at least 25% of the lots in the third-party trust, these lots will be removed from the third-party trust and cash, bond or letter of credit will be placed as an assurance for these lots.

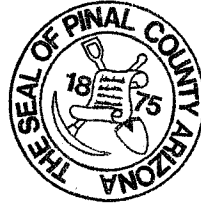
SECTION 3. This Ordinance shall become effective thirty-one days after the date of its adoption.

**PASSED AND ADOPTED** by the Board of Supervisors, Pinal County, Arizona, this 24<sup>th</sup> day of June, 2009.

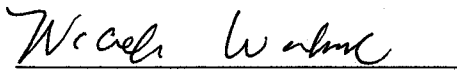
  
David Snider, Chairman  
Pinal County Board of Supervisors

ATTEST:

  
Sheri Cluff, Clerk of the Board



APPROVED AS TO FORM:

  
Deputy County Attorney