

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, GRANTING UTILITY EASEMENTS TO ARIZONA PUBLIC SERVICE COMPANY ACROSS CERTAIN CITY PROPERTY, DEDICATING CERTAIN CITY PROPERTY AS PUBLIC RIGHT-OF WAY, ALL WITHIN THE AREA OF SOUTH BEULAH BOULEVARD AND WEST UNIVERSITY HEIGHTS DRIVE; DELEGATING AUTHORITY TO COMPLETE THE TRANSACTIONS; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City is willing to grant utility easements to Arizona Public Service Company across certain real property owned by City (affecting Coconino County Assessor Parcel Numbers 112-20-012B and 112-19-010C); and

WHEREAS, the City desires to dedicate as public right-of-way certain real property owned by the City (affecting Coconino County Assessor Parcel Numbers 12-20-012B, 112-19-010C and 112-19-011A) as public right-of-way, in order to correctly align the public right-of-way with the constructed roadways of West University Heights Drive and South Beulah Boulevard as intended;

ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. In General.

The City hereby authorizes the grant of utility easements across certain real property legally described and depicted in Exhibit 1, for which the City will receive consideration of \$4.00 per square foot, without any warranty of title to Arizona Public Service Company.

The City hereby dedicates as public right-of-way that certain real property legally described and depicted in Exhibit 2, attached hereto and incorporated by reference.

SECTION 2. Delegation of Authority.

The Mayor is hereby authorized to execute all documents necessary to accomplish the purposes of this ordinance as provided for herein. All documents shall be in a form approved by the City Attorney and Real Estate Manager.

The City Clerk is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions, and intent of this resolution, including, but not limited to the recording of the documents in the Office of the Coconino County Recorder.

SECTION 3. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 2nd day of April, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Exhibit 1: APS Utility Easement(s) with attached legal description and map

Exhibit 2: Legal description and map of property to be dedicated as public right-of-way