

ORDINANCE NO. 2019-18

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF APPROXIMATELY 1.931 ACRES OF REAL PROPERTY AT 3900 E. INDUSTRIAL DRIVE FOR PUBLIC RIGHT-OF-WAY AND APPROVING REAL ESTATE PURCHASE AND SALE CONTRACTS; PROVIDING FOR SEVERABILITY, DELEGATION OF AUTHORITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the three-phased Industrial Drive Improvement Project has a general scope to upgrade sewer and water system, construct new roadway pavement and the associated edge improvements; and

WHEREAS, Phase I and Phase II were completed in 2010 and 2015; and

WHEREAS, this property acquisition will complete the final phase of the project and will provide connectivity for the City right-of-way along Industrial Drive; and

WHEREAS, the City and property owners have reached agreements as to purchase such real property; and

WHEREAS, Article VII, Section 5 of the Flagstaff City Charter provides that the City acquire real property by ordinance.

ENACTMENTS:

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

SECTION 1. In General.

The Real Estate Purchase and Sale Contracts attached hereto are hereby approved, and the City of Flagstaff shall acquire the real property legally described therein.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Real Estate Manager, or their delegates or agents, are hereby authorized and directed to take all steps and execute all documents necessary to acquire the real property described in said Real Estate Purchase and Sale Contracts and to carry out the purpose and intent of this ordinance.

SECTION 3. Severability.

That if any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the City Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 4. 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 July, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Purchase and Sale Contracts

Exhibits legally describing real property to be acquired