

ORDINANCE NO. 2019-26

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY AND/OR EASEMENTS FOR THE SWITZER CANYON WATER TRANSMISSION MAIN PROJECT- PHASES IV & V; PROVIDING FOR DELEGATION OF AUTHORITY, SUBSEQUENT COUNCIL APPROVALS, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter the City shall acquire real property by ordinance; and

WHEREAS, pursuant to Article I, Section of the Flagstaff City Charter the City may acquire real property, easements, and other real property interests within or without its corporate limits by purchase, gift, devise, exchange, or condemnation;

WHEREAS, the City desires to acquire easements, temporary construction easements, and/or real property for the Switzer Canyon Water Transmission Main Project; and

WHEREAS, these acquisitions will complete the final phases of the project and will provide an upgraded water transmission line for the City of Flagstaff.

ENACTMENTS:

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

SECTION 1. In General.

The City of Flagstaff shall acquire the real property or easements for the Switzer Canyon Water Transmission Main Project- Phases IV & V within Sections 3, 4, and 10, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, per the civil engineering plans approved by the Water Services Division (“Acquisitions”).

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 and or easements and to carry out the purpose and intent of this ordinance, and to acquire such real property and or easements through purchase, exchange, gift, donation, dedication, or condemnation for a public use.

The Real Estate Manager is directed to obtain appraisals of the proposed Acquisitions for purposes of determining just compensation to be paid. The Real Estate Manager is delegated authority to negotiate with property owners for final purchase price or conditions, with approval of the City Manager or Council.

SECTION 3. Subsequent Council Approvals.

The City Council shall approve any condemnation necessary for public use, including site access, by resolution referencing this ordinance, and including a legal description and map of the properties sought to be condemned, which resolution shall be immediately effective.

Any real property or easements acquired pursuant to this ordinance will be presented to the City Council at a future council meeting for formal acceptance.

SECTION 4. 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 5. 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 17th day of September, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY