

ORDINANCE NO. 2019-38

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE TRANSFER OF A PARCEL OF REAL PROPERTY AND A TEMPORARY CONSTRUCTION EASEMENT TO THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR THE ROUTE 66 BRIDGE REPLACEMENT PROJECT, IN EXCHANGE FOR SUBSTANTIALLY EQUAL VALUE; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, on October 15, 2019 the City of Flagstaff and State of Arizona, Department of Transportation (“ADOT”) entered into an Intergovernmental Agreement (“IGA”) to provide for funding and construction of the project known as the Rio de Flag Bridge on the Interstate 40 Business Route, which includes replacement of the existing bridge, channel and drainage structure improvements, and extension of the Flagstaff Urban Trail System under I-40 (the “Route 66 Bridge Replacement Project”);

WHEREAS, the City Council has authority to acquire and exchange public real property by ordinance, pursuant to the Flagstaff City Charter, Article VIII, Section 10;

WHEREAS, the City desires to transfer a parcel of real property and a temporary construction easement to ADOT to be used for the Route 66 Bridge Replacement Project, in exchange for receipt of a parcel of real property from ADOT to be used for a City Soliere Avenue water main transmission project and funds from ADOT;

WHEREAS, the City and ADOT each will receive substantially equal value from the exchange of public real property and transactions provided for herein;

ENACTMENTS:

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

SECTION 1. In General.

The City of Flagstaff hereby authorizes the Mayor to execute the Special Warranty Deed attached hereto as Exhibit 1, to transfer a parcel of real property approximately 3,640 square feet in size, and to execute a temporary construction easement covering a large part of the south lawn of City Hall approximately 20,240 square feet in size, in exchange for substantially equal value from the State of Arizona, Arizona Department of Transportation (“ADOT”);

The City of Flagstaff hereby approves the ADOT Purchase Agreement attached hereto as Exhibit 2, and accepts the parcel of real property approximately 4,716 square feet in size from ADOT along with the terms and conditions of the ADOT Special Warranty Deed attached hereto as Exhibit 3.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Real Estate Manager, or their designees are hereby delegated authority to take all actions necessary and appropriate to complete the transactions approved in this ordinance.

SECTION 3. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 4. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the 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 be 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 December, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

- Exhibit 1 Special Warranty Deed, including legal description and map
- Exhibit 2 ADOT Purchase Agreement
- Exhibit 3 ADOT Special Warranty Deed, including legal description

EXHIBIT 1

EXHIBIT 2

EXHIBIT 3