

ORDINANCE NO. 2020-19

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING ABANDONMENT OF A PARKING EASEMENT ACROSS REAL PROPERTY LOCATED ALONG THE WEST SIDE OF WOODLANDS VILLAGE BOULEVARD NORTH OF MCCONNELL DRIVE IN EXCHANGE FOR A FLAGSTAFF URBAN TRAIL SYSTEM EASEMENT; DELEGATING AUTHORITY, APPROVING FORMS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City of Flagstaff owns vacant land identified as Coconino County Assessor Parcel nos. 112-29-021F, -021G ("City Properties"), that the City is planning to develop as a neighborhood park near Boulder Pointe subdivision; and

WHEREAS, the City owns non-exclusive access and parking easement rights for the benefit of the City Properties, over adjacent land identified as Coconino County Assessor Parcel nos. 112-29-001B, -001C, -001D, -001E ("the Burdened Properties"), pursuant to an Easement Agreement recorded in the Coconino County Recorder's Office, Instrument No. 95-15826 and corrected in Instrument No. 95-20394 ("Easement Agreement"); and

WHEREAS, a reference map is attached hereto as Exhibit 1 to show the City Properties, other benefited properties, the Burdened Properties, and the access and parking easements under the Easement Agreement; and

WHEREAS, the City is willing to abandon its parking easement across Coconino County Assessor Parcel No. 112-29-001D in exchange for the grant of a Flagstaff Urban Trail System ("FUTS") Easement across the same parcel.

ENACTMENTS:

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

SECTION 1: In General.

The City Council hereby authorizes the abandonment of a parking easement across the vacant land identified as Coconino County Assessor Parcel nos. 112-29-001D ("Parcel D") contingent upon the following:

1. The owner(s) of Parcel D shall grant to the City an approximately 20-foot wide Flagstaff Urban Trail System (FUTS) Easement running along the western boundary of Parcel D to the City, using the form of FUTS Easement, along with the exhibit depicting the easement area and a legal description for the easement area attached hereto as Exhibit 2; and
2. The City will abandon its parking easement across Parcel D, using the form of Abandonment of Parking Easement (Partial) attached hereto as Exhibit 3; and

3. The City Clerk shall record documents in the Coconino County Recorder’s Office in the following order:

- First: FUTS Easement;
- Second: Abandonment of Parking Easement (Partial).

SECTION 2: Delegation of Authority.

The Mayor is authorized to execute all documents approved herein.

The City Manager, the City Attorney, the City Clerk, the Finance Director, the City Real Estate Manager, or other employees or agents as deemed necessary, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this ordinance. The City Attorney is authorized to approve minor or clerical revisions to the documents attached hereto, prior to recording.

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 18th day of August 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

- Exhibit 1 Map
- Exhibit 2 FUTS Easement form, along with an exhibit map and legal description
- Exhibit 3 Abandonment of Parking Easement (Partial) form