

ORDINANCE NO. 2020-29

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ABANDONING AND AUTHORIZING THE SALE OF APPROXIMATELY 1,200
SQUARE FEET OF PUBLIC RIGHT-OF-WAY ADJACENT TO 4013 S.
HOLLAND ROAD; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL
OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN
EFFECTIVE DATE**

RECITALS:

WHEREAS, the City has authority to abandon public rights-of-way pursuant to A.R.S. § 28-7201 et seq, and pursuant to the City Code, Title 11, General Plans and Subdivisions, Division 11-20-160, Abandonment or Vacation of Public Right-of-Way; and has authority to dispose of real property pursuant to the Flagstaff City Charter, Article VIII, Section 10; and

WHEREAS, pursuant to A.R.S. 28-7202 public right-of-way may be abandoned or vacated if it is no longer necessary for a public use; and

WHEREAS, all public utility companies, City divisions and agencies have had the opportunity to review a map of the public right-of-way proposed to be abandoned; and

WHEREAS, the City Engineer in consultation with the Water Services (formerly Utility) Director and Public Works Director, along with the Planning and Zoning Commission have determined that the proposed abandonment is consistent with the General Plan, Zoning Code, and any applicable Specific Plan, and all applicable Division standards, as referenced in the staff report on file with the City Clerk; and

WHEREAS, University Terrace, Unit 2 subdivision plat dedicated 62.27 feet of public right-of-way known as S. Holland Road.

ENACTMENTS:

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

SECTION 1: In General.

The City Council hereby finds that the certain public right-of-way, approximately 1,200 square feet in area, located adjacent to 4013 S. Holland Road, and legally described in Exhibit A attached hereto (“the Property”) is no longer necessary for public use, and is hereby abandoned.

Notice of the proposed sale of the Property shall be posted along the public right-of-way as provided for by state law, and notice of the proposed sale shall be published one time per week

for three weeks prior to the opening of bids pursuant to Article 8, Section 10, of the Flagstaff City Charter.

Pursuant to A.R.S. § 28-7204 an abutting property owner's timely offer shall be preferred over all other offers.

The Property shall be offered for sale for a minimum bid of \$10,969.00, and if such an offer is received from the abutting property owner the Property shall be sold and transferred by Quit Claim Deed to the same.

If there are no bids submitted, then pursuant to the Flagstaff City Charter, for a two-year period the City Manager may, subject to Council approval, enter into an agreement to sell the Property for an amount reasonably consistent with an appraisal without further notice and bid process.

All conveyances of the Property shall by Quit Claim Deed and are "AS IS WHERE IS" and subject to all existing public utility uses of the Property, and subject to all existing encumbrances of record.

As a condition of sale the purchaser of the Property at its own expense shall process any necessary plat correction or amendment to reflect the abandonment of the public right-of-way and new ownership.

SECTION 2: Delegation of Authority.

The Mayor and City Manager are hereby authorized to sign all documents relevant to the sale of said property. The City Real Estate Manager is directed to take all necessary steps to effectuate this ordinance. The City Clerk is directed to record a copy of this ordinance.

SECTION 3: Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: Effective Date.

Pursuant to A.R.S. § 28-7213 this ordinance shall become effective when recorded in the office of the Coconino County Recorder, which shall be at least 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 November, 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

Exhibit A – Legal description and map