

**ORDINANCE NO. 2021-18**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE BEULAH/UNIVERSITY ROADWAY PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, pursuant to Article I, Section 3 of the Flagstaff City Charter, the City has the power and authority to acquire real property as well as easements running over and across real property; and

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter, acquisition of real property is to be approved by ordinance; and

WHEREAS, the City Engineer and design engineers have determined it is necessary to acquire certain real property interests for the Beulah/University Roadway Project; and

WHEREAS, the Beulah/University Roadway Project calls for the following improvements: new roadway construction, including a roundabout – with significant grading work, pedestrian underpass under Milton Road/Highway 89, replacing existing water and sewer mains, water and sewer services, stormwater improvements, and edge improvements (including but not limited to curb and gutter, sidewalk) for the entire Project limits.

**ENACTMENTS:**

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

**SECTION 1. In General.**

The Flagstaff City Council hereby authorizes the acquisition of the real property and easements located in the City of Flagstaff, Coconino County as listed in the chart attached hereto as Exhibit 1, generally shown in the map attached hereto as Exhibit 2, legally described in Exhibit 3 and/or as may be adjusted with approval of the City Engineer to conform with the final plans for the Beulah/University Roadway Project (“the Property Interests”). The Property Interests may be acquired through purchase, exchange, gift, donation, dedication or condemnation for a public use.

**SECTION 2. Delegation of Authority.**

The Mayor, City Manager, City Attorney, City Clerk, City Engineer, 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 Property Interests and to carry out the purpose and intent of this ordinance.

The City Manager, in consultation with the Real Estate Manager and City Attorney, shall have authority to enter into purchase contracts for acquisition of Property Interests of up to \$50,000

without further Council action. Any purchase contract for a price of \$50,000 or greater is subject to City Council approval.

**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 19th day of October, 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:

Exhibit 1 Chart

Exhibit 2 Overview Map

Exhibit 3 Legal descriptions for property interests to be acquired, including maps