

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, APPROVING AMENDED EASEMENTS ON MCMILLAN MESA WITH ARIZONA PUBLIC SERVICE COMPANY (APS) AND US WEST WIRELESS LLC, APS, WITH CONDITIONS; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, in order to accommodate large-scale vehicles to Arizona Public Service Company's Mount Elden Substation for emergency purposes, the City of Flagstaff and Arizona Public Service Company desire to amend that certain Utility Easement recorded in the official records of Coconino County on August 28, 2008 at Document No. 3498165; and

WHEREAS, in order to align existing access easements with Arizona Public Service Company's easement, The City of Flagstaff desires to amend that certain revocable ingress and egress easement ("Wireless Easement") to US West Wireless LLC recorded in the official records of Coconino County, Arizona on August 9, 2000 at Document No. 3059722.

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 approves the following amendments to easements:

1. First Amendment to Utility Easement attached hereto as Exhibit 1, contingent upon execution of that separate Land Restoration Agreement with Arizona Public Service Company; and
2. First Amendment to Ingress and Egress Easement attached hereto as Exhibit 2 and the easement as amended herein is accepted by City of Flagstaff.

The City Clerk shall cause the amendments to be recorded in the order set forth above.

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 carry out the purpose and intent of 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All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.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 20th day of April, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

First Amendment to Utility Easement
First Amendment to Ingress and Egress Easement