

**RESOLUTION NO. 2021-53**

**A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN LOWELL OBSERVATORY AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 615 ACRES OF LAND LOCATED WEST OF LOWELL OBSERVATORY, COMMONLY REFERRED TO AS SECTION 17; AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, Lowell Observatory (“Lowell”) owns approximately 615 acres of land located west of Lowell Observatory in Flagstaff, Arizona (APN # 111-03-001-B), commonly known as Section 17 (“Property”); and

WHEREAS, the Property was deeded to Percival Lowell in 1910 through an Act of Congress (the “Act”); and

WHEREAS, the Act granted the use of Section 17 “for observatory purposes in connection with the Lowell Observatory,” and provides that the land shall revert back to the United States “in the event of the removal or abandonment of [Lowell Observatory] or the use of said land by [Lowell] for other than observatory purposes”; and

WHEREAS, Lowell would like to consider additional development opportunities on Section 17 that will be beneficial to Lowell and the Flagstaff community, but may not be considered “observatory purposes” under the Act; and

WHEREAS, Lowell understands that the Flagstaff community has a significant interest in Section 17, and in recognition of those interests, Lowell is willing to condition any improvements on Section 17, beyond those already in progress, on the development of a specific plan that will involve community input and shall be subject to the approval of the City Council; and

WHEREAS, the City and Lowell desire to enter into a Development Agreement, in the form attached to this Resolution as Exhibit A (“Development Agreement”), to provide for the terms and conditions under which the Property will be developed and to set forth in detail certain obligations of Lowell and the City; and

WHEREAS, developing the Property under the terms and conditions of the proposed Development Agreement and related specific plan would be consistent with the Flagstaff Regional Plan 2030, and Lowell and the City acknowledge that the Development Agreement would operate to the benefit of both parties; and

WHEREAS, Arizona Revised Statutes (“A.R.S.”) § 9-500.05 authorizes the City to enter into development agreements in order to facilitate the orderly and effective development of properties.

**ENACTMENTS:**

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

SECTION 1. The Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs, and land use designations of the General Plan, any applicable specific plans, and the Zoning Code.

SECTION 3. The Development Agreement complies with the requirements of A.R.S. § 9-500.05.

SECTION 4. That the City of Flagstaff be hereby authorized to enter into the Development Agreement in the form attached to this Resolution as Exhibit A.

SECTION 5. The Mayor, the City Manager, the City Clerk, and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Development Agreement and its related documents and to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 6. That the City Clerk be hereby directed to record a copy of the agreement with the Coconino County recorder no later than ten days after the Development Agreement is executed.

SECTION 7. This Resolution 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 9th day of November, 2021.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:  
Development Agreement