

ORDINANCE NO. 2022-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY AND THE DETERMINATION AND OFFERS OF RELOCATION BENEFITS TO PERSONS DISPLACED TO MAKE WAY FOR THE FOURTH STREET/CEDAR AVENUE/LOCKETT ROAD ROUNDABOUT PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter the City shall acquire real property by ordinance; and

WHEREAS, pursuant to Article I, Section of the Flagstaff City Charter the City may acquire real property, easements, and other real property interests by purchase, gift, devise, exchange, or condemnation; and

WHEREAS, the City entered into an Intergovernmental Agreement with the Arizona Department of Transportation dated May 19, 2020, amended April 5, 2022, to administer the design and construction and advertise, bid and award the construction of the Fourth Street/Cedar Avenue/Lockett Road Roundabout Project ("Project"); and

WHEREAS, the City desires to acquire certain real property necessary for the Fourth Street/Cedar Avenue/Lockett Road Roundabout Project; and

WHEREAS, the project is federally funded, requiring all relocations be performed according to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (implementing regulations 49 C.F.R. 24.201-24.503) and A.R.S. Section 11-961 et seq.

ENACTMENTS:

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

SECTION 1. In General.

The City of Flagstaff shall acquire real property rights for the Fourth Street/Cedar Avenue/Lockett Road Roundabout Project as described in the chart attached hereto as Exhibit 1 ("Properties"). A map showing an overview of the Project is attached hereto as Exhibit 2. Legal descriptions for the property rights to be acquired, including maps, is attached hereto as Exhibit 3.

The City of Flagstaff shall make determinations of relocation benefits to persons displaced as a direct result of the Project consistent with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable state laws.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Engineer, City Clerk, Finance Director, Community Development 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 rights, and pay or provide the determination of relocation benefits to displaced persons and to carry out the purpose and intent of this ordinance, and to acquire such real property through purchase, exchange, gift, donation, dedication, or condemnation for a public use.

[OPTION 1: City Council hereby gives its prior approval, and City Manager is hereby delegated authority to approve any purchase contract for a Property in an amount of \$50,000 or more, so long as the purchase price is reasonably consistent with the City's appraisal of just compensation to be paid.]

[OPTION 2: City Council hereby gives its prior approval, and City Manager is hereby delegated authority to approve relocation benefits for an amount of \$50,000 or more, so long as the relocation benefits are consistent with the City relocation benefits consultant's determination of benefits.]

SECTION 2. 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 3. Clerical Corrections

The City Clerk is hereby authorized to correct clerical and grammatical errors, if any, related to this ordinance, and to make formatting changes appropriate for purposes of clarity, form, or consistency with the Flagstaff City Code.

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 7th day of June, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

Exhibit 1 Chart of Properties

Exhibit 2 Project Overview Map

Exhibit 3 Legal Descriptions