

**ORDINANCE NO. 2022-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR THE RED GAP RANCH PIPELINE PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SUBSEQUENT COUNCIL APPROVALS, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND DECLARING AN EMERGENCY**

**RECITALS:**

WHEREAS, Article VII, Section 5 of the Flagstaff City Charter provides that the City 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, in 2004 Flagstaff voters approved a \$15,000,000 Water Rights Acquisition and or Development Bond to purchase Red Gap Ranch and its associated water rights, in order to secure long-term water supply resiliency to the City and surrounding region; and

WHEREAS, Red Gap Ranch is located north of the I-40 approximately 40 miles east of Flagstaff; and

WHEREAS, the City is working on a Red Gap Ranch Pipeline Project, to bring the water from the ranch to the City; and

WHEREAS, the City is working to secure property rights for the Red Gap Ranch Pipeline Project along the I-40 corridor; and

WHEREAS, in 2016, the City and the Arizona Department of Transportation ("ADOT) entered into an Intergovernmental Agreement dated January 19, 2016 which allows the City to utilize the I-40 corridor within ADOT controlled right-of-way; and

WHEREAS, the City seeks to acquire the necessary property rights to utilize Interstate 40 corridor lands owned by the Arizona State Land Department; and

WHEREAS, the City of Flagstaff has programmed funding for acquisition of necessary property rights for the Red Gap Ranch Pipeline Project right-of-way in its Capital Improvement Program; and

WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Flagstaff, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of posting hereof.

**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 acquisition of the real property interests located in Coconino County as listed in the chart attached hereto as Exhibit 1, generally shown in the map attached hereto as Exhibit 2, and legally described in Exhibit 3 (“the Property Interests”), by means of purchase, exchange, donation or condemnation for a public use.

## SECTION 2. Delegation of Authority

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Water Services 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.

City staff is directed to participate in any public land auction held by the Arizona State Land Department to acquire necessary Property Interests.

## SECTION 3. Subsequent Council Approvals

City Council hereby gives its prior approval, and City Manager is hereby delegated authority to approve any purchase contract for the Property Interests without subsequent Council approval.

## SECTION 4. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

## SECTION 5. 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 6. 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 7. Effective Date

It is necessary for the preservation of the peace, health and safety of the City of Flagstaff, Arizona, an emergency is declared to exist, and this ordinance shall become immediately operative and in force from and after the date of adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of July, 2022.

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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