

**ORDINANCE NO. 2022-21**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY FROM THE BNSF RAILWAY COMPANY; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, 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; 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 desires to acquire from BNSF Railway Company a parcel of land located north of Phoenix Avenue, between Milton Road and S. Beaver Street in Flagstaff, Arizona for purposes of property assembly with adjacent real property owned by the City.

**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 an approximately 2,614 square foot parcel of land located in the City of Flagstaff, Coconino County and legally described and depicted in Exhibit 1 attached hereto and incorporated by reference ("the Property"). The Property may be acquired through purchase, exchange, gift, donation, or dedication.

If the Property has been acquired by the City prior to the effective date of this ordinance, then the acquisition is hereby ratified.

**SECTION 2. Delegation of Authority.**

The Mayor, City Manager, City Attorney, City Clerk, City Engineer, 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 and 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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

**SECTION 4. 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 5. 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 6. 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 20th day of September, 2022.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Attachments:

Exhibit 1 Legal description and map