

RESOLUTION NO. 2022-45

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL APPROVING THE FILING OF CONDEMNATION PROCEEDINGS TO ACQUIRE EASEMENTS NECESSARY FOR THE SWITZER CANYON WATER TRANSMISSION MAIN PROJECT, PHASE IV, A PUBLIC USE; AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council adopted Ordinance No. 2019-26 authorizing the acquisition of real property and/or easements needed for the Switzer Canyon Water Transmission Main Project, Phases IV & V within Sections 3, 4, and 10, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, by means of purchase, exchange, gift, donation, dedication or condemnation for a public use; and

WHEREAS, Ordinance No. 2019-26 provides that that the City Council shall approve any condemnation necessary for public use, including site access, by resolution referencing this ordinance, and including a legal description and map of the property interests sought to be condemned, which resolution shall be immediately effective; and

WHEREAS, pursuant to A.R.S. Section 12-1116, at least 20 days before filing a condemnation proceeding, the City is required to make written offers to purchase necessary property interests from the property owners, and to pay just compensation for the property interests, and to pay for compensable damages to the remaining property, if any, and providing at least one appraisal to the property owner to support the proposed compensation; and

WHEREAS, this resolution is being adopted in the event that the City is unable to timely reach agreements with the property owners for purchase of the necessary property interests, so that Switzer Canyon Water Transmission Main Project, Phase IV, may proceed with construction in 2023 as planned.

ENACTMENTS:

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

SECTION 1. In General.

The City Council hereby approves the filing of condemnation proceedings to acquire the real property interests legally described and depicted in the maps attached hereto as Exhibit 1 (“the Property”), necessary for the Switzer Canyon Water Transmission Main Project, Phase IV, a public use, in accordance with applicable laws. A map showing the general location of the water transmission main, Phase IV, is attached hereto as Exhibit 2.

SECTION 2. Effective Date.

This resolution shall be immediately effective.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 6th day of September, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

Exhibit 1: Legal descriptions and maps

Exhibit 2: Map showing Phase IV route