

ORDINANCE NO. 2022-26

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE AND FLAGSTAFF URBAN TRAIL SYSTEM PURPOSES; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, 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, a majority of the qualified electors voting in the May 18, 2004, General Election and Bond Authorization Special Election, approved Proposition 302, authorizing the issuance of \$7.6 million in general obligation bonds for the purpose of acquiring real property for open space and Flagstaff Urban Trail System ("FUTS") purposes; and

WHEREAS, on December 15, 2009, the City Council approved Ordinance No. 2009-41 establishing priorities for acquisition of property for open space and FUTS purposes; and

WHEREAS, the City Council desires to update its priorities for acquisition of property for open space and FUTS purposes, and has considered the recommendations of the Parks and Recreation, Open Space, Pedestrian Advisory Commission, and Bicycle Advisory Committees, regarding priorities for acquisition of property for open space and FUTS purposes.

ENACTMENTS:

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

SECTION 1. In General.

The City of Flagstaff is hereby authorized to acquire real property interests for open space and the FUTS, as described and prioritized in the chart attached hereto as Exhibit 1 ("Properties") and generally located as shown in the map attached hereto as Exhibit 2, by purchase, gift, devise, exchange, or condemnation for a public use.

The City Council shall be consulted prior to the filing of any condemnation proceeding, and in its discretion may adopt a resolution authorizing the filing, referring to this ordinance, and including a legal description and map of the property to be acquired; said resolution shall be immediately effective.

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 Properties and to carry out the purpose and intent of this ordinance.

The 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.

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. Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. Ordinance No. 2009-41 is repealed as of the effective date of this ordinance.

SECTION 4. 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 5. 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 4th day of October, 2022.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Exhibit 1 Chart of Properties including Priorities for Acquisition

Exhibit 2 Map showing Location of Properties