

ORDINANCE NO. 2023-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE EXCHANGE OF PROPERTY OF SUBSTANTIALLY EQUAL VALUE WITH THE ARIZONA BOARD OF REGENTS; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City acquisition, sale, or exchange of public real property shall be approved by ordinance, pursuant to the Flagstaff City Charter, Article 7, § 5; and

WHEREAS, the City may trade real property with another governmental pursuant to the Flagstaff City Charter, Article 8, § 10 to and, may exchange real property of substantially equal value pursuant to A.R.S. § 9-407; and

WHEREAS, the City has published notice of the proposed property exchange.

ENACTMENTS:

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

SECTION 1: In General.

The City Council hereby authorizes an exchange of real property of substantially equal value with the Arizona Board of Regents, a body corporate with perpetual succession pursuant to the laws of the State of Arizona, for and on behalf of Northern Arizona University, a public institution of higher education (hereafter referred to as "University")

City will receive the following from University:

- a. Fee simple title (86,068 square feet), consisting of University Drive east of Milton Road); and
- b. Drainage easement (882 square feet); and
- c. Drainage easement (1,173 square feet).

University will receive the following from City:

- a. Fee simple title (5,237 square feet, consisting of abandoned public right-of-way along Hoskins Avenue and adjacent to the NAU Campus).

Legal descriptions of the property interests to be exchanged are attached hereto, as Exhibit 1.

The property exchange shall be completed in the manner as mutually agreed upon by the City and University, and as set forth in a First Amendment to the Intergovernmental Agreement related to Consolidation of University Campus and Road Projects dated July 5, 2017.

SECTION 2: Delegation of Authority.

The Mayor and City Manager are hereby authorized to execute all documents relevant to the property exchange. The City Real Estate Manager is directed to take all necessary steps to effectuate this ordinance. The City Clerk is directed to record a copy of this ordinance.

SECTION 3: Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4: Effective Date.

Pursuant to A.R.S. § 28-7213 this ordinance shall become effective when recorded in the office of the Coconino County Recorder, which shall be at least 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 March, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment:
Exhibit 1 – Legal Descriptions

EXHIBIT 'A'
LEGAL DESCRIPTION

A portion of the Hoskins Avenue public Right-of-Way according to the Revised Plat of the Washington Addition, Book 2 of Maps, Page 2, Official Records of Coconino County, located in the northwest quarter of Section 22, Township 21 North, Range 7 East of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Commencing at a 2-inch aluminum cap marked 'City of Flagstaff' at the centerline intersection of Hoskins Avenue and South Fountain Street, from which a 2-inch aluminum cap marked 'City of Flagstaff' at the centerline intersection of Hoskins Avenue and South O'Leary Street bears North 89°35'02" East, 268.59 feet (Basis of Bearing, North 89°11'20 East, 268.70 feet per Instrument Number 3859846);

Thence South 59°00'46" West, 29.15 feet to the **TRUE POINT OF BEGINNING**;

Thence South 89°51'09" West, 107.00 feet to a point on the west line of said Section 22;

Thence along said west line, North 0°03'18" West, 48.40 feet to the southwest corner of Lot 27, Block A of said Washington Addition;

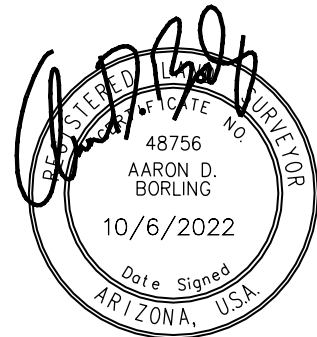
Thence leaving said west line, and along the south line of said Lot 27, South 89°16'24" East, 107.01 feet to the southeast corner of said Lot 27;

Thence leaving said south line, South 0°03'18" East, 49.48 feet to the **TRUE POINT OF BEGINNING**.

Containing 5,237 square feet, or 0.12 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, Az.

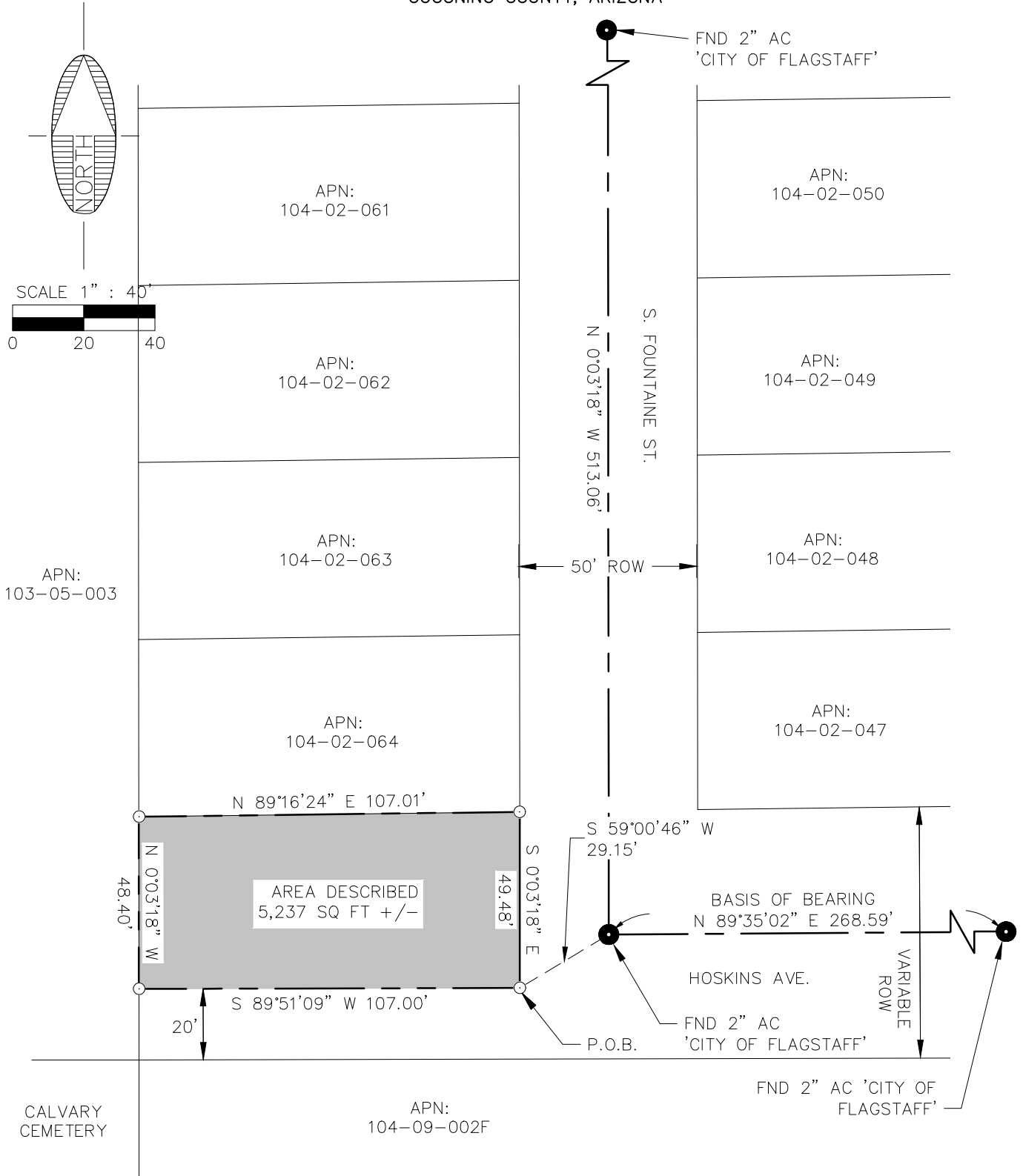



PLOTTED: Oct 06, 2022-3:32pm

FILE: \\192.168.1.15\PROJECTS\2018\18121\SURVEY\LEGAL DESCRIPTIONS\CHECK SET 2022-10-06\HOSKINS-FOUNTAINE_ROW.DWG ABORLING

EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF BLOCK 'A', ACCORDING TO THE REVISED PLAT WASHINGTON ADDITION,
 LOCATED IN THE NORTHWEST QUARTER OF SECTION 22,
 TOWNSHIP 21 NORTH, RANGE 7 EAST,
 OF THE GILA AND SALT RIVER MERIDIAN,
 COCONINO COUNTY, ARIZONA



 Shephard Wesnitzer, Inc.	110 W. Dale Avenue Flagstaff, AZ 86001 928.773.0354 928.774.8934 fax www.swiaz.com	JOB NO. 18121 DATE OCT 22 SCALE 1" = 40' DRAWN JEE DESIGN CHECKED ADB	HOSKINS AVE. FLAGSTAFF ARIZONA	SHEET 2 OF 2
	LEGAL EXHIBIT			

LEGAL DESCRIPTION

Exhibit 'A'

#18121

2/14/2023

A portion of West University Drive as described in Docket 206, Page 332, and as shown on Book 10 of Maps, Page 10, Official Records of Coconino County, lying within the southwest quarter of Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Commencing at a found concrete nail and tag in sidewalk on the northerly Right-of-Way line of West University Drive, and the **TRUE POINT OF BEGINNING**;

Thence along said Right-of-Way line, North 89°30'08" East, 520.91 feet (Basis of Bearing) to a found concrete nail and tag in sidewalk, and the beginning of a tangent curve concave to the northwest, having a radius of 181.42 feet and a central angle of 44°59'11";

Thence continuing along said Right-of-Way line, and northeasterly along said curve, 142.44 feet;

Thence continuing along said Right-of-Way line, North 44°30'57" East, 497.65 feet to the southwest corner of Assessor's Parcel Number 103-19-001B;

Thence continuing along said Right-of-Way line, and along the southerly line of said parcel, North 44°30'56" East, 280.01 feet to the southeast corner of said parcel;

Thence South 00°00'00" East, 85.65 feet to a point on the southerly Right-of-Way line of West University Drive;

Thence along said Right-of-Way line, South 44°31'28" West, 716.66 feet to the beginning of a tangent curve concave to the northwest, having a radius of 241.42 feet and a central angle of 44°59'11";

Thence continuing along said Right-of-Way line, and westerly along said curve, 189.55 feet;

Thence continuing along said Right-of-Way line, South 89°30'38" West, 519.40 feet to the beginning of a tangent curve concave to the south, having a radius of 25.00 feet and a central angle of 4°35'24";

Thence continuing along said Right-of-Way line, and westerly along said curve, 2.00 feet;

Thence leaving said Right-of-Way line, North 1°21'41" West, 60.00 feet to a point on the northerly Right-of-Way line of West University Drive;

Thence along said Right-of-Way line, North 89°30'39" East, 1.50 feet to the **TRUE POINT OF BEGINNING**;

Containing 1.98 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, Az.

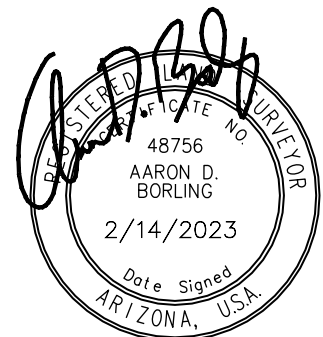
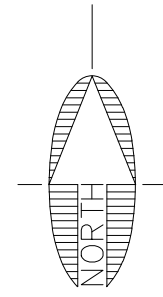
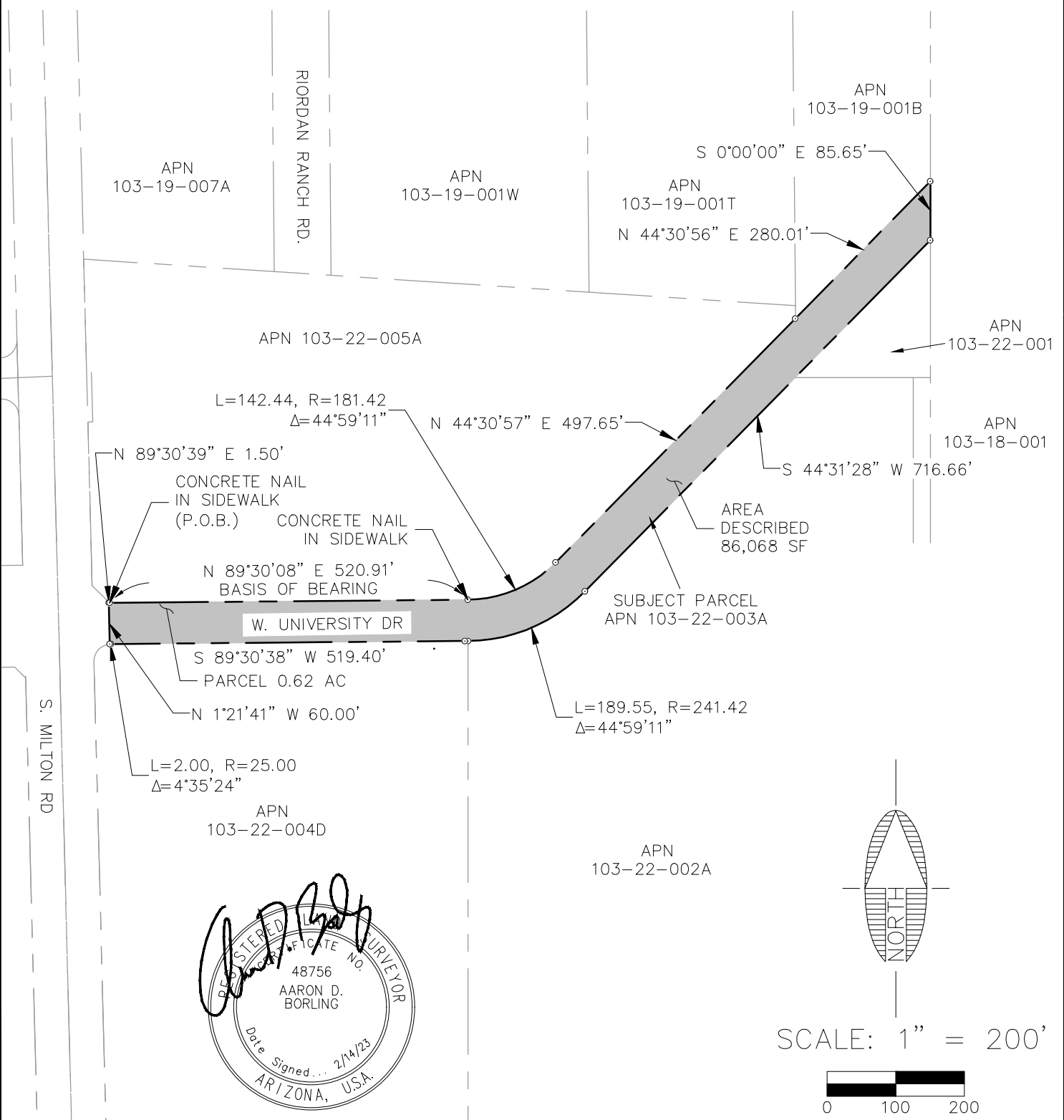


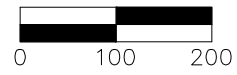
EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 7 EAST
GILA AND SALT RIVER MERIDIAN
COCONINO COUNTY, ARIZONA


FILE: \\vr-fileflag\Projects\2018\18121\Survey\Legal Descriptions\2021-11 Legal Description Exhibits\ROW\BU-79 103-22-003A_NAU ROW EXHIBIT.dwg SWI-C3D-2021 PLOTTED: Feb 14, 2023-4:13pm



SCALE: 1" = 200'



NOTE: THIS EXHIBIT DOES NOT REPRESENT THE RESULTS OF A BOUNDARY SURVEY AND SHOULD NOT BE CONSTRUED AS ONE. ITS SOLE PURPOSE IS TO DEPICT THE LOCATION OF THE AREA DESCRIBED.

 Shephard Wesnitzer, Inc. www.swiaz.com	110 W. Dale Avenue Flagstaff, AZ 86001 928.773.0354 928.774.8934 fax	JOB NO. 18121 DATE FEB 23 SCALE 1"=200' DRAWN JEE DESIGN CHECKED ADB	BEULAH & UNIVERSITY FLAGSTAFF, ARIZONA	SHEET 2 OF 2
	LEGAL EXHIBIT			

LEGAL DESCRIPTION

Exhibit 'A'

#18121

2/14/2023

A portion of Assessor's Parcel Number 103-18-001 lying within the southwest quarter of Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Commencing at the southeast corner of that parcel of land as described in Docket 205, Page 66, Official Records of Coconino County, from which a point on the northerly Right-of-Way line of West University Avenue as described in Docket 206, Page 332, and as shown on Book 10 of Maps, Page 10, Official Records of Coconino County bears North 00°00'00" East, 604.87 feet;

Thence North 00°00'00" East, 206.49 feet to a point on the easterly Right-of-Way line of West University Avenue, and the **TRUE POINT OF BEGINNING**;

Thence continuing along said Right-of-Way line, North 00°00'00" East, 24.13 feet;

Thence leaving said Right-of-Way line, North 41°31'35" East, 35.53 feet;

Thence South 88°26'26" East, 36.24 feet;

Thence South 01°33'34" West, 16.00 feet;

Thence North 88°26'26" West, 28.78 feet;

Thence South 41°31'35" West, 46.13 feet to the **TRUE POINT OF BEGINNING**;

Containing 1,173 square feet, or 0.027 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, Az.

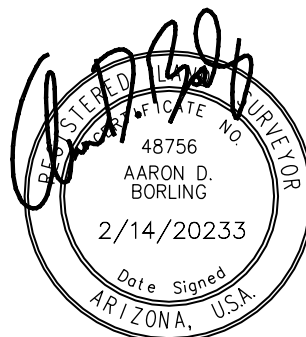
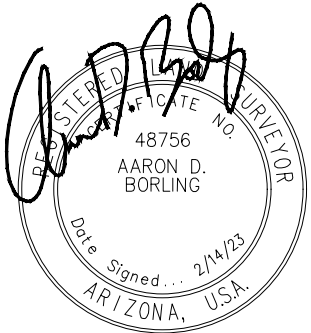
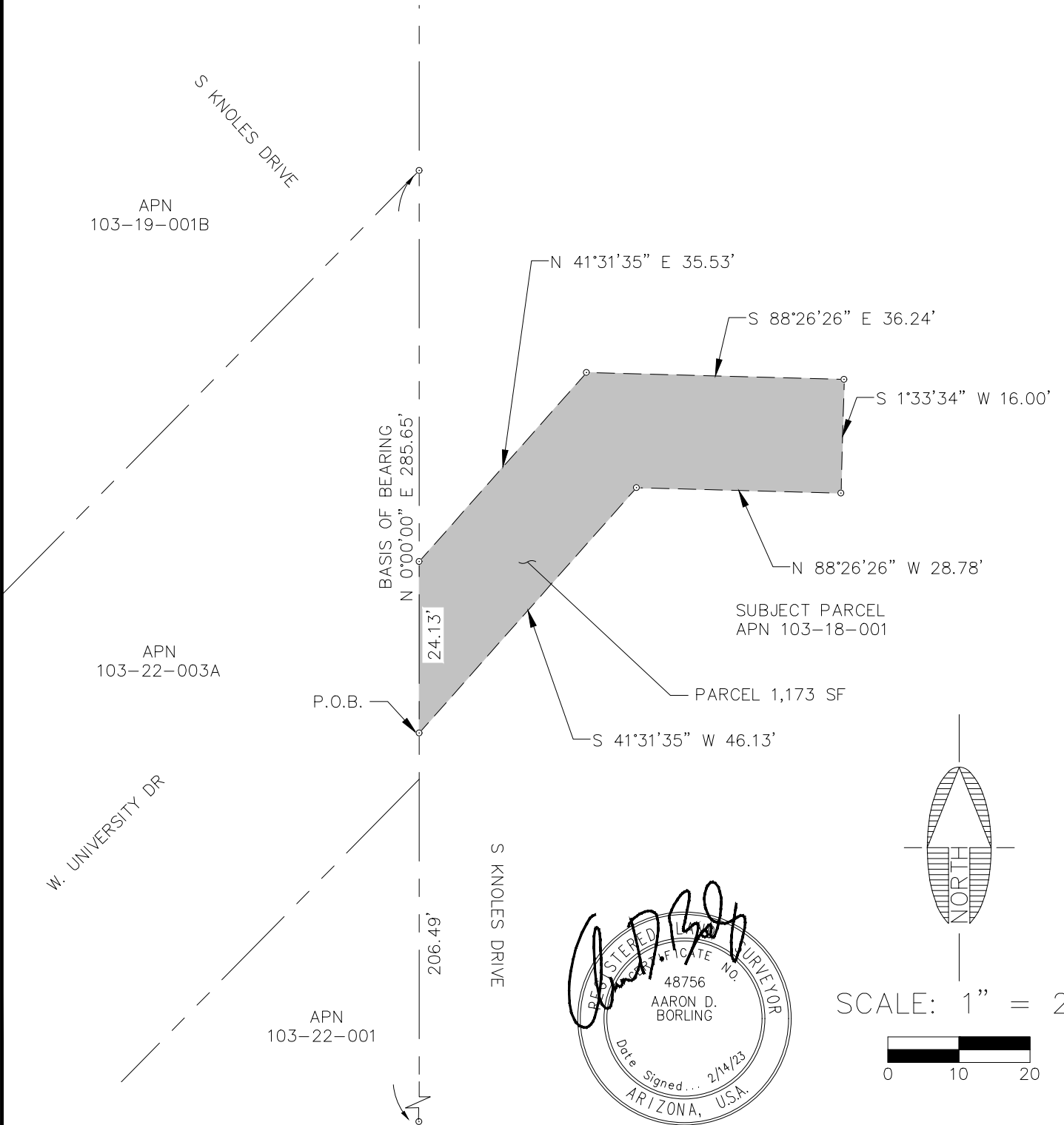



EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 7 EAST
GILA AND SALT RIVER MERIDIAN
COCONINO COUNTY, ARIZONA



NOTE:
THIS EXHIBIT DOES NOT REPRESENT THE RESULTS OF A BOUNDARY SURVEY AND SHOULD NOT BE
CONSTRUED AS ONE. ITS SOLE PURPOSE IS TO DEPICT THE LOCATION OF THE AREA DESCRIBED.

 Shephard & Wesnitzer, Inc. www.swiaz.com	110 W. Dale Avenue Flagstaff, AZ 86001 928.773.0354 928.774.8934 fax	JOB NO. 18121 DATE FEB 23 SCALE 1"=20' DRAWN JEE DESIGN CHECKED ADB	BEULAH & UNIVERSITY LEGAL EXHIBIT	FLAGSTAFF, ARIZONA	SHEET 2 OF 2

LEGAL DESCRIPTION

Exhibit 'A'

A portion of that parcel of land as described in Docket 250, Page 139, Official Records of Coconino County, lying within the southwest quarter of Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Commencing at the southwest corner of said parcel, said point being in common with the northwesterly Right-of-Way line of West University Drive as shown on Book 10 of Surveys, Page 10, Official records of Coconino County, from which a point on said Right-of-Way line bears South 44°30'57" West, 497.65 feet (Basis of Bearing);

Thence along said Right-of-Way line and the southeasterly line of said parcel, North 44°30'56" East, 121.54 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said Right-of-Way line and said southeasterly line, North 44°30'56" East, 16.12 feet;

Thence leaving said Right-of-Way line and said southeasterly line, North 46°19'33" West, 56.20 feet;

Thence South 44°31'28" West, 15.29 feet;

Thence South 45°28'32" East, 56.19 feet to the **TRUE POINT OF BEGINNING**;

Containing 882 square feet, or 0.02 acres, more or less.

See Exhibit 'B' attached hereto and made a part hereof.

This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, Az.

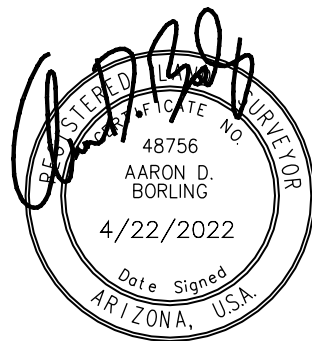
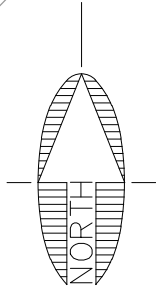
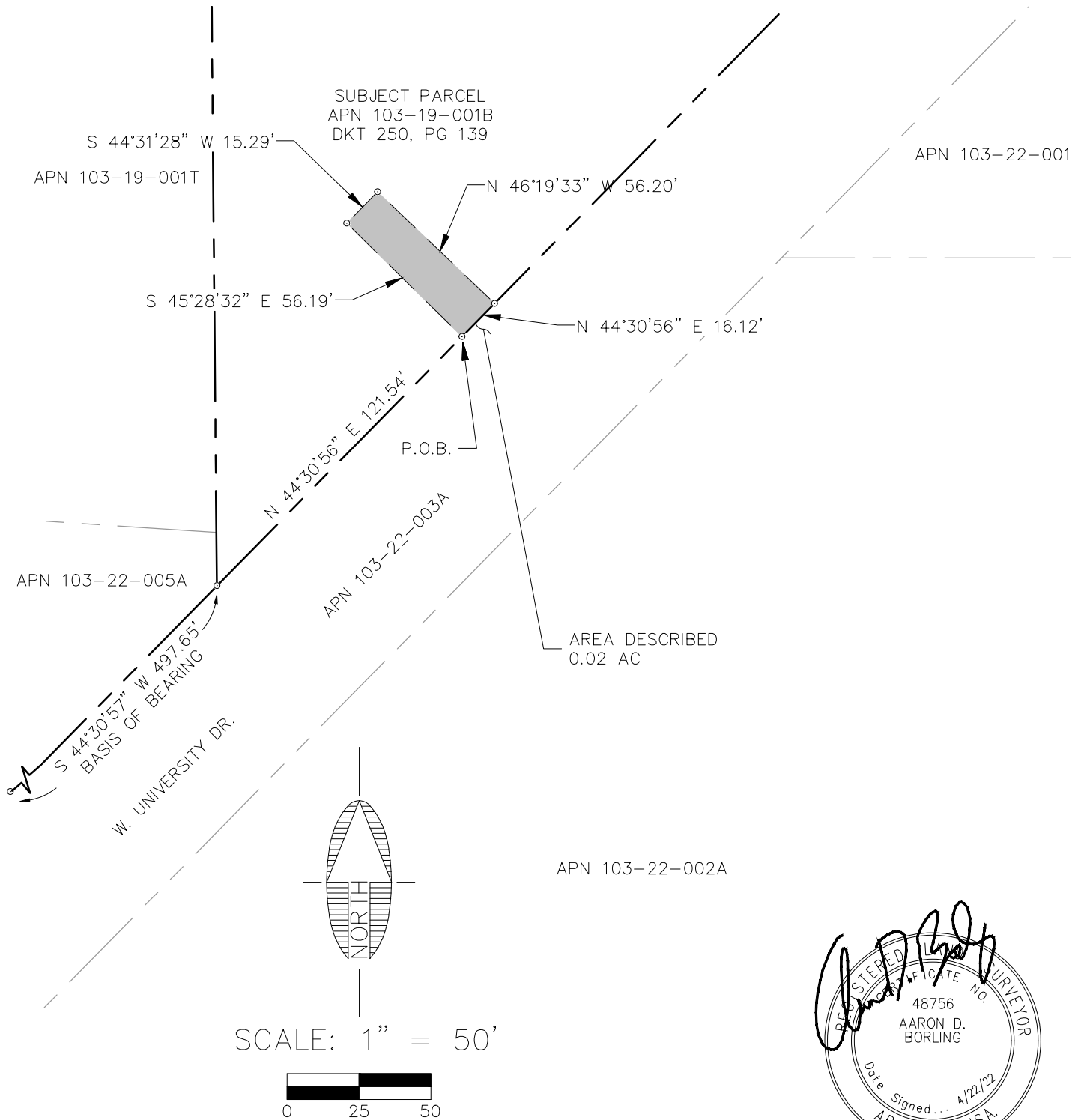


EXHIBIT 'B' TO ACCOMPANY LEGAL DESCRIPTION

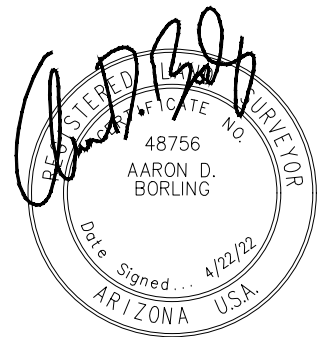
A PORTION OF THE SOUTHWEST QUARTER OF SECTION 21,
TOWNSHIP 21 NORTH, RANGE 7 EAST
GILA AND SALT RIVER MERIDIAN
COCONINO COUNTY, ARIZONA



SCALE: 1" = 50'



NOTE:
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RESULTS OF A BOUNDARY SURVEY AND
SHOULD NOT BE CONSTRUED AS ONE.
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LOCATION OF THE AREA DESCRIBED.



Shephard & Associates, Inc.

110 W. Dale Avenue
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax

www.swiaz.com

JOB NO. 18121
DATE APR 22
SCALE 1"=50'
DRAWN RPR
DESIGN
CHECKED ADB

BEULAH & UNIVERSITY

FLAGSTAFF,
ARIZONA

LEGAL EXHIBIT

SHEET

2

OF 2