

ORDINANCE NO. 2023-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF DEDICATING A PUBLIC ACCESS EASEMENT ACROSS CITY-OWNED PROPERTY LOCATED AT 3050 N. WEST ST; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council desires to dedicate a public access easement across City-owned property located at 3050 N. West St for the purpose of providing alternative access to adjacent properties affected by flooding along Grandview Drive.

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 dedication of a public access easement, in the form attached hereto as Exhibit 1.

SECTION 2. Delegation of Authority

The Mayor is hereby authorized to execute the public access easement, and the City Clerk and the Real Estate Manager, or their delegates or agents, are hereby authorized and directed to take all steps necessary to acquire to carry out the purpose and intent of this ordinance. The City Clerk is directed to record the Public Access Easement.

SECTION 3. Repeal of Conflicting Ordinances

Any 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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.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 18th day of April, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Exhibit 1 – Public Access Easement, including legal description