

ORDINANCE NO. 2023-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF
ABANDONING AN APPROXIMATELY 5,140 SQUARE FEET OF PUBLIC
RIGHT-OF-WAY CONNECTING TO THE NORTH SIDE OF WEST ROUTE 66;
PROVIDING FOR SALE OF SUCH PROPERTY, DELEGATION OF
AUTHORITY, RECORDING, REPEAL OF CONFLICTING ORDINANCES,
SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND
ESTABLISHING AN EFFECTIVE DATE**

RECITALS:

WHEREAS, the City has authority to abandon public rights-of-way pursuant to A.R.S. § 28-7201 et seq, and pursuant to the City Code, Title 11, General Plans and Subdivisions, Division 11-20-160, Abandonment or Vacation of Public Right-of-Way; and has authority to dispose of real property pursuant to the Flagstaff City Charter, Article VIII, Section 10; and

WHEREAS, pursuant to A.R.S. § 28-7202 public right-of-way may be abandoned or vacated if it is no longer necessary for a public use; and

WHEREAS, all public utility companies, City divisions and agencies have had the opportunity to review a map of the public right-of-way proposed to be abandoned; and

WHEREAS, the City Engineer in consultation with the Water Services (formerly Utility) Director and Public Works Director, along with the Planning and Zoning Commission have determined that the proposed abandonment is consistent with the General Plan, Zoning Code, and any applicable Specific Plan, and all applicable Division standards, as referenced in the staff report included in the minutes of the May 10, 2023 Planning and Zoning Commission Meeting.

ENACTMENTS:

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

SECTION 1. In General.

The City Council hereby finds that approximately 5,140 square feet of public right-of-way connecting to the north side of West Route 66, and legally described in Exhibit A attached hereto (“the Property”) is no longer necessary for public use, and is hereby abandoned as public right-of-way.

The Property shall be noticed for sale and such notice of sale shall be published one time per week for three weeks prior to the opening of bids pursuant to Article 8, Section 10, of the Flagstaff City Charter.

Pursuant to A.R.S. § 28-7204 an abutting property owner’s timely offer shall be preferred over all other offers.

The Property shall be offered for sale for a minimum bid of \$25,578.00, and if an abutting property owner submits a responsible and responsive bid for that amount, the Property may be sold by Quit Claim Deed to said bidder, subject to all easements of record and reserving or dedicating a public utility easement within the Property limits.

If no bids are received, then for a two-year period the City Manager may, subject to Council approval, enter into an agreement to sell the Property for an amount reasonably consistent with an appraisal without further notice and bid process.

The City Council shall have the right to reject any and all bids received for the Property.

SECTION 2. Delegation of Authority

The Mayor, City Manager, City Attorney, City Clerk, Procurement 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 Interests and to carry out the purpose and intent of this ordinance.

The Community Development Director is authorized to execute a Purchase and Sale Agreement in an amount less than \$50,000.00, in a form approved by the City Attorney.

SECTION 3. Recording.

The City Clerk is directed to record a copy of this ordinance.

SECTION 4. Repeal of Conflicting Ordinances.

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

SECTION 5. Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the 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 6. 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 7. 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 3rd day of July, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment: Exhibit A Legal description and map