

RESOLUTION NO. 2023-XX

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF FLAGSTAFF AND VP 66 & WOODY MOUNTAIN, LLC FOR THE LIV TIMBER SKY, RELATED TO THE DEVELOPMENT OF APPROXIMATELY 13.01 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2445 SOUTH WOODY MOUNTAIN ROAD AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, VP 66 & Woody Mountain, LLC (“Owner”) is the owner of approximately 13.01 acres of real property generally located at 2445 South Woody Mountain Road, designated as Coconino County Assessor Parcel Number 112-01-712 (the “Property”); and

WHEREAS, the Owner has submitted an Annexation application to annex a portion of Coconino County Assessor Parcel Number 112-01-712 into the City of Flagstaff corporate boundaries further described in Ordinance 2023-21; and

WHEREAS, the Owner has submitted a Direct to Ordinance Zoning Map Amendment application to rezone approximately 13.01 acres of Coconino County Assessor Parcel Number 112-01-712 from Rural Residential zoning with a Resource Protection Overlay (RR, RPO) to High Density Residential zoning with a Resource Protection Overlay (HR, RPO) further described in Ordinance 2023-22; and

WHEREAS, the Owner and the City wish to enter into a development agreement, in the form attached to this Resolution as Exhibit A (“Development Agreement”), to provide for the terms and conditions under which the Property will be developed and to set forth in detail certain obligations of Developer and the City; and

WHEREAS, developing the Property under the terms and conditions of the proposed Development Agreement would be consistent with the Flagstaff Regional Plan 2030, and Developer and the City acknowledge that the Development Agreement would operate to the benefit of both parties; and

WHEREAS, Arizona Revised Statutes § 9-500.05 authorizes the City to enter into development agreements in order to facilitate the orderly and effective development of properties.

ENACTMENTS:

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

SECTION 1. The Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, and the Zoning Code.

SECTION 3. The Development Agreement complies with the requirements of A.R.S. § 9-500.05.

SECTION 4. That the City of Flagstaff be hereby authorized to enter into the Development Agreement in the form attached to this Resolution as Exhibit A ("Development Agreement").

SECTION 5. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Development Agreement and its related documents and to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 6. That City Clerk be hereby directed to record a copy of the agreement with the Coconino County recorder no later than ten days after the development agreement is executed.

SECTION 7. This Resolution 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 3rd day of October, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
Development Agreement