

**ORDINANCE NO. 2023-23**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR A FIBER NETWORK AS A BETTERMENT TO THE RIO DE FLAG FLOOD CONTROL PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City has authority to acquire real property, pursuant to the Article I, Section 3 of the Flagstaff City Charter; and

WHEREAS, acquisition of real property is to be approved by ordinance, pursuant to Article VII, Section 5 of the Flagstaff City Charter; and

WHEREAS, the City desires to install a fiber network as a betterment to the planned Rio de Flag Flood Control Project and desires to acquire necessary easements and/or other real property interests for such network.

**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 acquisition of easements and/or other real property interests for a fiber network along the route shown in the map attached hereto as Exhibit 1 and encumbering those parcels listed in chart attached hereto as Exhibit 2, in the City of Flagstaff, Coconino County ("the Property Interests"). The Property Interests may be acquired through purchase, exchange, gift, donation, dedication, or condemnation for a public use; provided, however, prior to commencement of any condemnation proceeding the City Council shall adopt a separate resolution authorizing condemnation.

**SECTION 2. Delegation of Authority.**

The Mayor, 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 hereby authorized to execute any purchase contract for acquisition of a Property Interest at a price reasonably consistent with the appraised value, up to \$50,000. Any contract for \$50,000 or greater is subject to City Council approval.

**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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.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 7th day of November, 2023.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Attachments:  
Exhibit 1 Map  
Exhibit 2 Chart listing parcels