

RESOLUTION NO. 2023-55

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, AUTHORIZING CONDEMNATION OF REAL PROPERTY FOR THE LONE TREE OVERPASS PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, on July 6, 2021 the Flagstaff City Council adopted Ordinance No. 2021-15 authorizing acquisition of real property interests for the Lone Tree Overpass Project; and

WHEREAS, pursuant to Section 3 of the Ordinance No. 2021-15 the City Council may approve any condemnation necessary for public use, including site access, by resolution referencing this ordinance, and including a legal description and map of the properties sought to be condemned, which resolution shall be immediately effective; and

WHEREAS, the City has been unable to acquire certain property for the Lone Tree Overpass Project despite good faith negotiations.

ENACTMENTS:

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

SECTION 1. In General

The City Council hereby finds that the certain real property located at 602 E. Butler Avenue, Flagstaff, Arizona 86001, identified as Coconino County Assessor Parcel No. 104-04-008A and legally described in the attached Exhibit 1 and Exhibit 2 (“the Property”) is necessary for a public use, the Lone Tree Railroad Overpass from Butler Avenue to Route 66, along with related pedestrian, bicycle, and street connections (“Lone Tree Overpass Project”). A map showing the general location of the Property is attached hereto as Exhibit 3.

The City Council hereby authorizes the filing of a condemnation proceeding to acquire the Property for such public use.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, City Engineer, 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 and to carry out the purpose and intent of this resolution, and to acquire the Property through purchase, exchange, gift, donation, dedication, or condemnation.

SECTION 3. Effective Date

This resolution shall be immediately effective upon adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 7th day of November, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

Exhibit 1: Legal description—Right of Way Interest

Exhibit 2: Legal description—Temporary Construction Easement Interest

Exhibit 3: Map