

RESOLUTION NO. 2023-63

**A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL, RENEWING THE
“FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND
REVITALIZATION DISTRICT”, A SPECIAL TAXING DISTRICT, FOR TEN
YEARS, EFFECTIVE FEBRUARY 4, 2024**

RECITALS:

WHEREAS, Arizona laws permit formation of special taxing districts for purposes of revitalization including infrastructure and enhanced municipal services, as set forth in A.R.S. §§ 48-6801 – 48-6819; and

WHEREAS, the “Flagstaff Downtown Business Improvement and Revitalization District” (District) was formed on February 4, 2014; and

WHEREAS, Arizona Revised Statutes (A.R.S.) § 48-6809 provides that the district shall be dissolved ten years after the date of formation unless the governing bodies of the participating municipalities (in this case, the City of Flagstaff), by resolution, extend the district by an additional period of ten years; and

WHEREAS, a General Plan for the revitalization district is on file with the City Clerk; and

WHEREAS, the City Council finds that the District continues to provide infrastructure and enhanced municipal services securing the general economic vitality and visitor experience of the District and the continuance of such services serve the public convenience and necessity.

ENACTMENTS:

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

SECTION 1. Public Convenience and Necessity

The City Council finds that the public convenience and necessity require the extension (renewal) of the “Flagstaff Downtown Business Improvement and Revitalization District” for an additional period of ten (10) years effective February 4, 2024.

SECTION 2. Consideration of Objections and Modifications.

As to any objections received as to renewal, the City Council has considered the objections, and any testimony in support or in opposition thereto, and has determined that all property designated in the General Plan will continue to benefit from the extension of the district for an additional ten-year period.

SECTION 3. Extension

The “Flagstaff Downtown Business Improvement and Revitalization District” is hereby extended

and shall be operated pursuant to A.R.S. §§ 48-6801-48-6819 as may be amended from time to time.

SECTION 4. Area or Areas to be Included in the District.

The area or areas to be included in the district has not changed since the District formation in 2014. The areas are generally described as the properties within the area bounded by the east/west alley between Birch and Cherry Streets to the North, Agassiz Street to the East, West Phoenix Avenue to the South, and Humphreys Street to the West, and are legally described in the document attached hereto as Exhibit A.

SECTION 5. Purposes for the District.

The purpose for the district is to implement the General Plan for the district, and to accomplish all other purposes permitted by law.

SECTION 6. General Plan for the District.

The 2014 approved General Plan for the district, is on file with the City Clerk. The General Plan sets out a general description of the improvements for which the district is formed and the areas to be improved. The General Plan may be modified from time to time by the board of directors for the district. A copy of the General Plan, including any modifications, shall at all times be kept on file with the City Clerk. The district clerk is responsible for submitting any modifications to the City Clerk.

SECTION 7. Governing Board.

The district will be governed by a board of directors chosen pursuant to A.R.S. §§ 48-6801-6819, and consists of real property owners in the district. Members of the board of directors are elected at large by the real property owners in the district as shown on the property tax assessment roll who are qualified to vote pursuant to A.R.S. § 48-6818, and each shall serve a term of four (4) years. This resolution shall not be construed to require the election of a new board.

SECTION 8. Powers of the District

The district will have all powers as permitted by law, including but not limited to those powers set forth in A.R.S. §§ 48-6801 - 48-6819, as may be amended from time to time.

The district is a special purpose district for purposes of Article IX, Section 19 of the Arizona Constitution; a tax levying public improvement district for purposes of Article XIII, Section 7 of the Arizona Constitution, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5 (A.R.S. §§ 35-451 et seq., 35-465 et seq., 35-466 et seq., 35-471 et seq., and 35-491 et seq.) The district is a municipal corporation and political subdivision of this state, separate and apart from the municipality; provided, however, the district shall not have the power of eminent domain nor the power to enact zoning ordinances.

SECTION 9. Taxes or Assessments.

The extension of the district may result in levy of taxes or assessments to pay for the operation and maintenance expenses of the district, including but not limited to infrastructure and enhanced

municipal services. On June 4, 2014, property owners within a district approved a maximum ad valorem tax rate of \$2.39 per \$100.00 of assessed valuation that may be levied for the operation and maintenance expenses of the district.

With approval of the qualified voters of the district, the district may choose to increase the maximum rate of ad valorem taxes against all taxable property in the district, and issue revenue bonds and special assessment lien bonds payable by any combination of revenues or special assessments as specified in the bonds and permitted by law.

SECTION 10. Annual Budget; Annual Statements and Estimates.

On or before July 15 each year, the treasurer of the district shall prepare a proposed budget for the ensuing fiscal year. At the conclusion of a budget hearing, the board of directors for the district shall adopt a budget before October 1 each year.

When levying an ad valorem tax, the board shall make annual statements and estimates of the operation and maintenance expenses of the district, and hearings shall be held prior to adoption of the budget and levy, as provided in A.R.S. § 48-6817.C.

SECTION 11. Dissolution.

Subject to conditions related to disposal of property and assumption of the obligations of the district, the district may be dissolved by the board of directors at any time, and shall be dissolved upon approval of the vote of the property owners or if the district has been inactive for at least five (5) consecutive years and has no future purpose, all as specified in A.R.S. § 48-6819.

SECTION 12. Notice of Renewal; Recordation.

The City Clerk is directed to record, a notice of extension of the district, along with a copy of this resolution, in the records of the Coconino County Recorder's Office within ten (10) days from the effective date of the resolution.

It is further ordered that the City Clerk deliver a copy of this resolution extending the district to the Coconino County Assessor, Coconino County Board of Supervisors, the Arizona Department of Revenue, and to the Flagstaff Downtown Business Improvement and Revitalization District within ten (10) days from the date of recording.

SECTION 13. Effective Date.

This resolution shall be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of December, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
Legal Description