

ORDINANCE NO. 2023-04

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,
AUTHORIZING THE EXCHANGE OF PROPERTY OF SUBSTANTIALLY
EQUAL VALUE WITH THE ARIZONA BOARD OF REGENTS; PROVIDING FOR
DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES,
SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

RECITALS:

WHEREAS, the City acquisition, sale, or exchange of public real property shall be approved by ordinance, pursuant to the Flagstaff City Charter, Article 7, § 5; and

WHEREAS, the City may trade real property with another governmental pursuant to the Flagstaff City Charter, Article 8, § 10 to and, may exchange real property of substantially equal value pursuant to A.R.S. § 9-407; and

WHEREAS, the City has published notice of the proposed property exchange.

ENACTMENTS:

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

SECTION 1: In General.

The City Council hereby authorizes an exchange of real property of substantially equal value with the Arizona Board of Regents, a body corporate with perpetual succession pursuant to the laws of the State of Arizona, for and on behalf of Northern Arizona University, a public institution of higher education (hereafter referred to as "University")

City will receive the following from University:

- a. Fee simple title (approximately 75,000 square feet), consisting of University Drive east of Milton Road); and
- b. Drainage easement (882 square feet); and
- c. Drainage easement (0.62 acres).

University will receive the following from City:

- a. Fee simple title (5,237 square feet, consisting of abandoned public right-of-way along Hoskins Avenue and adjacent to the NAU Campus).

Legal descriptions of the property interests to be exchanged are attached hereto, as Exhibit 1.

The property exchange shall be completed in the manner as mutually agreed upon by the City and University, and as set forth in a First Amendment to the Intergovernmental Agreement related to Consolidation of University Campus and Road Projects dated July 5, 2017.

SECTION 2: Delegation of Authority.

The Mayor and City Manager are hereby authorized to execute all documents relevant to the property exchange. The City Real Estate Manager is directed to take all necessary steps to effectuate this ordinance. The City Clerk is directed to record a copy of this ordinance.

SECTION 3: Repeal of Conflicting Ordinances.

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

SECTION 4: 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 7th day of March, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment:
Exhibit 1 – Legal Descriptions