

ORDINANCE NO. 2023-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE SCHULTZ CREEK STABILIZATION PROJECT AND THE HIGHWAY 180 CULVERT PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to Article VII, Section 5 of the Flagstaff City Charter the City shall acquire real property by ordinance; and

WHEREAS, pursuant to Article I, Section of the Flagstaff City Charter the City may acquire real property, easements, and other real property interests by purchase, gift, devise, exchange, or condemnation; and

WHEREAS, the City desires to acquire certain real property interests necessary for the Schultz Creek Stabilization Project and the Highway 180 Culvert Project.

ENACTMENTS:

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

SECTION 1. In General.

The City of Flagstaff shall acquire real property interests for the Schultz Creek Stabilization Project, on those parcels listed in the chart attached hereto as Exhibit A. A map showing an overview of the Project is attached hereto as Exhibit B. The City Engineer is directed to obtain legal descriptions for the property interests necessary for the project.

The City of Flagstaff shall acquire real property interests for the Highway 180 Culvert Project as described in the chart attached hereto as Exhibit 1. A map showing an overview of the project is attached hereto as Exhibit 2. Legal descriptions for the property interests to be acquired, including maps, is attached hereto as Exhibit 3.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Engineer, City Clerk, Finance Director, Community Development Director, Real Estate Manager, or their delegates or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this ordinance, and to acquire the property interests necessary for the Schultz Creek Stabilization Project and Highway 180 Culvert Project through purchase, exchange, gift, donation, dedication, or condemnation for a public use.

Prior to filing any condemnation proceeding for the Schultz Creek Stabilization Project, the City Council shall have the opportunity to review the necessary property interests and legal

descriptions to be acquired for the project. Following such review, the City Council may adopt a resolution authorizing the filing of a condemnation proceeding to acquire said property interests.

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 18th day of April, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:

- Exhibit A Chart of Affected Parcels (Schultz Creek)
- Exhibit B Project Overview Map (Schultz Creek)
- Exhibit 1 Chart of Properties (Highway 180 Culvert Project)
- Exhibit 2 Project Overview Map (Highway 180 Culvert Project)
- Exhibit 3 Legal Descriptions (Highway 180 Culvert Project)