

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF REAL PROPERTY INTERESTS FOR THE MILTON ROAD AND UNIVERSITY AVENUE RIGHT-OF-WAY PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, pursuant to Article I, Section 3 of the Flagstaff City Charter, the City has the power and authority to acquire real property as well as easements running over and across real property; and

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

WHEREAS, on October 19, 2021 the City Council adopted Ordinance No. 2021-18 authorizing the acquisition of real property interests for the Beulah/University Roadway Project (now known as the Milton Road and University Avenue Right-of-Way Project) (“the Project”); and

WHEREAS, on December 6, 2022 the City Council adopted Ordinance No. 2022-24, repealing Ordinance No. 2021-18 and authorizing the acquisition of real property interests for the Project, to conform with updates to the construction plans and legal descriptions for the real property interests to be acquired; and

WHEREAS, the City desires to authorize the acquisition of real property interests for the Project, to conform with new updates to the construction plans and legal descriptions for the real property interests to be acquired that were not anticipated as of December 2022; and

WHEREAS, the Project calls for the following improvements: new roadway construction, including a roundabout – with significant grading work, pedestrian underpass under Milton Road/Highway 89, replacing existing water and sewer mains, water and sewer services, stormwater improvements, and edge improvements (including but not limited to curb and gutter, sidewalk) for the entire Project limits; and

WHEREAS, the City Council has awarded a construction contract for the Project, construction is scheduled commence in May 2023, it is necessary to obtain all property interests required for this Project as soon as possible.

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 the real property and easements

located in the City of Flagstaff, Coconino County as listed in the chart attached hereto as Exhibit 1, generally shown in the map attached hereto as Exhibit 2, legally described in Exhibit 3 and/or as may be adjusted with approval of the City Engineer to conform with the final plans for the Project (“the Property Interests”). The Property Interests may be acquired through purchase, exchange, gift, donation, dedication, or condemnation for a public use.

SECTION 2. Delegation of Authority.

The Mayor, City Manager, City Attorney, City Clerk, City Engineer, 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 acquire the Property Interests and to carry out the purpose and intent of this ordinance.

The City Manager is hereby authorized enter into purchase contracts for acquisition of Property Interests of up to \$50,000 without further Council action. Any purchase contract for a price of \$50,000 or greater is subject to City Council approval.

SECTION 3. Repeal of Conflicting Ordinances.

Ordinance No. 2022-24 is not repealed. Ordinance No. 2023-10 provides supplementary authority for acquisition.

Any other 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 4th day of April, 2023.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

Exhibit 1 Chart

Exhibit 2 Overview Map

Exhibit 3 Legal descriptions for property interests to be acquired, including maps