

**ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF  
AUTHORIZING THE ACQUISITION OF REAL PROPERTY FOR THE KILLIP  
INLET AS PART OF THE SPRUCE WASH CHANNEL IMPROVEMENTS  
PROJECT; PROVIDING FOR DELEGATION OF AUTHORITY, REPEAL OF  
CONFLICTING ORDINANCES, SEVERABILITY, CLERICAL CORRECTIONS,  
AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, the City has authority to acquire real property, pursuant to the Article I, Section 3 of the Flagstaff City Charter; and

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

WHEREAS, the City desires to acquire real property for the Killip Inlet as part of the Spruce Wash Channel Improvements Project, a project that will help mitigate post-fire flooding risks in east Flagstaff, and to add open space to Ponderosa Park, each a public use; and

WHEREAS, the City desires to retain flexibility as to the scope of the real property acquisition based upon numerous factors, including but not limited to the City's ability to reach a voluntary agreement with the property owner for purchase, the ability to use grant funding under the Grant Agreement with DEMA for the Pre-Disaster Mitigation Grant Award for Museum Post-Fire Flood Mitigation Property Acquisition (EMF-2023-PD-0002) to help pay for the purchase, and just compensation to be paid for the real property interest(s) to be acquired.

**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 all or part of the real property identified as Coconino County Assessor Parcel nos. 109-09-015A and 109-09-058, and legally described and depicted in the attached Exhibit 1 in the City of Flagstaff ("the Property"). The Property may be acquired through purchase, exchange, gift, donation, dedication, or condemnation for a public use; provided, however, prior to commencement of any condemnation proceeding the City Council shall adopt a separate resolution authorizing condemnation for the real property interest(s) to be acquired for a public use.

**SECTION 2. Delegation of Authority.**

The Mayor, City Manager, Community Development Director, Real Estate Manager, City Attorney or their delegates or agents, are hereby authorized and directed to take all steps and execute all documents necessary to acquire all or part of the Property and to carry out the purpose and intent

of this ordinance.

**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 5th day of March, 2024.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Exhibits:

Exhibit 1 – Legal descriptions and maps