

ORDINANCE NO. 2024-18

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE EXCHANGE OF REAL PROPERTY OF SUBSTANTIALLY EQUAL VALUE, WITH PROPERTY OWNERS GARY G. AND MARY EILEEN HUNDELT; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has authority to acquire and exchange real property of substantially equal value, pursuant to the Flagstaff City Charter, Article I, Section 3 and A.R.S. Section 9-407; and

WHEREAS the City desires to receive property necessary for the Lone Tree Overpass Project in exchange for City property and has published a notice of intent to exchange property.

ENACTMENTS:

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

SECTION 1. In General

The City of Flagstaff hereby authorizes the exchange of properties of substantially equal value, to consist of a City grant of approximately 1,183 square feet of land to, Gary and Mary Hundelt, husband and wife, as joint tenants with right of survivorship, as legally described and depicted in the attached Exhibits A and A-1, in exchange for a Gary and Mary Hundelt grant of 282 square feet of land to the City for the Lone Tree Overpass Project, as legally described and depicted in the Attached Exhibit B, with Gary and Mary Hundelt to pay the City an additional sum of \$409.00 for the exchange, all pursuant to a separate Purchase Agreement approved by City Council. A map depicting the exchange is attached hereto as Exhibit C.

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 2 Delegation of Authority

The Mayor, City Manager, City Attorney, City Clerk, Finance Director, Real Estate Manager, or their designees are hereby delegated authority to take all actions necessary and appropriate to complete the transactions approved in this ordinance.

SECTION 3 Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of the code adopted herein are hereby repealed.

SECTION 4 Severability

If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the 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 be effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this of July 2nd, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachments:

- Exhibits A and A-1 Legal description and depiction, (1,183 square feet)
- Exhibit B Legal description, (282 square feet)
- Exhibit C Map depicting exchange

****Exhibits are on file with the "Flagstaff City Clerk****