

ORDINANCE NO. 2024-21

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF,
ACCEPTING AND APPROVING AN EASEMENT AGREEMENT WITH BNSF;
PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL
CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

RECITALS:

WHEREAS, BNSF is in need of a water line and hydrant for fire suppression in a portion of BNSF property; and

WHEREAS, it will also be beneficial for the City of Flagstaff ("City") to install a water line and hydrant for fire suppression purposes; and

WHEREAS, BNSF is willing to grant the City a utility easement for the location of a water line and hydrant that will be beneficial for both the City and BNSF; and

WHEREAS, the City and BNSF have reached an agreement with BNSF for the granting of an easement for the purpose of installing a water line and hydrant for fire suppression purposes.

ENACTMENTS:

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

SECTION 1: In General.

That the City formally approves and accepts the easement agreement and easements and real property needed for the installation of a water line and hydrant for fire suppression purposes.

SECTION 2: Delegation of Authority.

That the City Manager, the City Attorney, the City Clerk, the Finance Director, the City Real Estate Manager, or other employees or agents as deemed necessary, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this ordinance.

SECTION 3. 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 4. 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 5. 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 17th day of September, 2024.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY