

RESOLUTION NO. 2014-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING ITS INTENTION TO FORM THE "FLAGSTAFF DOWNTOWN BUSINESS IMPROVEMENT AND REVITALIZATION DISTRICT", A SPECIAL TAXING DISTRICT; AND PROVIDING FOR A PUBLIC HEARING PRIOR TO FORMATION OF THE DISTRICT TO CONSIDER ANY OBJECTIONS OF PROPERTY OWNERS

RECITALS:

WHEREAS, Arizona laws permit formation of special taxing districts for purposes of revitalization, as set forth in A.R.S. §§ 48-6801-48-6819; and

WHEREAS, the City of Flagstaff has been presented with a petition signed by the owners of at least fifty-one percent of the net assessed value of the property proposed to be included in a revitalization district and a petition signed by at least fifty-one percent of the property owners in the area proposed to be included in the district; and

WHEREAS, the signatures on the petitions submitted have been verified based on the property tax assessment roll for Coconino County and, in the case where the person shown on such assessment role is no longer the owner of land in the district, and the name of the successor owner has become known, by review of the recorded deed or other similar evidence of transfer of ownership to the individual petitioners.

ENACTMENTS:

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

Section 1. Declaration of Public Convenience and Necessity, and Intention to Form a District.

The City Council finds that the public convenience and necessity require, and hereby declares its intention to form, a revitalization district. The district shall exist and be operated pursuant to A.R.S. §§ 48-6801-48-6819 as set forth herein.

Section 2. Area or Areas to be Included in the District.

The area or areas to be included in the district are generally described as the properties within the area bounded by the east/west alley between Birch and Cherry Streets to the North, Agassiz Street to the East, West Phoenix Avenue to the South, and Humphreys Street to the West, and are legally described and shown on the maps attached hereto as Exhibit A.

Section 3. Purposes for the District.

The purpose for the district is to implement the General Plan for the district, and to accomplish all other purposes permitted by law.

Section 4. General Plan for the District.

A General Plan for the district has been filed with the City Clerk setting out a general description of the improvements for which the district is proposed to be formed and the areas to be improved.

Section 5. Public Hearing on Formation of District.

A public hearing on the formation of the district will be held on February 4, 2014, at 6:00 p.m. at the regular meeting of the City Council, 211 W. Aspen Avenue, Flagstaff, Arizona 86001. At the public hearing, the City Council will consider and pass on any written objections to the district and the testimony and evidence presented in support of or opposition to the objections.

Following the public hearing, the City Council may adopt a resolution forming the district, deleting any property determined not to be benefited by the district or modifying the General Plan and then forming the district or determining that the district not be formed, pursuant to A.R.S. § 48-6805.

Section 6. Objections to District.

All persons owning or claiming an interest in property in the proposed district who object to the inclusion of their land in the district, to the formation of the district, or to the contents of the General Plan, must file a written objection with the City Clerk, 211 W. Aspen Avenue, Flagstaff, Arizona 86001 before 5:00 p.m. on February 3, 2014. Any person may appear at the hearing and testify in support of or in opposition to the objections.

Section 7. Governing Board.

The district will be governed by a board of directors chosen pursuant to A.R.S. §§ 48-6801-6819, and shall consist of real property owners in the district. The initial board will be chosen by the City of Flagstaff and serve a one-year term. The subsequent board will be elected by the district.

Section 8. Powers of the District.

The district will have all powers as permitted by law, including but not limited to those powers set forth in A.R.S. §§ 48-6801-48-6819, as may be amended from time to time.

The district is a special purpose district for purposes of Article IX, Section 19, of the Arizona Constitution; a tax levying public improvement district for purposes of Article XIII, Section 7, of the Arizona Constitution, and a municipal corporation for all purposes of Title 35, Chapter 3, Articles 3, 3.1, 3.2, 4 and 5 (A.R.S. §§ 35-451 et seq., 35-465 et seq., 35-466 et seq., 35-471 et seq., and 35-491 et seq.). A district will be a municipal corporation and political subdivision of this state, separate and apart from the municipality; provided, however, the district shall not have the power of eminent domain nor the power to enact zoning ordinances.

Section 9. Taxes or Assessments.

Formation of the district may result in the levy of taxes or assessments to pay the costs of improvements constructed by the district and for their operation and maintenance.

Section 10. Notice.

The City Clerk is hereby directed to execute and mail a notice, which shall read substantially as set forth in A.R.S. § 48-6803, along with a copy of this resolution to the owners of real property within the district as shown on the most recent property tax assessment roll and to all other persons claiming an interest in such property who have timely filed a written request for a copy of the notice of the adoption of this resolution declaring the City Council's intention to form a district and setting the time for a public hearing on written objections.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 7th day of January, 2014.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Attachment: Exhibit A

EXHIBIT A

The following is a description of parcels of land as shown on the Flagstaff Plat as recorded in Book 1 of Maps, Page 16, Coconino County Records, situate in the SE¼ of section 15 and the SW¼ of section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Lots 1 through 12, Block 3A of said plat;
Lots 1 through 12, Block 34 of said plat;
Lots 1 through 12, Block 33 of said plat;
Lots 1 through 24, Block 32 of said plat;
Lots 1 through 27, Block 2A of said plat;
Lots 1 through 26, Block 19 of said plat;
Lots 1 through 24, Block 18 of said plat;
Lots 1 through 24, Block 17 of said plat;
Lots 1 through 24, Block 1A of said plat;
Lots 1 through 24, Block 6 of said plat;
Lots 1 through 24, Block 5 of said plat;
Lots 1 through 24, Block 4 of said plat;

Assessor Parcel 100-44-006A, ATSF Railroad;
Assessor Parcel 100-44-001, BNSF Railroad;
Assessor Parcel 100-44-002A, BNSF Railroad;
Assessor Parcel 100-44-006B, Flagstaff Chamber of Commerce;
Assessor Parcel 100-44-005A, City of Flagstaff;
Assessor Parcel 100-44-004D, City of Flagstaff;
Assessor Parcel 100-44-003E, BNSF Railroad;
Assessor Parcel 100-44-003C, City of Flagstaff;
Assessor Parcel 100-44-004E, City of Flagstaff;
Assessor Parcel 101-27-002D, City of Flagstaff;
Assessor Parcel 101-27-002C, ATSF Railroad;
Assessor Parcel 101-27-001C, BNSF Railroad;



Expires: 8/31/15

Including the Rights-of-Way as shown.

Exclusions from District:

1. With respect to any multi-story building located in the district, any story above the second floor shall be excluded from the district. In the event a new building is constructed after formation of the district, the same rule shall apply. For district purposes, the property value of that portion of a multi-story building located within the district shall be determined by the Coconino County Assessor.
2. All personal property, as determined by the Coconino County Assessor.

Said parcels shown on the attached Exhibit B which by this reference is made a part hereof.

Mogollon Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

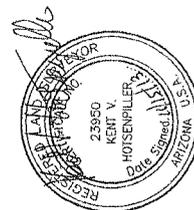
**FLAGSTAFF BUSINESS
IMPROVEMENT AND
REVITALIZATION DISTRICT
LEGAL DESCRIPTION EXHIBIT**

FLAGSTAFF TOWNSITE, BOOK
1 OF MAPS PAGE 16,
COCONINO COUNTY RECORDS
LOCATED IN THE SE1/4
SECTION 16 AND THE SW1/4
SECTION 15, T 21 N, R 7 E,
FLAGSTAFF, COCONINO
COUNTY, ARIZONA

Including the Rights-of-Way as shown.

Exclusions from District:

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2. All personal property, as determined by the Coconino County Assessor.



Expires on 3/31/12

Information shown hereon is from
City of Flagstaff G.I.S. No field
work was performed by **MOCOLLON**
Engineering & Surveying, Inc.

