

**ORDINANCE NO. 2014-22**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL SETTING ASIDE, AND PRESERVING APPROXIMATELY 20 ACRES OF SPECIFIC CITY OWNED REAL PROPERTY, AS OPEN SPACE, WHICH PROPERTY IS COMMONLY KNOWN AS THE SHULTZ PROPERTY GENERALLY LOCATED NEAR SHULTZ PASS ROAD AND MT. ELDEN LOOKOUT ROAD (COCONINO COUNTY ASSESSOR'S PARCEL NUMBER 300-47-004), AND PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, open space conservation is a goal set forth in Chapter V of the Flagstaff Regional Plan; and

WHEREAS, open space makes a significant contribution to the well-being of the citizens of the City of Flagstaff; and

WHEREAS, the City maintains an interest in enhancing the beauty and recreational elements within the community, and open space contributes to those efforts; and

WHEREAS, the Open Space Commission supports the setting aside and preservation of the land as open space;

WHEREAS, on January 21, 2014, City Council approved Resolution 2014-04, which provided city staff with the direction to bring this specific parcel of real property forward for consideration and possible action by the City Council to preserve it as open space.

**ENACTMENTS:**

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

**SECTION 1: Setting Aside and Preservation.**

The portion of real property owned by the City of Flagstaff as described in the attached Exhibit A and incorporated by this reference is hereby set aside and preserved open space and uses associated with open space.

**SECTION 2: Zoning**

An application will be made to Coconino County to rezone the property to the zoning best reflective of the preservation as open space.

SECTION 3: Limited Uses and Improvements.

Any potential uses or improvements to the parcel will be limited to those allowed on open space lands as described within the Regional Plan and in relevant City and County zoning regulations such as, but not limited to, trails, trail signs, benches and earthen water detention features. Any such uses or improvements will be consistent with the category of Neighborhoods in the 1998 Flagstaff Area Open Spaces and Greenways Plan.

SECTION 4. Repeal of Conflicting Ordinances.

All 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in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.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 5. 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 6. Clerical Corrections.

The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 7. Effective Date.

This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 2<sup>nd</sup> September, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY