

**ORDINANCE NO. 2016-03**

**AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING  
THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-  
OF-WAY FOR THE POSSIBLE WIDENING OF HUMPHREYS STREET  
BETWEEN ROUTE 66 AND CHERRY AVENUE**

**RECITALS:**

WHEREAS, FMH Enterprises, LLC, an Arizona limited liability corporation, is developing approximately 1.5 acres of real property located at 175 W. Aspen Avenue and 100 N. Humphreys Street; and

WHEREAS, the parcels abut Humphreys Street; and

WHEREAS, the Arizona Department of Transportation in its Urban Mobility Study indicates that Humphreys Street may be widened in the future; and

WHEREAS, the City of Flagstaff ("City") has an interest in obtaining the property necessary for the widening of Humphreys at this time before the property is developed, rather than allowing the value to escalate in the post-development condition; and

WHEREAS, the property that may be needed for an expansion of Humphreys Street (the "Future Humphreys Street Right-of-Way") is described in Exhibit "A"; and

WHEREAS, the Developer and the City have reached agreement as to the price of the Future Humphreys Street Right-of-Way; and

WHEREAS, the City has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, Article VII, Section 5, of the Flagstaff City Charter requires the City to acquire real property by ordinance.

**ENACTMENTS:**

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

SECTION 1: That the City wishes to acquire the property specifically described in Exhibit "A";

SECTION 2: That City staff is hereby authorized to acquire the property described in Exhibit "A," which may potentially be used as right-of-way.

SECTION 3: That the City Council will review and may adopt a development agreement that will set forth additional terms and conditions of the property acquisition.

SECTION 4: That the City Manager, the City Attorney, the City Clerk, the Management Services Director, the Assistant to the City Manager for Real Estate, or their designees or agents, 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 5: 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 6: That 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 \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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