

ORDINANCE NO. 2016-01

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF A ROUNDABOUT PROJECT AT THE INTERSECTION OF SWITZER CANYON DRIVE AND TURQUOISE DRIVE.

RECITALS:

WHEREAS, the City of Flagstaff and the Arizona Department of Transportation entered into an Intergovernmental Agreement to study the intersection of Switzer Canyon Drive and Turquoise Drive on June 14, 2011; and

WHEREAS, the City Council approved a construction contract for the roundabout at Switzer Canyon Drive and Turquoise Drive on June 3, 2014; and

WHEREAS, the City has identified the real property identified in Exhibit "A" as an appropriate component of the City's surface transportation system, and, more specifically, the real property is required for the roundabout construction at Switzer Canyon Drive and Turquoise Drive; and

WHEREAS, the City of Flagstaff ("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 requires the property specifically described in Exhibit "A" for public right-of-way for the roundabout located at Switzer Canyon Drive and Turquoise Drive;

SECTION 2: That City staff is hereby authorized to acquire the property described in Exhibit "A" for use as right-of-way. Staff may exercise the City's right to condemn property for public use to acquire this property.

SECTION 3: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the Assistant to the City Manager for Real Estate, or their delegees 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 4: 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 5: 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