

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 2nd day of February, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

EXHIBIT A

The following is a description of a parcel of land, being a portion of Lot 12 of Block 2A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 12

Said parcel of land contain 1,105 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/18

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

EXHIBIT A

The following is a description of a parcel of land, being a portion of Lot 13 of Block 1A of The Townsite of Flagstaff, File 1 Map 1 and Book 1 Page 16, Coconino County Records, situate in the SE¼ section 16, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

The westerly 8 feet of said Lot 13

Said parcel of land contain 1,104 sq. ft. of land more or less as shown on Exhibit B which by this reference is made a part hereof

Right-of-Way Dedication



Expires: 3/31/16

Mogollon Engineering and Surveying, Inc.

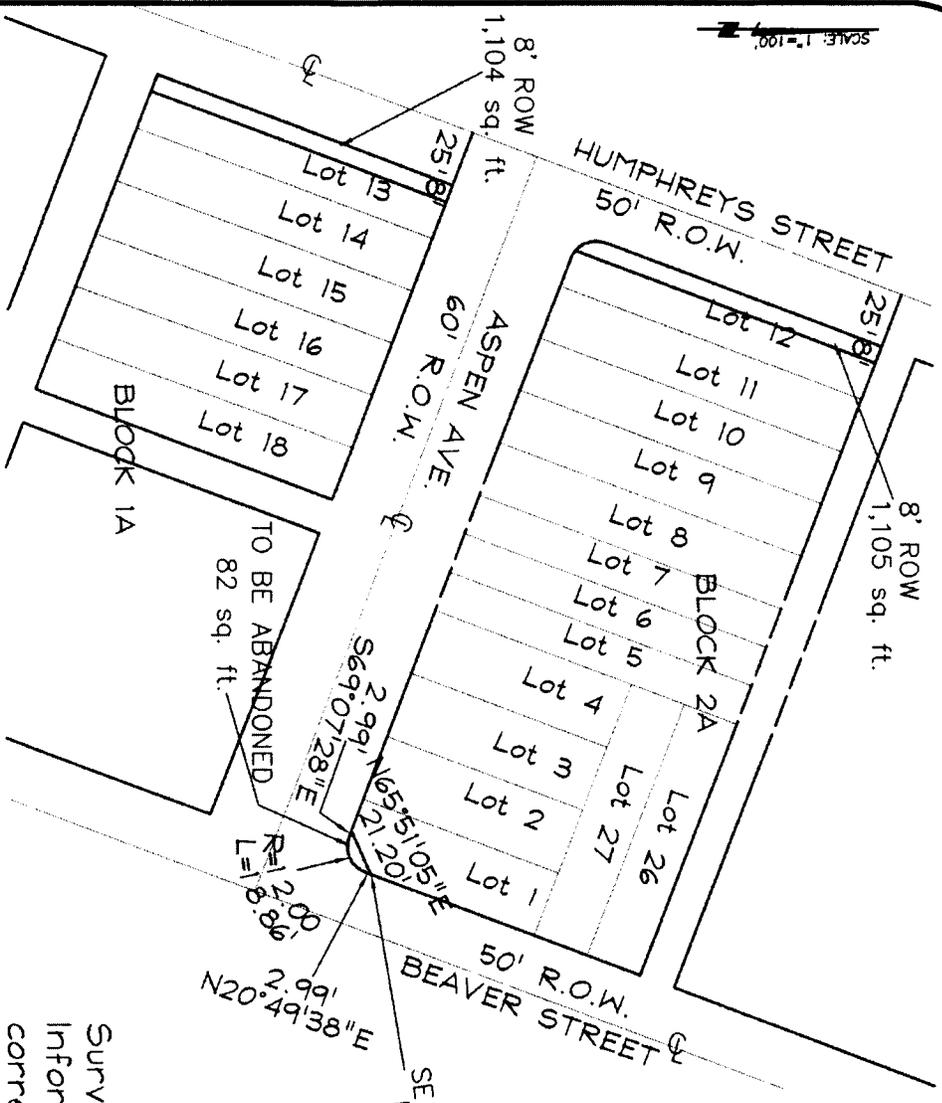
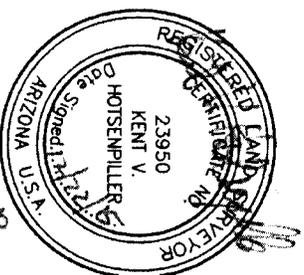
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RIGHT-OF-WAY MAP

FOR MARRIOTT RESIDENCE INN

LOT 1 AND 12 BLOCK 2A AND
 LOT 13 BLOCK 1A, FLAGSTAFF
 TOWNSITE, FILE 1 MAP 1,
 COCONINO COUNTY RECORDS
 LOCATED IN SECTION 16, T 21 N,
 R 7 E, FLAGSTAFF, COCONINO
 COUNTY, ARIZONA

Survey was performed in June of 2015.
 Information shown hereon is true and
 correct to the best of my knowledge.



HORIZONTAL SCALE: 1"=80'

VERTICAL SCALE:

DESIGNED/DRAWN BY:

PROJECT NO. 14138

DATE: 12/21/15

Mogollon
 ENGINEERING
 & SURVEYING

411 N. Santa Fe Avenue
 Flagstaff, Az 86001
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EXHIBIT B
 MARRIOTT RESIDENCE INN
 DEDICATION AND ABANDONMENT