

**RESOLUTION NO. 2021-24**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA, ESTABLISHING THE NECESSITY AND PUBLIC PURPOSE FOR ACQUISITION OF RIGHT OF WAY AND RELATED EASEMENTS NECESSARY FOR PURPOSES OF CONSTRUCTING, INSTALLING, BUILDING, OPERATING, AND MAINTAINING THE FOREST ROAD EXTENSION PROJECT, AND FURTHER APPROVING THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS FOR ACQUISITION OF SUCH RIGHT OF WAY AND EASEMENTS IF NECESSARY TO AVOID CONSTRUCTION DELAYS.**

**WHEREAS**, in order to proceed with the construction and extension of Forest Road to SR 89A, the public necessity, safety, and general welfare require the acquisition of right-of-way and related temporary construction, slope, drainage and right-of-way easements in, on, under, through, and over private property for purposes of constructing, installing, operating, and maintaining the Forest Road Extension Project; and

**WHEREAS**, there are approximately 11 properties from which rights-of-way and easements are needed for this Project and the City has obtained two independent appraisals of the properties which appraisals were sent to the property owners with written offers sent to the property owners in April and September 2021; and

**WHEREAS**, City staff believes it will successfully acquire most of the properties through negotiations with the property owners; and

**WHEREAS**, to ensure that all of the remaining necessary real property rights are acquired in time to meet the construction schedule, Staff seeks City Council authorization to acquire the property rights specified in this resolution through eminent domain; and

**WHEREAS**, if said easements cannot be obtained through informal negotiations with the private property owners, the commencement of condemnation proceedings will be necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

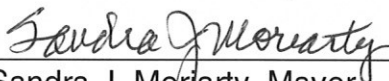
**SECTION 1.** The public necessity, safety, and general welfare require the City of Sedona acquire the necessary right-of-way property by fee simple title to a portion of the real property depicted on the attached Exhibit "A", said right-of-way property being necessary to serve the public purposes of constructing, installing, operating, and maintaining the Forest Road Extension Project.

**SECTION 2.** That it is deemed necessary and essential that in order to construct the Forest Road Extension Project that the City acquire temporary construction, slope, drainage and right-of-way easements in, on, under, through, and over private property depicted on the attached Exhibit "A", said easements being necessary to serve the public purposes of constructing, installing, operating, and maintaining the Forest Road Extension Project.

**SECTION 3.** If, in the discretion of the City Engineer, the necessary right-of-way and easements cannot be obtained by way of informal negotiations, that the City Attorney of the City of Sedona is hereby authorized and directed to acquire title in fee simple and any necessary easements, leaseholds and/or other property interests with regard to the portions of the properties depicted in Exhibit "A" in the name of the City of Sedona under the power of

Eminent Domain, pursuant to the engineering plans now in effect, including any future reasonable adjustments, and the City Attorney is further authorized and directed to do and perform all acts necessary to acquire title and interests in the properties for said public purposes.

**APPROVED AND ADOPTED** by the Mayor and Council of the City of Sedona, Arizona this 28<sup>th</sup> day of September, 2021.

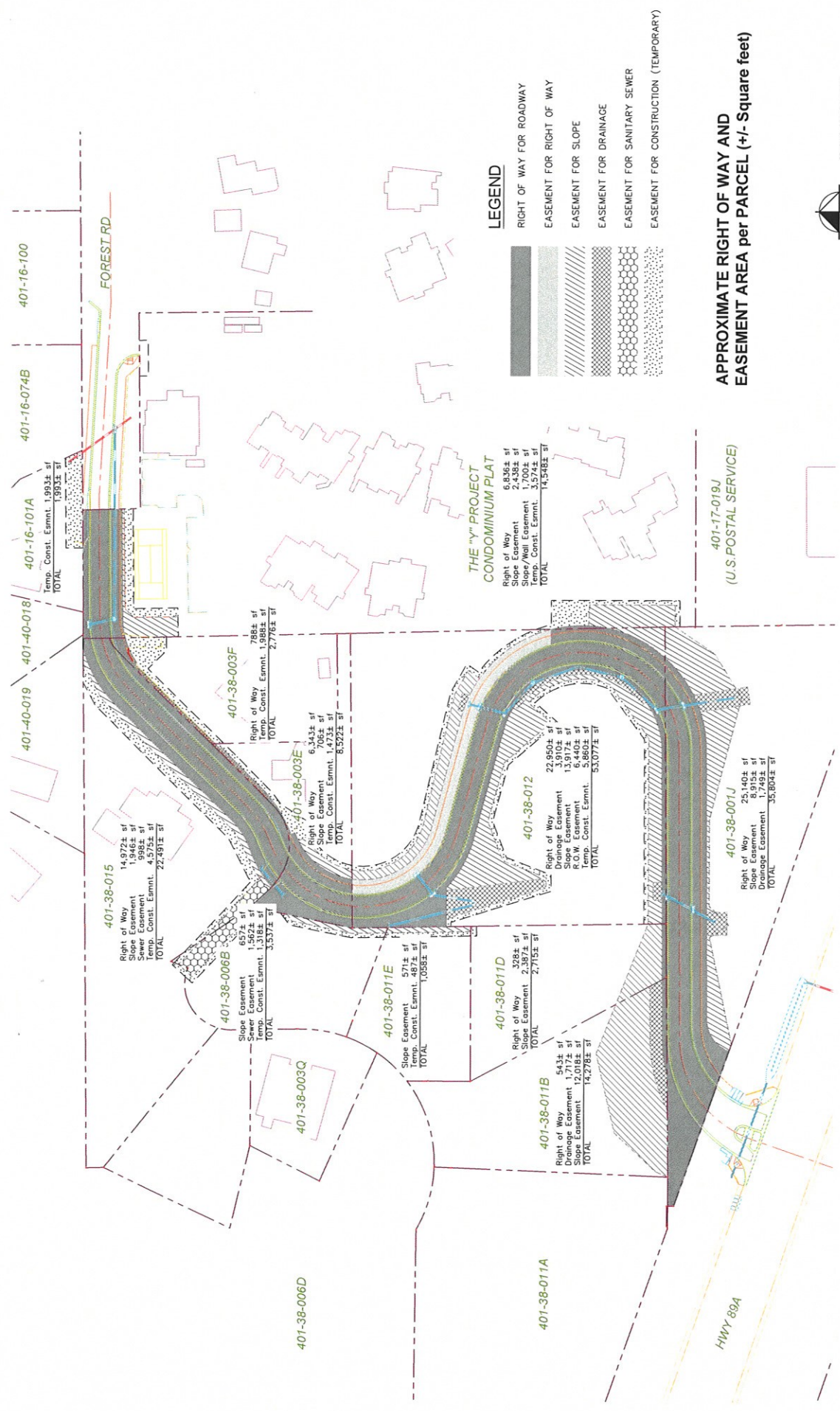
  
\_\_\_\_\_  
Sandra J. Moriarty, Mayor

ATTEST:

  
\_\_\_\_\_  
Susan L. Irvine, CMC, City Clerk

APPROVED AS TO FORM:

  
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Kurt W. Christianson, City Attorney



**APPROXIMATE RIGHT OF WAY AND EASEMENT AREA per PARCEL (+/- Square feet)**



**EXHIBIT A - FOREST RD EXTENSION PROJECT - RIGHTS OF WAY AND EASEMENTS TO BE ACQUIRED**