

AGENDA



3:00 P.M.

CITY COUNCIL SPECIAL MEETING

REVISED

TUESDAY, SEPTEMBER 24, 2024

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in advance.
- City Council Meeting Agenda Packets are available on the City's website at:

www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer session.
- The decision to receive Public Comment during Work Sessions/Special City Council meetings is at the discretion of the Mayor.

PROCEDURES:

- Fill out a "Comment Card" and deliver it to the City Clerk.
- When recognized, use the podium/microphone.
- State your:
 1. Name and
 2. City of Residence
- Limit comments to **3 MINUTES**.
- Submit written comments to the City Clerk.

1. CALL TO ORDER

2. ROLL CALL

3. EXECUTIVE SESSION

LINK TO DOCUMENT =

Upon a public majority vote of the members constituting a quorum, the Council may hold an Executive Session that is not open to the public for the following purposes:

- Discussion and consultation** to consider its position and instruct its attorneys and designated representatives regarding contract negotiation and negotiations for the purchase, sale or lease of real property in the area between SR 179 and Canyon Drive and just north of SR 179 and Copper Cliffs Drive, in the area south of SR 89A just west of Brewer Road, and in the area north of SR 89A between Madole Road and Stutz Bearcat Drive. This matter is brought in executive session pursuant to A.R.S. § 38-431.03(A)(4) & (7).
- Discussion and consultation** for legal advice with the City Attorney, to consider the City's position, and instruct its attorneys regarding pending or contemplated litigation or settlement discussions in order to avoid or resolve litigation in the matter of La Tierra 1146, LLC's A.R.S. 12-1134 notice of claim regarding Yavapai County APN 408-25-040K and 408-25-040P. This matter is brought in executive session pursuant to A.R.S. § 38-431.03(A)(3) and (A)(7).
- Return to open session. **Discussion/possible action** regarding executive session items including adoption of a resolution amending Resolution 2024-08 waiving partial enforcement of Ordinance 2023-03 on two additional parcels Yavapai County APN 408-35-040K and 408-25-040P.

4. ADJOURNMENT

Posted: 9/23/24

By: DJ

JoAnne Cook, CMC, City Clerk

Note: Pursuant to A.R.S. § 38-431.02(B) notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with material relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at www.SedonaAZ.gov. City Hall is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

SEDONA CITY HALL
102 ROADRUNNER DRIVE, SEDONA, AZ

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

RESOLUTION NO. 2024-__

A RESOLUTION OF THE SEDONA CITY COUNCIL AMENDING RESOLUTION 2024-08 APPROVING A BINDING WAIVER OF ENFORCEMENT FOR CERTAIN PROPERTIES WITHIN THE CORPORATE LIMITS OF THE CITY OF SEDONA.

RECITALS:

WHEREAS, on April 25, 2023, the Sedona City Council adopted Ordinance 2023-03, which, among other changes, removed “Lodging, Fewer than Seven Units” from Sedona Land Development Code Section 3.2.E Table of Allowed Uses for Commercial and Mixed-Use zoning districts; and

WHEREAS, the owner identified in Exhibit A, attached hereto, owned its respective parcels of land (“Properties”) when Ordinance 2023-03 took effect; and

WHEREAS, the property owner identified in Exhibit A filed a claim for just compensation under Prop 207, asserting that the amendment to the Sedona Land Development Code removing “Lodging, Fewer than Seven Units” from Sedona Land Development Code Section 3.2.E Table of Allowed Uses for Commercial and Mixed-Use zoning districts reduced its rights to use the Properties and thereby reduced the fair market value of the Properties; and

WHEREAS, in response to a claim for just compensation under Prop 207, the City may issue to the property owner a binding waiver of enforcement of the land use law on the owner’s specific parcels; and

WHEREAS, on April 23, 2024, the Sedona City Council issued a waiver of enforcement for two properties owned by La Tierra 1146, LLC through Resolution 2024-08, and La Tierra 1146, LLC wishes now to include two more adjacent properties.

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

SECTION 1. That the Binding Waiver of Enforcement attached to Resolution 2024-08 and hereto as Exhibit A, is hereby amended to include Yavapai County parcels APN 408-25-040K and 408-25-040P and is approved and the Mayor is authorized to execute the Binding Waiver of Enforcement, partially waiving enforcement of Ordinance 2023-03 as set forth therein.

APPROVED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona this 24th day of September, 2024.

Scott M. Jablow, Mayor

ATTEST:

JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:

Kurt W. Christianson, City Attorney

WHEN RECORDED, MAIL TO:

Sedona City Clerk
City of Sedona
102 Roadrunner Drive
Sedona, AZ 86336

BINDING WAIVER OF ENFORCEMENT

THIS BINDING WAIVER OF ENFORCEMENT (this “Waiver”) is granted by the City of Sedona, an Arizona municipal corporation (the “City”).

RECITALS:

- A. On April 25, 2023, the Sedona City Council adopted a land use law, Ordinance 2023-03, which made various amendments to the Sedona Land Development Code.
- B. The respective owners of the following parcels in Sedona (collectively the “ Properties”) owned the Properties on the date Ordinance 2023-03 took effect:

| | Yavapai APN | Property Owner | Address |
|----|--------------------|--------------------------|-------------------------|
| 1. | 408-25-040A | La Tierra 1146, LLC | 1146 W. State Route 89A |
| 2. | 408-25-040L | La Tierra 1146, LLC | 1186 W. State Route 89A |
| 3. | 408-25-038Z | Adobe Hilltop Plaza, LLC | 80 Soldiers Pass Road |
| 4. | 408-35-040K | La Tierra 1146, LLC | N/A |
| 5. | 408-25-040P | La Tierra 1146, LLC | 1186 W. State Route 89A |

- C. Arizona Revised Statutes §12-1134 (“Prop 207”) allows a property owner to seek just compensation when a city adopts a land use law that reduces the property owner’s existing rights to use, divide, sell, or possess private real property and such action reduces the fair market value of the property.
- D. On February 16, 2024, the owner of the Properties filed with the City a request for just compensation pursuant to Prop 207.
- E. In response to a claim for just compensation under Prop 207, a city may issue to the property owner a binding waiver of enforcement of the land use law on the owner’s specific parcels.

NOW, THEREFORE, the City of Sedona does hereby declare as follows:

- 1) Incorporation of Recitals. The recitals stated above are true and correct and are incorporated herein.

- 2) Properties Binding Waiver of Enforcement. That the amendment to the Sedona Land Development Code removing “Lodging, Fewer than Seven Units” from Sedona Land Development Code Section 3.2.E Table of Allowed Uses for Commercial and Mixed-Use zoning districts adopted by Ordinance 2023-03 shall not be enforced nor applicable to the entirety, or any portion of the Properties.
- 3) Recordation. This Binding Waiver of Enforcement shall be adopted by Resolution of the Sedona City Council and shall be recorded in its entirety in the Official Records of Yavapai County, Arizona.
- 4) Covenants Running with Land; Inurement. The covenants, conditions, terms, and provisions of this Waiver relating to use of the Properties shall run with the Properties.
- 5) Governing Law. This Waiver, and all rights and obligations created hereby, shall be determined and governed by the laws of the State of Arizona.

IN WITNESS WHEREOF, this Waiver is approved by the Sedona City Council through the adoption of Resolution 2024-_____.

City of Sedona

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney