

ORDINANCE NO. 794

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AUTHORIZING THE EXCHANGE PER ARS §9-4-7(B) OF A PARCEL OF REAL PROPERTY OWNED BY THE TOWN FOR A NEARBY PARCEL OWNED BY HUMBOLDT UNIFIED SCHOOL DISTRICT NEEDED TO RESOLVE INADVERTANT TRESPASSES OF FACILITIES BY THE PARTIES ON THE OTHER'S PROPERTY; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-50-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, the Town of Prescott Valley (Town) owns a parcel of land which is part of the Mountain Valley Park complex, adjacent to Loos Drive, described in Exhibit "A" (attached hereto and expressly made a part hereof); and

WHEREAS, Humboldt Unified School District (HUSD) owns a parcel of land on the southwest corner of the parcel on which Mountain View School is located, described in Exhibit "B" (attached hereto and expressly made a part hereof); and

WHEREAS, HUSD has inadvertently located part of the west entrance to the Mountain View Elementary School parking area on the Town parcel; and

WHEREAS, the Town has inadvertently located a portion of its multi-use path in Mountain Valley Park on the HUSD parcel; and

WHEREAS, the two parcels are roughly equivalent in size and value; and

WHEREAS, ARS §9-407(A) empowers Arizona municipalities to authorize by ordinance an exchange of parcels of real property within the municipality provided the parcels are of substantially equal value and a notice of intent to make such an exchange has been published according to ARS §39-204(B)(2) prior to such exchange; and

WHEREAS, such a notice has been published on June 16, 17, 18 and 19, 2014 in the Prescott Courier;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, as follows:

Section 1. Town staff is hereby authorized to prepare instruments necessary to effect an exchange of the Town parcel described in Exhibit "A" for the HUSD parcel described in Exhibit "B".

Section 2. The Mayor (or, in his absence, the Vice Mayor) is hereby authorized to sign any and all documents and instruments necessary to complete said exchange.

Section 3. That, inasmuch as it is necessary for the peace, health and safety of the Town of Prescott Valley that this Ordinance be effective upon its passage and approval according to ARS §19-142(B) and Town Code §2-50-060 (due to the need to expedite preparation for Phase IV of the Loos Drive improvement project), this Ordinance is hereby declared to be an emergency measure and effective upon its passage and approval.

PASSED AND APPROVED by the Mayor and Common Council of the Town of Prescott Valley, Arizona, this 26th day of June, 2014.

HARVEY C. SKOOG, Mayor

ATTEST:

Diane Russell, Town Clerk

APPROVED AS TO FORM:

Ivan Legler, Town Attorney