

## ORDINANCE NO. 803

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PRESCOTT VALLEY, A MUNICIPAL CORPORATION OF ARIZONA, AUTHORIZING THE EXCHANGE OF A PARCEL(S) OF REAL PROPERTY OWNED BY THE TOWN FOR A NEARBY PARCEL(S) NEEDED BY THE TOWN FOR FUTURE EXPANSION OF VIEWPOINT DRIVE; AND DECLARING THIS ORDINANCE TO BE AN EMERGENCY MEASURE PURSUANT TO ARS §19-142(B) AND §2-05-060 OF THE PRESCOTT VALLEY TOWN CODE.

WHEREAS, the Town of Prescott Valley owns Lot 8974 in Unit Nineteen, Prescott Valley, located adjacent to Viewpoint Drive and near the intersection of Long Look Drive and Viewpoint Drive(Exhibit A attached hereto and expressly made a part hereof); and

WHEREAS, nearby Lot 8973 in Unit Nineteen is of a rectangular shape so that two triangular portions of said lot are located within what is to become Viewpoint Drive(Exhibit B attached hereto and expressly made a part hereof);

WHEREAS, the owner of Lot 8973 (Carlile) and the Town have reached agreement to exchange those parcels of Lot 8973 for a parcel from Lot 8974, subject to approval by the Mayor and Common Council of the Town of Prescott Valley;

WHEREAS, the parcels to be exchanged have been determined to be of substantially equal value; and

WHEREAS, ARS §9-407 empowers Arizona municipalities to authorize by ordinance an exchange of parcels of real property for other parcels 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 prior to such exchange; and

WHEREAS, such a notice will be published on four consecutive days 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. Upon completion of the notice publication required by law, appropriate Town staff are hereby authorized to prepare instruments necessary to effect an exchange of the described parcel of Lot 8974 in Unit Nineteen, Prescott Valley (owned by the Town) for parcels of Lot 8973 in Unit Nineteen.

Section 2. The Mayor (or in his absence, the Vice Mayor) is hereby authorized to sign the instrument for conveying the Town property and to accept the deed provided by Carlile (and to sign such other documents and take such other reasonable actions as are necessary to complete said exchange of parcels).

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 immediately upon its passage and approval according to ARS §19-142(B) and Town Code §2-05-060 (due to the need to move forward with the phased construction of the Viewpoint Drive extension), 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 12<sup>th</sup> day of February, 2015.

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HARVEY C. SKOOG, Mayor

ATTEST:

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Diane Russell, Town Clerk

APPROVED AS TO FORM:

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Ivan Legler, Town Attorney

**EXHIBIT A**

**Town Property to be Exchanged**

**EXHIBIT B**

**Carlile Property to be Exchanged**