

Introduced by: City Manager Herron  
Date: May 27, 2003  
Public Hearing: June 10, 2003  
Action: Adopted  
Vote: Unanimous

## *CITY OF BETHEL, ALASKA*

### **ORDINANCE #03-09**

#### **AN ORDINANCE AUTHORIZING AN EXCHANGE OF TITLE TO LAND FOR AN EASEMENT BETWEEN THE CITY OF BETHEL AND DR. ROBERT SEPT**

**WHEREAS**, the City of Bethel ("City") owns a parcel of land between Sixth and Fifth Avenue located within Block 5, Plat 78-4, US Survey 3230 B, Bethel Recording District for use for public utilities, roadways and alleys dedicated to the public use;

**WHEREAS**, Dr. Robert Sept is the owner of record of Lot 21, Block 5, Plat 78-4, US Survey 3230 B, Bethel Recording District;

**WHEREAS**, through a misunderstanding Dr. Robert Sept built a commercial building which is in violation of the setback requirements on the southeast boundary of Lot 21, Block 5, Plat 78-4;

**WHEREAS**, Dr. Sept sought a variance from the setback requirements under section 81.36.050 of the Bethel Municipal Code from the Planning Commission, but the basis for a variance may not exist; and

**WHEREAS**, the Planning Commission passed Resolution 03-02 on January 13, 2003, approving an exchange of land in which the City would grant Dr. Sept an additional 400 square feet of land (4 feet wide by 100 feet long) on the southeast boundary of Lot 21 in exchange for the grant by Dr. Sept to the City of Bethel of a 400 square foot (4 feet wide by 100 feet long) easement for public utilities, roadways and alleys;

**BE IT ORDAINED** by the City Council of Bethel, Alaska, that:

**SECTION 1. Classification.** This ordinance is not permanent or general in nature and shall not be placed in the Bethel Municipal Code.

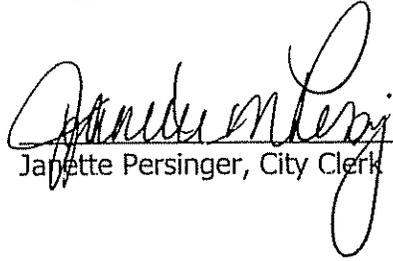
**SECTION 2.** In accordance with sections 4.08.020 and 4.08.030D of the Bethel Municipal Code, the Mayor is hereby authorized to execute the attached Quitclaim Deed in exchange for Dr. Sept's execution of the attached Easement, provided Dr. Sept completes all requirements necessary for a minor replat of Lot 21 to add 400 square feet of land on the southeast boundary of Lot 21 and complies with all other recommendations of the Planning Commission in its Resolution 03-02. The City finds that the exchange is in the best interests of the City because the City loses no functional use of the real property and the City's setback requirements are followed.

**SECTION 3.** Section 4.08.040 of the Bethel Municipal Code shall not apply to the disposal of the City's interest in the parcel of land in Block 5, Lot 21, Plat 78-4.

**SECTION 4. Effective Date.** This ordinance shall become effective immediately.

**ADOPTED THIS 10<sup>th</sup> DAY OF June 2003, by a vote of 6 in favor and 0 opposed.**

ATTEST:

  
Janelle Persinger, City Clerk

  
Hugh Short, Jr., Mayor