

Introduced by: City Manager Herron  
Date: October 14, 2003  
Public Hearing: November 18, 2003  
Action: Passed  
Vote: Unanimous

***CITY OF BETHEL, ALASKA***

**ORDINANCE #03-15**

**AN ORDINANCE AUTHORIZING THE CITY TO SELL THE PHILLIPS AYAGNIRVIK TREATMENT CENTER TO, AND ENTER INTO A GROUND LEASE WITH, YUKON KUSKOKWIM HEALTH CORPORATION**

**WHEREAS** the City of Bethel ("City") owns two buildings and other property located at 324 Radio Way;

**WHEREAS** the buildings and other property are currently leased to Yukon Kuskokwim Health Corporation ("YKHC") for use and operation of the Phillips Ayagnirvik Treatment Center ("PATC");

**WHEREAS** YKHC has continuously operated PATC under the lease since 1994;

**WHEREAS** before 1994, the City operated the programs at the PATC which are now provided for by YKHC;

**WHEREAS** the City and YKHC have worked cooperatively together to provide quality alcoholism treatment services to the citizens of Bethel at the PATC, and wish to continue to do so;

**WHEREAS** YKHC has made numerous improvements to the buildings over the term of the lease;

**WHEREAS** YKHC and the City would like to enter into a 10 year ground lease for the land underneath the buildings; and transfer ownership of the buildings to YKHC;

**WHEREAS** the ground lease and transfer of building ownership is in the best interests of the City and its citizens because it will continue a cooperative effort to provide a necessary public service to the citizens of Bethel;

**WHEREAS** the Bethel Municipal Code at Section 4.08.030.B states that the City Council may by ordinance provide for the disposal of an interest in real property to a municipal, borough, state, federal or other appropriate entity providing a necessary public service without seeking bids and for less than the current assessed value or current appraised value of that interest in real property;

**WHEREAS** the lease contains a provision that requires that the property revert to the City in the event the property is not being used for the PATC or a similar behavioral health treatment facility approved by the City, the necessary public service that justifies the lease of the property under this ordinance;

**WHEREAS** the City Planning Commission has recommended the leasing of the City land at 324 Radio Way to YKHC;

**WHEREAS** the City has complied with the requirements of BMC 4.08.040;

**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 section 4.08.030.B of the Bethel Municipal Code, the Mayor is hereby authorized to execute the attached draft Purchase and Sale Agreement, Bill of Sale, and Ground Lease to effectuate the above described transaction.

**SECTION 3. Effective Date.** This ordinance shall become effective immediately.

**ENACTED THIS \* DAY OF \* 2003, by a vote of \* in favor and \* opposed.**

ATTEST:

\_\_\_\_\_  
Hugh Short, Jr., Mayor

\_\_\_\_\_  
Amanda Roudebush, City Clerk