

ORDINANCE NO. 182

AN ORDINANCE OF THE CITY OF BETHEL REPEALING CHAPTER 4.08 OF THE BETHEL MUNICIPAL CODE AW IN ITS ENTIRETY AND ESTABLISHING A NEW CHAPTER 4.08 OF THE BETHEL MUNICIPAL CODE ENTITLED:

ACQUISITION AND DISPOSAL OF LAND.

NOW THEREFORE be it ordained by the City Council of Bethel, Alaska that Ordinance 151 and the corresponding chapter of the Bethel Municipal Code as codified Chapter 4.08 are repealed in their entirety and a new Chapter 4.08 of the Bethel Municipal Code entitled Acquisition and Disposal of Land is hereby enacted to read as follows:

**CHAPTER 4.08
DISPOSAL OF LAND**

SECTIONS:

- 4.08.010 Rights and Powers of the City
- 4.08.020 Acquisition
- 4.08.030 Disposal
- 4.08.040 Notice of Disposal
- 4.08.050 Lease Procedures
- 4.08.060 Definitions

4.08.010 Rights and Powers of the City

The City shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of any interest in real property not prohibited by law. Any sale, lease or exchange of City land shall be approved by the City Council by ordinance after consideration of the recommendations of the Planning Commission.

4.08.020 Acquisition

A. The City may acquire any interest in real property by purchase, lease, exchange, transfer, donation or any other method. All acquisitions not otherwise provided for by law shall be by ordinance enacted by a majority vote of the city council.

B. Real property shall be held in the name of "City of Bethel".

4.08.030 Disposal.

A. Property no longer necessary for municipal purposes.

The city council may, by ordinance, provide for the disposal of an interest in any real property which is no longer necessary for municipal purposes. All such disposals shall be by sealed bid to the highest bidder and shall be made at least at current assessed value or at current appraised value unless otherwise determined by ordinance.

B. Disposal to entity providing necessary public service.

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. All disposals made pursuant to this subsection shall include a condition requiring that the interest of the City being disposed of shall revert to the City in the event the real property disposed of is not being used to provide the necessary public service justifying the original disposal.

C. Disposal in furtherance of development of local trade or industry.

The city council may, by ordinance, provide for the disposal of an interest in real property to any person or entity in furtherance of the development of local trade or industry without seeking competitive bids but not for less than the current assessed value or current appraised value, whichever is higher, of that interest in real property. All disposals made pursuant to this subsection shall include a condition requiring that the interest of the City being disposed of revert to the City in the event that the real property disposed of is not being used in furtherance of the development of local trade or industry justifying the original disposal.

D. Disposal to compromise claim.

The city council may, by ordinance, compromise disputed claims or litigation by authorizing disposal of an interest in real property.

E. Disposal to individual with equitable claim.

The city council may, by ordinance, provide for the disposal of an interest in real property to an individual with an equitable claim of an interest in the property by reason of their occupancy of the property as their principal place of residence prior to January 1st, 1963 and their continued occupancy of the property as their principal place of residence after its transfer to the City by the federal townsite trustee without seeking bids and for less than the current assessed value or current appraised value of that property.

F. Disposal to native tribal council.

All disposals made by the City to a native tribal council shall include a requirement that the native tribal council waive any immunity from suit for the purpose of enforcing any conditions attached to the disposal of the City's interest in the real property to the native tribal council.

4.08.040 Notice of Disposal

A notice of the proposed disposal of any interest in real property shall be posted in three conspicuous public places within the City for not less than 30 days and published in a newspaper with general circulation for 3 weeks before the date of the bid opening or not less than 30 days before the date of the passage of the ordinance authorizing the disposal. The notice shall include:

- (1) a legal description of the property including the square footage contained therein,
- (2) a description of the city's interest being disposed of,
- (3) the method of disposal,
- (4) the value of the city's interest being disposed of, according to current assessment or current appraisal,
- (5) the date of the proposed disposal and,
- (6) the time, place and manner in which the proposed disposal shall occur.

4.08.050 Lease Procedures.

A. General Regulations.

In addition to the regulations governing disposal of property, the following regulations shall apply specifically to leases. The City may renew a lease without public bid and during the renewal process, the City may change any term or condition contained in the original lease.

B. Expiration.

Unless the lease is terminated beforehand, or renewed as stated above, the lessee shall peaceably and quietly leave, surrender, and yield up to the lessor, all the leased land on the last day of the term of the lease.

C. Renewal.

If the lessee wishes to renew the lease, the lessee shall make written application to the City Clerk for renewal of the lease at least 180 days prior to the expiration of the lease. The written renewal application shall contain terms of the proposed renewal. The City Manager shall upon majority vote of the Planning Commission and City Council after a public hearing, issue a renewal of the lease to the lessee.

D. Subdivision Regulations.

All leased property shall be subject to the Land Use and Subdivision regulations of the City of Bethel.

4.08.060 Definitions

In this ordinance, unless otherwise provided or the context otherwise requires,

(1) "Interest in real property" includes, but is not limited to, fee simple ownership, a lease, an easement, and the possibility of reverter.

(2) "Necessary public service" includes, but is not limited to, police protection, fire protection, public health and safety, public education, electric, water and sewer utilities, marine, land or air transportation.

(3) "Appropriate entity". A determination shall be made by the City Council as to whether or not the entity in question will further the public interest.

(4) "Shall" is considered mandatory.

DATED THIS 15th DAY OF November, 1988

Clara Kelly
Clara Kelly, Mayor
City of Bethel

ATTEST:

Anna McGowan
Anna McGowan, City Clerk