

Introduced by: City Manager Herron
Date Introduced: 1-13-04
Public Hearing: 2-10-04
Action: Passed
Vote: Unanimous

CITY OF BETHEL, ALASKA

ORDINANCE #03-21(S)

A SUBSTITUTE ORDINANCE AUTHORIZING THE ACQUISITION AND/OR EXCHANGE OF INTERESTS IN LAND BETWEEN THE CITY OF BETHEL AND OWNERS OF PROPERTY IN CITY SUBDIVISION FOR UTILITY EASEMENTS; AUTHORIZING VACATION AND REDEDICATION OF DRAINAGE EASEMENT; AND AUTHORIZING THE ADJUSTMENT OF BOUNDARIES OF THE PRESERVATION DISTRICT – P DISTRICT

WHEREAS the City of Bethel (“City”) has various grants from the state and federal government to provide for water and sewer improvements in City Subdivision (“City Subdivision Project”), which includes monies for acquiring the utility easements described in Attachment B to this ordinance;

WHEREAS the City has completed Phase A of the three phase City Subdivision Project, and is now in Phase B of the City Subdivision Project;

WHEREAS the City needs to acquire various easements across property in and around City Subdivision to install water and sewer lines as part of Phase B of the City Subdivision Project, and the grant money can be used to acquire the easements at fair market value, as required by state and federal law;

WHEREAS the City Planning Commission passed Resolution 04-01 in accordance with BMC at Section 04.08.010, which is included as Attachment A, that recommends the City Council approve a land exchange between the City and certain owners of property in City Subdivision, vacation and rededication of drainage easement, and adjustment of boundaries of the Preservation District – P District, in order to accommodate and accomplish the necessary sewer and water line placement during Phase B of the City Subdivision Project; and

WHEREAS the proposed acquisitions are in the public interest because the easements allow the City the land necessary to construct community water and sewer lines for the City Subdivision Project.

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

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

SECTION 2. Authorization of Acquisition. In accordance with Section 4.08.020(A) of the Bethel Municipal Code (“BMC”), the City Council hereby authorizes the acquisition of easements, subject to the consent of any lienholders in the real property covered by the easement, in the form attached as Attachment A to this Ordinance, across land owned by the individuals listed in Attachment B to this Ordinance, for payment by the City of the amounts listed in Attachment B. The City Council authorizes the Mayor to execute all documents and the City Manager to perform all actions necessary to carry out the easement acquisitions. This authorization shall be effective for all actions of the City administration taken to negotiate the easements.

SECTION 3. Name. In accordance with BMC at Section 4.08.020(B), the easements acquired shall be held in the name of the “City of Bethel.”

SECTION 4. Acquisition through Land Exchange. Based on the City Planning Commission Resolution 04-01, and in accordance with BMC at Sections 04.08.020, 04.08.030(A), and 04.08.040, the City Council hereby waives the requirement of only disposing of the no longer necessary City property described in the Resolution by sealed bids to the highest bidder for at least current assessed value, as well as the land disposal notice requirements concerning this property. The City Council authorizes the disposal of a 1449 square feet parcel of land contiguous to Lot 15, Block 6, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to Bethel Townsite, Plat 71-425 belonging to the City in exchange for acquiring an easement of 1449 square feet within Lot 14, Block 6 of the same subdivision, as designated on the drawing attached as Attachment C. The City Council authorizes the Mayor to execute all documents and the City Manager to perform all actions necessary to carry out the land exchange. This authorization shall be effective for all actions of the City administration taken to negotiate the land exchange.

SECTION 5. Vacation and Rededication of Drainage Easement. Based on the City Planning Commission Resolution 04-01 and the statements of the City Planning Commission in support of the resolution, the City Council hereby waives any noncompliance with the requirements of BMC at Sections 17.32.040(B) and 17.04.025 regarding petition filing, notice, and Planning Commission findings in vacating and rededicating the drainage easement. The City Council authorizes the vacation of the 10 foot drainage easement on the east side of the present Lot 14, and rededication of a ten foot drainage easement to the public on the east side of the proposed Lot 14A, as designated on the drawing attached as Attachment C.

SECTION 6. Adjustment of Boundaries of the Preservation District – P District. Based on the City Planning Commission Resolution 04-01 and the statements of the City Planning Commission in support of the resolution, the City Council hereby waives any noncompliance with the requirements under BMC at Sections 18.04.070 and 18.76.020 - 18.76.050 regarding the application process, notice, staff review, and Planning Commission findings in adjusting the

boundaries of the Preservation District – P District. The City Council authorizes removing the designation “Preservation District” and/or “P District” on the City’s Official Land Use Map dated July 10, 1990, from the walkway presently existing between Lots 14 and 15, and designates the proposed 20 foot wide walkway between proposed lots 14A and 15A, as shown on the drawing at Attachment C as part of the Preservation District.

SECTION 6. Effective Date. This ordinance shall become effective immediately upon passage by the City Council, and shall have retroactive effect back to the first date that the City administration began to negotiate for acquisition of the easements.

PASSED AND APPROVED THIS ____ DAY OF _____ 2004, by a vote of ____ in favor and ____ opposed.

ATTEST:

Hugh Short, Jr., Mayor

Amanda Roudebush, City Clerk