

Introduced by: City Manager Weaver
Date: March 25, 1997
Public Hearing Date: April 8, 1997
Action: Tabled until 4/22/97 meeting
Action: Failed to be Adopted
Vote: 2-Yes (Notti, Phillips)
4-No (Miller, O'Brien, Rodgers, Williams)
1-Abstention (Richardson)

ORDINANCE #97-01

AN ORDINANCE AUTHORIZING THE ACQUISITION OF A ROAD RIGHT-OF-WAY FROM THE BETHEL AIRPORT TOWER ROAD TO KASAYULI SUBDIVISION.

Section 1. Classification. This is a non-code ordinance.

Section 2. Severance. If any part or provision of this ordinance or application thereof to any person or circumstance adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which this judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this title or application thereof to other persons or circumstances. The City Council hereby declares that it would have enacted the remainder of this ordinance even without such part, provision or application.

Section 3. Background:

WHEREAS, Bethel Native Corporation, Inc. (BNC) was the recipient of certain lands pursuant to Interim Conveyance No. 142 (I.C. 142) records of the U.S. Department of Interior, Bureau of Land Management, generally located within Section Lot 1 and SW1/4 SE1/4 Section 14, NW1/4 NE1/4 Sec 23, T.8N., R.72W., Seward Meridian, Alaska, situated between the Bethel Airport Tower Road and Kasayuli Subdivision; and

WHEREAS, BNC granted to the Yukon Kuskokwim Health Corporation (YKHC), the developer of Kasayuli Subdivision, an access easement across these lands for the purpose of developing an access road for the development of Kasayuli Subdivision; Easement Agreement, dated July 14, 1995, Book 68, Pages 638-643, records of the Bethel Recording District; and

WHEREAS, YKHC has relinquished and vacated this grant of easement so that BNC can reconvey a public road right-of-way to the City of Bethel pursuant to ANSCA Section 14 (c)(3); Vacation of Easement, dated February 28, 1997, Book 74, Pages 703-704, records of the Bethel Recording District; and

WHEREAS, Bethel Municipal Code Section 4.08.020(A) provides: "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", and

WHEREAS, pursuant to the provisions of Section 14 (c)(3) of ANSCA, BNC is required to reconvey to the City of Bethel certain land for community expansion, appropriate rights-of-way for public

use, and other foreseeable community needs. The following authorized reconveyance is in partial fulfillment of this requirement.

NOW, THEREFORE BE IT ENACTED by the City Council of Bethel, Alaska as follows:

The City Manager is hereby authorized to acquire from BNC by suitable instrument of conveyance a grant for a road right-of-way to the City of Bethel that includes the right to enter upon the property and to level, drain, pave, build, maintain, repair, rebuild and to do all other acts that may be necessary and convenient to the use of the public road right-of-way including the control and regulation of all uses of the right-of-way and the use of existing materials within the right-of-way for the purposes herein stated, to the extent such use of materials is a part of the surface estate granted to BNC. The public road uses shall be granted for but not limited to all commonly or regularly occurring uses of streets and roads, including but not limited to, pedestrian use, motorized and non-motorized vehicular transportation, placement of public utilities, ditches, drains, culverts, curbs, gutters, sidewalks and parking strips; within the following described property:

That certain sixty (60) foot wide strip of land situated within Interim Conveyance No. 142 (I.C. 142) records of the U.S. Department of Interior, Bureau of Land Management generally located within Section Lot 1 and SW1/4 SE1/4 Section 14, NW1/4 NE1/4 Sec 23, T.8N., R.72W., Seward Meridian, Alaska, being more particularly described as follows: commencing at the closing corner of said Section 13, 14 and U.S. Survey 3729; thence, along the section line N0°02'W. for 287.25 feet to True Point of Beginning; thence, along the centerline of the herein described strip of land, N. 89°59'11"W. for 1,634.03 feet to an angle point; thence, continuing, S. 22°13'26"W. for 1,439.11 feet to an angle point; thence, continuing, S. 0°00'49"W. for 337.90 feet to the point of intersection with the north line of the property conveyed by U.S. Patent No. 50850654, being identical to the north line of Kasayuli Subdivision, being the terminus of the herein described centerline and strip of land, from which the northeast corner of U.S. Patent No. 50850654 and Kasayuli Subdivision bears S. 89°59' 11"E. for 1,579.46 feet, containing 4.7 acres more or less.

The above description of the subject land is approximate and shall be confirmed upon survey of all ANSCA 14 (c)(3) reconveyances to the City of Bethel by the Bureau of Land Management.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED AND APPROVED THIS 22ND DAY OF APRIL, 1997

Ruth M. "Wally" Richardson, Mayor

ATTEST:

L.J. Tanner, City Clerk