

Introduced by: City Manager Herron  
Date: June 8, 1999  
Public Hearing: June 22, 1999  
Action: Enacted  
Vote: Unanimous

## ***CITY OF BETHEL, ALASKA***

### **ORDINANCE #99-12**

#### **AN ORDINANCE REPEALING AND RE-ENACTING ORDINANCE #98-25 AUTHORIZING THE DISPOSAL OF LOT 15, US SURVEY 4117 TO THE STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES FOR A NEW ALASKA NATIONAL GUARD READINESS CENTER AND MEMORIAL PARK**

**WHEREAS**, the City of Bethel is the owner of Lot 15, USS 4117, a 10.54 acre undeveloped parcel located on Chief Eddie Hoffman Highway, Bethel, AK; and

**WHEREAS**, the City of Bethel received said parcel by United States Patent (Patent No. 50-69-0049) and under the Recreation and Public Purposes Act (43 U.S.S. 869 *et seq* June 14, 1926); and

**WHEREAS**, said patent provided for the exclusive use of this site, with a reversionary clause conveying the land back to the United States if it were not used, "...for use for recreational purposes only."; and

**WHEREAS**, the City of Bethel filed with the United States Department of Interior, Bureau of Land Management (BLM) a Management Plan on July 29, 1965 that described the City's specific use of, and need for this site as, "Picnic and Swimming Area". This Management Plan was modified in August of 1996 removing "Swimming" as a use; and

**WHEREAS**, the current national guard armory in Bethel was opened in September 1961 as the headquarters for the 2<sup>nd</sup> Scout Battalion. This armory facility was originally designed to accommodate 50 personnel. The current facility needs for the 2<sup>nd</sup> Scout Battalion is now 100 personnel; and

**WHEREAS**, the Department of the Army, Headquarters, State Area Command, Alaska Army National Guard (National Guard) is currently investigating sites for the construction of anew readiness center in Bethel. This readiness center would be approximately 32,214 sq. ft. in size and house another gymnasium facility for public recreational use; and

**WHEREAS**, Lot 15, USS 4117 has been determined by the National Guard as a suitable site for the location of their future readiness center; and

**WHEREAS**, the National Guard wishes to further include on this site a memorial park commemorating the Alaska Territorial Guard and those who served; and

**WHEREAS**, BLM is preparing to process a Chance of Use and Transfer of Title under the Recreation and Public Purposes Act. The lands would be transferred to the State of

Alaska, Division of Lands, on behalf of the Military Veterans Affairs of the Alaska Army National Guard. This will allow for the lands to be transferred for the herein described use; and

**WHEREAS**, the State of Alaska, Department of Natural Resources (DNR) is prepared to receive conveyance from the City and transfer said property to the National Guard through an Interagency Land Management Agreement for the herein described use; and

**WHEREAS**, the 2<sup>nd</sup> Scout Battalion, 297 Infantry Brigade of the Alaska National Guard was first formed as the 2<sup>nd</sup> Alaska Scout Battalion on March 15, 1949 in Kipnuk, Alaska. It's headquarters were moved to Bethel in October 1949 where it has remained ever since. This unit is held in the highest regard by both the citizens of Bethel and the region due to the numerous contributions it has made toward the safety and well-being of the people of the region; and

**WHEREAS**, this conveyance for the herein described use has been recommended to the City Council by the Planning Commission through formal resolution, Resolution No. 98-1, dated October 8, 1998.

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

**SECTION 1.** Classification Code. This is a non-code ordinance.

**SECTION 2.** Pursuant to Bethel Municipal Code 4.08.030 (B), Disposal to an Entity Providing a Necessary Public Service, the City Manager is authorized to:

Execute with the BLM a "Change of Use and Transfer of Title" of this parcel to the State of Alaska, Division of Lands, on behalf of the Military Veterans Affairs for the Alaska Army National Guard, for the purpose of a National Guard Readiness Center, Maintenance Shop and a memorial park for the Alaska Territorial Guard.

**SECTION 3.** Execute a reconveyance contract of the property back to the City as unrestricted land if at the end of ten years from the date of the recorded transfer to the state the land is not developed for the use stated herein.

**SECTION 4.** The exchange value is stipulated as the future benefits received by the community through a new gymnasium, developed park site and additional public use of the site that the City would be restricted from developing under the current BLM deed restrictions.

**SECTION 5.** Effective Date. This ordinance becomes effective immediately upon adoption.

**ENACTED THIS 22<sup>nd</sup> DAY OF JUNE 1999, by a vote of 6 in favor and 0 opposed.**

ATTEST:

  
Gaye J. Vaughan, City Clerk

  
Agnes L. Phillips, Mayor