

Introduced by: Mayor Dymment  
Date: October 11, 2005  
Public Hearing: October 25, 2005  
Action: Passed  
Vote: 6-1

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

### **ORDINANCE #05-17**

#### **AN ORDINANCE AUTHORIZING THE ACQUISITION OF LAND FROM THE ST. SOPHIA ORTHODOX CHURCH IN EXCHANGE FOR CITY OF BETHEL LAND**

**WHEREAS** the City of Bethel ("City") has a 2.02 acre parcel ("City Parcel") of land next to the cemetery adjacent to Owl Street which the City views as not appropriate for cemetery expansion;

**WHEREAS** the City was contacted by St. Sophia Russian Orthodox Church to trade the parcels owned by St. Sophia totaling 2.4 acres ("St. Sophia Parcel") for the City Parcel;

**WHEREAS** the City views the land exchange as beneficial to the citizens of Bethel and allows St. Sophia Russian Orthodox Church to construct a new church building and continue its community work on a parcel with better access;

**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 by Land Exchange.** Subject to the conditions listed in Section 4 below, in accordance with Section 4.08.020(A) of the Bethel Municipal Code ("BMC"), the City Council hereby authorizes the acquisition of 2.4 acres of land owed by St. Sophia Russian Orthodox Church more particularly described as:

Lot 1 of U.S.S. 4440, within Section 9, Township 8 North, Range 71 West, Seward Meridian (2.25 acres more or less); and

Lot 2 of the U.S.S. 4440 with Section 9, Township. 8 North, Range 71 West, Seward Meridian, Alaska as shown on Sheet 6 of 20 of the plat of the Dependant Resurvey and Subdivision of Township 8 North, Range 71 West, Seward Meridian, Alaska approved on

March 18, 2004 and official filed at Bureau of Land Management on July 29, 2004 (0.15 acres more or less).

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 acquisition. This authorization shall be effective for all actions of the City administration taken to negotiate the land exchange acquisition.

**SECTION 3. Authorization of Disposal to Accomplish Acquisition by Land Exchange.** Subject to the conditions listed in Section 4 below, in accordance with section 4.08.020(A) of the BMC, the City Council hereby authorizes the disposal by exchange of 2.02 acres of land owned by the City of Bethel more particularly described as:

Lots 2, 3, 4 and 5 City of Bethel Cemetery and Vacation of 20 feet of open space situation within the NW ¼, section 5, Township 8 North, Range 71 West, Seward Meridian, Alaska.

The City Council authorizes the Mayor to execute all documents and the City Manager to perform all actions necessary to carry out the disposal to accomplish acquisition by land exchange. This authorization shall be effective for all actions of the City administration taken to negotiate the disposal to accomplish acquisition by land exchange.

**SECTION 4. Conditions for Land Exchange.** The following conditions must be satisfied prior to the City executing quit claim deeds to dispose of land and accepting quit claim deeds to acquire land to accomplish the land exchange:

1. St. Sophia Russian Orthodox Church shall establish to the satisfaction of the City Manager that it has title, free and clear of liens and encumbrances, to the St. Sophia Parcel.
2. St. Sophia Russian Orthodox Church shall provide legal public access from a currently constructed public right of way, and shall construct such public access to the St. Sophia Parcel to the satisfaction of the City Manager.
3. St. Sophia Russian Orthodox Church and the City shall enter into a Memorandum of Understanding, satisfactory to the City Manager, in which the St. Sophia Russian Orthodox Church agrees to continuously maintain the graves located on the St. Sophia Parcel.
4. St. Sophia Russian Orthodox Church and the City of shall enter into a Memorandum of Understanding, satisfactory to the City Manager, in which St. Sophia

Russian Orthodox Church will remove all buildings on the St. Sophia parcel within 3 months after the exchange of quit claim deeds.

5. The form of the quit claim deeds shall be as set out in Alaska Statutes, and shall be acceptable to the City Manager and the City Attorney. BLM shall have consented to the transfer by St. Sophia Russian Orthodox Church of Lot 1.

6. The City Manager shall review fair market appraisals for the City Parcel and the St. Sophia Parcel. If the difference between the appraised values of the two parcels is ten percent or less, then the City Manager may proceed with the land exchange, if all other conditions are met. If the difference between the appraisal values of the two parcels is greater than ten percent, the City Manager is required to bring this land exchange proposal before the City Council for the approval of another ordinance, or reduce the total acreage of the land to be transferred to the Church to conform with the fair market appraisal value to conform with the ten percent requirement.

**SECTION 5. Name.** In accordance with BMC at Section 4.08.020(B), the land acquired shall be held in the name of the "City of Bethel."

**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 the land exchange.

**PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF OCTOBER 2005, BY A VOTE OF 6 IN FAVOR AND 1 OPPOSED.**

ATTEST:

  
R. Thor Williams, Mayor

  
Sandra Modigh, City Clerk

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