

ORDINANCE NO. 197

AN ORDINANCE OF THE CITY OF BETHEL AUTHORIZING A PROPERTY DISPOSAL TO PROVIDE A NECESSARY PUBLIC SERVICE

NOW, THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska that the city issue a Land Use Permit in the manner prescribed below. The Land Use Permit will be issued to the Bethel Group Home for the purpose of expanding the existing community resource facility.

Property to be disposed comprises less than 4,000 square feet and is located immediately north of Tract B, Block 3, Turnkey III Subdivision, the property lines described as follows: Eighty feet on the north and south, the south property line being the north property line of Tract B, Block 3; forty feet on the east and west, within Tract C, Block 3 of Turnkey III Subdivision, owned by the City of Bethel.

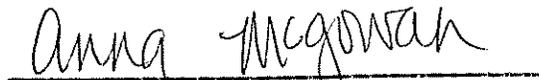
Authority

Chapter 4.08.030 of the Bethel Municipal Code states that 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.

DATED THIS ~~27th~~ <sup>25th</sup> DAY OF September, 1990.

  
Tom Warner, Mayor  
City of Bethel

ATTEST:

  
Anna McGowan, City Clerk



# CITY OF BETHEL

P.O. Box 388 • Bethel, Alaska 99559

543-2297—Area Code 907

SEPTEMBER 4, 1990

TO: City Manager  
FROM: Deborah Gilcrest, Planning Manager  
SUBJECT: Bethel Group Home Land Use Permit

On August 8, 1990, the Planning Commission recommended that the City Council approve the use of a small portion (approximately 4,000 square feet) of city property on Tract C, Block 3 of the Turnkey III (ASHA) Subdivision for the expansion of a community resource facility. The Bethel Group Home currently has a lease with the City of Bethel on the parcel immediately adjacent to the proposed expansion (Tract B, Block 3). The Planning Commission determined that the proposed use is a necessary public service and therefore an appropriate use of city property.

Section 4.08.030 (B) of the Land Disposal Ordinance states: "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." The Bethel Group Home is asking for permission to utilize approximately 4,000 square feet of city property for a necessary public service.

Based on the above information and the Planning Commission recommendation, the Planning Manager is recommending that the attached Land Use Permit be issued by the City Council to allow the Bethel Group Home to expand their facility. Please let me know if this item can be added to the September 11, 1990 agenda to introduce Ordinance #197.

Attachment A: Ordinance #197  
Attachment B: Land Use Permit (Bethel Group Home)

LAND USE PERMIT  
(Bethel Group Home)

This AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between the City of Bethel, State of Alaska, P.O. Box 388, Bethel, AK, 99559, hereinafter "city" and the Bethel Group Home.

WHEREAS, the city is the record holder of title to Tract C, Block 3, Turnkey III Subdivision, Bethel Recording District, Fourth Judicial District, City of Bethel, State of Alaska, hereinafter "portion of Tract C"; and,

WHEREAS, the Planning Commission has determined that a portion of Tract C is owned by Bethel and is available for necessary public service;

NOW THEREFORE, for and in consideration of the mutual promises and conditions set forth in this agreement, the city does herewith grant to the Bethel Group Home a revocable use permit to use and occupy an area within the property lines described as follows: Eighty feet on the north and south, the south property line being the north property line of Tract B, Block 3; forty feet on the east and west, within Tract C, Block 3 of Turnkey III Subdivision, for the purposes of expanding the existing community resource facility.

The parties hereto do mutually covenant and agree as follows:

1. USE PERMIT: The use permit to use a portion of Tract C may be revoked by the city in the event that the property is not being used to provide the necessary public service justifying the original disposal of land.

2. TERMS: The terms of the use permit shall commence on the date first written above and shall be renegotiated three years from the date first written above, unless sooner terminated or otherwise extended in writing by the parties hereto. *term to coincide w/ other lease agreement w/ Beth. Group Home*

3. USE OF LAND: The Bethel Group Home shall be permitted to use a portion of Tract C for the purpose of expanding the existing facility known as the Bethel Group Home.

4. CONDITION OF PREMISES: The Bethel Group Home agrees to accept the described portion of Tract C in an "as is" condition as of the date of this agreement and to maintain the property in a reasonable and safe condition.

5. INSURANCE: While the Bethel Group Home shall have use and occupancy of a portion of Tract C as aforesaid, they shall secure and maintain in effect an insurance policy for the structure. Upon written request, a current certificate of such insurance shall be tendered to Bethel.

6. INDEMNITY: The Bethel Group Home shall indemnify and save the city harmless from all claims, loss or damage to persons or property proximately caused by their use and occupancy of a portion of Tract C. Neither the city nor the Bethel Group Home shall be liable for claims, loss or damage to any person or property including the real property which is the subject of this agreement, which are caused in whole or in part by acts of God.

IN WITNESS WHEREOF the parties hereto set their hands, on the day and year first written above binding their heirs, successors, and assigns.

WITNESS:

CITY OF BETHEL

BY: \_\_\_\_\_  
ITS:

ACKNOWLEDGEMENT

STATE OF ALASKA                    )  
  ) ss,  
FOURTH JUDICIAL DISTRICT    )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_, the \_\_\_\_\_ of the City of Bethel, on behalf of the city.

\_\_\_\_\_  
Notary Public for Alaska  
My commission expires \_\_\_\_\_

WITNESS:

BETHEL GROUP HOME

by: \_\_\_\_\_  
ITS:

ACKNOWLEDGEMENT

STATE OF ALASKA                    )  
  ) ss

FOURTH JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me  
this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public for Alaska  
My Commission expires\_\_\_\_\_