Introduced by: City Manager
Date August 10, 1999
Public Hearing: August 24, 1999
Action: Enacted
Vote: Unanimous

CITY OF BETHEL, ALASKA

ORDINANCE #99-15

A ORDINANCE AUTHORIZING THE ACQUISITION OF AN INTEREST IN REAL PROPERTY AND DEDICATION OF LAND FOR THE PURPOSE OF A PLANNED RIGHT-OF-WAY AND UTILITY EASEMENT

WHEREAS, Chapter 4.08.020 (A) of Bethel Municipal Code 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 by law shall be by ordinance enacted by a majority vote of the Council; and

WHEREAS, Bethel Utilities Corporation (BUC) requires access to real property owned by the City of Bethel (City) and Bethel Native Corporation (BNC) for the purpose of providing for the installation and maintenance of new and additional electric utility services to Blueberry Field Subdivision; and

WHEREAS, the City and BNC find that it is mutually advantageous to provide for a future right-of-way between City Subdivision and Blueberry Field Subdivision thus providing access to more centrally located development within the city, and concurrently, the placement of a utility easement to accommodate BUC's immediate needs; and

WHEREAS, no easement currently exists in the immediate vicinity for the purpose of the installation of electric utility services; and

WHEREAS, the area between City Subdivision and Blueberry Field Subdivision is consistent with the preferred Development Suitability of land, and the sewer and water construction phasing of the August 1997 revised City of Bethel Comprehensive Plan; and

WHEREAS, the intended routing for the proposed planned right-of-way is exhibited on the attached Exhibits No.'s 1 through 3; and

WHEREAS, BNC is prepared to convey to the City its interest in the surface estate of that portion of it's land reflected in these exhibits at no fee for the use and purposes stated here; and

WHEREAS, the Planning Commission of the City of Bethel has recommended this acquisition, the dedication of the proposed right-of-way and the granting of a utility easement to BUC in Resolution No. 99-2 passed unanimously on July 8, 1999;

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

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

SECTION 2. Pursuant to Bethel Municipal Code 4.08.020 (A), real property acquisition, the City Manager is authorized to:

Receive conveyance by suitable deed from BNC for that portion of the real property described herein, for the use and purposes described herein. Further, upon receipt of a suitable deed of conveyance from BNC, cause a plat of survey to be completed of this right-of-way and utility easement to be signed by the chairperson of the Planning Commission at the passage of Planning Commission Resolution No. 99-2, and cause such plat to be recorded in the Bethel Recording District.

SECTION 3. The acquisition fee for the real property being acquired is stipulated as the future beneficial use received by BNC.

SECTION 3. Effective Date. This ordinance becomes effective upon adoption.

ENACTED THIS 24th OF AUGUST 1999, by a vote of 6 in favor and 0 opposed.

Agnes L. Phillips, Mayor

Gaye J. Vaughan, City Clerk