Introduced by: City Manager Herron
Date: December 14, 2004
Public Hearing: January 11, 20045
Action: Passed
Vote: 6-1 (No – Williams)

CITY OF BETHEL, ALASKA

ORDINANCE #04-30

AN ORDINANCE AUTHORIZING THE CITY COUNCIL TO DISPOSE OF AN APPROXIMATE 1,700 S/F PORTION OF TRACT B1, RESUBDIVIDED BLOCK 9, CITY SUBDIVISION, US SURVEY 3770, N W ADDITION TO THE BETHEL TOWNSITE TO IRENE AND JOSEPH VENES JR. AS PROPERTY NO LONGER NECESSARY FOR MUNICIPAL PURPOSES

WHEREAS, Irene Venes and Joseph Venes Jr. are the owners of Lot 1, Block 6, Resubdivided Block 9, City Subdivision, US Survey 3770, NW Addition to Bethel Townsite, Plat 71-425, Records of the Bethel Recording District ("Lot 1");

WHEREAS, the City of Bethel is the owner of Tract B1, Resubdivided Block 9, City Subdivision, US Survey 3770, NW; Addition to Bethel Townsite, Plat 71-425, Records of the Bethel Recording District ("Tract B1");

WHEREAS, Lot 1 shares a common and contiguous boundary with tract B1. The owners of Lot 1 reportedly built their home on Lot 1 in 1977. This construction occurred without the benefit of a site survey. A subsequent as-built survey has shown this home encroaches 2.81 feet into the City owned Tract B1;

WHEREAS, the owners of Lot 1 are requesting that the city convey a 14 foot wide strip along the common boundary of Lot 1 and Tract B1 to correct both the 2.81 foot encroachment, and an additional 10 feet to insure the property conforms to the current side yard setback requirements in ordinance, an area comprising approximately 1,700 S/F;

WHEREAS, the portion of Tract B1 affected by the proposed conveyance to the owners of Lot 1 is approximately 12,100 S/F. The reduction of a 1,700 S/F area in Tract B1 leaves a remainder of approximately 10,400 S/F. This reduction in area of Tract B1 at this location does not appear to significantly effect the future use of this portion of Tract B1;

WHEREAS, the owners of Lot 1 have procured a current fair market value appraisal that has valued the 1,700 S/F proposed transfer portion of Tract B1 at $3,200;

WHEREAS, the City of Bethel Planning Commission passed Resolution #04-03 that recommends to the City Council the disposal of the 1,700 S/F portion of Tract B1 to the owners of Lot 1.

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NOW, THEREFORE, BE IT ORDAINED BY THE BETHEL CITY COUNCIL:

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

Section 2. Purpose. The Planning Commission determined that the encroachment of the Venes residence on Tract B1 was an inadvertent error. The Planning Commission recommended to the City Council, pursuant to BMC 04.08.010, that the 14 foot wide strip constituting a 1,700 S/F portion of Tract B1 contiguous to the northerly boundary of Lot 1 be disposed of pursuant to BMC 04.08.030 A., at the current appraised value to the owners of Lot 1.

Section 3. Conditions of Conveyance. The conveyance by the City and the replating are authorized upon the following conditions:

A. The owners of Lot 1 shall bear all costs of surveying and replating. The replat of the 1,700 S/F conveyed portion of Tract B1 shall not disturb any easements or other dedications of record in place prior to this conveyance.

B. The City shall be paid the current appraised value of $3,200.00.

C. The Platting Officer shall not approve the replat until the requirement of subsection 3(B) has been met; the approved replat shall not be recorded until the requirement of subsection 3(B) has been met.

Section 4. Authorization. The City Manager is authorized to execute a quitclaim deed for this conveyance. If determined applicable by the Platting Officer, the replat required in subsection 3(A) may be accomplished pursuant to BMC 17,20, Minor Replats.

Section 5. Effective Date and Termination. This ordinance becomes effective immediately upon adoption. The authorization under this ordinance for the replat and conveyance described is effective for one year from the date of its adoption. The authorization is withdrawn and ineffective if the replat authorized herein has not been recorded by the first anniversary of the adoption of this ordinance.

ENACTED THIS 11th DAY OF JANUARY 2005, BY A VOTE OF SIX IN FAVOR AND ONE OPPOSED.

Stanley "Tundy" Rodgers,
Vice-Mayor

ATTEST:

Selena Malone, City Clerk