

Introduced by: City Manager Foley  
Date: April 9, 2013  
Public Hearing: April 23, 2013  
Action: Passed  
Vote: 5-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #13-10**

#### **AN ORDINANCE APPROVING THE ACQUISITION OF CITY PROPERTY/LAND FROM THE STATE OF ALASKA DEPARTMENT OF MILITARY AFFAIRS IN ACCORDANCE TO BMC 4.08.030(B) ACQUISITION AND DISPOSAL OF LAND**

**WHEREAS**, the City of Bethel is interested in a concurrent transfer of the land currently under lease to the State of Alaska Department of Military and Veteran's Affairs (DMVA) from DMVA to the City of Bethel (Ordinance 13-10) then from the City of Bethel to the Lower Kuskokwim School District (Ordinance 13-11);

**WHEREAS**, in accordance with BMC 4.08.020 the City Council may acquire any interest in real property by purchase, lease, exchange, transfer, donation or any other method; all acquisitions not otherwise provide for by law shall be by ordinance enacted by a majority vote of the City Council;

**WHEREAS**, the City of Bethel is owner of real property described as Lots 7 through 17, Block 7, Bethel Townsite, designed as Municipal Reserve on Official townsite plat, United States Survey 3230-A and 3230-B;

**WHEREAS**, on August 12, 1976 the City of Bethel entered into a 40 year lease agreement with the Alaska Department of Military Affairs for the identified property, the lease agreement is set to expire August 12, 2016;

**WHEREAS**, while leasing the land, the State of Alaska Department of Military Affairs constructed the Armory building which has become a relied upon usable gym space for Ayaprun Elitnaurvik Immersion School, the Kuskokwim Learning Academy as well as a number of community events and sports teams;

**WHEREAS**, in addition to the former Armory building, there are a number of outbuilding constructed of which the City of Bethel Public Works department is interested in using for maintenance and storage;

**WHEREAS**, according to section 7. D, of the lease agreement, all buildings, structure...shall remain the property of tenant and at the expiration or

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termination of the term of the lease, the tenant shall: Remove all improvements...and leave said lease land in clean, cleared and salable condition;

**WHEREAS**, recognizing the importance of the former Armory building to the community as well as the City's interest in obtaining the outbuildings on the leased land, the City will agree to terminate said lease agreement between the City of Bethel and the State of Alaska Department of Military and Veteran's Affairs;

**WHEREAS**, the Lower Kuskokwim School District (LKSD) is in negotiations with the State of Alaska Department of Military and Veteran's Affairs (ADMVA) for the ownership transfer of the former Armory building from ADMVA to LKSD;

**WHEREAS**, if the transfer of the former Armory building from ADMVA to LKSD occurs, the transfer would avert the responsibility of demolition of the building from the State of Alaska and the City of Bethel to LKSD;

**WHEREAS**, the building transfer would also allow for the continued use of the building for the Ayaprun Elitnaurvik Immersion School, the Kuskokwim Learning Academy as well as a number of community events and sports teams as opposed to being demolished this coming summer by the State of Alaska as required by the lease agreement;

**WHEREAS**, concurrent to the transfer of the building from ADMVA to LKSD, the City will convey the property identified as US Survey 3230 A&B Block 7 Lots 7, 8, 16, and 17, located at 570 Fourth Avenue, Bethel, Alaska directly from the State of Alaska Department of Military and Veteran's Affairs to the Lower Kuskokwim School District;

**WHEREAS**, the City Council is interested in taking over the ownership of the outbuildings located on lots 9 through 15 and will maintain ownership of those lots,

**WHEREAS**, contingent on LKSD's ability to establish ownership of the former National Guard Armory building located at 570 Fourth Avenue, Bethel, Alaska, the City of Bethel under the authority of BMC 4.08.030(B) transfers the interest in real property for the land identified as US Survey 3230 A&B Block 7 Lots

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7, 8, 16, and 17 to LKSD through a separate sales or lease agreement (Ordinance 13-11);

**NOW, THEREFORE BE IT ORDAINED**, the City, in consideration of the agreements mentioned herein, acquire in the form of lease termination, US Survey 3230 A&B Block 7 Lots 7 through 17, located at 570 Fourth Avenue, Bethel, Alaska from the State of Alaska.

**SECTION 1. Classification.** This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

**SECTION 2. Authorization.** Pursuant to Bethel Municipal Code 04.08.020(A) Acquisition of property in the form of lease termination.

**SECTION 3. Effective Date.** This Ordinance shall become effective upon the passage by the Bethel City Council.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL ALASKA, THIS 23 DAY OF APRIL, BY A VOTE OF 5 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
Lori Strickler, City Clerk

  
Joseph A. Klejka, Mayor