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

CITY OF BETHEL, ALASKA

Ordinance #13-11

AN ORDINANCE APPROVING THE DISPOSAL OF CITY PROPERTY/LAND TO LOWER KUSKOKWIM SCHOOL DISTRICT IN ACCORDANCE TO BMC 4.08.030(B) ACQUISTION AND DISPOSAL OF LAND

WHEREAS, Pursuant to Bethel Municipal Code 4.08.030(B) the City Council may, by ordinance, provide for the disposal of an interest in real property to an 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;

WHEREAS, all disposals made pursuant to BMC 4.08.030(B) for less than the current assessed value or current appraised value shall include a condition requiring that the interest being disposed of shall revert to the City in the event the real property disposed of is not being used to provide the necessary public service justifying the original disposal;

WHEREAS, the City of Bethel is owner of US Survey 3230 A&B Block 7 Lots 7, 8, 16, and 17, located at 570 Fourth Avenue, Bethel, Alaska;

WHEREAS, the former National Guard Armory building is owned by the Alaska Department of Military and Veterans Affairs and sits on the identified parcel of land;

WHEREAS, the Lower Kuskokwim School District is in negotiations with the State of Alaska Military and Veteran's Affairs with the goal of obtaining ownership of the building formerly known as the Armory;

WHEREAS, 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 7, 8, 16, and 17 to LKSD through a ~~separate sales agreement~~ lease;

WHEREAS, such a transfer is contingent upon (1) LKSD's ability to establish ownership of the former National Guard Armory building located at 570 Fourth Avenue, Bethel, Alaska, the City of Bethel, (2) successful termination of the current lease with the National Guard Armory; (3) issuance of a ~~Warranty~~

~~Deed with Reverter~~ to LKSD and (4) a ~~Sales Agreement~~ Lease for the land between the City and LKSD;

WHEREAS, to maintain control of the land identified, LKSD as the owners/operators of the land, must continue to provide a necessary public service by using the land for operations focused on education for youth and/or physical activities for community members;

WHEREAS, this transfer of property will remain in effect until such time as the real property identified as US Survey 3230 A&B Block 7 Lots 7, 8, 16, and 17 ceases to be used as a public school gymnasium for one hundred twenty (120) consecutive days;

WHEREAS, if the land reverts back to the City due to the change of use or otherwise, the Lower Kuskokwim School District shall demolish and cause cleanup of the site to a point of saleable condition.

WHEREAS, such clean-up includes removal of all buildings and structures on the land and all hazardous materials on and underneath the ground, even if the hazardous materials predate the date of this Ordinance.

NOW, THEREFORE BE IT ORDAINED, the City, in consideration of the agreements mentioned herein, reserved, and contained on the part of the Lower Kuskokwim School District to be paid, kept, and performed, does hereby authorize the transfer of City of Bethel real property identified as US Survey 3230 A&B Block 7 Lots 7, 8, 16, and 17 to the Lower Kuskokwim School District.

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

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 04.08.030(B), Disposal to Entity Providing Necessary Public Service, the City Manager is authorized to: Execute the ~~sale~~ lease of US Survey 3230 A&B Block 7 Lots 7, 8, 16, and 17 for an amount ~~of $10.00~~ not to exceed $1 per year to the Lower Kuskokwim School District.

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

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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.

Joseph A. Klejka, Mayor

ATTEST:

Lori Strickler, City Clerk