

Introduced by: City Manager Williams  
Introduction Date: July 11, 2017  
Public Hearing: July 25, 2017  
Action: Passed  
Vote: 6-0

## *CITY OF BETHEL, ALASKA*

### **Ordinance #17-38**

#### **AN ORDINANCE AUTHORIZING THE DISPOSITION OF PROPERTY PURSUANT TO BMC 4.08.030(B) – A NON EXCLUSIVE TEMPORARY EASEMENT ACROSS US SURVEY 4117, LOT 15 IN BETHEL FOR ACCESS TO ONC SUBDIVISION**

**WHEREAS** the Bethel Municipal Code, section 4.08.030(B) allows for the disposition of an interest in real property to an entity providing a public service;

**WHEREAS** section 4.08.030(B) provides that so long as the entity to which the interest is being disposed is a State, federal, tribal or similar entity, no bid is required for disposal and the disposal may be for less than market value;

**WHEREAS** the ONC Tribe has requested an easement across a portion of Lot 15, US Survey 4117, Bethel Recording District in order to obtain access to a subdivision they wish to build;

**WHEREAS** the City Council previously supported granting a non-exclusive easement to ONC via resolution 16-28 passed September 27, 2016;

**WHEREAS** because the easement is critical for the development by ONC of the subdivision, the City desires to grant a temporary non-exclusive easement across the described land in order to grant said access;

**WHEREAS** the easement will be non-exclusive and once the road has been built on the easement, the road shall be open for the enjoyment by all the citizens of Bethel;

**WHEREAS** the ONC Tribe shall maintain said road and said non-exclusive easement for the life of the easement or until said time as the City has formally adopted said road during adoption of streets/roads for the subdivision, whichever comes first;

**WHEREAS** the easement shall be for one hundred (100) years and shall automatically revert to the City if the public is denied access to it or if a subdivision is not built within five (5) years of the granting of the easement;

**NOW, BE IT ORDAINED**, the City Council authorizes the disposition of the City's interest in that portion of Lot 15, US Survey 4117, Bethel Recording District as outlined ~~in the attached map~~ for one hundred (100) years or until abandoned to be used as a non-exclusive easement for access to ONC's subdivision.

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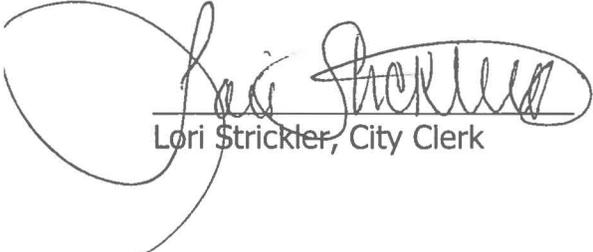
**SECTION 1. Classification.** This ordinance is of a general nature and shall not become a part of the Bethel Municipal Code.

**SECTION 2. Authorization.** Pursuant to Bethel Municipal Code 04.08.030(B) Disposal.

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

**ENACTED THIS 25 DAY OF JULY 2017, BY A VOTE OF 6 IN FAVOR AND 0 OPPOSED.**

ATTEST:

  
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Richard Robb, Mayor  
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Lori Strickler, City Clerk