

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2015-14

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING CITY-OWNED PROPERTY BE OFFERED FOR SALE

WHEREAS, in 2006-2011 Real Property Tax Foreclosure, 3DI-13-00107 CI, the court issued its judgment of foreclosure and decree on multiple parcels of real property and those properties have not been redeemed; and

WHEREAS, the City became the owner of the properties by operation of law upon the expiration of the redemption period;

WHEREAS, the Court issued Clerk's deeds to the City on July 21, 2015, affirming that the City holds clear title to all the properties on the foreclosure list; and

WHEREAS, the City may sell properties obtained through foreclosure if the properties are not needed for a public purpose; and

WHEREAS, the City has determined that one property obtained in Case no. 3DI-13-00107 CI is needed for a public purpose, and has therefore elected to retain that property; and

WHEREAS, the City Council has determined that the properties listed below are not needed for a public purpose and should be offered for sale at this time on terms consistent with those set forth below; and

WHEREAS, Chapter 5.30 generally and Section 5.30.110 specifically of the Dillingham Municipal Code set forth the requirements and procedures by which the City may dispose of properties acquired by tax foreclosure within five years of acquiring such properties; and

WHEREAS, the City further finds that the properties are largely in a state of disrepair, which is expected to significantly impact the sale price that can be obtained; and

WHEREAS, the City further finds that it is likely the properties collectively will generate higher bid amounts if they are sold as a single unit; and

WHEREAS, selling the properties as a single unit will decrease the amount of public funds that must be expended to sell the properties; and

WHEREAS, the former owner has been informed of the potential sale and of his statutory right to apply for remittal of excess sale proceeds, if any; and

WHEREAS, any persons with a potential claim for a substantial equitable interest in the properties named below or a substantial improvement thereon must submit written notification of their claim of interest to the City Manager within five (5) days of the date this ordinance is introduced;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. This is a non-code ordinance.

Section 2. Property to be Sold. The City Council hereby finds that the following real property is not necessary for a public purpose and should be offered for sale:

Legal Description	Address or Common Description	Former Owner
Fairview L24E	Storage trailer and parcel near southern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L24C	336 Sunny Dr.	James Bingman Sr.
Fairview L24B	346/348 Sunny Lane	James Bingman Sr.
Fairview L24A	Storage building and parcel at northern intersection of Sunny Dr. and Birch Ln.	James Bingman Sr.
Fairview L23A	322, 336, 342 Fairview Rd.	James Bingman Sr.
Fairview L12D	419 Fairview Rd.	James Bingman Sr.
Fairview L2	Identified as Lot 2C on City tax rolls; the portion of Lot 2 north of 408 Fairview Rd.	James Bingman Sr.
Fairview L2B	408 Fairview Rd.	James Bingman Sr.

Section 3. Method of Sale. The properties identified above shall be offered for sale by sealed bid auction pursuant to terms and conditions required by law and approved by the City Manager. All bids submitted shall be construed as offers to purchase the properties, any or all of which may be rejected by the City. The City shall sell the properties to the bidder for the amount of the offer that represents the highest total price for the properties unless the City determines that accepting another offer or no offer at all is in the City's best interest.

Section 4. Exemptions. To the extent the terms of this ordinance and/or the disposal authorized herein are not consistent with DMC § 5.30.040, if any, the disposal is hereby declared to be exempt from that section.

Section 5. Notice of Claims. Pursuant to DMC § 5.30.110(G), any person or persons claiming a substantial equitable interest in any of the properties identified herein shall present the claim and supporting evidence thereof to the City Manager no later than 5 days after this ordinance is set for a public hearing.

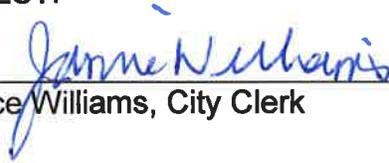
Section 6. Effective Date. This ordinance shall be effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

Oct. 1, 2015.


Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

[SEAL]



City of Dillingham Information Memorandum

Agenda of: October 1, 2015

Attachment to:

Ordinance No. 2015-14 / Resolution No. _____

Subject:

An ordinance of the Dillingham City Council authorizing city-owned property be offered for sale

City Manager: Recommend Approval

Signature: Rose Roera

Fiscal Note: Yes No

Funds Available: Yes No

Other Attachments:

-An advertisement for a Public Hearing on Ordinance No. 2015-14 is scheduled to appear in the September 24 edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing.

Summary Statement:

This ordinance will be scheduled for a public hearing October 1, 2015. It is exempt from the 30-day noticing requirement because DMC 5.30.110 applies to these properties, which specifically exempts this kind of disposal ordinance from DMC 5.30.020 and .030, the latter of which is the 30-day requirement. Normal ordinance rules apply, not the 30-day rule.

Attachment to: 2015-14 / Resolution No. _____
Ordinance No. _____

Summary Statement continued:

Route to	Department Head	Date
X	Finance Director	
X	City Clerk	



NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2015-14

The City Of Dillingham will hold a **Public Hearing** on **Thursday, October 1, 2015, at 7:00 P.M.** in the City Council Chambers for the purpose of taking comment from the public on the following ordinance:

- Adopt Ordinance No. 2015-14, An Ordinance of the Dillingham City Council Authorizing City-Owned Property be Offered for Sale

If you have any questions, please contact the City Clerk's office at 842-5212 or email cityclerk@dillinghamak.us.