

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2017-06

**AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO THE STATE OF ALASKA FOR THE DILLINGHAM DOWNTOWN STREETS REHABILITATION PROJECT**

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WHEREAS, the City is the Owner of various parcels of real property within USS No. 155, USS No. 2262, USS No. 2732, USS No. 2732A, USS No. 2732B, and Cemetery Exchange Subdivision (Plat No. 82-15), adjacent to portions of Main Street, 2<sup>nd</sup> Avenue and D Street, totaling 8,470 sq. ft. (collectively “the Property”); and

WHEREAS, City of Dillingham Resolution No. 2014-67 approved a Memorandum of Agreement between the City of Dillingham and the State of Alaska Department of Transportation and Public Facilities (“the MOA) for Project #57180 the Dillingham Downtown Streets Rehabilitation Project (“the Project”); and

WHEREAS, paragraph 1(d) of the MOA authorizes the City to provide rights of way to DOTPF in connection with construction of the Project; and

WHEREAS, paragraphs 4(a) and 5 of the MOA authorizes DOTPF to convey all rights of way provided by the City to DOTPF for the Project to the City upon completion of the Project; and

WHEREAS, the rights of way to be conveyed by City and DOTPF to each other have been identified on a preliminary plat approved by City of Dillingham Resolution 2014-03 Corrected;

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

**Section 1. Classification.** This is a non-Code ordinance.

**Section 2. Authority.** This ordinance is adopted pursuant to authority granted by DMC 5.30.010(A), DMC 5.30.080(A) – Disposal for Public Purposes and DMC 5.30.100- Leases, easements and rights-of-way.

**Section 3. Method of Disposal.** The conveyance of the Property is made as agreed to in the MOA as the City’s matching contribution for the Project and is beneficial to the public and for a public purpose.

**Section 4. Findings.** The City Council hereby finds that 1) Construction of the Project by DOTPF will serve the public interest of Dillingham residents because it will result in improved public streets in Dillingham and will improve public safety for those walking, riding and driving on public streets and sidewalks, and 2) DOTPF will hold title to the Property only until the Project is substantially completed making the inclusion of a reverter clause in the conveyance documents or a finding that the property is no longer needed for a municipal purpose unnecessary; and 3) based on the current assessment of Lot 18, Block 19, the City finds that

the fair market value for temporary use or ownership of the Property, upon the terms and conditions set forth in the MOA, is \$.72 a square foot per year, or .72 X 8,470 sq. ft. = \$6,121 per year, or \$510.13 per month for each month that DOTPF holds title to the Property.

**Section 5. Legal Description.** The legal description of the Property is as follows:

Lot 18, Block 19 DILLINGHAM TOWNSITE, USS No. 2732, Plat No. 2014-5; and

Those portions of:

Lot 3, Block 17 DILLINGHAM TOWNSITE, USS No. 2732A and USS No. 2732B; and

Lot 2, CEMETARY EXCHANGE SUBDIVISION, Plat No. 82-15; and

Lot 1, Block 21 DILLINGHAM TOWNSITE, USS No. 2732A and USS No. 2732B; and

Lot 16, Block 19 DILLINGHAM TOWNSITE, USS No. 2732; and USS No. 155 as described in Homestead Certificate #42 as:

Starting at a point 1050 feet NNW from Corner No. 4 of U.S. Survey No. 155 to Corner 1 of U.S. Survey No. 2262, thence approximately WSW 250 feet to a point on the Dillingham Kakanak Road, thence 390 feet SSE to a point on Survey No. 2262, thence approximately 262 feet to the point of beginning at Corner No. 11 of U.S. Survey No. 2732 also shown as Corner 1 of Survey No. 2262.

EXCEPTING THEREFROM that portion conveyed to the State of Alaska, Department of Highways by deed dated August 8, 1975 and recorded September 24, 1975 in Book 20 at Page 114.

Which lie adjacent to the right-of-way lines for the Project delineated on Plat No. 2014-05 as further depicted in the drawings attached to this ordinance labeled Parcel Nos. E-30, 2, 24, 26, 27, 29 and 30.

All of which is located in the Bristol Bay Recording District, Third Judicial District, State of Alaska totaling 8,470 sq. ft. more or less (collectively "the Property").

**Section 6. Authorization of Disposal.** The City Council hereby authorizes disposal of the Property to DOTPF by warranty deed and/or easement as determined most efficacious for completion of the Project.

**Section 7. Effective Date.** This ordinance is effective *nunc pro tunc* as of January 26, 2017. (*Nunc pro tunc*, Latin for "now for then", refers to changing back to an earlier date of filing of a document. This is the date the City signed the parcel conveyance documents.)

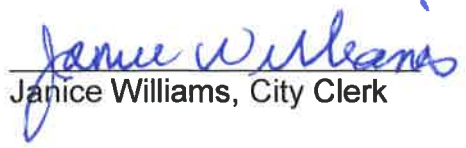
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on

July 13, 2017

  
Alice Ruby, Mayor

[SEAL]

ATTEST:

  
Janice Williams, City Clerk

**City of Dillingham Information Memorandum**

Agenda of: July 13, 2017

Attachment to:

Ordinance No. 2017-06 / Resolution No. \_\_\_\_\_

**Subject:**

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO THE STATE OF ALASKA FOR THE DILLINGHAM DOWNTOWN STREETS REHABILITATION PROJECT

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City Manager: Recommend Approval

Signature: *Jamie Williams Acting City Mgr*

Fiscal Note:  Yes  No      Funds Available:  Yes  No

**Other Attachments:**

- PC Resolution No. 2014-03 (corrected)
- Right of way and utility easement documents for parcels associated in Ord. No. 2017-06
- Dillingham Downtown Streets Rehabilitation Project MOU dated October 31, 2014

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**Summary Statement:**

In accordance with the Dillingham Downtown Streets Rehabilitation Project MOU signed by the COD and AKDOT, the City is transferring title of the parcels identified in Ordinance No. 2017-06 for the purposes of the Downtown Streets Rehabilitation Project. Upon completion of the project, the parcels will be transferred back to the City.

A disposal of property requires a 30-day notice. This ordinance was introduced June 1 at the City Council meeting, and will be up for a public hearing and adoption on July 13.

An advertisement for a Public Hearing on Ordinance No. 2017-06 was scheduled to be placed in the July 6, 2017, edition of the Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing, which is scheduled for July 13, 2017.

Attachment to: 2017-06 / Resolution No. \_\_\_\_\_  
Ordinance No. \_\_\_\_\_

**Summary Statement continued:**

Route to	Department Head	Date
X	Finance Director	
X	Public Works Director	
X	Planning Director	
X	City Clerk	