

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2019-05

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL MODIFYING THE LAND USE RESTRICTION ON A PORTION OF BLOCK 5, U.S. SURVEY 2732, DILLINGHAM TOWNSITE

WHEREAS, Ordinance 98-14 authorized the disposal of a portion of Block 5, U.S. Survey 2732 ("the Property") to the Curyung Tribal Council ("Curyung") for the public purpose of constructing and operating an Assisted Living Facility, known as Marrulut Eniit Assisted Living (MEAL); and

WHEREAS, after adoption of Ordinance 98-14 the City conveyed the Property to Curyung by Quitclaim Deed; and

WHEREAS, the deed contained a restrictive covenant requiring the Property to be used for the public purpose of constructing and operating an assisted living facility ("the Restrictive Covenant"); and

WHEREAS, Curyung conveyed the Property to MEAL via a deed containing the Restrictive Covenant; and

WHEREAS, funding for MEAL is no longer sufficient to use the Property as an assisted living facility; and

WHEREAS, residents in the facility were relocated and the building on the Property was vacated in August of 2019; and

WHEREAS, MEAL Board of Directors has submitted a formal request that the City amend the Restrictive Covenant to allow for senior low income housing as well as assisted living;

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

Section 1. This is a non-code ordinance.

Section 2. Property to have restrictions amended. The disposed parcel to have restrictions, as applied in Ordinance 98-14, amended is defined as a Portion of Block 5, U.S. Survey 2732B, consisting of 48,804.64 square feet or 1.12 acres.

Section 3. Conditions and Legislative Findings.

1. The City of Dillingham City Council finds that modifying the Restrictive Covenant to allow the Property to be used for senior low income housing as well as assisted living is a benefit to the citizens of Dillingham and the immediate Nushagak region.

2. In the event that the property is no longer used for the specific purpose justifying the Restrictive Covenant as modified to include senior low income housing as well as assisted living, the title and structures thereon may revert to the City of Dillingham as provided for in D.M.C. 5.30.090.

3. The City will not be responsible for costs of alterations, or improvements at the facility.

Section 4. Public Notice. This ordinance is being introduced on October 10, 2019 and a public hearing will be held at least thirty days hence, on or after November 9, 2019.

Section 5. Authorization to Modify Restrictive Covenant. The mayor and city manager are hereby authorized to prepare, sign and record any and all additional documents necessary to modify the Restrictive Covenant to allow the Property to be used for senior low income housing as well as assisted living.

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 Dec. 5, 2019.


Alice Ruby, Mayor

ATTEST:

[SEAL]


Lori Goodell, City Clerk