

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-09 (SUB-1)

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO DELTA WESTERN BY LEASE

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.100, Leases, easements and rights-of-way.

Section 2. Classification. This is a non-Code ordinance.

Section 3. Authorization of Lease. The City Council hereby authorizes the disposal of an interest by lease substantially upon the terms and conditions contained in the lease agreement for a period of up to ten years with periodic renewal provisions up to 100 years.

Section 4. Legal Description. Lot 1 USS 2541, Section 21, Township 13 South, Range 55 West, Seward Meridian, consisting of ~~3,706.46 acres~~ **3,706.46 ft²**.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose, in that the leasing of this land will provide protection from oil spills for the Nushagak River and shoreline.

Section 6. Type of Disposal. A non-exclusive right to use the property by a lease agreement solely for the purpose of allowing citizens to use property within the Port for a term to be identified in the lease agreement.

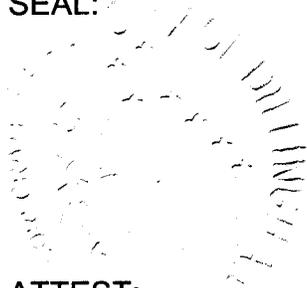
Section 7. Value of City's Interest. Based on the current assessment of the Property, the City estimates the fair market value of the right to use the Property upon the terms and conditions set forth in the lease agreements at **\$1.50** a square foot **per year**. Applying a ~~_____ cap rate equates to _____ per ft² per month~~ a \$1.50 per square ft. per year is **\$5,559.69 a year for the parcel**. The property will be appraised again and the lease agreement reviewed for revision in **3** years.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. The actual disposal shall occur following approval of this ordinance at the regularly scheduled City Council meeting of ~~June 6, 2013~~, **June 27, 2013**. At this time, the thirty (30) day provision of DMC 5.30.030 will have been met. At least thirty days is required between the time the disposal ordinance is introduced and the time that it is finally adopted by the City Council.

Section 9. Effective Date. This ordinance is effective upon passage.

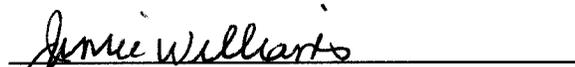
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council
on June 27, 2013.

SEAL:




Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

Subject: An ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Agenda of: June 27, 2013

Council Action: This ordinance was introduced at the May 23, 2013 Regular Council Meeting and a substitute version was presented at the June 6 meeting. It requires a 30 day noticing period and will be up for adoption June 27.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Planning Director / Jody Seitz	JS	
X	City Clerk / Janice Williams	JW	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No _____

Other Attachment(s):

- Public Hearing was advertised in the May 30, 2013 and June 20, 2013 editions of Bristol Bay Times.
- Copy of Resolution No. 2013-08 (Planning Commission) Approving Delta Western Lease Lot and Map

Summary Statement.

Section 7. Value of City's Interest, has been amended to include the cost per square foot (\$1.50 square foot), to remove the reference to cap, and to insert 3 years for the lease agreement to be reviewed.

The Council will be asked to adopt Ordinance No. 2013-09 (SUB-1) at the June 27, 2013 Council meeting.



CITY OF
DILLINGHAM
ALASKA

NOTICE OF A PUBLIC HEARING

Public Hearing on Ordinance Nos. 2013-09 (SUB-1), 2013-12, 2013-13, and 2013-14 (SUB-1)

The City Of Dillingham will hold a Public Hearing on Thursday, June 27, 2013, at 6:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

Ordinance No. 2013-09 (SUB-1), An Ordinance of the Dillingham City Council Authorizing Disposal of Municipal Property to Delta Western by Lease

Ordinance No. 2013-12, An Ordinance of the Dillingham City Council Adopting the Budget and Appropriating Funds for the FY 2014 City of Dillingham Budget

Ordinance No. 2013-13, An Ordinance of the Dillingham City Council Amending Section DMC 4.15.030, Exemptions, to Provide a Cap on Personal Property Tax for Boats and Vessels if the Assessed Valuation is More Than \$300,000

Ordinance No. 2013-14 (SUB-1), An Ordinance of the Dillingham City Council Repealing and Reenacting Chapter 11.20 of the Dillingham Municipal Code Pertaining to the Use of Off-Road Vehicles Within the Boundaries of the City of Dillingham

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

RESOLUTION 2013-08
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Approving Delta Western Lease Lot

WHEREAS, in order to complete a land subdivision pursuant to AS 40.15.070, a land survey must be performed, monuments set, and a plat created for recording which will facilitate the exchange of property ownership; and

WHEREAS, the Dillingham Planning Commission did hold a public hearing on the preliminary plat of the Delta Western Lease Lot Subdivision, May 21, 2013, and reviewed the preliminary plat for compliance with the requirements for Titles 15 and 17 of the Dillingham Municipal Code; and

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, approves the preliminary plat of Delta Western Lease Lot subdivision with the conditions:

1. Rename this plat to Delta Western Lease Lot, Resubdivision of U.S. Survey 2541, Located within Section 21, T13 S, R55 W, SM, AK.
2. Establish a standard scale of 1 inch to 50".
3. Include the total number of acres within the Title Block.
4. Correct the distance on the northeast section of the north lot line of U.S. S. 2541.
5. Please make the contour lines lighter to be less confusing.
6. Please put a note on the plat that Lot 1 is a lease lot for the exclusive purpose of oil spill containment.
7. Correct the name of the Planning Commission chair to Bill Rodawalt.
8. Typos are circled on the plat.
9. Clearly define the beginning and ending points of measurements.
10. Change the symbology of easements and property lines to be more distinctive from each other.

APPROVED AND ADOPTED THIS 21st DAY OF May, 2013.


Terry Hoefflerle, Presiding Officer

Jody Seitz, Recorder