

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2014-09

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF MUNICIPAL PROPERTY TO LYLE AND SILKE SMITH

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Authority. This ordinance is adopted pursuant to authority granted by DMC 5.30.010, City rights and powers.

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

Section 3. Authorization of Sale. The City Council hereby authorizes the disposal of a portion of City land downtown by sale under t.30.010 (A).

Section 4. Legal Description. Lot1A Block 22 U.S. Survey 2372AB, Township 13 South, Range 55 West, Seward Meridian.

Section 5. Findings. The City Council hereby finds that the disposal is for a public purpose, in that the sale of this land will eliminate an encroachment into the City cemetery; with no impact to surrounding properties or trails.

Section 6. Type of Disposal. This disposal is of all interest in a triangular piece of land within the city's cemetery adjacent to Lot 3 Block 22 USS 2732, approximately 676 square feet, at market value.

Section 7. Value of City's Interest. This is based on the current assessment of Lot 3, Block 22, the most relevant indicator of the contributory value of the triangular parcel. The City estimates the fair market value of the property is about \$2.80 a square foot, for a total value of \$1,900, based on the value of Lot 3 Block 22 USS 2732, and if associated with Lot 3 for the remainder of the 2014 tax year.

Section 8. Time, Place and Manner in Which Disposal Shall Occur. The property shall be purchased by the owner of Lot 3, Lyle and Silke Smith. The actual disposal shall occur once the final plat of the property has been approved by the City, no later than August 31, 2014.

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 5, 2014.



Keggin Ruby Mayor Pro Tempore
Alice Ruby, Mayor

ATTEST:

[SEAL]

Bernadette Packe, Acting City Clerk
Janice Williams, City Clerk

Subject: A resolution of the Dillingham City Council approving the disposal of a municipal property to Lyle and Silke Smith

Agenda of: June 5, 2014

Council Action: This ordinance was introduced April 3, 2014. To allow for a 30-day noticing period, the ordinance was scheduled for a public hearing June 5, 2014.

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Finance / Carol Shade	CS	
X	Public Works / Francisco Garcia	FG	
X	Planning / Jody Seitz	JS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- PCR Resolution No. 2014-06
- Proposed Resubdivision of Lot 1A and Lot 3 B22 USS 2732
- Public Hearing on Ordinance No. 2014-09 is scheduled to be advertised in the May 29, 2014 edition of Bristol Bay Times as required to be advertised in a local newspaper five days in advance of the public hearing

Summary Statement.

The owner of Lot 3 owns a garage which encroaches into Lot 1A Block 22 USS 2732, the City's cemetery. The owner of the garage would like to keep the garage and clear up the non-conformity. Lyle Smith is proposed to purchase about 676 ft² of the city's lot, (Lot 1A Block 22 USS 2732). The City Assessor's opinion is that the small lot is valued at approximately \$2.80 ft² or, about \$1,900.

A visual examination of the area did not find any graves within the area in question. The property transfer will not harm use of existing trails.

In order for this land disposal to go forward it must be approved by the Dillingham City Council under Title 5 of the Dillingham Municipal Code with a finding that the disposal promotes a public purpose, that of removing non-conformities.

The introduction of this ordinance started a 30 day comment period during which the ordinance must be posted at three public places.

RESOLUTION 2014-06
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending Property Sale for Lyle Smith property (Edra Garage)

WHEREAS, a historical property known locally as the Edra Garage encroaches on Lot 1A Block 22 USS 2732; and

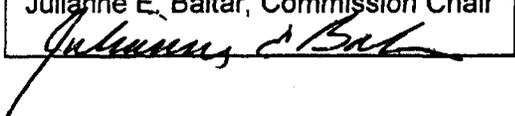
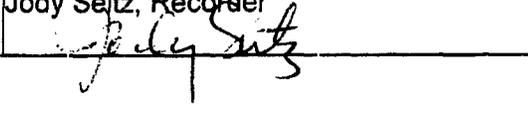
WHEREAS, the Owner of Lot 3 wishes to purchase a portion of Lot 1A to be able to maintain the garage in its original location; and

WHEREAS, there do not appear to be any graves within the area in question; and

WHEREAS, in order for any interest in City property to be transferred to another party, it must be approved by the Dillingham City Council under Title 5 of the Dillingham Municipal Code;

THEREFORE, the Planning Commission recommends the disposal of this property.

ADOPTED by the Dillingham Planning Commission February 19, 2014.

Julianne E. Baltar, Commission Chair 	Jody Seitz, Recorder 
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CITY OF
DILLINGHAM

NOTICE OF A PUBLIC HEARING
Public Hearing on Ordinance Nos. 2014-09
and 2014-10

The City Of Dillingham will hold a **Public Hearing** on Thursday, June 5, 2014, at 7:00 P.M. in the City Council Chambers for the purpose of taking comment from the public on the following ordinances:

- Ordinance No. 2014-09, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Lyle and Silke Smith
- Ordinance No. 2014-10, An Ordinance of the Dillingham City Council Authorizing the Disposal of Municipal Property to Ben McDowell dba Motive Power Marine by Lease

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