

## **TITLE XIII**

### **CITY PROPERTY**

#### **Chapters:**

Chapter 13.01	Acquisition, management, and disposal of municipal land
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#### **Chapter 13.01**

#### **Acquisition, management, and disposal of municipal land**

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#### **Chapter 13.01**

#### **Acquisition, management, and disposal of municipal land**

#### **Section 13.01.010                      Rights and Powers of the City**

The City shall have and may exercise all rights and powers in the acquisition, ownership, holding and disposal of real property in any manner not prohibited by law.

#### **Section 13.01.020                      Acquisition of Land**

- A.     The City may acquire, own, and hold real property or any interest in real property inside or outside the City boundaries by purchase, lease, exchange, transfer, donation, condemnation or declaration of

taking under the City's power of eminent domain, or any other legal method. Unless otherwise directed by the City council, the mayor has the authority to negotiate the terms of acquisitions, subject to council approval. Except as provided in sub-section B of this section, and unless otherwise provided by law, all acquisitions shall be by resolution approved by a majority vote of the total membership of the City council. Real property shall be held in the name of "City of Coffman Cove."

- B. Upon passage of a resolution approved by a majority vote of the total membership of the city council, the mayor may act upon behalf of the city to execute those documents required in the acquisition of real property or interest in real property is to be acquired is conveyed from the Native Village Corporation in partial satisfaction of the requirements of Section 14 © (3) of the Alaska Claims Settlement Act (ANCSA). When the conveyance is for full and complete satisfaction of the requirements of ANCSA Section 14© (3), a non-code ordinance shall be passed which shall include: a statement identifying the amount of land to be acquired; a legal description; a statement that the conveyance, in conjunction with any previous partial reconveyances, is in complete satisfaction of the ANCSA 14 © (3) obligation; a finding that the lands are sufficient for existing and foreseeable community needs; and a statement of facts supporting that finding.
- C. The City may exercise the powers of eminent domain and declaration of taking in the performance of a power or function of the City in accordance of a power or function of the City in accordance with AS 09.55.240 – 09.55.460. The exercise of the power of eminent domain or declaration of taking shall be by ordinance which shall be submitted to the qualified voters at the next regularly scheduled general election called for that purpose. A majority of the votes on the question is required for approval of the ordinance.
- D. The City council may approve and authorize the purchase of real property or interest in real property by contract of sale, deed of trust, or lease.
- E. Prior to approval of the purchase of property under sub-section C of this section, the mayor shall furnish the City council with an abstract title, an appraisal of the real property, and a review of any problems of acquisition. The validity of any acquisition of purchase of real property by the city is not affected by the failure to furnish the City council with such materials.

(Ordinance 94-01; Ordinance 95-6; Ordinance 13-04)

**Section 13.01.030                      Economic Development Sites**

The city may acquire, own and hold real property, either inside or outside the City boundaries, as sites available for new industries which will benefit the city.

**Section 13.01.040                      Temporary Use of City Lands**

The city council has the authority to issue special land use permits for the exclusive temporary use of city lands. A special land use permit does not convey an interest in the land and may be revoked for cause within thirty (30) days' notice. Unless otherwise agreed to in writing, the land will be restored to in its original condition upon expiration or revocation of the permit. Easements will not be granted under a special land use permit. A special land use permit shall not be granted for a term exceeding one year. Special land use permits are not transferable or renewable. Vehicles, as defined under AS 19.10.399, may not be parked, stored or otherwise left on city lands under a special land use permit. The fee schedule shall be established by city council resolution.

(Ordinance 94 01)  
(Ordinance 24 01)

**Section 13.01.050                      Casual Uses of City Land**

- A.     No permit of lease is required for casual uses of City land.
- B.     Any use under this section is at the risk of the user. The City assumes no responsibility for such use.
- C.     The City shall notify the public of the location of City lands that are not open to casual use.

(Ordinance 94-01)

**Section 13.01.060                      Disposal of Real Property**

- A.     The City may dispose of real property or an interest in real property which has been found to be no longer necessary for municipal purposes. All disposals shall be by non-code ordinance. The minimum time between introduction and adoption of ordinances for disposals other than by sealed bid or public outcry or lottery shall be thirty (30) days longer than required for other non-code ordinances. The ordinance shall include:

1. A finding that the real property or interest in real property is no longer necessary for municipal purposes and a statement of facts upon which such a finding is based;
2. A legal description of the property;
3. Type of interest in property to be disposed of as defined in section eleven (11);
4. The purpose of disposal;
5. The method of disposal as identified in section 070;
6. The value of the property or the value of the interest in property as determined under subsection B of this section;
7. The procedure for conducting the disposal and the time, place and manner in which the proposed disposal shall occur.

B. The value of the property or interest in property shall be fair market value as determined by an appraisal prepared by a qualified appraiser or assessor, or the city council may determine the fair market value by any other means it deems appropriate.

(Ordinance 94-01; Ordinance 95-6)

#### **Section 13.01.070                      Methods of Disposal**

- A. All disposals shall be conducted in a fair and impartial manner. Procedures for conducting all disposals shall be set out in the non-code ordinance authorizing each disposal.
- B. Competitive disposal. The city may conduct the following types of competitive disposal:
  1. Sealed bid auction: The minimum bid for a sealed bid auction shall be the fair market value of the property or interest in property as determined under section 13.01.060(B).
  2. Public outcry auction. The minimum bid for a public outcry auction shall be the fair market value of the property or interest in property as determined under section 6 B.

3. Lottery. In the case of a lottery, the price of the property or interest in property may be established by the city council.

**C. Disposal for public services**

The City Council may dispose of real property or an interest in real property to a municipality, state, or federal entity or to a non-profit corporation or association, or a Native Tribal council, when the recipient is providing a necessary public service to residents of the municipality, without seeking bids and for less than the fair market value of the real property or interest in real property. If a disposal is made under this subsection, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. A finding that the disposal to the entity is for provision of a necessary public service and a statement of facts upon which such a finding is based;
2. A requirement that the conveyance of the property of property interest disposed include a condition that the title will revert to the municipality in the event the property is no longer used for the necessary public service justifying the disposal; and
3. In the event that the entity receiving the property or interest in real property is a Native Tribal council, a requirement that the Native Tribal council waive any immunity from suit for the purpose of enforcing the reversion provision.

**D. Disposal for economic development.**

The city council may dispose of real property or an interest in real property to any person or entity in furtherance of local trade or industry without seeking bids and for less than the fair market value of that real property or interest in real property as determined under section 6 B. If a disposal is made to further economic development, the non-code ordinance authorizing the disposal must include in addition to the requirements in section 6:

1. A finding that the property or property interest which is the subject of the disposal will be used in furtherance of local trade or industry; and
2. A requirement that the conveyance of the property or property interest disposed include a condition that title will revert to the municipality in the event the property is no

longer used for public purpose of equal economic value as was originally deemed appropriate for conveyance.

E. Miscellaneous disposals.

The city council may settle disputed claims or litigation by authorizing disposal of real property or an interest in real property.

F. Disposal to settle claims of equitable interest.

Upon a finding by the city council that it is in the public interest, the city may convey real property or an interest in real property for less than fair market value to a person who has a valid claim of equitable interest in the property or in a substantial improvement located upon the property. That finding shall be incorporated in and made a part of the non-code ordinance that accomplishes the conveyance.

(Ordinance 94-01)

**Section 13.01.080 Leases**

A. A disposal of interest in real property by lease shall follow the requirements of sections 13.01.060 and 13.01.070. The terms and conditions of leases shall be established by the City Council for each such disposal.

(Ordinance 94-01)

**Section 13.01.090 Easements**

A. The disposal of interest in real property by grant of easement shall follow the requirements of sections 13.01.070 and 13.01.080. The terms and conditions of easements shall be established by the City Council for each such disposal.

(Ordinance 94-01)

**Section 13.01.100 Notice of Disposal**

- A. A notice of disposal shall be posted in three conspicuous public places within the city not less than thirty (30) days before:
1. The date of the bid opening; or
  2. The date of the lottery; or
  3. The date of the auction; or

4. The date of the disposal.
- B. The notice shall include:
1. A legal description of the property and the type of interest to be disposed;
  2. The method of disposal as identified in section 070;
  3. The assessed or estimated value of the property or interest in property;
  4. The date of the proposed disposal and the time, place, and manner in which the proposed disposal shall occur.

(Ordinance 94-01; Ordinance 95-6)  
(Ordinance 13-04)

#### **Section 13.01.105                      Service Animals on City Premises**

- A. Signs shall be required on City premises that certified service animals are permitted with proof of certification, and the person accompanied or assisted by such animal is liable for any property damage the animal causes.

(Ordinance 12-02)

#### **Section 13.01.110                      Definitions**

- A. "Abstract of title" is a condensed history of the title to the land together with a statement of all liens, charges, or liabilities to which the land may be subject.
- B. "Appraisal" is an estimation of value of property by a qualified appraiser.
- C. "Casual use" is the temporary, safe, non-exclusive and non-surface-disturbing use of city land and includes but is not limited to such uses and: hiking, hunting, fishing, short term camping, picnicking, skiing, snow machining, or berry picking.
- D. "City boundaries" is the city limits, established when the city is incorporated, inside which all city ordinances are enforceable.

- E. "Competitive disposal" is a disposal of property wherein no preference is shown to any prospective bidder or group of bidders.
- F. "Condition subsequent" is an event that occurs after transfer of title which will act to restore title to the maker of the condition.
- G. "Contract of sale" is a contract between a willing seller and a willing buyer to transfer title to property.
- H. "Deed of trust" is an instrument, taking the place and serving the uses of a mortgage, by which legal title to real property is placed in a trustee, to secure the repayment of a sum or money or the performance of a condition.
- I. "Disposal" is the act of giving away or selling; the transfer of interest in property.
- J. "Disrupted claims" is the claim for property that is protested by another, or for property which is also claimed by another.
- K. "Domiciled resident" is one who has resided in the city for at least the thirty (30) days previous, maintains an address in the city, and intends to make the city his/her permanent residence.
- L. "Easement" is the right or privilege in another's land, such as the right to cross for a specific purpose. Easements allow passage across real property without any other ownership rights in that property.
- M. "Economic development" is to promote the growth of the local economy; increase income of residents.
- N. "Eminent domain" is the power of a municipality to convert private property to a public use.
- O. "Equitable interest" is a claim (in property or other) which should be recognized in the interest of fairness or equality.
- P. "Evaluate" is to judge the quality of.
- Q. "Federal entity" is the Federal government or an agency thereof.
- R. "Hazardous use" is a use involving danger; perilous; risky to human health and well-being.



- S. "Interest" (in property) is a right, claim, title, or legal share in that property. Refers to the "bundle of rights", which may be transferred or conveyed separately or in total. Methods of transfer include deed, lease, or easements.
- T. "Inventory" is a list of property, containing a description of each article of property.
- U. "Lease" are used to dispose of specific interests in real property without transferring ownership of that property; A contract for exclusive possession of lands or tenements for a determinate period.
- V. "Legal description" is that part of a conveyance document which identifies the land or premises intended to be affected by that conveyance.
- W. "Litigation" is a contest in a court of justice for the purpose of establishing a right.
- X. "Lottery" is a plan whereby the right to obtain interest in property, either by purchase or gift, is decided by luck or chance through some type of drawing names.
- Y. "Municipality" is a unit of government organized under the law of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
- Z. "Non-code ordinance" is an ordinance that is not part of the permanent city code.
- AA. "Nonprofit Corporation" is an organization formed under the laws of the State of Alaska not to obtain a profit, but to supply an essential service to its constituents.
- BB. "Obnoxious use" is a use, which people may find objectionable; disagreeable; offensive; displeasing.
- CC. "Public interest" is something which the public, the community at large, has some pecuniary interest (having to do with money), or some interest by which their legal rights or liabilities are affected.
- DD. "Public outcry auction" is the sale of property to the highest bidder, at a public auction, where each prospective buyer has the right to enter successive bids until a price is reached at which no higher subsequent bid is made.

- EE. "Public service" is activities and enterprises which specially serve the needs of the general public.
- FF. "Referendum" is a method of submitting an important measure to the direct vote of the whole people.
- GG. "Revert" is with respect to property, title to go back to and lodge with the former owner.
- HH. "Sealed bid" is a written offer to purchase property placed in an envelope, and opened along with all other bids (if any) at a public bid opening.
- II. "State" is the State of Alaska or an agency thereof.
- JJ. "Substantial improvement" is a major change or addition to land or real property that makes it more valuable.
- KK. "Temporary uses" is an exclusive use of city land which has a duration of one year or less, involves minimal disturbance to the land, and does not allow permanent structures or improvements.
- LL. "Valid claim" is a legally enforceable claim by a third party.

(Ordinance 94-01; Ordinance 95-6)