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Presented by: The Manager
Introduced:
Drafted by: J.W. Hartle

ORDINANCE OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2012-49

An Ordinance Amending the Land Management Code.

BE IT ENACTED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the City and Borough Code.

Section 2. Amendment of Chapter. CBJ 53.09 Land Management Code is repealed and reenacted to read:

~~53.09.200 Methods of disposal General.~~

(a) *Methods of disposal.* City and Borough land may be ~~disposed of~~ conveyed by lease, lottery sale, auction sale, over-the-counter sale, negotiated development sale, sealed competitive bid, land exchange, and such or other methods as the assembly may approve by ordinance. ~~for a specific disposal. Generally, parcels should not be disposed of prior to any required classification and inclusion in a land management plan. The assembly, by resolution, may place special conditions on any disposal of land, which conditions may be different from or changes to the conditions set forth in this title. Lands may not be sold, leased, or otherwise disposed of until the land has been zoned.~~

~~(b) Upon adoption of the plan, the manager is authorized to commence with procedures for disposal of those parcels of land identified therein for disposal in a~~

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1 specific calendar year. The method of disposal shall be as set forth in the plan. Lottery,
2 auction, and over-the-counter disposals of residential and residential-recreational land
3 shall be conducted with concurrence of the assembly. Procedures, including the
4 introduction of ordinances or resolutions, for other disposals shall be initiated by the
5 manager in a timely manner. The manager shall propose in the budget sufficient funds
6 to meet the expenses of subdivision development, sale, and related activities.

7 (b) *Inclusion in Land Management Plan.* Except for property acquired by tax
8 foreclosure or reconveyance agreement, real property should not be conveyed prior to
9 inclusion in a land management plan.

10 (c) *Satisfaction of CBJ 53.09.260(a).* Real property recommended for
11 negotiated sale in an assembly-adopted management plan shall be deemed to have
12 satisfied CBJ 53.09.260(a) Sales, leases, and exchanges by negotiation or competitive
13 proposal.

14 (d) *Ordinance.* Terms and conditions for each land sale shall be approved by
15 the assembly by ordinance.

16 (e) *Sale price.* Except as provided in CBJ 53.09.260, Disposals for public use,
17 the sale price for City and Borough land shall not be less than market value as
18 determined by the manager.

19 (f) *Sales brochure.* The manager shall prepare, and make available to the
20 public, a sales brochure detailing the terms and conditions of sale for competitive
21 land sales.

22 (g) Qualification. To qualify ~~to register for a lottery~~ for a land sale, the
23 applicant must be an individual 18 years of age or older at the time of registering for
24 the sale or a business, licensed to conduct business in the State of Alaska. No person
25 or business entity may apply for, or purchase, a parcel offered for sale if that person

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1 has won a right within the preceding ten years to purchase a parcel on a prior City
2 and Borough lottery sale or if he or she has defaulted on a prior lottery, auction,
3 over-the-counter or other sale purchase of City and Borough property within the five
4 years preceeding the proposed sale. To qualify for a parcel, the registrant or
5 authorized agent must be present at the lottery, auction, bid opening, or over-the-
6 counter sale. ~~drawing.~~

7 (h) *Agent. An agent participating bidding for another person or entity*
8 *corporation shall identify himself or herself as an agent, submit a written agency*
9 *agreement, power of attorney, or other document showing the agent's authority, and*
10 *shall identify the agent's principal. This information shall be available to the other*
11 *participants.*

12 (i) *Disqualification. The manager may disqualify from participating in a*
13 *land sale conducted under CBJ 53.09.210 - .250 lottery, auction, over-the-counter and*
14 *sealed bid sales, any person who willfully violates the provisions governing bidder,*
15 *applicant, or purchaser qualifications.*

16 (j) *Public notice and marketing. Not less than 45 days before the date of a*
17 *land lottery, auction, sealed bid opening, or the commencement date of an over-the-*
18 *counter sale, the manager shall place an advertisement providing notice and a*
19 *description of the sale in a newspaper of general circulation in the municipality,*
20 *which shall run one day per week for at least four consecutive weeks. The manager*
21 *may use whatever additional advertising media, format, or frequency he or she*
22 *determines will best inform the public of the sale and most advantageously market*
23 *the property.*

24 (gk) *Deposit. Prior to the close of business ~~4:30 p.m.~~ on the day of the ~~drawing.~~*
25 *lottery, auction, or bid opening, the buyer or the buyer's agent shall provide the City*

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1 ~~and Borough a good faith deposit non-refundable down payment equal to five percent~~
2 ~~of the purchase price, submit any proof of buyer's qualification, and execute the~~
3 ~~purchase agreement and other required documentation as stated in the sales~~
4 ~~brochure. The deposit shall be in cash or by check or similar instrument. If the buyer~~
5 ~~fails to prove the buyer's qualifications or to tender an additional five percent of the~~
6 ~~purchase price the required down payment or to execute the necessary note deed of~~
7 ~~trust, development agreement, purchase agreement or other instruments necessary~~
8 ~~purchase agreement or other instruments to close the sale within 30 days of the~~
9 ~~lottery winning announcement, or if the check does not clear, the sale is void, the~~
10 ~~City and Borough shall retain the five-percent deposit as liquidated damages, and~~
11 ~~all rights of the buyer in the property arising out of the sale are terminated. Unless~~
12 ~~specifically provided otherwise by the manager in writing, the buyer shall have no~~
13 ~~right of possession to the property until all necessary notes, security and other~~
14 ~~instruments necessary to close the sale have been executed and the sale closed.~~

15 ~~(h)~~ Payment of balance. The balance shall be paid over a period not to exceed ten
16 years in ten equal annual, quarterly, or monthly payments of principal and interest with
17 interest on the unpaid balance at a rate equal to 90 percent of the prime rate at the
18 beginning of the week of the drawing of any major bank in Seattle, Washington,
19 selected by the manager, unless established by the assembly establishes a different rate
20 by motion acted on as a separate item of business by ordinance. The manager may
21 direct loan payments to a bank of his or her choice and establish service fees, the
22 payment of which shall be the purchaser's responsibility. authorize payments in
23 quarterly or monthly installments and may establish a service fee for such installment
24 payments. There shall be no prepayment penalty. If the balance of the principal is paid

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1 ~~before due that final principal and interest payment may be reduced by an amount~~
2 ~~equal to one tenth the principal amount due.~~

3 ~~(im) Subordination. The manager may shall not subordinate the security interest of the City~~
4 ~~and Borough to that of another construction or purchase money lender, if the sum of such loan~~
5 ~~and the balance owing the City and Borough and all other secured parties is less than 90 percent~~
6 ~~of the sum of the value of the land existing improvements and improvements to be constructed~~
7 ~~on land with the proceeds of the loan.~~

8 ~~(dn) Application form and registration fee. The application shall be on the a~~
9 ~~form provided by the City and Borough. A nonrefundable registration fee of \$15.00~~
10 ~~for each parcel or pool applied for must accompany the application. If a person's~~
11 ~~name is drawn at the lottery, all other registrations made by that person are thereby~~
12 ~~canceled. Registration fees are not refundable after the close of business of the last~~
13 ~~day upon which registrations may be received. From time to time, the manager may~~
14 ~~adjust the registration fee to reflect changes in the cost of municipal services.~~

15 ~~53.09.210 Tax foreclosed land.~~

16 ~~(o) Tax foreclosed land. Applicable provisions of state law shall govern the~~
17 ~~disposal of land acquired by tax foreclosure to the extent state law and this chapter are~~
18 ~~in conflict on such disposals.~~

19 ~~53.09.220210 Lottery sales.~~

20 ~~(a) Conducted by manager. Lottery sales shall be conducted by the manager and~~
21 ~~may be conducted in conjunction with the disposal of other lands by different methods.~~
22 ~~The lottery drawing may be site-specific or may be for the right to choose from among~~
23 ~~lots placed in a pool. The manager shall prescribe and publish rules for the conduct of~~
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1 lottery sales. The manager may disqualify any person who willfully violates such rules
2 or the provisions of this chapter.

3 (b) — Advertisement. Before the lottery drawing, the manager shall place a display
4 advertisement in a newspaper of general circulation in the City and Borough, which
5 shall run for one day per week for six consecutive weeks. The manager shall provide for
6 at least one other method of public notice through the media. The display advertisement
7 shall contain a general description of the types and locations of parcels available, the
8 terms and conditions of purchase, the last day upon which a person may register for the
9 lottery, the date and place the lottery will be conducted, and the name, address and
10 telephone number of the person or office to contact for registration or further
11 information. The drawing shall take place no sooner than one week nor later than three
12 weeks after the last day the sixth required advertisement is published.

13 (c) — Application. Prior to the close of business of the last day upon which registration
14 may be received, the City and Borough must receive a completed application for each
15 drawing in which the applicant desires to participate. The application must be
16 accompanied by a registration fee. An applicant may not file more than one application
17 on each parcel or pool.

18 (da) Application form and fee. The application shall be on the form provided by
19 the City and Borough. A nonrefundable registration fee of \$15.00 for each parcel or pool
20 applied for must accompany the application. *The nonrefundable registration fee for each*
21 *lottery parcel applied for is \$25.00 and must accompany the application. An applicant*
22 *may not file more than one application on any parcel. The manager shall conduct the*
23 *lottery drawings in an order based on the number of applications per parcel, starting*
24 *with the highest. If a person's name is drawn at the lottery, all other registrations made*
25 *by that person are thereby canceled. Registration fees are not refundable after the close*

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1 of business of the last day upon which registrations may be received. From time to time,
2 the manager may adjust the registration fee to reflect changes in the cost of municipal
3 services.

4 (e) ~~Qualification. To qualify to register for a lottery sale, the applicant must be an~~
5 ~~individual 18 years of age or older. No person may apply if that person has won a right~~
6 ~~within the preceding ten years to purchase a parcel on a prior City and Borough lottery~~
7 ~~sale or if he or she has defaulted on a prior lottery, auction, over-the-counter or other~~
8 ~~sale of City and Borough property. To qualify for a parcel, the registrant must be~~
9 ~~present at the drawing.~~

10 (f) ~~Sale price. The sale price of a lot won in a lottery shall be the appraised value~~
11 ~~as determined by the City and Borough not more than 90 days prior to the drawing.~~

12 (g) ~~Deposit. Prior to 4:30 p.m. on the day of the drawing, the buyer or the buyer's~~
13 ~~agent shall provide the City and Borough a good faith deposit equal to five percent of~~
14 ~~the purchase price. The deposit shall be in cash or by check or similar instrument. If the~~
15 ~~buyer fails to prove the buyer's qualifications or to tender an additional five percent of~~
16 ~~the purchase price or to execute the necessary note deed of trust, development~~
17 ~~agreement, purchase agreement or other instruments necessary to close the sale within~~
18 ~~30 days of the lottery winning announcement, or if the check does not clear, the sale is~~
19 ~~void, the City and Borough shall retain the five-percent deposit as liquidated damages,~~
20 ~~and all rights of the buyer in the property arising out of the sale are terminated. Unless~~
21 ~~specifically provided otherwise by the manager in writing, the buyer shall have no right~~
22 ~~of possession to the property until all necessary notes, security and other instruments~~
23 ~~necessary to close the sale have been executed and the sale closed.~~

24 (h) ~~Payment of balance. The balance shall be paid in ten equal annual payments of~~
25 ~~principal and interest with interest on the unpaid balance at a rate equal to 90 percent~~

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1 of the prime rate at the beginning of the week of the drawing of any major bank in
2 Seattle, Washington, selected by the manager, unless the assembly establishes a
3 different rate by motion acted on as a separate item of business. The manager may
4 authorize payments in quarterly or monthly installments and may establish a service
5 fee for such installment payments. There shall be no prepayment penalty. If the balance
6 of the principal is paid before due that final principal and interest payment may be
7 reduced by an amount equal to one tenth the principal amount due.

8 (i) ~~Subordination. The manager may subordinate the security interest of the City~~
9 ~~and Borough to that of a construction or purchase money lender if the sum of such loan~~
10 ~~and the balance owing the City and Borough and all other secured parties is less than~~
11 ~~90 percent of the sum of the value of the land existing improvements and improvements~~
12 ~~to be constructed on land with the proceeds of the loan.~~

14 **53.09.230 Auction sale.**

15 (a) ~~Conducted by manager. Auction sales shall be conducted by the manager and~~
16 ~~may be conducted in conjunction with the disposal of other lands by different methods.~~
17 ~~The auction shall be an outcry auction. The manager shall prescribe and publish rules~~
18 ~~for the conduct of auction sales. The manager may disqualify any bidder who willfully~~
19 ~~violates any such rules or the provisions of this chapter.~~

20 (b) ~~Advertisement. Before the auction sale, the manager shall place a display~~
21 ~~advertisement in a newspaper of general circulation in the City and Borough, which~~
22 ~~shall run for one day per week for six consecutive weeks. The manager shall provide for~~
23 ~~at least one other method of public notice through the media. The display advertisement~~
24 ~~shall contain a general description of the types and locations of parcels available, the~~
25 ~~terms and conditions of purchase, the date and place the auction will be conducted, and~~

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1 the name, address, and telephone number of the person or office to contact for further
2 information. The auction shall be conducted not sooner than one week nor later than
3 three weeks after the last day the sixth required advertisement is published.

4 (cb) Registration. Prior to bidding on any parcel, a bidder or the bidder's agent shall
5 register with the auctioneer or the auctioneer's designee and be given a bidder
6 identification. An agent bidding for a corporation shall identify himself or herself as an
7 agent, submit a written agency agreement, power of attorney, or other document
8 showing the agent's authority, and shall identify the agent's principal. The auctioneer
9 shall announce to those present the names of the agent and the principal.

10 (d) Qualification. To qualify to register and bid at an auction sale an individual
11 must be 18 years of age or older, have a state domicile, and be present at the auction;
12 a corporation must be registered to do business in the state. No person, corporation, or
13 other association may register or bid if they have defaulted on a prior lottery, auction,
14 over-the-counter, or other sale of City and Borough property. Individuals, partnerships
15 and other unincorporated associations may not bid through an agent. Bids submitted
16 by partnerships and other unincorporated associations shall be submitted by a member
17 or officer authorized to do so. No individual or corporation or other association which
18 has been a successful bidder in an auction may bid on or purchase another parcel at the
19 same auction.

20 (ec) Minimum bid. The minimum acceptable bid shall be the appraised market value
21 as determined by the City and Borough manager. not more than 90 days prior to the
22 auction.

23 (f) Deposit. Immediately upon the announcement of the winning bid, the successful
24 bidder shall provide the City and Borough a good faith deposit equal to five percent of
25 the purchase price. The deposit shall be in cash or by check or similar instrument. If the

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1 ~~buyer fails to prove the buyer's qualifications, or to tender an additional five percent of~~
2 ~~the purchase price or to execute the necessary note, deed of trust, development~~
3 ~~agreement, purchase agreement or other instruments necessary to close the sale within~~
4 ~~30 days of the date of the auction, or if the check does not clear, the sale is void, the City~~
5 ~~and Borough shall retain the five-percent deposit as liquidated damages, and all rights~~
6 ~~of the buyer in the property arising out of the sale are terminated. Unless specifically~~
7 ~~provided otherwise by the manager in writing, the buyer shall have no right of~~
8 ~~possession to the property until all necessary notes, security and other instruments~~
9 ~~necessary to close the sale have been executed and the sale closed.~~

10 ~~(g) — Reoffering of parcels. Immediately upon the sale of the last parcel to be~~
11 ~~auctioned at the auction sale, the auctioneer shall determine whether any bidder other~~
12 ~~than the successful bidder on the last parcel has failed to make a five-percent deposit.~~
13 ~~The auctioneer may reoffer any lot which was previously the subject of a successful bid~~
14 ~~but for which the successful bidder has failed to make the required five-percent deposit.~~
15 ~~The bidder who has failed to make the required deposit prior to the sale of the last~~
16 ~~parcel shall have no further rights in the lot once the auctioneer has opened bidding on~~
17 ~~the parcel the second time. If the successful bidder on the last parcel has not made a~~
18 ~~deposit within a reasonable time, that lot may be reoffered.~~

19 ~~(h) — Payment of balance. The balance shall be paid in ten equal annual payments of~~
20 ~~principal and interest with interest on the unpaid balance at a rate equal to 90 percent~~
21 ~~of the prime rate at the beginning of the week of the drawing of any major bank in~~
22 ~~Seattle, Washington, selected by the manager, unless the assembly establishes a~~
23 ~~different rate by motion acted on as a separate item of business. The manager may~~
24 ~~authorize payments in quarterly or monthly installments and may establish a service~~
25 ~~fee for such installment payments. There shall be no prepayment penalty. If the balance~~

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1 of the principal is paid before due, that final principal and interest payment may be
2 reduced by an amount equal to one-tenth the principal amount due.

3 (i) ~~Subordination. The manager may subordinate the security interest of the City~~
4 ~~and Borough to that of a construction or purchase money lender if the sum of such loan,~~
5 ~~and the balance owing the City and Borough and all other secured parties is less than~~
6 ~~90 percent of the sum of the value of the land, existing improvements and~~
7 ~~improvements to be constructed on land with the proceeds of the loan.~~

9 **53.09.240 Over-the-counter sales.**

10 (a) ~~Lands available. Parcels which have been offered in a lottery but not taken,~~
11 ~~parcels which did not receive the minimum acceptable bid at an auction or sealed bid~~
12 ~~opening, parcels which have been previously disposed of by lottery, auction or sealed bid~~
13 ~~opening, lottery and which have been repossessed or foreclosed upon by the City and~~
14 ~~Borough, unless the foreclosure procedure involved a public auction or sale, and parcels~~
15 ~~for which the successful lottery, a bid opening, or auction purchaser has failed to~~
16 ~~provide the required down payment initial or additional five percent of the purchase~~
17 ~~price or to execute the necessary instruments within the 30 days required, within the~~
18 ~~time period stated in his or her purchase contract, and parcels sold to individuals or~~
19 ~~organizations not qualified to apply or bid shall be may be made available for over-the-~~
20 ~~counter sales under such procedures as the manager may prescribe.~~

21 (b) ~~Advertisement. Before the over-the-counter sale, the manager shall place a~~
22 ~~display advertisement in a newspaper of general circulation in the City and Borough~~
23 ~~which shall run for one day per week for six consecutive weeks. The advertisement shall~~
24 ~~contain a general description of the types and locations of parcels available, the terms~~
25 ~~and conditions of purchase, the date and place the land will be made available for over-~~

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1 the-counter sale, and the telephone number of the person or office to contact for further
2 information. The first day upon which lands may be made available for over-the-counter
3 sale shall be not sooner than one week nor later than three weeks after the last day the
4 sixth required advertisement is published.

5 (eb) ~~Qualification Sale procedure. To qualify to purchase property over-the-~~
6 ~~counter, the purchaser must be an individual 18 years of age or older, and must be a~~
7 ~~resident of the state and be present at the place designated for the sale; provided;~~
8 ~~beginning the fifth working day following the first day upon which a parcel is made~~
9 ~~available for over-the-counter sale, purchase may be made by an agent of an individual.~~
10 ~~No person may apply if that person has defaulted on a prior lottery, auction, over-the-~~
11 ~~counter or other sale of City and Borough property. The manager shall establish a~~
12 ~~method of determining who has first and subsequent chance of purchasing parcels~~
13 ~~among those who are present at the time over-the-counter parcels are first available.~~

14 (dc) ~~Minimum sale price. The sale price for parcels which have been offered in a~~
15 ~~lottery, auction, or sealed bid sale shall be the appraised market value. The sale price~~
16 ~~for parcels for which a minimum acceptable bid was not obtained at an auction or~~
17 ~~through a sealed bid, shall be the appraised market value. The sale price for parcels on~~
18 ~~which a bid was accepted at auction shall be the higher of the accepted price bid or the~~
19 ~~appraised value. For purposes of this section, the term "appraised value" is the value~~
20 ~~determined by an appraisal made or updated not more than 90 days prior to the sale~~
21 ~~under this section.~~

22 (e) ~~Deposit. As a part of an application for an over-the-counter sale, the buyer shall~~
23 ~~provide the City and Borough a good faith deposit equal to five percent of the estimated~~
24 ~~purchase price plus the cost of an appraisal or appraisal update, if one is required. The~~
25 ~~deposit shall be in cash or by check or other instrument. If the buyer fails to tender an~~

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1 additional five percent of the purchase price and to execute the necessary note, deed of
2 trust, development agreement, purchase agreement, or other instruments necessary to
3 close the sale within 30 days of the application and deposit, or if the check does not
4 clear, the sale is void, the City and Borough shall retain the five-percent deposit as
5 liquidated damages, and all rights of the buyer in the property arising out of the over-
6 the-counter sale application are terminated. Unless specifically provided otherwise by
7 the manager in writing, the buyer shall have no right of possession to the property until
8 all necessary notes, security and other instruments necessary to close the sale have
9 been executed and the sale closed.

10 (f) — Payment of balance. The balance shall be paid in ten equal annual payments of
11 principal and interest, with interest on the unpaid balance at a rate equal to 90 percent
12 of the prime rate at the beginning of the week of the drawing of any major bank in
13 Seattle Washington, selected by the manager, unless the assembly establishes a
14 different rate by motion acted on as a separate item of business. The manager may
15 authorize payments in quarterly or monthly installments and may establish a service
16 fee for such installment payments. There shall be no prepayment penalty. If the balance
17 of the principal is paid before due, the final principal and interest payment may be
18 reduced by an amount equal to one-tenth the principal amount due on that payment.

19 (g) — Subordination. The manager may subordinate the security interest of the City
20 and Borough to that of a construction or purchase money lender if the sum of such loan
21 and the balance owing the City and Borough and all other secured parties is less than
22 90 percent of the sum of the value of the land, existing improvements, and
23 improvements to be constructed on land with the proceeds of the loan.

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53.09.250 Sealed competitive bids.

~~(a) — Conducted by manager. The manager shall conduct sales by competitive sealed bids for those lands which the assembly has determined should be disposed of in that manner. The manager shall prescribe the conditions for the conduct of the sale to the extent not provided by this title or otherwise prescribed by the assembly for a specific sale.~~

~~(b) — Advertisement. Before the bid opening, the manager shall place a display advertisement in a newspaper of general circulation in the City and Borough which shall run for one day per week for six consecutive weeks. The advertisement shall contain a general description of the types and locations of the parcels available, the terms and conditions of purchase, the date time and place the bids will be opened, and the name, address and telephone number of the person or office to contact for bid forms and further information.~~

~~(c) — Qualifications. To qualify to bid, an individual must be 18 years or older; a corporation must be registered to do business in the state. No corporation, association or person may bid if they have defaulted on a prior lottery, auction, over-the-counter or other sale of City and Borough property.~~

~~(d) — Deposit. The bid must be accompanied by a good faith deposit in cash, money order, cashier's check or certified check equal to five percent of the purchase price or such higher minimum amount as may be specified in the advertisement.~~

~~(e) — Payment of balance. The balance shall be paid in ten equal annual payments of principal and interest with interest on the unpaid balance at a rate equal to 90 percent of the prime rate at the beginning of the week of the drawing of any major bank in Seattle, Washington, selected by the manager, unless the assembly establishes a~~

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1 ~~different rate by motion acted on as a separate item of business. The manager may~~
2 ~~authorize payments in quarterly or monthly installments and may establish a service~~
3 ~~fee for such installment payments. There shall be no prepayment penalty. If the balance~~
4 ~~of the principal is paid before due, the final principal and interest payment may be~~
5 ~~reduced by an amount equal to one-tenth the principal amount due on that payment.~~

6 (a) *Registration.* *The registration fee for participating in a sealed bid sale*
7 *shall be \$500 per application. The registration fee shall be returned to unsuccessful*
8 *bidders. For a successful bidder, the registration fee shall be applied toward the*
9 *down payment of the lot for which the fee was paid.*

10 (fb) *Post bid negotiations.* If a significant factor in the award of the bid is to be
11 the development proposal made by the bidder and if the bidders have been so informed
12 either in the advertisement or on the bid form, the manager may negotiate with the
13 best bidder or, in the manager's sole discretion, with the two best bidders.

14 (gc) *Assembly approval.* The award of a bid in which the development proposal
15 is a significant factor in the award is subject to approval by the assembly.

16 ~~**53.09.260 Sales, leases, and exchanges by negotiation or competitive**~~
17 ~~**proposal**~~ *Negotiated sales, leases, and exchanges.*

18 (a) ~~Upon direction of the assembly by motion, the manager may commence~~
19 ~~negotiations for the lease, sale, or exchange or other disposal of City and Borough land.~~

20 (ba) Upon application, approval by the manager, and payment of a \$500 fee
21 ~~established by the assembly by resolution,~~ a person or business entity, may submit a
22 written proposal to lease, purchase, *exchange*, or otherwise acquire City and Borough
23 land for a specified purpose. The proposal shall be reviewed by ~~the planning commission~~
24 ~~and thereafter forwarded to the assembly for a determination of whether the proposal~~
25 ~~should be further considered and, if so, whether by direct negotiation with the original~~

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1 proposer or by competition after an invitation for further proposals;. Upon direction of
2 the assembly by motion, the manager may commence negotiations for the lease, sale,
3 or exchange, or other disposal of City and Borough land. ~~in either case upon such~~
4 ~~procedures and conditions as may be set forth in a resolution, notice of which shall be~~
5 ~~given in the manner prescribed for actions by ordinance.~~

6 (eb) Upon satisfactory progress in the negotiation or competition undertaken
7 pursuant to subsection (a) ~~or (b)~~ of this section, and after review by the planning
8 commission and authorization by the assembly by ordinance, the manager may
9 conclude arrangements for the lease, sale, or exchange or other disposal of City and
10 Borough land. ~~When a land exchange is proposed, the planning commission shall~~
11 ~~evaluate alternative sites, and shall make specific recommendations regarding such~~
12 ~~exchanges prior to execution of the exchange.~~ The final terms of a disposal pursuant
13 to this section are subject to approval by the assembly unless the minimum essential
14 terms and the authority of the manager to execute the disposal are set forth in the
15 ordinance enacted pursuant to this subsection. The disposal may not be executed
16 until the effective date of the ordinance.

18 **53.09.610 270 Disposals for public use.**

19 (a) Disposal to governmental agency. The lease, sale, or other disposal of
20 municipal land or resources may be made to a state or federal agency for less than the
21 appraised market value provided the assembly approves the terms and conditions of
22 such disposal by resolution ordinance.

23 (b) Disposal to nongovernmental agency. The sale, lease, or other disposal of
24 City and Borough land or resources may be made to a private, nonprofit corporation
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1 at less than the market value provided the disposal is approved by the assembly by
2 resolution ordinance, adopted after 14 days' public notice and the land interest in
3 land or resource is to be used solely for the purpose of providing a service to the
4 public which is supplemental to a governmental service or is in lieu of a service
5 which could or should reasonably be provided by the state or the City and Borough.

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7 (c) *The market value, as determined by the manager, of City and Borough*
8 *land, interest in land or resources, which is granted to a governmental or*
9 *nongovernmental agency under this section, shall be set forth in the authorizing*
10 *ordinance. The City and Borough may require the grantee to provide an appraisal to*
11 *determine the market value.*

12 ...

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14 **ARTICLE VI. - MISCELLANEOUS**

15 **53.09.600 Municipal land fund revenues.**

16 ...

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18 ~~**53.09.610 Disposals for public use:**~~

19 ~~— a) Disposal to governmental agency. The lease, sale or other disposal of~~
20 ~~municipal land or resources may be made to a state or federal agency for less than~~
21 ~~the appraised value provided the assembly approves the terms and conditions of~~
22 ~~such disposal by resolution.~~

23 ~~— (b) Disposal to nongovernmental agency. The sale, lease or other disposal of~~
24 ~~City and Borough land or resources may be made to a private, nonprofit corporation~~

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ATTACHMENT #2

1 ~~at less than the market value provided the disposal is approved by the assembly by~~
2 ~~resolution adopted after 14 days' public notice and the land interest in land or~~
3 ~~resource is to be used solely for the purpose of providing a service to the public which~~
4 ~~is supplemental to a governmental service or is in lieu of a service which could or~~
5 ~~should reasonably be provided by the state or the City and Borough.~~

8 **53.09.690 Definitions.**

9 ~~— The following words, terms and phrases, when used in this chapter, shall have~~
10 ~~the meanings ascribed to them in this section, except where the context clearly~~
11 ~~indicates a different meaning.~~

12 ~~— Appraised value of a parcel being offered for sale means the market value of the~~
13 ~~parcel reduced by an amount which is in reasonable proportion to state grants under~~
14 ~~AS 38.04.021 unexpended by the municipality in the process of acquiring,~~
15 ~~subdividing, improving and marketing the parcel.~~

17 ~~— Domicile means the true and permanent home of a person from which he or she~~
18 ~~has no present intention of removing and to which he or she intends to return~~
19 ~~whenever he or she is away.~~

20 ~~— Materials means and includes minerals.~~

21 ~~— Parcel means a unit of land and usually is a single lot, tract, or survey of land~~
22 ~~which is not further subdivided, but may include two or more lots, tracts, surveys, or~~
23 ~~a combination thereof if treated as a unit for purposes of disposal or development.~~

ATTACHMENT #2

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Section 3. Effective Date. This ordinance shall be effective 30 days after its adoption.

Adopted this day of 2012.

Merrill Sanford, Mayor

Attest:

Laurie J. Sica, Clerk