

ALEUTIANS EAST BOROUGH
ORDINANCE SERIAL NO. 13-01

AN ORDINANCE OF THE ALEUTIANS EAST BOROUGH AUTHORIZING THE SALE TO DAVE BASH OF LOT 56, TOWNSITE OF KING COVE ALASKA, UNDER AEB 50.10.070 DISPOSAL OF REAL PROPERTY; AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER A CONTRACT FOR THE SALE; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, Dave Bash has offered to purchase property located by the old King Cove School legally described as Lot 56, US Survey 3866, Townsite of King Cove Alaska, Records of the Aleutian Islands Recording District, Third Judicial District, State of Alaska for the amount of \$15,000.00, as stated in his letter of July 21, 2012, attached as Appendix A; and

WHEREAS, AEBMC Sec. 50.10.060 provides that “[d]isposal of real property may be by sealed bids, outcry auction, lottery, first-come, first-served, negotiation, or such other method as the assembly may provide in the resolution authorizing the disposal”; and

WHEREAS, AEBMC Sec. 50.10.050 provides for the disposal of real property owned by the Borough mandating that the disposal of real property not covered by other sections within chapter 50.10 “must be authorized by ordinance and must contain” the following:

- (1) a description of the property,
- (2) a finding and the facts that supports the finding that the property or interest is no longer required for a public purpose if the property or interest is or was used for a government purpose,
- (3) the type of interest to be disposed of if less than a fee interest,
- (4) conditions and reservations that are to be imposed upon the property,
- (5) the fair market value of the property,
- (6) the minimum disposal price of the real property,
- (7) the method of disposal, including time, place and dates when relevant,
- (8) special conditions for the disposal, including, when relevant, special qualifications of purchasers and purchase terms, and
- (9) a finding and the facts supporting the finding of the public benefits to be derived if the disposal is to be for less than market value; and

WHEREAS, AEBMC Sec. 50.10.070(a) provides that “[u]nless otherwise provided in the resolution authorizing the disposal, the disposal shall be at not less than the fair market value as determined by a fee appraisal, by the borough’s assessor’s valuation, or by such reasonable estimates as the mayor or assembly, as appropriate, finds to be reliable or appropriate under the circumstances; and

WHEREAS, AEBMC Sec. 50.10.070(c) provides that "[u]ses and purposes that may justify a disposal at less than market value include, but are not limited to" . . . "(5) the purpose of settling boundary or other land disputes"; and

WHEREAS, the Assembly finds that the sale of the property is in the best interest of the Borough, and that the sale is necessary to settle an existing boundary or land dispute; and

WHEREAS, there has been presented to the Borough the form of a Real Estate Purchase and Sale Agreement, attached as Appendix B, between Dave Bash and the Borough which provides for the Borough to sell the property to Dave Bash with terms and conditions set forth therein and in this Ordinance, and it is in the best interest of the Borough that the Borough sell said property to Dave Bash under such terms and conditions.

NOW THEREFORE, BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.


Section 2. Authorization of Sale of Property. Based upon the above findings, the Borough is authorized to sell the property to Dave Bash under the terms and conditions set forth in the Purchase and Sale Agreement.

Section 3. Authorization of Purchase and Sale Agreement. The form of the Purchase and Sale Agreement is hereby approved in all respects, and the Mayor is authorized to execute and deliver the Agreement. The Mayor is further authorized to make such changes and modifications as deemed necessary in the execution of the Agreement.

Section 4. Effectiveness. This Ordinance shall take effect upon adoption by the Aleutians East Borough Assembly.

INTRODUCED: August 28, 2012

ADOPTED: October 4, 2012


Stanley Mack, Mayor

Date: 10/4/12

ATTEST:


Borough Clerk

Date: 10/4/12