

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2018-29

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA AMENDING TITLE 18 "PROPERTY ACQUISITION AND DISPOSAL" AND TITLE 19 "BUILDING AND CONSTRUCTION" OF THE SITKA GENERAL CODE BY AUTHORIZING AN ADVISORY VOTE AND MODIFYING CHAPTER 18.12 "REAL PROPERTY DISPOSAL", CHAPTER 18.16 "TIDELAND LEASE PROCEDURE", AND CHAPTER 19.07 "DEMOLITION OR REMOVAL OF MUNICIPALLY OWNED BUILDINGS"

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. The purpose of this ordinance is to amend Title 18 and Title 19 by modifying language in sections of the identified chapters to authorize an advisory vote to replace the current requirement of voter ratification for the sale or disposal of real property valued over five hundred thousand dollars, or upon lease of real property, including tidelands, of a value of more than seven hundred fifty thousand dollars. This amendment will change the mandatory voter ratification to an advisory vote when authorized by the assembly, and will increase the value of sale or disposal of real property valued over five million dollars and the lease of real property valued over seven million five hundred thousand dollars.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code be amended as follows by deleting and/or adding language in the following sections: 18.12.010.A; 18.12.010.B; 18.12.010.C; 18.12.010.F; 18.12.014.A; 18.16.030; 18.16.170; 18.16.200; 18.16.220; and 19.19.040 (deleted language stricken, new language underlined):

Title 18
PROPERTY ACQUISITION AND DISPOSAL

Chapters:

- 18.04 General Provisions
18.08 Personal Property Acquisition and Disposal
18.12 Real Property Disposal
18.16 Tideland Lease Procedure
18.20 Tideland Permits
18.24 Abandoned Property
18.32 Public Improvements Bonding Requirements

**Chapter 18.12
REAL PROPERTY DISPOSAL**

Sections:

- 18.12.010 Real property disposal.
- 18.12.014 ~~Requirement for a public~~ Advisory vote and disclosure of information for land disposals related to a dock or vessel transfer facility that could be used by large cruise ships.
- 18.12.015 Street and public area vacations.

18.12.010 Real property disposal.

A. Real property, including tidelands, and land acquired from the state, may be sold or leased only when authorized by ordinance. Lease of space within municipal buildings that are of a value of less than one thousand dollars shall be treated as disposals of personal property without ordinance. All other leases of space within a municipal building shall be treated as disposal of real property under this chapter.

Note: The value of a lease shall be determined by multiplying the monthly or annual rent by the term of the lease.

B. Upon sale or disposal of real property valued over five ~~hundred thousand~~ million dollars, or upon lease of real property, including tidelands, of a value of more than seven million five hundred ~~fifty thousand~~ dollars, the ordinance authorizing the sale, lease, or disposition ~~shall~~ may provide that the ordinance ~~be~~ receive an advisory vote ratified by a majority of the qualified voters voting at a general or special election. The assembly shall stay its decision on Any such sale, lease, or disposition ~~shall be revocable~~ pending the outcome of the election. This subsection shall not apply to leases at the former Alaska Pulp Corporation mill site, now known as the Gary Paxton Industrial Park, and the property leased under Ordinance 99-1539.

C. ~~No election, advisory vote ratification by the electorate,~~ or competitive bid is required for exchange of municipal property, both real and personal, including tidelands, or any interest in property, with the United States, the state of Alaska, or a political subdivision.

Such disposals to other governmental units, shall be done by ordinance.

All leases of real property and tidelands approved by the assembly and signed by the lessee prior to the date of enactment of the ordinance codified in this title are confirmed and ratified and voter ratification required under the former ordinance is waived. (Enactment date September 27, 1983).

D. The lease of any municipal property on a temporary basis may be made by the administrator upon motion of the assembly without ordinance. Temporary shall be defined as any lease terminable at the will of the municipality where no more than thirty days prior notice of intent to terminate is required.

E. Sale or lease of municipal real property, including tidelands shall be by competitive bid, unless the assembly finds that competitive bidding is inappropriate, due to the size, shape, or location of the parcel, rendering it of true usefulness to only one party, or is waived by

102 subsection C of this section. The assembly may also find that competitive bidding is
103 inappropriate due to the nature of the property or the circumstances surrounding its disposal to
104 include possible unjust results with regard to the existing lessee, or adjacent or neighboring
105 property owners.

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107 F. When it is deemed advantageous to the municipality, it may trade uplands or tidelands for
108 other land of approximately equal size or value. Should the municipal property in question be of
109 such ~~size or value or to such a class of grantee as to permit~~ require an advisory vote, an
110 advisory vote may be authorized by the assembly election before conveyance of title can be
111 ~~made, and~~ the requirements and procedures concerning such election shall apply.

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113 G. The administrator is authorized to sign all municipal lease and conveyance documents.

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115 **18.12.014 Requirement for a public Advisory vote and disclosure of information for land**
116 **disposals related to a dock or vessel transfer facility that could be used by large cruise**
117 **ships.**

118 A. Notwithstanding Sections 2.38.080(A)(7) and 2.38.090 or any other provision of law, the
119 assembly may authorize an advisory vote for any ordinance authorizing the sale, lease or
120 disposal of any real property of the city and borough for a dock or vessel transfer facility that
121 could be used by cruise ships exceeding three hundred feet in length, ~~shall be effective only~~
122 ~~after an affirmative vote of the electorate.~~ The assembly shall stay its decision on any such sale,
123 lease, or disposition pending the outcome of the election .If an advisory vote is authorized, Nnot
124 less than thirty days prior to the election, the city and borough shall make available to the
125 electorate the terms of the proposed sale, lease or disposal of real property and a summary of
126 the direct anticipated costs to the city and borough.

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128 B. This section applies to tidelands and other real property owned by the city and borough,
129 including any real property in Sawmill Cove.

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133 **Chapter 18.16**
134 **TIDELAND LEASE PROCEDURE**

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136 Sections:

137	18.16.010	Generally.
138	18.16.020	Leases and permits.
139	18.16.030	Government leases and permits.
140	18.16.040	Classes of approval for permits and leases.
141	18.16.050	Procedures and fees for Class I, Class II, and Class III approvals.
142	18.16.060	Class IIA, Class IIB, and Class IIC approvals – Application requirements.
143	18.16.070	Class IIA, Class IIB, and Class IIC – Notification requirements.
144	18.16.080	Class IIA, Class IIB, and Class IIC review – Planning commission.
145	18.16.090	Class IIA and Class IIB review – Assembly.
146	18.16.100	Class III – Pre-application advice.
147	18.16.110	Class III – Formal application.
148	18.16.120	Class III – Plat requirements.
149	18.16.130	Class III – Lease preference rights and nonpreference rights.
150	18.16.140	Class III – Notification of upland owner.

- 151 18.16.150 Class III – Preliminary approval.
- 152 18.16.160 Class III – Notice of auction and intended lease.
- 153 18.16.170 Class III – ~~Ratification~~ Advisory vote by the voters.
- 154 18.16.180 Class III – Protest.
- 155 18.16.190 Class III – Determination of lease price.
- 156 18.16.200 Class III – Lease by ordinance.
- 157 18.16.210 Class III – Annual lease payments and terms.
- 158 18.16.220 Class III – Direct lease by municipality.
- 159 18.16.230 Execution of permit and lease documents.

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163 **18.16.030 Government leases and permits.**

164 When leases or permits are issued to other local, state, or federal governmental units or a
165 corporation or agency through which the governmental unit acts, there is no limit to the front
166 footage obtainable, or valuation limit and no ~~permitted advisory requirement of an~~ election as
167 set out by Sections 18.12.010 and ~~18.16.110~~, and no consideration for such a lease shall
168 necessarily be required.

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173 **18.16.170 Class III – ~~Ratification~~ Advisory vote by the voters.**

174 Lease of tidelands to other than preference right holders for areas which have more than two
175 hundred fifty feet of frontage along the upland meander line, or lease of any tidelands valued
176 above seven million five hundred fifty thousand dollars, ~~shall may~~ be submitted to the voters for
177 an advisory vote, election ratification. The assembly shall stay its decision on any such sale,
178 lease, or disposition pending the outcome of the election. This section shall not apply to leases
179 at the former Alaska Pulp Corporation mill site, now known as Gary Paxton Industrial Park, and
180 the property leased under Ordinance 99-1539.

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183 **18.16.200 Class III – Lease by ordinance.**

184 Should the auction be held and a bid accepted by the assembly, the lease shall be executed
185 subject to passage of an ordinance authorizing the lease. If the lease is subject to ~~ratification~~ an
186 advisory vote and the assembly authorizes an advisory vote, the assembly shall stay its
187 decision on the ordinance authorizing the lease pending the outcome of the election. by the
188 voters, the authorizing ordinance should also authorize putting the question to the voters at the
189 next regular or special municipal election.

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193 **18.16.220 Class III – Direct lease by municipality.**

194 By ordinance the municipality may elect to lease tidelands upon its own initiative upon such
195 terms as are set out in the ordinance.

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197 Tidelands leased by the direct lease procedure ~~shall may~~ be subject to an advisory vote if
198 approved by the assembly ~~ratification election~~ whenever applicable by other sections of the
199 Sitka General Code.

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**Title 19
BUILDING AND CONSTRUCTION**

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**Chapter 19.19
DEMOLITION OR REMOVAL OF MUNICIPALLY OWNED BUILDINGS**

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Sections:

- 19.19.010 Assembly authority.
- 19.19.020 Bidding.
- 19.19.030 Buildings considered personal property.
- 19.19.040 Authorization by ordinance ~~or election~~.
- 19.19.050 Value determination.
- 19.19.060 Scope.

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19.19.040 Authorization by ordinance ~~or election~~.

If the value of the building exceeds twenty-five thousand dollars, its removal or demolition shall be authorized by ordinance. If the value is more than one hundred thousand dollars, the ~~assembly may authorize an advisory vote~~ removal must be approved by the voters at a general or special election and the assembly shall stay its decision pending outcome of the election.

5. EFFECTIVE DATE. This ordinance shall become effective the day after the date of its passage.

PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 26th day of June, 2018.

Matthew Hunter, Mayor

ATTEST:

Sara Peterson, MMC
Municipal Clerk

1st reading 6/12/18
2nd reading 6/26/18