

TITLE 8
PUBLIC PROPERTY^{1/}

Chapters:

- 8.05 **General Provisions**
- 8.10 **Acquisition and Disposal of Property**
- 8.15 **City Trailer Court**

^{1/} See Ord. 90-5 transferring airport powers and a portion of the dock powers to the Aleutians East Borough for the exercise of such transferred powers on an area-wide basis but retaining the power for the city to exercise transferred powers within the city limits.

Chapter 8.05 -- General Provisions

Sections:

- 8.05.010 Regulations for use of public property--Manager and mayor authority.**
- 8.05.015 City dam/water reservoir--Prohibited acts; Penalties; Remedies.**

8.05.010 Regulations for use of public property--Manager and mayor authority. The manager and/or mayor of the city is authorized to enact regulations relating to prevention of nuisances and safety hazards on public property. Such regulations shall be posted in at least three prominent public places and on the site of the public property where the regulations apply. Such regulations shall be enforceable in the same manner as other city ordinances. (Ord. 87-06 § 4, 1987)

8.05.015 City dam/water reservoir--Prohibited acts; Penalties, Remedies. A. Unless otherwise authorized by law, it shall be unlawful for any individual to:

1. swim within, or to cause any object to be placed upon or within the waters of any city dam/water reservoir facility.
2. trespass upon an area within 50 feet of the water's edge of any city dam/water reservoir facility as posted by the city.
3. interfere with, obstruct, mutilate, conceal or tear down any official notice, sign, placard, fence, structure or barrier placed upon or around the area of any city dam/water reservoir facility by city officials or employees or to cause any damage to the dam/water reservoir or the water contained within.

B. A person who violates any provision of this section shall be subject to a civil penalty of three hundred dollars (\$300.00) for each offense upon the issuance of a citation by the city's public safety officer on a form prescribed by and pursuant to the citation procedures established by the city. Any parent or guardian of an unemancipated minor who violates any provisions of this section shall be responsible and cited for such as if he violated the same. (Ord. 88-03 § 4, 1987)

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Chapter 8.10 -- Acquisition and Disposal of Property^{1/}

Sections:

Article 1. Miscellaneous Provisions

- 8.10.110 Authority, generally.
- 8.10.115 Eminent domain.
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- 8.10.325 Qualifications of applicants and bidders.
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- 8.10.335 Disposal for fair market value.
- 8.10.340 Land disposal procedure, generally.
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- 8.10.350 Determination of fair market value.
- 8.10.355 Public notice.
- 8.10.360 Award--Rejection of bids or proposal.
- 8.10.365 Form of conveyance.
- 8.10.370 Use permits and licenses.

^{1/} See AS 29.35.010(8) for state provisions allowing a municipality to sell, own, etc., real property. See AS 29.35.030 for state provisions allowing municipalities to exercise the powers of eminent domain. See AS 29.71.010 as to adverse possession.

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Article 4. Personal Property Disposition

- 8.10.410 Disposal of personal property under five hundred dollars.

- 8.10.415 When competitive bidding is not required for sale of surplus or obsolete goods.
8.10.420 Surplus stock.
8.10.425 Declaration of obsolescence.

Article 1. Miscellaneous Provisions

8.10.110 Authority, generally. The city may acquire and hold real property or an interest in real property and may sell, lease or otherwise dispose of property no longer required for municipal purposes. (Ord. 77-01 (part), 1977; Ord. 86-06 § 3 (part), 1986)

8.10.115 Eminent domain. The city may exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.240-.460. The exercise of the power of eminent domain or declaration of taking shall be by ordinance of the council. (Ord. 77-01 (part), 1977; Ord. 93-6, 1993)

8.10.120 Adverse possession. The city cannot be divested of title to real property by adverse possession. (Ord. 77-01 (part), 1977)

8.10.125 Real property as security. The council may pledge, mortgage, or otherwise secure city real property for the payment of city bonded or other indebtedness when required, as authorized by law. (Ord. 77-01 (part), 1977)

Article 2. Real Property Acquisition

8.10.210 Authority. The city may acquire, own and hold real property within or outside the city boundaries by any lawful means or conveyance. (Ord. 77-01 (part), 1977)

8.10.215 Real property defined. As used in this article, "real property" includes any estate in land, easement, right-of-way, lease, permit, license, franchise, future interest,

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building, fixture, or any other right, title, or interest in land or a building. (Ord. 77-01 (part), 1977)

8.10.220 Acquisition--Form. A. The city may acquire, own and hold real property by warranty or quitclaim deed, easement, grant, permit, license, deed of trust, mortgage, contract of sale of real property, plat dedication, lease, tax deed, will, or any other lawful method or mode of conveyance or grant. Real property shall be held in the name of "The City of King Cove". Any instrument requiring execution by the city shall be signed by the mayor and attested by the city clerk. The form of any conveyance may be approved by the city attorney.

B. Only upon a specific resolution of the council, the mayor may act on its behalf in the acquisition of real property or interest in real property when that property to be acquired is for a valuable consideration.

C. Prior to approval, the mayor is to furnish the council with an abstract of title, an appraisal of the real property, and a review of any problems in acquisition, but the failure to furnish the council any such material shall not affect the validity of any acquisition or purchase of real property by the city.

D. Unless otherwise provided by council, the city shall purchase marketable title in the real property. Unless otherwise provided by ordinance or resolution, or upon council approval of a purchase, the mayor is authorized to obtain title insurance, to execute any instruments and to take all steps necessary to complete and close the purchase and acquisition of the real property. (Ord. 77-01 (part), 1977)

8.10.225 Rights and powers of city. The city shall have and may exercise all rights and powers in the acquisition, ownership and holding of real property as if the city were a private person. (Ord. 77-01 (part), 1977)

8.10.230 Dedication by plat. The city may not acquire any real property by means of a dedication by plat unless the dedication of the real property is accepted in writing and signed by the mayor. (Ord. 77-01 (part), 1977)

8.10.235 Industrial sites. The city may acquire, own and hold real property, either inside or outside the city boundaries, for sites available for new industries which will benefit the city. (Ord. 77-01 (part), 1977)

8.10.240 Federal and state aid. The city may apply for, contract, and do all things necessary to cooperate with the United States Government and the State of Alaska for the

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acquisition, holding, improvement or development of real property within and outside the city boundaries. (Ord. 77-01 (part), 1977)

Article 3. Real Property Disposal

8.10.310 Form of disposal. No contract, lease or conveyance pertaining to the disposal of real property by the city may be enforced against the city unless the contract, lease or conveyance was awarded, approved and executed in accordance with this title. (Ord. 86-06 § 3 (part), 1986)

8.10.315 Definitions. As used in this article:

City land means any real property or interest therein owned by the City of King Cove.

Contract means a legally enforceable agreement of any kind, including an option, regardless of what it may be called.

Disposal means any transfer of real property authorized under this title.

Real property means any interest in real property under the law of the State of Alaska, including but not limited to a fee, easement, or leasehold interest, and a revocable license or permit to use real property. (Ord. 86-06 § 3 (part), 1986)

8.10.320 Review and approval by City Council. All city land disposals shall be by city council ordinance. The ordinance shall specify the terms and conditions upon which the disposal will be offered. (Ord. 86-06 § 3 (part), 1986; Ord. 87-03 § 2, 1986; Ord. 96-10, 1996)

8.10.325 Qualifications of applicants and bidders. An applicant or bidder for a disposal of city land is qualified if the applicant or bidder is:

1. a citizen of the United States or has filed a declaration of intent to become a citizen and is 18 years of age or over;
2. a group, association, or corporation which is authorized to conduct business under the laws of Alaska; or
3. acting as an agent for a person qualified under subsection 1. or 2. of this section and has filed with the mayor or his or her designee, prior to the time set for the disposal, a proper

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power of attorney or a letter of authorization from such an agency. The agent shall represent only one principal, to the exclusion of himself or herself. (Ord. 86-06 § 3 (part), 1986; Ord. 07-06 § 3, 2007)

8.10.330 Development plans. A. To qualify to bid for a disposal requiring a development plan, a prospective bidder shall submit to the manager plans for the contemplated development conforming to the specifications in the request for bids or proposals.

B. The time for submitting development plans shall be stated in the request for bids or proposals for the disposal.

C. Development plans not meeting minimum standards will be returned to the applicant for revision and resubmission within 10 days after return to the applicant. Applicants submitting development plans failing to meet minimum standards shall not be qualified to bid. Each applicant submitting a development plan shall be notified in writing of the decision to accept or reject the individual's development plan.

D. Minimum standards of a development plan are as follows:

1. a layout sketch to show reasonable use of the area being offered and nature of improvements to be constructed;

2. the estimated value of the capital improvements to be placed on the land and type of construction;

3. a development schedule showing the time frame in which the improvements will be constructed;

4. the proposed development shall conform to the zoning, building codes and all applicable federal, state, and local laws;

5. other requirements as may be stated in the request for bids or proposals for the disposal.

E. The manager may require proof of an applicant's financial capability to complete the proposed development.

F. The development plan and schedule for development may be incorporated into the disposal contract for enforcement of its completion. (Ord. 86-06 § 3 (part), 1986)

8.10.335 Disposal for fair market value. A. Except as otherwise provided by this article or another provision of law, all disposals of city land shall be for the fair market value of the interest disposed of. The city may accept in exchange for city land any consideration of sufficient value not prohibited by law.

B. The city may dispose of city land to the United States, the State of Alaska or any political subdivision thereof, or a non-profit corporation or association, or to an individual or entity as settlement of an asserted land claim against the city, for less than the fair market value of the interest disposed of, upon the finding

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by the council, that the disposal will allow the use of the land for a public purpose of result beneficial to the city.

C. The city may exchange land with any person or organization for less than fair market value or without a determination of fair market value when the city council finds that the land to be received by the city in the exchange has a unique value or benefit to the city or will serve a specific need of the city. (Ord. 86-06 § 3 (part), 1986; Ord. 92-8 § 2, 1992)

8.10.340 Land disposal procedure, generally. A. Except as this article provides otherwise, where the city is required to dispose of land for fair market value, it shall dispose of the land in accordance with §§ 8.10.350 -.365.

B. Where the city may dispose of land for less than fair market value, it may do so by direct negotiation with the person acquiring the land without conforming to §§ 8.10.350 -.365, unless otherwise directed by the council. (Ord. 86-06 § 3 (part), 1986)

8.10.345 Disposal methods. The council may select any of the following disposal methods:

1. direct negotiations with interested parties who seek to acquire city land.
2. invite sealed bids for city land, specifying the time and place for receiving bids and the minimum acceptable bid.
3. offer city land for sale at public auction, specifying a minimum acceptable bid.
4. invite proposals to purchase city land. The invitation shall specify the basis upon which proposals shall be evaluated, which may include but need not be limited to the proposed acquisition price, the quality of proposed development of land and its benefit to the community, the qualifications and organization of the proposer, the value of the proposed improvements to the land and the rents or resale prices to be charged by the proposer. (Ord. 86-06 § 3 (part), 1986)

8.10.350 Determination of fair market value. The fair market value of city land being disposed of shall be determined by one of the following:

1. The city land shall be appraised within 90 days prior to the date fixed for its disposal. An appraisal shall be performed by the assessor or a qualified appraiser and shall reflect the fair market value of the land and city improvements located thereon; or,
2. The city council shall make a determination and finding, after review and recommendation by the mayor as to the land's value,

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of (a) the fair market value of the land being disposed of, or (b) in cases of exchanges of land, that the land to be received by the city is of equal or greater value than the land being disposed of. (Ord. 86-03 § 3 (part), 1986; Ord. 87-03 § 1, 1986; Ord. 07-06 § 3, 2007)

8.10.355 Public notice. Notice of disposals of city land by competitive bidding or proposals, or at public auction, shall at a minimum be published in a newspaper of general circulation within the city once each week for two successive weeks, not less than 20 days prior to the date of the auction or opening of bids or proposals, and shall be posted in at least three public places within the city, for at least 30 days prior to the disposal. Additional notice may be given by any means determined to be reasonable by the manager or the city. The notice must contain a brief description of the land, its size and general location, the proposed use, term, minimum offer, limitations, if any, and time and place set for the auction or bid opening. (Ord. 86-06 § 3 (part), 1986)

8.10.360 Award--Rejection of bids or proposals. A. City land disposals by competitive bidding or proposals shall be awarded by the council, after considering the recommendation of the manager. The council shall make the award to the best bidder or proposer in accordance with the criteria set forth in the invitation for bids or proposals.

B. If the council finds it to be in the best interest of the city to do so, it may reject all bids or proposals. (Ord. 86-06 § 3 (part), 1986)

8.10.365 Form of conveyance. Any instrument pertaining to the conveyance of city land and requiring execution of the city shall be executed by the manager or his or her designee and attested by the clerk. (Ord. 86-06 § 3 (part), 1986)

8.10.370 Use permits and licenses. The city may, by city council resolution, issue "use permits" or "licenses" for use of city land, not to exceed 180 days. Such use permits or licenses may or may not be for consideration but such use permits or licenses may be terminated "at will" by the city. Use permits and licenses may be issued without conforming to §§ 8.10.350 - .360, unless otherwise directed by the council. (Ord. 86-06 § 3 (part), 1986)

Article 4. Personal Property Disposition

8.10.410 Disposal of personal property under five hundred dollars.

A. Personal property, other than surplus stock, that is valued at less than five hundred dollars (\$500.00) may be

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disposed of upon such notice and terms considered reasonable by the mayor, taking into consideration the value of the article, the reason for disposal, and the general preference of disposal by competitive bid. The mayor shall report disposals to the council if so requested.

B. Personal property valued at more than five hundred dollars (\$500.00) but less than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land under twenty-five thousand dollars (\$25,000.00).^{1/}

C. Personal property valued at more than twenty-five thousand dollars (\$25,000.00) shall be disposed of in the manner provided for land over twenty-five thousand dollars (\$25,000.00).^{1/} (Ord. 77-01 (part), 1977)

8.10.415 When competitive bidding is not required for sale of surplus or obsolete goods. The mayor may sell the following without giving an opportunity for competitive bidding:

1. surplus or obsolete supplies, materials, or equipment whose total value does not exceed one thousand dollars (\$1,000.00) in a single transaction;

2. supplies, materials, or equipment when sold at a price at least as great as that paid by the city for the same. (Ord. 77-01 (part), 1977)

8.10.420 Surplus stock. A. **Using Agents.** All using agencies shall submit to the mayor, at such times and in such form as he or she shall prescribe, reports showing stocks of all supplies which are no longer used or which have become obsolete, worn out or scrapped.

B. **Transfer.** The mayor shall have the authority to transfer surplus stock to other using agencies and provide for proper fiscal transfer of such.

C. **Sale.** The mayor with approval of council shall have the authority to sell all supplies or equipment which have become unsuitable for public use, or to exchange the same for, or trade in the same on any new supplies or equipment.

1. **Competitive bidding.** Sales of surplus city supplies or equipment appraised at over one thousand dollars (\$1,000.00) under this section shall be made to the highest responsible bidder.

2. **Certificates of Sale.** The mayor shall conduct the sale and issue the certificates of sale to the purchaser of surplus city supplies or equipment. (Ord. 77-01 (part), 1977)

^{1/} Prior codification referenced Chapter 8.30 citations as to real property land disposal procedures. These citations became obsolete with the enactment of Ord. 86-06.

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8.10.425 Declaration of obsolescence. No surplus or obsolete supplies, materials, or equipment of a value of more than one thousand dollars (\$1,000.00) may be sold until the council shall have declared them obsolete or surplus. (Ord. 77-01 (part), 1977)

Chapter 8.15 -- City Trailer Court

Sections:

- 8.15.010 User's fees for city trailer court.**
- 8.15.015 Payment terms.**
- 8.15.020 Revenue.**
- 8.15.025 Space lease agreement.**

8.15.010 User's fees for city trailer court. Users of the city trailer court shall pay seventy-five dollars (\$75.00) per month for rental of one mobile home space. (Ord. 98-12, § 2 (part), 5-28-98)

8.15.015 Payment terms. Rental payment is due to the city office on the first day of each month. (Ord. 98-12, § 2 (part), 5-28-98)

8.15.020 Revenue. Rental revenue will be deposited in the community project special revenue fund. (Ord. 98-12, § 2 (part), 5-28-98)

8.15.025 Space lease agreement. A. Users of the city trailer court shall enter into a space lease agreement with the city. The city shall be referred to as "Landlord" in the agreement.

B. Terms and conditions of the space lease agreement shall be as follows:

1. **Rent.** Tenant promises to pay rent for the premises in advance to Landlord in the amount identified in the agreement as monthly rent. Rent is payable on or before the first day of each month at the city office.

2. **Term.** The term of the lease shall commence on the date identified above and continue on a month-to-month basis until terminated as provided in this lease.

3. **Sublet.** Tenant shall not sublet the premises nor assign the agreement nor any part thereof without the prior written consent of the Landlord.

4. **Maintenance of Premises.** Tenant shall be responsible for all yard work, snow removal, and plowing of the premises and promises to keep the premises in a clean and sanitary condition.

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5. **Tenant Promises:**

a. To place only one mobile home on the premises, and will not use the premises or permit the use of the premises, for any other purposes or by placing any other structures on the premises without the prior written consent of the Landlord;

b. To properly dispose of rubbish, garbage, and waste in a clean and safe manner at reasonable and regular intervals;

c. Not to permit a nuisance or commit waste on the premises;

d. To keep the premises in a clean and sanitary condition;

e. To keep the mobile home and all structures on the premises in fit and habitable condition and in good repair;

f. Not to engage in any conduct or allow any condition to exist on the premises that is detrimental to the health, safety, or welfare of any other tenants of the trailer court, or that unreasonably disturbs a neighbor's peaceful enjoyment of neighboring premises;

g. Not to store any junk, including but not limited to, old vehicles, appliances, building materials, or other items, on the premises.

6. **Rental Increase.** Landlord may increase the monthly rental any time or times upon sixty days prior notice to Tenant. In case of an increase in rent, it is understood that all other provisions of the agreement shall remain in full force, changed only by such alterations in the amount of rent and not otherwise.

7. **Insurance.** Landlord will not provide any insurance. Tenant shall provide his or her own insurance for liability and property loss of the mobile home or other belongings of Tenant, if desired.

8. **Termination of Tenancy.** The tenancy created by the agreement may be terminated by either party at the end of any month by giving written notice of termination to the other party at least 30 days or more preceding the end of a month; provided, however, that Landlord may terminate the tenancy with less than 30 days notice and at any time during a month if Tenant fails to comply with any of the provisions of the agreement. If Tenant vacates the premises in the middle of a month, Tenant shall receive no refund of the rent paid for the month.

C. The non-fee portion of the space lease agreement may be amended by subsequent resolution.
(Ord. 99-4, § 2, 10-1-98)

