

Proposed by:	Assembly
Attorney Review:	05/19/2023
First Reading:	06/01/2023
Second Reading:	_____
Vote:	<input type="checkbox"/> Aye <input type="checkbox"/> Nay <input type="checkbox"/> Absent

## MUNICIPALITY OF SKAGWAY, ALASKA ORDINANCE NO. 23-13

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA CONVEYING CERTAIN PROPERTIES TO THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS LODGE NO. 431.

**WHEREAS**, the Benevolent and Protective Order of Elks (BPOE) is a tax-exempt 501(c)(8) fraternal benefit order that has been established in Skagway since 1899 as Lodge No. 431; and

**WHEREAS**, the BPOE Lodge No. 431 was originally located on Sixth Avenue east of Broadway; and

**WHEREAS**, during the years of World War II, the U.S. Government requisitioned property in Skagway for wartime use, including the BPOE lodge on Sixth Avenue and city property on Block 2, W. ½ of Lot 4, Lot 5, and Lot 6 (Sixth Avenue and State Street, aka the Properties); and

**WHEREAS**, in 1942, the BPOE lodge on Sixth Avenue was destroyed by fire, and in 1944-1945 the U.S. Government compensated BPOE for this loss; and

**WHEREAS**, in 1943, the U.S. Government leased the Properties from the City of Skagway and utilized a bakery building on the site; and

**WHEREAS**, the tax rolls for 1942, 1943, and 1944 show the Properties as owned by the City; and

**WHEREAS**, the U.S. Government lease of the Properties was canceled in 1945; and

**WHEREAS**, municipal documents show that the U.S. Government sold the bakery building to the City in 1945, which in turn sold the building to BPOE for \$2,001. This documentation states that the building was “converted to Elks Home”; and

**WHEREAS**, the tax roll for 1945 shows the Properties, including the land and the building, as owned by BPOE; and

**WHEREAS**, the Municipality has been informed that a recent title search conducted by BPOE found that the Properties are still recorded as owned by the City of Skagway; and

**WHEREAS**, while documentation regarding the conveyance of the building to BPOE has been found, a recorded quitclaim deed regarding conveyance of the Properties to BPOE in 1945 has not yet been found, or may not exist; and

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 23-13

Page 2 of 2

**WHEREAS**, the Municipality of Skagway believes that despite this lack of a recorded quitclaim deed, the City did sell/convey the Properties to BPOE in 1945 and has acted as such since that time, and the Municipality wishes to record a quitclaim deed documenting the 1945 conveyance;

**NOW, THEREFORE BE IT ORDAINED BY THE ASSEMBLY OF THE MUNICIPALITY OF SKAGWAY, ALASKA** that Block 2, W. ½ of Lot 4, Lot 5, and Lot 6 be conveyed to the Benevolent and Protective Order of Elks Lodge No. 431 by Quitclaim Deed to complete the sale of the property to BPOE on or about 1945; and

**BE IT FURTHER ORDAINED** that the conveyance of such property be by Quitclaim deed for \$10.00.

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

**Section 2. Effective Date.** This ordinance shall become effective immediately upon adoption.

**PASSED AND APPROVED** by a duly constituted quorum of the Borough Assembly of the Municipality of Skagway this \_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Andrew Cremata, Mayor

ATTEST:

\_\_\_\_\_  
Steve Burnham Jr, Borough Clerk  
(SEAL)