

Proposed by:	Assembly
Attorney Review:	05/19/2023
First Reading:	06/01/2023
Second Reading:	06/15/2023
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

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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)