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| Proposed by: | Assemblyman Hunz |
| First Reading: | 04/15/2010 |
| Second Reading: | 05/06/2010 |
| Vote: 6 Aye | 0 Nay 0 Absent |

MUNICIPALITY OF SKAGWAY, ALASKA

ORDINANCE NO. 10-04

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AUTHORIZING THE DISPOSAL OF CERTAIN MUNICIPAL LANDS IN THE TAIYA INLET SUBDIVISION (DYEA POINT).

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

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance becomes effective upon adoption by the Skagway Borough Assembly.

Section 4. Purpose. This ordinance is enacted in order to authorize the disposal of certain municipal lands by lottery.

NOW THEREFORE BE IT ENACTED BY THE BOROUGH ASSEMBLY OF SKAGWAY that pursuant to Chapter 16 of the Municipal Code, the Municipality of Skagway shall dispose of certain municipally owned lands under the terms and condition set forth in this ordinance.

A. Statement of Ownership: The Municipality of Skagway is the owner of the following described real property:

Lot 1 – ASLS 79-183
Lots 1 – 3 and Lots 5 – 7 and Lot 9, Block A, Taiya Inlet Subdivision
Lot 4, Block A, Taiya Inlet Subdivision II

B. Statement of Finding of Public Interest: The Skagway Borough Assembly finds that there is a shortage of residential building lots in the Municipality of Skagway. The Borough Assembly further finds that the lands to be disposed of are not needed for any other public purpose.

C. Determination of Price: They shall be sold for no less than their fair market value as determined by a 2010 appraisal done by the Municipality of Skagway.

D. Qualifications of Applicants: All applicants must be residents of the State of Alaska, be 18 years of age or older, and must be current on all payments or debts owed the Municipality, including but not limited to, property tax and public utility bills.

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- E. Restrictions on Successful Participants: Successful participants are subject to the following restrictions and covenants:
1. A permanent no-subdivision covenant will be applied to each parcel sold – this supersedes SMC 19.06.020(c);
 - 19.06.020C. Minimum Lot Requirements.
 1. Lot Area.
 - a. Forty thousand (40,000) square feet.
 - b. Except that all lots within the Hillside Subdivision, Blocks 1 and 2 created March 13, 2003 shall not be reduced in size.
 2. The successful participant shall follow current zoning requirements as outlined in SMC 19.06.025 Residential Low Density; and
 3. The successful participant shall not sell his or her lot until the participant has paid the Municipality the full purchase price.
- F. Type of Deed: Title shall be conveyed by quitclaim deed.
- G. Method of Disposal: This disposal shall be by out-cry auction. The out-cry auction shall be conducted as follows:
1. Each qualified bidder or bidder's representative shall purchase a non refundable ticket in the amount of One-Hundred Dollars (\$100.00);
 2. Lots not bid on can be purchased over the counter for up to 5 years at appraised value.
- H. Date, time and place of Out-cry Auction: The out-cry auction shall be held on Wednesday, June 18, 2010 in the borough assembly chambers, McCabe Building, at 7:00 PM.
- I. Notice of Disposal. Notice of this land sale shall be done in accordance with Skagway Municipal Code 16.04 et seq.
- J. Terms of the Sale.
1. The following three methods can be used to purchase the property:
 - a) The successful participant may enter a land sale contract with the Municipality. The terms of this contract shall be that the purchase price is 100% of the fair market value as determined by the appraisal. The successful participant will be allowed to purchase the property from the Municipality of Skagway under the terms and conditions of a land sale contract the terms being 7% down by June 25, 2010, with a 12-year note at 7% interest per annum. Any failure to meet the terms of this contract will result in the Municipality instituting foreclosure proceedings against the successful participant;
 - b) The successful participant may obtain outside financing from another source such as a financial or mortgage institution. If this option is used, 7% down by June 25, 2010 and the entire purchase price shall be due within 30 days of the

date of the lottery. Failure to pay within the 30 days constitutes default and the property will remain the property of the Municipality.

c) The successful participant may purchase the property with certified funds or cash at a 10% discount.

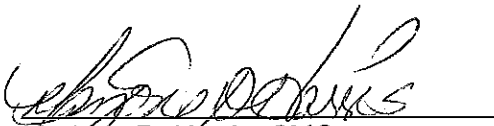
2. The successful participant, regardless of the method of payment used, shall pay all closing costs, fees for preparation of deeds or other transfer documents, escrow fees, if any, and all recording fees.

Section 5. 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 6th day of May, 2010.


Thomas D. Cochran, Mayor

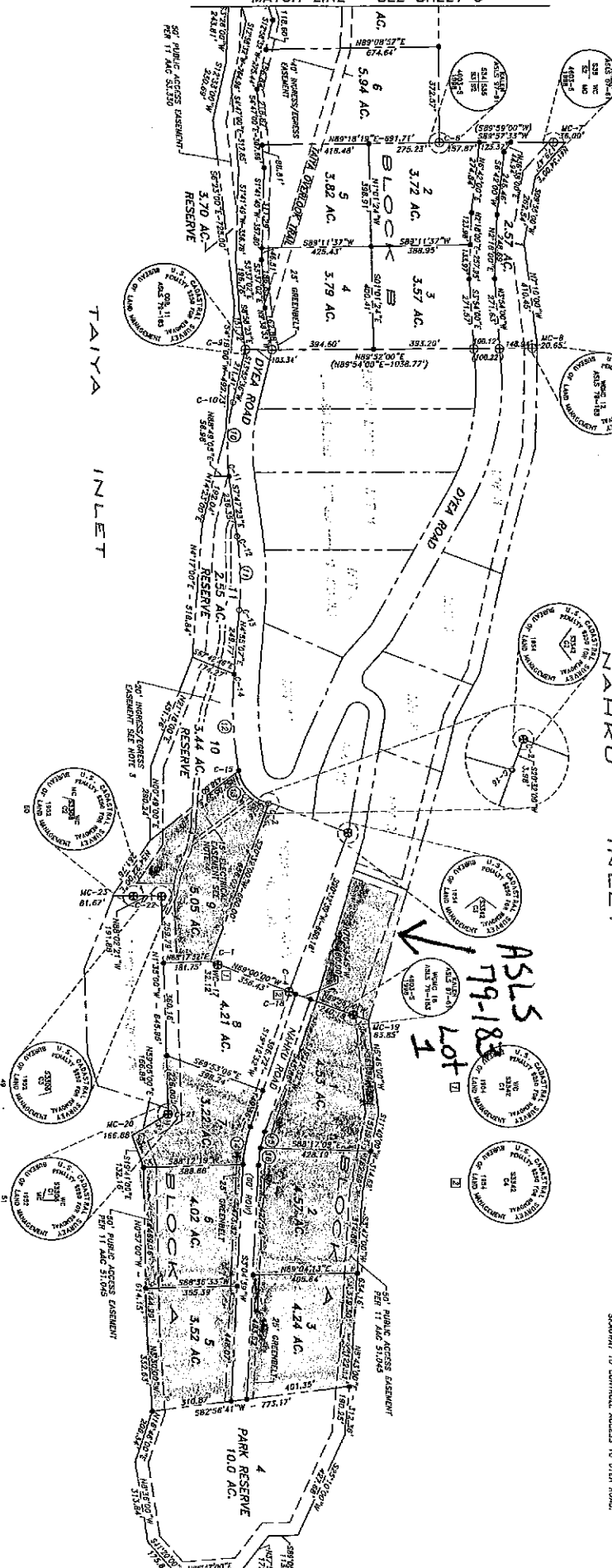
ATTEST:


Marjorie D. Harris, CMC
Municipal Clerk

(SEAL)



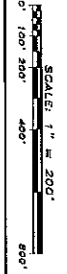
MATCH LINE SEE SHEET 3



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- NOTES:**
- 1) SEE SHEET 1 OF 4 FOR GENERAL NOTES.
 - 2) THE NATURAL BOUNDARIES OF THE CROWNED HIGH WATER AND LOW HIGH WATER LINES FOR THE TRIBUTARIES OF TAYIA INLET AND NARKU INLET ARE SHOWN AS SHOWN FOR ASLS COMPUTATIONS ONLY. THE TRUE SUBDIVISION CORNER BEING ON THE EXTENSION OF THE DIVE AND HIGH WATER DETERMINED BY PHOTOGRAMMETRIC METHODS USING CONTROLLED AERIAL PHOTOGRAPHY TAKEN MAY 15, 1988.
 - 3) A 20' INGRESS/EGRESS EASEMENT IS SHOWN BY THIS PLAN ACROSS LOTS 3, 10 AND 11, BLOCK A, AS TO BE ALONG THE CENTERLINE OF AN EXISTING TRAILHEAD PATH IN PART OF U.S.S. 3302.
 - 4) A 15' EGRESS/EASEMENT IS CENTERED ON ALL EXISTING POWER LINES.
 - 5) A 40' INGRESS/EGRESS EASEMENT IS SHOWN BY THIS PLAN ACROSS LOTS 2, 10 AND 11, BLOCK B, AS TO BE ALONG THE CENTERLINE OF A ROAD, CONNECTED BY THE UNDERCUT OF THE SLOPE, TO CONTROL ACCESS TO STEIN 190A.



2007-6
TAYIA INLET SUBDIVISION B,
A SUBDIVISION OF TRACT B,
ALASKA STATE LAND SURVEY 97-61

Original Record Book
 Date 10-03-2007
 Title 10-03-2007
 Requested by Sitka, Alaska
 Address Sitka, Alaska
 Sitka, Alaska
 Sitka, Alaska

22, 26, 27, 33 & 34, 1775', 6.885', C.R.M.
 23, 25, 4, 8, 19, 1785', 6.596', C.R.M.
 24, 28, 31, 32, 35, 1775', 6.885', C.R.M.

SEAL
 SIGNATURE OF SURVEYOR
 SURVEYOR, ALASKA BOARD
 AND SEAL 10/03/07

DATE OF SURVEY
 10/03/07

19.06.025 RLD—Residential-Low Density zone.

This zoning district is intended to provide an area for low to moderate density residential development on adequate lot sizes to preserve the natural beauty of the area creating parks, prohibiting business including tourism business bases with limited housing rentals allowable by conditional use. Also to create green belts and establish setback requirements adequate to preserve the viewshed and create small roadside parks and picnic areas, view points and scenic overlooks along Dyea Bay.

Criteria for lands that are included in this zoning district are those that are relatively restricted in their development due to natural features and the lay-of-the-land, and that are presently without city water and city sewer.

A. Uses Permitted.

1. Principal Uses.

- a. Public parks and open space recreation;
- b. Watershed reserve;
- c. Single-family residence;
- d. Duplex; 2-family residence;
- e. 1 private garage per living unit;
- f. Non-commercial public water, sewer, electric and communication facilities.
- g. Municipal Public facilities such as fire department sub-station, solid waste transfer station, public works sub-station, and emergency services landing areas.

2. Accessory Uses.

- a. Uses and structures customarily accessory and clearly subordinate to permitted principal uses, as determined by the building official.
- b. Necessary Outbuildings, accessory buildings not to exceed 320 square feet per use as listed in (i) – (vi):
 - (i) 1 storage shed per lot: a semi-trailer, freight container, house trailer, RV travel trailer, storage trailer or van, may not be used as a long term or permanent storage shed.
 - (ii) Generator shed;
 - (iii) Tool shed;
 - (iv) Private personal use greenhouse;
 - (v) Well house;
 - (vi) Wood shed.
- c. Home occupations provided that the conditions listed in Section 19.02.010 are met.
- d. Private personal use gardens.

3. Conditional Uses.

- a. Churches;
- b. Day Care Facilities;
- c. Temporary structures for residential use, used in conjunction with building or land development, for up to eighteen months.
 - (i) Temporary structure for residential use means RV or trailer or other livable structure of at least 100 square feet with sanitary and kitchen facilities to be occupied during construction of a permanent residence that will be removed at the end of the 18 month construction period.
- d. Accessory housing structures:
 - (i) Minimum of three hundred (300) square feet.
 - (ii) Maximum of six hundred (600) square feet.

- (iii) Must have stand alone water, DEC approved sewer and electricity, meeting current codes.
- (iv) No setback variances will be granted for new construction.
- (v) All lot coverage, off-street parking and setback requirements for this zone still apply.
- (vi) Construction must meet International Building Code for efficiency dwelling units.
- e. Commercial public water, sewer, electric, communication and other facilities.
- f. Multiple storage structures or storage structures above 320 square feet.
- g. Other appropriate uses as determined by the planning commission pursuant to subsection B of Section 19.04.060.

B. Prohibited Uses.

- 1. Any use or structure not of a character indicated under permitted principal and accessory uses, or permitted by conditional uses.
- 2. Mobile homes.
- 3. Congregate residences/apartment houses/multiple family structures.
- 4. Sand and gravel operations;
- 5. Mining and quarry operations;
- 6. Kennels;
 - a. Definitions:
 - (i) "Kennel" means a place where domestic animals or birds are kept or bred in numbers greater than six (6) per species and may include fenced areas, yards or structures. This definition shall not apply to areas used for the keeping of animals by veterinarians or the City.
 - (ii) "Domestic animal" means every kind of animal that is domesticated (not wildlife), including (without limitation) livestock of all kinds, dogs, cats, monkeys, birds and reptiles.
 - (iii) "Livestock" means every kind of domestic animal that is four (4) footed and ordinarily larger than a dog; and includes (without limitation) cattle, horses, swine, goats, sheep and llamas.
- 7. Timber harvesting and storage;
- 8. Cemeteries;
- 9. Pipelines and railroads;
- 10. Commercial recreation operations on Municipal land.
- 11. Commercial greenhouses, agriculture and horticulture;
- 12. Campgrounds;

C. Minimum Lot Requirements.

- 1. Lot Area.
 - a. Property owners as of the date of this ordinance may subdivide their property into no less than 1 acre lots.
 - b. 2 ½ acres
 - c. Except that all lots within Taiya Inlet Subdivision created October 29, 2007, Plat # 2007-6 shall not be reduced in size.
- 2. Lot must be wide enough to provide access and other easements and setbacks.

D. Minimum Building Setback Requirements.

- 1. Road frontage, twenty-five feet (25');
- 2. All other lot lines, twenty feet (20');
- 3. Setbacks between structures shall be regulated by the International Building Code, Tables 601 and 602.

- E. Maximum Lot Coverage by Buildings. Fifteen percent (15%).
- F. Maximum Height of Buildings. Three (3) stories, but not to exceed thirty-five feet (35') in any case.
- G. Parking Requirements. All requirements within Section 19.08.020, Provision of Off-street Parking, must be followed. Required off-street parking, shall allow enough parking for all occupants to park all personal vehicles off-street;
- H. Sanitary Treatment System. Septic systems, leaching fields, or other private sewerage facilities may be permitted provided that the owner or developer submits plans stamped by an engineer licensed in Alaska, percolation and water table depth data suitable for analysis of the feasibility for on lot water and sewer systems to the City and the Alaska Department of Environmental Conservation. Project applicants/owners are responsible for ensuring that their project meets all federal and state septic systems, leaching fields, or other private sewerage facility requirements.
- I. Flood Protection. Some lands in the Residential-Low Density (RLD) zoning district may fall within the Taiya River floodplain (SCMP Figure 3.3 Natural Hazards Boundary Map). The Planning or Building Official or Planning Commission must ensure that all requirements within Chapter 15.12, Flood Zone Land Use, are followed, particularly those at 15.12.040, that govern building and sanitary system construction in these areas.
- J. Visibility at Intersections.
 - 1. No vehicle shall be parked within twenty feet (20') of any street intersection;
 - 2. To ensure that a vehicle's driver has good visibility at street intersections, on corner lots there shall not be a fence, wall, hedge, or other planting or structure that will impede visibility between a height of two feet six inches (2'6") and eight feet (8') above the centerline grades of the intersecting streets.