

Proposed by:	Assembly
Attorney Review:	10/04/2011
First Reading:	10/06/2011
Second Reading:	10/20/2011
Vote:	6 Aye 0 Nay 0 Absent

MUNICIPALITY OF SKAGWAY, ALASKA
ORDINANCE NO. 11-26

AN ORDINANCE OF THE MUNICIPALITY OF SKAGWAY, ALASKA AUTHORIZING THE DISPOSAL OF TRACT B2 OF ASLS 81-43 TO ALASKA POWER AND TELEPHONE CO.

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 Tract B2 of A.S.L.S. 81-43 to Alaska Power and Telephone Co.

NOW THEREFORE, BE IT ENACTED BY SKAGWAY BOROUGH ASSEMBLY that pursuant to Chapter 16.04 of the Municipal Code, the Municipality of Skagway shall dispose of certain municipally owned lands under the terms and conditions set forth in this ordinance.

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

Tract B1 and Tract B2, ASLS 81-43 according to Plat No. 2011-3 dated the 25th day of August, 2011, Skagway Recording District, First Judicial District, State of Alaska.

B. **Statement of Finding of Public Interest:** The Skagway Borough Assembly finds that providing for dependable communication service is beneficial to the Borough residents and visitors and the sale of this property will add to the Borough Land Fund. The Skagway Borough Assembly further finds that the lands to be disposed of are not needed for any other public purpose.

C. **Purpose of Disposal of Certain Municipal Lands.** The purpose of the sale is to allow Alaska Power & Telephone Co. to build a communications tower and building on Tract B2 of A.S.L.S. 81-43 in order to provide back-up redundancy to the existing communication service for Borough residents and visitors.

D. **Determination of Price.** The lots shall be sold for their fair market value based upon a April 22, 2011 appraisal done for the Municipality of Skagway.

F. **Type of Deed.** Title shall be conveyed by quitclaim deed.

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G. Method of Disposal: This disposal shall be by negotiated sale at fair market value as determined by the Appraisal dated April 22, 2011 by Horan & Company, LLC to Alaska Power & Telephone Co. for the purposes of locating a cellular phone tower on the site.

H. Date, Time and Place of Disposal. The sale shall be closed in Skagway at the Clerk's office as determined by the Manager.

I. Notice of Disposal. Notice of this land sale shall be done in accordance with Skagway Municipal Code 16.04 et seq.

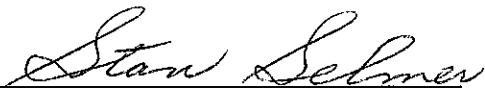
J. Terms of the Sale. The sale shall be for a cash payment at closing. All closing costs shall be borne by the Purchaser, AP&T.

K. The proceeds of the sale of this land shall be deposited into the Borough Land Fund.

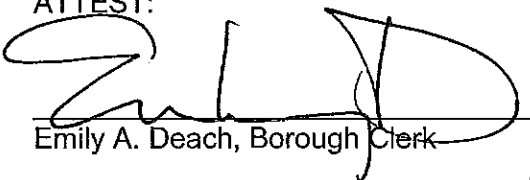
L. The following stipulations and agreements shall apply to this land sale:

1. No sewer or water connections shall be installed on Tract B2, A.S.L.S. 81-43 as the land shall only be used for utility purposes;
2. The Municipality of Skagway retains the right of first-refusal if Tract B2, A.S.L.S. 81-43 is ever sold by AP&T, whether by sale to a telephone or non-telephone company or transferred by merger; the repurchase price to be the fair market value of the land alone at the time of sale or transfer **\$1.00**; AP&T must clear the land of the buildings and tower before Closing if the right is exercised; and AP&T must give the Municipality of Skagway not less than 90 days' notice of the intention to sell, during which time the Municipality of Skagway may determine whether to exercise the right of first refusal and set a Closing date that is not more than 60 days after such right is exercised; and
3. The Municipality of Skagway shall negotiate a pro-rated lease at FMV with AP&T for the use of Tract B2, A.S.L.S. 81-43 from June 1, 2011, to the date of sale, as determined by the manager.

PASSED AND APPROVED this 20th day of October, 2011.


Stan Selmer, Mayor

ATTEST:


Emily A. Deach, Borough Clerk

(SEAL)

