

CITY OF VALDEZ, ALASKA

RESOLUTION #19-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA AUTHORIZING THE NEGOTIATED SALE OF 100 ACRES WITHIN TRACTS A & B, ASLS 79-116 TO RYDOR ENTERPRISES, LLC.

WHEREAS, the City of Valdez is the Owner of the following real property described as Tracts A & B, ASLS 79-116; and

WHEREAS, Rydor Enterprises wishes to purchase 100 acres of land within Tracts A & B of ASLS 79-116 for the purposes of development of a year-round mountain recreation facility; and

WHEREAS, Rydor Enterprises is willing to pay the fair market value of the property; and

WHEREAS, Chapter 4.04.070 of the Valdez Municipal Code provides for the City Council to negotiate the sale of City owned real property; and

WHEREAS, at their public meeting on February 13th, 2019, the Planning and Zoning Commission approved a recommendation to City Council to sell this 100 acre parcel to Rydor Enterprises via negotiated sale.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that:

Section 1: The City Manager of the City of Valdez, Alaska is authorized to negotiate the sale of 100 acres within Tracts A and B, ASLS 79-116 at the fair market value which will be determined by an independent appraisal. Purchaser may arrange a secondary independent appraisal at their own expense. The results of the secondary appraisal may be submitted to the City for consideration in determination of fair market value of the property. If the secondary appraisal returns a value less than the original appraisal, the average of the two appraisals may be used to determine the fair market value and sale price of the land.

Section 2: In conformance with the Property Management and Procedures, upon approval of the land sale by City Council, purchaser is required to submit a prorated deposit in the amount of \$1,500 as down payment for the cost of the appraisal. Any unused funds remaining may be applied to the purchase price. Payments of the deposit must be made within 15 business days of the approval of the land sale by City Council. No deposit is required for the cost of the survey, as it has already been conducted, provided to the City, and paid for at the purchaser's expense. No deposit is required for the cost of the Phase 1 environmental assessment as it is currently in progress at the purchaser's expense.

Section 3: Purchaser will sign a purchase agreement with the City of Valdez within 15 business days of receipt of the appraisal of the subject property.

Section 4: In conformance with the Property Management Policies & Procedures, upon signing the purchase agreement, purchaser is required to submit a deposit toward the purchase price in an amount equal to ten percent (10%) of the fair market value as determined by the City.

Section 5: Upon receipt of the 10% deposit, the balance due on the transaction, plus any additional costs associated with the appraisal must be paid in full within 120 calendar days of the date the deposit is received.

Section 6: Failure of purchaser to comply with (2) through (5) above will constitute the purchaser exercising his option to terminate this agreement. Should purchaser terminate this agreement, purchaser will remain responsible for all costs incurred pursuant to this agreement.

Section 7: It is the intention of Rydor Enterprises to use this land for acquiring a lease of adjacent DNR land to develop a year-round mountain recreation facility. If the intended use of the land is shown not to be viable, purchaser may develop the land for use in conformance with existing zoning requirements in place at the time. The land may also be subdivided in conformance with the processes outlined in Valdez Municipal Code.

Section 8: Upon approval, this resolution must be posted in the office of the City Clerk for 30 days prior to finalization of the sale.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 2nd day of April, 2019.

CITY OF VALDEZ, ALASKA



Jeremy O'Neil, Mayor

ATTEST:



Sheri L. Pierce, MMC, City Clerk





LEGEND

- ✱ INDICATES GLO/BLM PRIMARY MONUMENT RECOVERED THIS SURVEY
- ⦿ INDICATES ALUM. POST MONUMENT RECOVERED THIS SURVEY (613-S 1979)
- INDICATES 2" ALCAP ON 5/8" REBAR (9461-S, 2007) RECOVERED THIS SURVEY
- INDICATES 2" ALCAP ON 5/8" REBAR (7538-S, 2018) SET THIS SURVEY

NOTES

THIS SURVEY DIAGRAM DEPICTS THE RECOVERED MONUMENTS, PROPOSED PARCEL CORNERS AND PROPOSED ACCESS TO LANDS CONVEYED AND PROPOSED TO BE CONVEYED FROM THE CITY OF VALDEZ TO RYDOR ENTERPRISES, INC. EXISTING MONUMENTS AS SHOWN ON PLAT NO. 2007-20 (VRD) WERE TIED ON OCTOBER 8th AND 9th, 2018 AND PROPOSED CORNER LOCATIONS FOR THE RECONFIGURATION OF PARCEL A-1 AND THE ADDITION OF PARCEL C WERE SET.



GRAPHIC SCALE

SURVEY DIAGRAM
RYDOR ENTERPRISES, INC. PROPERTIES

LOCATED WITHIN
TRACTS A AND B, ASLS 79-116
SECS. 29 & 32, T. 8 S., R. 5 W., SEWARD MERIDIAN, AK.

GEOVERA, LLC
PO BOX 3235
HOMER ALASKA 99603
(907) 399-4345
EMAIL: scsmith@gci.net

DRAWN BY: SCS	DATE: OCTOBER 2018	SCALE: 1" = 1000'
CHK BY: SCS	JOB #18-79	SHEET 1 OF 1

FILE:	A:\EPI
SURVEYED:	4-15-07

4.04.070 Sale by negotiation.

A. Should the city council decide that the disposal of real property or any interest therein at public sale is not in the public interest, the city council may authorize the city manager to negotiate a sale of such real property or interest therein and shall prescribe the terms therefor. Such authority shall be provided by resolution, passed by not less than six affirmative votes of the city council. The resolution shall be filed and published in the same manner as a resolution providing for public sale and no such negotiated sale shall be final until such resolution has been on file in the office of the city clerk for thirty days.

B. When deemed prudent and necessary, the city council may establish development requirements for real property disposed of through negotiated sale.

C. When land is sold by negotiation, the purchaser shall be responsible for all costs associated with making the land ready for sale. This includes, but is not limited to, a survey, appraisal and Phase 1 environmental survey. A survey is required if the sale is for a portion of an entire parcel. An appraisal is required if the sale is for a portion of an entire parcel, or if an existing appraisal is not valid in accordance with Section 4.04.030(B). A Phase 1 environmental survey is required if the sale is for property located within any industrial zoning district. If one or more of the above is required, the purchaser must submit a deposit to the city in the amount established by resolution. Said deposits are due within fifteen business days of the date the resolution approving the sale is passed.

D. Earnest money equal to twenty percent for residentially zoned lots, and ten percent for all other zoned lots, shall be submitted to the city of Valdez within fifteen business days of written notification of completion of the appraisal establishing the fair market value of the property. The remaining balance shall be due to the city of Valdez within one hundred twenty days for residentially zoned lots and ninety days for all other zoned lots.

E. The city council retains the discretion to authorize the sale of land by negotiation at less than fair market value. Such authorization shall be given by the council through resolution authorizing the negotiated sale as provided for in subsection A of this section.

F. When in conformance with the comprehensive plan, an area master plan, or a decision by the city council, it is determined to be in the public interest for city-owned land to be developed for a specific use, the city council may, by resolution passed by not less than six affirmative votes, direct the city manager or his designee to prepare a request for proposals for said specific development of city-owned land. Details of the request for proposals shall be outlined in the resolution which shall be posted for not less than thirty days prior to the date of submitting the requests for proposals. Upon acceptance of a proposal the city council may direct the city manager or his designee to negotiate a sale price for the land. Such terms and agreement shall require subsequent approval by the city council by resolution passed by not less than six affirmative votes. (Ord. 06-02 § 1 (part))

CITY OF VALDEZ, ALASKA

RESOLUTION 07-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA
AUTHORIZING THE NEGOTIATED SALE OF 100 ACRES WITHIN TRACTS A
& B, ASLS 79-116 TO RYDOR ENTERPRISES AND REPEAL OF
RESOLUTION 06-72

WHEREAS, Resolution No. 06-72 authorizing the negotiated sale of 27 acres within Tracts A and B, ASLS 79-116 to Rydor Enterprises was approved by the City Council on August 21, 2006; and

WHEREAS, Rydor Enterprises allowed the authorization terms of Resolution No. 06-72 to expire and is now requesting new terms and conditions of the sale; and

WHEREAS, the revision of text amending the terms and conditions of the negotiated sale requires repeal of Resolution No. 06-72 and re-enactment of a new resolution establishing new terms and conditions; and

WHEREAS, the City of Valdez is the owner of the following real property described as Tracts A & B, ASLS 79-116; and

WHEREAS, RYDOR Enterprises wishes to purchase 100 acres of land within this parcel for the purposes of obtaining a lease or land purchase of adjacent land from the State of Alaska Department of Natural Resources for future development of a year-round mountain recreation facility; and

WHEREAS, RYDOR Enterprises is willing to pay the fair market value of the property; and

WHEREAS, the Planning and Zoning Commission has determined that it is a good and proper use of this land to allow Rydor Enterprises to use the property to obtain a land lease or purchase of adjacent land from DNR to develop a year-round mountain recreation facility; or if a year-round mountain recreation facility is not feasible then whatever use the private sector deems most prudent based on the zoning of the area; and

WHEREAS, Chapter 4.04.050 of the Valdez Municipal Code provides for the City Council to negotiate the sale of City owned real property.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that:

Section 1: The City Manager of the City of Valdez, Alaska is authorized to negotiate the sale of 100 acres within Tracts A and B, ASLS 79-116 at the fair market appraised value which is determined to be \$150,000 based on the August 14, 2006 appraisal by *Appraisal Company of Alaska*.

Section 2: In conformance with the Property Management Policies & Procedures, upon approval of the land sale by City Council, purchaser is required to submit a deposit in the amount of \$5,000 as down payment for the cost of the survey, appraisal, and Phase I environmental assessment (any unused funds remaining may be applied toward the purchase price). Payment must be made within 15 business days of approval by the City Council. Note: Purchaser has already submitted the down payment in the amount of \$5,000 for the previous land sale authorization, which is held by the City of Valdez.

Section 3: Purchaser will sign a purchase agreement with the City of Valdez within 15 business days of approval by the City Council.

Section 4: In conformance with the Property Management Policies & Procedures, upon signing the purchase agreement, purchaser is required to submit a deposit toward the purchase price in an amount equal to ten percent (10%) of the fair market value as determined by the City. Rydor Enterprises reserves the right to have a secondary appraisal completed. The results of the secondary appraisal may be submitted to the City for consideration in determining the fair market value of the property. If the secondary appraisal returns a value that is less than the original City appraisal, upon City Council approval, the average of the two appraisals may be used to determine the fair market sales price of the land.

Section 5: Upon receipt of the 10% deposit, the balance due on the transaction, plus any additional costs associated with the survey, appraisal, or Phase I environmental assessment, must be paid in full within 120 calendar days of the date the deposit is received; or within 30 calendar days following City Council approval of a new sales price; whichever is later.

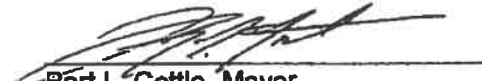
Section 6: Failure of purchaser to comply with (2) through (5) above will constitute the purchaser exercising his option to terminate this agreement. Should purchaser terminate this agreement, purchaser will remain responsible for all costs incurred pursuant to this agreement.

Section 7: It is the intention of Rydor Enterprises to use this land for acquiring a lease or purchase of adjacent DNR land to develop a year-round mountain recreation facility. If the project is shown not to be viable, Rydor Enterprises may develop the land for use in conformance with any existing zoning requirements in place at the time. The land may be subdivided in conformance with the Valdez Municipal Code Subdivision regulations. However, that portion of land directly adjacent to the boundary of the DNR land at base of East Peak may never be further re-subdivided. The width of this portion of land will take into account topography and other factors, but will be sufficient in size to permit future acquisition of the DNR land for the purpose of a ski lift. A plat restriction will be placed on the survey of said property when it is approved by the Valdez Planning & Zoning Commission. Under this scenario, and with this permanent plat restriction, the City of Valdez will grant clear title to the land.

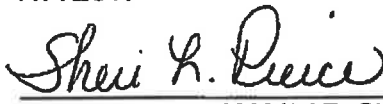
Section 8: Upon approval this resolution must be posted in the office of the City Clerk for 30 days prior to finalization of the sale.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, this 5th day of March, 2007.

CITY OF VALDEZ, ALASKA


Bert L. Cottle, Mayor

ATTEST:


Sheri L. Pierce, CMC/AEE, City Clerk

