



City of Valdez

212 Chenega Ave.
Valdez, AK 99686

Meeting Agenda - Final Planning and Zoning Commission

Wednesday, April 26, 2017

7:00 PM

Council Chambers

Regular Meeting

REGULAR AGENDA - 7:00 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MINUTES

IV. PUBLIC APPEARANCES

V. PUBLIC BUSINESS FROM THE FLOOR

VI. PUBLIC HEARINGS

VII. UNFINISHED BUSINESS

VIII. NEW BUSINESS

1. [Approval of a Recommendation to Council to Dispose of Lot 11, Block 7, Robe River Subdivision for Public Sale by Sealed Bid](#)

Attachments: [3310 Eagle AvenueAppraisal.PDF](#)
[318-1984-84-2.pdf](#)
[3310 Eagle Ave.pdf](#)
[VMC_Chapter4.pdf](#)

2. [Approval of Tideland Lease with Valdez Fisheries Development Association for Approximately 3.5 Acres of ATS 564 and Parcel A, ATS 564](#)

Attachments: [LeaseApplication_VFDA.pdf](#)
[LyndonVFDA_Final.pdf](#)

3. [Approval of Tideland Lease with Lynden for Approximately 4 Acres of ATS 564](#)

Attachments: [LeaseApplication_Lynden.pdf](#)
[LyndonVFDA_Final.pdf](#)

4. [Approval of Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.](#)

Attachments: [TractB_ASLS9826_LeaseApplication.pdf](#)
 [MegaTrucking_Application.pdf](#)
 [ASLS 9826_Patent.pdf](#)
 [SOA Business License 2016-2017.pdf](#)

IX. REPORTS

X. COMMISSION BUSINESS FROM THE FLOOR

XI. ADJOURNMENT



Agenda Statement

File #: TMP-0635 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 4/17/2017 **In control:** Planning and Zoning Commission

On agenda: 4/26/2017 **Final action:**

Title: Approval of a Recommendation to Council to Dispose of Lot 11, Block 7, Robe River Subdivision for Public Sale by Sealed Bid

Sponsors:

Indexes:

Code sections:

Attachments: [3310 Eagle AvenueAppraisal.PDF](#)
[318-1984-84-2.pdf](#)
[3310 Eagle Ave.pdf](#)
[VMC Chapter4.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of a Recommendation to Council to Dispose of Lot 11, Block 7, Robe River Subdivision for Public Sale by Sealed Bid

SUBMITTED BY: AnnMarie Lain

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve a recommendation to Council to dispose of Lot 11, Block 7, Robe River Subdivision for the purpose of public sale by sealed bid.

SUMMARY STATEMENT:

In 2010 the City acquired, through the process of foreclosure, Lot 11, Block 7, Robe River Subdivision. The parcel is zoned Residential Mobile Home and is not dedicated to any public use. The 16,120 ft² lot was appraised within the last year and was cleared for sale via title insurance on February 7, 2017. The Finance Department, which handles the foreclosure processes for the City, has also approved the land sale. The sale of Lot 11, Block 7 as a residential lot is harmonious with the land use goal as specified in Valdez Comprehensive Plan and meets the goal and objectives as listed below:

Goal - Land Use: Provide a community land use pattern that is compatible with existing land

use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective: Provide for the adequate separation of incompatible land uses.

- The adjacent parcels are zoned residential mobile home and are served by City water for residential development.

Objective: Encourage the development of lands within the city through regulation and through the disposal of city lands.

- Through the process outlined in Valdez Municipal Code, City Council has the authority to dispose of real property by public auction or by sealed bid.

Much like the rest of the state, the City of Valdez is facing a housing crisis. Although this sale is only a drop in the bucket toward the need to open up land for residential development, it is a step in the right direction. It is staff's recommendation that the Planning & Zoning Commission approve the recommendation to Council to dispose of Lot 11, Block 7, Robe River Subdivision for the purpose of public sale by sealed bid. The starting bid for the parcel will be set at appraised value which has been determined to be \$30,000 by a third-party appraisal dated June 22, 2016.

The process to sell land is a bit lengthy due to the code requirements. A copy of the section of the Municipal Code that describes the process is attached for review by the Commission.

APPRAISAL OF REAL PROPERTY



LOCATED AT

3310 Eagle Avenue.
Valdez, AK 99686
Lot 11, Block 3, Robe Rover Sub

FOR

City of Valdez Alaska
P.O. Box 307
Valdez, AK 99686

AS OF

6/22/2016

BY

Chad A. Burris
Alaska Appraisal & Consulting Group, LLC
203 W. 15th Avenue. Suite #206
Anchorage, AK 99501
(907) 677-1883
chad@akacg.com

LAND APPRAISAL REPORT

File No. CAB10616

SUBJECT

Borrower

N/A

Census Tract

0003.00

Map Reference

Plat # 84-6

Property Address

3310 Eagle Avenue.

City

Valdez

County

City of Valdez

State

AK

Zip Code

99686

Legal Description

Lot 11, Block 3, Robe Rover Sub

Sale Price \$

N/A

Date of Sale

Loan Term

N/A

yrs.

Property Rights Appraised

☒ Fee

☐ Leasehold

☐ De Minimis PUD

Actual Real Estate Taxes \$

440

(yr)

Loan charges to be paid by seller \$

N/A

Other sales concessions

N/A

Lender/Client

City of Valdez Alaska

Address

P.O. Box 307, Valdez, AK 99686

Occupant

Vacant Land

Appraiser

Chad A. Burris

Instructions to Appraiser

Estimate the current fair market value of subject vacant s

NEIGHBORHOOD

Location

☐ Urban

☒ Suburban

☐ Rural

Built Up

☐ Over 75%

☒ 25% to 75%

☐ Under 25%

Growth Rate

☐ Fully Dev.

☐ Rapid

☐ Steady

☒ Slow

Property Values

☐ Increasing

☒ Stable

☐ Declining

Demand/Supply

☐ Shortage

☒ In Balance

☐ Oversupply

Marketing Time

☐ Under 3 Mos.

☐ 4-6 Mos.

☒ Over 6 Mos.

Present

90 % One-Unit

% 2-4 Unit

% Apts.

% Condo

% Commercial

Land Use

% Industrial

10 % Vacant

%

Change in Present

☐ Not Likely

☐ Likely (*)

☒ Taking Place (*)

Land Use

(*) From

Vacant

To

developedresidential

Predominant Occupancy

☒ Owner

☐ Tenant

5 % Vacant

One-Unit Price Range

\$

90

to \$

400

Predominant Value \$

200

One-Unit Age Range

0 yrs. to

50 yrs.

Predominant Age

30 yrs.

Employment Stability

☐ Good

☒ Avg.

☐ Fair

☐ Poor

Convenience to Employment

☐

☒

☐

☐

Convenience to Shopping

☐

☒

☐

☐

Convenience to Schools

☐

☒

☐

☐

Adequacy of Public Transportation

☐

☒

☐

☐

Recreational Facilities

☐

☒

☐

☐

Adequacy of Utilities

☐

☒

☐

☐

Property Compatibility

☐

☒

☐

☐

Protection from Detrimental Conditions

☐

☒

☐

☐

Police and Fire Protection

☐

☒

☐

☐

General Appearance of Properties

☐

☒

☐

☐

Appeal to Market

☐

☒

☐

☐

Comments including those factors, favorable or unfavorable, affecting marketability (e.g. public parks, schools, view, noise)

The subject property is located in a more remote subdivision east of Valdez, in the Alpine Woods Subdivision. Surrounding build-up is detached SFR. Quality and appeal ranges from average to custom. Chief appeal of immediate location is larger site sizes. Access to all supporting facilities from this location is rated average.

SITE

Dimensions

Rectangular

=

.37

☐ Corner Lot

Zoning Classification

RM

Present Improvements

☒ Do

☐ Do Not

Conform to Zoning Regulations

Highest and Best Use

☐ Present Use

☒ Other (specify)

developed residential

Elec.

☒

Gas

☐

Water

☒

San. Sewer

☐

Underground Elect. & Tel.

☐

Public

Other (Describe)

OFF SITE IMPROVEMENTS

Street Access

☒ Public

☐ Private

Surface

Gravel

Maintenance

☒ Public

☐ Private

☐ Storm Sewer

☐ Curb/Gutter

☐ Sidewalk

☐ Street Lights

Topo

Level at Street Grade

Size

.37 ac

Shape

Rectangular

View

Average/Wooded

Drainage

Assumed Adequate

Is the property located in a FEMA Special Flood Hazard Area?

☐ Yes

☒ No

Comments (favorable or unfavorable including any apparent adverse easements, encroachments, or other adverse conditions)

No adverse easements are known to exist per plat review. No adverse encroachments have been disclosed. I did not locate any corner markers at time of my inspection, site was alder covered. It is assumed that electric are to (or near) the site.

MARKET DATA ANALYSIS

The undersigned has recited the following recent sales of properties most similar and proximate to subject and has considered these in the market analysis. The description includes a dollar adjustment reflecting market reaction to those items of significant variation between the subject and comparable properties. If a significant item in the comparable property is superior to or more favorable than the subject property, a minus (-) adjustment is made, thus reducing the indicated value of subject; if a significant item in the comparable is inferior to or less favorable than the subject property, a plus (+) adjustment is made thus increasing the indicated value of the subject.

ITEM	SUBJECT PROPERTY	COMPARABLE NO. 1	COMPARABLE NO. 2	COMPARABLE NO. 3			
Address	3310 Eagle Avenue. Valdez, AK 99686	3053 Bearing Street. Valdez, AK 99686	1560 Dewey Court. Valdez, AK 99686	5450 Tesslina Lane. Valdez, AK 99686			
Proximity to Subject		0.91 miles W	6.73 miles NW	3.49 miles SE			
Sales Price	\$ N/A	\$ 39,500	\$ 35,000	\$ 75,000			
Price Per Acre	\$ N/A	\$ 42,934/ac	\$ 175,000/ac	\$ 45,180/ac			
Data Source(s)	COV,Site Inspection	Appraiser,Agent	Appraiser,Agent	Appraiser,Agent			
ITEM	DESCRIPTION	DESCRIPTION	+ (-) \$ Adjust.	DESCRIPTION	+ (-) \$ Adjust.	DESCRIPTION	+ (-) \$ Adjust.
Date of Sale/Time Adj.		Closed 2/10/2012		Closed 2/5/2016		Closed 7/17/14	
Location	Average/Residential	Average/Mtn	-5,000	Average/Mtn	-5,000	Average/Ocean,Mtn	-10,000
Site/View	.37	.92 ac	-5,000	.20 ac	+5,000	1.66 ac	-30,000
Topography:	Level/Unimproved	Level/Unimproved		Level/Unimproved		Rolling to Steep	+5,000
Utilities Available	E,W&S	E	+2,000	E,W&S		E	
Zoning	RM	RA		RA		RC	
Consnsesions	None	None		None		None	
Sales or Financing	Conventional	Conventional		Cash		Conventional	
Concessions	N/A	N/A		N/A		N/A	
Net Adj. (Total)		<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -8,000	<input type="checkbox"/> + <input type="checkbox"/> -	\$	<input type="checkbox"/> + <input checked="" type="checkbox"/> -	\$ -35,000
Indicated Value of Subject		\$ 31,500		\$ 35,000		\$ 40,000	

Comments on Market Data

Sales #1 thru #3 are the most recent, similar sales available from the subject's market segment and are considered to be good value indicators for the subject, after adjustments. Sale #4 is a active listing from the subject's imidiate Subdivision. Sales #2 & #3 are relatively recent \$45,180 ac to \$175,000 ac +/- sites from relatively comparable Valdez locations.

RECONCILIATION

Comments and Conditions of Appraisal

Subject site is appraised as is / vacant site. It is assumed that electricis to the property line. The subject's large site area are very appealing features for a site in this segment. Based on the average location, a value toward the upper middle of the adjusted value range is considered to be supportable for the market.

Final Reconciliation

Market approach only method used. An estimated value toward the middle of the adjusted value range is considered appropriate and supportable based on the subject's attributes.

I (WE) ESTIMATE THE MARKET VALUE, AS DEFINED, OF THE SUBJECT PROPERTY AS OF

6/22/2016

TO BE \$

30,000

Appraiser

Chad A. Burris

Supervisory Appraiser (if applicable)

Date of Signature and Report

July 30, 2016

Date of Signature

Title

Owner/Partner

Title

State Certification #

647

ST

AK

State Certification #

ST

Or State License #

ST

Or State License #

ST

Expiration Date of State Certification or License

6/30/2017

Expiration Date of State Certification or License

Date of Inspection (if applicable)

6/22/2016

☐ Did

☐ Did Not

Inspect Property

Date of Inspection

Subject Photo Page

Borrower/Client	N/A					
Property Address	3310 Eagle Avenue.					
City	Valdez	County	City of Valdez	State	AK	Zip Code 99686
Lender	City of Valdez Alaska					



Subject Front

3310 Eagle Avenue.
Sales Price N/A
G.L.A.
Tot. Rooms
Tot. Bedrms.
Tot. Bathrms.
Location Average/Residential
View .37
Site
Quality
Age

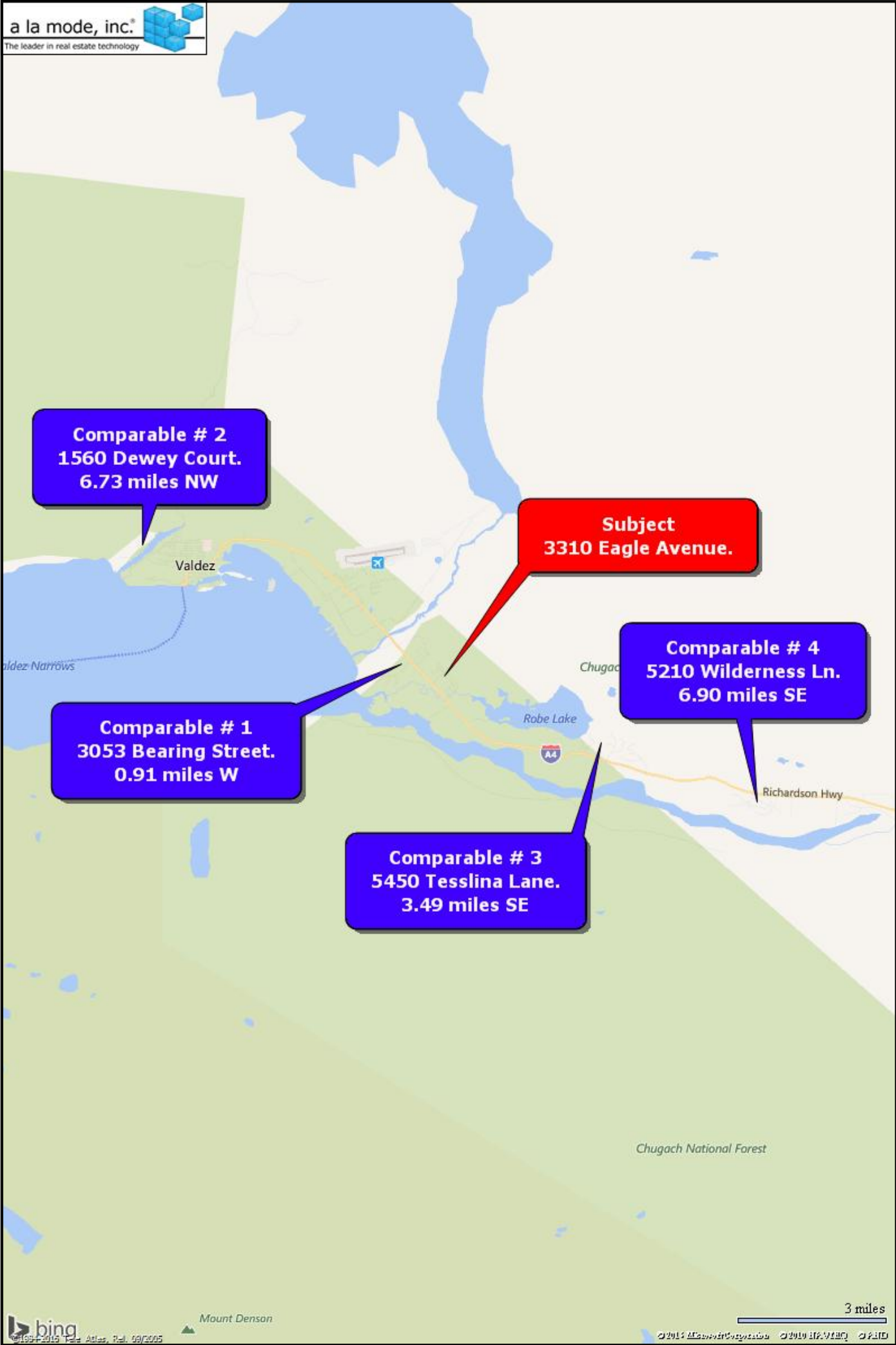
Subject Rear

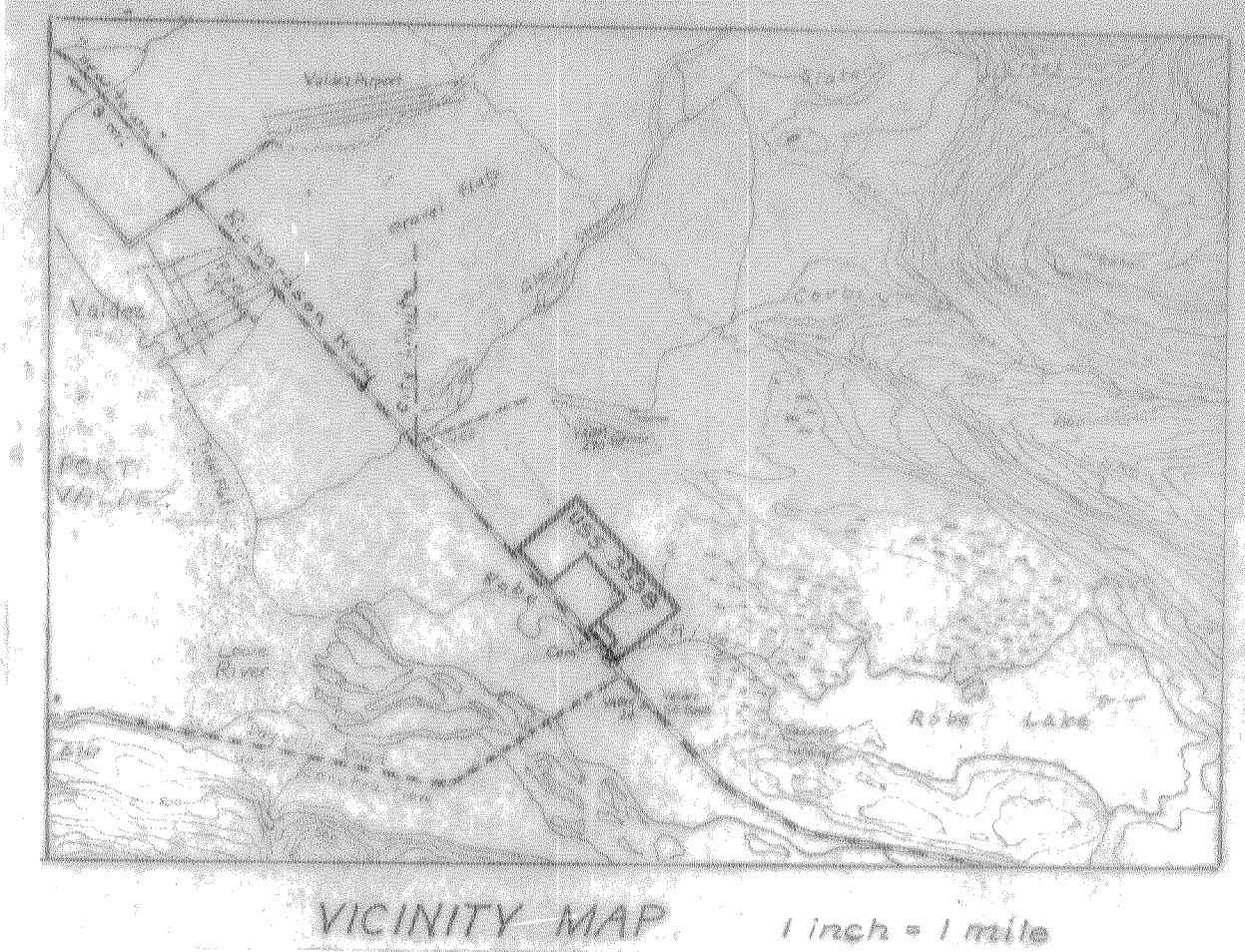


Subject Street

Location Map

Borrower/Client	N/A				
Property Address	3310 Eagle Avenue.				
City	Valdez	County	City of Valdez	State	AK Zip Code 99686
Lender	City of Valdez Alaska				





VICINITY MAP 1 inch = 1 mile

ROBE RIVER SUBDIVISION NUMBER ONE

A Subdivision of U.S. Survey 3538, Lot 1,
and U.S. Survey 3563, Tract A, Lot 2,
located near M.P. 2 on the Richardson
Highway.

Valdez Engineering Associates

Scale: 1 inch = 200 feet
0 200 400 600 800

PLANNING COMMISSION

This Plat conforms to the Planning
Commission requirements and is
hereby approved.

Signed Sidney W. Wilson Date 11-12-69
Chairman, Planning and Zoning
Commission, City of Valdez

CERTIFICATE OF ENGINEER

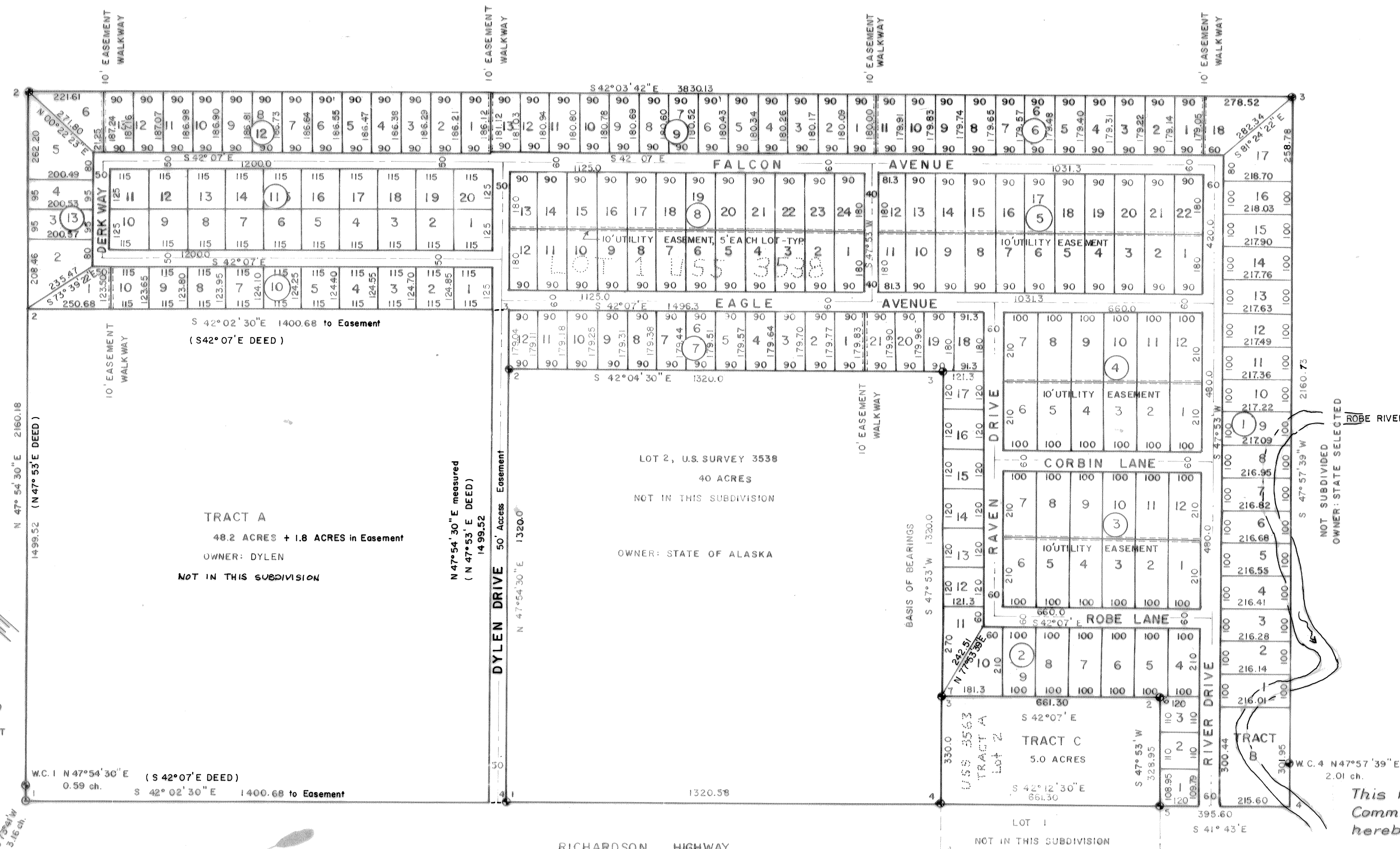
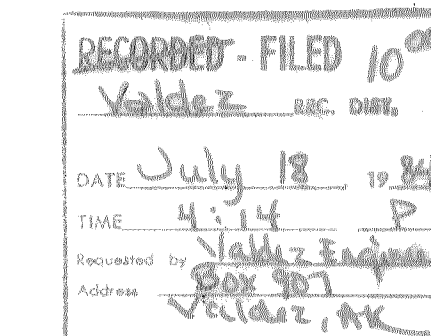
I, Robert O. Eder, a Registered
Civil Engineer, number 1486-E,
hereby certify that this plat
represents the survey performed
by me, or under my direction,
and that all distances and
bearings are correct, to my
knowledge and belief.

Signed: Robert O. Eder Date 11-26-69
Robert O. Eder P.E.

FILING AND RECORDING

Date filed November 24, 1969
Reception No. 69-427
Filing No. 69-3774
Time 5:02 P.M.
Date Recorded _____
Time _____
Book No. _____
Page No. _____

VALDEZ RECORDING DISTRICT
REQUESTED BY Valdez Engineering Associates, Inc.
Dorothy J. Clifton
RECORDED VALDEZ DISTRICT



CERTIFICATE OF OWNERSHIP AND DEDICATIONS

We, the undersigned,
Robert O. Eder, Registered Civil Engineer, No. 1486-E
Daniel S. Bolshakov, Notary Public
hereby certify that we are the
legal owners of portions of the
lands shown hereon as sub-
divided, and that we adopt this
plan of subdivision and dedicate
all streets and easements to
the public use; and that we have
signed and sealed this Plat as
our free and voluntary act.

THIS IS TO CERTIFY THAT on the
15 day of November, 1969, before
me, the undersigned, a Notary
Public in and for the State
of Alaska, duly commissioned
and sworn, appeared,
Daniel S. Bolshakov and
Robert O. Eder
known to me, and to me known
as the persons who executed
the foregoing Certificate of
Ownership, and that they
acknowledged that they signed
this Plat as their own free
and voluntary act.

IN TESTIMONY WHEREOF, I have
set my hand and official
Notarial Seal the day and year
first above written.

Dorothy J. Clifton
Notary Public in and for Alaska
My Commission expires 7/1/75

DEED RESTRICTIONS

The salmon spawning stream in
Block 1 is under the juris-
diction of the State Fish and
Game Department. Disturbance
of the stream bottom, channel
changes, or diversions are not
permitted unless such work is
done with prior approval from
the Fish and Game Department.
Contamination of the stream is
prohibited.

All State Department of Health
regulations are applicable to
this Subdivision.

NOTE: * INDICATES FOUND
BLM BRASS CAP
SURVEY MONUMENT

NOT SUBDIVIDED
OWNER: STATE OF ALASKA

N 47° 54' 30" E 2160.18
1499.52 (N 47° 53' E DEED)

TRACT A
48.2 ACRES + 1.8 ACRES in Easement
OWNER: DYLEN
NOT IN THIS SUBDIVISION

N 47° 54' 30" E measured
(N 47° 53' E DEED)
1499.52

DYLEN DRIVE 50' Access Easement
N 47° 54' 30" E 1320.0'

LOT 2, U.S. SURVEY 3538
40 ACRES
NOT IN THIS SUBDIVISION
OWNER: STATE OF ALASKA

BASIS OF BEARINGS
S 47° 53' W 1320.0'

LOT 1
NOT IN THIS SUBDIVISION

STATE OF ALASKA)
) s.s.
THIRD JUDICIAL DIVISION)

LOT 4

LOT 2

LOT 1

U.S. SURVEY 3563

RICHARDSON HIGHWAY

Borealis St

Dylen Dr

Eagle Ave

Lot 11, Block 7
Robe River Subdivision
3310 Eagle Ave.



BASE MAP PROVIDED BY: COV ComDev Dept.
ALL FEATURES ASSOCIATED WITH THIS MAP
ARE SUBJECT TO THE COV DISCLAIMER FOR
ACCURACY AND USE. SCALE: 1 in =630 ft

Chapter 4.04 SALE OF CITY PROPERTY

Sections:

4.04.010 Definitions.

4.04.020 Applicability.

4.04.030 Appraised value of property.

4.04.040 Sale by public auction or by sealed bids—Authorized.

4.04.050 Procedures for sale by public auction or by sealed bids.

4.04.060 Disposition of real property not sold at public auction or by sealed bid.

4.04.070 Sale by negotiation.

4.04.080 Expiration of sale authorization.

4.04.010 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Appraised value” means the estimated price which the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels. For the purposes of the Valdez Municipal Code, appraised value and fair market value are considered the same.

“Assessed value” means the value that a taxing authority gives to property and to which the tax rate is applied. For the purposes of the Valdez Municipal Code, assessed value is not used in consideration of determining the appraised or fair market value of property.

“City lands” means all those lands, improved or unimproved, to which the city holds title, or to which the city may become entitled, including buildings or land on which buildings are located.

“Development requirements” means conditions, requirements or regulations, determined by the city council, that must be completed prior to the city conveying clear title to property sold by public auction, sealed bid, or negotiation.

“Fair market value” means the estimated price which the property would bring in an open market and under the then prevailing market conditions in a sale between a willing seller and a willing buyer both conversant with the property and with prevailing general price levels.

“Lot” means a parcel of land shown as an individual unit on the most recent plat of record and intended to be used for one principal building or use. (Ord. 06-02 § 1 (part))

4.04.020 Applicability.

Pursuant to Section 12.3(b) of Chapter 12 of the Charter of the city, the procedure set out in this chapter shall govern the sale or other disposition, other than lease pursuant to Chapter 4.08 of this code, of real property including, insofar as not inconsistent therewith, the real property subject to sale under Ordinance Nos. 6514, 6515, and 6518 providing for the sale of real property in the Mineral Creek Townsite. (Ord. 06-02 § 1 (part))

4.04.030 Appraised value of property.

- A. No real property or interest therein shall be disposed of until there has been an appraisal to determine the fair market value of the property.
- B. Appraisals are considered valid if completed within one year of the time of sale for property with a value below one hundred thousand dollars, and within six months for property with a value of one hundred thousand dollars or greater.
- C. If the sale is for a portion of an entire parcel, a survey and appraisal will be required within six months of the date of the sale.
- D. No real property or interest therein shall be sold for less than the appraised value thereof; provided, however, that the council may, by motion passed by not less than six council members, find that the public interest will not be served by an appraisal of the property, or by selling the property at the appraised fair market value. (Ord. 06-02 § 1 (part))

4.04.040 Sale by public auction or by sealed bids—Authorized.

- A. Real property, not dedicated to any public use, may, at the option of the council, be initially offered for public sale and sold by auction or by sealed bid to the highest responsible bidder or by the sealed bid procedures set forth in Section 4.04.050.
- B. When deemed prudent and necessary, the council may establish development requirements of real property sold at public auction or by sealed bids. Bidders must be prequalified to participate in said public auction or sealed bid through submission of a development plan. The development plan shall include requirements recommended by the planning and zoning commission, and other commissions as deemed necessary, and determined by the city council in the resolution authorizing the sale of such property. The development plan shall be submitted by the applicant to the city manager or designee as outlined in the resolution authorizing the sale of such property. Development requirements shall be considered complete and no longer binding upon purchaser's receipt and recording of a certificate of completion of the development requirements. (Ord. 06-02 § 1 (part))

4.04.050 Procedures for sale by public auction or by sealed bids.

- A. Before any real property or any city interest therein is disposed of by auction or sealed bid, a resolution shall be adopted by the city council which sets forth the type, time, place and terms of such sale, declare that the property to be sold is not dedicated to any public use, provide for the publication of the notice of sale for not less than thirty days prior to the date of such sale, specify how payment shall be made, and outline any requirements for a development plan that is required for submission prior to an auction or along with a bid.
- B. All real property or interest therein offered for public sale by sealed bid may be sold to any person submitting an offer in writing to the city council. Such offer shall be submitted in a sealed opaque envelope

marked "Real Property Bid" and must be accompanied by a certified check or money order made payable to the city in an amount equal to at least twenty percent of the amount bid for residential lots and ten percent of the amount bid for any other parcels. Bids below the appraised value shall not be considered a responsive bid, unless the city council has previously established by resolution minimum bids beginning at less than the appraised value. Sealed bids shall be submitted to the office of the city clerk and publicly opened and read aloud on the day and time set forth in the resolution authorizing the sale. Results of the bids shall be submitted to the city council for acceptance or rejection. If there is more than one sealed bid for a particular lot or group of lots, the successful bidder shall be the one whose bid represents the highest price per square foot. In the event that two or more parties submit high but identical bids, the city council may reject all bids, or accept one of the identical bids having an accompanying development plan that represents the most long-term return to the community. The city council may waive any irregularity in the bids. (Ord. 06-02 § 1 (part))

4.04.060 Disposition of real property not sold at public auction or by sealed bid.

When a public auction or sealed bid has been held as above provided, but no buyer was found for the property or interest therein offered or any part thereof, the resolution providing for such public sale shall be sufficient authority to sell the unsold property or interest therein to any person tendering the appraised value as set forth in Section 4.04.030, provided the appraisal is still valid as provided for in Section 4.04.030(B). The city council may, by motion duly made and passed, direct the city manager to so offer for sale and sell such property, and such motion shall provide that the city manager post a list of such property showing the appraised value thereof, at least three days prior to making any sale. Any development requirements assigned to the land prior to public sale shall remain in effect for the sale of such real property as outlined in Section 4.04.040. (Ord. 06-02 § 1 (part))

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))

4.04.080 Expiration of sale authorization.

Resolutions authorizing the negotiated sale of city- owned land shall expire if the transaction is not fully effectuated within one year of the date of passage and approval. (Ord. 06-02 § 1 (part))

Web Version



Agenda Statement

File #: TMP-0667 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 4/25/2017 **In control:** Planning and Zoning Commission

On agenda: 4/26/2017 **Final action:**

Title: Approval of Tideland Lease with Valdez Fisheries Development Association for Approximately 3.5 Acres of ATS 564 and Parcel A, ATS 564

Sponsors:

Indexes:

Code sections:

Attachments: [LeaseApplication_VFDA.pdf](#)
[LyndonVFDA_Final.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Tideland Lease with Valdez Fisheries Development Association for Approximately 3.5 Acres of ATS 564 and Parcel A, ATS 564

SUBMITTED BY: Lisa Von Bargaen

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Tideland Lease with Valdez Fisheries Development Association for Approximately 3.5 Acres of ATS 564 and Parcel A, ATS 564.

SUMMARY STATEMENT:

In March of last year Valdez Fisheries Development Association submitted a request to lease approximately 3.5 acres of Alaska Tideland Survey 564. The purpose of the request is to gain additional tideland area in which to moor net pens. This lease request has taken so long to process for a number of reasons. First, Lynden, who owns upland property adjacent to this area has also requested a tideland lease. Second, it took some time to determine what lease area was needed by both parties. Third, VFDA also needs a small portion of area currently leased by Big State Logistics. Addressing that is going to happen as part of a separate transaction, but understanding what is required to address that component was necessary. Fourth, it was discovered this land is zoned Conservation even though everything around it is zoned Light Industrial. Finally, there were some concerns raised by an adjacent property owner. Given all those issues, other workload and being

short staffed, a perfect storm of delay surrounded this lease request. Finally we are moving forward.

VFDA has submitted a permit to the Corps of Engineers (COE) to excavate approximately 4,181 cubic yards of material to make the area deep enough for the net pens. The COE is ready to issue the permit, but they need confirmation VFDA has site control before they do that. In addition to the COE permit, VFDA will need to obtain a Flood Plain Development Permit.

Rezoning this property to Light Industrial is going to take some additional time. Staff had hoped to run everything concurrently but the rezone is going to lag behind action on the leases by a couple of weeks. We are conducting some due diligence regarding environmental concerns raised by an adjacent property owner. The lease will be contingent upon approval of a zoning change by the Commission and Council.

Pending the zoning change, this lease is in conformance with the Comprehensive Plan as follows:

Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.

Objective - Develop a community plan, which accommodates resource related industrial development that meets the desires of community residents.

Objective - Encourage growth in tourism, fishing, and the fish processing industries.

Objective - Strive to maintain, restore, develop, or enhance the natural biological productivity of Port Valdez, and anadromous fish streams and lakes in the area.

Objective - Strive to create an atmosphere in the community that is conducive to commercial and industrial development.

Goal - Land Use: Provide a community land use pattern that is compatible with existing land use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective - Provide for the adequate separation of incompatible land uses.

Objective - Prohibition of the location/construction of structures in hazardous or environmentally sensitive areas.

Objective - Provide development standards for lands that require special physical or environmental attention before they can be safely used or developed.

Objective - Reserve shoreline areas for water-dependent uses and activities; water-related uses and activities; and uses and activities, which are neither water-dependent or water-related or for which there is no feasible and prudent inland alternative to meet the need for the use or activity.

Goal - Industrial Land Use: Provide for industrial land uses so that they limit impacts on adjacent land uses and the environment, and yet have safe and convenient access to the major transportation facilities they require.

Valdez Fisheries has a number of other leases with the City of Valdez. Tideland leases may be up to 21 years initially with a maximum of six, five-year renewal options. The City will likely try to marry this lease term with the others held by VFDA. The lease rental rate will be based on 10% of the appraised value. That value is amended every five years based on a new appraisal.

As this is a tideland lease, the Ports & Harbor Commission will need to take action on the item. The

next Ports & Harbor Commission meeting is scheduled for May 15th. This will put lease approval by the Council at the first meeting in June, unless the Council holds a special meeting where this item can be added to the agenda. Once the lease is approved by resolution, the resolution must be posted for 30 days prior to the lease becoming effective.

VFDA plans to begin work on this project next year. The lease is being put in place now to allow for plenty of lead time on their project planning so site control is fully established.



RECEIVED

MAR 02 2016

BY CITY OF VALDEZ
COMMUNITY DEVELOPMENT

CITY OF VALDEZ APPLICATION FOR LEASE OF CITY OWNED LAND

Application Fee: \$50.00 (Non-refundable)

FEE WAIVED FOR 2013 PER RES# 12-72

This form is to be completed by an individual or an organization proposing to lease City-owned land. Complete in full and to the best of your knowledge. Please explain any omissions and use additional pages where appropriate. If requested, proprietary and financial information of applicants that is so marked will be kept confidential.

The completed application shall be returned to the Valdez Community & Economic Development Department located in City Hall along with the Application fee.

A deposit of \$3,000 will be required prior to the City initiating any required appraisal or land survey. The deposit will be used to offset the cost of the appraisal and land survey. If additional funds are necessary, the applicant will be billed as part of the lease. If there is a balance, it will be applied to the first year's lease payment. This deposit will be the cumulative amount of any required appraisal, land survey or Phase I environmental analysis according to the following schedule:

- * If a survey and/or appraisal are required: \$3,000
- * If a Phase I Environmental Analysis only is required: \$3,000
- * If a survey or appraisal and Environmental Analysis are required: \$5,000
(Required on all industrial land)

1. Name of Individual Completing Application Form:

Name: Joshua Buffington Phone: (907) 835-4874
Daytime/ Message

Mailing Address: PO Box 125 Valdez, AK 99686

2. If other individual(s) or an organization(s) will be a party to this application, indicate below. Attach additional pages as needed:

a) Name Michael Wells Phone: (907) 835-4874

Mailing Address PO Box 125 , 1815 Mineral Creek Loop Rd. Valdez, AK

Relationship to other applicant(s) _____

b) Organization's name Valdez Fisheries Development Association, Inc.

Address PO Box 125 Valdez, AK 99686

Primary Contact: Joshua Buffington

Title: Administrative Coordinator

Daytime Phone #: (907) 835-4874

3. TYPE OF ORGANIZATION: (Check one)

Individuals _____

Business Corporation _____

General Partnership _____

Non-Profit Corporation XX

Limited Partnership _____

Non-Profit Association _____

Other _____

If non-profit, has IRS Tax Exempt Status been obtained? Yes XX No _____

If yes, attach letter of determination.

Note: Please submit, as appropriate, the following items with this application:

1. Current Alaska business license;
2. Designation of signatory authority to act for organization of other individuals;
3. Certificate and articles of incorporation;
4. Partnership agreement and amendments;
5. Charter/by-laws for non-profits;
6. Most recent annual financial statement;

4. Legal Description AFFECTED BY APPLICATION:

Located in Township _____ Range _____ Section, _____ Meridian

Lot/ Block/ Tract/ Subd. _____ Plat # _____

Other Description _____

Tax # _____ No. of Acres _____

5. DESCRIBE PROPOSAL. ATTACH NARRATIVE FOR FURTHER DESCRIPTION AND A SITE PLAN (the description should include the use; value and nature of improvements to be constructed; the type of construction; and, the estimated dates for construction to commence and be completed).

6. WHAT IS THE TERM OF THE LEASE DESIRED?

50 years

7. IF THE REQUEST FOR A LEASE AT LESS THAN FAIR MARKET VALUE, PROVIDE JUSTIFICATION.

8. PLEASE STATE WHY YOU BELIEVE IT WOULD BE IN THE "BEST INTEREST OF THE CITY" TO APPROVE YOUR PROPOSAL AND PROCESS YOUR APPLICATION.

It is the mission of Valdez Fisheries Development Association, Inc. to raise, propagate, and market fish and fish products, and to develop renewable fisheries resources for the benefit of sports fishermen, commercial fisherman, fish processors, tourists and all businesses dependent upon the fishing industry in Alaska.

9. CURRENT STATUS OF LAND. DESCRIBE ANY EXISTING IMPROVEMENTS, PROVIDE PHOTOGRAPHS IF POSSIBLE.

See Attached photo overviews

10. HAS APPLICANT PREVIOUSLY PURCHASED OR LEASED CITY LAND OR RESOURCES? X YES NO. IF YES, PROVIDE LEGAL DESCRIPTION, TYPE OR PURCHASE OR LEASE, AND STATUS.

Parcel 1, ATS 1595; Parcel B, ATS 564; ATS 1358; ATS 1140, Tract A

11. IF APPLICANT IS A BUSINESS OPERATION, LIST PRESENT BUSINESS ACTIVITIES.

501c3 private, non-profit fish hatchery

12. IF REQUIRED, ARE YOU PREPARED TO SPEND FUNDS FOR THE FOLLOWING:

YES

NO

<u>X</u>	_____	a) Performance bond
<u>X</u>	_____	b) Damage deposit
<u>X</u>	_____	c) General liability insurance
<u>X</u>	_____	d) Worker's compensation insurance
<u>X</u>	_____	e) Survey and platting
<u>X</u>	_____	f) Appraisal fee
<u>X</u>	_____	g) Closing fees, which may include title insurance, document preparation, escrow closing, and recording
<u>X</u>	_____	h) Any federal, state and local permits required
<u>X</u>	_____	I) Maintenance costs (present or future)

13. LIST THREE (3) CREDIT OR BUSINESS REFERENCES:

Name	Address	Phone #
First National Bank	Valdez, AK	(907) 834-4800
Harris Sand & Gravel	Valdez, AK	(907) 835-4756
Samson Tug & Barge	Seattle, WA	(206) 767-7820

14. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS?

Yes- Over 20 years ago

15. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OF LIEN? _____ YES XX NO IF YES, EXPLAIN:

COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS IF NEEDED.

APPLICANT QUALIFICATION STATEMENT

I, _____
(Individual Name)

I, _____
(Individual Name)

I, Mike Wells On Behalf of Valdez Fisheries Development Association, Inc.
(Representative's Name) (Organization's Name)


PO Box 125
(Address)

Valdez, AK 99686
(City, State) (Zip)

do hereby swear and affirm for myself as applicant or as representative for the organization noted above that:

The Applicant is a citizen of the United States, over the age of nineteen;
and
If a group, association or corporation, is authorized to conduct business
Under the laws of the State of Alaska; and
Has not failed to pay a deposit or payment due the City in relation to
City-owned real property in the previous five (5) years; and
Is not currently in breach or default on any contract or lease for real
Property transactions in which the City has an interest; and
Has not failed to perform under or is not in default of a contract with the
City; and
Is not delinquent in any tax payment to the City.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE TO MY KNOWLEDGE.


Applicant Signature Date 3/2/16

Applicant Signature Date

Mike Wells
Print Name

Print Name



Requested Lease | Lyndon
Approximately 4 acres of ATS 564

Requested Lease | VFDA
Approximately 3 acres from
a portion of ATS 564 and a
portion of Parcel A, ATS 564

MHW 11.2

CORPS OF ENGINEERS
APPROVED PERMITTED
AREA



Agenda Statement

File #: TMP-0669 **Version:** 1
Type: New Business **Status:** Agenda Ready
File created: 4/25/2017 **In control:** Planning and Zoning Commission
On agenda: 4/26/2017 **Final action:**
Title: Approval of Tideland Lease with Lynden for Approximately 4 Acres of ATS 564
Sponsors:
Indexes:
Code sections:
Attachments: [LeaseApplication Lynden.pdf](#)
[LyndonVFDA Final.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Tideland Lease with Lynden for Approximately 4 Acres of ATS 564

SUBMITTED BY: Lisa Von Bargaen

FISCAL NOTES:

Expenditure Required: N/A
Unencumbered Balance: N/A
Funding Source: N/A

RECOMMENDATION:

Approve Tideland Lease with Lynden for Approximately 4 Acres of ATS 564.

SUMMARY STATEMENT:

In October of last year Lynden submitted a request to lease a portion of Alaska Tideland Survey 564. The purpose of the request is to "...More firmly anchor the Lynden/Wilson Brothers business in Valdez for the long term, and allow for yard expansion. It will benefit the seafood processors by ensuring their cargo continues to move through Valdez in the event of labor disruption or other problem at the city dock. Lynden is happy with service at the city dock and [has] no plans to build a competing dock, and doing so absent an emergency would not be cost effective."

Like the VFDA lease, this lease request has taken so long to process for a number of reasons. First, VFDA, who has another adjacent lease in this area has also requested an additional tideland lease for moorage of net pens. Second, it took some time to determine what lease area was needed by both parties. Third, it was discovered this land is zoned Conservation even though everything around it is zoned Light Industrial. Finally, there were some concerns raised by an adjacent property owner.

Given all those issues, other workload and being short staffed, a perfect storm of delay surrounded this lease request. Finally we are moving forward.

It will be necessary for Lynden to narrow down a more specific use of the area and boundary delineations. Depending on what Lynden's plans are there will be permitting required, including Flood Plain Development Permit, Corps of Engineers Wetlands Permit or Structure in Navigable Waters Permit, etc.

Rezoning this property to Light Industrial is going to take some additional time. Staff had hoped to run everything concurrently but the rezone is going to lag behind action on the leases by a couple of weeks. We are conducting some due diligence regarding environmental concerns raised by an adjacent property owner. The lease will be contingent upon approval of a zoning change by the Commission and Council.

Pending the zoning change, this lease is in conformance with the Comprehensive Plan as follows:

Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.

Objective - Strive to maintain, restore, develop, or enhance the natural biological productivity of Port Valdez, and anadromous fish streams and lakes in the area.

Objective - Strive to create an atmosphere in the community that is conducive to commercial and industrial development.

Goal - Land Use: Provide a community land use pattern that is compatible with existing land use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective - Provide for the adequate separation of incompatible land uses.

Objective - Prohibition of the location/construction of structures in hazardous or environmentally sensitive areas.

Objective - Provide development standards for lands that require special physical or environmental attention before they can be safely used or developed.

Objective - Reserve shoreline areas for water-dependent uses and activities; water-related uses and activities; and uses and activities, which are neither water-dependent or water-related or for which there is no feasible and prudent inland alternative to meet the need for the use or activity.

Goal - Industrial Land Use: Provide for industrial land uses so that they limit impacts on adjacent land uses and the environment, and yet have safe and convenient access to the major transportation facilities they require.

However, there is one Objective to which this lease request may be in contradiction:

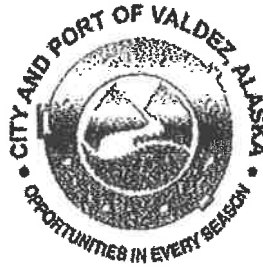
Objective - Encourage expanded use of the existing port facilities.

Tideland leases may be up to 21 years initially with a maximum of six, five-year renewal options. The lease rental rate will be based on 10% of the appraised value. That value is amended every five years based on a new appraisal.

As this is a tideland lease, the Ports & Harbor Commission will need to take action on the item. The next Ports & Harbor Commission meeting is scheduled for May 15th. This will put lease approval by

the Council at the first meeting in June, unless the Council holds a special meeting where this item can be added to the agenda. Once the lease is approved by resolution, the resolution must be posted for 30 days prior to the lease becoming effective.

OCT 05 2016

BY CITY OF VALDEZ
COMMUNITY DEVELOPMENT

CITY OF VALDEZ APPLICATION FOR LEASE OF CITY OWNED LAND

Application Fee: \$50.00 (Non-refundable)

FEE WAIVED FOR 2013 PER RES# 12-72

This form is to be completed by an individual or an organization proposing to lease City-owned land. Complete in full and to the best of your knowledge. Please explain any omissions and use additional pages where appropriate. If requested, proprietary and financial information of applicants that is so marked will be kept confidential.

The completed application shall be returned to the Valdez Community & Economic Development Department located in City Hall along with the Application fee.

A deposit of \$3,000 will be required prior to the City initiating any required appraisal or land survey. The deposit will be used to offset the cost of the appraisal and land survey. If additional funds are necessary, the applicant will be billed as part of the lease. If there is a balance, it will be applied to the first year's lease payment. This deposit will be the cumulative amount of any required appraisal, land survey or Phase I environmental analysis according to the following schedule:

* If a survey and/or appraisal are required:	\$3,000
* If a Phase I Environmental Analysis only is required:	\$3,000
* If a survey or appraisal and Environmental Analysis are required: (Required on all industrial land)	\$5,000

1. Name of Individual Completing Application Form:

Name: Rod DeWalt Phone: 206-601-2074
Daytime/ Message

Mailing Address: P.O Box 3757 Seattle, WA 98124-3757

2. If other individual(s) or an organization(s) will be a party to this application, indicate below. Attach additional pages as needed:

a) Name Everett Billingslea - Valdez Terminal LLC Phone: 206-241-8778

Mailing Address P.O. Box 3757 Seattle, WA 98124-3757

Relationship to other applicant(s) Manager of Alagnak Holdings, LLC

b) Organization's name Valdez Terminal, LLC

Address P.O. Box 3757 Seattle, WA 98124-3757

Primary Contact: Everett Billingslea

Title: Manager

Daytime Phone #: 206-241-8778

3. TYPE OF ORGANIZATION: (Check one)

Individuals _____

Business Corporation _____

General Partnership _____

Non-Profit Corporation _____

Limited Partnership X

Non-Profit Association _____

Other _____

If non-profit, has IRS Tax Exempt Status been obtained? Yes _____ No _____

If yes, attach letter of determination.

Note: Please submit, as appropriate, the following items with this application:

1. Current Alaska business license;
2. Designation of signatory authority to act for organization of other individuals;
3. Certificate and articles of incorporation;
4. Partnership agreement and amendments;
5. Charter/by-laws for non-profits;
6. Most recent annual financial statement;

4. Legal Description AFFECTED BY APPLICATION:

Located in Township _____ Range _____ Section _____ Meridian _____

Lot/ Block/ Tract/ Subd. _____ Plat # _____

Other Description Portion of ATS 564 - US Survey 3682

Tax # _____ No. of Acres _____

5. DESCRIBE PROPOSAL. ATTACH NARRATIVE FOR FURTHER

DESCRIPTION AND A SITE PLAN (the description should include the use; value and nature of improvements to be constructed; the type of construction; and, the estimated dates for construction to commence and be completed).

6. WHAT IS THE TERM OF THE LEASE DESIRED?

10 year initial term with (2) 10 year options

7. IF THE REQUEST FOR A LEASE AT LESS THAN FAIR MARKET VALUE, PROVIDE JUSTIFICATION.

8. PLEASE STATE WHY YOU BELIEVE IT WOULD BE IN THE "BEST INTEREST OF THE CITY" TO APPROVE YOUR PROPOSAL AND PROCESS YOUR APPLICATION.

Approval will more firmly anchor the Lynden/Wilson Bros business in Valdez for the long term, and allow yard expansion. It will benefit seafood processors by ensuring their cargo continues to move through Valdez in the event of labor disruption or other problem at the city dock. Lynden is happy with service at the city dock and no plans to build a competing dock, and doing so absent an emergency would not be cost effective.

9. CURRENT STATUS OF LAND. DESCRIBE ANY EXISTING IMPROVEMENTS, PROVIDE PHOTOGRAPHS IF POSSIBLE.

Not developed

10. HAS APPLICANT PREVIOUSLY PURCHASED OR LEASED CITY LAND OR RESOURCES? ☐ YES ☒ NO. IF YES, PROVIDE LEGAL DESCRIPTION, TYPE OF PURCHASE OR LEASE, AND STATUS.

11. IF APPLICANT IS A BUSINESS OPERATION, LIST PRESENT BUSINESS ACTIVITIES.

Owner of Facilities located at 1800 Mineral Creek Loop Road that are leased to

Alaska Marine Lines / Wilson Brothers Trucking

12. IF REQUIRED, ARE YOU PREPARED TO SPEND FUNDS FOR THE FOLLOWING:

YES

NO

X

a) Performance bond

X

b) Damage deposit

X

c) General liability insurance

X

d) Worker's compensation insurance

X

e) Survey and platting

X

f) Appraisal fee

X

g) Closing fees, which may include title insurance, document preparation, escrow closing, and recording

X

h) Any federal, state and local permits required

X

i) Maintenance costs (present or future)

13. LIST THREE (3) CREDIT OR BUSINESS REFERENCES:

Name

Address

Phone #

14. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS?

NO

15. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OF LIEN? _____ YES X NO IF YES, EXPLAIN;

COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS IF NEEDED.

APPLICANT QUALIFICATION STATEMENT

I, _____
(Individual Name)

I, _____
(Individual Name)

I, Everett Billingslea On Behalf of Valdez Terminal, LLC
(Representative's Name) (Organization's Name)

P.O. Box 3757
(Address)

Seattle, WA 98125-3757
(City, State) (Zip)

do hereby swear and affirm for myself as applicant or as representative for the organization noted above that:

The Applicant is a citizen of the United States, over the age of nineteen;
and

If a group, association or corporation, is authorized to conduct business
Under the laws of the State of Alaska; and

Has not failed to pay a deposit or payment due the City in relation to
City-owned real property in the previous five (5) years; and

Is not currently in breach or default on any contract or lease for real
Property transactions in which the City has an interest; and

Has not failed to perform under or is not in default of a contract with the
City; and

Is not delinquent in any tax payment to the City.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE
TO MY KNOWLEDGE.

Everett Billingslea 10-4-16
Applicant Signature Date

Applicant Signature Date

Everett Billingslea
Print Name

Print Name

Comdev\data/forms/LandLease&SalesForms/AppforLeaseofCityLand



Requested Lease | Lyndon
Approximately 4 acres of ATS 564

Requested Lease | VFDA
Approximately 3 acres from
a portion of ATS 564 and a
portion of Parcel A, ATS 564

MHW 11.2

CORPS OF ENGINEERS
APPROVED PERMITTED
AREA





Agenda Statement

File #: TMP-0668 **Version:** 1

Type: New Business **Status:** Agenda Ready

File created: 4/25/2017 **In control:** Planning and Zoning Commission

On agenda: 4/26/2017 **Final action:**

Title: Approval of Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.

Sponsors:

Indexes:

Code sections:

Attachments: [TractB_ASLS9826_LeaseApplication.pdf](#)
[MegaTrucking_Application.pdf](#)
[ASLS 9826_Patent.pdf](#)
[SOA Business License 2016-2017.pdf](#)

Date	Ver.	Action By	Action	Result
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ITEM TITLE:

Approval of Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.

SUBMITTED BY: AnnMarie Lain

FISCAL NOTES:

Expenditure Required: N/A

Unencumbered Balance: N/A

Funding Source: N/A

RECOMMENDATION:

Approve Land Lease with Mega Trucking, LLC for Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy.

SUMMARY STATEMENT:

Mr. Passin, of Mega Trucking LLC, has requested the lease of Tract B, ASLS 98-26, a 6.82 parcel along Richardson Hwy for the purpose of storing gravel, heavy equipment, and refining gravel from the Glacier Stream river bed.

Tract B, ASLS 98-26, is zoned Public Lands. Chapter 4 of Valdez Municipal Code states that “no application for lease shall be considered unless the land desired to be leased is zoned to permit the use to which the applicant intends to put the land.” Chapter 17 zoning requirements for Public Lands

District, document attached, outlines the intent of the zoning district as well as the permitted and conditional uses. The intent of the Public Lands Zoning District is stated below:

The P (public lands) district is intended to contain major open space areas, watershed management areas and major public and quasi-public, recreational, educational and institutional uses, including private lands and uses that are essentially public in character and of specific value to the entire community.

Although the intent of the purpose of storing gravel is to make the sale of gravel available to the public market which would add “specific value to the entire community,” the requested use for storing gravel, heavy equipment, and refining gravel is not listed as a permitted principal use.

Natural resource extraction; however, is listed as a conditional use. It is staffs opinion, that if code allows for the extraction of natural resources as a conditionally permitted use then code would allow for the storage of gravel and equipment in conjunction with that use. Should legal opinion state otherwise, this lease will be dependent on the successful rezone of Tract B, ASLS 98-26 to light industrial. Staff will have a legal opinion before the lease approval is brought forward to City Council. Pending legal opinion confirming conformance with the identified conditional use, or a zoning change, this lease is in conformance with the Comprehensive Plan as follows:

Goal - Lifestyle: Provide for a maximum freedom of choice for people to engage in the cash economy and use local natural resources to supplement their selected economic lifestyles.

Objective - Conserve sensitive habitats and enhance the availability of natural resources used and consumed by residents of the community.

The extraction of gravel on City leased land, over-time, has created vulnerabilities and exposure to flooding from migrating rivers and leaves the leased land in a condition difficult for re-development. As such, the City of Valdez is in need of gravel extraction to come out of river beds instead of on City owned and. This lease application provides for the use of natural resources by enhancing the availability of gravel for use by the residents of the community in the engagement of a cash economy.

Goal - Economic Development: Encourage the development of a broad-based economy in Valdez.

Objective - Develop a community plan which accommodates resource related industrial development that meets the desires of community residents.

Objective - Strive to create an atmosphere in the community that is conducive to commercial and industrial development.

This lease will help to create an atmosphere conducive to development by providing another vender to provide gravel.

Goal - Land Use: Provide a community land use pattern that is compatible with existing land use patterns in the community, which is physically safe, environmentally sensitive, and consistent with the provisions and requirements of the Valdez Coastal Management Program.

Objective - Provide for the adequate separation of incompatible land uses.

The land directly adjacent to Tract B is already being utilized as a gravel extraction area by the State. This lease application meets the requirements for separation of incompatible land uses.

Objective - Reserve shoreline areas for water-dependent uses and activities; water-related uses and activities; and uses and activities which are neither water-dependent or water-related or for which there is no feasible and prudent inland alternative to meet the need for the use or activity.

River-bed gravel extraction is a water-related use for which inland alternatives for material and equipment storage is fiscally not feasible.

Please note that the applicant is aware that gravel extraction within the river-bed requires a significant amount of permitting through multiple federal and state agencies, and that all permitting will be the sole responsibility of the applicant.

After the Planning and Zoning Commission reviews the application for the land lease, staff will forward its recommendation to City Council for approval or rejection of the application.

Tract B
ASLS 98-26

Richardson Hwy



BASE MAP PROVIDED BY: COV ComDev Dept.
ALL FEATURES ASSOCIATED WITH THIS MAP
ARE SUBJECT TO THE COV DISCLAIMER FOR
ACCURACY AND USE. SCALE: 1 in =268 ft

CITY OF VALDEZ
APPLICATION FOR LEASE OF CITY OWNED LAND

Relationship to other applicant(s) _____

b) Organization's name Mega Trucking, LLC

Address 500 Sawmill Dr., Valdez, AK 99686

Primary Contact: Jesse Passin

Title: Owner / Manager

Daytime Phone #: (907) 255-9169

3. TYPE OF ORGANIZATION: (Check one)

Individuals _____

Business Corporation ✓

General Partnership _____

Non-Profit Corporation _____

Limited Partnership _____

Non-Profit Association _____

Other _____

If non-profit, has IRS Tax Exempt Status been obtained? Yes _____ No _____

If yes, attach letter of determination.

Note: Please submit, as appropriate, the following items with this application:

1. Current Alaska business license;
2. Designation of signatory authority to act for organization of other individuals;
3. Certificate and articles of incorporation;
4. Partnership agreement and amendments;
5. Charter/by-laws for non-profits;
6. Most recent annual financial statement;

4. Legal Description AFFECTED BY APPLICATION:

Located in Township 9S Range 6W Section, 11, Copper River Meridian

Lot/ Block/ Tract/ Subd. Tract B, ASLS 98-26 Plat # 2000-9

Other Description 2700 Richardson Hwy, Valdez AK 99686

Tax # 0098-026-000-1 No. of Acres 6.82

5. DESCRIBE PROPOSAL. ATTACH NARRATIVE FOR FURTHER DESCRIPTION AND A SITE PLAN (the description should include the use; value and nature of improvements to be constructed; the type of construction; and, the estimated dates for construction to commence and be completed).

The land will be leveled to finished grade, and used for storing gravel, heavy equipment,

and refining gravel from the Glacier Stream river bed.

6. WHAT IS THE TERM OF THE LEASE DESIRED?

5 years

7. IF THE REQUEST FOR A LEASE AT LESS THAN FAIR MARKET VALUE, PROVIDE JUSTIFICATION.

8. PLEASE STATE WHY YOU BELIEVE IT WOULD BE IN THE "BEST INTEREST OF THE CITY" TO APPROVE YOUR PROPOSAL AND PROCESS YOUR APPLICATION.

The land is unused, and currently has a large amount of overburden on it.

Mega Trucking, LLC will excavate gravel from the Glacier Stream riverbed,
and store gravel on the land.

9. CURRENT STATUS OF LAND. DESCRIBE ANY EXISTING IMPROVEMENTS, PROVIDE PHOTOGRAPHS IF POSSIBLE.

It is currently overgrown with alder shrubs covering a large amount of overburden

10. HAS APPLICANT PREVIOUSLY PURCHASED OR LEASED CITY LAND OR RESOURCES? _____ YES ☒ NO. IF YES, PROVIDE LEGAL DESCRIPTION, TYPE OR PURCHASE OR LEASE, AND STATUS.

11. IF APPLICANT IS A BUSINESS OPERATION, LIST PRESENT BUSINESS ACTIVITIES.

Mega Trucking, LLC delivers gravel and equipment to construction sites as well
as homeowners.

12. IF REQUIRED, ARE YOU PREPARED TO SPEND FUNDS FOR THE FOLLOWING:

YES	NO	
<u>✓</u>	<u> </u>	a) Performance bond
<u>✓</u>	<u> </u>	b) Damage deposit
<u>✓</u>	<u> </u>	c) General liability insurance
<u>✓</u>	<u> </u>	d) Worker's compensation insurance
<u>✓</u>	<u> </u>	e) Survey and platting
<u>✓</u>	<u> </u>	f) Appraisal fee
<u>✓</u>	<u> </u>	g) Closing fees, which may include title insurance, document preparation, escrow closing, and recording
<u>✓</u>	<u> </u>	h) Any federal, state and local permits required
<u>✓</u>	<u> </u>	I) Maintenance costs (present or future)

13. LIST THREE (3) CREDIT OR BUSINESS REFERENCES:

Name	Address	Phone #
<u>Harris Sand & Gravel</u>	<u>260 Airport Rd., Valdez, AK 99686</u>	<u>(907) 835-4756</u>
<u>First National Bank of Alaska</u>	<u>101 Egan Ave., Valdez, AK 99686</u>	<u>(907) 834-4800</u>
<u>Alaskan Auto</u>	<u>217 E. Arctic Ave., Palmer, AK 99645</u>	<u>(907) 745-6272</u>

14. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS?

No

15. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OF LIEN? _____ YES ✓ NO IF YES, EXPLAIN:

COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT
FOR EACH INDIVIDUAL APPLICANT OR ORGANIZATION.
ATTACH ADDITIONAL STATEMENTS IF NEEDED.

APPLICANT QUALIFICATION STATEMENT

I, _____
(Individual Name)

I, _____
(Individual Name)

I, Jesse Passin On Behalf of Mega Trucking, LLC
(Representative's Name) (Organization's Name)

500 Sawmill Dr.
(Address)

Valdez, AK 99686
(City, State) (Zip)

do hereby swear and affirm for myself as applicant or as representative for the
organization noted above that:

The Applicant is a citizen of the United States, over the age of nineteen;
and

If a group, association or corporation, is authorized to conduct business
Under the laws of the State of Alaska; and

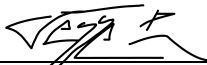
Has not failed to pay a deposit or payment due the City in relation to
City-owned real property in the previous five (5) years; and

Is not currently in breach or default on any contract or lease for real
Property transactions in which the City has an interest; and

Has not failed to perform under or is not in default of a contract with the
City; and

Is not delinquent in any tax payment to the City.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE
TO MY KNOWLEDGE.



Applicant Signature Date 4/24/17

Applicant Signature Date

Jesse Passin

Print Name

Print Name

2003-000841-0

Recording Dist: 318 - Valdez
8/22/2003 12:01 PM Pages: 1 of 3

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State of Alaska



Patent

No. 1 8 8 4 4

Know All Men By These Presents that the Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, pursuant to AS 29.65.010-.140, and the regulations promulgated thereunder, and the Final Finding and Decision dated December 15, 1997, for good and valuable consideration, grants and conveys to the Grantee, the CITY OF VALDEZ, whose mailing address of record is P.O. Box 307, Valdez, Alaska 99686, Grantee's successors and assigns, all that real property situated in the Valdez Recording District, State of Alaska, and described as follows:

ALASKA STATE LAND SURVEY NO. 87-19, CONTAINING 60.53 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT FILED IN THE VALDEZ RECORDING DISTRICT ON DECEMBER 24, 1987, AS PLAT 87-1.

TRACTS A AND B OF ALASKA STATE LAND SURVEY NO. 98-26, CONTAINING 173.46 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE VALDEZ RECORDING DISTRICT ON JUNE 19, 2000, AS PLAT 2000-9.

AGGREGATING 233.99 ACRES, MORE OR LESS.


Subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

Net chargeable acreage under AS 29.65.020 is 233.99 acres, more or less.

The Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

To Have And To Hold the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and Grantee's successors and assigns forever.

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 14th day of May, 2003.

By: 
Sandra J. Singer
For Bob Loeffler, Director
Division of Mining, Land and Water



State of Alaska)
) ss.
Third Judicial District)

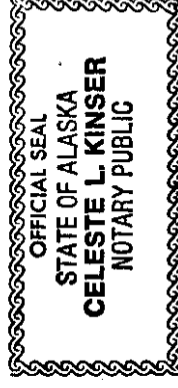
This Is To Certify that on the 14th day of May, 2003, appeared before me SANDRA J. SINGER, who is known to me to be the person who has been lawfully delegated the authority of Bob Loeffler, the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, to execute the foregoing document; that Sandra J. Singer executed said document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

Witness my hand and official seal the day and year in this certificate first above written.

Upon recording return to:
City of Valdez
P.O. Box 307
Valdez, Alaska 99686

Celeste L. Kinser
Notary Public in and for the State of Alaska

My commission expires: April 4, 2005



Patent No. 18844
ADL No. 225456
Location Index:
T. 9 S., R. 6 W., C.R.M
Section 11



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2003-000841-0

Alaska Department of Commerce, Community, and Economic Development

Division of Corporations, Business and Professional Licensing

P.O. Box 110806, Juneau, Alaska 99811-0806

This is to certify that

MEGA TRUCKING, LLC

PO BOX 1808 VALDEZ AK 99686

owned by

MEGA TRUCKING, LLC

is licensed by the department to conduct business for the period

December 28, 2015 through December 31, 2017

for the following line of business:

23 - Construction

48 - Transportation and Warehousing



This license shall not be taken as permission to do business in the state without having complied with the other requirements of the laws of the State or of the United States.

This license must be posted in a conspicuous place at the business location.
It is not transferable or assignable.

Chris Hladick