

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; which ever 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/AAE, City Clerk

