



**CITY OF VALDEZ**

**PROPERTY MANAGEMENT**

**POLICY AND PROCEDURES**

**JUNE 2005**

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### Land Management Policy and Procedures

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## **POLICY FOR THE DISPOSAL OF CITY OWNED LAND**

The City will place city owned land into one of the following designations:

- Sale with a development plan
- Sale or lease
- Lease only
- Retained by City of Valdez

### Sale with a development plan

Lands placed in this designation will have development restrictions. The restrictions will include, but not be limited to the size of the parcel to be sold and a development plan and schedule for development.

The designation will apply to the R-25 property and is designed to prevent speculation. Sales of R-25 designated property will use the R-25 Purchase Agreement.

### Sale or lease

Lands placed in this designation will be available either for lease or sale. If the applicant desires to lease land it will be accomplished according to Title 4 of the Valdez City Code. A lease with an option to purchase will be allowed. With a new lease the Lessee at anytime within the option timeframe can exercise the purchase option. For properties having a value of less than \$100,000, the most recent tax assessment (tax assessment must have been completed within 2 years of the sale) will be used. If the property is valued at more than \$100,000, then a fair market appraisal shall be prepared for the property and the value established shall be the sale price.

In no event shall the purchase price drop below the fair market appraisal value for the year the lease commenced.

If the property has not been offered for sale to the public by sealed bid or at public auction, the City Council will need to follow Section 4.04.050 of the Valdez City Code.

Land, which is requested for lease or sale, will not have a size limitation.

Land will be sold in accordance with Sections 4.04.020 - 4.04.070 of the Valdez City Code. (See Appendix A)

The City will plat portions of City Property. As the plats are recorded the City will offer the parcels for sale by sealed bid or at public auction pursuant to Section 4.04.060 of the Valdez City Code.

#### Lease only

Lands placed in this category will be available for lease only. The leasing will be accomplished pursuant to Title 4 or Title 14 of the Valdez City Code.

#### Retained by City

Lands with this designation are not available for disposal. Examples are: the park strips, city hall, library, schools, snow storage, water wells, etc.

#### Sale of lands

- Lands within ASLS 79-116, Tract A (Airport Area), which are currently under lease can be converted to purchase if the Lessee desires. The purchase price would be obtained using the most recent fair market value for the property and applying the rent paid to the City within the year of the purchase.
- Per City Council direction, the option to purchase any leased parcels of lands in the "Sale or lease" or "Sale of lands" categories is available to all Lessees upon their request to purchase, even if the option is not stated in their lease document. Existing leases being converted to purchases will have only the rent paid within the year of purchase applied to the purchase price.
- Pursuant to Section 4.04.050, the City Council must find that it is in the public interest not to dispose of the property at a public sale. If the City Council finds that the public interest would not be served by a public sale of commercial or industrial property, the Lessee shall deposit a certified check or money order equal to ten percent (10%) of the fair market value with the City. They will then have 90 days which to submit the balance. A deed will then be issued for the property and the lease terminated.
- Lots that are created by the survey of City owned property shall be appraised to determine the fair market value. These lots shall be offered for sale by sealed bid or public auction. For residential lots the purchaser shall deposit a certified check or money order equal to twenty percent (20%) of the fair market value with the City. They will then have 120 days which to submit the balance. A deed will then be issued for the property and the lease terminated if applicable.



- City owned residential lots will be available for sale only. Commercial or industrial property may be available for sale or lease.
- Lands within the ASLS 79-116, Tract A (West Mineral Creek) are available for sale with conditions. The property will be sold at the fair market value as determined by an appraisal prepared for the City. The property must be purchased in tracts with a minimum size of five (5) acres unless otherwise approved by the City Council. Land must be purchased in a manner to encourage orderly development of the City owned property. The purchaser will be responsible for the cost of developing the property according to the West Mineral Creek Master Plan.
- Lands, which are available for lease and/or purchase, will be surveyed, appraised and a Phase I Environmental Survey conducted (if required) by the City, with the applicant responsible for reimbursing the City for the cost of survey, appraisal and Phase I. Prior to beginning the work, the applicant will prepay to the City a deposit of \$3,000 if only one of the above is required or \$5,000 if two or more of the above are required. These funds will be used to pay for the survey, appraisal and Phase I Environmental Survey (if needed). The Phase I Environmental Survey is required in all industrial zones. Any balance will be applied to the first year's lease payment or the purchase price.

#### Lands for lease only

- All city owned tidelands
- Uplands adjacent to city owned tidelands (except ASLS 79-117, Tract B-(Hotel Hill)
- Uplands adjacent to tidelands owned by others
- USS 439 (Old Town)
- Gravel leases

#### Lands to be retained

- Lands with public facilities located on it
- Stream beds and designated wetlands
- Lands deemed as open space and recreation
- Tract S, Harbor Subdivision
- ASLS 79-117, Tract B (Hotel Hill)
- ASLS 79-116, Tract F, Lot 1
- ASLS 79-116, Tract F, Tract 4
- ASLS 79-116, Portion of Tract F described as bounded on the on the west by the Valdez Glacier Stream, on the south by the Richardson Highway, on the east Corbin Creek Subdivision, and on the north by the ALPETCO road.

- USS 455
- Loop Road Industrial Park (USS 455)

Lands for sale or lease

- ASLS 79-116, Tracts A,B,C & E
- ASLS 79-116 Tract F (Except that portion described as bounded on the west by the Valdez Glacier Stream, on the south by the Richardson Highway, on the east Corbin Creek Subdivision, and on the north by the ALPETCO road.
- ASLS 79-117, Tract A-3 & D
- ASLS 79-118 Tracts A,B & C

## **Title: Lease Management Policy and Procedures Responsibility**

### **1.0 Policy**

The policy and procedures contained herein are provided as guidance to all land management activity in the City of Valdez. It has been developed to assure compliance with the direction of the City Council, Valdez City Code and sound business practices. It may be revised as required to meet the needs of the City of Valdez.

### **2.0 Definitions**

None.

### **3.0 Responsibility**

- 3.1 The City Council is responsible for approval of the City lease management policy.
- 3.2 The City Manager is responsible for ensuring compliance with the City lease management policies and procedures.
- 3.3 The Director of Community & Economic Development is responsible to develop, implement and maintain lease management policy and procedures.

### **4.0 Exceptions**

Exceptions to this policy must be approved by the City Council.

### **5.0 References**

None

## **Title: Lease Authorization Policy and Procedures**

### **1.0 Policy**

It is the policy of the City of Valdez to lease City land for use or development when such a use or development will further a public use, or when a proposed development complements the City's goals and objectives and the Valdez City Code. Leases of City land should not be for greater than five (5) years, unless it is in the public interest for the City to enter into a longer-term lease. Leases of City land for environmental risky uses, (i.e. wrecking yards, petroleum storage, etc.) shall be issued only after review by the Planning & Zoning Commission and approval of the City Council.

### **2.0 Definitions**

None

### **3.0 Responsibility**

3.1 The Director of Community & Economic Development is responsible for administering the lease negotiation process.

3.2 The City Manager is responsible for insuring compliance with the City lease management policies and procedures.

3.3 The Planning and Zoning Commission shall review all lease applications and make a recommendation to the City Council.

3.4 The Ports and Harbor Commission shall review all tideland leases and make a recommendation to the Planning & Zoning Commission and the City Council.

3.5 The City Council is responsible for the approval of the lease.

### **4.0 Procedures**

None

### **5.0 Exceptions**

An approved motion of the Valdez City Council shall make all exceptions to the policies and procedures above.

### **6.0 References**

None

## **Title: Lease Application**

### **1.0 Policy**

It is the policy of the City of Valdez to consistently implement the lease application procedures during the lease application process. Compliance with the procedures, whether on behalf of the lease applicant or City administration does not constitute approval of the lease or any portion thereof.

### **2.0 Definitions**

None

### **3.0 Responsibility**

- 3.1 The lease applicant is responsible for submission of a completed application form.
- 3.2 The Department of Community & Economic Development is responsible for receiving the lease applications.
- 3.3 The Planning and Zoning Commission, the Ports and Harbor Commission and the Community & Economic Development Department are responsible for review and recommendation of the application.
- 3.4 The Department of Community & Economic Development is responsible for lease file maintenance.

### **4.0 Procedures**

- 4.1 All lease applicants shall file a lease application form.
  - 4.1.1 Lease application forms may be procured from the Community & Economic Development Department during regular business hours.
  - 4.1.2 Lease application forms and supporting documents shall be submitted to the Community & Economic Development Department.
- 4.2 Lease applicants shall be notified in writing of the status of their application no later than 30 days from receipt of the application.
- 4.3 An application fee and prepaid fees shall accompany the lease application.
- 4.4 Once the City Council has approved the resolution authorizing the lease, the Community & Economic Development Department will have the property appraised and surveyed if needed
- 4.5 Once the appraisal has been completed, the City Clerk will post the authorizing resolution for 30 days.

### **5.0 Exceptions**

None

## 6.0 References

6.1 Lease application form.

6.2 Chapter 4.08, Valdez City Code.

## **Title: Lease Assignments and Subleases**

### **1.0 Policy**

It is the policy of the City of Valdez to, upon request from the lessee, incorporate an assignment/sublease provision into the lease document. The assignment request shall be reviewed by the Planning and Zoning Commission, the Ports & Harbor Commission (if required) and the City Administration and a recommendation submitted to the City Council. The City Council shall take action to approve or reject the request for assignment. Prior to approving the assignment request, the lessee shall be current with all requirements of the lease agreement.

### **2.0 Definitions**

- 2.1 Assignable/sublettable lease - a lease, which contains a provision permitting its transfer by the lessee. The assignment of a lease is distinguishable from a sublease to the extent that in assigning, the lessee transfers his/her entire interest and estate in the demised premises, whereas in a sublease the sublessee acquires something less than the lessee's entire interest.
- 2.2 Assignment - a transfer of the whole real property lease by the lessee.
- 2.3 Sublease - a transfer of something less than the lessee's entire interest in the property.

### **3.0 Responsibility**

- 3.1 The Director of Community & Economic Development or designee is responsible for initial contact with the lessee.
- 3.2 The Planning and Zoning Commission, Ports & Harbor Commission and the City Administration are responsible for review and recommendation of the assignments or subleases to the Valdez City Council.
- 3.3 The City Council is responsible for approval of the assignment and sublease.

### **4.0 Procedures**

- 4.1 The lessee shall complete the assignment form and submit it to the Director of Community & Economic Development. The Department will verify that all lease payments are current and the lease is in compliance with the terms of the lease.
- 4.2 The request will be submitted to the Planning and Zoning Commission and other Commissions if applicable for review. The request along with a recommendation will be submitted to the City Council.
- 4.3 The City Administration shall review the assignment application, meet with the assignee and ascertain the feasibility of the assignment.



4.4 The assignee shall complete a new lease application form and submit it to the Community & Economic Development Department.

4.5 The Community & Economic Development Department, and the Planning and Zoning Commission and other Commissions if applicable shall review the assignment application and submit a recommendation to the City Council.

4.6 The Valdez City Council shall approve or reject the assignment.

5.0 Exceptions

None.

6.0 References

6.1 Assignment form

6.2 Lease application form

## **Title: Lease Terminations**

### **1.0 Policy**

It is the policy of the City of Valdez to terminate lease agreements that are found to be in default of the lease agreement.

### **2.0 Definitions**

None.

### **3.0 Responsibility**

- 3.1 The Lessee who desires to terminate a lease must submit a letter to the Department of Community & Economic Development.
- 3.2 The Community & Economic Development Department is responsible for reviewing the request and make recommendation to the City Manager.
- 3.3 The City Manager is responsible for approving lease cancellations and terminations.

### **4.OA Procedures (Lessee Terminated Lease)**

- 4.1 The Lessee shall submit a request in writing to the Community & Economic Development Department.
- 4.2 The Community & Economic Development Department shall review the request and make recommendation to City Manager.
- 4.3 The City Manager is authorized pursuant to Valdez City Code Section 4.08.190 to terminate a lease.

### **4.OB Procedures (Lessee in Default)**

- 4.1 The Community & Economic Development Department shall notify a LESSEE if they are in default of the lease agreement.
- 4.2 The LESSEE shall have 30 days to rectify the conditions of default.
- 4.3 If the default is not corrected within 30 days after notification, the Director of Community & Economic Development shall notify the City Manager.
- 4.4 The City Manager, within ten (10) days of being notified shall schedule a pretermination hearing. The LESSEE shall be notified no less than 14 days prior to the date of the pretermination hearing.
- 4.5 The City Manager shall be the presiding officer at the pretermination hearing.
- 4.6 The Director of Community & Economic Development shall present the position of the City with regards to the conditions of default.
- 4.7 The LESSEE shall be allowed to address the conditions of the default.

## **Lease Terminations Cont'd.**

- 4.8 The City Manager, within ten (10) days from the date of the pretermination hearing, shall render a decision.
- 4.9 If the City Manager takes action to terminate a lease, the City Manager or his designee may immediately or at any time thereafter reenter and resume possession of City land.
- 4.10 The Lessee may appeal the City Manager's decision to the City Council within 10 days of the decision by submitting in writing to the City Clerk why the lease should not be terminated.

### **5.0 Exceptions**

None.

### **6.0 References**

None

## **Title: Annual Lease Compliance Review**

### **1.0 Policy**

It is the policy of the City of Valdez to complete an annual compliance review of all leases the City has entered into.

### **2.0 Definitions**

None

### **3.0 Responsibility**

3.1 The Community & Economic Development Department is responsible for coordinating the annual compliance review of City land leases.

### **4.0 Procedures**

4.1 The Community & Economic Development Department shall prepare the annual compliance review. Other City departments as appropriate shall assist the Community & Economic Development Department.

4.2 The Community & Economic Development Department will submit its findings of the compliance review to the City Manager for review. The City Manager will determine those leases that are not in compliance and shall begin pretermination proceedings. The City Manager will submit a report to the City Council.

### **5 Exceptions**

None

### **6 References**

None

## **Title: Annual Rental Rate**

### **1.0 Policy**

It is the policy of the City of Valdez to collect the fair market rental value for city-leased property.

### **2.0 Definitions**

2.1 Fair market value - The fair market value is 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. The fair market value shall be determined by the most recent tax assessed value or the appraisal not more than ninety days before the effective date of the lease.

2.2 Fair rental value - A percentage to be set by ordinance by the City Council.

### **3.0 Responsibility**

3.1 The Community & Economic Development Department shall be responsible for obtaining the tax assessed value or an appraisal of the property to be leased, which will be used to determine the annual rental rate.

3.2 The City Council shall be responsible for reviewing the fair rental value and establishing a new value when necessary.

3.3 The Community & Economic Development Department shall be responsible for having the leased property reappraised every fifth year of the lease.

### **4.0 Procedures**

4.1 For new leases, the Community & Economic Development Department shall obtain an appraisal of the property by an appraiser qualified and doing business in the State of Alaska.

4.2 For the reappraisal of a current lease, every fifth year the Community & Economic Development Department may use the most recent tax assessment valuation according to the tax records for the City of Valdez.

4.3 If the LESSEE does not agree with the appraisal fair market value, the LESSEE shall within thirty (30) days of receipt of the appraisal, obtain an appraisal by an appraiser qualified and doing business in Alaska. The mean of the two appraisals shall be the accepted value for purposes of determining the rent.

### **5.0 Exceptions**

6.0 The City Council by a motion passed by not less than six council members shall lease City land at less than fair market value.

7.0 References

None

## **Title: Option to Purchase with Lease**

### **1.0 Policy**

Upon request from the Lessee, pursuant to Section 4.04.050, the City Council must find that it is in the public interest not to dispose of the property at a public sale.

Lease payments made shall not apply to the purchase price, except for those lease payments paid within the year of the sale.

The option to purchase the property must be granted by six City Council members.

If the property has a value of greater than \$100,000, than the purchase price shall be determined by a fair market appraisal made within 6 months of the sale. If the property has a value of less than \$100,000, the purchase price will be the value determined to be the most recent property tax assessment at the time the option to purchase is exercised.

### **2.0 Definitions**

None

### **3.0 Responsibility**

- 3.1 The Community & Economic Development Department is responsible for initial contact with the lessee.
- 3.2 The Planning and Zoning Commission is responsible for review and submitting a recommendation of the purchase option request to the City Council.
- 3.3 The City Council is responsible for approval of the lease with an option to purchase request.

### **4.0 Procedures**

- 4.1 The applicant shall indicate on the application whether they want to have an option to purchase the leased land.
- 4.2 The Community & Economic Development Department shall review the request of the option to purchase to determine whether the land has been identified as being available for purchase.
- 4.3 The City Council by a vote of at least six (6) council members shall approve the option to purchase.



- 4.4 When the option to purchase is exercised, the purchase price shall be the most recent tax assessment for the property without improvements if the value of the property is less than \$100,000. If the property has a value of greater than \$100,000, then a fair market appraisal shall be prepared.
- 4.5 Upon payment of the purchase price, the City shall furnish a title policy for the value of the unimproved land and a warranty deed.

## **Title: Sale of City Land (Non R-25 land)**

### **1.0 Policy**

Upon request from the Lessee, private individual or company pursuant to Section 4.04.050, the City Council must find that it is in the public interest not to dispose of the property at a public sale.

### **2.0 Definitions**

None

### **3.0 Responsibility**

- 3.1 The Community & Economic Development Department shall be responsible for the negotiations for sale of city land.
- 3.2 The Community and Economic Development Department shall from time to time prepare proposed developments of city land for sale.
- 3.3 The Planning and Zoning (P&Z) Commission shall review and make recommendations on the proposed land developments to the City Council.
- 3.4 With approval by the City Council, the Community & Economic Development Department shall have the property surveyed, the required improvements installed, the fair market appraisal prepared and offer the property for sale to the general public by public outcry auction or by sealed bid with the minimum purchase price being the fair market appraisal value.

### **4.0A Procedures for newly developed land**

- 4.1A The City Council shall authorize the development of certain city lands.
- 4.2A The Community & Economic Development Department shall make the necessary arrangements to develop the property and offer it for sale.
- 4.3A The property will be offered for public sale, with the fair market appraisal establishing the minimum accepted sale price.
- 4.4A The authorizing resolution shall give the City Manager the authority to sell the property to the highest bidder, provided the highest bid is the minimum established bid or higher.
- 4.5A The Community and Economic Development Department shall submit the Receipt of Earnest Money and Purchase Agreement to the City Manager for approval.
- 4.6A After the City Manager has approved the sale of the property:
  - 1. The Community & Economic Development Department shall contact a title insurance company to arrange for title insurance

2. At the City's option, the Community and Economic Development Department shall handle the closing and disperse the deed and funds, or have it handled by a title company.

4.7A Land not sold at the public auction shall be available for sale over the counter at the appraised value. The values will be reviewed annually and adjusted if necessary to the most recent tax assessment value.

4.0B Procedures for request of property not offered for sale previously.

4.1B The person wanting to purchase property is responsible for making the request in writing to the Community & Economic Development Department.

4.2B The P&Z Commission shall review the request to purchase property and submit a recommendation to the City Council.

4.3B The Community & Economic Development Department shall submit the purchase request to the City Council for approval.

4.4B The City Council shall determine whether it is in the public interest not to offer the subject property for sale at a public auction or sealed bid:

1. If the City Council determines that it is in the public interest not to offer the property for sale at a public auction or by sealed bid, it shall take six affirmative votes to approve the purchase agreement.
2. If the City Council does not approve of the sale or requires that the property be offered for sale to the public, the potential purchaser can request that the City pursue the public auction or sealed bid.

4.5B Upon City Council approval the Community & Economic Development Department shall prepare a Receipt of Earnest Money and Agreement to Purchase.

4.6B The potential purchaser shall review and sign the Agreement to Purchase and deposit with the City, a deposit in the amount of \$3,000 if no phase I environmental analysis is required or \$5,000 if two of the following are required: survey, appraisal and/or phase I environmental analysis.

4.7B After the City Council has approved the sale of the property and the Agreement to Purchase is signed:

1. The Community & Economic Development Department shall have the property appraised to determine the fair market value. Once the appraisal is completed, Purchaser shall deposit with the City of Valdez ten (10%) of the purchase price.

2. If the property has not been surveyed, the Department shall have the property surveyed and submit the plat to the P&Z Commission for approval as the Platting Authority.
3. After the P&Z Commission has approved the plat, the plat shall be submitted to the City Council, as the property owner for approval.
4. The Community & Economic Development Department shall contact a title insurance company to arrange for title insurance.
5. At the City's option, the Community & Economic Development Department shall handle the closing and disbursement to the deed and funds or have it handled by a title company.

#### 4.0C Procedures for request of property previously offered for sale to the public

- 4.1C The person wanting to purchase property is responsible for making the request in writing to the Community & Economic Development Department.
- 4.2C The Community & Economic Development Department shall prepare a Receipt of Earnest Money and Agreement to Purchase.
- 4.3C The potential purchaser shall review and sign the agreement and deposit with the City, a deposit in the amount of ten (10) percent of the fair market value for commercial or industrial property or 20% of the fair market value for residential property.
- 4.4C The Community & Economic Development Department shall submit the Receipt of Earnest Money and Purchase Agreement to the City Manager for approval.
- 4.5C After the City Manager has approved the sale of the property:
  1. The Community & Economic Development Department shall contact a title insurance company to arrange for title insurance.
  2. At the City's option, the Community & Economic Development Department shall handle the closing and disbursement to the deed and funds or have it handled by a title company.

#### 5.0 Exceptions

- 5.1 The City Council may determine it is in the public interest to deviate from these procedures, provided that the procedures are not in contradiction with the requirements imposed by the Valdez Municipal Code.

#### 6.0 References

- 6.1 Receipt of Earnest Money and Purchase Agreement
- 6.2 Chapter 4.04 of the Valdez Municipal Code

**Title: Refund of Earnest Money**

1.0 Policy

It is the policy of the City of Valdez to not refund earnest money

2.0 Definitions

None

3.0 Exceptions

3.1 The City Manager has the authority to refund earnest money when the City has not met one or all of the conditions of the Seller.

4.0 References

None

## **Title: Temporary Land Use Permits**

### **1.0 Policy**

It is the policy of the City of Valdez to issue temporary permits for the use of City property.

### **2.0 Definitions**

None.

### **3.0 Responsibility**

3.1 The Community & Economic Development Department is responsible for reviewing the Temporary Land Use Permit Application and making a recommendation to the Planning and Zoning Commission.

3.2 The Planning and Zoning Commission is responsible for granting the Temporary Land Use Permit.

### **4.0 Procedures**

4.1 The Community & Economic Development Department reviews the application and forwards a recommendation to the Planning and Zoning Commission.

4.2 The Planning and Zoning Commission will either reject or grant the TLUP for a period of not to exceed six (6) months.

4.3 The Community & Economic Development Department forwards an informational memo to the City Council within two (2) weeks of Planning and Zoning Commission decision.

4.4 The TLUP does not go into effect until the City Council has reviewed the informational memo and had no objections to the granting of the permit.

### **5.0 Exceptions**

None

### **6.0 References**

6.1 TLUP application

6.2 Criteria for a City of Valdez TLUP

6.3 Temporary Land Use Permit

6.4 City of Valdez Resolution 05-11



## **Title: Lease of Airport Terminal Building**

### **1.0 Policy**

It is the policy of the City of Valdez to lease space in the Valdez Airport Terminal Building both for the short term and long term.

### **2.0 Definitions**

None.

### **3.0 Responsibility**

3.1 The Port Director is responsible for administering the lease negotiation process.

3.2 The City Manager is responsible for ensuring compliance with the City's lease management policies and procedures.

3.3 The City Manager is responsible for issuing leases.

3.4 The City Council is responsible for establishing the lease rates.

### **4.0 Procedures**

4.1 All lease applicants shall file a lease application.

4.1.1 Lease applications may be procured from the Port Office

4.1.2 Lease application and supporting documents shall be submitted to the Port Office

4.1.3 The lease application will be reviewed by the City Administration.

4.2 The City Manager shall approve the lease.

4.2.1 The City Manger, shall notify the City Council at its next regular meeting.

### **5.0 Exceptions**

5.1 The City Council by a motion passed by not less than six council members may lease space in the Valdez Airport Terminal at less than fair market value.

### **6.0 References**

6.1 Lease application

6.2 Lease

6.3 City of Valdez Resolution 95-22