

CITY OF VALDEZ, ALASKA

RESOLUTION #19-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, AUTHORIZING THE NEGOTIATED SALE OF 2,946.51 SQUARE FEET OF LAND WITHIN LOT 25A, FIREWEED HILL SUBIVISION, TO MARY HELEN STEPHENS.

WHEREAS, the City of Valdez is the owner of the real property described as Lot 25A, Fireweed Hill Subdivision (plat #2014-14); and

WHEREAS, Chapter 4.04.070 of the Valdez Municipal Code provides that the City Council may authorize the negotiated the sale of City owned real property; and

WHEREAS, A driveway on the subject parcel, which provides access to Mary Helen Stephens' house on neighboring Lot 24, has existed for at least 30 years; and

WHEREAS Mary Helen Stephens desires to purchase the real property owned by the City over which the driveway runs; and

WHEREAS, the director of the Public Works Department for the City of Valdez has issued a statement of non-objection to this land sale, which will reduce the size of lot 25A, which is currently designated as a snow storage lot; and

WHEREAS, Mary Helen Stephens is willing to pay the fair market value of the property; and

WHEREAS, at the regular public meeting on September 11, 2019, the Planning and Zoning Commission approved a recommendation to City Council to sell by negotiation the portion of Lot 25A over which the driveway runs; and

WHEREAS, the City Council has determined it is not in the public interest to offer the property for sale at a public sale.

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

Section 1. The City Manager of the City of Valdez, Alaska, or his designee is authorized to negotiate and enter into an agreement for the sale of 2,946.51 square feet of land within lot 25A, Fireweed Hill Subdivision ("Property"), to Mary Helen Stephens, at the fair market value which will be determined by an independent appraisal.

Section 2. Within fifteen (15) days of approval of this Resolution by City Council, the purchaser shall submit a deposit of \$5000, which will be used to pay for the

appraisal and survey of the Property. Any unused funds from this deposit are to be applied to the purchase price.

Section 3. Within fifteen (15) business days of receipt of the appraisal of the Property, the purchaser shall sign a purchase agreement with the City of Valdez, and submit an earnest money deposit toward the purchase price in an amount equal to ten percent (10%) of the fair market value as determined by the appraisal.

Section 4. The balance due on the transaction shall be paid to the City of Valdez within one hundred twenty (120) days from payment of the earnest money.

Section 5. Following the receipt of the ten percent (10%) deposit, the Planning Department will arrange for a survey and re-plat of the involved properties, and bring the plat before the Planning and Zoning Commission for approval.

Section 6. Failure of purchaser to comply with (2) through (4) above will constitute the purchaser exercising their option to terminate this agreement. Should purchaser terminate this agreement, purchaser will remain responsible for all costs incurred pursuant to this agreement.

Section 7. A plat note stating that no uses incompatible with a public water system shall exist on the property, is required to be included on the resulting plat formally recording the newly formed parcels.

Section 8: This sale shall become final after the approved resolution has been published and on file in the office of the City Clerk for thirty days.

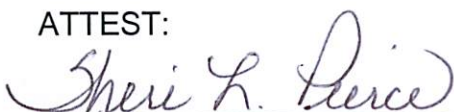
PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 13<sup>th</sup> day of October, 2019

CITY OF VALDEZ, ALASKA



Sharon Scheidt, Mayor Pro Temp

ATTEST:

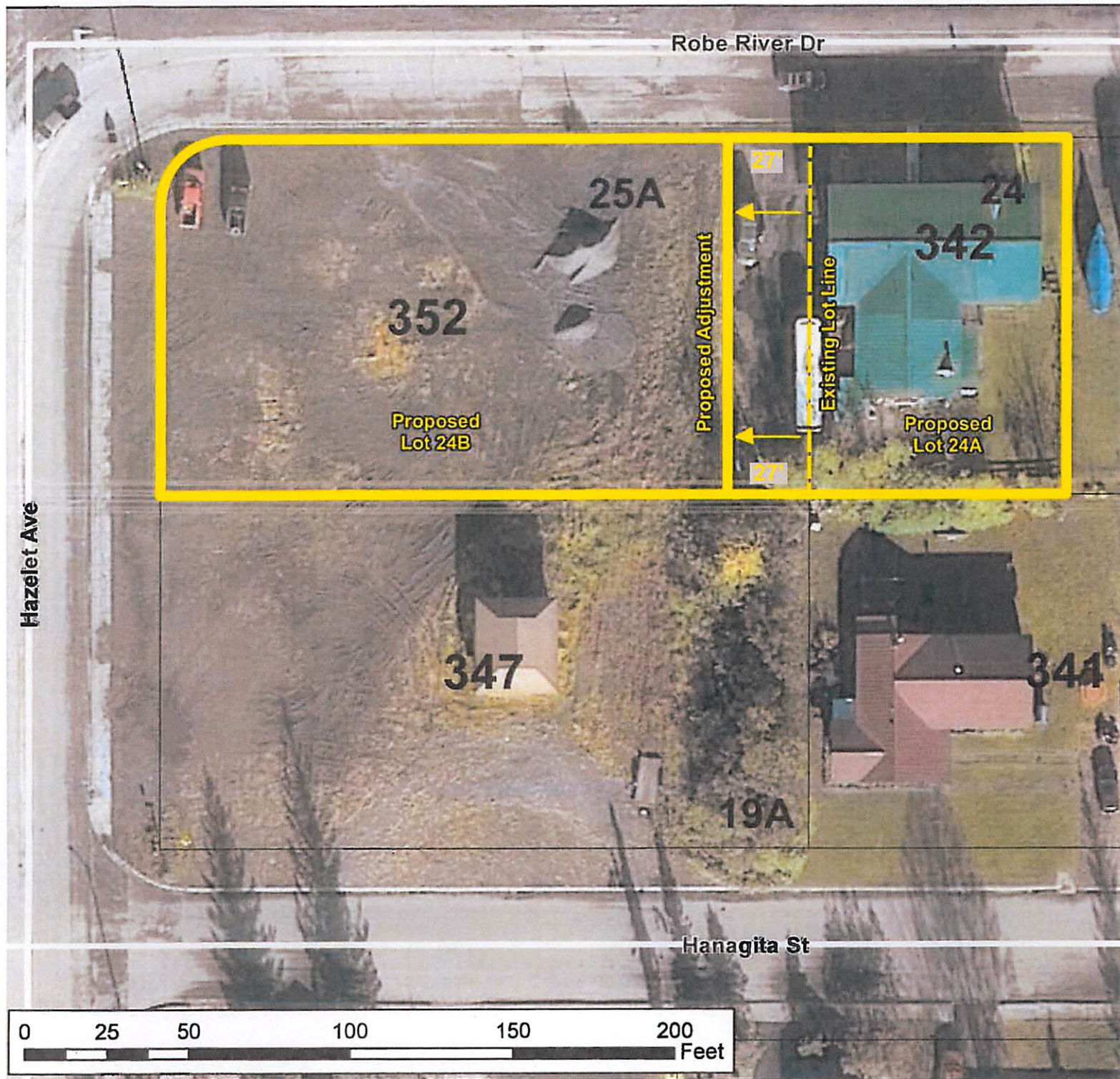


Sheri L. Pierce, MMC, City Clerk





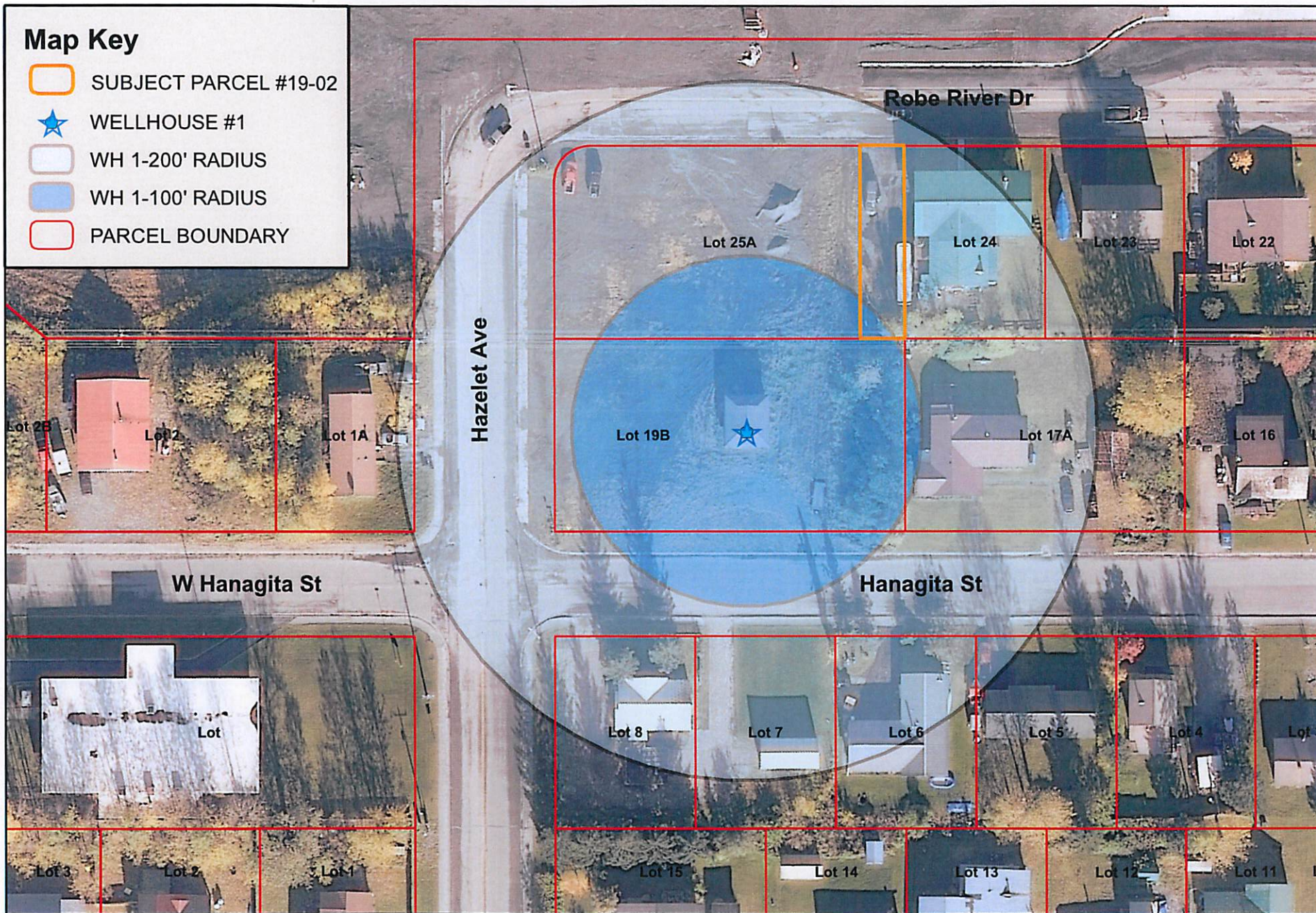
# STEPHENS LOT LINE ADJUSTMENT



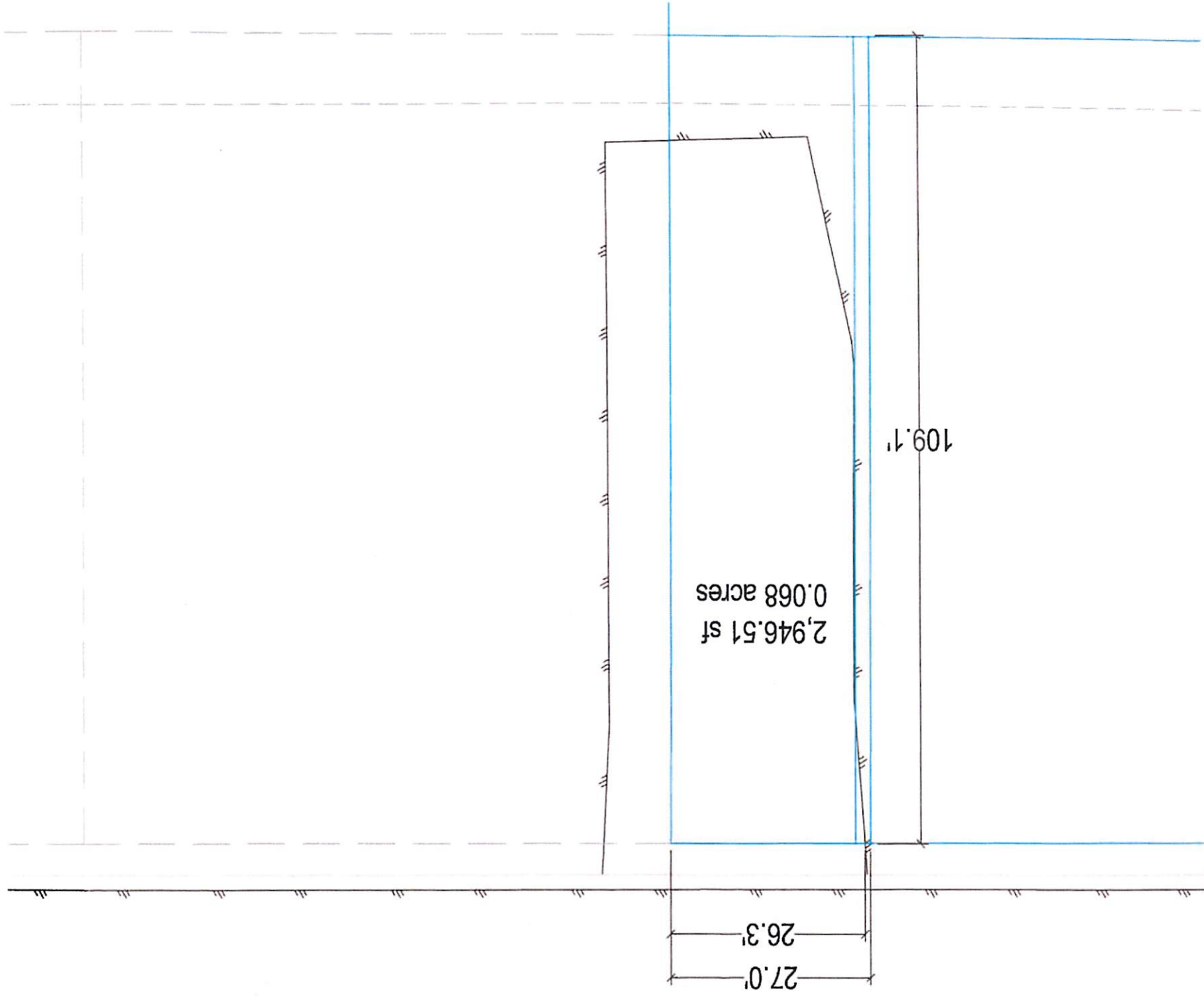




# LANDSALE #19-02 PROXIMITY TO WELLHOUSE #1







S00°08'48"W

109.13'

27'

5008  
X 453.00  
NEW

DRIVEWAY

25'



## City of Valdez ALASKA

Department of Community  
& Economic Development

Larry Weaver, Mayor  
John Hozey, City Manager

10 December, 2014

Mary Helen Stephens  
PO Box  
Valdez AK 99686

RE: 2,750 sq ft portion of Lot 25, Block 1, Mineral Creek Subdivision with constructed driveway

Dear Mary Helen,

The City of Valdez contacted you about a year ago concerning finalizing a lot line adjustment between your property and the adjacent snow lot, Lot 25, Block 1, Mineral Creek Subdivision. The driveway and access to your house has been constructed on a 2,750 sq ft portion of the snow lot. It has been like this for 30 years. Several times the former owner of your property, Mr. Del Welch, requested the purchase of the land from the City but it was never finalized for a variety of reasons. During a recent survey of the adjacent snow lot, the City "re-discovered" the land had not been sold and incorporated into your lot and approached you about moving forward with the process.

I apologize for the delay in moving ahead with this. The City was able to negotiate a reduced rate for the survey of the lot with the land surveyor who recently surveyed the adjacent snow lot on a separate project. The surveyor committed to the lot line adjustment for \$1000 in May of 2013. Part of the reason for the long delay after that is because the City had to thoroughly review the files to see whether the land was promised to Mr. Welch or whether it was supposed to be purchased. Everything staff found indicates the land was to be purchased. For that reason, the City of Valdez must require the land to be purchased at this time as well. This means the purchaser, you, would cover the cost of the survey and the appraisal, and the cost of the land at fair market, appraised value. The City covers and supplies you with title insurance.

This can be a tedious and expensive process. The survey and appraisal will cost \$1600. The land is probably worth between \$7,000 - \$12,000. At the end of the process however, your property lines will incorporate your driveway and everything will meet code. This will also make future land transactions of the property cleaner and simpler, and increase the value of your home/land. If you have extenuating circumstances or feel you have a very good reason for purchasing the land for less than fair market value, you are allowed to make a "counter offer" to the City Council and defend your reason for a reduced price. City Council can decide to sell the land for less than fair market value if they agree with you, or require the purchase price to remain at fair market value if they do not.

In the meantime, staff would like to take the land request to the Planning & Zoning Commission for their preliminary approval and recommendation to the City Council. Land requests like this are usually accompanied by a Negotiated Land Sale form. Enclosed with this letter are a Negotiated Land Sale form and a Subdivision Application. Staff took the liberty of filling in some of the details on the forms to try and help you with the process. Please look the forms over and submit them to the Community and

Economic Development Office when you are ready to proceed. If you have any questions or concerns, do not hesitate to come in or call us. We are here to help!

Also included with this letter is an aerial image of your home and a preliminary survey of the location of the driveway in relation to the snow lot. These just illustrate the issue and are for your reference.

As a final note, this land transfer / lot line adjustment process takes some time and we probably wouldn't be looking at requiring any money until a few months into 2015 at the very earliest. We want to make sure your driveway is included in the property with your home. However, we are not trying to impose financial hardships on you and realize this is the first time you have been notified of these larger than expected costs. If there is a timeline that works best for you we are happy to work with your needs. Please think this over and let us know what the best way is for you to work through this, and give us a good timeline for you to close on the land. We can secure approvals from the Commission and City Council ahead of time, and wait until you are ready to sign the final documents.

Thanks Mary Helen! We look forward to working with you on this.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Laura Robertson', with a stylized, flowing script.

Laura Robertson  
GIS / Planning Technician

Cc: Janine Vadeboncoeur, Planning Technician City of Valdez  
Lisa VonBargen, Director of Community & Economic Development, City of Valdez





#### **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))