

CITY OF VALDEZ, ALASKA

ORDINANCE NO. 19-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA,  
AMENDING TITLE 4 OF THE VALDEZ MUNICIPAL CODE BY CREATING  
CHAPTER 4.10, TITLED ACQUISITION OF REAL PROPERTY

WHEREAS, the Valdez Charter requires the City Council provide in the Municipal Code for the establishment of a procedure whereby the city may purchase, sell, lease or dispose of real property; and

WHEREAS, in compliance with the Charter, an amendment to Title 4 is required to establish a procedure for the purchase of real property.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA that the following amendment is made to Title 4 of the Valdez Municipal Code:

Section 1. Chapter 4.10 is hereby created to read as follows:

Chapter 4.10

ACQUISITION OF REAL PROPERTY

Sections:

- 4.10.010 Acquisition and ownership – Authority.
- 4.10.020 Eminent domain.
- 4.10.030 Adverse possession.

4.10.010 Acquisition and ownership – Authority.

A. The City may acquire, own and hold real property within or outside the City boundaries by purchase, gift, devise, grant, dedication, exchange, redemption, purchase of equity of redemption, operation of law, tax or lien foreclosure, adverse possession, condemnation or declaration of taking, annexation, or by any other lawful means or conveyances.

B. Except as set forth in subsection (C) of this section, all acquisitions of any interest in real property shall be approved by resolution of the City Council. The resolution shall set forth the terms, conditions and manner of acquisition. Unless otherwise provided by the City Council, the City Manager is authorized to obtain title insurance, to execute any instruments and to take all steps necessary to complete and close the purchase and acquisition of the real property.

C. City Council approval is not required to acquire any easement, permit, license, or other interest in real property dedicated to the public's use through the platting action.

D. A Phase 1 environmental survey shall be conducted if the property is located within any industrial zoning district or as required by resolution of the City Council.

E. No purchase of any parcel of real property whose assessed value for purposes of real property taxation is greater than forty thousand dollars shall be made until:

1. A qualified appraiser has appraised the property and given the council an independent opinion as to the full and true value thereof;
2. When improvements are a term of the transaction, a qualified architect or engineer has given the City Council an estimate of probable construction cost.

4.10.020 Eminent domain.

The City may, only within its boundaries, exercise the powers of eminent domain and declaration of taking in the performance of an authorized power or function of the municipality, in accordance with AS 09.55.240 through 09.55.460 and other applicable law.

4.10.030 Adverse possession.

The City cannot be divested of title to real property by adverse possession.

Section 2. This ordinance shall take effect immediately upon adoption by the Valdez City Council.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF VALDEZ, ALASKA

\_\_\_\_\_  
Jeremy O'Neil, Mayor

ATTEST:

\_\_\_\_\_  
Sheri L. Pierce, MMC, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Jon Wakeland, City Attorney  
Brena, Bell, & Clarkson, P.C

First Reading:  
Second Reading:  
Adoption:  
Ayes:  
Noes:  
Absent:  
Abstain: