



## Agenda Statement

**File #:** RES 16-0027 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 6/27/2016 **In control:** City Council  
**On agenda:** 7/5/2016 **Final action:** 7/5/2016  
**Title:** Re-Authorizing the Negotiated Land Sale of Lot 2, ASLS 0098 to Brad and Maureen Kimberlin.  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Kimberlin Land Sale Agenda Statement 6-1-2015.pdf, 2. Resolution 15-21.pdf

Date	Ver.	Action By	Action	Result
7/5/2016	1	City Council	approved	Pass

### **ITEM TITLE:**

Re-Authorizing the Negotiated Land Sale of Lot 2, ASLS 0098 to Brad and Maureen Kimberlin.

**SUBMITTED BY:** Lisa Von Bargaen, CED Director

### **FISCAL NOTES:**

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

### **RECOMMENDATION:**

Approve Resolution #16-27 reauthorizing the negotiated land sale of Lot 2, ASLS 0098 to Brad and Maureen Kimberlin.

### **SUMMARY STATEMENT:**

On June 1, 2015 the City Council approved Resolution #15-21 authorizing the negotiated land sale of Lot 2, ASLS 0098 to Brad and Maureen Kimberlin. This property is located just outside the State right-of-way at the corner of the Richardson Highway and Loop Road. The Kimberlins wish to develop the property as a boat repair facility.

The sale included some conditions, including the requirement that the applicant obtain a 404 Wetlands Permit from the US Army Corps of Engineers and obtain a Conditional Use Permit from the Planning & Zoning Commission for the intended use of boat repair.

Section 4.04.080 of the Valdez Municipal Code requires land sales to be effectuated within one year of the date of approval. The one year deadline was June 1, 2016. If this date is not met, the resolution authorizing the land sale automatically expires.

The time necessary for Mr. Kimberlin to obtain the required permitting, and for the City to obtain an appraisal (which was just completed on Friday, June 24<sup>th</sup>), took longer than expected.

Mr. Kimberlin and the City have been moving forward in good faith to address all conditions of the sale. Unfortunately, the clock ran out. Mr. Kimberlin and staff are requesting re-authorization of the land sale with the same conditions as were originally outlined. A copy of the original agenda statement and authorizing resolution are attached for reference.

Although the appraisal is complete, both the applicant and City staff have some concerns which are being addressed with the appraiser; the results of which will be shared with the Council. The appraiser listed the value at \$140,000. Administration recommends approval of this resolution.

## CITY OF VALDEZ, ALASKA

### RESOLUTION 16-27

#### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, RE-AUTHORIZING THE NEGOTIATED LAND SALE OF LOT 2, ASLS 0098 TO BRAD AND MAUREEN KIMBERLAIN

WHEREAS, the City of Valdez is the owner of the following described real property: Lot 2, Alaska State Land Survey (ASLS) 0098; and

WHEREAS, Brad and Maureen Kimberlin are the owners of the adjacent real property: Lot 19, Block 2, Zook Subdivision; and

WHEREAS, Brad Kimberlin requested to purchase Lot 2, ASLS 0098 for the purpose of developing a boat repair facility; and

WHEREAS, Brad Kimberlin's request for land and proposed use is in conformance with the zoning of the area, the objectives of the Comprehensive Plan, and sound land use and environmental standards given certain conditions are met; and

WHEREAS, on April 8, 2015 the Planning & Zoning Commission approved a recommendation to Council to sell this property to Brad Kimberlin for the proposed purpose of developing a boat repair facility; and

WHEREAS, on April 28, 2015 the Ports & Harbor Commission approved a recommendation to Council to sell this property to Brad Kimberlin for the proposed purpose of developing a boat repair facility; and

WHEREAS, on June 1, 2015 the City Council approved Resolution #15-21 authorizing the negotiated sale of Lot 2, ASLS 0098; and

WHEREAS, Chapter 4.04 of the Valdez Municipal Code provides for the sale of real property owned by the City which is not dedicated to any public use; and

WHEREAS, Chapter 4.04 of the Valdez Municipal Code provides for the Council to sell property by negotiation when it is not in the City's best interest to offer the property at public sale; and

WHEREAS, the Planning & Zoning Commission, the Ports & Harbor Commission, and the City Council have determined it is not in the best interest of the City to offer the property at public sale; and

WHEREAS, Section 4.04.080 of the Valdez Municipal Code requires land sales to be effectuated within one year of the date of approval; and

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WHEREAS, conditions of the sale, including permitting and the appraisal took longer than expected, keeping the sale from being effectuated in one year.

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

Section 1: The City Council has found that it is not in the public interest to offer Lot 2, ASLS 0098 at public sale.

Section 2: Lot 2, ASLS 0098 will be sold for fair market appraised value. The purchaser will be responsible for all costs associated with the sale.

Section 3: The City Manager, or his designee, is hereby authorized to negotiate the sale of said property.

Section 4: Lot 2, ASLS must be developed for a boat repair facility.

Section 5: The purchaser is required to obtain a Conditional Use Permit (CUP) for a boat repair facility, prior to the sale being effectuated. The purchaser shall have up to one year to obtain the CUP.

Section 6: The purchaser is required to complete a Wetlands Determination and if necessary an approved 404 Wetlands Development Permit. The cost of which, including all special construction development standards or mitigation, shall be the sole responsibility of the applicant.

Section 7: The purchaser must submit a final development plan to the Planning & Zoning Commission and the City Council for approval prior to development.

Section 8: In conformance with Section 4.04.070 of the Valdez Municipal Code the resolution shall be passed and approved by an affirmative vote of no less than six Council members, and 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 30 days.

Section 9: In conformance with Section 4.04.080 of the Valdez Municipal Code if the sale of said property is not effectuated within one year of the date of approval the authorization to sell granted by this resolution expires.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this 5<sup>th</sup> day of July, 2016

ATTEST:

CITY OF VALDEZ, ALASKA

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Sheri L. Pierce, MMC, City Clerk

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Nate Smith, Mayor Pro Tempore