



KETCHIKAN GATEWAY BOROUGH

RESOLUTION NO. 2696 - SUBSTITUTE

A Resolution of the Assembly of the Ketchikan Gateway Borough, Amending Resolution 2687-A to Clarify the Procedure for Unsolicited Offers to Purchase Borough Property

RECITALS


- A. WHEREAS**, Resolution 2687-A established the process for solicited and unsolicited land sales; and
- B. WHEREAS**, the process set out in Resolution 2687-A requires clarification with respect to treatment of unsolicited offers and unsubdivided land; and
- C. WHEREAS**, the Assembly believes that this Resolution 2696, with accompanying exhibit, satisfactorily amends the process for solicited and unsolicited land sales, and is in the best interest of Borough residents.

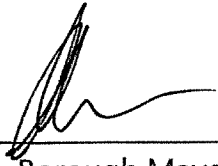
NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FACTS, IT IS RESOLVED BY THE ASSEMBLY OF THE KETCHIKAN GATEWAY BOROUGH as follows:

Section 1. That Attachment A to Resolution 2687A is amended to read as set out in Exhibit A to this resolution.

Section 2. Effective Date. This resolution shall be effective immediately upon adoption.

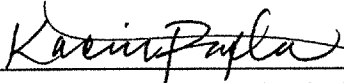
ADOPTED this 21st day of February, 2017.





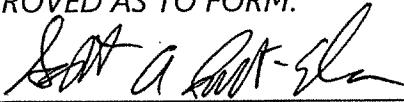
David Landis, Borough Mayor

ATTEST:



Kacie Paxton, Borough Clerk

APPROVED AS TO FORM:



Scott A. Brandt-Erichsen, Borough Attorney

Exhibit A to Resolution 2696-S**A. Solicited Land Sales**

1. The Assembly shall approve by Resolution (Ordinance for foreclosed properties) the disposal method (Sale by realtor) and the listing price based on the "Real Property Value" as defined in KGBC 11.40.020. On an annual basis the Assembly may review the listing prices for all properties listed on the Assembly-approved "Borough Real Estate List".
2. Offers to purchase land listed on the "Borough Real Estate List" shall include the following:
 - a. A legal description of the property location as shown on the Borough Real Estate List.
 - b. Amount of the offer and any proposed sales conditions.
 - c. Earnest money deposit in the amount \$1,000 or 1% of the listing price, whichever is greater.
3. The Manager is authorized to take final action on a sale agreement on offers no less than 90% of the listing price.
4. The Assembly shall review offers that are less than 90% of the listing price, except that offers that are less than 70% of the listing price shall be determined to be unreasonable and shall be rejected in writing by the Manager. Exception: Offers to purchase foreclosed properties for less than 70% may be brought before the Assembly as long as the proposed sale price covers all taxes and fees owed, and the required sales commission.

B. Unsolicited Land Sale

1. Offers to purchase land not listed on the Assembly-approved land sale list shall include the following:
 - a. A legal description of the property location. For an offer on a portion of property a detailed map identifying the area shall be provided including the size of the area in square feet or acres. If the land is not a platted parcel, the parcel will need to be subdivided prior to any offer to sell by the Borough in order to comply with KGBC 17.10.070 and AS 29.40.180. Therefore, if the unsubdivided land is determined to be surplus to the Borough's needs, the offeror shall provide a deposit to cover the costs of subdivision and platting, and the proposed parcel shall be platted prior to the Borough offering the parcel for sale under subsections 4(d)-(h) of this policy. The deposit shall be nonrefundable if the property remains unsold or the party paying the deposit is the buyer, and the deposit shall be repaid from the sale proceeds if the Borough sells the parcel to another buyer.
 - b. Amount of the offer and any proposed sales conditions.

2. The Manager shall review the characteristics of the property requested to be sold, giving due consideration to the Borough's current and anticipated future infrastructure needs, and the need for future public parks, beaches, and trails.
3. If the Manager determines that the property is needed for Borough purposes, the request shall be denied. A written statement of the reasons for the denial shall be provided to the individual or organization that submitted the request and a copy of the statement shall be provided to the Assembly.
4. If the Manager determines that the property is surplus to the Borough's current and anticipated future needs, the Manager shall present a resolution for consideration by the Assembly authorizing disposal of the property and establishing a sale price. The following steps shall be followed:
 - a. The Borough Manager shall present a resolution to the Borough Assembly for approval to offer the parcel for sale and determining an asking price based upon the estimated "Real Property Value" determined in accordance with KGBC 11.40.020.
 - b. If the Assembly fails to approve a resolution authorizing disposal of the property, the offer is rejected and the property is not offered for sale, and the process stops.
 - c. If the Assembly approves a resolution authorizing disposal and setting a listing price, then the process continues with steps d through h.
 - d. The offer to purchase and the listing price determined by the Assembly shall be posted on the Borough Land Sales webpage and on the Planning and Community Development bulletin board.
 - e. Borough staff shall post ads in the Ketchikan Daily News in the weekend edition for four consecutive weekends after posting of the offer on the Borough Land Sales webpage.
 - f. After 30 days from the first publication of notice in the newspaper, the Manager can accept an offer of no less than 90% of the listing price, a price less than 90% of the listing price will require Assembly approval under subsection h. For multiple offers, the Manager shall accept the highest and best offer, which is at or above 90% of the listing price. If offer(s) include non-monetary terms which affect the value of the proposed purchase price, the Manager shall refer the offer(s) to the Assembly for determination under subsection h and shall identify the offer the Manager recommends as the highest and best offer;
 - g. Minimum earnest money will be \$1,000;
 - h. If the only offers submitted are below 90% of the asking price, or include material non-monetary terms, which affect the value of the proposed purchase price, the offer or offers shall be placed on the next available

Assembly meeting agenda as an action item for a decision on acceptance by the Assembly.

5. Once an offer which qualifies under Section 4 has been accepted, the Manager may sign a sale contract in accordance with the accepted offer and carry out such steps as are required to complete the sale.