

Steps for purchasing Real Property OR Tidelands as per WMC 16.12

As Per WMC 16.12.030 (Sale of tidelands)

A. The policy of outright disposal by sale of tide and submerged lands is not favored; the orderly development of the borough with due consideration toward ocean resource harvesting, municipal revenue and public recreation would indicate a strong preference toward tidelands leasing. However, when it is in the public interest, the assembly may, by resolution, authorize the sale of tracts of tide and submerged lands in the manner provided for the sale of other real property owned by the borough. Tidelands, which may be sold pursuant to this section, as that term is used herein, refers only to those tide and submerged lands conveyed by the state of Alaska to the then-City of Wrangell pursuant to AS [38.05.820](#).

B. All sales of tide and submerged lands shall be public sales and shall be governed by the provisions of this chapter, insofar as applicable.

16.12.060 (Restriction on sale of tidelands and sufficiency of proof)

No sale of tidelands shall occur except upon public hearing as per WMC [16.12.040](#)(A)(2). At the public hearing, the applicant must clearly demonstrate the benefits of sale of the subject tidelands tract that could not be realized by the borough through leasing; a determination by the assembly adverse to the applicant may not be appealed unless clearly erroneous. An applicant for purchase of tidelands must conclusively demonstrate the outright sale of the nominated tidelands tract, as contrasted with the lease of such tract, is in the borough's best interest. The borough reserves the right to refuse sale of any tidelands tracts, regardless of sufficiency of proof.

As Per WMC 16.12.040 (Sale of real property or tidelands)

A. Disposition of Borough-Owned Real Property and Borough-Owned Tidelands. When an application is filed for the purchase of borough-owned real property or borough-owned tidelands or any interest therein, the following steps shall take place:

___ Application, COMPLETE proposal as stated below, and \$250 application fee

___ To Planning & Zoning and Port Commission (only if tidelands) to comment on the purchase request

1. The person wishing to purchase the borough-owned real property or borough-owned tidelands shall submit a request in writing (application), to the borough clerk. The

borough clerk shall submit the application to the planning and zoning commission and if borough-owned tidelands, to the port commission for comments in favor or against the sale at their next commission meeting.

- **The request shall state the purpose and proposed use of the requested borough-owned property or tidelands in detail including but not limited to maps and complete written narrative.**

_____ Public Hearing scheduled and property owners within a 300 ft radius notified of the request to lease and the public hearing

_____ To assembly for Public Hearing to approve moving forward with the sale

2. After the report(s) have been received by the borough clerk from the planning and zoning commission or the port commission (if borough-owned tidelands), the borough clerk shall place the request for purchase on an upcoming regular borough assembly agenda, as a public hearing item, for the assembly to approve moving forward with the sale. All property owners within 300 feet shall be notified by mail regarding the public hearing.

_____ Clerk to send applicants letter with estimated costs (appraisal, publications, recording fee)

3. If the assembly approves moving forward with the sale, the clerk shall notify the applicant of the costs associated with the sale which include but are not limited to the survey (if required), appraisal, all public notices, and recording fees.

_____ Clerk to order appraisal

4. Once the applicant agrees to the costs associated with the sale, the clerk shall cause an appraisal of the interest to be disposed of to be made by a licensed appraiser, who shall submit a report, which will include his or her estimate of the market value of the interest.

_____ If survey is required, applicant is required to obtain from licensed surveyor

5. If the borough-owned property or borough-owned tidelands require a survey, the applicant shall be responsible for obtaining that survey. If a survey is required, the appraisal shall take place after the survey. Both the survey and the appraisal costs shall be the responsibility of the applicant.

_____ Publish notice of sale for 3 weeks with final publication at sale one week prior to consideration by assembly (by resolution) for anyone wishing to protest the sale

6. Once the appraisal report has submitted, if the subject interest has a value of \$1,000,000 or less, the borough clerk will cause a notice of the proposed land or tidelands sale to be published for three consecutive weeks before final action of the borough

assembly to approve or reject the sale, by resolution. The publication shall be published in the newspaper at least three times, with the final publication at least one week prior to the final action on the application. The notice shall identify the applicant and the location of the proposed sale. The notice shall state that anyone wishing to protest the sale must file a written protest with the borough clerk not later than a date identified in the notice. Such protest shall be in writing and shall state all reasons for the protest. Failure to timely protest as required by this subsection shall constitute a waiver of any right to purchase or use the location and shall waive any right to contest the awarding of the sale.

_____ After publication, to assembly for approval or rejection by resolution

7. No sooner than one week after the date set for receipt of protests, the borough manager shall submit to the borough assembly a report and recommendation on each timely protest received by the borough. Following the required public notice period for the sale of land or tidelands, the assembly shall approve or reject the sale by resolution. Any protests received and the final report from the borough manager shall be included in the agenda item for the assembly, along with the appraisal report.

_____ Clerk to send applicant final notification of total amount due

B. Terms. Upon final approval by the borough assembly by resolution, payment in full must be paid within 20 days in the form of a certified or cashier's check, cash or by electronic funds transfer (EFT). Payment due includes the appraised fair market value plus the survey cost, assessment, all public notices, and recording fees.

Summary and checklist:

- _____ Application with complete proposal & \$250 application fee (done)
- _____ To planning & zoning commission for comments/recommendations
- _____ Public Hearing (for Assembly) to be scheduled and property owners within a 300 ft radius notified of the request to purchase (borough clerk will publish)
- _____ To assembly for Public Hearing to approve moving forward with the sale
- _____ Clerk to send applicant letter with estimated costs (appraisal, publications, recording fee)
- _____ Appraisal required (ordered by the borough clerk)
- _____ If survey is required, applicant is required to obtain from licensed surveyor at applicants' expense
- _____ Publish notice of sale for 3 weeks with final publication of sale one week prior to consideration by assembly for anyone wishing to protest the sale
- _____ After publication period has been satisfied, take to assembly for approval or rejection by resolution
- _____ Letter to applicant with decision and final fees required