

**PETERSBURG BOROUGH
RESOLUTION NO. 2016-23**

**A RESOLUTION AUTHORIZING THE SALE OF BOROUGH OWNED LAND WITHIN
THE PETERSBURG BOROUGH**

WHEREAS, the Borough is the owner of the three properties listed below and has determined the properties are not needed for public use; and

WHEREAS, the Borough Assessor has determined each lots full and true value, as required by Municipal code, and has recommended a minimum acceptable bid for each lot, and

WHEREAS, offering these properties for sale at public auction is deemed to be in the best interest of the Borough and proceeds will be used towards the municipal building renovation, and

WHEREAS, the Assembly previously authorized sale of these properties under Resolution #2016-14, however several matters regarding these lots remained pending until after the first date established for the land sale auction, and thus it is necessary for a new date to be set.

THEREFORE, BE IT RESOLVED by the Borough Assembly of the Petersburg Borough:

SECTION 1: The properties identified in SECTION 2 below are hereby designated as properties not needed for a public use, and shall be sold by the Borough to the highest qualified bidder, subject to the following terms and conditions.

SECTION 2: Pursuant to PMC 16.12.110, said properties shall be sold at public auction to be held on January 17, 2017 at 6:00 p.m., in the temporary meeting location of the Borough Assembly, at 15 N. Twelfth Street, Petersburg, Alaska. The minimum bid price is set forth below:

Parcel #	Legal Description	Physical Address	Assessed Value	Other Expenses (advertising, surveying, title, deed recording, legal)	Minimum Bid
01-014-125	Lot GL10, Section 35, Township 58S, Range 79E, Copper River Meridian	919 Sandy Beach Road	\$175,000.	Est. Survey and As Built: \$6,270. Est. recording fees \$40 Est. advertising fees \$70	\$182,000.
01-003-521	Lot 6A, BLK 231, US Survey 1252A, Section 26, Township 58S, Range 79E, Copper River Meridian	306 Sandy Beach Road	\$65,000.	Boundary Survey \$3,130. Lot Consolidation \$50. Est. recording fees \$40 Est. advertising fees \$70	\$68,000.

01-006-484	Lot 5A, BLK 87, Southeast Addition Subdivision, Plat 69-202	705 IRA II Street	\$40,000.	Title search \$250. Lot Consolidation \$50. Est. recording fees \$40 Est. advertising fees \$70	\$40,500.
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SECTION 3: A bidder must be physically present at the auction, or be represented by a person physically present at the auction who is authorized, in writing, to execute legal documents on behalf of the bidder. At the time of the auction, the purchaser, or purchaser's legal representative, shall, immediately upon being declared the higher qualified bidder, sign a Contract of Sale, in the form attached, whereby purchaser agrees to purchase the property for the sale price, and further agrees to all other terms and conditions set forth in this Resolution and in the Contract of Sale.

SECTION 4: Any individual participating in the auction must be eighteen (18) years of age or older as of the date of the auction.

SECTION 5: The Assembly does not require the construction of improvements within a specified period of time as a condition of a conveyance of this Borough property.

SECTION 6:

a. The land will be sold AS-IS, WHERE-IS via quit claim deeds, in their current condition and with all faults. The Borough expressly makes no representations regarding, and disclaims any liability for, each property to be sold, and/or any improvements located thereon, including but not limited to (1) the condition of the property and any improvements located thereon; (2) the exact location or size of the property, the existence of markers on the property or the ability or cost of surveying of the property; (3) the status or insurability of title to the property, including the existence of any liens, encumbrances or conditions on the property; (4) the ability of the purchaser to utilize the property, and/or any improvements, in any fashion and for any particular purpose or use; and (5) the existence, or the potential for installation, of utilities on or to the property. Each property is sold subject to all platted easements, rights-of-way and reservations, and may only be used for the purpose for which it is zoned. Each property is sold expressly subject to all liens, encumbrances, and conditions, of record or not of record, including but not limited to matters which would have been disclosed by a survey or physical inspection of the property. The Borough makes no representations, warranties, or guarantees, expressed or implied, as to quality, merchantability, or suitability of the property for a particular purpose or use.

b. All bidders should personally inspect the properties and make their own determination as to whether the land will meet their needs. The purchaser assumes the entire risk as to a property's quality and suitability for intended use. All future uses of the land must comply with applicable federal, state and municipal laws.

SECTION 7: A successful bidder shall pay a minimum of five percent (5%) of a property's total purchase price as a deposit within five (5) calendar days of the auction, and the remaining balance in full within ninety (90) calendar days of the auction. If an appeal of the bid award is filed under PMC 16.12.120, the deposit is due from the successful bidder within five (5) calendar days of the decision on the appeal by the Assembly, and the remaining balance is due in full within ninety

(90) calendar days of the Assembly's decision. A quitclaim deed shall not be issued until payment in full of the purchase price has been made. If a purchaser fails to make payment in full within the 90 calendar day period, the deposit is forfeited to the Borough unless an extension of no more than ten (10) calendar days to pay the balance is authorized in writing by the Borough Manager.

SECTION 8: A property not sold at the public auction may be sold on a first-come, first-serve basis using the application and review procedures of PMC Chapter 16.12.

SECTION 9: In the event a purchaser defaults, by either failing to timely make the required deposit, or by failing to pay the remaining purchase price within the required period, the purchaser shall have no further rights to purchase the property under the auction, and the property shall become available for over-the-counter sale, on a first-come, first serve basis, for the amount equal to the high bid offered at the auction. In the event that more than one offer is received by the Borough on the same calendar day for purchase of a property, the purchaser shall be chosen by lot.

SECTION 10: The Borough Manager is authorized to sign, on behalf of the Borough, the documents set forth herein.

SECTION 11: As the Assembly had determined, pursuant to this Resolution, that it is in the best interests of the Borough to sell the properties at public auction, the two pending applications (Norosz and Koeneman) requesting to purchase a portion of Parcel No. 01-014-125 are denied.

EFFECTIVE DATE. This resolution shall become effective on the day after the date of its passage.

Passed and Approved by the Assembly of the Petersburg Borough, Alaska this 7th day of November, 2016.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk