

**PETERSBURG BOROUGH
ORDINANCE #2016-14**

**AN ORDINANCE AUTHORIZING THE SALE OF LOT A, BLOCK 302, GREENBELT
SUBDIVISION, AIRPORT ADDITION, PARCEL #01-006-442, PLAT 77-2, IN THE
PETERSBURG RECORDING DISTRICT**

WHEREAS, the Borough is the owner of Lot A, Block 302, Parcel #01-006-442 located at 1199 Haugen Drive and has determined the property is not needed for public use; and

WHEREAS, the Borough Assessor has determined the full and true value of the parcel to be \$275,000 as required by PMC 16.12.070, and has recommended this as a minimum acceptable bid; and

WHEREAS, offering this property 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.

THEREFORE, THE PETERSBURG BOROUGH ORDAINS the following:

Section 1. Classification: This ordinance is of a non-permanent nature and shall not be codified in the Petersburg Borough Code.

Section 2. Purpose: The purpose of this ordinance is to authorize the sale of Lot A, Block 302, Greenbelt Subdivision, Airport Addition, Parcel #01-006-442, located at 1199 Haugen Drive in the Petersburg Borough.

Section 3. Substantive Provisions:

A. The property identified in this ordinance is hereby designated as property 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.

B. Pursuant to PMC 16.12.110, said property 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 at \$275,000.

C. 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 highest 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 Ordinance and in the Contract of Sale.

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

E. 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

F. The land will be sold AS-IS, WHERE-IS via quit claim deed, in its current condition and with all faults. The Borough expressly makes no representations regarding, and disclaims any liability for, the 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. The 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. The 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.

All bidders should personally inspect the property 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.

G. A successful bidder shall pay a minimum of five percent (5%) of the 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.

H. 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.

I. 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.

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

Section 4. Severability: If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and the application of other persons or circumstances shall not be affected.

Section 5. Effective Date: This Ordinance shall become effective immediately upon final passage.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 3rd day of January, 2017.

Attest:

Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: