

CITY AND BOROUGH OF SITKA

ORDINANCE NO. 2019-33

AN ORDINANCE OF THE CITY AND BOROUGH OF SITKA, ALASKA, AMENDING CHAPTER 2.38 "GARY PAXTON INDUSTRIAL PARK" OF THE SITKA GENERAL CODE, AT SECTION 2.38.010 "DESIGNATION", BY REMOVING LOT 17, LOT 18, AND 7,496 SQUARE FEET OF THE EASEMENT ADJACENT TO LOT 17 FROM THE SITE DESIGNATED AS THE GARY PAXTON INDUSTRIAL PARK

1. CLASSIFICATION. This ordinance is of a permanent nature and is intended to become a part of the Sitka General Code.

2. SEVERABILITY. If any provision of this ordinance or any application to any person or circumstance is held invalid, the remainder of this ordinance and application to any person or circumstance shall not be affected.

3. PURPOSE. As provided in enacting Ordinance No. 00-1568, the GPIIP was "...acquired not for governmental purposes, but for economic development and disposal." The stated purpose of the enacting ordinance was that "[i]n general, the property will not be used for public improvements." However, circumstances exist which make it inappropriate to follow the general purpose of the enacting ordinance, at least for two lots (Lot 17 and Lot 18 of the Sawmill Cove Industrial Park Resubdivision No. 1) and a portion of the easement adjacent to Lot 17, which in total amount to a small portion of the GPIIP. Lot 17 of the GPIIP is needed for a public improvement, i.e., the site for a water filtration plant for the treatment of Sawmill Creek water. The other potential site at the old pulp mill filter plant is expected to cost at least ten million dollars more to develop than Lot 17. Accordingly, due to its usefulness to the public and the resulting large financial savings to the public, it is appropriate to deviate from the general purpose of the GPIIP by removing Lot 17 from the GPIIP. Lot 18 of the GPIIP was transferred to the "Water Enterprise Fund" by Resolution No. 2012-62 for use as a site for a UV water filtration facility for the treatment of Blue Lake water. The transfer of Lot 18 included a transfer of \$65,560 from the UV facility capital account to the GPIIP Fund. However, Lot 18 still remains designated within the GPIIP. This ordinance would remove Lot 18 from the GPIIP, thereby cleaning up the transfer in 2012. The 7,496 square feet of the easement adjacent to Lot 17 is needed for the site of the water filtration plant for the reasons described above. Lot 17, Lot 18 and the 7,496 square feet portion of the easement adjacent to Lot 17 are described on Exhibit B attached to this ordinance and incorporated herein by reference.

4. ENACTMENT. NOW, THEREFORE, BE IT ENACTED by the Assembly of the City and Borough of Sitka that the Sitka General Code Chapter 2.38, entitled "Gary Paxton Industrial Park" be amended at Section 2.38.010, entitled "Designation", to read as follows (new language underlined; deleted language stricken):

TITLE 2
ADMINISTRATION

Chapters:

53 **2.38 Gary Paxton Industrial Park**

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Chapter 2.38

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GARY PAXTON INDUSTRIAL PARK

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Sections:

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2.38.010 Designation.

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2.38.010 Designation.

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The former Alaska Pulp Corporation mill site is designated as the Gary Paxton industrial park (GPIP), as described in Exhibit A, attached to the ordinance codified in this chapter and incorporated herein by reference, except for those portions of the GPIP described in Exhibit B, attached to the ordinance amending this chapter and incorporated herein by reference. The Gary Paxton industrial park is a municipal department subject to assembly general oversight.

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5. EFFECTIVE DATE. This ordinance shall become effective the day after the day of its passage.

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PASSED, APPROVED, AND ADOPTED by the Assembly of the City and Borough of Sitka, Alaska, this 13th day of August, 2019.

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Gary L. Paxton, Mayor

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ATTEST:

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Sara Peterson, MMC

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Municipal Clerk

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1st reading 7/23/19

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2nd and final reading 8/13/19

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Sponsor: Administrator

EXHIBIT "A"

Order Number: 99-S-5158

PARCEL # 1 - U.S. Survey 2797. Sitka Recording District, First Judicial District, State of Alaska.

PARCEL # 2 - U.S. Survey 3551. Sitka Recording District, First Judicial District, State of Alaska.

PARCEL # 3 - All Lots One (1), Two (2), Three (3), and Four (4), U.S. Survey 3665. Sitka Recording District, First Judicial District, State of Alaska.

PARCEL # 4 - Alaska Tideland Survey No. 6. (State Patent # 20). Sitka Recording District, First Judicial District, State of Alaska.

PARCEL # 5 - Access Easement Vacation Plat; according to the plat thereof filed October 5, 1981 as Plat No. 81-40. Sitka Recording District, First Judicial District, State of Alaska

END OF LEGAL DESCRIPTIONS

EXHIBIT "B"

Portions of Parcel #1 and/or Parcel #2 as described in Exhibit A and more particularly described as follows:

Lot 17, Block 4, Sawmill Cove Park Resubdivision No. 1 , according to the plat thereof, filed November 20, 2008, as Plat No. 2008-27, Sitka Recording District, First Judicial District, State of Alaska.

Lot 18, Block 4, Sawmill Cove Park Resubdivision No. 1 , according to the plat thereof, filed November 20, 2008, as Plat No. 2008-27, Sitka Recording District, First Judicial District, State of Alaska.

A 7,496 square feet portion of the Common Use Access and Utility Easement adjacent to Lot 17, Block 4, Sawmill Cove Park Resubdivision No. 1, according to the plat thereof, filed November 20, 2008, as Plat No. 2008-27, Sitka Recording District, First Judicial District, State of Alaska, as drawn on the attached drawing entitled "Figure 1".