

Sponsors: Administrator

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:

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## **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".

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ (SIGNATURE)

DATE \_\_\_\_\_ OWNER \_\_\_\_\_ (SIGNATURE)

**NOTARY'S ACKNOWLEDGMENT**

US OF AMERICA  
STATE OF ALASKA  
CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED \_\_\_\_\_

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND \_\_\_\_\_ ACKNOWLEDGED TO ME THAT \_\_\_\_\_ SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES \_\_\_\_\_

**CERTIFICATE STATE OF ALASKA  
(FIRST JUDICIAL DISTRICT)**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF \_\_\_\_\_

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20\_\_\_\_ WILL BE DUE ON OR BEFORE AUGUST 31, 20\_\_\_\_ DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.

ASSESSOR, CITY AND BOROUGH OF SITKA

**CERTIFICATE OF APPROVAL BY THE BOARD**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. \_\_\_\_\_ DATED \_\_\_\_\_, 20\_\_\_\_, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE \_\_\_\_\_ CHAIRMAN, PLATTING BOARD

SECRETARY

**CERTIFICATE OF APPROVAL BY THE ASSEMBLY**

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN MINUTE BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ DATED \_\_\_\_\_, 20\_\_\_\_, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE \_\_\_\_\_ MAYOR

CITY AND BOROUGH CLERK

**CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT**

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF \_\_\_\_\_

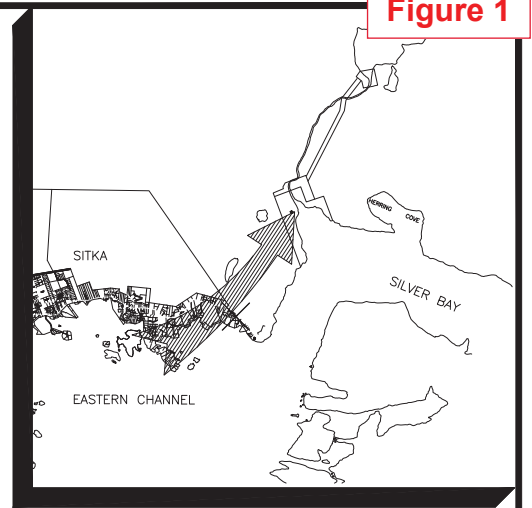
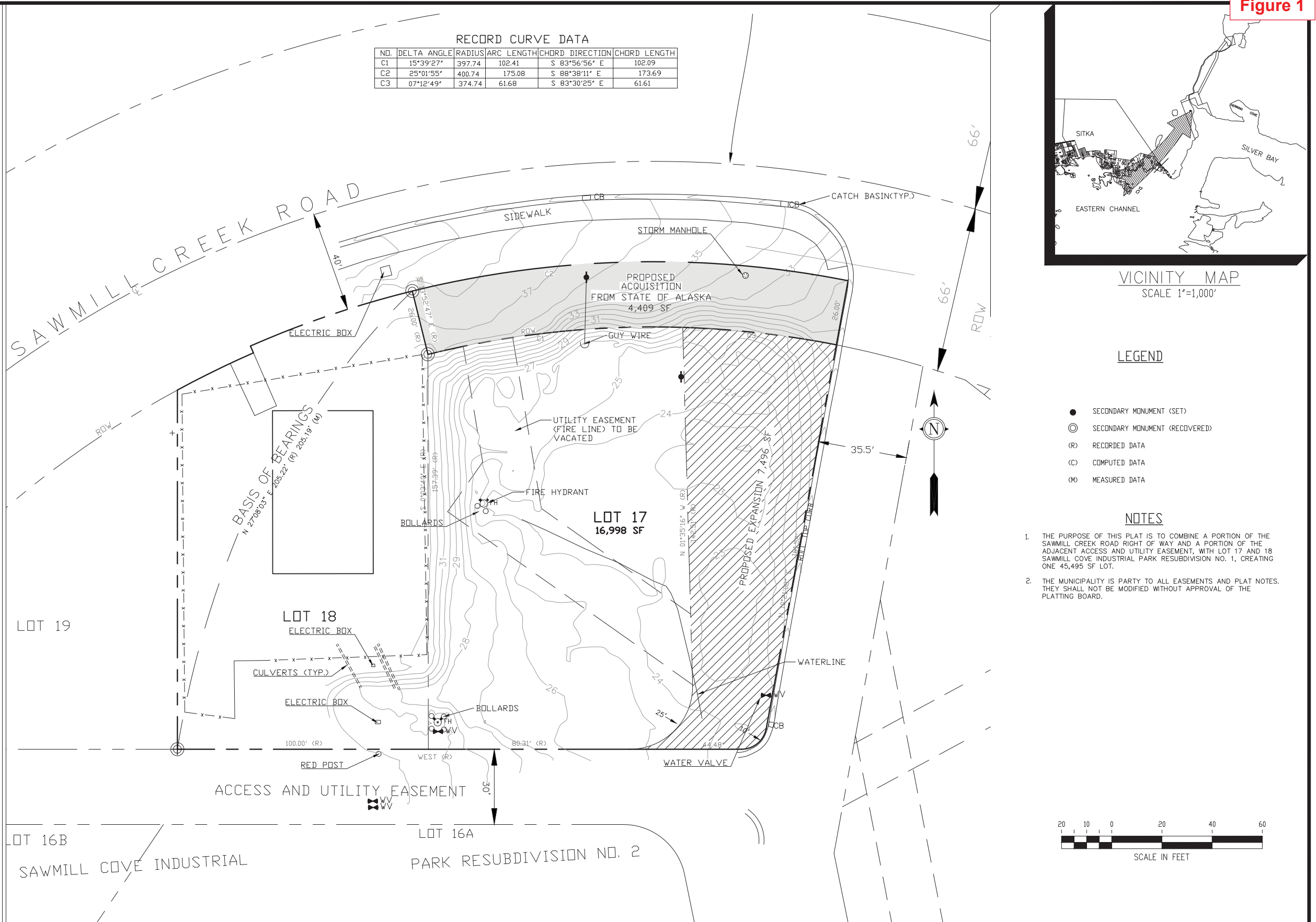
(ALL OWNERS OF RECORD), AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT SITKA, ALASKA.

FINANCE DIRECTOR  
CITY & BOROUGH OF SITKA

RECORD CURVE DATA

NO.	DELTA ANGLE	RADIUS	ARC LENGTH	CHORD	DIRECTION	CHORD LENGTH
C1	15°39'27"	397.74	102.41	S 83°56'56" E	102.09	
C2	25°01'55"	400.74	175.08	S 88°38'11" E	173.69	
C3	07°12'49"	374.74	61.68	S 83°30'25" E	61.61	



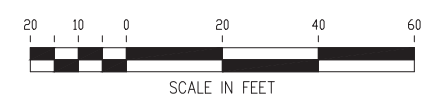
VICINITY MAP  
SCALE 1"=1,000'

**LEGEND**

- SECONDARY MONUMENT (SET)
- SECONDARY MONUMENT (RECOVERED)
- (R) RECORDED DATA
- (C) COMPUTED DATA
- (M) MEASURED DATA

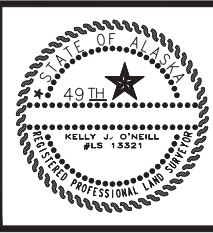
**NOTES**

1. THE PURPOSE OF THIS PLAT IS TO COMBINE A PORTION OF THE SAWMILL CREEK ROAD RIGHT OF WAY AND A PORTION OF THE ADJACENT ACCESS AND UTILITY EASEMENT, WITH LOT 17 AND 18 SAWMILL COVE INDUSTRIAL PARK RESUBDIVISION NO. 1, CREATING ONE 45,495 SF LOT.
2. THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIED WITHOUT APPROVAL OF THE PLATTING BOARD.



**NORTH 57\***  
**LAND SURVEYING**  
(907) 747-6700 2007 CASCADE CREEK ROAD, SITKA, AK 99835

BY	DATE	REV	DESCRIPTION OF CHANGE
			RECORD OF REVISIONS



DESIGNED: K. O'NEILL  
DRAWN: JCH/ACAD  
CHECKED: KJO  
DATE OF PLAT: MAY 13, 2019  
SCALE: 1" = 20'  
DRAWING NAME: 40161-01  
PROJECT NO. 40161-01

**SURVEYOR'S CERTIFICATE**  
I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED IN THE STATE OF ALASKA, AND THAT IN \_\_\_\_\_ A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DATE \_\_\_\_\_ KELLY O'NEILL LS 13321

**CSWS SUBDIVISION**  
**LOT 17 & 18 SAWMILL COVE INDUSTRIAL PARK RESUBDIVISION NO. 1**  
CLIENT: SEDA

1 OF 1  
SHEET