

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2025-02

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AUTHORIZING THE DISPOSAL OF CITY PROPERTY NEAR HARBOR ROAD TO THE UNITED STATES FOR THE SMALL BOAT HARBOR MAINTENANCE DREDGING PROJECT.

WHEREAS, DMC 5.30.100 requires the disposal of an interest in City land by easement or right-of-way to follow the requirements of DMC 5.30; and

WHEREAS, the United States government, acting through the U.S. Army Corps of Engineers, has requested a temporary construction and access easement (also known as a right of entry for construction agreement) to enter City property near Harbor Road for the 2026-2028 Maintenance Dredging Project, Dillingham Small Boat Harbor; and

WHEREAS, the City property near Harbor Road related to 2026-2028 Maintenance Dredging Project is legally described as follows (DMC 5.30.020(A)(3)):

- (1) A portion of USS 2874, located within Section 20 and 21, Township 13 South, Range 55 West, Seward Meridian, Bristol Bay Recording District, State of Alaska; and
- (2) A portion of ADL 1774, Public Use Easement, located within Section 21, Township 13 South, Range 55 West, Seward Meridian, Bristol Bay Recording District, State of Alaska; and

WHEREAS, dredging of the small boat harbor promotes the public purpose by providing ship to shore access and vessel moorage, which are critical to the City's economy (DMC 5.30.010(B) & (A)(4); DMC 5.30.080(A)); and

WHEREAS, the United States' use of City property is only anticipated to occur from May 1 to June 30 in 2026, 2027, and 2028; and

WHEREAS, upon balancing the City's use of the City property near Harbor Road and the benefits from the 2026-2028 Maintenance Dredging Project, the City property is temporarily not needed for municipal purposes (DMC 5.30.020(A)(1)); and

WHEREAS, given the benefits of the dredging project without cost to the City and the grantee is another government, the temporary disposal is at no cost to another public entity through a grant (DMC 5.30.020(A)(1) & (4) & (5); DMC 5.30.040(D)); and

WHEREAS, the City's property value has not been specifically appraised for this disposal because this disposal is for a temporary construction and access easement to a public entity

at no cost and because an appraisal would cause the City to unnecessarily incur costs without any benefit (DMC 5.30.020(A)(6) & (B)); and

WHEREAS, this ordinance authorizes the disposal for the 2026-2028 maintenance dredging project and any future temporary construction and access easements to the United States for maintenance dredging purposes because routine maintenance dredging is in the public's interest; and

WHEREAS, upon adopting this ordinance, the City Manager may finalize any negotiations with the United States, and the Mayor and necessary staff may sign any disposal instruments (DMC 5.30.010(D) & DMC 5.30.020(A)(7)); and

WHEREAS, the City Council finds this disposal complies with City code and adoption of the ordinance is in the public's interest for a public purpose to the federal government for a temporary duration.

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Classification. This is a non-code ordinance.

Section 2. Appraisal Exemption. This disposal is exempt from the appraisal requirements of DMC 5.30.020(A)(6) and DMC 5.30.020(B).

Section 3. Authority to Dispose. The City is authorized to dispose of a portion of USS 2874 and a portion of ADL 1774 near Harbor Road to the United States at no cost in the form of a temporary construction and access easement (also known as a right of entry construction agreement) for maintenance dredging of the Dillingham Small Boat Harbor. This grant of authority is for the 2026-2028 project and any subsequent maintenance dredging projects involving the same City property with the United States.

Section 4. Effective Date. This ordinance is effective upon adoption.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on _____, 2025.

Alice Ruby, Mayor

ATTEST: [SEAL]

Abigail Flynn, Acting City Clerk