

**PETERSBURG BOROUGH, ALASKA
RESOLUTION #2023-11**

**A RESOLUTION APPROVING THE DISPOSAL OF BOROUGH OWNED PROPERTY
LOCATED AT 103A DOCK STREET (PARCEL #01-010-037) BY DIRECT SALE TO
WIKAN ENTERPRISES, INC.**

WHEREAS, the Borough owns property located at 103A Dock Street, more particularly described as follows ("the property"):

Wikan Enterprises, Inc. Tidelands Lease Plat #92-23, Petersburg Recording District, First Judicial District, State of Alaska (Borough parcel # 01-010-037)

;and

WHEREAS, the property has a 2023 assessed value of \$75,300; and

WHEREAS, the property is currently leased to Wikan Enterprises, Inc. for an annual rate of \$4,032 with 24 years left on the 55 year lease; and

WHEREAS, application has been made to purchase the parcel and on July 11, 2023, a noticed public hearing was held by the Petersburg Planning Commission; and

WHEREAS, the Planning Commission considered and reviewed applicant materials, public comments and testimony, and staff comments, and have made recommendation to the Assembly to sell the property; and

WHEREAS, Borough Code Section 16.12.005, Leasing Preference, states, "The orderly development of the borough with due consideration toward ocean resource harvesting, economic development, public recreation and public service centers, combined with dwindling municipal revenues and limited land available for public purposes, supports a strong preference toward leasing land versus outright sale of land"; and

WHEREAS, Borough Code Section 16.16.070, Sale of Tidelands, states:

- 1) In isolated and necessary instances, the Assembly may sell tracts of tide and submerged lands which are not needed for public purposes; and
- 2) Sales of tide and submerged land shall not be made for consideration less than the assessed full and true value as established by the borough assessor; and
- 3) The Assembly shall hold a public hearing to consider the disposal of the tidelands; and
- 4) At the hearing, the benefits of sale of the subject tideland that could not be realized through leasing must be clearly demonstrated; and
- 5) An applicant for purchase of tidelands must conclusively demonstrate that outright sale of a tideland, as contrasted with lease of the tideland, is in the Borough's best interests.

; and

WHEREAS, Borough Code Section 16.12.080(E) provides the Assembly the option of authorizing the Borough Manager to commence such negotiations, the final terms of which are subject to Assembly approval.

THEREFORE, BE IT RESOLVED by the Petersburg Borough Assembly as follows:

Section 1. The Assembly hereby authorizes the sale of the following property to Wikan Enterprises, Inc.:

Wikan Enterprises, Inc. Tidelands Lease Plat #92-23, Petersburg Recording District, First Judicial District, State of Alaska (Borough parcel # 01-010-037)

Section 2. The Assembly finds that the benefits of sale of the tideland property that could not be realized through leasing has been clearly demonstrated and that Wikan Enterprises, Inc. has conclusively demonstrated that the outright sale of the tideland property is in the Borough's best interests.

Section 3. The Assembly determines that exemption of this tideland property from public sale is in the best interests of the Borough, and that the property shall be disposed of by direct negotiations with Wikan Enterprises, Inc.

Section 4. The Borough Manager is hereby authorized and directed to commence direct negotiations with Wikan Enterprises, Inc. for disposal of the property, the final terms of which are subject to approval by the Assembly.

PASSED AND APPROVED by the Petersburg Borough Assembly on August 21, 2023.

Mark Jensen, Mayor

ATTEST:

Debra K. Thompson, Borough Clerk