

**City of Saxman**  
Resolution # 04.2021.03

A **RESOLUTION** of the City of Saxman, Alaska to sell the property referenced by deed as PAT1035992 and by parcel as 852140089000 to the Cape Fox Corporation for the express purpose of building a full-service grocery store and a tribute to the building known as “The Old School House” on referenced property.

- A. WHEREAS, Saxman City Code (SCC) 16.15.050 states: Public sale shall not be required to persons who agree to operate a beneficial new industry; provided, however, that the Council shall find that the new industry will be advantageous to the City and that the buyer agrees to the terms and conditions set forth by the Council for the sale of real property. [Ord. 01-77 Ch. 46 § 5]; and
- B. WHEREAS, SCC 16.15.010 states: The City may sell, convey, exchange, transfer, donate, dedicate, direct, or assign to use, to otherwise dispose of City-owned real property by any lawful means or conveyances. [Ord. 01-77 Ch. 46 § 1]; and
- C. WHEREAS, SCC 16.15.020 states: The City may sell or dispose of real property by any lawful means. Any instrument requiring execution by the City shall be signed by the Mayor and attested by the City Clerk. [Ord. 01-77 Ch. 46 § 2]; and
- D. WHEREAS, SCC 16.15.030 states: The City shall have and may exercise all rights and powers in the sale and disposal of real property as if the City were a private person. The City may sell or dispose of any real property, including property acquired or held for or devoted to a public use, when in the judgment of the City Council it is no longer required for City purposes. [Ord. 01-77 Ch. 46 § 3]; and
- E. WHEREAS, The City Council was presented with an offer from the Cape Fox Corporation to purchase the property known as PAT 1035992 & Parcel 852140089000 for the express purpose of building a full-service grocery store; and
- F. WHEREAS, the City Council finds that no current retail food industry intended to provide for the sustained nourishment of the residents of Saxman and surrounding communities exists in the City of Saxman; and
- G. WHEREAS, the City Council finds that selling this parcel to a confirmed developer is adventitious for the economy of the City of Saxman both in municipal revenue and the addition of new jobs to the City; and
- H. WHEREAS, the City Council finds that selling the property for \$45,000.00 and a 2% Saxman sales tax credit for 15 years to commence on the first day of recorded sales; and
- I. WHEREAS, the City Council finds that when compared with the sales of comparable industries in neighboring communities the City of Saxman will earn in sales tax revenue the balance of the assessed value; and

**City of Saxman**  
Resolution # 04.2021.03

- J. WHEREAS, the City Council finds said retail food establishment is mandated to be built within 3 years of the close of the land sale or otherwise extended by vote of the Council; and
- K. WHEREAS, the City Council finds that if such extenuating circumstances exists that prevent a full-service retail establishment Cape Fox will build a similarly profitable establishment on the property; and
- L. WHEREAS, the City Council mandates that in the spirit of creating a beneficial new industry Cape Fox will provide monthly progress reports to the Council either in writing or by presentation at a public meeting until the first month of recorded sales; and
- M. WHEREAS, the City Council finds that the addition of a retail food industry is beneficial to the elders of the Native community by providing reliable access to food.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF SAXMAN,**

**Section 1:** The Mayor may negotiate a sales contract on behalf of the City of Saxman, acting as the representative for the City Council as a whole.

**Section 2:** The Mayor may exercise all rights and powers in the sale and disposal of the property known as PAT 1035992 & Parcel 852140089000 for the benefit of the City and acting as if the City were a private person.

**Section 3:** A sales contract MUST, at minimum, include these terms: \$45,000.00 sale price for the property. A mandate that a retail food sales industry be built on the property. The right of first refusal to purchase the property back at the sales price of \$45,000 if a retail food industry is not built within 3 years from the date of closing. A 2% sales tax credit for a period of 15 years commencing on the first day of reportable sales. A unanimous vote of the City Council to alter these terms after closing.

Effective Date: This resolution is effective upon adoption.

Passed and Approved by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

CITY OF SAXMAN

ATTEST:

\_\_\_\_\_  
Frank Seludo, Mayor

\_\_\_\_\_  
Lori Richmond, City Clerk

**VOTES:**

Ayes:

Noes:

**City of Saxman**  
Resolution # 04.2021.03

Absent: