

Submitted by: ASSEMBLY CHAIR DAN COFFEY
Prepared by: Assembly Counsel
For reading: July 17, 2007

CLERK'S OFFICE

APPROVED

Date: 8-14-07

ANCHORAGE, ALASKA
AO NO. 2007-102

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE CHAPTER 25.30, DISPOSAL OF MUNICIPAL
3 LAND, TO REQUIRE PRIOR PUBLIC NOTICE IN THE DISPOSAL OF PARK LAND.
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6 THE ANCHORAGE ASSEMBLY ORDAINS:
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8 **Section 1.** Anchorage Municipal Code section 25.30.020, Disposal by Ordinance, is
9 amended to read as follows:
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11 **25.30.020 Disposal by ordinance.**
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13 Except as required by law, the municipality may dispose of municipal land or any
14 interest therein only by ordinance. An ordinance disposing of municipal land
15 formally dedicated to permanent or long-term park or recreational purposes is
16 valid only upon approval by a majority of those voting on the questions at a
17 regular or special election. When municipal land disposal requires voter approval,
18 public notice of the proposed disposal of municipal land shall meet the
19 requirements of section 25.30.025 prior to assembly action authorizing the ballot
20 proposition. For purposes of this section, an interest in municipal land means any
21 estate in real property or improvements thereon, but excluding revocable permits
22 or licenses, rights-of-way or easements which the assembly finds to be without
23 substantial value to the municipality.
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25 (AO No. 79-170; AO No. 80-48(S))
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27 **Section 2.** Anchorage Municipal Code chapter, 25.30, Disposal of Municipal Land, is
28 amended to enact a new section AMC 25.30.025, Public Notice Procedures When
29 Municipal Land Disposal Requires Voter Approval, to read as follows:
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31 **25.30.025 Public notice procedures when municipal land disposal**
32 **requires voter approval.**
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34 A. A proposed disposal of municipal park land shall be first noticed at least
35 180 days prior to the date for final action on the ballot proposition under
36 AMC 28.20.015.
37

1 B. Public notice of municipal hearings and actions, including hearing and
2 action before the Parks and Recreation Commission and the assembly, shall be
3 by publication, mail, and posting. Public notices shall describe the nature and
4 purpose of the proposed disposal and the location of the land proposed for
5 disposal. Public notice shall include the legal description of the land proposed for
6 disposal, reference to local streets or other landmarks, and a diagram of the
7 vicinity identifying the location of the land proposed for disposal. A statement of
8 the date, time, and location for public hearing or other public response to the
9 proposal shall be included.

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11 C. *Notice by publication and posting.* Notice shall be published in one or
12 more newspapers of general circulation in the municipality. Notice shall also be
13 posted on the municipal website.

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15 D. *Notice by signage.* A sign shall be placed upon the land proposed for
16 disposal no less than 180 days prior to public hearing by the assembly on the
17 ordinance authorizing the disposal. The sign shall be easily visible to the public
18 and shall generally identify the proposed disposal, specify when the proposed
19 disposal will be submitted to the voters for approval, and include the information
20 specified in subsection 25.30.025B.

21
22 E. *Notice by mail* shall include the information specified in subsection
23 25.30.025B and be given to:

24
25 1. The community council for the area where the land is located,
26 including individual members of the Board of Supervisors, as well as any
27 other community council which requests notice; these community councils
28 shall be given an opportunity to provide public comment prior to the
29 Assembly or Parks and Recreation Commission taking any action;

30
31 2. All persons listed in the records of the municipal assessor as
32 owners of land abutting the parcel proposed for disposal and all owners of
33 the parcels of property within 500 feet of the outer boundary of the; or the
34 50 parcels nearest the outer boundary of the parcel, whichever is the
35 greater number of parcels, at the addresses of record according to the
36 municipal assessor; and

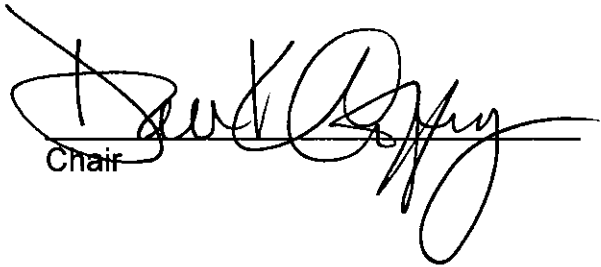
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38 3. All persons requesting general notice of any action when disposal
39 of municipal land requires voter approval.

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41 F. All public notices for actions before the Parks and Recreation Commission
42 shall precede the hearing date by at least 14 days.

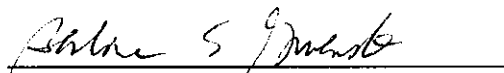
Section 3. The Code Revisor is directed to incorporate a cross-reference to Anchorage Municipal Code sections 25.30.020 and 25.30.025 under the provisions of AMC 28.20.015, Time for Passage of Ballot Propositions.

Section 4. This ordinance shall become effective immediately upon its passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 14th day of August, 2007.


Chair

ATTEST:


Municipal Clerk



MUNICIPALITY OF ANCHORAGE
ASSEMBLY MEMORANDUM
NO. AM 444-2007

Meeting Date: July 17, 2007

From: Assembly Chair Dan Coffey
Subject: **AO 2007-102 — AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING ANCHORAGE MUNICIPAL CODE CHAPTER 25.30, DISPOSAL OF MUNICIPAL LAND, TO REQUIRE PRIOR PUBLIC NOTICE IN THE DISPOSAL OF PARK LAND.**

By ordinance, actions proposed to be taken regarding Heritage Land Bank properties require substantial public notice procedures, including notice to property owners within 500 feet of the parcel proposed for action, or the 50 parcels nearest the outer boundary of the parcel. Public notice by Heritage Land Bank officials often exceeds the 500 feet, as many properties affected are large and remote (e.g. Girdwood land) beyond the 500 feet boundary. These public notice requirements are included under AMC 25.40.030, and promote good decision-making.

On the other hand, disposal of municipal park lands by ordinance under AMC 25.30.020 is presently subject only to the general notice requirements for introduction and enactment of ordinances under Charter Section 10.01 ("public hearing shall be held at least seven days after publication of the notice") and the 49-day rule for ballot propositions in the upcoming election at AMC 28.20.015. This means that a disposal of park land can be introduced two weeks prior to the last day for action on a ballot proposition, without any other notice to the community in which the park land is located.

This proposed ordinance amends AMC chapter 25.30 to adopt notice provisions in the disposal of park land that parallel the notice requirements in place for Heritage Land Bank properties. This will enhance the public process and assist the Assembly to avoid the type of confusion recently encountered when voters were presented with a ballot that included a proposed disposal that would not be going forward.

As more dedicated park land properties are removed from Heritage Land Bank inventory and transferred to the Parks and Recreation Department, public notice on disposal of park land should remain consistent with present notice requirements for the Heritage Land Bank.

Respectfully submitted:

Dan Coffey
Assembly Chair, Section 4