

1 CITY OF HOMER

2 HOMER, ALASKA

3 ORDINANCE 83-26

4
5 AN ORDINANCE AUTHORIZING THE CITY OF HOMER TO
6 PURCHASE CERTAIN LANDS LOCATED ON THE HOMER SPIT
7 FROM WORLD SEAFOODS, INC. AND TO ENTER INTO A
8 CONTRACT THEREFOR REQUIRING THE PAYMENT OF FUNDS
9 FROM AND SUBJECT TO APPROPRIATIONS BY COUNCIL
10 DURING MORE THAN ONE FISCAL YEAR.

11 WHEREAS, certain lands located on the Easterly side of
12 the Homer Spit have recently become available for purchase,
13 and

14 WHEREAS, the location of such lands is deemed advantageous
15 to the City because of proximity to the Small Boat Harbor,
16 and

17 WHEREAS, the City has made an offer to World Seafoods,
18 Inc. to purchase such lands, which offer has been accepted
19 subject to the passage of an ordinance approving appropriations
20 from more than one fiscal year as required under A.S.29.48.190(b),

21 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

22 Section 1. AUTHORIZATION TO PURCHASE. The Common
23 Council of the City of Homer hereby approves the purchase of
24 the hereinafter described real property, from World Seafoods,
25 Inc. and authorizes the City Manager to execute all necessary
26

1 documents to consummate said purchase. The lands are described as:

- 2 1. That portion of Government Lot 17 lying Northeasterly of the
3 Northerly right-of-way of HOMER SPIT ROAD within Section 35,
4 Township 6 South, Range 13 West, Seward Meridian, located in
5 the Homer Recording District, Third Judicial District, State
6 of Alaska;
- 7 2. At LOT TWELVE (12), EXCEPT that portion taken for highway
8 for Declaration of Taking Recorded June 13, 1967 in Book 44,
9 at Page 342, and that portion of LOT THIRTEEN (13), lying
10 Northerly of the Homer Spit Road as set forth in Declaration
11 of Taking Recorded June 13, 1967, in Book 44, at Page 342,
12 all in Section 35, Township 6 South, Range 13 West, Seward
13 Meridian, in the Homer Recording District, Third Judicial
14 District, State of Alaska;
- 15 3. Government Lots 11 and 18, Section 35, Township 6 South,
16 Range 13 West, Seward Meridian, in the Homer Recording
17 District, Third Judicial District, excepting therefrom that
18 portion conveyed to the State of Alaska by Warranty Deed
19 recorded August 23, 1966, and rerecorded October 26, 1966,
20 Homer, Recording District.

21 Section 2. TERMS OF PURCHASE. The total purchase price for the
22 above described lands is \$1,500,000.00 with a down payment of
23 \$250,000.00, an assumption of existing encumbrances in the approximate
24 aggregate amount of \$500,000.00, with annual payments of \$122,000.00
25 including interest at 10% for a period of approximately ten years on
26 the balance of \$750,000.00. The purchase is contingent upon annual
appropriations by the City Council as required by State Law. The
purchase is further contingent upon approval of the United States
Bankruptcy Court not later than October 1, 1983. Additional terms and
conditions are contained in that certain Receipt and Agreement to
Purchase dated June 1, 1983, which Agreement is incorporated by this
reference as though fully set forth herein, and is hereby approved.

Section 3. SUBSEQUENT APPROPRIATIONS. The Council
specifically approves and authorizes the payment of funds for the
purchase of the above described lands from the budgetary appropriations

1 of more than one fiscal year and the same may be made during the life
2 of the purchase contract subject to annual appropriation by the
3 Council.

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5 CITY OF HOMER

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7 
8 Erle Cooper, Mayor

9 ATTEST:

10 
11 Kathleen Herold, City Clerk


12 First Reading: 8/8/83

13 Public Hearing: 8/22/83

14 Second Reading: 8/22/83

15 Effective Date: 8/23/83

16 Reviewed and approved as to form this
17 5th day of August, 1983.

18 
19 A. Robt. Hahn, Jr. *KAH*
20 City Attorney