

CITY OF HOMER  
HOMER, ALASKA

*Postponed  
indefinitely 5.5.97  
Councilmember Parks  
City Attorney  
Spec  
May*

ORDINANCE 97-1

AN ORDINANCE OF THE CITY OF HOMER TEMPORARILY REPEALING AND REENACTING HOMER CITY CODE §18.08.040 TO REMOVE ALL CURRENTLY UNLEASED CITY REAL PROPERTY FROM AVAILABILITY FOR LEASING AND PROVIDING FOR AN EFFECTIVE DATE FOR REPEAL OF THE TEMPORARY REENACTMENT.

WHEREAS, the City of Homer Comprehensive Plan was adopted in 1989 and has not undergone a major review since then; and

WHEREAS, the City is currently commencing a major review of the Comprehensive Plan; and

WHEREAS, this review process may result in significant changes to the zoning code and in local land use patterns; and

WHEREAS, it would be unwise to allow any City lands to be leased out for purposes that may soon be incompatible with revisions to the Comprehensive Plan without a finding that it is in the public interest to do so.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 18.08.040 of the Homer City Code is hereby repealed and reenacted to read as follows:

(a) Unless the City Council finds that it is in the public interest to lease a particular parcel of City real property, no real property, including without limitation upland, tide, submerged, and shore land, to which the City has a right, title and interest as owner or lessee, or to which the City may become entitled, shall be made available for leasing under this chapter or otherwise.

~~Unless dedicated or reserved to another purpose, all real property including tide, submerged or shore lands to which the City has a right, title and interest as owner or lessee, or to which the City may become entitled, may be leased as provided in this chapter. In the case of any conflict between this chapter and any regulations or other ordinances or state law specifically governing the leasing of city tide and submerged lands, the latter shall prevail.~~

(b) Subsection (a) shall not affect any lease of City real property that is in effect on the effective date of this ordinance. Such real property may continue under lease, and is eligible for lease renewal or a new lease to the current lessee, or its successor in interest, only. Upon termination of any such lease, including any renewal or new lease to the current lessee or its successor in interest, any such real property shall thereafter be subject to subsection (a).

Section 2. This ordinance shall take effect at 12:01 a.m. on the day immediately following its enactment and, unless extended or sooner repealed, it shall remain in effect until midnight, June 30, 1999, at which time this ordinance is repealed and the provisions of HCC §18.08.040 in effect immediately prior to enactment of this ordinance shall be revived.

ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 27th day of May, 1997.

CITY OF HOMER

ATTEST:

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JACK CUSHING, MAYOR

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MARY L. CALHOUN, CMC, CITY CLERK

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

First Reading: May 5, 1997  
Public Hearing: May 12, 1997  
Second Reading: May 27, 1997  
Effective Date: May 28, 1997

Reviewed and approved as to form and content:

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PATTI J. WHALIN, CITY MANAGER

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GORDON J. TANS, CITY ATTORNEY