

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 17-30**

5
6 AN ORDINANCE OF THE HOMER CITY COUNCIL APPROVING A
7 CONTRACT WITH HOMER REAL ESTATE FOR REAL ESTATE
8 SERVICES TO MARKET AND SELL LOT 1 HARRY FEYER
9 SUBDIVISION, SECTION 14, TOWNSHIP 6 SOUTH, RANGE 13 WEST,
10 SEWARD MERIDIAN, KPB PARCEL NO. 179-110-05 AND
11 AUTHORIZING THE CITY MANGER TO ADJUST THE SALES PRICE,
12 THE BALANCE OF THE ASSESSMENTS, AND THE REALTOR'S
13 COMMISSION TO FACILITATE A SALE.

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15 WHEREAS, HCC 18.12.020 provides that real property that is no longer required for
16 public purpose may be sold; and

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18 WHEREAS, City Council determined that a public purpose did not exist for Lot 1 Harry
19 Feyer Subdivision and designated the property for sale in the City's 2015 and 2016 Land
20 Allocation Plans adopted by Resolution 15- 030(A) on April 27, 2015, by Resolution 16-043 on
21 April 25, 2016; and

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23 WHEREAS, The Land Allocation Plan clarifies that Lot 1 Harry Feyer Subdivision is a
24 small triangular sliver of land with water and sewer assessments and development constraints
25 that leave only a portion of the land developable; and

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27 WHEREAS, Ordinance 16-17(S) Section 5, further authorizes the sale of Lot 1 Harry Feyer
28 Subdivision for less than fair market value in consideration of its development constraints and
29 water and sewer assessments. In addition, Section 5 declares that it is in the best interest of
30 the City to convey the property for nominal consideration to an adjacent property owners; and

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32 WHEREAS, When combined, the water and sewer assessments are \$34,141.80, almost
33 equivalent to the assessed value of \$34,200.00; and

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35 WHEREAS, The property was offered through sealed bids and advertised on the City of
36 Homer website from March 17, 2017 through March 31, 2017, and one bid was received for one
37 dollar, and

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39 WHEREAS, Resolution 17-034 approved a sale, per the Invitation to Bid with the water
40 and sewer assessments of \$34,141.80; and

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42 WHEREAS, Due to the water and sewer assessments the prospective buyer did not
43 execute the final documents; and

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45 WHEREAS, Flexibility on the balance of the assessments may help sell the property; and

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47 WHEREAS, Pursuant to Homer City Code 18.12.020(d), the Council finds that reasonable
48 time and effort has passed without the City receiving an acceptable bid, so it is advantageous
49 to the City for the City Manager to contract for real estate services; and

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51 WHEREAS, Resolution 16-053 affirmed a three-year contract with Homer Real Estate for
52 the City's real estate services and compensating the broker a 10% commission fee; and

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54 WHEREAS, A real estate professional can contact adjacent property owners and help to
55 facilitate a replat of the parcel, and negotiate a sale that takes into consideration access issues
56 and the assessments; and

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58 WHEREAS, Due to the probability of selling Lot 1 Harry Feyer Subdivision for nominal
59 consideration, the 10% commission to be based on the combined sales price and the value of
60 the assessments; and

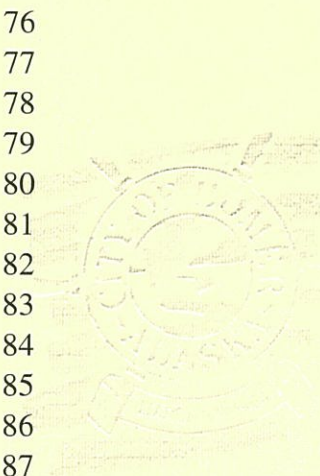
61
62 WHEREAS, In the event the sale, including assessment balances, deviates by more than
63 \$5,000.00 from previously accepted purchase agreements, the City Council will approve the
64 final terms of the sale.

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66 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

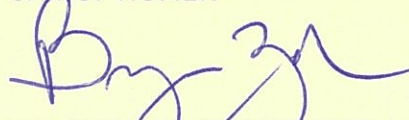
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68 Section 1. City Council of Homer approves a contract with Homer Real Estate for real
69 estate services to market and sell Lot 1 Harry Feyer Subdivision, Section 14, Township 6 South,
70 Range 13 West, Seward Meridian, KPB Parcel No. 179-110-05 and authorizes the City Manager
71 to adjust the sales price by no more than \$5,000.00.

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73 Section 2. This Ordinance is not permanent in nature, and shall not be codified.

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75 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 14 day of Aug, 2017.



CITY OF HOMER



BRYAN ZAK, MAYOR

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ATTEST:

Melissa Jacobsen
MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6
NO: 0
ABSTAIN: 0
ABSENT: 0

First Reading: 7.24.17
Public Hearing: 8.14.17
Second Reading: 8.14.17
Effective Date: 8.15.17

Reviewed and Approved as to form and content:

Kateri Koester
Mary K. Koester, City Manager

Holly Wells
Holly Wells, City Attorney

Date: 8-14-17

Date: 8-22-17

Fiscal note: Water and Sewer assessments of \$34,141.80 less closing costs.