



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting City Manager

DATE: January 27, 2022

RE: **Consenting to the Sale of a Portion of Ketchikan Creek Parcels - Lot 3, Harris Street**

The motion detailed below was prepared at the request of Acting Public Works Director Kara Jurczak, who asked that it be placed before the City Council for consideration at its meeting of February 3, 2022. The Ketchikan Gateway Borough Planning Commission/Platting Board received a request from Harris Street Lot 8 property owner Catherine Garber to purchase a 2,600 square-foot portion of Lot 3, which is adjacent to Lot 8, in order to build an ADA accessible wheelchair ramp to access her proposed residence. As the property was conveyed to the Borough from the City in 1995 with the use specified exclusively for recreation, approval of the City Council is required for this sale. Ms. Jurczak's transmittal memorandum is attached and requires no elaboration on the part of the City Manager's office. I concur with the Acting Public Works Director's recommendation.

The Acting Public Works Director will be attending the City Council meeting of February 3, 2022, in order to respond to any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended that the City Council adopt the motion consenting to the sale of a 2,600 square-foot portion of Ketchikan Creek Parcels – Lot 3, Harris Street from the Ketchikan Gateway Borough to the owner of Lot 8 for the purpose of installing an ADA accessible wheelchair ramp.

Recommended Motion: I move the City Council consent to the sale of a 2,600 square-foot portion of Ketchikan Creek Parcels – Lot 3, Harris Street from the Ketchikan Gateway Borough to the owner of Lot 8 for the purpose of installing an ADA accessible wheelchair ramp.

PUBLIC WORKS / ENGINEERING DEPARTMENT
Mark Hilson, P.E., Public Works Director
Kara Jurczak, P.E., Acting Public Works Director

CITY OF KETCHIKAN
Administrative Offices
PH: 907.228.4727
FAX: 907.225.8721

MEMORANDUM

TO: Lacey Simpson, Acting City Manager

FROM: Kara Jurczak, P.E., Acting Public Works Director

DATE: January 25, 2022

SUBJECT: **Land Sale - Portion of Ketchikan Creek Parcels – Lot 8 Harris St**

The owner of Lot 8 Harris St has approached the Ketchikan Gateway Borough (KGB) Planning Department with a request to purchase a portion of the Ketchikan Creek Parcels owned by the KGB. The Ketchikan Creek Parcels were conveyed to the Borough from the City in March 1995, however, the deed contains a caveat that the City may allow other uses or sale of the land upon written notice of said request and that proceeds from a sale will be used exclusively for recreation. I received formal notice of the request on January 25, 2022.

The attached exhibit shows the general area sought for purchase which is approximately 2,600-square feet. The exact metes and bounds of the property will be determined upon survey and platting of the new property lines but should retain this general shape and size. The owner of Lot 8 is bound to a wheel chair and the additional property width will allow for the construction of an ADA accessible ramp so she can access her proposed residence. I believe it is in the best interest of the City of Ketchikan to approve the proposed land sale.

RECOMMENDATION:

It is recommended that the City Council adopt a motion approving the sale of approximately 2,600-square feet of the Ketchikan Creek Parcels from the Ketchikan Gateway Borough to the current owner of Lot 8 Harris St.

Recommended Motion: I move the City Council approve the sale of approximately 2,600-square feet of the Ketchikan Creek Parcels from the Ketchikan Gateway Borough to the current owner of Lot 8 Harris St.

Attachments:

220125 Notice From KGB

Quitclaim Deed

Exhibit



KETCHIKAN GATEWAY BOROUGH

1900 First Avenue, Suite 126, Ketchikan, Alaska 99901

• telephone: (907) 228-6610 • fax (907) 228-6698

Department of Planning and Community Development

January 25, 2022

Transmitted Via Email

Kara Jurzak

RE: Sale of a Portion of the Schoenbar Creek Parcel

Dear Ms. Jurzak,

Pursuant to my November 11, 2021, email, a citizen desires to build a house on a parcel of land located adjacent to the Schoenbar Trail property (Schoenbar Creek Parcels, Plat No. 94-38) owned by the Borough, map attached for reference. The property owner is wheelchair bound, and for her to build an ADA ramp to get into the house, she needs additional width in her lot. The builder suggested she request the additional land required to build the ramp from the Borough.

Schoenbar Creek Parcels was conveyed to the Borough from the City in March 1995, to "be used, occupied, developed and held by the Borough solely, exclusively and completely for recreational purposes by the general public." (Deed, recorded at Book 0242, Pages 557-560) The deed does contain a caveat that the City may allow other uses or sale of the land with written notice from the Borough, this letter.

Borough staff believes this project is in the best interest of all parties and will not have any negative effect on the trail, rest of the parcel, or the intended public recreation of the area, and the proceeds from the land sale will be transferred into the recreation fund, as required by the deed.

Please provide a decision by the City within 30 days of the date of this letter, pursuant to the stipulations in the deed.

Sincerely,

Richard Harney
Planning and Community Development Director



GARBER PROPERTY
ON N.E. END OF
HARRIS STREET



TRADE "CONCEPT"

QUITCLAIM DEED

1
2 GRANTOR, CITY OF KETCHIKAN, ALASKA, a municipal corporation located at 334
3 Front Street, Ketchikan, Alaska 99901, (hereinafter referred to as "the City"), in order to
4 comply with the requirements of AS 29.35.340 and with the mandate of the electorate as
5 expressed in the election of October 2, 1990, hereby Quitclaims and Conveys to the
6 GRANTEE, KETCHIKAN GATEWAY BOROUGH, a municipal corporation located at 344
7 Front Street, Ketchikan, Alaska 99901, (hereinafter referred to as "the Borough"), the City's
8 interests, if any, in the following described parcels of real estate:
9

WALKER FIELD PARCEL

10
11 Walker Field Parcel as shown on the Plat of the Walker Field Subdivision,
12 Plat 94-38 recorded December 1, 1994, in the Ketchikan Recording District,
13 a subdivision of Homer, Confidence, Arizona, Lotus and Texas Lodes of
14 USMS 769, Lot 10 of Ingrams Addition, U.S. Survey 1381 and Schoenbar
15 Junior High Tract, Ketchikan Recording District, First Judicial District, State
16 of Alaska;

17 RESERVING, however, to the City, its successors and assigns, easements for
18 the construction, maintenance, repair, use, and replacement of utility lines
19 and facilities on, over, under and across those areas shown in said Plat 94-38
20 as utility easements whether described as Utility Easement, KPU Water Line
21 Easement, KPU Power Easement and KPU Power and Telephone Easement,
22 or otherwise described and whether described as created or to be created by
23 the platting action; and

24 FURTHER RESERVING to the City, its successors and assigns, all rights, title
25 and interests in those areas shown as rights of way in said Plat 94-38
whether described as created or to be created by the platting action and
including Schoenbar Road Right-of-Way and Park Avenue Right-of-Way.

KETCHIKAN CREEK PARCELS

26 Ketchikan Creek Parcels as shown on the Plat of the Walker Field
27 Subdivision, Plat 94-38, recorded December 1, 1994, in the Ketchikan
28 Recording District, a subdivision of Homer, Confidence, Arizona, Lotus and
29 Texas Lodes of USMS 769, Lot 10 of Ingrams Addition, U.S. Survey 1381
30 and Schoenbar Junior High Tract, Ketchikan Recording District, First Judicial
31 District, State of Alaska;

1 RESERVING, however, to the City, its successors and assigns, all rights, title
2 and interests in that area shown as Schoenbar Road Right-of-Way, Park
3 Street Right-of-Way, and Herring Street Right-of-Way on said Plat 94-38;

4 FURTHER RESERVING to the City, its successors and assigns, an easement
5 for the construction, maintenance, use, repair and replacement of utility lines
6 and facilities on, over, under and across that area shown as Pedestrian and
7 Utility Easement in said Plat 94-38, including that area extending from the
8 platted North Harris Street and that area between Grant Street and
9 Schoenbar Road.

10 CITY PARK PARCEL

11 City Park Parcel as shown on the Plat of the Walker Field Subdivision, Plat
12 94-38, recorded December 1, 1994, in the Ketchikan Recording District, a
13 subdivision of Homer, Confidence, Arizona, Lotus and Texas Lodes of USMS
14 769, Lot 10 of Ingrams Addition, U.S. Survey 1381 and Schoenbar Junior
15 High Tract, Ketchikan Recording District, First Judicial District, State of
16 Alaska;

17 RESERVING, however, to the City, its successors and assigns, all rights, title
18 and interests in those areas: shown as Existing Utility Easement, and
19 Existing KPU Utility Easement: shown as Herring Street Right-of-Way,
20 Salmon Right-of-Way, and Public Right-of-Way (existing); and shown as
21 Pedestrian and Utility Easement on said Plat No. 94-38; and

22 SUBJECT TO that Easement for Water Lines and that Quitclaim Deed from
23 the City to the Ketchikan Indian Corporation recorded in Book 236 page 72
24 and Book 236 page 69, respectively, and the "Agreement to Convey the Deer
25 Mountain Fish Hatchery and Easements" described therein.

The conveyance of all three of the above-described parcels of real estate is also made
subject to and conditioned upon the terms and conditions of an "Agreement By and
Between the City of Ketchikan, Alaska, and the Ketchikan Gateway Borough," of even date
herewith.

All of the parcels of real estate herein conveyed to the Borough shall be used,
occupied, developed and held by the Borough solely, exclusively and completely for
recreational purposes by the general public. "Recreational purposes" means: the public use
of publicly owned land for only athletic fields; playgrounds; indoor recreation facilities;

1 walkways; horticultural displays; hiking and bike trails; parking lots to the extent necessary
 2 for recreational use of the adjacent remainder of a parcel; storage buildings for equipment
 3 which is used on primarily the particular parcel; and areas open for free public recreational
 4 use. Other parking lots, public or private offices, schools, commercial buildings, residential
 5 buildings and other such non-recreational improvements shall not constitute recreational
 6 purposes. If any one of the above three parcels of real estate is used for purposes other
 7 than as allowed in this paragraph, and the parcel has not been sold or conveyed in the
 8 manner set forth below, the City may give written notice to the Borough specifying the
 9 parcel or part thereof which is not being used for public park purposes and demanding that
 10 such noncompliance with the provisions of this Deed be discontinued and any
 11 noncompliance abated. In the event that the Borough does not permanently and
 12 completely discontinue such noncompliance within thirty (30) days after the giving of such
 13 notice, then all right, title, and interest in and to that one entire parcel of real estate as
 14 described above shall revert back to the City.
 15

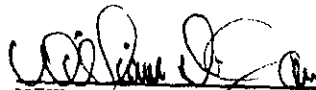
16 All three of the parks are important to the City for their aesthetics and for the
 17 positive role they play by providing open recreational land in an otherwise congested area.
 18 For these reasons none of the parcels may be sold or conveyed unless both:
 19

- 20 (1) The Borough has provided the City with written notice of its intent to
 21 sell or convey the parcels(s) which notice shall state that it is
 22 pursuant to the terms of this deed; and
- 23 (2) The City has either approved of the sale or conveyance or has failed
 24 to object in writing within thirty (30) days from the City's receipt of
 25 such written notice.

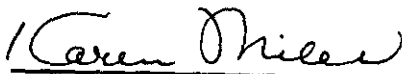
for recreational purposes as defined in this Deed.

DATED at Ketchikan, Alaska, this 7th day of March, 1995.

CITY OF KETCHIKAN


William D. Jones
 Interim City Manager

ATTEST


Karen Miles, CMC/AEE
 City Clerk

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RECORDED FILED
 KETCHIKAN REC.
 DISTRICT

MAR 21 1 31 PM '95

FILED BY KGB

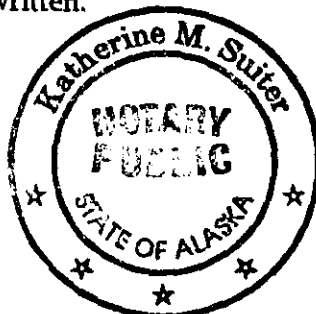
ADDRESS _____


CITY ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
 FIRST JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 7th day of March, 1995, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared **WILLIAM D. JONES** and **KAREN MILES** to me known to be the Interim City Manager and the City Clerk of the **CITY OF KETCHIKAN**, a municipal corporation, the corporation which executed the above and foregoing instrument; who on oath stated that they were duly authorized to execute said instrument and affix the corporate seal thereto on behalf of said corporation; who acknowledged to me that they signed and sealed the same freely and voluntarily on behalf of said corporation for the uses and purposes therein mentioned.

WITNESS my hand and official seal the day and year in the certificate first above written.




NOTARY PUBLIC FOR ALASKA
 My Commission Expires: 5-20-97

OFFICE OF THE
 CITY ATTORNEY
 334 Front Street
 Ketchikan, Alaska
 99901
 (907) 225-3111
 Ext. 327/d/qcd-kgb

RETURN TO: **BOROUGH ATTORNEY'S OFFICE**
KETCHIKAN GATEWAY BOROUGH
344 FRONT STREET
KETCHIKAN, AK 99901

QUITCLAIM DEED

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for recreational purposes as defined in this Deed.

DATED at Ketchikan, Alaska, this 7th day of March, 1995.

CITY OF KETCHIKAN

William D. Jones
William D. Jones
Interim City Manager

ATTEST

Karen Miles
Karen Miles, CMC/AAE
City Clerk

95-1149

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RECORDED FILED
KETCHIKAN REC.
DISTRICT

MAR 21 1 31 PM '95

INDEXED KGB

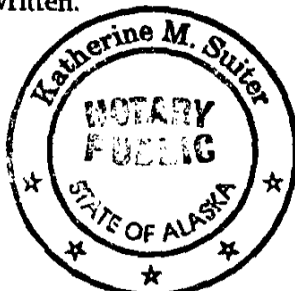
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WITNESS my hand and official seal the day and year in the certificate first above written.



Katherine M. Suiter
NOTARY PUBLIC FOR ALASKA
My Commission Expires: 5-20-97

OFFICE OF THE
CITY ATTORNEY
334 Front Street
Ketchikan, Alaska
99901
(907) 225-3111
Ext. 327/d/qcd-kgb

RETURN TO: BOROUGH ATTORNEY'S OFFICE
KETCHIKAN GATEWAY BOROUGH
344 FRONT STREET
KETCHIKAN, AK 99901



LIMITS OF SCHOENBAR TRAIL PEDESTRIAN AND UTILITY
EASEMENT GRANTED TO THE CITY OF KETCHIKAN

APPROX. 2,600 FT² PORTION OF LOT 3
OWNER OF LOT 8 WISHES TO ACQUIRE

GRANT STREET R.O.W.

LOT 8, BLOCK 3, USS 1381
OWNER: CATHERINE GARBER

LOT 3, KETCHIKAN CREEK PARCELS SUBD.
OWNER: KETCHIKAN GATEWAY BOROUGH

TO SCHOENBAR
MIDDLE SCHOOL

KETCHIKAN CREEK

KETCHIKAN CREEK

HARRIS STREET R.O.W.

PARK AVENUE R.O.W.

PARK AVENUE R.O.W.

SCALE IN FEET

50 0 100