

Steps for leasing Borough-Owned Real Property as per WMC 16.10

WMC 16.10.030 (Applications)

- _____ Application, COMPLETE development plan as stated below, and \$250 application fee
- _____ To Planning & Zoning to comment on the lease request

A. A person or entity seeking a lease for borough-owned real property shall file an application with the borough clerk's office. A nonrefundable processing fee of \$100.00 shall be paid to the borough at the time of filing. Applications for real property leases shall be submitted to the borough manager and the planning and zoning commission for review before being presented to the borough assembly for consideration.

B. Along with the application for the lease of real property, a development plan must be submitted for review.

1. Development Plan. The development plan shall include:

- a. A description of the proposed use for the real property; and
- b. A description of the improvements that will be placed on the real property; and
- c. The dates by which construction will begin and will be completed; and
- d. The estimated cost of the improvements that will be placed on the real property; and
- e. A description of the effects that the proposed use of the real property may have on public streets, public facilities, public services, public utilities, traffic, and parking. The description shall include a plan for mitigating adverse effects on streets, public facilities, public services, public utilities, traffic congestion, and parking, and a plan for paying the costs thereof; and
- f. The names and addresses of the owners, officers, and proposed managers.

The development plan shall describe how the applicant will fulfill the terms of any permits or approvals required by the City and Borough of Wrangell. The applicant shall provide additional information, including designs and specifications, as the borough manager or the planning and zoning commission may request. The applicant may be required to amend its development plan. All fees associated with the lease shall be paid by the applicant. Such fees include, but are not limited to, an application fee, survey, assessment, public notices, and recording fees.

As Per WMC 16.10.040 (Appraisal – Required improvements)

_____ Appraisal ordered by borough clerk

_____ (If not classified, a Survey is required)

A. No real property shall be leased, or a renewal lease issued therefor, unless the same has been appraised within six months prior to the date fixed for beginning of the term of the lease or renewal lease. Real property shall be leased for an annual rent of six percent of the appraised value of the land and any improvements thereon owned by the borough. State or federal agencies and nonprofit organizations that lease property from the borough may be exempt from this requirement.

B. Upon the filing of an application for a lease of a parcel of classified real property and the deposit of the costs estimated by the borough clerk, the borough shall cause the tract, and any improvements thereon owned by the borough, to be appraised at their fair market value. The borough may use a professional appraiser licensed in the state of Alaska to complete the appraisal. The appraisal shall be transmitted by the appraiser to the borough assembly which shall review the same and determine the appraised value of the tract and improvements thereon owned by the borough. Facilities for supplying utility services shall not be considered as such improvements. The assembly shall determine the annual rental as six percent of the appraised value and shall determine any limitations, reservations, requirements, or special conditions to be included in the lease. **(Note that if the assembly does not approve the leasing of tidelands, the applicant will still be required to pay the appraisal fee).**

As Per WMC 16.10.060 (Notice of publication)

_____ Public Notice of Public Hearing & Action to approve lease (Three consecutive weeks)

- Upland property owners within a 300 ft radius shall receive notice and shall have the opportunity to protest the application

Following review of the application by the planning and zoning commission, the borough assembly shall review and decide upon the application at a public hearing. The borough clerk will cause a notice of lease application to be published for three consecutive weeks before the public hearing. The publication shall be published in the newspaper at least two times, with the final publication at least one week prior to the final action on the application. The notice shall identify the applicant, the location of the proposed lease, and the proposed land use. The notice shall state that anyone wishing to protest the lease must file a written protest with the borough clerk not later than the date identified in the notice. Such protest shall be in writing and shall state all reasons for the protest. Failure to timely protest as required by this section shall waive any right to contest the lease application. No sooner than one week after the date set for receipt of protests, the borough manager

shall submit to the borough assembly a report and recommendation on each protest timely received by the borough.

All property owners within 300 feet shall be notified by mail regarding the public hearing.

As Per WMC 16.10.080 (Lease to be by negotiation)

_____ Borough Manager to negotiate lease with applicant

Leases may be negotiated by the borough manager or their designee with any person making application for the lease of real property, but no lease shall be consummated and executed until the borough assembly has satisfied itself that the lease of such property is in the long range interest of the borough, that such lease has been negotiated fairly and impartially and without favoritism and that the terms of the lease adequately protect the borough, including the receipt of an annual rental reflecting the true value of the premises leased.

As Per WMC 16.10.100 (Approval of leases)

_____ Assembly Approval

All leases of borough-owned real property shall be submitted for the approval of the borough attorney as to legal sufficiency and to form and to the borough assembly for determination as to whether or not the lease should be issued. The decision to lease real property shall be made by motion duly passed in regular or special session of borough assembly, following the public hearing regarding the lease application. A report and recommendation from the planning and zoning commission shall accompany the request that goes to the borough assembly for consideration. If the borough assembly determines additional information is required, it may consult with the planning and zoning commission regarding the lease application.

Summary and checklist:

- _____ Application (to the borough clerk)
- _____ Development Plan (to the borough clerk)
- _____ Fee (\$250) (to the borough clerk)
- _____ To planning & zoning for recommendation/comments
- _____ Appraisal (by the borough clerk)
- _____ Notice of publication (borough clerk will publish)
- _____ Lease (negotiated by the borough manager) created and approved by borough attorney
- _____ To borough assembly for approval or rejection

_____ Letter to requestor with decision and fees required