

CODE ORDINANCE

Sponsored by: Borough Manager

Introduced:

Public Hearing:

Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 25-124**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
AND UPDATING TITLE 23 REAL PROPERTY.

WHEREAS, the intent and rationale of this ordinance is
contained within IM No. 25-240 accompanying this ordinance.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and
permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of section. MSB 23.05.020 (B) is hereby
amended to read as follows:

(B) Borough-owned real property dispositions and
acquisitions [ARE UNENFORCEABLE UNLESS APPROVED IN
ACCORDANCE] **must be in conformance** with this title. Where
any conflicting chapters of borough code may occur,
provisions of this title shall take precedence with the
exception of real property, **real property interests**, and
natural resources **to be** acquired as part of [AN ACTIVE
CONSTRUCTION] **a** project or **as** right-of-way [RESERVED] for
future road expansion, which [WERE] **may be** funded with
local, borough, state, **or** federal monies to the extent that

the Code of Federal Regulations or the Alaska State Department of Transportation and Public Facilities Right-of-Way Acquisition Manual may control.

Section 3. Amendment of section. MSB 23.05.030 (E) is hereby amended to read as follows:

(E) Borough-owned real property, or any interest in real property, may be conveyed by deed or leased by the manager in accordance with any of the following methods of disposal:

- (1) by public auction, whether online sale, sealed bid or outcry, to the highest qualified bidder;
- (2) by exchange for other real property owned by a person, municipalities, the state of Alaska, the United States of America, corporations, trusts, or other legal entity;
- (3) by over-the-counter programs;
- (4) by lotteries, whether gaming or non-gaming;
- (5) by competitive bid via auction or request for proposal;
- (6) by agreements by application;
- (7) by remote parcel disposal programs;
- (8) by homestead program;
- (9) through the use of real estate brokers; and

(10) by any other means permitted by law.

Section 4. Amendment of section. MSB 23.05.040 (C) is hereby amended to read as follows:

(C) Records regarding each parcel shall be retained for a minimum of [25] 10 years after the borough ceases to have an interest in the real property.

Section 5. Amendment of section. MSB 23.05.150 (A) is hereby amended to read as follows:

(A) The following definitions shall apply in this title:

- "Auction" means a public sale of title, leasehold or other interests in borough real property by online sale or public outcry or sealed bid, or any combination of both.
- "Competitive sale" means a sale offered through online sale or sealed bid or outcry auction.

Section 6. Amendment of section. MSB 23.10.060 (B) is hereby amended to read as follows:

(B) Fair market value shall be based on one of the following:

(1) a third party appraisal pursuant to the criteria set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) as published by the Appraisal Foundation; or

(2) with the approval of the manager, the value assigned by the certified tax roll of the borough; or

(3) determination by a broker's opinion of value; or

(4) with the approval of the manager, the fair market value of easements may be established by either:

(a) a percentage of the value assigned by the certified tax roll of the borough; or

(b) by an appraisal; or

(c) by a fee schedule adopted by resolution of the assembly; or

(5) with the approval of the manager, the fair market value of resource sales may be established by either the fee schedule which sets the minimum prices

or by market price trends, the per acre price trends based on past timber sales, or both.

(6) the manager may negotiate in good faith to determine fair market value, not to be less than the value assigned by the certified tax rolls.

Section 7. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this - day of -, 2025.

EDNA DeVRIES, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)