

Title 14

TIDELANDS

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- 14.04 General Provisions
- 14.08 Definitions
- 14.12 Ownership and Disposition
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Chapter 14.04 General Provisions

Sections:

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- 14.04.020 Regulations authority.
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14.04.010 Chapter application. All tide and contiguous submerged lands within or seaward of the boundaries of the City (except those provided for hereafter) from the meander line as established on ATS 219 and seaward to a line agree upon by the City of Seldovia and the State of Alaska and shown on ATS 219 are affected by this title. This title pertains to the use and disposal of city-owned tide and contiguous submerged land. (Prior code Sec. 15.005)

14.04.020 Regulations authority. These regulations are adopted by the City Council of Seldovia, Alaska pursuant to authority vested in that body by Section 5, Article III, Chapter 169, SLA 1959, as amended. (Prior code Sec. 5.010)

14.04.030 State provisions applicable. This title implements, interprets and applies the provisions of the Alaska Land Act concerning use and disposal of tidelands and related matters and extends to and includes the applicable provisions of Section 6 of Public Law 85-508 (71 Stat. 330), admitting the state of Alaska to statehood in the United States of America and applicable provisions of the act of March 3, 1899, pertaining especially to establishment of harbor lines as well as applicable provisions of Public Law 85-303 (31 Stat. 623). (Prior code Sec. 15.015)

*For statutory provisions regarding tidelands and submerged lands, see AS Sec. 38.05.820 and Sec. 38.10.010-.050.

Chapter 14.08 Definitions

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- 14.08.330 The masculine gender.
- 14.08.340 The singular gender.
- 14.08.350 Tideland review committee.
- 14.08.360 Tide land.
- 14.08.370 Unland owner.

14.08.010 Accretion. "Accretion" means the gradual imperceptible addition of new land to old by the natural deposition of sediments, i.e., sedimentation. (Prior code Sec. 15.015 (d))

14.08.020 Act. "Act" means the Alaska Land Act as now constituted or as hereafter amended. (Prior code Sec. 15.015(a))

14.08.030 Apportionment survey cost. "Apportionment survey cost" means that cost prorated to each subdivided tide and submerged land tract. (Prior code Sec. 15.015 (kk))

14.08.040 City. "City" means the City of Seldovia. (Prior code Sec. 15.015 (c))

14.08.050 Class I preference right. A Class I preference right shall be extended to persons who occupied and developed tide and contiguous submerged lands seaward of the City of Seldovia on and prior to September 7, 1957, after executing a waiver to the state of Alaska and the City of all rights such occupancy may have had pursuant to Public Law 85-303. Upon execution of the waivers, such persons, or their successors in interest, have the right to acquire such occupied and developed tide and contiguous submerged land from the City for a consideration not in excess of the cost of survey, transferring and conveying title. (Prior code Sec. 15.015 (o))

14.08.060 Class II preference right. Class II preference right shall be accorded to Class I preference right claimants who refuse to execute a waiver to the state and City of any rights such occupants may have acquired pursuant to Public Law 85-303. It shall be mandatory for the City to honor the application from the occupant after the Secretary of the Army has submitted to the Secretary of the Interior, the Governor of the state and the City Council, maps showing pierhead line established by the Corps of Engineers with respect to the tract granted. (Prior code Sec. 15.015 (p))

14.08.070 Class III preference right. "Class III preference right" means the preference right extended to persons who occupied and developed tidelands after September 7, 1957, and who continued to occupy the same on January 3, 1959. Such persons, or their successors in interest, have the right to acquire such occupied and developed tidelands for a consideration not in excess of the cost of appraisal, administering and transferring, plus the appraised fair market value thereof, exclusive of any value occurring from improvements or development, such as fill material, building or structures thereon. (Prior code Sec. 15.015(q))

14.08.080 Coast line. "Coast line" means the line of ordinary low water along any portion of Seldovia Bay and is the line marking the seaward limit of inland waters. (Prior code Sec. 15.015(w))

14.08.090 Commissioner. "Commissioner" means the Commissioner of the Department of Natural Resources of Alaska. (Prior code Sec. 15.015(c))

14.08.100 Director. "Director" means the Director of the Division of Lands of the Department of Natural Resources. (Prior code Sec. 15.015(d))

14.08.110 Division. "Division" means the Division of Lands within the Department of Natural Resources. (Prior code Sec. 15.015(e))

14.08.120 Fair market value. "Fair market value" means the highest price, described in terms of money, which the property would bring if exposed for sale for a reasonable time in the open market, with a seller, willing but not forced to sell, and a buyer, willing but not forced to buy, both being fully informed of all the purposes for which the property is best adapted or could be used. (Prior code Sec. 15.015(ee))

14.08.130 Fill. "Fill" means earth, gravel, rock, sand or other similar materials placed upon tide or contiguous submerged lands for the purpose of elevating the lands above the high water line for a specific useful purpose. The placement of earth, gravel, rock, sand or other similar materials on tide or contiguous submerged land solely for the purpose of spoils disposal and thereafter abandoned and not used for any beneficial purpose shall not be considered fill. (Prior code Sec. 15.015(k))

14.08.140 Final tideland plat. "Final tideland plat" means that survey plat compiled of the tide and submerged lands under the direction and authority of the Division of Lands and the City of Seldovia that shows the subdivision of the tide and submerged lands and upon which each subdivided tract is identified by a letter and a number. (Prior code Sec. 15.015(hh))

14.08.150 Harbor line. "Harbor line" means that line fixed by the Secretary of the Army that is the limit to which piers, wharves, bulkheads or other work may be extended in navigable waters without further authorization. (Prior code Sec. 15.015(aa)).

14.08.160 Headings. Headings of parts and sections of this title are not a part of the regulations and are inserted for convenience only. (Prior code Sec. 15.015(ii))

14.08.170 Improvements. "Improvements" means buildings, wharfs, piers, dry docks and other similar types of structures permanently fixed to the tide or contiguous submerged lands that were constructed and/or maintained by the applicant for business, commercial, recreation, residential or other beneficial uses or purposes. In no event shall fill be considered a permanent improvement when placed on the tidelands solely for the purposes of disposing of waste or spoils. However, fill material actually utilized for beneficial purposes by the applicant shall be considered a permanent improvement. (Prior code Sec. 15.015(j))

14.08.180 Land. "Land" means all tide and submerged lands under the jurisdiction of the City. (Prior code Sec. 15.015(f))

14.08.190 Mean high tide. "Mean high tide" shall be interpreted as the tidal datum plane of the average of all the high tides as may be or has been established by the United States Coast and Geodetic Survey. Mean high water line shall be interpreted as the intersection of the datum plane of mean high water with shore. (Prior code Sec. 15.015(x))

14.08.200 Mean lower low water. "Mean lower low water" shall be interpreted as the tidal datum plane of the average of the lower of the two low waters of each day as has or may be established by the United States Coast and Geodetic Survey. (Prior code Sec. 15.015(z))

14.08.210 Mean low water. "Mean low water" shall be interpreted as the tide datum plane of the average of the low tides as has or may be established by the United States Coast and Geodetic Survey. (Prior code Sec. 15.015(y))

14.08.220 Natural resources. "Natural resources" includes, without limiting the generality thereof, oil, gas and all other minerals, but does not include fish, shrimp, oysters, clams, crabs, lobsters, sponges, kelp and other marine animal and plant life, or water power, or the use of water for the production of power. (Prior code Sec. 15.015(cc))

14.08.230 Occupant. "Occupant" means any person as defined herein, or his successor in interest, who actually occupied for any business, residential or other beneficial purpose, tidelands, or tidelands and submerged lands contiguous thereto, within the corporate boundaries of the City on or prior to January 3, 1959, with substantial, permanent improvements. The holder of a permit of clearance in respect to interference with navigation, or of a special use permit from a government agency will not qualify as an occupant unless such entry on the land had, through exercise or reasonable diligence, resulted in actual occupancy and substantial permanent improvements, as hereinafter mentioned. No person shall be considered an occupant by reason of having:

A. Placed a fish trap in position for operation or storage upon the tide, shore or submerged land;

B. Placed a setnet or piling therefore, or any other device or facility for the taking of fish;

C. Placed a piling or dolphins for log storage or other moorage;

D. Place floats or vessels upon the tide, shore or submerged land;

E. Placed telephone, power or other transmission facilities, roads, trails or other improvements not requiring exclusive use or possession of tide or contiguous or submerged land; or,

F. Claimed the land by virtue of some form of constructive occupancy. Where land is occupied by a person other than the owner of the improvements thereon, the owner of the improvements shall, for the purposes of these regulations, be considered the occupant of such lands. (Prior code Sec. 15.015(h))

14.08.240 Occupied or developed. "Occupied or developed" means the actual use, control and occupancy, but not necessarily residence, of the tide and contiguous submerged land by the establishment thereon of substantial permanent improvements. (Prior code Sec. 15.015(i))

14.08.250 Permit preference. "Permit preference" means that privilege of the upland owner to acquire first choice over other non-preference-right claimants to a permit for like use and enjoyment of the city-owned tide or contiguous submerged lands abutting his property. (Prior code Sec. 15.015(r))

14.08.260 Person. "Person" means any person, firm, corporation, cooperative association, partnership or other entity, legally capable of owning land or an interest therein. (Prior code Sec. 15.015(g))

14.08.270 Pierhead line. "Pierhead line" means a line fixed by the Corps of Engineers of the Department of the army that is parallel to existing line of mean low tide at such distance offshore from the line of mean low tide that the pierhead line shall encompass, to the landward, all stationary, man-made structures (but for vessel dockage which part extends beyond such a parallel line marking the seaward extremity of other man-made structures) which were in existence as of February 1, 1957, to seaward of the City. (Prior code Sec. 15.015(bb))

14.08.280 Preference right. "Preference right," subject to the classifications thereof established herein, means and includes the right of an

occupant to acquire by grant, purchase or otherwise at the election of the occupant, except as otherwise limited or prescribed in this title, any tract or tracts of tide land, or tideland and submerged land contiguous thereto, occupied, or developed by such occupancy on and prior to January 3, 1959. (Prior code Sec. 15.015(n))

14.08.290 Reclaimed, constructed tide, or contiguous submerged lands. "Reclaimed" or "constructed tide" or "contiguous submerged lands" is here defined as those lands resulting from purposeful filling of tide or contiguous submerged lands. (Prior code Sec. 15.015(m))

14.08.300 Shore lands. "Shore lands" means all lands that are covered by nontidal waters that are navigable under the laws of the United States up to ordinary high water mark as heretofore or hereafter modified by natural accretion, erosion or reliction. (Prior code Sec. 15.015(t))

14.08.310 Submerged lands. "Submerged lands" means those lands covered by tidal waters between the line of mean low water and seaward to a distance of three geographical miles, or as may hereafter by properly claimed by the City. (Prior code Sec. 15.015(v))

14.08.320 Substantial permanent improvement. "Substantial permanent improvement" shall for these regulations have the same meaning as improvements as defined in Section 14.08.230. (Prior code Sec. 15.015(l))

14.08.330 The masculine gender. The masculine gender includes the feminine and the neuter. (Prior code Sec. 15.015(gg))

14.08.340 The singular gender. The singular gender includes the plural. (Prior code Sec. 15.015(ff))

14.08.350 Tideland review committee. "Tideland review committee" means that committee appointed by the City Council to decide on matters pertaining to the administration, adjudication and disposal of tideland preference right applications. (Prior code Sec. 15.015(jj))

14.08.360 Tidelands. "Tidelands" means those lands that are periodically covered by waters between the elevation of mean high and mean low tides. (Prior code Sec. 15.015(u))

14.08.370 Upland owner. "Upland owner" means that owner whose upland property abuts the line of mean high tide. (Prior code Sec. 15.015(s))

Chapter 14.12 Ownership and Disposition

Sections:

- 14.12.010 Ownership.
- 14.12.020 Protection of fish and game.
- 14.12.030 Herring spawn covenant.
- 14.12.040 Reservations.
- 14.12.050 Damages--Payment.
- 14.12.060 Federal priority.
- 14.12.070 Navigational authority.
- 14.12.080 Final tideland plat.
- 14.12.090 Notice and posting.
- 14.12.100 Protest of disposal.
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- 14.12.120 Deposit by applicant.
- 14.12.130 Site examinations.
- 14.12.140 Preference right application filing.
- 14.12.150 Waste or injury to land.
- 14.12.160 Additional tide and submerged land.
- 14.12.170 Application--Form.
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- 14.12.240 Appraisal of tract.
- 14.12.250 Appraisal--Cost.
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- 14.12.270 Purchase agreement and terms.
- 14.12.280 Purchase agreement for fair market value.
- 14.12.290 Independent survey.
- 14.12.300 Conveyance of title.

14.12.010 Ownership. Except as otherwise provided herein, the City, by virtue of AS 38.05.320 and any patents hereafter issued to it, reserves and succeeds to all right, title and interest of the state in tide and submerged lands lying seaward of the City, including lands, improvements, reclaimed lands, or natural resources in all lands up to the original GLO meander line of the townsite survey and seaward to such director's line as may be defined on any patents;

provided, however, that those lands and rights therein lawfully vested in others by acts of Congress prior to January 3, 1959, shall not be infringed upon and provided further that title to natural resources therein shall be reserved to the state until such time as the state may convey such title to the City. (Prior code Sec. 15.020)

14.12.020 Protection of fish and game. Prior to any construction or development by any persons or governmental agency that will use, divert, obstruct, pollute or utilize any of the waters of the state or materials from such water areas, the Commissioner of the Alaska Department of Fish and Game shall be notified and a letter of approval obtained by the applicant pursuant to Chapter 94, Article I, Section 31, SLA 1959, as amended. (Prior code Sec. 15.025)

14.12.030 Herring spawn covenant. The lease or sale of any city tide and submerged lands shall contain a restrictive covenant pursuant to Section 2, Chapter 34, SLA 1959, as now or as hereafter amended. (Prior code Sec. 15.030)

14.12.040 Reservations. Each and every contract for the sale, lease or grant of, and each deed to city tide and contiguous submerged land, properties or interest therein, made under the provisions of this title, shall be subject to a reservation to the City or to the state of Alaska, whichever shall be entitled thereto, which shall be substantially in the following form: "The party of the first part hereby expressly saves, excepts and reserves out of the grant hereby made unto itself (or to the State of Alaska) its lessee, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, and fossils, and it also hereby expressly saves and reserved out of the grant hereby made, unto itself, (or to the State of Alaska), its lessees, successors, and assigns forever the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or part thereof, at any and all times, for the purpose of opening, developing drilling and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to and over said land, whether herein expressed or not, reasonable necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved. (Prior code Sec. 15.035)

14.12.050 Damages--Payment. No rights shall be exercised under the foregoing reservation, by the City or the state or their lessees, successors or assigns until provision has been made by the City or the state or their lessees, successors or assigns, to pay to the owner of the land, upon which the rights, herein reserved to the City or the state or their lessees, successors, or assigns, are sought to be exercised, full payment for all damages sustained by said owner by reason of entering upon said land; provided that if said owner for any cause whatsoever refuses or neglects to settle said damages, the City or the state or their lessees, successors, assigns or any applicant for a lease or contract from the City or the state for the purpose of prospecting for valuable minerals or option contract or lease for mining coal, or lease for extracting petroleum or natural gas, shall have the right, after posting a surety bond with the City Council or the director, as the case may be, in a company qualified to do business in Alaska and in a form as determined by the City Council, or the director, as the case may be, after due notice and opportunity to be heard, to be sufficient in amount and security to secure the owner full payment for all such damages, to enter upon the land in the exercise of said deserved rights, and shall have the right to institute such legal proceedings in a court of competent jurisdiction wherein the land is situated, as may be necessary to determine the damages which the surface lessee of such lands may suffer. (Prior code Sec. 15.040)

14.12.060 Federal priority. The following tidelands and tide and contiguous submerged lands are reserved pursuant to Section 3, Public Law 85-303, (71 Stat. 623) 1957:

All tracts or parcels of lands, together with all accretions thereto, resources therein, or improvements thereon, title to which has been lawfully and expressly acquired by the United States from the territory or state of Alaska or from any part in whom title has vested under the laws applicable to the territory or state, or the law of the United States, all lands expressly retained by or ceded to the United States, all land acquired by the United States by gift or by proceedings under eminent domain, all lands filled in, built up or otherwise reclaimed by the United States for its own use as long as so used, and any rights that the United States has in lands presently and actually occupied by the United States under claim or rights. (Prior code Sec. 15.045)

14.12.060 Navigation authority. The City shall have authority pertaining to the construction and placement by itself or by others of solid fill and/or open pile structures that will extend to the harbor line as established by the U.S. Army Corps of Engineers, except as provided in Sections 10 and 11 of the River and Harbor Act of 1899 (30 Stat. 1151; 33 U.S.C. 403 and 404). (Prior code Sec. 15.050)

14.12.080 Final tideland plat. The final tideland survey plat showing completed subdivision and monumentation and signed by the City Manager and the

director shall be known as final tideland plat ATS 219. The final plat shall serve as the basis upon which all tideland preference right disposals shall be made. (Ord. 7418 Sec. 1(part), 1974; prior code Sec. 15.055).

14.12.090 Notice and posting. Tideland and contiguous submerged lands as well as any material therefrom owned by the City shall be sold, granted, leased or otherwise disposed of only through action of the City Council. No land or material in the tidelands shall be sold, granted, leased or otherwise disposed of until Council has received a recommendation thereon from the City Manager. Before such lands or any interest therein is disposed of the City Clerk shall post a notice for three consecutive weeks preceding the time of disposal as stated in the notice, in at least two common posting places; provided the sale, lease or disposal of lands shall be held not less than one week nor more than three weeks following the last date of the posted notice. The notice shall set forth the following:

- A. The name and address of person, persons, corporation or agencies requesting the sale, grant, lease or interest therein;
- B. The location and description of the lands or interest therein and the improvements thereon;
- C. The preference or preference right claimed, if any, and the length of time including dates the claimant occupied the land;
- D. The date, time and place, and the general terms, including the minimum bid, if any, of the sale, lease or other disposal;
- E. The dates of the advertisement or posting. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.060)

14.12.100 Protest of disposal. Anyone may file a protest with respect to the grant, sale, lease or other disposal of tidelands or materials thereon or therein. Such protest shall be in writing and contain a statement as to the nature and reason for the protest. Each protest so made shall be filed with the City Clerk during but not later than the last date provided in the past notice. The party protesting shall be required to notify by registered or certified mail the party whose action he is protesting. The postmark date of the addressee's post office will govern. Failure to protest shall constitute a waiver. (Prior code Sec. 15.065)

14.12.110 Review of protest. The City Clerk shall upon receiving a protest, indicate upon it the time and date received and then submit it to the City Manager, who shall review the protest. The City Manager shall upon review submit his findings to the City Council. The City Council shall notify the protestant of their

findings within thirty days of the date the protest was received by the City Clerk. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.070)

14.12.120 Deposit by applicant. The City Manager may require applicants to deposit with the City Clerk a sum sufficient to cover all, or any portion of, anticipated costs of appraisal and/or advertisement. Such deposit shall be made within thirty calendar days after request for deposit. Failure to comply shall result in cancellation of the application. Any sum above the actual cost shall be returned to the applicant. In the event the land applied for is disposed of to other than the applicant within thirty days after offering, the successful applicant shall be required to pay any survey, appraisal or advertising cost and the original deposit will be returned to the depositor. If the depositor cancels his application, or fails to accept the contract or title when offered by the City, the deposited money shall be forfeited but if the City does not grant the application, all sums in excess of costs incurred shall be refunded. It shall be the responsibility of the City following the receipt of any deposit required to perform or have performed any appraisal, and/or advertisement required or deemed necessary. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.075)

14.12.130 Site examinations. The City, through its authorized representative, shall have the right to enter upon any city-held tidelands that are leased, or upon which a permit was granted, to make any and all examinations or investigations that are deemed necessary. (Prior code Sec. 15.080)

14.12.140 Preference right application filing. An occupant claiming a Class I, Class II, or Class III preference right may make, and the City will accept, applications for preference rights at any time during normal working hours within two years from the effective date of the ordinance adopting these regulations. Any preference right for which an application is not filed within this period shall be lost. (Prior code Sec. 15.080)

14.12.150 Waste or injury to land. It is unlawful for any person to commit waste or other injury upon city owned tide and contiguous submerged land and the person so offending shall, in addition to being civilly liable for any damages caused, upon conviction be punished in accordance with the Seldovia Municipal Code. (Prior code Sec. 15.085)

14.12.160 Additional tide and submerged land. In approving any application for a preference right, the City shall include as part of the tract conveyed, and in addition to the occupied or developed lands, such additional tide and contiguous submerged lands as shall be reasonably necessary in the opinion of the tidelands review committee for the occupant's use and enjoyment of the occupied or developed land; provided, however, that any such conveyance shall not include an area which would unjustly deprive any other applicant from

reasonable use and enjoyment of the lands for which he applied or any area which would interfere with navigation. (Prior code Sec. 15.090)

14.12.170 Application--Form. All persons claiming a preference right to any tideland tract shown on the final tideland plat ATS 219 shall submit an application to the City Clerk on a form approved by the Tideland Review Committee. (Prior code Sec. 15.095)

14.12.180 Application--Approval or disapproval. A. Each complete preference right application submitted to the City Clerk shall be forwarded to the Tideland Review Committee. The Tideland Review Committee through its chairman may request the applicant to submit additional information or proof of ownership as deemed necessary.

B. The Tideland Review Committee shall, within sixty days from the date the application is received by the City Clerk, notify the City Manager of its approval or disapproval of the application.

C. If the application is approved, the Tideland Review Committee shall notify the City Manager of all moneys owed the City by the applicant which pertains to the tideland application and he shall then recommend that a resolution be passed authorizing conveyance of said tract to the applicant.

D. If the application is not approved, or if it is determined that the applicant possesses a different preference right than that claimed, the Tideland Review Committee shall so notify the applicant by registered mail and state their reasons for disapproval. The Tideland Review Committee shall then advise the City Manager. (Ord. 74-18 Sec. 1(part), 1974; prior code Sec. 15.095)

14.12.190 Payment--Class I preference right. Upon approval of each Class I preference right application, the Tideland Review Committee shall notify the applicant of all moneys owed the City pertaining to the tideland application, including, but not limited to, the applicant's proportionate share of the survey cost. The apportionment of the survey cost shall be computed as stipulated. Upon receipt of notice from the Tideland Review Committee, the applicant shall have thirty days to make payment or enter into a purchase agreement as set forth in Section 14.12.270. If payment is not made, or a purchase agreement is not entered into within the thirty day period, the application shall be voidable at the City's option. (Prior code Sec. 15.100)

14.12.200 Payment--Class II preference right. Upon approval of each Class III preference right application, the Tideland Review Committee shall notify the applicant of all moneys owed the City pertaining to the tideland application including, but not limited to, proportionate share of the survey cost. The apportionment of the survey cost shall be computed as stipulated. If payment is

not made, or a purchase agreement is not entered into within the thirty-day period, the application shall be voidable at the City's option. (Prior code Sec. 15.105)

14.12.210 Appeal of committee action. Any action taken by the Tideland Review Committee may be appealed to the City Council. The City Council shall render its decision within sixty days from the date the appeal is submitted. Any person shall have the right to appeal in person before the City Council or present his views in writing or be represented. (Prior code Sec. 15.110).

14.12.220 Appeal form. Any appeal submitted to the City Council must:

- A. Be filed within thirty days after receipt of notice of the action by the Tideland Review Committee;
- B. Must be filed at the office of the City Clerk.
- C. Specify the action or actions to be reviewed by the City Council;
- D. Specify the grounds urged for the reversal or modification of the action. (Prior code Sec. 15.115)

14.12.230 Finality of decision. The City Council shall within sixty calendar days after receipt of the notice of appeal render its decision that shall be final so far as the City is concerned, but without prejudice to any other remedy or remedies the applicant may have. (Prior code Sec. 15.120)

14.12.240 Appraisal of tract. Appraisal of the tract shall be made by a qualified appraiser to be appointed by the Tideland Review Committee. Such appraisal to be made on the basis of fair market value of the tidelands exclusive of any value resulting from improvements or developments, such as fill material, buildings, or structures thereon. (Prior code Sec. 15.125)

14.12.250 Appraisal--Cost. The cost of the appraisal shall be borne by the applicant with the fee to be determined by the Tideland Review Committee. (Prior code Sec. 15.130)

14.12.260 Appraisal--Deposit. Each Class III preference right claimant shall deposit with the City Clerk the sum of fifty dollars to cover the cost of appraisal. Any amount exceeding this shall be charged to the applicant and any surplus shall be returned to him. (Prior code Sec. 15.135)

14.12.270 Purchase agreement and terms. A. Persons eligible to receive tideland conveyance from the City may enter into a purchase agreement.

B. Purchase agreements shall require the applicant to pay to the City according to a payment schedule that shall be agreed upon between the purchaser and the City. However, in no event shall the final payment under said agreement be made beyond five years from date of patent. (Prior code Sec. 15.140)

14.12.280 Purchase agreement for fair market value. Purchase agreements shall be allowed for only the payment of the fair market value of the tideland tract and for the proportionate cost of survey. (Prior code Sec. 15.145)

14.12.290 Independent survey. If two or more qualified preference right claimants agree to a boundary relocation, approval of the Tideland Review Committee and concurrence of the Director of the Division of Lands must be obtained by letter. All independent surveys shall be performed by a registered engineer or surveyor and the total cost shall be borne by the claimants. The final plat shall conform to the requirements of the state of Alaska Tideland Regulations and shall not be considered final until approved by the Tideland Review Committee and concurred in by the Director of the Division of Lands. (Prior code Sec. 15.150)

14.12.300 Conveyance of title. When all requirements have been satisfied by the applicant, the City Council shall direct the City Clerk to convey title. (Prior code Sec. 15.155)

Chapter 14.16 Leases and Use Permits

Sections:

- 14.16.010 Nonpreference right tidelands.
- 14.16.020 Tideland leases.
- 14.16.030 Tideland permit--Purpose.
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- 14.16.050 Tideland permit--Duration.
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14.16.010 Nonpreference right tidelands. When in the best interest of the City, the City Council may grant leases or permits for the use of city-owned tidelands. (Prior code Sec. 15.160)

14.16.020 Tideland leases. City-owned tide and submerged land shall be leased in accordance with the Charter of the City. In addition to any requirements there set forth, the applicant shall submit a development plan that shall state:

- A. The purpose of the proposed construction or improvement;
- B. The type of construction;
- C. The date construction will begin and the estimated date of completion;

D. And any other date, survey plats or information deemed necessary by the City Manager. (Prior code Sec. 15.165)

14.16.030 Tideland permit--Purpose. The City Council may issue permits for the use and/or improvement of city-owned tidelands. Council shall give such preference to the use of the land as will be of greatest economic benefit to the City, provided that first preference shall be granted to the upland owner over other nonpreference applicants for the use of tideland and contiguous submerged land seaward of the upland property and which is needed by such owner for the purpose or purposes for which it may be granted. (Prior code Sec. 15.170)

14.16.040 Tideland permit--Application. Application for a tideland permit shall be submitted to the City Manager. The City Manager shall submit the application to the City Council for their approval or disapproval. Whereupon, Council may, with or without a public hearing or posted notice, grant or reject the requested permit. (Prior code Sec. 15.175)

14.16.050 Tideland permit--Duration. A. Permits issued shall not exceed five years in duration, but are renewable at the option of the City Council. All permits shall be revocable when used contrary to the conditions under which they are granted, or when Council in its judgment determines that the best interest of the City would be served by revocation. If any permit expires or is revoked, all improvements place on the tide or contiguous lands shall be removed by the permittee within sixty days; provided, however, that the City Manager may extend the time for removing such improvements in cases where hardship is shown. A permittee may, with the consent of the City Manager, sell his improvements to any succeeding permittee.

B. Any improvements or chattels having an appraised value in excess of ten thousand dollars that are not removed within the time allowed shall be sold at public sale and the net proceeds thereof, if any, be paid to the permittee after paying all expenses of the sale and charges due to the City. If there be no other bidders, the City may bid on the property for the total amount of permittee's indebtedness to the City. Any improvements having a value of less than ten thousand dollars that are not removed within the time allowed shall revert to and become the absolute property of the City. (Prior code Sec. 15.180)

14.16.060 Right-of-way and easements. Permits may be issued by the City Manager and after approval by City Council for utility lines and services of all types and for necessary rights-of-way. Such permits shall be revocable at the option of the City. (Prior code Sec. 15.185)

14.16.070 Disposal of material. Applications for the free use or the purchase of material on city owned tideland or contiguous submerged lands shall be submitted to the City Manager and he shall present his recommendations to the

City Council and the City Council shall determine the conditions of disposal; provided that when such disposal are deemed not in the best interest of the City, the City Council shall reject the application. (Prior code Sec. 15.190)