

CHAPTER 5 – PUBLIC LANDS

Article 1 – Parks and Campgrounds

Section 5.105 Definitions

- (a) A “group” is ten or more people together related by a common factor.

Section 5.110 Rules and Regulations

- (a) The city clerk shall issue proposed rules and regulations for the use of parks and campgrounds.
- (b) The proposed rules and regulations shall be posted in three public places in Nenana; copies shall also be given to the mayor and all members of the municipal assembly.

Section 5.115 Permits Required to Stay in City Parks or Campgrounds Longer Than 72 Hours; Penalty

- (a) No person shall occupy a city campground longer than seventy-two hours unless that person first obtains a permit to do so from the city clerk.
- (b) Any person who occupies a city park or campground longer than seventy-two hours without obtaining a permit, after having been given reasonable notice that a permit is required, is guilty of a misdemeanor.

Section 5.116 Considerations in Issuing Extended Use Permits.

In determining whether a permit to occupy a park or campground longer than seventy-two hours should be issued to a particular applicant, the city clerk shall consider:

- (1) Whether there are other persons desiring to use the campground presently occupied by the applicants;
- (2) Whether the applicant has kept the campsite clean and free from litter;
- (3) Whether the applicant has abided by all rules and regulations which have been established for the care and maintenance of city campgrounds;
- (4) Possible damage to campgrounds from overuse.

Section 5.120 Permit and Fees for Groups

- (a) Any group desiring to use a city park or campground shall first obtain a permit, pay a use fee, and pay a damage deposit. The damage deposit shall be refundable upon departure absent any

damage to park or campground equipment and upon showing that the grounds have been left free of litter. Issuance of a group permit is in the reasonable discretion of the clerk.

(b) The use permit may be applied for during regular office hours at the city clerk's office.

(c)

(a) The use fee, nonrefundable, shall be \$25.00.

(b) The damage deposit shall be set by the city clerk and may not exceed \$500.00. In setting the fee, the clerk shall consider:

- (i) the number of persons in the group;
- (ii) the prior use history of the group, if any;
- (iii) the nature of the activities planned by the group; and
- (iv) the impact of those activities on the park or campground.

The clerk shall not consider any other factors in setting the damage deposit.

(a) Each member of any group which uses a city park or campground without a group permit shall be guilty of a violation punishable by a fine of not more than \$100.00.

Section 5.121 Considerations in Issuing Group Permits.

In determining whether to issue a group permit, the city clerk shall consider:

- (1) Whether other people will be substantially denied the use of the park if the permit issued;
- (2) Whether the applicants have in the past kept their campsite or park site clean and adhered to park and campground rules;
- (3) Possible damage to the park or campground from overuse.

Section 5.125 Equal Access to Parks

No person or group shall be denied a permit for the use of any park or campground in the Municipality of Nenana on the grounds of race, age, color, religion, sex, or national origin.

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Article 2 – Nenana Historical District Commission

Section 5.205 Definitions.

(Reserved)

Section 5.210 Creation of Historical District Commission.

The Municipality of Nenana Planning commission shall serve and act as the Nenana Historical District Commission.

[Reviser's Note – For the other duties of the Nenana Planning Commission, see Section 7.125. AS 29.55.010 provides that the planning commission may serve as the historical district commission.]

Section 5.215 Establishing Historical Districts.

The Nenana Historical Districts Commission shall with the advice of Historic Sites Advisory Committee within the Department of Natural Resources, establish historic district.

[Reviser's Note – As 29.55.020 provides the procedures for designating historical districts.]

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Article 3 – Public Lands Disposal

[Reviser’s Note – As a home rule municipality, Nenana is not required to comply with AS 29.36.090 and the rules it imposes for real property disposal. However, various sections of Title 29, including those sections defining what acts must be performed by ordinance, do still apply. The Nenana Charter also imposes some limits on the authority of the Assembly to dispose of real property.]

[Reviser’s Note – Prior Chapter 5, Article 3 was repealed and replaced by the following Article 3 by adoption of Ordinance 85-12 on June 17, 1986.]

Section 5.305 Definitions

- (a) “Easement” means a right or privilege granted by the Municipality to another government, a regulated public utility or to the public at large to use an interest in public land of the municipality carrying less than fee title.
- (b) “Fair market value” means the price a willing purchaser would pay to a willing seller in an unconstrained market in real property in the area of Nenana, Alaska for similar parcels and interests in real property.
- (c) “Interest in real property” means any right or privilege to use or receive the benefit of real property, whether recorded or unrecorded, whether a license, right-of-way, easement, lease, terminable fee or fee simple.
- (d) “License” means an unrecorded, non-exclusive right to use real property for a period of three months or less under written agreement with the Municipality.
- (e) “Property” means any real property or any interest in real property owned in whole or in part by the Municipality.
- (f) “Right-of-Way” means written authorization by the Municipality to cross over municipal real property, but not to fix or bury permanent structures other than roads on the real property. A road may be built on a right-of-way; a cable may not be buried on a right-of-way.
- (g) “Transfer” means any sale, lease, exchange or other conveyance of property by the Municipality except the grant of an easement or right-of-way, the interdepartmental transfer of property within the Municipality or the transfer of property acquired from the State.

Section 5.310 Requirements for Disposal

- (a) The Municipality may transfer property for any of the following reasons:
 - (i) when the property is no longer required for a municipal purpose;
 - (ii) when the property has been acquired by foreclosure of a real property tax lien; or
 - (iii) when the transfer of the property will make it available for a beneficial new industry that is willing to operate its business according to conditions imposed by the Municipality.

Section 5.315 Determination of Fair Market Value

- (a) There shall be a rebuttable presumption that the assessed value of real property as determined by the Municipal Assessor is the fair market value of that real property.
- (b) The rebuttable presumption of the fair market value of the real property may be overcome by evidence by a competent disinterested real estate appraiser, who demonstrates by comparable sales that the fair market value of the real property is higher or lower than the assessed value. The Municipality or any prospective purchaser may rebut the presumptive fair market value under this section.
- (c) Where the conveyance of municipal real property is not in fee simple, as in a lease or rental, the fair market value shall be determined by the present value of the conveyance or the fair rental value of the interest in the property.

[Reviser's Note – Valuation of a leasehold interest or a defeasible interest ("to Jones so long as it is used for a church") can present difficult questions of valuation. This subsection is intended to give the Municipality maximum flexibility in determining the fair market value of such conveyances.]

Section 5.320 Disposal of Interest - \$10,000 and Less

- (a) Interests in real property having a fair market value of \$10,000 or less may be disposed of for fair market value by resolution duly adopted by the Assembly. However, no resolution shall be required where the Assembly has previously authorized the sale of the interest in real property by resolution or ordinance at that price or at a lower price.

(b) The Assembly may authorize the Mayor to grant licenses, right-of-way and easements by lawfully adopted resolution. Such licenses, right-of-way and easements may be described in the authorizing resolution in general terms or by reference to a specific project. No license, right-of-way or easement is reasonably described in general terms by a resolution or ordinance.

(c) Unless specified otherwise, any method for disposal of interests in real property which is authorized for interests in real property having a value in excess of \$10,000.00 shall be a lawful method for disposal of municipal interests in real property having a value of or less than \$10,000.00.

Section 5.325 Delegation to Port Authority

The Port Authority may lease any municipal interest in real property within the limits of the Port of Nenana where the Municipal Assembly would be authorized to do so by resolution. The Port Authority shall obtain approval by the Municipal Assembly by lawfully adopted ordinance to dispose of any other interest in real property.

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Article 4 – Public Lands Disposal

[Reviser's Note – Article 4 of Chapter 5 was repealed by adoption of Ordinance 85-12 on July 17, 1986.]