

INTRODUCTION

“Rarely do local governments have the opportunity to acquire at no cost large undeveloped tracts of land. In Alaska, municipalities have been the beneficiaries of several important pieces of legislation, which provide for transfers of property to municipal ownership The possession of this undeveloped land creates a conveyance problem for local governments. If municipalities retain these conveyances for public use, local community development could be severely inhibited. It will be incumbent upon municipalities in the future to convey portions of municipal land holdings into private ownership.”

The acquisition, management, and disposal of municipal land is a normal part of local government operations. In Alaska, however, municipalities must address special considerations in the management and transfer of public land.

Of particular significance to Alaskan municipalities are three important pieces of legislation that provide for the transfer of property to municipal land ownership: the General Grant Land law (AS 29.65), the Alaska Native Townsite Act (ANTA), and Section 14(c)(3) of the Alaska Native Claims Settlement Act (ANCSA). The provisions of these laws, in combination with State constitutional, statutory, and other mandates, create unique challenges to public land conveyance in the state, particularly with respect to the development of ordinances for the management and transfer of municipal land.

The purpose of this handbook is to provide guidance in the drafting of ordinances for municipal land acquisition, management, and disposal in Alaska. The first half of the handbook covers the considerations, policies and procedures for the management and transfer of municipal land, and provides sample ordinance documents for training purposes, including:

- the major considerations involved with municipal land acquisition, management, and disposal;
- a model code ordinance for the acquisition, management, and disposal of land;

- explanatory notes regarding provisions of the model code ordinance;
- a sample resolution and non-code ordinance for acquisition of municipal land; and
- sample documents and procedures for temporary and casual uses of municipal lands.

The second half of this handbook contains a set of appendices providing State Attorney General opinions, information of relevance from two community legal assistance grants, and other legal information regarding municipal land management and transfer.

Most of the information in this handbook has been based on materials compiled by the Department of Community & Regional Affairs during the 1980s; however, this information is relevant to current municipal land transfer and management issues. Wherever possible, the original sample documents have been reprinted for purposes of clarity in reading. In cases where a signed document is presented as an example, a copy of the original document is provided.

This handbook was designed to be used by Division of Community & Regional Affairs (DCRA) staff for training and technical assistance purposes. The handbook may also be used directly by municipal local governments. In the creation of any ordinance, it is always recommended that the expertise of the municipal legal staff be sought to ensure the development of an ordinance that is legitimate and defensible within the legal framework of the community.