

Introduced: 2/14/66
Referred: Local Govern-
ment

1 IN THE HOUSE BY TILLION AND MCGILL

2 HOUSE BILL NO. 414

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act authorizing a person aggrieved by a
7 board of equalization determination of as-
8 sessed value on real property to require the
9 local governing body to purchase the property
10 at assessed value and offer it for resale."

11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

12 * Section 1. AS 29.10 is amended by adding a new section to
13 read:

14 Sec. 29.10.427. ALTERNATIVE TO JUDICIAL REVIEW. (a)
15 As an alternative to the right of judicial review granted by
16 sec. 426 of this chapter, a person aggrieved by an order of
17 the board of equalization who owns a fee simple interest in
18 the property within the city subject to the board order, or
19 aggrieved parties who together own interests aggregating a
20 fee simple interest in that property, may petition the
21 council to purchase the property at the assessed value fixed
22 by the board. The petition must be signed by the petitioner
23 and sent to the council by certified mail which must be
24 dated within 10 days after the date of the order of the
25 board. Upon receipt of the petition the council shall direct
26 that the property be purchased by the city at the assessed
27 value fixed by the board for the property and irrespective of
28 whether or not the council deems title to the property to be
29 marketable. The city shall acquire title to the property by

1 purchase in the same manner as it acquires other municipal
2 properties by purchase. A request that the council purchase
3 the property may be revoked by any party making the request,
4 if the revocation is made in writing, signed by the person
5 making the request, sent to the council by certified mail,
6 and received by the council before the signing of a contract
7 of sale by all parties to the contract. Revocation of the
8 request for sale restores the right to seek judicial review
9 of the assessment value fixed by the board in the same manner
10 as if no petition requesting purchase by the city had been
11 filed. If the offer of sale is revoked, the property shall
12 be removed from the assessment roll or supplementary assess-
13 ment roll and treated in the same manner as property for
14 which no petition requesting purchase by the city had been
15 filed.

16 (b) Property to which the city acquires title under
17 (a) of this section shall in all cases be offered for private
18 sale by the city for a period of 90 days from the date of
19 acquisition of title to the property. Sale shall be for an
20 amount no less than the assessed value of the property as
21 paid by the city for acquisition of the property and shall
22 be made to a buyer, determined by the council, who submits
23 a written offer, sent to council by certified mail, to
24 purchase the property for the required amount and accompanies
25 the offer with a down payment of one-tenth of the purchase
26 price. Within 10 days after acquisition of title, the clerk
27 shall advertise the sale of the property by at least two
28 publications of a notice of private sale in a newspaper of
29 general circulation within the city or, if there is no

1 newspaper of general circulation within the city, by posting
2 the notice in at least three public places within the city.
3 The notice of sale shall include a description of the
4 property offered for sale, a statement of the assessed value
5 which is the minimum price of the property offered, a state-
6 ment of the dates during which the property will be open to
7 offers of purchase by private sale, and a statement of terms,
8 conditions or limitations, if any, on the sale, as authorized
9 by (e) of this section. Private sale under this section shall
10 be made in the same manner as other municipal properties are
11 sold, except as provided otherwise in this subsection.

12 (c) If property offered for private sale under (b) of
13 this section is not sold at the expiration of the period of
14 time during which it is offered for private sale, the clerk
15 shall fix a time and place for sale of the property at public
16 auction. The clerk shall advertise the sale at public auction
17 by at least two publications of a notice of sale at public
18 auction in a newspaper of general circulation within the city,
19 or, if there is no newspaper of general circulation within
20 the city, by posting of the notice in at least three public
21 places within the city. The notice of sale at public auction
22 shall include a description of the property offered for sale,
23 a statement of the assessed value of the property as fixed by
24 the board of equalization, a statement of the time and place
25 of sale, and a statement of terms, conditions or limitations,
26 if any, on the sale, as authorized by (e) of this section.
27 The clerk shall conduct the auction and sell the property to
28 the highest bidder who, at the time of sale, deposits an
29 amount equal to one-tenth of the purchase price. No minimum

1 bid shall be required. At the time of sale the clerk shall
2 issue a receipt containing a description of the property
3 purchased and the price bid. The receipt must be acknowledged
4 in writing by the bidder. In addition, a contract of sale,
5 on a form approved by the council, shall be signed at the time
6 of sale by the purchaser and by the clerk on behalf of the
7 city.

8 (e) The council may impose conditions, limitations and
9 terms on the sale of property made either by private sale or
10 by public auction under the provisions of this section, but
11 no conditions, limitations, or terms may be made respecting
12 either improvements to the property or restricted use of the
13 property. Except as provided otherwise in this section,
14 property sold is subject to all other applicable provisions
15 of law or ordinance.

16 (f) An aggrieved party may seek relief by appropriate
17 legal action from violation of any provision of this section
18 or breach of a contract of sale made under this section.

19 (g) Properties offered for private sale or sale by
20 auction as prescribed by this section shall, if not sold,
21 remain the property of the city and may thereafter be sold,
22 leased or otherwise disposed by the city in the manner pro-
23 vided by AS 29.10.132. The provisions of AS 29.10.132
24 governing the sale of city properties do not apply to the
25 private sale and sale by auction authorized by this section.

26 * Sec. 2. AS 29.10.099(b) is amended to read:

27 (b) The council may review and revise the assessment
28 and may upon proper evidence, and conformable to justice,
29 increase or diminish assessments in individual cases,

1 and when revised and reviewed and approved by the council,
2 the list and assessment shall be deemed to be the true basis
3 of the levy and assessment of taxes. The provisions of
4 AS 29.10.427, relating to purchase and of property assessed,
5 apply to council decisions on individual assessments made
6 under this section.

7 * Sec. 3. AS 07.15.320 is amended by adding a new subsection
8 to read:

9 (e) The assembly shall purchase and offer for resale
10 properties located in the area of the borough outside a city
11 on request of a person aggrieved by a board of equalization
12 determination of assessed value on the property, in the same
13 manner as provided for city councils in AS 29.10.427. This
14 subsection applies to all organized boroughs, whether home
15 rule or otherwise.

16 * Sec. 4. AS 29.08 is amended by adding a new section to read:

17 Sec. 29.08.020. PURCHASE AND RESALE OF CERTAIN PROPER-
18 TIES AT ASSESSED VALUE. AS 29.10.427, relating to council
19 purchase and resale of properties within the city on request
20 of a person aggrieved by a board of equalization determina-
21 tion of assessed value on the property, applies to home rule
22 cities.

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