

Introduced: 2/16/66
Referred: Local Govern-
ment and Judiciary

1 IN THE HOUSE BY RAY

2 HOUSE BILL NO. 418

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the use of the declara-
7 tion of taking for off-street parking
8 facilities."

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

10 * Section 1. AS 29.55.030 is amended to read:

11 Sec. 29.55.030. ACQUISITION OF PROPERTY. A city may
12 acquire real or personal property and property rights, above,
13 at or below the surface of the earth, necessary or desirable
14 for off-street automobile parking facilities, by purchase,
15 condemnation including but not limited to use of a declara-
16 tion of taking, gift, lease, bequest, devise, or grant, in
17 the same manner as it may acquire property or property rights
18 in connection with streets within the city; provided, however
19 that no declaration of taking for off-street parking purposes
20 may be used unless there has been public notice by publication
21 in a newspaper of general circulation in the area for not less
22 than once a week for four consecutive weeks followed by a full
23 and complete public hearing held thereafter before the govern-
24 ing body of such city or municipality.

25 * Sec. 2. AS 09.55.420 is amended to read:

26 Sec. 09.55.420. DECLARATION OF TAKING BY STATE OR [,]
27 FIRST CLASS CITY [, PUBLIC UTILITY DISTRICT, OR SCHOOL
28 DISTRICT]. Where a proceeding is instituted under secs.
29 240 - 460 of this chapter by the state, [PUBLIC UTILITY

1 DISTRICT, OR SCHOOL DISTRICT,] it may file a declaration of
2 taking with the complaint or at any time after the filing of
3 the complaint, but before judgment. Where a proceeding is
4 instituted under secs. 240 - 460 of this chapter by a muni-
5 cipality [FIRST CLASS CITY] in the exercise of eminent domain
6 for street or highway, off-street automobile parking facili-
7 ties, school, sewer, water, telephone, electric, other utility,
8 and slum clearance purposes or use granted to cities of the
9 first class, the governing body of the municipality [FIRST
10 CLASS CITY] may exercise the power through the filing of a
11 declaration of taking with the complaint or at any time after
12 the filing of the complaint, but before judgment. The declara-
13 of taking procedure may not be used with relation to the
14 property of rural electrification or telephone cooperatives
15 or nonprofit associations receiving financial assistance from
16 the federal government under the Rural Electrification Act;
17 provided, however, that no declaration of taking for off-
18 street parking purposes may be used unless there has been
19 public notice by publication in a newspaper of general circu-
20 lation in the area for not less than once a week for four
21 consecutive weeks followed by a full and complete public
22 hearing held thereafter before the governing body of such
23 first class city or municipality.
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