

Introduced: 2/14/86
Referred: Community & Regional
Affairs and Judiciary

1 IN THE HOUSE

BY CLOCKSIN BY REQUEST

2

HOUSE BILL NO. 610

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the power of eminent domain of a
7 home rule municipality."

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

9 * Section 1. AS 09.55.250 is amended to read:

10 Sec. 09.55.250. CLASSIFICATION OF ESTATES AND LAND SUBJECT TO BE
11 TAKEN. The following is a classification of the estates and rights in
12 land subject to be taken for public use:

13 (1) a fee simple, when taken for public buildings or
14 grounds, or for permanent buildings, for reservoirs and dams and
15 permanent flooding occasioned by them, or for an outlet for a flow, or
16 a place for the deposit of debris or tailings of a mine, or when, in
17 the judgment of the Department of Natural Resources, [OR] the Depart-
18 ment of Transportation and Public Facilities, or the governing body of
19 a home rule municipality, a fee simple is necessary for any of the
20 purposes for which the department, on behalf of the state, or the home
21 rule municipality is authorized by law to acquire real property by
22 condemnation;

23 (2) an easement when taken for any other use;

24 (3) the right of entry upon an occupation of land, and the
25 right to take from the land earth, gravel, stones, trees, and timber
26 as may be necessary for a public use.

27 * Sec. 2. AS 29.35.090 is amended by adding new subsections to read:

28 (b) When a part of a parcel of land is taken and the remainder
29 is in a shape or condition that is of little value to its owner, or

1 gives rise to claims or litigation concerning severance or other
2 damage, a home rule municipality may acquire the whole parcel and may
3 sell the remainder or exchange it for other property.

4 (c) When property that is devoted to or held for another public
5 use for which the power of eminent domain may be exercised is taken by
6 a home rule municipality for a street, the home rule municipality may,
7 with the consent of the governmental body in charge of the other
8 public use, condemn real property that is to be exchanged for the real
9 property taken. This section does not limit the authority of the home
10 rule municipality to acquire property for that purpose in a manner
11 other than by condemnation.

12 (d) When the governing body of a home rule municipality declares
13 by resolution that it is in the best interest of the home rule munic-
14 ipality to do so, the home rule municipality may acquire by condem-
15 nation or otherwise privately or publicly owned land or an interest in
16 it for the purpose of exchanging it for privately or publicly owned
17 land that the home rule municipality is authorized by law to acquire.