

CITY OF GUSTAVUS, ALASKA

RESOLUTION NO. 2005-2

**A RESOLUTION BY THE CITY OF GUSTAVUS, ALASKA REQUESTING FROM THE DEPARTMENT OF NATURAL RESOURCES, CONVEYANCE UNDER AS 38.05.810, OF THE 12 ACRE PARCEL THAT THE CITY OF GUSTAVUS DISPOSAL & RECYCLING CENTER (FORMERLY GUSTAVUS LANDFILL) RESIDES (ADL 105947). THIS CONVEYANCE SHALL NOT BE A PART OF THE ACREAGE ENTITLED TO THE CITY AS PART OF IT'S MUNICIPAL ENTITLEMENTS UNDER AS 29.65.030. THIS RESOLUTION ALSO REQUESTS THAT DNR WAIVE THE PROVISION UNDER AS 810 REQUIRING THE LAND TO REVERT TO THE STATE IF NOT USED FOR A PUBLIC AND CHARITABLE USE. FURTHERMORE THE CITY OF GUSTAVUS REQUESTS THAT DNR TURN OVER TO THE CITY THE CLOSURE TRUST FUND ASSOCIATED WITH THE LANDFILL SITE LEASE.**

**WHEREAS**, the community of Gustavus has been using the area of the conveyance as a landfill for over 30 years; and

**WHEREAS**, the community of Gustavus has been operating as a permitted landfill, under lease ADL 105947 for the past 9 years; and

**WHEREAS**, the City of Gustavus was incorporated as a second class city on April 1, 2004; and

**WHEREAS**, the acreage in this conveyance shall not be a part of or reduce, the acreage available the City of Gustavus's entitlements under AS 29.65.030; and

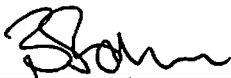
**WHEREAS**, the City of Gustavus would like to assume ownership of the 12 acre parcel for the purpose of continuing as a landfill operation for the short term and, at some point in the future, move the landfill operation and use the site for other uses consistent with community planning; and

**WHEREAS**, to ensure flexibility in the future use or sale of the property, the City of Gustavus requests that all provisions of AS 38.05.810 requiring the land to revert to the state if not used for a public and charitable use, be waived; and

**WHEREAS**, the City of Gustavus requests to DNR that the trust fund established by the community for the proper closure of the lease site, be turned over to the City of Gustavus for uses determined by the City.

**NOW THEREFORE BE IT RESOLVED**, that the Gustavus City Council requests the Department of Natural Resources to convey the landfill parcel, under the conditions described above, to the City of Gustavus, Alaska.

PASSED and APPROVED BY THE Gustavus City Council this 10<sup>th</sup> day of February, 2005.



Ben Sadler, City Clerk



Sandi Marchbanks, Mayor