



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

DALE BAGLEY
MAYOR

MEMORANDUM

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale L. Bagley, Borough Mayor

FROM: *PO* Paul Ostrander, Land Management Officer

DATE: June 16, 2004

SUBJECT: Ordinance 2004-18: Authorizing the Lease of Government Lot 1, ASLS No. 2002-46, According to Plat No. 2003-6 Seward Recording District at Other than Fair Market Value to the Hope/Sunrise Volunteer Fire Department

The Planning Commission held a public hearing for the subject ordinance during their regularly scheduled June 14, 2004 meeting. No one testified during the hearing.

A motion to recommend enactment of the ordinance passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

AGENDA ITEM F. PUBLIC HEARINGS

- 8. Ordinance 2004-18: Authorizing the Lease of Government Lot 1, ASLS No. 2002-46, According to Plat No. 2003-6 Seward Recording District at Other than Fair Market Value to the Hope/Sunrise Volunteer Fire Department

Memorandum as reviewed by Paul Ostrander.

PC Meeting: 6-14-04

The Kenai Peninsula Borough (KPB) owns Lot 1 of Alaska State Land Survey No. 2002- 46, containing 5.86 acres, more or less, according to the survey plat recorded in the Seward Recording District as Plat 2003-6 by virtue of State of Alaska Patent No. 19249. The September 1987 Community Land Use Plan for Borough Lands in Hope recommends that subject Lot 1 be used for a public safety and emergency service area site. The Hope/Sunrise Volunteer Fire Department (HSVFD) has submitted an application for the lease of subject Lot 1 at other than fair market value.

The KPB and HSVFD have entered into a grant agreement, KPB Project No. 03BTG, in the amount of \$50,000. The KPB Project No. 03BTG grant funds are designated for wildland fire response, including purchase of wildland fire fighting equipment, or for construction or renovation of facilities to protect equipment used for wildland fire response. The lease will authorize construction of a heated garage facility to house fire department vehicles and equipment. A long-term lease is recommended to support the long-term use of this site for public safety and emergency service purposes.

The subject ordinance asks for exceptions to KPB 17.10.090 requiring classification prior to transfer and KPB 17.10.110 requiring notice of disposition. Classification takes 90 days and once accomplished will not contribute to the decision to lease Lot 1 to HSVFD. The HSVFD needs to commence construction as soon as possible to have the facility ready before winter. Lot 1 is being leased to HSVFD on a non-competitive basis and KPB 17.10.110 notice requirements are for the purpose of advertising competitive disposals.

END OF MEMORANDUM

While reviewing the memorandum, Mr. Ostrander advised the commission that patent for the property was received about two months ago. The lease is for 50 years at \$1 per year. Findings to support granting an exception to the classification process are included in the ordinance.

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment and opened discussion among the Commission.

MOTION: Commissioner Gross moved, seconded by Commissioner Tauriainen, to recommend enactment of Ordinance 2004-18.

Commissioner Hohl asked if Hope had an advisory planning commission. Mr. Ostrander replied the Hope/Sunrise Advisory Planning Commission was inactive. Commissioner Hohl inquired about the date of the advisory commission's last meeting. Mr. Ostrander did not know.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HOHL YES	HUTCHINSON YES	ISHAM YES
JOHNSON YES	MARTIN YES	MASSION YES	PETERSEN YES	TAURIAINEN YES	TROEGER YES	13 YES



KENAI PENINSULA BOROUGH

144 N. BINKLEY • SOLDOTNA, ALASKA • 99669-7599
BUSINESS (907) 262-4441 FAX (907)262-1892

MEMORANDUM

DALE BAGLEY
MAYOR

TO: Pete Sprague, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DLB* Dale Bagley, Mayor

THRU: *MB* Max Best, Planning Director
PO Paul Ostrander, Land Management Officer

FROM: Roy E. Dudley, Land Management Agent

DATE: May 20, 2004

SUBJECT: An ordinance authorizing the lease of Government Lot 1, ASLS No. 2002-46, according to Plat No. 2003-6 Seward Recording District at other than fair market value to the Hope/Sunrise Volunteer Fire Department

The Kenai Peninsula Borough (KPB) owns Lot 1 of Alaska State Land Survey No. 2002-46, containing 5.86 acres, more or less, according to the survey plat recorded in the Seward Recording District as Plat 2003-6 by virtue of State of Alaska Patent No. 19249. The September 1987 Community Land Use Plan for Borough Lands in Hope recommends that subject Lot 1 be used for a public safety and emergency service area site. The Hope/Sunrise Volunteer Fire Department (HSVFD) has submitted an application for the lease of subject Lot 1 at other than fair market value.

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The subject ordinance asks for exceptions to KPB 17.10.090 requiring classification prior to transfer and KPB 17.10.110 requiring notice of disposition. Classification takes 90 days and once accomplished will not contribute to the decision to lease Lot 1 to HSVFD. The HSVFD needs to commence construction as soon as possible to have the facility ready before winter. Lot 1 is being leased to HSVFD on a non-competitive basis and KPB 17.10.110 notice requirements are for the purpose of advertising competitive disposals. The KPB Planning Commission will consider this ordinance at its regularly scheduled meeting of _____, and the action taken will be reported to the assembly.

**KENAI PENINSULA BOROUGH
RESOURCE PLANNING DEPARTMENT
LAND MANAGEMENT DIVISION**

144 North Binkley Street
Soldotna, Alaska 99669
(907) 262-4441

**APPLICATION TO REQUEST THE NEGOTIATED PURCHASE, LEASE, OR
EXCHANGE OF BOROUGH OWNED LAND**

A \$200 FEE MUST BE SUBMITTED WITH THIS APPLICATION. THE \$200 IS NOT APPLIED TO THE PURCHASE PRICE AND IS REFUNDED ONLY IF THE APPLICATION IS NOT FOUND TO BE IN THE PUBLIC'S BEST INTEREST. IF APPROVED BY THE BOROUGH ASSEMBLY, A \$1,000 EARNEST MONEY PAYMENT MUST BE SUBMITTED WITHIN SEVEN DAYS OF AFFIRMATIVE ASSEMBLY ACTION.

THIS FORM IS TO BE COMPLETED BY INDIVIDUAL(S) OR ORGANIZATION(S) WISHING TO PURCHASE, LEASE OR EXCHANGE BOROUGH LAND PURSUANT TO KP.B 17.10.100(C) or (I). IT IS TO BE COMPLETED, IN FULL, TO THE BEST OF KNOWLEDGE OF THE INDIVIDUAL OR AUTHORIZED REPRESENTATIVE. IF REQUESTED, PROPRIETARY AND FINANCIAL INFORMATION OF APPLICANTS THAT IS SO MARKED, WILL BE KEPT CONFIDENTIAL. THE ASSEMBLY MUST APPROVE, BY ORDINANCE, ANY DISPOSITION OF BOROUGH LAND.

ATTACH SEPARATE SHEETS IF MORE SPACE IS NEEDED FOR EXPLANATION. IF A SECTION (or, portion thereof) IS NOT APPLICABLE, MARK WITH THE ABBREVIATION "N/A". ASK KP.B LAND MANAGEMENT STAFF IF YOU HAVE ANY QUESTIONS ABOUT THE INFORMATION REQUESTED. PLEASE TYPE OR PRINT.

1. NAME OF INDIVIDUAL COMPLETING APPLICATION FORM:

*EMAIL - fayrene@alaska.net
FAX - 907-782-3437*

Name SCOTT SHERRITT

Phone # (907) 782-3436

Mailing Address P.O. BOX 36 HOPE, ALASKA 99605

Physical Address 64932 2ND ST. HOPE, ALASKA 99605

2. OTHER INDIVIDUAL(S) OR ORGANIZATION(S) PARTY TO THIS APPLICATION:

a) Name _____ Phone # () _____

Mailing Address _____

Physical Address _____

Relationship to applicant(s) _____

b) Organization name HOPE/SUNRISE VOLUNTEER FIRE DEPARTMENT.

Mailing Address P.O. BOX 131 HOPE, ALASKA 99605
Physical Address LOBMAN ROAD
Primary Contact: SCOTT SHERRITT Title: FIRE CHIEF
Phone # 907 782-3436

3. TYPE OF ORGANIZATION: (CHECK ONE)

Individual _____ Sole Proprietorship _____
General Partnership _____ Non-Profit Corporation X
Limited Partnership _____ Non-Profit Association _____
Other _____ Corporation _____

Note: Please submit, as appropriate, the following items with this application: 1) current Alaska business license; 2) designation of signatory authority to act for organization or individuals. If non-profit, has IRS Tax Exempt Status been obtained? Yes X No _____ If yes, attach letter of determination. If no, please attach certificate, articles of incorporation, by-laws, or other appropriate documentation.
SEE ATTACHMENT 5 & 6

4. LEGAL DESCRIPTION:

Township 10N, Range 2W, Section 27, S.M. Meridian
Lot/Block/Subdivision _____
Plat Number _____ Recording District _____
Assessors Parcel Number(s) 035-290-19 Size/Acreage 5.86
Other description LOT 1 OF ALASKA STATE LAND SURVEY
NO. 2002-46 (SRD 2003-6)

5. THIS APPLICATION IS BEING MADE FOR THE FOLLOWING: (CIRCLE ONE)

Purchase Lease Exchange

Other (specify): _____

6. PROPOSAL:

a) Purchase Price: \$1.00 *

b) Down Payment Amount (Minimum 10% of Purchase Price): _____

c) Payment Terms (Maximum 10 years; except for agricultural land where maximum is 20 years) :

d) Interest Rate (Minimum: prime plus 2%): _____

OTHER TERMS AND CONDITIONS: * or a \$1.00 a year lease

ARE THERE ANY CONTINGENCIES TO THIS TRANSACTION: YES ____ NO X IF YES, LIST:

7. PLEASE DESCRIBE ALL SPECIAL CIRCUMSTANCES AND ANY OTHER REASONS YOU BELIEVE THE BOROUGH SHOULD SELL THIS LAND TO YOU ON YOUR PROPOSED TERMS. BE SPECIFIC.

SEE ATTACHMENT 1

8. IF PROPOSAL IS OTHER THAN FAIR MARKET VALUE, PLEASE STATE WHY IT WOULD BE IN THE "BEST PUBLIC INTEREST" TO APPROVE THIS PROPOSAL. INCLUDE ALL SUPPORTING FACTS AND DOCUMENTS.

SEE ATTACHMENT 1

9. LAND STATUS: DESCRIBE ANY EXISTING IMPROVEMENTS; PROVIDE PHOTOGRAPHS IF AVAILABLE.

SEE ATTACHMENTS 2, 3, 4

10. ATTACH SITE PLAN DEPICTING THE PROPOSED USE OF THE PROPERTY.

SEE ATTACHMENTS 2, 3, 4

11. LIST THREE (3) CREDIT REFERENCES. IN ADDITION, AN ACTUAL CREDIT REPORT FROM A LOCAL PROVIDER IS REQUESTED IF BALANCE TO BE FINANCED BY THE BOROUGH EXCEEDS \$50,000.

NAME	ADDRESS	PHONE #
<u>N/A</u>	_____	() _____
<u>N/A</u>	_____	() _____
<u>N/A</u>	_____	() _____

12. HAS APPLICANT OR AFFILIATED ENTITY PREVIOUSLY PURCHASED OR LEASED BOROUGH OWNED LAND OR RESOURCES ? YES NO IF YES, PROVIDE LEGAL DESCRIPTION; TYPE OF PURCHASE OR LEASE; AND CURRENT STATUS:

13. HAS APPLICANT, OR AFFILIATED ENTITY, EVER FILED A PETITION FOR BANKRUPTCY, BEEN ADJUDGED BANKRUPT OR MADE AN ASSIGNMENT FOR THE BENEFIT OF CREDITORS ? YES NO IF YES, EXPLAIN, INCLUDING DATES:

14. IS APPLICANT, OR AFFILIATED ENTITY, NOW IN DEFAULT ON ANY OBLIGATION TO, OR SUBJECT TO ANY UNSATISFIED JUDGEMENT OR LIEN ? YES NO IF YES EXPLAIN:

15. COMPLETE THE FOLLOWING APPLICANT QUALIFICATION STATEMENT FOR EACH INDIVIDUAL APPLICANT OR ORGANIZATION. ATTACH ADDITIONAL STATEMENTS AS NECESSARY.

APPLICANT/BIDDER QUALIFICATION STATEMENT

I SCOTT SHERITT
(printed name)
of P.O. Box 36
(address)
HOPE, ALASKA 99605
(city, state)

do hereby swear and affirm

I am eighteen years of age or older; and

I am a citizen of the United States; a permanent resident; or a representative of a group, association or corporation which is authorized to conduct business under the laws of Alaska; and

I am not delinquent on any deposit or payment of any obligation to the Borough; and

I am not in breach or default on any contract or lease involving land in which the Borough has an interest; and

I have not failed to perform under a contract or lease involving Borough land in the previous five years and the Borough has not acted to terminate the contract or lease or to initiate legal action.

Unless agreed otherwise in writing and signed by the Borough Mayor, I agree to pay recording fees, closing fees, escrow setup fees, annual escrow fees, collection fees, surveying fees, and acquisition of title insurance. If my proposal is to lease the land, I agree to provide a performance bond, general liability insurance, provide a damage deposit, and pay for remote site inspection, if applicable.

I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCOTT SHERITT
Print Name

Scott Sheritt 5/5/04
Applicant Signature /Date
FIRE CHIEF

Attachment 1

7. Please describe all special circumstances and any other reasons you believe the Borough should sell this land to you on your proposed terms. Be specific.

This parcel of land was specifically designated for "Public Safety" use in the Hope Land-Use Plan (1981), to accommodate future fire, emergency medical, and law enforcement services. The Hope/Sunrise Volunteer Fire Department is a non-profit corporation funded by voluntary donations from local residents and property owners. We therefore receive limited funds that are used for operational expenses, which include Workman's Compensation insurance, vehicle insurance, fuel, training and supplies.

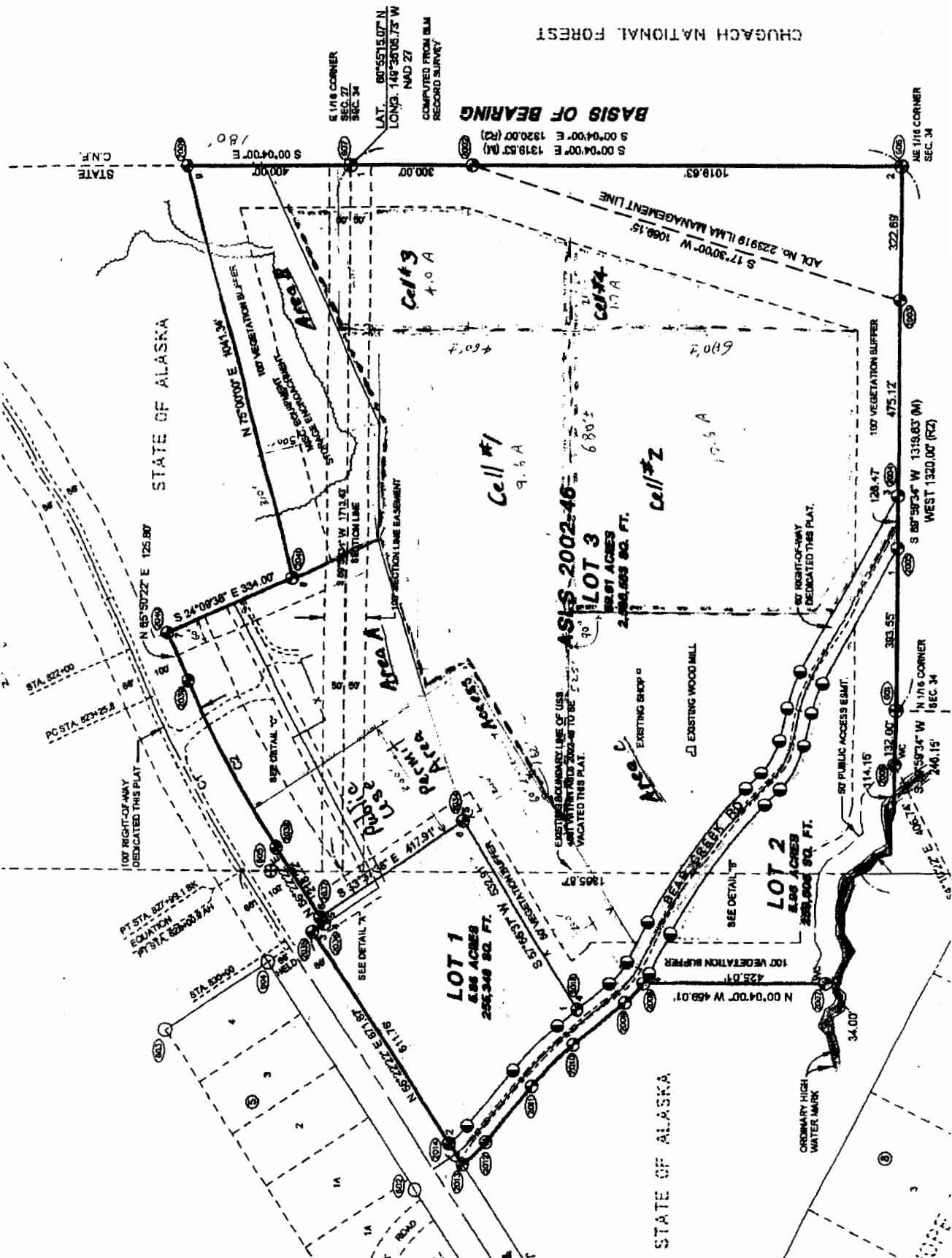
We have received two FEMA grants that have been used to purchase fire fighting equipment, rescue equipment and a new fire brush-truck. The Kenai Peninsula Borough is currently holding a \$45,000 grant (KPB Project No. 03BTG) waiting on the disposition of this parcel. This grant will be used by the H/SVFD to construct a heated garage facility on the property, to house our fire vehicles and equipment. This facility will provide our community with year-round fire protection.

8. If proposal is other than fair market value, please state why it would be the "best public interest" to approve this proposal. Include all supporting facts and documents.

The Hope/Sunrise Volunteer Fire Department is a public service to the communities of Hope and Sunrise, able to provide a significant level of protection in the event of fire. The department also will provide support to the US Forest Service and other communities if needed for wildland fires.

Until we acquire this parcel of land and construct a heated garage facility we are limited to summer operations. This structure can also house the ambulance operated by Hope EMS, currently stored outdoors at a residence in Sunrise. This ambulance can better serve the public interest by being housed in a heated facility on this property.

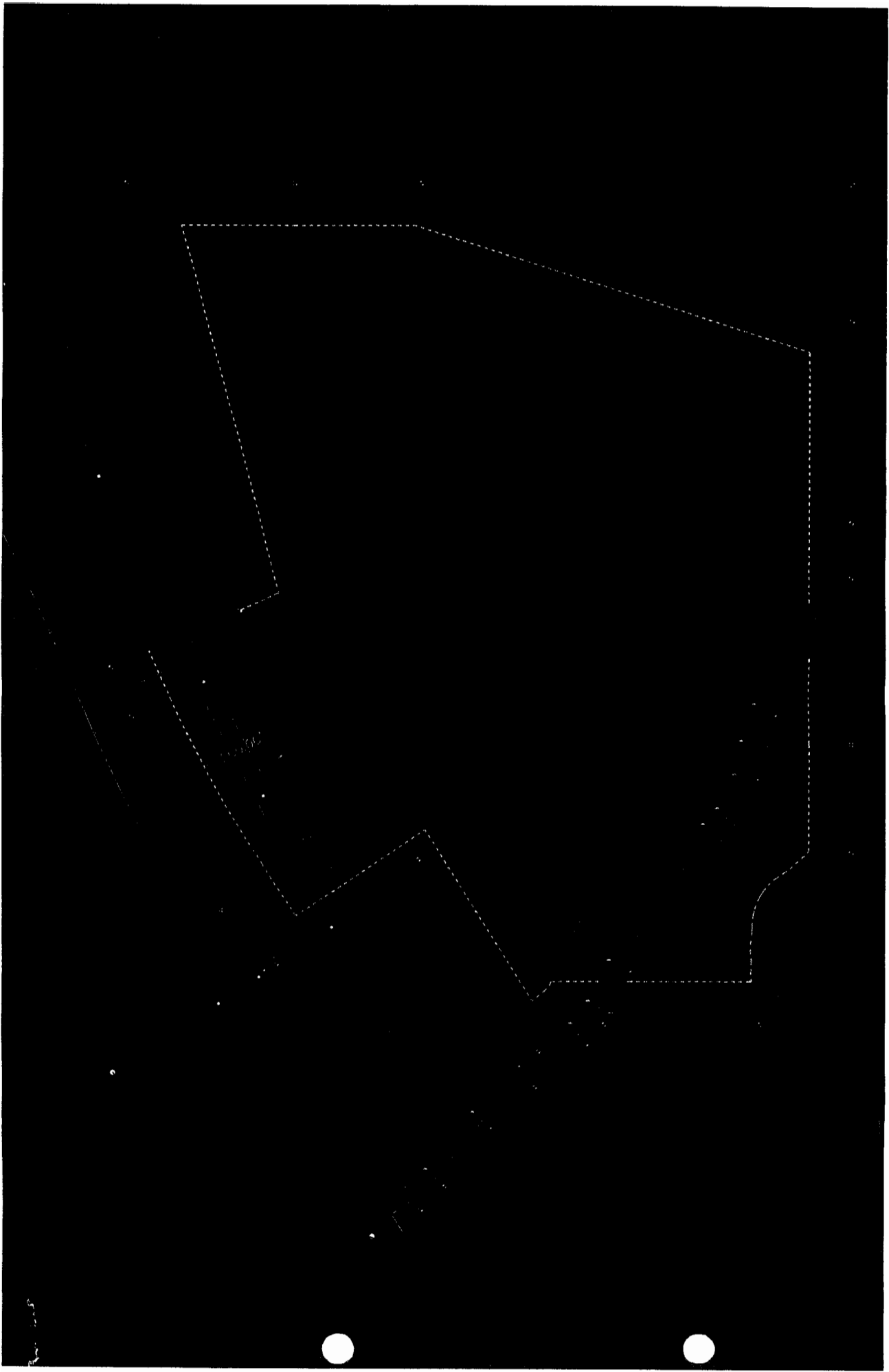
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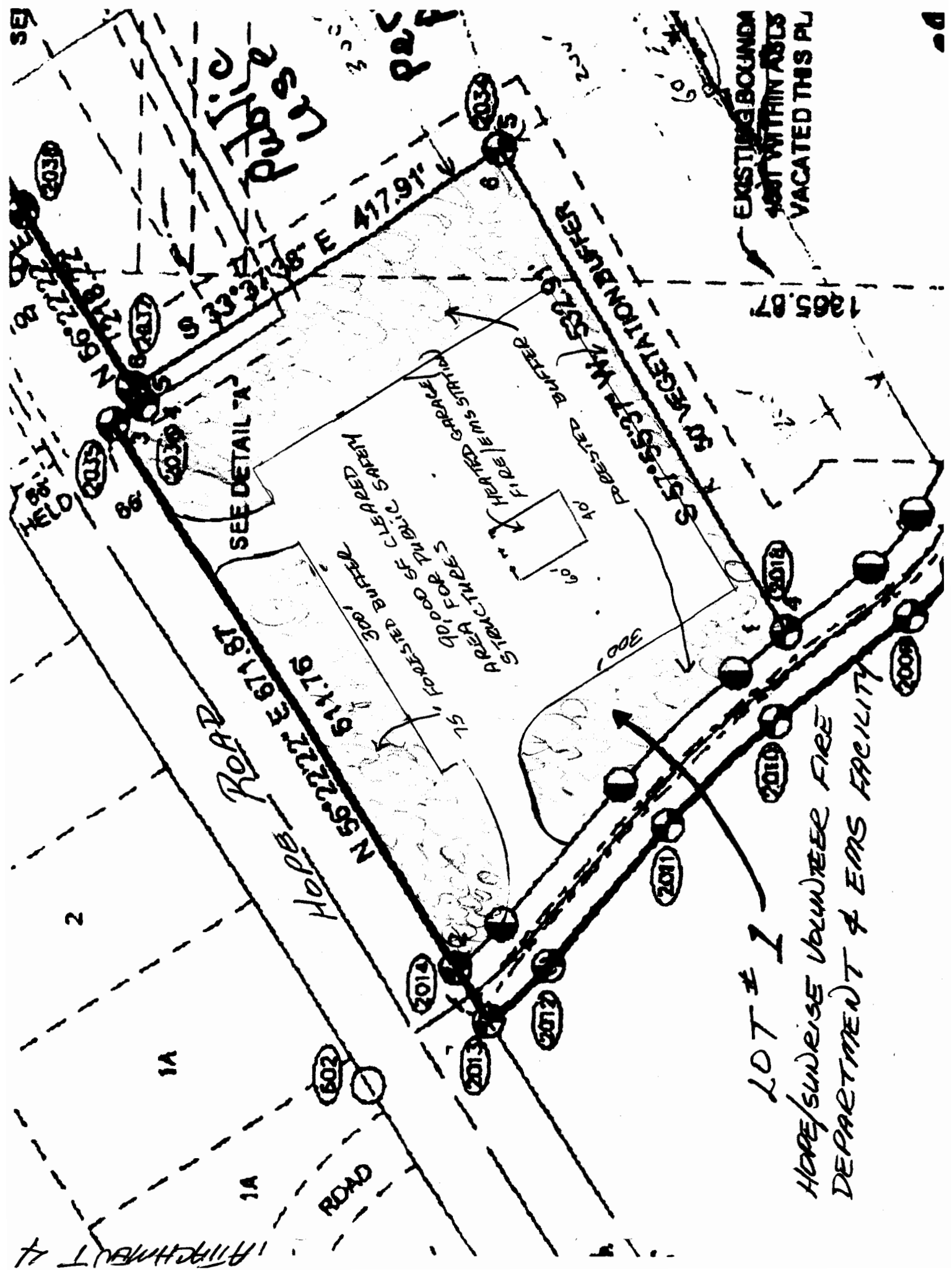
Key

- Cell Boundary
- Material Site Boundary
- Proposed Excavation Area (Cells)
- Public Use Permit Area
- Solid Waste Transfer Site (KPB)
- Areas to be relinquished
- Roads
- Bear Creek

ATTACHMENT 2



HTHREHNDL 3



Public Use

SEE DETAIL A

15' FORESTER BUFFER
 AREA FOR 1000 SF CLEAR DECK
 HERE FOR PUBLIC GATHER

300'
 60'
 PASTER BUFFER
 HERD GRACE

VEGETATION BUFFER
 S 57'55.37' W 52'29.1'

EXISTING BOUNDARY
 WITHIN ASIS
 VACATED THIS PL

LOT # 1
 HOPE/SUNRISE VOLUNTEER FIRE
 DEPARTMENT & EMS FACILITY

APPURTENANT 4

2

1A

1A

ROAD

ROAD
 N 56'22.27' E 671.87'

HOPE
 N 56'22.27' E 614.76'

417.91'

1265.87'

SE

ND

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: DEC 11 2001

HOPE/SUNRISE VOLUNTEER FIRE
DEPARTMENT
PO BOX 131
HOPE, AK 99605

Employer Identification Number:
31-1792281
DLN:
17053226040031
Contact Person:
CASSANDRA L KNOX ID# 31469
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Foundation Status Classification:
509(a)(2)
Advance Ruling Period Begins:
June 9, 2001
Advance Ruling Period Ends:
December 31, 2005
Addendum Applies:
No

Dear Applicant:

Based on information you supplied, and assuming your operations will be as stated in your application for recognition of exemption, we have determined you are exempt from federal income tax under section 501(a) of the Internal Revenue Code as an organization described in section 501(c)(3).

Because you are a newly created organization, we are not now making a final determination of your foundation status under section 509(a) of the Code. However, we have determined that you can reasonably expect to be a publicly supported organization described in section 509(a)(2).

Accordingly, during an advance ruling period you will be treated as a publicly supported organization, and not as a private foundation. This advance ruling period begins and ends on the dates shown above.

Within 90 days after the end of your advance ruling period, you must send us the information needed to determine whether you have met the requirements of the applicable support test during the advance ruling period. If you establish that you have been a publicly supported organization, we will classify you as a section 509(a)(1) or 509(a)(2) organization as long as you continue to meet the requirements of the applicable support test. If you do not meet the public support requirements during the advance ruling period, we will classify you as a private foundation for future periods. Also, if we classify you as a private foundation, we will treat you as a private foundation from your beginning date for purposes of section 507(d) and 4940.

Grantors and contributors may rely on our determination that you are not a private foundation until 90 days after the end of your advance ruling period. If you send us the required information within the 90 days, grantors and contributors may continue to rely on the advance determination until we make

Letter 1045 (DO/CG)

State of Alaska
Department of Community and Economic Development
Division of Banking, Securities and Corporations

CERTIFICATE
OF
INCORPORATION
Nonprofit Corporation

The undersigned, as Commissioner of Community and Economic Development of the State of Alaska, hereby certifies that Articles of Incorporation of

HOPE/SUNRISE VOLUNTEER FIRE DEPARTMENT

have been received in this office and have been found to conform to law.

ACCORDINGLY, the undersigned, as Commissioner of Community and Economic Development, and by virtue of the authority vested in me by law, hereby issues this Certificate of Incorporation and attaches hereto the original copy of the Articles of Incorporation.

IN TESTIMONY WHEREOF, I execute this certificate and affix the Great Seal of the State of Alaska on

APRIL 1, 2002

Deborah B. Sedwick

Deborah B. Sedwick
Commissioner of Community
and Economic Development

State of Alaska

Department of Public Safety

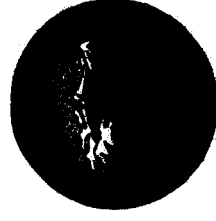
Division of Fire Prevention

Alaska State Fire Marshals Office

THE UNDERSIGNED, CERTIFY THAT

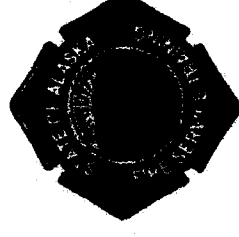
Hope/Sunrise Volunteer Fire Department

*HAS MET THE REQUIREMENTS PRESCRIBED BY 13 AAC 52.030 FOR A
2003 REGISTERED FIRE DEPARTMENT*



A handwritten signature in black ink, appearing to read "Gary L. Powell".

Gary L. Powell
Alaska State Fire Marshal





KENAI PENINSULA BOROUGH

144 North Binkley Street
Soldotna, Alaska 99669-8250
BUSINESS: (907) 714-2153
Toll-free within the Borough: 1-800-478-4441
FAX: (907) 262-8616
EMAIL: bgolden@borough.kenai.ak.us

DALE BAGLEY
MAYOR

April 2, 2004

Scott Sherritt, Deputy Fire Chief
Hope/Sunrise Volunteer Fire Department
P.O. Box 131
Hope, Alaska 99605

Re: Agreement Between KPB and Hope/Sunrise Volunteer Fire Department
KPB Project No. 03BTG

Dear Chief Sherritt:

Enclosed please find the duplicate original of the Agreement between the Borough and Hope/Sunrise Volunteer Fire Department. This copy is for your files. The original has been filed with the Borough Clerk.

Pursuant to the Agreement, the Fire Department is to receive \$5,000 upon execution of the agreement. A payment request has been submitted to the Borough Finance Department; you should receive a check shortly. The remaining \$45,000 will be paid to you when a certificate of insurance showing the required coverage and naming the Borough as an additional insured is submitted.

Activity and financial reports are due on a quarterly basis. (See Attachment B for details.) Your first reports will be due July 31, 2004. I have included a form that you may use for reporting; however, you may use whatever method or form is most convenient for you as long as the required information is included. If you would like an electronic copy of the reporting form, let me know. The report should be submitted to me at the above address. Your KPB project number is 03BTG. This number should be used on all reports submitted to the Borough.

I look forward to working with you on the successful completion of your project. Please contact me at your convenience if I can be of any assistance.

Very truly yours,

Bonnie L. Golden
Grants Manager

/bg

Enclosures – Agreement, Report form



Grant Agreement - Kenai Peninsula Borough

Amount of Grant \$ 50,000		KPB Account Number: 262.21320.03BTG.49999 262.21320.3INT2.49999		Amount: \$25,000 \$25,000	
Project Title Wildland Fire Response		Funds Verified by: <i>Scott Sherritt</i>		Date 3-25-04	
Name Hope/Sunrise Volunteer Fire Department		Name Bonnie L. Golden			
Street/P.O. Box P.O. Box 131		Title Grants Manager			
City/State/Zip Hope, Alaska 99605		Street 144 N. Binkley			
Contact Person Scott Sherritt, Deputy Fire Chief		City/State/Zip Soldotna, AK 99669			
Phone 782-3436	Email 782-3437	Phone 714-2153	Fax 262-8616		

AGREEMENT

The Kenai Peninsula Borough (hereinafter 'Borough') and the Hope/Sunrise Volunteer Fire Department (hereinafter 'Grantee') agree as set forth herein.

Section I: The Borough shall pay the Grantee for the performance of the project work under the terms outlined in this agreement. The amount of the payment is based upon project expenses incurred, which are authorized under this agreement. In no event shall the payment exceed \$ 50,000.00.

Section II: The Grantee shall perform all of the work required by this agreement.

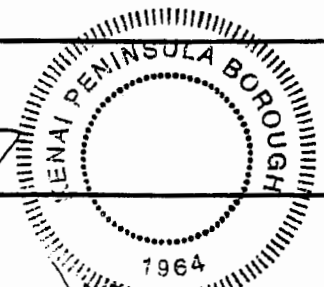
Section III: The work to be performed under this agreement begins **September 4, 2002**, and shall be completed no later than **December 31, 2004**.

Section IV: The agreement consists of this page and the following attachments:

- Attachment A: Scope of Work and Use of Funds
- Attachment B: Payment Method and Reporting Requirements
- Attachment C: Standard Provisions
- Certificate(s) of Insurance from Grantee
- Appendix 1: Excerpts from OMB Circular A-110

Section V: In the event there is any difference between the original of this agreement on file with the Kenai Peninsula Borough Clerk and a duplicate original of the agreement, including any attachments, the original filed with the Borough Clerk shall control.

Signature <i>Scott Sherritt</i>	Signature <i>Dale L. Bagley</i>
Printed Name and Title SCOTT SHERRITT ASST CHIEF	Printed Name and Title Dale L. Bagley, Borough Mayor
Date 3/11/04	Date 4/2/04
	Attest: Borough Clerk <i>[Signature]</i>



Rev. 9/23/03

DUPLICATE ORIGINAL

Approved as to form and legal sufficiency by: Borough Attorney

KPB Grant Agreement
Attachment A – Scope of Work and Use of Funds

1. Project Description

The purpose of this Borough Grant is to provide funding in the amount of \$50,000 to the **Hope/Sunrise Volunteer Fire Department** for wildland fire response, including purchase of wildland fire fighting equipment, or for construction or renovation of facilities to protect equipment used for wildland fire response.

2. Project Budget

Cost Category	Grant Funds
Building construction or equipment purchase	\$50,000.00

3. Budget Narrative / Use of Funds

- A. Grant funds, or any earnings therefrom, may be spent only for the purposes of the grant project as described above. Any monies used for purposes not authorized by this agreement shall be refunded to the Borough immediately after such expenditures, with or without demand by the Borough.
- B. Funds may be used only for a project that is primarily dedicated for a public purpose.
- C. Funds shall not be expended to provide programs or projects outside the boundaries of the Kenai Peninsula Borough.
- D. Funds, or earnings therefrom, shall not be expended for the purposes of lobbying activities before the Borough Assembly, the Alaska State Legislature or Congress.
- E. Funds shall not be used to pay any salaries, wages or benefits associated with Grantee's personnel.
- F. Funds may be used for purchases made between the dates of September 4, 2002, and December 31, 2004.
- G. The source of these funds is a lump-sum payment to the Borough from the U.S. Forest Service. Use of these funds for matching other federal grants may be restricted. It is the responsibility of the Grantee to receive approval from each respective federal granting agency to allow these funds to be used as a match under its funding program. The Borough makes no representation or warranty of any kind or nature whatsoever regarding the eligibility of these funds as matches for any other grant.



State of Alaska



Patent

No. 19249

Know Ye By These Presents that the Grantor, the STATE OF ALASKA, DEPARTMENT OF NATURAL RESOURCES, 550 West 7th Avenue, Suite 1050A, Anchorage, Alaska 99501-3579, pursuant to AS 29.65.010-.140 and the regulations promulgated thereunder, and the Final Finding and Decision dated March 26, 1993, and amended November 15, 1994, for good and valuable consideration, grants and conveys to the Grantee, the KENAI PENINSULA BOROUGH, whose mailing address of record is 144 North Binkley Street, Soldotna, Alaska 99669, Grantee's successors and assigns, all that real property situated in the Seward Recording District, State of Alaska, and described as follows:

LOT 1 OF ALASKA STATE LAND SURVEY NO. 2002-46, CONTAINING 5.86 ACRES, MORE OR LESS, ACCORDING TO THE SURVEY PLAT RECORDED IN THE SEWARD RECORDING DISTRICT ON JULY 23, 2003, AS PLAT 2003-6.

Subject to valid existing rights, including reservations, easements, and exceptions in the U.S. Patent or other state or federal conveyance, and in acts authorizing the issue thereof; easements, rights-of-way, covenants, conditions, reservations, notes on the plat, and restrictions of record, if any.

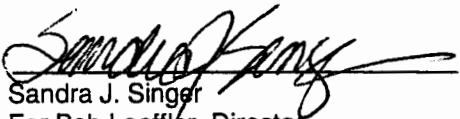
Net chargeable acreage under AS 29.65.010 is 5.86 acres, more or less.

The Grantor hereby expressly saves, excepts and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, all oils, gases, coal, ores, minerals, fissionable

materials, geothermal resources, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times for the purpose of opening, developing, drilling, and working mines or wells on these or other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials, geothermal resources, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, powerlines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors, and assigns, as aforesaid, generally all rights and power in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved.

To Have And To Hold the said land, together with the tenements, hereditaments, and appurtenances thereunto appertaining, unto the said Grantee and Grantee's successors and assigns forever.

In Testimony Whereof the State of Alaska has caused these presents to be executed by the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, pursuant to delegated authority, this 23rd day of March, 2004.

By: 
Sandra J. Singer
For Bob Loeffler, Director
Division of Mining, Land and Water

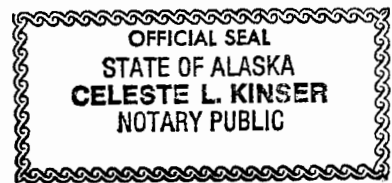
State of Alaska)
) ss.
Third Judicial District)

This Is To Certify that on the 23rd day of March, 2004, appeared before me SANDRA J. SINGER, who is known to me to be the person who has been lawfully delegated the authority of Bob Loeffler, the Director of the Division of Mining, Land and Water, Department of Natural Resources, State of Alaska, to execute the foregoing document; that Sandra J. Singer executed said document under such legal authority and with knowledge of its contents; and that such act was performed freely and voluntarily upon the premises and for the purposes stated therein.

Witness my hand and official seal the day and year in this certificate first above written.

Celeste L. Kinser
Notary Public in and for the State of Alaska

My commission expires: April 4, 2005



Return to Grantee



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