

KENAI PENINSULA BOROUGH

ORDINANCE NO. 10

AN ORDINANCE PROVIDING FORMAL PROCEDURES FOR ACQUISITION, MANAGEMENT AND DISPOSAL OF LANDS AND RIGHTS IN LANDS ACQUIRED FROM THE STATE

BE IT ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

Section 1. LAND USE PLAN. All lands disposed of by the State of Alaska, pursuant to agreement with the Borough, shall first be subjected to a land use plan and such plan shall, prior to becoming final, be reviewed jointly and agreed upon by the Borough and the State.'

Section 2. SELECTION BY BOROUGH. Prior to disposal by the State of any lands selected pursuant to Section 6 (b) Public Law 85-508, General Grant lands, the Borough shall first be afforded the opportunity to select the same for its use or disposal.

Section 3. MANAGEMENT BY DIVISION OF LANDS. Upon selection of eligible lands by the Borough, the state shall, without delay, note the same on the records to be maintained by the Division of Lands, and the State shall periodically thereafter make an accounting to the borough revealing acreage entitlement, acreage selected, acreage disposed of and such other information as shall be deemed necessary for the purpose of keeping the borough properly informed.

Section 4. SCOPE OF ORDINANCE. All leases, sales or other disposals which are made by the state on behalf of the borough shall be made only with consent of the borough and shall be conducted in accordance with the Alaska Land Act (Title 38 A.S.) and the regulations promulgated by the state pursuant thereto. All lands which have been selected by the borough, and which the borough may wish to sell, lease or otherwise dispose of shall be sold, leased or disposed of in accordance with the provisions of this ordinance.

Section 5. ACCOUNTING. All moneys received by the state from the sale, lease or other disposal of borough lands shall be deposited with the Department of Revenue, State of Alaska. Upon certification by the Director that payment is in order, the moneys so deposited shall be transferred to the borough. The State shall, during the month of January of each year, render an accounting of all moneys received from disposals conducted during the course of the year. Concurrent with the final accounting, the state shall withhold survey, appraisal and other appropriate direct management costs, exclusive of overhead costs from the total receipts.

Section 6. FOREST AND GRAZING LANDS. To preserve the principle and integrity of sustained yield forest management and protection, those forest and grazing lands selected by the borough shall remain under the direct management of the Division of Lands with all revenues from such forest and grazing lands or forest products being transferred to the borough at the same time and in the manner as specified in Section 5 of this ordinance.


Section 7. RECLASSIFICATION. Nothing in this ordinance shall prevent, through mutual agreement, the reclassification of any lands subject to this ordinance as provided in the classification regulations of the Division of Lands, State of Alaska.

Section 8. DEFINITIONS. "Borough" means Kenai Peninsula Borough or its duly authorized agents. "State" means State of Alaska or its duly authorized agents. "Division of Lands" or "Director" means the Division of Lands of the State of Alaska.


Section 9. PUBLICATION. Publication shall be by causing a clear summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough, by mailing a copy of the ordinance to the City clerk of each city in the borough with a request that it be posted on the city hall bulletin board for ten days immediately following receipt and by mailing a copy of the ordinance to each post office in the borough with the request that it be posted on the postoffice lobby bulletin board for ten days immediately following receipt.

Section 10. SEVERABILITY. If any section, sub-section, sentence or clause of this ordinance is declared invalid by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
THIS 20 DAY OF April, 1965.

  
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/s/ Robert Williams  
Assembly president

ATTEST:

  
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/s/ Frances Brymer  
Borough Clerk