

KENAI PENINSULA BOROUGH

ORDINANCE NO. 28

AN ORDINANCE ENTITLED: AN ORDINANCE RELATING TO THE
DISPOSITION OF BOROUGH LANDS

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

Section 1. The Kenai Peninsula Borough Code of Ordinances is hereby amended by adding sections to be numbered 15.05.033 (a), (b), and 15.05.034, which said sections read as follows:

Sec. 15.05.033. Public Use Lands.

(a) Classification. The Assembly may by resolution classify and Borough owned or selected lands as "public use lands".

(b) Petition. The state, any city, community organization, or any corporation of the state, not organized for profit, the Planning Commission, the Chairman, or any other interested party, may petition the Assembly to select for classification or classify any land available for borough selection or borough land as public use lands.

(c) Contents of Petition. The petition shall include:

- (1) A complete statement of the public uses contemplated;
- (2) a comprehensive plan, including a time table, for the development of the lands according to the specified uses,
- (3) a description of the sources of financing and management;
- (4) written approval by the planning commission, which shall include provisional approval of platting where required;
- (5) specification of benefits accruing to the people of the borough from the uses prescribed;
- (6) any other pertinent information deemed useful to the assembly in considering the classification.

(d) Disposition to governmental unit. The assembly may, by resolution, authorize the sale, lease, donation or exchange with the United States, the State, or any political subdivision, of any public use lands or interests therein, on such terms as the assembly shall prescribe, when, in the judgement of the assembly, it is advantageous to the borough to do so.

The terms may include one or all of the following limitations, or such other limitations as the assembly may determine:

- (1) A sales price of a percentage of appraised value may be required.
- (2) Time payments may be required and interest at 6% charged on the unpaid balance.
- (3) The conveyance may be subject to a reversionary interest in the borough if the land at any time be devoted other than to public use.
- (4) The conveyance may be subject to a requirement that the public use be commenced within a prescribed term of days or months and that the development be completed within a prescribed term.
- (5) The terms of the conveyance may include provisions for the refunding of a purchase price in whole or part upon reconveyance to the borough.

(e) Disposition to non-government body: selected land. The borough may dispose of borough-selected, public use lands, to a community organization or non-profit corporation as provided in paragraph (f) of this section or in the same manner and subject to the same terms and conditions as are applicable to the sale or other disposition of public use lands to cities under (d) of this section.

(f) Disposition to non-government body: other lands. Borough lands other than borough-selected lands, which are classified as public use lands, may be sold or disposed of only to the United States, the State or a political subdivision thereof, and not to a community organization or non-profit corporation. Except that

nothing herein shall prevent the borough from entering into contracts for the use, management or improvement of borough lands for public purposes.

(g) Prohibition on private use. No lands shall be classified as public use lands unless it appears from the petition, or the terms of conveyance prescribed by the assembly, or both, that the uses to which the property is to be put are restricted to public uses for the benefit of all of the people of the borough. If the property or any portion of it is ever put to a private use or purposes, the property so used shall either revert to borough ownership or the borough shall be paid the market value of the property at the time the private use begins.

(h) Equal treatment. Public use lands which are devoted to a use as a golf course, cemetery, park, or other use involving public accommodation, must be available to all residents of the borough on an equal basis and such use may not be limited to the residents of a particular community or area of the borough, unless the full market value of the land is recieved by the borough."

Section 15.05.034. (a) Disposition of borough property for private use. Borough properties other than borough selected land disposed of pursuant to Section 15.05.05-030 which are not needed for any public purpose, shall be disposed of according to the following procedure:

1. Any land to be disposed of under this section shall first be appraised by a qualified appraiser or the assessor and an estimated value of the property established.
2. A notice of sale shall be published in a newspaper of general circulation in the borough no less than thirty (30) days before the date of the sale, lease or disposition, and posted within that time in at least three public places in the borough.
3. Sealed bids shall be called for on the property to be disposed of and a public opening of such bids shall be provided for.
4. Any disposition of real property under Section 15.05.034 (a), valued at \$25,000 or more, shall be

by ordinance. No such disposition shall be final unless the action of the borough is ratified by a majority of the qualified voters voting at a general or special election at which the question of ratification of the ordinance is submitted.

5. Thirty days notice shall be given of the election and during that period the assembly shall publish at least once each week in a newspaper published in the borough, a notice stating the time of the election and place of voting, describing the property to be sold, leased, or disposed of, giving a brief statement of the terms and conditions of the sale and the consideration, if any, stating the title and date of passage of the ordinance. Notice shall also be given by posting a copy of it in at least three public places in the borough at least thirty (30) days before the election.


(b) Industrial Incentives. The assembly, for the borough, in order to make sites available for new industries which will benefit the borough, may acquire, own and hold such sites, including real property, and may sell, lease, or dispose of them upon the terms and conditions as it considers advantageous to the civic welfare of the borough, to persons who will agree to install, maintain and operate it, a beneficial new industry, without regard to the limitations of paragraph (a) of this Section or Section 15.05.033.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA.
BOROUGH THIS 3 DAY OF February, 1967.



Earl Simonds
Assembly President

ATTEST:


Assembly Clerk