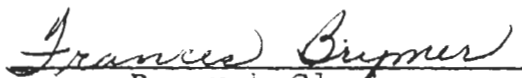


ORDINANCE CERTIFICATION

I certify that upon final enactment of Ordinance No. 78-52 of the Kenai Peninsula borough, this certification of the actions taken by me conforms with the rules and regulations governing ordinances.

1. Publication: Publication has been made by causing a summary of this ordinance to be inserted one time in a newspaper of general circulation in the borough. One copy of this ordinance as set for hearing, together with Notice of Hearing has been mailed to the city clerks of each first class city in the borough and to each postoffice in the borough with a request for posting on the City Hall and Post Office bulletin boards for 10 days immediately following receipt.
2. After adoption of this ordinance, one copy will be mailed to the city clerk of each first class city in the borough.

This ordinance was ENACTED by the assembly of the Kenai Peninsula Borough on the 2nd day of January, 1979 and will become effective immediately.


Borough Clerk

Date: January 3, 1979

Introduced by: Mayor
Date: October 10, 1978
Hearing: November 14, 1978
Vote: 121 "Yes" to 23 "No"
Action: Amended & Refer. to
Local Affairs Committee
Final Action: Enacted, 1-2-79 114.5 Yes,
9 No; As Amended

KENAI PENINSULA BOROUGH

ORDINANCE 78-52

TO PROVIDE FOR THE DISPOSAL OF BOROUGH LANDS OBTAINED FROM
THE STATE OF ALASKA UNDER THE MUNICIPAL LAND SELECTION LAWS.

WHEREAS, the Borough has acquired, or will acquire
title to certain lands under the Borough's land selection
rights; and

WHEREAS, it is necessary for the assembly to adopt
procedures which will govern the disposition of selected
lands which are available for transfer; and

WHEREAS, the assembly is in favor of making lands
available to residents within the Borough, and to place
lands into private ownership;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF
THE KENAI PENINSULA BOROUGH:

Section 1. That Section 17.04.010, Section 17.04.020,
Section 17.04.030, Section 17.04.040, Section 17.04.050,
Section 17.04.060 and Section 17.04.070 of the Borough Code
of ordinances are hereby repealed.

Section 2. That a new Section 17.04.010 of the
Borough Code of ordinances is enacted to read:

17.04.010 Classification of Borough Lands. The
Assembly may by resolution classify any Borough owned or
selected lands. The Mayor will present to the Assembly,
on an ongoing basis, a plan of classification of all
Borough lands. The Assembly shall classify Borough lands

as "public use lands", "retained lands", or "sale lands". The Assembly may reclassify any lands pending disposition, and may at any time make further classifications or sub-classifications of Borough lands.

Section 3. That a new Section 17.04.021 of the Borough Code of ordinances is enacted to read:

17.04.020 Borough selected lands--Disposal--Public Sale. Borough selected lands which are not needed for public use shall be disposed of in accordance with the procedure contained in Section 17.020 to Section 17.04.070.

A. The Mayor shall propose to the assembly the public sale of parcels of land and the terms and conditions of the sale, the terms and conditions of use, and the minimum price applicable to each parcel.

B. In determining that certain real property parcels are suitable for disposal, the Mayor, prior to the proposal to the assembly, shall consider each parcel according to suitability for residential, agricultural, industrial, commercial, recreational, mineral, mining, or other appropriate use.

Section 4. That a new Section 17.04.030 of the Borough Code of ordinances is enacted to read:

17.04.030 Planning Commission--Hearing--Recommendations.

A. The Mayor shall transmit to the Planning Commission a copy of the proposed disposal plan, including the classifications adopted for each Borough land parcel, for comment and public hearing. The Planning Commission shall hold one public hearing on the proposed disposal plan after ten (10) days' notice to the public in a newspaper of general circulation in the Borough. The Planning Commission shall take into account the requirements for orderly and desirable community development in particular areas, known geophysical hazards which might render particular parcels unsuitable for certain types of development, the availability of access and essential community services, the needs and desires of Borough residents regarding the location, type and size of real property parcels, the form of disposal contemplated, and the effect of the proposed disposal upon Borough tax revenues and upon general real property values in the Borough, and such other factors which the Planning Commission deems necessary and appropriate.

B. The Planning Commission, within fifteen (15) days after the date of hearing, shall recommend to the Mayor

that the proposed disposal plan be adopted, modified, or not adopted. After considering the Planning Commission's recommendations, the Mayor shall recommend a plan of disposal to the assembly.

Section 5. That a new Section 17.04.040 of the Borough Code of ordinances is enacted to read:

17.04.040 Disposal Plan--Terms and conditions of sale. The disposal plan recommended to the Assembly shall include a listing of all parcels of land to be disposed by a legal description, a statement of the terms and conditions which shall be attached to the disposal of each parcel, the method of disposal, and the minimum acceptable price for each parcel. The assembly shall by ordinance accept, modify or reject any proposed disposal plan. Assembly adoption of a disposal plan shall authorize the Mayor to carry out the land disposal plan and to execute all necessary documents in accordance with the adopted plan.

Section 6. That a new Section 17.04.050 of the Borough Code of ordinances is enacted to read:

17.04.050 Public sale of Borough properties--Procedure. Public sale of Borough properties shall be conducted according to the following procedure:

A. Any land to be disposed under this section shall first be appraised by a qualified appraiser or the assessor.

B. A notice of sale shall be published in a newspaper of general circulation in the Borough not less than thirty (30) days before the date of sale and posted in at least three (3) public places in the Borough.

C. Land disposal shall be by sale at public auction unless the Assembly by ordinance authorizes the Mayor to negotiate a sale or lease.

Section 7. That a new Section 17.04.060 of the Borough Code of ordinances is enacted to read:

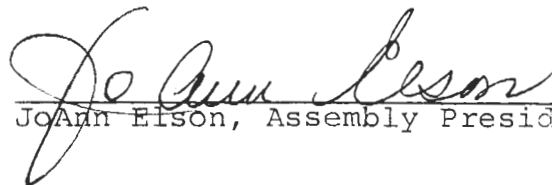
17.04.060 Tax foreclosed land--Disposal. The disposal of tax-foreclosed properties is governed by Chapter 5.12 of the Borough Code of ordinances.

Section 8. That a new Section 17.04.070 of the Borough Code of ordinances is enacted to read:

17.04.070 Borough land disposal--Policy. This chapter of the Borough Code of ordinances is based upon a policy which favors the transfer of disposal lands to Borough residents, and the procedure contained in this chapter for the disposal of Borough lands to private parties is intended to meet the requirement of Chapter 181, Section 1 (b) of the Session Laws, Alaska 1978, to meet the needs of persons residing in the Borough.

Section 9. This ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 2nd DAY OF January, 1979.


JoAnn Eison, Assembly President

ATTEST:


Francis Bremer
Borough Clerk