

Introduced by: Elson
Date: October 31, 1978
Hearing: December 5, 1978
Vote: 104 "Yes", 36 "No"
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 78-59

PROVIDING A PROCEDURE FOR THE CONTROL OF LANDS SOLD OR TRANSFERRED IN VIOLATION OF THE SUBDIVISION ORDINANCE.

WHEREAS, Alaska statutes, AS 29.33.150-AS 29.33.190 require the Borough to exercise planning and platting powers within its jurisdiction; and

WHEREAS, Alaska statute, AS 29.33.190 prohibits the transfer of any parcel of land divided in violation of a borough subdivision ordinance; and

WHEREAS, it is desirable and in the public interest that the borough enforce the prohibition against the sale, conveyance or other transfer of lands divided in violation of the subdivision ordinance;

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

Section 1. That Section 5.12.030 of the Borough Code of ordinances be amended to read as follows:

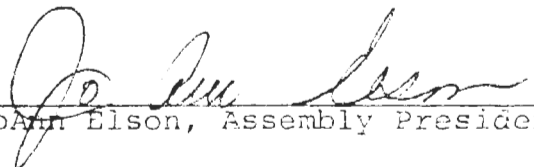
5.12.030 Assessment--Required When--Notice--Prohibition against recognition of illegal subdivision.
A. On or before April 1 of each year the Assessor shall prepare an annual assessment roll as required by [AS 29.10.399] AS 29.53.100 and shall give notice of the assessment and of the date of the equalization hearing as required by [AS 29.10.402] AS 29.53.110 and AS 29.53.130.

B. The Borough Tax Assessor shall not alter the tax rolls by transferring from seller to buyer the record


ownership of any tax parcel divided in violation of the subdivision ordinance. The legal description of each tax parcel shall coincide with the legal description and metes and bounds of that parcel as set forth in the official plat recorded with the district recorder, unless an official plat is not required for that parcel pursuant to an exemption contained in state statutes or the subdivision ordinance. The Assessor shall transmit to the Planning Department every month a listing of all recorded divisions of land which are in violation of the subdivision ordinance.

Section 2. That this ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 5th DAY OF December, 1978.


Joan Elson, Assembly President

ATTEST:


Frances Bryner
Borough Clerk