

Introduced by: Mayor
Date: Jun. 15, 1982
Hearing: August 3, 1982 w/drawn
Vote:
Action:

KENAI PENINSULA BOROUGH

ORDINANCE 82-44

PROVIDING FOR THE SALE OF A PARCEL OF BOROUGH LAND FOR THE PURPOSE OF ESTABLISHING A SEPTAGE TREATMENT AND DISPOSAL FACILITY.

WHEREAS, the Borough has obtained title pursuant to the Municipal Land Selection Act to certain lands suitable for a septage wastes treatment and disposal facility; and

WHEREAS, the disposal of septage wastes has become a matter of public concern; and

WHEREAS, the Borough wishes to maintain current levels of public service and to limit the growth of Borough government; and

WHEREAS, private enterprise should be allowed and encouraged to provide for the treatment and disposal of septage wastes consistent with long term health protection; and

WHEREAS, private individuals have expressed a desire to purchase Borough lands for the purpose of establishing septage treatment and disposal facilities; and

WHEREAS, the Assembly wishes to avoid the necessity of government providing treatment facilities to ensure the public health;

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

Section 1. That the Mayor is authorized to sell to Mr. Al Gagnon, d/b/a Gagnon Excavating, certain unreserved Borough land described as the $W\frac{1}{2}W\frac{1}{2}$ of Section 22, T5N R11W S.M., containing 160 acres more or less, for the purpose of establishment of a septage treatment and disposal facility.

Section 2. That any sale negotiated shall be subject to the following terms and conditions:

A. No subdivision of the land may occur for a period of 20 years following the date of sale.

B. That the property shall be used for the purpose of establishing and operating a septage treatment and disposal facility together with such uses as may be consistent with said facility including but not limited to plant operator's quarters, soil enrichment activities and manufacturing of pollution control and treatment equipment.

C. That the sale price shall be \$160,000, payable at the rate of 10% down and the balance in monthly payments over 20 years at 9% interest compounded annually.

D. That title to the land shall revert to the Borough if the facility is not in operation within one year of the date of sale, and in the case of such reversion, the Borough shall refund to Gagnon Excavating any amounts actually paid by Gagnon Excavating to the Borough for purchase of said land. Any permanent improvements to the land shall become the property of the Borough in the case of such reversion and no compensation shall be due Gagnon Excavating for such improvements, if any. Interest, if any, accruing on payments made by Gagnon Excavating prior to such reversion shall be retained by the Borough as Borough revenue.

Section 3. That this ordinance takes effect upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 1982.

John C. Davis, Assembly President

ATTEST:

Borough Clerk