

Introduced by: Mayor  
Date: December 17, 1985  
Hearing: January 21, 1985  
Vote:  
Action: FAILED INTRODUCTION  
12-17-85

KENAI PENINSULA BOROUGH

ORDINANCE 85-99

AUTHORIZING THE SALE OF BOROUGH PATENTED LANDS LOCATED WITHIN SECTION 15, T6S, R14W, S.M., ALASKA TO ROBERT L. PELKEY.

WHEREAS, the Borough has received patent to approximately 20 acres described as being the NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$  and E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 15, T6S, R14W, S.M., Alaska; and

WHEREAS, Robert L. Pelkey has submitted an offer to purchase the described parcel for the amount of \$30,000 with a ten percent down payment and the balance to be financed for 20 years at ten percent interest; and

WHEREAS, maps and a copy of the proposal were sent to the School District, South Peninsula Hospital Service Area, South Peninsula Road Service Area and the Borough Public Works Department for review and comment; and

WHEREAS, the School Board/School Site Section Committee reviewed the offer to purchase and commented that the parcel may be of value for trading for privately owned land or that proceeds from the sale be used to purchase sites for schools; and

WHEREAS, the South Peninsula Hospital Service Area Board reviewed the offer and commented that if the parcel were sold, fair market value should be obtained through independent appraisal or by competitive bids; and

WHEREAS, no comments were received from the South Peninsula Road Service Area; and

WHEREAS, the Borough Public Works Department advised that this parcel is of strategic value due to its proximity to the Homer baling facility; that it's been the long range plans of the department to hold the parcel in reserve for a future cover material source and potential balefill site; and, that the parcel serves as a buffer zone between the balefill site and private property; and

WHEREAS, the Planning Commission reviewed the request at its meeting of November 18, 1985 and recommended that the land be retained by the Borough for future use; and

WHEREAS, the assembly has considered these recommendations that the land be retained and determines that despite these the land should be classified for disposal and this sale should be authorized;

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

Section 1. That the following described parcel is hereby classified for disposal and is authorized for sale to Robert L. Pelkey:

NW $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$ , W $\frac{1}{2}$ NE $\frac{1}{2}$ SE $\frac{1}{2}$ NW $\frac{1}{2}$  and E $\frac{1}{2}$ NE $\frac{1}{2}$ SW $\frac{1}{2}$ NW $\frac{1}{2}$ , Section 15, T6S, R14W, S.M., Alaska, containing 20 acres, more or less.

Section 2. That the sale price shall be \$30,000. Sale of the land shall be by payment in full or by making a down payment of a minimum of ten percent (10%) of the sale price with the unpaid balance to be paid in 120 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum.

Section 3. That conveyance shall be by warranty deed. An unpaid balance shall be secured by a promissory note and deed of trust including additional provisions providing for trustee's sale upon default in payment or upon condition broken, including additional provisions prohibiting the subdivision of the parcel or utilization or removal of any timber, sand or gravel resources for any commercial purpose until the balance due is paid in full. The purchaser may sell or assign his interest in the property subject to the recording of an assumption agreement in the appropriate recording district and written notification to the borough. The purchaser shall pay any and all recording fees, collection fees and escrow fees associated with this sale.

Section 4. That if the purchase, as specified in Section 2 of this ordinance, is not completed within sixty (60) calendar days of the date of enactment of this ordinance the right to purchase this parcel shall be forfeited.

Section 5. That the Mayor is authorized to sign any and all documents necessary to effectuate this ordinance.

Section 6. That this ordinance shall take effect immediately upon its enactment.

~~REVOKED~~  
DEFEATED  
BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON  
THIS 17th DAY OF December, 1985

Betty J. Glick, Assembly President

ATTEST:

  
Borough Clerk