

Introduced by: Mayor  
Date: Dec. 17, 1985  
Hearing: Jan. 21, 1985  
Vote:  
Action: DEFEATED, REQUEST  
OF PETITIONER

KENAI PENINSULA BOROUGH  
ORDINANCE 85-98 (SUBSTITUTE)

AUTHORIZING BOROUGH PATENTED LANDS DESCRIBED AS TRACT C-1 POLE ISLAND SUBDIVISION WITHIN SECTION 11, T6N, R12W, S.M., ALASKA TO BE LEASED BY DRAGNET FISHERIES FOR A TERM OF FIVE YEARS.

WHEREAS, the Borough has received patent to certain lands within Sec. 11, T6N, R12W, S.M., Alaska; and

WHEREAS, Dragnet Fisheries has requested a lease of Tract C-1, Pole Island Subdivision for the purpose of setting up a fish buying station; and

WHEREAS, notice of the request and maps were sent to the Borough Public Works Department, School District, North Peninsula Recreation Service Area, Nikiski Fire Service Area, Central Peninsula Hospital Service Area and North Peninsula Road Maintenance Service Area for review and comment; and

WHEREAS, the School District commented that the location and size of the parcel made it unsuitable for their use but that the land could be used for trading to obtain other lands to be used for public purposes; and

WHEREAS, the Nikiski Fire Service Area had some questions before they commented; and

WHEREAS, no comments were received from the Public Works Department, North Peninsula Recreation Service Area, Central Peninsula Hospital Service Area or North Peninsula Road Maintenance Service Area; and

WHEREAS, the Planning Commission reviewed this request at its November 18, 1985 meeting and after reconsideration recommended that the parcel be leased to Dragnet Fisheries for a period of five years with the stipulation that at the end of the lease period any physical access which may be constructed on the parcel remain intact to provide public access to the beach;

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

Section 1. That the following described parcel is hereby authorized for lease to Dragnet Fisheries:

Tract C-1 of Pole Island Subdivision, plat number 83-146, Kenai Recording District, Third Judicial District, State of Alaska, containing 4.71 acres,

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more or less, and located within a portion of  
Sec. 11, T6N, R12W, S.M., Alaska

Section 2. That the lease shall be for a term of five years, commencing thirty (30) calendar days after enactment of this ordinance. The annual lease fee shall be calculated at the rate of eight percent (8%) of the assessed value as shown on the certified assessment roll for each year of the lease term. The annual lease fee shall be payable in advance. The lease must be executed within thirty (30) days of the effective date of this ordinance.

Section 3. That at the end of the lease period any physical access which may have been constructed on the parcel during the term of the lease remain intact to provide public access to the beach.

Section 4. That the lessee shall pay any and all recording fees, collection fees, escrow fees and taxes associated with this parcel of land. The lessee may assign the lease subject to the recording of an assumption agreement in the appropriate recording district and upon written notification to the borough.

Section 5. That the Mayor is authorized to sign any and all documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

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

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1986.

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Betty J. Glick, Assembly President

ATTEST:

\_\_\_\_\_  
Borough Clerk

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