

Introduced by: Mayor
Date: Oct. 11, 1988
Hearing: Nov. 15, 1988
Action: Enacted
Vote: 12 Yes, 2 No

KENAI PENINSULA BOROUGH

ORDINANCE 88-44

AMENDING KPB 17.04.170 TO ELIMINATE THE REQUIREMENT OF VOTER RATIFICATION OF CERTAIN DISPOSALS OF REAL PROPERTY VALUED AT \$25,000 OR MORE.

WHEREAS, KPB 17.04.170(D) was patterned after provisions of Title 29 that required voter ratification of disposition of borough lands, other than selected lands, where the value of the disposition exceeded \$25,000; and

WHEREAS, the statute requiring voter approval was repealed with the Title 29 revisions that went into effect January 1, 1986; and

WHEREAS, there is no longer a statutory mandate of voter ratification of certain dispositions of municipal property;

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

Section 1. That KPB 17.04.170 is amended to read:

17.04.170 Lands--Disposition--For private use--Procedure required. Borough properties other than borough-selected land disposed of pursuant to Sections 17.04.020 through 17.04.070 which are not needed for any public purpose, shall be disposed of according to the following procedure:

A. Any land to be disposed of under this section shall first be appraised by a qualified appraiser or the assessor and an estimate value of the property established.

B. A notice of sale shall be published in a newspaper of general circulation in the borough no less than 30 days before the date of the sale, lease or disposition, and posted within that time in at least 3 public places in the borough.

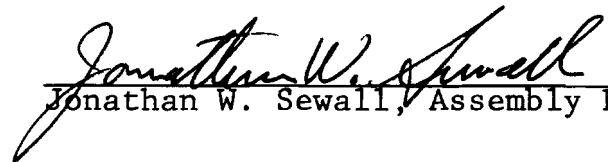
C. Disposal shall be at public auction unless the assembly by resolution shall otherwise direct.

D. Any disposition of real property under this section, valued at \$25,000 or more, shall be by ordinance. [NO SUCH DISPOSITION SHALL BE FINAL UNLESS THE ACTION OF THE BOROUGH IS RATIFIED BY A MAJORITY OF THE QUALIFIED VOTERS VOTING AT A GENERAL OR SPECIAL ELECTION AT WHICH THE QUESTION OF RATIFICATION OF THE ORDINANCE IS SUBMITTED.]

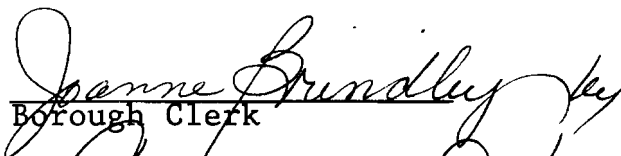
[E. 30 DAY'S NOTICE SHALL BE GIVEN OF THE ELECTION AND DURING THAT PERIOD THE ASSEMBLY SHALL PUBLISH AT LEAST ONCE EACH WEEK IN A NEWSPAPER PUBLISHED IN THE BOROUGH, A NOTICE STATING THE TIME OF ELECTION AND PLACE OF VOTING, DESCRIBING THE PROPERTY TO BE SOLD, LEASED OR DISPOSED OF, GIVING A BRIEF STATEMENT OF THE TERMS AND CONDITIONS OF THE SALE AND THE CONSIDERATION, IF ANY, STATING THE TITLE AND DATE OF PASSAGE OF THE ORDINANCE. NOTICE SHALL ALSO BE GIVEN BY POSTING A COPY OF IT IN AT LEAST 3 PUBLIC PLACES IN THE BOROUGH AT LEAST 30 DAYS BEFORE THE ELECTION.]

Section 2. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 15 DAY OF November, 1988.


Jonathan W. Sewall, Assembly President

ATTEST:


Borough Clerk


Dep Clerk