

Introduced by: Mayor
Date: May 2, 1989
Hearing: June 6, 1989
Action: Defeated
Vote: 9 No, 4 Yes

KENAI PENINSULA BOROUGH

ORDINANCE 89-23

CLASSIFYING BOROUGH OWNED LANDS AS "SALE LANDS" AND AUTHORIZING A PUBLIC SEALED BID DISPOSAL OF TRACT C FISHERMEN ROADS SUBDIVISION LOCATED WITHIN SECTION 30, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN

WHEREAS, the borough owns certain lands located within Section 30, T5N, R11W, Seward Meridian, Alaska; and

WHEREAS, a request has been received from William J. Nelson to purchase said lands; and

WHEREAS, there has been interest expressed by others to purchase this parcel; and

WHEREAS, the Kenai Peninsula Borough School District, Kenai Peninsula Borough Public Works Department, Central Peninsula Hospital Service Area, Central Peninsula Emergency Medical Service Area, and Kalifornsky Fire Service Area have reviewed the request for purchase and offered no objections to the disposal; and

WHEREAS, at its April 3, 1989 meeting, the Kenai Peninsula Borough Planning Commission reviewed the request, classification, and terms and conditions of the public sealed bid disposal;

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

Section 1. That the following described lands are classified as "sale lands":

Tract C, Fishermen Roads Subdivision, containing 2.86 acres, more or less, according to plat #84-73, and located within a portion of Section 30, T5N, R11W, S.M., Alaska

Section 2. That the parcel described in Section 1 of this ordinance shall be offered at public sealed bid sale at the minimum bid of \$63,200, said price being the assessed value as determined by the Kenai Peninsula Borough Assessing Department.

Section 3. That notice of the public sealed bid sale shall be published in a newspaper of general circulation within the borough. At a minimum, the notice shall contain such information concerning the location, size, and description of the land, the minimum bid price of the parcel, eligibility requirements to participate, the location for bid submittal, the closing date and time for receipt of bids, and the date and time of the bid opening. Said public notice shall be published one time each week for two consecutive weeks. The first notice is to be published within thirty (30) calendar days after the date of enactment of this ordinance. Notice shall also be posted at the post offices, in the city halls of Kenai, Homer, Seward, Seldovia and Soldotna, and in the borough administration building in Soldotna.

Section 4. That anyone who is 18 years of age or older on the date of the bid opening and a resident of the State of Alaska is eligible to participate. Each eligible participant may submit only one bid on the parcel.

Section 5. That in the event identical bids are submitted, the highest bid shall be determined by drawing a name. The individual whose name is drawn shall be declared the high bidder and deemed to have bid an additional one dollar (\$1.00). The qualified high bidder shall be notified by certified mail within five (5) calendar days of the bid opening of his right to purchase. Purchase of the parcel and signing of all documents must be completed within thirty (30) calendar days of the date of receipt of the certified notice or his/her right to purchase is forfeited. In the event the land is not purchased, it shall return to the borough's land inventory as unclassified lands.

Section 6. That conveyance of this land shall be by warranty deed, and balances due shall be secured by a promissory note and deed of trust including additional provisions providing for trustee's sale upon default in payment of upon condition broken, and including additional provisions prohibiting the resubdivision of any parcel or the utilization or removal of any timber, sand or gravel resources for any commercial purpose until the balance due is paid in full.

Section 7. That purchase of the parcel may be made by payment in full or by making a down payment of a minimum of ten percent (10%) of the bid price. A promissory note for the balance remaining unpaid shall provide for equal monthly installments of principal together with interest. If after down payment the remaining principal balance is less than \$30,000, the balance shall be payable in 120 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. If after down payment the remaining principal balance is \$30,000 or more but less than \$50,000, the balance shall be payable in 180 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. If after down payment the remaining principal balance is more than

50,000, the balance shall be payable in 240 equal monthly installments of principal together with interest at the rate of ten percent (10%) per annum. Nothing contained herein shall prevent the prepayment of principal amount with interest to date of payment; however, no prepayment shall suspend the due date of any future installments until the entire balance of principal together with interest is paid in full. A penalty of five percent (5%) of each payment past due shall be assessed when a payment is more than fifteen (15) calendar days late.

Section 8. That the purchaser shall be responsible for paying the cost of recording fees and any applicable collection, set-up and/or escrow fees. The borough will cause the proper documents to be recorded in the Kenai Recording District. A warranty deed shall be issued to the purchaser by the borough. After purchase, the purchaser may sell or assign his interest in the property subject to the recording in the Kenai Recording District of an assumption agreement and any other document(s) and after written notification to the borough.

Section 9. That this land is sold "as is" and the purchaser shall be responsible for visiting the parcel and for ascertaining the condition of the site and the extent of any easements, encroachments, alterations, or infringements upon the parcel by other persons. The borough will make a reasonable effort to disclose all types of information available to the borough to assist interested persons in determining soil conditions, wetlands, floodplains, easements and other encroachments. In the event that certain other rights to the parcel have been previously granted by the borough, state, federal government or any previous owner, then the sale of the parcel shall be made subject to them. The purchaser shall be charged with putting himself on notice of the possibility that preexisting rights may exist and that further inquiry is required. Conveyance by warranty deed shall be made subject to this section.

Section 10. That the mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interest of the borough.

Section 11. That this ordinance shall take effect immediately upon its enactment.

~~DEFEATED~~
~~ENACTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 6th DAY OF June, 1989.

Jonathan W. Sewall, Assembly President

ATTEST:

Borough Clerk

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Introduced by: Mayor
Date: April 18, 1989
Hearing: May 16, 1989
Vote: 10 Yes, 2 No
Action: Enacted

KENAI PENINSULA BOROUGH
ORDINANCE 89-24 (SUBSTITUTE)

APPROPRIATION FOR SCHOOL PURPOSES FOR FISCAL YEAR 1989-1990.

WHEREAS, the Assembly is required by Alaska Statute 14.14.060(c) to make an appropriation for the local share of funding for the school budget by May 31; and

WHEREAS, Resolution 89-44 (Substitute) approved a total school budget of \$62,409,658 and established that up to \$23,412,146 be provided from local sources (\$17,576,869 local effort, and \$5,835,277 in-kind services) for school purposes;

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

Section 1. That subject to the provisions of this ordinance, the following is appropriated to the school fund from local sources for school operations purposes for the fiscal year July 1, 1989 through June 30, 1990:

A.	Local Effort	\$17,576,869
B.	Borough Maintenance	4,100,000
C.	School District Utilities	43,336
D.	Insurance	1,663,341
E.	Audit	<u>28,600</u>
	Total Local Sources	<u>\$23,412,146</u>

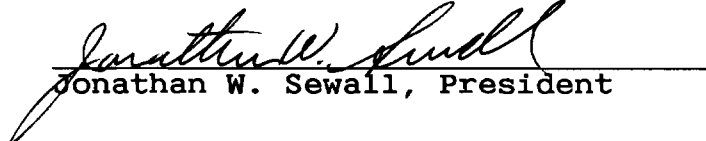
Section 2. That disbursements from the direct appropriation in Section 1 item (A) shall be made only as needed to supplement other revenues available and received by the school district to fund the school district operations portion of the budget of \$56,574,381. Regardless of the amount of appropriated funds, no disbursement may be made that would cause the school district to have an excess of available fund balance. All undistributed or unencumbered balances in this appropriation as of June 30, 1990 shall lapse and revert to the Borough General Fund.

Section 3. That this ordinance takes effect at 12:01 a.m.,
on July 1, 1989.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 16th DAY OF May, 1989.

ATTEST:


Borough Clerk


Jonathan W. Sewall, President