

Introduced by: Mayor
Date: August 7, 1990
Hearing: August 21, 1990
Action: ENACTED
Vote: Unanimous

KENAI PENINSULA BOROUGH

ORDINANCE 90-51 (Substitute)

AUTHORIZING NEGOTIATED MATERIAL SALES FROM BOROUGH LANDS AND
ESTABLISHING PROVISIONS THEREFOR

WHEREAS, the borough has selected certain land in and around established communities from the State of Alaska pursuant to the Municipal Entitlement Act; and

WHEREAS, a portion of the lands are established material sites with some subject to permits issued by the State of Alaska; and

WHEREAS, applications have been received from property owners for material from these established sites; and

WHEREAS, the borough finds that it is in its best interest to provide by sale material for the improvement within these communities.

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

Section 1. That the borough code is amended to add a new section, KPB 17.04.210 to read:

17.04.210 Sand, gravel, and materials -- Negotiated sales -- Small quantities. A. That the mayor is authorized to sell material from established material sites on borough lands at the current market value. "Established Material Sites" are those former state permit sites which were transferred to the Kenai Peninsula Borough under the Municipal Entitlement Act. Each contract shall permit removal of a stated amount of material within a period of time not to exceed one year.

B. That all sales under this ordinance shall be made in compliance with the following terms and conditions:

1. All requests will be made in writing on the attached Material Application.

2. "Materials" include the common varieties of sand, gravel, rock, peat, pumice, pumicite, cinders, clay and sod.

3. The mayor may require the applicant to file a mining plan. This plan may consist of cross-sectional survey of uplands, methodology for site clearings, stripping and stockpiling of overburden, site restoration, provisions for drainage ditching and development of access.

4. The mayor may require a bond at the time the sale contract is executed. The bond must be at least One Hundred Dollars (\$100.00) or ten percent (10%) of the negotiated price, and may be retained until such time as site restoration and all other requirements are met and completed.

5. The material sale contract cannot be extended in time, nor in quantity.

6. Full payment shall be made at the time the sale contract is executed.

7. The mayor is authorized to sell up to 300 cubic yards per applicant per year.

8. Proof shall be submitted by the applicant that any and all sales taxes and real and personal property taxes are current.

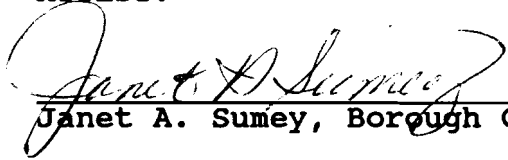
9. The mayor may set such additional requirements (such as liability insurance) as he deems necessary in the best interests of the borough.

C. That to the extent that the express provisions of this section may be inconsistent with the provisions of this title then this section shall supersede those inconsistent provisions.

Section 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS
24th DAY OF August, 1990.

ATTEST:


Janet A. Sumey, Borough Clerk


James W. Skogstad, Assembly President