

Introduced by: Mayor  
Date: November 13, 1990  
Hearing: December 11, 1990  
Vote: 14 YES 0 NO  
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 90-69

AUTHORIZING THE DISPOSAL OF LANDS LOCATED IN THE VICINITY OF TRADING BAY TO MARATHON OIL COMPANY FOR THE PURPOSE OF DEVELOPMENT OF A DRILLING MUD DISPOSAL SITE

WHEREAS, the assembly adopted Resolution 89-43 authorizing the borough's selection of the E $\frac{1}{2}$  of Section 36, Township 9 North, Range 15 West, Seward Meridian from the State of Alaska; and

WHEREAS, the selection was made under AS 38.05.810 Public and Charitable Use because the Municipal Entitlement Program was not funded for fiscal year 1990; and

WHEREAS, the State has waived the reverter and unrestricted public use clause normally associated with selections made under AS 38.05.810 as it was determined use of the land as a private waste disposal site was a legitimate public service even if operated by a private party; and

WHEREAS, the acreage of this selection is being deducted from the borough's municipal entitlement under AS 29.65; and

WHEREAS, the surveying and platting of the land has been completed as required by the State of Alaska and receipt of patent is imminent; and

WHEREAS, the borough has issued Marathon Oil Company permission to enter these lands for the purpose of staging equipment and materials and to begin initial construction of the disposal facility; and

WHEREAS, the Assessing Department has determined the fair market value of the lands; and

WHEREAS, the Kenai Peninsula Borough Planning Commission reviewed the proposed disposal of land to Marathon Oil Company at its meeting of November 5, 1990;

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

Section 1. That the lands described as being the E $\frac{1}{2}$  of Section 36, Township 9 North, Range 15 West, Seward Meridian,

Alaska, containing 319.99 acres, more or less, as depicted on Alaska State Cadastral Survey 90132, are hereby classified as disposal lands for conveyance to Marathon Oil Company.

Section 2. That the sale price of said lands shall be \$272,000. In addition, Marathon Oil Company shall reimburse the borough the cost of surveying and platting in the amount of \$23,343.

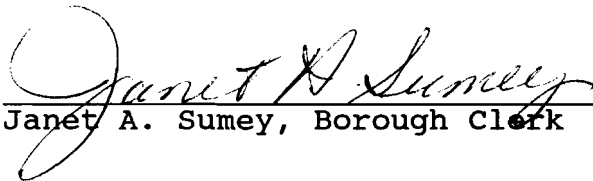
Section 3. That the conditions of KPB 17.04.170 B and C are hereby waived.

Section 4. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interests of the borough.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 11th DAY OF December, 1990.

  
\_\_\_\_\_  
Assembly President

ATTEST:

  
\_\_\_\_\_  
Janet A. Sumey, Borough Clerk