

Introduced by: Glick, Reilly
Date: 3/16/93
Hearing: 5/04/93
Action: Enacted as Amended
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 93-15**

**AN ORDINANCE CLASSIFYING AND AUTHORIZING THE DISPOSITION OF
BOROUGH LANDS LOCATED IN THE COOPER LANDING AREA TO THE ST.
JOHN NEUMANN CATHOLIC CHURCH MISSION OF SACRED HEART**

WHEREAS, application for lease with an option to purchase land was received from St. John Neumann Catholic Church Mission of Sacred Heart for use as a cemetery, retreat, day camp and related uses; and

WHEREAS, the area requested surrounds the existing church site; and

WHEREAS, the church filed an application to lease this area with the State of Alaska in 1979, and was advised that because the borough had filed a selection for this area the State would not create a third party interest and closed the file; and

WHEREAS, the borough has received management authority from the State of Alaska per the Final Decision which granted selection approval, dated August 23, 1989; and

WHEREAS, requests for review and comment were sent to borough departments, the Cooper Landing Advisory Planning Commission, service areas and the school district; and

WHEREAS, the Cooper Landing Advisory Planning Commission met on March 17, 1993, and unanimously approved the motion to convey the requested property to Sacred Heart Mission of St. John Neumann Catholic Church; and

WHEREAS, the Kenai Peninsula Borough Planning Commission reviewed this item at its meeting of March 22, 1993, and concurred with the disposal of the land and recommended that if the land is donated to the applicant for lease or purchase and the property ceases to be used for the intent and purpose as stated on the application then the land should revert to the borough;

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

SECTION 1. That in accordance with the provisions of Section 17.10.230, exceptions to

17.10.060, 17.10.070, 17.10.080, 17.10.090, and 17.10.110 are hereby granted based on findings of fact.

SECTION 2. That under the provisions of Section 17.10.080(K), the lands described in this ordinance are hereby classified Institutional.

SECTION 3. That under the provisions of Section 17.10.100(I), the described lands, subject to survey and plat, are hereby authorized for lease with an option to purchase to Sacred Heart Mission of St. John Neumann Catholic Church:

That portion of U.S. Survey No. 5101, and being within protracted Section 34, Township 5 North, Range 3 West, Seward Meridian, Alaska, described as follows:

Commencing at the corner common to Tracts "C" and "D" on the northerly right-of-way line of Snug Harbor Road according to the plat of A.S.L.S. 79-126, plat number 80-16, Seward Recording District;

Thence due west, as referenced by A.S.L.S. 79-126, to the southwesterly right-of-way line of Snug Harbor Road and the true point of beginning;

Thence continue due west to a point that is 200.00 feet, measured perpendicular southeasterly from the centerline of Shackleford Creek;

Thence northeasterly along a line that is 200.00 feet from and parallel to the centerline of Shackleford Creek to the point of intersection with line 3 - 4 of Tract A, A.S.L.S. 81-111, plat number 84-5, Seward Recording District;

Thence following along line 3 - 4, 4 - 1 and 1 - 2 of said Tract A, A.S.L.S. 81-111 to the point of intersection with the said parallel line 200.00 feet from the centerline of Shackleford Creek;

Thence northeasterly along said parallel line to the southwesterly right-of-way line of Snug Harbor Road;

Thence southeasterly along the said right-of-way line to the true point of beginning;

Excepting therefrom Tract A, A.S.L.S. 81-111; containing 9.45 acres, more or less, subject to survey. Subject to all easements and reservations of record.

reservations of record.

SECTION 4. That prior to any disposition of the land, a survey and plat shall be prepared by an Alaska registered surveyor and in accordance with all applicable laws. the cost of the survey and plat and all fees shall be the responsibility of Sacred Heart Mission of St. John Neumann Catholic Church.

SECTION 5. That Sacred Heart Mission of St. John Neumann Catholic Church shall submit a development plan disclosing the use, nature of improvements, estimated value of improvements and a development and construction time table in accordance with Section 17.10.140(B)(1) prior to executing a lease agreement.

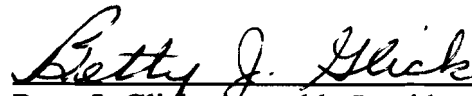
SECTION 6. That in accordance with KPB 17.10.140(B)(2) and (3), the annual lease rate may be established at other than fair market rental value.

SECTION 7. That upon the Kenai Peninsula Borough receiving title from the State of Alaska, Sacred Heart Mission of St. John Neumann Catholic Church shall be entitled to purchase the leased lands at other than fair market value under the provisions of Section 17.10.120(D). All documents to purchase the land shall be completed within one year from the date the borough receives title.

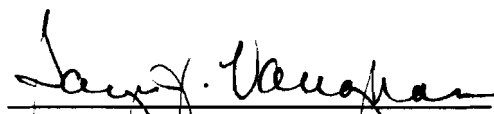
SECTION 8. That purchase may be made by payment in full or a minimum of ten percent (10%) down payment with the remaining principal balance payable in 180 equal monthly installments at the rate of ten percent (10%) interest secured by a deed of trust. All costs of the sale and closing shall be paid by the purchaser.

SECTION 9. 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.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 4th DAY OF MAY, 1993.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk