

Introduced by: Mayor
Date: 09/06/94
Hearing: 10/11/94
Action: Enacted
Vote: Unanimous

KENAI PENINSULA BOROUGH
ORDINANCE 94-47

AN ORDINANCE AMENDING KPB CODE 17.10.100 (D) AND 17.10.100 (I) BY ADDING LANGUAGE TO EXCEPT PORTIONS OF LARGER PARCELS OF LAND FROM CLASSIFICATION, DEPOSIT INTO THE LAND BANK, AND NOTICE OF DISPOSITION IF THE LAND TO BE SOLD OR LEASED IS A PORTION OF A LARGER PARCEL, AND THE MOST APPROPRIATE USE AND THE HIGHEST AND BEST USE OF THE LARGER PARCEL IS NOT CHANGED, AND THE LAND TO BE SOLD IS NOT MORE THAN ONE ACRE

WHEREAS, Section 17.10.090 requires that all Borough lands be classified before they are sold or leased; and

WHEREAS, the classification of lands owned by the Borough is intended to designate the most appropriate use of such; and

WHEREAS, classification of small portions of larger parcels of land to determine the most appropriate use is an unnecessary, costly, and time-consuming process in situations where the land is to be sold in cooperation with a public agency, or sold to resolve a land use conflict or unintentional trespass, and the land to be sold is not more than one acre; and

WHEREAS, the Borough Planning Commission in its regular session on August 22, 1994 recommended enactment by a majority vote;

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

SECTION 1. That KPB Sub-Section 17.10.100 (D) is amended to read as follows:

D. Cooperative Sale or Lease. The assembly may by ordinance authorize the mayor to sell or lease borough land in cooperation with a person or public agency. This cooperation may include, but is not limited to, the sale or lease of borough land subject to a preliminary subdivision plat, the sale or lease to a private developer of borough land subject to a development contract, or a sale or lease in cooperation with a public or governmental agency. A cooperative sale or lease shall be conducted according to the bidding requirements of KPB 5, unless the sale or lease is in cooperation with a public or governmental agency. Land to be sold or leased in cooperation with a

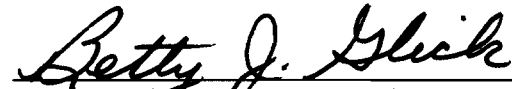
public or governmental agency may be excluded from classification, deposit into the Land Bank, and Notice of Disposition if the land to be sold or leased is a portion of a larger parcel, and the most appropriate use and the highest and best use of the larger parcel is not changed and the land to be sold or leased is not more than one acre.

SECTION 2. That KPB Sub-Section 17.10.100 (I) is amended to read as follows:

I. Negotiated Sale or Lease. The assembly may by ordinance authorize the negotiated sale or lease of borough land in accordance with section 17.10.120(D). Land to be sold or leased to resolve a land use conflict or unintentional trespass may be excluded from classification, deposit into the Land Bank, and Notice of Disposition if the land to be sold or leased is a portion of a larger parcel, and the most appropriate use and the highest and best use of the larger parcel is not changed, and the land to be leased or sold is not more than one acre.

SECTION 3. That this ordinance becomes effective immediately upon enactment.

ENACTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 11th DAY OF OCTOBER, 1994.


Betty J. Glick, Assembly President

ATTEST:


Gaye J. Vaughan, Borough Clerk