

Introduced Mayor
Date: 6/04/96
Hearing: 7/09/96
Postponed to: 8/20/96
Action: Defeated
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-25**

**AN ORDINANCE AUTHORIZING CONVEYANCE OF TRACT A-1, SHORELINE
HEIGHTS SUBDIVISION NO. 2, PLAT NO. 93-26 TO THE UNIVERSITY OF ALASKA
IN EXCHANGE FOR TRACT 1, KALIFORNKY ELEMENTARY SCHOOL
SUBDIVISION, PLAT NO. 83-100**

WHEREAS, the Kalifornsky Elementary School is constructed on Tract 1, Kalifornsky Elementary School Subdivision, Plat No. 83-100 which is owned by the University of Alaska; and

WHEREAS, the Kenai Peninsula Borough Assembly Resolution 83-97 authorized an equal value land exchange agreement in 1982 of 19.98 acres of University land located on the Kenai Peninsula College campus in Soldotna, Alaska now known as Tract 1, Kalifornsky Elementary School Subdivision, Plat No. 83-100 for approximately 100 acres of Borough land near the University's Red Meat Station near Homer, Alaska; and

WHEREAS, the Borough desired immediate possession of the University land prior to completion of the land exchange in order to commence construction of a public elementary school in May 1983; and

WHEREAS, the University granted a letter of entry, signed by the Borough Mayor, which allowed immediate Borough entry onto the University land on the condition that the parties execute a lease to authorize the Borough's use of University land until such time as the land exchange was completed; and

WHEREAS, the University's land needs changed and the land exchange did not proceed, and the Borough constructed an elementary school on the University land but a lease agreement was never executed; and

WHEREAS, the Borough and University have made various efforts over the years to identify equal value properties to exchange for the 19.98 acres of University land; and

WHEREAS, the University of Alaska has offered to accept Tract A-1, Shoreline Heights Subdivision No. 2, Plat No. 93-26 in exchange for the 19.98 acres of University land;

and

WHEREAS, they deem that the exchange was of equal value in consideration of the Kenai Peninsula Borough having received the benefit and use of University of Alaska parcel since 1983;

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

SECTION 1. Pursuant to KPB 17.10.100(C) the mayor is authorized to convey to the University of Alaska by statutory quitclaim deed certain real property described as follows:

Tract A-1, Shoreline Heights Subdivision No. 2 according to Plat No. 93-26, on file in the Kenai Recording District, Third Judicial District, State of Alaska.

SECTION 2. The mayor is authorized to accept in exchange for Tract A-1, Shoreline Heights Subdivision No. 2 certain real property described as follows:

Tract 1, Kalifornsky Elementary School Subdivision, according to Plat No. 83-100, on file in the Kenai Recording District, Third Judicial District, State of Alaska.

SECTION 3. In accordance with the provisions of KPB 17.10.230 an exception to KPB 17.10.130(D) is granted.

SECTION 4. The mayor is authorized to sign all necessary documents to effectuate this exchange.

SECTION 5. This ordinance becomes effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS _____ DAY OF _____, 1996.

Andrew P. Scalzi, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk