

Introduced by: Mayor at the request of
the City of Kenai
Date: 7/09/96
Hearing: 8/06/96
Action: Enacted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-32**

**AN ORDINANCE AUTHORIZING A LEASE WITH AN OPTION TO PURCHASE TO
THE CITY OF KENAI FOR APPROXIMATELY 12.50 ACRES OF LAND FOR A
WELL SITE AND OTHER PUBLIC FACILITIES**

WHEREAS, the Borough has a final decision from the State of Alaska for certain land which the City of Kenai has determined suitable for a well site and other public facilities; and

WHEREAS, the Borough land, containing approximately 12.50 acres, proposed for conveyance to the City of Kenai for a well site and other public facilities has been classified Government; and

WHEREAS, the City of Kenai is a local government within the Kenai Peninsula Borough providing services to Borough residents; and

WHEREAS, the land requested by the City of Kenai should be conveyed at other than fair market value to enable the City of Kenai to better serve Borough residents;

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

SECTION 1. The mayor is authorized to deposit into the land bank the parcel generally described as the S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ Section 36, T6N, R11W, S.M., Alaska excepting Beaver Creek Alaska Subdivision and the Kenai Spur Highway right-of-way.

SECTION 2. The assembly finds that leasing this land to the City of Kenai, with an option to purchase, is in the best interests of the public and the Borough. This finding is based on:

- a. The City of Kenai is a local government within the Kenai Peninsula Borough providing services to Borough residents.
- b. The land classified government will be used for a well site and fire station, which are essential services.

SECTION 3. Based on the foregoing the mayor is hereby authorized, pursuant to KPB Code of

Ordinances 17.10.100(I), to negotiate and enter into a lease, with an option to purchase the fee estate which will be conveyed by quit claim deed, the above described parcel at other than fair market value with the City of Kenai, with the additional condition that the sale agreement provide that the property be used solely for governmental purposes.

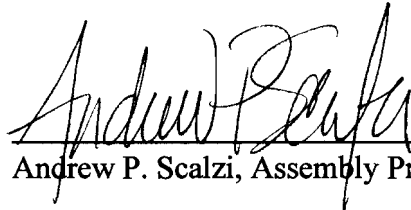
SECTION 4. The negotiated lease shall contain the provision that the lease payment shall be ONE DOLLAR (\$1.00) per year. The option to purchase shall set the sale price at ONE DOLLAR (\$1.00) and shall be exercisable within one year of delivery of notice to the City of Kenai that the borough has received patent to the land described in Section 1.

SECTION 5. Pursuant to KPB 17.10.230 the assembly authorizes an exception to KPB 17.10.130(D) which requires the conveyance instrument to contain restrictions that confine the use of the land to the classification and prohibit use of the land for any other purpose. This exception is based on:

- a) The fact that the City of Kenai has existing zoning regulations is a special circumstance that justifies this exception.
- b) This exception is necessary to facilitate the City of Kenai's management of the property.
- c) Granting this exception will not be detrimental to the public welfare or injurious to other property in the area.

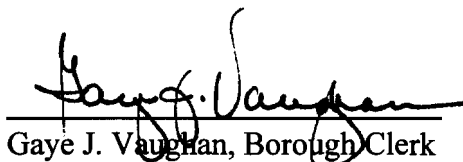
SECTION 6. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6th DAY OF AUGUST, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk