

Introduced	Mayor
Date:	9/03/96
Hearing:	10/08/96
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-40**

**AN ORDINANCE AUTHORIZING THE SETTLEMENT OF JAKE IVANOFF'S  
NATIVE ALLOTMENT CLAIM ON BOROUGH-SELECTED LAND**

**WHEREAS,** pursuant to the federal Alaska Native Allotment Act of 1906 ("ANAA"), 43 U.S.C. §§270-1 to 270-3, as amended, borough resident Jake Ivanoff originally applied in the early 1970's for a Native allotment of approximately 130 acres of land situated north of Kenai based on Mr. Ivanoff's use and occupancy of the land beginning in approximately 1956; and

**WHEREAS,** the original application was apparently misplaced and Mr. Ivanoff refiled his application in April 1982; and

**WHEREAS,** the borough selected forty acres of this land in 1979 and the state approved its selection in January 1982, before the federal land records showed Mr. Ivanoff's claim; and

**WHEREAS,** the state presently holds patent to all of the land included in Mr. Ivanoff's application; and

**WHEREAS,** continuing litigation regarding this land may take years, suspending indefinitely the borough's ability to effectively manage these land and causing the borough to incur thousands of dollars in legal fees and costs, with no guarantee of success on the merits; and

**WHEREAS,** the borough, the state and Mr. Ivanoff have tentatively agreed to settle this matter by conveying to Mr. Ivanoff five (5) acres of the original claimed land, with the borough and the state each providing two and one-half (2 ½) acres, in exchange for Mr. Ivanoff relinquishing his claim to the remaining lands; and

**WHEREAS,** the assembly finds that such a settlement is reasonable and in the best interests of the borough;

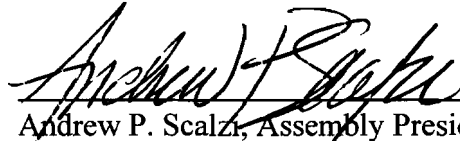
**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the mayor is authorized to execute all documents necessary to convey all of the borough's interests in the following described two and one-half (2 ½) acres of borough-selected land to the appropriate entity for conveyance to Mr. Ivanoff, and to settle his native allotment claim AA-47908 in exchange for this conveyance:

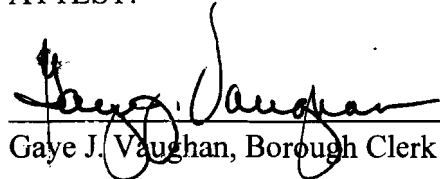
The SE1/4SE1/4SW1/4NE1/4 excepting the East 30 feet, and the East 30 feet of the SW1/4SE1/4SW1/4NE1/4, all in Section 23, T8N, R11W, Seward Meridian, State of Alaska, containing 2.5 acres more or less.

**SECTION 2.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8th DAY OF OCTOBER, 1996.**

  
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Andrew P. Scalzi, Assembly President

ATTEST:

  
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Gaye J. Vaughan, Borough Clerk