

Introduced by:	Mayor
Date:	9/03/96
Shortened Hearing:	9/17/96
Action:	Enacted
Vote:	5 Yes, 3 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 96-41**

**AN ORDINANCE APPROPRIATING \$257,600 FOR PURCHASE OF THE  
KALIFORNSKY BEACH ELEMENTARY SCHOOL PROPERTY**

- 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,** KPB Assembly Resolution 83-97 authorized an equal value land exchange agreement in 1983 of 19.98 acres of University of Alaska land located on the Kenai Peninsula College campus in Soldotna, Alaska now known as Tract 1, Kalifornsky Elementary School Subdivision, Plat No. 83-100 ("the Property") for approximately 100 acres of Borough land near the University's Red Meat Station near Homer, Alaska; and
- WHEREAS,** subsequent to the commencement of construction of the Kalifornsky Beach Elementary School, the University's land needs changed and they retracted their interest in the Homer property; 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 to no avail; and
- WHEREAS,** the Borough has had the use of the Property for 13 years without compensation to the University; and
- WHEREAS,** the Borough and the University agree that the appraised value in 1983 was \$161,000, which is the time at which the Borough first entered the Property; and
- WHEREAS,** the Borough and University wish to resolve all outstanding issues between the parties arising from the proposed 1983 land exchange; and
- WHEREAS,** the parties have tentatively agreed to settle this matter by selling the land to the borough for \$257,600, which was calculated based on the 1983 appraised value of the property at \$161,000.00 plus six (6) years' rent totaling \$96,600.00. (1983 appraised value of \$161,000.00 x 10% per year x 6 years.);

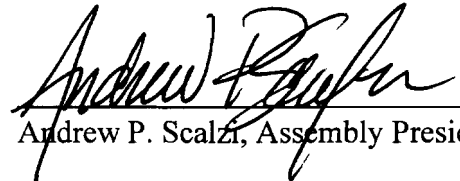
**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the mayor is authorized to purchase the above-described property on behalf of the borough for the sum of \$257,600, in full and final settlement of the above-described dispute and to execute such documents as may be necessary to complete the settlement.

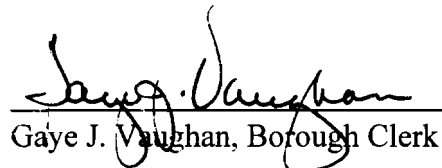
**SECTION 2.** That the sum of \$257,600 is appropriated from the fund balance of the Land Trust Fund to Account Number 250.212010.48610 LAND PURCHASE to provide for the acquisition of University of Alaska property as described in this ordinance.

**SECTION 3.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17th DAY OF SEPTEMBER, 1996.**

  
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Andrew P. Scalzi, Assembly President

ATTEST:

  
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Gaye J. Vaughan, Borough Clerk