

Introduced
Date: 11/12/96
Hearing: 12/17/96
Action: Failed to set Hearing
Vote:
Mayor
@ request of petitioner

**KENAI PENINSULA BOROUGH
ORDINANCE 96-49**

**AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 20 ACRES OF
BOROUGH LAND LOCATED IN THE POINT POSSESSION AREA TO TIMOTHY
AND ROBERTA O'BRIEN**

WHEREAS, pursuant to KPB 17.10.100 (I) an application has been received from Timothy and Roberta O'Brien to purchase approximately 20 acres of borough land located in the Point Possession area at market value; and

WHEREAS, the borough has received State Patent No. 4734 to the subject land; and

WHEREAS, borough land in the Point Possession area is classified Rural with a Resource Management overlay; and

WHEREAS, the land is deposited in the land bank; and

WHEREAS, the fair market value of the subject property, subject to the Rural land use classification, is presently estimated at \$1,000.00 to \$1,300.00 an acre; and

WHEREAS, the Planning Commission heard public comment and discussed the proposed sale during their regularly scheduled October 14, 1996 meeting, and a motion to recommend approval of the sale failed by a majority vote;

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

SECTION 1. That the Assembly finds that selling approximately 20 acres of borough land located in the Point Possession area at market value is in the best interest of the public and the Borough. This finding is based on the following facts:

- a. The borough will receive income from the sale of this land.
- b. The borough will receive property taxes from this property.
- c. Timothy and Roberta O'Brien previously paid \$200.00 to have land classified in the Point Possession area in the hope of being able to purchase the land.

SECTION 2. That the mayor is authorized, pursuant to KPB 17.10.100 (I), Negotiated Sale or Lease, to negotiate the sale of the following described land to Timothy and Roberta

O'Brien subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The sales price shall be \$1,150.00 per acre. The sale shall be further subject to the terms and conditions contained in Attachment A, EARNEST MONEY CONTRACT FOR SALE OF REAL PROPERTY. Sale is subject to the O'Briens platting the parcel. The authorization is for negotiation solely with Timothy and Roberta O'Brien or their heirs, and they may not assign any rights to negotiate or enter an agreement for sale to any other person.

The parcel is described as an irregularly shaped parcel of land located on the northwesterly side of an unnamed lake in the Point Possession area of the Kenai Peninsula and further described as:

NE¹/₄SW¹/₄, N¹/₂SE¹/₄SW¹/₄ excluding an unnamed lake all within Section 30, T11N, R6W, S.M., Alaska, containing 20.00 more or less.

SECTION 3. That the mayor is authorized to sign any documents necessary to effectuate the ordinance.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

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

Jack E. Brown, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk