

Introduced
Date: 11/12/96
Hearing: 12/17/96
Action: Failed to set Hearing
Vote: Mayor

**KENAI PENINSULA BOROUGH
ORDINANCE 96-50**

**AN ORDINANCE AUTHORIZING A LEASE WITH AN OPTION TO PURCHASE TO
KEITH AND JOYCE EBBERT FOR TRACT E, QUARTZ CREEK SUBDIVISION
CONTAINING 3.48 ACRES AND LOCATED IN COOPER LANDING**

- WHEREAS,** pursuant to KPB 17.10.100 (I) an application has been received from Keith and Joyce Ebbert to lease with an option to purchase Tract E, Quartz Creek Subdivision at market value; and
- WHEREAS,** the Borough has received a final decision to the subject land from the State of Alaska; and
- WHEREAS,** Tract E, Quartz Creek Subdivision is classified Commercial; and
- WHEREAS,** the land is deposited into the land bank; and
- WHEREAS,** the fair market value of the subject property, subject to the Commercial land use classification is presently estimated at \$69,300.00; and
- WHEREAS,** the Planning Commission at its meeting of October 14, 1996 unanimously defeated a motion to recommend approval of the lease with an option to purchase; and
- WHEREAS,** the Planning Commission at its meeting of October 14, 1996 voted by unanimous consent to recommend that Tracts C, D, and E of Quartz Creek Subdivision be offered for sale by sealed bid as soon as possible after KPB receives patent from the State;

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

- SECTION 1.** That the Assembly finds that leasing Tract E, Quartz Creek Subdivision, Plat No. 94-11, on file in the Seward Recording District, Third Judicial District, State of Alaska, to Keith and Joyce Ebbert with an option to purchase 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 lease and subsequent sale of this land.

- b. The Borough will receive property taxes from this property.
- c. Tract E, Quartz Creek Subdivision is traversed by a 40' wide utility easement that negatively affects the development potential of the property.
- d. Keith and Joyce Ebbert intend to construct R.V. spaces and rental cabins on Tract E, Quartz Creek Subdivision. The construction and operation will provide summer jobs. The rental cabins will provide needed housing.
- e. Market conditions warrant selling parcels in the Quartz Creek Subdivision at this time. As the adjacent owners with an existing business, Keith and Joyce Ebbert are the reasonable buyer of Tract E, Quartz Creek Subdivision.
- f. Sale to the adjacent owner will support an existing business.

SECTION 2. That the mayor is authorized, pursuant to KPB 17.10.100 (I), Negotiated Sale or Lease, to negotiate and enter into a lease with an option to purchase the above described parcel to Keith and Joyce Ebbert subject to all lease and sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The authorization is for negotiation solely with Keith and Joyce Ebbert or their heirs, and they may not assign any rights to negotiate or enter an agreement for sale to any other person.

SECTION 3. That pursuant to KPB 17.10.140(B), Long Term Lease, the lease of the above described land shall be at 6% per year of the fair market value calculated every five years. The sale price shall be the fair market value as of the date of patent to the Borough. The lease shall be for a term of 20 years with an option to renew for an additional 10 years should the Borough not yet have received patent. Keith and Joyce Ebbert shall have one year from receipt of patent from the State of Alaska for subject land to exercise an option to purchase. The conveyance shall be subject to any restrictions and reservations imposed on the property by patent or other conveyance documents from the State of Alaska or the United States.

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.

Andrew P. Scalzi, Assembly President

ATTEST:

Gaye J. Vaughan, Borough Clerk