

Introduced	Mayor
Date:	11/12/96
Hearing:	12/17/96
Action:	Enacted
Vote:	Unanimous

**KENAI PENINSULA BOROUGH
ORDINANCE 96-51**

**AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 8.2 ACRES OF
BOROUGH LAND LOCATED ON OLD EXIT GLACIER ROAD IN SEWARD TO
ROBERT H. FERGUSON III**

WHEREAS, pursuant to KPB 17.10.100 (I) an application has been received from Robert H. Ferguson III to purchase approximately 8.2 acres of borough land located on Old Exit Glacier Road in Seward at market value; and

WHEREAS, the Borough has received State Quitclaim Deed No. 1179 to the subject land; and

WHEREAS, subject borough land is classified Residential; and

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

WHEREAS, the fair market value of the subject property, subject to the Residential land use classification is presently estimated at \$61,500.00; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of October 14, 1996 recommended enactment of the ordinance by unanimous consent;

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

SECTION 1. That the Assembly finds that selling approximately 8.2 acres of borough land located on Old Exit Glacier Road in Seward 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. Mr. Ferguson's driveway runs through the subject borough parcel.
- d. Mr. Ferguson is the adjacent owner on both sides of the subject borough parcel.

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 Robert H. Ferguson III subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The sales price shall be \$61,500.00. Sale of the subject

parcel is subject to the applicants replat of Tract 1, ASCS 89-143, Plat No. 90-8 as classified by Resolution 96-039. The sale shall be further subject to the terms and conditions contained in Attachment A, EARNEST MONEY CONTRACT FOR SALE OF REAL PROPERTY. The authorization is for negotiation solely with Robert H. Ferguson III or his heirs, and he may not assign any rights to negotiate or enter an agreement for sale to any other person.

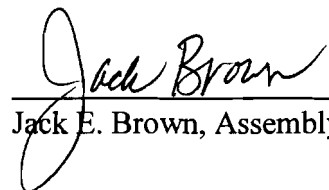
The parcel is described as a triangularly shaped parcel of land within Tract 1, ASCS 89-143, according to Plat No. 90-8, on file in the Seward Recording District, Third Judicial District, State of Alaska, being more particularly described as follows:

Commencing at the SW 1/16 Corner of Section 22, T1N, R1W, S.M., also being the NW corner of Tract 1 of Alaska State Cadastral Survey 89-143 (Plat SW 90-8); thence along a Southeast bearing of approximately 27 degrees for 1478 feet, more or less, to a point on the south boundary of Tract 1 of ASCS 89-143 which lies approximately 660 feet west of the 1/4 Corner common to Sections 22 and 27 (the W1/64 Corner); thence along the south boundary of Tract 1 of ASCS 89-143, S89°59'21" with approximately 320.95 feet to a point of intersection with Exit Glacier Road as shown on State of Alaska, Department of Transportation and Public Facility Right-of-Way Map Alaska Project No. F-4983(001); thence along the curve of that right-of-way in a Northwesterly direction with an arc length of 571.19 feet, as shown on the Exit Glacier right-of-way map Project No. F-4983(001), to a point on the West boundary of Tract 1 of ASCS 89-143; thence N0°10'51" with approximately 865.32 feet to the SW1/16 Corner of Section 22 and the point of beginning. Containing 8.2 acres more or less.

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

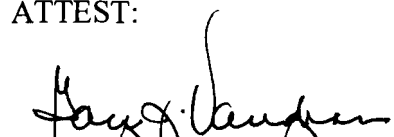
SECTION 4. That this ordinance shall take effect immediately upon its enactment.

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



Jack E. Brown, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk