

Introduced	Wiley, Home
Date:	2/18/97
Hearing:	3/18/97
Action:	Defeated
Vote:	4 Yes, 5 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-15**

**AN ORDINANCE AMENDING KPB 17.10.100 BY ADDING A NEW SECTION "J",  
ALLOWING NEIGHBORING PROPERTY OWNERS AND OTHERS WITH PRIOR  
INTERESTS IN BOROUGH LANDS TO PURCHASE SUCH LANDS BY MATCHING  
THE HIGHEST BID**

**WHEREAS**, KPB 17.10.100 provides numerous mechanisms for the borough to dispose of borough lands; and

**WHEREAS**, neighboring property owners and other persons with leases, mining claims, set net sites and other interests are frequently interested in purchasing such borough lands; and

**WHEREAS**, providing a mechanism for such persons to purchase such land by matching the highest bid when such property is offered for sale to the public will likely reduce land use conflicts while preserving the borough's interest in receiving fair market value for its property; and

**WHEREAS**, owners of oil and gas leases should be excluded because oil and gas leaseholders frequently do not use the surface of all parcels subject to such leases in order to access the oil and gas, and a significant percentage of borough land is subject to oil and gas leases; and

**WHEREAS**, to help curtail abuse of this provision it is desirable to limit qualifying persons to those having held such an interest for twelve months or more prior to the date of the public sale;

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

**SECTION 1.** That Chapter 17.10.100 shall be amended by adding a new section J as follows:

**17.10.100. Methods of Disposition**

**J. Preferential purchase qualification.**

An owner of property that abuts or adjoins a parcel included in any auction sale, tax foreclosure sale or sealed bid sale of borough property, who has owned such property for twelve months or more prior to the date of such sale, and for which the borough receives one or more qualifying bids, shall have a right to purchase the borough parcel by matching the highest qualifying bid for such parcel as provided in this section. Additionally, persons or entities with a legally recognized interest in the use of any such borough parcel, including a mining claim, a surface or subsurface lease excluding oil and gas leases, or another similar interest, and who have had such an interest for twelve months

or more prior to the date of the public sale, shall have the right to purchase the borough parcel by matching the highest qualifying bid as provided in this section. Also, a lessee of a shore fisheries lease to property that abuts or adjoins any such borough parcel, who has leased such property for twelve months or more prior to the date of such sale, shall have a right to purchase the borough parcel by matching the highest qualifying bid for such parcel as provided in this section. This provision shall not be construed to grant a preference right to a person whose interest in the land stems solely from a trespass. In order to exercise such a preference right, the person or entity must agree in writing to match the terms and conditions of the highest qualifying bid within 24 hours of the administration's public announcement of the highest bidder for such parcel and must comply with all terms and conditions of the borough sale. In the event more than one prospective purchaser applies to purchase land pursuant to this subsection the purchaser will be determined fairly, by lot, from among the qualifying applicants, by the Planning Director or his or her designee.

**SECTION 2.** That this ordinance shall become effective immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 1997.**

\_\_\_\_\_  
Jack Brown, Assembly President

ATTEST:

\_\_\_\_\_  
Gaye J. Vaughan, Borough Clerk