

Introduced Wiley  
Date: 06/17/97  
Hearing: 07/15/97  
Action: Failed to be Enacted  
Vote: 1 Yes, 5 No, 3 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 97-45**

**AN ORDINANCE AUTHORIZING A NEGOTIATED SALE OF UP TO 40 ACRES  
OF BOROUGH LAND TO EDWARD AND KATHLEEN MARTIN**

- WHEREAS,** pursuant to KPB 17.10.100(I) an application has been received from Ed and Kathleen Martin to purchase approximately 40 acres of borough land in the Cooper Landing area described as the SE1/4NW1/4, Section 31, T5N, R2W, S.M., State of Alaska; and
- WHEREAS,** the Martins have offered to pay fair market value for the property, to pay all surveying and closing costs, and, within two years of the date of sale to build a road to the property to borough road maintenance standards as a part of this sale;
- WHEREAS,** the borough has received State Patent No. 15658 to the subject land, which is classified as residential; and
- WHEREAS,** Ed Martin owns the state mining claim underlying the subject property; and
- WHEREAS,** in granting land to local government through the municipal entitlement program, the state specifically intended that the land be used for development and community growth; and
- WHEREAS,** surface and subsurface ownership of this land differs, presenting a potential for conflict, which could be resolved by this sale; and
- WHEREAS,** pursuant to KPB Code of Ordinances 17.10.010(A)(6), it is the policy of the Kenai Peninsula Borough to provide for the orderly disposal of lands and resources in a manner which is fair to all; and
- WHEREAS,** this sale shall not be construed to give mining claim owners any preferential rights in purchasing borough land; and
- WHEREAS,** the KPB Planning commission at its regularly scheduled meeting of \_\_\_\_\_, 1997 recommended \_\_\_\_\_;

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

**SECTION 1.** That the assembly finds that selling the above-described approximately 40 acres of borough land at fair market value plus the cost of installing the road 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. As the owners of the mining claim underlying this land, Ed and Kathleen Martin are the reasonable buyers.
- d. Construction of a road to road maintenance standards is in the public interest as it shall improve the use and accessibility of adjacent property in Cooper Landing.

**SECTION 2.** That the mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate the sale of the above described land to Edward and Kathleen Martin subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. This authorization is for negotiation solely with Ed and Kathleen Martin and their heirs.

**SECTION 3.** The authorized sale price shall be the construction of a road to borough maintenance standards providing access to the subject parcel and adjacent lands, within two years of the date of closing, plus the fair market value as established by the borough assessing department, provided that if either party disagrees with such valuation, that party may provide another valuation from an independent duly licensed appraiser at that party's expense. If the second valuation is not agreeable to both parties, then both parties shall split the expense of retaining another independent duly licensed appraiser, to be selected by the borough assessor and the independent appraiser, to provide a final valuation based on the two submitted appraisals.

**SECTION 4.** That the mayor is authorized to sign any documents necessary to effectuate this ordinance.

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

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Jack Brown, Assembly President

ATTEST:

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Linda S. Murphy, Borough Clerk