

Introduced	Mayor
Date:	09/16/97
Hearing:	10/28/97
Action:	Enacted
Vote:	8 Yes, 0 No 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 97-67**

**AN ORDINANCE AUTHORIZING A LEASE TO THE AMERICAN LEGION, SEWARD
POST #5 FOR A PUBLIC SHOOTING RANGE WITHIN THE OLD SEWARD
LANDFILL AT OTHER THAN MARKET VALUE**

WHEREAS, the Borough has title to the subject 40 acres by a quitclaim deed from the City of Seward; and

WHEREAS, City of Seward Ordinance 97-13 amended the Seward Zoning Code to allow a shooting range in the Institutional Zoning District by conditional use permit; and

WHEREAS, the shooting range will not conflict with Borough solid waste transfer activities; and

WHEREAS, the shooting range will serve a public purpose by providing local residents with a safe place to shoot; and

WHEREAS, the Planning Commission held a public hearing at its regularly scheduled meeting of August 11, 1997 and recommended enactment by unanimous consent;

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

SECTION 1. The assembly finds that leasing this land to The American Legion, Seward Post #5 is in the best interests of the public and the Borough. This finding is based on:

- a. The American Legion, Seward Post #5 is a non-profit organization that will be operating the shooting range for the benefit of the general public.
- b. The City of Seward endorses the need for a shooting range and passed City of Seward Ordinance 97-13 to facilitate the construction of a shooting range.

SECTION 2. Based on the foregoing the mayor is hereby authorized, pursuant to KPB Code of Ordinances 17.10.100 (I), to negotiate and enter into a lease within the above NE¼ NE¼ Section 28, T1N, R1W, S.M., Alaska, containing 40 acres more or less at other than fair market value with The American Legion, Seward Post #5, with the additional condition that the lease agreement provide that the property be used solely for a shooting range.

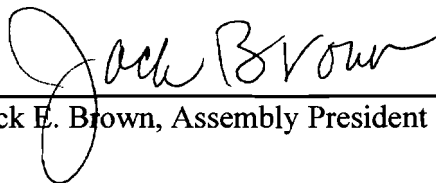
SECTION 3. The negotiated lease shall contain the provision that the lease payment shall be ONE DOLLAR (\$1.00) per year.

SECTION 4. Pursuant to KPB 17.10.230 the assembly authorizes an exception to KPB 17.10.090 and KPB 17.10.130 (D) which require the land be classified prior to leasing and that the conveyance instrument contain restrictions that confine the use of the land to the classification and prohibit the use of the land for any other purpose. These exceptions are based on:

- a) The fact that the City of Seward has existing zoning regulations is a special circumstance that justifies this exception.
- b) This exception is necessary to facilitate the joint use of the property for the shooting range and solid waste transfer site.
- c) Granting this exception will not be detrimental to the public welfare or injurious to other property in the area.

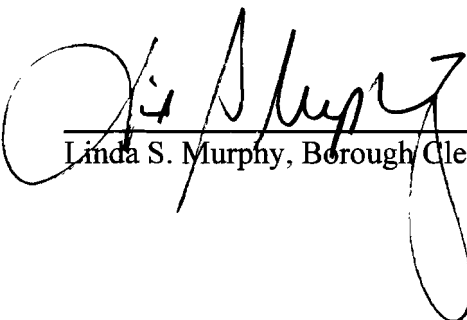
SECTION 5. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 28TH DAY OF OCTOBER, 1997.



Jack E. Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk