

Introduced by: Mayor
Date: 06/16/98
Hearing: 07/14/98
Action: Enacted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 98-27**

**AN ORDINANCE AUTHORIZING THE SALE OF ELEVEN ADDITIONAL LOTS IN
THE ONGOING, YEAR TO YEAR, OVER-THE-COUNTER MARKET VALUE SALE
OF DESIGNATED BOROUGH OWNED LAND WITHIN GRAY CLIFF AND MOOSE
POINT SUBDIVISIONS AND MODIFYING THE SALE TERMS FOR LOTS
AUTHORIZED FOR SALE BY ORDINANCE 97-36**

- WHEREAS,** Ordinance 97-36 authorized the remaining unsold parcels of land in borough ownership, designated "for sale" and classified "rural," within the Gray Cliff and Moose Point Subdivisions in the Kenai Recording District for sale at fair market value as established by the Assessing Department; and
- WHEREAS,** Attachment A to Ordinance 97-36 listed specific parcels, some of which remain unsold and appear on Attachment A to this ordinance; and
- WHEREAS,** Attachment A to Ordinance 97-36 did not contain the eleven parcels set forth in section 1 of this ordinance which are now available for sale, and also included tax-foreclosed parcels which are not yet available for sale;
- WHEREAS,** an ongoing, from year to year, over-the-counter sale of the subject land presents a stabilizing effect and provides a more competitive market environment between borough owned and privately owned properties in Gray Cliff and Moose Point Subdivisions; and
- WHEREAS,** although KPB 17.10.070(D) provides that any lands offered over the counter and not sold within 120 days will revert to the land bank, KPB 17.10.230 enables the assembly to authorize exceptions to the requirements of KPB 17.10 by finding that special circumstances exist, that the exception is necessary for the preservation and enjoyment of a substantial property right, and that the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area; and
- WHEREAS,** the planning commission recommended the addition of the eleven lots during its regularly scheduled May 11, 1998 meeting;
- WHEREAS,** the terms for the sale of lots in Ordinance 97-36 are in need of modification including sale by quitclaim deeds instead of warranty deeds, and elimination of the 15 percent cash discount is in the best interests of the borough; and

WHEREAS, the terms of sale for the eleven lots set forth in section 1 of this ordinance and the remaining unsold lots on Attachment A of Ordinance 97-36 should be consistent;

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

SECTION 1. The following lots in addition to those set forth in Attachment A are authorized for sale under the terms and conditions set forth in this ordinance:

<u>ASSESSOR NO.</u>	<u>LEGAL DESCRIPTION</u>
025-240-25	GRAY CLIFF SUBDIVISION, LOT 121
025-270-03	GRAY CLIFF SUBDIVISION, LOT 142
025-310-04	GRAY CLIFF SUBDIVISION, LOT 173
025-330-16	GRAY CLIFF SUBDIVISION, LOT 264
025-370-05	GRAY CLIFF SUBDIVISION, LOT 308
025-380-01	GRAY CLIFF SUBDIVISION, LOT 317
025-390-21	GRAY CLIFF SUBDIVISION, LOT 336
025-431-08	MOOSE POINT SUBDIVISION, LOT 20
025-431-14	MOOSE POINT SUBDIVISION, LOT 24
025-440-01	MOOSE POINT SUBDIVISION, LOT 171
025-451-10	MOOSE POINT SUBDIVISION, LOT 302

SECTION 2. That the findings required for an exception to KPB 17.10.230 are as follows:

Special circumstances exist in that the parcels being offered for sale are in a borough subdivision, some of which were previously sold and foreclosed upon by the borough, while others have never been sold. Because of the infrequent sales that have occurred since the early 1980's, it would have taken numerous individual sales and approximately 102 years at the same rate of sales to sell the 256 parcels the borough owned in Moose Point and Gray Cliff when it initially approved the over-the-counter year-to-year land sale in 1997; the year-to-year sale is a more cost effective and efficient use of borough resources than individual sales for these parcels. Additionally, private property rights are protected and preserved by the over-the-counter year-to-year sale because periodic borough sales tend to create the public perception that people can acquire land not ordinarily available on the market, and may discourage the public from purchasing in the private sector. The ongoing borough sale allows the private marketplace to slowly develop based on supply and demand. The year-to-year sale is therefore not injurious, but beneficial to private property rights as well as to the public who have an opportunity to purchase additional lands and can choose at any given time between a publicly held and privately held parcel at a competitive market value.

SECTION 3. The method of disposal shall be by ongoing, from year to year, over-the-counter sale pursuant to KPB 17.10.100(H).

SECTION 4. All parcels will be conveyed by quitclaim deed.

SECTION 5. If the purchaser elects to acquire title insurance, the purchaser shall pay for the same. If a title report showing a reasonably acceptable condition of title cannot be obtained, either the purchaser or the borough may terminate the purchase contract, in which case all monies on deposit will be refunded to the purchaser.

SECTION 6. The authorization to sell those lots included in Attachment A to Ordinance 97-36 but not included in Attachment A to this ordinance is repealed.

SECTION 7. The terms and conditions included in Ordinance 97-36 are repealed.

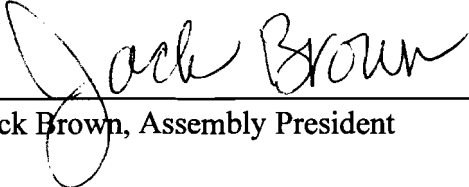
SECTION 8. Upon entering into an agreement to purchase the land, down payment of either ten percent (10%) of the sale price or \$1,500, whichever is greater, shall be made and the applicable terms and provisions of KPB 17.10.120, KPB 17.10.130, and KPB 17.10.240 shall apply.

SECTION 9. The borough shall verify by a title report or other report that there are no unsatisfied judgments or liens against the buyer at the time of closing of a borough financed sale which shall also be certified by the purchaser.

SECTION 10. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

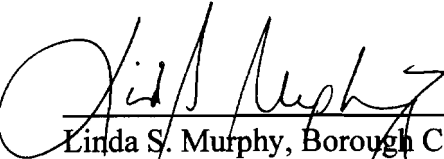
SECTION 11. This ordinance shall become effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 14TH DAY OF JULY, 1998.

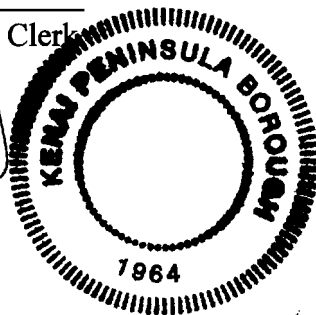


Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk



**INDEX OF SALE PARCELS WITHIN GRAY CLIFF SUBDIVISION, PLAT NO. 82-80,
AND MOOSE POINT SUBDIVISION, PLAT NO. 84-65, ON FILE IN THE KENAI
RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA**

<u>ASSESSOR NO.</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>CLASSIFICATION</u>
025-240-05	GRAY CLIFF SUBDIVISION, LOT 129	5.40 acres	Rural
025-250-02	GRAY CLIFF SUBDIVISION, LOT 47	5.33 acres	Rural
025-250-03	GRAY CLIFF SUBDIVISION, LOT 46	5.42 acres	Rural
025-250-21	GRAY CLIFF SUBDIVISION, LOT 90	11.07 acres	Rural
025-250-28	GRAY CLIFF SUBDIVISION, LOT 83	5.61 acres	Rural
025-250-29	GRAY CLIFF SUBDIVISION, LOT 82	6.11 acres	Rural
025-250-30	GRAY CLIFF SUBDIVISION, LOT 81	7.21 acres	Rural
025-250-31	GRAY CLIFF SUBDIVISION, LOT 80	8.00 acres	Rural
025-270-24	GRAY CLIFF SUBDIVISION, LOT 163	7.37 acres	Rural
025-290-01	GRAY CLIFF SUBDIVISION, LOT 211	9.62 acres	Rural
025-290-03	GRAY CLIFF SUBDIVISION, LOT 213	11.66 acres	Rural
025-290-06	GRAY CLIFF SUBDIVISION, LOT 216	6.96 acres	Rural
025-300-10	GRAY CLIFF SUBDIVISION, LOT 169	5.72 acres	Rural
025-300-11	GRAY CLIFF SUBDIVISION, LOT 170	10.40 acres	Rural
025-320-14	GRAY CLIFF SUBDIVISION, LOT 189	4.27 acres	Rural
025-320-20	GRAY CLIFF SUBDIVISION, LOT 185	15.99 acres	Rural
025-340-08	GRAY CLIFF SUBDIVISION, LOT 272	12.56 acres	Rural
025-350-14	GRAY CLIFF SUBDIVISION, LOT 243	18.90 acres	Rural
025-370-11	GRAY CLIFF SUBDIVISION, LOT 338	4.95 acres	Rural
025-370-14	GRAY CLIFF SUBDIVISION, LOT 341	5.50 acres	Rural
025-370-17	GRAY CLIFF SUBDIVISION, LOT 315	1.69 acres	Rural
025-380-07	GRAY CLIFF SUBDIVISION, LOT 323	1.52 acres	Rural
025-380-12	GRAY CLIFF SUBDIVISION, LOT 302	1.60 acres	Rural
025-380-25	GRAY CLIFF SUBDIVISION, LOT 277	1.67 acres	Rural
025-380-26	GRAY CLIFF SUBDIVISION, LOT 276	1.65 acres	Rural
025-380-28	GRAY CLIFF SUBDIVISION, LOT 274	2.60 acres	Rural
025-380-31	GRAY CLIFF SUBDIVISION, LOT 281	3.34 acres	Rural
025-380-32	GRAY CLIFF SUBDIVISION, LOT 280	4.90 acres	Rural
025-390-23	GRAY CLIFF SUBDIVISION, LOT 342	4.58 acres	Rural
025-390-24	GRAY CLIFF SUBDIVISION, LOT 343	7.99 acres	Rural
025-400-04	GRAY CLIFF SUBDIVISION, LOT 353	5.77 acres	Rural
025-400-15	GRAY CLIFF SUBDIVISION, LOT 368	3.60 acres	Rural
025-431-05	MOOSE POINT SUBDIVISION, LOT 6	13.07 acres	Rural
025-431-06	MOOSE POINT SUBDIVISION, LOT 7	8.86 acres	Rural
025-432-11	MOOSE POINT SUBDIVISION, LOT 11	18.11 acres	Rural
025-434-06	MOOSE POINT SUBDIVISION, LOT 53	11.69 acres	Rural
025-435-03	MOOSE POINT SUBDIVISION, LOT 90	10.36 acres	Rural
025-435-10	MOOSE POINT SUBDIVISION, LOT 81	8.85 acres	Rural
025-436-14	MOOSE POINT SUBDIVISION, LOT 66	10.87 acres	Rural
025-436-15	MOOSE POINT SUBDIVISION, LOT 61	8.75 acres	Rural
025-437-03	MOOSE POINT SUBDIVISION, LOT 85	24.34 acres	Rural
025-437-06	MOOSE POINT SUBDIVISION, LOT 98	16.75 acres	Rural
025-437-10	MOOSE POINT SUBDIVISION, LOT 87	15.94 acres	Rural
025-438-01	MOOSE POINT SUBDIVISION, LOT 101	63.39 acres	Rural
025-438-07	MOOSE POINT SUBDIVISION, LOT 108	11.55 acres	Rural
025-438-08	MOOSE POINT SUBDIVISION, LOT 107	12.83 acres	Rural

<u>ASSESSOR NO.</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>CLASSIFICATION</u>
025-438-10	MOOSE POINT SUBDIVISION, LOT 110	34.58 acres	Rural
025-438-12	MOOSE POINT SUBDIVISION, LOT 111	53.26 acres	Rural
025-438-13	MOOSE POINT SUBDIVISION, LOT 96	25.12 acres	Rural
025-439-04	MOOSE POINT SUBDIVISION, LOT 113	24.65 acres	Rural
025-439-05	MOOSE POINT SUBDIVISION, LOT 109	39.84 acres	Rural
025-439-06	MOOSE POINT SUBDIVISION, LOT 114	54.22 acres	Rural
025-440-11	MOOSE POINT SUBDIVISION, LOT 117	27.97 acres	Rural
025-441-05	MOOSE POINT SUBDIVISION, LOT 136	11.31 acres	Rural
025-442-01	MOOSE POINT SUBDIVISION, LOT 150	12.18 acres	Rural
025-442-02	MOOSE POINT SUBDIVISION, LOT 156	70.52 acres	Rural
025-442-03	MOOSE POINT SUBDIVISION, LOT 138	68.23 acres	Rural
025-442-06	MOOSE POINT SUBDIVISION, LOT 158	11.63 acres	Rural
025-442-07	MOOSE POINT SUBDIVISION, LOT 137	19.25 acres	Rural
025-442-11	MOOSE POINT SUBDIVISION, LOT 139	53.99 acres	Rural
025-442-12	MOOSE POINT SUBDIVISION, LOT 140	11.79 acres	Rural
025-442-13	MOOSE POINT SUBDIVISION, LOT 141	9.29 acres	Rural
025-442-17	MOOSE POINT SUBDIVISION, LOT 144	21.00 acres	Rural
025-442-18	MOOSE POINT SUBDIVISION, LOT 145	18.44 acres	Rural
025-442-19	MOOSE POINT SUBDIVISION, LOT 146	40.33 acres	Rural
025-443-02	MOOSE POINT SUBDIVISION, LOT 160	10.68 acres	Rural
025-443-04	MOOSE POINT SUBDIVISION, LOT 162	8.02 acres	Rural
025-443-05	MOOSE POINT SUBDIVISION, LOT 187	18.06 acres	Rural
025-443-08	MOOSE POINT SUBDIVISION, LOT 190	28.63 acres	Rural
025-443-09	MOOSE POINT SUBDIVISION, LOT 278	10.02 acres	Rural
025-443-14	MOOSE POINT SUBDIVISION, LOT 155	17.48 acres	Rural
025-443-15	MOOSE POINT SUBDIVISION, LOT 147	12.95 acres	Rural
025-444-03	MOOSE POINT SUBDIVISION, LOT 217	9.65 acres	Rural
025-444-04	MOOSE POINT SUBDIVISION, LOT 216	9.68 acres	Rural
025-444-06	MOOSE POINT SUBDIVISION, LOT 214	9.30 acres	Rural
025-444-07	MOOSE POINT SUBDIVISION, LOT 213	9.11 acres	Rural
025-444-08	MOOSE POINT SUBDIVISION, LOT 212	8.92 acres	Rural
025-444-10	MOOSE POINT SUBDIVISION, LOT 228	7.85 acres	Rural
025-444-11	MOOSE POINT SUBDIVISION, LOT 227	7.27 acres	Rural
025-445-01	MOOSE POINT SUBDIVISION, LOT 191	12.00 acres	Rural
025-445-03	MOOSE POINT SUBDIVISION, LOT 194	19.14 acres	Rural
025-445-04	MOOSE POINT SUBDIVISION, LOT 195	17.15 acres	Rural
025-445-05	MOOSE POINT SUBDIVISION, LOT 196	18.91 acres	Rural
025-445-06	MOOSE POINT SUBDIVISION, LOT 197	20.56 acres	Rural
025-445-07	MOOSE POINT SUBDIVISION, LOT 198	39.06 acres	Rural
025-445-08	MOOSE POINT SUBDIVISION, LOT 199	38.00 acres	Rural
025-445-09	MOOSE POINT SUBDIVISION, LOT 200	22.11 acres	Rural
025-445-10	MOOSE POINT SUBDIVISION, LOT 201	11.08 acres	Rural
025-446-02	MOOSE POINT SUBDIVISION, LOT 210	7.90 acres	Rural
025-446-06	MOOSE POINT SUBDIVISION, LOT 204	8.85 acres	Rural
025-446-17	MOOSE POINT SUBDIVISION, LOT 236	8.50 acres	Rural
025-447-04	MOOSE POINT SUBDIVISION, LOT 260	16.96 acres	Rural
025-447-05	MOOSE POINT SUBDIVISION, LOT 261	16.85 acres	Rural
025-447-09	MOOSE POINT SUBDIVISION, LOT 255	18.22 acres	Rural
025-447-10	MOOSE POINT SUBDIVISION, LOT 257	8.27 acres	Rural
025-448-01	MOOSE POINT SUBDIVISION, LOT 273	44.37 acres	Rural
025-448-04	MOOSE POINT SUBDIVISION, LOT 322	14.55 acres	Rural

<u>ASSESSOR NO.</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>CLASSIFICATION</u>
025-448-05	MOOSE POINT SUBDIVISION, LOT 323	14.89 acres	Rural
025-448-06	MOOSE POINT SUBDIVISION, LOT 324	17.22 acres	Rural
025-448-07	MOOSE POINT SUBDIVISION, LOT 269	9.87 acres	Rural
025-448-08	MOOSE POINT SUBDIVISION, LOT 270	12.81 acres	Rural
025-448-12	MOOSE POINT SUBDIVISION, LOT 258	10.36 acres	Rural
025-448-13	MOOSE POINT SUBDIVISION, LOT 206	13.76 acres	Rural
025-448-15	MOOSE POINT SUBDIVISION, LOT 193	20.05 acres	Rural
025-449-01	MOOSE POINT SUBDIVISION, LOT 279	20.20 acres	Rural
025-449-02	MOOSE POINT SUBDIVISION, LOT 280	20.00 acres	Rural
025-449-03	MOOSE POINT SUBDIVISION, LOT 282	10.90 acres	Rural
025-449-05	MOOSE POINT SUBDIVISION, LOT 281	10.06 acres	Rural
025-449-06	MOOSE POINT SUBDIVISION, LOT 275	17.27 acres	Rural
025-449-08	MOOSE POINT SUBDIVISION, LOT 277	13.50 acres	Rural
025-450-01	MOOSE POINT SUBDIVISION, LOT 283	14.96 acres	Rural
025-450-02	MOOSE POINT SUBDIVISION, LOT 285	13.18 acres	Rural
025-450-03	MOOSE POINT SUBDIVISION, LOT 287	15.46 acres	Rural
025-450-04	MOOSE POINT SUBDIVISION, LOT 288	48.20 acres	Rural
025-450-06	MOOSE POINT SUBDIVISION, LOT 286	27.97 acres	Rural
025-451-01	MOOSE POINT SUBDIVISION, LOT 289	13.28 acres	Rural
025-451-02	MOOSE POINT SUBDIVISION, LOT 290	13.99 acres	Rural
025-451-03	MOOSE POINT SUBDIVISION, LOT 291	17.24 acres	Rural
025-451-09	MOOSE POINT SUBDIVISION, LOT 297	15.70 acres	Rural
025-451-11	MOOSE POINT SUBDIVISION, LOT 303	16.02 acres	Rural
025-451-12	MOOSE POINT SUBDIVISION, LOT 304	15.75 acres	Rural
025-451-13	MOOSE POINT SUBDIVISION, LOT 305	18.34 acres	Rural
025-451-14	MOOSE POINT SUBDIVISION, LOT 306	15.06 acres	Rural
025-451-15	MOOSE POINT SUBDIVISION, LOT 307	15.42 acres	Rural
025-451-16	MOOSE POINT SUBDIVISION, LOT 308	13.45 acres	Rural
025-451-18	MOOSE POINT SUBDIVISION, LOT 310	16.70 acres	Rural
025-451-19	MOOSE POINT SUBDIVISION, LOT 309	12.79 acres	Rural
025-452-01	MOOSE POINT SUBDIVISION, LOT 316	20.68 acres	Rural
025-453-01	MOOSE POINT SUBDIVISION, LOT 311	15.25 acres	Rural
025-453-02	MOOSE POINT SUBDIVISION, LOT 317	19.51 acres	Rural
025-454-01	MOOSE POINT SUBDIVISION, LOT 325	22.70 acres	Rural
025-454-02	MOOSE POINT SUBDIVISION, LOT 326	24.44 acres	Rural
025-454-03	MOOSE POINT SUBDIVISION, LOT 327	13.83 acres	Rural
025-454-04	MOOSE POINT SUBDIVISION, LOT 328	16.70 acres	Rural
025-454-06	MOOSE POINT SUBDIVISION, LOT 267	12.91 acres	Rural
025-454-07	MOOSE POINT SUBDIVISION, LOT 268	15.46 acres	Rural
025-455-01	MOOSE POINT SUBDIVISION, LOT 329	15.74 acres	Rural
025-455-02	MOOSE POINT SUBDIVISION, LOT 330	15.59 acres	Rural
025-455-03	MOOSE POINT SUBDIVISION, LOT 331	18.26 acres	Rural
025-455-08	MOOSE POINT SUBDIVISION, LOT 344	12.84 acres	Rural
025-455-09	MOOSE POINT SUBDIVISION, LOT 342	12.47 acres	Rural
025-455-11	MOOSE POINT SUBDIVISION, LOT 336	13.19 acres	Rural
025-455-12	MOOSE POINT SUBDIVISION, LOT 341	14.69 acres	Rural
025-455-13	MOOSE POINT SUBDIVISION, LOT 345	11.61 acres	Rural
025-455-14	MOOSE POINT SUBDIVISION, LOT 350	13.82 acres	Rural
025-455-15	MOOSE POINT SUBDIVISION, LOT 351	13.90 acres	Rural
025-455-17	MOOSE POINT SUBDIVISION, LOT 353	9.15 acres	Rural
025-455-18	MOOSE POINT SUBDIVISION, LOT 358	10.32 acres	Rural

<u>ASSESSOR NO.</u>	<u>LEGAL DESCRIPTION</u>	<u>ACRES</u>	<u>CLASSIFICATION</u>
025-455-19	MOOSE POINT SUBDIVISION, LOT 359	15.64 acres	Rural
025-455-20	MOOSE POINT SUBDIVISION, LOT 360	12.04 acres	Rural
025-455-21	MOOSE POINT SUBDIVISION, LOT 357	11.72 acres	Rural
025-455-22	MOOSE POINT SUBDIVISION, LOT 354	11.61 acres	Rural
025-456-02	MOOSE POINT SUBDIVISION, LOT 363	11.63 acres	Rural
025-456-05	MOOSE POINT SUBDIVISION, LOT 361	14.06 acres	Rural
025-456-06	MOOSE POINT SUBDIVISION, LOT 356	14.78 acres	Rural
025-457-01	MOOSE POINT SUBDIVISION, LOT 348	16.48 acres	Rural
025-457-04	MOOSE POINT SUBDIVISION, LOT 340	13.41 acres	Rural