

Introduced
Date: July 14, 1998
Hearing: August 18, 1998
Action: Enacted
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 98-37**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF TRACT 1,
SAND HILL SUBDIVISION, AT OTHER THAN MARKET VALUE TO THE
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES FOR
A NEW MAINTENANCE SITE LOCATED ON THE STERLING HIGHWAY
ACROSS FROM SKYVIEW HIGH SCHOOL**

WHEREAS, the borough received State of Alaska Patent No. 1517 to the subject land; and

WHEREAS, the land is classified government and is deposited into the land bank; and

WHEREAS, to facilitate relocation of the Soldotna Maintenance Site away from the Kenai River and downtown Soldotna, the borough entered into a Memorandum of Agreement with the Alaska Department of Transportation and Public Facilities (DOT/PF) and City of Soldotna to convey Tract 1, Sand Hill Subdivision, to DOT/PF; and

WHEREAS, by Kenai Peninsula Borough Resolution 68-35, the borough agreed to transfer land to the Highway Department, State of Alaska, in exchange for land of equivalent value; and

WHEREAS, the borough has not yet conveyed land of equivalent value to DOT/PF; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of April 13, 1998 recommended enactment of the ordinance authorizing the conveyance of Tract 1, Sand Hill Subdivision, to DOT/PF for a new maintenance site;

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

SECTION 1. That pursuant to KPB 17.10.120(D) the Assembly finds that conveying Tract 1, Sand Hill Subdivision, Plat No. 98-02, on file in the Kenai Recording District, Third Judicial District, State of Alaska, to the State of Alaska, Department of Transportation and Public Facilities, at other than market value for a new maintenance site is in the best interest of the public and the Borough. This finding is based on the following facts:

- a. The land will be used for a public purpose beneficial to the general public.

- b. The new maintenance site will allow the State to close its existing site located within the City of Soldotna and adjacent to the Kenai River, eliminating conflicts with the urban environment.
- c. The new site is situated to provide long term service to the central peninsula.
- d. The Alaska Department of Transportation and Public Facilities agreed to accept the offer to convey on June 4, 1998 and has agreed to release the Borough from any obligation it may have relative to title to the borough administration building site as stated in KPB Assembly Resolution 68-35.

SECTION 2. That the Mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate the sale of Tract 1, Sand Hill Subdivision, according to Plat No. 98-02, on file in the Kenai Recording District, Third Judicial District, State of Alaska, to the State of Alaska, Department of Transportation and Public Facilities, subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The acquisition price is the previous conveyance by the State to the Borough of the property upon which the borough administration building is located. The land shall be conveyed by Quitclaim Deed. The authorization is for negotiation solely with the Alaska Department of Transportation and Public Facilities and may not assign any rights to negotiate or enter into an agreement for sale to any other person or entity.

SECTION 3. That the Assembly authorizes an exception to the requirements of KPB 17.10.110, Notice of Disposition, pursuant to KPB 17.10.230, Exceptions to Chapter - Procedure - Assembly Authority, based on the following facts:

- a. This is an intergovernmental conveyance for a public purpose and publishing notice of the sale four times in the thirty day period immediately preceding the date of the sale will not serve a use purpose.
- b. This exception is the most practical manner of complying with the intent of KPB 17.10 and is necessary for the preservation and enjoyment of the property rights outlined in Resolution 68-35.
- c. The granting of this exception will not be detrimental to the public welfare and will aid the public health, safety and welfare and prevent injury to property as set forth in Section 1.b. of this ordinance. The conveyance will not be injurious to other property in the area as the maintenance site will be located on 48 acres with sufficient buffers from other property and will be used to maintain roads for the benefit of other properties in the area.

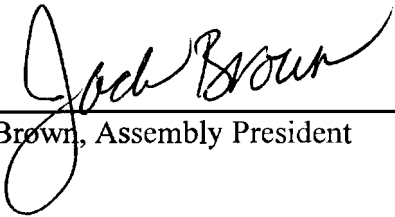
SECTION 4. That the Mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 5. That implementation of this ordinance fulfills the borough's commitment established through KPB Resolution 68-35.

SECTION 6. That copies of this ordinance shall be provided to Alaska Governor Tony Knowles, DOT/PF Commissioner Joe Perkins, and DOT/PF Regional Director John Horn.

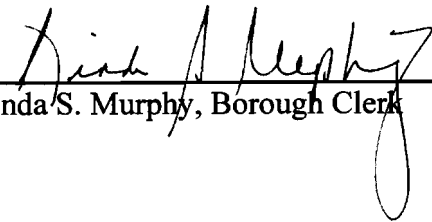
SECTION 7. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF AUGUST, 1998.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

