

Introduced by: Navarre  
Date: 07/14/98  
Hearing: 08/18/98  
Action: Enacted as Amended  
Vote: 6 Yes, 2 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 98-39**

**AN ORDINANCE AUTHORIZING THE SALE OF APPROXIMATELY 10.00 ACRES OF  
BOROUGH LAND LOCATED IN SECTION 26, T5N R3W, S.M. IN THE VICINITY OF  
COOPER LANDING THROUGH A SEALED BID SALE**

- WHEREAS,** the assembly adopted Resolution 98-050 requesting the administration subdivide portions of Section 26, T5N R3W, Seward Meridian, State of Alaska, described as Tract A in the Sunrise Conceptual Plan Project No. 97-2012, containing approximately 10 acres, for a public viewing area and residential tract; and
- WHEREAS,** in accordance with KPB 17.10.090 the borough and local residents are interested in making borough land available for disposal in Cooper Landing at fair market value; and
- WHEREAS,** the above-described parcel is classified as residential property and a recent soil survey indicates this property is suitable for residential development; and
- WHEREAS,** a portion of the subject property has traditionally been used as a public viewing area, and studies show it is also used by wildlife for migration purposes, and the assembly finds the borough's best interests would be served by disposing of this property subject to limitations restricting development of the residential property,; and
- WHEREAS,** KPB 17.10.100(B) authorizes the assembly to sell land by sealed bid; and
- WHEREAS,** KPB 17.10.070(A) requires the borough to conduct a minimum of two land sales within a calendar year, one of which is proposed to be conducted September 24, 1998 by sealed bid; and
- WHEREAS,** pursuant to state and borough law the subject parcel may not be offered for sale until the subdivision plat has been approved, filed and recorded;

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

**SECTION 1.** That after the subdivision plat of the property generally described as Tract A, Sunrise Conceptual Plan Project No. 97-2012, a copy of which plan is attached and incorporated herein by reference as Attachment A, is duly approved, filed and recorded, the mayor is authorized to deposit that parcel into the land bank.

**SECTION 2.** That the mayor is authorized to offer the residential portion of Tract A for sale through a sealed bid sale with the sale to be conducted on January 14, 1999 if the property has

been timely deposited into the land bank in compliance with the conditions in Section 1 of this ordinance.

**SECTION 3.** That the minimum bid for the parcel shall be the fair market value as determined by a qualified appraiser. The parcel shall be conveyed by quitclaim deed to the successful high bidder. Either title insurance or another similar report must be obtained for all borough-financed sales, at the buyers' expense, showing the condition of title and that there are no unsatisfied judgments or liens against the buyer at the time of closing, the latter of which shall be verified by the buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the buyer or KPB may elect to terminate the purchase contract, in which case all monies on deposit will be refunded to buyer.

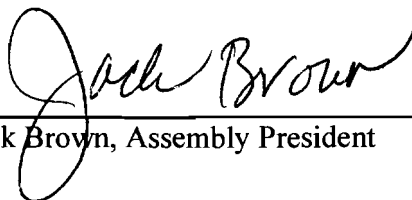
**SECTION 4.** The parcel shall be conveyed subject to a deed restriction prohibiting further subdivision of the parcel and limiting the allowed development to two single family residential structures and five associated minor structures for purposes such as storage.

**SECTION 5.** Upon successfully bidding or entering into an agreement to acquire the land, down payment of ten percent (10%) of the sale price shall be made and the applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply.

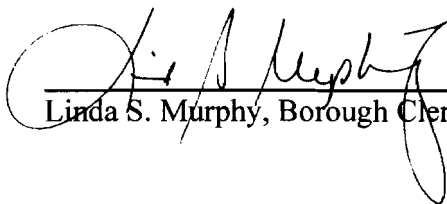
**SECTION 6.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 7.** This ordinance shall take effect immediately upon enactment.

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

  
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Jack Brown, Assembly President

ATTEST:

  
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Linda S. Murphy, Borough Clerk

