

Introduced by: Mayor  
Date: 08/04/98  
Hearing: 09/15/98  
Action: Enacted as Amended  
Vote: Unanimous

**KENAI PENINSULA BOROUGH  
ORDINANCE 98-41**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF THAT PORTION OF  
GOVERNMENT LOT 4, SECTION 24, T4N, R12W, SEWARD MERIDIAN, ALASKA  
LYING WEST OF KALIFORNSKY BEACH ROAD, WHICH IS THE HISTORICAL  
KALIFORNSKY VILLAGE SITE, TO THE KENAITZE INDIAN TRIBE, I.R.A.**

**WHEREAS,** the borough received State of Alaska patent no. 4503 to the subject land; and

**WHEREAS,** subject land is classified Institutional; and

**WHEREAS,** the subject land is deposited into the land bank; and

**WHEREAS,** the subject land is the site of the former Kalifornsky Village, site of a former Russian Orthodox Church and associated cemetery; and

**WHEREAS,** the Kenaitze Indian Tribe, I.R.A. and Alaska Diocese of the Russian Orthodox Church have entered into an agreement dated June 4, 1998 which agrees to the subject portion of Government Lot 4, Section 24, T4N, R12W, S.M., Alaska being conveyed to the Kenaitze Indian Tribe, I.R.A.; and

**WHEREAS,** the borough concurs that it is appropriate to convey the subject portion Government Lot 4, Section 24, T4N, R12W, S.M., Alaska to the Kenaitze Indian Tribe, I.R.A. with appropriate deed restrictions; and

**WHEREAS,** the KPB Planning Commission held a public hearing at its regularly scheduled meeting of August 10, 1998 recommended the assembly enact Ordinance 98-41 by unanimous consent.

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

**SECTION 1.** That the Assembly finds conveying that portion of Government Lot 4, Section 24, T4N, R12W, S.M., Alaska lying west of Kalifornsky Beach Road as shown on Survey of State Land, Kenai Recording District, Plat No. K-1626 to the Kenaitze Indian Tribe, I.R.A. with appropriate deed restrictions at other than market value for management as an historical site is in the best interest of the public and the Borough. This finding is based on the following facts:

- a. Subject portion Government Lot 4 contains cultural resources that include the site of the former Kalifornsky Village, site of a former Russian Orthodox Church and associated cemetery.
- b. The Kenaitze Indian Tribe I.R.A. is the appropriate entity to manage the subject portion of Government Lot 4 as an historical site. By proper management of a historical site that will be accessible to the general public, the land will be used for a public purpose beneficial to the general public.
- c. Peter Kalifornsky, respected Tribal Elder, author, historian, and teacher, was buried at this site in 1993.
- d. Kalifornsky Village was abandoned in 1929, and the Russian Orthodox Church relocated to Kenai.

**SECTION 2.** The mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate the sale of the subject portion of Government Lot 4 to the Kenaitze Indian Tribe I.R.A. subject to the sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The sale price shall be \$1.00. The land shall be conveyed by Quitclaim Deed. The authorization is for negotiation solely with the Kenaitze Indian Tribe I.R.A., and it may not assign any rights to negotiate or enter an agreement for sale to any other person or entity.

**SECTION 3.** The following covenants are to be incorporated in the quitclaim deed:

- a. Grantee shall cooperate with KPB and do all things necessary to assist in placement of the property on the National Register of Historic Places. These restrictive covenants are in addition to any federal requirements regarding placement and maintenance of property on the National Register of Historic Places.
- b. Cultural resources located on the property will be analyzed by appropriate archeological methods, cataloged, and protected.
- c. The property shall not be developed as a commercial tourist attraction or other commercial development. Access to the cultural resources shall not be obstructed except as necessary to protect the cultural resources. The property may only be developed to promote the cultural heritage of the Dena'ina people.
- d. The grantee shall allow the Russian Orthodox Church, Archdiocese of Alaska, to place a memorial chapel at the original chapel site.
- e. The property shall not be subdivided, sold, conveyed, or forfeited and will be held in perpetuity by the Kenaitze Indian Tribe for future generations unless an appropriate assignee is approved in writing by the Kenai Peninsula Borough.

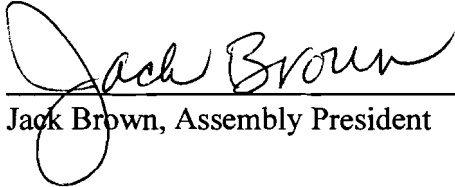
- f. Grantee shall hold the property free from liens and mortgages.
- g. The provisions of the purchase agreement dated \_\_\_\_\_ survive closing of the conveyance and remain in full force and effect.

**SECTION 4.** The Kenaitze Indian Tribe, I.R.A. shall plat that portion of Government Lot 4 lying west of Kalifornsky Beach Road as a condition of conveyance.

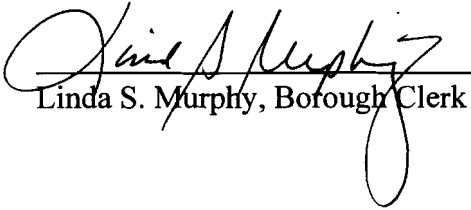
**SECTION 5.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

**SECTION 6.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 15TH DAY OF SEPTEMBER, 1998.**

  
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Jack Brown, Assembly President

ATTEST:

  
\_\_\_\_\_  
Linda S. Murphy, Borough Clerk

