

Introduced by: Mayor
Date: 11/17/98
Hearing: 01/05/99
Action: Enacted as Amended
Vote: 6 Yes, 3 No

**KENAI PENINSULA BOROUGH
ORDINANCE 98-72**

**AN ORDINANCE AUTHORIZING THE SALE OF FOUR TRACTS BY SEALED BID
WITHIN THE SUNRISE VIEW SUBDIVISION IN CONJUNCTION WITH THE
SEALED BID OF TRACT A, SUNRISE VIEW SUBDIVISION AS AUTHORIZED BY
ORDINANCE 98-39 AND RESCHEDULING THE SALE DATE.**

WHEREAS, Ordinance 98-39 authorizes the sale by sealed bid of a ± 10 acre parcel designated as Tract A, Sunrise View Subdivision, preliminary plat; and

WHEREAS, there are four other tracts in Sunrise View Subdivision that are suitable to be sold; and

WHEREAS, it is in the borough's interest to sell more than one parcel in a sealed bid; and

WHEREAS, the borough received State of Alaska Patent No. 15658 to the subject land; and

WHEREAS, the subject borough land is classified residential, recreational, and preservation; and

WHEREAS, studies and mapping indicate that the boundries of the current classifications should be adjusted to be consistent with the most appropriate uses for the land, and it is anticipated that once the plat is finalized the classifications will be adjusted in order to be consistent with the best uses for the land and the plat boundries and lot lines; and

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

WHEREAS, Ordinance 98-39 scheduled the sale for January 14, 1999, and additional time is needed to allow time to complete all applicable requirements for all parcels; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of December 14, 1998 failed to recommend enactment of this ordinance by a majority vote.

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

SECTION 1. The mayor is authorized to offer for sale the following described parcels by sealed bid, pursuant to KPB 17.10.100(F), in conjunction with the sealed bid of Tract A,

Sunrise View Subdivision, preliminary plat as authorized by Ordinance 98-39 upon recording of the final plat and deposit of the following parcels in the land bank:

Tracts D, E, L, K, Sunrise View Subdivision, preliminary plat

SECTION 2. The minimum bid for each parcel shall be the fair market value as established by the Assessing Department. 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 3. 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 4. That the sale date for all tracts authorized for sale in this ordinance and for Tract A shall be [February 24] June 17, 1999, and the sale date in Section 2 of Ordinance 98-39 is hereby amended accordingly. If the final plat is not filed with the district recorder in time for the sale to proceed in compliance with KPB 17.10, the sale date may be reset by resolution. If the sale date is postponed, an exception to the requirement that the sale date be established by ordinance is warranted under KPB 17.10.230 based upon the following findings of fact:

1. Special circumstances or conditions exist:

FINDING: A sale date will have been set by this ordinance with a public hearing as required by borough code. The only reason the sale may be postponed is that it is not certain when the final plat will be filed.

2. That the exception is necessary for preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter:

FINDING: The exception is necessary so as not to further delay the sale date of borough parcels for which the borough has spent approximately \$20,000 in the platting process. Since the resolution will only reset a sale date already established by ordinance and after public hearing, the intent and terms of the borough code are met by granting the exception.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area:

FINDING: The other property in the area is borough property. Setting a sale date by resolution is not the type of exception that would cause injury to this property. The exception will not be harmful to public welfare as the code and public process will be followed for initially establishing the sale date, and the date of sale will still be advertised as required by KPB 17.10.110.

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

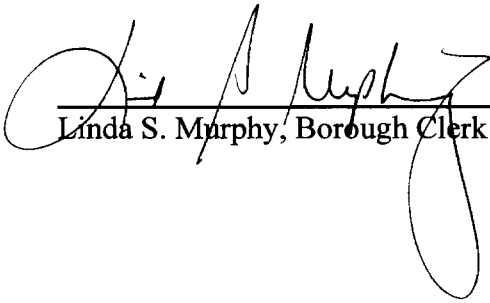
SECTION 6. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JANUARY, 1999.



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

