

Introduced by: Mayor
Date: 06/01/99
Shortened Hearing: 06/15/99
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 99-31
(Mayor) Substitute**

AN ORDINANCE AUTHORIZING A LAND EXCHANGE TO ACQUIRE AN 8± ACRE PARCEL LOCATED NEAR THE SOLDOTNA AIRPORT ON THE BANK OF THE KENAI RIVER FROM THE CITY OF SOLDOTNA FOR THE KENAI RIVER CENTER AND PROVIDING THE CITY OF SOLDOTNA WITH A DEBIT AGAINST THE BOROUGH'S MUNICIPAL ENTITLEMENT IN ORDER FOR THE CITY TO ACQUIRE THE FORMER DOT/PF SOLDOTNA MAINTENANCE SITE

WHEREAS, the City of Soldotna desires to acquire the former Department of Transportation and Public Facilities Maintenance site located on Lot 2A, ASLS 80-87, as an addition to Soldotna Creek Park; and

WHEREAS, the state shall convey this property to the borough, and the borough shall convey the property to the City of Soldotna through a debit to the Kenai Peninsula Borough municipal entitlement account; and

WHEREAS, the City of Soldotna has offered to convey an 8± acre parcel located north of the Soldotna Airport on the bank of the Kenai River to the borough for the Kenai River Center; and

WHEREAS, the Soldotna City Council enacted Ordinance 679 in December 1998 authorizing the land exchange; and

WHEREAS, the land exchange will serve a public purpose for both agencies and the public;

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

SECTION 1. That the Assembly finds debiting the Kenai Peninsula Borough's municipal entitlement account for the following described property to be conveyed directly by DOT/PF to the City of Soldotna is in the best interest of the borough:

Lot 2A, ASLS 80-87, according to Plat No. 80-62, on file in the Kenai Recording District, Third Judicial District, State of Alaska, containing 8.110 acres more or less.

SECTION 2. That the Assembly finds accepting from the City of Soldotna after final plat approval the following described property for locating the Kenai River Center to be in the best interest of the borough:

Lot 1, Soldotna Airport, Kenai River Center, KPB File 99-041, containing 8.314 acres more or less in the Kenai Recording District, Third Judicial District, State of Alaska.

SECTION 3. The debit of the municipal entitlement account and acceptance of property from the City of Soldotna is in the best interest of the borough based on the following facts:

- a. The land will be used for public purposes beneficial to the general public;
- b. Acquiring the former DOT/PF maintenance yard is supported by the community.
- c. The former DOT/PF maintenance yard will be used for park purposes.
- d. The borough will receive a parcel of land of similar size for permanently locating the Kenai River Center.

SECTION 4. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of KPB Chapter 17.10 including KPB 17.10.050, Land bank—establishment—purpose; KPB 17.10.080, Classification and reclassification of borough lands; KPB 17.10.090, Disposition of Borough Land; KPB 17.10.110, Notice of Disposition; and KPB 17.10.130 (D), Conveyance of Land, based on the following facts:

- a. This is an intergovernmental conveyance for a public purpose as the parcel to be conveyed to the Kenai Peninsula Borough is to be used for the Kenai River Center, and the parcel being conveyed to the City of Soldotna is to be used for park purposes.
- b. The notice requirement is intended to make the public aware of an opportunity to purchase borough property, and these properties are to be for public use.
- c. These lands are both located within the City of Soldotna and are subject to the City Code of Ordinances and adopted zoning requirements making classification unnecessary.

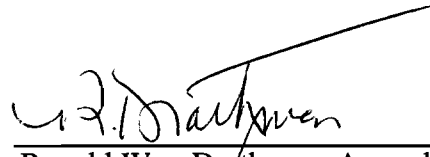
- d. These exceptions are the most practical manner of complying with the intent of KPB 17.10.
- e. The granting of the exceptions will aid the public health, safety and welfare since the land exchange is to provide public facilities available to the citizens of the borough and City of Soldotna and not be detrimental to the public welfare.
- f. Simultaneous closings are anticipated, and the state and city shall defend and indemnify the borough for any liabilities associated with the DOT/PF site.
- g. Simultaneous closings eliminate the need for deposit in the land bank and classification as the parcel will not be held for sale but be immediately conveyed to the City of Soldotna.

SECTION 5. The exchange is conditioned upon the City of Soldotna and the State of Alaska holding the Kenai Peninsula Borough harmless for any contamination on the parcel set forth in Section 1.

SECTION 6. The Mayor is authorized to negotiate and sign any documents necessary to effectuate this ordinance.

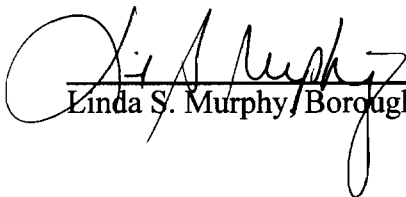
SECTION 7. This ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF JUNE, 1999.



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

