

Introduced by: Mayor  
Date: 10/12/99  
Hearing: 11/16/99  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 99-61**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE AT FAIR  
MARKET VALUE TO CHARLES R. BROWN OF A 6,612.5 ± SQUARE FOOT  
PARCEL LOCATED IN THE STARISKI AREA**

**WHEREAS**, pursuant to KPB 17.10.100 (I) an application has been received from Charles R. Brown to purchase an approximately 6,612.5 square foot triangularly shaped parcel of borough land located in the northwest corner of G.L.O. Lot 5, Supplemental BLM Plat T3S, R15W, Section 24, S.M., Alaska; and

**WHEREAS**, the borough has received State Patent No. 5209 for G.L.O. Lot 5; and

**WHEREAS**, a notice was sent by regular mail to all owners and/or leaseholders of record within a radius of ½ mile of the land to be sold; and

**WHEREAS**, the Planning Commission conducted a public hearing at its regularly scheduled meeting of August 23, 1999 and recommended enactment of this ordinance.

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

**SECTION 1.** That the Assembly finds that selling an approximately 6,612.5 square foot triangularly shaped parcel of borough land located in the northwest corner of G.L.O. Lot 5, Supplemental BLM Plat T3S, R15W, Section 24, S.M., Alaska to Charles R. Brown at fair market value is in the best interest of the public and the borough.

This finding is based on the following facts:

- a. The borough will receive fair market value.
- b. Charles R. Brown is the only abutting owner and selling the parcel to Mr. Brown will not affect any other private landowner.
- c. Sale of the subject parcel will not affect the value or utility of the parcel.

**SECTION 2.** The period of time during which this offer may be accepted is 120 days from enactment of this ordinance. Acceptance of this offer shall be effected by execution of an Earnest Money Contract for Sale of Real Property.

**SECTION 3.** That the mayor is authorized, pursuant to KPB 17.10.100 (I), Negotiated Sale or Lease, to negotiate the sale of the land described in Section 1 to Charles R. Brown subject to the sale conditions required by this ordinance and applicable consistent provisions of KPB 17.10. The sale price shall be \$3,200.00 and Charles R. Brown shall pay closing costs. Charles R. Brown shall be responsible for all costs associated with the platting of the parcel prior to sale. The parcel shall be conveyed by quitclaim deed. This authorization is for negotiation and sale solely with Charles R. Brown or, in the event of his demise, his heirs.

**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 a conveyance of a small uneconomic remnant parcel not useable by anyone except the proposed purchaser.
- b. The notice requirement is intended to make the public aware of an opportunity to purchase borough property which is unnecessary since the intent of the disposal is to convey the property to a specific individual.
- c. The useable area of the parcel is substantially smaller than the 6,612.5 square feet being conveyed, and it is not marketable to any other purchaser as the proposed purchaser is the only abutting owner, nor is the parcel useable for a public purpose. Therefore, a negotiated sale without classification, land bank deposit, and public notice is the most practical means of complying with the code.
- d. Property rights are protected by an exception to the classification, land bank, and notice requirements as the proposed purchaser is combining the lot with a parcel he already owns, and it would be pointless to have a small portion of his larger parcel classified and subject to a deed restriction when the remainder is not zoned or classified.
- e. The remnant parcel is not accessible except from the proposed purchaser's property and the remnant parcel will provide additional land to place structures farther from the ocean which protects the applicant's

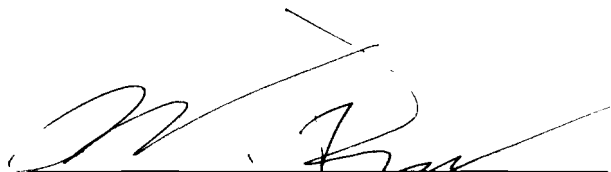
property rights. Classification, land bank deposit, and notice would serve no purpose in attaining this goal.

- f. The granting of the exceptions is not detrimental to public welfare because the remnant parcel is not useable by the borough for a public purpose. The conveyance with granted exceptions is not injurious to other property in the area since the applicant is the only abutting landowner.

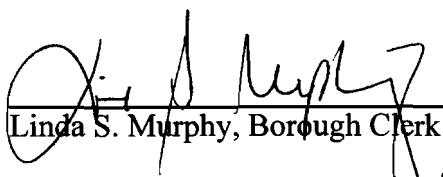
**SECTION 5.** That the mayor is authorized to sign any documents necessary to effectuate the ordinance.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF NOVEMBER, 1999.**

  
William Popp, Assembly President

ATTEST:

  
Linda S. Murphy, Borough Clerk

