

Introduced by:	Mayor
Date:	10/09/01
Hearing:	11/06/01
Action:	Enacted as Amended
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-37**

**AN ORDINANCE AUTHORIZING A LEASE WITH OPTION TO PURCHASE TO THE
UNITED STATES POSTAL SERVICE FOR APPROXIMATELY ONE ACRE OF
BOROUGH LAND IN COOPER LANDING FOR A NEW MAIN POST OFFICE**

WHEREAS, the United States Postal Service (USPS) has researched the Cooper Landing area to determine feasible sites for a new main post office; and

WHEREAS, the USPS has determined that a one-acre parcel owned by the borough at the intersection of the Sterling Highway and Snug Harbor Road is the most desirable site to meet the needs of the Cooper Landing Community; and

WHEREAS, the USPS desires a market value lease with an option to purchase at market value from the borough; and

WHEREAS, the Borough has received a final decision approving its selection of the subject land from the State of Alaska but has not yet received a patent deed; and

WHEREAS, the land is classified government; and

WHEREAS, the Cooper Landing Land Use Plan recommends the land be used for centralized public facilities; and

WHEREAS, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of May 9, 2001, supported the subject site as the new location of the Cooper Landing post office; and

WHEREAS, the KPB Planning Commission, at its regularly scheduled meeting of October 8, 2001, recommended enactment by unanimous consent.

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

SECTION 1. The mayor is authorized to deposit into the land bank the parcel generally described as a one acre \pm parcel located within Tract B, USS 5105, Section 28, T5N, R3W, Seward Recording District, Third Judicial District, State of Alaska and further described on map, Attachment A.

SECTION 2. That the Assembly finds that leasing this land to the United States Postal Service with an option to purchase is in the best interests of the public and the borough. This finding is based on the following facts:

- a. The borough will receive a market value rental rate for the term of the lease and the fair market value of the land [UPON] at the time of its sale.
- b. The land will be used to provide a site for a new main post office for the Cooper Landing Community.

SECTION 3. The mayor is authorized, pursuant to KPB 17.10.100(D), Cooperative Sale or Lease, to negotiate and enter into a lease with option to purchase the above described parcel to the United States Postal Service (USPS) subject to all lease and sale conditions required by this ordinance and the applicable consistent provisions of KPB 17.10. The authorization is for negotiation solely with the USPS for a lease with option to buy. The USPS may assign the lease with option to buy after it has executed the lease. Prior to execution of the lease, pursuant to KPB 17.10.140(B)(1), the lessee shall submit a development plan, which shall disclose the use, nature of improvements, an estimate of value of the improvements, and a development and construction timetable. The development plan will specify that the building will be constructed to USPS specifications. The development plan must be approved by the mayor upon execution of the lease. The lease and sale documents must contain restrictions requiring that the land be used for a main post office for the Cooper Landing community, and that the borough will receive a market value rental rate for the term of the lease and the fair market value of the land at the time of its sale.

SECTION 4. Pursuant to KPB 17.10.230, the Assembly authorizes an exception to the requirements of KPB Chapter 17.10.110, Notice of Disposition, based on the following facts:

1. That special circumstances or conditions exist.
 - a. The proposed lease with option to purchase is solely with the United States Postal Service for the purpose of providing a site for a new main post office.
 - 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 solely to the United States Postal Service.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - a. 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 solely to the United States Postal Service.

3. That the granting of this exception will not be detrimental to the public welfare or injurious to other property in the area.
 - a. Sale of subject parcel to the United States Postal Service for a post office is in keeping with the recommendations of the Cooper Landing Land Use Plan and the current government classification.

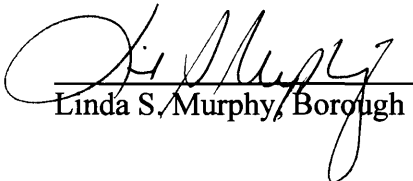
SECTION 5. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

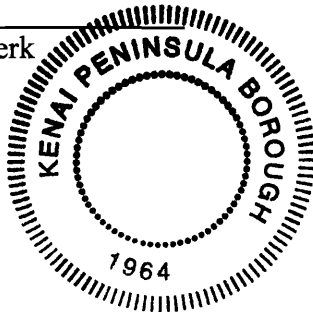
SECTION 6. That this ordinance shall take effect immediately upon its enactment.

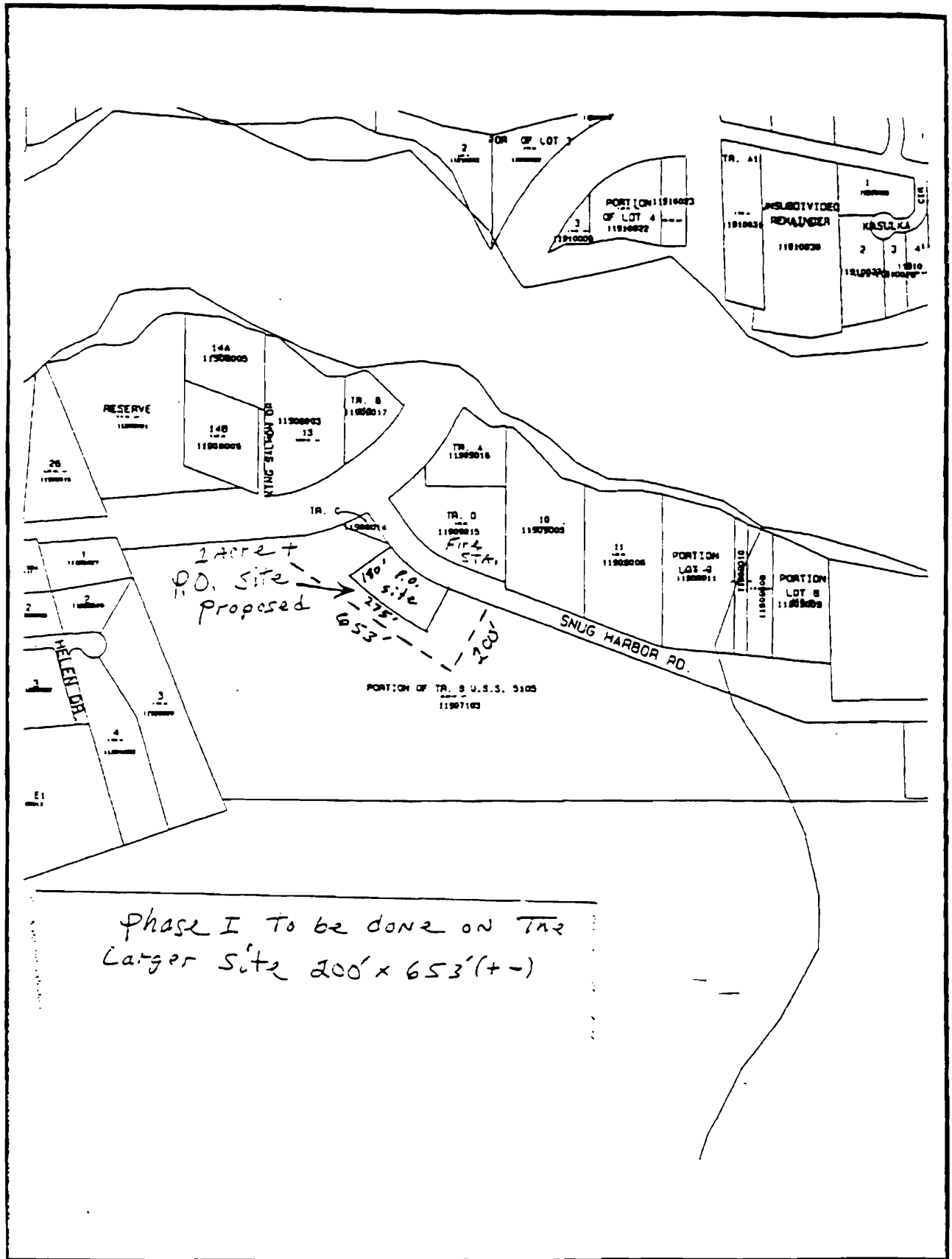
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF NOVEMBER, 2001.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk





Phase I to be done on the
Larger Site 200' x 653' (+/-)

PLANNER
May 26, 1999

Kenai Peninsula Borough

1"=520'

02001-37

Attachment A