

Introduced by: Mayor
Date: 05/07/02
Hearing: 06/04/02
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-18**

**AN ORDINANCE AUTHORIZING REMOVAL OF RESTRICTIONS ON THE LAND
LEASED WITH OPTION TO PURCHASE TO THE UNITED STATES POSTAL
SERVICE IN COOPER LANDING FOR A NEW MAIN POST OFFICE**

- WHEREAS,** Ordinance 2001-37 authorized a lease with option to purchase to the United States Postal Service (USPS) for approximately one acre of Kenai Peninsula Borough (KPB) land in Cooper Landing for a new main post office; and
- WHEREAS,** Section 3 of Ordinance 2001-37 requires that 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
- WHEREAS,** the lease also contains the KPB 17.10.130(D) restriction that restricts use of the site to its government classification; and
- WHEREAS,** the KPB has entered into a lease with the USPS pursuant to Ordinance 2001-37 and the lease contains restrictions requiring that the land be used for a main post office for the Cooper Landing community and contains a KPB 17.10.130(D) restriction that restricts use of the site to its government classification; and
- WHEREAS,** the USPS requests that the use restrictions be removed from the lease and not be required for the sale documents; and
- WHEREAS,** the USPS intends to assign the lease to a contractor that will build the new Cooper Landing post office and then lease it back to the USPS; and
- WHEREAS,** the USPS contractor will be the KPB's lessee and will exercise the option to purchase; and
- WHEREAS,** the USPS contractor will expect to use its land and building for other purposes when the site is no longer needed for a post office; and
- WHEREAS,** the USPS contractor cannot use the land and building for purposes other than a post office at the termination of its relationship with the USPS and not being able to do so will inhibit the USPS's ability to find a suitable contractor; and

WHEREAS, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of May 8, 2002 recommended enactment.

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of May 13, 2002 recommended enactment.

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

SECTION 1. That the requirement that the lease and sale documents must contain restrictions requiring that the land be used for a main post office for the Cooper Landing community contained in Section 3 of Ordinance 2001-37 is hereby revoked.


SECTION 2. That the KPB 17.10.100(D) provision that land to be sold or leased in cooperation with a public or governmental agency may be excluded from the following requirements: (1) classification; (2) deposit into the land bank; (3) notice of disposition if the land to be sold or leased is a portion of a larger parcel; (4) the most appropriate use and the highest and best use of the larger parcel is not changed; and (5) the land to be sold or leased is not more than one acre, shall apply to the parcel of land to be leased to the United States Postal Service as authorized by Ordinance 2001-37.

SECTION 3. The mayor is authorized to amend the lease with the USPS to remove the use restriction described in Section 1 of this ordinance.

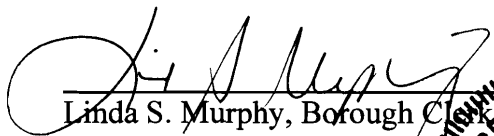
SECTION 4. Based on the foregoing, the mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF JUNE, 2002.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

