

Introduced by: Mayor
Date: 07/09/02
Hearing: 08/06/02
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-27**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE AT OTHER THAN FAIR
MARKET VALUE OF LOT 16, BLOCK 7, IRONS SUBDIVISION OF BLOCK 7, AND
LOT 8 OF BLOCK 9, ACCORDING TO PLAT NO. 72-5, KENAI RECORDING
DISTRICT TO MARIE L. PARKER**

WHEREAS, the borough retained Lot 16, Block 7, Irons Subdivision of Block 7, and Lot 8 of Block 9, according to Plat No. 72-5, Kenai Recording District through the tax foreclosure process for a public purpose pursuant to Ordinance 99-32 because it is less than 40,000 square feet; and

WHEREAS, subject Lot 16 is used in conjunction with the contiguous Lot 17 to provide the site for a large house owned by Marie L. Parker; and

WHEREAS, the public purpose of retaining a non-conforming lot is exceeded by the public benefit of creating a lot conforming to subdivision regulations; and

WHEREAS, the borough cannot feasibly manage Lot 16 as a separate parcel; and

WHEREAS, pursuant to KPB 17.10.100(I) Marie L. Parker has submitted an application to purchase subject Lot 16 for all delinquent taxes, interests, and costs; and

WHEREAS, Marie L. Parker is willing to pay for Lots 16 and 17 to be platted into one lot to eliminate subject Lot 16 being less than 40,000 square feet; and

WHEREAS, the KPB Planning Commission conducted a public hearing during their regularly scheduled meeting of July 22, 2002 and recommended enactment.

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

SECTION 1. That the Assembly finds that selling Lot 16, Block 7, Irons Subdivision of Block 7, and Lot 8 of Block 9, according to Plat No. 72-5, Kenai Recording District at other than 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 cannot feasibly manage subject Lot 16 as a separate parcel.
- b. Subject Lot 16 is used in conjunction with the contiguous Lot 17 to

- provide the site for a large house owned by Marie L. Parker.
- c. Marie L. Parker is the only feasible buyer of subject Lot 16.
- d. The sale of subject Lot 16 will be subject to Marie L. Parker combining Lot 16 with Lot 17 of the same subdivision into one lot.

SECTION 2. The period of time during which this offer may be accepted is 60 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.

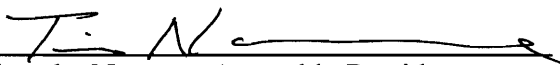
SECTION 3. That the mayor is authorized, pursuant to KPB 17.10.100(I), Negotiated Sale or Lease, to negotiate the sale of the land described in Section 1 to Marie L. Parker subject to the sale conditions required by this ordinance and applicable consistent provisions of KPB 17.10. The sale price shall be delinquent tax, interest and costs owed at time of closing, and Marie L. Parker shall also pay closing costs. Marie L. Parker shall be responsible for all costs associated with combining subject Lot 16 and Lot 17 of the same subdivision into one lot prior to sale. The parcel shall be conveyed by quitclaim deed. This authorization is for negotiation and sale solely with Marie L. Parker or, in the event of her demise, her heirs.

SECTION 4. That the KPB 17.10.100(I) provision that land to be sold or leased to resolve a land use conflict or unintentional trespass may be excluded from classification, deposit into the land bank, and notice of disposition if the land to be sold or leased is a portion of a larger parcel, and the most appropriate use and the highest and best use of the larger parcel is not changed, and the land to be sold or leased is not more than one acre shall apply to the land described in Section 1 of this ordinance.

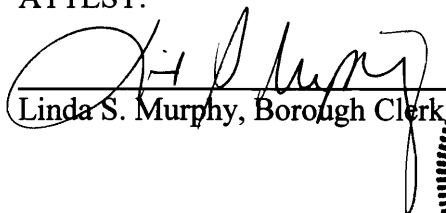
SECTION 5. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

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 AUGUST, 2002.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

