

Introduced by:	Mayor
Date:	03/11/03
Hearing:	04/15/03
Action:	Enacted as Amended
Vote:	9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-09**

**AN ORDINANCE AUTHORIZING THE LEASE OF 54 ACRES± LOCATED WITHIN
THE BUFFER PROPERTY OF THE CENTRAL PENINSULA LANDFILL TO KENAI
PENINSULA ARCHERS AT LESS THAN MARKET VALUE**

- WHEREAS,** the Kenai Peninsula Borough (KPB) owns the subject land; and
- WHEREAS,** the subject land is classified Government and a portion is also classified Resource Management by KPB Assembly Resolution 95-41 and is used as buffer for the central peninsula landfill; and
- WHEREAS,** Ordinance 92-33 authorized a 10 year lease at less than market value to the Kenai Peninsula Archers, said lease is now expired; and
- WHEREAS,** the Kenai Peninsula Archers desire to continue operating an archery club on borough land; and
- WHEREAS,** the Kenai Peninsula Archers will continue to offer hunter safety courses for the public; and
- WHEREAS,** the borough Solid Waste Department has no objection to leasing the subject land to the Kenai Peninsula Archers; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of March 24, 2003 recommended enactment of Ordinance 2003-09 by unanimous consent with the commission's proposed amendments;.

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

SECTION 1. That the Assembly finds that leasing 54 acres± described as The S ½ of the NW ¼ and the N ½ of the SW ¼ lying easterly of the Sterling Highway and westerly of Arc Loop Road, Township 4 North, Range 11 West, Section 13, Seward Meridian, Alaska, Kenai Recording District to the Kenai Peninsula Archers at less than market value, pursuant to KPB 17.10.100 (I) is in the best interest of the borough. The Assembly additionally makes an exception to KPB 17.10.110 (notice of disposition). These exceptions are based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
 - A. The Kenai Peninsula Archers is the prior lessee as authorized by Ordinance 92-33.
 - B. The Kenai Peninsula Archers is an important community resource that:
 1. Provides an authorized location to conduct archery related activities.
 2. Provides hunter safety training for the community.
 - C. The proposed site is suitable for the proposed use.
 - D. The purpose of the KPB 17.10.110 advertising requirement is to notify the public of an opportunity to purchase or lease KPB land and advertising this negotiated lease to the Kenai Peninsula Archers will not serve a useful purpose.
 - E. The public will be aware of the lease through publication of the Kenai Peninsula Borough Planning Commission and Assembly agendas.
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 Kenai Peninsula Archers have made valuable leasehold improvements that they want to preserve.
 - B. The Kenai Peninsula Archers serves a large constituency that relies on it to provide hunter safety courses and a controlled area to engage in archery related activities.
 - C. The remainder of the parcel leased by the Kenai Peninsula Archers is required by the landfill and no longer available for lease.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
 - A. The proposed lease site is suitable for the proposed use.
 - B. The archers, through their previous lease with the Borough, have demonstrated their compatibility with the purpose of the landfill buffer and other surrounding uses.


SECTION 2. Based on the foregoing, the mayor is hereby authorized, pursuant to KP.B 17.10.100 (I) to enter a lease in substantially the form as the one attached for the land described in Section 1 above to the Kenai Peninsula Archers. The annual rental shall be \$1.00 and the lease term 20 years subject to the terms and conditions of this ordinance and applicable provisions of KP.B 17.10. The authorization is for lease solely to Kenai Peninsula Archers and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity.

SECTION 3. That the assembly finds that an "other than fair market value" lease meets the criteria of KP.B 17.10.120 (D) as set forth in the findings of fact in Section 1 of this ordinance. This offer for negotiated lease shall remain open for a period of 90 days after adoption.

SECTION 4. 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 15TH DAY OF APRIL, 2003.



Pete Sprague, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

