

Introduced by:

Mayor

Date:

06/17/03

Shortened Hearing:

07/08/03

Action:

Enacted as Amended

Vote:

9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-26**

**AN ORDINANCE EXTENDING THE DEADLINE IN ORDINANCE 2001-16
REGARDING CERTAIN GRAZING LEASES**

WHEREAS, in Ordinance 2001-16 the assembly authorized the mayor to renew or extend seven grazing leases for no more than a 27.5 year period based on certain terms and conditions; and

WHEREAS, in Section 2 of that ordinance the assembly required that the following three items be completed within two years of expiration of the grazing leases:

1. Lessee shall prepare a development plan in cooperation with the Soil and Water Conservation District which shall be approved by the borough mayor, and which shall provide for reasonable use and development of the grazing lease property and shall be attached and incorporated by reference to the grazing lease.
2. The mayor shall determine the survey status of each lease and may, in the best interests of the borough, either conduct, or require the lessee to conduct; a survey if reasonably necessary to establish boundaries;
3. Pursuant to KPB 17.10.100(I) authorizing negotiated leases, the mayor shall charge an annual fee for the lease based either upon animal unit months or other recognized industry standards, or an appraisal done either by the assessing department or by a fee appraiser to determine the current fair market value of the lease, with rate adjustments to be made every five years based upon reappraisals or other relevant information; and

WHEREAS, the two-year period expires July 11, 2003; and

WHEREAS, although the Lessees prepared development plans in cooperation with the Soil and Water Conservation District and submitted them to the borough the plans did not satisfy borough requirements and final development plans have not yet been approved; and

WHEREAS, the borough administration requires additional time to work with the Lessees and the Soil and Water Conservation District to complete acceptable development plans; and

WHEREAS, the administration has not completed its analysis to determine if a survey is reasonably necessary to establish boundaries on any portion of the subject grazing leases; and

WHEREAS, the assessor has determined an annual fee for the lease based upon a recognized industry standard and the majority of the Lessees are current with their lease payments; and

WHEREAS, this project has been in part delayed as a result of legal issues surrounding the lease agreements with the borough as opposed to those with the State of Alaska; and

WHEREAS, all outstanding issues are expected to be resolved at the latest within the next year; and

WHEREAS, new personnel have been hired who will significantly help the borough to complete this project; and

WHEREAS, The Planning Commission conducted a public hearing for the subject ordinance during their regular scheduled June 23, 2003 meeting, and a motion to recommend enactment of the ordinance passed by unanimous consent;

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

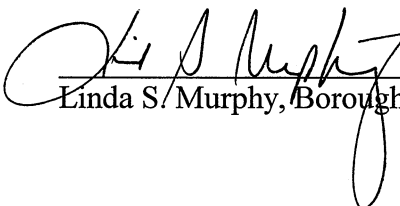
SECTION 1. The two-year deadline in Section 2 of Ordinance 2001-16 is hereby extended for one year until July 11, 2004.

SECTION 2. This ordinance will take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 8TH DAY OF JULY, 2003.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

