

Introduced by: Mayor
Date: 10/14/03
Hearing: 11/18/03
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-37**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE AT FAIR MARKET
VALUE OF GOVERNMENT LOT 6, SECTION 25, T3S, R15W, S.M., ALASKA TO
RICHARD AND VICTORINE WILLARD**

WHEREAS, The Kenai Peninsula Borough (KPB) owns Government Lot 6, Section 25, T3S, R15W, S.M., Alaska; and

WHEREAS, Richard and Victorine Willard own the adjacent property; and

WHEREAS, deep ravines that restrict use and access make the Willards the only feasible buyers; and

WHEREAS, Government Lot 6 is surplus to KPB needs; and

WHEREAS, the Willards have offered to pay fair market value for land that would otherwise not generate an income stream for the borough; and

WHEREAS, public notice has been sent to all owners or leaseholders within ½ mile of the KPB parcel; and

WHEREAS, the Anchor Point Advisory Planning Commission at its regularly scheduled meeting of October 15, 2002 supported this negotiated sale; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of October 27, 2003 recommended enactment by majority vote.

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

SECTION 1. That the Assembly finds that selling Government Lot 6, Section 25, T3S, R15W, S.M., Alaska, Homer Recording District, Third Judicial District, State of Alaska to Richard and Victorine Willard pursuant to KPB 17.10.100 (I) is in the best interest of the borough. The Assembly additionally makes exceptions to KPB 17.10.090 (requiring classification prior to transfer, and KPB 17.10.110 (notice of a land sale). These exceptions are based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.

- A. Providing a monofill site to UNOCAL to relocate the contents of the prior permitted Ivan River Reserve Pit from the Susitna Flats State Game Refuge is in the public best interest.
 - B. The proposed site is suitable for the proposed use and other private sites are not available.
 - C. 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 sole source sale to UNOCAL will not serve a useful purpose.
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 sale of a monofill site to UNOCAL will help an important business operating on the peninsula.
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 subject land is relatively flat with no ravines and it is significantly inland from the edge of the Inlet.
 - B. Immediately adjacent to this parcel is a parcel of land that is currently in identical use as a monofill for drilling waste.

SECTION 2. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell the land described in Section 1 above to UNOCAL for \$40,000 subject to the terms and conditions of this ordinance. The authorization is for sale solely to UNOCAL and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity.

SECTION 3. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2003.

Pete Sprague, Assembly President

ATTEST:

Linda S. Murphy, Borough Clerk