

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

**KENAI PENINSULA BOROUGH
ORDINANCE 2003-38 (MAYOR) SUBSTITUTE**

**AN ORDINANCE AUTHORIZING THE NEGOTIATED SALE AT FAIR MARKET
VALUE OF A 0.18-ACRE± PARCEL LOCATED ADJACENT TO LOT 8, LAKEVIEW
ESTATES SUBDIVISION, TO MONIKA HATTON AND A 0.04 ACRE± PARCEL
LOCATED ADJACENT TO LOT 7, LAKEVIEW ESTATES SUBDIVISION, TO MIKE
AND MARCIA KARDATZKE**

- WHEREAS,** Lakeview Estates Subdivision was platted for residential lots in 1978, which included a right-of-way dedication for Lakeview Lane; and
- WHEREAS,** Lakeview Lane was constructed outside of its dedicated right-of-way, across a borough owned parcel; and
- WHEREAS,** to rectify Lakeview Lane according to its alignment, a vacation and re-plat of the right-of-way dedication is necessary thereby creating remnant parcels of borough-owned land adjacent to Lot 7 and Lot 8, Lakeview Estates Subdivision; and
- WHEREAS,** Mike and Marcia Kardatzke are the owners of record of Lot 7, Lakeview Estates Subdivision, and James D. & Monika A. Hatton are the owners of record of Lot 8, Lakeview Estates Subdivision; and
- WHEREAS,** Marcia Kardatzke and Monika Hatton have jointly submitted an application for the negotiated purchase of the remnant parcels adjacent to their respective properties at fair market value and have additionally offered to pay for the survey and plat; and
- WHEREAS,** Ruth and Ray Osborne, owners of Lot 6, Lakeview Estates have been informed of the proposal and have agreed to sign the plat as proposed; and
- WHEREAS,** based upon estimated acreages of each remnant parcel, KPB assessors appraised the current fair market value of the property adjacent to Lot 7 at \$0.40 per square foot and the property adjacent to Lot 8 at \$0.42 per square foot; and
- WHEREAS,** the negotiated sale of the subject properties would resolve unintentional trespasses caused by the misalignment of Lakeview Lane; and

WHEREAS, the joint efforts of landowners within Lakeview Estates Subdivision maximizes the beneficial effects of re-platting Lakeview Lane according to its alignment; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of November 10, 2003 recommended enactment by unanimous vote.

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

SECTION 1. That the mayor is authorized to pursue a vacation and re-plat of a portion of Lakeview Lane substantially similar to that shown on Attachment 1, a copy of which is attached. All surveying and platting will comply with Chapter 20 KPB Code of Ordinances. All surveying and platting costs will be paid for by the applicants.

SECTION 2. That the Assembly finds that selling the remnant parcels created through the re-plat of Lakeview Lane pursuant to KPB 17.10.100 (I) is in the best interest of the borough. The Assembly additionally finds that the land to be sold shall be excluded from requirements for classification, deposit into the land bank, and notice of disposition pursuant to KPB 17.10.100(I).

SECTION 3. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100(I), to sell the subject remnant parcel of land adjacent to Lot 7, Lakeview Estates to Marcia Kardatzke for \$0.40 per square foot as quantified by survey, subject to the terms and conditions of this ordinance. Interest in the subject land shall be conveyed, fee simple, by quitclaim deed, payable in cash within 120 days from the date an offer is extended by the administration.

SECTION 4. Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100(I), to sell the subject remnant parcel of land adjacent to Lot 8, Lakeview Estates to Monika Hatton for \$0.42 per square foot as quantified by survey, subject to the terms and conditions of this ordinance. Interest in the subject land shall be conveyed, fee simple, by quitclaim deed, payable in cash within 120 days from the date an offer is extended by the administration.

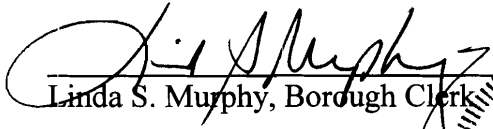
SECTION 5. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 6. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH
DAY OF NOVEMBER, 2003.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

