

Introduced by: Mayor  
Date: 04/06/04  
Hearing: 05/04/04  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH  
ORDINANCE 2004-08**

**AN ORDINANCE AUTHORIZING A LAND EXCHANGE WITH OFFSHORE  
SYSTEMS – KENAI TO ACQUIRE LAND TO SUPPORT THE NORTH PENINSULA  
RECREATION SERVICE AREA CROSS-COUNTRY SKI TRAIL**

- WHEREAS**, a segment of the North Peninsula Recreation Service Area (NPRSA) cross-country ski trial system is located on property owned by Offshore Systems – Kenai (OSK); and
- WHEREAS**, OSK desires to cooperatively exchange certain land with the borough to support the NPRSA cross-country ski trail system; and
- WHEREAS**, the exchange will benefit both the borough and OSK; and
- WHEREAS**, the exchange will result in a net gain of \$9,100 in land value for OSK; and
- WHEREAS**, the land owned by KPB is classified as “Light Industrial” by Resolution 2001-090; and
- WHEREAS**, pursuant to 17.10.040, the proposed classification of the land to be acquired from OSK is “Government”; and
- WHEREAS**, the NPRSA board at its regularly scheduled meeting of January 26, 2004 voted unanimously to support the exchange; and
- WHEREAS**, the KPB Planning Commission at its regularly scheduled meeting of April 12, 2004 recommended enactment by unanimous consent.

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

**SECTION 1.** That the Assembly finds that exchanging the following described property is in the best interest of the borough:

**Property to be conveyed to Offshore Systems - Kenai:**

That portion of Tract 1, OSK Subdivision, within Section 36, Township 8 North, Range 12 West, Seward Meridian, Alaska, owned by the Kenai Peninsula Borough, containing approximately 4.22 acres.

**Property to be conveyed to the borough:**

That portion of Tract 2, OSK Subdivision, within Section 36, Township 8 North, Range 12 West, Seward Meridian, Alaska, owned by Offshore Systems - Kenai, containing approximately 3.5 acres, and more particularly described as follows:

Commencing at a 3 ¼" aluminum capped monument located at the Center East 1/16 corner of Section 36, stamped 4928-S, the point of beginning of this description, thence N 00°07'59" W 485.29 feet to a 2" diameter aluminum cap, stamped 4928-S, the WCMC, thence N 00°07'59" W 306.44 feet to the intersection of the Mean High Water Line of the Cook Inlet, thence along said Mean High Water Line S 67°52'23" W 103.26 feet to a point, thence continuing along said Mean High Water Line S 70°30'13" W 236.15 feet to a point, thence S 17°52'31" E 268.22 feet to a 2" diameter cap, stamped 4928-S, thence S 24°28'12" E 355.80 feet to a 2" diameter cap, stamped 4928-S, thence S 19°25'46" W 100.67 feet to the intersection of the ¼ Section Line of Section 36, thence along said ¼ Section Line N 89°58'52" E 123.88 feet to the Center East 1/16 corner of Section 36, stamped 4928-S, the Point of Beginning of this description.

This finding is based on the following facts:

- a. OSK and KPB will receive equal value as provided in the exchange agreement.
- b. The NPRSA supports this exchange, as it will benefit the NPRSA cross-country ski trail system.
- c. The land to be conveyed to OSK is not needed by the borough but is useful to OSK.

**SECTION 2.** That the terms and conditions of the exchange agreement, or terms and conditions substantially similar to those of the exchange agreement accompanying this ordinance are hereby approved.

**SECTION 3.** The mayor is authorized, pursuant to KPB 17.10.100 (C) to exchange the land described in section 1 above with OSK. The borough land shall be conveyed by Quitclaim Deed. The authorization is for exchange solely with OSK and it may not assign any rights to negotiate or enter an agreement for exchange to any other person or entity.

**SECTION 4.** Pursuant to KPB 17.10.230, that the Assembly authorizes an exception to the requirements of KPB 17.10.110, Notice of disposition, based on the following facts:

1. That special circumstances or conditions exist;

- a. KPB 17.10.110. Notice of Disposition, requires publishing notice of the sale four times in the 30-day period immediately preceding the date of the sale. This notice requirement is intended to make the public aware of an opportunity to purchase borough land. Publishing notice of this exchange will not serve a useful purpose as the grantee is already identified.
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. This exception to the notice requirement is not necessary to preserve a substantial property right, and the assembly hereby authorizes this exception to that finding requirement as it is impractical, and compliance is not in the best interests of the borough due to the delay and unnecessary expense it would cause.
  - b. Through the public process, notice has been provided for the North Peninsula Recreation Service Area, Planning Commission and Assembly hearings. Additional notice is not necessary to comply with the intent of KPB 17.10.
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 public will receive notice of this exchange through publication of the North Peninsula Recreation Service Area, Planning Commission and Assembly meeting agendas.
  - b. Existing land uses will not be substantially altered and therefore will not be injurious to other properties.

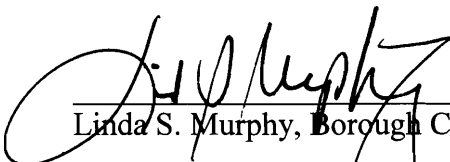
**SECTION 5.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.

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

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 4TH DAY OF MAY, 2004.**

  
 Pete Sprague, Assembly President

ATTEST:

  
 Linda S. Murphy, Borough Clerk

