



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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JOHN J. WILLIAMS
BOROUGH MAYOR

MEMORANDUM

TO: Grace Merkes, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: John J. Williams, Borough Mayor

FROM: Max J. Best, Planning Director

DATE: July 21, 2008

SUBJECT: Ordinance 2008-18 authorizing the negotiated sale at other than fair market value of Lot 3 Block 3, J Block Recreational Subdivision to Demain T. Sagerser

The Planning Commission reviewed the subject ordinance during their regularly scheduled July 21, 2008 meeting. A motion to recommend enactment of Ordinance 2008-18 passed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

9. To date, one utility company has provided a letter of non-objection.
10. Development is subject to the requirements of the city's zoning district.
11. Seldovia Planning Commission reviewed the proposed vacation and the plat that would accomplish the vacation on March 3, 2008 and recommended approval subject to providing additional right-of-way.
12. Per the Seldovia Commission's minutes, the Public Works department has stated concerns with having enough room for snow removal on the 30-foot wide road (Young Street).
17. On May 27, 2008, the Borough Planning Commission approved a motion to require an additional dedication of 5 feet for Young Street per the Seldovia Planning Commission's recommendation.
18. The alley proposed for vacation is encompassed by parcels owned by the petitioner that are to be replatted into one parcel.

Commissioner Carluccio recused herself from voting and discussion because she voted on this agenda item at the Seldovia Planning Commission meeting.

VOTE: The motion passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO RECUSED	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON ABSENT
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN ABSENT	8 YES 1 RECUSED 4 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

4. Ordinance 2008-18; Authorizing the Negotiated Sale at Other than Fair Market Value of Lot 3 Block 3 J Booth Recreational Subdivision, According to Plat No. 1966-643, Homer Recording District, Seward Meridian, Alaska Containing 0.26 Acres to Demian T. Sagerser.

Memorandum given by Max Best

PC Meeting: 7/21/08

The Kenai Peninsula Borough foreclosed on this property for delinquent taxes in 2000. The property was subsequently retained by Ordinance 2002-25. The prior owner has continued to occupy the property in trespass and relies on it as his primary residence. Land Management has worked with the prior owner for the past eight months and has had the opportunity to learn of his situation. In light of the hardships faced by this individual and his willingness to work cooperatively to resolve the situation, the administration proposes to sell the property back to the prior owner for an amount equivalent to that which was due at the time of foreclosure plus the estimated amount that would have become due in property taxes since that time, without exemption.

This negotiated sale would resolve a trespass situation and would allow the prior owner to maintain his residence in an equitable manner. Your consideration of this ordinance is greatly appreciated.

END OF MEMORANDUM

Vice Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak, Vice Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Carluccio moved, seconded by Commissioner Gross to recommend enactment of Ordinance 2008-18; Authorizing the Negotiated Sale at Other than Fair Market Value of Lot 3 Block 3 J Booth Recreational Subdivision, According to Plat No. 1966-643, Homer Recording District, Seward Meridian, Alaska Containing 0.26 Acres to Demian T. Sagerser.

VOTE: The motion passed by unanimous consent.

BRYSON ABSENT	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON ABSENT
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN ABSENT	9 YES 4 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS