

Introduced by: Mayor
Date: 08/19/08
Hearing: 09/16/08
Action: Enacted as Amended
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-19-17**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL
PROPERTY AT MILE 26.5 KENAI SPUR HWY FOR NIKISKI FIRE STATION NO. 2**

WHEREAS, the Nikiski Fire Service Area Board identified the need to replace Fire Station No. 2 by acquiring property and constructing a new station; and

WHEREAS, Senate Bill 221, which appropriated funding for this project, was passed by the State Legislature and signed by the Governor on May 23, 2008; and

WHEREAS, Ordinance 2008-19-01 accepted and appropriated said state grant for the purpose of land purchase and construction of a new fire station for the Nikiski Fire Service Area; and

WHEREAS, a certain 10.61 acre parcel has been identified by the Borough for these purposes; and

WHEREAS, it is anticipated that Nikiski Fire Service Area will require the entire 10.61-acre parcel for Station #2 use; and

WHEREAS, a purchase agreement has been executed subject to Assembly approval; and

WHEREAS, the Nikiski Fire Service Area Board at its meeting of August 13, 2008 recommended enactment; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of August 25, 2008 recommended enactment by unanimous consent.

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

SECTION 1. That the purchase of the following described real property located in Section 1, Township 7 North, Range 12 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska containing 10.61 acres more or less, is in the best interests of the borough:

PARCEL NO. 1:

That portion of the Northeast One-quarter (NE1/4) of Section 1, Township 7 North, Range 12 West, Seward Meridian, Kenai Recording District, Third Judicial District,

State of Alaska, KPB Tax Parcel 012-130-25, more particularly described as follows:

Beginning at a point common to the West Boundary of said Northeast One-quarter (NE1/4) of Section 1 and the Southwesterly Edge of the Highway known as the North Kenai Road as the point of orientation, thence traverse in a Northeasterly direction along the edge of said right of way for a distance of 700 feet to Corner No. 1 and the Point of Beginning; THENCE traverse at right angles in a Southeasterly direction a distance of 100 feet to Corner No. 2; THENCE traverse at right angles in a Northeasterly direction a distance of 200 feet to Corner No. 3; THENCE at right angles traverse in a Northwesterly direction a distance of 100 feet and to the edge of said Highway; THENCE traverse along the edge of said Highway in a Southwesterly direction a distance of 200 feet to Corner No. 4 the Point of Beginning. EXCEPTING THEREFROM that portion conveyed to the State of Alaska by Warranty Deed recorded May 23, 1963 in Deed Book 39 at Page 96.

PARCEL NO. 2:

That portion of the Northeast One-quarter (NE1/4) of Section 1, Township 7 North, Range 12 West, Seward Meridian, Kenai Recording District, Third Judicial District, State of Alaska, KPB Tax Parcel 012-130-27, more particularly described as follows:

Commencing from the Center 1/4 Section Corner of Section 1, Township 7 North, Range 12 West, Seward Meridian, found official survey monument, (610-S, 1965), proceed S89°57'E, 440.00 feet along the East-West Centerline of Section 1, to the True Point of Beginning and Corner No. 1, this is also the Southeast Corner of the Nikishka Subdivision No. 2; THENCE N0°01'30"E, 1150.98 feet along the East Boundary of said Nikishka Subdivision No. 2, to Corner No. 2, a point on the Southerly edge of the North Kenai Road Right of Way; THENCE N56°50'E 174.21 feet along the North Kenai Road Right of Way line to Corner No. 3; THENCE S33°10'E, 100.00 feet to Corner No. 4; THENCE N56°50'E, 200.00 feet to Corner No. 5; THENCE N33°10'W, 100.00 feet to Corner No. 6, a point on the said North Kenai Road Right of Way line; THENCE N56°50'E, 105.98 feet along the said right of way line to Corner No. 7; THENCE S33°10'E, 200.00 feet to Corner No. 8; THENCE S56°50'W, 180.79 feet to Corner No. 9; THENCE S0°01'30"W, 1147.61 feet to Corner No. 10, a point on the East-West Centerline of Section 1; THENCE N89°57'W, 360.00 feet to the True Point of Beginning; EXCEPTING THEREFROM that portion taken by the State of Alaska by Declaration of Taking recorded July 05, 1966 in Misc. Book 22 at Page 197.

PARCEL NO. 3:

Lot One (1), Block Two (2), NIKISHKA SUBDIVISION NO. 2, according to Plat No. K-1400, in the Kenai Recording District, Third Judicial District, State of Alaska, KPB Tax Parcel 012-090-01,; EXCEPTING THEREFROM that portion conveyed to the State of Alaska by Declaration of Taking recorded May 02, 1966 in Deeds Book 38 at Pages 224.

SECTION 2. That the terms and conditions of the "Land Purchase and Sale Agreement" dated August 6, 2008 accompanying this ordinance are hereby approved.

SECTION 3. That this acquisition is for the purpose of supporting the development of a fire station in the Nikiski Fire Service Area (NFSA).

SECTION 4. That the proposed classification of this land is government.


SECTION 5. That the mayor is authorized to execute any and all documents necessary to purchase the real property described in Section 1 in accordance with the terms and conditions contained in this ordinance and the "Land Purchase and Sale Agreement" dated August 6, 2008, and consistent with applicable provisions of KPB Chapter 17.10. The purchase price shall be \$150,000 or appraised value, whichever is greater.

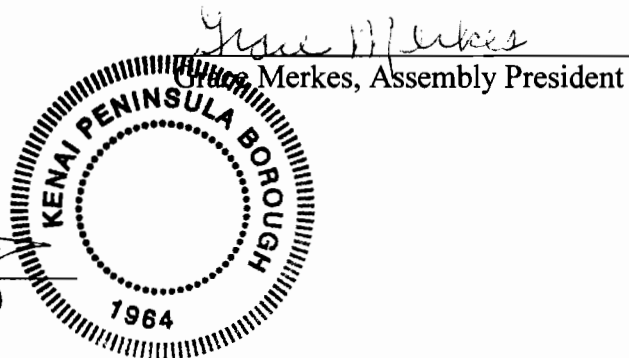
SECTION 6. That all expenditures for this acquisition shall be charged to Nikiski Fire Service Area Capital Project account 441.51111.09216.48610.

SECTION 7. That this ordinance shall take effect immediately upon its adoption.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF SEPTEMBER, 2008.

ATTEST:


Johni Blankenship, Borough Clerk



Yes: Fischer, Long, Martin, Smith, Sprague, Superman, Merkes
No: None
Absent: Gilman, Knopp