

MEMORANDUM

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

FROM: John J. Williams, Borough Mayor
Ron Long, Assembly Member

DATE: July 24, 2008

SUBJECT: Ordinance 2008-25, authorizing the negotiated sale at fair market value of approximately 2,010 square feet of Tract A Moose Pass School Site according to Plat No. 74-483

The Kenai Peninsula Borough School District discovered an encroachment on the Moose Pass School Site. As detailed in the included as-built, the encroachment consists of a covered deck, plastic storage sheds, fuel tank, wood box, a 9-foot shed encroachment, a 7.6-foot encroachment, a 4.9-foot cabin encroachment, and a 3.1-foot cabin encroachment. Vern Kingsford operates a business and utilizes the encroaching structures as part of that business. There is also a driveway accessing Trail Lake which Kingsford uses for his business on the borough parcel. When Kingsford was informed of the encroachments, he offered to purchase the portion of the property upon which the encroachments lie.

By conveying approximately 2,010 square feet of the borough property to Vern and Lura Ann Kingsford, the majority of the encroachments can be resolved. KP.B 17.10.220(C) and 17.10.100(I) authorize resolving a trespass through sale of the smallest practical piece of land. Kingsford has agreed to pay the survey costs. Kingsford has agreed to remove an encroaching fuel tank prior to the start of school. He will further pay for a fence securing separation of his operations from the Moose Pass School. A clear separation of Kingsford's operations from school operations is in the best interest of the school children's and public's welfare. It is further beneficial to Kingsford's private interests as it affords protection of his operations when he is absent from the premises.

It is necessary to hear this ordinance on shortened time as the school district would like the fence constructed and encroachments resolved before school starts or as near thereafter as possible.