



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

TO: Milli Martin, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: *DR Carey* David R. Carey, Borough Mayor

FROM: *mb* Max J. Best, Planning Director

DATE: January 28, 2009

SUBJECT: Ordinance 2008-34, authorizing the Repeal of an Educational Use Deed Restriction with Reversionary Rights on a Parcel of Land in the City of Seward that was Deeded to the State of Alaska by the Kenai Peninsula Borough

The Planning Commission reviewed the subject ordinance during their regularly scheduled January 26, 2009 meeting. A motion to recommend adoption of the ordinance passed by unanimous consent.

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

AGENDA ITEM F. PUBLIC HEARINGS

- 5. Ordinance 2008-34, authorizing the Repeal of an Educational Use Deed Restriction with Reversionary Rights on a Parcel of Land in the City of Seward that was Deeded to the State of Alaska by the Kenai Peninsula Borough

Memorandum reviewed by Max Best

PC Meeting: 1/26/09

Block 15 Original Townsite of Seward Federal Addition (KPB Tax Parcel No. 147-140-08) was deeded to the State of Alaska pursuant to KPB Ordinance 78-72 and subject to an "educational use" deed restriction with reversionary rights. The State converted the "old Seward High School" that was situated on the subject property into a vocational educational facility (AVTEC) that has been in operation for almost 30 years.

AVTEC is located half on said property and half on an adjacent parcel owned by the City of Seward. The State desires to consolidate AVTEC ownership through a land exchange with the City of Seward as shown by Preliminary Plat. However, the State cannot make this land exchange with the City, and therefore cannot consolidate the AVTEC facility, until the "educational use" deed restriction is released

Staff recommends the deed restriction be removed with the Planning Commission recommending enactment of this ordinance.

END OF MEMORANDUM

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

MOTION: Commissioner Petersen moved, seconded by Commissioner McClure to recommend adoption of Ordinance 2008-34 authorizing the repeal of an educational use deed restriction with reversionary rights on a parcel of land in the City of Seward.

Commissioner McClure stated this was discussed at the Local Planning Commission meeting where she recused herself so she could speak to it at this meeting. She felt this was a good thing which was approved by the City Planning Commission. It would give the City the chunk of land so that they would access to Two Lakes Park officially instead of trespassing.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS ABSENT	FOSTER YES	GROSS YES	ISHAM YES	JOHNSON YES
LOCKWOOD YES	MARTIN YES	MCCLURE YES	MURPHY YES	PETERSEN YES	TAURIAINEN YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

- 6. Ordinance 2009-02 Authorizing a Five-Year Extension of the Option to Lease Ladd Landing Between the Kenai Peninsula Borough and PacRim Coal, LP

Memorandum reviewed by Max Best

PC Meeting: 1/26/09

At its meeting of November 18, 2008, the assembly requested that the administration bring forward an extension of the Option to Lease Ladd Landing. The administration and staff have discussed the Option and the current stages of the related coal development project. Authorization for a five-year extension of the Option is requested. This duration is important to allow time for the development and release of project information important for consideration in renegotiation of Option terms and conditions. As mentioned in prior assembly meetings, the project has new leadership, as does the borough. Review of the Option can best be accomplished when the parties are firmly footed and the best information is available.