

Introduced by:	Mayor
Date:	11/18/08
Hearing:	01/06/09
Action:	Postponed until 02/03/09
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2008-34**

**AN ORDINANCE 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**

WHEREAS, Block 15 Original Townsite of Seward Federal Addition situated in Sec 10, T1S, R1W, Seward Meridian, Seward Recording District, Third Judicial District, (KPB Tax Parcel No. 147-140-08), was deeded by the Kenai Peninsula Borough to the State of Alaska pursuant to KPB Ordinance 78-72; and

WHEREAS, said property was deeded subject to an "educational use" deed restriction with reversionary rights, which states, "The Grantor reserves a reversion in this real property, and in the event that the State of Alaska ceases to use this real property for educational purposes, the title shall revert to the Grantor without further formality"; and

WHEREAS, said property contains the northern half of a vocational educational facility known as AVTEC; and

WHEREAS, the City of Seward owns Parcel 147-130-12, which contains the southern half of the AVTEC facility; and

WHEREAS, the State of Alaska is actively working with the City of Seward to consolidate the AVTEC facility into one State-owned and managed unit by exchanging a portion of said property with the City for its parcel 147-130-12 as shown by preliminary plat; and

WHEREAS, the State cannot make this land exchange with the City of Seward and therefore cannot consolidate the AVTEC facility until the "educational use" deed restriction is released; and

WHEREAS, public notice has been published and posted per KPB Code 17.10.130(F)(2); and

WHEREAS, at its regularly scheduled meeting of January 26, 2009 the Kenai Peninsula Borough Planning Commission recommended enactment by unanimous consent;

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

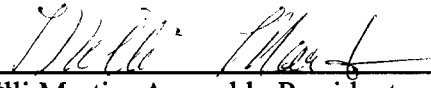
SECTION 1. That pursuant to KPB 17.10.130 (F)(4), the mayor is hereby authorized to execute and record an instrument to release the educational use deed restriction and right of reversion set forth in Book 18 Page 967 Seward Recording District based on the following findings:

- a. The borough conveyed the property to the State pursuant to KPB Ordinance 78-72 on August 20, 1979.
- b. The State converted the "old Seward High School" situated on the subject property into a vocational educational facility (AVTEC) that it has operated for almost 30 years.
- c. The State desires to consolidate AVTEC ownership through a land exchange with the City of Seward.
- d. The proposed land exchange would result in the conveyance of a portion of the subject property to the City of Seward for non-educational purposes, such as access to adjacent city-owned lands.
- e. The land exchange will benefit AVTEC and further the educational use of the facility as a whole.
- f. The State intends to continue its educational use of the remaining property.
- g. A cooperative effort on the part of the borough to facilitate the State's plans for the benefit of AVTEC is in the borough's best interest and compatible with Goal 4.2, Objective 2, of the Comprehensive Plan, which includes supporting opportunities for expanded or improved vocational and continuing education.

SECTION 2. The mayor is authorized to sign any documents necessary to effectuate this ordinance.

SECTION 3. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF FEBRUARY, 2009.

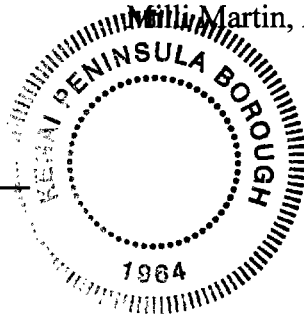


Willie Martin, Assembly President

ATTEST:



John Blankenship, Borough Clerk



Yes: Knopp, Long, Pierce, Smalley, Smith, Sprague, Superman, Martin
No: None
Absent: Fischer