



## KENAI PENINSULA BOROUGH

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DAVID R. CAREY  
BOROUGH MAYOR

### MEMORANDUM

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

**THRU:** *DK* David R. Carey, Borough Mayor  
*MB* Max Best, Planning Director  
*MM* Marcus A. Mueller, Land Management Officer

**FROM:** *JM* John Miller, Land and Resource Coordinator

**DATE:** January 22, 2009

**SUBJECT:** Ordinance 2009-10 Authorizing a Negotiated Sale and Exchange of Certain Lands in the City of Homer with Leroy and Doris Cabana at Fair Market Value

In 2008 the Kenai Peninsula Borough purchased a strip of land from the University of Alaska along the Sterling Highway in Homer. A portion of the acquired land is situated between the Cabana residence and the Highway and contains the Cabana's driveway. KPБ discussed the possible sale with the Cabanas prior to the acquisition of the University land and had the Cabana frontage appraised.

In the course of surveying the properties it was discovered that some building encroachments by the Cabanas on borough land also existed. Land Management has determined that adjusting the lot line to resolve the encroachment could be beneficial to KPБ if the Northwest corner of KPБ parcel 173-060-07 could be adjusted westward to provide an upland connection between it and another large KPБ parcel.

The attached ordinance would authorize the Mayor to enter into a negotiated sale at fair market value with an equal area exchange component to adjust the configuration of a lot line. This sale and exchange is beneficial to both parties and optimizes land uses.