

Introduced by:	Mayor
Date:	01/05/10
Hearing:	02/16/10
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2010-05**

**AN ORDINANCE AUTHORIZING A LAND EXCHANGE WITH THE CITY OF
SOLDOTNA TO PROVIDE FOR SOLDOTNA AIRPORT EXPANSION THROUGH
THE REALIGNMENT OF FUNNY RIVER ROAD AND PROVIDING ADDITIONAL
PARKING AREA FOR THE DONALD E. GILMAN RIVER CENTER**

WHEREAS, the City of Soldotna has developed plans to realign Funny River Road to eliminate the existing S-curve to provide for additional airport space; and

WHEREAS, this project requires participation by the Kenai Peninsula Borough as owner of Lot 1 Soldotna Airport Kenai River Center Subdivision which is impacted by the project plans; and

WHEREAS, the City of Soldotna and the Kenai Peninsula Borough have identified a mutually beneficial on-site land exchange which would provide for the planned road realignment, expansion of airport space, and would expand the land available to accommodate parking needs at the Donald E. Gilman River Center; and

WHEREAS, the exchanged lands are of approximately equal area and are considered to be of approximately equal value; and

WHEREAS, the City of Soldotna enacted Ordinance 2009-048 on January 13, 2010 authorizing this proposed exchange; and

WHEREAS, the completion of this land exchange is pending the recording of a plat which is contingent on the right-of-way vacation actions that may take several years; and

WHEREAS, KPB 17.10.100 authorizes a land exchange, a cooperative sale with a governmental entity, and a combination of sale methods; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of January 25, 2010 recommended enactment by unanimous consent;

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

SECTION 1. That the Assembly finds that exchanging lands as shown on the attached preliminary plat of Soldotna Airport Property Funny River Road Realignment Addition Subdivision, being an approximately 0.55-acre portion of Tract D2B for an approximately 0.56-acre portion of Lot 1A, with the City of Soldotna pursuant to KPB 17.10.100 (C), (D), & (E) is in the best interest of the Borough.

SECTION 2. That the best interest of the borough finding is based on the following facts:

- a) That this exchange of property is of like size and value.
- b) That the borough will receive lands that are useful for Donald E. Gilman River Center purposes.
- c) That the borough finds more value for its purposes in the land it is receiving than that with which it is parting.
- d) That the City's plans and use of the exchanged lands is compatible with the borough's continued operation of the Donald E. Gilman River Center.
- e) That the exchange has been negotiated fairly and is mutually beneficial for the residents of the Kenai Peninsula Borough and the City of Soldotna.

SECTION 3. That the Assembly makes an exception to KPB 17.10.110 requiring notice of a disposition of land. This exception is based on the following findings of fact pursuant to KPB 17.10.230:

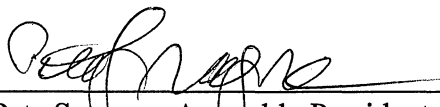
1. Special circumstances or conditions exist.
 - A. This ordinance authorizes a land exchange with the City of Soldotna for mutually beneficial purposes on a non-competitive basis pursuant to KPB 17.10.100(C).
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.
 - A. This exception to the notice requirement is not necessary to preserve a substantial property right, and the assembly hereby authorizes this exception to that finding requirement as it is impractical, and compliance is not in the best interests of the borough due to the delay and unnecessary expense it would cause.
 - B. Notice has been provided for the Planning Commission and Assembly hearings. Additional notice is not necessary to comply with the intent of KPB 17.10.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
 - A. This exchange affects only property held by the Borough and the City of Soldotna and furthers the public purposes of the existing land uses of the respective parties.

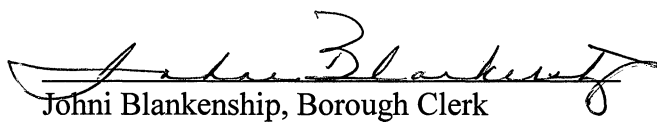
SECTION 4. That the mayor is authorized to execute the exchange agreement substantially in the form of the one accompanying this ordinance and any and all documents necessary to effectuate this ordinance.

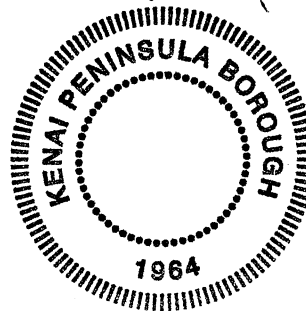
SECTION 5. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF FEBRUARY, 2010.

ATTEST:


Pete Sprague, Assembly President


Johni Blankenship, Borough Clerk



Yes: Fischer, Haggerty, McClure, Pierce, Smalley, Smith, Superman, Sprague
No: None
Absent: Knopp