

Introduced by: Mayor
Date: 09/21/10
Hearing: 10/26/10
Action: Enacted as Amended
Vote: 7 Yes, 0 No, 0 Absent, 2 Abstention

**KENAI PENINSULA BOROUGH
ORDINANCE 2010-37**

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PARCELS OF
BOROUGH LAND IN PERCY HOPE SUBDIVISION AND DISCOVERY PARK
SUBDIVISION BY SEALED BID PROCEDURES**

WHEREAS, the Borough has developed Percy Hope Subdivision and Discovery Park Subdivision in consultation with the Hope-Sunrise Advisory Planning Commission to meet identified community development objectives; and

WHEREAS, Local Option Zoning has been implemented on a majority of the subdivided lots by Ordinance 2009-43 to further community development objectives and reinforce land use considerations; and

WHEREAS, the subdivided lots were independently appraised on August 8, 2009 by Derry and Associates and on April 29, 2010 by Erickson and Associates; and

WHEREAS, setting the minimum bid amount at 70% of the appraised value under a sealed bid procedure establishes a floor of reasonable expectation and promotes a thoughtful and open bid process which, given reasonable exposure, will yield fair value identified directly by the marketplace; and

WHEREAS, the Planning Commission at its regularly scheduled meeting of October 11, 2010, recommended enactment by unanimous consent;

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

SECTION 1. The parcels listed below are authorized for sale at a minimum of seventy percent of the appraised value as derived by the average of two appraisals dated August 8, 2009 conducted by Derry and Associates and dated April 29, 2010 conducted by Erickson and Associates.

GENERAL LOCATION	LOT #	SUBDIVISION	ACRES	ZONING	MINIMUM BID
Hope	Lot 1	PERCY HOPE SUB.	1.87	R-M	\$64,050
Hope	Lot 2	PERCY HOPE SUB	1.87	R-M	\$63,175
Hope	Lot 3	PERCY HOPE SUB	1.87	R-M	\$57,750

Hope	Lot 4	PERCY HOPE SUB	1.87	R-M	\$57,750
Hope	Lot 5	PERCY HOPE SUB	1.87	R-M	\$56,350
Hope	Lot 6	PERCY HOPE SUB	2.11	R-M	\$59,850
Hope	Lot 7	PERCY HOPE SUB	2.24	UNRESTRICTED	\$69,650
Hope	Lot 8	PERCY HOPE SUB	1.84	R-M	\$57,750
Hope	Lot 9	PERCY HOPE SUB	1.77	R-M	\$54,950
Hope	Lot 10	PERCY HOPE SUB	1.77	R-M	\$56,350
Hope	Lot 11	PERCY HOPE SUB	2.00	R-M	\$53,900
Hope	Lot 12	PERCY HOPE SUB	2.00	R-M	\$54,950
Hope	Lot 13	PERCY HOPE SUB	1.79	R-M	\$57,050
Hope	Lot 1	DISCOVERY PARK SUB	1.93	R-M	\$54,250
Hope	Lot 2	DISCOVERY PARK SUB	1.93	R-M	\$54,250
Hope	Lot 3	DISCOVERY PARK SUB	1.93	R-M	\$54,250
Hope	Lot 4	DISCOVERY PARK SUB	1.93	R-M	\$54,250
Hope	Lot 8	DISCOVERY PARK SUB	2.42	C-3	\$64,050
Hope	Lot 11	DISCOVERY PARK SUB	2.26	R-M	\$56,525
Hope	Lot 12	DISCOVERY PARK SUB	2.29	C-3	\$58,450
Hope	Lot 13	DISCOVERY PARK SUB	3.26	C-3	\$69,300
Hope	Lot 14	DISCOVERY PARK SUB	2.27	C-3	\$57,050

SECTION 2. That the Assembly makes an exception to KPB 17.10.090 requiring classification prior to disposal. This exception is based on the following findings of facts pursuant to KPB 17.10.230:

1. Special circumstances or conditions exist.
 - A. Disposition of the parcels listed in Section 1 is consistent with the recommendations of the 1992 Hope Community Land Use Plan.
 - B. Disposition of the parcels listed in Section 1 is consistent with the subdivisions designed in consultation with the Hope-Sunrise Advisory Planning Commission and approved by the Hope Sunrise Advisory Planning Commission and the KPB Planning Commission through the platting process.
 - C. The appropriate uses of the parcels have been designated through Local Option Zoning implemented under Ordinance 2009-43 which is consistent with classifications appropriate for disposal.

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. Classification designates the most appropriate use of the land and thereby guides management of such lands. Classification of these lands would be redundant to the public processes leading to these particular subdivisions and local option zoning and therefore such an exception in this case would be the most practical manner of complying with the intent of the classification requirement.
 - B. An additional public process to designate the best use and management intent of these lands would be extraneous and a poor use of public resources for the purpose of this disposition.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.
 - A. That Lot 7 Percy Hope Subdivision which has not been local option zoned is designed for residential or commercial use and has undergone the same public processes as those lots that have been zoned and was not excluded from zoning for any reasons contrary to an appropriate classification for disposal purposes.
 - B. That the findings enumerated in Section 2(1) above and the public process undergone by this ordinance protect the public welfare and the interests of other property owners in the area.

SECTION 3. The method of disposal shall be by sealed bid pursuant to KPB 17.10.100(F). Bids shall be accepted by hand delivery or certified mail at the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley St., Soldotna, Alaska 99669, until 5 p.m. Friday, January 14, 2011, or by hand delivery, in person or by power-of-attorney, from 9 a.m. to 6 p.m. on Saturday, January 15, 2011, to the appropriate borough representative at the Hope School. Bid opening shall occur at approximately 7:30 p.m. on Saturday, January 15, 2011, at the Hope School.

SECTION 4. All parcels will be conveyed by Quitclaim Deed. Either title insurance or another similar report must be obtained for all Borough-financed sales, at the Buyer's expense, showing the condition of title and that there are no unsatisfied judgments or liens against the Buyer at the time of closing, the latter of which shall also be verified by the Buyer. In the event a title report showing a reasonably acceptable condition of title cannot be obtained, then either the Buyer or the KPB may elect to terminate the purchase contract, in which case all monies on deposit will be refunded to the Buyer.

SECTION 5. The applicable terms and provisions of KPB 17.10.120 and KPB 17.10.130 shall apply, except that the period for total payment of financed sales may be extended to not exceed twenty years..

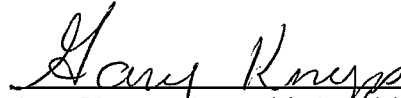
SECTION 6. A person shall be entitled to purchase only one parcel under this sale.

SECTION 7. Parcels that do not sell in the sealed bid sale as set forth herein shall be returned to the land bank.

SECTION 8. The mayor is authorized to sign any documents necessary to effectuate the ordinance.

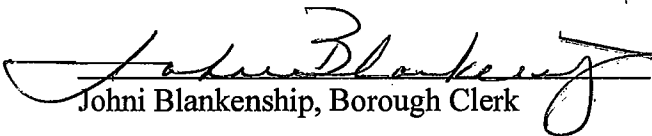
SECTION 9. The ordinance shall become effective immediately upon enactment.

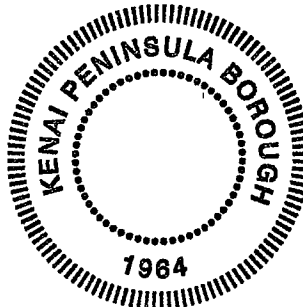
ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 26TH DAY OF OCTOBER, 2010.



Gary Knopp, Assembly President

ATTEST:


Johni Blankenship, Borough Clerk



Yes:	Haggerty, McClure, Pierce, Smalley, Smith, Tauriainen, Knopp
No:	None
Absent:	None
Abstention:	Johnson, Murphy