

Introduced by: Mayor
Date: Oct. 8, 1985
Vote: 8 No, 7 Yes
Action: Defeated

KENAI PENINSULA BOROUGH

RESOLUTION 85-172

AUTHORIZING A NEGOTIATED LAND SALE OF CERTAIN BOROUGH PATENTED LANDS LOCATED WITHIN SECTION 19, T5N, R11W, S.M. TO ELLEN SHETTLESWORTH.

WHEREAS, Ellen Shettlesworth filed an application on June 18, 1982, for a negotiated land sale of certain borough patented lands pursuant to Ordinance 82.23 (Amended), paid the prescribed filing fee and submitted sufficient notarized affidavits; and

WHEREAS, the Planning Commission held a public hearing on October 9, 1982 to receive testimony on the application; and

WHEREAS, on October 18, 1982, the Planning Commission acted on the application and directed the staff to proceed with negotiations, platting and surveying so as to give the best access possible to the borough, Mrs. Shettlesworth and two other applicants; and

WHEREAS, the Assembly enacted Ordinance 83-61 on September 6, 1983, which authorized a value for value land exchange with Robert Jacobs in order to secure access to borough lands; and

WHEREAS, on September 12, 1983, Mrs. Shettlesworth's application was brought back before the Planning Commission for action and her representative requested additional time to have an as-built survey performed to determine the location of any encroachments on borough lands; and

WHEREAS, a copy of the as-built survey has been received and the only encroachment identified on borough lands was a portion of an access road; and

WHEREAS, in the surveying and platting process of the land exchange authorized pursuant to Ordinance 83-61 this access road was dedicated to public use and named Jacobs Street; and

WHEREAS, the Planning Commission reviewed this application at its August 26, 1985 meeting and recommended that the Assembly deny the negotiated land sale based on findings of fact that the applicant did not meet the requirements of Ord. 82-23 (Amended); and

WHEREAS, the Assembly has determined, upon hearing, that the applicant meets the requirements established by Ord. 82-23 (Amended).

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

Section 1. That a negotiated land sale to Ellen Shettlesworth for a parcel of land described as being the N½ of the original Government Lot 8 presently a portion of Tract A of Karluk Reef Subdivision Addition No. 1 is hereby authorized.

Section 2. That the purchase price of the parcel shall be at the current assessed value.

Section 3. That the parcel shall be surveyed and platted within 180 calendar days of passage of this resolution in accordance with the borough subdivision ordinance or authorization for this sale shall lapse and all related costs shall be paid by the applicant.

Section 4. That the Mayor is authorized to sign any documents necessary to effectuate this resolution and deemed to be in the best interest of the Borough.

Section 5. That this resolution shall take effect immediately upon its adoption.

DEFEATED

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 26th DAY OF March, 1985.

Assembly President Betty J. Glick

ATTEST:

Borough Clerk