

Introduced by: Mayor
Date: March 18, 1986
Action: Bd. of Adjustment denied 2/18
Vote: w/drawn 5/26

KENAI PENINSULA BOROUGH

RESOLUTION 86-26

AUTHORIZING A NEGOTIATED LAND SALE OF BOROUGH PATENTED LANDS DESCRIBED AS BEING A PORTION OF LOT 3, SECTION 22, TOWNSHIP 5 NORTH, RANGE 9 WEST, S.M., ALASKA TO JOHN G. BRADFORD.

WHEREAS, the Borough received patent to certain lands from the State of Alaska pursuant to the Municipal Entitlement Act; and

WHEREAS, the Borough enacted Ordinance 82-23 (Amended) setting out procedures for negotiated land sales of Borough patented lands; and

WHEREAS, John G. Bradford made application and paid the fees prescribed; and

WHEREAS, the Planning Commission held public hearing on November 8, 1982 to receive testimony on this application; and

WHEREAS, the Planning Commission met on November 15, 1982 and recommended the Borough retain the parcel granting a public access and utility easement to the applicant for the area to and encompassing the boat landing area; and

WHEREAS, the applicant was sent a letter by certified mail on November 16, 1982 advising him of his right to appeal the Planning Commission's action to the Assembly; and

WHEREAS, the applicant was notified by letter dated December 6, 1982 that the Planning Commission would reconsider his application on December 13, 1982; and

WHEREAS, on December 13, 1982 the Planning Commission recommended to sell to the applicant a parcel of land not to exceed five acres in size subject to Assembly approval; and

WHEREAS, on February 6, 1984, the Planning Commission recommended to the Assembly that Resolution 84-38 be adopted authorizing the sale of five acres to the applicant; and

WHEREAS, the Assembly defeated Resolution 84-38 at its March 20, 1984 meeting; and

WHEREAS, the court has remanded this matter for further finding regarding use of the property by the applicant; and

WHEREAS, on February 18, 1985 the Assembly sat as a Board of Adjustment concerning this application for 5 acres;

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

Section 1. That the following described lands are hereby authorized for sale to John G. Bradford at the assessed value.

A portion of Lot 3, Section 22, Township 5 North, Range 9 West, Seward Meridian, Alaska, not to exceed five acres in size and encompassing the area found to have been used by the applicant.

Subject to a fifty foot wide section line easement along the west boundary and further subject to the reservation of a 50 foot wide lineal perpetual public easement along the line of the ordinary high water mark of the Kenai River as portrayed on the official township survey plat for Township 5 North, Range 9 West, S.M., Sheet 2 of 3, accepted by the U. S. Department of the Interior, General Land Office in Washington, D. C., on May 6, 1941 and further subject to the reservation of a 50 foot wide perpetual public access easement to the aforementioned lineal public easement along the above of water. Said public access easement shall be identified by the Borough and shall be subject to the covenant that no development or conveyance shall occur on the land to be conveyed until the Borough has platted such easements and formally notified the State of Alaska of the location of such public access easements.

Section 2. That the purchase will be made in accordance with Ordinance 82-23 (Amended) by payment in full or by real estate contract with a down payment of at least 15% of the total sale price. The terms and conditions of the real estate contract shall be in accordance with Ordinance 82-23 (Amended). The appropriate documents and payments must be completed within thirty (30) calendar days after the applicant is notified by certified mail of the authorization to purchase or the right to purchase the land shall be forfeited.

Section 3. That the Mayor is authorized to sign such documents deemed necessary to effectuate this resolution and to be in the best interest of the Borough.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
____ DAY OF _____, 1986.

Betty J. Glick
Assembly President

ATTEST:

Borough Clerk

