

Introduced by: Mayor
Date: July 22, 1986
Action: 10 no, 3 yes
Vote: DEFEATED

7/22/86 Postponed until
9/2/86

KENAI PENINSULA BOROUGH

RESOLUTION 86-27

AUTHORIZING A NEGOTIATED LAND SALE OF BOROUGH PATENTED LANDS DESCRIBED AS LOT 15, SECTION 30, T5N, R11W, SEWARD MERIDIAN, ALASKA, TO ROBERT L. SCHMIDT

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 sales of Borough patented lands; and

WHEREAS, Robert L. Schmidt made application and paid the prescribed fees; and

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

WHEREAS, the Planning Commission met on October 18, 1982 and recommended that the Borough retain ownership and require the applicant to remove any and all improvements within a prescribed period of time; and

WHEREAS, the applicant was sent a letter by certified mail on October 20, 1982 advising him of his right to appeal the Planning Commission's action to the assembly; and

WHEREAS, Mr. Schmidt submitted a letter of appeal on October 25, 1982; and

WHEREAS, on February 15, 1983 the assembly sat as Board of Adjustment on Mr. Schmidt's appeal and upheld the October 18, 1982 decision of the Planning Commission; and

WHEREAS, on July 5, 1983 reconsideration by the assembly of Resolution 83-154 failed; and

WHEREAS, the court has remanded this matter for further findings; and

WHEREAS, on September 2, 1986 the assembly sat as a Board of Adjustment concerning this application and approved the negotiated land sale application;

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 Robert L. Schmidt at the assessed value of \$75,000.

Lot 15, Section 30, T5N, R11W, Seward Meridian, Alaska, containing 3.65 acres, more or less.

Subject to AS 38.05.127 concerning access to navigable or public waters.

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.

DEFEATED
~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 2 DAY OF September, 1986.

Betty J. Glick, Assembly President

ATTEST:

Borough Clerk