

Introduced by: Mayor
Date: 08/03/05
Action: Adopted as Amended
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2005-076**

**A RESOLUTION AUTHORIZING AN AMENDMENT TO A RENTAL AGREEMENT
WITH FUNNY RIVER EMERGENCY SERVICES TO EXPAND THE PROPERTY
LEASED BY KPB TO INCLUDE ALL OF LOT 5 SALMON BEND SUBDIVISION,
FRVFD ADDITION, KRD 2002-24, INCLUDING THE FUNNY RIVER FIRE
DEPARTMENT AND DISASTER RELIEF BUILDING AND AN OPTION TO
PURCHASE THE SAME TO SUPPORT THE EXPANSION OF THE CENTRAL
EMERGENCY SERVICE AREA**

WHEREAS, Funny River Emergency Services, Inc. (FRES) was formed in June 1999 to enhance emergency services in the Funny River Area; and

WHEREAS, on October 5, 2004, voters approved Ordinance 2004-22 to expand the Central Emergency Service Area (CES) to include the Funny River Area; and

WHEREAS, at its meeting of July 25, 2005, the Funny River Emergency Services, Inc. Board supported the lease amendment provided that Kenai Peninsula Borough satisfactorily performs in staffing and operating the fire station; and

WHEREAS, pursuant to KPB 17.10.040, assembly approval of the acquisition of interests in lands shall be by resolution upon receipt of a planning commission recommendation; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of July 18, 2005 recommended adoption by unanimous consent;

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

SECTION 1. KPB is authorized to lease with an option to purchase the real property located in the Kenai Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

Lot 5 Salmon Bend Subdivision, FRVFD Addition, According to Plat No. 2002-24, Kenai Recording District, within Section 17, Township 5 North, Range 8 West, Seward Meridian, Alaska,

in accordance with the terms and conditions of that certain Rental Agreement dated October 7, 2003 by and between Funny River Emergency Services, Inc and the Kenai Peninsula Borough, with this resolution, and with the terms and conditions substantially in the form of the modified lease amendment attached hereto.

SECTION 2. KPB is authorized to execute an option to purchase and acquire the real property described in Section 1 above for the purpose of supporting the Funny River area operations of the Central Emergency Service Area in accordance with the terms and conditions contained in this resolution, the purchase agreement attached hereto for approval, and consistent with applicable provisions of KPB Chapter 17.10.

SECTION 3. That upon execution of the option to purchase in Section 2 above, the Kenai Peninsula Borough shall pay FRES \$1.00 (one dollar) for the real property described in section 1 above, which shall be conveyed to the borough by warranty deed. The Kenai Peninsula Borough shall be responsible for all closing costs including title insurance, recordation fees and the cost of environmental inspections and building inspections, if any. A phase I environmental inspection of the property will be conducted by the borough prior to exercising its option to purchase.

SECTION 4. That the proposed classification of the parcel described in Section 1 above is "Government."

SECTION 5. That all expenditures for this lease and acquisition will be charged to account number 211.00000.00000.27910.

SECTION 6. That the mayor is authorized to enter into a modified lease amendment substantially similar to the one attached, presented July 29, 2005, hereto for approval, and to make all other agreements deemed necessary in accordance with this resolution.

SECTION 7. This authorization to purchase real property expires on December 15, 2010.

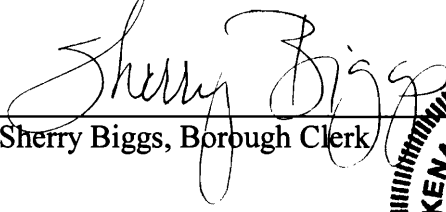
SECTION 8. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF AUGUST, 2005.



Gary Superman, Assembly President

ATTEST:



Sherry Biggs, Borough Clerk

