

Introduced by: Scalzi, Moss
Date: 10/10/00
Hearing: 11/21/00
Action: (1) Enacted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2000-51**

**AN ORDINANCE AUTHORIZING THE LONG-TERM LEASE OF A TEN ACRE
PARCEL LOCATED AT BAYCREST HILL, HOMER, MILE 168 STERLING
HIGHWAY, TO THE KACHEMAK NORDIC SKI CLUB AT LESS THAN FAIR
MARKET VALUE**

- WHEREAS,** Kachemak Nordic Ski Club is a 501(c)(3) non-profit organization that provides cross-country "Nordic" ski trails to borough residents; and
- WHEREAS,** the Baycrest Ski Trail System is a 25-km system of trails stretching from Baycrest Hill to Diamond Ridge Road; and
- WHEREAS,** a new 160-acre subdivision on Diamond Ridge will eliminate skier access and parking at the Baycrest Ski Trail System; and
- WHEREAS,** the subject parcel of borough land is situated to provide parking and access to the Baycrest Ski Trail System; and
- WHEREAS,** the subject parcel of borough land has a high water table and is not suitable for residential or commercial purposes but is suitable for Kachemak Nordic Ski Club uses; and
- WHEREAS,** adjacent land owners have expressed their support of the Kachemak Nordic Ski Club's use of borough land; and
- WHEREAS,** the lease of this land to the Kachemak Nordic Ski Club will assist it with obtaining grants and funding to maintain and improve the Baycrest Ski Trail System as well as other trail systems in the southern peninsula; and
- WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of October 23, 2000 recommended enactment by unanimous consent;

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

SECTION 1. That the borough mayor is authorized to negotiate and enter into a lease agreement for a period of ten years with the Kachemak Nordic Ski Club for land that will be classified recreational and described as follows:

E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 15, T6S, R14W, S.M., Homer Recording District, Third Judicial District, State of Alaska.

SECTION 2. The pursuant to KPB 17.10.140(B) the terms of the lease shall include the following:

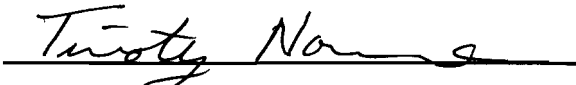
- (1) Kachemak Nordic Ski Club must submit an application to lease, with a development plan, which shall disclose the use, nature of improvements, and estimated value of the improvements, and a development and construction timetable prior to the borough mayor's and Kachemak Nordic Ski Club entering the lease agreement. Procedures for approval of the development plan must comply with KPB 17.10.150(C), (D), (E), and (F).
- (2) The lease rental rate shall be \$1.00 for the lease term.
- (3) The leased land shall be used for purposes within the scope of the application, the terms and conditions of the lease, and in conformity with the lessee's development plan, land classification, and borough's comprehensive plan. Use or development for other than the allowed uses shall constitute a violation of the lease, and the lease is subject to cancellation.
- (4) Failure on the part of the lessee to substantially complete their development plan for the land or if the use is inconsistent with the terms and conditions of the lease within two years of the anniversary date of the lease shall constitute grounds for cancellation.
- (5) The lessee shall not encumber the leased premises without written approval of the borough which may only be granted if the encumbrance is related to improvements placed upon the leased premises and the encumbrance pertains only to the leasehold interest.
- (6) Upon written approval of the borough, a long-term lease may be assigned subject to the same terms and conditions of the existing lease.

SECTION 3. The provisions of KPB 17.10.150(A) apply to this lease.

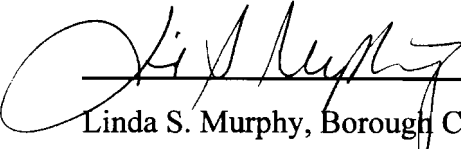
SECTION 4. To the extent applicable, and not in conflict with this ordinance, the general conditions set forth in KPB 17.10.240 apply to this lease.

SECTION 4. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF NOVEMBER, 2000.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

