

Introduced by: Mayor
Date: 03/21/00
Action: Adopted
Vote: 6 Yes, 0 No, 3 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2000-021**

**A RESOLUTION AUTHORIZING THE LEASE OF A STALL IN THE NIKOLAEVSK
WATER TREATMENT PLANT FOR THE ANCHOR POINT FIRE AND EMERGENCY
MEDICAL SERVICE AREA FIRE TRUCK**

WHEREAS, the Anchor Point Fire & Emergency Medical Service Area (APFMSA) recently acquired a fire truck; and

WHEREAS, there is a need to store the fire truck in a convenient location to meet response needs; and

WHEREAS, the APFMSA does not currently have storage space available for a fire truck; and

WHEREAS, the village of Nikolaevsk has agreed to lease space in the Nikolaevsk water treatment plant to the APFMSA;

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

SECTION 1. That the APFMSA is authorized to lease with a termination date of June 30, 2001, for the sum of \$500.00 per month, a stall in the Nikolaevsk water treatment plant located at HM800033 T04S R14W S24 Nikolaevsk Village Sub No 4 Lot 90, Kenai Recording District, State of Alaska, for the purpose of housing a fire truck.

SECTION 2. That expenditures for the lease will be charged to account number 209.51410.43810.

SECTION 3. That an exception to KPB 17.10.040(B) (2) is hereby granted under KPB 17.10.230.

- (1) that special circumstances or conditions exist.
FINDING: Special circumstances exist not to classify the land as the borough will not obtain title, but instead will only lease space in a building. Per KPB 17.10.080, the borough does not classify premises it leases.
- (2) that the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this chapter.

FINDING: The borough does not interfere with private property rights by classifying lessor's lands; the classification system is intended for borough-owned lands.

- (3) that the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area.

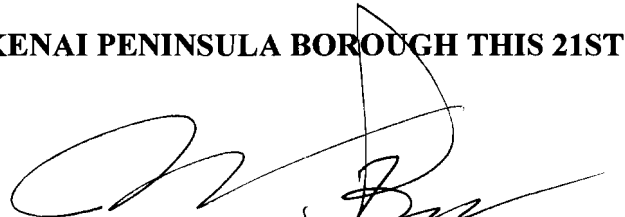
FINDING: having a convenient indoor place to store a fire truck protects and promotes health and the public welfare, and not classifying the land cannot injure other property in the area as the parcel is within the rural district which has few restrictions.

SECTION 4. That unless the assembly by resolution provides otherwise, this lease shall automatically terminate without penalty on June 30 of any year during which the assembly fails to appropriate funds sufficient to make the lease payments on the leased property for the following fiscal year.

SECTION 5. That the mayor is authorized to execute all documents similar to the lease document attached and make all agreements deemed necessary in accordance with this resolution.

SECTION 6. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF MARCH, 2000.


William Popp, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

