

Introduced by: Mayor  
Date: 06/07/11  
Hearing: 07/05/11  
Action: Enacted as Amended  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2011-21**

**AN ORDINANCE AUTHORIZING A NEGOTIATED SALE AT LESS THAN FAIR  
MARKET VALUE OF LANDS DESCRIBED AS THE NE1/4 NE1/4 AND THE E1/2  
SE1/4 NE1/4 OF SECTION 36, TOWNSHIP 6 NORTH, RANGE 11 WEST, SEWARD  
MERIDIAN ALASKA CONTAINING 60 ACRES MORE OR LESS TO THE CITY OF  
KENAI**

**WHEREAS,** the Kenai Peninsula Borough has state patent to certain lands within the city of Kenai; and

**WHEREAS,** the City Manager for the City of Kenai has submitted an application on behalf of the city to process a negotiated sale of 60 acres; and

**WHEREAS,** the City of Kenai has public water wells adjacent to this property; and

**WHEREAS,** the land proposed for conveyance lies east of the Twin City Raceway, which is subject to a borough-issued land use permit, and is designated wetlands which limits the usefulness of said lands; and

**WHEREAS,** the proposed negotiated sale will allow the city to create a wellhead protection zone and establish additional wells; and

**WHEREAS,** the property is zoned "Rural Residential" and was classified "Recreational" per KPB Resolution 96-057; and

**WHEREAS,** on May 11, 2011, the KPB Assessing Department determined the fair market value of the 60 acre parcel to be \$24,700; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of June 27, 2011, recommended enactment of this ordinance by unanimous consent.

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

**SECTION 1.** That the Assembly finds that selling the NE1/4 NE1/4 and the E1/2 SE1/4 NE1/4 of Section 36, T6N, R11W, S.M. Alaska containing 60 acres more or less to the City of Kenai, pursuant to KPB 17.10.100(I) and 17.10.120(D) is in the best interest of the

borough as it will provide wellhead protection for the City of Kenai's public water utility for the benefit of borough residents within the city of Kenai.

**SECTION 2.** That conveyance of the parcel is contingent on subdivision and that the City of Kenai is responsible for the surveying and platting costs.

**SECTION 3.** Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to sell the land described in Section 1 above to the City of Kenai for \$2.00. The terms of the sale is cash at closing and the buyer shall pay all closing costs.

**SECTION 4.** The mayor is authorized to execute the purchase agreement substantially in the form of the one accompanying this ordinance and sign any documents necessary to effectuate this ordinance.

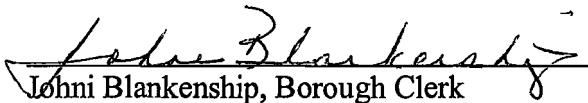
**SECTION 5.** That the property conveyed to the City of Kenai is further subject to the restriction that the land conveyed shall be used for public water wells, well head protection, and associated public purposes. In the event grantee does not use, or ceases to use, the land conveyed as herein specified, grantor or grantor's assigns may re-enter and repossess the premises. Grantee may elect to remove this restriction by payment of fair market value as determined by current tax assessment.

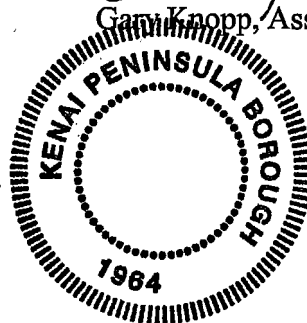
**SECTION 6.** The City of Kenai shall have 180 days after enactment of this ordinance to execute a purchase agreement.

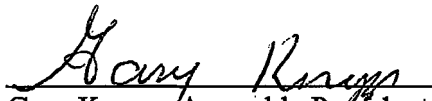
**SECTION 7.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF JULY, 2011.**

ATTEST:

  
John Blankenship, Borough Clerk



  
Gary Knopp, Assembly President

Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp  
No: Pierce  
Absent: None