

Introduced by: Mayor
Date: 09/18/12
Hearing: 10/23/12
Action: Withdrawn at the Request of the Sponsor
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2012-19-32**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL
PROPERTY AT MILE 5 OF THE SEWARD HIGHWAY FOR A FIRE STATION ON
BEHALF OF THE BEAR CREEK FIRE SERVICE AREA, EXPANDING THE
PURPOSE OF A PREVIOUS APPROPRIATION AND APPROPRIATING
SUPPLEMENTAL FUNDS OF \$10,000 FOR THE ACQUISITION**

WHEREAS, Ordinance 2011-19 appropriated \$100,000 for the purchase of land for placement of a new fire station; and

WHEREAS, the Bear Creek Fire Service Area board members and Multi-purpose Building Site Committee identified potential properties for the construction of a new fire station facility; and

WHEREAS, in their Site Analysis Report and Recommendation document the committee recommended a site location at mile 5 of the Seward Highway which includes two lots containing 2.5 acres more or less; and

WHEREAS, the estimated cost of acquiring this land is approximately \$165,000 which includes the cost of the land of \$150,000, closing costs of up to \$5,000, environmental assessment of \$5,000, and other costs including the administrative fee, the appraisal, and other associated costs of up to \$5,000; and

WHEREAS, in FY2011 the assembly appropriated \$65,000 for site work for a new Bear Creek Fire Service Area station, project 442.51210.11421.49999, of which \$54,980 is unspent; and

WHEREAS, the Bear Creek Fire Service Area Board ("BCFSAB") has requested the purpose of this appropriation be expanded to include the purchase of land; and

WHEREAS, an additional \$10,000 is needed to support the purchase and associated costs of acquiring the property; and

WHEREAS, BCFSAB at its September 11, 2012 meeting recommended _____;
and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of September 24,

2012 recommended _____;

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

SECTION 1. That the purchase of the following described real property is in the best interests of the borough:

Lots 28 and 29, Block 2, Harbor View Subdivision, according to Plat No. 86-6, Seward Recording District, Third Judicial District, State of Alaska.

SECTION 2. That the terms and conditions of the Earnest Money Receipt and Purchase Agreement accompanying this ordinance are hereby approved. The purchase price shall be \$150,000 plus closing costs and taxes up to \$5,000. Closing will take place within 90 days of the borough's execution of the purchase agreement, unless otherwise agreed in writing. Conveyance will be by warranty deed. Closing is conditioned on environmental testing with results satisfactory to the borough, which may require renegotiation of the purchase price as set forth in the earnest money receipt and purchase agreement. In the event that the seller's personal property remains on the property after closing the seller shall execute a Temporary Land Use Permit with insurance and a hold harmless provision acceptable to the borough administration.

SECTION 3. That this acquisition is for the purpose of supporting the development of a fire station in the Bear Creek Fire Service Area.

SECTION 4. That the proposed classification of this property is government.

SECTION 5. That the mayor is authorized to execute any and all documents necessary to purchase the real property described in section one above in accordance with the terms and conditions contained in this ordinance and the accompanying Earnest Money Receipt and Purchase Agreement, and consistent with applicable provisions of KPB Chapter 17.10.

SECTION 6. That the approved purpose of project 442.51210.11421.49999 and use of funds appropriated therein is expanded to include the cost of acquiring land and associated costs.

SECTION 7. That \$10,000 is appropriated from the Bear Creek Fire Service Area Capital Project Fund, fund balance to project 442.51210.12421.48610 to supplement funds previously appropriated for the purchase of land and associated costs.

SECTION 8. That this ordinance takes effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY
OF * 2012.**

Gary Knopp, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes:

No:

Absent: