



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Gary Knopp, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Mike Navarre, Borough Mayor *mn*

FROM: Max Best, Planning Director *MB*

DATE: September 13, 2012

SUBJECT: Ordinance 2012-35; An ordinance authorizing a negotiated sale at Fair Market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties.

The Planning Commission reviewed the subject ordinance during their regularly scheduled September 10, 2012 meeting. A motion passed by unanimous consent to recommend adoption of the ordinance.

In the ordinance, please make the following amendment to the last WHEREAS:

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of September 10, 2012, recommended adoption by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARING

1. Ordinance 2012-35; An ordinance authorizing a negotiated sale at Fair Market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski to the Lessee, East Shore Home Properties.

Memorandum given by Marcus Mueller

PC MEETING: September 10, 2012

The subject property was conveyed to the borough through municipal entitlement subject to both a long-term lease, ADL 36812, and to Nikishka Beach Road Right of Way, ADL 32264. The lease was originally entered in 1966 and eventually assigned to East Home Shore Properties in 1979. The subject parcel containing .73+/- acres was created by the State of Alaska from a portion of two government lots without platting.

Ordinance 86-19 (Substitute) authorized the sale of 17 parcels of land that were subject to state issued long term leases. The subject parcel was included in that ordinance but a purchase was not processed.

Mr. Jesse Wade, Trustee, on behalf of East Shore Home Properties has applied for a negotiated purchase of the subject property. Fair market value of the parcel is \$20,700. The sale of the property to East Shore Home Properties would complete the prior unfulfilled intent of the assembly.

A fair market value sale to East Shore Home Properties is in the borough's best interest. The parcel is largely occupied by an oil field shop owned by the applicant. East Shore Home Properties has held a long term lease on the parcel, the borough has no need for the parcel, the parcel straddles the property boundary of two other parcels, and a prior ordinance authorized this conveyance.

Consideration of this ordinance is appreciated.

END OF MEMORANDUM

Chairman Bryson asked if there was legal access to the beach. Mr. Mueller replied that the Nikishka Beach Road was subject to a lawsuit between the State of Alaska and OSK. It has recently come out of the Supreme Court who upheld the access of Nikishka Beach Rd extending to the beach. There is a public right of way that extends past what is platted. He stated that it does exist and provides access to this parcel.

Chairman Bryson read the rules by which public hearings are conducted

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Carluccio moved, seconded by Commissioner Holsten to recommend adoption of Kenai Peninsula Borough Ordinance 2012-35, authorizing a negotiated sale at fair market value of a 160 foot by 200 foot parcel located adjacent to Nikishka Beach Road in Nikiski.

Commissioner Holsten asked what was currently being paid for the lease. Mr. Mueller replied that the lease payment was last set at \$600 a year. Commissioner Holsten asked if the potential purchaser was in agreement with the price. Mr. Mueller replied yes.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND ABSENT	FOSTER YES	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD YES	MARTIN YES	RUFFNER YES	TAURIAINEN YES	WHITNEY YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

Staff Report given by Carrie Henson

PC Meeting: 9/10/12