

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor *chi*

FROM: Max J. Best, Planning Director *mb*

DATE: August 14, 2019

RE: Ordinance 2019-22; An Ordinance Authorizing A Negotiated Sale with Alex and Courtney Matiaco at Fair Market Value for Lot 5A, Block 3, Ravenwood Subdivision Addition No. 3, Plat No. 81-42, Kenai Recording District, Which was Previously Retained for a Public Purpose.

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled August 12, 2019 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2019-22, a ordinance authorizing a negotiated sale with Alex and Courtney Matiaco at fair market value for Lot 5A, Block 3, Ravenwood Subdivision Addition No. 3, Plat No. 81-42, Kenai Recording District, which was previously retained for a public purpose.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of August 12, 2019, recommended approval by unanimous consent.

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

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2019-22; An Ordinance Authorizing A Negotiated Sale with Alex and Courtney Matiaco at Fair Market Value for Lot 5A, Block 3, Ravenwood Subdivision, Addition No. 3, Plat No. 81-42, Kenai Recording District, Which was Previously Retained for a Public Purpose.

Staff Report Given by Max Best

PC Meeting: 8/12/19

Ordinance 2019-22 is an Ordinance authorizing a negotiated sale with Alex and Courtney Matiaco at fair market value. Alex and Courtney Matiaco submitted an application for the negotiated sale of the Lot 5A, Block 3, Ravenwood Subdivision Addition No. 3, Plat KN 81-42.

Kenai Peninsula Borough Land Management has reviewed the application and identified the following findings of fact:

1. The parcel adjoins the Matiacos' property to the north;
2. The parcel contains 0.46 acres and is surplus to the needs of the borough;
3. The borough received clerk's deed to the parcel in 2005 through tax foreclosure proceedings and retained the parcel pursuant to Ordinance 2007-21 as it was less than 40,000 s.f. and considered a substandard lot;
4. Pursuant to AS 29.45.470, the right of the former owner of record to repurchase the parcel ceased as the borough has held the parcel for more than 10 years;
5. The parcel is landlocked from having direct access to Pintail Avenue;
6. The septic system from the applicants' property crosses onto borough land and would be considered an unintentional trespass;
7. The borough's assessing department has provided a \$5,000 estimated fair market value for the parcel; and
8. The parcel was classified as residential pursuant to Resolution 2019-020.

The parcel and the applicants' property to the north was originally under one ownership. The plat note for Ravenwood Subdivision, Addition No. 3 states, "These lots shall not be transferred as separate parcels thereafter." However, pursuant to AS 29.45.290 *et. seq.* and KPB 17.10.100(A) regarding tax foreclosure proceedings, these parcels became separated when the borough received clerk's deed to subject property. The separation of these parcels also created an unintentional trespass as the applicants' septic system straddles both parcels. Pursuant to KPB 17.10.220, the borough may resolve a trespass situation through a negotiated sale. The borough's practice is to retain substandard parcels until they can be combined with adjacent parcels and sold into private ownership.

The applicants would be the most practical buyers for the parcel and could provide better utility of the land. Conveyance of the parcel to the adjacent owner and combining these two properties into one unit would restore these parcels under one ownership, resolve the landlocked status and the unintentional trespass as the applicants' septic system crosses onto borough land, and create a standard size lot.

Based on the findings of fact, analysis, and conclusions, staff recommends that the parcel be released from retention for a public purpose and offered to Alex and Courtney Matiaco as a sole source negotiated sale.

The Planning Commission's consideration of this ordinance is appreciated.

END OF STAFF REPORT

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

MOTION: Commissioner Whitney moved, seconded by Commissioner Calruccio, to recommend approval of Ordinance 2019-22; an ordinance authorizing a negotiated sale with Alex and Courtney Matiaco at far market value for Lot 5A, Block 3, Ravenwood Subdivision Addition No. 3, Plat No. 81-42, Kenai Recording

District, which was previously retained for a public purpose.

MOTION PASSED: seeing and hearing no objection or discussion, the motion passed by unanimous consent.

UNAPPROVED