

Introduced by: Mayor  
Date: 02/06/18  
Hearing: 02/20/18  
Action: Enacted  
Vote: 8 Yes, 1 No, 0 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2018-07**

**AN ORDINANCE AUTHORIZING A CONDITIONAL NEGOTIATED LEASE AT LESS THAN FAIR MARKET VALUE OF CERTAIN REAL PROPERTY CONTAINING 66.5 ACRES MORE OR LESS TO THE COOPER LANDING RIFLE AND SPORTSMAN'S CLUB FOR THE DEVELOPMENT OF SHOOTING FACILITIES**

**WHEREAS**, the Kenai Peninsula Borough ("borough") has management authority on the described lands in Section 1 of this ordinance which is adjacent to the State of Alaska, Department of Transportation material site at milepost 40 of the Sterling Highway; and

**WHEREAS**, Cooper Landing Rifle and Sportsman's Club ("CLRSC") has submitted an application for negotiated lease at less than fair market value for the 66.5 acres of undeveloped land; and

**WHEREAS**, the CLRSC has been in continual operation for 70 years and the current location has experienced substantial residential development in the surrounding area; and

**WHEREAS**, the suitability of the new location to accommodate shooting facilities is addressed through the public process of land classification in resolution 2018-002; and

**WHEREAS**, entering into a negotiated lease of the property to the CLRSC for recreational shooting meets an identifiable community recreation objective which is supported by the borough's Comprehensive Plan Goal 4.10 Objective 2 Implementation Action B; and

**WHEREAS**, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of January 3, 2018 recommended approval of the proposed lease by unanimous consent; and

**WHEREAS**, the Kenai Peninsula Borough Planning Commission at its regularly scheduled meeting of January 22, 2018, recommended approval by unanimous consent;

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

**SECTION 1.** That leasing 66.5 acres, described as: S1/2 S1/2 SW1/4 SW1/4 of Section 10; NW1/4 NW1/4 of Section 15; and that portion of the NE1/4 NE1/4 of Section 16 lying east of the powerline ROW, Township 5 North, Range 2 West, Seward Meridian, Third Judicial District, State of Alaska, to the CLRSC at other than fair market value, pursuant to KPB 17.10.100 (I) and 17.10.120 (D) is in the best interest of the borough based on the following findings of facts:

A. The CLRSC is currently in need of relocation to continue shooting activities, which is a culturally important activity to communities within the Kenai Peninsula Borough.

B. The CLRSC is organized and has a demonstrated history of providing and operating a shooting range facility that is available for the public to use within the framework of the organization.

C. The relocation of the shooting range benefits other borough lands that have been classified residential, but are accessed and situated down-range of the current location.

D. The relocation of the shooting range benefits the Sterling Highway MP 45-60 Project, commonly referred to as the Cooper Landing Bypass, which could potentially be located down-range of the current location.

E. The relocation of the shooting range benefits a core residential and commercial area of Cooper Landing through enabling a repurposing of the current shooting range site to be more cohesive with the area.

F. The leasing of land at less than market value for a specified public recreational purpose is supported by the KPB Comprehensive Plan Goal 4.10 “to encourage the provision of facilities for outdoor and indoor recreation for borough residents and visitors”, Objective 2 “to plan for future recreational use of borough land which has recreational value”, Implementation Action B “establish management procedures for borough recreational land [which] could include lease or sale to private operators with provisions to ensure continued public use”.

G. The lease shall contain a condition that membership is open to the public who meet the criteria for membership in the CLRSC by-laws dated August 14, 2014.

**SECTION 2.** This lease is subject to a condition that the Director of the State of Alaska Division of Lands, Department of Natural Resources consents, to the lease

**SECTION 3.** Based on the foregoing, the mayor is hereby authorized, pursuant to KPB 17.10.100 (I) to lease the land described in Section 1 above to CLRSC for a period of 20 years, with a 20-year renewal provision, at a rental rate of \$1.00 (One Dollar) per year subject to the terms and conditions of this ordinance and subject to the terms and conditions substantially similar to those contained in the lease accompanying this

ordinance. The authorization is for lease solely to the CLRSC and it may not assign any rights to negotiate or enter an agreement for lease to any other person or entity. All other applicable terms and conditions of KPB Chapter 17.10 shall apply to this sale unless inconsistent with this ordinance.

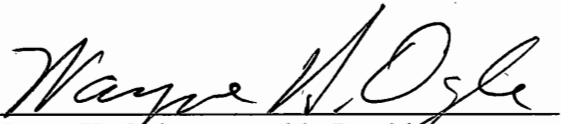
**SECTION 3.** In consideration for the lease at less than fair market value the property leased to CLRSC is subject to the restriction that the land shall be used solely for pleasure, recreation and hobby associated with amateur shooting of firearms and for firearms education and related activities. Grantee shall have the right to regulate use and may restrict use to its members, provided that membership is open to anyone who fulfills the requirements of membership as provided in the by-laws of CLRSC as written on August 14, 2014, regardless of race, color, religion, national origin, gender, marital status, pregnancy, parenthood or political affiliation. Membership in the CLRSC, use of one of its facilities and participation in all CLRSC scheduled activities on the leasehold shall be open to the general public according to the same rules and regulations applicable to CLRSC. In the event lessee does not use, or ceases to use, the land leased as specified herein, lessor or lessors may terminate the lease.

**SECTION 4.** The mayor is authorized to sign any documents necessary to effectuate this ordinance.


**SECTION 5.** The CLRSC shall have until 180 days after enactment of this ordinance to accept this offer by execution of the lease.

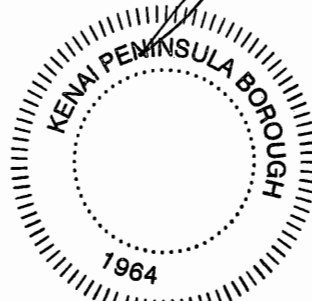
**SECTION 6.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 20TH DAY OF FEBRUARY, 2018.**

  
Wayne H. Ogle, Assembly President

ATTEST:

  
Johni Blankenship, MMC, Borough Clerk



Yes: Bagley, Blakeley, Carpenter, Cooper, Dunne, Hibbert, Smalley, Ogle  
No: Fischer  
Absent: None