

Introduced by: Mayor
Date: 09/21/21
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2021-073**

**A RESOLUTION AUTHORIZING THE ACQUISITION BY BEQUEATHMENT OF
41.75 ACRES OF LAND LOCATED IN THE NIKISKI AREA**

WHEREAS, the Estate of Thomas A. Toloff notified the borough in 2020 that Mr. Toloff’s Last Will and Testament bequeathed to the borough a parcel of property in the Nikiski area (KPB PIN #01344036); and

WHEREAS, the bequeathment provides that the gift of the property is “for wildlife preservation”; and

WHEREAS, the borough notified the estate that the borough does not have areawide wildlife preservation, wildlife management, or recreational powers, and therefore the borough cannot commit any resources or funds to actively managing the property for wildlife preservation; and

WHEREAS, the borough notified the estate that the borough will not accept any deed restrictions that require the property be held for wildlife preservation in perpetuity; and

WHEREAS, on June 25, 2021, the estate provided a valid, executed Personal Representative’s Deed without any restrictions; and

WHEREAS, a Phase I Environmental Site Assessment was conducted and the reported revealed no evidence of “recognized environmental conditions”; and

WHEREAS, the KPB Planning Commission, at its regularly scheduled meeting of September 13, 2021, recommended approval by majority consent;

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

SECTION 1. That the acquisition of the following described real property is in the best interest of the borough:

TRACT B, THOMAS TOLOFF SUBDIVISION 2018 ADDITION, filed under Plat No. KN-2018081, Kenai Recording District, Third Judicial District, State of Alaska (KPB Parcel No: 01344036).

SECTION 2. That the mayor is authorized to accept and execute the Personal Representative's Deed. The date of transfer shall be June 25, 2021, which is the date the Personal Representative executed the deed.

SECTION 3. That the property will be classified with a co-classification of Preservation and Resource Management. The property will be retained by the borough. The property is not eligible for sale or lease to a third party without further action by the assembly.

SECTION 4. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 21ST DAY OF SEPTEMBER, 2021.

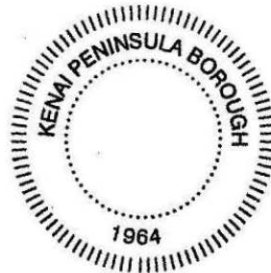


Brent Hibbert, Assembly President

ATTEST:



Jonni Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Carpenter, Chesley, Cox, Derkevorkian, Dunne, Elam, Johnson, Hibbert
No: None
Absent: None