

Introduced by:	Mayor
Date:	05/16/17
Hearing:	06/06/17
Action:	Postponed to 06/20/17
Vote:	9 Yes, 0 No, 0 Absent
Date:	06/20/17
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2017-12**

AN ORDINANCE AUTHORIZING A COOPERATIVE SALE AND EXCHANGE OF INTERESTS IN LANDS WITH THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES IN THE AREAS OF CROWN POINT AND MILLER LOOP ROAD

WHEREAS, the Kenai Peninsula Borough (“borough”) has received a Final Finding and Decision (“FFD”) from the State of Alaska for 140,000 acres of land under a municipal entitlement land grant including a 4.14-acre parcel of land in Crown Point and an 80-acre parcel of land along Miller Loop Road; and

WHEREAS, the Alaska Department of Transportation and Public Facilities (DOT&PF) operates the Crown Point Maintenance Station which is adjacent to the borough’s 4.14-acre Crown Point Parcel; and

WHEREAS, DOT&PF requires additional space for the Crown Point Maintenance Station and has requested the opportunity to acquire said 4.14-acre parcel from the borough; and

WHEREAS, DOT&PF holds a materials contract for sand and gravel encumbering the Miller Loop parcel; and

WHEREAS, the FFD found that the transfer of management authority to the borough for the Miller Loop parcel will occur only after DOT&PF determines that the property is no longer necessary for construction projects or maintenance operations and the materials contract identified as ADL 201811 is relinquished; and

WHEREAS, DOT&PF needs to retain the west half of the Miller Loop Parcel for its purposes, however it could relinquish its interest in ADL 201811 for the east half of the Miller Loop Parcel, thereby releasing and allowing for transfer of the east half of the Miller Loop Parcel to KPB as provided under the FFD; and

WHEREAS, the current assessed value of the Crown Point Parcel is \$58,500; and

WHEREAS, the Moose Pass Advisory Planning Commission at its regularly scheduled meeting of May 10, 2017, reviewed this ordinance and recommended approval by unanimous consent;

WHEREAS, the Planning Commission at its regularly scheduled meeting of May 22, 2017, reviewed this ordinance and recommended approval by unanimous consent;

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

SECTION 1. That the assembly finds that a cooperative sale and exchange of interests in lands described below with DOT&PF pursuant to KPB 17.10.100 (C) & (D) is in the best interest of the borough:

Property to be conveyed to the DOT&PF as cooperative sale:

Tract A ASLS 86-6, Section 25, T4N, R1W, S.M., State of Alaska
(4.14 acres)

Interests to be released by DOT&PF in exchange:

ADL 201811 encompassing SE1/4 SW1/4 Section 23, T7N, R12W, S.M.,
State of Alaska (40 acres)

The finding that this exchange is in the best interest of the borough is based on the following findings of fact:

- a) Obtaining clear title to land along Miller Loop is timely and valuable to the borough for the opportunities that this land affords in relation to growth and development near the LNG site.
- b) The exchange facilitates a cooperative sale of land that is important to DOT&PF for facility expansion and thus important for the maintenance and operations of state public roads on the eastern peninsula which is of important benefit to borough residents and visitors.
- c) The value received by the borough of the material in the Miller Loop parcel subject to ADL 201811 which will be released is estimated to be \$1.5 million if the material site is fully utilized.

SECTION 2. That pursuant to KPB 17.10.230, the assembly hereby authorizes exceptions to KPB 17.10.090 (requiring classification prior to transfer), KPB 17.10.110 (that notice of this sale be published four times in the thirty-day period immediately prior to the date), and KPB 17.10.120(A) (terms of a land sale and requiring the date of sale be listed in the ordinance) based upon the following findings of fact:

1. That special circumstances or conditions exist:
 - A. The management intent of property being cooperatively sold is determined through the cooperative transfer to DOT&PF which is for the purpose of Maintenance & Operation Station expansion;
 - B. The publication of a sale without a general opportunity to purchase does not serve a useful purpose;
 - C. The establishment of a "sale date" without a general sale event does not serve a useful purpose.


2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical means of complying with the intent of KPB Chapter 17.10:
 - A. An exception to classification is not necessary for the preservation or enjoyment of a property right but is a practical means of complying with the intent of classification which is carried out through the cooperative sale as an appropriate use of the land.
 - B. Stating a date of sale for cooperative sale is not necessary as during the process of transfer there may be unforeseen delays and this is only directed to a single buyer. Waiving the classification and date of sale requirements are consistent with the intent of KPB Chapter 17.10 in that no other interest would be damaged by waiving these requirements;
 - C. The purchasing of an ad giving notice to the public of this pending cooperative sale, would serve no practical purpose as this is not competitive sale.

3. That granting of the exception will not be detrimental to the public welfare or injurious to other property in the area:
 - A. The public will receive notice of the pending sale through the ordinance notification process.
 - B. An exception to specific sale date for the cooperative sale does not affect public welfare or other property.
 - C. Surrounding land ownership is borough and state and the use proposed is an expansion of an existing state use.

SECTION 3. That the mayor is authorized to convey Tract A ASLS 86-6 to DOT&PF for \$1.00 as a cooperative sale after DOT&PF has relinquished its interest in ADL 201811 for the east half of the Miller Loop Parcel and to execute and any and all documents necessary to effectuate this ordinance.

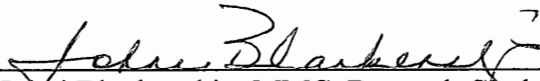
SECTION 4. That this ordinance shall become effective upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
20TH DAY OF JUNE, 2017.

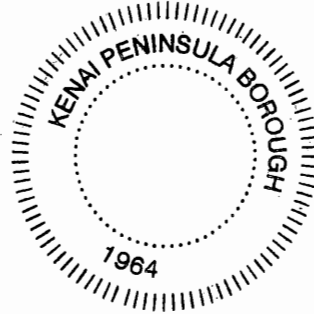


Kelly Cooper, Assembly President

ATTEST:



Johni Blankenship, MMC, Borough Clerk



Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Cooper
No: None
Absent: Welles