KENAI PENINSULA BOROUGH
ORDINANCE 99-19

AN ORDINANCE APPROVING THE LONG-TERM LEASE OF TRAILS ADJACENT TO SKYVIEW HIGH SCHOOL TO TSALTESHI TRAIL ASSOCIATION

WHEREAS, Tsalteshi Trail Association maintains trails adjacent to Skyview High School for the benefit of the Kenai Peninsula Borough School District and residents of the Kenai Peninsula Borough in general; and

WHEREAS, there are many peninsula users of trails for skiing, biking, walking, as well as community, school district, and state-wide cross-country ski and cross-country running meets, and junior Olympic competitions; and

WHEREAS, Tsalteshi Trail Association is currently managing the trail system through a land use permit and management agreement; and

WHEREAS, a long-term lease would place Tsalteshi Trail Association in a position to obtain funding for the benefit of the trails system; and

WHEREAS, Tsalteshi Trail Association is eligible for grants and funding to maintain and improve the trails and certain grant monies are dependent on a ten-year commitment for public access to trails; and

WHEREAS, the borough's comprehensive plan encompasses trail use, development, and maintenance and cooperation with user groups to effect their goals; and

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

SECTION 1. That the borough mayor is authorized to negotiate and enter into a lease agreement for a period of ten years with Tsalteshi Trail Association for land classified as government and described as follows:

The trails commonly known as the Tsalteshi Trail System located adjacent to the Skyview High School and further described as being located within:

Tract 1, Central Peninsula High School Subdivision Amended, and Govt lots 1 & 2 and the S1/2NE1/4 and SE1/4 excluding City of Soldotna Reservoir 2 Tract A and Kenai Peninsula Food Bank Sub and the West 40 ft of the SE1/4 of Section 1, T4N,R11W, S.M., Alaska.

SECTION 2. That pursuant to KPB 17.10.140(B), the terms of the lease shall include the following:

(1) Tsalteshi Trail Association must submit an application to lease, with a development plan, which shall disclose the use, nature of improvements, and estimated value of the improvements, and a development and construction timetable prior to the borough mayor's and Tsalteshi Trail Association's entering the lease agreement. Procedures for approval of the development plan must comply with KPB 17.10.150(C), (D), (E), and (F).

(2) The lease rate shall be $1.00 for the lease term.

(3) The leased land shall be used for purposes within the scope of the application, the terms and conditions of the lease, and in conformity with the lessee's development plan, land classification, and borough's comprehensive plan. Use or development for other than the allowed uses shall constitute a violation of the lease, and the lease is subject to cancellation.

(4) Failure on the part of lessee to substantially complete their development plan for the land or if the use is inconsistent with the terms and conditions of the lease within two years of the date of the lease shall constitute grounds for cancellation.

(5) The lessee shall not encumber the leased premises without written approval of the borough which may only be granted if the encumbrance is related to improvements placed upon the leased premises and the encumbrance pertains only to the leasehold interest.

(6) Upon written approval of the borough, a long-term lease may be assigned subject to the same terms and conditions of the existing lease.

New Text Underlined; [DELETED TEXT BRACKETED]   Kenai Peninsula Borough, Alaska

SECTION 3. The provisions of KPB 17.10.150(A) apply to this lease.

SECTION 4. To the extent applicable, and not in conflict with this ordinance, the general conditions set forth in KPB 17.10.240 apply to this lease.
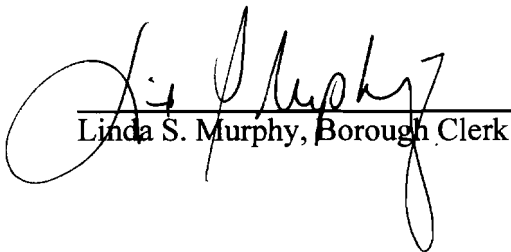
SECTION 5. That this ordinance shall take effect immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 4TH DAY OF MAY, 1999.

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Ronald Wm. Drathman, Assembly President

ATTEST:

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Linda S. Murphy, Borough Clerk