

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor *cp*

FROM: Marcus Mueller, Land Management Officer *mum*

DATE: February 5, 2019

RE: **Ordinance 2019-03; An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-The-Counter Sale.**

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled February 4, 2019 meeting.

An amendment motion passed by unanimous consent to recommend amending the ordinance to remove parcels 055-074-01, 055-072-13, 059-302-07 and 131-170-04.

A motion passed by unanimous consent to recommend approval or amended Ordinance 2019-03, an ordinance authorizing the sale of certain parcels of borough land by sealed bid followed by an over-the-counter sale.

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

WHEREAS, the planning commission at its regularly scheduled meeting of February 4, 2019, recommended approval as amended by unanimous consent.

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

AGENDA ITEM G. PULIC HEARINGS

5. Ordinance 2019-03, An Ordinance Authorizing the Sale of Certain Parcels of Borough Land by Sealed Bid Followed by an Over-The-Counter Sale.

Staff Report given by Marcus Mueller

PC MEETING: February 4, 2019

This ordinance would authorize the sale of certain parcels of borough land by sealed bid followed by an over-the-counter sale. Land Management Division has identified certain parcels of land that are surplus that can be made available through a competitive market value sale followed by an over-the-counter sale. This sale proposes a May 1, 2019 bid due date. A brochure will come out in early March. There is a proposal to have a finder's fee. This has been done the last few years and there have been one or two that had a finder's fee associated with the sale.

Looking down the list of the parcels he wanted to explain and note changes from the classification recommendations. The parcels on this list that were not on the classification was due to the fact they were already classified.

In Nikiski there are Lots 4 and 5 of Bernice Lake Alaska Industrial Subdivision. These parcels have been on previous land sales and they are next to each other. The proposal is to sell them as one unit. Lot 16 of Bernice Lake Alaska Industrial Subdivision is a former DOT site. It may have access to Bernice Lake. The outlet of Bernice Lake runs through the corner of this property.

The next parcel is 6.2 acres and was on the classification list to be classified as commercial. The management plan for commercial classification is about advertisement. This parcel would be advertised possibly in Alaska Business Monthly and also by placing a large sign on the property. This parcel is on the list in anticipation of the AK LNG project. There has been some shuffling in that area and there has been interest expressed in this parcel.

Parcel 017-130-25 is a parcel that was on the most recent land sale and is being carried over.

The next two lots are in Widgeon Woods Phase Two Subdivision. These lots were not previously offered due to an eagle's nest. To staff's knowledge the nest has now been abandoned for over a year.

There are three parcels that together make a 1.38 acre parcel. There needs to be a subdivision to combine these lots. The parcels were acquired due to tax foreclosure. Due to being substandard in size and an access issue these parcels were retained. Combining the lots will cure the access issue.

Parcel 055-072-13 is one of the classification parcels that the commission has recommended to be removed. The other 80-acre parcel that was associated with this one is not on the land sale list. There are some platting issues that need to be resolved and it could not be done in the time allotted.

The 160-acre parcel, 055-074-01, is off of Murwood and had a lot of testimony regarding the classification. This is another parcel that the commission motioned to remove from the classification resolution. This is also the case with the following parcel, 059-302-07, in the City of Soldotna, Tract 3, Memorial Park Subdivision.

The next three lots, Lots 9, 10 and 12 of Two the Bluff Subdivision 2013 Addition, are lots that have been previously offered in land sales. Previously they were offered at \$125,000 each. They have been on the market for two or three years. These types of property can take some exposure time but the recommendation is to drop the sale price by \$15,000.

The last parcel is the 40 acres off of Tote Road. The commission requested that this be classified as preservation. That classification would be a cue that they would wish to not sell it.

The remainder of the ordinance discusses the general terms of the land sale. It sets up the finder's fee and

an over-the-counter land sale for October 1, 2019 through January 31, 2020 for any parcels not sold during the sealed bid.

END OF STAFF REPORT

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

MAIN MOTION: Commissioner Ecklund moved, seconded by Commissioner Carluccio to approve Ordinance 2019-03 authorizing the sale of certain properties of borough land by sealed bid followed by an over-the-counter sale.

AMENDMENT MOTION: Commissioner Ecklund moved, seconded by Commissioner Carluccio to amend the sale by removing items 055-074-01, 055-072-13, 059-302-07 and 131-170-04.

Commissioner Whitney wanted to know if this was approved as amended can the items be added back in at a later time without coming back before the Planning Commission. Mr. Mueller answered that the Planning Commission cannot actually amend the resolution. The commission is making a recommendation to the Assembly to make the amendments. The Assembly has the authority on the legislation.

Commissioner Ecklund noted he used the term resolution and this is an ordinance. She wanted to know when this goes forward to the Assembly packet will it go forward as amended or will the Assembly need to review all the comments to know that the commission wants the changes made. Mr. Mueller let them know that the Assembly will see all of the Planning Commission packet information. The ordinance is already in the legislative process and within the Assembly's domain thus, they are the only ones that can change it. They will be presented with the same packet materials and the minutes from this meeting. At the Land's Committee meeting he will stress the Planning Commission's recommendations because the commission's recommendations carry a high importance for these type of land issues. Commissioner Ecklund followed up by asking if their attendance at the Assembly meeting to make comment would benefit. Mr. Mueller said that it has been done from time to time. He feels like it is mostly his responsibility, along with the minutes, to make sure that the message from the commission is presented but they are welcome to attend.

AMENDMENT MOTION PASSED: Seeing and hearing no discussion the amendment passed by unanimous consent.

MAIN MOTION PASSED: Seeing and hearing no discussion or objection the amended motion passed by unanimous consent.