

Introduced by: Mayor
Hearing: 2024
Action:
Vote:

**KENAI PENINSULA BOROUGH
RESOLUTION 2024-**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY
LOCATED IN KACHEMAK SELO, ALASKA FOR SCHOOL PURPOSES**

- WHEREAS,** the Kenai Peninsula Borough School District (“KPBSD”) currently delivers education instruction in the community of Kachemak Selo in private residential structures leased by KPBSD; and
- WHEREAS,** the leased structures are deficient for school purposes; and
- WHEREAS,** the State of Alaska Department of Education and Early Development (“DEED”) mandates education by “Attendance Areas” determined by DEED; and
- WHEREAS,** the community of Kachemak Selo is in the DEED Kachemak Attendance Area; and
- WHEREAS,** unlike other communities within the Kenai Peninsula Borough (“KPB”), Kachemak Selo is not served by public roads, public docks or public airports capable of supporting public facilities; and
- WHEREAS,** Kachemak Selo is within one mile of the communities of Razdolna and Vosnesenka, which are served by publicly maintained roads; and
- WHEREAS,** Kachemak Selo is accessed privately through Razdolna and Vosnenka by way of steep trails, beginning from the end of East End Road along a narrow switchback and along the coastal beach to a crossing at Swift Creek to the isolated public road rights-of-way platted through the Kachemak Selo Subdivision; and
- WHEREAS,** a school site selection committee (“SSSC”) for the Kachemak Attendance Area recommended a school site location in Kachemak Selo through a memo dated May 8, 2014; and
- WHEREAS,** the site identified by the SSSC was deemed not viable due to poor geotechnical findings; and
- WHEREAS,** the subject site is the location of the residential structures that were used for school purposes but have since been decommissioned; and
- WHEREAS,** KPB has been awarded \$10,867,503 in DEED funding for the Kachemak Selo School Project; and

WHEREAS, KPB Funding Ordinance 2018-19-25 appropriated \$10,010,000 from DEED for the Kachemak Selo School Project; and

WHEREAS, Resolution 2023-076, which established KPB’s State Capital Project Priorities for 2024, includes the Kachemak Selo Community Center project, which recommends converting the \$10,867,503 in DEED funding to a Department of Commerce, Community and Economic Development (“DCCED”) Grant to be used for a community center to provide for the dual purposes of community needs and use as an education facility to address the academic needs of the community; and

WHEREAS, Resolution 2024-008 requested that the Alaska State Legislature transfer the grant awarded to KPB for construction of a school facility in Kachemak-Selo from DEED to DCCED in order to better address current development needs; and

WHEREAS, the acquisition of the subject property could serve a capital project as either a DEED school site or DCCED community center; and

WHEREAS, by letter dated March 5, 2024, the independent appraisal requirement under the DEED Grant Terms has been formally waived by DEED due to the lack of comparable market transactions necessary to determine an accurate appraisal value; and

WHEREAS, the KPBSD Board of Education, at its regular meeting of _____, 2024, recommended/adopted _____; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of _____, 2024, recommended _____;

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

SECTION 1. That the Assembly finds that purchasing the following-described real property pursuant to KPB 17.10.040 is in the best interest of KPB:

LOT THIRTY-SIX (36), KACHEMAK SELO, ACCORDING TO PLAT NO. 2002-43, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA (PARCEL NO. 185-212-36)

SECTION 2. That the terms and conditions substantially in the form of the purchase agreement accompanying this Resolution are hereby approved.

SECTION 3. That the purchase price shall be \$150,000.00, subject to the terms of the purchase agreement, plus title and closing costs, and due diligence fees not to exceed \$10,000.00.

SECTION 4. That this acquisition is for the purposes of siting a school or community center that can be used for academic instruction by KPBSD.

SECTION 5. That the above-described land is classified under KPB 17.10.080 as “Institutional”.

SECTION 6. That the Mayor is authorized to execute any and all documents necessary to purchase the real property described in Section 1 in accordance with the terms and conditions contained in this Resolution.

SECTION 7. That the Mayor is authorized to execute a purchase agreement substantially in the form of the accompanying purchase agreement, consistent with applicable provisions of KPB Chapter 17.10.

SECTION 7. That previously appropriated funding, not to exceed \$160,000, is available in the Capital Project Fund account 400.71065.KSELO.48610, for the acquisition of the real property listed in Section 1.

SECTION 8. That this Resolution shall take effect immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS ___ DAY OF _____, 2024.**

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk