

Introduced by:

Mayor

Date:

10/11/16

Action:

Adopted as Amended

Vote:

9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2016-055**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF TITLE TO SEVEN
PARCELS OF LAND FROM THE KENAI PENINSULA BUILDING AUTHORITY, INC.
TO BE MANAGED IN SUPPORT OF THE KENAI PENINSULA BOROUGH SCHOOL
DISTRICT VOCATIONAL EDUCATION PROGRAMS OR OTHER SCHOOL
DISTRICT PURPOSES**

WHEREAS, the Kenai Peninsula Borough ("borough") owns and manages land for municipal and school district purposes; and

WHEREAS, in 1970 the Kenai Peninsula Building Authority, Inc ("KPBA") was formed by the Kenai Peninsula Borough School District ("KPBSD") Board of Education to purchase land with the intent to develop a vocational building program through the high schools which would build and sell homes to fund further vocational programs; and

WHEREAS, KPBA's Articles of Incorporation provide that the Board of Directors shall be the members of the Kenai Peninsula School District Board of Education and that in the event of dissolution the remaining assets of the corporation shall be transferred to the KPBSD to be used solely for educational purposes; and

WHEREAS in 1969 and 1981 the KPBA acquired ownership of the subject parcels; and

WHEREAS in 2013 the KPBA was involuntarily dissolved by the State of Alaska; and

WHEREAS the KPBSD Board of Education can act on behalf of the KPBA with regard to transferring its interest in real property for five years after the date of dissolution under AS 10.20.452; and

WHEREAS, acting on behalf of the KPBA the KPBSD Board of Education at its meeting of August 8, 2016, carried a motion to convey title of the subject land to the borough to hold title for the KPBSD with the understanding that when the KPBSD Board of Education authorizes disposal of any of the lots the proceeds will be allocated to the District Career and Technical Education program; and

WHEREAS, it is appropriate to integrate these educational purpose properties into the borough's land management program in cooperation with KPBA and KPBSD; and

WHEREAS, it is appropriate to maintain the original management intent, including the intent to direct any future proceeds from the use or sale of the properties to KPBSD as may be set forth in future authorizations; and

WHEREAS, the Kenai Peninsula Borough Planning Commission, at its regular meeting of September 26, 2016 recommended approval by unanimous consent;

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

SECTION 1. That the Assembly finds that accepting title to the following described real property pursuant to KPB 17.10.040 is in the best interest of the borough as it supports the purposes and the funding of the Kenai Peninsula Borough School District and it conforms the ownership and management of school lands to KPB Chapter 17.10:

Lots Fifteen (15), Sixteen (16), Twenty (20) and Twenty-one (21), Block Three (3) Deepwood Park Subdivision, Amended as shown on Plat No. 84-158, Kenai Recording District, Third Judicial District, State of Alaska, (Assessor Parcel Nos. 049-380-45, 049-380-46, 049-380-50, 049-380-51)

And

Lot Eleven "B" (11-B), Block Three "Lot 11A-11B Deepwood Park Subdivision", as shown on Plat No. 80-115, Kenai Recording District, Third Judicial District, State of Alaska, (Assessor Parcel No. 049-380-54)

And

Lot 4-A and Lot 5-A, Block 1, Replat of Lots 4,5,6, and 7, Shelikof Subd. Block 1 as shown on Plat No. 76-8, Kenai Recording District, Third Judicial District, State of Alaska, (Assessor Parcel Nos. 045-120-17, 045-120-18)

SECTION 2. That the transfer shall be by quitclaim deed for \$1.00 and other consideration with a restriction consistent with the purposes described in Section 3 of the resolution and no significant fiscal impacts are anticipated as a result of the transfer.

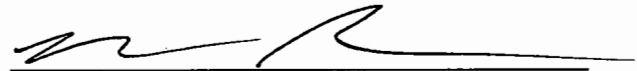
SECTION 3. That the purpose of this acquisition is for the borough to hold these properties on behalf of the KPBSD and manage them in accordance with applicable KPBSD board policies and the provisions of KPB Chapter 17.10, subject to future approvals and appropriations, for the primary purpose and benefit of vocational education or other school district purposes.

SECTION 4. That the above described land is zoned Suburban Residential pursuant to City of Kenai zoning code and was classified by the borough as Residential in Resolution 96-057.

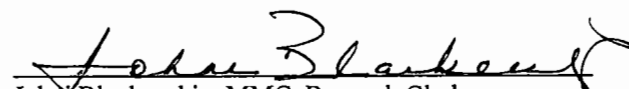
SECTION 5. That the Mayor is authorized to execute any and all documents necessary to accept the real property described in Section 1 in accordance with the terms and conditions contained in this resolution and consistent with applicable provisions of KPB Chapter 17.10.

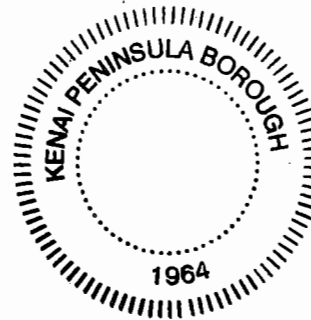
SECTION 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 11TH DAY OF OCTOBER, 2016.


Blaine Gilman, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bagley, Cooper, Dunne, Holmdahl, Johnson, Knopp, Ogle, Welles, Gilman

No: None

Absent: None