

Introduced by: Borough Manager
Requested by: Lands Committee
Drafted by: Resource Manager
Introduced: 08/18/2016
Postponed: 09/01/2016
Amended: 10/20/2016
Public Hearing: 11/03/2016
Adopted: 11/03/2016

**KODIAK ISLAND BOROUGH
ORDINANCE NO. FY2017-16**

**AN ORDINANCE OF THE ASSEMBLY OF THE KODIAK ISLAND
BOROUGH AMENDING SECTIONS OF KODIAK ISLAND BOROUGH
CODE TITLE 18 BOROUGH REAL PROPERTY, CHAPTER 18.20
REAL PROPERTY DISPOSAL - IN GENERAL TO ADDRESS
CERTAIN METHODS AND MEANS OF BOROUGH LAND DISPOSAL
PROCESS**

WHEREAS, the Kodiak Island Borough Lands Committee has created a subcommittee to consider potential changes to the land disposal process in order to prepare for a future land sale; and

WHEREAS, the subcommittee, after several meetings, has narrowed down a limited and focused number of recommended amendments to KIBC 18.20 Real Property Disposal – In General; and

WHEREAS, the full Borough Lands Committee has received the recommendation of the subcommittee and now has added its own recommendation of the full Committee in forwarding this ordinance to the Kodiak Island Borough Assembly; and,

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH that:

Section 1: This ordinance is of a general and permanent nature and shall be codified.

Section 2: The following sections of KIBC 18.20 are hereby amended as indicated.

18.20.050 Election required.

The sale, lease or other permanent disposal of borough land valued at ~~\$250,000~~ **\$1,000,000** or more per parcel to any single individual, partnership or corporation by means other than outcry auction shall, in addition to conforming to this title, be subject to approval by ordinance ratified by a majority of the qualified voters voting at a regular or special election at which the question of the ratification of the ordinance is submitted. Notice of the election shall be given in accordance with KIBC Title 7.

18.20.70 Qualifications of applicants and bidders.

A. An applicant or bidder for a disposal of borough land is qualified if the applicant or bidder is:

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- ~~1. A. A citizen of the United States or has filed a declaration of intention to become a citizen, and is 18 years of age or over;~~
- ~~2. B. A group, association, or corporation which is authorized to conduct business under the laws of Alaska; or~~
- ~~3. C. Acting as an agent for a person qualified under subsection A or B of this section and has filed with the manager or designee, prior to the time set for the disposal, a proper power of attorney or a letter of authorization creating such agency. The agency shall represent only one principal, to the exclusion of himself.~~


B. An applicant or bidder for a disposal of borough land is not qualified if the applicant or bidder is currently in default on the payment of any amounts owed to the borough.

18.20.100 Disposal for fair market value.

- A. Except as otherwise provided by this title or another provision of law, all disposal of borough land shall be for the fair market value of the interest disposed of. The borough may accept in exchange for borough land any consideration of sufficient value not prohibited by law.
- B. The borough may dispose of borough land to the United States, the state of Alaska, or any political subdivision thereof, or a nonprofit corporation or association, for less than the fair market value of the interest disposed of, upon a finding by the assembly that the disposal will allow the use of the land for a public purpose beneficial to the borough. It may do so by direct negotiation with the organization acquiring the land, without conforming to KIBC 18.20.120 through 18.20.155, unless otherwise directed by the assembly.
- C. Notwithstanding the other requirements of this section, the assembly may authorize a 10% rebate (not to exceed \$10,000) of the purchase price for the land so long as, within 36 months of the sale date, the purchaser has constructed a residential dwelling upon the property, and has obtained all legal authorization required to occupy it.**

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS THIRD DAY OF NOVEMBER, 2016**

KODIAK ISLAND BOROUGH


Daniel Rohrer, Borough Mayor

ATTEST:


Nova M. Javier MMC, Borough Clerk

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Votes:
Ayes: LeDoux, Smiley, Van Daele
Noes: Crow, Skinner, Symmons
Broke the tie with a yes vote: Rohrer