

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 02/02/16
Public Hearing: 02/16/16
Adopted: 02/16/16

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-010**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING A LAND EXCHANGE OF BOROUGH-OWNED LAND CONTAINING APPROXIMATELY 6.6 ACRES FOR PRIVATELY-OWNED LAND CONTAINING APPROXIMATELY 5 ACRES FOR THE PURPOSE OF CONSTRUCTING A PUBLIC SAFETY WARM STORAGE BUILDING FOR THE WILLOW FIRE SERVICE AREA, PROJECT NO. 45274, FUND 405; AND AUTHORIZING THE MANAGER TO IMPLEMENT THE LAND EXCHANGE (MSB006716).

WHEREAS, the proposed action involves a land exchange between the Matanuska-Susitna Borough and Ted and Valarie Schachle for the purpose of constructing a public safety warm storage building for the Willow Fire Service Area, project no. 45274, fund 405; and

WHEREAS, the formal decision to exchange and convey land occurs with the Assembly approval of a best interest finding through adoption of Resolution Serial No. 16-009 and approval by ordinance of the land exchange; and

WHEREAS, in 2013, the Department of Emergency Services received a grant for \$388,000 through the Designated Legislative Grant Program (said grant expires on June 30, 2018) to construct a warm storage building near Four Mile Road off Willow-Fishhook; and

WHEREAS, Ordinance Serial No. 14-103 accepted and appropriated the grant funds, and Resolution Serial No. 14-070 approved the scope of work and budget for this project; and

WHEREAS, the funds can only be used for development of the land and construction of the building, thus excluding land acquisition; the Borough land in the immediate area was determined to be unacceptable due to location within flood hazard areas, significant wet terrain, lack of legal access, and other mitigating circumstance; and

WHEREAS, the Schachle family's offer of private land located on Four Mile Road in exchange for Borough-owned land comes from their long-time support of the Willow Fire Service and commitment to the emergency needs of the community; and

WHEREAS, more than 30 potential Borough-owned properties were reviewed for comparison to the 5-acre Schachle lot to include value, ability to develop, accessibility, size, and location; and

WHEREAS, the Trinity Lake recreation parcels are included in the Community Development Department's five-year land disposal plan but have proven difficult to market in years past due to their remote location and limited use during the wet seasons; and

WHEREAS, the Kelly Lake parcel is currently being surveyed pursuant to state requirement to obtain patent and the Borough expects to record the survey within a 24 month time frame; and

WHEREAS, the Schachles fully understand the state requirement to survey in order to receive patent and are willing to see the process through with a delay provision to be covered in a legally binding sales contract; and

WHEREAS, public notice was initiated in accordance with MSB 23.05.025 to include notice in the Frontiersman, Willow Post Office, Willow Library, Borough website, Willow Community Council, Willow Chamber of Commerce, all Borough Assembly Members, local Road Service and Fire Service Area boards, Willow Area Seniors, and other agencies and boards; and

WHEREAS, authority to enter into the land exchange is pursuant to MSB 23.05.030 which in part states, the Borough may acquire real property by donation if the donation will benefit the Borough and is accepted by the Assembly or Manager, and the Manager with the consent of the Assembly may negotiate an exchange of real property with another entity where it is in the best interest of the Borough to do so which may include, but is not limited to, obtaining real property in a location better suited for a public facility than real property owned by the Borough; and

WHEREAS, MSB 23.10.040 (A) states the Borough may conditionally enter into agreements to dispose of interests in land it selects under various state land grants and programs upon the state of Alaska issuing a final decision and prior to actual receipt of title to such lands (such as Municipal Entitlements) and that the Borough shall disclose to the other party it does not have title and shall not enter into a conditional agreement unless it has good cause to believe it will acquire title within 10 years, and

WHEREAS, the land exchange provides a valuable opportunity for improved emergency response times and will lower home insurance rates because a fire station will be close by.

BE IT ENACTED:

Section 1. Classification. This is a non-code ordinance.

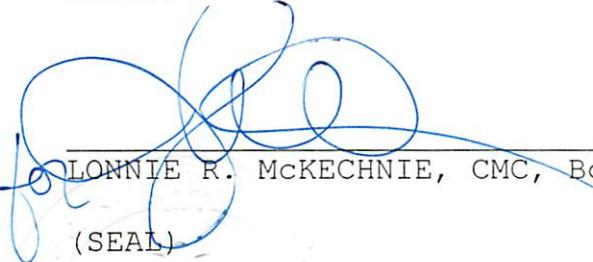
Section 2. Authorization. The Assembly hereby authorizes the Manager to enter into a land exchange with Ted and Valarie Schachle, consistent with the best interest finding for the land described therein.

Section 3. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this
16 day of February, 2016.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk
(SEAL)

PASSED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, Mayfield,
Doty, and Kowalke