

SUBJECT: PROVIDING FOR THE LIMITED DELEGATION OF PARKS AND RECREATION POWERS TO THE CITY OF HOUSTON FOR CERTAIN RECREATIONAL FACILITIES IN THE LITTLE SUSITNA RIVER CAMPGROUND AND DAY USE AREA LOCATED WITHIN THE CITY BOUNDARIES; ADOPTING MSB 1.10.126, DELEGATION OF LIMITED PARKS AND RECREATIONAL POWERS TO THE CITY OF HOUSTON, AND MSB 1.10.127 RELINQUISHMENT OF PARKS AND RECREATIONAL POWERS BY THE CITY OF HOUSTON (MSB007373).

AGENDA OF: May 1, 2018

ASSEMBLY ACTION:

OR 18-029 - Adopted w/o objection - Ptt held
@ 5/15/18 RM

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	MSC	
	Community Development Director	EP	
	Finance Director	CY	
	Borough Attorney	John N.S.	
	Borough Clerk	ASD	4-2318

ATTACHMENT (S): Fiscal Note: YES ___ NO X

Vicinity Map (1 pp)

Ordinance Serial No. 17-147 (6 pp)

Ordinance Serial No. 18-029 (5 pp)

SUMMARY STATEMENT:

The City of Houston entered into an agreement with the Mat-Su Borough in 1994 to manage, operate and maintain the Little Susitna River Campground and Day Use Area, to include restrooms, picnic tables, fire rings, campsites, pavilions, water wells, and park grounds. The campground and day use park is contained within seven adjoining parcels.

In 2017, the city formally requested conveyance of the property from the borough to the city in perpetuity. The Matanuska-Susitna Borough Assembly adopted Ordinance Serial No. 17-147 authorizing

said conveyance with reversionary rights reserved, excepting two of the park parcels which are restricted by Land and Water Conservation (LWCF) Funds. These two parcels, noted as the "Phase Two Parcels" require additional pre-authorization from the National Park Service in order to transfer ownership. Both LWCF parcels will remain in borough ownership and under city management until such time approval is received from the federal level.

The final step in conveying the two remaining parcels to the city will be assembly approval by ordinance. Reversionary rights shall be placed upon these two parcels as was placed upon the other parcels conveyed to the city in 2017, pursuant to Ordinance 17-147.

Another National Park Service requirement is that the city must have legal authority to provide public recreation services (i.e. Parks Powers) which the city does not currently have; therefore, the borough must delegate such authority to Houston. The city must adopt by ordinance the acceptance of these delegated Parks Powers.

In order to delegate Parks Powers to the city, borough code must be amended. Similar delegation is provided to Palmer and Wasilla under MSB 1.10.121 and 1.10.122.

In addition to delegation, relinquishment is provided to Palmer and Wasilla under MSB 1.10.123 and 1.10.124. In the event the city of Houston no longer desires to carry out parks power, or if the borough decides to withdraw said delegation, the attached ordinance also includes amendment to code addressing relinquishment.

There are no other parks within the Houston city boundaries for which the Parks Power authority is being granted. The amended code does however provide for Houston to acquire and add other parks and recreational facilities to their Parks Power authority with approval of the borough assembly by resolution.

The subject properties are legally defined in MSB Waiver Resolution Serial No. 80-44PWm, recorded on August 14, 1980 as Serial Number 80-80W, Palmer Recording District, as follows:

Waiver Parcel #1 - The SE1/4SW1/4, Section 22, Township 18 North, Range 3 West, S.M., AK. lying north and east of the Parks Highway (MSB tax parcel:18N03W22C014),

And

Waiver Parcel #3 - The SW1/4SE1/4, Section 22, Township 18 North, Range 3 West, S.M., AK. (MSB tax parcel:18N03W22D002)

RECOMMENDATION OF ADMINISTRATION:

Providing for the limited delegation of Parks and Recreation Powers to the city of Houston for certain recreational facilities within the Little Susitna River Campground and Day Use Area located within the city boundaries; adoption of MSB 1.10.126, delegation of limited parks and recreation powers to the city of Houston, and MSB 1.10.127, relinquishment of parks and recreational powers by the city of Houston.

**Phase Two Parcels
(LWCF):
C14 and D2**

MSB #007293

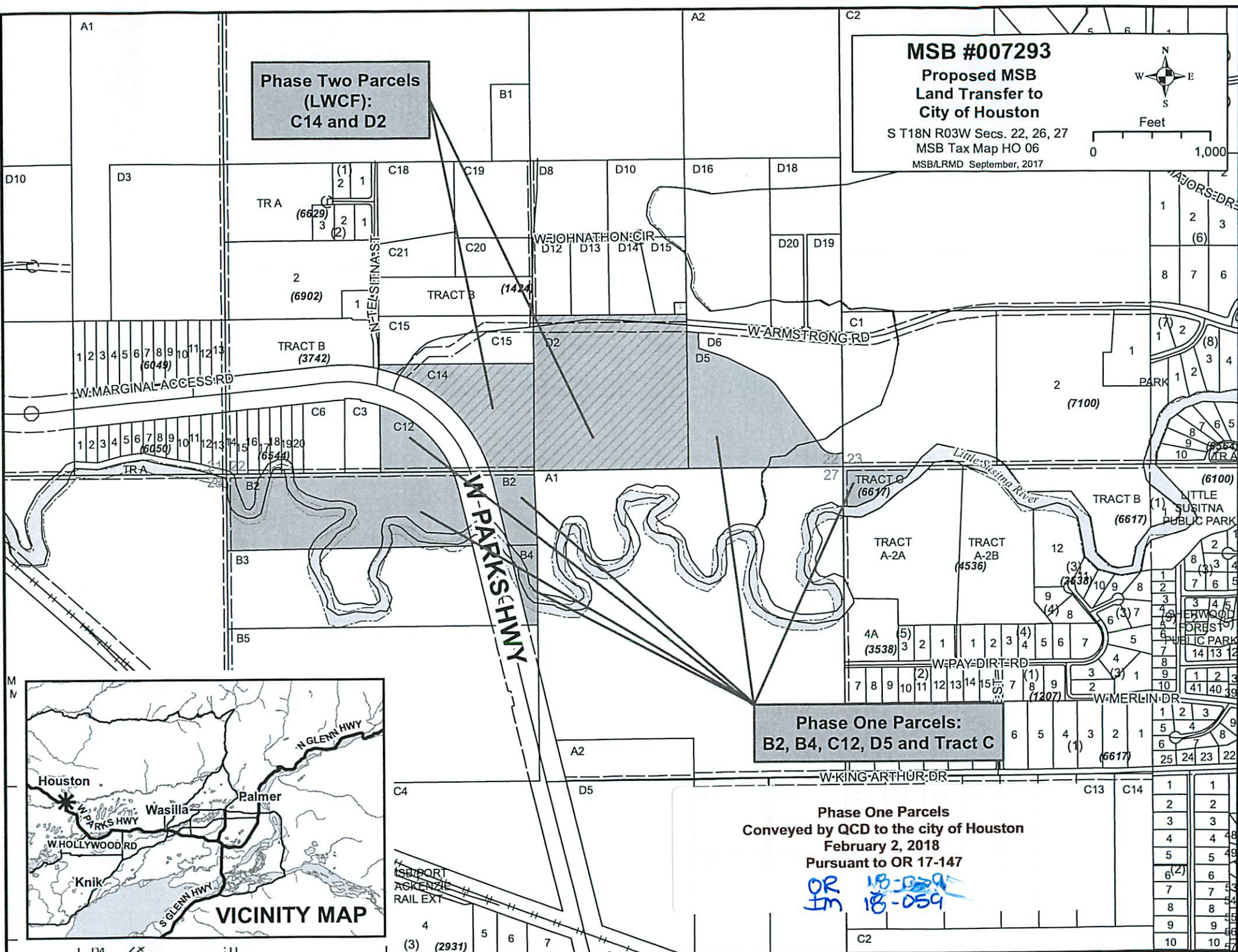
**Proposed MSB
Land Transfer to
City of Houston**

S T18N R03W Secs. 22, 26, 27
MSB Tax Map HO 06
MSB/LRMD September, 2017



Feet

0 1,000

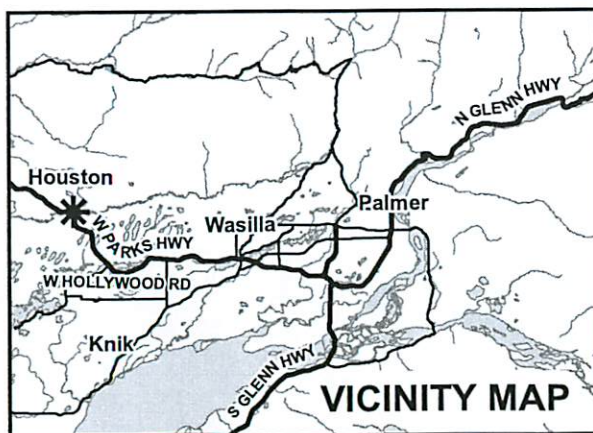


Phase One Parcels:

B2, B4, C12, D5 and Tract C

**Phase One Parcels
Conveyed by QCD to the city of Houston
February 2, 2018
Pursuant to OR 17-147**

*OR 18-059
IM 18-059*



VICINITY MAP

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 11/21/17
Public Hearing: 12/05/17
Amended: 12/05/17
Adopted: 12/05/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-147**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGHOWNED REAL PROPERTY IDENTIFIED AS THE LITTLE SU CAMP GROUND AND DAY USE AREA TO THE CITY OF HOUSTON (MSB007293).

WHEREAS, the city of Houston has submitted a request to the Manager asking the Borough to convey the Little Su Campground and Day Use Area to the them and to terminate the current management agreement between the Borough and the City; and

WHEREAS, the parcels would be conveyed at less than fair market value and a deed restriction will be imposed that the parcels be used for public recreation purposes or they shall revert back to the Borough; and

WHEREAS, there is a total of seven parcels to be conveyed and the 2017 assessed value of the seven parcels is \$538,900;

WHEREAS, all of the parcels will be conveyed at less than fair market value for \$1, notwithstanding MSB 23.10.060 wherein the minimal fee is \$500 per parcel or a range of 50 to 90 percent of market value, as determined by the Assembly; and

WHEREAS, two of the parcels were developed with Land and Water Conservation Funds requiring National Park Service approval to

Im 18-059
OR 18-029

transfer ownership, which can take up to three years for approval;
and

WHEREAS, due to the additional requirements and time to convey these specifically encumbered parcels, the Borough shall split the conveyance into two phases and convey the five unencumbered parcels first, followed by the remaining two parcels once National Park Service approval is obtained; and

WHEREAS, the Borough and City of Houston have an active management agreement which has been in place for approximately 21 years wherein the Borough currently provides a \$10,000 annual payment to the city from the Borough's Parks and Recreation Division areawide operating budget to assist in day-to-day operations of the campground and park areas; and

WHEREAS, the Management Agreement will remain in effect until conveyance is complete and shall be amended under Section 25, Management Fee, eliminating any and all fees paid between the Borough and the City for operating the campground and day use areas; and

WHEREAS, an interdepartmental review was conducted. The Planning Department and the Development Services Division recommend that because three of the parcels, identified as B002, B004 and Tract C, lie within designated Federal Emergency Management Agency (FEMA) regulatory floodways and are subject to development permits in accordance with MSB Title 17.29, that these

IM 18-059
OR 18-029

parcels be limited to water-dependent facilities, such as docks or fish hatcheries; and

WHEREAS, public notice was performed pursuant to MSB 23.05.025 and no objections were received; and

WHEREAS, the city of Houston understands they will be responsible for any and all future fees and requirements associated with transfer, management, and development of the seven parcels being conveyed; and

WHEREAS, the city of Houston approved Resolution No. 17-06 on September 12, 2017, in support of the conveyance of all seven parcels from the Borough to the City with the conditions included herein.

BE IT ENACTED:

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

Section 2. Legal description of parcels to be conveyed.

That portion of the south 1/2, north 1/2, northwest 1/4 lying east of the Parks Highway, of Section 27, Township 18 North, Range 3 West, Seward Meridian, according to that Warranty Deed dated November 21, 1984, recorded at Book 390 at Page 964, Palmer Recording District, Third Judicial District, state of Alaska; and The north 1/2, north 1/2, northwest 1/4, of Section 27, Township 18 North, Range 3 West, Seward Meridian, according to that Warranty Deed dated November 21, 1984, recorded in Book 390, Page 969,

Palmer Recording District, Third Judicial District, state of Alaska; and

The southwest 1/4, southeast 1/4, southeast 1/4, southwest 1/4 of Section 22, Township 18 North, Range 3 West, Seward Meridian, Alaska according to that Patent No. 1605 dated March 27, 1973, recorded in Book 73 at Page 1707, and Book 70 at Page 675, Palmer Recording District, Third Judicial District, state of Alaska: EXCLUDING the north 410 feet of the southeast ¼, southwest 1/4 of Section 22, Township 18 North, Range 3 West, according to that Quitclaim Deed dated February 9, 1983, recorded in Book 294 at Page 73, Palmer Recording District, Third Judicial District, state of Alaska; and

A parcel of land located within the southeast ¼, southeast 1/4 of Section 22, Township 18 North, Range 3 West, Seward Meridian, Palmer Recording District, Third Judicial District, state of Alaska, and more particularly described as follows:

Commencing at the section corner common to Sections 22, 23, 26 and 27, a found brass cap General Land Office monument and the TRUE POINT OF BEGINNING; thence S89°56'58"W along the West boundary common to Sections 22 and 27 a distance of 1318.25 feet to the east 1/16th corner; thence N00°02'32"W along the West boundary of the SE1/4SE1/4 of Section 22 a distance of 1173.55 feet to the south boundary of Armstrong Road Easement, recorded Book 386 at Pages 297 and 298, Palmer Recording District; thence S84°45'06"E

IM 18-059
OR 18-029

along said easements south boundary of 100.00 feet; thence S00°02'32"E a distance of 135.02 feet; thence S71°26'25"E a distance of 232.14 feet to the beginning of a tangent curve with a 205.00 foot radius concave southwesterly; thence around said curve a distance of 28.95 feet; thence S63°20'55"E a distance of 370.80 feet to the beginning of a tangent curve with a 255.00 foot radius concave southwesterly; thence around said curve a distance of 125.97 feet; thence S35°02'33"E a distance of 628.27 feet to the beginning of a tangent curve with a 156.00 foot radius concave to the north; thence around said curve a distance of 209.46 feet to the east boundary of said Section 22; thence S00°01'04"E along the east boundary of Section 22 a distance of 125.93 feet to a found brass cap General Land Office Monument common to Sections 22, 23, 26 & 27 and the TRUE POINT OF BEGINNING; and Tract C, Kayann Willow Estates Subdivision, according to the official Plat No. 75-57 filed in the Palmer Recording District, according to that Statutory Warranty Deed dated August 13, 1984, recorded Book 373 at Page 844, Palmer Recording District, Third Judicial District, state of Alaska.

Effective Date. This ordinance shall take effect upon adoption.

IM 18-059
OR 18-029

ADOPTED by the Matanuska-Susitna Borough Assembly this
5 day of December, 2017.


VERN HALTER, Borough Mayor

ATTEST:


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

YES: Sykes, Beck, McKee, Leonard, Doty, and Kowalke

NO: Mayfield