

NON-CODE ORDINANCE

Sponsored By: Borough Manager  
Introduced: 09/05/17  
Public Hearing: 09/19/17  
Adopted: 09/19/17

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 17-109**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE ACQUISITION OF REAL PROPERTY (MSB TAX PARCELS 18N02E34B005 AND 18N02E34B006) FOR THE AMOUNT OF \$250,000; AND ACCEPTANCE OF \$223,000 IN CHARITABLE LAND DONATIONS FROM THE SELLER TO THE BOROUGH FOR THE PURPOSE OF PUBLIC OPEN SPACE AND MATANUSKA RIVERFRONT TRAILS CONNECTIVITY (MSB007276).

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WHEREAS, the 2016 Recreation Facilities Bond package was approved by voters in October 2016, identifying nine trail improvement projects, to include Matanuska Riverfront Trail South and Matanuska Riverfront Trail North; and

WHEREAS, Ordinance Serial No. 17-036 was adopted on April 4, 2017, appropriating \$22,160,000 to fund 440, parks and recreation projects, culture and recreation capital projects, for the acquisition, construction, and installation of parks and recreation related capital improvements within the Borough; and

WHEREAS, funding for the Matanuska Riverfront South and Matanuska Riverfront North Trail construction project includes a total of \$250,000; and

WHEREAS, the Land and Resource Management Division proposes to use funds from, the Land Management permanent fund 203 and Parks and Recreation projects fund 440, to pay for the land acquisition and trail construction for the two riverfront trails; and

WHEREAS, legal access, trail connectivity and public open space along the Matanuska Riverfront would be greatly enhanced through property acquisition of adjacent private parcels; and

WHEREAS, the public has historically used the proposed acquisition parcels for physical access to the riverfront without legal easement or dedication from the private property owner; and

WHEREAS, if the parcels were sold to another individual or entity unwilling to allow similar public use of the private parcels, public access and connectivity of the trail system could cease forever; and

WHEREAS, the Borough recognizes the vast public benefit of acquiring these private parcels for public recreational purposes; and

WHEREAS, the Borough and city of Palmer collaborated and determined the best way to gain legal access and trail connectivity was through negotiations with the owner of the parcels to be acquired; and

WHEREAS, the City obtained a third party appraisal which determined the fair market value of the acquisition parcels to be \$473,000; and

WHEREAS, the owner has agreed to accept \$250,000 in cash for the 2 parcels and gift \$223,000 in charitable land donation to the Borough representing the total of the \$473,000 fair market value; and

WHEREAS, the \$250,000 cash amount for acquisition will comprise an amount of \$150,000 from Land Management Permanent fund 203 and \$100,000 from project no. 15043, fund 440, Culture and Recreation Capital Projects; and

WHEREAS, the remaining balance of \$150,000 from the Matanuska Riverfront South and Matanuska Riverfront North Trails portion of the project funds will adequately cover cost of construction for both trails; and

WHEREAS, acquisition of the real property ensures that legal access and trail connectivity is maintained in perpetuity through a dedicated public corridor where none currently exists; and

WHEREAS, the city of Palmer was granted parks and recreation powers in 2002 for park and recreation facilities within their boundaries, except Matanuska River Park; and

WHEREAS, upon completion of trail improvements and dedication of a public use easement over the trails, the acquired property will be conveyed in fee to the city of Palmer to manage as they already do with all parks within city limits; and

WHEREAS, development of the property will be used for trail purposes with minimal surface disturbance to the ground and in accordance with MSB 23.10.275 and the policy and procedures adopted by Assembly resolution; and

WHEREAS, an investigative environmental assessment was conducted through the Alaska State Department of Environmental

Conservation records, which revealed no past or present contamination sites on either of the properties to be acquired; and

WHEREAS, public notice was conducted pursuant to MSB 23.05.025; and

WHEREAS, in accordance with MSB 23.10.275 and the policy and procedures adopted by Assembly resolution, the Manager may through solicitation or negotiation acquire land or interest when it is for public purpose; acquisition of parcels B005 and B006 comports with Borough code, policy, and procedures.

BE IT ENACTED:

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

Section 2. Authorization. The Borough Assembly authorizes the Manager to acquire tax parcels 18N02E34B005 and 18N02E34B006, located within Section 34, Township 18 North, Range 2 East, Seward Meridian, Alaska, in the amount of \$250,000 for purposes of trail connectivity and public open space.


Section 3. Acceptance of Donation. The Assembly accepts the \$223,000 donation of land value as a charitable gift from the seller.

Section 4. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day  
of September, 2017.

  
VERN HALTER, Borough Mayor

ATTEST:

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

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