

NON-CODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 11/07/17
Public Hearing: 11/21/17
Adopted: 11/21/17

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 17-143**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE DISPOSAL OF BOROUGH-OWNED EASEMENT LOTS AND PUBLICLY DEDICATED LOTS IN WINDSONG SUBDIVISION TO ADJACENT OWNERS (MSB007346).

WHEREAS, the Assembly enacted Ordinance Serial No. 95-045, to dedicate for a public purpose certain tax foreclosed properties in the Windsong Subdivision; and

WHEREAS, the properties were dedicated for a public purpose due to their sub-standard size and to protect the public's health, safety and welfare; and

WHEREAS, Ordinance Serial No. 01-012, additionally created easements on certain Borough-owned lots for purpose of conveying easements to adjacent owners for individual water and septic installation; and

WHEREAS, public water and septic is not economically feasible for the subdivision and due to the sub-standard size of the subdivision lots, most owners require more than one lot to meet health and safety requirements for an acceptable onsite water and septic system; and

WHEREAS, allowing purchase of Borough easements and publicly dedicated lots to adjacent property owners will place those lots

on the tax role which is the goal of lots received through tax foreclosure whenever possible; and

WHEREAS, there will be specific conditions attached to selling the Borough-owned lots to ensure public health, safety and welfare is met.

BE IT ENACTED:

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

Section 2. Authorization to dispose of Borough-owned lots. The Matanuska-Susitna Borough Assembly hereby authorizes the sale of one or more Borough-owned easement lots and publicly dedicated lots to adjacent property owners for purpose of protecting public health, safety and welfare by providing mechanism for existing property owners to install Alaska State Department of Environmental Conservation approved individual onsite sewer systems, and returning tax foreclosed properties to the tax rolls, and allowing adjacent owners all rights and interest of easement lots and publicly dedicated lots.

Section 3. Conditions of disposal. The following conditions affect the disposal of Borough-owned lots within Windsong Subdivision:

(A) Only current property owners of record are eligible to purchase Borough lots under this sale and will be notified by

certified mail with the offer to participate. Owners must be qualified applicants pursuant to MSB 23.10.090.

(B) The purchase price shall be the current Borough assessed value based on the certified tax roll. The lots shall be sold for cash only and are not eligible for Borough financing. Purchasers will submit and pay Land and Resource Management application fee, recording fee, and flood development permit fee required under Title 17.29, if any.

(C) If two adjacent property owners submit applications for the same lot, an owner with an improvement on their lot will have priority over an owner with an unimproved lot. In other circumstance, the earliest time and date of application will determine which owner has priority. An owner may request to purchase more than one lot if there is no conflict with another owner's request. The Manager is authorized to resolve conflicting applications and his decision is final. Easement lots can only be purchased by those record owners served by the easement appurtenant.

(D) Prior to transfer of ownership, the lots will require the Borough and purchasing owner to be co-applicants in a re-plat to combine the lots into a single lot which shall meet Borough platting regulations and the requirements of Alaska State Department of Environmental Conservation. A restriction shall be invoked in the form of a plat note, and shall also be held within

the deed of conveyance stating that no lot can be re-subdivided to less than 40,000 square feet of total area.

(E) Sewer easements shall be vacated by document after plat recordation and prior to conveyance of deed. Borough properties will be sold "as is-where is" and conveyance shall be by quitclaim deed.

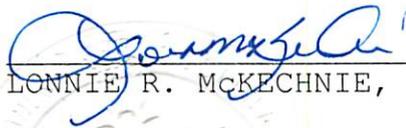
Section 4. Rescission of dedication. For any Borough lot eligible for sale under the conditions set forth herein, the Borough hereby rescinds the public dedication upon conveyance by quitclaim deed to the adjacent property owner.

Section 5. Effective date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of November, 2017.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

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