

**SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SALE OF BOROUGH-OWNED PROPERTY IDENTIFIED AS LOT 64 RUSTIC WILDERNESS DIVISION 1 TO THE ADJACENT PROPERTY OWNER, KANAE PEACOCK.**

**AGENDA OF:**October 17, 2023

**ASSEMBLY ACTION:** Adopted without objection 11/21/23 - BJH

**AGENDA ACTION REQUESTED:** Introduce and set for public hearing.

Route To	Signatures
Originator	<div>10/2/2023</div> <div>X Jill Irsik</div> <div>Signed by: Jill Irsik</div>
Department Director	<div>10/2/2023</div> <div>X Eric Phillips</div> <div>Signed by: Eric Phillips</div>
Finance Director	<div>10/3/2023</div> <div>X Cheyenne Heindel</div> <div>Signed by: Cheyenne Heindel</div>
Borough Attorney	<div>10/3/2023</div> <div>X Nicholas Spiropoulos</div> <div>Signed by: Nicholas Spiropoulos</div>
Borough Manager	<div>10/3/2023</div> <div>X Michael Brown</div> <div>Signed by: Michael Brown</div>
Borough Clerk	<div>10/3/2023</div> <div>X Lonnie McKeechie</div> <div>Signed by: Lonnie McKeechie</div>

**ATTACHMENT (S):** Vicinity Map (1 pp)  
Ordinance Serial No. 23-098 (1 pp)

**SUMMARY STATEMENT:**

The Matanuska-Susitna Borough Land and Resource Management Division received an application from Kanae Peacock to purchase Borough-owned property, Lot 64, Rustic Wilderness Division 1, which lies adjacent to his property. The sale is allowed under Mat-Su Borough code 23.10.230.

The Borough-owned parcel lies within the Rustic Wilderness Division 1 subdivision which was platted in 1972. The subdivision is located between the Susitna River and the west side of the Parks Highway at mile post 80. The Borough received the property in 1983 through tax foreclosure for non-payment of

taxes for years 1981 and earlier, Clerk's Deed dated November 28, 1983, recorded Book 334 Page 762 on December 5, 1983, Palmer Recording District (Case No. 3PA-82-505). All re-purchase rights of the former record owner have been extinguished and there is no public purpose for retention of Lot 64.

The subject parcel, Lot 64, is considered "sub-standard" (MSB 43.20.281) for individual development of building/septic area due to it being only 0.46 acres (20,000 sq ft) in size. The adjacent property owner, Kanae Peacock, own Lots 63 and 62. Under MSB 23.10.230, Agreements by Application, subsection (A)(1)(d) allows for the sale of Borough property to an adjacent property owner to address a substandard or unusable lot condition. Mr. Peacock's lots are also substandard in size at 0.46 acres, thereby making Mr. Peacock eligible to purchase Lot 64 as an adjacent property owner to provide greater potential to develop the lot without encroachment or overlap of septic area/well radius affecting other lots.

In 2021, Assembly Ordinance 23-026 approved the sale of this parcel in a competitive sealed bid adjacent property owner sale. No bids for this property were received during that sale. The property was also offered in 2022 in an adjacent property owner over-the-counter sale. No purchase requests were made for this property during that sale.

In accordance with MSB 23.10.060, fair market value of Lot 64 is determined by the 2023 certified tax assessment roll. The tax assessed value of Lot 64 is \$3,000. The Borough parcel will be sold for cash and conveyed by quitclaim in "as-is, where-is" condition, without warranty expressed or implied. Mr. Peacock will pay for all associated costs, to include public notice mailing and advertising. Through conveyance, Lot 64 will be placed on the tax rolls after 40 years of Borough-ownership.

Inter-department review was initiated and received no objection or concern from Borough departments. Public notice was provided in accordance with MSB 23.05.25 with no objections received from the noticing.

**RECOMMENDATION OF ADMINISTRATION:** Approval under Ordinance Serial No. 23-098 of the cash sale of Borough-owned property identified as Lot 64, rustic Wilderness Division 1, to adjacent property owners Kanae Peacock, pursuant to MSB 23.10.230 Agreements by Application.