

NONCODE ORDINANCE

Sponsored By: Borough Manager

Introduced: 04/05/22

Public Hearing: 04/19/22

Adopted: 04/19/22

Reconsideration filed: 04/20/22

Reconsideration passed: 05/03/22

Postponed to 10/18/22: 05/03/22

Adopted: 10/18/22

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-036**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGH-OWNED REAL PROPERTY IDENTIFIED AS THE PEGGY LAKE RESIDENTIAL CAMP TO THE ANCHORAGE COMMUNITY Y.M.C.A. (MSB002015).

WHEREAS, the Anchorage Community Y.M.C.A., a nonprofit organization, has submitted a request to the Manager asking the Borough to convey the fee simple title of its leasehold interest of the Peggy Lake Residential Camp and terminate the current lease agreement between the Borough and the Anchorage Community Y.M.C.A.; and

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

WHEREAS, the Borough and Anchorage Community Y.M.C.A. have an active lease agreement which has been in place for approximately 59 years wherein the Anchorage Community Y.M.C.A. annual lease rates are at one percent of the fair market value of \$130,000; and

WHEREAS, pursuant to MSB 23.10.060 the minimal fee for less than fair market value conveyance is \$500 or a range of 50-90 percent of market value as determined by the Assembly; and

WHEREAS, the Anchorage Community Y.M.C.A. paid a \$500 application fee which may be waived and used towards the minimum fee required in accordance with MSB 23.05.030; and

WHEREAS, upon adoption of this ordinance, the lease agreement will remain in effect until conveyance is complete; and

WHEREAS, inter-departmental review and public notice was conducted with no objections received and one public comment supporting the less than fair market value sale; and

BE IT ENACTED:

Section 1. Classification. This Ordinance is a noncode ordinance.

Section 2. Legal description of parcels to be conveyed. Lots 1, 2, 5 and 6, Section 31, Township 24 North, Range 4 West, Seward Meridian, Alaska, according to the State of Alaska Patent No. 1005, dated February 2, 1970, recorded in Book 40 at Page 337, located in the Talkeetna Recording District, excluding the Bureau of Land Management Serial A-047329 Highway Free Use Permit described as S1/2 NE1/4 SE1/4 NE1/4, N1/2 SE1/4 SE1/4 NE1/4, lying within Lot 6 of Section 31; and

ADL 21858, Department of Fish and Game Right of Way Permit described as: Peggy (Friend #3) Lake, a right of way to provide

usable public access to the lakeshore, being fifty feet in width, twenty-five feet on each side of the following described centerline: Beginning at the Easterly most point of the Northerly boundary of the S1/2 S1/2 SW1/4 NE1/4 NE1/4 of Section 31, Township 24 North, Range 4 West, Seward Meridian thence due West 1080 feet, more or less to the shoreline of said lake.

Section 3. Deed Reversionary Clause. This conveyance is made subject to the following restrictions and conditions as approved by Matanuska-Susitna Borough Ordinance Serial No. 22-036, adopted on April ____, 2022 and imposed by the Grantor, which are binding on the Grantee, its heirs, successors, and assigns, and any other parties or persons claiming any interest, and which are expressly declared to be conditions subsequent on breach and which are reserved to the Grantor as follows:

1. The Borough shall retain the right to have the title revert to the Borough in the event the property herein described is no longer used for charitable and public use and in the event of reverter, Grantee shall be subject to environmental assessment and clean-up pursuant to Title 23, Land and Resource Management Division Policy and Procedure Manual, Part 60.20 as approved by Matanuska-Susitna Borough Resolution No. 16-068, or as amended.


Section 4. Closing costs associated with the sale and conveyance. All costs associated with the sale and conveyance of the property shall be borne by the Anchorage Community Y.M.C.A.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this 19 day of April, 2022.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

04/20/22 Vote:

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Bernier

05/03/22 Reconsideration Vote:

PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Bernier

10/18/22 Vote:

YES: Hale, Nowers, Yundt, Tew, Sumner, and Bernier

NO: McKee