

NONCODE ORDINANCE

Sponsored By: Assemblymember Boeve
Introduced: 01/21/20
Public Hearing: 02/04/20
Adopted: 02/04/20

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 20-010**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE LESS THAN FAIR MARKET VALUE SALE OF BOROUGH LAND IN THE AMOUNT OF TEN DOLLARS TO THE TRAPPER CREEK COMMUNITY SERVICE ASSOCIATION, INC. FOR PURPOSE OF OWNING, CONSTRUCTING, MANAGING, AND MAINTAINING A COMMUNITY WELL AND WATERING POINT ON LOT 2, TRAPPER CREEK CENTER II SUBDIVISION(MSB007340).

WHEREAS, the Trapper Creek Community Service Association, Inc. (Association) is a nonprofit corporation which seeks approval to receive a 1.5 acre parcel of Borough-owned land identified as Lot 2, Trapper Creek Center II, for the purpose of owning, constructing, managing, and maintaining a community well and watering point for residents and visitors in the Trapper Creek area; and

WHEREAS, due to its lack of infrastructure for adequate or safe water sources, there is significant need in the area for a community well to serve the residents of Trapper Creek and visitors; and

WHEREAS, the Association has performed its due diligence and obtained authorization and funding for the project from the Alaska State Department of Environmental Conservation, Village Safe Water Program and was awarded a contract for the design and construction

of the project with a proposed completion date of December 2020;
and

WHEREAS, the community well and watering point operators will be trained by the State to manage and maintain the facility; and

WHEREAS, oversight of the project to include future operation will be through the Trapper Creek Community Services Water Committee (Committee) who will submit monthly reports on the watering facility operation to the Trapper Creek Community Council and the Alaska State Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs, as required by the State; and,

WHEREAS, pursuant to MSB 23.10.230(A)(1)(e) the Manager may, with the approval of the Assembly by ordinance when required by this title, approve a sale of Borough-owned real property by application if for use by a nonprofit organization; and

WHEREAS, due to the minimal financial resources afforded to the Trapper Creek Community Council and the Association, the Borough waived the \$500 application fee required by the Land and Resource Management Division's adopted fee schedule provided for in Borough code; and

WHEREAS, pursuant to the Land and Resource Management Division Policy and Procedures Manual, as adopted by Assembly Resolution Serial No. 16-068, Part 60, Less Than Fair Market Value Sales and Leases, allows sale of borough land for less than fair

market value consideration if for purpose of public health and welfare, or when a non-profit corporation provides a public service; and

WHEREAS, the estimated value of the 1.5 acre Borough parcel is \$3,750 and the request is to convey the property for \$10.00; and

WHEREAS, pursuant to MSB 23.10.060 (C) (1) and Land and Resource Management Division Policy and Procedures, Part 60, Less Than Fair Market Value Sales and Leases, Section 8.1 (A), the minimum fee to be paid to the Borough for a sale at less than fair market value would be the greater of \$500 or a range between 50 percent and 90 percent of the market value which shall be determined by the Assembly; and

WHEREAS, the same Policy and Procedures, Part 60-20, Section 7.1 requires the Borough retain a reversionary right for property sold at less than fair market value; and

WHEREAS, the Borough has neither the resources or manpower to manage and maintain a community well; therefore, MSB 23.10.060 (C)(1) and Land and Resource Management Division Policy and Procedures, Part 60-20, Sections 7.1 and 8.1(A) shall be notwithstanding; and

WHEREAS, public notice was provided in accordance with MSB 23.05.25 with overwhelming support for the project.

BE IT ENACTED:

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

Section 2. Disposal of Property. The Assembly, notwithstanding Borough code and adopted Policy and Procedures as stated herein, hereby approves the less than fair market value sale of Lot 2, Trapper Creek Center II, according to Plat No. 2019-14, recorded October 30, 2019, and filed in the Talkeetna Recording District, to the Trapper Creek Community Service Association, Inc. for ten dollars (\$10.00) and without a reversionary condition attached, and authorizes the Manager to complete the sale transaction.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

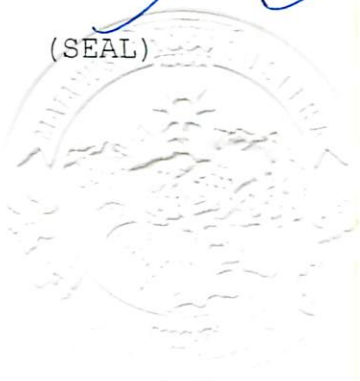
ADOPTED by the Matanuska-Susitna Borough Assembly this
4 day of February, 2020.


VERN HALTER, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Leonard, Mayfield,
Sumner, and Boeve