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**CITY OF HOMER
HOMER, ALASKA**

City Manager

ORDINANCE 14-23

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CONVEYANCE OF LOTS 1, 2, 3, 4 AND 5, SCENIC VIEW SUBDIVISION NO. 6 TO KACHEMAK BAY EQUESTRIAN ASSOCIATION. INC. FOR USE AS PART OF AN EQUESTRIAN PARK, AND WAIVING THE APPRAISAL OF THE PROPERTY AND SALE OF THE PROPERTY FOR FAIR MARKET VALUE.

WHEREAS, In 2006, Diana Conway and Judith Miller offered to donate Lots 1, 2, 3, 4 and 5, Scenic View Subdivision No. 6 ("Property") to the City of Homer for public use and the benefit and enjoyment of the community, including without limitation an equestrian or other park, trails, playgrounds, picnic areas, or greenbelt; and

WHEREAS, The Council accepted this offer by adopting Ordinance 06-34 on June 26, 2006 and the donors executed deeds transferring the Property to the City; and

WHEREAS, The Council adopted Resolution 06-116 on August 28, 2006, expressing its intent to donate the Property to the Kachemak Bay Equestrian Association, Inc. ("Association") provided the Association raised the necessary funds to build an equestrian park on the Property and adjacent property; and

WHEREAS, The Association has presented to the City satisfactory evidence that it has acquired title to the adjacent property and has raised the necessary funds to build an equestrian park on the Property and the adjacent property; and

WHEREAS, It is in the best interest of the City and its residents that the City convey the Property to the Association for use as part of an equestrian park, while reserving for the use of the general public an easement for pedestrian access across the south 30 feet of Lot 1, Scenic View Subdivision No. 6; and

WHEREAS; It also is in the best interest of the City and its residents that the City waive the requirements in HCC Chapter 18.12 for appraisal of the Property and sale of the Property for fair market value.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Notwithstanding anything to the contrary in Homer City Code Chapter 18.12, the City shall convey Lots 1, 2, 3, 4 and 5, Scenic View Subdivision No. 6 to Kachemak Bay Equestrian Association, Inc., subject to the conditions that the Property shall be used

45 exclusively for public open space, park and recreational purposes, including without limitation
46 an equestrian park, and that the City shall reserve from the conveyance an easement for
47 pedestrian access across the south 30 feet of Lot 1, Scenic View Subdivision No. 6. Without
48 limiting the generality of the foregoing, the Property may be conveyed without an appraisal
49 and for less than fair market value.

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51 Section 2. The City Manager hereby is authorized, empowered and directed to execute
52 and deliver on behalf of the City a quitclaim deed to the Property in substantially the form and
53 content attached to this ordinance as Exhibit A, but with such changes, modifications,
54 additions and deletions therein as he considers to be necessary, desirable or appropriate, the
55 execution thereof to constitute conclusive evidence of approval of any and all changes,
56 modifications, additions or deletions therein from the form and content of Exhibit A, and from
57 and after the execution and delivery of said document, the City Manager and City Clerk, and
58 their respective designees, each hereby is authorized, empowered and directed to do all acts
59 and things and to execute all documents as may be necessary to carry out and comply with the
60 provisions of said document as executed

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62 Section 3. This is a non-Code ordinance of a permanent nature.

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64 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 9th day of
65 June 2014.

66
67 CITY OF HOMER

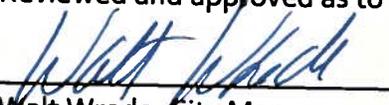
68
69 Mary E. Wythe
70 MARY E. WYTHE, MAYOR
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72
73 ATTEST:

74 Jo Johnson
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77 JO JOHNSON, MMC, CITY CLERK

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81 YES: 6
82 NO: 0
83 ABSTAIN: 0
84 ABSENT: 0

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86 First Reading: 5/27/14
87 Public Hearing: 6/09/14
88 Second Reading: 6/09/14
89 Effective Date: 6/10/14
90
91 Reviewed and approved as to form.
92 
93 _____
94 Walt Wrede, City Manager
95
96 Date: 6/11/14
97 _____
98 Fiscal Note: NA



Thomas F. Klinkner, City Attorney
Date: 6-18-14
