

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 16-40**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
TRANSFERRING RECREATIONAL POWERS TO THE KENAI  
PENINSULA BOROUGH FOR THE LEASING OF BOROUGH  
PROPERTY AS A SITE FOR AN INDOOR ATHLETIC FIELD.

WHEREAS, SAH Soccer, Inc. dba Soccer Association of Homer has developed a plan to establish an indoor athletic field known as the South Peninsula Athletic and Recreation Center (SPARC) within the City; and

WHEREAS, The City's comprehensive plan Goal 5, Objective B, Implementation Item 3, supports establishment of a community recreation center; and

WHEREAS, The City commissioned the 2015 Parks, Art, Recreation and Culture (PARC) Needs Assessment which identified as the most significant priority space needs for year-round indoor recreational activities, including those within the scope of the SPARC indoor athletic field; and

WHEREAS, Soccer Association of Homer has proposed to locate the SPARC indoor athletic field adjacent to the Homer Middle School, repurposing a softball field area; and

WHEREAS, Soccer Association of Homer has applied to the Kenai Peninsula Borough for a negotiated lease of the approximately 3.5 acre site described above; and

WHEREAS, The Kenai Peninsula Borough may enter into a the proposed lease with Soccer Association of Homer only in the exercise of a power that the Borough has lawfully assumed; and

WHEREAS, The City of Homer has recreational powers and the Kenai Peninsula Borough does not have recreational powers within the City of Homer; and

WHEREAS, Under AS 29.25.010(7) and AS 29.35.310, the City may transfer a power to the Kenai Peninsula Borough by ordinance; and

WHEREAS, It is in the best interest of the City and its residents that the City transfer to the Kenai Peninsula Borough so much of its recreational powers as is required to authorize the Kenai Peninsula Borough to enter into the proposed lease with Soccer Association of Homer.

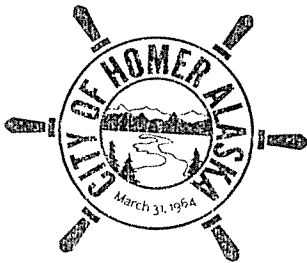
45 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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47 Section 1. Pursuant to AS 29.25.010(7) and AS 29.35.310, the City transfers to the Kenai  
48 Peninsula Borough limited recreational powers for the sole purpose of authorizing the  
49 Borough to enter into a lease of an approximately 3.5 acre site adjacent to the Homer Middle  
50 School for the management, development, and maintenance of an indoor recreational  
51 facility. The Borough may exercise all powers and functions necessary or fairly implied in or  
52 incident to the lease of the subject land for the management, development, and maintenance  
53 of an indoor recreational facility. Nothing in this transfer otherwise limits or reduces the  
54 current recreational powers of the City.

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56 Section 2. This ordinance shall be effective upon adoption, provided that the transfer  
57 of recreational powers in Section 1 is effective upon its acceptance by the Kenai Peninsula  
58 Borough.

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60 Section 3. This Ordinance is not permanent in nature, and shall not be codified.

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62 ENACTED BY THE CITY COUNCIL OF THE CITY OF HOMER, ALASKA, this 8<sup>th</sup> day of  
63 August, 2016.



CITY OF HOMER

Mary E. Wythe  
MARY E. WYTHE, MAYOR

70 ATTEST:

71 [Signature]  
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74 JOHNSON, MMC, CITY CLERK

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76  
77 AYES: 6  
78 NOES: 0  
79 ABSTAIN: 0  
80 ABSENT: 0

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84 First Reading: 7/25/16  
85 Public Reading: 8/08/16  
86 Second Reading: 8/08/16  
87 Effective Date: 8/09/16

88 Reviewed and approved as to form:

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Mary Koester

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Mary K. Koester, City Manager

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Date: 8.11.16

Holly C. Wells

Holly C. Wells, City Attorney

Date: 9.29.16