

NON CODE ORDINANCE

By: D. Moore
Introduced: 6/3/97
Public Hearing: 7/14/97
Public Hearing: 7/15/97
Amended: 7/15/97
Adopted: 7/15/97
Veto Issued: 7/22/97
Veto Overridden: 8/5/97

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 97-039 (AM)**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY CLASSIFYING APPROXIMATELY 320 ACRES OF BOROUGH-OWNED LAND WITHIN PORTIONS OF TRACT A, SECTION 7, AND A PORTION OF TRACT A, SECTION 18, ACCORDING TO ASCS 92-118, BEING WITHIN TOWNSHIP 17 NORTH, RANGE 3 EAST, SEWARD MERIDIAN, AS GENERAL PURPOSE LAND AND APPROVING A CONVEYANCE BY LEASE WITH OPTION TO PURCHASE TO HOMESTEAD RESORT PROPERTIES.

WHEREAS, an application has been received to purchase borough-owned land; and

WHEREAS, MSB 23.10.030(B) requires that borough-owned land be classified prior to sale or lease; and

WHEREAS, the highest and best use of the property is believed to be best defined by the general purpose land classification; and

WHEREAS, the Matanuska-Susitna Borough Agricultural and Forestry Board and Planning Commission concur with the recommendation to classify this land as general purpose land; and

WHEREAS, the Matanuska-Susitna Borough Planning Commission believes that special conditions as outlined in Planning Commission Resolution No. 97-58(SUB) (AM) should become part of the lease with option to purchase in order to protect the public health, safety, convenience and welfare of the Butte community; and

BE IT ENACTED:

* Section 1. Classification. This is a non-code ordinance.

* Section 2. Classification of land. The assembly of the Matanuska-Susitna Borough does hereby classify approximately 320 acres of borough-owned land within portions of Tract A, Section 7, and portions of Tract A, Section 18, according to ASCS 92-118, being within Township 17 North, Range 3 East, Seward Meridian, as general purpose land.

* Section 3. Terms of sale. The Matanuska-Susitna Borough Assembly approves the conveyance of land as a lease with option to purchase in accordance with the requirements and conditions of MSB Title 23 and those conditions set forth by the Matanuska-Susitna Borough Planning Commission Resolution No. 97-58(SUB)AM) and as set forth below:

1. That a master plan be developed and submitted to the borough for approval that provides a detailed schematic and narrative description of the proposed development.

2. That all relevant permits be obtained from federal, state and borough agencies prior to development, including a U.S. Army Corps of Engineers 404 permit.

3. That a projected investment schedule, including phases, be submitted to the borough.

4. That a projected development schedule, including phases, be submitted to the borough.

5. That the exercise of any option to purchase be contingent upon satisfactory completion of the development or a specific, pre-agreed upon phase.

6. That evidence of credit worthiness, letters of reference from financial institutions, proof of ability to finance the project, including phases, and ability to obtain performance bonds and insurance be provided to the borough.

7. That a traffic impact analysis be completed based upon the master plan, and if Maud Road requires upgrade that it be paid for by the developer or an alternate access be developed.

8. That a ground water monitoring system be installed.

9. That a storm water, drainage, erosion and flood control plan, to include McRoberts Creek, be developed based on the master plan and submitted to the borough for approval.

10. That a fertilizers and pesticides management plan be submitted to the borough for approval.

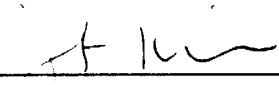
11. That a site rehabilitation plan describing how sites disturbed by construction or development activities will be rehabilitated be submitted to the borough for approval.

12. That a vegetative buffer for the relocated trail be provided, and that coordination with the local trail users on the design and location of the relocated trail occur.

13. That as an additional condition of conveyance the Maud-Plumley trail be kept open until a platting vacation approval is obtained and equal or better alternate trails are dedicated, constructed, and accepted by the borough guaranteeing that the use of that trail will be free of charge and open at all times for both motorized and non-motorized recreational uses in perpetuity.


* Section 4. Effective date. Ordinance Serial No. 97-039 (AM) shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 17th day of July, 1997.



JANET KINCAID, Deputy Borough Mayor

ATTEST:



SANDRA A. DILLON, Borough Clerk

(Seal)