

NON-CODE ORDINANCE

Sponsored by: Borough Manager  
Introduced: 02/07/17  
Public Hearing: 02/21/17  
Adopted: 02/21/17

**MATANUSKA-SUSITNA BOROUGH  
ORDINANCE SERIAL NO. 17-020**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE BOROUGH MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO DISPOSE OF THE BOROUGH-OWNED EXCESS LAND ACQUIRED FOR THE PORT MACKENZIE RAIL EXTENSION PROJECT (PMRE), DESCRIBED AS TRACT 22A, ALASKA STATE LAND SURVEY NO. 80-111, RECORDED AS PLAT NO. 82-80, PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, TO BE PLACED IN AN UPCOMING LAND SALE WITH A MINIMUM BID AMOUNT OF \$650,000 (CPD000296).

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WHEREAS, the Matanuska-Susitna Borough Assembly has reviewed the Decisional Document for Borough-owned land described as Tract 22A, Alaska State Land Survey No. 80-111, recorded as Plat No. 82-80, Palmer Recording District, Third Judicial District, State of Alaska, approximately 301.7 acres; and

WHEREAS, the land was acquired by the Borough as part of the Port MacKenzie Rail Extension Project; and

WHEREAS, the Borough has separated the larger Tract 22A into an easement for the Port MacKenzie Rail Corridor (12.1 acres) and the remainder farmland (289.6 acres); and

WHEREAS, the Borough has received requests from the public about the disposition of the farmland remainder portion of Tract 22A with interest to purchase; and

WHEREAS, pursuant to Title 23, the public notice requirements were met; and

WHEREAS, on May 22, 2015, the Borough filed with the Palmer Superior Court its Complaint for Condemnation (Case No. 3PA-15-1623 CI) to remove the agricultural covenants on 12.1 acres of Tract 22A; and

WHEREAS, on March 8, 2016, the Final Order of Condemnation, recorded March 14, 2016, at serial no. 2016-004742-0, Palmer Recording District, was issued by the Palmer Superior Court which stated the "Borough's title to these parcels is hereby vested free and clear of the agricultural covenants and the use restrictions thereof" that affect 12.1 acres for the rail right-of-way on Tract 22A; and

WHEREAS, the remaining 289.6 acres is encumbered with a perpetual covenant (AS 38.05.321) which restricts or limits the use of the land for agricultural purposes only; and

WHEREAS, the sale of Tract 22A is in the best interest of the Borough and the public by providing the opportunity to put the farm fields back in farm production thereby meeting the goals of the agricultural covenants.

BE IT ENACTED:

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

Section 2. Approval of sale. The Matanuska-Susitna Borough Assembly approves and authorizes the Manager to sign all documents necessary to dispose of the Borough-owned excess land described as

Tract 22A, A.S.L.S. 80-111, Plat No. 82-80, Palmer Recording District, Third Judicial District, State of Alaska, to be placed in an upcoming land sale with a minimum bid amount of \$650,000.

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

ADOPTED by the Matanuska-Susitna Borough Assembly this 21 day of February, 2017.

  
VERN HALTER, Borough Mayor

ATTEST:

  
LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Sykes, Beck, McKee, Colligan, Mayfield, Doty, and Kowalke