

**Petersburg Borough, Petersburg, Alaska  
RESOLUTION #2017-09**

**A RESOLUTION APPROVING AN APPLICATION TO PURCHASE BOROUGH LAND (LOT 7, BLOCK 35, SOUTHEAST ADDITION SUBDIVISION, PLAT #73-965, US SURVEY 1252, SECTION 27, T58S, R79E) LOCATED AT 205 S. THIRD STREET (PARCEL #01-007-647) AND EXEMPTING THE PURCHASE AND SALE FROM PUBLIC AUCTION PER THE PROVISIONS OF MUNICIPAL CODE SECTION 16.12.080E**

**WHEREAS**, Borough parcel #01-007-647, located at 205 S. Third Street, has been leased by the City/Borough to the owners of the adjacent parcel #01-007-646, located at 203 S. Third Street, since 1982; and

**WHEREAS**, a shed is located on the leased parcel that has been used by the lessee for decades; and

**WHEREAS**, Kimberly Kivisto, the current owner of parcel #01-007-646, located at 203 S. Third Street, made application to purchase parcel #01-007-647, which she has leased from the City/Borough since 2011; and

**WHEREAS**, a portion (740 sq. feet) of parcel #01-007-647 actually sits inside the fenced area of adjacent Lot 10A, as part of the Public Works yard; and

**WHEREAS**, in preparation for possible sale of this parcel, and to reflect the actual size of the lot, a replat was prepared (see attached plat titled Kivisto Subdivision), to be utilized only upon final closing of the sale of parcel #01-007-647 to the applicant, to:

1. Reflect the actual size of the sale parcel (4,260 sq. feet rather than 5,000 sq. feet); and
2. Consolidate the 740 sq. feet of parcel #01-007-647 that is fenced as part of the Public Works yard into Lot 10A, forming a new Lot 10B; and
3. Consolidate parcels #01-007-646 (Lot 5) and #01-007-647 (Lot 7) to form a new Lot 5A; and

**WHEREAS**, the Planning Commission held a noticed public hearing on February 21, 2017, regarding the Kivisto application to purchase parcel #01-007-647 and the minor subdivision/replat of the Kivisto Subdivision and received no testimony objecting to the replat and sales; and

**WHEREAS**, the findings of fact by the Planning Commission determined the Kivisto Subdivision meets the requirements of Borough Code, and the Commission unanimously approved the replat and recommended the potential sale to Kimberly Kivisto; and

**WHEREAS**, the Borough Assessor determined the full and true value of parcel #01-007-647, located at 205 S. Third Street to be \$17,000; and

**WHEREAS**, Petersburg Municipal Code Section 16.12.080E states the Assembly shall determine by resolution whether an application to purchase Borough land shall move forward in

the process, and, if it is to move forward, the Assembly shall schedule a public auction or exempt the application from auction.

**NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH ASSEMBLY OF THE PETERSBURG BOROUGH, as follows:**

1. Parcel #01-007-647, located at 205 S. Third Street (legal description: Lot 7, Block 35, Southeast Addition Subdivision, Plat #73-965, US Survey 1252, Section 27, T58S, R79E) is not needed for public use.
2. The sale of parcel #01-007-647 shall be exempt from public auction due to the 35 year lease history and use of the parcel by the owners of the adjacent parcel #01-007-646 located at 203 S. Third Street.
3. Approval is hereby given for the sale of parcel #01-007-647 to Kimberly Kivisto for the full and true assessed value of \$17,000, plus any costs of handling the application and sale as determined by the Borough Clerk's office per Petersburg Municipal Code Section 16.12.100.
4. Upon timely payment of the sale price by the applicant, the Borough Manager is authorized to execute a quitclaim deed, conveying the parcel #01-007-647 to the applicant. The parties shall further execute a document terminating the existing lease.
5. As part of the closing, the Borough Clerk is directed to obtain the requisite signatures on the Kivisto Subdivision replat and cause the replat to be recorded with the State of Alaska District Recorder's Office.

**Passed and Approved by the Petersburg Borough Assembly on April 17, 2017.**

---

**Mark Jensen, Mayor**

**ATTEST:**

---

**Debra Thompson, Clerk**