

CODE ORDINANCE

By: Borough Manager
Introduced: 01/17/12
Public Hearing: 02/07/12
Adopted: 02/07/12

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 12-013**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY ADOPTING AN AMENDMENT TO THE DEFINITION OF RESERVE USE LANDS TO INCLUDE "FOR DEVELOPMENT OF PORT MACKENZIE," MSB 23.05.100 AND RECLASSIFYING ALL BOROUGH-OWNED LAND WITHIN THE PORT MACKENZIE SPECIAL USE DISTRICT AS RESERVED USE LANDS.

WHEREAS, the legal description of the Port MacKenzie Special Use District boundary is described by MSB 18.02.020(C)(D), containing 9,033 acres more or less; and

WHEREAS, the Assembly adopted Ordinance Serial No. 99-076 on May 4, 1999, classifying the Port MacKenzie District as "commercial-industrial" as primary purpose and "general purpose" as a secondary purpose; and

WHEREAS, the Assembly adopted Ordinance Serial No. 99-140 on August 17, 1999, classifying some of the Port MacKenzie District land surrounding Lake Loraine as recreational and residential; and

WHEREAS, MSB 23.10.030(B) states, "Unless otherwise provided by ordinance or this title, no borough-owned real property may be sold, leased for a term of ten years or longer, or exchanged until the same has been classified in accordance with the provisions of Title 15 of the Borough Code;" and

WHEREAS, Borough-owned properties within the Port MacKenzie Special Use District are zoned for commercial and industrial development, in accordance with MSB 17.23; and

WHEREAS, the recommended classification for all Borough-owned land within the port district as reserve use lands provides for a single land classification that removes non-conforming classifications and enhances the development goals and guidelines of the Port Master Plan, MSB 17.23 and MSB 23.

BE IT ENACTED:

Section 1. Classification. Section 2 is of a general and permanent nature and shall become a part of the Borough Code, Section 3 of this ordinance is non-code.


Section 2. Adoption of amendment to paragraph. MSB 23.05.100 (A) (13) is hereby amended as follows:

(13) reserve use lands are those lands which have been transferred, assigned, or designated for present or future public use, or for use by a government or quasi-government agency, or for future development of new town sites, or for future expansion of existing public uses, **or for development of Port MacKenzie;** and

Section 3. Approval of re-classification. The Matanuska-Susitna Borough Assembly finds that all existing land use classifications that were created by, but not limited to, Ordinance Serial No. 99-076 and Ordinance Serial No. 99-140 are hereby revoked. The Matanuska-Susitna Borough Assembly does hereby approve re-classification of all borough-owned land within the Port MacKenzie Special Use District as reserved use lands.

Section 4. Effective date. This ordinance shall take effect upon adoption by the Matanuska-Susitna Borough Assembly.

ADOPTED by the Matanuska-Susitna Borough Assembly this 7 day of February, 2012.


LARRY DEVILBISS, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)

PASSED UNANIMOUSLY: Keogh, Woods, Arvin, Colligan, Salmon, and Colver