

Introduced by: Mayor
Date: December 5, 1978^{Not Intro.}
Referred to Port & Harbor Committee 12/5/78
Public Hearing held: May 20, 1980
Hearing: July 1, 1980

KENAI PENINSULA BOROUGH

ORDINANCE 78-70

ESTABLISHING A HARBOR AND PORT AUTHORITY SERVICE AREA
IN THE BOROUGH.

WHEREAS, on September 12, 1978, the Borough Clerk received a petition to establish a harbor and port authority service area in the Borough; and

WHEREAS, the proposed service area would encompass the precincts of Kalifonsky including Tyonek, Kenai 1, 2, 3, Nikiski 1, 2, and Ridgeway, Sterling, Soldotna, and Tustumena; and

WHEREAS, the petition contains at least 15% of the number of voters who voted in the last regular election in these precincts; and

WHEREAS, the Borough Clerk has declared this petition sufficient under the requirements of the Borough Code of ordinances; and

WHEREAS, the Assembly or Mayor may set the time and place of a public hearing to consider the necessity for the proposed service area;

NOW THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE
KENAI PENINSULA BOROUGH:

Section 1. Title 16 of the Borough Code of ordinances is amended to add a new Chapter to read:

Chapter 16.36. Harbor and Port Authority Service Area

Section 16.36.010. Boundaries. There is hereby established pursuant to Article X, Section 5 of

the Alaska Constitution and Section 29.63.090 of the Alaska Statutes, a service area within the Borough designated as "Harbor and Port Authority Service Area", in that portion of the Borough described as follows:

As a Point of Beginning, begin at the Northwest Corner of Township 13 North, Range 11 West (projected), Seward Meridian, State of Alaska; thence East to the Northeast Corner of Township 13 North, Range 10 West, (projected); thence South to the Southeast Corner of Township 13 North, Range 10 West (projected), said corner being in Cook Inlet at longitude $150^{\circ}58'18''$ W, latitude $61^{\circ}10'00''$ N; thence southeasterly to the Southeast Corner of Township 12 North, Range 9 West (projected), said corner being in Cook Inlet at longitude $150^{\circ}46'37''$ W, latitude $61^{\circ}04'49''$ N; thence northeasterly to the Northeast Corner of Township 12 North, Range 7 West (projected), said corner being in Cook Inlet at longitude $150^{\circ}26'01''$ W, latitude $61^{\circ}01'01''$ N; thence southeasterly to the Northeast Corner of Township 11 North, Range 6 West (projected), said corner being in Turnagain Arm at longitude $150^{\circ}14'40''$ W, latitude $61^{\circ}04'49''$ N; thence East to the Northeast Corner of Township 11 North, Range 5 West (projected), said corner being in Turnagain Arm at longitude $150^{\circ}04'01''$ W, latitude $61^{\circ}04'49''$ N; thence southeasterly to the common boundary of the Kenai National Moose Range and the Chugach National Forest and Chickaloon Bay; thence South along the common boundary of the Kenai National Moose Range and the Chugach National Forest to the intersection with the boundary between Election Districts 9 and 10; thence southerly along the boundary line between Election Districts 9 and 10 to an intersection with the township line between Township 1 North and Township 2 North (projected); thence West along the township line between Township 1 North and Township 2 North to a point three (3) miles off shore in Cook Inlet; thence southwesterly to an intersection with Seward baseline at a point three (3) miles off shore in Cook Inlet from the western shore of Cook Inlet; thence West to the Southwest Corner of Township 1 North, Range 24 West (projected); thence North to the Northwest Corner of Township 4 North, Range 24 West (projected); thence East to the Southwest Corner of Township 5 North, Range 18 West (projected); thence North to the Northwest Corner

of Township 5 North, Range 18 West (projected); thence East to the Southwest Corner of Township 6 North, Range 17 West (projected); thence North to the Northwest Corner of Township 6 North, Range 17 West (projected); thence East to the Southwest Corner of Township 7 North, Range 16 West (projected); thence North to the Northwest Corner of Township 7 North, Range 16 West (projected); thence East to the Southwest Corner of Township 8 North, Range 15 West (projected); thence North to the Northwest Corner of Township 10 North, Range 15 West (projected); thence East to the Southeast Corner of Township 11 North, Range 14 West (projected); thence North to the Northwest Corner of Township 11 North, Range 13 West (projected); thence East to the Southwest Corner of Township 12 North, Range 12 West (projected); thence North to the Southwest Corner of Township 13 North, Range 12 West (projected); thence East to the Southwest Corner of Township 13 North, Range 11 West (projected); thence North to the Northwest Corner of Township 13 North, Range 11 West (projected), the Point of Beginning.

Section 16.36.020. Board of Directors. (a) There is hereby established a board of directors for the service area composed of an elected five (5) member board, the members of which shall be elected to staggered five (5) year terms. The members of the board shall be nominated and elected by the qualified voters of the service area in the manner provided for candidates for assemblymen in the Borough Code of ordinances, except that members of the board shall be residents of the Borough within the Service area.

(b) The board shall meet periodically at regular and special meetings called by the board. All meetings shall be open to the public as provided by law.

Section 16.36.030. Powers and Duties. The board of directors of the service area, subject to Assembly approval, and appropriation of funds, shall supervise the services within the service area and shall

advise the Mayor and the Assembly concerning the administration and operation of the service area. Subject to the limitations of the Alaska Constitution and the Alaska Statutes, the board of directors may be authorized and empowered to exercise all powers reasonably necessary to provide for harbor, wharf and other marine facility development within the service area, which may include the power:

To make surveys and studies related to harbor, wharf or marine facility development within the service area district.

To develop and operate harbors, wharves or other marine facilities within the service area district.

Section 16.36.040. Powers of Cities. This ordinance is contingent upon the transfer to the Borough, by the City of Kenai and the City of Soldotna, of their power to provide harbors, wharves, and other marine facilities, subject to the further approval of the Borough Assembly by ordinance, of the transfer of these city powers.

Section 2. In the event that this ordinance becomes effective, and the service area is approved by the voters in the service area, the Assembly shall enact an ordinance providing for the organization and the rules and regulations to govern the service area, unless otherwise provided by the Borough Code of ordinances.

Section 3. This ordinance is effective after enactment subject to its conditions, and upon approval by the voters of the service area at an election to be held as provided by resolution of the Assembly.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS _____ DAY OF _____, 1978.

ATTEST:

Borough Clerk

JoAnn Elson, Assembly President

Kenai Peninsula Borough
Ordinance 78-70
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