

Introduced by: Sewall/
McGahan
Date: Dec. 3, 1985
Hearing: Jan. 21, 1986
Vote: Unanimous
Action: Enacted as Amended

KENAI PENINSULA BOROUGH

ORDINANCE 85-93 (SUBSTITUTE)

ADOPTING A BOROUGH POLICY FOR RIGHT-OF-WAY ACQUISITIONS.

WHEREAS, there exists a need for a consistent Borough policy for right-of-way acquisitions when the Borough administration and the private property owner(s) involved cannot reach agreement on the right-of-way acquisition; and

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

Section 1. That the KPB Code of Ordinances, Chapter 14, is hereby amended to add a new section 14.04.020 to read as follows:

14.04.020 Right-of-way acquisitions. There is adopted a Borough policy governing right-of-way acquisitions, to be effective when the Borough administration and the private property owner(s) affected cannot reach agreement on the right-of-way acquisition as follows:

1. The borough administration shall have an appraisal made of the property. Property owner(s) may have additional appraisals made for assembly consideration at their own expense. The appraisal shall be conducted in accordance with procedures established by the Alaska Department of Transportation for acquisition of right-of-way.

2. The appraisal with the highest value shall be selected by the Assembly to govern the highest price paid for the land needed for the right-of-way or the Assembly may elect not to acquire the right-of-way when the matter is presented to it.

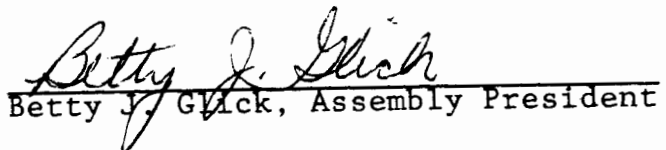
3. The Borough shall compensate the private owner(s) for the land needed for the right-of-way by payment of money, and not by any other method. Compensation for direct damage such as relocation of fences, septic systems, wells, and etc., will also be paid.

Section 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 21st DAY OF January, 1986.

ATTEST:


Borough Clerk


Betty J. Glick, Assembly President