

Introduced by: Mayor
Date: June 5, 1990
Hearing: June 19, 1990
Vote: Unanimous
Action: Enacted

KENAI PENINSULA BOROUGH

ORDINANCE 90-43

AMENDING TITLE 20 OF THE BOROUGH CODE OF ORDINANCES TO CLARIFY
DEFINITION AND USE OF EASEMENTS SHOWN ON SUBDIVISION PLATS

WHEREAS, the intent and purpose of easements shown on subdivision plats is sometimes vague or not fully understood by owners or prospective buyers of subdivided land; and

WHEREAS, structures and appurtenances inadvertently placed within easements result in problems for all parties; and

WHEREAS, revising platted easements requires considerable time and expense by all parties, including borough staff and planning commission; and

WHEREAS, the Kenai Peninsula Borough Planning Commission considered and recommended enactment of these ordinance amendments at their meeting of April 16, 1990.

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

Section 1. That Section 20.08.060 is hereby repealed and a new Section 20.08.060 is enacted as follows:

Section 20.08.060 Easement. "Easement" means the grant of a certain right to the use of the land by parties other than the owner. Generally perpetual; if temporary, the condition for termination must be stated.

A. Ingress and Egress Easement. The right to enter and leave or, travel through property.

B. Utility Easement. The right to install and maintain utilities normally associated with developed land such as electric, telephone, gas, drainage, sewer and water facilities. The right of ingress and egress for conducting utility operations is implicit.

C. Other Easements. Special purpose easements such as slope, screening, pedestrian, pipeline, etc. The specific conditions of these easements can vary.

Section 2. That Section 20.16.120 is hereby repealed and a new Section 20.16.120 is enacted as follows:

Section 20.16.120 Utility Easements.

A. Upon submittal of a preliminary plat, the planning department shall provide a copy to public utility companies for their comment and/or design of utility easements:

1. If the property is subject to existing natural gas or petroleum pipeline easements, a copy shall also be furnished to the appropriate company for comment.

B. Utility easements designed by a utility company shall be clearly shown on the final plat in graphic form including dimensions or as a note.

1. The subdivider bears the responsibility for coordination with the utility companies during the design and development phases.

C. The following note shall be shown on the final plat:

"No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement."

Section 3. That Subsection 20.16.130.A, a new subsection is hereby enacted as follows:

A. Special purpose easements being granted by the plat shall be clearly defined for allowed use, and who, or what parties have the easement rights.

Section 4. That this ordinance takes effect thirty (30) days after enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 10th DAY OF June, 1990

ATTEST:

James W. Skogstad
James W. Skogstad, Assembly President

Robert H. Jensen
Borough Clerk

Introduced by: Mayor
Date: June 5, 1990
Hearing: June 19, 1990
Action: Enacted as Amended
Vote: Unanimous

KENAI PENINSULA BOROUGH
ORDINANCE 90-44

AUTHORIZING THE SALE OF BOROUGH LANDS LOCATED ON THE WEST SIDE OF COOK INLET TO MARATHON OIL COMPANY FOR THE PURPOSE OF ESTABLISHING A DRILLING MUD DISPOSAL SITE

WHEREAS, the borough filed a selection on the E1/2 of Section 36, Township 9 North, Range 15 West, Seward Meridian as authorized by Kenai Peninsula Borough Resolution 89-43; and

WHEREAS, the intent of this selection was for the ultimate disposal of the lands to Marathon Oil Company for establishment of a drilling mud disposal site; and

WHEREAS, the State of Alaska has issued a decision to the borough approving of the selection; and

WHEREAS, Marathon Oil Company desires to begin construction and operation of this facility during the early 1990 construction season; and

WHEREAS, the Kenai Peninsula Borough Planning Commission considered this disposal action at its meeting of May 21, 1990.

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

Section 1. That lands described as being the E1/2 of Section 36, Township 9 North, Range 15 West, Seward Meridian, Alaska, containing 320 acres, more or less, are hereby classified as lands for disposal to Marathon Oil Company.

Section 2. That Marathon Oil Company shall bear the cost to have a survey performed and plat prepared, submitted and filed in the appropriate recording district for the lands in accordance with Title 26 of the Borough Code of Ordinances and all appropriate state requirements. Said survey and plat shall be completed prior to conveyance to Marathon Oil Company.

Section 3. That the price of the lands shall be the assessed value as determined by the borough assessor or as negotiated by the mayor based on the assessed value and a value as determined by an independent fee appraiser. The cost of any appraisal submitted by an independent fee appraiser shall be the burden of Marathon Oil Company.

Section 4. That upon payment in full at the time of purchase the mayor shall execute a warranty deed to Marathon Oil Company.

Section 5. That the mayor is authorized to sign any documents necessary to effectuate this ordinance and deemed to be in the best interests of the borough.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 19th DAY OF June, 1990.


James W. Skogstad, Assembly President

ATTEST:


Borough Clerk