

| | |
|----------------|--|
| Introduced by: | Martin |
| Date: | 12/11/01 |
| Hearing: | 01/08/02, 01/22/02 |
| Action: | Postponed until 01/22/02 |
| Date: | 01/08/02 |
| Action: | Enacted |
| Date: | 01/22/02 |
| Vote: | 5 Yes, 4 No |
| Action: | Notice of Reconsideration given by Moss for 02/05/02 |
| Action: | No Motion to Reconsider |
| Date: | 02/05/02 |

**KENAI PENINSULA BOROUGH
ORDINANCE 2001-48**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE
KACHEMAK EMERGENCY SERVICE AREA TO INCLUDE
PROPERTY LOCATED IN THE MILLER'S LANDING AREA BETWEEN
THE CITY OF HOMER AND KACHEMAK CITY**

WHEREAS, in Ordinance 2000-29 the assembly established the service area now known as the Kachemak Emergency Service Area to provide fire and emergency medical services to the areas described in the ordinance outside of the cities of Homer and Kachemak; and

WHEREAS, the legal description for the proposed service area inadvertently excluded the area known as Miller's Landing which is a wedge of land situated between the City of Homer and the City of Kachemak containing approximately 161.65 acres and 74 residents according to the 2000 census; and

WHEREAS, the existing Kachemak Emergency Service Area contains 139,476.5 acres; and

WHEREAS, the residents of Miller's Landing were among the voters who voted on formation of the service area; and

WHEREAS, election results for Miller's Landing are not available, but Miller's Landing is part of the Fritz Creek precinct, where voters favored forming the Kachemak Emergency Service Area 227 to 66; and

WHEREAS, according to Alaska Statute 29.35.450(c) voter approval is not required to alter the size of a service area where the increase would include less than 1,000 residents and no more than 6 percent of the land area; and

WHEREAS, this increase complies with that requirement; and

WHEREAS, this modification does not violate Alaska Constitution Article X which prohibits the establishment of a new service area if the new service can be provided by annexation to a city as this ordinance is not establishing a new service area but

instead is expanding the size of an existing service area to include an area that was intended to be included in the original service area;

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

SECTION 1. KPB 16.20.010 is amended to read as follows:

16.20.010. Boundaries.

There is established a service area within the borough designated as the “Greater Kachemak Volunteer Fire and Emergency Medical Service Area,” in that portion of the borough described as all the following referenced to the Seward Meridian, Alaska:

Beginning at the north 1/16 line of section 35, T5S, R15W, and the mean high water line on the westerly shore of Cook Inlet;

Thence Easterly along the 1/16 line to the north 1/16 corner common to section 32 and 33, T5S, R14W;

Thence north along the section line to the intersection of the thread of Anchor River;

Thence easterly along the thread of Anchor River to the point of intersection with the line common to section 36, T4S, R12W and section 31, T4S, R11W;

Thence north to the Northwest corner of T4S, R11W;

Thence east along the township line to the section corner common to section 35 and 36, T3S, R11W, and section 1 and 2, T4S, R11W;

Thence north to the section corner common to section 1, 2, 11, and 12, T3S, R11W;

Thence east to the section corner common to section 5, 6, 7, and 8, T3S, R9W;

Thence south to the section corner common to section 19, 20, 29, and 30, T3S, R9W;

Thence southeasterly on a projected line toward the section corner common to section 28,29,32 and 33, T3S, R9W to the thread of the Fox River;

Thence southwesterly along the thread of the Fox River to the Mean High Water Line of the Kachemak Bay;

Thence southwesterly along the Mean High Water Line also being the north shore of Kachemak Bay to intersection of T6S, R12W, and T6S, R13W also being Kachemak City east boundary;

Thence north along the Kachemak City boundary to the south 1/16 corner common to section 1, T6S, R13W, and section 6, T6S, R12W;

Thence west along the Kachemak City boundary to the south 1/16 corner common to section 1, and 2, T6S, R13W;

Thence south along the Kachemak City boundary to the section corner common to section 1, 2, 11, and 12, T6S, R13W;

Thence west along the Kachemak City boundary to the section corner common to section 2, 3, 10, and 11, T6S, R13W;

Thence south along the Kachemak City boundary to the ¼ corner common to section 10 and 11, T6S, R13W;

Thence west along the Kachemak City boundary to the Center ¼ corner of section 10, T6S, R13W;

Thence south along the Kachemak City boundary to the ¼ corner common to section 10 and 15, T6S, R13W also being the north boundary City of Homer;

Thence west along the City of Homer boundary to the section corner common to section 7, 8, 17, and 18; T6S, R13W

Thence south along the City of Homer boundary to the ¼ corner common to section 17 and 18, T6S, R13W;

Thence west along the City of Homer boundary to the ¼ corner common to section 14 and 15, T6S, R14W;

Thence south along the section line to the intersection of the Mean High Water Line of Cook Inlet;

Thence Northwesterly along the Mean High Water Line and the Cook to intersection of the north 1/16 line of section 35, T5S, R15W, the point of beginning.

And that land also known as Miller's Landing more particularly described as:

Beginning at the Mean High Water Line of Kachemak Bay, at the point common to Section 11 and 14, Township 6 South, Range 13 West;

Thence West along the section line also being the Homer City boundary to the centerline of East End Road;

Thence Northeasterly along the centerline of East End Road also being the boundary of Kachemak City to the section line common to Section 11 and 12, Township 6 South, Range 13 West;

Thence South along the section line also the boundary of Kachemak City to the Mean High Water Line of Kachemak Bay;

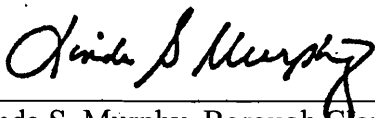
Thence Southwest along the Mean High Water Line of Kachemak Bay, the point of beginning.

SECTION 2. That this ordinance shall take effect retroactive to January 1, 2002.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 22ND DAY OF JANUARY, 2002.


Timothy Navarre, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

