

Introduced by: Mayor
Date: 05/21/02
Hearing: 06/18/02
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2002-20**

**AN ORDINANCE AMENDING THE BOUNDARIES OF THE KACHEMAK
EMERGENCY SERVICE AREA TO EXCLUDE PROPERTY LOCATED IN THE
NEWLY ANNEXED PORTIONS OF THE CITY OF HOMER**

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 City of Homer boundary was expanded effective March 20, 2002 to include Miller's Landing and other portions of the Kachemak Emergency Service Area an the Road Service Area; and

WHEREAS, in accordance with law, the boundaries of both service areas should be amended to align with the city boundaries to prevent the duplication of services and taxation; and

WHEREAS, in accordance with an attorney general opinion rendered December 12, 2001, voter approval is not required to amend these service area boundaries to comply with the annexation, despite the voter approval requirement contained in AS 29.35.450(c); and

WHEREAS, the code provision describing the road service area boundary does not require modification as, by its terms, the service area excludes all land contained in the city limits of Homer, but the description of the Kachemak Emergency Service Area must be amended; and

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 "Kachemak Emergency 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 sections 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 to the W-W-E 1/256 corner common to Sections 3, 10, T6S, R13W;

Thence south to the C-W-E-NE 1/256 of Section 10, T6S, R13W;

Thence west to northwest 1/16 corner of Section 10, T6S, R13W;

Thence north to the north edge of Skyline Drive right-of-way;

Thence southwesterly along the north edge of Skyline Drive right-of-way to the intersection of the north 1/16 line of Section 10, T6S, R13W;

Thence west to the northwest 1/16 corner of Section 9, T6S, R13W;
Thence north to the west 1/16 corner common to Sections 4, 9, T6S, R13W;
Thence west to the section corner common to Sections 4, 5, 8, 9, T6S, R13W;
Thence south to the ¼ corner common to Sections 8, 9, T6S, R13W;
Thence west to the center east 1/16 corner of Section 8, T6S, R13W;
Thence south to the north edge of Skyline Drive right-of-way;
Thence southwesterly along the north edge of Skyline Drive to the intersection of the south 1/16 line of Section 8, T6S, R13W;
Thence west to the west 1/16 corner of Sections 7, 8, T6S, R13W;
Thence north to the N-N-N 1/256 corner of Sections 7, 8, T6S, R13W;
Thence east to the C-N-N-NW 1/256 corner of Section 8, T6S, R13W;
Thence south to the C-N-NW 1/64 corner of Section 8, T6S, R13W;
Thence east to the N-CN 1/64 corner of Section 8, T6S, R13W;
Thence north to the ¼ corner common to Sections 5, 8, T6S, R13W;
Thence east to the W-E 1/64 corner common to Sections 5, 8, T6S, R13W;
Thence north to the SW-SE 1/64 corner of Section 5, T6S, R13W;
Thence west to the S-SC 1/64 corner of Section 5, T6S, R13W;
Thence south to the C-S-S-SW 1/64 corner of Section 5, T6S, R13W;
Thence west to the C-S-S-SW 1/256 corner of Section 5, T6S, R13W;
Thence north to the C-S-SW 1/64 corner of Section 5, T6S, R13W;
Thence west to the S-S 1/64 corner common to Sections 5, 6, T6S, R13W;
Thence north to the N-S-S 1/256 corner common to Sections 5, 6, T6S, R13W;
Thence west to the C-N-S-SE 1/256 corner of Section 6, T6S, R13W;
Thence south to the north edge of Crossman Road right-of-way;
Thence southwesterly along the north edge of Crossman Road right-of-way to the intersection of the north edge of Skyline Drive right-of-way;
Thence southwesterly along the north edge of Skyline Drive right-of-way to the Section line common to Sections 7, 12, T6S, R14W;

Thence south along the section line to the section corner common to Sections 12, 13, T6S, R14W and Sections 7, 18, T6S, R13W;

Thence west to the west 1/16 corner common to Sections 12, 13, T6S, R14W;

Thence south to the northwest 1/16 corner of Section 13, T6S, R14W;

Thence west to the north 1/16 corner of Sections 15, 16, T6S, R14W;

[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;

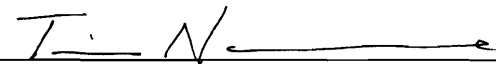
THENCE NORTHEASTERLY ALONG THE CENTERLINE OF EAST END ROAD ALSO BEING THE BOUNDARY OF KACHEMAK CITY TO THE SECTION LINE COMMON TO SECTION 11 AND 12, TOWNSHIP 6 SOUTH, RANGE 13 WEST;

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.]

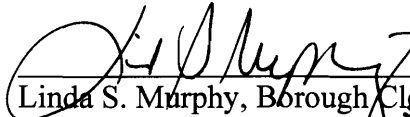
SECTION 2. That this ordinance shall take effect as of March 20, 2002.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF JUNE, 2002.



Timothy Navarre, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

