

Introduced by: Mayor
Date: 07/06/04
Hearing: 08/03/04
Action: Enacted as Amended
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
ORDINANCE 2004-22**

**AN ORDINANCE EXPANDING THE CENTRAL EMERGENCY SERVICE
AREA TO INCLUDE THE FUNNY RIVER AREA AND/OR THE
KASILOF / COHOE / CLAM GULCH AREA**

WHEREAS, the Funny River and Kasilof areas are within the Central Peninsula Medical Emergency Service Area (CPEMS) that is currently managed through the Joint Operations Board for CPEMS and Central Emergency Service Area (CES); and

WHEREAS, Funny River Emergency Services (FRES) has been working diligently to provide fire protection to the community and has now completed construction of the Funny River Emergency Response Building; and

WHEREAS, this ordinance provides the residents of the Funny River area and the Kasilof / Cohoe / Clam Gluch area the option to join the Central Emergency Service Area that provides both fire and emergency medical services; and

WHEREAS, the Central Emergency Services board recommend adoption at its July 20, 2004, meeting; and

WHEREAS, due to the size and population of the proposed area, the lack of need for city government and certain character, resource, population, and boundary standards for annexation to cities as described in 3 AAC 110.090-.140, such services cannot be provided by annexation to a city, or by incorporation as a city;

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

SECTION 1. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by expanding the boundaries in 16.30.010 to include the Funny River area, by identifying the existing KPB 16.30.010 as paragraph A and adding a new paragraph B as follows:

There is established a Central Emergency Service Area within that portion of the borough described as follows:

All referenced to Seward Meridian, Alaska;

Beginning at the corner common to T3 and 4 N, R10 and 11 W;
Thence west along the line common to T3 and 4N, R11W, to the corner common
to Section 3, 4, 33 and 34;

Thence, in T3N, R11W, southerly along the line common to Sections 3 and 4 to
the N 1/16 corner common to said Sections 3 and 4;

Thence westerly along the north 1/16 line of said Section 4 to the north 1/16
corner on the line common to Sections 4 and 5;

Thence northerly along said common line to the corner common to Sections 4 and
5, T3N, and Sections 32 and 33, T4N, R11W;

Thence, west along the line common to T3 and 4, R11W, to the W 1/16 corner
common to Section 31, T4N, R11W and Section 6, T3N, R11W;

Thence south along the W 1/16 line of Section 6, T3N, R11W to the W 1/16
corner common to Sections 6 and 7, T3N, R11W;

Thence south along the W 1/16 line of Section 7, T3N, R11W to the SW 1/16
corner of Section 7, T3N, R11W;

Thence east along the S 1/16 line of Section 7, T3N, R11W to the S 1/16 position
common to Sections 7 and 8, T3N, R11W;

Thence east along the S 1/16 line of Section 8, T3N, R11W, 660 feet, more or less,
to the eastern boundary of Silver Fox Lane 30' right-of-way;

Thence south along the eastern boundary of Silver Fox Lane 30' right-of-way to
the southern boundary of Mink Drive 30' right-of-way, a point on the E 1/16 line
of Section 17, T3N, R11W;

Thence west along the E 1/16 line of Section 17, T3N, R11W, to the centerline of
Badger Street, a point on the line common to Sections 17 and 18, T3N, R11W;

Thence south along the line common to Sections 17 and 18, T3N, R11W to the
corner common to Sections 17, 18, 19 and 20, T3N, R11W, a point on the eastern
boundary of Noble Street 30' right-of-way;

Thence south along the line common to Sections 19 and 20, T3N, R11W to the
northwesterly boundary of the Sterling Highway;

Thence southwest along the northwesterly boundary of the Sterling Highway
past Kalifornsky Beach Road to the northern boundary of Harlie Avenue 30' right-
of-way, a point on the center 1/4 section line of Section 30, T3N, R11W;

Thence west along the said center quarter section line of Section 30, T3N, R11W, and extending west along the center quarter section line of Section 25, T3N, R12W to the easterly ordinary highwater line of the Kasilof River; Thence northerly along the easterly ordinary highwater line of the Kasilof River to the point of intersection with the mean highwater line of the easterly shore of Cook Inlet;

Thence westerly and northerly along the said mean highwater line of the right bank, Kasilof River, to the point of intersection with the mean highwater line of the easterly shore of Cook Inlet;

Thence continuing into Cook Inlet, N 45 degrees W to a point that is 1,320 feet westerly of the said mean highwater line of Cook Inlet, as measured normal to the said highwater line;

Thence northerly along a line that is 1,320 feet westerly of the said highwater line of Cook Inlet, as measured normal to the said highwater line; to a point on the westerly extension of the line common to Sections 7 and 18, T5N, R11W, said point also being on the southerly corporate boundary line of the City of Kenai;

Thence west along the line common to Sections 7 and 18 to the section corner common to Sections 7, 8, 17, and 18, T5N, R11W;

Thence southerly along the line common to Sections 17 and 18 to the corner common to Sections 17, 18, 19 and 20;

Thence east along the line common to Sections 17 and 20, 16 and 21 to the corner common to Sections 15, 16, 21 and 22;

Thence north along the line common to Sections 15 and 16 to the 1/4 corner common to Sections 15 and 16;

Thence east along the east-west center 1/4 line of said Section 15 to the 1/4 corner common to Sections 14 and 15;

Thence southerly along the line common to said Sections 14 and 15 to a point on the mean highwater line on the left bank, being the southerly side of the Kenai River;

Thence easterly, northeasterly and southeasterly along the said mean highwater line of the left bank, Kenai River, to a point on the line common to Sections 7 and 18, in T5N, R10W;

Thence continuing along said corporate boundary line, east to the E 1/16 corner common to said Sections 7 and 18;

Thence northerly to the SE 1/16 line through said Section 7;

Thence east to the SW 1/16 corner of Section 8;

Thence northerly to the C W 1/16 corner of said Section 8;

Thence east to the center 1/4 corner of said Section 8;

Thence northerly along the north-south centerline of said Section 8 to the 1/4 corner common to Section 5 and 8;

Thence west along the line common to said Sections 5 and 8 to the corner common to Sections 5, 6, 7 and 8;

Thence northerly along the line common to Sections 5 and 6 to the northerly section corner common to Sections 5 and 6, T5N, R10W;

Thence continue northerly along the line common to Sections 31 and 32, T6N, R10W to the S 1/16 corner common to said Sections 31 and 32;

Thence west along the S 1/16 line of said Section 31 to the S 1/16 corner common to Section 31, T6N, R10W and Section 36, T6N, R11W;

Thence north along the line common to said Sections 31 and 36 to the section corner common to Sections 30 and 31, T6N, R10W and Sections 25 and 36, T6N, R11W;

Thence, leaving the corporate boundary line of the City of Kenai, east along the line common to Sections 30 and 31, 29 and 32 to the section corner common to Sections 28, 29, 32 and 33, T6N, R10W;

Thence southerly along the line common to sections 32 and 33 to the south section corner common to Sections 32 and 33, T6N, R10W;

Thence east along the line common to T5 and 6W, R10W to the corner common to T5 and 6N, R9 and 10W;

Thence north along the line common to R9 and 10W to the N W corner of T8N, R9W;

Thence east along the line common to T8 and 9N to the point of intersection with a line drawn along the Kenai mountains from USC & GS Triangulation Station Gore Point on the Gulf of Alaska to USC & GS Triangulation Station Gull Rock on Turnagain Arm;

Thence southwesterly along the above described line to the point of intersection with the ordinary highwater line on the northerly shore of Skilak Lake in T4N, R5W;

Thence northwesterly along the said ordinary highwater line of the northeasterly shore of Skilak Lake to the outlet of Skilak Lake, also being the Kenai River;

Thence northwesterly and southwesterly along the ordinary highwater line of the northerly bank of the Kenai River to the point of intersection with the line common to T4 and 5N, R8W;

Thence west along the line common to T4 and 5N, R8W, to the point of intersection with the southeasterly right-of-way line of the Funny River Road, in R9W;

Thence southwesterly, westerly and northwesterly along the southerly right-of-way line of the Funny River Road to the point of intersection with the line common to T4 and 5N, R10W, also being a point on the south line of the corporate boundary line of the City of Soldotna;

Thence west along the line common to T4 and 5N, R10W, and portions of said south corporate boundary line, to the N E corner of Section 6, T4N, R10W;

Thence southerly along the line common to Sections 5 and 6 to the south section corner common to Sections 5, 6, 7, and 8, T4N, R10W;

Thence westerly along the section line common to Sections 6 and 7 to the point of intersection with the easterly line of the Sterling Highway right-of-way;

Thence northeasterly along the easterly line of the Sterling Highway right-of-way to the point of intersection with the line common to T4 and 5N, R10W;

Thence west along the line common to T4 and 5N, R10W to the northeast corner of T4N, R11W, also being the northwest corner of T4N, R10W;

Thence south along the line common to T4N, R10 and 11W, to the corner common to T3 and 4 N, R10 and 11W and being the Point of Beginning.

SECTION 2. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by expanding the boundaries in 16.30.010 to include the Kasilof / Cohoe / Clam Gulch areas, by identifying the existing KPB 16.30.010 as paragraph A and adding a new paragraph C as follows:
There is established a Central Emergency Service Area within that portion of the borough described as follows:

All referenced to Seward Meridian, Alaska;

Beginning at the corner common to T3 and 4N, R10 and 11W;

Thence south along the range line common to R10 and 11W to a corner common to T2 and 3N, R10 and 11W;

Thence west along the township line to a corner common with Sections 4 and 5, T2N, R11W, and Sections 32 and 33, T3N, R11W;

Thence south along the section lines to a corner common with Sections 5 and 6, T1N, R11W, and Sections 31 and 32, T2N, R11W;

Thence west along the township line to the intersection of a point 1,320 feet westerly of the mean highwater line of Cook Inlet, as measured normal to the mean highwater line;

Thence northerly along a line that is 1,320 feet westerly of the said highwater line of Cook Inlet, as measured normal to the said highwater line; to a point on the westerly extension of the line common to Sections 7 and 18, T5N, R11W, said point also being on the southerly corporate boundary line of the City of Kenai;

Thence west along the line common to Sections 7 and 18 to the section corner common to Sections 7, 8, 17, and 18, T5N, R11W;

Thence southerly along the line common to Sections 17 and 18 to the section corner common to Sections 17, 18, 19, and 20, T5N, R11W;

Thence east along the line common to Sections 17 and 20, 16 and 21 to the corner common to Sections 15, 16, 21 and 22;

Thence north along the line common to Sections 15 and 16 to the 1/4 corner common to Sections 15 and 16;

Thence east along the east-west center 1/4 line of said Section 15 to the 1/4 corner common to Sections 14 and 15;

Thence southerly along the line common to said Sections 14 and 15 to a point on the mean highwater line on the left bank, being the southerly side of the Kenai River;

Thence easterly, northeasterly and southeasterly along the said mean highwater line of the left bank, Kenai River, to a point on the line common to Sections 7 and 18, in T5N, R10W;

Thence continuing along said corporate boundary line, east to the E 1/16 corner common to said Sections 7 and 18;

Thence northerly to the SE 1/16 line through said Section 7;

Thence east to the SW 1/16 corner of Section 8;

Thence northerly to the C W 1/16 corner of said Section 8;

Thence east to the center 1/4 corner of said Section 8;

Thence northerly along the north-south centerline of said Section 8 to the 1/4 corner common to Section 5 and 8;

Thence west along the line common to said Sections 5 and 8 to the corner common to Sections 5, 6, 7 and 8;

Thence northerly along the line common to Sections 5 and 6 to the northerly section corner common to Sections 5 and 6, T5N, R10W;

Thence continue northerly along the line common to Sections 31 and 32, T6N, R10W to the S 1/16 corner common to said Sections 31 and 32;

Thence west along the S 1/16 line of said Section 31 to the S 1/16 corner common to Section 31, T6N, R10W and Section 36, T6N, R11W;

Thence north along the line common to said Sections 31 and 36 to the section corner common to Sections 30 and 31, T6N, R10W and Sections 25 and 36, T6N, R11W;

Thence, leaving the corporate boundary line of the City of Kenai, east along the line common to Sections 30 and 31, 29 and 32 to the section corner common to Sections 28, 29, 32 and 33, T6N, R10W;

Thence southerly along the line common to sections 32 and 33 to the south section corner common to Sections 32 and 33, T6N, R10W;

Thence east along the line common to T5 and 6W, R10W to the corner common to T5 and 6N, R9 and 10W;

Thence north along the line common to R9 and 10W to the N W corner of T8N, R9W;

Thence east along the line common to T8 and 9N to the point of intersection with a line drawn along the Kenai mountains from USC & GS Triangulation Station Gore Point on the Gulf of Alaska to USC & GS Triangulation Station Gull Rock on Turnagain Arm;

Thence southwesterly along the above described line to the point of intersection with the ordinary highwater line on the northerly shore of Skilak Lake in T4N, R5W;

Thence northwesterly along the said ordinary highwater line of the northeasterly shore of Skilak Lake to the outlet of Skilak Lake, also being the Kenai River;

Thence northwesterly and southwesterly along the ordinary highwater line of the northerly bank of the Kenai River to the point of intersection with the line common to T4 and 5N, R10W;

Thence east along the line common to T4 and 5N, R10W, to the point of intersection with the southeasterly right-of-way line of the Funny River Road, in R9W;

Thence southwesterly, westerly and northwesterly along the southerly right-of-way line of the Funny River Road to the point of intersection with the line common to Tps. 4 and 5N, R10W, also being a point on the south line of the corporate boundary line of the City of Soldotna;

Thence west along the line common to T4 and 5N, R10W, and portions of said south corporate boundary line, to the N E corner of Section 6, T4N, R10W;

Thence southerly along the line common to Sections 5 and 6 to the south section corner common to Sections 5, 6, 7, and 8, T4N, R10W;

Thence westerly along the section line common to Sections 6 and 7 to the point of intersection with the easterly line of the Sterling Highway right-of-way;

Thence northeasterly along the easterly line of the Sterling Highway right-of-way to the point of intersection with the line common to T4 and 5N, R10W;

Thence west along the line common to T4 and 5N, R10W to the northeast corner of T4N, R11W, also being the northwest corner of T4N, R10W;

Thence south along the line common to T4N, R10 and 11W, to the corner common to T3 and 4 N, R10 and 11W and being the Point of Beginning.

SECTION 3. That the following proposition shall be placed before the voters of the Kenai Peninsula Borough Central Emergency Service Area and the voters residing in the areas described in section 1 of this ordinance at the regular election to be held on October 5, 2004:

PROPOSITION:

“Shall the Kenai Peninsula Borough be authorized to exercise powers to provide fire protection and emergency medical services through the expansion of the Kenai Peninsula Borough Central Emergency Services Area into the Funny River area as defined by Section 1 of Ordinance 2004-22?”

YES _____ NO _____

SECTION 4. That the following proposition shall be placed before the voters of the Kenai Peninsula Borough Central Emergency Service Area and the voters residing in the areas described in section 2 of this ordinance at the regular election to be held on October 5, 2004:

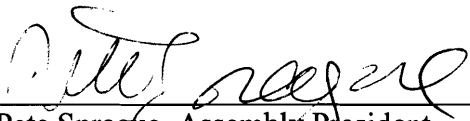
PROPOSITION:

“Shall the Kenai Peninsula Borough be authorized to exercise powers to provide fire protection and emergency medical services through the expansion of the Kenai Peninsula Borough Central Emergency Services Area into the Kasilof / Cohoe / Clam Gulch area as defined by Section 2 of Ordinance 2004-22?”

YES _____ NO _____

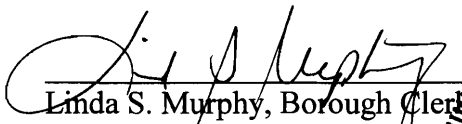
SECTION 5. That Section 3 and 4 of this ordinance shall take effect immediately upon its adoption, and Section 1 of this ordinance shall take effect upon approval of the proposition in Section 3 above by a majority of the qualified voters voting on the issue within the existing CES area and the Funny River area defined in section 1; and Section 2 of this ordinance shall take effect upon approval of the proposition in Section 4 above by a majority of the qualified voters voting on the issue within the existing CES area and the Kasilof / Cohoe / Glam Gulch area defined in section 2; and when either the borough receives Department of Justice preclearance under the Voting Rights Act of 1965 or 60 days after the Department of Justice has received the borough’s request for preclearance, whichever is earlier. If the borough’s request for Department of Justice preclearance has been resolved prior to the certification of the election results, the date of certification shall be the effective date of the ordinance.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 3RD DAY OF AUGUST, 2004.



Pete Sprague, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

