



KENAI PENINSULA BOROUGH

144 N. BINKLEY SOLDOTNA, ALASKA 99669-7520
BUSINESS (907) 262-4441 FAX (907) 262-1892

MEMORANDUM

JOHN J. WILLIAMS
MAYOR

TO: Grace Merkes, Assembly President
Members, Kenai Peninsula Borough Assembly

FROM: Colette Thompson, Borough Attorney
Nolly B. Montague, Deputy Borough Attorney

DATE: June 17, 2008

SUBJECT: Ordinance 2008-10

Please do not make the second proposed amendment at page 66 of the packet as the present wording allows the borough to control the language in easements for which it will have responsibility.

Please make the following revisions to the format of KPB 20.20.035 as .035(A)(1), (2), (3) is intended to be conjunctive, not disjunctive. (The four subparts of .035(A)(2) are meant to be disjunctive and should not be amended.)

➤ Amend proposed KPB 20.20.035(A) in Section 2 as follows:

20.20.035. Legal access.

A. *Legal access required.* The applicant shall provide the platting division an access plan verifying the existence of legal access to the subdivision boundary which shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB 20.20 is practical and economical. In this title, legal access exists only if **[ONE OF]** the following is met:

➤ Amend proposed KPB 20.20.035(A)(2) as follows:

2. the right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission; **[OR] and**

Agenda Item N.3
Page No. 63