

Introduced by:	Mayor
Date:	06/16/09
Hearings:	08/04/09 & 08/18/09
Action:	Postponed as Amended Until 08/18/09
Date:	08/18/09
Action:	Enacted as Amended
Vote:	8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2009-37**

AN ORDINANCE AMENDING KPB 17.10.185 TO PROVIDE AUTHORITY TO ENTER INTO AGREEMENTS THAT PROVIDE FOR THIRD PARTY MANAGEMENT OF PUBLIC TRAILS ON BOROUGH LAND

- WHEREAS,** the Kenai Peninsula Borough owns or manages approximately 100,000 acres of land in the Kenai Peninsula Borough; and
- WHEREAS,** Alaska Statute 29.35.010(8) grants the borough the authority to acquire, manage, and control real and personal property; and
- WHEREAS,** the land management division is charged with the management of borough owned land; and
- WHEREAS,** KPB 17.10.010, Policy/purpose, provides in part that it is the policy of the Kenai Peninsula Borough to manage all borough owned and municipal entitlement lands and resources to provide for the efficient management of land, protection and orderly development of natural resources, and the preservation of lands and resources for recreational needs; and
- WHEREAS,** a number of public trails exist on borough land and are compatible with the management of those lands; and
- WHEREAS,** the Kenai Peninsula Borough does not have trail powers and therefore cannot actively manage public trails on borough lands, and the Kenai Peninsula Borough has no mechanism to fund trail programs; and
- WHEREAS,** local trail organizations, community groups, and other government agencies sometimes express interest in managing public trails on borough lands; and
- WHEREAS,** the Kenai Peninsula Borough has granted certain aspects of public trail management through land leases and land use permits; and

WHEREAS, establishing other appropriate mechanisms to allow management of public trails on borough lands to appropriate interested organizations or government agencies is in the best interest of the Kenai Peninsula Borough; and

WHEREAS, formalizing these relationship with trail management agreements is also intended to assist the affected groups in obtaining grant funds from other agencies; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of July 20, 2009 recommended enactment by unanimous consent.

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

SECTION 1. That KPB 17.10.185 is hereby enacted as follows:

17.10.185. Community trail management agreements.

The mayor may enter into trail management agreements with appropriate nonprofit organizations, community organizations, and government agencies to allow such organization or agency to manage public trails, trail corridors, and related facilities on borough land under the terms and conditions of the trail management agreement authorized by assembly ordinance upon recommendation from the planning commission and in accordance with this section.

- A. Application for trail management agreements shall be made on a form provided by the borough.
- B. The agreement shall contain terms and conditions as deemed reasonable and necessary by the borough mayor.
- C. The agreement shall contain a trail management plan which provides the location and type of trail and facilities, the type of trail use, use restrictions, and proposed improvements.
- D. During the term of the agreement, the mayor may approve modifications to the trail management plan that are consistent with the general scope of the plan approved in the original agreement.
- E. Agreements under this section may affect lands under any classification provided that the effect is incidental and the agreement is not detrimental to the existing or proposed use of such land.
- F. Nothing contained herein shall prevent the mayor from authorizing trail use or management on borough lands by other lawful means.

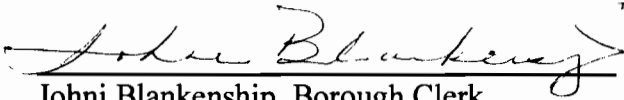
- G. A trail management agreement shall not cause the Kenai Peninsula Borough to appropriate funds for trail purposes, nor shall the agreement be deemed as a disposal of land or resources or the establishment of easement or dedication.
- H. An organization or agency which has entered a trail management agreement may manage and regulate the type of use, time of use, or restrict specific types of use, as provided in the trail management agreement; however, all trails shall be considered open to the general public.

SECTION 2. That this ordinance shall take effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 18TH DAY OF AUGUST, 2009.


 Milli Martin, Assembly President

ATTEST:


 John Blankenship, Borough Clerk



Yes: Fischer, Knopp, Pierce, Smalley, Smith, Sprague, Superman, Martin
 No: None
 Absent: Long