

Introduced by: Mayor
Date: August 18, 1981
Vote: 15 Yes, 1 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 81-134

CLASSIFYING THE NORTH 660 FEET OF U.S. GOVERNMENT LOT 1,
SECTION 17, T2S, R14W, S.M., AS PUBLIC USE LANDS AND
AUTHORIZING ITS USAGE AS A COMMUNICATIONS SITE.

WHEREAS, the Assembly, by Resolution 70-30, authorized Homer Electric Association to utilize approximately six acres of Borough Selected lands lying near Deep Creek for use as a radio repeater site; and

WHEREAS, these previously leased lands were described as the North 400 feet of U.S. Government Lot 1, Section 17, T2S, R14W, S.M., State of Alaska; and

WHEREAS, Homer Electric Association and the State of Alaska, Division of Communications, have agreed upon a plan for joint occupancy of this site whereby the State will install a 300 foot high tower for use as a television translator and Homer Electric Association will continue to use the site and the new tower for radio communications; and

WHEREAS, the Borough will also be authorized to utilize the new facilities for radio communications, including an expansion of its Civil Defense network; and

WHEREAS, installation of the proposed communication tower will require that the site be expanded to encompass the North 660 feet of U.S. Government Lot 1, Section 17, T2S, R14W, S.M., State of Alaska; and

WHEREAS, the Planning Commission, at its August 3, 1981, meeting, recommended that the Assembly classify this land to Public Use land and that the Assembly authorize a special use permit for these communication facilities;

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

Section 1. That the North 660 feet of U.S. Government Lot 1, Section 17, T2S, R14W, S.M., State of Alaska is classified as Public Use lands.

Section 2. That the Mayor is authorized to issue its special use permits for the use of this site for communication purposes by the State of Alaska, by Homer Electric Association,

and by other public utilities and governmental entities which demonstrate that the public convenience will be served by their use of this site. The permit shall be issued upon the condition that each user of the site maintain adequate personal and public liability insurance upon the site and agree to defend and indemnify the Borough against any claim or liability arising from their use. This permit shall terminate on July 1, 1981, subject to renewal and extension from year to year.

Section 3. That the Mayor is authorized to effectuate this resolution, which takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 18th DAY OF August, 1981.

Paul a Fischer
Paul Fischer, Assembly President

ATTEST:

Frances Brymer
Borough Clerk