

Introduced by: Land Committee
Date: Feb. 3, 1981
Action: Adopted
Vote: Unanimous

KENAI PENINSULA BOROUGH

RESOLUTION 81-34

URGING THE STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES TO EXPEDITE THE PATENTING OF BOROUGH-SELECTED LANDS TO THE BOROUGH.

WHEREAS, members of the Assembly and its Land Committee, members of the Borough Administration, and representatives for the State of Alaska Department of Natural Resources met on January 30, 1981 to discuss difficulties arising in connection with patenting to the Borough of portions of the Borough's land entitlement under the Municipal Selection Act; and

WHEREAS, these parties reached an agreement in principle regarding the Borough's appeal from the Department of Natural Resources's preliminary determination to withhold 200 foot-wide easements on both sides of certain streams and rivers; and

WHEREAS, the Assembly desires to dispose of these lands to the general public as soon as possible, but will dispose only of those lands to which the Borough has patent in order to forestall any difficulties regarding title to the land or the financing of improvements; and

WHEREAS, participants at the January 30, 1981 meeting discussed various measures by which the patenting of these lands to the Borough could be expedited in order that disposal of these lands to the general public might also be expedited; and

WHEREAS, the Assembly finds that patent and disposal of municipal land selections would be accelerated if the Legislature appropriated funds sufficient to survey the municipal land selections in the immediate future;

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

Section 1. That the Assembly urges the State of Alaska Department of Natural Resources, Division of Forest, Land and Water Management, to implement all possible measures to expedite the patenting of Borough selected lands to the Kenai Peninsula Borough, including, but not limited to:

- A. The immediate patenting of all land selections which had been approved on or before July 1, 1978.
- B. Surveying at the expense of the State of Alaska of those retained areas along rivers and streams where the state has decided that it will reserve these areas from conveyance to the Borough.
- C. Immediate decision upon the Borough's appeal regarding the retention of lands along various rivers and streams in accordance with the agreement reached at the meeting of January 30, 1981.
- D. Streamlining of Department of Natural Resources conveyance procedures so that patents will be issued not later than 30 days subsequent to submission of an approved boundary survey to the department, where such survey may be required.
- E. Submission of a recommendation to the State Legislature that sufficient funds be appropriated to defray the cost to municipalities of immediately surveying the boundaries of these parcels, in order that patent of these lands to municipalities, and disposal of them to the public, is not held in suspension until affected municipalities have accumulated sufficient funds to pay the cost of surveying the boundaries of each of these parcels.

Section 2. That the Clerk shall serve copies of this resolution upon the Honorable Jay S. Hammond, Governor of the State of Alaska, upon the Honorable Jay Kerttula, President of the State Senate, upon the Honorable James Duncan, Speaker of the State House, upon the Honorable Donald E. Gilman, State Senator, upon the Honorables Bette Cato, Hugh Malone and Pat O'Connell, State Representatives, upon the Honorable Robert LeResche, Commissioner of the Department of Natural Resources, and upon the Honorable Theodore Smith, Director of Forest, Land and Water Management.

Section 3. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 3rd DAY OF February, 1981.

Paul A. Fischer
Paul Fischer
Assembly President

ATTEST:

Anna B. Berman
Borough Clerk

