

Introduced by: Mayor
Date: April 21, 1981
Vote: Unanimous
Action: Adopted as amended

KENAI PENINSULA BOROUGH

RESOLUTION 81-65

AUTHORIZING THE GRANT OF AN EASEMENT TO THE CITY OF SOLDOTNA AT THE SOLDOTNA HIGH SCHOOL FOR A UTILITY EASEMENT FOR UTILITY LINES ASSOCIATED WITH STORM-WATER FACILITIES, PUBLIC WATER FACILITIES, AND SANITARY SEWER FACILITIES.

WHEREAS, the City of Soldotna proposes to construct underground utilities as part of Marydale Drive improvements, Phase 1, which includes water extensions, sanitary sewer extensions, and storm drainage facilities; and

WHEREAS, the discharge of storm-water runoff into the Kenai River via the Borough's property to the West of the Soldotna High School; and

WHEREAS, the storm drainage system and other utilities are necessary and will be beneficial to the community; and

WHEREAS, the School Board and the Public Works Department have no objection to the grant of this easement; and

WHEREAS, the Planning Commission at its meeting of April 13, 1981, has approved and recommended grant of the easement;

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

Section 1. That the Mayor is authorized to execute a grant of easement to the City of Soldotna to permit construction and maintenance of underground utility lines associated with storm-water facilities, public water facilities, and sanitary sewer facilities over property described as:

A 50' and 25' utility easement located within the SE $\frac{1}{4}$ of Sec. 30, T5N, R10W S.M. and more particularly described as follows:
Commencing at the C $\frac{1}{4}$ corner of Section 30, monumented with a brass cap
Thence East along the CE $\frac{1}{4}$ line also being the center-line of Marydale Ave. 894.2';
Thence South 40' to the Southerly access easement line of Marydale Ave. The true point of beginning;

Thence S 53°00' W 1116.9' to the CS¼ line;
Thence S 00°11' 15" E along the CS¼ line 608.3' to
the CS1/16 corner;
Thence S 00°11' 15" E along the CS¼ line 25.0';
Thence East 25.0';
Thence N 00°11' 15" W 589.7';
Thence N 53°00' E 1189.5' to the southerly access
easement line of Marydale Ave.;
Thence West along the southerly access easement
line of Marydale Ave. 83.1' to the true point of
beginning and containing 1.67 acres more or less.

Section 2. The easement granted shall be on such terms
and conditions as are in the best interests of the Borough
and shall grant to the City of Soldotna the right to maintain
utilities on the property including the right to:

- a) Construct, operate and maintain underground
utilities such as storm water facilities,
sanitary sewer facilities and water facili-
ties with any and all appurtenances necessary
to operate and maintain such utilities.
- b) Construct, operate and maintain an access
road within the easement for the purpose of
operating and maintaining such utilities.
The access road shall be of minimum standards
for a gravel road with drainage ditches
where necessary. Vegetated areas disturbed
during construction shall be revegetated
with grasses outside of the access road.

Access shall be provided to the City of Soldotna at all
times and shall not be restricted unless agreed upon with the
City of Soldotna. The easement shall be restricted to 50
foot width during construction. The Borough reserves the right
to construct over the easement any non-structural facility
including, but not limited to playgrounds, parking lots, and
roads. The City of Soldotna will be responsible for
restoring these non-structural facilities in the event that
the City disrupts them in the use of the easement area.

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

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
ON THIS 21st DAY OF April, 1981.

Paul A. Fischer
Paul Fischer, Assembly President

ATTEST:

Francis Byrnes
Borough Clerk

Kenai Peninsula Borough
Resolution 81-65
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