

Introduced by: Mayor  
Date: May 19, 1981  
Vote: Unanimous Consent  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 81-84

PROVIDING FOR THE EXCHANGE OF REAL PROPERTY BETWEEN THE CITY OF SEWARD AND THE BOROUGH.

WHEREAS, the City of Seward is the owner of 165 acres M/L of land located within Sections 28 & 34, T1N, R1W, S.M.; and

WHEREAS, the State of Alaska and Borough has received tentative approval to 160 acres M/L of land located within Sections 7, 17 & 18, T1S, R1E, S.M.; and

WHEREAS, it is advantageous for the Borough to receive title of the described city lands for public purposes; and

WHEREAS, it is advantageous for the city to receive title to the Borough lands to aid the development of the Seward Industrial Marine Park located at Fourth of July Creek; and

WHEREAS, Chapter 17.04.120 authorizes the disposition of public lands to governmental units; and

WHEREAS, the Borough Planning Commission conducted a public hearing regarding the proposed land exchange on May 4, 1981, and recommended approval of the plan; and

WHEREAS, the Seward City Council conducted a public hearing regarding the proposed land exchange on May 11, 1981, and recommended approval of the plan; and

WHEREAS, the Assembly finds that the proposed exchange of real property will be beneficial to the city and to the Borough and further public purposes which are in the public interest;

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

Section 1. That the following described real property owned by the Borough, consisting of 160 acres M/L, shall be conveyed to the City of Seward:

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Tract A Legal Description:

A tract of land situate in fractional Section 18, T1S, R1E, of the Seward Meridian, Third Judicial District, State of Alaska, more particularly described as follows:

Commencing from Corner Number Three, United States Survey 4827, said corner being The True Point of Beginning of this description and also being common to Corner Number C-9 of Alaska State Land Survey Number 76-69;

thence, S 0°34'13"E along the extension of the East Boundary of U.S.S. 4827, a distance of 472.39 feet to a point, said point being an intersection with the South Line of Section 18, T1S, R1E, Seward Meridian, Alaska, which is also the Corporate Boundary of the Incorporated City of Seward, Alaska;

thence, S 89°25'30"W along said Corporate Boundary, a distance of 1,174.22 feet to a point being a meander corner and Corner Number C-7 of A.S.L.S. No. 76-69;

thence, N 28°39'33"W along a meander of the Mean High Water Line, a distance of 318.69 feet to a point;

thence, N 7°54'56"W continuing along the meanders of the Mean High Water Line, a distance of 192.66 feet to a point, said point being Corner Number Four, U.S.S. 4827 and Corner Number C-8 of A.S.L.S. No. 76-69'

thence, N 89°25'10"E along the South Boundary Line of U.S.S. 4827, a distance of 1,348.91 feet to The True Point of Beginning.

All bearings and distances contained in this description are grid based on geodetic position.

This survey subject to future survey.

This tract contains an area of 13.93 acres, more or less.

Tract B Legal Description:

Fourth of July Creek Retaining Levee Maintenance Tract

A tract of land situate in the fractional Section 18 and protracted Section 17, T1S, R1E, Seward Meridian, Third Judicial District, Alaska, more particularly described using grid bearings as follows:

Beginning at Corner Number Three of United States Survey 4827, thence, along the extension of the East Boundary of said United States Survey S 0°34'13"E to the intersection of said boundary and the South Boundary of said Section 18, a distance of 472.39 feet to a point which is The True Point of Beginning; thence, along the South Boundary of Section 18, N 89°25'30"E a distance of 100.00 feet to a point;

thence, N 10°00'00"E, a distance of 230.00 feet to a point;  
thence, N 21°00'00"E, a distance of 574.00 feet to a point;  
thence, N 28°50'00"E, a distance of 880.00 feet to a point;  
thence, N 55°55'00"E, a distance of 1,490.00 feet to a point;  
thence, N 48°30'00"E, a distance of 618.00 feet to a point;  
thence, N 60°35'00"E, a distance of 300.00 feet to a point;  
thence, N 47°35'00"E, a distance of 415.00 feet to a point;  
thence, N 22°15'00"W, a distance of 118.63 feet to a point;  
thence, West a distance of 162.07 feet to a point;  
thence, S 22°15'00"E, a distance of 80.00 feet to a point;  
thence, S 47°35'00"W, a distance of 290.00 feet to a point;  
thence, S 60°35'00"W, a distance of 300.00 feet to a point;  
thence, S 48°30'00"W, a distance of 615.00 feet to a point;  
thence, S 55°55'00"W, a distance of 1,530.00 feet to a point;  
thence, S 28°50'00"W, a distance of 925.00 feet to a point;

Thence, S21°00'00"W, a distance of 589.78 feet to a point on the extension of the East Boundary of United States Survey 2847;  
thence, along said extension S 0°34'13"E, a distance of 273.02 feet to The True Point of Beginning.

Said tract contains an area of 15.48 acres, more or less.

This survey subject to future survey.

Tract C Legal Description:

A tract of land situate in Protracted Section 17, T1S, R1E, of the Seward Meridian, Third Judicial District, State of Alaska, more particularly described as follows:

Commencing from Corner Number Three of United States Survey 4827, proceed N 44°53'16"E, a distance of 4,013.43 feet to a point, said point being The True Point of Beginning of this description.

thence, West, a distance of 200.00 feet to a point;  
thence, North, a distance of 1,300.00 feet to a point;  
thence, East, a distance of 1,900.00 feet to a point;  
thence, South, a distance of 1,300.00 feet to a point;  
thence, West, a distance of 1,700.00 feet to The True Point of Beginning.

This tract contains 56.70 acres, more or less.

All bearings and distances contained in this description are grid based on geodetic position.

This survey subject to future survey.

Tract D Legal Description:

A tract of land situate in fractional Section 18, T1S, R1E, of the Seward Meridian, Third Judicial District, State of Alaska, more particularly described as follows:

Commencing at Corner Number Two of United States Survey 1651 said corner being The True Point of Beginning of this description;

thence, S 89°25'29"W along the North Boundary of U.S.S. 1651 a distance of 285.78 feet to a point, said point being Corner Number Four of United States Survey 4828;

thence, N 0°43'09"W along the East Boundary of United States Survey 4828 a distance of 1,200.00 feet to a point;

thence, N 89°25'29"E a distance of 288.89 feet to a point, said point being the intersection with the extension of the East Boundary of U.S.S. 1651;

thence, S 0°34'15"E along the extension of the East Boundary of U.S.S. 1651 a distance of 1,200.00 feet to The True Point of Beginning. This tract contains 7.92 acres, more or less.

All distances and bearings contained in this description are grid based on geodetic position.

This survey subject to future survey.

This tract contains an area of 7.92 acres, more or less.

Tract E Legal Description:

A tract of land situate in fractional Sections 7 and 18, T1S, R1E, Seward Meridian, Third Judicial District, Alaska. More particularly described, using grid bearings, as follows:

Beginning at Corner Number Three, United States Survey 4827, thence, along the extension of the East Boundary of said survey S 0°34'15"E, a distance of 199.37 feet to The True Point of Beginning; thence, along the extended East Boundary of United States Survey 4827 N 0°34'15"W, a distance of 4,758.11 feet to a point, thence, N 21°00'00"E, a distance of 589.78 feet to a point; thence, N 18°50'00"E, a distance of 788.47 feet to a point; thence, S 0°34'15"E, a distance of 4,758.11 to a point on the North Boundary of Tract 'B'; thence, along said North Boundary S 28°50'00"W, a distance of 788.47 feet to a point; thence, continuing along said North Boundary S 21°00'00"W, a distance of 589.78 feet to The True Point of Beginning.

This tract contains an area of 65.97 acres, more or less.

There shall also be reserved within Tract 'E' two (2) access easements of 100.00-foot width each. Said easements shall be located at such time the ultimate requirements of the Fourth of July Creek development is determined.

This survey subject to future survey.

Section 2. That the following described real property owned by the City of Seward and consisting of 165 acres M/L shall be conveyed to the Kenai Peninsula Borough:

The NE $\frac{1}{4}$ , Section 28, T1N, R1W, S.M., containing 160 acres M/L.

and, in addition thereto, property described as:

Beginning at a point on the south boundary line of U.S. Survey No. 242, which point is Three Hundred and Fifty feet (350') east from Corner No. 2 of said Survey, which Corner No. 2 is identical with the Southwest Corner of said Survey; thence proceed North for a distance of Three Hundred and Thirty feet (330'); thence proceed east for a distance of Six Hundred and Sixty feet (660'); thence proceed south for a distance of Three Hundred and Thirty feet (330'); thence proceed west for a distance of Six Hundred and Sixty feet (660') along the south boundary line of U.S. Survey No. 242 to the point of beginning of this description and the first named point herein, which point is Three Hundred and Fifty feet (350') east from Corner No. 2 of said Survey, which Corner No. 2 is identical with the Southwest Corner of said Survey; thus describing a rectangular tract of land running Three Hundred and Thirty feet (330') north and south, and Six Hundred and Sixty feet (660') east and west, containing approximately five (5) acres, more or less.

Section 3. That the Mayor is authorized to effectuate this resolution and to execute all necessary legal documents in consideration for the City of Seward's carrying out its obligations under the exchange.

Section 4. That the exchange of real property authorized by this resolution is without warranty of any kind as to the right, title, and interest of the city or the Borough, and the exchange shall convey all the right, title, and interest which is possessed by the city and the Borough on the date of the exchange. The city and the Borough assume the responsibility for properly recording the exchange of the real property.

Section 5. This resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH  
ON THIS 19th DAY OF May, 1981.

Paul a Fischer,  
Paul Fischer, Assembly President

ATTEST:

Frances Byrner  
Borough Clerk