

Introduced by: Mayor
Date: Apr. 19, 1983
Vote: 3 Yes, 10 No
Action: Failed

KENAI PENINSULA BOROUGH

RESOLUTION 83-108 (SUBSTITUTE)

REQUESTING THE KENAI PENINSULA BOROUGH MAYOR TO START CONDEMNATION PROCEEDINGS AGAINST PROPERTY OWNED BY E. D. HENDERSON TO OBTAIN A NECESSARY RIGHT-OF-WAY FOR HALBOUTY ROAD IF CURRENT NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the Kenai Peninsula Borough has conducted extensive investigation of alternate routes for the realignment of portions of Halbouty Road; and

WHEREAS, the right-of-way for the best and safest alignment which is most compatible with the greatest public good for Halbouty Road at its junction with the Kenai North Road has been adamantly refused by E.D. Henderson, one of the owners of property involved; and

WHEREAS, without a right-of-way, the completion of Halbouty Road is in jeopardy; and

WHEREAS, many owners along Halbouty Road have given up land for right-of-way for token payment in order to obtain an upgraded and paved road, and these grants will have been made in vain unless said road is completed; and

WHEREAS, the Mayor has offered to pay the value established by any professional appraisal plus cost of the appraisal and provide nine driveway approaches for future subdivision lots to E.D. Henderson, and that offer has thus far not been accepted;

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

Section 1. That the Mayor of the Kenai Peninsula Borough is hereby requested to proceed with negotiations for the purchase from E.D. Henderson of the necessary right-of-way for Halbouty Road, and the Assembly hereby approves any agreement which the Mayor may make which is based on the appraisal valuation made by an appraiser with a professional designation, or who is a candidate for a professional designation, or who has been approved by lending institutions within the State for appraising real property, plus any reasonable costs of said appraisal.

Section 2. That in the event the Mayor is unable to obtain a right-of-way in accordance with the preceding section, the Mayor is hereby requested to start condemnation proceedings against the real property owned by E.D. Henderson to obtain a necessary right-of-way for

the best and safest alignment for Halbouty Road so that the project
ill not be blocked pending a court determination of the value of the
and taken for such right-of-way.

FAILED

~~ADOPTED~~ BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 21 DAY OF April, 1983.

Donald L. McCloud, Assembly President

ATTEST:

Frances Brymer
Borough Clerk