

Introduced by: Mayor
Date: Apr. 19, 1983
Vote: 8 Yes; 4 No
Action: Failed

KENAI PENINSULA BOROUGH

RESOLUTION 83-108

REQUESTING THE KENAI PENINSULA BOROUGH MAYOR TO START EMINENT DOMAIN PROCEEDINGS TO OBTAIN NECESSARY RIGHT-OF-WAY FOR HALBOUTY ROAD IF NEGOTIATIONS ARE UNSUCCESSFUL.

WHEREAS, the Kenai Peninsula Borough has been unable to reach an agreement as to a fair valuation for a right-of-way necessary for construction of Halbouty Road; and

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

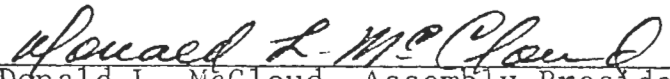
WHEREAS, many owners along Halbouty Road have given up land for right-of-way for token payment in order to obtain an upgraded and paved road, and these grants will have been made in vain unless said road is completed; and

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 without delay to negotiate for the purchase of the necessary rights-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 is a candidate for a professional designation, or has been approved by the lending institutions within the State for appraising real property, plus any reasonable costs incurred by owner or owners with respect to this right-of-way dispute.

Section 2. That in the event the Mayor is unable to obtain rights-of-way in accordance with the preceding section, the Kenai Peninsula Borough Assembly supports the Mayor in the exercising of his authority to start eminent domain proceedings on the E. D. Henderson property to obtain necessary rights-of-way for the best and safest alignment for Halbouty Road so that the project will not be blocked and so that a court can determine a fair price for the land taken by such right-of-way.

DEFEATED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 17TH DAY OF MAY, 1983.


Donald L. McCloud, Assembly President

ATTEST:


Borough Clerk