

Introduced by: Mayor at
Request of the Planning
Commission
Date: June 18, 1985
Action: ADOPTED
Vote: UNANIMOUS

KENAI PENINSULA BOROUGH

RESOLUTION 85-120

RESCINDING THE ASSEMBLY ACTION TO DENY CERTAIN RIGHT-OF-WAY VACATIONS WITHIN THE NINILCHIK TOWNSITE AND AUTHORIZING THE TRANSFER OF LOTS 5 AND 9, BLOCK 1, TOWNSITE OF NINILCHIK TO THE AMERICAN LEGION POST #18 FOR PUBLIC CEMETERY PURPOSES.

WHEREAS, petition to vacate portions of rights-of-way within the Townsite of Ninilchik was received from American Legion Post No. 18; and

WHEREAS, the Borough Planning Commission held public hearing on this petition at its meeting of May 6, 1985 and approved the requested vacations; and

WHEREAS, the Assembly, at its May 21, 1985 meeting vetoed the Planning Commission's action due to a pending U. S. District Court case; and

WHEREAS, a motion for reconsideration by the Assembly was approved at its June 4, 1985 meeting but due to the late hour further action was not taken; and

WHEREAS, the American Legion Post No. 18 desires to acquire Lots 5 and 9, Block 1, Townsite of Ninilchik for expansion of the public cemetery;

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

Section 1. That the Assembly hereby rescinds its action of May 21, 1985 and approves of the vacation of rights-of-way described as Hillcrest Avenue lying between Lot 5 and 6 Block 1 and Lot 9 Block 1 Ninilchik Townsite; a 15 foot wide right-of-way between U.S.S. 367, Tract A and Lot 8 Block 1, Ninilchik Townsite; and, a 30 foot wide right-of-way between Lots 6 and 8 Block 1, Ninilchik Townsite.

Section 2. That the transfer of lands, described as Lots 5 and 9 Block 1, Townsite of Ninilchik, to the American Legion Post No. 18 is hereby authorized.

Section 3. That the transfer of the land shall be by quit claim deed subject to a reversion clause should the property cease to be utilized for public cemetery purposes and that there shall be no discrimination.

Section 4. That the Mayor is authorized to sign any and all documents necessary to effectuate this resolution and deemed to

be in the best interests of the Borough.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 18th DAY OF June, 1985.


Marilyn Dimmick, Assembly President

ATTEST:


Joanne Bradley
Borough Clerk