

Introduced by: Mayor  
Date: Jan. 22, 1985  
Action: Adopted  
Vote: Unanimous

KENAI PENINSULA BOROUGH

RESOLUTION 85-17

AUTHORIZING A LETTER OF ENTRY FOR THE CONSTRUCTION AND MAINTENANCE OF A SERVICE ROAD, CONVEYOR BELT CORRIDOR, HAUL ROAD AND ASSOCIATED UTILITIES ON BOROUGH SELECTED AND PATENTED LANDS AND PROVIDING FOR THE ISSUANCE OF THE EASEMENT DOCUMENT UPON COMPLETION.

WHEREAS, Diamond Shamrock-Chuitna Coal Joint Venture has applied for a right-of-way crossing borough selected and patented lands to access a proposed coal mining facility on the west side of Cook Inlet; and

WHEREAS, the staff and administration has met with representatives of Diamond Shamrock-Chuitna Coal Joint Venture on two occasions to work out an acceptable alignment of the coal transportation corridor; and

WHEREAS, the Planning Commission reviewed the requested right-of-way at its January 7, 1985 meeting and recommended that a letter of entry be issued for a 300 ft., more or less, wide right-of-way be issued for construction of a service road, haul road, conveyor belt corridor and associated utilities and uses on borough selected and patented lands and that upon completion of construction, an as-built survey be submitted to the borough for preparation of an easement document; and

WHEREAS, the assembly finds that it is in the best interests of the Borough to make a right-of-way available to the Diamond Shamrock-Chuitna Coal Joint Venture to promote the establishment of a beneficial new industry;

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

Section 1. That a letter of entry be issued for a 300 ft., more or less wide right-of-way for the purpose of constructing a service road, haul road, conveyor belt corridor and associated utilities and uses across borough selected lands within Sections 15 and 22, T11N, R12W, S.M. and Sections 22, 27 and 34, T12N, R12W, S.M. and borough patented lands within Sections 3 and 10, T11N, R12W, S.M.

Section 2. That the service road shall lie to the west of the conveyor belt corridor; the haul road shall lie to the east of the conveyor belt corridor; and, that there shall be a greenbelt area lying between the haul road and the conveyor belt corridor.

Section 3. That there shall be a minimum of three safe sites crossing the conveyor belt corridor.

Section 4. That upon completion of construction, Diamond Shamrock-Chuitna Coal Joint Venture shall submit to the borough an as-built survey defining the location of the service road, haul road, conveyor belt corridor, safe crossing sites, green-belt areas and associated utilities and uses. Upon receipt of the survey the borough shall issue a document to be recorded in the appropriate recording district granting the right-of-way.

Section 5. 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.

Section 6. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 19th DAY OF March, 1985.

  
Marilyn Dimmick, Assembly President

ATTEST:

  
Joanne Bradley  
Borough Clerk