

Introduced by: Mayor
Date: April 7, 1987
Vote: 12 Yes, 2 No
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 87-14 (LANDS COMMITTEE SUBSTITUTE)

APPROVING THE GRANT OF EASEMENT FOR PUBLIC ACCESS ACROSS BOROUGH APPROVED LANDS IN EXCHANGE FOR A GRANT OF EASEMENT FOR PUBLIC ACCESS ON A PARCEL OF PRIVATE LAND.

WHEREAS, the borough has selected and received final approval to state-patented lands in the Homer area described as the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of Section 27, Township 5 South, Range 13 West, S.M., Alaska; and

WHEREAS, Mr. Emmitt D. Trimble is the owner of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of Section 27, Township 5 South, Range 13 West, S.M., Alaska; and

WHEREAS, historically a seismological survey line has been used across this land as a trail for access to private and public lands; and

WHEREAS, Mr. Trimble has requested the Kenai Peninsula Borough to grant a right-of-way easement for public access across the borough land in exchange for granting right-of-way easement for public access across his property; and

WHEREAS, the Planning Commission recommended the assembly grant the right-of-way easement across borough lands at its January 19, 1987 meeting; and

WHEREAS, the Lands Committee of the assembly has worked out the general terms of the agreements with Mr. Trimble;

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

Section 1. That Mr. Emmitt D. Trimble will, by survey and plat, grant an easement for public use the following rights-of-way within the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, T.5S., R.13W., S.M.:

- a. A 60 foot wide right-of-way running in a north easterly direction centering on a seismological survey line;
- b. A 30 foot wide $\frac{1}{2}$ right-of-way running in a southerly direction from the above referenced 60 foot right-of-way parallel to the west boundary of said NW $\frac{1}{4}$, NE $\frac{1}{4}$ to the south boundary.

Section 2. That the mayor is authorized to grant to the public the following right-of-ways within the N $\frac{1}{2}$ SW $\frac{1}{4}$ and the NW $\frac{1}{4}$, Section 27, T.5S., R.13W., S.M. upon approval of a survey and plat delineating said rights-of-way:

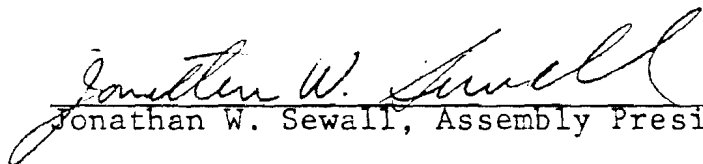
- a. A 60 foot wide right-of-way running in a north easterly direction centering on a seismological survey line.
- b. A 30 foot wide $\frac{1}{2}$ right-of-way running in a southerly direction from the above referenced 60 foot right-of-way parallel to the east boundary of the $N\frac{1}{2}$ NW $\frac{1}{4}$ of said section 27 to the south boundary of the $N\frac{1}{2}$ NW $\frac{1}{4}$.

Section 3. That the above referenced rights-of-way may be vacated upon approval and filing of a subdivision plat and the construction of a road right-of-way of equal or better access than exists at the time of the subdivision plat being submitted.

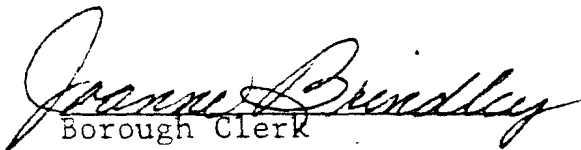
Section 4. That the Mayor may impose additional conditions upon this agreement as he deems in the best interest of the borough. The rights-of-way granted herein shall be surveyed and platted within nine months of the date of approval of this resolution and the cost of such survey shall be paid by Mr. Emmitt D. Trimble, his successors or assigns. Failure to supply any required survey within the time limits will automatically void this resolution.

Section 5. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 5th DAY OF May, 1987.


Jonathan W. Sewall, Assembly President

ATTEST:


Joanne Bradley
Borough Clerk