

Introduced by: Mayor
@ Reqst./Plan. Com.
Date: Dec. 1, 1987
Action: Adopted
Vote: Unanimous

KENAI PENINSULA BOROUGH

RESOLUTION 87-93 (SUBSTITUTE II)

AUTHORIZING THE GRANT OF A UTILITY EASEMENT TO THE CITY OF SOLDOTNA FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A WATER LINE AND ASSOCIATED USES WITHIN SECTION 1, T4N, R11W, SEWARD MERIDIAN, ALASKA.

WHEREAS, the Borough has received patent number 6113 to lands pursuant to the Municipal Entitlement Act; and

WHEREAS, the Borough has received a request from the City of Soldotna for a parcel of land in order to construct a water reservoir; and

WHEREAS, The Assembly has approved of the disposal of the parcel of the land to the City of Soldotna; and

WHEREAS, the City of Soldotna will need to construct and maintain a water line from the site to the Kalifornsky Beach Road right-of-way; and

WHEREAS, the 60-foot permanent easement, authorized by Resolution 87-11, is insufficient to properly construct and maintain the water line in those areas of rolling topography; and

WHEREAS, a 80-foot permanent easement is necessary due to the topography; and

WHEREAS, the Planning Commission reviewed the requested 80-foot permanent easement at its meeting of November 23, 1987.

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

Section 1. That a permanent easement for constructing, maintaining and operating a water line and associated uses be granted to the City of Soldotna consisting of the westerly 80 feet of the northerly 4060 feet + of the E½ of Section 1, Township 4 North, Range 11 West, S.M., Alaska.

Section 2. That, in accordance with KPB Title 20, access be provided to the City of Soldotna for the 5 acre tract authorized for disposal by Ordinance 87-9.

Section 3. That the City of Soldotna is authorized to clear the easement area and dispose of any timber as appropriate to construct, maintain, or operate the water line and associated uses within the easement.

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Section 4. That the water line is to be constructed 50 feet, ± 2 feet, east of the north-south $\frac{1}{4}$ line.

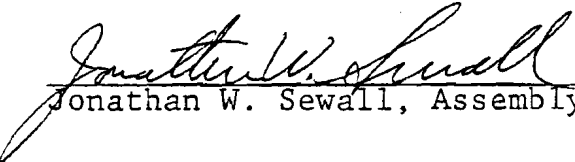
Section 5. That grant of an easement does not preclude dedication of westerly portions of the easement area for public access or right-of-way purposes, nor does it preclude the grant of other utility easements within the easement area which do not interfere with the operation and maintenance of the water line to be constructed in the easement; provided, such utilities are installed in accordance with the City of Soldotna's standard specifications.

Section 6. That in exchange for the utility easement, the City of Soldotna shall pay all costs related to the surveying, platting and filing of the plat with the District Recorder.


Section 7. That the Mayor is authorized to sign such documents deemed necessary to effectuate this resolution and in the best interest of the Borough.

Section 8. That Resolution 87-11 is repealed to the degree that it is inconsistent with this resolution.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 1st DAY OF December, 1987.


Jonathan W. Sewall, Assembly President

ATTEST:


Borough Clerk