

Introduced by: Mayor
Date: May 15, 1990
Vote: Unanimous
Action: Adopted

KENAI PENINSULA BOROUGH
RESOLUTION 90-51

AUTHORIZING TEMPORARY USE OF BOROUGH LANDS FOR STORAGE OF MATERIALS, AUTHORIZING THE RIGHT TO ENTER ON BOROUGH LANDS, AUTHORIZING AN EASEMENT FOR CONSTRUCTION OF AN UNDERGROUND PIPELINE AND AUTHORIZING ACCESS TO AND ACROSS BOROUGH LANDS TO MARATHON OIL COMPANY

WHEREAS, Marathon Oil Company has requested approval for the temporary use of borough lands located upland from Ladd Landing, within Section 20, T12N, R10W, S.M.; and

WHEREAS, it will be necessary for Marathon Oil Company to access the Beluga Highway and Viapan Lake by crossing borough lands; and

WHEREAS, Marathon Oil Company has requested permission to enter on borough lands for the purpose of constructing an underground natural gas pipeline; and

WHEREAS, a temporary easement for construction of the underground pipeline is required; and

WHEREAS, upon completion of construction an easement for the underground pipeline is necessary; and

WHEREAS, a portion of the lands to be crossed by the underground pipeline are subject to an Option to Lease between the borough and Tidewater Services Corporation; and

WHEREAS, an Easement for Transportation Corridor has been issued by the borough to Tidewater Services Corporation for lands within Section 7, T12N, R10W; and

WHEREAS, it will be necessary for Marathon Oil Company to use the Ladd Landing barge site; and

WHEREAS, Marathon Oil Company has received approval in the form of a Right of Entry from Tidewater Services Corporation; and

WHEREAS, the Kenai Peninsula Borough Planning Commission reviewed these requests at its meeting held May 7, 1990 and recommended assembly approval,

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

Section 1. That temporary use of lands located upland from Tract A, Ladd Subdivision No. 1 is authorized to Marathon Oil

Company for the purpose of storing pipe and equipment. Said temporary use shall expire upon completion of the underground pipeline construction which is anticipated to be May 1991.

Section 2. That the right to enter on borough lands from time to time during the construction phase of the underground pipeline to access Beluga Highway, Viapan Lake and other areas as may be required for access is hereby authorized. Said right to enter shall expire upon completion of construction of the underground pipeline.

Section 3. That the Mayor is authorized to grant Marathon Oil Company the right to enter on borough lands for the purpose of constructing an underground natural gas pipeline. Borough lands affected by this are:

T12N, R10W, S.M. - Secs. 4, 7, 8, 18, 19, 30

Section 4. That the Mayor is authorized to grant a construction easement 60 feet in width to Marathon Oil Company to be utilized during the underground pipeline construction. Borough lands affected by this are as described in section 3 of this resolution and generally as shown on the Granite Point to Beluga Pipeline Plan & Profile. Any construction easement shall terminate upon completion of the underground pipeline construction.

Section 5. That should construction occur, an agreement for lease of an easement 50 feet in width shall be prepared and executed upon completion of construction and submittal of an as-built prepared by a registered surveyor licensed to practice in the State of Alaska.

Section 6. That the Mayor is authorized to grant Marathon Oil Company use of the Ladd Landing barge site, described as Tract A, Ladd Subdivision No. 1. The annual fee for said use shall be \$250 and shall terminate June 1, 1991, and may be renewed on an annual basis.

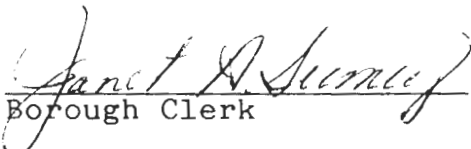
Section 7. That any rights granted under this resolution shall be consistent with the rights created by the Option to Lease agreement between the Borough and Tidewater Services Corporation.

Section 8. That the mayor is authorized to sign any documents necessary to effectuate this resolution.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 15th DAY OF May, 1990.


James W. Skogstad, Assembly President

ATTEST:


Borough Clerk