

Introduced by: Mayor
Date: 1/17/95
Action: Adopted
Vote: 6 yes, 1 no

**KENAI PENINSULA BOROUGH
RESOLUTION 95-005**

**A RESOLUTION AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS
IN REAL PROPERTY BY POWER OF EMINENT DOMAIN**

WHEREAS, sand, gravel and borrow resources in the Homer area are badly needed for road construction and maintenance; and

WHEREAS, substantial sand, gravel and borrow resources have been located in Borough lands located off of East End Road in the Homer area, which lands are classified for Resource Development; and

WHEREAS, these lands are subject to a long-term State of Alaska Grazing Lease Agreement ADL 56309; and

WHEREAS, the Grazing Agreement Lessees do not agree that the Borough may extract gravel from the subject lands, and a court proceeding is pending on this issue as the parties have been unable to settle this dispute; and

WHEREAS, court actions involve uncertainty and delays, and the next gravel season will begin in April or May of 1995; and

WHEREAS, it is advisable to take steps to put the Borough in a position to use eminent domain to acquire the necessary portion of the grazing leasehold interest in this land so that the Borough may utilize these gravel resources during the next gravel season; and

WHEREAS, the Borough Code of Ordinances at KPB 17.10.030(C)(5) requires assembly authority by resolution for acquiring interests in land by eminent domain;

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

SECTION 1. That the mayor is authorized to exercise the Borough's powers of eminent domain and declaration of taking to acquire the necessary portions of Grazing Lease Agreement ADL No. 56309 to enable the Borough to extract sand, gravel and borrow resources from the following described property:

Sections Sixteen (16) and Seventeen (17), and the North One-Half of Section Eighteen (18), Township Four (4) South, Range Eleven (11) West, Seward Meridian, State of Alaska.

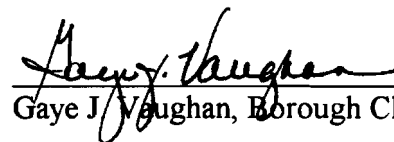
SECTION 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17th DAY OF JANUARY, 1995.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk