

Introduced by: Mayor
Date: 03/16/99
Action: Adopted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
RESOLUTION 99-024**

**A RESOLUTION ESTABLISHING PROCEDURES FOR APPEALS BEFORE THE
BOROUGH ASSEMBLY OF DENIED PETITIONS TO VACATE PUBLIC INTERESTS
IN LAND PURSUANT TO KPB 20.28.110**

WHEREAS, pursuant to KPB 20.28.110, the borough assembly hears appeals of denied petitions to vacate public interests in land but does not contain detailed procedures; and

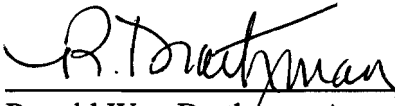
WHEREAS, KPB 21.20.230 was recently amended to require appeals of denied vacation petitions to be heard by the assembly on the record.

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

SECTION 1. That the following procedures shall apply to public hearings on appeals from denied vacation petitions held pursuant to KPB 20.28.110:

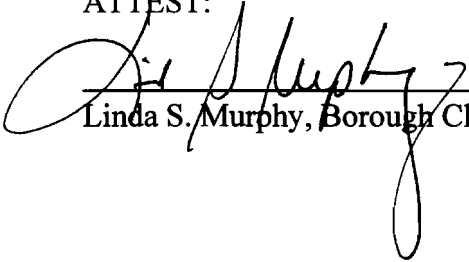
1. Staff shall give an overview of the proceedings below, staff's recommendations, and the planning commission decision.
2. The appellant shall have five minutes to state appellant's position.
3. Members of the public wishing to testify have five minutes each to testify.
4. The appellant may make a closing statement consisting of a maximum of three minutes.
5. The assembly may question staff, the appellant, and public members testifying at any time during the testimony or following the close of testimony. Questions asked by the assembly during testimony shall not count against the time allotted to the person testifying.
6. The assembly shall make a decision on appeal approving, denying, or modifying the vacation request and issue a decision in the form of a motion with findings of fact supporting the decision. This decision shall be written following the appeal and signed by the Assembly President.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MARCH, 1999.



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

