

Introduced by: Mayor at request of Road  
Service Area Board  
Date: 10/12/99  
Action: Adopted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 99-072**

**A RESOLUTION DECERTIFYING FOR ROAD MAINTENANCE BY THE BOROUGH  
DRAGON CIRCLE, SHACKLEFORD LANE, AND WISSAMICKON DRIVE**

**WHEREAS,** KPB 14.06.070 establishes the authority to decertify roads for maintenance by the borough; and

**WHEREAS,** on February 1, 1999, the roads director made a written recommendation to the road service area board that Dragon Circle, Shackleford Lane, and Wissamickon Drive be decertified for maintenance by the borough, with findings based on the standards set forth in KPB 14.06.070(C); and

**WHEREAS,** notice of a public hearing on the proposed decertification of these roads was published in the Peninsula Clarion, the Homer News, and the Seward Phoenix Log on 2/11, 2/18, 2/25 and 3/4/99; and

**WHEREAS,** notice of the decertification hearing was also posted at the beginning and ending points of the roads proposed for decertification for a two-week period prior to the date of the hearing; and

**WHEREAS,** the published and posted notices invited public comment, stated the name and phone number of a contact person regarding decertification information, stated the date, place and time of the public hearing, and a deadline for the submittal of written comments; and

**WHEREAS,** a public hearing on the proposed decertification was held on March 9, 1999; and

**WHEREAS,** there was no objection to the proposed decertification of Dragon Circle, Shackleford Lane, or Wissamickon Drive by either oral or written testimony; and

**WHEREAS,** the road service area board on April 13, 1999 adopted RSA Resolution 99-02 recommending to the borough assembly that Dragon Circle, Shackleford Lane, and Wissamickon Drive be decertified for road maintenance by the borough; and

**WHEREAS,** KPB 14.06.070(B)(7) provides that at least 180 days shall pass after the road board resolution before a decertification resolution is forwarded to the clerk for assembly

consideration;

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

**SECTION 1.** That the assembly makes the following findings based on the road service area inspection of the rights-of-way and in compliance with the procedures set forth in KPB 14.06.070(B):

(a) that no clearing or improvements have been made to Dragon Circle and Shackleford Lane, and that Wissamickon Drive right-of-way is substantially within Bear Creek's natural boundaries, and

(b) that Dragon Circle, Shackleford Lane, and Wissamickon Drive are not roads that have received borough maintenance, nor do they provide access for dwellings.

**SECTION 2.** That Dragon Circle, Shackleford Lane, and Wissamickon Drive are eligible for decertification based on KPB 14.06.070(C) and (D).

**SECTION 3.** That signage indicating discontinued maintenance is not required as the rights-of-way have been neither constructed nor maintained.


**SECTION 4.** That Dragon Circle, Shackleford Lane, and Wissamickon Drive are hereby decertified for maintenance by the borough, effective on the date of this resolution.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 12TH DAY OF OCTOBER, 1999**



Ronald Wm. Drathman, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

