

Introduced by: Mayor
Date: 03/16/04
Action: Adopted
Vote: 9 Yes, 0 No

**KENAI PENINSULA BOROUGH
RESOLUTION 2004-030**

**A RESOLUTION AUTHORIZING THE REJECTION OF CERTAIN MUNICIPAL
ENTITLEMENT SELECTIONS WITHIN ADL 201302 NEAR HOPE, ALASKA**

WHEREAS, in 1978 and 1979, the Kenai Peninsula Borough nominated and selected certain lands (“selected lands”) in Sections 27 & 34, T10N, R2W, Seward Meridian in accordance with A.S. 29.65; and

WHEREAS, encroachments and contamination were found on portions of the selected lands that were not present at the time of nomination and selection; and

WHEREAS, the State of Alaska Department of Natural Resources (DNR) further encumbered portions of the selected lands by conveying management authority to the State of Alaska Department of Transportation; and

WHEREAS, by decision of the Director of the DNR on March 26, 1993, said selected lands were approved for conveyance or “approved for future conveyance” to the Kenai Peninsula Borough; and

WHEREAS, the DNR intends to patent these lands to the Kenai Peninsula Borough in a condition which significantly differs from the condition of the land at the time the borough made its selection; and

WHEREAS, complacency and inaction by the borough would result in KPB inheriting environmental liabilities and continued administrative burdens; and

WHEREAS, the KPB Planning Commission conducted a public hearing during its regularly scheduled meeting of March 8, 2004 and recommended adoption by unanimous consent.

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

SECTION 1. The Assembly finds that it is not in the public’s best interest for the Kenai Peninsula Borough to hold any interest in the land described in Section 2 below based on the following findings of fact:

- a) Environmental contaminants have been identified on selected lands and reported by Phase I Environmental Site Assessment, Lots 2 and 3, ASLS Parcel No. 2002-46, Hope, Alaska, Shannon and Wilson, Inc., November 2003.
- b) Encroachments have been located on these selected lands by the survey ASLS 2002-46
- c) The Kenai Peninsula Borough has not caused nor allowed the cause of contaminants or encroachments referenced in items (a) and (b) above.
- d) The depletion of materials from land subject to Interagency Land Management Agreement ADL 223919 may severely alter characteristics of the selected land.
- e) It serves no useful purpose for the Kenai Peninsula Borough to be a third party interest in land subject to Interagency Land Management Agreement ADL 223919.

SECTION 2. That the mayor is authorized to relinquish the approved selections and selections “approved for future conveyance” in ADL 201302 or otherwise reject title to the following described land:

Lots 2 & 3, ASLS 2002-46 and that portion of the SW1/4SE1/4 of Section 27 lying south of the Hope Highway Right-of-Way, excluding ASLS 2002-46, all within T10N, R2W, S.M. Alaska containing 78.2 +/- Acres.

SECTION 3. That the Kenai Peninsula Borough’s land entitlement should be credited for the relinquished or rejected acreage such that there will be no net charge against the total acreage the borough is entitled to select.

SECTION 4. That this action does not preclude or prevent future selection of the same land by the borough.

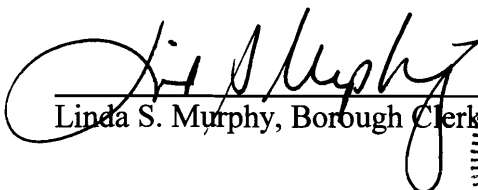
SECTION 5. That the mayor is authorized to execute all documents necessary to effectuate the intents and purposes of this resolution.

SECTION 6. This resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 16TH DAY OF MARCH 2004.


Pete Sprague, Assembly President

ATTEST:


Linda S. Murphy, Borough Clerk

