

CITY OF HOMER
HOMER, ALASKA

RESOLUTION 89-98

A RESOLUTION OF THE HOMER CITY COUNCIL TO
VACATE PARCEL NO. 44-1a, A PORTION OF
SHELFORD STREET RIGHT-OF-WAY.

WHEREAS, on August 21, 1985, the city acquired Parcel No. 44-1a, Pioneer Avenue Record of Survey No. 87-40RS filed in the Homer Recording District, Third Judicial District, Alaska, which parcel is the westerly 15 feet measured at right angles to the easterly right-of-way of Shelford Street of Lot 7B of the Thomas Shelford Subdivision, according to Plat No. 58-4147 filed in the Homer Recording District, Third Judicial District, Alaska, by means of an "Agreement for Dedication of Right-of-Way" recorded in Book 161 at Page 971;

WHEREAS, Parcel No. 44-1a was acquired to be used as an additional right-of-way for Shelford Street in conjunction with the Pioneer Avenue Reconstruction Project;

WHEREAS, the city has not performed any construction within Parcel No. 44-1a;

WHEREAS, at the time the city acquired Parcel No. 44-1a from J. J. & A. Inc., the city was unaware that the landowner, a service station, had placed underground storage tanks within the parcel;

WHEREAS, the city has recently become aware that the service station desires to place additional underground storage tanks within Parcel No. 44-1a;

WHEREAS, the city has determined that Parcel No. 44-1a is not necessary for provision of the existing or a future road;

WHEREAS, the city has determined that Parcel No. 44-1a is not necessary for existing or anticipated public utility easements; and

WHEREAS, the city has determined that Parcel No. 44-1a is not necessary for any public purpose and that keeping Parcel No. 44-1a, which is encroached upon by underground storage tanks, is disadvantageous to the public;

NOW, THEREFORE, BE IT RESOLVED by the Homer City Council that:

1. The City of Homer hereby requests vacation of the street right-of-way on Parcel No. 44-1a, more particularly described as:

Parcel No. 44-1a, Pioneer Avenue Record of Survey No. 87-40RS filed in the Homer Recording District, Third Judicial District, Alaska, which parcel is the westerly 15 feet measured at right angles to the easterly right-of-way of Shelford Street of Lot 7B, Thomas Shelford Subdivision, according to Plat No. 58-4147 filed in the Homer Recording District, Third Judicial District, Alaska.

2. The city administration shall make application to the Kenai Peninsula Borough Planning Commission for vacation of the right-of-way.

PASSED AND APPROVED by the Homer City Council this 27th day of November, 1989, at Homer, Alaska.

CITY OF HOMER


JOHN P. CALHOUN, MAYOR

ATTEST:


PATTI J. WHALIN, CITY CLERK

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

PHIL C. SHEALY, CITY MANAGER

GORDON TANS, CITY ATTORNEY

FIRST READING:

PUBLIC HEARING:

SECOND READING/
ADOPTION:

EFFECTIVE DATE: