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**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 10-43**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA, AUTHORIZING THE CITY TO GRANT AN EASEMENT FOR RESIDENTIAL DRIVEWAY ACCESS ACROSS CITY PROPERTY DESCRIBED AS LOT 34, TULIN TERRACE SUBDIVISION UPPER TERRACE.

WHEREAS, For the site of its new water treatment plant the City acquired by eminent domain a portion of the North Half of the Southwest Quarter (N $\frac{1}{2}$ , SW $\frac{1}{4}$ ) and the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ , SE $\frac{1}{4}$ ) of Section 8, Township 6 South, Range 13 West, Seward Meridian, Alaska (“Hillstrand Property”) from Nancy J. Hillstrand; and

WHEREAS, Ms. Hillstrand has requested that the City grant her an easement across City property described as Lot 34, Tulin Terrace Subdivision Upper Terrace, for a residential driveway to provide access to the site of a cabin on the Hillstrand Property; and

WHEREAS, It is in the best interest of the City to grant the requested easement as a step to resolving the eminent domain litigation between the City and Ms. Hillstrand.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Notwithstanding anything to the contrary in Homer City Code Chapter 18.12, the Homer City Council hereby authorizes the conveyance to Nancy J. Hillstrand of a fifteen foot (15’) wide easement for a residential driveway across Lot 34, Tulin Terrace Subdivision Upper Terrace, according to Plat No. 96-51 filed in the Homer Recording District, Third Judicial District, State of Alaska, the centerline of which is described as follows:

Commencing at the southwest corner of the Property, thence northerly along the west property line of the Property, 20 feet to the true point of beginning; thence leaving said west property line (generally following the 1.0 million gallon water storage tank access road), South 68° East, a distance of 155 feet; thence North 28° East, a distance of 55 feet (parallel to the existing water storage tank fence); thence East, a distance of 90 feet (parallel to the existing water storage tank fence); thence N 52° East, a distance of 80 feet to the north property line of the Property; containing 5700 square feet, more or less.

The form of the easement conveyance is attached hereto as Exhibit A.

Section 2. The City Manager is authorized and directed to do and perform all things and determine all matters not determined by this ordinance, to the end that the City may carry out the conveyance of real property described in this ordinance.

Section 3. This ordinance is temporary in nature, and shall not be codified.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 13<sup>th</sup> day of September 2010.

CITY OF HOMER

James C. Hornaday  
JAMES C. HORNADAY, MAYOR

ATTEST:

Jo Johnson  
JO JOHNSON, CMC, CITY CLERK

YES: 6  
NO: 0  
ABSTAIN: 0  
ABSENT: 0

First Reading: 8/23/10  
Public Hearing: 9/13/10  
Second Reading: 9/13/10  
Effective Date: 9/14/10

Reviewed and approved as to form:

Walt E. Wrede  
Walt E. Wrede, City Manager

Date: 9/14/10

Thomas F. Klinkner  
Thomas F. Klinkner, City Attorney

Date: 9-20-10