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**CITY OF HOMER
HOMER, ALASKA**

Interim City Manager

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RESOLUTION 15-032

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A RESOLUTION OF THE HOMER CITY COUNCIL PARTIALLY
RELEASING THE DEVELOPMENT COVENANT OF THE LILLIAN
WALLI ESTATES SUBDIVISION REQUIRING EVERY LOT OR TRACT
WITHIN THE PROPERTY BE SERVED BY ROADS, WATER, SEWER,
DRAINAGE, AND OTHER UTILITIES BEFORE A REQUEST FOR A
BUILDING PERMIT OR ADDITIONAL UTILITY CONNECTION MAY BE
MADE.

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WHEREAS, The City of Homer ("City"), whose address is 491 East Pioneer Avenue, Homer, Alaska 99603, and Ero Steve Walli and John Robert Gibson (together, "Owners"), entered into an Agreement dated May 16, 1988 ("Agreement"), and recorded May 19, 1988, in Book 0183 at Page 424 in the Homer Recording District, Third Judicial District, State of Alaska; and

WHEREAS, The Agreement applies to real property now described as Tract B and Lots 1 through 77, Lillian Walli Estates Subdivision, according to Plat No. 88-16, Homer Recording District, Third Judicial District, State of Alaska (the "Property"); and

WHEREAS, In the Agreement, the Owners and their successors and assigns agree that, "no request for a building permit or additional utility connections will be made until improvements (roads, water, sewer, drainage, and other utilities), are completed and accepted by the City" ("Development Covenant"); and

WHEREAS, As beneficiary of the Development Covenant, the City has determined that the Development Covenant imposes an unreasonable burden on the development of the Property, and that it is in the public interest for the City to partially release the Property from the Development Covenant as provided herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Homer hereby partially releases the Development Covenant insofar as it requires that every lot or tract within the Property be served by roads, water, sewer, drainage, and other utilities before a request for a building permit or additional utility connection may be made for any lot or tract within the Property, such partial release to have the effect of revising the Development Covenant to read as follows: "no request for a building permit or additional utility connections will be made for a lot or tract until improvements (roads, water, sewer, drainage, and other utilities) serving that lot or tract are completed and accepted by the City."

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PASSED AND ADOPTED by the Homer City Council this 27th day of April, 2015.

CITY OF HOMER


MARY E. WYTHE, MAYOR

ATTEST:


JO JOHNSON, MMC, CITY CLERK

Fiscal Note: N/A

