

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 87-5

A RESOLUTION OF THE CITY OF HOMER NEGOTIATING A SETTLEMENT AGREEMENT WITH COOK INLET REGION, INC. FOR THE F.A.A. MARKER SITE PROPERTY AND AUTHORIZING THE CITY MANAGER TO SIGN SUCH AN AGREEMENT.

WHEREAS, correspondence and City planning dating from 1967 show that the City of Homer has a long standing concern in disposal of the 15.6 acre F.A.A. marker site located in Homer; and

WHEREAS, said tract was conveyed to the Cook Inlet Region, Inc. by the United States Department of Interior, Bureau of Land Management, subject to an appeal of administrative decision by the City of Homer; and

WHEREAS, the City of Homer appealed the above action by BLM in the City of Homer vs. McVee, et al., United States District Court for the District of Alaska; and

WHEREAS, the District Court of Appeal vacated BLM's May 20, 1980 decision and remanded the matter to BLM for further proceedings to determine whether the parcel was properly conveyed to CIRI pursuant to the Terms and Conditions; and

WHEREAS, both parties wish to resolve their dispute regarding the parcel allowing the City of Homer to utilize the property for public purpose and allow CIRI to develop the remainder of the parcel; and

WHEREAS, CIRI has transmitted a parcel settlement proposal dated December 22, 1986 with the attached map indicating that CIRI shall retain title to 11.5 acres (Parcel A) and the City of Homer shall receive title to three acres (Parcel C); and

WHEREAS, CIRI has agreed to revise Item 6 of the proposal dated December 22, 1986 to stipulate that Parcel C may be used for facilities which are primarily for a public purpose and which allow for the outright sale of the property to any buyer after twenty-five years from the date of conveyance to the City.


NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Homer, Alaska that the City of Homer and Cook Inlet Region, Inc. agree to join with BLM and sign appropriate documents substantially in compliance with the CIRI letter dated December 22, 1986.

BE IT FURTHER RESOLVED that CIRI and the City shall withdraw, with prejudice, from the current litigation and shall execute whatever legal documents necessary to make the settlement agreement operative.

DATED at Homer, Alaska this 12th day of January, 1987.

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ATTEST:

  
Patti J. Whalin  
Patti J. Whalin, City Clerk

CITY OF HOMER

John P. Calhoun  
John P. Calhoun, Mayor