

CITY OF HOMER  
HOMER, ALASKA

RESOLUTION 90-86

A RESOLUTION OF THE HOMER CITY COUNCIL TO VACATE A PORTION OF LOT 16-A, PARCEL 177-190-28, A PUBLIC USE EASEMENT.

WHEREAS, on September 3, 1970, the City acquired a twenty (20) foot strip of land along the most northernly boundary of Lot 16-A, Parcel 177-190-28, located within the Nils O. Svedlund Subdivision (amended) in the NW1/4, Sec. 20, T6S, R13W, S.M., Homer Recording District, Alaska, by means of an "Agreement for Public Use Easement" recorded in Book 61, Page 119, Homer Recording District, Alaska; and

WHEREAS, this portion of land was acquired to be used for "a right-of-way and easement, with the right, privilege and authority to the City, its successors and assigns for use as a public right-of-way, including the right to construct, operate and maintain public improvements and utilities of all kinds within said right-of-way"; and

WHEREAS, this portion of land was acquired in conjunction with the City of Homer's 1970 Sewage Collection System and Wastewater Facilities project; and

WHEREAS, the City constructed a sewer collection system along and near said strip of land; and

WHEREAS, the City has not constructed any other improvements within said strip of land; and

WHEREAS, the City's only need or intended use of the strip of land is for sewer collection system construction, operation and maintenance; and

WHEREAS, the City has determined that the subject "Public Use Easement" granted for use as a right-of-way is not necessary for existing or anticipated right-of-way use; and

WHEREAS, the City has determined that keeping the strip of land for right-of-way purposes is not necessary and is a disadvantage to the public and to the Owner of Lot 16-A.

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

1. The City of Homer hereby requests vacation of the Public Use Easement on Lot 16-A, Parcel 177-190-28, more particularly described as:

A twenty (20) foot strip of land along the most northernly boundary of Lot 16-A, Parcel 177-190-28, located within the Nils O. Svedlund Subdivision (amended) in the NW1/4, Sec. 20, T6S, R13W, S.M., Homer Recording

District, Alaska, by means of an "Agreement for Public Use Easement" recorded in Book 61, Page 119, Homer Recording District, Alaska.

2. This resolution shall supercede the previous Agreement recorded in Book 61, Page 119, Homer Recording District.
3. The City Administration shall make application to the Kenai Peninsula Borough Planning Commission for vacation of this Public Use Easement as previously recorded.
4. The City has negotiated a new ten (10) foot sewer utility easement with the Owner of Lot 16-A for the sole purpose of constructing, operating and maintaining a sewer collection system. This sewer utility easement will be recorded and shown on a new plat map now in the process of completion by SCS Surveying, registered land surveyors.

PASSED AND APPROVED by the Homer City Council this 26<sup>th</sup> day of November, 1990, at Homer, Alaska.

CITY OF HOMER

*Harry Gregoire*  
HARRY GREGOIRE, MAYOR

ATTEST:

*Mary L. Shannon*  
MARY L. SHANNON, CITY CLERK

REVIEWED AND APPROVED AS TO FORM AND CONTENT:

*not required*

C.E. SWACKHAMMER, CITY MANAGER

GORDON TANS, CITY ATTORNEY

FIRST READING: } *applies to ordinances only*  
PUBLIC HEARING: }  
SECOND READING/  
ADOPTION: }

EFFECTIVE DATE: *11/26/90 - at time of adoption*