

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

3 City Manager

4 **ORDINANCE 20-11**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 APPROVING THE DISPOSAL OF THE CITY'S INTEREST IN A .21
8 ACRE PORTION OF THE EXISTING STERLING HIGHWAY AT ITS
9 INTERSECTION WITH LAKE STREET AT NO COST TO THE STATE OF
10 ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC
11 FACILITIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE
12 THE APPROPRIATE DOCUMENTS.

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14 WHEREAS, The State of Alaska, Department of Transportation and Public Facilities
15 (DOT) is in the planning phase of the federally funded Homer Lake Street Rehabilitation Project
16 Z524610000, which intends to extend the life of the roadway and improve pedestrian access,
17 bicycle facilities, and drainage; and

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19 WHEREAS, Upon conducting a title report of the project area, DOT realized the City still
20 has an interest in a .21 acre portion of the existing Sterling Highway at its intersection with Lake
21 Street;

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23 WHEREAS, In 1996, this strip of land was supposed to be dedicated to the State as part
24 of the Beluga Slough Trail Subdivision since the Sterling Highway's construction was underway
25 through Homer Lake Street Rehabilitation Project 51238 however the subdivision was never
26 finalized so no dedication occurred; and

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28 WHEREAS, In March of 1997, private landowners conveyed a portion of their land to DOT
29 to supplement the existing right of way involved in the project; and

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31 WHEREAS, DOT proceeded to construct signalized intersection improvements using
32 both the lands acquired and the lands slated for dedication, which included the .21 acre sliver
33 of City property; and

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35 WHEREAS, In April 1998, the Exxon Valdez Oil Spill Trustee Council provided \$996,100 in
36 funding for the acquisition of the "Beluga Slough" parcel and the "Green Timbers" parcel,
37 which were to be managed by the City of Homer; and

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39 WHEREAS, In exchange for the property acquisitions, the City worked with the Trust for
40 Public Land to place a conservation easement on the City property legally described as the
41 Northwest ¼ of the Southeast ¼ of Section 20, Township 6 South, Range 12 West, Seward
42 Meridian (subject to certain exclusions), also known as Kenai Peninsula Borough parcel
43 number 17714006; and

44 WHEREAS, The City of Homer owns the property and the United States Department of
45 the Interior, Bureau of Land Management and the State of Alaska, Division of Parks manage
46 the conservation easement; and

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48 WHEREAS, While the conservation easement boundary includes the .21 acre sliver, the
49 right-of-way improvements made by DOT for the Sterling Highway preceded the conservation
50 easement being put in place; and

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52 WHEREAS, DOT maintains the position that the conservation easement is subject to the
53 roadway improvements that existed at the time the conservation easement was granted; and

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55 WHEREAS, Neither the Trust for Public Land nor the Exxon Valdez Oil Spill Trustee
56 Council have any objections to the City's transfer of its interest in the .21 acre portion to DOT;
57 and

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59 WHEREAS, In January 2020, the City requested comments from the United States
60 Department of the Interior, Bureau of Land Management and the State of Alaska, Division of
61 Parks offices as holders of the conservation easement regarding the land transfer and no
62 objections were received; and

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64 WHEREAS, Per HCC 18.12.020, it is in the City's best interest to deed its .21 acre portion
65 of the Sterling Highway to DOT in order to clarify the responsibility and authority for
66 management of the State maintained right of way; and

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68 WHEREAS, Given the intent to reduce the City's liability regarding the property and
69 clarify management responsibility, the City will transfer its interest in the right-of-way at no
70 cost; and

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72 WHEREAS, HCC 18.12.050 (a) grants the City authority to dispose of property at less than
73 fair market value to the State of Alaska.

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75 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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77 Section 1. Notwithstanding anything to the contrary in Homer City Code Chapter
78 18.12, the City Manager is authorized and directed to dispose of the City's interest in a .21 acre
79 portion of the existing Sterling Highway at its intersection with Lake Street at no cost to the
80 State of Alaska, Department of Transportation and Public Facilities.

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82 Section 2. This is a non-Code ordinance of a permanent nature.

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84 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 9th day of March, 2020.

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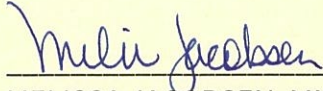
CITY OF HOMER



KEN CASTNER, MAYOR

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ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

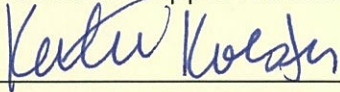
First Reading: 2.24.2020

Public Hearing: 3.9.2020

Second Reading: 3.9.2020

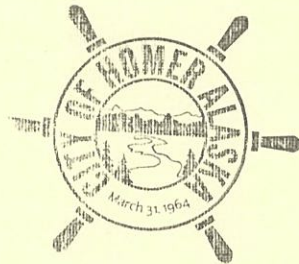
Effective Date: 3.10.2020

Reviewed and Approved as to form and content:



Katie Koester, City Manager

Date: 3.12.20



Michael Gatti, City Attorney

Date: 3/22/2020