

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 10-48

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, APPROVING A CONSERVATION EASEMENT BETWEEN THE CITY, AS GRANTOR, AND THE STATE OF ALASKA, FOR THE CITY OWNED LAND COMMONLY REFERRED TO AS THE "DIAMOND CREEK PROPERTY".

WHEREAS, The Kachemak Heritage Land Trust obtained a Forest Legacy Grant and raised a significant amount of money from private donations to acquire two parcels owned by the University of Alaska which contained large sections of the Baycrest Ski Trail system; and

WHEREAS, The Parcels are identified by Kenai Peninsula Borough parcel numbers 173-022-01 and 173-032-29 and the legal descriptions are HM T06S R14W S09 SE 1/4 EXCLUDING THE W 1/2 SW 1/4 SE 1/4 SE 1/4 and HM T06S R14W S10 SE1/4 & S 1/2 SW 1/4; and

WHEREAS, The Land Trust sought to acquire these parcels because of their habitat values and the long history of recreational uses in the general area; and

WHEREAS, The Forestry Legacy Program rules provide that the land must be used for recreation, conservation, and general forestry uses and this condition is contained on the property deed; and

WHEREAS, The Forestry Legacy Program rules require that title to the land acquired with grant funds must rest with a municipality and the Borough was not interested because it does not have recreation powers; and

WHEREAS, The Homer City Council accepted title to the property and designated it for a public purpose as park land via Ordinance 07-03; and

WHEREAS, Forestry Legacy Grant Funding was channeled through the State of Alaska, Department of Natural Resources (DNR, the grant recipient) which makes DNR responsible for making sure that the land is used for its intended purpose.

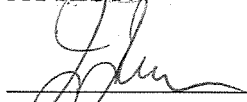
NOW, THEREFORE, BE IT RESOLVED that the Homer City Council has reviewed the draft conservation easement and finds that it is in the public interest for it to be adopted.

BE IT FURTHER RESOLVED that the Council hereby approves the attached conservation easement and authorizes the City Manager to execute the appropriate documents.

PASSED AND ADOPTED by the Homer City Council this 14th day of June, 2010.

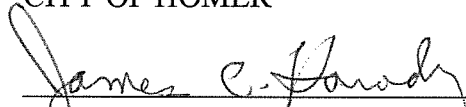


ATTEST:



JO JOHNSON, CMC, CITY CLERK

CITY OF HOMER



JAMES C. HORNADAY, MAYOR

Fiscal Note: N/A