

Introduced by: Mayor
Date: 12/03/19
Action: Postponed as Amended
to 01/07/20
Vote: 9 Yes, 0 No, 0 Absent
Date: 01/07/20
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2019-070**

**A RESOLUTION AUTHORIZING THE BOROUGH TO ENTER INTO A RESOURCE
EXCHANGE AGREEMENT WITH TRIMARK EARTH RESERVE, LLC FOR THE
CONSTRUCTION OF A ROAD TO AND THROUGH BOROUGH PROPERTY**

- WHEREAS,** the borough owns a parcel of land, parcel identification number (PIN) 16913125, in the Anchor Point area; and
- WHEREAS,** the borough-owned parcel PIN 16913125 has dedicated but undeveloped right-of-way access to the property; and
- WHEREAS,** there are properties to the west and south of PIN 16913125 that do not have legal access; and
- WHEREAS,** the proposed resource exchange agreement (“agreement”) will enable Trimark Earth Reserve, LLC (“Trimark”) to develop the dedicated Van Seventer Avenue right-of-way and build a road through PIN 16913125 utilizing sand and gravel resources discovered within PIN 16913125 should they be available; and
- WHEREAS,** the agreement provides that if suitable material is found on PIN 16913125 then Trimark may use sand or gravel for the purpose of constructing a KPB Category III gravel road to borough road standards; and
- WHEREAS,** the agreement provides that, should Trimark need to provide its own sand and gravel resources for road construction, Trimark may remove a volume of sand and gravel resources from PIN 16913125 equal to the amount provided by Trimark, up to 10,000 cubic yards; and
- WHEREAS,** the sand and gravel resource exchange provided for in the agreement is contingent upon the discovery of suitable materials found on PIN 16913125; and
- WHEREAS,** the agreement does not obligate Trimark to build the road if suitable materials are not found on PIN 16913125; and

WHEREAS, the agreement benefits borough land through the construction of gravel road access to and through PIN 16913125 that complies with borough road standards; and

WHEREAS, if constructed, the road will benefit properties to the west and south of PIN 16913125 by providing road access to those properties; and

WHEREAS, all road improvement will remain the property of the borough upon completion; and

WHEREAS, pursuant to KPB 17.10.030(C)(3) assembly approval of the exchange shall be by resolution; and

WHEREAS, the planning commission at its regularly scheduled meeting of November 25, 2019, recommended approval by unanimous consent;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

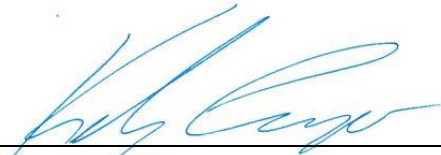
SECTION 1. That the mayor is authorized to execute a resource exchange agreement with Trimark Earth Reserve, LLC on substantially the same terms as the attached agreement providing for an exchange of sand and gravel resources for the construction of a road through the following described borough lands:

The S½ and S½NW¼ of Section 15, T5S, R15W, Seward Meridian, Alaska identified as parcel identification number (PIN) 169-131-25; and,

The Van Seventer Avenue right-of-way between the Old Sterling Highway as shown on the Van Seventer Lakes Subdivision plat, filed under Plat No. 92-37, Homer Recording District, Third Judicial District, State of Alaska.


SECTION 2. That this resolution shall take effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 7TH DAY OF JANUARY, 2019.

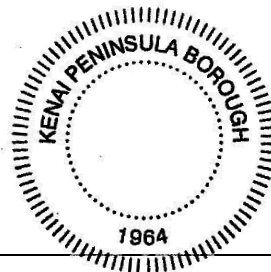


Kelly Cooper, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



12/03/19 Vote on motion to postpone to 01/07/20:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None

01/07/20 Vote on motion to Adopt:

Yes: Bjorkman, Blakeley, Carpenter, Cox, Dunne, Hibbert, Johnson, Smalley, Cooper

No: None

Absent: None