

Kenai Peninsula Borough

Legal Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Charlie Pierce, Mayor 

FROM: Colette G. Thompson, Borough Attorney 
Max Best, Planning Director 

DATE: April 19, 2018

RE: Amendments to Ordinance 2018-16, Amending KPB 16.08.010 and 16.24.010 to Move the Common Boundary Between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area South, Subject to Approval by Voters Residing in the Central Kenai Peninsula Hospital Service Area and the Proposed New Area (Bagley)

This memo proposes three amendments to ordinance 2018-16. The first deletes the thirteenth whereas clause as the Central Kenai Peninsula Hospital Service Area Board is no longer a functioning service area board. The second provides the corrected legal description and the third would change the ballot language to comply with a legal requirement. (Please note the bold underlined language is new and the bold strikethrough language in brackets is to be deleted.)

1. Delete the thirteenth whereas clause in its entirety.
 2. The following amends the legal descriptions in the code for both hospital service areas, moving the common boundary to just south of Berussa Road in Ninilchik.
- Amend Section 1, as follows:

SECTION 1. That KPB 16.08.010 is hereby amended as follows:

CHAPTER 16.08. – CENTRAL KENAI PENINSULA HOSPITAL SERVICE AREA

16.08.010 Established—Boundaries.

There is established a service area within the borough, designated the "Central Kenai Peninsula Hospital Service Area," including that portion of the borough described as follows:

As a point of beginning, begin at the N.W. corner of T15N, R23W (projected), Seward Meridian, State of Alaska;

Thence east to the N.E. corner of T15N, R12W, (projected);

Thence south to the N.W. corner of T13N, R11W, (projected);

Thence east to the N.E. corner of T13N, R10W, (projected);

Thence south to the S.E. corner of T13N, R10W, (projected); said corner being in Cook Inlet at longitude 150°58'18" W, latitude 61°10'00" N;

Thence southeasterly to the S.E. corner of T12N, R9W, (projected), said corner being in Cook Inlet at longitude 150°46'37" W, latitude 61°04'49" N;

Thence northeasterly to the N.E. corner of T12N, R7W, (projected), said corner being in Cook Inlet at longitude 150°26'01" W, latitude 61°01'01" N;

Thence southeasterly to the N.E. corner of T11N, R6W, (projected), said corner being in Turnagain Arm at longitude 150°14'40" W, latitude 61°04'49" N;

Thence east to the N.E. corner of T11N, R5W, (projected), said corner being in Turnagain Arm at longitude 150°04'01" W, latitude 61°04'49" N;

~~[Thence southeasterly to the common boundary of the Kenai National Moose Range and the Chugach National Forest and Chickaloon Bay;~~

~~Thence south along the common boundary of the Kenai National Moose Range and the Chugach National Forest~~

~~to the intersection with the boundary between election district numbers 9 and 10;~~

~~Thence southerly along the boundary line between election district numbers 9 and 10 to an intersection with the township line between T1N and T2N (projected);]~~

Thence southeasterly to the intersection of the 150th Meridian and the mean high water line of Chickaloon Bay;

Thence south along the 150th Meridian to a line drawn along the Kenai Mountains from USC&GS Triangulation Station Gore Point on the Gulf of Alaska to USC&GS Triangulation Station Gull Rock on Turnagain Arm;

Thence southwesterly along the previously described line to an intersection with the section line common to section 11 and 14, T2S, R7W;

Thence west to the N. E. corner of Lot 1 ITC Ninilchik Subdivision, plat 2001-33 Homer Recording District also being the west edge of the Sterling Highway;

Thence northwesterly along the north lot line of Lot 1 ITC Ninilchik Subdivision, Plat 2001-33 Homer Recording District to the Mean High Water Line of Cook Inlet;

Thence southwesterly along the N.W. property line to the section line common to sections 8 and 17, T2S, R14W;

Thence west along the section line into Cook Inlet to the S.W. corner of section 8, T2S, R14W, (projected);

Thence northwesterly to the N.W. corner of T1S, R18W;

~~[Thence west along the township line between T1N and T2N to a point 3 miles offshore in Cook Inlet;~~

~~Thence southwesterly to an intersection with Seward baseline at a point 3 miles offshore in Cook Inlet from the western shore of Cook Inlet;]~~

Thence west to the S.W. corner of T1N, R24W, (projected);

Thence north to the N.W. corner of T4N, R24W, (projected);

Thence east to the S.W. corner of T5N, R23W, (projected);

Thence north to the N.W. corner of T8N, R23W, (projected);

Thence west to the S.E. corner of T9N, R24W, (projected);

Thence north to the N.E. corner of T12N, R24W, (projected);

Thence west to the S.E. corner of T13N, R24W, (projected);

Thence north to the N.E. corner of T15N, R24W, (projected),
the point of beginning.

- Amend Section 2, as follows:

SECTION 2. That KPB 16.24.010 is hereby amended as follows:

CHAPTER 16.24. – SOUTH KENAI PENINSULA HOSPITAL SERVICE AREA

16.24.010. - Established—Boundaries.

There is established a service area within the borough designated the "South Kenai Peninsula Hospital Service Area," including that portion of the borough described as follows:

As a point of beginning, begin at the N.W. corner of T1S;
R25W (projected), Seward Meridian, State of Alaska;

Thence east to the N.W. corner of T1S, R18W, (projected):

Thence southeasterly to the S.W. corner of section 8, T2S, R14W, (projected);

Thence east along the section line to the N.W. property line of Lot 1 ITC Ninilchik Subdivision, plat 2001-33 Homer Recording District;

Thence northeasterly to the N.W. corner of Lot 1 ITC Ninilchik Subdivision, plat 2001-33 Homer Recording District;

Thence southeasterly along the north lot line to the northeast corner of said lot also being the west edge of the Sterling Highway;

Thence east to the section corner common to sections 8, 9, 16, 17, T2S, R14W;

Thence east along the section lines to a line drawn along the Kenai Mountains from USC&GS Triangulation Station Gore Point on the Gulf of Alaska to USC&GS Triangulation Station Gull Rock on Turnagain Arm;

~~[Thence east along Seward baseline to a point in Cook Inlet and 3 miles offshore on the west side of Cook Inlet;~~

~~Thence northeasterly to a point of intersection with Township line between T1N, T2N and 3 miles offshore in Cook Inlet on the east side of Cook Inlet;~~

~~Thence east along Township line between T1N and T2N to the E 1/16 corner of Section 34, T2N, R6W];~~

Thence in a southerly direction to the S.E. corner of the N.E. ¼ of Section 28, T11S, R10W, (projected), said corner being at or approximately at Gore Point;

Thence southwesterly to the S.E. corner of the N.E. ¼ of Sec. 27, T12S, R13W (projected), said corner being on or approximately on the southerly point of East Chugach Island;

Thence southwesterly to the S.E. corner of Sec. 31, T12S, R14W, (projected), said corner being at or approximately at Perl Rock;

Thence southwesterly to longitude 153°00'00" W, latitude 59°02'00" N, in Cook Inlet;

Thence southwesterly to the N.E. corner of Sec. 27, T15S, R24W, (projected), at Cape Douglas on the west side of Cook Inlet;

Thence west to the N.E. corner of Sec. 29, T15S, R26W, (projected);

Thence south to the S.E. corner of Sec. 32, T16S, R26W, (projected);

Thence west to the N.E. corner of T17S, R28W, (projected);

Thence south to the S.E. corner of T17S, R28W, (projected);

Thence west to the S.W. corner of T17S, R32W, (projected);

Thence north to the N.W. corner of T17S, R32W, (projected);

Thence west to the S.W. corner of T16S, R32W, (projected);

Thence north to the N.W. corner of T13S, R32W, (projected);

Thence west to the S.W. corner of T12S, R32W, (projected);

Thence north to the N.W. corner of T11S, R32W, (projected);

Thence east to the S.W. corner of T10S, R30W, (projected);

Thence north to the N.W. corner of T9S, R30W, (projected);

Thence east to the S.E. corner of T8S, R29W, (projected);

Thence north to the N.E. corner of T8S, R29W, (projected);

Thence east to the N.E. corner of T8S, R28W, (projected);

Thence north to the N.W. corner of T6S, R27W, (projected);

Thence east to the S.W. corner of T5S, R26W, (projected);

Thence north to the N.W. corner of T5S, R26W, (projected);

Thence east to the S.W. corner of T4S, R25W, (projected);

Thence north to the N.W. corner of T1S, R25W, (projected);

Thence east to the point of beginning, EXCEPTING therefrom all lands above the Mean High Water Line including islands southwest of a line from the S.E. corner of N.E. $\frac{1}{4}$ of Section 28, T11S, R10W, (projected) said corner being at or approximately at Gore Point;

Thence northeasterly along a line drawn along the Kenai Mountains from USC&GS Triangulation Station Gore Point on the Gulf of Alaska to USC&GS Triangulation Station Gull Rock on Turnagain Arm to the center of section 17, T9S,R9W;

[Thence North to the N.W. corner of section 3, T9S, R10W;]

Thence Northwest to the $\frac{1}{4}$ corner common to Sections 20 and 29, T7S, R12W;

Thence North 45 degrees West to the Mean High Water line of Neptune Bay within Kachemak Bay.

3. Alaska Statutes require the voters to authorize the borough to exercise the power to provide the services offered in a service area. Accordingly, the legal department respectfully requests the assembly approve the following amendments to this ordinance:

➤ Amend Section 3, as follows:

SECTION 3. That a proposition shall be presented to all voters residing in both the existing and the proposed new area of the Central Kenai Peninsula Hospital Service Area as follows:

PROPOSITION NO. _____

Shall the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area be moved south by about ___ miles as described in KPB Ordinance 2018-**16** **and the borough be authorized to exercise the Central Kenai Peninsula Hospital Service Area powers in that additional area?**

YES ___ A "Yes" vote means you approve moving the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area south by about ___ miles **and the borough exercising Central Kenai Peninsula Hospital Service Area powers in that additional area.**

NO ___ A "No" vote means that you oppose moving the common boundary line between the Central Kenai Peninsula Hospital Service Area and the South Kenai Peninsula Hospital Service Area **and the borough exercising Central Kenai Peninsula Hospital Service Area powers in that additional area.**