

Introduced by: Mayor
Date: 10/25/22
Action: Adopted
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2022-054**

**A RESOLUTION APPROVING THE ACQUISITION OF A PUBLIC ACCESS
EASEMENT FROM THE STATE OF ALASKA FOR WATERMELON TRAIL**

WHEREAS, KPB 17.10.030 and KPB 17.10.040 requires Kenai Peninsula Borough (“Borough”) Planning Commission consideration and assembly approval for the acquisition of interests in lands; and

WHEREAS, an easement is an interest in land; and

WHEREAS, the purpose of the acquisition is for construction, operation and maintenance of an existing multi-use public trail, commonly called Watermelon Trail, across State of Alaska lands on the southern Kenai Peninsula; and

WHEREAS, Snomads, Inc. has initiated the easement process through the State of Alaska, Department of Natural Resources under ADL 223843 and is also the holder of the Borough Community Trail Management Agreement for the portions of this same trail across Borough-owned lands; and

WHEREAS, Watermelon Trail is an important backcountry access point for Borough residents, including access to Borough lands; and

WHEREAS, a land classification does not fit within the intent and purpose of Borough Chapter 17.10 and the use of the easement area defined by the easement instrument; and

WHEREAS, the Borough Planning Commission, at its regularly scheduled meeting of October 24, 2022, recommended adoption by unanimous consent;

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

SECTION 1. That the acquisition of a public access easement described as ADL 233843 for a 60-foot-wide trail easement 55,000-feet-in-length, more or less, commonly known as Watermelon Trail is in the best interests of the Borough.

SECTION 2. The terms of the acquisition are in accordance with AS 38.05.850, public and charitable use. The duration of the easement is indefinite.

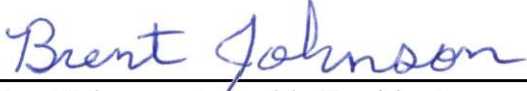
SECTION 3. The purpose of the acquisition is for construction, operation and maintenance of an existing public multi-use trail and related infrastructure commonly called Watermelon Trail.

SECTION 4. That no land classification is required pursuant to KPB 17.10.080(C). The Borough intends to administer the trail through community trail management agreement authorizations consistent with other sections of the trail on Borough-owned lands, and consistent with the terms of the easement.

SECTION 5. That the mayor is authorized to execute any and all documents necessary to acquire the interest in real property as described in this resolution in accordance with the terms and conditions contained in this resolution and accompanying Public Access easement document and consistent with applicable provisions of KPB 17.10.

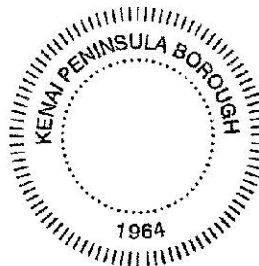
SECTION 6. That this resolution is effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 25TH DAY OF OCTOBER 2022.


Brent Johnson, Assembly President

ATTEST:


John Blankenship, MMC, Borough Clerk



Yes: Bjorkman, Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Tupper, Johnson
No: None
Absent: None