

Introduced by: Mayor
Date: 08/15/17
Hearing: 09/05/17
Action: Enacted as Amended
Vote: 8 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2017-24**

**AN ORDINANCE RECOMMENDING DECERTIFICATION OF APPROXIMATELY
1,060 FEET OF BETTY LOU DRIVE, WEST OF FIELDS ROAD**

- WHEREAS**, Betty Lou Drive, located in the Enberg Subdivision, Plat No. K-1137, Third Judicial District, State of Alaska, is within the Kenai Peninsula Borough Road Service Area (“RSA”) maintenance system; and
- WHEREAS**, the most westerly 1,060 feet of Betty Lou Drive is located in platted right-of-way; and
- WHEREAS**, the most westerly 1,060 feet of Betty Lou Drive is not constructed to borough standards and is primary access to nineteen bordering parcels which are owned by the various property owners; and
- WHEREAS**, on May 31, 2017, a petition signed by all property owners that use Betty Lou Drive for primary residential access, west of Fields Road was received at the RSA office to decertify for maintenance the most westerly 1,060 feet of Betty Lou Drive; and
- WHEREAS**, no properties other than those that signed the petition utilize the subject road for access; and
- WHEREAS**, KPB 14.06.240 provides for the decertification of roads certified for borough maintenance upon meeting standards within that section and recommendation by the RSA board to the assembly; and
- WHEREAS**, the most westerly 1,060 feet of Betty Lou Drive was posted with the decertification notice required by KPB 14.06.240(B)(2); and
- WHEREAS**, the notice of public hearing on the decertification was advertised on July 5, 12, 19, 26, 2017 in the Peninsula Clarion; and
- WHEREAS**, no written objection to the decertification was received as per KPB 14.06.240 (B) (3); and
- WHEREAS**, the RSA board at its August 8, 2017 meeting recommended approval by adoption of RSA Resolution 2017-06;

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

SECTION 1. That the assembly accepts the RSA Resolution #17-06 as the RSA director's written recommendation to the RSA board required by KPB 14.06.240(B) to decertify the most westerly maintained 1,060 feet of Betty Lou Drive.

SECTION 2. That the most westerly maintained 1,060 feet of Betty Lou Drive does not meet the following decertification standard of KPB 14.06.240(D) and requires assembly approval by ordinance:

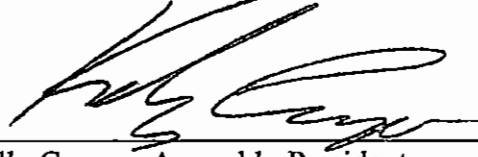
1. Dwellings standards. *No road shall be decertified which provides the only vehicular access to dwellings.* The most westerly 1,060 feet of Betty Lou Drive provides the only vehicular access to nine residential parcels which through a signed petition of 100% of the property owners requests the road be decertified.

SECTION 3. That the most westerly maintained 1,060 feet of Betty Lou Drive meets the decertification standards of KPB 14.06.240(C) and (E), as follows:

1. Safety. The road presents safety concerns because it is narrow and has obstruction adjacent to the driving surface.
2. Road condition. The road is not constructed to borough standards.
3. Drainage problems. Ditching is not adequate which causes drainage issues.
4. Access. The road is within platted right-of-way, but does not provide access to other maintained roads.
5. Snow storage. Snow storage is inadequate.
6. Funding. Costs will be saved by this decertification through decreased maintenance expenditures and reduced capital improvement project expenditures.
7. Prior maintenance. The 1,060 foot portion of the road being decertified has been on road maintenance for at least 10 years. It is unknown when this section of road was accepted for maintenance

SECTION 4. Notwithstanding KPB 14.06.240(B) and (C), the assembly hereby approves the decertification of the most westerly maintained 1,060 feet of Betty Lou Drive.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 5TH DAY OF SEPTEMBER, 2017.

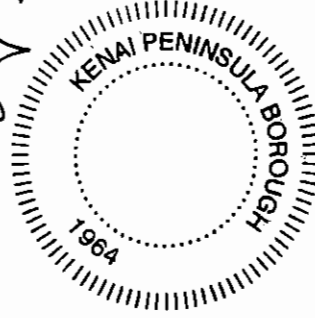


Kelly Cooper, Assembly President

ATTEST:



John Blankenship, MMC, Borough Clerk



Yes: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle, Schaefer, Cooper
No: None
Absent: None