



Sponsored by: Administration

CITY OF KENAI

RESOLUTION NO. 2020-01

A RESOLUTION OF THE COUNCIL OF THE CITY OF KENAI, ALASKA, RECOMMENDING THAT THE KENAI PENINSULA BOROUGH ASSEMBLY NOT ENACT ORDINANCE 2019-24 SUBSTITUTE.

WHEREAS, Kenai Peninsula Borough Ordinance 2019-24, Adopting KP.B 20.80, Subdivision Private Streets and Gated Subdivisions, was introduced by the Kenai Peninsula Borough Assembly on September 3, 2019; and,

WHEREAS, at its meeting of December 3, 2019, the Assembly amended Ordinance 2019-24 by Substitute; and,

WHEREAS, Ordinance 2019-24 (Substitute) establishes standards and requirements for the establishment of private streets in subdivisions in the Borough, both inside and outside of cities, either at the time of subdivision or by the owners of parcels along existing public street(s); and,

WHEREAS, Ordinance 2019-24 (Substitute) does not provide sufficient process for a home rule municipality to control the establishment of private streets for new subdivisions within their boundaries; and,

WHEREAS, within the City of Kenai, the City is responsible for road maintenance and other services to its residents, which Ordinance 2019-24 (Substitute) has the potential to affect; and,

WHEREAS, Ordinance 2019-24 (Substitute) is not necessary as private streets within the City and in other parts of the Borough have been approved in the past utilizing the exception process provided in Kenai Peninsula Borough Code 20.50 and landowners wishing to establish private streets in the future can utilize the same exception process that already exists; and,

WHEREAS, due to the lack of control that home rule municipalities would have over the establishment of private streets within their boundaries if Kenai Peninsula Borough Ordinance 2019-24 (Substitute) were enacted, and given the fact that landowners already have the ability to create private streets when developing a new subdivision through the exception process, the City of Kenai cannot support the passage of Ordinance 2019-24 (Substitute);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA:

Section 1. That the City Council respectfully requests that the Kenai Peninsula Borough Assembly not enact Kenai Peninsula Borough Ordinance 2019-24 (Substitute).

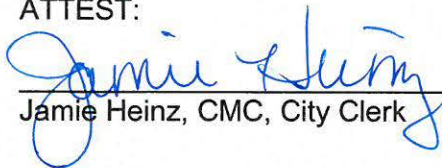
Section 2. That copies of this resolution shall be sent to Kenai Peninsula Borough Mayor Charlie Pierce, Assembly President Kelly Cooper, and Assembly Members.

Section 3. That this Resolution takes effect immediately upon passage.

PASSED BY THE COUNCIL OF THE CITY OF KENAI, ALASKA, this 15th day of January, 2020.


BRIAN GABRIEL SR., MAYOR

ATTEST:


Jamie Heinz, CMC, City Clerk

