

Introduced by: Mayor  
Date: 02/14/12  
Hearing: 03/13/12  
Action: Enacted  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2012-02**

**AN ORDINANCE DECERTIFYING APPROXIMATELY 350 FEET OF STRAWBERRY ROAD EXTENDING BEYOND THE EASTERLY END OF DEDICATED BOROUGH RIGHT-OF-WAY**

- WHEREAS**, Strawberry Road, located between SW¼, SE¼, Section 5 and NW¼, NE¼ Section 8, all within T5N, R10W, Seward Meridian, is on the Kenai Peninsula Borough Road Service Area (RSA) maintenance system; and
- WHEREAS**, the most easterly 350 feet of Strawberry Road is not located in platted right-of-way but is within a state section line easement; and
- WHEREAS**, the most easterly 350 feet of Strawberry Road is not constructed to borough standards and is used primarily as a driveway for the bordering parcels which are owned by the Wasson Family Trust; and
- WHEREAS**, the Wasson Family Trust has formally requested that the RSA decertify the most easterly 350 feet of Strawberry Road; and
- WHEREAS**, no properties other than those owned by the Wasson Family Trust 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 easterly 350 feet of Strawberry Road 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 December 29, 2011 and January 5, 12, 19, 2012 in the Peninsula Clarion; and
- WHEREAS**, a public hearing was held on January 24, 2012 at the RSA Board meeting held in Soldotna, Alaska; and
- WHEREAS**, no written objection to the decertification was received as per KPB 14.06.240 (B) (3); and

**WHEREAS**, on January 24, 2012, the RSA Board adopted resolution 2012-01 recommending the decertification of approximately 350 feet of Strawberry Road extending beyond the easterly end of dedicated borough right-of-way; and

**WHEREAS**, because the dwellings owned by the Wasson Family Trust do not have alternate vehicular access an ordinance is required to decertify the road;

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

**SECTION 1.** That the assembly adopts the findings in RSA resolution 2012-01 regarding approximately 350 feet of Strawberry Road extending beyond the easterly end of dedicated borough right-of-way which are set out below, and finds that the RSA Board's findings meet the requirements of KPB 14.06.240 (C) and (D) with the exception noted below.

1. Dwellings standards. *Exception:* The most easterly 350 feet of Strawberry Road provides the only vehicular access to a driveway accessing a dwelling, wholly owned by the Wasson Family Trust, which is the party requesting the road be decertified.
2. Safety. The road presents safety concerns because of a steep grade.
3. Road condition. The road is not constructed to borough standards.
4. Drainage problems. There are no drainage issues.
5. Access. The road is outside platted right-of-way and does not provide access to other maintained roads.
6. Snow storage. There are no current issues with snow storage.
7. Funding. Cost will be saved by this decertification through decreased maintenance expenditures and reduced Capital Improvement Project expenditures.
8. Prior maintenance. The 350 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 2.** Notwithstanding KPB 14.06.240(C), Dwelling standards, the assembly finds an exception is warranted as the owners of the dwelling accessed by the road support the decertification.

**SECTION 3.** That the approximately 350 feet of Strawberry Road extending beyond the easterly end of dedicated borough right-of-way is hereby decertified for maintenance.

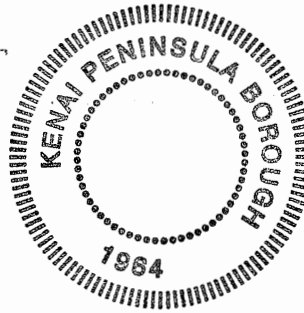
SECTION 4. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS  
13TH DAY OF MARCH, 2012.

  
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Gary Knopp, Assembly President

ATTEST:

  
John Blankenship, Borough Clerk



Yes: Haggerty, Johnson, McClure, Murphy, Smalley, Smith, Tauriainen, Knopp  
No: None  
Absent: Pierce