

Introduced by: Mayor  
Date: 03/01/94  
Action: Adopted as Amended  
Vote: Unanimous

**KENAI PENINSULA BOROUGH  
RESOLUTION 94-020**

**A RESOLUTION RECOMMENDING CHANGES TO THE PROPOSED  
RECONSTITUTION OF THE MENTAL HEALTH TRUST AND CONDITIONALLY  
RELINQUISHING CERTAIN KENAI PENINSULA BOROUGH LAND SELECTIONS  
UNDER THE MUNICIPAL ENTITLEMENT ACT**

**WHEREAS,** the Alaska Department of Natural Resources proposes to redesignate certain lands within the Kenai Peninsula Borough for conveyance to the Mental Health Trust Authority; and

**WHEREAS,** the purpose of this proposed action is to compensate the mental health trust with substitute land as replacement for original trust land that has been conveyed to individuals or municipalities; and

**WHEREAS,** the Department of Natural Resources has identified 189 parcels of State land, comprising 18,352 acres, within the Borough which are proposed substitute lands; and

**WHEREAS,** the Kenai Peninsula Borough had previously filed selections under the Municipal Entitlement Act on approximately 25 of the proposed parcels to be used as substitute lands; and

**WHEREAS,** the use of land selected to meet municipal land entitlement to reconstitute the mental health trust may jeopardize the Borough's total entitlement unless legislation authorizes municipalities to make additional selections;

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

**SECTION 1.** That the Kenai Peninsula Borough opposes the inclusion of parcel No. 520176, ADL No. 201307, as substitute land for reconstitution of the mental health trust since the selection of that property has been approved and management authority for that parcel rests with the Kenai Peninsula Borough pending final survey and patent issuance. The approval of this selection is shown by Final Decision document dated August 23, 1989; Reconsideration letter dated November 1, 1989; Letter of Decision on Appeal dated May 23, 1990.

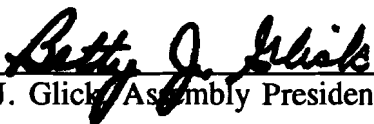
**SECTION 2.** That the Assembly, subject to the conditions of this resolution, agrees to relinquish the Borough's selection for municipal entitlement for lands for which the borough has not received selection approval that are proposed substitute lands for reconstituting the Mental Health Trust Lands as shown on Attachment A to this resolution. The Assembly recognizes that Attachment A may not include all parcels proposed for use in reconstituting the trust and authorizes the relinquishment of additional selected, but unapproved, lands where the borough has no need or plans for the use of the property and if all the conditions of this resolution have been met.

**SECTION 3.** That relinquishment of selections under the Municipal Entitlement Act is expressly conditioned on the legislature enacting provisions for replacement selections by municipalities since the original periods of time for selection have expired.

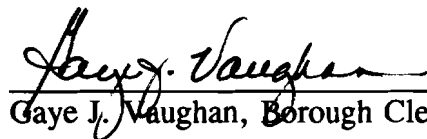
**SECTION 4.** That relinquishment of selections is further subject to the condition that lands be subject to any comprehensive plans or land use plans adopted by the Borough in conjunction with local residents that apply to the relinquished land, such as the Moose Pass Land Use Plan which has been incorporated into the Kenai Peninsula Borough Comprehensive Plan.

**SECTION 5.** That copies of this resolution be sent to Governor Walter J. Hickel; DNR Commissioner Harry Noah; Senators Suzanne Little, Judith Salo, Fred Zharoff, and Georgianna Lincoln, and Representatives Gail Phillips, Mike Navarre, Gary Davis, Cliff Davidson, and Irene Nicholia.

**ADOPTED BY THE KENAI PENINSULA BOROUGH ASSEMBLY THIS 1st DAY OF MARCH, 1994.**

  
Betty J. Glick, Assembly President

ATTEST:

  
Gaye J. Vaughan, Borough Clerk