

Introduced by: Mayor  
Date: 05/17/11  
Action: Adopted as Amended  
Vote: 8 Yes, 0 No, 1 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2011-054**

**A RESOLUTION APPROVING THE ACQUISITION OF A PUBLIC ROAD  
EASEMENT FROM ROLF B. BARDARSON AND CAROL BARDARSON FOR  
ROAD SERVICE AREA CAPITAL IMPROVEMENT PROJECT #E3MOA  
MOAT WAY, EXCALIBUR WAY AND CAMELOT DRIVE**

**WHEREAS,** KPB 17.10.030, Acquisition of land and resources - General policy, and KPB 17.10.040, Acquisition of lands and resources – Resolution contents, requires KPB 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, improvement and maintenance of a public road associated with the Road Service Area’s Capital Improvement Project #E3MOA Moat Way, Excalibur Way and Camelot Drive; and

**WHEREAS,** a land classification is inappropriate given the intent and purpose of KPB Chapter 17.10 and the use of the property is restricted as described in the accompanying conveyance document; and

**WHEREAS,** the KPB Planning Commission at its regularly scheduled meeting of May 9, 2011, recommended approval;

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

**SECTION 1.** That the acquisition of the following described real property easement is the best interests of the borough. The easement is within the Seward Recording District, Third Judicial District, State of Alaska, to wit:

The N½ of the NE¼ and the SE¼ of the NE¼ Excluding Avalon Subdivision and Avalon Street all within Section 26, Township 1 North, Range 1 West, Seward Meridian, in the Seward Recording District, Third Judicial District, State of Alaska (Grantor’s Property).

The land constituting the easement extends along the above described land and is more particularly described as follows:

A strip of land thirty (30) feet in width for a Public Road Easement situated within N 1/2 NE 1/4, Section 26, Township 1 North, Range 1 West, Seward Meridian, Alaska, Kenai Peninsula Borough and Seward Recording District (SW) and more particularly described;

Commencing at the common corner of Lot 9 and 10 Block 6 CAMELOT By THE SEA SUBDIVISION according to SW plat #76 on the section line common to Sections 23 and 26, thence S 89°30'26" W 106.32 ft. along the south line of said Lot 10 identical with the section line to the point of intersection of east edge of the Moat Way Right of Way being the Point the Beginning of this 30' Public Road easement;

THENCE S 89°30'26" W 435.00' along said section line to the point of intersection with the east side of the Avalon Street Right of Way identical to the 30' Public Road Easement;

THENCE S 00°31'56" E 30.00' along the said east right of way line to the south edge of the 30' Public Road Easement;

THENCE N 89°30'26" E 344.97' along a line parallel with said section line to the point of curvature of the 30' Public Road Easement;

THENCE along the 30' Public Road Easement on a curve to the left having a Curve Length: 124.93', a Radius: 50.00', a Delta: 143°09'53", a Chord Length: 94.88' and Chord Bearing of N 71°04'27" E to the point of intersection with said section line identical with the Point of Beginning thus embracing an area of 14,074 sq. ft. or 0.321 acres within the N½ of the NE¼ and the SE¼ of the NE¼ Excluding Avalon Subdivision and Avalon Street all within Section 26, T1N, R1W, Seward Meridian as shown on Attachment A attached hereto and incorporated by reference.

**SECTION 2.** That no land classification is required pursuant to KPB 17.10.080(C).

**SECTION 3.** That the purpose of the acquisition is for construction, improvement and maintenance of a public road associated with the Road Service Area's Capital Improvement Project #E3MOA Moat Way, Excalibur Way and Camelot Drive.

**SECTION 4.** 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 Road Easement document and consistent with applicable provisions of KPB Chapter 17.10.

**SECTION 5.** That the proposed acquisition is for ten dollars and other good and valuable consideration.


**SECTION 6.** That funds for the acquisition are available in account 434.33950.9STIP.49999.

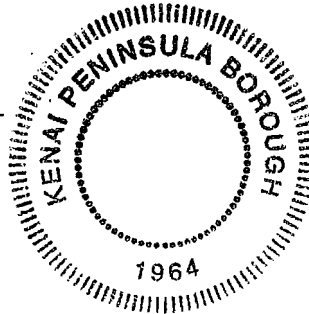
**SECTION 7.** That this resolution takes effect immediately upon its adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 17TH DAY OF MAY, 2011.**

  
\_\_\_\_\_  
Gary Knopp, Assembly President

ATTEST:

  
\_\_\_\_\_  
Johni Blankenship, Borough Clerk



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

## **PUBLIC ROAD EASEMENT**

This easement is granted by Rolf B. Bardarson and Carol Bardarson whose address is 32511 Moat Way, Seward, AK 99664 hereinafter called GRANTOR, to the Kenai Peninsula Borough, a Municipal Corporation, whose address is 144 N. Binkley Street, Soldotna, Alaska 99669, hereinafter called GRANTEE, for ten dollars and other good and valuable consideration, receipt of and sufficiency of which is hereby acknowledged.

This easement, which shall run with the land, is granted to the Grantee for the purposes of construction, improvement, and maintenance of a public road over and across the following described land owned by Grantor within the Seward Recording District, Third Judicial District, State of Alaska, to wit:

The N $\frac{1}{2}$  of the NE $\frac{1}{4}$  and the SE $\frac{1}{4}$  of the NE $\frac{1}{4}$  Excluding Avalon Subdivision and Avalon Street all within Section 26, Township 1 North, Range 1 West, Seward Meridian, in the Seward Recording District, Third Judicial District, State of Alaska (Grantor's Property).

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The Grantee, its successors, assigns, agents, contractors, subcontractors, and employees are hereby granted the right, without obligation, to construct, improve, and maintain the road. The Grantee is further granted the right to permit activities within the easement, and the Grantor covenants not to conduct any activity within said easement that will in any way interfere with the Grantee's construction, improvement, or maintenance of the road, including but not limited to any activity that impairs or affects the public's use of said road.

It is the intent of the Grantor and Grantee that the general public shall have the right to use the easement for all uses consistent with a public road.

GRANTORS:

  
Rolf B Bardarson

4/11/11  
Date

  
Carol Bardarson

04-11-11  
Date

GRANTEE:

KENAI PENINSULA BOROUGH

\_\_\_\_\_  
David R. Carey, Mayor

ATTEST:

Approved as to form and legal  
sufficiency:

\_\_\_\_\_  
Johni Blankenship, Borough Clerk

\_\_\_\_\_  
Borough Attorney

**MAYOR'S (GRANTEE) NOTARY ACKNOWLEDGMENT**

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT    )

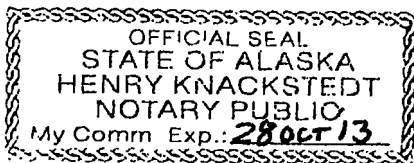
The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2011 by David R. Carey, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for and on behalf of the corporation.

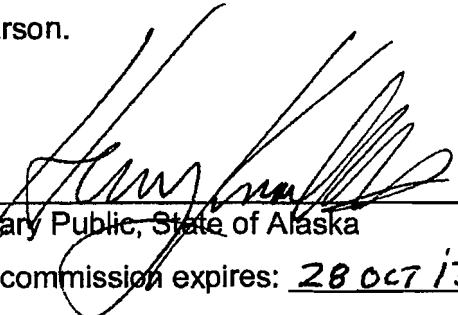
\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires: \_\_\_\_\_

**GRANTOR'S NOTARY ACKNOWLEDGMENT**

STATE OF ALASKA            )  
  ) ss.  
THIRD JUDICIAL DISTRICT    )

The foregoing instrument was acknowledged before me this 11 day of APRIL 2011, by Rolf B Bardarson.

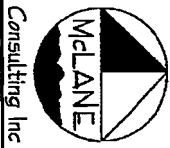


  
\_\_\_\_\_  
Notary Public, State of Alaska  
My commission expires: 28 Oct 13





**KENAI PENINSULA BOROUGH  
MOAT WAY PUBLIC ROAD / DRAINAGE  
EASEMENT "ATTACHMENT A"**



McLANE  
Consulting Inc

DRAWN BY: SGB  
HORZ. SCALE: 1" = 60'  
KPB PROJECT NO.: ESR0A  
DRAWING: 10406  
SHEET: 1

