

**CITY OF HOMER  
HOMER, ALASKA**

City Manager

**ORDINANCE 20-11**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA APPROVING THE DISPOSAL OF THE CITY'S INTEREST IN A .21 ACRE PORTION OF THE EXISTING STERLING HIGHWAY AT ITS INTERSECTION WITH LAKE STREET AT NO COST TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPROPRIATE DOCUMENTS.

WHEREAS, The State of Alaska, Department of Transportation and Public Facilities (DOT) is in the planning phase of the federally funded Homer Lake Street Rehabilitation Project Z524610000, which intends to extend the life of the roadway and improve pedestrian access, bicycle facilities, and drainage; and

WHEREAS, Upon conducting a title report of the project area, DOT realized the City still has an interest in a .21 acre portion of the existing Sterling Highway at its intersection with Lake Street;

WHEREAS, In 1996, this strip of land was supposed to be dedicated to the State as part of the Beluga Slough Trail Subdivision since the Sterling Highway's construction was underway through Homer Lake Street Rehabilitation Project 51238 however the subdivision was never finalized so no dedication occurred; and

WHEREAS, In March of 1997, private landowners conveyed a portion of their land to DOT to supplement the existing right of way involved in the project; and

WHEREAS, DOT proceeded to construct signalized intersection improvements using both the lands acquired and the lands slated for dedication, which included the .21 acre sliver of City property; and

WHEREAS, In April 1998, the Exxon Valdez Oil Spill Trustee Council provided \$996,100 in funding for the acquisition of the "Beluga Slough" parcel and the "Green Timbers" parcel, which were to be managed by the City of Homer; and

WHEREAS, In exchange for the property acquisitions, the City worked with the Trust for Public Land to place a conservation easement on the City property legally described as the Northwest ¼ of the Southeast ¼ of Section 20, Township 6 South, Range 12 West, Seward Meridian (subject to certain exclusions), also known as Kenai Peninsula Borough parcel number 17714006; and

44 WHEREAS, The City of Homer owns the property and the United States Department of  
45 the Interior, Bureau of Land Management and the State of Alaska, Division of Parks manage  
46 the conservation easement; and

47  
48 WHEREAS, While the conservation easement boundary includes the .21 acre sliver, the  
49 right-of-way improvements made by DOT for the Sterling Highway preceded the conservation  
50 easement being put in place; and

51  
52 WHEREAS, DOT maintains the position that the conservation easement is subject to the  
53 roadway improvements that existed at the time the conservation easement was granted; and

54  
55 WHEREAS, Neither the Trust for Public Land nor the Exxon Valdez Oil Spill Trustee  
56 Council have any objections to the City's transfer of its interest in the .21 acre portion to DOT;  
57 and

58  
59 WHEREAS, In January 2020, the City requested comments from the United States  
60 Department of the Interior, Bureau of Land Management and the State of Alaska, Division of  
61 Parks offices as holders of the conservation easement regarding the land transfer and no  
62 objections were received; and

63  
64 WHEREAS, Per HCC 18.12.020, it is in the City's best interest to deed its .21 acre portion  
65 of the Sterling Highway to DOT in order to clarify the responsibility and authority for  
66 management of the State maintained right of way; and

67  
68 WHEREAS, Given the intent to reduce the City's liability regarding the property and  
69 clarify management responsibility, the City will transfer its interest in the right-of-way at no  
70 cost; and

71  
72 WHEREAS, HCC 18.12.050 (a) grants the City authority to dispose of property at less than  
73 fair market value to the State of Alaska.

74  
75 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

76  
77 Section 1. Notwithstanding anything to the contrary in Homer City Code Chapter  
78 18.12, the City Manager is authorized and directed to dispose of the City's interest in a .21 acre  
79 portion of the existing Sterling Highway at its intersection with Lake Street at no cost to the  
80 State of Alaska, Department of Transportation and Public Facilities.

81  
82 Section 2. This is a non-Code ordinance of a permanent nature.

83  
84 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this \_\_\_\_ day of \_\_\_\_\_, 2020.

85

CITY OF HOMER

\_\_\_\_\_  
KEN CASTNER, MAYOR

86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113

ATTEST:

\_\_\_\_\_  
MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and Approved as to form and content:

\_\_\_\_\_  
Katie Koester, City Manager

\_\_\_\_\_  
Michael Gatti, City Attorney

Date:\_\_\_\_\_

Date:\_\_\_\_\_