

**SEPTEMBER 20, 2023  
CITY COUNCIL MEETING  
ADDITIONAL MATERIAL/REVISIONS**

**REQUESTED ADDITIONS TO THE PACKET**

<u><b>ACTION</b></u>	<u><b>ITEM</b></u>	<u><b>REQUESTED BY</b></u>
Add to Item G.1	<b>Resolution No. 2023-49</b> <ul style="list-style-type: none"><li>• Draft Easement</li></ul>	City Manager



# KENAI

City of Kenai | 210 Fidalgo Ave, Kenai, AK 99611-7794 | 907.283.7535 | [www.kenai.city](http://www.kenai.city)

## MEMORANDUM

**TO:** Mayor Gabriel and Council Members  
**FROM:** Terry Eubank, City Manager  
**DATE:** September 20, 2023  
**SUBJECT:** **Resolution 2023-49 Draft Easement**

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The purpose of this memo is to provide a copy of the proposed non-exclusive access and utility easement to be provide by the Boys & Girls Club to Thor Evenson or any future owners of the parcel with a legal description of T 5N R 11W SEC 6 SEWARD MERIDIAN KN W1/2 E1/2 SE1/4 SW1/4 NE1/4 & E1/2 W1/2 SE1/4 SW1/4 NE1/4 EXCEPT THAT PORTION AS PER P U ESMT 27 @ 122.

The easement is intended to provide sufficient access to and space for the installation of utilities for the stated parcel in lieu of the right of way for which the Boys & Girls Club has requested vacation. The administration has reviewed the proposed easement and has no objection to the vacation of the requested right of way and recording of the proposed easement.

## **GRANT OF PRIVATE ACCESS AND UNDERGROUND UTILITY EASEMENT**

THIS EASEMENT AGREEMENT (the “Easement”) is executed as of the Effective Date by the undersigned on behalf of Boys and Girls Club of the Kenai Peninsula, whose address is 320 S Spruce St, Kenai, AK 99611, the Grantor(s).

WHEREAS, the Grantor(s), are owners of Tract 2A City Park Subdivision 2023 Replat recorded as plat number 2023-xxx Kenai recording district, situated in Section 6, Township 5 North, Range 11 West, Seward Meridian, Alaska, Kenai Recording District, Third Judicial District, State of Alaska; and

NOW THEREFORE, the Grantor(s) hereby agree as follows:

**CONSIDERATION AND GRANT OF EASEMENT.** For good and valuable consideration, the Grantor(s) hereby grant to the current and future owners and assigns of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (W1/2 E1/2 SE1/4 SW1/4 NE1/4) and the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (E1/2 W1/2 SE1/4 SW1/4 NE1/4) of Section 6, Township 5 North, Range 11 West, Seward Meridian lying Northwesterly of S Spruce St within the City of Kenai, Kenai Peninsula Borough, State of Alaska, a non-exclusive private access and underground utility easement across the Easement Area for the Permitted Use as described herein, and subject to the terms and conditions of the Easement Agreement.

**GRANTEE:** Current and Future owners of the West Half of the East Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (W1/2 E1/2 SE1/4 SW1/4 NE1/4) and the East Half of the West Half of the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (E1/2 W1/2 SE1/4 SW1/4 NE1/4) of Section 6, Township 5 North, Range 11 West, Seward Meridian lying Northwesterly of S Spruce St.

**EASEMENT AREA:** The Easement Area is a tract of land, 50 feet in width, more particularly described as follows: Beginning at the southeasterly corner of said Tract 2A; Thence North 89°56’00” West, 51.73 feet along the south line of said Tract 2A; Thence North 14°56’36” East departing said south line, 316.81 feet; Thence South 89°54’45” East, 51.73 feet to the easterly line of said Tract 2A; Thence South 14°56’36” West, 316.79 feet along said easterly line to the Point of Beginning, within the City of Kenai, Kenai Peninsula Borough, State of Alaska, and contains 15,840 square feet more or less of land shown on Exhibit A.

PERMITTED USE. Easement Area shall be used to allow private access and underground utilities to the property described for Grantee.

EFFECTIVE DATE: The Effective Date of this Easement Agreement is

\_\_\_\_\_.

GRANTOR(S):

IN WITNESS, WHEREOF, the Grantor(s) have executed this Easement Agreement as of the Effective Date.

\_\_\_\_\_,  
Jeff Dolifka, Board President Boys and Girls Club of the Kenai Peninsula, Grantor

\_\_\_\_\_  
Date

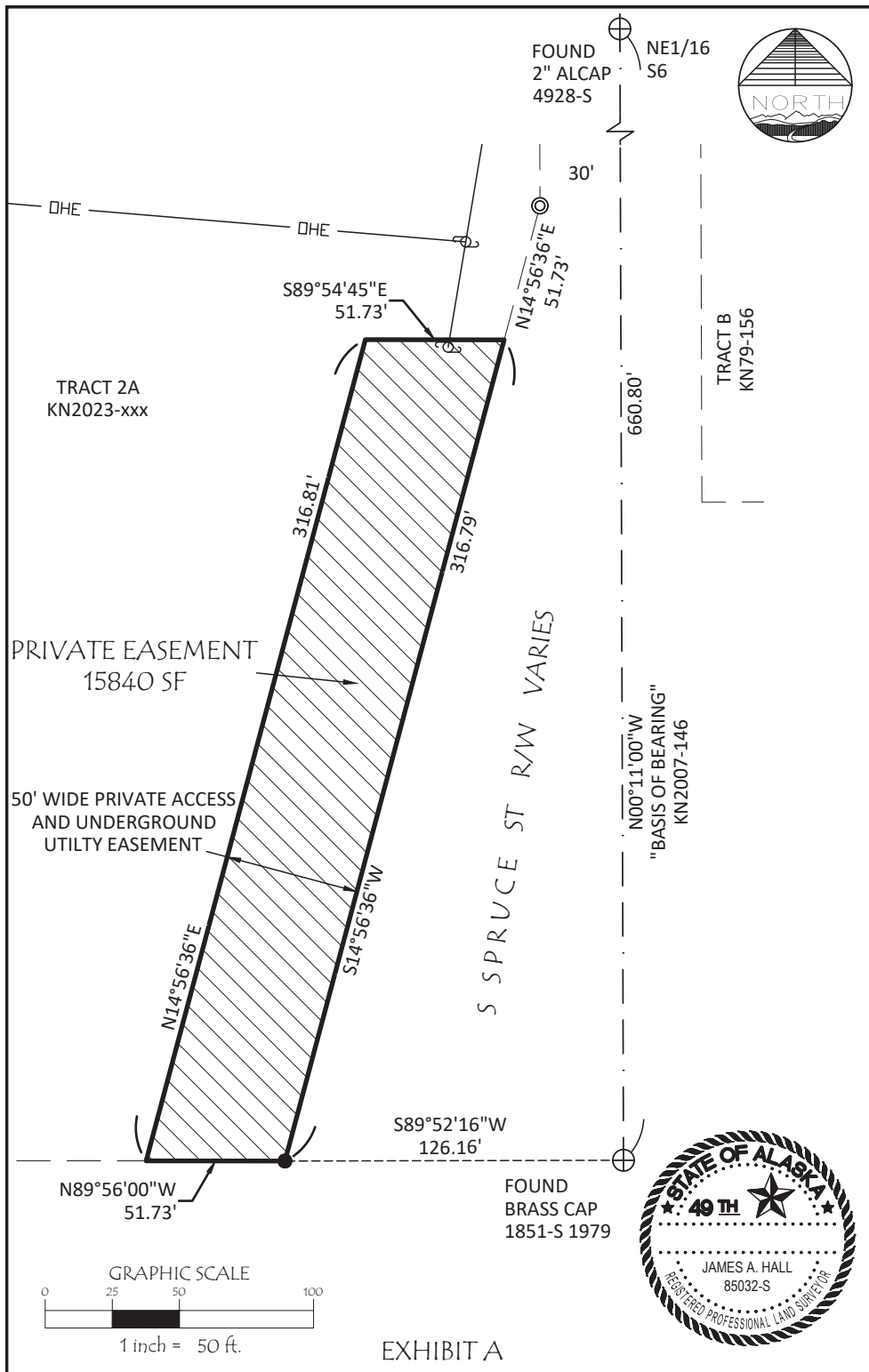
Notary's Acknowledgement

Subscribed and sworn before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public for the State of Alaska

Return to: Jeff Dolifka  
320 S Spruce St,  
Kenai, Alaska 99611



ENGINEERING - TESTING  
SURVEYING - MAPPING  
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### PRIVATE ACCESS AND UNDERGROUND UTILITY EASEMENT

6336 S.F. SITUATED IN TRACT 2A CITY PARK SUBDIVISION  
2023 REPLAT (KN2023-xxx), CITY OF KENAI, KENAI PENINSULA  
BOROUGH, ALASKA AND THE KENAI RECORDING DISTRICT.

SCALE: 1" = 50'

DATE: JUNE 2023

PROJECT NO.: 232006

DRAWN BY: JAH