

Introduced by: Mayor  
Date: 06/06/23  
Action: Adopted  
Vote: 9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH  
RESOLUTION 2023-040**

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT  
WITH ALASKA’S DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
REGARDING THE ZIPMART SITE**

**WHEREAS,** the Kenai Peninsula Borough (“Borough”) has instituted condemnation proceedings regarding the collapsed Zipmart building in Sterling, Alaska; and

**WHEREAS,** the Zipmart building sits on a contaminated site due to the release of gasoline into soil, which was first discovered in 2002; and

**WHEREAS,** the building on the property recently collapsed and the Borough has been working with the Alaska Department of Conservation (“ADEC”) to ensure that the Borough will not have liability for the current environmental contamination at the site by using its condemnation powers to potentially demolition and remove the hazardous building so long as the parameters (no excavation in the contaminated soil) of the Memorandum of Agreement (“MOA”) are adhered to; and

**WHEREAS,** should the Borough proceed to demolish and remove the building it is in the best interests of the Borough to enter into a MOA with the State regarding this site;


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

**SECTION 1.** That the Mayor is authorized to enter into an MOA, in a form similar to the agreement provided with this resolution, and other necessary documents, agreements, or amendments to effectuate the purpose of this resolution which is to facilitate the potential removal of the collapsed Zipmart building with the State of Alaska without the Borough incurring liability for the contaminated site and to also have agreements in place regarding successor liability should the Borough ever decide to take Clerk’s Deed to the property for unpaid real property taxes pursuant to its annual tax foreclosure proceeding.

**SECTION 2.** That this resolution is effective immediately upon adoption.

**ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF JUNE, 2023.**

  
Brent Johnson, Assembly President

ATTEST:  
  
Michele Turner, CMC, Acting Borough Clerk



Yes: Chesley, Cox, Derkevorkian, Ecklund, Elam, Hibbert, Ribbens, Tupper, Johnson  
No: None  
Absent: None