

Introduced by: Mayor
Date: 08/15/17
Action: Adopted as Amended
Vote: 6 Yes, 3 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2017-054**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A CERTAIN 4.3 ACRE
DRAINAGE EASEMENT AT KARLUK AVENUE AS A CASH EQUIVALENT
PAYMENT THROUGH THE OVER-THE-COUNTER LAND SALE**

- WHEREAS,** in the fall of 2013, certain areas along Kalifornsky Beach (“K-Beach”) Road experienced high groundwater and surface water resulting in part in increased amounts of water collecting in many borough road ditches; and
- WHEREAS,** a number of road ditches in the area lacked surface outlets to receive collected waters; and
- WHEREAS,** the Kenai Peninsula Borough, through its Office of Emergency Management, Road Service Area and other departments as well as other state and federal agencies responded to drainage concerns, including the identification of important drainage assets within the borough’s authority; and
- WHEREAS,** Paula and Timothy Keohane own a parcel of land at the intersection of Karluk Avenue and K-Beach Road which contains approximately 4.3 acres that is currently situated to manage drainage waters collected by the Karluk Avenue road ditch system; and
- WHEREAS,** a drainage easement would provide the borough the necessary interests to utilize the Keohane’s site in the future for road ditch system or emergency management purposes;
- WHEREAS,** the proposed drainage easement was appraised by Derry and Associates on August 31, 2016 and valued at \$51,000; and
- WHEREAS,** an over-the-counter land sale is authorized by Ordinance 2017-04 which is scheduled to open on October 2, 2017; and
- WHEREAS,** accepting this easement as a cash equivalent payment in whole or part, based on appraisal, for an over-the-counter sale parcel provides an efficient method to secure the drainage asset and obtain value from the over-the-counter land sale; and
- WHEREAS,** the Planning Commission at its regularly scheduled meeting of August 14, 2017 recommended approval by unanimous consent.

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

SECTION 1. That the Mayor is authorized to acquire the land interests described below pursuant to KPB 17.10.030 (C)(9) and 17.10.040 on the terms enumerated in Section 2:


A Drainage Easement embracing the North 627 Feet of Tract 1 Kingswood Estates Subdivision, Plat No. 76-22, Kenai Recording District, Third Judicial District, State of Alaska, 4.3 acres more or less.

SECTION 2. That the easement will manage waters for a road ditch system and no classification is proposed because the interest in land is a mere easement. That the easement at its appraised value of \$51,000 may be applied as a cash equivalent payment toward the purchase of real property offered in the borough's over-the-counter land sale, with all other terms and procedures of the land sale being unchanged. In the event that a total sale price is less than \$51,000, no refund on the difference is authorized.

SECTION 3. That the mayor is authorized to execute any and all documents necessary to effectuate this resolution.

SECTION 4. That this resolution takes effect immediately upon its adoption.

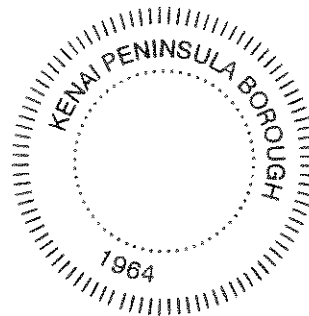
ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 15TH DAY OF AUGUST, 2017.



Kelly Cooper, Assembly President

ATTEST:


Johni Blankenship, MMC, Borough Clerk



Yes: Dunne, Fischer, Ogle, Schaefer, Welles, Cooper

No: Bagley, Carpenter, Hibbert

Absent: None