



# Kenai Peninsula Borough

## Planning Department – Land Management Division

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Charlie Pierce, Borough Mayor   
Robert Ruffner, Planning Director 

**FROM:** Marcus A Mueller, Land Management Officer *mam*

**DATE:** August 11, 2022

**RE:** Ordinance 2022-38, Authorizing the Release of a Portion of a Conservation Easement Deed Restriction on a Parcel of Land Located in Cooper Landing and to Acquire and Classify a 30-Foot-Wide Tract of Land (Mayor)

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The KPB Planning Department and Three Bears Alaska, Inc. (Three Bears), as owners of Tracts A, B, & C Quartz Creek Subdivision, are cooperating with Alaska DOT&PF in the design of a frontage road that in the future would extend from Quartz Creek Road to the KPB Solid Waste Transfer Facility with an intersection opposite Russian Gap Road to address highway safety and traffic efficiency. This location is also positioned as a gateway to the Cooper Landing community, wherein there is an importance to aesthetic greenspace.

A re-platting of these three tracts is being proposed as Quartz Creek Subdivision Outfitters Way Replat, KPB File 2022-060, which has received tentative platting approval, subject to actions contained in this proposed ordinance. The plat would dedicate right-of-way for a frontage with a 30-foot offset from the Sterling Highway ROW. The strips of land between the frontage road and the Sterling Highway is proposed to be managed by KPB as greenspace, which would substitute for a conservation easement that was previously instituted on Tract B and Tract C. The 30-foot-wide tract coming out of Tract B would be conveyed by Three Bears to KPB. The KPB's Land Management Division is proposing a "Government" land classification of the 30-foot-wide tract plus those 30-foot-wide tracts coming out of KPB-owned Tracts A and C, to direct the management of the land between the frontage road and the Sterling Highway right-of-way to community gateway greenspace.

The ordinance releases the conservation easement deed restriction on the North, West and South sides of the Tract B parcel. The partial release will keep the

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conservation easement in effect on the East side, which runs along Dena'ina Creek, of Tract B. The ordinance additionally authorizes the KPB Mayor to acquire the 30-foot-wide tract from Three Bears, described on the proposed replat as Tract B2, as an equal exchange for the removal of the conservation easement just described. Additionally, the ordinance classifies the entirety of the 30-foot strip created in the replat as Tracts A2, B2, & C2 as "Government". The ordinance, if enacted, would be effective upon recording of the Quartz Creek Subdivision Outfitters Way Replat.

The proposed set of actions would allow DOT&PF to incorporate the frontage road system into its traffic safety designs and to extend the frontage road development to its project limits at Persistent Way on the East side of Tract C. These actions would also clear title important for Three Bears' project. In doing so, Three Bears would be giving up use of the front 100-feet of Tract B to the 30-foot greenspace tract, the 60-foot frontage road dedication and a 10-foot utility easement, in exchange for the release of the 50-foot conservation easement on the back lot and 50-foot conservation easement on the Persistent Way side.

Your consideration of the ordinance is appreciated.