

Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Mayor *CP*
Robert Ruffner, Planning Director *RR*
Brandi Harbaugh, Finance Director *BH*
John Hedges, Purchasing & Contracting Director *JH*

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

DATE: August 23, 2022

RE: LAYDOWN Ordinance 2022-19 -14, Appropriating \$225,000 from the Land Trust Fund for Slope and Drainage Repairs in Cooper Landing and Authorizing the Disposal of Up to 1.25-Acres of Land to Bunkhouse Properties, LLC (Mayor)

The Kenai Peninsula Borough (KPB) owns land upslope of Bunkhouse Properties, LLC (Bunkhouse) in Cooper Landing. Along the property line on KPB land is a 2:1 slope and along the property line on Bunkhouse's land is a drainage system that conducts drainage for that area. An erosion event in November 2021 resulted in a slope failure and impacts to the drainage system.

Pursuant to Resolution 2022-029, KPB entered into a drainage and work agreement with the adjacent owner, which set out for engineering, repair work, and a proposal to convey the slope area to Bunkhouse properties. The engineering work has been completed and the initial estimate for the repair work is \$200,000. The work is to be bid and administered by the KPB Purchasing and Contracting Department, under easements and access permission from Bunkhouse Properties.

Because the slope and drainage system maintenance is complicated by KPB not having direct access to the area or sufficient room to manage the features, and because of potential impacts to the adjacent property, which could undergo more development in the future, it is believed to be in the best interest of the KPB is to convey the slope area to the adjacent property owner to unify the management of the system and remove KPB from any future liabilities associated with soil and water movements.

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August 23, 2022
RE: Ordinance 2022-19-14

The attached ordinance would appropriate \$225,000 from the Land Trust Fund, fund balance, to a project account for slope and drainage repair work, surveying, and project management costs.

Due to the late season release and the potential for adverse winter weather conditions, it is the intent of the administration to wave formal bidding procedures per section 5.28.300 of the purchasing code for the solicitation of this ITB.

The ordinance would additionally authorize the mayor to convey up to 1.25 acres covering the slope to Bunkhouse Properties as a negotiated sale in exchange for acceptance of further maintenance responsibilities and a release of all associated liabilities. An exception to the 1-acre limitation for negotiated sales to resolve a land use conflict is requested through this ordinance to account for the entire slope area involved.

Your consideration of the ordinance is appreciated.

**FINANCE DEPARTMENT
ACCOUNT / FUNDS VERIFIED**

Acct. No. 250.27910 Amount: \$225,000

By: CS Date: 8/18/2022