

Introduced by: Mayor
Date: 04/18/17
Hearing: 05/02/17
Action: Failed to Enact as Amended
Vote: 3 Yes, 6 No, 0 Absent

**KENAI PENINSULA BOROUGH
ORDINANCE 2016-19-36**

**AN ORDINANCE AUTHORIZING THE PURCHASE OF A 4.3 ACRE DRAINAGE
EASEMENT AT KARLUK AVENUE AND APPROPRIATING \$60,000 FROM THE
LAND TRUST FUND FOR THE ACQUISITION**

- 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 borough, through its Office of Emergency Management, Road Service Area and other departments as well as 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 KPB 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**, the negotiated price of the easement is \$60,000; and
- WHEREAS**, purchase of the easement is a least cost alternative for road ditch outletting serving both road maintenance and emergency management functions; and
- WHEREAS**, the KPB Planning Commission at its regularly scheduled meeting of April 24, 2017 recommended denial by majority consent.

NOW, THEREFORE, BE IT ORDAINED 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) and 17.10.040 for an amount not to exceed \$60,000:

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. Notwithstanding KPB 17.10.040(B)(2) the land subject to the easement will not be classified by the borough since the borough is not obtaining a fee interest.

SECTION 3. That \$60,000 is appropriated from the Land Trust Fund fund balance account 250.00000.00000.27910 to account 250.25210.17KAR.43810, land purchase, for this purpose of this acquisition.

SECTION 4. That the mayor is authorized to execute any and all documents necessary to effectuate this ordinance.

SECTION 5. That this ordinance takes effect immediately upon its enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2017.

Kelly Cooper, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Yes: Schaefer, Welles, Cooper

No: Bagley, Carpenter, Dunne, Fischer, Hibbert, Ogle

Absent: None