



Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Charlie Pierce, Borough Mayor 

FROM: Max Best, Planning Director 

DATE: February 27, 2019

RE: Ordinance 2019-05; An Ordinance Authorizing A Memorandum Of Agreement And Cooperative Sale And Exchange Of Interests In Lands With The State Of Alaska Department Of Transportation And Public Facilities Regarding Certain Borough And State Maintained Roads

The Kenai Peninsula Borough Planning Commission reviewed the subject Ordinance during their regularly scheduled February 25, 2019 meeting.

A motion passed by unanimous consent to recommend approval of Ordinance 2019-05, authorizing a memorandum of agreement for the sale and exchange of the lands with the State of Alaska Department of Transportation and Public Facilities.

In the Ordinance, please make the following amendment to the last WHEREAS statement:

WHEREAS, the Planning Commission at its regularly scheduled meeting of February 25, 2019, reviewed this ordinance and recommended approval by unanimous consent.

Attached are the unapproved minutes of the subject portion of the meeting.

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2019-05; An Ordinance Authorizing a Memorandum of Agreement and Cooperative Sale and Exchange of Interests in Land with the State of Alaska Department of Transportation and Public Facilities Regarding Certain Borough and State Maintained Roads.

Staff Report given by Marcus Mueller

PC Meeting: February 25, 2019

This ordinance will authorize a memorandum of agreement and cooperative sale and exchange of interests in lands with the State of Alaska Department of Transportation and Public Facilities regarding certain borough and state maintained roads. Normally a road swap would be between the Road Service Area Board and the Assembly. The borough has a title interest underneath a road that is proposed to be transferred to DOT. That makes part of this arrangement fall under the Land code and is why it needs to come before the Planning Commission.

This road exchange will include a little over 4 ½ miles of road going to DOT that is currently borough maintained. This is a portion of the Nikiski Escape Route. In return the borough will take over the maintenance of 9 segments of state maintained roads from DOT. The understanding from the Road Service Area is that these segments are mostly segments that they already pass over to get between other borough maintained roads. Often they go over these segments with the blade up. This exchange will create some efficiencies in the road maintenance system.

DOT is providing a three-year warranty on the roads that are being transferred to the borough. The Nikiski Escape Route is more in line with the types of roads DOT maintains. This exchange creates efficiency for both parties. DOT will receive a major road segment in exchange for smaller segments that already tie into the borough maintenance system.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak, the public hearing was closed and discussion was opened among the commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Ernst to recommend approval of Ordinance 2019-05 authorizing a memorandum of agreement for the sale and exchange of the lands with the State of Alaska Department of Transportation and Public Facilities.

Commissioner Ernst wanted to clarify that the Nikiski Escape Route would be maintained by the state. Mr. Mueller confirmed that DOT would maintain after the exchange.

Commissioner Fikes wanted to know if this would affect the State budgeting process. The concern is that the borough relinquishes the road, DOT takes responsibility and then there is no financial means to maintain the road. Mr. Mueller stated that it is presumed that DOT will maintain operations. Taking this segment in exchange for the smaller ones that they already maintain will be a cost saving to the state. This exchange will not be more taxing on the state than the current arrangement. Commissioner Fikes followed up by asking if the current maintenance and snow removal process will stay in place and just the responsibility will be diverted to DOT. She also wanted to know if any required signage and speed limit requirements would become a state issue. This ties into the City of Kenai and she wanted to know if this change would affect the City's responsibility and law enforcement. Mr. Muller stated that the maintenance plan would stay in place but it would be the State's responsibility. They would also be responsible for the signage and speed limit requirements and the enforcement outside of the city limits would fall to the State Troopers.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.