



## KENAI PENINSULA BOROUGH

144 North Binkley Street • Soldotna, Alaska 99669-7520  
Toll-free within the Borough: 1-800-478-4441  
PHONE: (907) 262-4441 • FAX: (907) 262-1892  
www.borough.kenai.ak.us

DAVID R. CAREY  
BOROUGH MAYOR

### MEMORANDUM

**TO:** Gary Knopp, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** David R. Carey, Mayor *DC*

**FROM:** Max Best, Planning Director *MB*  
Doug Schoessler, Roads Director *DS*

**DATE:** April 21, 2011

**SUBJECT:** Ordinance 2011-15, amending KPB Chapter 14.04 and KPB 17.10.030 to authorize the mayor to acquire easements for road improvement projects without assembly approval

KPB 17.10.030 - Acquisition of Land and Resources - General Policy, and KPB 17.10.040 – Acquisition of Lands and Resources – Resolution Contents, currently require that the Planning Commission recommend and Assembly approve acquisitions of interests in land. The Road Service Area (RSA) acquires numerous easements for its road improvement projects. In 2010 approximately 31 easements were acquired and to date for 2011, 16 have been acquired or are being pursued. The preferred means of acquiring public rights-of-way for roads is through the dedication process, however, often the RSA is up against timelines for projects that do not allow sufficient time for the rights-of-way to be dedicated. Additionally, easements such as temporary construction easements which allow for borough equipment to be on private property during the construction of a project would not be appropriate for a dedication. Other types of easements often required by the RSA for road improvement projects include public road easements, snow storage easements, slope easements, and drainage easements. Bringing every easement to the Planning Commission and Assembly for approval is impractical and unworkable if easements are needed on short notice given the schedules of these two bodies and the short construction season.

Past practice has not been consistent with the requirements of KPB Chapter 17.10. Arguably, Ordinance 81-86, Implementing the Grant of Road Construction and Right-of-way Acquisition Powers, allows for the mayor to approve the acquisition of easements for roads, however, the amendments proposed eliminate any ambiguity. The amendments only pertain to road improvement projects, as any new road construction project should allow enough time to acquire dedications of right-of-ways.

Your consideration is appreciated.