



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • FAX: (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

DAVID R. CAREY
BOROUGH MAYOR

MEMORANDUM

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

THRU: *Max J.* David R. Carey, Borough Mayor

FROM: *Max J.* Max J. Best, Planning Director

DATE: May 12, 2011

SUBJECT: Resolution 2011-050; Approving the Acquisition of a Non-Exclusive Road Easement for Public Road Purposes from Cook Inlet Region, Inc. (CIRI) for CIP Project No. N5SMI Smith Road.

The Planning Commission reviewed the subject resolution during their regularly scheduled May 9, 2011 meeting. A motion passed by unanimous consent to recommend approval of the ordinance.

In the resolution, please make the following amendment to the last WHEREAS:

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of May 9, 2011, recommended approval.

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

published on the Planning Department web site and on the bulletin board in the Borough Administration Building.

The following statements were included in the public notice to adjoining owners. The first two statements were included in the ad published in the newspaper. Staff believes this is sufficient notification that a name other than the name recommended by staff may be approved during the hearing.

PLEASE NOTE: The Planning Commission may approve a name suggested by landowners, interested parties, or the planning staff. An entirely different name can also be suggested and approved by the Commission during the public hearing.

NOTE: Upon adoption of a street name change resolution, no reapplication or petition concerning the name of the same street may be filed within one calendar year of the final adoption, except in the case where new evidence or circumstances exist that were not available, present or reasonably ascertainable when the original resolution was adopted (KPB 14.10.050).

Reapplications/petitions are submitted per KPB 14.10.050, which includes a \$300 filing fee.

The name change will become official upon the adoption of a resolution by the Planning Commission at the next available meeting following the approval of the name change.

Staff's policy is to recommend the first approved suggestion unless a majority of owners submits an approved suggestion. Staff defers to the majority of adjoining property owners for the new street name SUBJECT TO the requested name being in compliance with KPB 14.10.

STAFF RECOMMENDATION: Rename Tawney St to **Tawney Ave.**

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Holsten moved, seconded by Commissioner Collins to rename Tawney St to Tawney Ave per staff recommendations.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER ABSENT	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	PARKER YES	RUFFNER YES	TAURIAINEN YES	11 YES 2 ABSENT

AGENDA ITEM F. PUBLIC HEARING

2. Resolution 2011-050; Approving the Acquisition of a Non-Exclusive Road Easement for Public Road Purposes from Cook Inlet Region, Inc. (CIRI) for CIP Project No. N5SMI Smith Road.

Memorandum and staff report given by Max Best

PC MEETING: 05/09/11

KPB 17.10 is the chapter in the Code for the acquisition of property rights for the Borough. The chapter requires that the Planning Commission recommend and Assembly approve acquisitions of interest in land. Road powers were given to the Roads Service Area through another chapter of code. The ordinance to be discussed later in the meeting will help make these particular items work in harmony so that everything is done above board and unarguably not violating one part of the code by administering another. The ordinance gives the mayor the authority to acquire easements through the improvement of road construction projects.

The three resolutions to be discussed fall into place with the arguable fact that the right authority was not being obtained to gain the easements.

Smith Road is a borough-maintained road and a current capital improvement project (CIP) located in the Nikiski area. The project is contained within an Alaska Department of Lands 60-foot road easement centered on the existing road with exception of the last 425 feet+/- where it crosses into CIRI property. To upgrade the existing road to road service area (RSA) standards it is necessary to acquire a road easement. A nearby 50-foot road easement is available; however, that easement contains utilities and a deep dip which would make realignment impractical if not impossible. In discussion with the borough Land Management Division it was agreed that acquisition of an easement across CIRI property is in the Kenai Peninsula Borough's best interest.

Staff appreciates the commission's support and recommendation to the Assembly.

END OF MEMORANDUM & STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Gross moved, seconded by Commissioner Holsten to recommend approval of Resolution 2011-050, resolution approving the acquisition of a non-exclusive road easement for public road purposes from Cook Inlet Region, Inc. (CIRI) for CIP Project NO. N5SMI Smith Road.

Commissioner Tauriainen asked where this project was located. Mr. Knackstedt replied that it was located on the north side of Daniels Lake.

Commissioner Ecklund asked for clarification that there was a purchase price on this resolution but not on the following two resolutions. Mr. Best stated that CIRI typically requires the purchase for their acquisition of properties. Most of the time staff is able to acquire the easements without any compensation. Most people are willing to give because the road is already there and they need just a little extra room to give what they need to improve the road.

Commissioner Holsten stated there was a ten dollar fee on the next resolution.

Commissioner Tauriainen asked if this was situation was similar to the improvements that were done on Tauriainen Trail a few years ago. Mr. Knackstedt replied that a lot of Tauriainen Trail does not have right of way or easement. It would be similar in construction but the difference is that they couldn't go beyond the ditch line in many places on Tauriainen Trail. Commissioner Tauriainen asked if that was why it got narrower in many places after the road was fixed. Mr. Knackstedt replied that was part of building up the road since it can't be made vertical.

VOTE: The motion passed by unanimous consent.

BRYSON YES	CARLUCCIO YES	COLLINS YES	ECKLUND YES	FOSTER ABSENT	GROSS YES	HOLSTEN YES
ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	PARKER YES	RUFFNER YES	TAURIAINEN YES	11 YES 2 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

- Resolution 2011-054; Resolution Approving the Acquisition of a Public Road Easement From Rolf and Carol Bardarson for Road Service Area Capital Improvement Project #E3MOA Moat Way, Excalibur Way and Camelot Drive.

Memorandum reviewed by Max Best

PC Meeting: 5/9/11

Moat Way is a borough maintained road and a current capital improvement project (CIP) located in the Seward Area. The south half of oat Way is not dedicated. To upgrade the existing road to Road Service Area