



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: *Blow* David R. Carey, Borough Mayor

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

DATE: May 12, 2011

SUBJECT: Resolution 2011-055; Resolution Approving the Acquisition of a Nonexclusive Drainage Easement from Rolf B. Bardarson and Carol Bardarson for Road Service Area Capital Improvement Project #E3MOA Moat Way, Excalibur Way and Camelot Drive.

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.

AGENDA ITEM F. PUBLIC HEARINGS

- 4. Resolution 2011-055; Resolution Approving the Acquisition of a Nonexclusive Drainage Easement from Rolf B. Bardarson 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. One of the primary design considerations is the handling of storm water runoff from the subdivision located to the north of Moat Way. The proposed drainage easement allows the storm water from the subdivision and Moat Way to flow to a normally dry drainage course to the southeast of the cul-de-sac. The drainage easement will allow the Road Service Area (RSA) to maintain drainage from the road while helping minimize flooding of adjacent private properties. Acquisition of the drainage easement is in the best interest of the Kenai Peninsula Borough for successful completion of the project.

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

END OF MEMORANDUM

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 Parker moved, seconded by Commissioner Ruffner to recommend approval of Resolution 2011-055; Resolution Approving the Acquisition of a Nonexclusive Drainage Easement from Rolf B. Bardarson and Carol Bardarson for Road Service Area Capital Improvement Project #E3MOA Moat Way, Excalibur Way and Camelot Drive.

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

- 5. Ordinance 2011-15; Ordinance amending KPB 14.04, Road Construction and Right of Way Acquisition and KPB 17.10.030, acquisition of lands and resources to authorize the Mayor to acquire easements for road improvement projects without assembly approval.

Memorandum reviewed by Max Best

PC Meeting: 5/9/11

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.