



KENAI PENINSULA BOROUGH

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

THRU: Mike Navarre, Mayor *mn*
Max Best, Director of Planning *mb*

FROM: Marcus A. Mueller, Land Management Officer *ma*

DATE: August 23, 2012

SUBJECT: Resolution 2012-*014*, Authorizing an Amendment to Cooperative Agreement #68-0150-8-014 with the Natural Resources Conservation Service Regarding the Old Mill Subdivision Voluntary Buyout Project

KPB and the USDA Natural Resources Conservation Service (NRCS) entered into a cooperative agreement to establish the Old Mill Subdivision Voluntary Buyout Project. KPB has implemented the project buying six properties in Old Mill Subdivision and restoring those properties to serve their floodplain functions along Lost Creek. A final provision of the agreement calls for KPB to convey to NRCS a conservation easement to preserve the floodplain use and intent of the project. NRCS in consultation with KPB would like to amend the agreement to replace the requirement of a conservation easement with a declaration of covenant to serve similar purposes. The parties believe that a declaration of covenant is advantageous for administrative purposes as the declaration would not necessitate the federal survey or title work needed with an easement.

Attached for your consideration is a resolution authorizing an amendment to cooperative agreement #68-0150-8-014 to replace the easement requirement with a declaration of covenant. The project is scheduled to be completed before September 30th when the agreement expires.