

Introduced by: Mayor  
Date: 08/19/08  
Hearings: 09/02/08 & 09/16/08  
Action: Postponed Until 09/16/08  
Action: Amended by Ordinance 2008-19-18 (Mayor) Substitute  
Vote: 7 Yes, 0 No, 2 Absent

**KENAI PENINSULA BOROUGH  
ORDINANCE 2008-19-18**

**AN ORDINANCE ACCEPTING AND APPROPRIATING A GRANT OF \$1,369,125  
FROM THE NATURAL RESOURCE CONSERVATION SERVICE AND  
APPROPRIATING A LOCAL MATCH OF \$456,375 FOR CONDUCTING A  
VOLUNTARY BUYOUT PROGRAM IN THE OLD MILL SUBDIVISION LOCATED IN  
THE SEWARD AREA**

**WHEREAS,** the Natural Resource Conservation Service (NRCS) administers the Emergency Watershed Protection (EWP) program on state, tribal, and private lands by providing technical and financial assistance to local sponsoring authorities; and

**WHEREAS,** the Old Mill Subdivision located west of the Seward Highway in the Seward-Bear Creek Flood Service Area has repeatedly been flooded over the years causing extensive damage to structures and property; and

**WHEREAS,** NRCS has authorized a grant of \$1,369,125 to be awarded through the EWP program to the Kenai Peninsula Borough for the purpose of conducting a voluntary buyout program where properties are purchased from the owners at fair market value if the owner is willing to sell their property, and the property then would be retained by the borough subject to a conservation easement prohibiting most construction activities on the property; and

**WHEREAS,** the program requires the local entity to contribute a 25 percent match, or \$456,375, of the total project cost of \$1,825,500, and that the local match may be in the form of in-kind services, material, or cash; and

**WHEREAS,** the borough anticipates that all or a portion of the \$456,375 in the match requirement will be covered through the use of in-kind services such as soil sampling, appraisals, closing costs, field work costs, costs associated with public meetings, and other expenditures in furtherance of this project; and

**WHEREAS,** shortened hearing is requested because the borough was just informed of the grant award, and the funds must be encumbered by September 22, 2008, in order for them to be available;

**NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:**

**SECTION 1.** That the borough hereby accepts the grant of \$1,369,125 from the Natural Resource Conversation Service to be used for a buyout program to restore floodplain functions and permanently remove property from harm's way in the Old Mill Subdivision area near Seward, Alaska. Property shall only be purchased from voluntary participants.

**SECTION 2.** That the mayor is authorized to negotiate and execute an agreement with the NRCS substantially in the form of the agreement attached as Exhibit A to accomplish the intents and purposes of this ordinance. The mayor is authorized to negotiate a more detailed cooperative agreement which shall be brought back to the assembly for approval prior to execution.

**SECTION 3.** That the sum of \$1,369,125 is appropriated to account no. \_\_\_\_\_ in the Seward-Bear Creek Flood Service Area fund.

**SECTION 4.** That the sum of \$456,375, constituting the required 25 percent match, is appropriated to account no. \_\_\_\_\_.

**SECTION 5.** That due to the length and nature of this project, the appropriations established through this ordinance shall not lapse at the end of any particular fiscal year.

**SECTION 6.** That this ordinance shall take effect immediately upon its enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS \* DAY OF \* 2008.**

\_\_\_\_\_  
Grace Merkes, Assembly President

ATTEST:

\_\_\_\_\_  
Johni Blankenship, Borough Clerk

VOTE ON MOTION TO AMEND BY SUBSTITUTE:

Yes: Fischer, Long, Martin, Smith, Sprague, Superman, Merkes

No: None

Absent: Gilman, Knopp