



## **KENAI PENINSULA BOROUGH**

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441

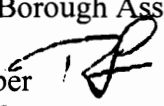
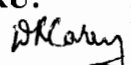
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[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

**DAVE CAREY**  
**BOROUGH MAYOR**

### **MEMORANDUM**

**TO:** Milli Martin, Assembly President  
Members, Kenai Peninsula Borough Assembly

**THRU:** Ron Long, Assembly Member   
David R. Carey, Borough Mayor 

**FROM:**  Colette Thompson, Borough Attorney  
 Max Best, Planning Director

**DATE:** July 23, 2009

**SUBJECT:** Ordinance 2009- 45, authorizing the borough to enter into a supplemental cooperative agreement with the Natural Resources Conservation Service regarding the Old Mill Subdivision buyout program located in the Seward area

This ordinance presents for assembly consideration and approval a supplement to the cooperative agreement approved in September 2008 regarding the proposed buyout of certain properties in the Old Mill Subdivision located in the Seward vicinity. The agreement is for the purpose of restoring and enhancing the floodplain's functions and values while helping landowners relocate to avoid future damages. The supplemental agreement spells out the process including notifying the eligible property owners and public, holding a public meeting to discuss the project and assist the property owners in obtaining the appropriate paperwork, ensuring that the subject property is appropriate for acquisition by conducting Phase 1 and possibly Phase 2 (hazardous material assessments), and clarifying that the purchases would be for fair market value. The borough would then be the owner of the property but will convey to the NRCS an easement preserving the floodplain attributes but allowing the borough to have limited use of the properties as the underlying owner. Accompanying this ordinance is a copy of the proposed supplemental cooperative agreement with attachments and the original cooperative agreement signed in 2008.

The original agreement included a deadline of September 30, 2009, for completing the project. A copy of that agreement is included in the packet for your reference. As significantly more time is needed to complete the project an amendment has been prepared that would allow the project deadline to be continued to September 2011. The assembly's approval of this amendment is also sought. Your consideration and approval of this ordinance would be appreciated in order that the administration may proceed in cooperating with the NRCS to conduct this pilot project and attempt to mitigate flood damage in the future.