

Introduced by:	Mayor
Date:	05/21/02
Action:	Postponed until 06/04/02
Action:	Postponed until 07/09/02
Action:	Adopted
Vote:	9 Yes, 0 No, 0 Absent

**KENAI PENINSULA BOROUGH
RESOLUTION 2002-067
(LANDS COMMITTEE) SUBSTITUTE**

A RESOLUTION ACCEPTING THE TRANSFER OF RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF IMPROVEMENTS TO THE NIKISKI EMERGENCY EXIT ROAD OR, IN THE ALTERNATIVE, AUTHORIZING THE MAYOR TO PROCEED WITH OBTAINING GRANT FUNDS FROM THE DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT FOR THE PROJECT

- WHEREAS,** the Alaska Legislature appropriated \$250,000 to improve the emergency escape route between Nikiski and Kenai; and
- WHEREAS,** improvement to the emergency escape route would enhance the safety and convenience of borough citizens; and
- WHEREAS,** these state funds should enable improvement of 2.5 miles of this 4.6 mile road according to an engineer's estimate of Wince-Corthell-Bryson; and
- WHEREAS,** the Alaska Department of Transportation and Public Facilities (DOT/PF) is working with the borough to develop a transfer of responsibility agreement (TORA); and
- WHEREAS,** a separate ordinance accepting and appropriating the state funds will be introduced at a later date; and
- WHEREAS,** AS 35.15.080 requires a resolution of the governing body to accept the transfer of responsibility for the design and construction of the emergency escape route; and
- WHEREAS,** additional state funds in the amount of \$250,000 have been appropriated to the Department of Community and Economic Development (DCED) in FY-03 for further improvements to the Nikiski Emergency Exit Road; and
- WHEREAS,** there has been a request by the borough to transfer the FY-02 funds less the DOT/PF administrative fee to DCED; and
- WHEREAS,** procurement and contractual requirements for the borough are less burdensome for a grant from DCED than for a TORA with DOT/PF;

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

SECTION 1. The Kenai Peninsula Borough requests transfer of responsibility for design and construction of improvements to the Nikiski Emergency Exit Road from DOT/PF to the borough and authorizes the mayor to negotiate and execute all documents necessary to effectuate this resolution. Or, in the alternative, if FY-02 funds are transferred to DCED, the mayor is authorized to negotiate and execute all documents necessary to acquire and use the grant funds from DCED.

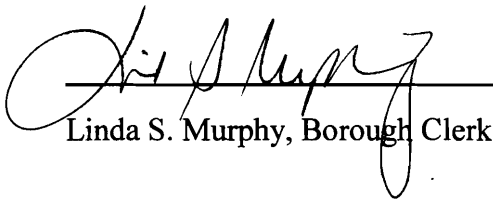
SECTION 2. That this resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 9TH DAY OF JULY 2002.



Timothy Navarre, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

