Memorandum 10-80 Diamond Creek Property Conservation Easement

Memorandum ID: 10-080
Memorandum Status: Backup

MEMORANDUM 10-80

TO: Walt Wrede, City Manager
FROM: Julie Engebretsen, Planning Technician
DATE: June 8, 2010
SUBJ: Diamond Creek Property Conservation Easement

The City of Homer acquired 273 acres in the Diamond Creek area in 2007. (Ordinance 2007-03). The community worked hard to purchase these lands and the Kachemak Heritage Land Trust was instrumental in the process. The property includes the Baycrest Ski trails and is adjacent to the Homer Demonstration Forest.

These lands were purchased from the University of Alaska, with federal Forest Legacy funds. These funds were passed through the state. DNR requires that in all grant funded acquisitions, where title is not held by DNR, that DNR retain a conservation easement that essentially says that the City of Homer is responsible for ensuring that the parcel is managed for the purposes intended and if not they are financially responsible for reimbursing the federal government for the grant funds used. The Forest Legacy Program restricts how the land can be used in the future; a conservation easement does not materially change the city or the public's ability to use the land for recreation purposes.

The Forest Legacy program reviewed the State of Alaska Forest Legacy program in June of 2008 and specifically requested that the State secure an easement on the Diamond Creek property. Ideally this should have been reserved at the time of conveyance, but it was not. The easement proposed is consistent with an easement used in a similar situation for property acquired by the City and Borough of Juneau using another federal funds passed through the State. It would help the State, KHLT, and the City in future Forest Legacy applications if all previous projects' were in a status acceptable to the Forest Service.

Recommendation: City Council approve the resolution authorizing the City Manager to enter into a conservation easement for the Diamond Creek property.

Attachments: Map
Draft easement document
Ordinance 2007-03
Memo 10-80 Attachements

Related Resolutions**Memorandum - Related Resolutions:** Resolution 10-48 Approving Conservation Easement for Diamond Creek Property

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