Resolution 10-14 Re-Expressing Support for the Construction of Kachemak Drive Phase II Water and Sewer Improvements and Securing Easments Through Eminent Domain

Resolution ID: 10-14
Resolution Status: Adopted
Resolution Effective Date: Mon Jan 25th, 2010
Resolution Summary:
A Resolution of the City Council of Homer, Alaska, Re-Expressing its Support for the Construction of the Kachemak Drive Water and Sewer Improvements (Phase II) and Authorizing the Preparation of a Decisional Document Needed to Secure to Necessary Required Easements Through the Use of Eminent Domain. City Manager/Public Works.

CITY OF HOMER
HOMER, ALASKA

City Manager/Public Works Director

RESOLUTION 10-14

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA, RE-EXPRESSING ITS SUPPORT FOR THE CONSTRUCTION OF THE KACHEMAK DRIVE WATER AND SEWER IMPROVEMENTS (PHASE II) AND AUTHORIZING THE PREPARATION OF A DECISIONAL DOCUMENT NEEDED TO SECURE THE NECESSARY REQUIRED EASEMENTS THROUGH THE USE OF EMINENT DOMAIN.

WHEREAS, The Council adopted Resolution 05-43 on April 11, 2005 which established the need for the Kachemak Drive Water and Sewer Local Improvement District (LID) Phase II Project; and

WHEREAS, The Council adopted Resolution 05-81(S) on July 25, 2005 which authorized the formation of the Kachemak Drive Water and Sewer Phase II Project LID assessment district after a majority of property owners within the LID boundaries supported the creation of an LID; and

WHEREAS, The Council adopted Ordinance 05-47 on October 10, 2005 authorizing the design and construction of the Kachemak Drive Water and Sewer Phase II Project; and

WHEREAS, Public Works initiated design of the project in January 2007 with Council direction to evaluate whether the construction of the project would impact bluff erosion; and

WHEREAS, A geotechnical report was completed by Duane Miller Associates LLC of Anchorage, Alaska, which included an evaluation of the potential impacts of construction on bluff erosion. The report found that “This project does not impose a surface or subsurface drainage regime change” and “This project is not expected to be a contributing factor for bluff erosion”; and

WHEREAS, The geotechnical report states that “The sewer project will replace existing septic systems along the route. This will reduce the input of treated water into the groundwater regime by eliminating the drain fields. This may reduce the overall volume of water seepage at the bluff face which would help reduce erosion caused by the seepage”; and

WHEREAS, Low interest loans have been obtained to fund the design and construction of this project through ADEC and the State revolving loan fund; and

WHEREAS, The project has undergone a scoping review by local, State and Federal regulatory and environmental permitting agencies and all environmental permits have been acquired based on the completed construction ready plans; and

WHEREAS, Public Works began working with over 80 LID property owners to acquire the necessary easements in November 2007, but has not been able to acquire 14 of the required 46 permanent easements (most recent contact by registered mail December 2009); and

WHEREAS, The City Engineer believes that the only major hurtle standing in the way of starting construction this summer is the acquisition of the remaining required easements. Public Works could have construction documents ready to bid by Spring 2010 with construction complete by late Summer 2011; and

WHEREAS, The City Engineer believes that based on the progress made over the last year of intense neighborhood meetings, one-on-one contacts with individual property owners, and the response of written correspondence; many of the required easements will not be acquired by the Spring 2010, and

WHEREAS, Pursuant to HCC 17.04.140, Kachemak Drive Water and Sewer Phase II LID should proceed to the construction phase within a period of five years from the date the City Council passed Resolution 05-81(S), or by July 25, 2010 or the LID shall be considered void, unless Council extends the effective period by resolution for not more than five additional years; and

WHEREAS, Without additional direction by the Council, this project will come to a stand-still, the LID project will become null and void, and construction of the Kachemak Drive Water and Sewer Project (Phase II) will not be completed.

NOW, THEREFORE, BE IT RESOLVED that the Homer City Council hereby re-expresses its support for the completion of the Kachemak Drive Water and Sewer Project (Phase II), and authorizes the City Manager to prepare to use the power of eminent domain to facilitate the acquisition of any required easements by preparing the required Decisional Document.

BE IT FURTHER RESOLVED that the City Manager shall present the final Decisional Document to the Council within 45 days from the date of this resolution and make final recommendations regarding the need for the use of eminent domain in acquiring the remaining necessary easements.

PASSED AND ADOPTED by the Homer City Council this 25th day of January, 2010.

CITY OF HOMER

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JAMES C. HORNADAY, MAYOR
ATTEST:

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JO JOHNSON, CMC, CITY CLERK

Fiscal Note: N/A

Resolution Files Resolution 10-14

Source URL (retrieved on *2014-11-24 19:35*):
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