



## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

491 East Pioneer Avenue  
Homer, Alaska 99603

(p) 907-235-8121

(f) 907-235-3140

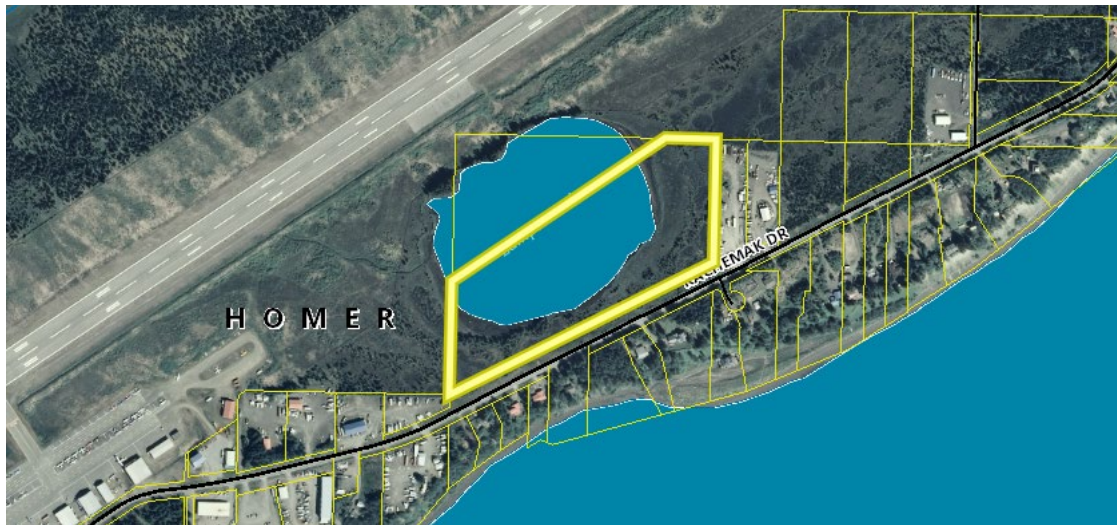
### Memorandum 21-011

TO: Mayor Castner and Homer City Council  
FROM: Rob Dumouchel, City Manager and Julie Engebretsen, Deputy City Planner  
DATE: December 14, 2020  
SUBJECT: Payment of water and sewer assessments for Lot 4, Hodnik Subdivision

A 21 acre parcel located between Lampert Lake and Kachemak Drive is currently for sale. This property is particularly popular with birdwatchers and ice skaters. Kachemak Moose Habitat, Inc (KMHI) is intending to purchase the land and retain it for conservation purposes. KMHI has a history of land acquisition in the Beluga Lake/Kachemak Drive area to preserve moose habitat (see attachment 1). KMHI also has a practice of allowing public access to their properties. KMHI would like to partner with the City to “waive” the existing water and sewer assessments (~\$78,500). As the assessments are debts owed to the HAWSP fund, it is inappropriate to waive the assessments. Instead, staff recommends the Council consider paying off the assessments with available funds from the Land Acquisition Fund.

#### **Subject Parcel Information**

The subject parcel is identified as Township 6 South, Range 13 West, Section 22, Lot 4 Hodnick Subdivision Seward Meridian, Lot 4 Kenai Peninsula Borough parcel number 17936032. It is located between Kachemak Drive and the Homer Airport.



The parcel is 21 acres in size and contains a large portion of Lampert Lake. The parcel is zoned “General Commercial 2,” but the opportunities for development are limited due to the lake and wetlands. Lampert Lake and its adjacent wetlands provide both ecosystem services and recreational opportunities to the City’s residents and visitors. The parcel attracts migratory birds as well as moose. The parcel also attracts birdwatchers, amateur ecologists, environmental educators, and, when conditions are right, ice skaters.

### **Assessment History**

At this time, the subject parcel is associated with approximately \$78,500 in water and sewer assessments. The assessments, when paid, would refund the HAWSP Fund’s participation in the extension of water and sewer to this part of the City.

The subject parcel is part of two districts:

1. Kachemak Drive Phase I Sewer Special Assessment District (Resolution 04-11, approved by Council January 12, 2004)
2. Kachemak Drive Phase 1 Water Special Assessment District (Resolution 05-80, approved by Council July 25, 2005)

In 2005, the City Council adopted Resolution 05-50(A) to exempt certain lands from water and sewer assessments when the lands would be conserved for a public purpose or habitat protection. Over the years, the city has exempted at least six lots along Kachemak Drive for this purpose. Because of the impact “exemptions” or “waivers” have on the HAWSP Fund, staff does not recommend following the past practice of waiving any fees associated with the parcel.

Prior resolutions which had provided “waivers” to assessments, included language that stated if a property benefiting from a waiver were later developed, the full assessment would come due. While the post-development concept is very valid, it is very difficult to administer. If Council wants to develop a program of this nature, Administration, Finance, and the City Attorney will need to collaborate on a program which can adequately address situations such as this.

## **Request from Kachemak Moose Habitat, Inc.**

This fall, KMHI contacted the mayor to request an exemption (“wavier”) for the subject parcel (see attachment 2). The property is under private ownership, and is in the process of being purchased with the intent that KMHI will be the owner. Initially it was believed that there were approximately \$30,000 in assessments on the subject property, however further research determined that the amount is actually \$78,500. At the time the assessments were approved, the land included two parcels; lot lines have since changed and it is now one large property with the two original two assessments.

In exchange for the City paying the assessments, KMHI has proposed the following language as a deed restriction:

*“The above described real property is protected, in perpetuity, primarily for the purpose as a wetland and habitat conservation area. The property shall be protected and managed in its natural condition for the preservation of its surface resources, vegetative cover, habitat for fish and wildlife, wetland hydrology and other water quality values of the property. The property shall remain available for public recreational activities provided those activities do not conflict with this primary purpose.”*

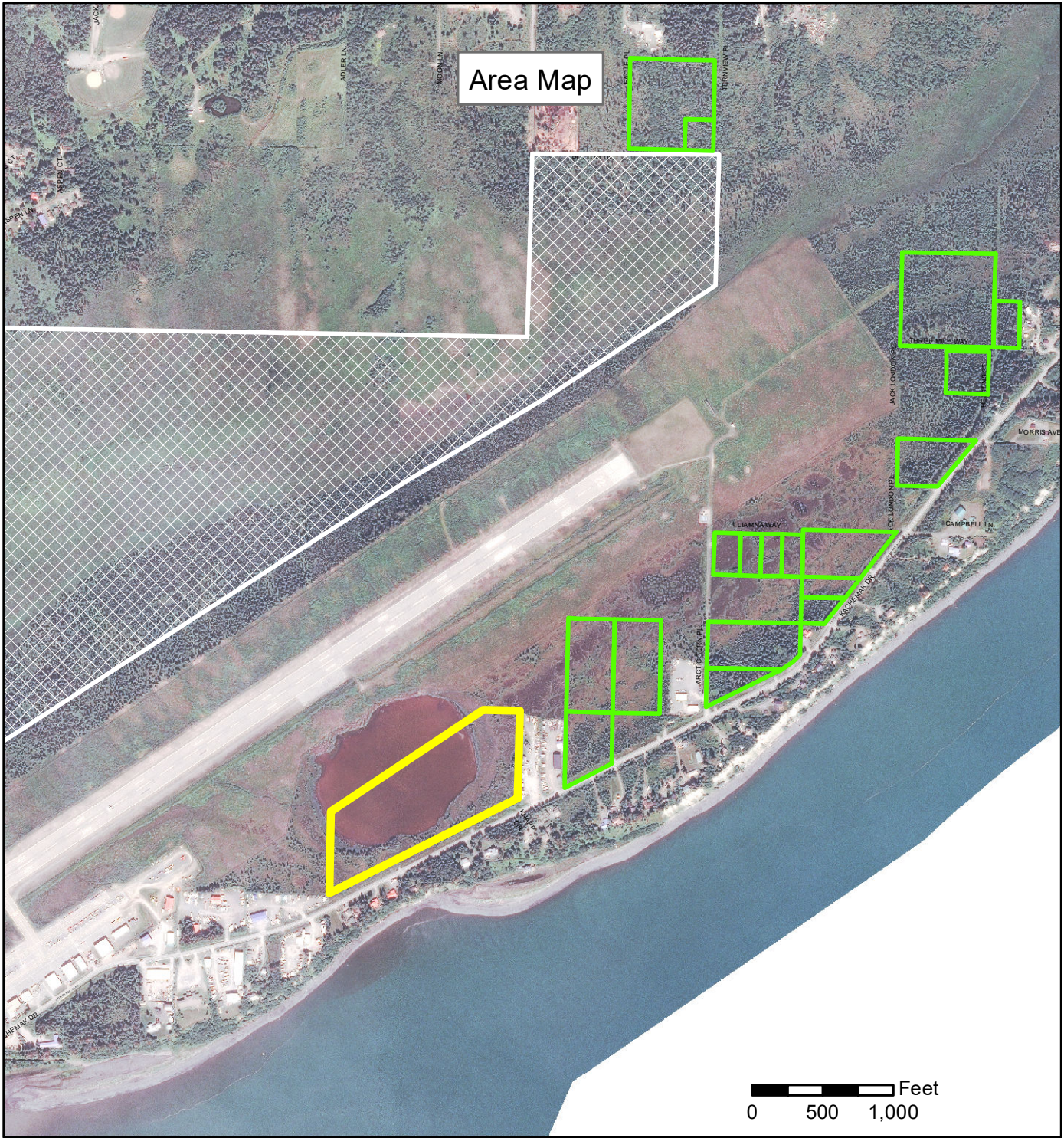
## **Potential Funding Source**

Staff has identified the Land Acquisition Fund as a potential funding source. The fund currently has a balance of about \$170,000. If the fund is used for these assessments, the remaining balance would be approximately \$91,000.

**Recommendation:** Adopt the Resolution. When the property transaction is complete with the recorded deed restriction, staff will bring forward an ordinance to pay the water and sewer assessments.

## **Attachments**

1. Area Map
2. KMHI letter
3. Hodnik Subdivision Plat



*City of Homer*  
**Planning and Zoning Department**  
 December 29, 2020

**Land Ownership**

- Subject Property
- Kachemak Moose Habitat, Inc
- Airport Critical Habitat Area



*Disclaimer:*  
 It is expressly understood the City of Homer, its council, board, departments, employees and agents are not responsible for any errors or omissions contained herein, or deductions, interpretations or conclusions drawn therefrom.



Kachemak Moose Habitat, Inc.

Anchor River Beach Road P.O. Box 355 Anchor Point, AK 99556

October 28, 2020

Mayor Ken Castner  
Office of the Mayor  
City of Homer  
491 E. Pioneer Ave.  
Homer AK 99603

RE: Lampert Lake Acquisition

Dear Mayor Kastner:

Kachemak Moose Habitat Inc. (“KMH”) is currently negotiating the acquisition of 21 acres of prime moose habitat land, which includes a large portion of Lampert Lake. I know there has been previous attempts by the City to acquire this popular lake to no avail. The KMH acquisition will help move the ownership out of private hands, make this popular skating lake more accessible to the public, protect high value wetlands and provide moose habitat in a popular viewing area. Additionally Beth Trowbridge, Center for Alaskan Coastal Studies, has expressed a desire to utilize the property for field education classes. We have always allowed public access to our properties as long as moose habitat is not damaged. We believe the public will enjoy this environment for a long time to come.

The Lampert Lake property is currently subject to about \$30,000 in unpaid utility assessment, levied by the City of Homer. In the past, the City has waived such fees so long as the impacted property remained in habit conservation status. For example, attached is a City of Homer Resolution, passed in 2017, in which the City agreed to waive utility assessment fees related to a different property we placed into habitat conservation status. This is what we propose for the Lampert Lake acquisition

It has always been the intent of our organization to protect in perpetuity the wildlife habitat we acquire and we have such language in many of our property deeds. Our previous agreements with the City specify that any changes to our properties’ protection status, such as development of any kind, would cause the waiver to be set aside and any assessment district fees to be immediately reinstated.

We asked the owners of the Lampert Lake property to get the property appraised. As a result, they reduced their asking price to a number we could agree on. We have found funds to purchase the property, but the funder does not want to pay \$30,000 in utility fees assessments.

Jan Keiser, City of Homer Public Work Director, is familiar with our organization and Julie Engebretsen, Assistant Planner, is familiar with KMH's relationship with the City regarding previous Kachemak Drive property acquisitions. Jan recommended I reach out to you and ask for help in resolving this. I would like to schedule a brief meeting with you to discuss our proposal.

Thank you for your consideration in these matters.

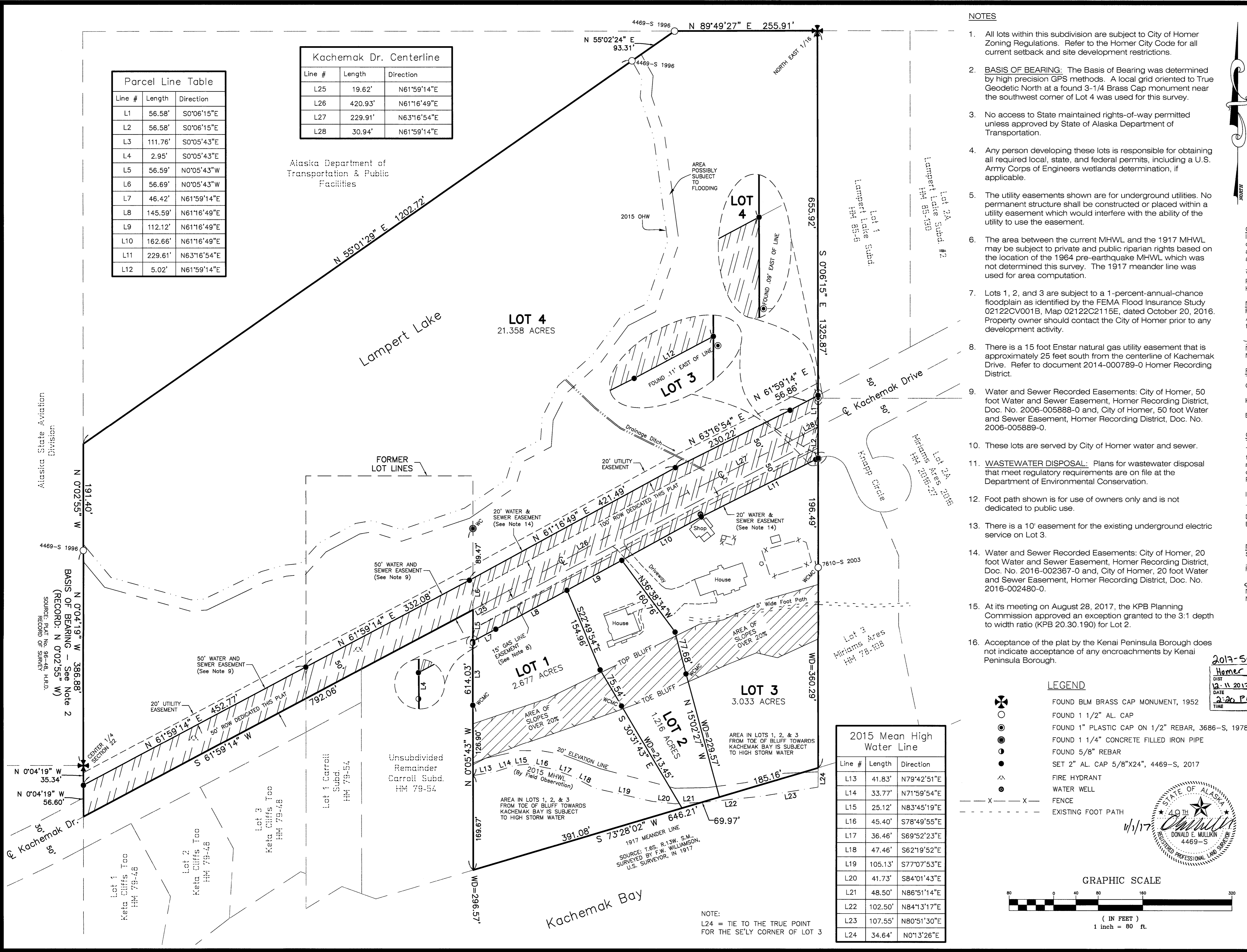
Sincerely,

Lynn Whitmore, President  
KMH Board of Directors  
(907)299-1760

Line #	Length	Direction
L1	56.58'	S0°06'15"E
L2	56.58'	S0°06'15"E
L3	111.76'	S0°05'43"E
L4	2.95'	S0°05'43"E
L5	56.59'	N0°05'43"W
L6	56.69'	N0°05'43"W
L7	46.42'	N61°16'49"E
L8	145.59'	N61°16'49"E
L9	112.12'	N61°16'49"E
L10	162.66'	N61°16'49"E
L11	229.61'	N63°16'54"E
L12	5.02'	N61°59'14"E

Line #	Length	Direction
L25	19.62'	N61°59'14"E
L26	420.93'	N61°16'49"E
L27	229.91'	N63°16'54"E
L28	30.94'	N61°59'14"E

Alaska Department of Transportation & Public Facilities



NOTES

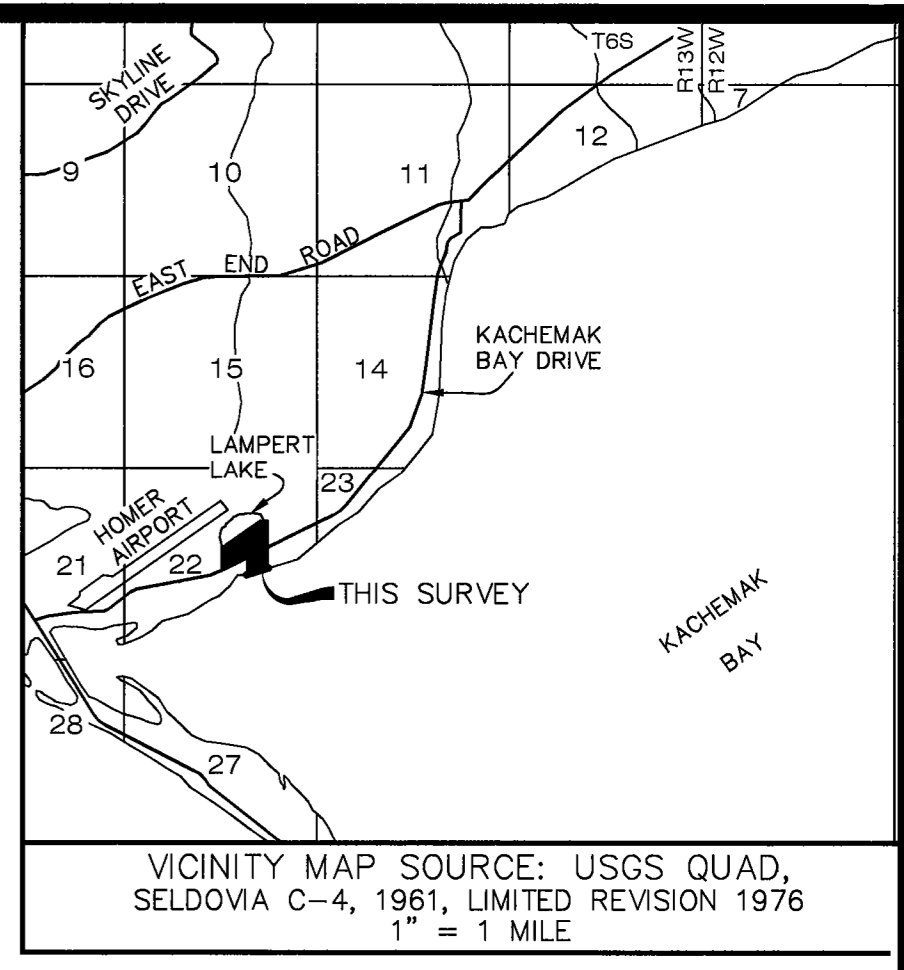
- All lots within this subdivision are subject to City of Homer Zoning Regulations. Refer to the Homer City Code for all current setback and site development restrictions.
- BASIS OF BEARING:** The Basis of Bearing was determined by high precision GPS methods. A local grid oriented to True Geodetic North at a found 3-1/4 Brass Cap monument near the southwest corner of Lot 4 was used for this survey.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Any person developing these lots is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination, if applicable.
- The utility easements shown are for underground utilities. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
- The area between the current MHWL and the 1917 MHWL may be subject to private and public riparian rights based on the location of the 1964 pre-earthquake MHWL which was not determined this survey. The 1917 meander line was used for area computation.
- Lots 1, 2, and 3 are subject to a 1-percent-annual-chance floodplain as identified by the FEMA Flood Insurance Study 02122CV001B, Map 02122C2115E, dated October 20, 2016. Property owner should contact the City of Homer prior to any development activity.
- There is a 15 foot Enstar natural gas utility easement that is approximately 25 feet south from the centerline of Kachemak Drive. Refer to document 2014-000789-0 Homer Recording District.
- Water and Sewer Recorded Easements: City of Homer, 50 foot Water and Sewer Easement, Homer Recording District, Doc. No. 2006-005888-0 and, City of Homer, 50 foot Water and Sewer Easement, Homer Recording District, Doc. No. 2006-005889-0.
- These lots are served by City of Homer water and sewer.
- WASTEWATER DISPOSAL:** Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.
- Foot path shown is for use of owners only and is not dedicated to public use.
- There is a 10' easement for the existing underground electric service on Lot 3.
- Water and Sewer Recorded Easements: City of Homer, 20 foot Water and Sewer Easement, Homer Recording District, Doc. No. 2016-002367-0 and, City of Homer, 20 foot Water and Sewer Easement, Homer Recording District, Doc. No. 2016-002480-0.
- At its meeting on August 28, 2017, the KPB Planning Commission approved an exception granted to the 3:1 depth to width ratio (KPB 20.30.190) for Lot 2.
- Acceptance of the plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments by Kenai Peninsula Borough.

LEGEND

- FOUND BLM BRASS CAP MONUMENT, 1952
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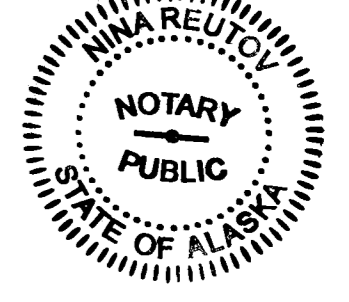
Line #	Length	Direction
L13	41.83'	N79°42'51"E
L14	33.77'	N71°59'54"E
L15	25.12'	N83°45'19"E
L16	45.40'	S78°49'55"E
L17	36.46'	S69°52'23"E
L18	47.46'	S62°19'52"E
L19	105.13'	S77°07'53"E
L20	41.73'	S84°01'43"E
L21	48.50'	N86°51'14"E
L22	102.50'	N84°13'17"E
L23	107.55'	N80°51'30"E
L24	34.64'	N0°13'26"E

NOTE:  
L24 = TIE TO THE TRUE POINT FOR THE SE'LY CORNER OF LOT 3



VICINITY MAP SOURCE: USGS QUAD, SELDOVIA C-4, 1961, LIMITED REVISION 1976  
1" = 1 MILE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.  
*Vickey J. Hodnik*  
Vickey J. Hodnik  
P.O. Box 1836  
Homer, AK 99603



**NOTARY'S ACKNOWLEDGMENT**  
For: *Vickey J. Hodnik*  
Acknowledged before me this 14 day of November, 2017.  
*John Linnell*  
Notary Public for the State of Alaska  
My commission expires 5/11/19

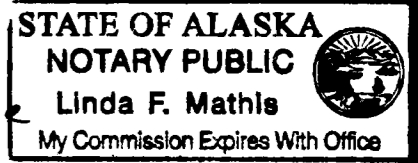
**PLAT APPROVAL**  
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 28, 2017.

**KENAI PENINSULA BOROUGH**  
By: *Max J. Beal* 10-6-17  
Authorized Official

**CERTIFICATE OF ACCEPTANCE**  
This is to certify that the State of Alaska, Department of Transportation and Public Facilities, granted herein, acting by and through its Commissioner, hereby accepts for public purposes the real property, or interest therein contained within the area delineated as Kachemak Drive, described on this plat as Right-of-Way and consents to the recordation thereof.  
In witness whereof, I have hereunto set my hand this 2<sup>nd</sup> day of November, 2017.

**DEPARTMENT OF TRANSPORTATION & PUBLIC FACILITIES**  
By: *John Linnell*  
For the Commissioner

**NOTARY'S ACKNOWLEDGMENT**  
Subscribed and sworn to before me this 2<sup>nd</sup> day of November, 2017.  
For: *John Linnell*  
*Linda F. Mathis*  
Notary Public for the State of Alaska  
My Commission Expires: 12/14/2018

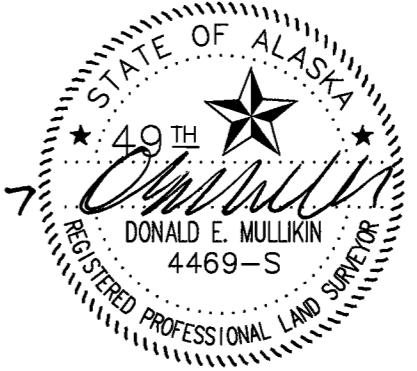
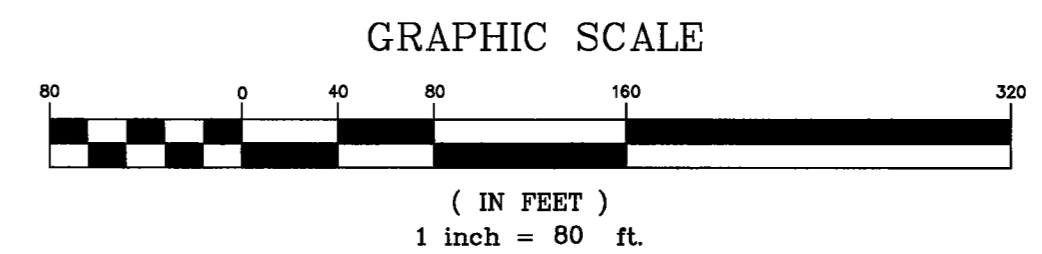


**MULLIKIN SURVEYS**  
P.O. BOX 790  
HOMER, ALASKA 99603-0790  
(907) 235-8975

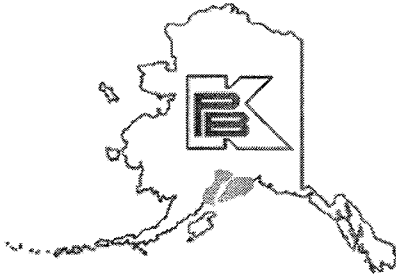
**HODNIK SUBDIVISION**  
CREATING LOTS 1, 2, 3, & 4

A SUBDIVISION OF A PORTION OF GOV'T LOT 2 SECTION 22, T.6S., R.13W., SEWARD MERIDIAN, MORE PARTICULARLY DESCRIBED AS LYING SOUTH OF KACHEMAK DR., EXCEPTING THEREFROM KETA CLIFFS TOO, PLAT NO. 79-48 H.M. AND CARROLL SUBD., PLAT 79-54 H.M. AND THE EAST 300 FEET OF THE WEST 700 FEET LYING SOUTH OF KACHEMAK DR., AND THAT PORTION OF GOV'T LOT 2, IN SECTION 22, T.6S., R.13W., S.M. LYING NORTH OF KACHEMAK DR., EXCEPTING THEREFROM THAT PORTION BEGINNING AT THE NORTHWEST ONE-QUARTER OF GOV'T LOT 2; THENCE ALONG THE NORTH BOUNDARY OF SAID LOT 2 ON A BEARING OF S 88°49'19" W, A DISTANCE OF 1064.51 FEET; THENCE ALONG A LINE THAT BEARS S 66°17'38" W A DISTANCE OF 1297.70 FEET; SAID LINE BEING PARALLEL TO AND 800 FEET SOUTHWESTERLY OF THE HOMER AIRPORT CENTERLINE; THENCE ALONG THE WEST BOUNDARY OF SAID LOT 2, ON A BEARING OF N 01°10'41" E, A DISTANCE OF 742.19 FEET TO THE TRUE POINT OF BEGINNING WITHIN THE CITY OF HOMER, KENAI PENINSULA BOROUGH, HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA CONTAINING 30.803 ACRES, MORE OR LESS

SURVEYOR	CLIENT
Mullikin Surveys P.O. Box 790 Homer, AK 99603	Vickey J. Hodnik P.O. Box 1836 Homer, AK 99603
Drawn By: PJD	Scale: 1" = 80'
Date: October 2, 2017	File:
Checked By: DEM, JVM	Hodnik Subd 2015
Book Nos. 346, 350	K.P.B. File 2015-052R2



2017-50  
Homer  
DIST  
10-11-2017  
DATE  
2:20 P.M.  
TIME



## **KENAI PENINSULA BOROUGH**

*Finance Department*

144 North Binkley Street • Soldotna, Alaska 99669-7520

Toll-free within the Borough: 1-800-478-4441, Ext. 2304

**PHONE:** (907) 714-2304 • **FAX:** (907) 714-2376

www.kpb.us

**CHARLIE PIERCE  
BOROUGH MAYOR**

### **CERTIFICATE OF TAX DEPARTMENT**

I, Rhonda Krohn, Property Tax and Collections Manager for the Kenai Peninsula Borough, do hereby certify that, as of the date of this certificate, all real property taxes levied by the Kenai Peninsula Borough have been paid for the area(s) described as:

Subdivision: HODNIK SUBDIVISION

Parcel # 17936002

T 6S R 13W SEC 22 Seward Meridian HM PTN GOV LT 2 DESC AS BEGIN @ POINT 800 FT S OF NW COR OF GL 2 & 400 FT E OF W LINE OF GL 2 & EXTENDING S 0 DEG 4'E 725 FT TO POINT ON MHW LINE TH ALONG SAID LINE S 70 DEG 15' E 135 FT TH N 73 DEG 30' E 181 FT TH N 0 DEG 03' W 720 FT TH W 300 FT TO POB WHICH LIES N OF KACHEMAK DR

Parcel # 17936024

T 6S R 13W SEC 22 Seward Meridian HM THAT PORTION OF GOVT LOT 2 LYING NORTH OF KACHEMAK DR EXCLUDING THOSE PARCELS PER D 5 @ 228 & WD 106 @ 988

Parcel # 17936005

T 6S R 13W SEC 22 Seward Meridian HM PTN GOV LOT 2 LYING SOUTH OF KACHEMAK DR EXCLUDING KETA CLIFFS TOO & CARROLL SUBS & E 300 FT OF THE W 700 FT

The following assessments (except assessments for the cities of Homer, Kenai, Seward, Seldovia, and Soldotna) levied against this property are outstanding: \$.00.

Witness my hand and seal this 15th day of November, 2017.

Rhonda Krohn  
Property Tax and Collections Manager