



MEMORANDUM

CC-26-165

Ordinance 26-49, an Ordinance of the City Council of Homer, Alaska Amending the FY27 Capital Budget in the Amount of \$17,500 from the Land Fund to Acquire an Access Easement on Easy Street, Within the Bridge Creek Watershed Protection District

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: September 9, 2026
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, City Manager

SUMMARY:

Staff requests that the City contribute \$17,500 from the Land Fund to complete an access easement across a Native Allotment on Easy Street. This amount is one-half of the estimated \$35,000 cost. Neighboring property owners will fund the rest, the majority of which is already held in an escrow account. Easy Street is in the Bridge Creek Watershed Protection District, north of the intersection of Skyline Drive and East Hill Road.

BACKGROUND:

In March 2025, the City Council adopted Resolution 25-023, authorizing the City Manager to pursue a 444-foot access easement on the north end of Easy Street. This segment of Easy St. crosses a Native Allotment, which requires a formal federal review and approval process. Easy St., which was originally constructed in 1938, is approximately ½ mile in length and connects Skyline Dr. with Arnold Ave, which is in a platted ROW. Over the years all sections of Easy St. have been dedicated as public ROW, except for this last segment. The majority of Easy St., including the segment that crosses the Native Allotment, is outside the city limits, and served by borough road maintenance. Easy St. lies within the Bridge Creek Watershed Protection District.

Easy St. crosses Bridge Creek and provides access to 18 acres of City-owned land to the north and several other parcels north of the creek that are owned by private individuals. Maintaining this route is important because it supports existing access and may reduce pressure to construct another creek crossing in the future. It is also important to note that Easy St. is the only access for emergency services to this part of Homer.

Easement Process

The City and neighboring property owners have been working with the Bureau of Indian Affairs (BIA) for several years to resolve the final easement issue. In 2025, the City formally applied for the easement. Land survey and environmental clearance documents for the easement were completed earlier this year. The application was accepted by BIA as complete last month. Next steps are to negotiate the term of the easement, make payment to BIA, and then record the easement.

Cost and Timing

The property owners expected the easement to cost approximately \$15,000 and have deposited this amount in an escrow account. BIA has now provided an estimated total cost of \$35,000, including associated fees. BIA has requested a response within 60 days. Some more time may be available, but a prompt decision would help keep the federal process moving. Staff is proposing to split the cost with the neighborhood; the City pays \$17,500, and the neighborhood funds the rest via the escrow account.

BIA has proposed the easement be granted for a period of 30 years, with an additional 30-year extension. The duration of the easement may be negotiable. Landowners and staff would like to negotiate for the longest term possible, if not a permanent easement. If Council approves this expenditure, staff will keep working toward that goal. For ease of the financial transaction, the City would accept the neighborhood contribution from the escrow account and then pay the full amount to BIA.

City Interest

- Maintain access to City-owned property in the area.
- Supporting continued access to neighboring private properties.
- Maintaining access for emergency services to this part of Homer.
- Maintaining Brough road maintenance.
- Protecting the Bridge Creek watershed and the City's water source by keeping an existing crossing rather than creating a new one.
- Completing a long-standing access issue through the required BIA process.

The current balance of the land fund is roughly \$129,000.

RECOMMENDATION:

Approve the appropriation of \$17,500 from the land fund to complete the easement transaction.

ATTACHMENTS:

Resolution 25-023

8/7/26 Letter from BIA

**CITY OF HOMER
HOMER, ALASKA**

City Manager

RESOLUTION 25-023

A RESOLUTION OF THE CITY COUNCIL OF HOMER, ALASKA,
AUTHORIZING THE CITY MANAGER TO PURSE ACQUISITION OF AN
ACCESS EASEMENT ON EASY STREET AND TO EXECUTE THE
APPROPRIATE DOCUMENTS.

WHEREAS, The City of Homer owns property that is accessed via Easy Street, north of
Skyline Drive within the Bridge Creek Watershed Protection District and wishes to ensure the
right of access to municipal property; and

WHEREAS, A portion of Easy Street that is maintained by the Kenai Peninsula Borough
traverses land that is a Native Allotment, and the Bureau of India Affairs views this access as an
unauthorized use (trespass); and

WHEREAS, Area property owners have worked together to find a solution and a path to
a legal easement across this property; and

WHEREAS, The road provides one of the few access points across Bridge Creek, and if
access were to be terminated, it would likely encourage new road construction and creek
crossing for an alternate route, creating new impervious surface in the watershed that could
be avoided; and

WHEREAS, Area property owners have been working for several years to resolve the
easement issue and the City of Homer granted an easement for Easy Street across City land via
Memorandum 21-090; and

WHEREAS, A government entity is required to apply for the easement from the Bureau
of Indian Affairs; and

WHEREAS, The Kenai Peninsula Borough is amenable to the City seeing this easement
acquisition to completion; and

WHEREAS, The land owner of the Native Allotment property is willing to grant an
easement but due to the land status as a Native Allotment, the Bureau of Indian Affairs has
stringent requirements on the process for the easement, and the City of Homer as an impacted
property owner can assist in the resolution of this easement acquisition by acting as the
applicant for the easement to the Bureau of Indian Affairs.

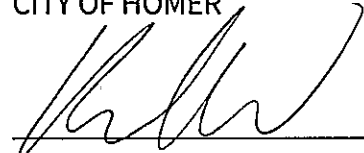
NOW, THEREFORE, BE IT RESOLVED That the City of Homer:

Section 1: The Homer City Council hereby authorizes the City Manager to pursue an access easement for Easy Street and to negotiate and execute the appropriate documents.

Section 2: This resolution shall be effective immediately upon its adoption.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 24th day of March, 2025.

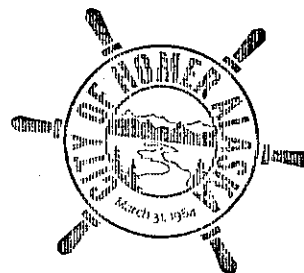
CITY OF HOMER


RACHEL LORD, MAYOR

ATTEST:


RENEE KRAUSE, MMC, CITY CLERK

Fiscal Note:





MEMORANDUM

Resolution 25-023, A Resolution of the City Council of Homer, Alaska, Authorizing the City Manager to Pursue Acquisition of an Access Easement on Easy Street and to Negotiate and Execute the Appropriate Documents. City Manager.

Item Type: Backup Memorandum
Prepared For: Mayor Lord and Homer City Council
Date: March 25, 2025
From: Julie Engebretsen, Community Development Director
Through: Melissa Jacobsen, City Manager

Background

Easy Street is a half mile long road that begins within Homer City limits, and travels from Skyline Drive north into the Bridge Creek Watershed Protection District. (See map next page). It was originally built 87 years ago to access the Broderson homestead. The City maintains the portion within City Limits, and the Kenai Peninsula Borough has maintained that portion of the road within the unincorporated Borough for 40 years. This street provides access to several private land owners and City properties. This is the only road (and Bridge Creek crossing) that provides access to the neighborhood.

The north 444 feet of this road travels over land that is a Native Allotment, and is therefore subject to management by the Bureau of Indian Affairs (BIA). The BIA regulates lands under their purview and has alleged that the portion of Easy Street on the allotment is an unauthorized use (trespass). Area property owners have been working to resolve the issue for decades; the City and another private land owner have granted public access easements for all the other sections of Easy St. in the last few years. To completely resolve the issue on this last section of Easy St., an entity is needed to apply to BIA for a public easement across the Native Allotment property (see red line on map). To date, the Kenai Peninsula Borough has declined to apply for an access easement, and understandably, as the Borough likely has many instances of roads across Native Allotments Borough wide. Working with BIA on access issues is a time intensive undertaking, and can be expensive in terms of legal fees.

Fortunately, area property owners including Jay Farmwald (retired professional engineer) have spent years navigating these regulations and have arrived at a solution with BIA, the Allottee (Roehl), and the neighborhood. To resolve this issue the City can partner in this effort by being the entity that applies for the access easement. Mr. Farmwald has and is willing to continue to do the majority of the coordination work for the project. This partnership would enable the City to resolve an access problem effecting City lands and for area property owners.

Recommendation:

City Council approve Resolution 25-023

Subject road section in Red



IN REPLY REFER TO
Real Estate Services
MC-304

United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Alaska Regional Office
3601 C Street, Suite 1200
Anchorage, Alaska 99503

CERTIFIED MAIL RETURN RECEIPT

City Of Homer
491 E. Pioneer Avenue
Homer, Ak, 99603

Dear City of Homer,

On August 8, 2025, we received your request for review and approval of a proposed easement for highways and roads between the owner(s) of Tract ID 975 AA 803 D (Grantor) and the City of Homer (Grantee). The purpose of this easement is to validate and widen the existing road for a term of 30 years with automatic renewal with Grantor consent for an additional 30 years.

Our preliminary review confirms that you have submitted a complete package, including all required information and supporting documents as specified in 25 CFR 169.102.

This notice marks the start of the sixty (60) day review period. Within this timeframe, we will make a decision regarding your right-of-way application, including whether it serves the best interests of the landowner(s) or Tribe, as required by 25 CFR 169.123. You will receive written notification of our determination within 60 days from the date of this letter. The determination will indicate whether the right-of-way is granted or denied, if the package needs revision, or if additional review time is necessary.

Please note: Once a determination is made, and pursuant to 25 CFR 169.115, payment of \$35,000.00 (round off of appraised market value and trespass appraisal) will be due at the time specified in the grant. The applicant is responsible for supplying the funding amount if a valid easement for the public road is needed. This payment is required regardless of whether the Grantee receives advance billing or other notice.

Thank you for your submission. We look forward to working with you. If you have any questions, please contact Merna Wharton, Realty Specialist, at (907) 931-7446 or merna.wharthon@bia.gov.

Sincerely,

TOMMY
ANDREW


Digitally signed by TOMMY ANDREW
Date: 2025.08.07 10:52:58 -06'00'

Tommy Andrew
Acting Regional Realty Officer