



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378


Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

M E M O R A N D U M

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: July 19, 2017

SUBJECT: Vacate a portion of King Arthur Drive along a portion of Lot 16 as dedicated on Camelot by the Sea Subdivision, Plat SW 76. Also dedicate a public right of way from a portion of Lot 23 of Camelot By The Sea Subdivision, Plat SW 76; located within the SE 1/4 of Section 23, T1N, R1W, S.M., Alaska within the KPB; File 2017-085V

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of July 17, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

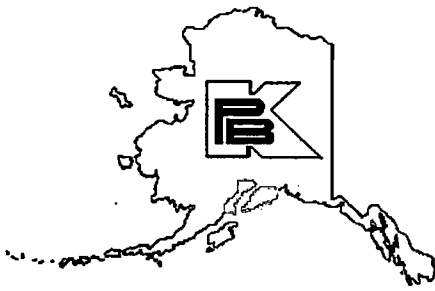
Findings

1. The proposed vacation eliminates right-of-way to resolve the encroachment by the house on Lot 16 Block 4.
2. Right of way from Lot 23 Block 7, which is across King Arthur Drive from Lot 16 Block 4, will dedicate approximately the same amount of right-of-way proposed to be vacated adjoining Lot 16.
3. King Arthur Drive is maintained by the KPB Roads Department.
4. KPB Roads Department submitted a statement of no comments.
5. Sufficient rights-of-way exist to serve the surrounding properties.
6. Per KPB GIS mapping, the majority of rights-of-way in Camelot by the Sea Subdivision are maintained by the KPB Roads Department.
7. No surrounding properties will be denied access.

The Assembly has 30 days from July 17, 2017 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2215 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

July 19, 2017

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF JULY 17, 2017

RE: Vacate a portion of King Arthur Drive along a portion of Lot 16 as dedicated on Camelot by the Sea Subdivision, Plat SW 76. Also dedicate a public right of way from a portion of Lot 23 of Camelot By The Sea Subdivision, Plat SW 76; located within the SE 1/4 of Section 23, T1N, R1W, S.M., Alaska within the KPB; File 2017-085V

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of July 17, 2017 based on the following findings of fact and conditions.

Findings

1. The proposed vacation eliminates right-of-way to resolve the encroachment by the house on Lot 16 Block 4.
2. Right of way from Lot 23 Block 7, which is across King Arthur Drive from Lot 16 Block 4, will dedicate approximately the same amount of right-of-way proposed to be vacated adjoining Lot 16.
3. King Arthur Drive is maintained by the KPB Roads Department.
4. KPB Roads Department submitted a statement of no comments.
5. Sufficient rights-of-way exist to serve the surrounding properties.
6. Per KPB GIS mapping, the majority of rights-of-way in Camelot by the Sea Subdivision are maintained by the KPB Roads Department.
7. No surrounding properties will be denied access.

Conditions

1. Compliance of the preliminary plat with KPB Title 20, subject to exception(s) granted.
2. Grant utility easements as requested by the utility providers per KPB 20.30.060 and KPB 20.60.150.
3. Ensure the final width of King Arthur Drive complies with KPB.20.30.120.
4. Submittal of the final plat in accordance with Chapter 20 of the KPB Code such that recordation of the plat can occur within one year of vacation consent.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (July 17, 2017) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent July 19, 2017 to:

Johnson Surveying
PO Box 27
Clam Gulch, AK 99568

Amber St. Amand Bell
PO Box 415
Seward, AK 99664-0415

Matthew Hall
PO Box 2368
Seward, AK 99664-2368

AGENDA ITEM F. PUBLIC HEARING

1. Vacate a portion of King Arthur Drive along a portion of Lot 16 as dedicated on Camelot by the Sea Subdivision, Plat SW 76. Also dedicate a public right of way from a portion of Lot 23 of Camelot By The Sea Subdivision, Plat SW 76; located within the SE 1/4 of Section 23, T1N, R1W, S.M., Alaska within the KPB; File 2017-085V

Staff Report given by Max Best

PC Meeting: 7/17/17

Purpose as stated in petition: Existing house encroaches into right-of-way.

Petitioners: Amand Bell and Matthew Hall of Seward, Alaska.

Notification: Public notice appeared in the July 5, 2017 issue of the Seward Journal as a separate ad. The public notice was published on July 12 as part of the tentative agenda.

Fifteen public hearing notices went sent by certified mail to owners of property within 300 feet of the proposed vacation. One receipt had been returned when the staff report was prepared.

Twenty-nine public hearing notices were mailed to owners within 600 feet of the proposed vacation.

Seventeen public hearing notices were emailed to agencies and interested parties. Nine notices were sent to KPB Departments by email or shared database.

Notices were mailed to the Seward Post Office and Seward Community Library to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

KPB Addressing Officer: No objection to the vacation.

KPB Code Compliance: No comments.

KPB Planner: The plat is not in a local option zone, and it is not affected by a material site.

KPB Roads Department: No comment.

River Center: The proposed vacation is not in a mapped flood hazard zone, and it is not affected by the Habitat Protection District.

State Department of Transportation: Not within our current road inventory.

State Parks: No comments.

Staff Discussion:

The preliminary plat that will finalize the vacation, if it is approved, shows the right-of-way being vacated adjoining Lot 16 Block 4 is approximately equal to the right-of-way being dedicated by Lot 23 Block 7. The surveyor smoothed the right-of-way being vacated to the greatest extent possible. The plat is scheduled for Plat Committee review on August 14. Staff is not concerned about the encroaching sheds because these are small buildings that can be moved or dismantled.

King Arthur Drive is maintained by the KPB Roads Department. The owner is put on notice that the KPB

Roads Department can require removal of the sheds from King Arthur Drive at any time.

KPB GIS mapping indicates neither Lot 16 nor Lot 23 was affected by the 1995 or 2006 floods. KPB mapping shows the flood waters came very close to Lot 16 in 1986, but it was not inundated.

No comments from the utility providers were available when the staff report was prepared.

Findings:

1. The proposed vacation eliminates right-of-way to resolve the encroachment by the house on Lot 16 Block 4.
2. Right of way from Lot 23 Block 7, which is across King Arthur Drive from Lot 16 Block 4, will dedicate approximately the same amount of right-of-way proposed to be vacated adjoining Lot 16.
3. King Arthur Drive is maintained by the KPB Roads Department.
4. KPB Roads Department submitted a statement of no comments.
5. Sufficient rights-of-way exist to serve the surrounding properties.
6. Per KPB GIS mapping, the majority of rights-of-way in Camelot by the Sea Subdivision are maintained by the KPB Roads Department.
7. No surrounding properties will be denied access.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Compliance of the preliminary plat with KPB Title 20, subject to exception(s) granted.
2. Grant utility easements as requested by the utility providers per KPB 20.30.060 and KPB 20.60.150.
3. Ensure the final width of King Arthur Drive complies with KPB 20.30.120.
4. Submittal of the final plat in accordance with Chapter 20 of the KPB Code such that recordation of the plat can occur within one year of vacation consent.

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Jerry Johnson, Johnson Surveying, PO Box 27, Clam Gulch
Mr. Johnson requested that the Commission approve the subject right-of-way vacation so that they can proceed with the subdivision plat. He addressed Roads Comments regarding the utility easement along the 20 foot building setback adjacent to the right-of-way. That house will not be subject to

either the new building setback or the utility easement. Mr. Johnson will revise the note on the plat to reflect that. He was available to answer questions.

Chairman Martin asked if there were questions for Mr. Johnson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Carluccio approval of the vacation of public easement in the Bear Creek area and the dedication of public right-of way in the same area based on staff recommendations and the following findings of fact.

Findings:

1. The proposed vacation eliminates right-of-way to resolve the encroachment by the house on Lot 16 Block 4.
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7. No surrounding properties will be denied access.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ERNST ABSENT	FIKES ABSENT	FOSTER ABSENT	ISHAM YES	LOCKWOOD YES
MARTIN YES	MORGAN YES	RUFFNER ABSENT	VENUTI YES	WHITNEY ABSENT		7 YES 5 ABSENT

AGENDA ITEM F. PUBLIC HEARING

2. Ordinance 2017-20; An ordinance authorizing retention or sale of certain real property obtained by the Kenai Peninsula Borough through Tax Foreclosure Proceedings.

Memorandum given by Dan Conetta

PC Meeting: July 17, 2017

Pursuant to AS 29.45.290 et. seq. and KPB 17.10.100(A) regarding tax foreclosure proceedings the borough has received Clerk's Deeds for the real property listed in the subject ordinance. Pursuant to AS 29.45.460(c) notice of the sale is sent to the last owner(s) of record by certified mail within five days after the first publication of the hearing on the ordinance.

A preliminary list of parcels proposed for the 2017 auction was sent for review and comment to the Kenai Peninsula Borough School District, all borough administrative departments, cities, and borough service areas. The subject ordinance proposes to authorize certain parcels to be sold by public outcry auction as shown on Exhibit B and proposes to authorize certain parcels for retention for a public purpose with a classification recommendation as shown on Exhibit A. The number of parcels to be sold or retained will change if taxes are paid.

Included for reference is a table of parcel map links utilizing the borough's parcel viewer on the borough's web page.

The tax foreclosure auction is scheduled for Saturday, October 28, 2017 in the Soldotna High School Auditorium. The Planning Commission will consider this ordinance at its regularly scheduled meeting of July 17, 2017 and the action taken will be reported to the assembly.

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KPB Planner: The plat is not in a local option zone, and it is not affected by a material site.

KPB Roads Department: No comment.

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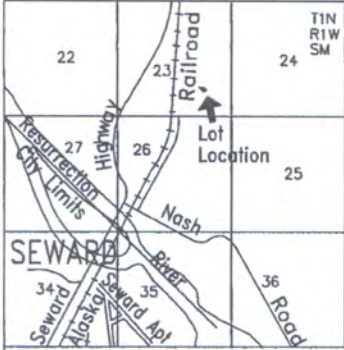
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KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



VICINITY 1" = 1 mile MAP

Camelot By The Sea 2017 Replat

A vacation of a portion of King Arthur Dr. and a replat of Lot 16 Block 4 and Lot 23 Camelot-by-the-Sea Subd, SWD 71-309. Located in the SE1/4 Section 23, T1N R1W, SM Seward Recording District Kenai Peninsula Borough

Prepared for

Amber Bell
P.O. Box 415
Seward, AK 99664

Matthew Hall
P.O. Box 2368
Seward, AK 99664

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568

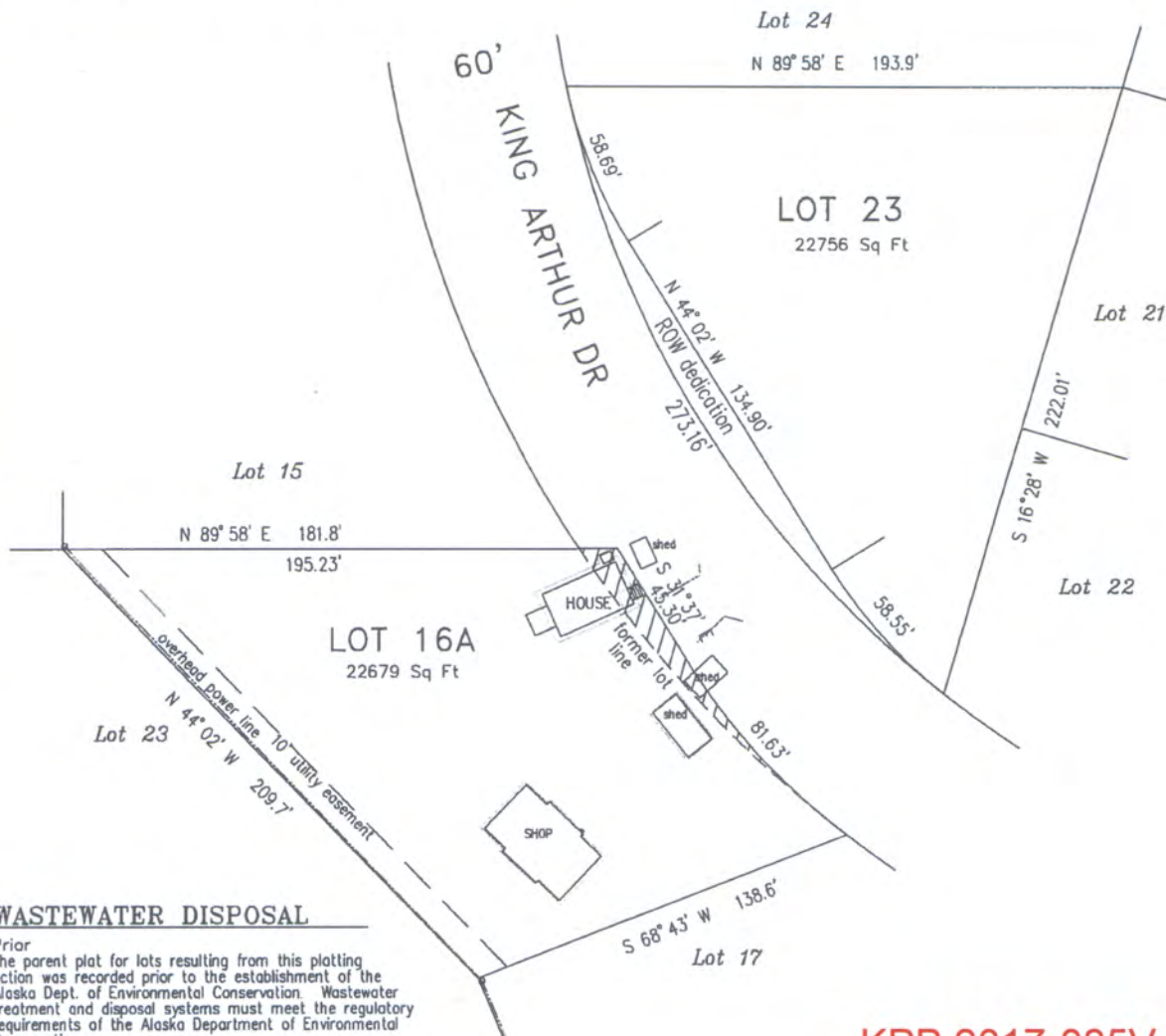
SCALE 1" = 40' AREA = 1.078 ACRES 3 May, 2017

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. The front 15' of the building setback is also a utility easement, as is the entire setback within 5' of the side lot lines. Existing buildings on Lot 16A predate granting of this easement and are not subject to it.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.



Hatched area indicates ROW being vacated.

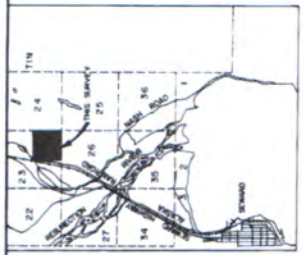
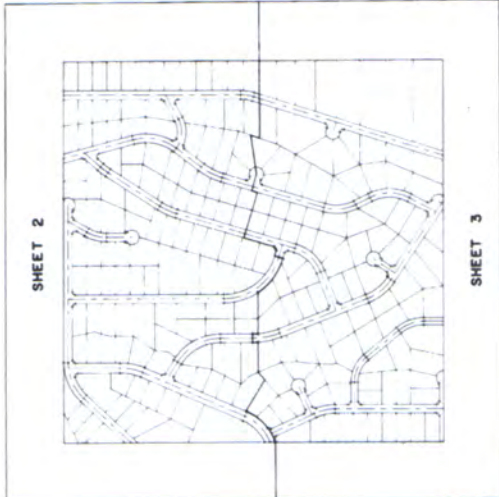


WASTEWATER DISPOSAL

Prior The parent plat for lots resulting from this platting action was recorded prior to the establishment of the Alaska Dept. of Environmental Conservation. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

KPB 2017-085V

CAMELOT BY THE SEA SUBDIVISION



CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, including all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

John D. ... 1971
Robert A. Summers
 A.I.M. Inc., 5417 Wandering Drive
 Anchorage, Alaska

STATE OF ALASKA)
 THIRD JUDICIAL DISTRICT) SS

On this 29 day of July 1971, before me, the undersigned, a Notary Public for the State of Alaska, personally appeared John D. ... and Robert A. Summers, to me known to be the persons described in and who executed the foregoing certificate of ownership and dedicate acknowledged to me that they executed the same at their free and voluntary act and without any fraud and official seal the day, month and year herein above written.

Notary Public for Alaska
 My commission expires 6-18-72.

CERTIFICATE OF REGISTERED ENGINEER

I hereby certify that I am a registered civil engineer and that the plat was made by me or under my direct supervision.

July 29 1971
Robert A. Summers
 Registered Engineer



FINAL PLAT APPROVAL

Plat approved by the commission this 29 day of July 1971.

George A. ...
 Chairman

Secretary

LEGAL DESCRIPTION

The South East 1/4 of Section 23, Township 1 North, Range 1 West, Seward Meridian containing 603,808 sq. ft. more or less.

PROPOSED LAND USE

All lots are for residential and residential use with the exception of lot 12, Block 2, which will be a park.

PROTECTIVE COVENANTS

Restrictions on the use of the property in this subdivision are recorded in Miscellaneous Book 117, Page 717 of the District Records Office Seward Alaska.

Section line right-of-way on east and south lines is vacated, except as noted.

Handwritten notes:
 2nd 1/4 1st 1/4 2nd 1/4 3rd 1/4 4th 1/4 5th 1/4 6th 1/4 7th 1/4 8th 1/4 9th 1/4 10th 1/4 11th 1/4 12th 1/4 13th 1/4 14th 1/4 15th 1/4 16th 1/4 17th 1/4 18th 1/4 19th 1/4 20th 1/4 21st 1/4 22nd 1/4 23rd 1/4 24th 1/4 25th 1/4 26th 1/4 27th 1/4 28th 1/4 29th 1/4 30th 1/4 31st 1/4 32nd 1/4 33rd 1/4 34th 1/4 35th 1/4 36th 1/4 37th 1/4 38th 1/4 39th 1/4 40th 1/4 41st 1/4 42nd 1/4 43rd 1/4 44th 1/4 45th 1/4 46th 1/4 47th 1/4 48th 1/4 49th 1/4 50th 1/4 51st 1/4 52nd 1/4 53rd 1/4 54th 1/4 55th 1/4 56th 1/4 57th 1/4 58th 1/4 59th 1/4 60th 1/4 61st 1/4 62nd 1/4 63rd 1/4 64th 1/4 65th 1/4 66th 1/4 67th 1/4 68th 1/4 69th 1/4 70th 1/4 71st 1/4 72nd 1/4 73rd 1/4 74th 1/4 75th 1/4 76th 1/4 77th 1/4 78th 1/4 79th 1/4 80th 1/4 81st 1/4 82nd 1/4 83rd 1/4 84th 1/4 85th 1/4 86th 1/4 87th 1/4 88th 1/4 89th 1/4 90th 1/4 91st 1/4 92nd 1/4 93rd 1/4 94th 1/4 95th 1/4 96th 1/4 97th 1/4 98th 1/4 99th 1/4 100th 1/4 101st 1/4 102nd 1/4 103rd 1/4 104th 1/4 105th 1/4 106th 1/4 107th 1/4 108th 1/4 109th 1/4 110th 1/4 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


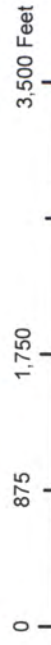
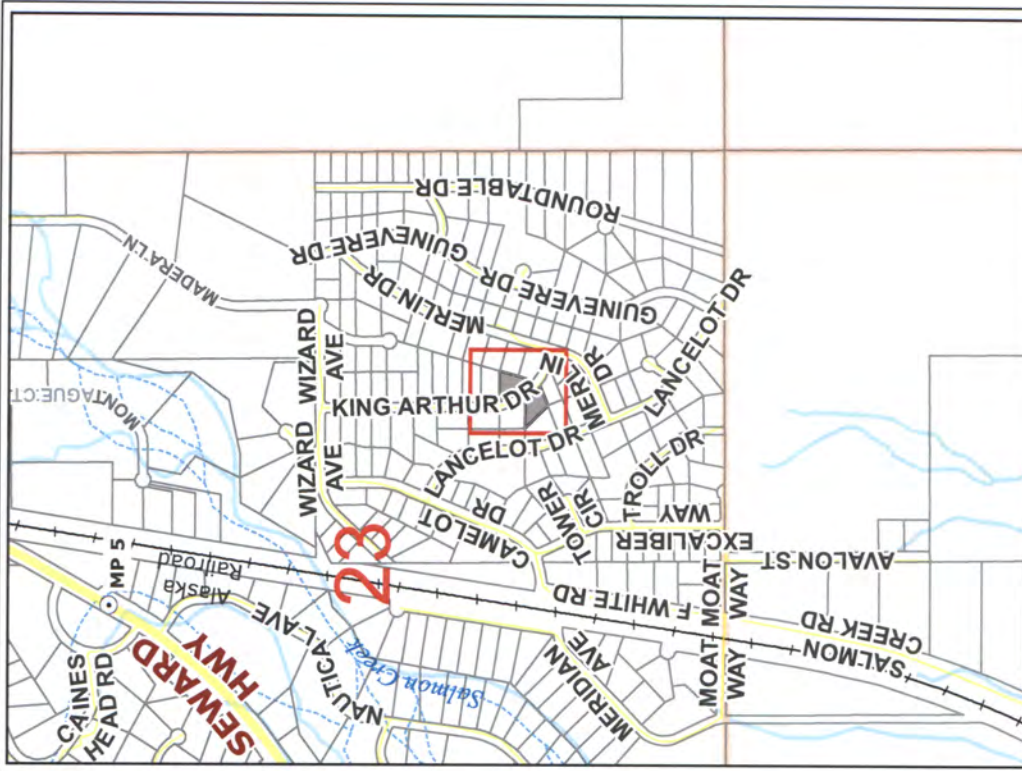
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Aerial View



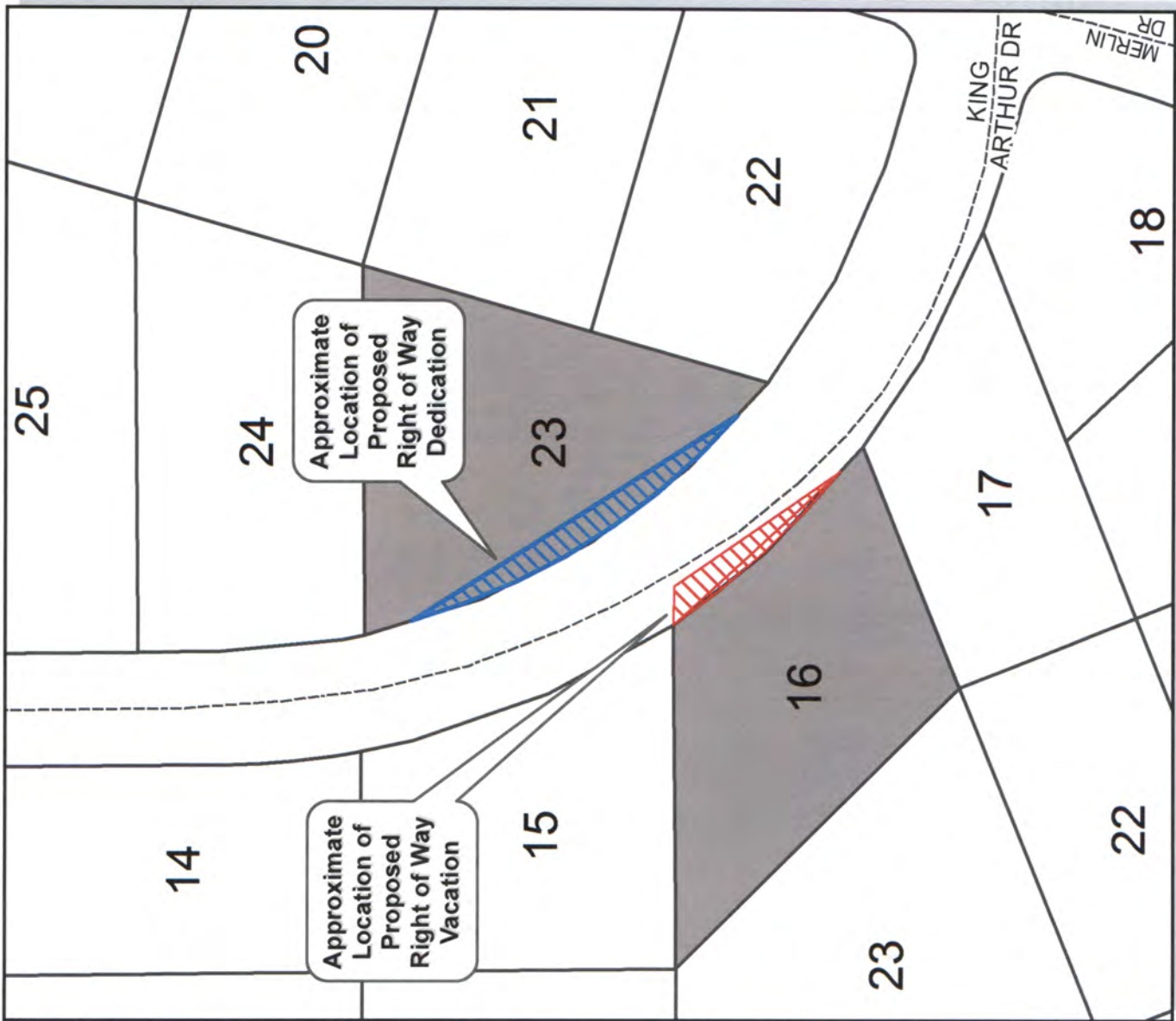
	ROW Vacation
	ROW Dedication
	PRELIMINARY PLAT



**KPB 2017-085V
T01N R01W S23
BEAR CREEK**



JReif, KPB
Date: 6/12/2017



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