

## **E. NEW BUSINESS**

### **1. Nikiski Village Subdivision Kennedy Addition No. 2**

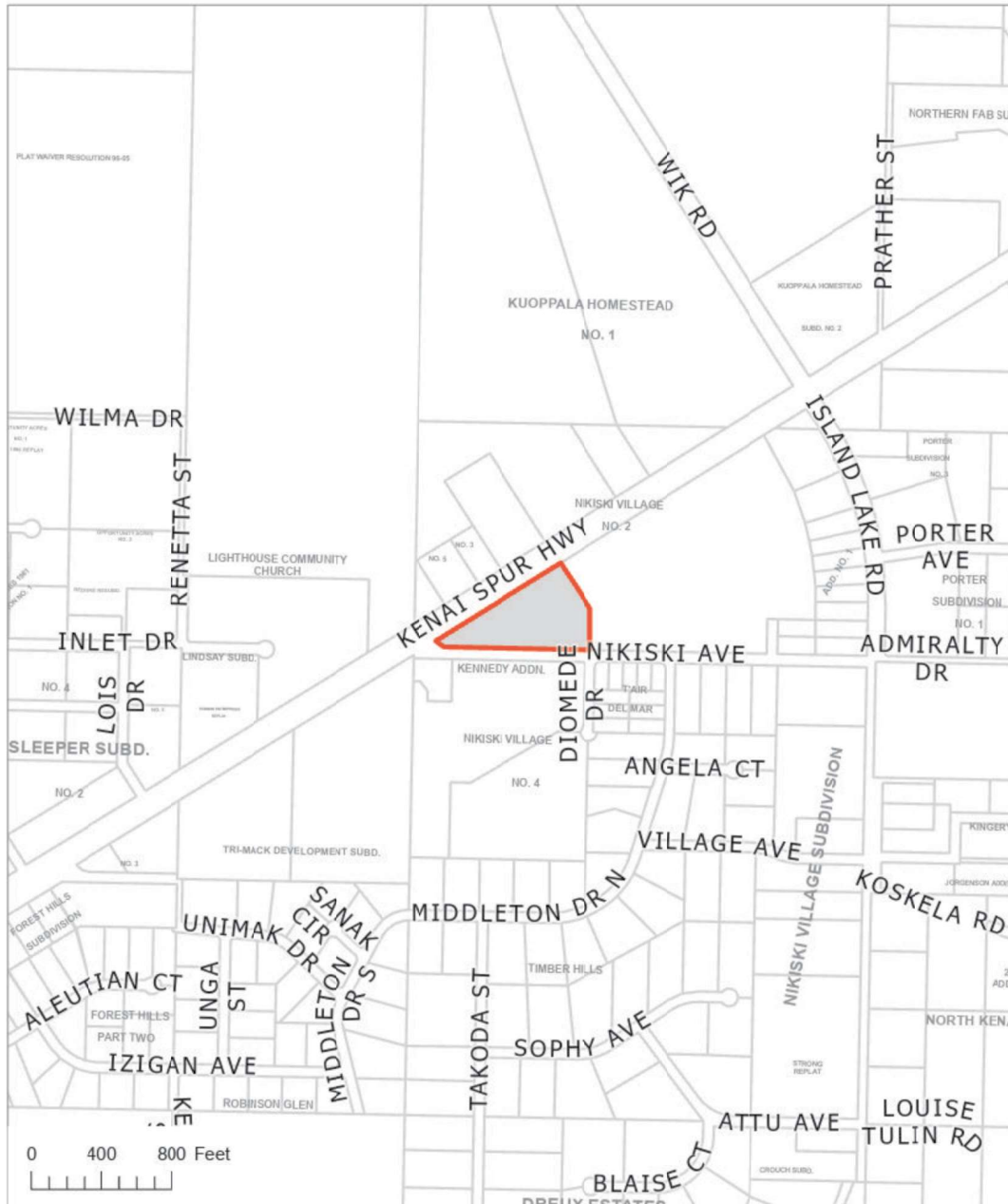
**KPB File 2025-060**

**Segesser Surveys**

**Wanda J. Kennedy & Wenda J. Kennedy Living Trust**

**Location: Nikiski Avenue off Kenai Spur Highway**

**Nikiski Area / Nikiski APC**



KPB File 2025-060  
T 7N R 12W Sec 2  
Nikiski





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



# LEGEND:

- 2 1/2" BRASS, CAP MON. 264-S 1968 FOUND
- 2 1/2" ALUM. CAP MON. 4926-S 2004 FOUND
- 5/8" REBAR w/ALUM. CAP FOUND
- 5/8" REBAR w/PLASTIC CAP LS859 SET
- RECORD DATUM PLAT 76-3 KRD

## NOTES:

- 1) Basis of bearing taken from Nikiski Village Subdivision No. 2, Plat 76-3, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) This property is subject to a reservation of easement for highway purposes, and any easements or uses thereof for recreational, utility or other purposes, as disclosed by Public Land Order No. 601, dated August 16, 1949; and amended by Public Land Order No. 757, dated October 16, 1959; Public Land Order No. 1613, dated April 7, 1958; Department of the Interior Order Number 2865, dated October 16, 1951, Amendment Number 1 thereto dated July 17, 1952 and Amendment Number 2 thereto, dated September 15, 1956, filed in the Federal Register.
- 4) No private access to State maintained ROWs permitted unless approved by the State of Alaska Department of Transportation.
- 5) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book Page , Kenai Recording District. No definite location disclosed.
- 6) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement granted this plat. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 7) WASTEWATER DISPOSAL: Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences. An Engineer's Subdivision and Soils Report is available from the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a qualified engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

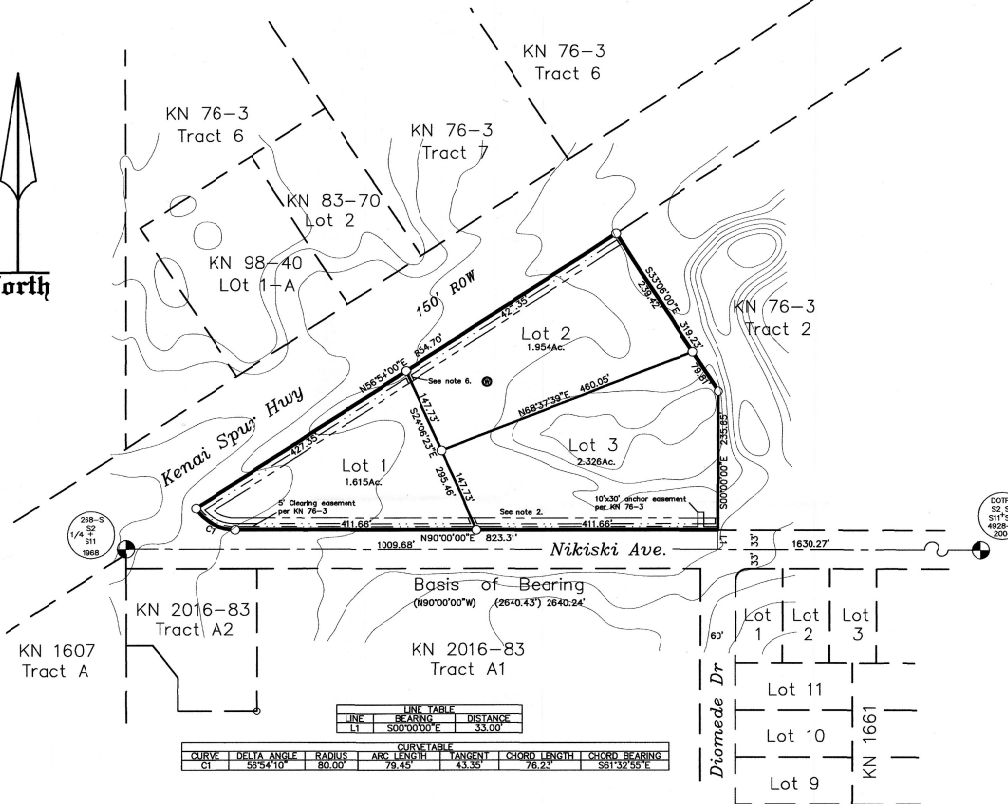
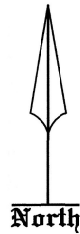
Engineer License No. Date



## SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

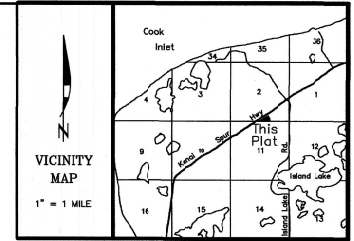
Date



LINE TABLE		CURVE TABLE	
LINE	BEARING	CHORD LENGTH	CHORD BEARING
L1	S00°00'00"E	33.00'	S51°32'55"E

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	55°34'10"	89.00'	79.42'	53.30'	76.24'	S51°32'55"E



## CERTIFICATE of OWNERSHIP and DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT THE WANDA J. KENNEDY AND WENBA J. KENNEDY LIVING TRUST IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND ON BEHALF OF THE WANDA J. KENNEDY AND WENBA J. KENNEDY LIVING TRUST I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

WENBA J. KENNEDY  
SURVIVING TRUSTEE OF THE WANDA J. KENNEDY AND  
WENBA J. KENNEDY LIVING TRUST  
P.O. BOX 7046  
NIKISKI, ALASKA 99635

## NOTARY'S ACKNOWLEDGEMENT

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

## KPB FILE No.

## Nikiski Village Subdivision Kennedy Addition No. 2

A resubdivision of Tract-1, Nikiski Village No. 2, Plat 76-3, Kenai Recording District.  
Located within the SW1/4 SE1/4 Section 2, T7N, R12W, S.M., Kenai Peninsula Borough, Alaska.

Containing 5.890 Ac.

Surveyor	Owner
Segesser Surveys 33485 Rosland St. Soldotna, AK 99639 (907) 262-3909	Wanda J. Kennedy and Wenba J. Kennedy Living Trust P.O. Box 7046 Nikiski, Alaska 99635
JOB NO. 25041	DRAWN: 4-19-25
SURVEYED: April, 2025	SCALE: 1"=50'
FIELD BOOK: 24-4	SHEET: 1 of 1

KPB 2025-060

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - PRELIMINARY PLAT  
NIKISKI VILLAGE SUBDIVISION KENNEDY ADDITION NO. 2**

<b>KPB File No.</b>	2025-060
<b>Plat Committee Meeting:</b>	May 27, 2025
<b>Applicant / Owner:</b>	Wanda J. Kennedy and Wanda J. Kennedy Living Trust of Nikiski, Alaska
<b>Surveyor:</b>	John Segesser, Segesser Surveys
<b>General Location:</b>	Between Milepost 25 and 26, Kenai Spur Highway and Nikiski Avenue in Nikiski, Alaska

<b>Parent Parcel No.:</b>	012-120-10
<b>Legal Description:</b>	Tract 1, Nikiski Village Subdivision No 2, Plat 76-03, Kenai Recording District, Township 7 North, Range 12 West, Section 2, Seward Meridian
<b>Assessing Use:</b>	General Commercial
<b>Zoning:</b>	Rural Unrestricted
<b>Water / Wastewater</b>	On-Site / On-Site
<b>Exception Request</b>	None Requested

---

**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide a 5.89 parcel into three parcels: one of 1.615 acres, one of 1.954 acres and one of 2.326 acres.

**Location and Legal Access (existing and proposed):**

The proposed plat is located between Milepost 25 and 26 of the Kenai Spur Highway in Nikiski. Legal access is provided by Nikiski Avenue to the south and the Kenai Spur Highway along the northwest. Nikiski Avenue is a 60-foot borough-maintained road that connects to the Kenai Spur Highway to the west and Island Lake Road to the east. The Kenai Spur Highway is a 150-foot state-maintained right-of-way. Proposed Lots 1 and 3 will have access to Nikiski Avenue. Proposed Lots 1 and 2 will have access by Kenai Spur Highway.

*PER DOT:* The platting action voids any previous issued permits. Land owners will need to reapply for driveway access permits to state road and right-of-way access.

A 33-foot section line easement is located within Nikiski Avenue to the south. **Staff recommends** the surveyor verify and depict the section line easement on the final plat and provide a plat note referencing the Certificate to Plat item number 7.

No vacations or dedications are proposed with this platting action.

Kenai Spur Highway, Nikiski Avenue, Hawthorne Drive and Island Lake Road define the block. The block length from Kenai Spur Highway along Nikiski Avenue to Island Lake Road is approximately 2,629.51 feet and exceeds the allowable limit making the block non-compliant. The adjacent parcel to the east of the proposed plat is a gravel pit. Directly east of the gravel pit is a dedicated road, Hawthorne Drive. Future subdivision of the gravel pit could provide additional right-of-way that would be better situated than the proposed plat to provide relief. Due to the location of the proposed plat to the corner intersection of the Kenai Spur Highway and Nikiski Ave, **staff recommends** the plat committee concur that no dedication or exception request is required.

KPB Roads Dept RSA review	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil

	Comments: RSA has no objection at this time
SOA DOT comments	No Response

#### **Site Investigation:**

KPB GIS Imagery shows structures located on the subject property. Portions appear to encroach into the Kenai Spur Highway right-of-way, the building setback and utility easement at various locations of the structures. KPB Assessing records show the main structure was built in 1970, predating the parent plat which granted the building setback and utility easement (1976), but it looks as if the structure has been added to and connected together through the years.

Staff emailed the surveyor on April 28, 2025 requesting additional information on the structures. No response has been received by the time the staff report was prepared. **Staff suggests** the surveyor confirm if the structures will be removed prior to finalization of the plat and notify Staff. If the structures are to remain, the structures will need to have a Building Setback Encroachment Permit completed and approved prior to final approval of the plat and noted on the plat, as it is undeterminable what portions of the structure were added after 1976. The portions located within the state right-of-way will need to have the State of Alaska DOT permission to remain in the right-of-way and any permission given should be submitted to Staff and noted on the plat for documentation also.

No wetlands affect the subject area according to the KWF Wetlands Assessment.

The KPB GIS terrain viewer shows some steep areas on the subject parcel. The surveyor has included the contours on the preliminary plat. There are minor areas on proposed Lot 3 that appears to exceed 20% in grade which are not labeled on the preliminary. **Staff recommends** that it is the surveyor's discretion to keep or remove the contours on the final plat submittal per KPB 20.60.010.

The preliminary plat is not within a flood hazard area or a habitat protection district per the KPB River Center Review.

KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection  Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
State of Alaska Fish and Game	No Response

#### **Staff Analysis**

Originally, the land was an aliquot part of the S1/2 SW1/4, Section 2, Township 7 North, Range 12 West. In 1976, Nikiski Village Subdivision No. 2 (KN 76-3) subdivided the land into tracts. T'Air Del Mar Subdivision (KN 1661) dedicated Nikiski Avenue adjacent to the proposed plat.

A soils report will be required and an engineer will sign the final plat as all the new lots are less than 200,000 sq ft.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.10.100 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Nikiski Advisory Planning Commission at the meeting of May 8 approved the Nikiski Village Subdivision Kennedy

Addition No. 2.

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

### **Utility Easements**

The parent plat, Nikiski Village Subdivision No. 2 (KN 76-3) granted a 5-foot clearing easement adjacent to the rights-of-way and a 10X30 anchor easement on the southwest boundary line. Both easements have been depicted and labeled appropriately on the preliminary plat.

A general easement for electric lines or system and/or telephone lines was granted to HEA per the recorded document in Book 2, Page 123. **Staff recommends** the surveyor modify plat note number 5 to include the book number and page number as referenced in the Certificate to Plat item number 3 and noted here.

As part of our routine notification process, the subdivision plat was emailed to the affected utility providers for review. **Staff recommends:** the surveyor work with the utility providers to accommodate their request, ensuring optimal use of the owner's land and maximum benefit for both the provider and the public.

The plat is providing new utility easement as noted in plat note 6, Per KPB 20.30.060 (D), the front 10 feet adjoining rights-of-way will be granted as a utility easement with this platting action. The surveyor may at his discretion, modify plat note number 6 and the drawing, as the extra 10 feet within 5 feet of sidelines is not code required.

### **Utility provider review:**

HEA	No Comments
ENSTAR	No Comments or Recommendations
ACS	No Response
GCI	No Response

### **KPB department / agency review:**

Addressing Review	Reviewer: Leavitt, Rhealyn Affected Addresses: 51010 KENAI SPUR HWY  Existing Street Names are Correct: Yes  List of Correct Street Names: KENAI SPUR HWY, NIKISKI AVE, DIOMEDE DR  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 51010 KENAI SPUR HWY WILL BE DELTED AND NEW ADDRESS ASSIGNED.
Code Compliance	Reviewer: Ogren, Eric Comments: It appears part of the structure is in the ROW of the Kenai Spur Hwy and is also in the 20 Ft building Set back. State of Alaska would need to grant permission for the structure to be in the ROW. Additionally, the PC

	would need to pass a resolution allowing the structure to remain in the set back.
LOZMS Review Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.  Conditional Land Use Permit CLUP Resolution Number: 2005-42 CLUP Approval Date: 10/10/2005 Material Site Comments: There is an existing material site, MS2004-007 for parcel 012-120-14, that is located directly East and adjacent to the subject parcel.
Assessing Review	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	Approved

## **STAFF RECOMMENDATIONS**

### **CORRECTIONS / EDITS**

- Modify the Plat Approval date to May 27, 2025
- Add the book and page 2 / 123 to plat note 5.
- Include sections 2 & 11 on the drawing along section line.

### **PLAT NOTES TO ADD**

- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170(B).
- Acceptance of this plat by the Borough does not indicate acceptance of any encroachments.

## **KPB 20.25.070 – Form and contents required**

**Staff recommendation:** final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

### **A. Within the Title Block**

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
2. Legal description, location, date, and total area in acres of the proposed subdivision;
3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

#### **Staff recommendation:**

- Modify the KPB File No to 2025-060
- The parent plat name is "Nikiski Village Subdivision No. 2" and directly to the south across Nikiski Avenue is "Nikiski Village Subdivision Kennedy Addition." **Staff recommends** modifying the Subdivision name to Nikiski Village Subdivision No. 2 2025 Kennedy Addition for clarity.

### **C. The location, width, and name of existing or platted streets and public ways, railroad rights-of-way, and other important features such as section lines or political subdivisions or municipal corporation boundaries abutting the subdivision;**

#### **Staff recommendation:**

- Staff suggests adding a label for section 2 and section 11 on the plat

### **D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;**

#### **Staff recommendation:**

- Staff suggests labeling the lakes: Foreland Lake, Chugach Estates Lake and Bernice Lake



- Add labels for townships 7N and 8N
- Add label for Range 12W
- Staff recommends adding labels for Wik Road and Nikishka Beach Road on the roads indicated on the vicinity map

F. The location, width and name of existing and platted streets and public ways, railroad rights-of-way, easements, and travel ways existing and proposed, within the subdivision;

**Staff recommendation:**

- A 33-foot SLE is located to the south of the plat, within the ROW. **Staff recommends** the surveyor depict the SLE and include a plat note referencing CTP # 7.

G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the proposed subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:**

- Include the block on the lot labels to the southeast of the subdivision

N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:**

- Structure appears to be encroaching into the right-of-way on proposed Lot 2. Structures encroaching into building setback and utility easement. Staff emailed surveyor on 04-28-25 with no response. KPB Assessing records show the main structure was built in 1970 predating the parent plat which granted the building setback and utility easement was recorded in 1976. **Staff recommends** the surveyor confirm the removal of the structures or if staying they be granted necessary permits from KPB and SOA and noted on the plat.

---

#### **KPB 20.30 – Subdivision Design Requirements**

**Staff recommendation:** final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

---

#### **KPB 20.40 – Wastewater Disposal**

**Staff recommendation:** final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** comply with 20.40.

---

#### **KPB 20.60 – Final Plat**

**Staff recommendation:** final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

**20.60.110. - Dimensional data required.**

- Include the recorded bearings and distances

**20.60.190. - Certificates, statements, and signatures required.**

A final plat submitted for review and approval shall bear the following certificates with signatures of appropriate parties signed with permanent black ink:

- Modify Certificate of ownership, dedication, and acknowledgement to comply with code: (A) *Certificate of ownership, dedication, and acknowledgement (5)*

---

**RECOMMENDATION:**

**STAFF RECOMMENDS:**

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

**NOTE: KPB 20.25.120. - REVIEW AND APPEAL.**

**IN ACCORDANCE WITH KPB 2.40.080, ANY PERSON, AGENCY, OR CITY THAT PARTICIPATED AT THE PLAT COMMITTEE HEARING, EITHER BY WRITTEN OR ORAL PRESENTATION, MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF DATE OF DISTRIBUTION OF THE DECISION.**

**A DECISION OF THE PLAT COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**

---



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.





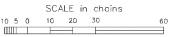
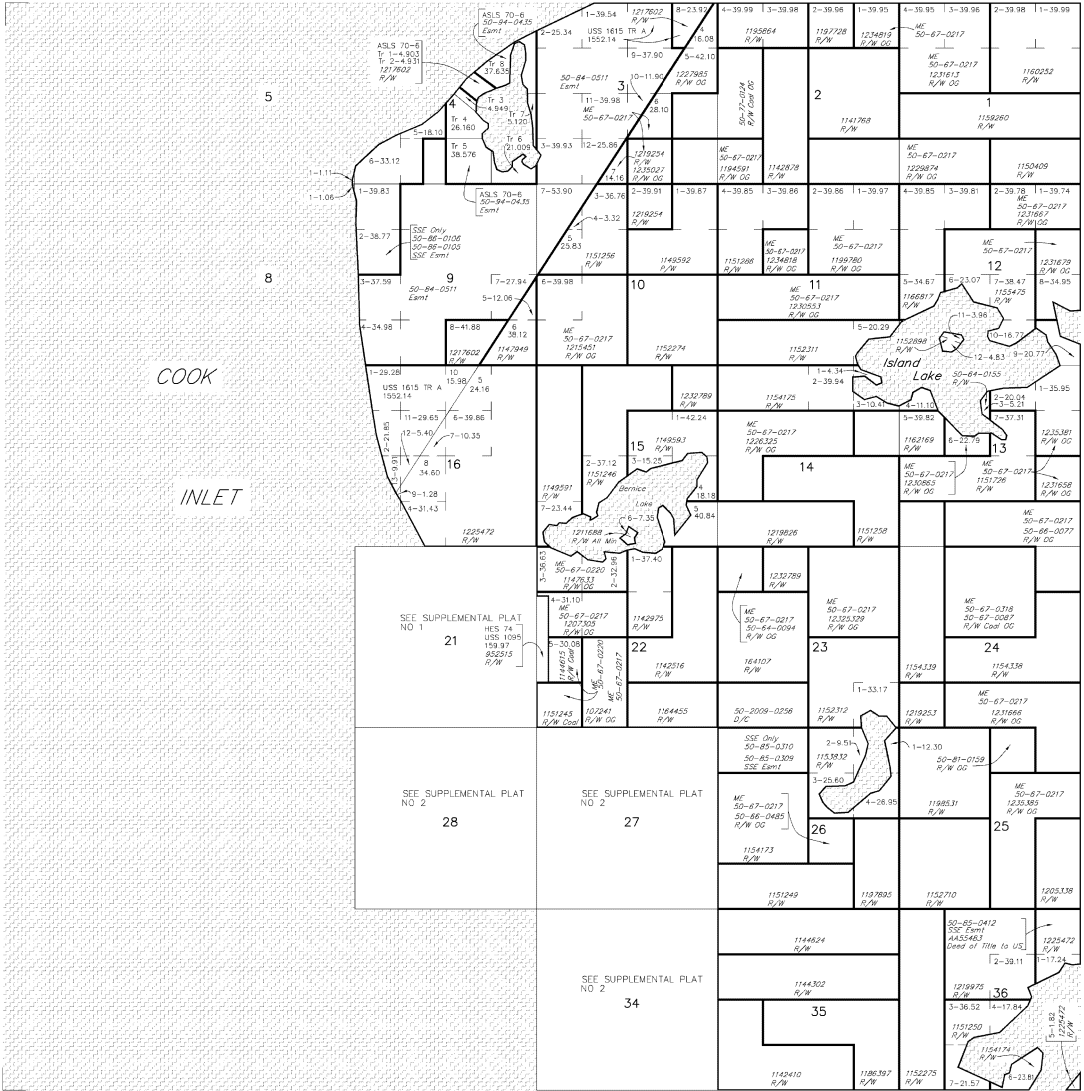
SURVEYED TOWNSHIP 7 NORTH RANGE 12 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

A058731 SS Reserved Min Estate Only
PL 92-203 WOI A46698
AA6698-B V/Sel Apin USS 1615 Tr A
PLD 5184 WOI C affects Lds/Interests not conveyed



WARNING:  
This plat is the Bureau's Record of Title, and should be used  
only as a graphic display of the township survey data. Rec-  
ords herein do not reflect title changes which may have been  
affected by lateral movements of rivers or other bodies of water.  
Refer to the cadastral surveys for official survey information.

Lot  
Long

60°37'46"N  
151°19'21"W

CURRENT TO		Sew Mer
4-22-2022		T 7 N
		R 12 W

ACAD