


Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

TO: Brent Johnson, Assembly President  
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche Borough Mayor

FROM: Robert Ruffner, Planning Director 

DATE: November 14, 2023

RE: Right-Of-Way Vacation KPB File 2023-114V: Rappe Park Subdivision, Vacate a Portion of Park Road & Sara Jane Street

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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 November 13, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (8-Yes, 1-Absent). The petitioner is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

- November 13, 2023 Draft PC Minutes
- November 13, 2023 Meeting Packet Materials
- Petition Form

**ITEM #2 - RIGHT OF WAY VACATION  
RAPPE PARK SUBDIVISION VACATE PORTION OF PARK ROAD AND SARA JANE STREET**

<b>KPB File No.</b>	2023-114V
<b>Planning Commission Meeting:</b>	November 13, 2023
<b>Applicant / Owner:</b>	Louis and Stacy Oliva of Nikiski, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc
<b>General Location:</b>	Park Road and Sara Jane Street, Nikiski, Nikiski APC
<b>Parent Parcel No.:</b>	013-410-37, 013-410-53, and 013-410-69
<b>Legal Description:</b>	Government Lot 17 of Section 34 Township 8N Range 11W

Staff report given by Platting Manager Vince Piagentini.

Vice-Chair Gillham open the item for public comment.

James Hall, McLane Consulting Group; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for any questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Epperheimer moved, seconded by Commissioner Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the six conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 8	Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent - 1	Brantley

**ITEM #3 - RIGHT OF WAY VACATION  
VACATE A PORTION PAULK AVENUE AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2023-115V
<b>Planning Commission Meeting:</b>	November 13, 2023
<b>Applicant / Owner:</b>	Jody Asimakopoulos of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting Inc
<b>General Location:</b>	Kalifornsky
<b>Parcels No.:</b>	055-370-28
<b>Legal Description:</b>	T 5N R 10W SEC 30 Seward Meridian KN 0880056 Jake Estates Sub Salmon Nest Addn Lot 6C Block 2

Staff report given by Platting Manager Vince Piagentini.

Vice-Chair Gillham open the item for public comment

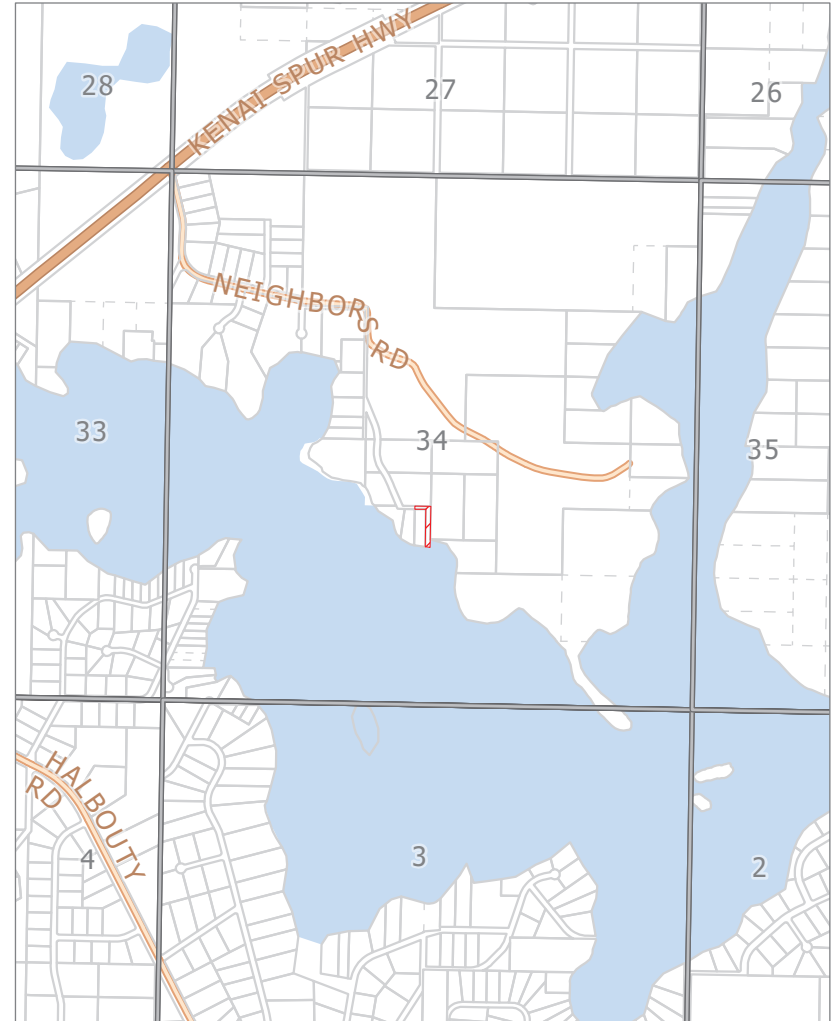
Jody Asimakopoulos; P.O. Box 1958, Soldotna, AK 99669: Ms. Asimakopoulous is the applicant and made herself available for questions.

Commissioner Epperheimer noted according to the aerial view map it appeared there would be buildings in the setback where the new cul-de-sac bulb was to be located. Platting Specialist Quanton replied that if there were any setback encroachments created by the relocated cul-de-sac bulb they would be grandfathered in and the grandfathered encroachment would be noted on the plat.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

## **E. NEW BUSINESS**

2. Right-Of-Way Vacation; KPB File 2023-114V  
McLane Consulting / Triple-Knot Land & Livestock, Oliva  
Request: Vacates a 110' x 30' portion of Park Rd. and the entire  
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105  
Nikiski Area / Nikiski APC



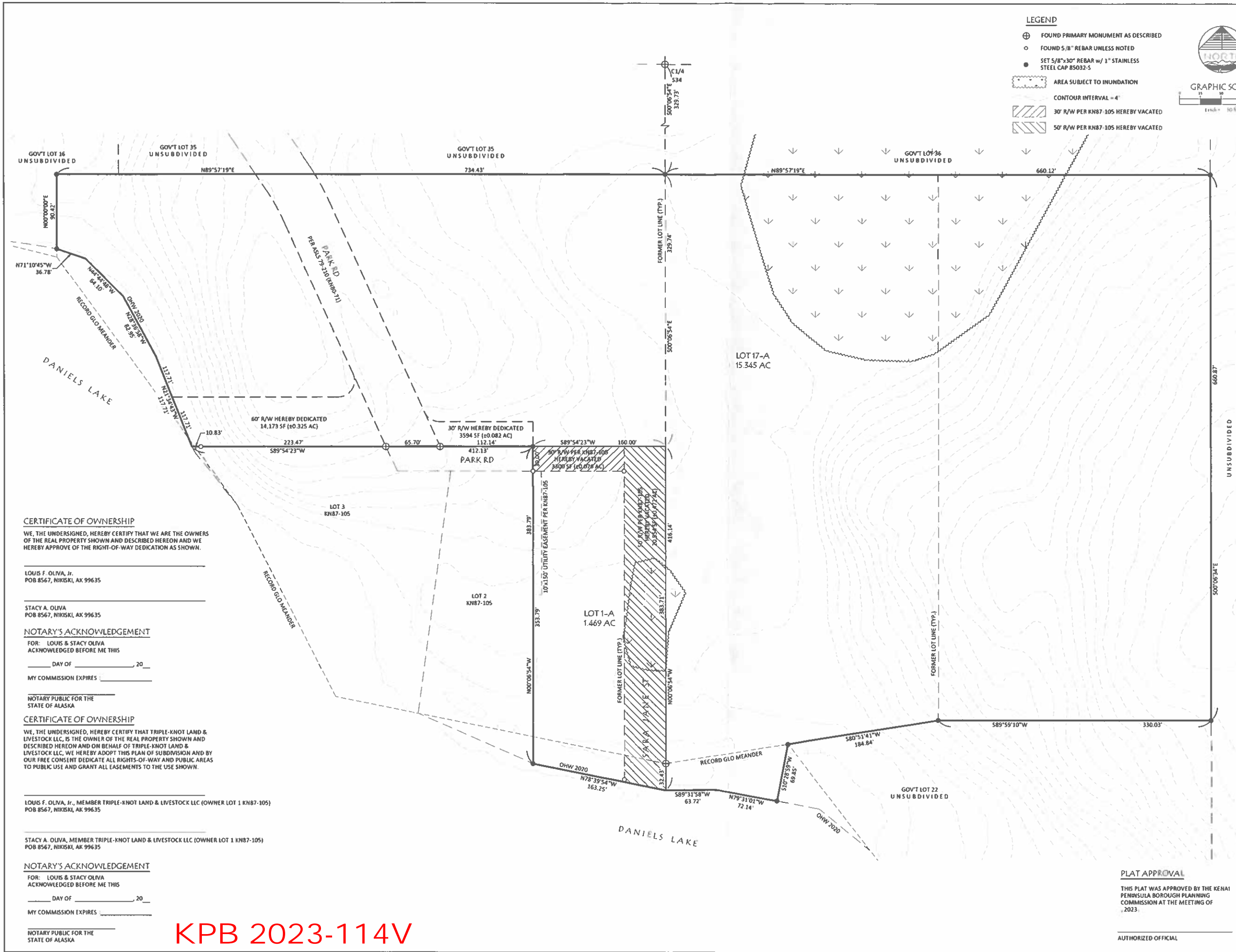
KPB File 2023-114V  
T 08N R 11W SEC 34  
Nikiski

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.

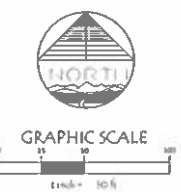




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- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
  - FOUND 5/8" REBAR UNLESS NOTED
  - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
  - ▨ AREA SUBJECT TO INUNDATION
  - CONTOUR INTERVAL = 4'
  - ▨ 30' R/W PER KN87-105 HEREBY VACATED
  - ▨ 50' R/W PER KN87-105 HEREBY VACATED



16	COOK	15	INLET	14	13
21		22	33	24	
28		27	26	25	
33	DANIELS LAKE	34	35	36	T8N

VICINITY MAP  
Scale 1" = 1 Mile

**WASTEWATER DISPOSAL**  
THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (JUNE 16, 1986) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
  2. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF DANIELS LAKE FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2020 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
  3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF PARK ROAD AND SARA JANE STREET RIGHTS-OF-WAY (R/W) AT THE MEETING OF \_\_\_\_\_, 2023.

**CERTIFICATE OF OWNERSHIP**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY APPROVE OF THE RIGHT-OF-WAY DEDICATION AS SHOWN.

LOUIS F. OLIVA, Jr.  
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA  
POB 8567, NIKISKI, AK 99635

**NOTARY'S ACKNOWLEDGEMENT**

FOR: LOUIS & STACY OLIVA  
ACKNOWLEDGED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

**CERTIFICATE OF OWNERSHIP**

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRIPLE-KNOT LAND & LIVESTOCK LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF TRIPLE-KNOT LAND & LIVESTOCK LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LOUIS F. OLIVA, Jr., MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)  
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA, MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)  
POB 8567, NIKISKI, AK 99635

**NOTARY'S ACKNOWLEDGEMENT**

FOR: LOUIS & STACY OLIVA  
ACKNOWLEDGED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA



**Plat #**

Rec Date \_\_\_\_\_

Date \_\_\_\_\_ 20\_\_\_\_

Time \_\_\_\_\_

**RAPPE PARK OLIVA ADDITION**  
REPLAT OF LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105, GOVT LOT 17 AND GOVT LOT 19 OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND ASSOCIATED R/W VACATION

LOUIS F. OLIVA, Jr.  
PO BOX 8567  
NIKISKI, AK 99635

STACY A. OLIVA  
PO BOX 8567  
NIKISKI, AK 99635

16.814 AC. M/L SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

**PLAT APPROVAL**  
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2023.

ENGINEERING - YELLOW KNIFE SURVEYING & MAPPING  
P.O. BOX 468  
SOLDOTNA, AK 99688  
VOICE (907) 283-4218  
FAX (907) 283-3285  
WWW.AKCLARE.COM

KPB File No. 2023-xxx  
Project No. 190018

Scale 1" = 50'  
Date: OCT 2023  
Drawn by: JAH

**KPB 2023-114V**



**ITEM #2 - RIGHT OF WAY VACATION  
RAPPE PARK SUBDIVISION VACATE PORTION OF PARK ROAD AND SARA JANE STREET**

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<b>Parent Parcel No.:</b>	013-410-37, 013-410-53, and 013-410-69
<b>Legal Description:</b>	Government Lot 17 of Section 34 Township 8N Range 11W

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** A portion of Park Road (shown as Craig Drive on KN87-105) and all of Sara Jane Street (as Shown on KN87-105) is being vacated. Petitioner owns property on both sides of Sara Jane Street. The existing ROWs disrupt and limit owner's use and enjoyment of property. There are ponded wetlands on Sara Jane Street preventing lake access.

**Notification:** The public hearing notice was published in the November 8<sup>th</sup> issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Nikiski

Post Office of Nikiski

Four certified mailings were sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to six owners within 600 feet of the proposed vacation.

Sixteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game  
 State of Alaska DNR  
 State of Alaska DOT  
 State of Alaska DNR Forestry  
 Advisory Planning Commission  
 Emergency Services of Nikiski  
 Kenai Peninsula Borough Office

Kenai Peninsula Borough Land Management  
 Nikiski Community Council  
 Alaska Communication Systems (ACS)  
 ENSTAR Natural Gas  
 General Communications Inc, (GCI)  
 Homer Electric Association (HEA)

**Legal Access (existing and proposed):** This parcel is located at approximately mile 30.5 along the Kenai Spur Highway at access point to Neighbors Road then to Parks Road. Neighbors Road and Parks Road are both Borough maintained. Parks Road maintenance ends at the turn to the east. Sara Jane Street is a 50-foot-wide right-of-way and currently not constructed. In addition to the proposed vacation, two dedications are proposed. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road. The provided drawing with the submittal does not have a proposed name for the west dedication. **Staff recommends:** when the preliminary plat is submitted a name be provided for review and approval by the KPB Addressing Officer.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: A bulb dedication at the end of Park Rd would be preferable to support contractor equipment turn-around. The alternative lake access dedication (for Sara Jane St) has very steep water approach grades.
SOA DOT comments	No comments - Engineering

**Site Investigation:** There are some steep areas on the drawing to the west. **Staff recommends:** top and toe be shown on the subdivision plat when submitted.

The preliminary drawing does have an area labeled as “subject to inundation” within the portion of Sara Jane Street being vacated. Staff recommends: if the vacation is approved the depiction remain on the final plat submittal.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
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**Staff Analysis:** The Kenai Peninsula Borough Planning Commission heard a petition to vacate ROW Permit ADL 220394 north of the existing Park Road dedication on February 8, 2021. The ADL is a state-managed easement. The Planning Commission recommended approval, subject to providing a matching 30-foot right-of-way dedication for Park Road by subdivision plat. The Kenai Peninsula Borough Assembly reviewed that decision on March 2, 2021, and consented to the Planning Commission decision. The owner proceeded to work with the State of Alaska on the vacation of the ADL. A final decision was approved on June 14, 2022. Approval of the vacation was granted subject to the western portion of the ADL being dedicated prior to final approval. These right-of-way vacations and dedications are to fulfill the requirements outlined by the state to allow the approved vacation of the ADL to record.

The State of Alaska Fish and Game Division of Wildlife Conservation sent comments in which are included in the packet.

Nikiski Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

**20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:



1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** *Both Sara Jane and Park Ave (Craig Dr) are undeveloped and no public use occurs*
2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** *there is an area of inundation in the vacation area. New dedication is proposed*
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** *No*
4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** *The proposed vacation of the undeveloped 50' width of Sara Jane ROW provides legal access to Daniels Lake, contains a low wet area. Equal or superior access will be provided via the new dedication because the new dedication to the lake does not contain low wet areas, and is 60' in width.*
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** *No*
6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** *No*
7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.  
**Staff comments:** *HEA requested a 15' utility easement for an overhead electric line through the proposed dedication of Park Road and above the vacated area.*
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** *applicant owns all the land surrounding vacation area. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication, that will contain a turnaround bulb. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road.*

A KPBC Planning Commission decision denying a vacation application is final. A KPBC Planning Commission decision to approve the vacation application is subject to consent or veto by the KPBC Assembly, or City Council if located within City boundaries. The KPBC Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at its scheduled December 12, 2023, meeting.

If approved, Rappe Park Oliva Addition will finalize the proposed right-of-way vacations. The Planning Department has not received a preliminary submittal at the time of this staff report.

**KPBC department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 52377 PARK RD, 52360 SARA JANE ST  Existing Street Names are Correct: Yes
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	List of Correct Street Names: SARA JANE ST, PARK RD  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: 52360 SARA JANE ST WILL BE DELETED AND A NEW ADDRESS ASSIGNED.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
State of Alaska Fish and Game	See comment in Packet

**Utility provider review:**

HEA	Locate and depict the overhead primary electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 15-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	
ACS	No objections
GCI	

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Dedication of the 60' access to Daniels Lake and 30' Parks Road as shown.
4. A turnaround bulb east of existing Parks Road, in the new dedication area.
5. Grant of utility easements requested by the utility providers.
6. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

**H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The**

council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. 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.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
    - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
    - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
  - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
    - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

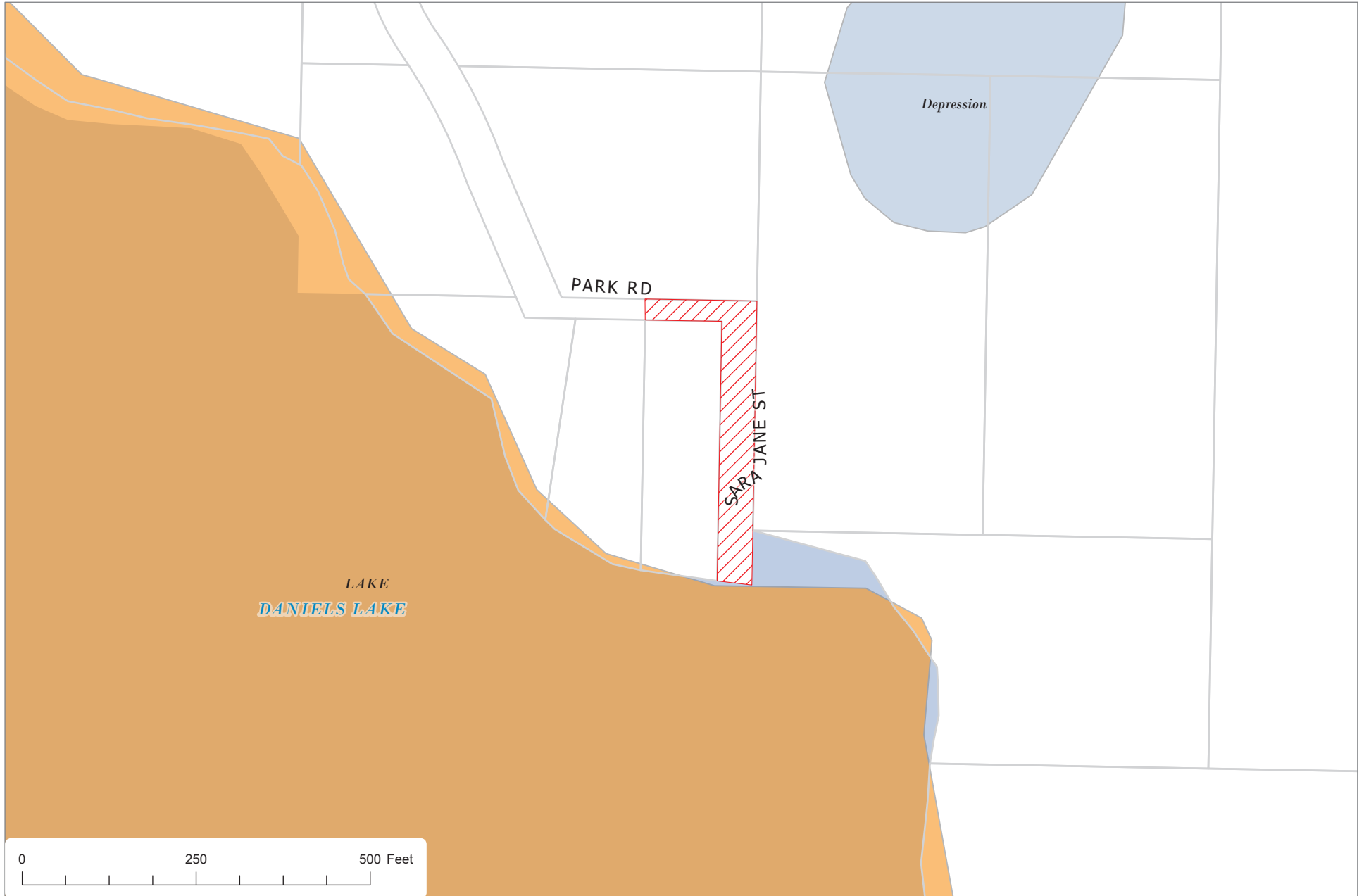
- *Focus Area: Transportation*
  - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
    - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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**END OF STAFF REPORT**



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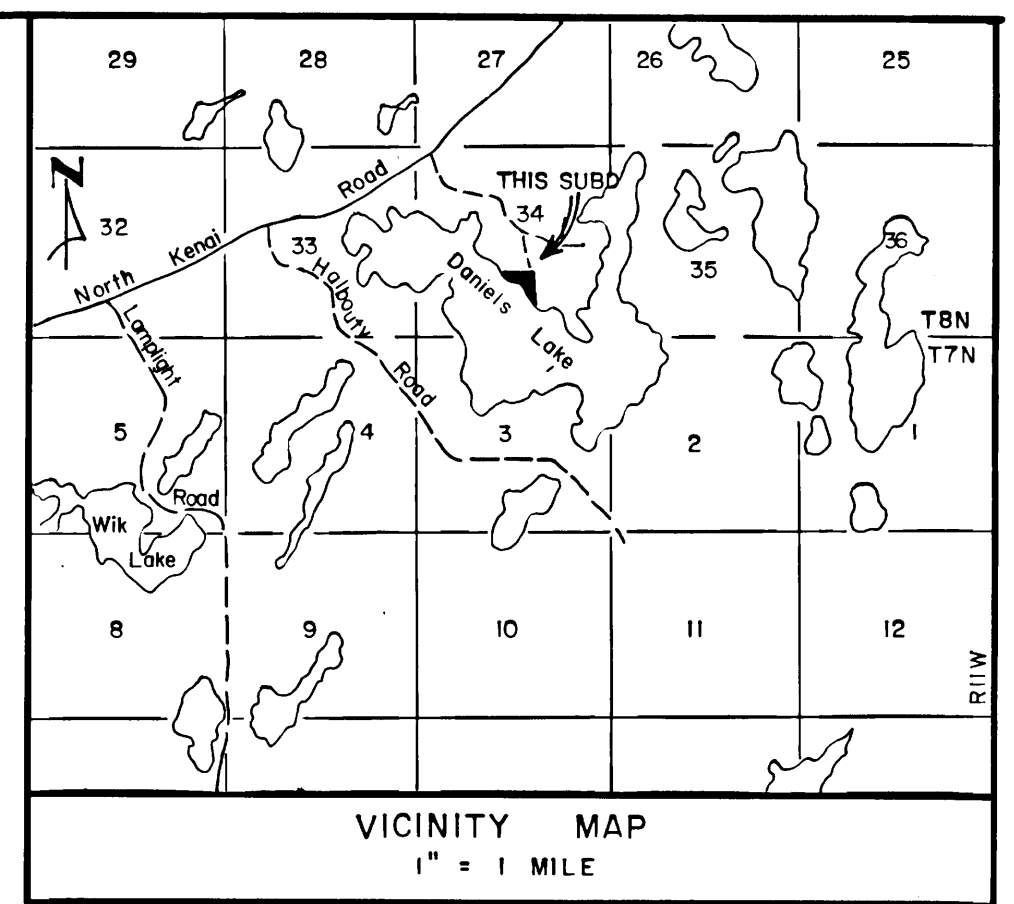
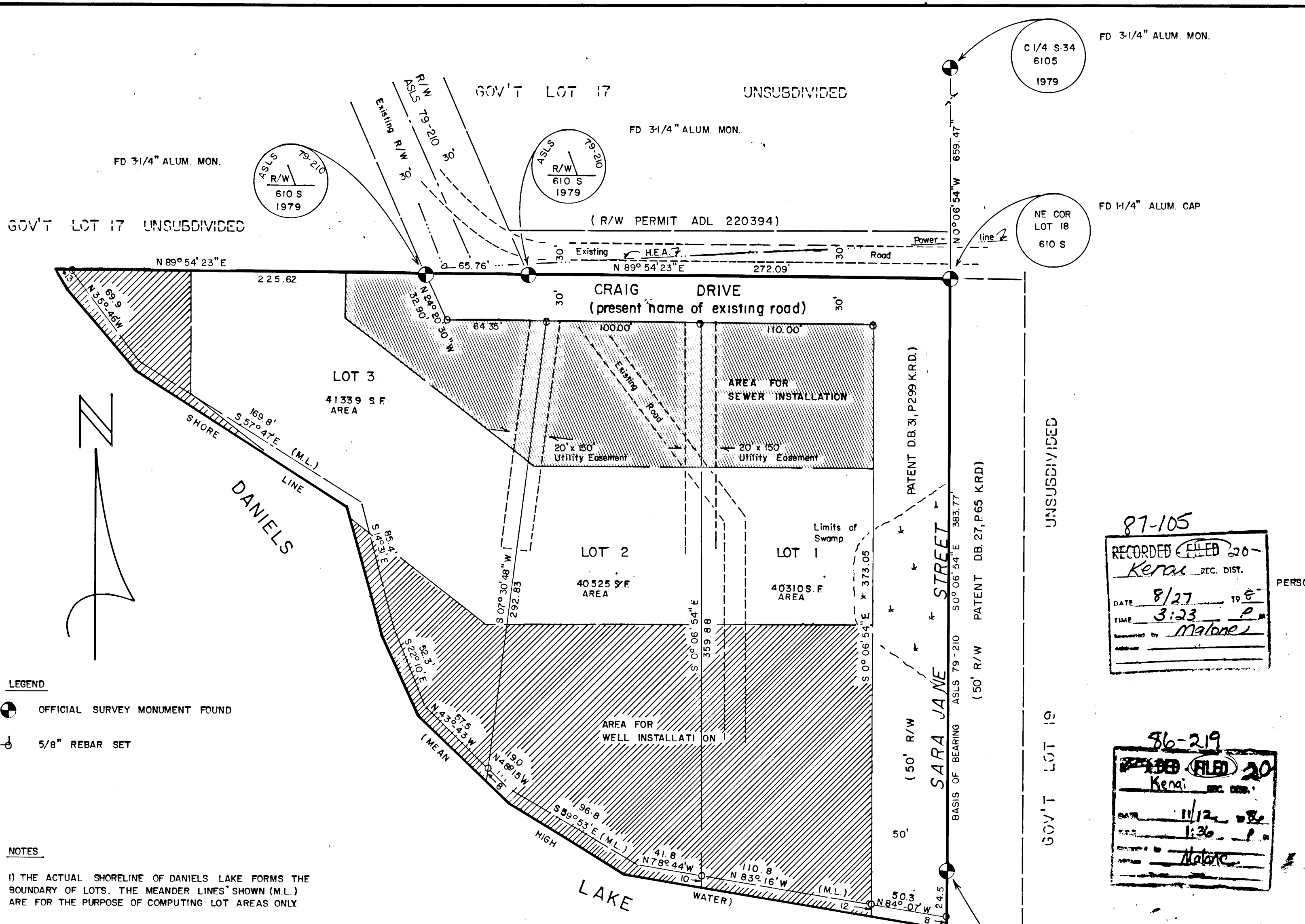
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**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I certify that I am the representative for the estate of Leslie A. Rappe, which is the owner of the property shown and described hereon, and that, on behalf of the estate of Leslie A. Rappe, I hereby adopt this plan of subdivision and dedicate all rights-of-way to public use and grant all easements to the use shown on.

Craig Rappe  
 CRAIG RAPPE  
 BOX 112062  
 ANCHORAGE, ALASKA 99511  
 PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE

**NOTARY'S ACKNOWLEDGEMENT**

For Craig E. Rappe  
 Subscribed to and sworn before me  
 this 25<sup>th</sup> day of August, 1986.  
 My commission expires 5/14/89

Olava A. Mail  
 Notary Public for Alaska

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of  
JUNE 16, 1986  
 Kenai Peninsula Borough

By Richard P. Terzger  
 Authorized Official

**AMENDED**

**RAPPE PARK SUBDIVISION**

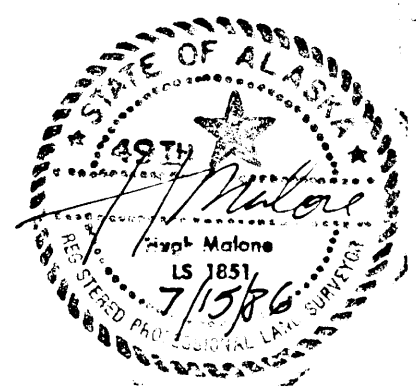
GOV'T LOT 18 IN THE NE 1/4 SW 1/4 SECTION 34  
 T8N R11W SEWARD MERIDIAN, ALASKA  
 CONTAINING 3.464 ACRES  
 KENAI RECORDING DISTRICT

FOR CRAIG RAPPE BOX 112062 ANCHORAGE, ALASKA 99511	MALONE SURVEYING BOX 566 KENAI, ALASKA 99611
PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE	JOB 86014 FB 86-08 DATE OF SURVEY 7/13/86
SCALE 1 inch = 50 feet	DRAWN BY dpw CHECKED fpm 7/15/86
	K.P.B. FILE NO. 86-187

87-105  
 RECORDED FILED 20-  
 Kenai REC. DIST.  
 DATE 8/27 1986  
 TIME 3:23 P.  
 Malone

86-219  
 RECORDED FILED 20-  
 Kenai REC. DIST.  
 DATE 11/12 1986  
 TIME 1:36 P.  
 Malone

FD 3" BRASS CAP MON 87-49  
 RECORDED FILED 20-  
 Kenai REC. DIST.  
 DATE April 11 1987  
 TIME 1:55 P.  
 Malone Surveying  
 K.P.B.



- LEGEND**
- OFFICIAL SURVEY MONUMENT FOUND
  - ⊕ 5/8" REBAR SET

- NOTES**
- 1) THE ACTUAL SHORELINE OF DANIELS LAKE FORMS THE BOUNDARY OF LOTS. THE MEANDER LINES SHOWN (M.L.) ARE FOR THE PURPOSE OF COMPUTING LOT AREAS ONLY.
  - 2) A MINIMUM BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - 3) SOILS ON THESE LOTS MAY OR MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEMS. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN, OR OPERATE A PRESSURIZED WATER SYSTEM OR A WATER-BORNE WASTE DISPOSAL SYSTEM UNLESS APPROVAL OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS OBTAINED. IN ADDITION ALL SEWER SYSTEMS SHALL BE INSTALLED WITHIN THE DESIGNATED AREA SHOWN ON THIS PLAT.
  - 4) NO PART OF THIS SUBDIVISION IS WITHIN A KNOWN FLOOD PLAIN.
  - 5) WATER WELLS AND SEPTIC SYSTEMS MAY ONLY BE INSTALLED IN THE AREAS DESIGNATED FOR SUCH INSTALLATION.

**AMENDMENTS**

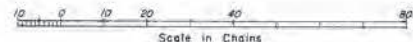
- 1) THE DELINEATION OF THE WATER AND SEWER INSTALLATION AREAS HAS BEEN ADDED TO THIS PLAT.
- THE ABOVE REVISION CONSTITUTES THE SOLE CHANGE MADE TO THE PLAT, ASIDE FROM THE NOTATION THEREON.
- THE ABOVE REVISIONS DO NOT ALTER LOT AREAS AND DO NOT AFFECT OR INFLUENCE ANY CHANGE OF OWNERSHIP, DRAINAGE FEATURES, RIGHTS-OF-WAY OR ANY OTHER ITEM WHICH WOULD ADVERSELY AFFECT THIS OR ADJACENT PROPERTIES. WE THEREFORE ARE SUBMITTING THIS PLAT FOR REFILE AS CORRECTED.

KA 87-105

# TOWNSHIP 8 NORTH, RANGE II WEST, OF THE SEWARD MERIDIAN, ALASKA



Area surveyed, 4138.02 acres



Prior adjoining surveys of this township are shown on the township plat approved June 26, 1923.

Portion of the south boundary of the township was surveyed by Robert Q. Pickering in 1955.

Dependent resurvey of the south boundary of secs. 23 and 24 and the completion survey of Township 8 North, Range II West, Seward Meridian, Alaska, was executed by Robert Q. Pickering July 28 to November 11, 1955 under special Instructions for Group 66, Alaska, dated December 9, 1952.

o indicates brass capped iron post

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

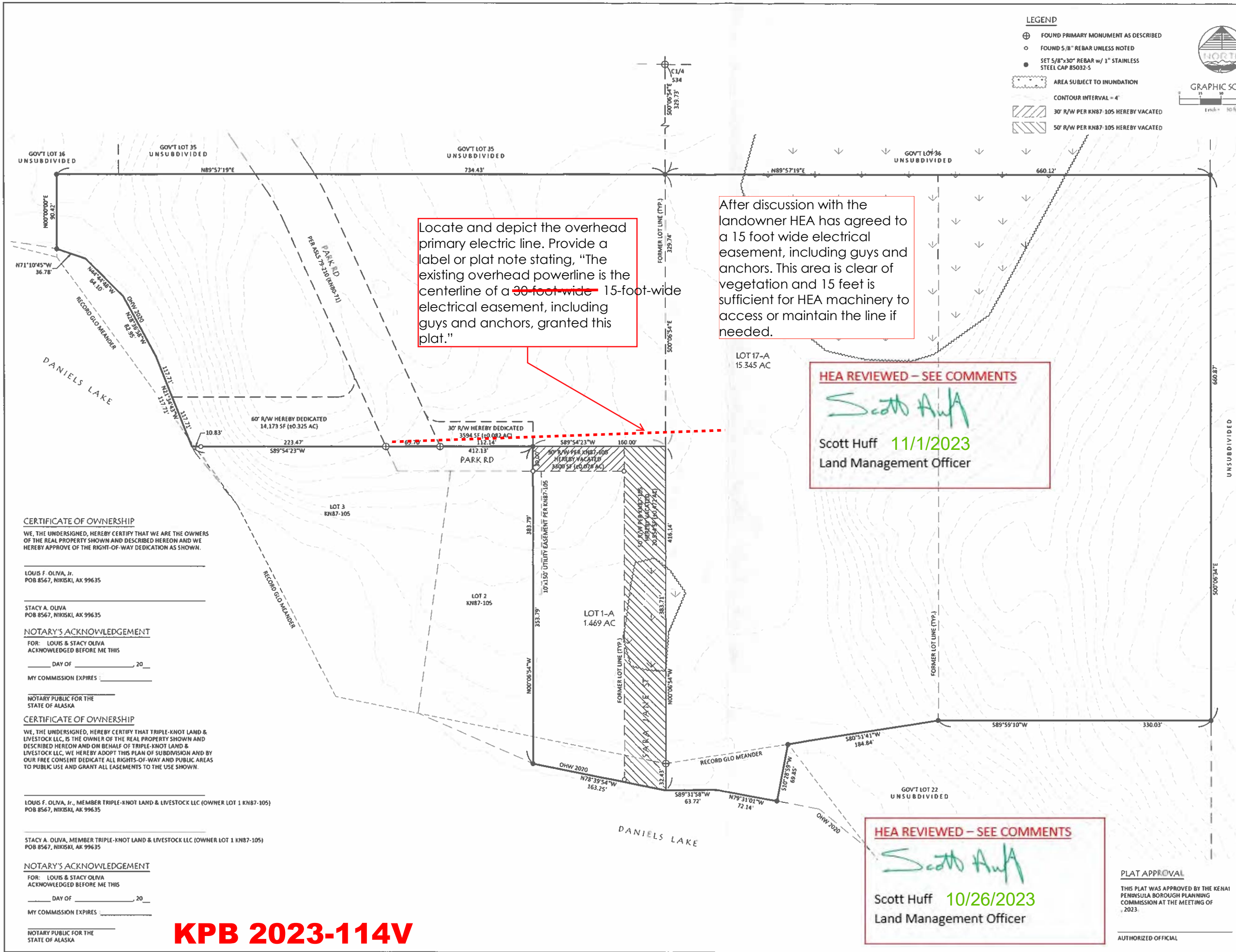
For the Director

*Carl S. Harrington*  
 Cadastral Engineering Staff Officer

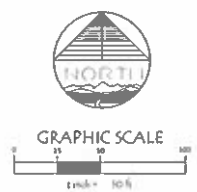
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Washington, D. C. May 8, 1959

AP KENAI C3, C4, D3, D4  
AS 124-6





**LEGEND**  
 ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED  
 ○ FOUND 5/8" REBAR UNLESS NOTED  
 ● SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5  
 [Dashed line] AREA SUBJECT TO INUNDATION  
 [Dotted line] CONTOUR INTERVAL = 4'  
 [Diagonal hatching] 30' R/W PER KN87-105 HEREBY VACATED  
 [Cross-hatching] 50' R/W PER KN87-105 HEREBY VACATED



16	COOK	15	14	13
21		22	23	24
28		27	26	25
33	DANIELS LAKE	34	35	36

VICINITY MAP  
Scale 1" = 1 Mile

**WASTEWATER DISPOSAL**  
 THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (JUNE 16, 1986) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
  2. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF DANIELS LAKE FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2020 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
  3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF PARK ROAD AND SARA JANE STREET RIGHTS-OF-WAY (R/W) AT THE MEETING OF \_\_\_\_\_, 2023.

Locate and depict the overhead primary electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a ~~30-foot-wide~~ 15-foot-wide electrical easement, including guys and anchors, granted this plat."

After discussion with the landowner HEA has agreed to a 15 foot wide electrical easement, including guys and anchors. This area is clear of vegetation and 15 feet is sufficient for HEA machinery to access or maintain the line if needed.

**HEA REVIEWED - SEE COMMENTS**  
*Scott Huff*  
 Scott Huff 11/1/2023  
 Land Management Officer

**HEA REVIEWED - SEE COMMENTS**  
*Scott Huff*  
 Scott Huff 10/26/2023  
 Land Management Officer

**CERTIFICATE OF OWNERSHIP**  
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY APPROVE OF THE RIGHT-OF-WAY DEDICATION AS SHOWN.

LOUIS F. OLIVA, Jr.  
 POB 8567, NIKISKI, AK 99635

STACY A. OLIVA  
 POB 8567, NIKISKI, AK 99635

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: LOUIS & STACY OLIVA  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA

**CERTIFICATE OF OWNERSHIP**  
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRIPLE-KNOT LAND & LIVESTOCK LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF TRIPLE-KNOT LAND & LIVESTOCK LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LOUIS F. OLIVA, Jr., MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)  
 POB 8567, NIKISKI, AK 99635

STACY A. OLIVA, MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)  
 POB 8567, NIKISKI, AK 99635

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR: LOUIS & STACY OLIVA  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC FOR THE STATE OF ALASKA



**Plat #**  
 Rec Date \_\_\_\_\_  
 Date \_\_\_\_\_  
 Time \_\_\_\_\_

**RAPPE PARK OLIVA ADDITION**  
 REPLAT OF LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105, GOVT LOT 17 AND GOVT LOT 19 OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND ASSOCIATED R/W VACATION

LOUIS F. OLIVA, Jr.  
 PO BOX 8567  
 NIKISKI, AK 99635

STACY A. OLIVA  
 PO BOX 8567  
 NIKISKI, AK 99635

16.814 AC. M/L SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2023.

ENGINEERING - TESTING SURVEYING - MAPPING  
 P.O. BOX 468  
 SOLDOTNA, AK 99688  
 VOICE (907) 283-0218  
 FAX (907) 283-3285  
 WWW.AJCLAKE.COM

KPB File No. 2023-xxx  
 Project No. 190018

Scale 1" = 50'  
 Date: OCT 2023  
 Drawn by: JAH

**KPB 2023-114V**

**From:** [Huff, Scott](#)  
**To:** [Carpenter, Beverly](#)  
**Subject:** <EXTERNAL-SENDER>updated plat review KPB 2023-114V  
**Date:** Wednesday, November 1, 2023 8:44:39 AM  
**Attachments:** [Plat Prelim KPB 2023-114V Reduced HEA reviewed 110123.pdf](#)

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Beverly,

Attached is an update plat review for KPB 2023-114V. After discussion with the landowner a 15-foot-wide easement will be sufficient to allow HEA to access the power line with equipment. The land is generally flat, with no trees, and has an improved drive in this area.

Thanks,

**SCOTT HUFF** | Land Management Officer

**Homer Electric Association, Inc.**

280 Airport Way | Kenai, Alaska 99611

office 907.335.6209 | toll free 800.478.8551 | [www.homerelectric.com](http://www.homerelectric.com)

**Your Member-Owned Electric Cooperative**

**CONFIDENTIALITY NOTICE:** The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure.



**From:** [Percy, Colton T \(DFG\)](#)  
**To:** [Carpenter, Beverly](#)  
**Cc:** [Piagentini, Vincent](#); [Smith, Tracy A \(DFG\)](#); [Gates, Jenny L \(DFG\)](#); [Demma, Nick J \(DFG\)](#); [Perschbacher, Jeffrey T \(DFG\)](#); [Cafferty-SOA, Kaitlynn](#); [Miller, Matthew G \(DFG\)](#); [Dye, Jason E \(DFG\)](#); [Carter, Marla M \(DFG\)](#); [Mulligan, Benjamin J \(DFG\)](#); [Lipka, Colton G \(DFG\)](#)  
**Subject:** <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR November 13, 2023 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI  
**Date:** Thursday, November 2, 2023 3:50:51 PM  
**Attachments:** [image001.png](#)

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Hi Beverly,

The Alaska Department of Fish and Game (ADF&G) has reviewed the preliminary plat KPB 2023-114V, Right Of Way (ROW) Vacation Plat within Rappe Park Subdivision Lot 1 and Government Lot 19 within Section 34, T8N, R11W, SM. The petitioners, Louis and Stacy Olivia, are requesting to vacate the following ROWs:

- The 50' wide public access easement along the east boundary of Lot 1 as reserved under federal patent # 1233765, known as Sara Jane Street
- The 30' wide ROW along a portion of Park Rd, including a portion of the south 30' of Government Lot 17 as dedicated by the State of Alaska in 1985 and recorded in 2018 under ADL 220394

The petitioners are proposing to dedicate an alternative public access easement along the south 60' of Government Lot 17 to provide public access to Daniels Lake.

ADF&G previously commented on KPB 2020-059V in June of 2020 and again on the revised plat in October of 2020. ADF&G originally objected to the ROW vacation as the alternate access did not provide adequate public access to Daniel's Lake.

We would like to reiterate our previous comments that ADF&G's main concern is to maintain safe and practical public access to Daniels Lake for anglers and other outdoor recreators. The above-described trail improvements do appear to provide reasonable access for pedestrians that will potentially be more appealing to the public than the current ROW through the petitioners developed property. However, the steep grade, even with the installed steps, will make the site subject to significant erosion without continued maintenance. Such erosion would impact water quality as well as decrease the usability of the site for access.

Therefore, if the KPB Planning Commission were to approve the proposed ROW Vacations and associated dedication of alternative public access, ADF&G would request that the petitioners identify an entity that could commit to long-term maintenance to ensure the site continues to provide adequate access to Daniels Lake.

Thank you for the opportunity to review and comment on this preliminary platting action. Please feel free to contact me regarding these comments. ADF&G requests notification of the Planning Commission's decision.

## Colton Percy

**Habitat Biologist**

**Access Defense Program**

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

---

**From:** Carpenter, Beverly <BCarpenter@kpb.us>

**Sent:** Thursday, October 26, 2023 9:56 AM

**To:** Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Donohue, Joseph M (DNR) <joseph.donohue@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Marsengill, Dale <DMarsengill@HomerElectric.com>; 'Brown, Trevor' <Trevor.Brown@acsalaska.com>; ENSTAR ROW <row@enstarnaturalgas.com>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>

**Cc:** 'Zubeck, Brad' <BZubeck@HomerElectric.com>

**Subject:** ROW VACATION REVIEW FOR November 13, 2023 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI

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Hello,

Attached are the sketches to be reviewed for the **November 13, 2023** meeting.

- Rappe Park Subdivision Vacate Portion Park Road and Sara Jane Street KPB 2023-114V
- Jake Estates Vacate Portion Paulk Avenue KPB 2023-115V

Please provide comments by **November 1, 2023** to ensure the comments will be included in a right-of-way vacation staff report.

Right-of-way vacation comments will be accepted until 1:00p.m. Thursday before the meeting date.

*Beverly Carpenter*

Platting Technician

Planning Department

Ph: (907) 714-2200

KENAI PENINSULA BOROUGH  
144 North Binkley Street  
Soldotna, Alaska 99669



# DESK PACKET

**(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)**

2. Right-Of-Way Vacation; KPB File 2023-114V  
McLane Consulting / Triple-Knot Land & Livestock, Oliva  
Request: Vacates a 110' x 30' portion of Park Rd. and the entire  
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105  
Nikiski Area / Nikiski APC

**From:** [James Hall](#)  
**To:** [Piagentini, Vincent](#); [Shirnberg, Ann](#)  
**Subject:** <EXTERNAL-SENDER>KPB 2023-114v  
**Date:** Thursday, November 9, 2023 2:31:09 PM  
**Attachments:** [image002.png](#)  
[4. STAFF REPORT Rappe Park Subdivision Vacate Park Road and Sara Jane Street KPB 2023-114V.pdf](#)  
[Comment KPB 2023-114V ADFG YES.pdf](#)

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Good Afternoon,

Please add the below comment regarding the comment from ADF&G.

The owners request that the Planning Commission reject the request by ADF&G, which has no authority over the rights of way proposed to be vacated. The owners will provide an alternate 60' right of way to Daniels Lake that they have partially developed to be suitable for pedestrian traffic, in exchange for vacating: (1) a portion of Craig Drive per Plat KN87-105, which is a driveway not maintained by the Borough, and (2) Sara Jane Street per Plat KN87-105, which is undeveloped and runs through swamp land. The Borough code only requires that the Planning Commission consider whether there is "equal or superior access" in order to vacate a right of way that provides access to a lake or river -- and that applies only to Sara Jane Street in this case. KPB 20.65.070(D)(7). The Borough Code does not require a particular type of access, or that the owner develop the access. The owners believe that they provided either equal or superior access. There is no requirement in Borough Code that they develop the alternate access any further, or that they are obliged to maintain the alternate access they have provided.

Thanks for your time  
James Hall, PLS  
McLane Consulting, Inc.  
907-283-4218 office  
907-953-5886 cell

---

**From:** Shirnberg, Ann <[ashirnberg@kpb.us](mailto:ashirnberg@kpb.us)>  
**Sent:** Tuesday, November 7, 2023 9:35 AM  
**To:** James Hall <[jhall@mclanecg.com](mailto:jhall@mclanecg.com)>  
**Subject:** 11/13/23 Planning Commission Meeting

Good Morning,

The following plats are being heard at the 11/13/23 Plat Committee meeting:

- Bings Landing Subdivision Gregory Addition
- Evenson Subdivision 2023 Replat





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

## PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

### PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

### SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Park Rd & Sara Jane St \_\_\_\_\_ platted public right of way proposed to be vacated was dedicated by the plat of Rappe Park Subdivision Amended \_\_\_\_\_ Subdivision, filed as Plat No. KN87-105 in the KENAI \_\_\_\_\_ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	No
Are there utility easements associated with the right of way to be vacated?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?			

### LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105	
Section, township, range SECTION 34, T8N, R11W, SM AK	
City (if applicable)	General area PARK RD & DANIELS LAKE

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

### Submitted by:

Land Owner	
Name (printed): Stacy A Oliva, Member	Signature: <i>Stacy A Oliva</i>
e-mail: Stacy.Oliva@gmail.com	Address: PO Box 1807 NIKISK AK 99635
Owner of: Triple Knot Land & Livestock, LLC	
Land Owner:	
Name (printed): Louis F Oliva, Jr	Signature: <i>Louis F Oliva, Jr</i>
e-mail: louexcavate@gmail.com	Address: PO Box 1807 NIKISK AK 99635
Owner of: Triple Knot Land & Livestock, LLC	

FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_ KPB FILE # \_\_\_\_\_