

## **E. NEW BUSINESS**

### **2. Sewer Easement Vacation; KPB File 2022-041V**

**PC Resolution 2022-20**

**Remove a 20' sewer easement granted by Forth Raymond  
Subdivision (SW 86-10)**

**Petitioner/Landowner: City of Seward**



Vicinity Map

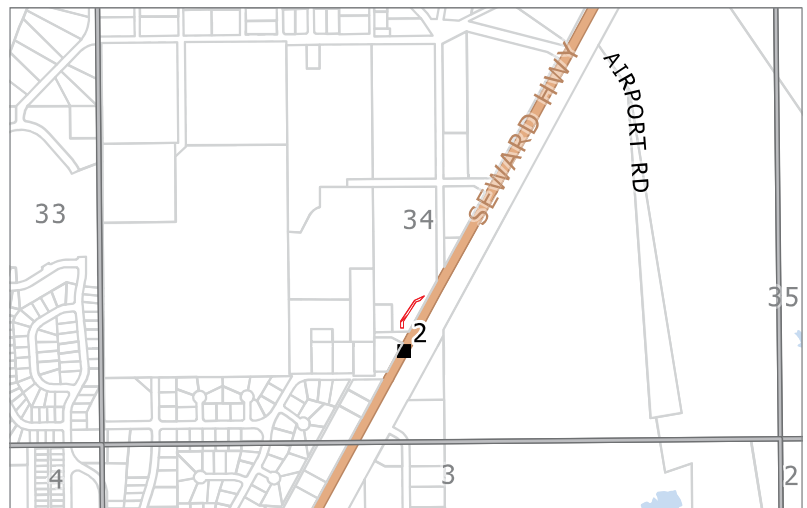
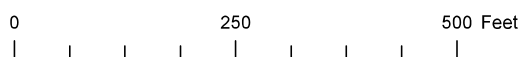


KPB File # 2022-041V

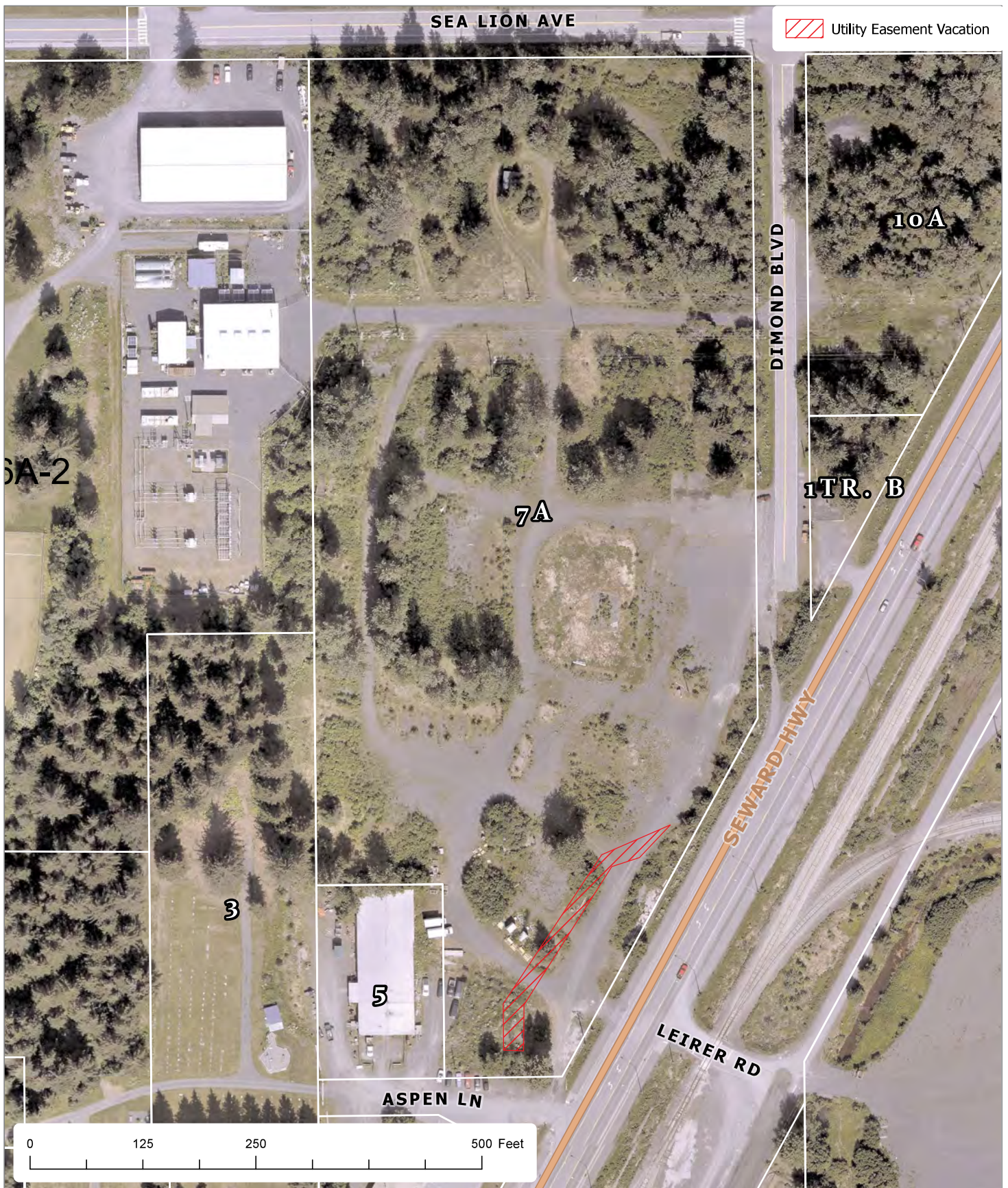
S34-T01N-R01W

Seward

4/15/2022









# CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT THE CITY OF SEWARD IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY, ON BEHALF OF THE CITY OF SEWARD, ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

## OWNER:

CITY OF SEWARD  
PO BOX 167  
SEWARD, AK 99664  
BY:

PRINTED NAME \_\_\_\_\_ TITLE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## NOTARY ACKNOWLEDGMENT

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 IN ACCORDANCE WITH KPB 20.10.040.

KENAI PENINSULA BOROUGH

BY: \_\_\_\_\_  
AUTHORIZED OFFICIAL

## LEGEND

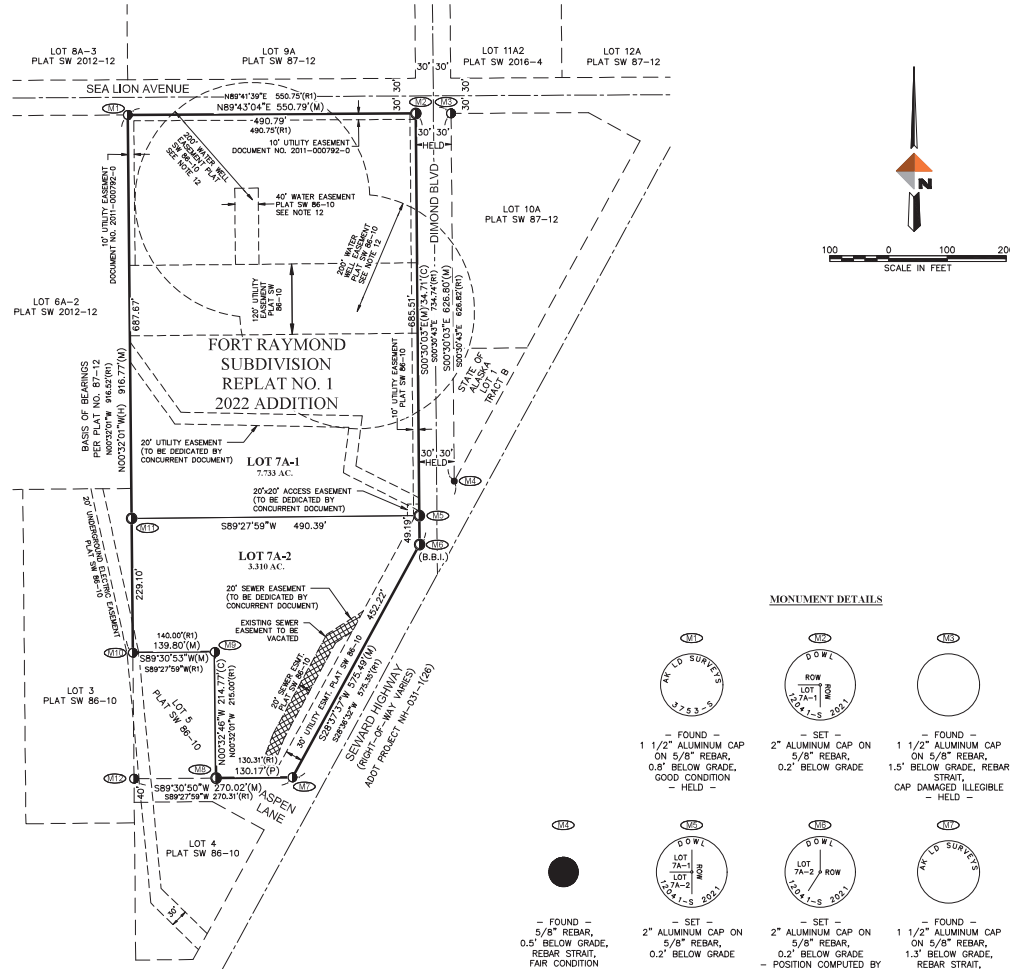
(C)	COMPUTED VALUE
(H)	HELD RECORD VALUE (PLAT SW 87-12)
(M)	MEASURED VALUE
(P)	PROPORTIONED MEASUREMENT
(R)	RECORD INFORMATION PLAT SW 87-12
(RB)	POSITION COMPUTED BY BEARING-BEARING INTERSECTION
●	FOUND REBAR NO CAP (AS DESCRIBED)
○	FOUND REBAR W/ ALCAP (AS DESCRIBED)
○	SET REBAR W/ ALCAP (TYPICAL)
MT	MONUMENT REFERENCE NUMBER
---	BOUNDARY LINE
---	ADJACENT PROPERTY LINE
---	EASEMENT LINE
---	RIGHT-OF-WAY CENTER LINE
---	EASEMENT TO BE VACATED

## SURVEYOR'S CERTIFICATE

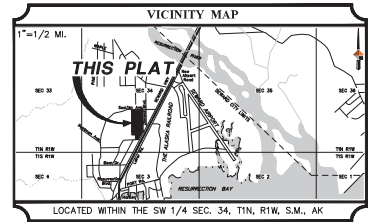
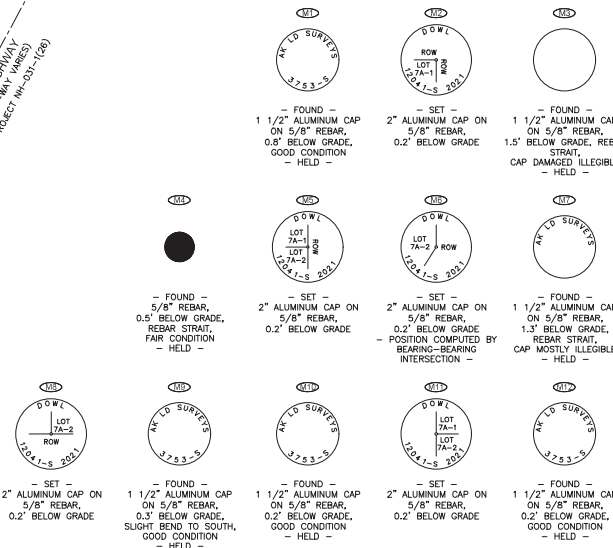
I, A. WILLIAM STOLL, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PLAT OF LOT 7A-1 & 7A-2, FORT RAYMOND SUBDIVISION, REPLAT NO. 1, 2022 ADDITION, IS A TRUE AND CORRECT REPRESENTATION OF LANDS ACTUALLY SURVEYED AND THAT THE DISTANCES AND BEARINGS ARE SHOWN CORRECTLY AND THAT ALL PERMANENT EXTERIOR CONTROL MONUMENTS, ALL OTHER MONUMENTS, AND LOT CORNERS HAVE BEEN SET AND STAKED, OR IF FINAL COMPLETION IS ASSURED BY SUBDIVISION AGREEMENT, THEY WILL BE SET AS SPECIFIED IN SAID SUBDIVISION AGREEMENT.  
LOT CORNERS TO BE SET BY N/A MONUMENTS TO BE SET BY N/A.



KPB 2022-041V



## MONUMENT DETAILS



## PLAT NOTES

1. ALL BEARINGS SHOWN ARE TRUE BEARINGS AS ORIENTED TO THE BASIS OF BEARING.
2. BASIS OF BEARINGS IS PLAT NO. 87-12, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA.
3. NO DIRECT ACCESS TO STATE MAINTAINED RIGHT-OF-WAYS PERMITTED UNLESS APPROVED BY STATE OF ALASKA, DEPT. OF TRANSPORTATION & PUBLIC FACILITIES.
4. STREET RIGHT-OF-WAY WIDTHS SHOWN TO THE NEAREST FOOT REPRESENT ACTUAL DIMENSIONS TO THE NEAREST HUNDREDTH OF A FOOT (I.E. 30'-30.00').
5. 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.
6. DEVELOPMENT OF THESE LOTS IS SUBJECT TO THE CITY OF SEWARD'S ZONING REGULATIONS.
7. ALL EASEMENTS, PERMITS, OR LICENSES SHOWN ON THIS PLAT THAT ARE REFERENCED BY A FEDERAL OR STATE CASE NUMBER, OR BY A RECORDING DISTRICT'S BOOK/VOLUME AND PAGE, OR SERIAL NUMBER WERE CREATED BY WRITTEN DOCUMENTS, AND ARE NOT DEDICATED BY THIS PLAT. DIMENSIONS AND BOUNDARY TIES SHOWN ON THIS PLAT FOR SAID EASEMENTS, PERMITS, OR LICENSES SHOULD ONLY BE USED FOR GENERAL INFORMATION. THE WRITTEN DOCUMENTS SHALL GOVERN THE LOCATION, CONTENT, AND INTENT.
8. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A US ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
9. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
10. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
11. FLOOD INSURANCE RATE MAP NUMBER 02122C4543E AS REVISED OCTOBER 20, 2016 INDICATES THE PLATTED AREA TO BE CONTAINED WITH FLOOD ZONE X, AREAS OF 0.2% ANNUAL CHANCE OF FLOOD; AREAS OF 1% CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.
12. THE WATER WELL EASEMENTS AND WATER EASEMENT AS SHOWN ARE APPROXIMATE AND ARE NOT BASED ON THE PHYSICALLY SURVEYED LOCATION OF THE WELLS. THE WATER WELL EASEMENT FOR WELL 3 AS SHOWN ON PLAT SW 87-12 WAS VACATED BY DOCUMENT NUMBER 2012-001050-0.

PLAT OF  
**FORT RAYMOND SUBDIVISION  
REPLAT NO. 1  
2022 ADDITION  
LOTS 7A-1 & 7A-2**

AN 11.043 ACRE SUBDIVISION OF LOT 7A, FORT RAYMOND SUBDIVISION, REPLAT NO. 1, PLAT SW 87-12, LOCATED IN CITY OF SEWARD, OWNED BY THE CITY OF SEWARD

SEWARD RECORDING DISTRICT,  
THIRD JUDICIAL DISTRICT, STATE OF ALASKA.  
LOCATED WITHIN  
THE SW 1/4 OF SECTION 34, T1N, R1W, S.M. AK

W.O: 1132.63415.01  
KPB FILE NO: 2022-041  
CERT/PLAT: 0227-3860327  
DATE OF DRAWING: 13 APR 2022  
DATE OF SURVEY: N/A  
SCALE: 1"=100' FBK: 2674  
DRAWN BY: MWD CHECKED BY: AWS SHEET 1 OF 1

WILLIAM STOLL  
12041

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 – SEWER EASEMENT ALTERATION  
FORT RAYMOND SUBDIVISION REPLAT NO. 1 LOT 7A**

<b>KPB File No.</b>	2022-041V
<b>Planning Commission Meeting:</b>	May 9, 2022
<b>Applicant / Owner:</b>	City of Seward
<b>Surveyor:</b>	A. William Stoll / DOWL
<b>General Location:</b>	Aspen Lane and Seward Highway, City of Seward

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** On behalf of the City of Seward, we are seeking to vacate a sewer easement located on Lot 7A, Fort Raymond Subdivision, which will be replaced with a document sewer easement (as shown in the appended preliminary plat). The existing Lot 7A is currently owned by the City of Seward, and the sewer easement is also controlled solely by City of Seward. A sewer main is located within the easement. The easement was originally dedicated by Plat 86-10 and is shown on the current plat associated with the property, Plat 87-12. Per Kenai Peninsula Borough (KPB) subdivision code, the vacation of this easement requires a formal application and public hearing process with the KPB Platting Board.

The City of Seward signed a Purchase and Sale Agreement with Chugachmiut to allow Chugachmiut to purchase the southern portion of the lot known as proposed Lot 7A-2 per KPB File 2022-041: Fort Raymond Subdivision Replat No. 2 following plat recording. This is an abbreviated platting action located within the City of Seward and therefore does not require a KPB public hearing; this plat is currently in the process of being finalized.

The vacation of the existing sewer easement and replacement with a document easement will facilitate potential future changes to the sewer main and easement needs and locations, as development moves forward on the two properties that will be created as part of the concurrent abbreviated platting action.

**Notification:** Notice of vacation mailings were sent by regular mail to seventeen owners of property within 600 feet. Notice of the proposed vacation was emailed to three agencies and interested parties.

The public notice was posted on the Planning Department's bulletin board at the KPB Administration Building.

**Staff Analysis:** The request is for a sewer easement that was originally depicted on Fort Raymond Subdivision, Plat SW 86-10, which was a plat of portions of U.S. Surveys. The easement was carried forward onto Fort Raymond Subdivision, Plat SW 87-12.

This is a platted easement with a specific use. The City of Seward, which owns the property and are the beneficiary of the easement, wish to remove the easement from future plats. They wish to handle the sewer easement through recorded documents. This will allow them flexibility to make changes to the easement by documents and not requiring to go through the Kenai Peninsula Borough to make changes to platted easements.

This petition is only for the sewer easement. All other easement dedications are to remain in place. The easement is found within the eastern boundary of Lot 7A of Fort Raymond Subdivision Replat No. 1 (Plat SW 87-12). A 30 foot utility easement along the Seward Highway will remain in addition to some other platted easements for use by utility providers. The utility companies have reviewed this vacation in addition to the plat and all requested easements will be reviewed and required to be on the final plat.

An abbreviated plat application was submitted to the Planning Department with the application being completed on March 31, 2022. Staff reviewed the plat in accordance with KPB Code 20.10.040. A new subdivision name is required and per the sketch a new name has been chosen, Fort Raymond Subdivision Replat No. 1 2022 Addition, KPB File 2022-041. The plat received preliminary approval on April 6, 2022.

The plat showed the proposed vacation of the sewer easement. The certificate to plat did not indicate that the easement was created by any other methods than Plat SW86-10. This is considered a platted easement and requires a hearing through the platting authority.

Staff's recommendation is to finalize this vacation by the recording of a KPB Planning Commission Resolution. The City may then prepare the new easement to be recorded. The sewer easement vacation will then be noted within a plat note and the depiction of the easement with reference to the new document serial number will be placed on the plat. The other option will be to finalize the vacation on the plat.

**Utility provider review:**

ENSTAR	Approved as shown.
GCI	Approved as shown.
SEWARD ELECTRIC	No comment.
TELALASKA	No comment

**Findings:**

1. The utility providers provided non-objections to the proposed vacation.
2. The petition is for an easement designated for sewer use.
3. A new sewer easement will be granted by document over existing services.
4. The City of Seward is the entity using the easement.
5. The City of Seward owns the land the easement is within.
6. The first reference to the easement is on Fort Raymond Subdivision, Plat SW 86-10.
7. The easement was carried over to Fort Raymond Subdivision Replat No. 1, Plat SW 87-12.
8. No surrounding properties will be denied utilities.

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**RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends **APPROVAL** of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the City of Seward and utility providers.
2. Finalizing the approval of the easement alteration by either;
  - a. The recording of a subdivision plat within 12 months or,
  - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
    - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
    - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
    - iii. The Planning Department is responsible for filing the Planning Commission resolution.

**20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved,**

accompanied by a new fee.

**F. An appeal of the planning commission decision under this section 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.*

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**END OF STAFF REPORT**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-20  
SEWARD RECORDING DISTRICT**

Vacate the 20 foot wide sewer easement within Lot 7A, Fort Raymond Subdivision Replat No. 1 (SW0870012), granted by Fort Raymond Subdivision (SW 0860010); within S34, T01N, R01W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2022-041V

WHEREAS, a request has been received from City of Seward of Seward, AK to Vacate the 20 foot wide sewer easement granted by Fort Raymond Subdivision (SW 0860010); and

WHEREAS, per KPB 20.30.060(A) – Easements – Requirements, the planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on May 9, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the sewer easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the 20 foot wide sewer easement within Lot 7A Fort Raymond Subdivision Replat No. 1 (Plat SW 08700012), is hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the sewer easement being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 9th DAY OF MAY, 2022.

\_\_\_\_\_  
Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirmberg,  
Administrative Assistant

Return to:  
Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669



