


Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Robert Ruffner, Planning Director 

DATE: May 9, 2023

RE: Right-Of-Way Vacation
Vacate a portion of Perkins Road dedicated on Stanley's Meadow #7 (Plat HM 87-45) & Stanley's Meadow No. 13 (Plat HM 93-34)

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 May 8, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way vacation, vacating a portion of Perkins Road dedicated on Stanley's Meadow #7 (Plat HM 87-45) & Stanley's Meadow No. 13 (Plat HM 93-34) by unanimous vote (10-Yes, 2-Absent) based on the means of evaluating public necessity established by KPB 20.65. This petition 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.

May 8, 2023 Planning Commission Draft Meeting Minutes
May 8, 2023 Agenda Item E1 Meeting Materials

and consent agendas.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Brantley, Gillham

AGENDA ITEM E. NEW BUSINESS

Vice Chair Martin asked Ms. Shirnberg to read the public hearing procedures into the record.

**ITEM 1 - RIGHT OF WAY VACATION
PORTION OF PERKINS ROAD DEDICATED ON STANLEY'S MEADOW #7 (PLAT HM 87-45) AND
STANLEY'S MEADOW NO. 13 (PLAT HM 93-34)**

KPB File No.	2023-024V
Planning Commission Meeting:	May 8, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska and Cecil and Ina Jones of Fritz Creek, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Advisory Planning Commission
Legal Description:	Perkins Road, Stanley's Meadow #7 (Plat HM 87-45) and Stanley's Meadow No. 13 (Plat HM 93-34), Section 34, Township 4 South, Range 11 West.

Staff report given by Platting Manager Vince Piagentini.

Vice Chair Martin opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Staggs moved, seconded by Commissioner Taufest to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, and subject to the 5 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 - 10	Fikes, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 2	Brantley, Gillham

**ITEM 2 - CONDITIONAL USE PERMIT; PC RESOLUTION 2023-03
GRANTING A CONDITIONAL USE PERMIT FOR THE CONSTRUCTION OF A BRIDGE WITHIN THE 50'
HABITAT PROTECTION DISTRICT OF THE UNNAMED CREEK AWC 244-10-10010-2011-303-4022**

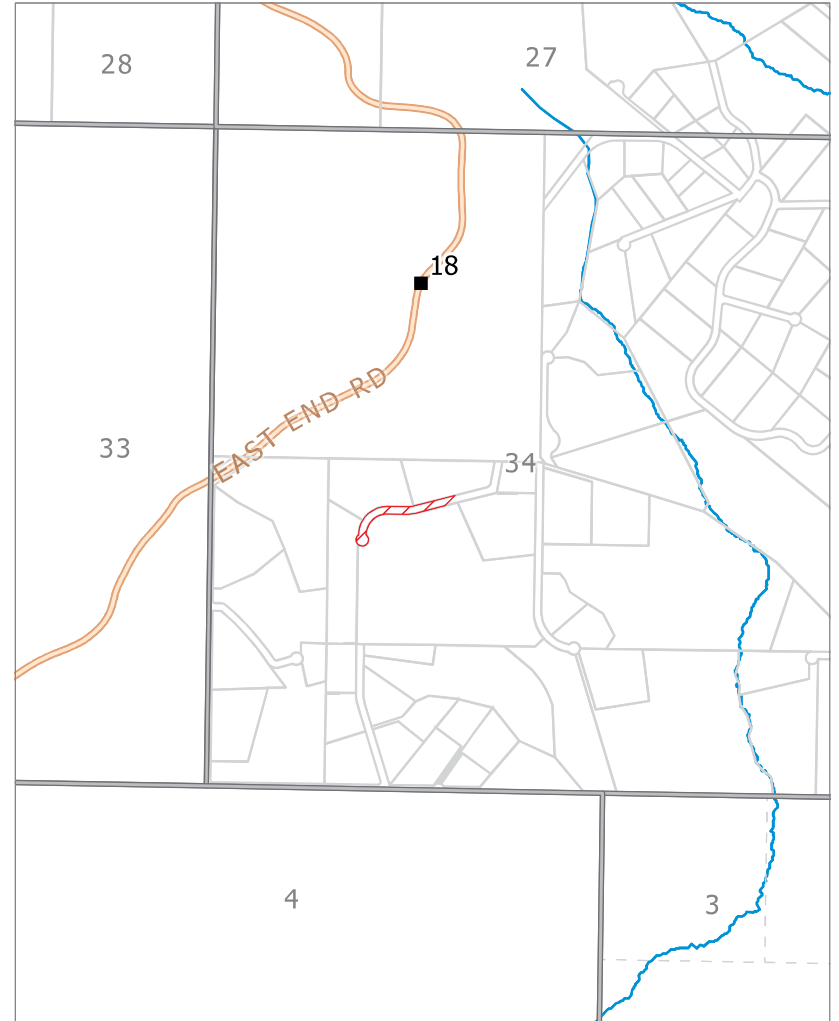
KPB File No.	2023-3
Planning Commission Meeting:	May 8, 2023
Applicant	Daniel T Sweatt and Ronald E Jackson
Mailing Address	PO Box 123, Essex, NY 12936
Location	Kenai Peninsula Borough Road Right of Way on Berezka Drive outside the city of Nikolaevsk, AK

Staff report given by Resource Planner Morgan Aldridge

Vice Chair Martin opened the item for public comment.

E. NEW BUSINESS

- 1. Right-Of-Way Vacation; KPB File 2023-024V
Ability Surveys / Jones
Request: Vacates a portion of Perkins Road and associated
utility easements granted on Stanley's Meadow
Vikki's Replat, Plat HM 99-30
Fritz Creek Area / Kachemak Bay APC**

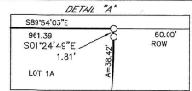
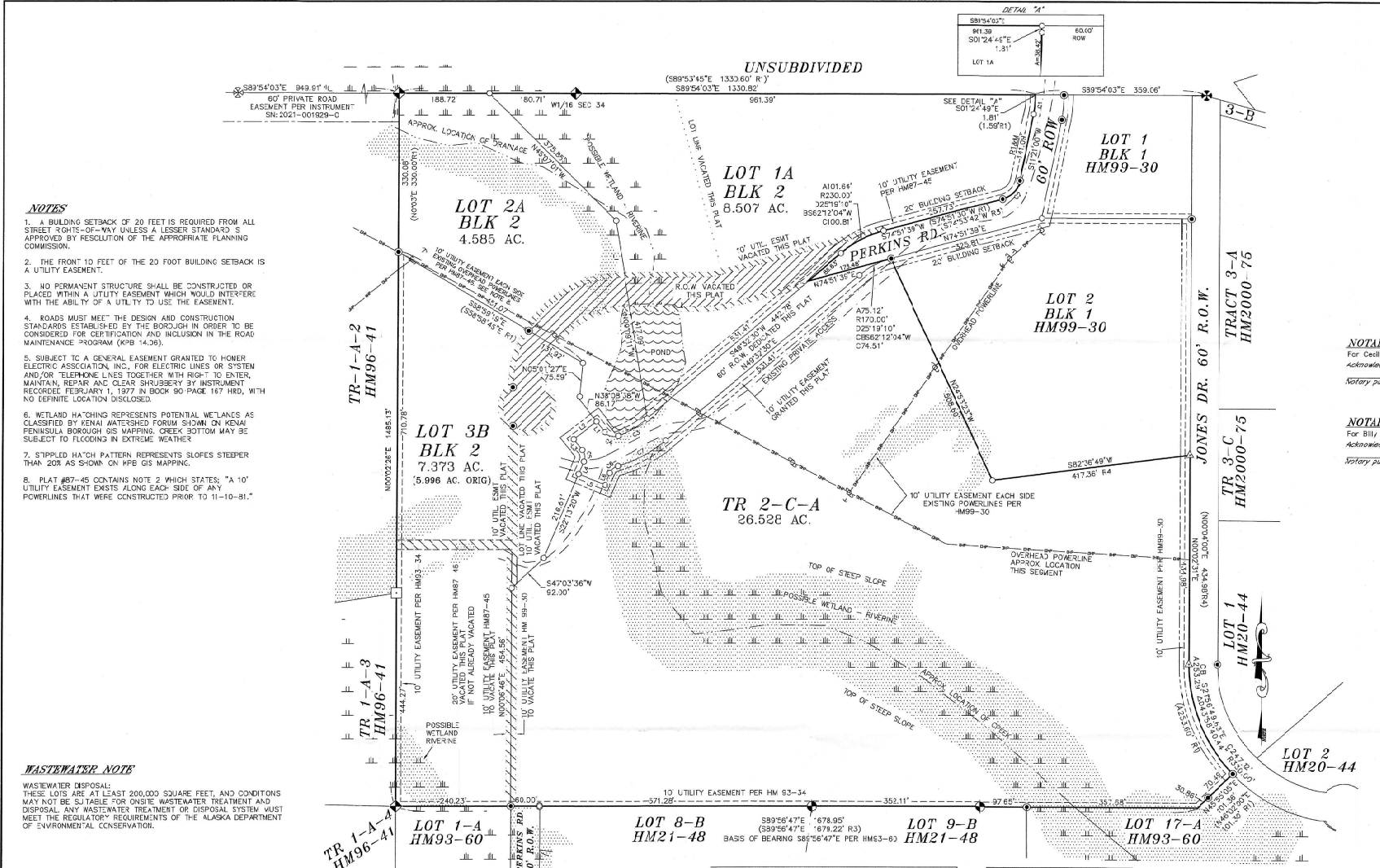


KPB File # 2023-024V
S34 T04S R11W
Fritz Creek

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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- NOTES**
- A 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.
 - THE FRONT 10 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT.
 - 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.
 - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
 - SUBJECT TO A GENERAL EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY BY INSTRUMENT RECORDED FEBRUARY 1, 1977 IN BOOK 90 PAGE 167 HRD, WITH NO DEFINITE LOCATION DISCLOSED.
 - WETLAND HATCHING REPRESENTS POTENTIAL WETLANDS AS CLASSIFIED BY KENAI WATERSHED FORUM SHOWN ON KENAI PENINSULA BOROUGH GIS MAPPING. CREEK BOTTOM MAY BE SUBJECT TO FLOODING IN EXTREME WEATHER.
 - STIPPLED HATCH PATTERN REPRESENTS SLOPES STEEPER THAN 20% AS SHOWN ON HFE GIS MAPPING.
 - PLAT #67-45 CONTAINS NOTE 2 WHICH STATES: "A 10' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF ANY POWERLINES THAT WERE CONSTRUCTED PRIOR TO 11-10-81."

WASTEWATER NOTE

WASTEWATER DISPOSAL: THESE LOTS ARE AT LEAST 200,000 SQUARE FEET, AND CONDITIONS MAY NOT BE SUITABLE FOR ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- LEGEND**
- FOUND 5.2" BRASS CAP ON 3/4" GP, 3686-S, 1979
 - FOUND 3" ALUM ADL. MON 3666-S, 1971
 - FOUND 5/8" REBAR
 - 3" RED PVC CAP ON 5/8" REBAR, 3686-S, 1991
 - 1.5" AL-CAP ON 5/8" REBAR BY 5378-S PER (R1)
 - FOUND 2" A-CAP ON 5/8" REBAR BY 7966-S, 1998
 - FOUND 2-1/2" A-CAP ON 5/8" REBAR BY 4469-S, 1999
 - 2" AL-CAP ON 5/8" REBAR TO SET
 - POWER POLE
 - ANCHOR FOR POLE

- CITED PLATS OF REFERENCE**
- R1 HM97-45
 - R2 HM93-34
 - R3 HM93-60
 - R4 HM93-30

LINE	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE
1	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
2	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
3	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
4	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
5	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
6	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
7	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
8	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
9	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
10	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
11	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
12	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
13	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
14	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
15	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
16	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
17	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
18	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
19	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
20	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
21	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
22	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
23	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
24	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
25	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
26	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
27	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
28	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
29	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
30	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
31	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
32	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
33	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
34	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
35	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
36	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
37	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
38	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
39	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
40	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
41	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
42	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
43	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
44	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
45	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
46	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
47	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
48	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
49	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
50	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
51	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
52	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
53	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
54	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
55	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
56	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
57	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
58	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
59	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72
60	S89°54'03"E	188.72	S89°54'03"E	188.72	S89°54'03"E	188.72

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owners of the real property shown and described hereon, and that we hereby adopt this plat of subdivision, and by our free consent, dedicate all public rights-of-way and grant all easements to the use shown.

- CECIL R. JONES
PO BOX 15401
FRITZ CREEK, AK 99603
- INA L. JONES
PO BOX 15401
FRITZ CREEK, AK 99603
- BILLY R. JONES
33675 PERKINS RD
HOMER, AK 99603
- STEPHANIE J. JONES
33675 PERKINS RD
HOMER, AK 99603

NOTARY'S ACKNOWLEDGEMENT

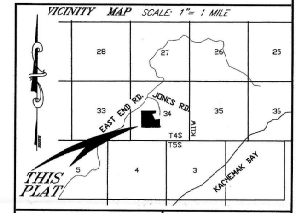
For Cecil R. Jones and Ina L. Jones
Acknowledged before me this _____ day of _____, 2023.
Notary public for Alaska My Commission Expires _____

NOTARY'S ACKNOWLEDGEMENT

For Billy R. Jones and Stephanie J. Jones
Acknowledged before me this _____ day of _____, 2023.
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
BY _____
Authorized Official



DATE: 2-15-2023

SCALE: 1" = 100'

GRID No.: AR-21

JOB No.: 5430

DRAWING: 5430-1411



STANLEY'S MEADOW 2023

A REPLAT OF LOTS 1 & 2 BLOCK 2, STANLEY'S MEADOW SUBD. NO. 7 (HM97-45), TRACT 2-0 STANLEY'S MEADOW HM'S REPLAT (HM99-30), AND LOT 3-2 BLOCK 2 STANLEY'S MEADOW SUBD. NO. 13 (HM93-34), AND VACATING A PORTION OF PERKINS ROAD RIGHT-OF-WAY AS SHOWN ON STANLEY'S MEADOW NO. 13 (HM93-34), WITHIN THE SW/4 SEC. 34, T4S, R11W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA CONTAINING 47,996 ACRES

- OWNERS:
- CECIL R. JONES
INA L. JONES
FRITZ CREEK, AK 99603
- BILLY R. JONES
STEPHANIE J. JONES
HOMER, AK 99603

ABILITY SURVEYS

2021 NELSON PLS.
152 DEER AVE., HOMER, ALASKA 99603
(907) 235-4440

KPB 2023-024V

**ITEM 1 - RIGHT OF WAY VACATION
PORTION OF PERKINS ROAD DEDICATED ON STANLEY’S MEADOW #7 (PLAT HM 87-45) AND
STANLEY’S MEADOW NO. 13 (PLAT HM 93-34)**

KPB File No.	2023-024V
Planning Commission Meeting:	May 8, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska and Cecil and Ina Jones of Fritz Creek, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Advisory Planning Commission
Legal Description:	Perkins Road, Stanley’s Meadow #7 (Plat HM 87-45) and Stanley’s Meadow No. 13 (Plat HM 93-34), Section 34, Township 4 South, Range 11 West.

STAFF REPORT

This vacation was previously heard on April 10, 2023 and after commissioner discussions with the surveyor the surveyor asked to postpone the decision to have more discussions with staff about the design. The owners have talked with staff and are bringing this vacation back before the Planning Commission.

Specific Request / Purpose as stated in the petition:

- As originally platted, Perkins Road crosses relatively low and wet ground. This portion of the ROW has not been constructed or utilized for travel.
- The proposed alignment would shift the ROW to a more suitable location for construction and make use of a portion of an existing hardened surface, a former runway as well as a portion of the existing access road.
- This petition is being made in conjunction with a replat of the affected parcels. All owners are in agreement with the proposed alignment and would benefit from the suitability of the layout.
- Each lot would maintain adequate access, which includes a portion of the private access road depicted on the map.
- This adjustment would not significantly alter the overall length of Perkins Road from its intersection with Jones Drive to the north.
 - The current alignment of Perkins Dr. measures approximately 2,000’ from the centerline of Jones Dr. to the center of the cul-de-sac.
 - The proposed alignment of Perkins Dr. measure approximately 1,850’ from the centerline of Jones Dr. to the center of the Y-Type intersection.
 - From the north boundary the proposed realignment of Perkins Dr. measures approximately 1,285’.
- Plat HM 93-34 vacated a portion of the original ROW that connected Perkins Rd to the south boundary of current Tract 2-C (HM 99-30) due to the steep terrain located to the south and unlikely need to construct the road from north to south.
- The owners of all parcels are family and do not intend to subdivide the proposed 26.5 acre Tract 2-C-A any further. However, if a subdivision was pursued, additional ROW’s could be dedicated east and/or west of the creek shown thereby reducing the overall block length.

Notification: The public hearing notice was published in the April 6, 2023 issue of the Homer News 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.

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

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

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

State of Alaska Dept. of Fish and Game	Ninilchik Traditional Council
State of Alaska DNR	Alaska Communication Systems (ACS)
State of Alaska DOT	ENSTAR Natural Gas
State of Alaska DNR Forestry	General Communications Inc, (GCI)
Kachemak Advisory Planning Commission	Homer Electric Association (HEA)
Kachemak Emergency Services	

Legal Access (existing and proposed): The right-of-way petitioned for vacation is located near mile 18 of state maintained East End Road. Jones Drive provides access from East End Road. Jones Drive splits and continues with the western road being Perkins Road. Jones Drive is borough maintained but Perkins Road is not maintained. The road is constructed with most of the constructed roadway that is being used for access not falling within a dedication. Approximately 500 feet of the road is within a dedication portion.

Along the Perkins Road dedication there are currently six lots fronting along the dedication. It appears one of the lots does not have any improvements in place and access will be difficult due to a pond along the edge of the dedication. The other five lots are accessed from the constructed road way with three where the road is within the dedication. Lot 1 Block 1, Stanley’s Meadow No. 7, Plat HM 87-45, and Tract2-C and Lot 2 Block 1, Stanley’s Meadow Vikki’s Replat, Plat HM 99-30, are using Perkins Road but also front along constructed and borough maintained Jones Drive.

The Perkins Road dedication formally extended beyond the current cul-de-sac bulb to connect to a portion of Perkins Road located to the south. There is approximately 780 feet between the end of the cul-de-sac and the dedication to the south. There is steep terrain within the northern portion of the southern dedication that will make a connection difficult.

The Perkins Road has been developed within an area outside the dedication but where there is better suited terrain. Due to the length of the road and the proposed size of the lots, staff had advised that the new dedication should not end with a cul-de-sac but end with a t-type or hammerhead turnaround. The proposal to relocate the right-of-way has the road ending with a y. Looking at the existing constructed surface the y matches what is currently being used.

KPB Roads Dept. comments	Existing access is outside the proposed ROW. There appears to be a large amount of debris within the proposed ROW.
SOA DOT comments	No comment - engineering

Site Investigation: There appears to be some open water adjacent to the existing dedication and possibly slightly within the dedication. The relocation will avoid the open water but it will still be adjacent to the dedication. Per the Kenai Watershed Forum Wetlands Assessment, there is Riverine that runs northwest to the southeast through the property including across the current dedication and the proposed dedication. Per the plat submitted, a creek is located within that area south of the constructed right-of-way.

The current dedication is free of steep terrain. The proposed dedication appears to comply with KPB Code slope requirements.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy
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	<p>Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: The property within this area is seen multiple replats through the years and several changes to the dedication of Perkins Road. A preliminary plat has been submitted to reconfigure the lots around Perkins Road and to finalize the vacation.

Concerns have been mentioned by the KPB Roads Department. The plat intends to dedicate the new right-of-way but portions will be parallel to a private access. The concern will be that the right-of-way will start within a public use dedication and then will begin to meander onto private property and then back into the dedication. This could cause some trespass issues. The Roads Department additionally mentioned that there appears to be multiple items within the proposed dedication area.

The approval of the plat will require confirmation that the dedication will not cause any encroachment issues. If permanent structures are determined to be within the new dedication, the owners will need to work with staff to resolve the issue. Any items that are not permanent will be required to be moved with proof provided showing there will be no encroachments within the new dedication prior to finalizing the plat.

The surveyor and client have spoken to the Planning Director and the Director of KPB Roads Department about the concern of the private road in relation to the location of the dedication. It has been agreed to leave the road and dedication as is until further subdivision of Tract 2-C-A or sale of Lot 2A or 3B of Block 2. At such time the road would be relocated to within the dedication. The owners are put on notice that should future development of a road within the dedication the road would need to be to KPB standards, the existing access driveway and approaches to buildings would not be functional and the owners would need to reestablish connections to any road constructed in the dedication.

Kachemak Bay APC has requested additional information regarding the consequences of the existing access being located outside the proposed ROW. The consequences are outlined above.

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: Only a portion of the dedicated right-of-way is in use. Remainder is outside the dedication
 - 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The terrain appears to be similar within the vacation area compared to the new dedication. A constructed roadway is already present.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: The area still contains large acreage lots that could be further subdivided and the proposed y design will allow for right-of-way continuations if needed.
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: Does not provide access to public interest areas.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Due to terrain there are already issues with connections. The proposal will allow for better lot configuration with better access.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: Could be used for other use but the new location will provide better use.
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: Associated easements will be vacated with new easements granted along the new dedication. Many utilities are within the area with their own easements already granted. Any easements requested by the utility providers should be granted.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: The new proposed area appears to provide a better location.

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

The Assembly or City Council will hear the vacation at their scheduled May 2, 2023 meeting.

If approved, Stanley's Meadow 2023 will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the preliminary plat on April 10, 2023.

KPB department / agency review:

Addressing	Reviewer: Robinson, Celina Affected Addresses: 33675 PERKINS RD; 33566 PERKINS RD; 33602 PERKINS RD Existing Street Names are Correct: Yes List of Correct Street Names: PERKINS RD, JONES DR Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names:
------------	---

	List of Street Names Denied: Comments: 33675 PERKINS RD; 33566 PERKINS RD; 33602 PERKINS RD WILL NOT BE AFFECTED
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
Advisory Planning Commission	

Utility provider review:

HEA	HEA has no objection to the vacation of the platted utility easements as depicted on this utility easement vacation exhibit drawing. HEA will request 30 foot wide utility easements on all single phase overhead electric lines during the platting review.
ENSTAR	No comments or recommendations
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. Grant utility easements requested by the utility providers.
4. 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).
5. No encroachments may be created with the new dedication.

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

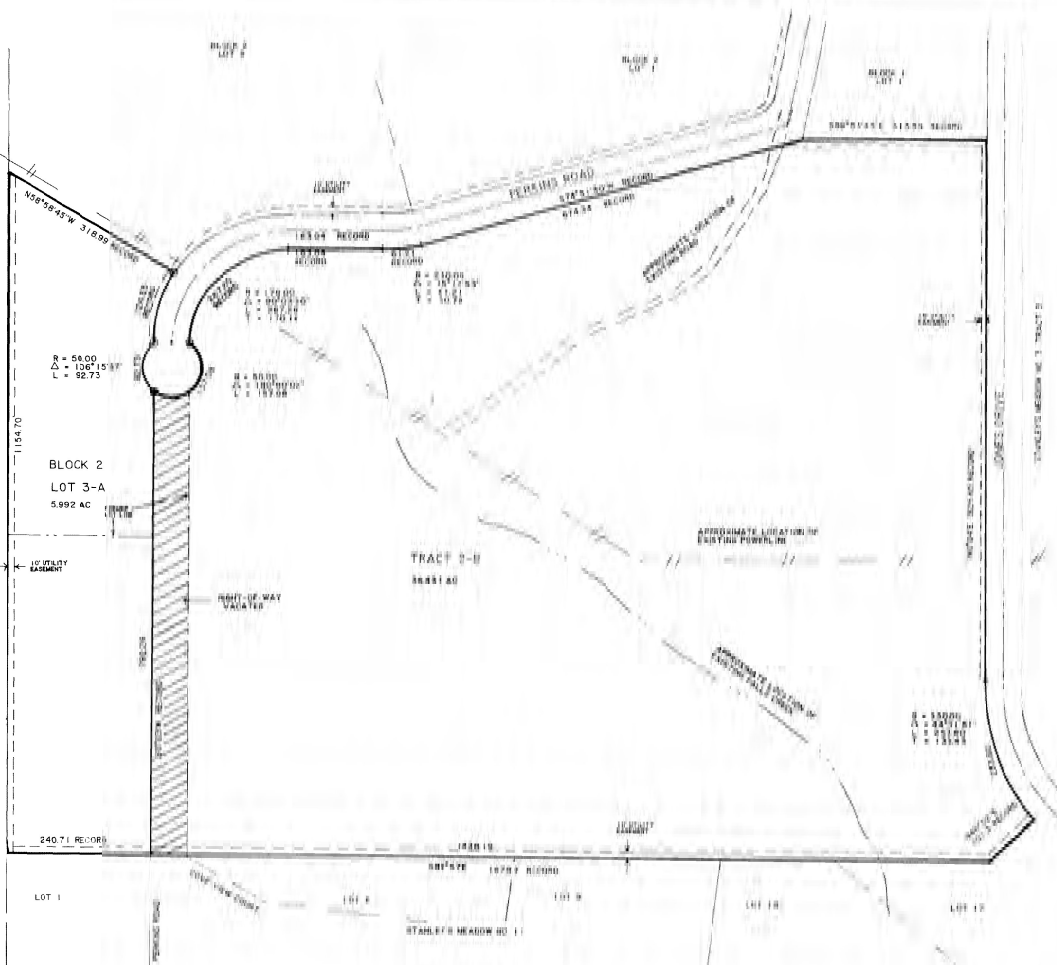
- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*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

END OF STAFF REPORT



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

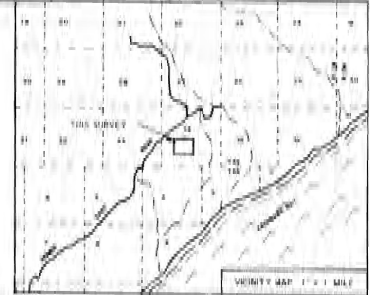
STANLEY'S MEADOW NO. 6
NO. 0032 RECORD



LEGEND
 ○ NOT REAR FENCE
 ● NOT REAR PLATE

NOTES

1. A 10' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF POWERLINES.
2. BUILDING SETBACKS A DISTANCE OF 10' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LARGER SETBACK IS APPROVED BY RESOLUTION OF THE APPLICABLE PLANNING COMMISSION.
3. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN OR ADJACENT TO ANY PUBLIC UTILITY RIGHT-OF-WAY UNLESS APPROVED BY RESOLUTION OF THE APPLICABLE PLANNING COMMISSION.
4. RECORD DATA FROM STANLEY'S MEADOW NO. 7.



STATEMENT OF OWNERSHIP & DECLARATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY APPROVE THIS PLAN OF SUBDIVISION AND I MAY FROM TIME TO TIME GRANT ALL RIGHTS OF WAY AND EASEMENTS TO ANY PARTY WHOSE INTERESTS ARE AFFECTED BY THIS PLAN. I FURTHER CERTIFY THAT NO OTHER RIGHTS OF WAY OR EASEMENTS DO NOT EXIST ON THE PROPERTY WHICH WOULD PRECLUDE THE SUBDIVISION. MY RESOLUTIONS AND APPROVAL OF THIS SUBDIVISION ARE HEREBY MADE AND APPROVED BY ME.

 DATE: 6-21-93

NOTARY ACKNOWLEDGMENT
 SUBSCRIBED AND SWORN TO before me this 21st day of June, 1993.

 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 12/31/94



PLAT APPROVAL
 THIS PLAT HAS APPROVED BY THE SENIOR ENGINEER & SURVEYING PLANNING COMMISSION AT THE MEETING OF 6:00 PM, 1993.
 SENIOR OFFICIAL: Small, L. L. DATE: 6-21-93

WASTEWATER OFFICIAL: LOT 3-A, BLOCK 2
 CONDITIONS MAY NOT BE SUITABLE FOR URBAN WASTEWATER TREATMENT & DISPOSAL. ANY WASTEWATER FROM THE TOWN OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION.

WASTEWATER OFFICIAL: TRACT 2-B
 WASTEWATER TREATMENT & DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION. THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATING.

 ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION

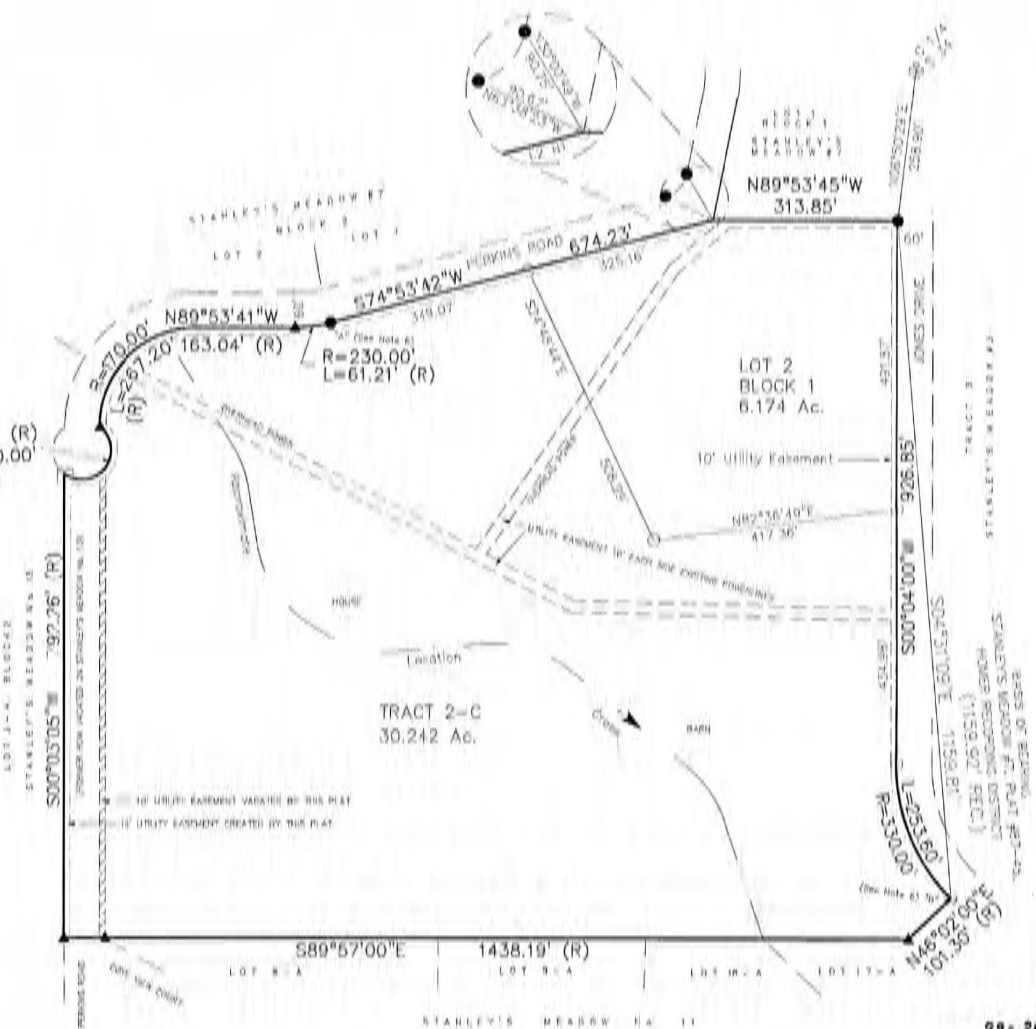
93-34
 20
 6-21-93
 A
 Seal

STANLEY'S MEADOW NO. 13	
BEING A VACATION OF RIGHT-OF-WAY AND BEING A RE-SUBDIVISION OF LOTS 3 & 4, BLOCK 2 AND TRACT 2-B STANLEY MEADOWS NO. 7, PLAT BY 45, HOMER REC. DISTRICT SITUATED IN THE S 1/4, SECTION 34, T45, R 1 W, SEWARD MERIDIAN, ALASKA.	
CONTAINS 41.882 ACRES	
PRICE ENGINEERING	P.O. BOX 1018 HOMER, ALASKA 99603 TELEPHONE 255-8905
SCALE 1" = 100'	DATE 6/11/93

HM 00-30

- LEGEND:**
 Nothing Found or Set except as noted.
- ⊗ Found Brass Cap, 3586, 1979.
 - Found 5/8" Rebar, 5270-5, 1988.
 - ⊖ Found 3/4" Iron Bar, all reported on plot #91-47.
 - Set 2 1/2" Alum. Cap on 5/8" Rebar, 4469-S, 1999.
 - ▲ Monument of Record, 5/8" Rebar, 5270-5, 1987, NOT RECOVERED (See Plat #R7-45, Stanley's Meadow #7)
 - Monument of Record, 5/8" Rebar, 3411-S, 1993, NOT RECOVERED (See Plat #91-34, Stanley's Meadow No. 1)

- NOTES**
- WASTEWATER DISPOSAL:** These lots are of least 100,000 square feet or nominal 5 acres in size and conditioning may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
 - Building Setback:** A setback of 20 ft. is required from all street rights-of-way unless a lesser standard is mandated by resolution of the appropriate Planning Commission.
 - No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - The State of Alaska requires that all wastewater disposal systems be a minimum of 100 ft. from any water source.
 - The utility easement vacation was approved at the May 12, 1999 meeting of the Kenai Peninsula Borough Planning Commission.
 - Distances annotated with (R) are record from Stanley's Meadow No. 13. Closing line between meanders monuments labeled A and B is S42°56'35"E, 144.53'.
 - Creek bottom may be subject to flooding in extreme weather.
 - There is an electric and telephone easement, see details location, described on Page 167, Book 90, (H.R.).



Certificate of Behaviors and Dedication

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant an easement to the use shown. I further certify that Don(s) of Trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of beneficiary(ies).

Carl Jones
 Carl R. Jones
 33875 Jones Drive
 Homer, AK 99603

History's Acknowledgement

Subscribed and sworn before me this 15th day of August, 1999 for Carl R. Jones.

Joseph M. Mathis
 Notary Public for Alaska
 My Commission Expires: 6-18-99

PLAT APPROVAL

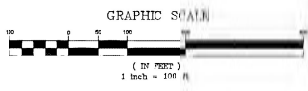
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 22, 1999.

KENAI PENINSULA BOROUGH

By *Walter Burt*
 Authorized Official

Spalte Note
 See also parcel plat Stanley's Meadow No. 5 #91-35 Stanley's Meadow No. 4 #91-34

STANLEY'S MEADOW WAKI'S REPEAT	
Subdivision of Tract 2-C, Stanley's Meadow No. 13, Plat #91-34, Kenai Planning District, and adjacent district, Alaska, and utility easement easement, situated in Section 14, T17N, R17E, S17E, Kenai Peninsula Borough, Alaska, containing 30.217 Acres.	
SURVEYOR	MONUMENTS
Joseph M. Mathis P.O. Box 980 Homer, AK 99603	Carl R. Jones 33875 Jones Drive Homer, AK 99603
Scale: 1" = 100'	Date: Dec 15, 1998
Base Map: AR 21	Proj. File: standard
Book No: 128	K.P.B. File No: 99-037
Drawn by: J.M.	Checked by: J.M.

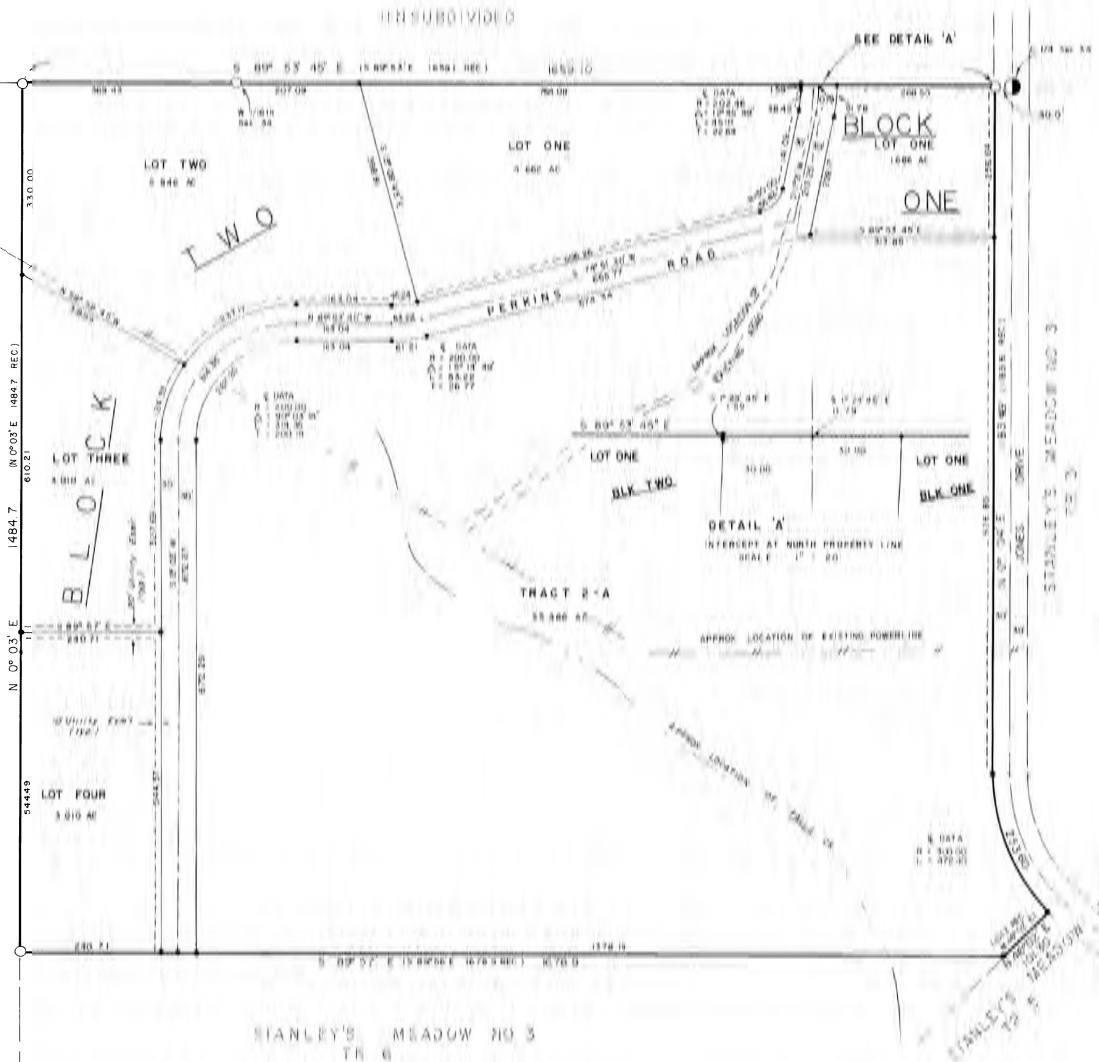


99-30
 HOME
 6/25/99
 Multi-Kin



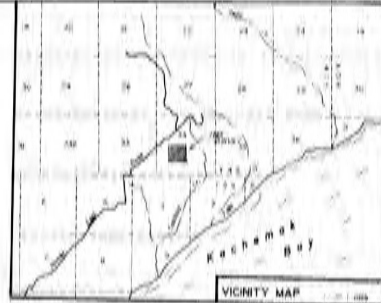
PLAT NO 81-84, H.C.D.
BASIS OF BEARING Sec 33
N 0° 03' E 2639.1' Sec 34
N 0° 03' E
T 4
S 3
S 4
S 5
Sec 33
S 4
S 5
Sec 31

STANLEY'S MEADOW NC 6



- FOUNDED MONUMENT, H.M., 1904
- FOUND AX. ALUM. MONUMENT, 1911
- FOUND R.C. MONUMENT, 3088 S., 1978
- SET 5/4" REBAR WITH 1 1/2" AL. CAP
- SET 5/4" REBAR

- NOTES:
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL PORTS OF ENTRY, EXCEPT WHERE SHOWN OTHERWISE BY REGULATION OF THE APPROPRIATE PLANNING COMMISSION.
 2. A 10' UTILITY EASEMENT EXISTS ALONG E AND W SIDES OF ANY FURNISHING THAT WERE SUBSTRUCTED PRIOR TO 11/01/04.
 3. FRONT 10' OF THE BUILDING SETBACK IS ALSO A UTILITY EASEMENT.
 4. THIS PLAT WAS APPROVED BY AECG AS PER LETTER DATED MARCH 27, 2007 AND MEETS THE REQUIREMENTS OF 16 AAC 74.010.



CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEEDS, ALL RIGHTS OF WAY TO PUBLIC USE AND ALL CLAIMS TO THE USE SHOWN.

Cecil B. Jones 6-19-86
DATE: _____
NAME OF OWNER: _____
ADDRESS: _____
CITY/TOWN: _____
STATE: _____

NOTARY'S ACKNOWLEDGEMENT
I, _____, NOTARY PUBLIC FOR ALABAMA, MY COMMISSION EXPIRES: _____
I HAVE BEEN DULY SWORN TO BEFORE ME THIS DAY OF June, 1986.



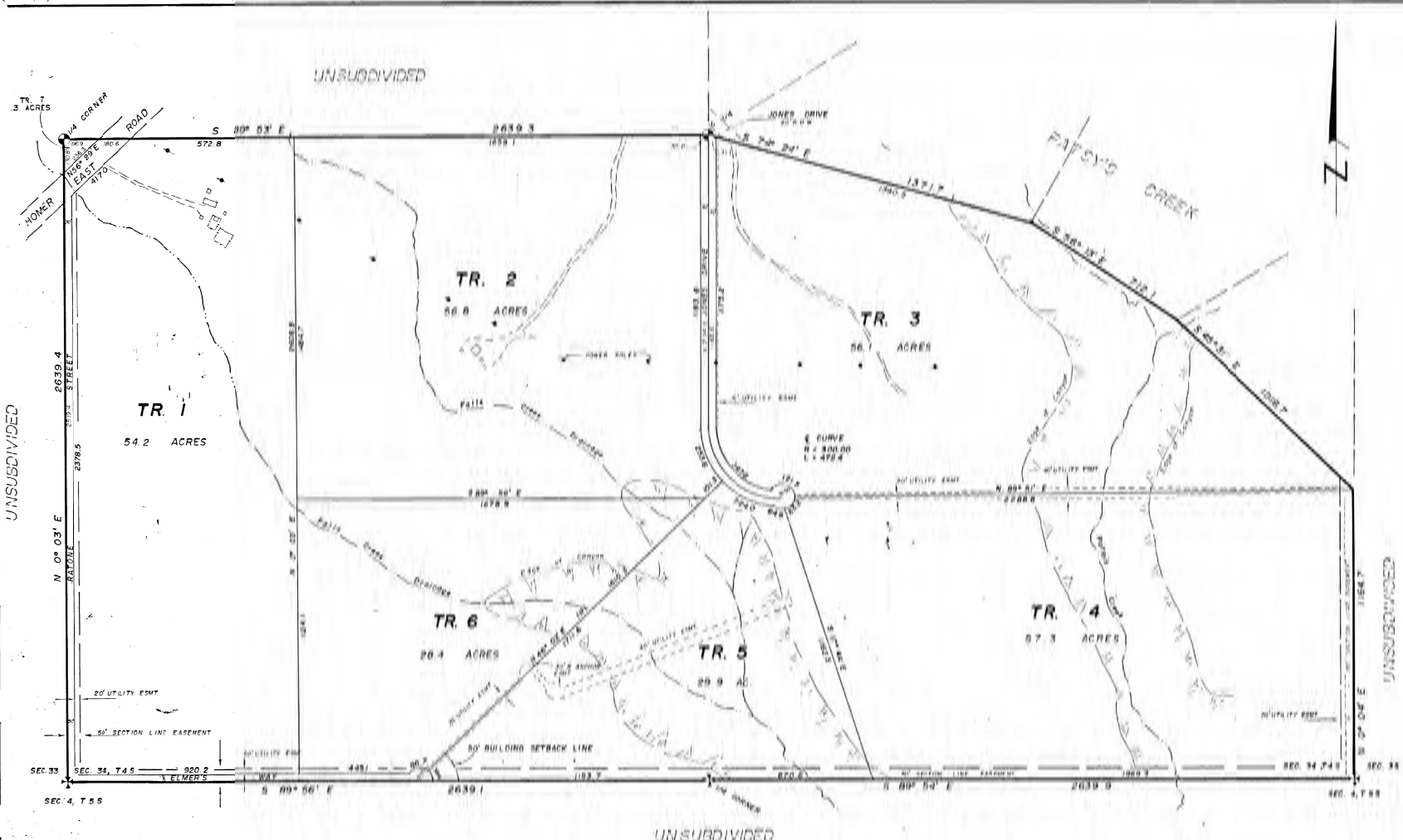
SURVEYOR'S CERTIFICATE
I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT ALL MONUMENTS SHOWN ON THIS PLAT WERE DISCOVERED OR SET BY ME, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE BERAL PERKINS A BOROUGH PLANNING COMMISSION AT THE MEETING OF 6-24-86.

BERAL PERKINS A BOROUGH
By: *Richard P. Tange*
AUTHORIZED OFFICIAL

87-45
Homer 20'
6-30-87
345 P
Jury
Shelley
Cochran
Patterson

SCALE 1" = 100'	JANUARY, 1986	1680' 00"	1680' 00"
STANLEY'S MEADOW #7			
BERAL PERKINS A BOROUGH No. 5, PLAT No. 81-84, H.C.D., SITUATED IN THE S 1/4, SECTION 34, T4S, R1W, SEWARD MERIDIAN, ALABAMA.			
CONTAINS 26.787 ACRES			
David Phelan, L.S. SPA Box SPA Homer, AL. 36603			

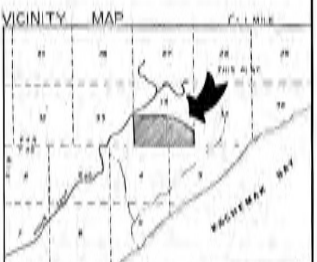


CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN
 HEREIN DESCRIBED, I HEREBY REQUEST JUDICIAL OF THIS STATE
 TO BE MADE FOR THE ABOVE DESCRIBED PROPERTY FOR PUBLIC UTILITIES AND NEIGHBORHOOD
 IMPROVEMENTS AS SHOWN ON THE ATTACHED MAP.
 SUBSCRIBED AND SWORN to before me this 15th day of May, 1981
 My Comm. No. 11228
 My Exp. Date 11-15-82
 My Office City of Dallas, Texas

 Notary Public
 My Comm. No. 11228
 My Exp. Date 11-15-82
 My Office City of Dallas, Texas

BY APPOINTMENT OF THE STATE PLANNING COMMISSION, I HEREBY CERTIFY THAT
 A LINDEN CURVE HAS BEEN CONSIDERED BY ME AN UNDER MY DIRECT
 SUPERVISION AND THAT CORRECT AND NECESSARY HAVE BEEN LOCATED

 STATE PLANNING COMMISSION, DALLAS, TEXAS



- NOTES
- NO MONUMENTS WERE FOUND OR SET EXCEPT AS SHOWN
 - A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LARGER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION, OR UNLESS SHOWN OTHERWISE
 - THERE IS A 10' UTILITY EASEMENT ALONG EACH SIDE OF EXISTING POWERLINES

R1-84
 RECORDING FILED 10-
 NOV 18 1981
 COUNTY OF DALLAS, TEXAS
 OFFICE OF COUNTY CLERK
 BY _____



DATE: MAY 1981
 SCALE: 1" = 200'
 DESIGNED BY: J.A.
 DRAWN BY: S.W.
 JOB NO. 1228
 P.L.D. OR NO. 43.4



STANLEY'S MEADOW NO. 3
 DIVIDED IN THE S. 1/2, SEC. 34, T. 40, R. 10, E.M.
 CONTAINING 296.0 ACRES OF A PARCEL OF 296.0
 NO. 10-255 CONTAINING 296.0 ACRES

ABILITY SURVEYS
 CITY OF DALLAS, TEXAS



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.
- PERKINS RD _____ platted public right of way proposed to be vacated was dedicated by the plat of STANLEY'S MEADOW #7 AND #13 _____ Subdivision, filed as Plat No. 87-45 & 93-34 in the HOMER _____ 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	<input type="checkbox"/>	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	<input 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&2 BLK 2, HM87-45, TR 2-C, HM99-30, LOT 3 BLK 2, HM93-34	
Section, township, range T4S R11W SEC 34	
City (if applicable)	General area EAST END RD AND JONES RD, FRITZ CREEK

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): BILLY R JONES	Signature BILLY JONES	<small>Digitally signed by BILLY JONES Date: 2023.02.24 17:13:34 -0900</small>
e-mail: billandsteph@gmail.com	Address:	33675 PERKINS RD, HOMER, AK 99603
Owner of: LOT 3 BLK 2, HM93-34		

Land Owner:

Name (printed): INA L JONES	Signature Stephanie Jones	<small>Digitally signed by Stephanie Jones Date: 2023.02.24 17:13:49 -0900</small>
e-mail: billandsteph@gmail.com	Address:	33675 PERKINS RD, HOMER, AK 99603
Owner of: LOT 3 BLK 2, HM93-34		

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____



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

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SUBMITTAL REQUIREMENTS

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- PERKINS RD _____ platted public right of way proposed to be vacated was dedicated by the plat of STANLEY'S MEADOW #7 & #13 _____ Subdivision, filed as Plat No. 87-45 & 93-34 in the HOMER _____ 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?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
if so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address LOT 1&2 BLK 2, HM87-45, TR 2-C, HM99-30, LOT 3 BLK 2, HM93-34	
Section, township, range T4S R11W SEC 34	
City (if applicable)	General area EAST END RD AND JONES RD. FRITZ CREEK


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): CECIL R JONES	Signature 
e-mail: lazyj@horizonsatellite.com	Address: PO BOX 15401, FRITZ CREEK, AK 99603
Owner of: LOT 1&2 BLK 2, HM87-45, TR 2-C, HM99-30	

Land Owner:

Name (printed): INA L JONES	Signature 
e-mail: lazyj@horizonsatellite.com	Address: PO Box 15401 Fritz Creek AK 99603
Owner of: LOT 1&2 BLK 2, HM87-45, TR 2-C, HM99-30	

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

**VACATION OF PLATTED RIGHT OF WAY /
PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA**

20.65.010. Authority; Legislative intent; Scope.

This chapter is enacted under the authority of AS 29.40. A vacation decision is a discretionary legislative land use decision. The purpose of this chapter is to establish procedures for the vacation of a platted public right-of-way, public area, or other public easement dedicated on a borough approved plat, and to provide procedures for the alteration, including removal, of platted utility easements. This chapter does not apply to easements or property owned or held by a city or the borough in their proprietary capacity which may only be extinguished through the terms of the controlling document or applicable law. This chapter does not apply to private easements.

20.65.030. Vacation Criteria.

Vacation of a platted public right-of-way, access, area or other easement granted for public use or public benefit must conform to the requirements of this chapter and AS 29.40.120 through AS 29.40.160 as now enacted or as amended.

20.65.040. Vacation Application.

An informal pre-application conference by appointment with borough staff prior to the submittal of the application for vacation of a public right-of-way is encouraged. The application shall include the following items.

- A. A petition, provided by the borough planning department, signed by:
 - 1. The owners of the majority of the land abutting the area being vacated; or
 - 2. An official representative of the state, the borough, an affected utility, or a city when the area to be vacated is within the city.
- B. A sketch that depicts the area to be vacated, a preliminary vacation plat, or a copy of the existing plat showing the proposed alteration or replat. The format and number of copies of the sketch submittal shall be determined by the planning director;
- C. Written recommendations, comments, or meeting minutes from the planning and zoning commission of the affected city, if the area to be vacated is within a city. The sketch or submittal provided to an affected city must be the same submittal that is provided to the borough.
- D. The appropriate fee; and
- E. Applicant statement containing the reasons in support of the vacation.

20.65.050. Action on vacation application.

- A. Staff shall review the application and supporting materials for compliance. If the application is incomplete, staff will return it to the applicant with a written list of deficiencies to be satisfied for acceptance.
- B. After acceptance of the application, staff will:
 - 1. Send notice of the proposed vacation and the public hearing in accordance with KPB 20.10.100.
 - 2. Prepare a staff report that evaluates the merits of the proposed vacation. Revisions to the application submitted subsequent to the preparation of the staff report and after notice is sent will not be considered at the scheduled public hearing. Any such revisions will be treated as a revised application under this chapter.
- C. An accepted application shall be placed on the agenda of a regularly scheduled planning commission meeting. The public hearing on the vacation may not be more than 60 days after acceptance of the application, unless the applicant requests postponement.
- D. The planning commission shall consider the merits of each vacation request. A platted dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use and in all cases the planning commission shall deem the area being vacated to be of value 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;
 - 2. A road is impossible or impractical to construct, and alternative access has been provided;
 - 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
 - 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;
 - 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
 - 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
 - 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.
 - 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
- E. The planning commission may impose such conditions as it deems necessary to ensure compliance with the requirements and purpose of this title.

- F. The borough will consider realignment of a right-of-way by vacation and rededication where the planning commission finds that the right-of-way realignment will enhance access and the realigned right-of-way is located to provide reasonable means of ingress and egress.
 - G. Where the planning commission finds that a right-of-way must be preserved, but determines there is excessive width for all intended uses within the right-of-way, the commission may approve a partial vacation of a right-of-way such that the width is reduced to the maximum necessary for the intended use. Such vacation shall conform to this title for the class of right-of-way involved except where the right-of-way is not intended to be used for vehicular purposes.
 - 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.
- 20.65.060. Title to vacated area.
- A. The title to the street or other public area vacated on a plat attaches to the lot or land bordering the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area that lies on one side of the boundary line shall attach to the abutting property on that side, and the street area that lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street that lies inside the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in a city if it lies inside the city, and in the borough if it lies inside the borough but outside all cities. If the property vacated is a lot, title vests in the rightful owner.
 - B. If the municipality acquired the street or other public area vacated for legal consideration or by express dedication to the municipality other than as a subdivision platting requirement, before the final act of vacation the fair market value of the street or public area shall be deposited with the platting authority to be paid to the municipality on final vacation.
 - C. Other provisions of this subsection notwithstanding, the planning commission may determine that a portion of the area proposed to be vacated should be reserved and if so, title to the area vacated and held for another public easement purpose remains in the borough or city, as applicable.