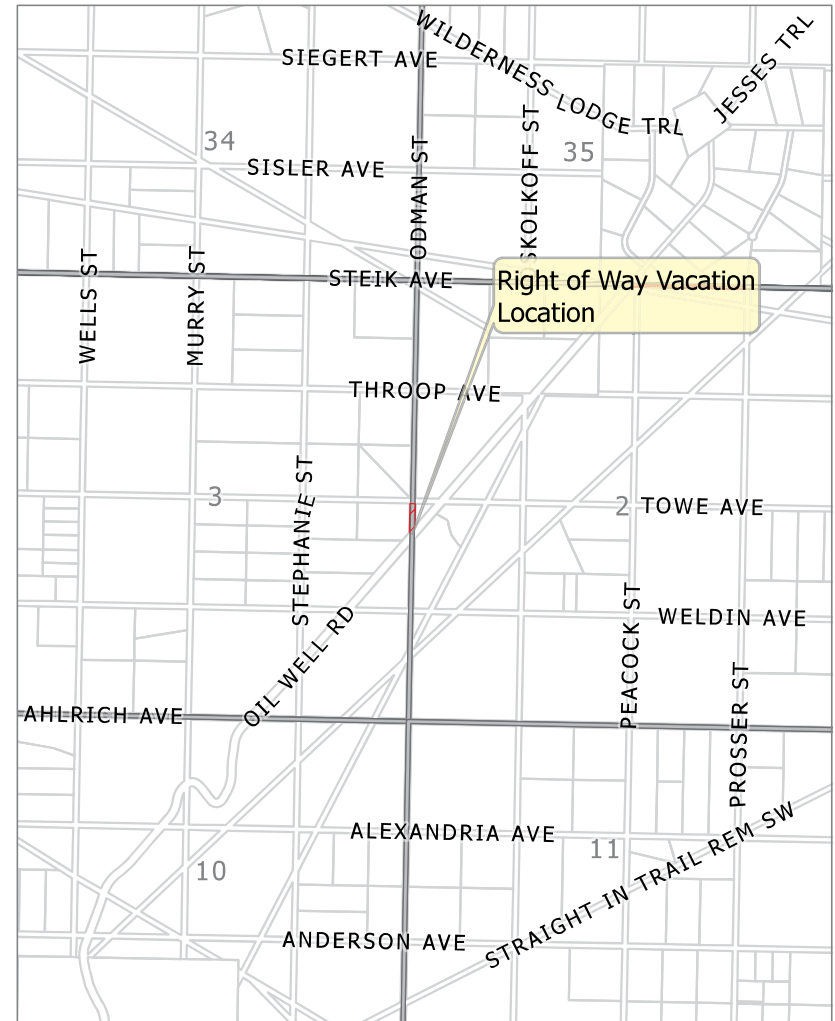
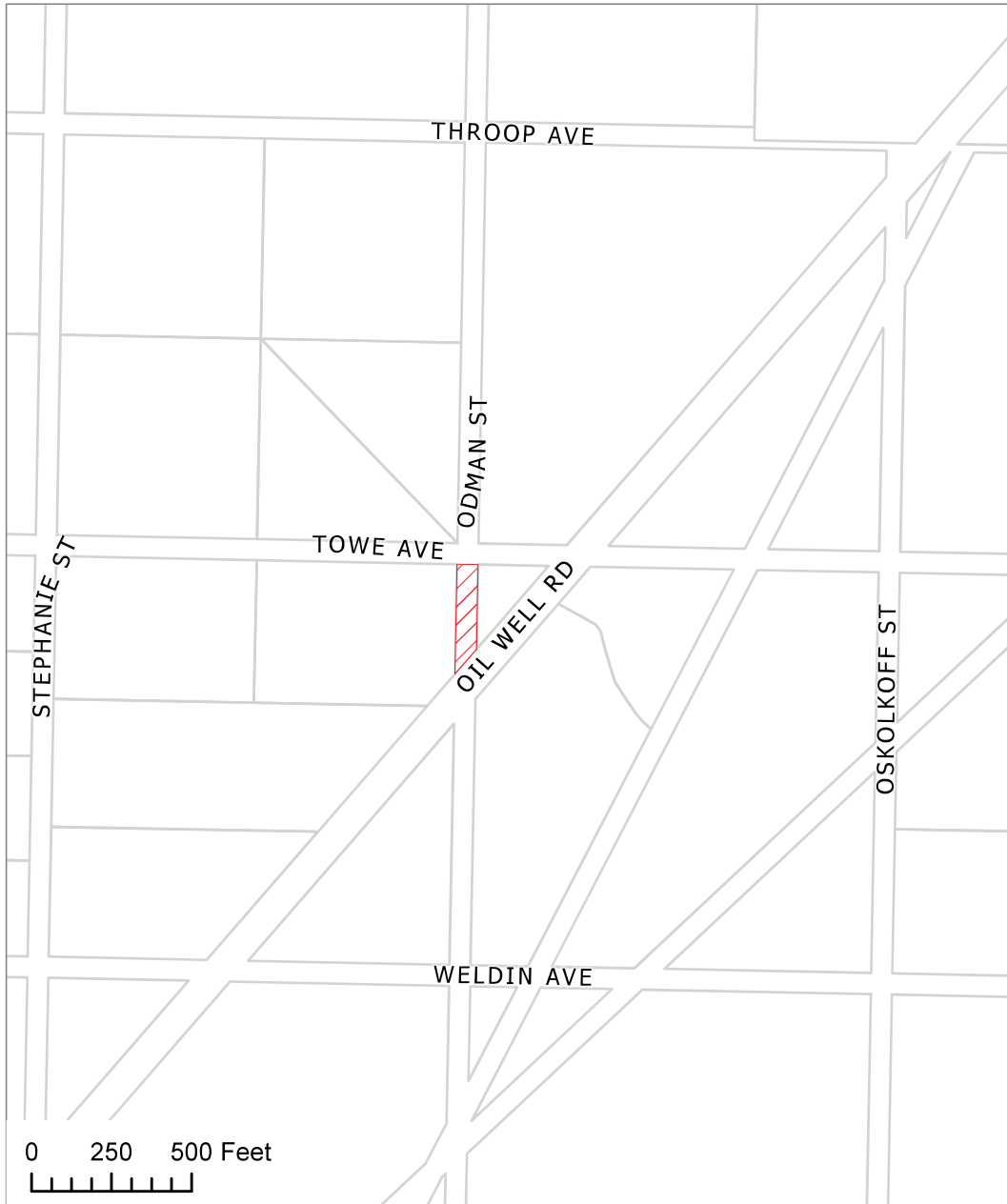


E. NEW BUSINESS

- 4. ROW Vacation; KPB File 2026-077V
Peninsula Surveying / Williams, Montoya
Request: Vacate a portion of Odman Street, ROW Map, Plat
KN 84-115
Ninilchik Area**



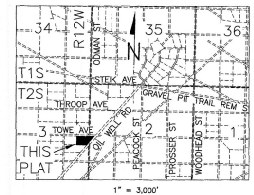
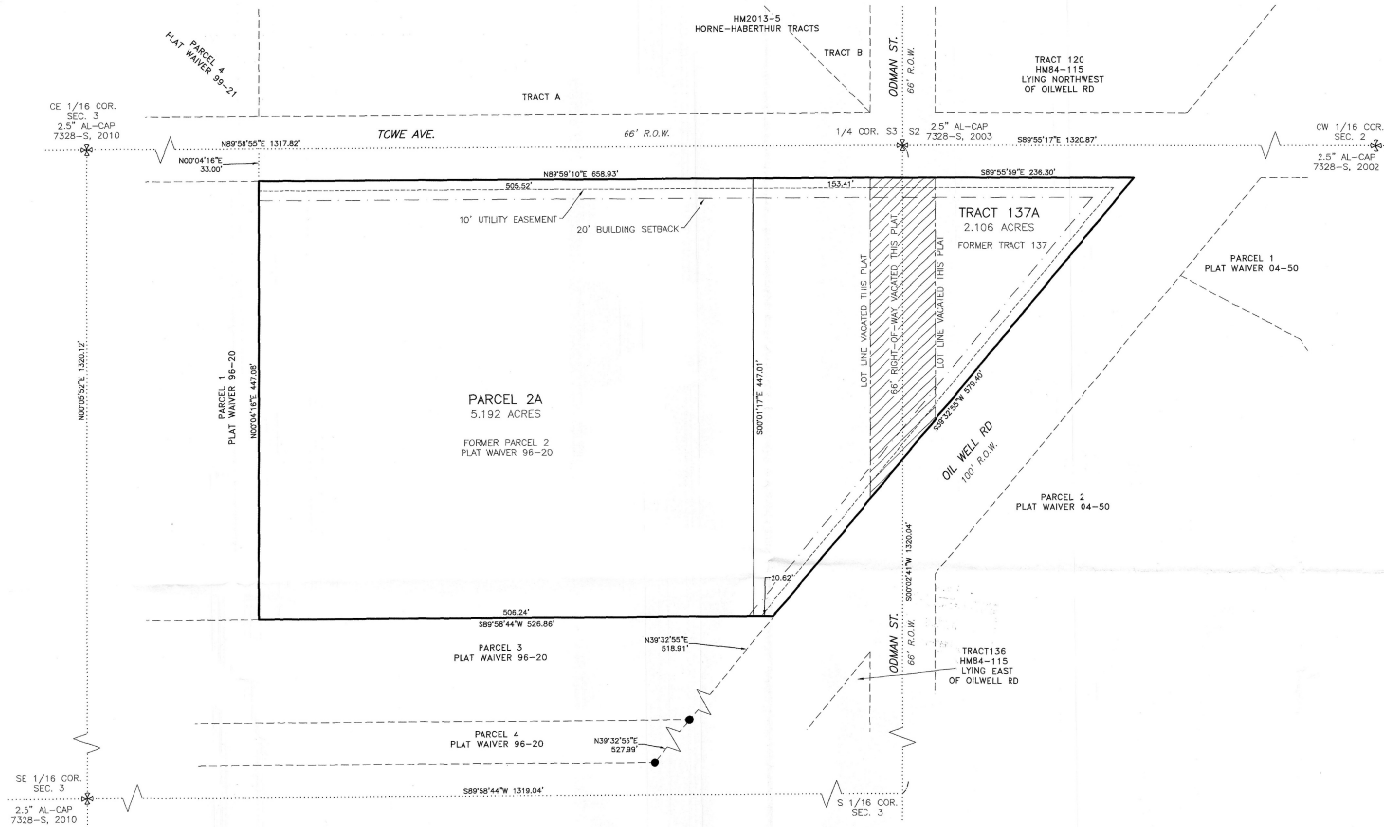
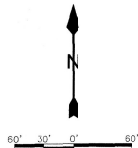
KPB File 2026-077V
T 02S R12W SEC 02 AND SEC 03
Ninilchik



Aerial Map



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



CERTIFICATE OF OWNERSHIP AND DEDICATION
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, AND THAT 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.

KELLY R. WILLIAMS, OWNER PORTION TRACT 137
36575 SAINT ANDREWS RD.
KENAI, AK 99611

KEVIN R. WILLIAMS, OWNER PORTION TRACT 137
BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA, OWNER PARCEL 2
14 EVELYN DR.
GRIDLEY, CA 95548

NOTARY ACKNOWLEDGMENT
FOR: KELLY R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: KEVIN R. WILLIAMS
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT
FOR: CHELSEA MONTIYA
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2026

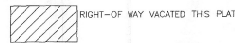
NOTARY PUBLIC FOR: _____
MY COMMISSION EXPIRES: _____

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT PER HMB4-115.
3. 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.
4. VACATION OF A PORTION OF ODMAN STREET RIGHT-OF-WAY WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MM/DD/YYYY.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. KPB GIS DATA SHOWS THERE ARE NO ANADROMOUS WATERS, WETLANDS NOR STEEP SLOPES.

LEGEND

- ⊗ RECORD PRIMARY MONUMENT AS DESCRIBED
- RECORD 1/2" REBAR
- ⊙ TO SET RPC ON 5/8" X 36" REBAR BY LS14483
- (R1) RECORD DATA PER KX2010-39
- (R2) RECORD DATA PER KX2010-51



WASTEWATER DISPOSAL

TBD

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MM/DD/YYYY.

AUTHORIZED OFFICIAL _____

DATE _____



KPB FILE NUMBER: 2026-OCO

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)506-7045

PLAT OF
WILLIAMS MEADOWS

A SUBDIVISION OF
THE NW1/4 SW1/4 SECTION 2 (TRACT 137, HMB4-115) LYING
NORTH OF OILWELL RD. EXCLUDING STREETS & PARCEL 2, PLAT
WAIVER 96-20, RECORDED AT BOOK 255, PAGE 45, H.R.D., &
VACATING A PORTION OF ODMAN STREET RIGHT-OF-WAY

LOCATED WITHIN
THE NW1/4 SW1/4 SEC. 2, NE1/4 SE1/4 SEC. 3, T2S, R12W,
S.M., HOMER RECORDING DISTRICT, KENAI PENINSULA BOROUGH,
ALASKA
CONTAINING 7.298 ACRES

OWNERS: KELLY R. WILLIAMS
36575 SAINT ANDREWS RD.
KENAI, AK 99611
KEVIN R. WILLIAMS
P.O. BOX 1170
KENAI, AK 99611

CHELSEA MONTIYA
14 EVELYN DR.
GRIDLEY, CA 95548

SCALE: 1" = 60'

DATE: MAY 27, 2026

DRAWN: BLT

CHECKED: JLS

SHEET: 1 OF 1

KPB 2026-077V

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - RIGHT OF WAY VACATION
Petition to vacate Odman St, located between Towe Ave and Oil Well Rd.

KPB File No.	2026-077V
Planning Commission Meeting:	August 10, 2026
Applicant / Owner:	Chelsea Montoya / Kenai and Kelly & Kevin Williams / Kenai
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Odman St and Towe Ave near Oil Well Rd
Legal Description:	Odman St in Nikiski ROW Map HM84-115, between Towe Ave & Oil Well Rd rights-of-ways

STAFF REPORT

Specific Request / Purpose as stated in the petition: Petition to vacate Odman St, located between Towe Ave and Oil Well Rd. as dedicated on HM 84-115

Notification:

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 Ninilchik

Post Office of Ninilchik

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.

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

19 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
Western Emergency Services
Kenai Peninsula Borough Homer Office
Kenai Peninsula Borough Land Management

Nikiski Community Council
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed):

Access to Odman Rd is by Oil Well Rd on the south, a 100-foot Borough maintained dedication. On the north is Towe Ave, a 66 foot privately maintained dedication.

With the vacation of Odman St, no new dedication is proposed. The close proximity to the intersection of Towe Ave and Oil Well Rd does not call for a new dedication to be placed.

The vacation is affected by a section line easement located under the section line running down Odman St. according to data, the section line easements are 33 feet on both sides of the section line. **Staff recommends** the surveyor confirm the easement size and show it on the drawing with ties to a plat note.

This right-of-way vacation will not vacate the section line easement. A separate action will need to be done to vacate the section line easement. Staff recommends the surveyor add a plat note to the effect that a separate action to vacate the SLE will need to be done.

Block length is compliant with the block being completed by Oil Well Rd, Towe Ave, Stephanie St and Welch Ave.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time.
SOA DOT comments	

Site Investigation:

The northwest corner has a steep area according to KPB GIS data. The land is sloping towards the northwest gradually and then at the northwest corner the land changes and slopes at 13% downward across the property line.

There are no wetlands, areas of inundations, flood hazard areas or habitat protection districts on the vacation area.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: Staff has no objection to this vacation. This area has not been studied or mapped by FEMA. B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
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Staff Analysis:

The land was originally divided up by what is known as the Ninilchik Right-of-Way Map filed at HM84-115. The map shows the area divided into 40 acres pieces minus roads dedicated at 33' around the 40 acres. Oil Well Rd and seismic trails were also dedicated as shown.

The parcel on the west was divided out by a plat waiver in 1996 at PC Resolution 96-20 allowing for a division of the Tract 137 without doing a subdivision plat, creating Parcel 2. Parcel on the east was divided off by Oil Well Rd in the corner of Tract 137.

Most of the neighboring land to these parcels have had the parent parcels divided by either plat waivers or subdivisions. Of the surrounding parcels, five of the nine have structures on them that appear to be houses.

Access does not appear to be an issue with Oil Well Rd along these parcels and Towe Ave on the north also. Vacating Odman St will not affect these parcels.

HEA is the only utility company to respond and they have no opposition to the vacation and no request.

The submittal application indicated there was no utility easements associated with the right-of-way to be vacated. Per HM84-115 at plat note 8, there is a 10' utility easement reserved adjacent to all rights-of-ways. **Staff**

recommends the surveyor intends to vacate the 10' utility easement adjacent to Odman St, a Utility Easement Vacation Petition be submitted to vacate the easement by plat.

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;

Applicant comments:

ROW is not in use

Staff comments:

Not in use, no road in place.

2. A road is impossible or impractical to construct, and alternative access has been provided;

Applicant comments:

A Road could be constructed but Oil Well and Towe serve the need

Staff comments:

Possible to build, but not practical with the adjacent roads on both ends so close to an intersection.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Applicant comments:

This area is bisected by a number of ROWs with 66' ROW on each 1/16th line, pre-existing seismic lines, and the 100' Oil Well Rd ROW.

Staff comments:

Surround lots are not developed and a majority are large tracts.

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;

Applicant comments:

This portion to be vacated does not provide access to any lands other than the applicant and adjacent lot.

Staff comments:

No, this lot does not access lake or river

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Applicant comments:

The vacation would not limit connectivity with Oil Well Rd and Towe

Staff comments:

No, the vacation accesses the adjacent lots only as it is a short segment.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Applicant comments:

Other use is possible, but unlikely other than a trail or snowmachine.

Staff comments:

The vacation is near the intersection of Oil Well Rd and Towe Ave

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.

Applicant comments:

The mentioned ROWs should provide all utility access for current and future uses.

Staff comments:

No utilities have been noted in the vacation area.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments:

See attached

Staff comments:

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. The KPB Assembly, must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled September 1, 2026 meeting.

If approved, Williams Meadows will finalize the proposed right of way vacations. The Plat Committee is scheduled to review at the next available Plat Committee meeting.

KPB department / agency review:

Addressing	Reviewer: Pace, Rhealyn Affected Addresses: 54013 Towe Ave, 53993 Towe Ave Existing Street Names are Correct: Yes List of Correct Street Names: Oil Well Rd, Odman St, Towe Ave Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: Addresses will remain.
Code Compliance	
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	No objection or comment
ENSTAR	
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add corrections to be made to drawing as noted

- Add 33' section line easement
- Add 10' utility easement as dedicated to all rights-of-ways per HM84-115, including Odman St.

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 including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by 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 20.65.050(I)).

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**

Page 5 of 8

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



ODMAN STREET ROW VACATION PETITION JUSTIFICATION

This petition to vacate a portion of Odman Street, as shown on the included Preliminary Plat, is requested based on the following findings information.

General discussion: The plat of HM84-115 shows the subdivision and dedication of the Rights-Of-Way for a large area toward the end of Oil Well Road, excepting therefrom the U.S. Surveys shown on the map. This plat dedicated 66-foot-wide ROWs along all 1/16 and 1/4 lines, 66-foot-wide ROWs along all existing seismic lines, and a 100-foot-wide ROW centered along Oil Well Road.

Additional surveys and plat waivers have further subdivided the blocks shown on HM84-115. This resulted in several ROWs that crossed parcels and carved them into small and relatively unusable areas.

The goal of this vacation petition is to create a larger, more developable lot from the ~0.6 acre fragment of the NW1/4 SW1/4, Sec. 2, lying north of Oil Well Rd. by vacating this portion of Odman St, and acquiring 1.00acres of area from the adjacent Parcel 2, PW96-20.

The portion of Odman St. being requested for vacation has not been constructed and is not currently in use as a traveled way.

Reasons for vacation:

- Create larger, more useable area for the petitioner's parcel
- This portion of Odman St. is not being used as a traveled way.
- East/West access is provided by the Towe Ave. as seen on KPB air photos, and North/South access is provided by Oil Well Rd.
- Total area of vacation would be approximately 18,924 square feet or 0.434 acres.
- The general public and adjacent landowners will maintain existing legal access via Oil Well Rd., Towe Ave., Odman St. north and south of the proposed vacation, Stephanie St., Prosser St. and Peacock St.



Adjacent Landowners:

Kelly R. Williams, Owner Portion Tract 137, Parcel ID 185-51-115
36575 Saint Andrews Rd.

Kenai, Ak 99611

Kevin R. Williams, Owner Portion Tract 137, Parcel ID 185-51-115
Box 1170

Kenai, Ak 99611

Chelsea Montoya, Owner Parcel 2, Parcel ID 185-51-223

14 Evelyn Dr.

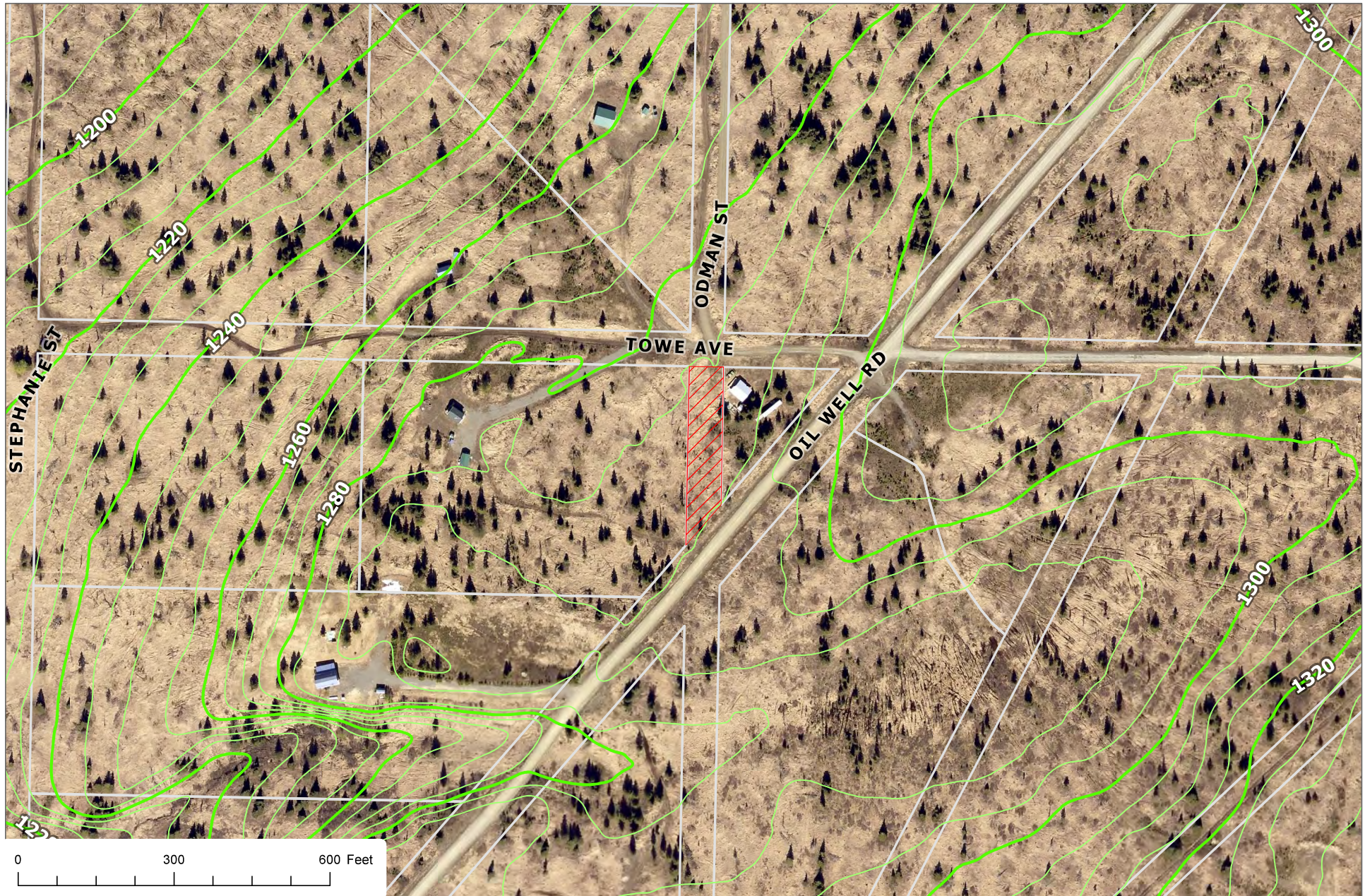
Gridley, Ca 95948



Aerial Map



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



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KENAI PENINSULA BOROUGH PLANNING COMMISSION
PLAT WAIVER RESOLUTION 96-20

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 3, TOWNSHIP 2 SOUTH, RANGE 12 WEST, SEWARD MERIDIAN, ALASKA, HOMER RECORDING DISTRICT

WHEREAS, William B. Kitchens Jr., and Mary Jean Kitchens have petitioned for a waiver of platting requirements for the following described parcel:

The portion of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, Seward Meridian, Alaska; lying westerly of Oilwell Road right-of-way; excepting Odman Street, Weldin Avenue, Stephanie Street and Towe Avenue rights of way; cntg 28 acres m/l.

WHEREAS, 29.40.090 of Alaska Statutes provides that the platting authority shall waive the preparation, submission for approval, and recording of a plat upon satisfactory evidence that certain conditions exist.

WHEREAS, it has been determined that all requirements have been met.

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

Section 1: That a waiver of platting requirements is hereby granted for the above described parcel.

Section 2: That the plat waiver is being granted for the purpose of creating four parcels described as follows:

Parcel 1: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the North 480 ft of the West 660 ft of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska excluding Towe Avenue and Stephanie Street rights-of-way; cntg 6.70 acres more or less.

Parcel 2: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the North 480 ft of the East 660 ft of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska excluding Towe Avenue, Odman Street, and Oilwell Road rights-of-way; cntg 6.50 acres more or less.

Parcel 3: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the South 400 ft. of the South 840 ft. of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska lying westerly of Oilwell Road right-of-way; and excluding Stephanie Street right-of-way; cntg 8.10 acres more or less.

Parcel 4: A portion of the area designated #136 on plat 84-115 HRD; more specifically, that portion of the South 440 ft of the South 840 ft. of the NE1/4 SE1/4 Section 3, Township 2 South, Range 12 West, S.M., Alaska lying westerly of Oilwell Road right-of-way; and excluding Stephanie Street and Weldin Avenue rights-of-way; cntg 6.70 acres more or less.

Section 3. That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 4. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 24 DAY OF June, 1996.

John Hammelman
John Hammelman, Chairperson
Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me
this 24 day of June, 1996.

Maria E. Sweppy
Notary Public for State of Alaska
My Commission Expires: 1-1-99

NOTARY PUBLIC
STATE OF ALASKA
MARIA E. SWEPPY

Please return to:
Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599

96-2337

RECORDED-FILE/5	
Homer	REC. DIST.
DATE 7-3-	19 96
TIME 12:50	P.M.
REFLECTED BY	KPB
ADDRESS	