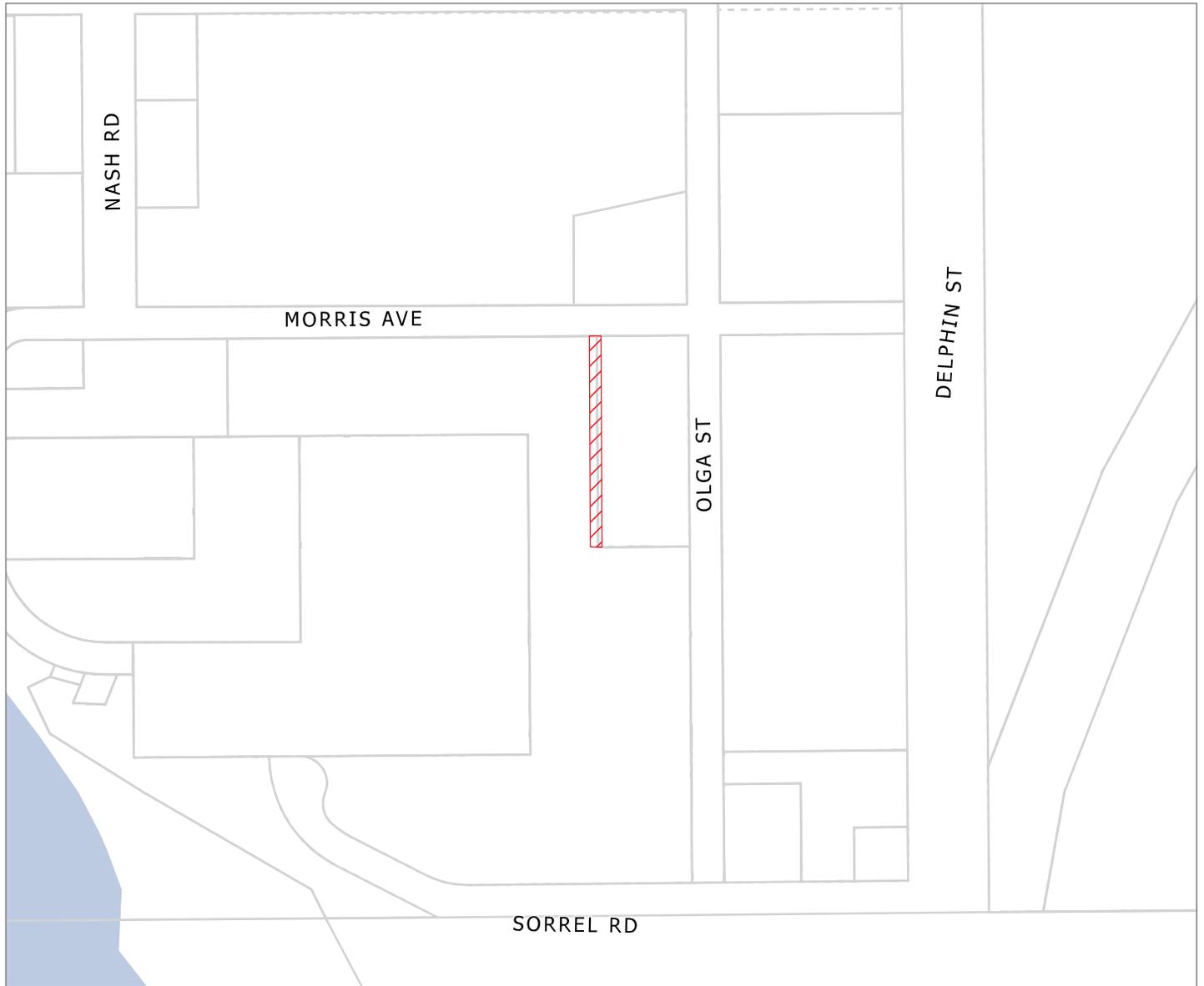


DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

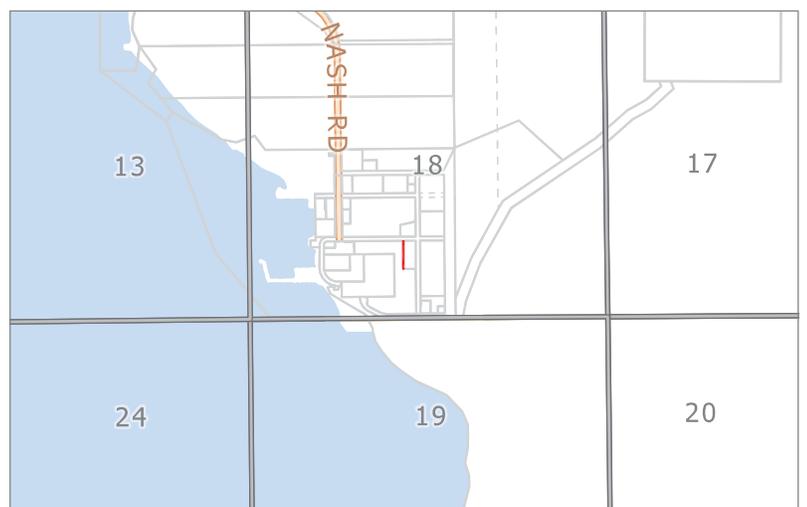
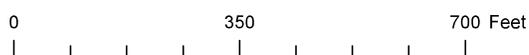
C. CONSENT AGENDA

b. PC Resolution 2023-07

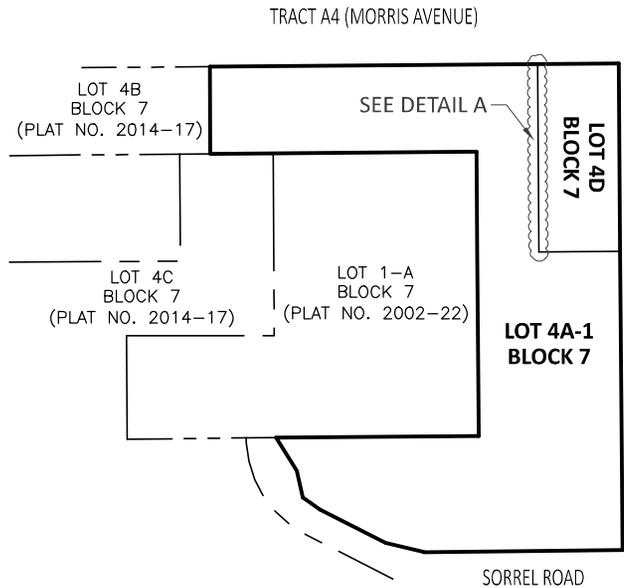


KPB File 2023-004V
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Seward

1/17/2023



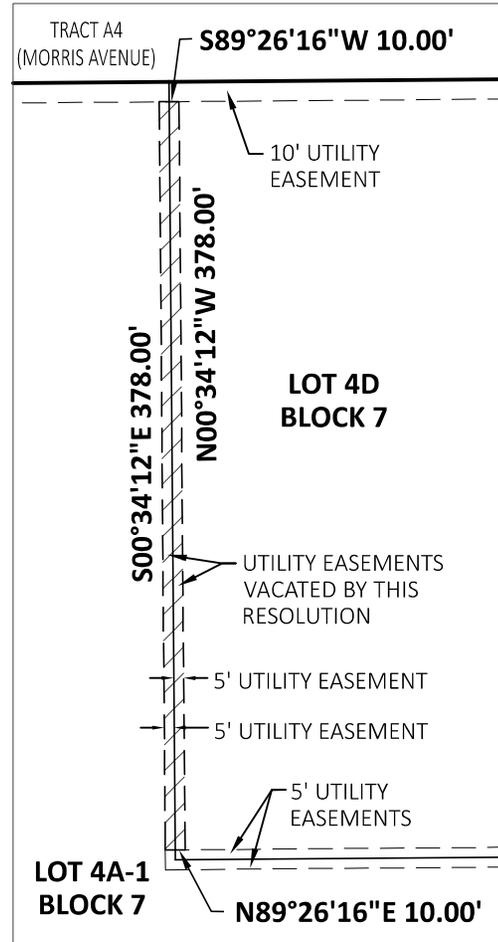
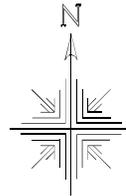




PROJECT AREA
1"=400'

EASEMENT VACATION EXHIBIT LOT 4D AND 4A-1
BLOCK 7 FOURTH OF JULY CREEK SUBDIVISION
SEWARD MARINE INDUSTRIAL CENTER RABOW
REPLAT (PLAT NO 2015-14)

TRACT A4 (OLGA STREET)



DETAIL A
1"=100'



PO BOX 110485
ANCHORAGE, AK 99511
aklands@aklands.com
(907) 744-LAND
<https://aklands.com>

EXHIBIT

| | | | |
|--------------|-----------|----------|-------------|
| DRAWN: | DRAWN BY: | SCALE: | PROJECT NO. |
| MAR 13, 2024 | JCL | AS SHOWN | 1138 |

AGENDA ITEM C. CONSENT AGENDA

ITEM B - UTILITY EASEMENT ALTERATION
VACATE 5 FOOT UTILITY EASEMENTS ASSOCIATED WITH LOT 4D AND LOT 4A-1, BLOCK 7, FORTH OF JULY CREEK SUBDIVISION SEWARD MARINE INDUSTRIAL CENTER RAIBOW REPLAT, SW 2015-14

| | |
|-------------------------------------|--|
| KPB File No. | 2023-004V |
| Planning Commission Meeting: | March 25, 2024 |
| Applicant / Owner: | City of Seward |
| Surveyor: | Stacy Wessel / AK Lands Land Surveying LLC |
| General Location: | Tract A3, Fourth of July Creek Sub Seward Marine Industrial Center Fire Department Replat, SW 2022-02 (Portion of Tract A3 known as Olga Street and Morris Avenue) |

STAFF REPORT

This is a submittal for approval of Resolution 2023-7 for the vacation of the 5 foot utility easement on both sides of the line between Lot 4D and 4A-1 Block 7 Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat SW 2015-14 as approved at the Planning Commission meeting of April 10, 2023. The vacation will be finalized by the resolution being, subject to:

1. Grant utility easements requested by the Seward City Council 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.

Condition 2.b will be met with the filing of the exhibit in the packet with Resolution 2023-7.

Staff recommends final approval of Resolution 2023-7.

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2023-07
SEWARD RECORDING DISTRICT**

Vacate entire 10' by 393' utility easement granted on Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat SW 2015-14; within S18, T01S, R01E, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2023-004V

WHEREAS, a request has been received from City of Seward of Seward , AK to Vacate entire 10' by 393' utility easement granted on Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat SW 2015-14;

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

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on April 10, 2023, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility 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 above described Vacate entire 10' by 393' utility easement granted on Fourth of July Creek Subdivision Seward Marine Industrial Center Raibow Replat SW 2015-14 are 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 utility easements 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 _____ DAY OF _____, 2023.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shimberg,
Administrative Assistant

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

ITEM 2 - UTILITY EASEMENT ALTERATION
VACATE 5 FOOT UTILITY EASEMENTS ASSOCIATED WITH LOT 4D AND LOT 4A-1, BLOCK 7, FORTH OF JULY CREEK SUBDIVISION SEWARD MARINE INDUSTRIAL CENTER RAIBOW REPLAT, SW 2015-14

| | |
|-------------------------------------|--|
| KPB File No. | 2023-004V |
| Planning Commission Meeting: | April 10, 2023 |
| Applicant / Owner: | City of Seward |
| Surveyor: | Stacy Wessel / AK Lands Land Surveying LLC Tract A3, Fourth of July Creek Sub Seward Marine Industrial Center Fire Department Replat, SW 2022-02 (Portion of Tract A3 known as Olga Street and Morris Avenue) |
| General Location: | |

Staff report given by Platting Specialist Julie Hindman.

Chair Brantley opened the item for public comment.

Stacy Wessel, AK Lands Surveying, LLC; aklands@aklands.com: Ms. Wessel was the surveyor on this project and made herself available for questions.

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

MOTION: Commissioner Horton moved, seconded by Commissioner Slaughter to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, adopting and incorporating by reference findings 1-8 and subject to the 2 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 | Brantley, Fikes, Gillham, Hooper, Horton, Slaughter, Staggs, Stutzer, Tautfest, Venuti |
| Absent - 2 | Martin, Morgan |

ITEM 3 - UTILITY EASEMENT ALTERATION
VACATE MULTIPLE UTILITY EASEMENTS ASSOCIATED WITH LOT 13-A, BLOCK 2, STANLEY’S MEADOW SUBDIVISION NO. 13, HM 93-34

| | |
|-------------------------------------|---|
| KPB File No. | 2023-024V2 |
| Planning Commission Meeting: | April 10, 2023 |
| Applicant / Owner: | Billy and Stephanie Jones of Homer, Alaska |
| Surveyor: | Gary Nelson / Ability Surveys |
| General Location: | Perkins Road, Fritz Creek, Kachemak Bay APC |

Staff report given by Platting Specialist Julie Hindman

Chair Brantley opened the item for public comment.

Gary Nelson, Ability Surveys; 152 Dehel Avenue, Homer, AK 99603: Mr. Nelson was the surveyor on this project and made himself available for questions.

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

MOTION: Commissioner Stutzer moved, seconded by Commissioner Tautfest to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff