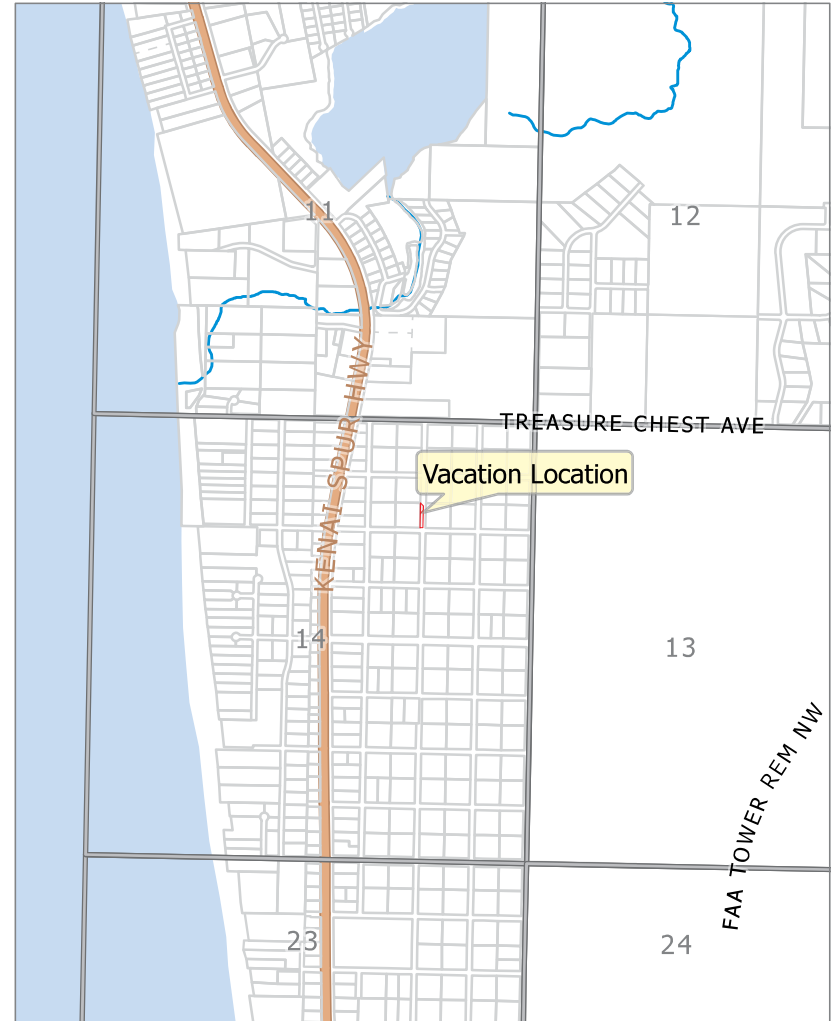


# **E. NEW BUSINESS**

## **2. Right-Of-Way Vacation; KPB File 2022-118V**

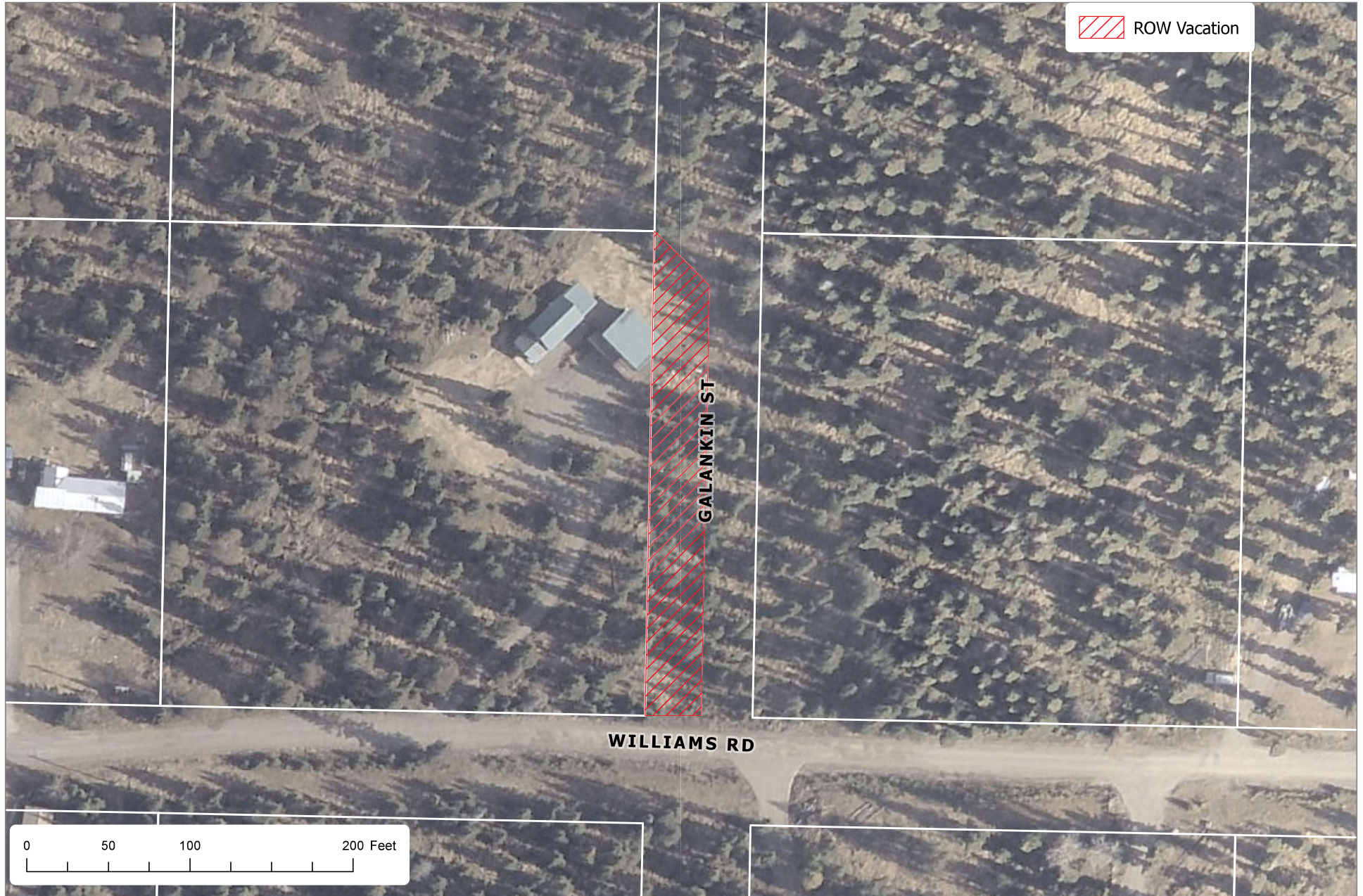
**Segesser Surveys / Scott**

**Request: Vacates an approximate 254' by 33' portion of  
Galankin Street  
Salamatof Area**



KPB File 2022-118V  
T 06N R 12W SEC 14  
Salamatof

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.



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.

**LEGEND:**

- 3 1/4" ALUM. CAP MONUMENT FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP L58859 SET
- ( ) RECORD DATUM PLAT GLO

**NOTES:**

- 1) Basis of bearing taken from USQLO Survey of Township 6 North, Range 12 West of the Seward Meridian Page 7 of 163.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) Covenants, conditions, and restrictions which affect this subdivision are recorded in Book 290 Page 991 Kenai Recording District. The borough will not enforce private covenants, easements, or deed restrictions per KPB 21.44.D80.
- 4) An easement for public road and drainage which affects this property is recorded in Book 253 Page 621, Kenai Recording District. Recording District. No definite location disclosed.
- 5) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines 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.
- 6) **WASTEWATER DISPOSAL:** This lot is at least 200,000 square feet and conditions 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.

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

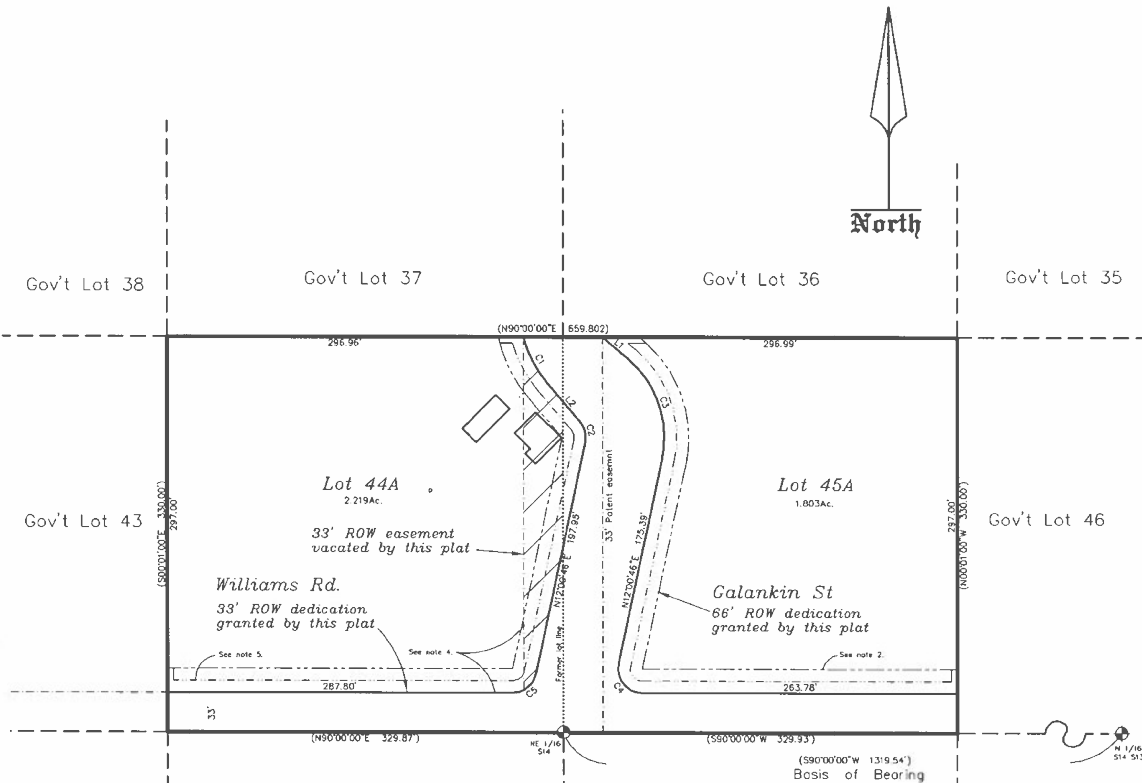
AUTHORIZED OFFICIAL



**SURVEYOR'S CERTIFICATE**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date \_\_\_\_\_



LINE	BEARING	DISTANCE
L1	N49°52'05\"W	28.04'
L2	N40°06'20\"W	42.70'

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH	CHORD BEARING
C1	257°12'	89.50'	43.91'	22.32'	43.96'	S27°27'44\"E
C2	52°07'00'	20.00'	16.19'	9.28'	17.57'	S14°02'27\"E
C3	61°52'51'	68.00'	92.88'	51.45'	88.43'	S15°25'40\"E
C4	102°00'48'	20.00'	35.61'	24.70'	31.09'	S38°59'17\"E
C5	77°59'14'	20.00'	27.22'	16.19'	25.17'	S51°00'23\"W

**CERTIFICATE of OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON 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.

CHARLES SCOTT                      BARBARA SCOTT  
3701 E MARBLE PEAK PL.  
TUCSON, ARIZONA 85718

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGEMENT**

FOR \_\_\_\_\_  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_

NOTARY PUBLIC FOR ALASKA  
MY COMMISSION EXPIRES \_\_\_\_\_

KPB FILE No. \_\_\_\_\_

**Charles and Barbara Scott Subdivision**

A resubdivision of Government Lots 44 and 45, Section 14, T6N, R12W, S4M, and the vacation of the 66 foot ROW easement.

Located within the SW1/4 NE1/4 NE1/4 and the SE1/4 NW1/4 NE1/4 Section 14, T6N, R12W, S4M, Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 5,000 Ac.

Surveyor <b>Segesser Surveys</b> 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Owner <b>Charles W. &amp; Barbara Scott</b> 3701 E Marble Peak Place Tucson, AZ 85718
JOB NO. 22238	DRAWN: 6-7-24
SURVEYED:	SCALE: 1"=50'
FIELD BOOK:	SHEET: 1 of 1

**ITEM #2 - RIGHT OF WAY VACATION  
Vacate a triangular port of the 33' Public ROW Easement of Galankin Street**

<b>KPB File No.</b>	2022-118V
<b>Planning Commission Meeting:</b>	June 24, 2024
<b>Applicant / Owner:</b>	Charles and Barbara Scott of Tucson, AZ
<b>Surveyor:</b>	John Segesser / Segesser Surveys
<b>General Location:</b>	Williams Rd and Galankin St in Kenai – Nikiski APC
<b>Legal Description:</b>	That part of Government Lot 44 in Sec 14 T6N R12W SM Alaska in the East 33 feet described as lying south of a line starting approximately 53 feet south of the NE corner of said Government Lot 44 thence northwest irregularly to the point of termination on the north line being 33 feet west of the NE corner; and that part lying northerly of a line described as starting 33 feet north and 33 feet west of the SE corner of said lot 44 thence north and northeasterly irregularly to a point of termination on the east line being approximately 155 feet north of the SE corner.

**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** The Scotts want to vacate the line between their two lots and eliminate the 33-foot ROW easements associated with the property line. A structure has been constructed on Gov't Lot 44 that encroaches into the easement on that lot. A 33-foot ROW dedication is being provided for Williams Road.

**Notification:** The public hearing notice was published in the June 19<sup>th</sup> issue of the Peninsula Clarion and the June 20<sup>th</sup> 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.

Library of Kenai

Post Office of Kenai

Eleven 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.

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

Twenty-five public hearing notices were emailed to agencies and interested parties as shown below:

State of Alaska Dept. of Fish and Game  
 State of Alaska DNR  
 State of Alaska DOT  
 State of Alaska DNR Forestry  
 Advisory Planning Commission  
 City of Nikiski  
 Emergency Services of Nikiski

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

**Legal Access (existing and proposed):**

Legal access to the property is along Williams Rd on the south of both lots and Galankin St runs between the lots. Williams Rd is accessed from Kenai Spur Highway. The public easement and right-of-way on Government Lot 44 was dedicated to the public by the Kenai Peninsula Borough as owner prior to the sale of several lots which included the subject Government Lot 44. Government Lot 44 went from Federal ownership to the State of Alaska, then to the Kenai Peninsula Borough's possession, so there was not a patent easement involved on this lot. Government Lot 45 went from Federal ownership directly to private ownership so there is a patent easement involved on Lot 45. The patent easement on the westerly 33' of Government Lot 45 is not involved in the vacation request at this time.

A new dedication for Galankin St is proposed that will go easterly around a home structure that was built in the public easement dedication. The new dedication will be situated so that the house will be located outside of the newly created 20-foot building setback line from the dedication. The plat is also proposing a 33-foot dedication along the south of the plat for Williams Rd, located along the current 33' dedicated public right-of-way easement of Government Lot 44 and patent easement of Government Lot 45.

No section line easement affects the plat, only the patent easement as noted.

Block length is compliant with Windchime St to the east, Banta St to the west, and Empress Ave on the North completing the block.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Painter, Jed Comments: No comments
SOA DOT comments	
SOA DNR comments	Comments attached.

**Site Investigation:**

There is no steep area on the plat as the terrain is flat across the property.

No wetlands are present and there are no designated or mapped flood hazard zones on the property.

KPB River Center review	A. Floodplain  Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: Located in Zone D - unregulated flood zone  B. Habitat Protection  Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks  Reviewer: Russell, Pam Comments: No Comments
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**Staff Analysis:**

Township 6 North original survey was started in June of 1921 by direction of the United States Department of the Interior, Bureau of Land Management, and accepted on plats dated June 27, 1922, July 7, 1948, and March 18, 1953. The government lots were laid out in 1921 and 1922.

Adjacent lands are from the same plotting of the government lots.

No access issues are apparent. The proposed dedication as it intersects at Williams Rd will line up with Galankin St to the south, to not create an offset intersection.

Utility companies in the area have been notified of the vacation petition as part of the normal vacation petition process and as of now all comments have been of 'no comment or approved as shown'.

**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:** No.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** Currently, a house is located in the road easement and a new dedication is proposed.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The area is not developed but a majority of the parcels have structures. To the north, at lot 36, a house is in the plans.
  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:** No access to a lake.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** This lot is the shortest connection to the lot to the north that is planning a house to be built in the near future.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** No other necessary use foreseeable 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.  
**Staff comments:** Currently, no utilities have sent plans in opposition.
  8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** No other factors noticed.

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 July 9<sup>th</sup> 2024 meeting.

If approved, the plat Charles and Barbara Scott Subdivision will finalize the proposed right of way vacations. The Plat Committee is scheduled to review Charles and Barbara Scott Subdivision on the July 22, 2024 meeting.

**KPB department / agency review:**

Addressing	<p>Reviewer: Haws, Derek                  Affected Addresses:                  53272 WILLIAMS RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:                  WILLIAMS RD                  GALANKIN ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:                  53272 WILLIAMS RD will remain with lot 44A.</p>
Code Compliance	<p>Reviewer: Ogren, Eric                  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan                  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:                  There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather                  Comments: No comment</p>
Advisory Planning Commission	

**Utility provider review:**

HEA	HEA reviewed, No comments.
ENSTAR	ENSTAR Natural Gas Company has reviewed the following preliminary vacation and has no comments or recommendations.
ACS	Alaska Communications has no objections.
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	



### **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)).

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### **STAFF RECOMMENDATIONS** **CORRECTIONS / EDITS**

Change KPB no to 2022-118V

Revised the legal to say "Vacation of a portion of the 33-foot ROW easement of Government Lot 44."

Add Williams Rd to the vicinity map

Match items in legend to the drawing.

Depict Galankin St. ROW to the north and south of the subdivision.

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### **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*

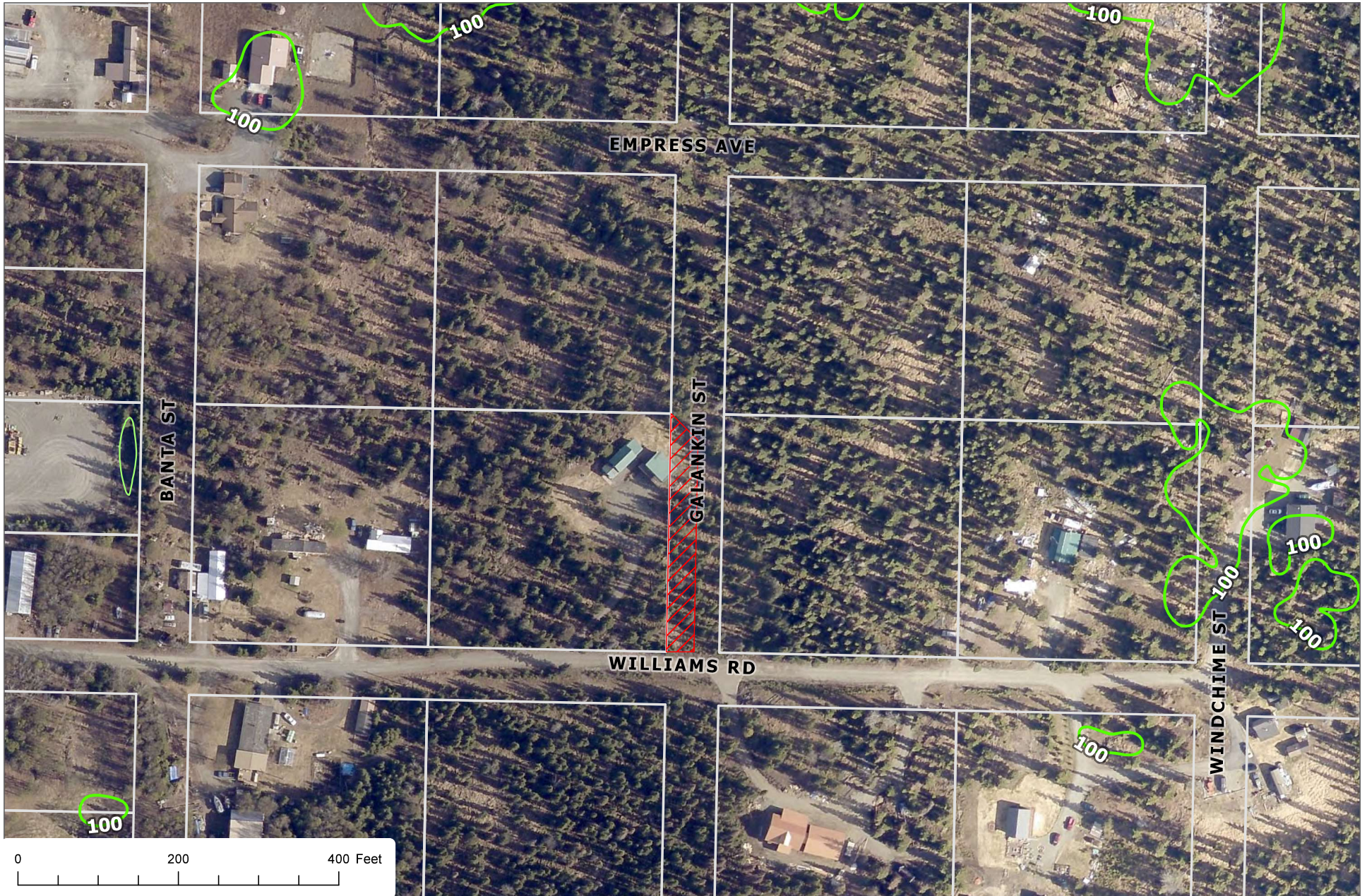
- *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of 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*
    - *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*
    - *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
      - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
      - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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**END OF STAFF REPORT**

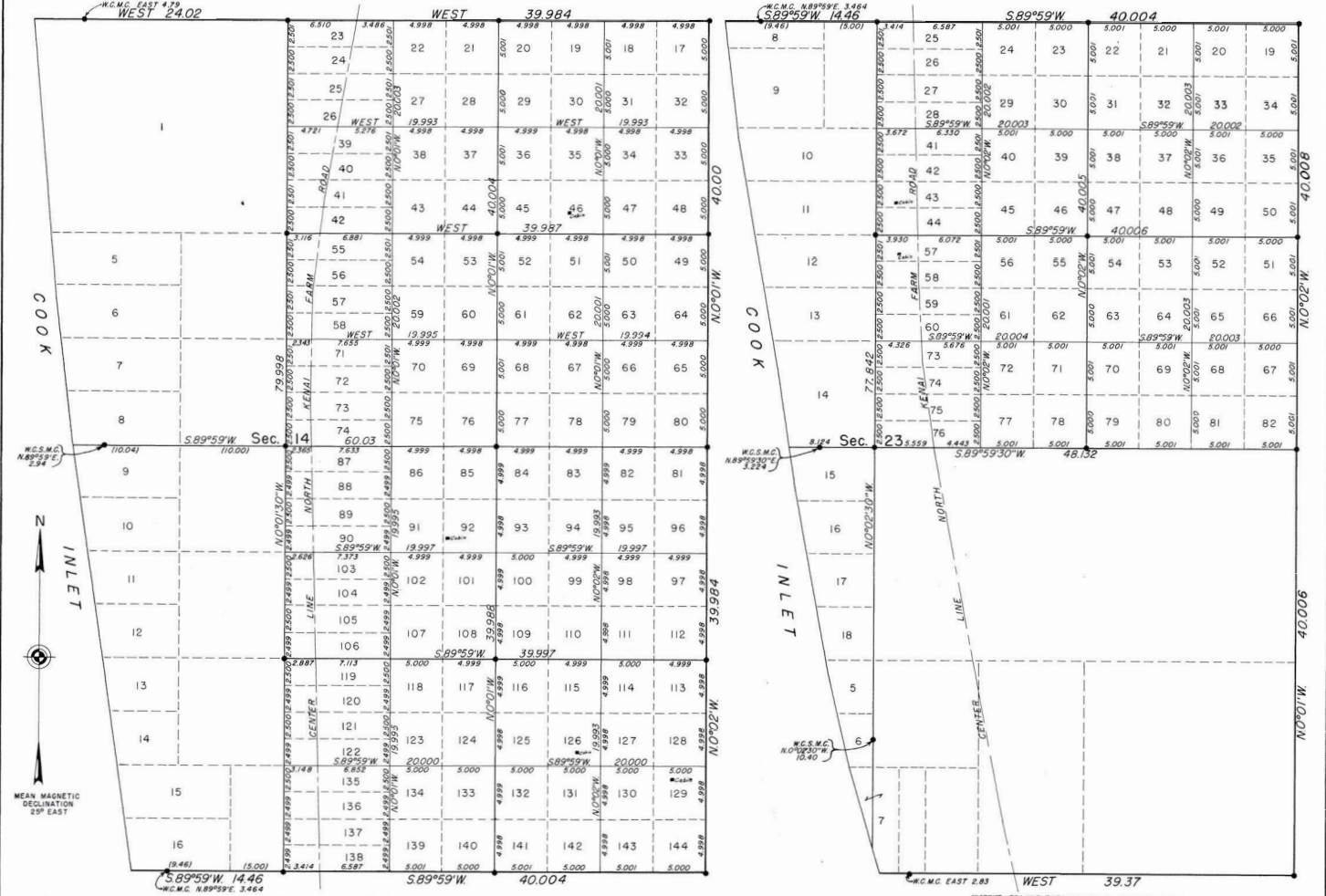


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TOWNSHIP 6 NORTH, RANGE 12 WEST, OF THE SEWARD MERIDIAN, ALASKA  
DEPENDENT RESURVEY AND SUBDIVISION OF SECTIONS 14 AND 23



●---DESIGNATES AN IRON PIPE WITH BRASS CAP.  
 ALL OTHER MONUMENTS ARE WOODEN POSTS.  
 LOTS 17 TO 144, INCLUSIVE IN SECTION 14 AND  
 LOTS 19 TO 82, INCLUSIVE IN SECTION 23 EACH  
 CONTAIN 2.50 ACRES.

This plat represents a resurvey and subdivision of  
 secs. 14 and 23, executed by Gordon W. Webber,  
 Cartographer (Cadastral), August 26 to September 15,  
 1953, Group 83, Alaska. The lottings are as shown  
 on plats accepted June 27, 1922, July 7, 1948 and  
 March 18, 1953, excepting lots 17 to 144, inclusive,  
 sec. 14, and lots 19 to 82, inclusive, sec. 23,  
 which contain 2.50 acres each.

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Washington, D. C. July 8, 1954

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

For the Director  
*Donald B. Cline* Acting Cadastral Engineering Officer