

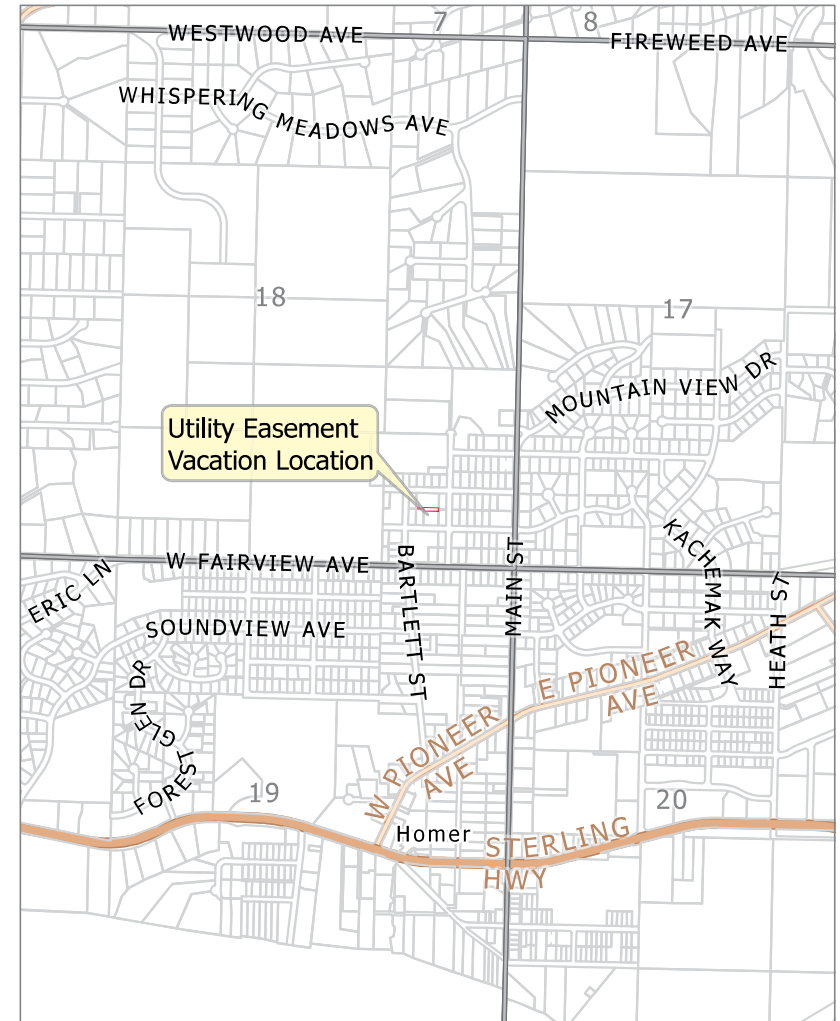
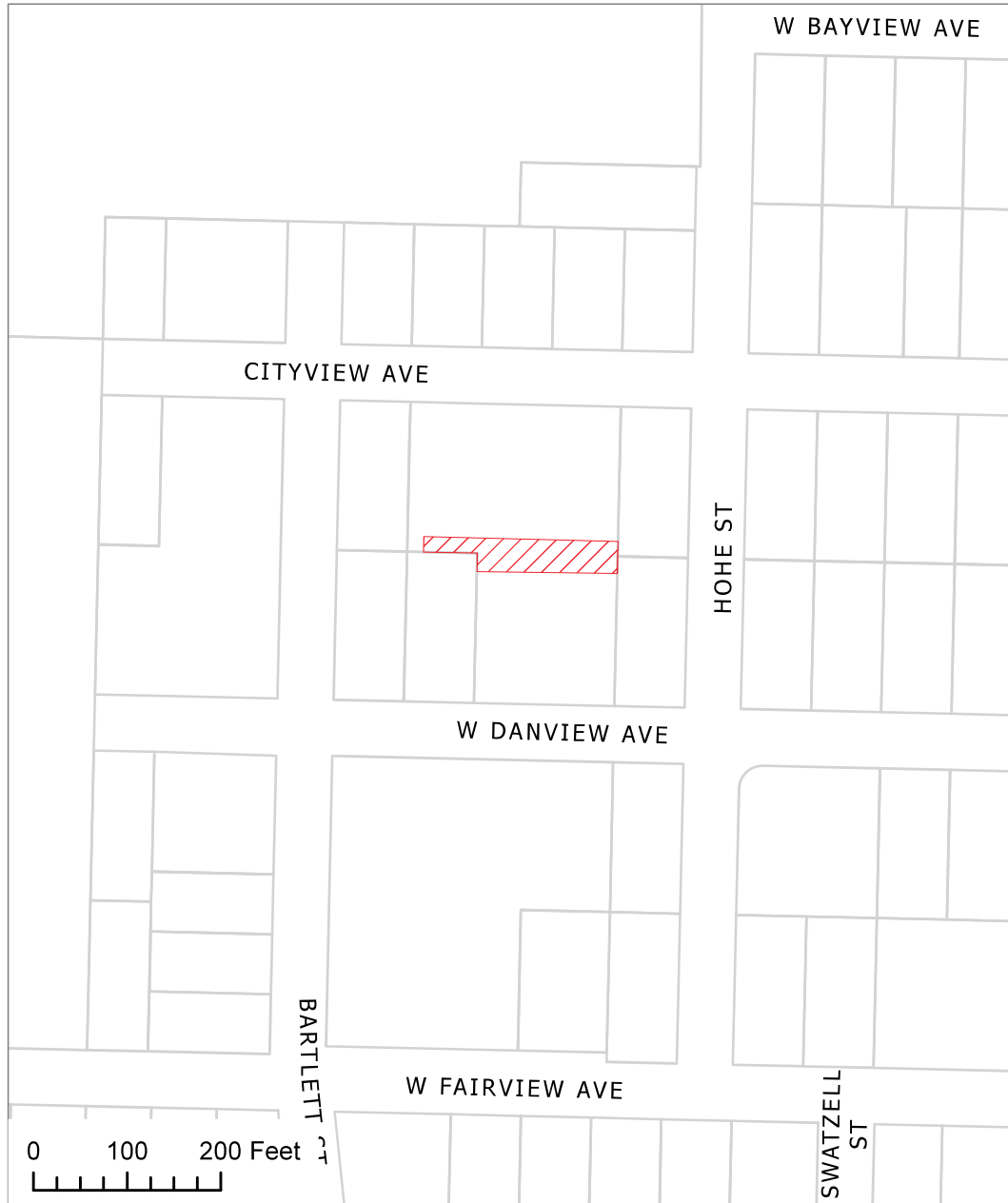
E. NEW BUSINESS

3. Utility Easement Vacation; KPB File 2025-127V

Peninsula Surveying / Raymond Property Management

Request: Vacates an approximate 3,550 square foot portion of the utility easement granted per Plat HM 56-2936, excluding the western most 10' by 20', of Lot 2A, Block 6, Fairview Subdivision Flyum Addition, Plat HM 2005-61

City of Homer

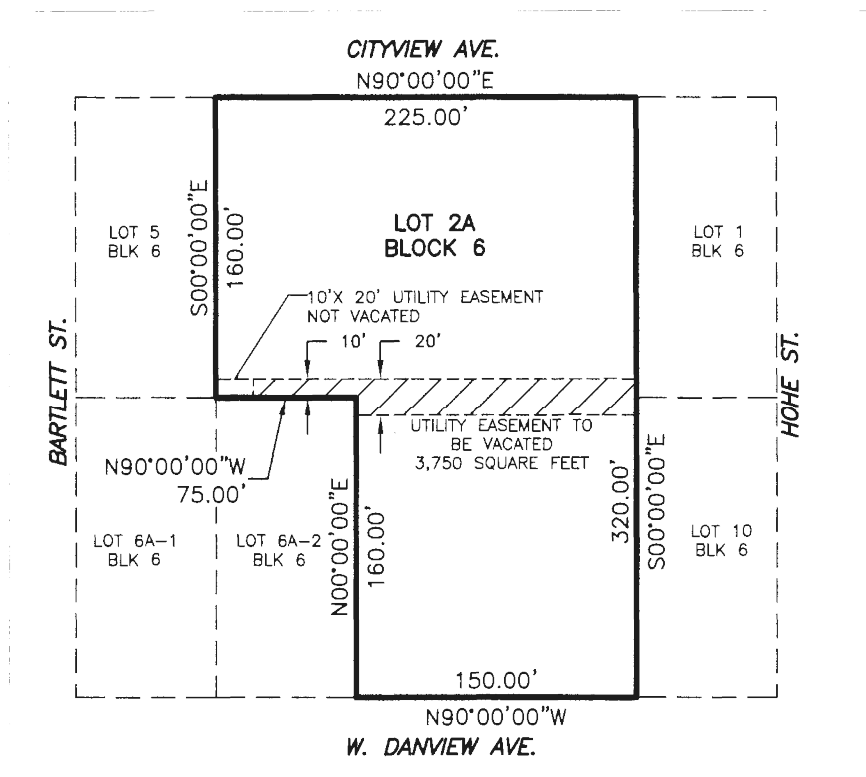


KPB File 2025-127V
T 06S R 13W SEC 18
City of Homer



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.

UTILITY ESMT. VACATION EXHIBIT



PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

LOT 2A BLOCK 6
FAIRVIEW SUBD. FLYUM ADDN.
HM2005-61
CITY OF HOMER, HRD,
SEC 18, T6S, R13W, SM, AK

SCALE:
1" = 100'

DATE:
3/18/2025

DRAWN:
BLT

SHEET:
1 OF 1

KPB 2025-127V

AGENDA ITEM E. NEW BUSINESS

ITEM #3 - UTILITY EASEMENT ALTERATION

VACATE AN APPROXIMATE 3,550 SQUARE FOOT PORTION OF THE TWO 10-FOOT UTILITY EASEMENTS GRANTED ON LOTS 2, 3, 4, 8 AND 9, BLOCK 6 PER PLAT HM 56-2936, EXCLUDING THE WEST 20-FEET OF SAID EASEMENT AS CARRIED FORWARD ON LOT 2A, BLOCK 6, IN FAIRVIEW SUBDIVISION FLYUM ADDITION, PLAT HM 2005-61

KPB File No.	2025-127V
Planning Committee Meeting:	September 22, 2025
Applicant / Owner:	Raymond Property Management, Inc. of Homer, Alaska
Surveyor:	Jason Schollenberg / Peninsula Surveying, LLC
General Location:	Between Cityview Avenue and W Danview Avenue west of Hohe St, Homer

STAFF REPORT

Specific Request / Purpose as stated in the petition: The owner of this parcel is proposing to vacate the easement as shown on the enclosed exhibit.

Notification: Notice of vacation mailings were sent by regular mail to twenty-two owners of property within 300 feet. Notice of the proposed vacation was emailed to eight agencies and interested parties.

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

Staff Analysis:

In 1956, Fairview Subdivision (HM 56-2936) granted a 10-foot easement for power, access and etc. along the rear lines of all the lots in the subdivision, including those being lots in Block 6 being requested for vacation.

In 2005, Fairview Subdivision Flyum Addition (HM 2005-61) replatted Lots 2, 3, 4, 8, and 9, Block 6, into one lot (Lot 2A) and the 10' utility easements were carried forward to the new plat.

All existing utilities that were in the easement have been removed by ACS. When utility companies were notified, HEA was the only one with a comment / request asking for 20' on the west to remain as shown on the drawing. the HEA comment is included in the packet for viewing.

The petition to vacate the utility easement started with at the City of Homer with submittal to the City for approval. On August 6, 2025, the City of Homer Planning Commission approved the utility easement vacation.

If approved, this vacation request will be finalized by Recording KPB PC Resolution 2025-21 which is included in the packet for viewing

Utility provider review:

HEA	See comment in packet
ENSTAR	Approved as shown
ACS	No objections
GCI	Approved as shown

Applicant Findings:

1. Any existing utilities have been relocated by ACS.
2. Comments from HEA, Enstar, ACS, GCI and KPB Roads are included.
3. The purpose of this request is to clear the middle portion of this lot for development.
4. The easement was carried from the original plat HM2936 when the lot lines were vacated per HM2005-61.
5. With utility access from the remaining easements to the east and west, this portion is not needed by the

adjacent lots.

Staff Findings:

6. In 1956, Fairview Subdivision (HM 56-2936) granted a 10-foot easement for power, access and etc. along the rear of all lots.
7. In 2005, Fairview Subdivision Flyum Addition (HM 2005-61) replatted Lots 2, 3, 4, 8, and 9, Block 6, into one Lot and the utility easements was carried forward.
8. The City of Homer Planning Commission approved the utility easement vacation.
9. No surrounding properties will be denied utilities.
10. Utility company request are being accommodated.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

- Modify the easement vacation size to 3,550 square feet on the exhibit.
- Modify the Lot labels to the west: Lot 6-A1 and Lot 6-A2 (HM 2010-27)
- Include the plat recording labels for surrounding parcels: HM 56-2936 and HM 2010-27

RECOMMENDATION:

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

1. Grant any utility easements requested by the Homer 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, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination of 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.*

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2025-21
HOMER RECORDING DISTRICT**

Vacates an approximate 3,550 square foot portion of the two 10-foot utility easements granted on Lots 2, 3, 4, 8 and 9, Block 6 per plat HM 56-2936, excluding the west 20-feet of said easement as carried forward on Lot 2A, Block 6, in Fairview Subdivision Flyum Addition Fairview Subdivision (HM 2005061; within S18, T06S, R13W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2025-127V

WHEREAS, a request has been received from Paul Raymond of Homer, AK to vacate an approximate 3,550 square foot portion of the two 10-foot utility easements granted on Lots 2, 3, 4, 8 and 9, Block 6 per plat HM 56-2936, excluding the west 20-feet of said easement as carried forward on Lot 2A, Block 6, in Fairview Subdivision Flyum Addition (HM 2005061); and

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 September 22, 2025, 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 Vacates an approximate 3,550 square foot portion of the two 10-foot utility easements granted on Lots 2, 3, 4, 8 and 9, Block 6 per plat HM 56-2936, excluding the west 20-feet of said easement as carried forward on Lot 2A, Block 6, in Fairview Subdivision Flyum Addition (HM 2005-61) 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.

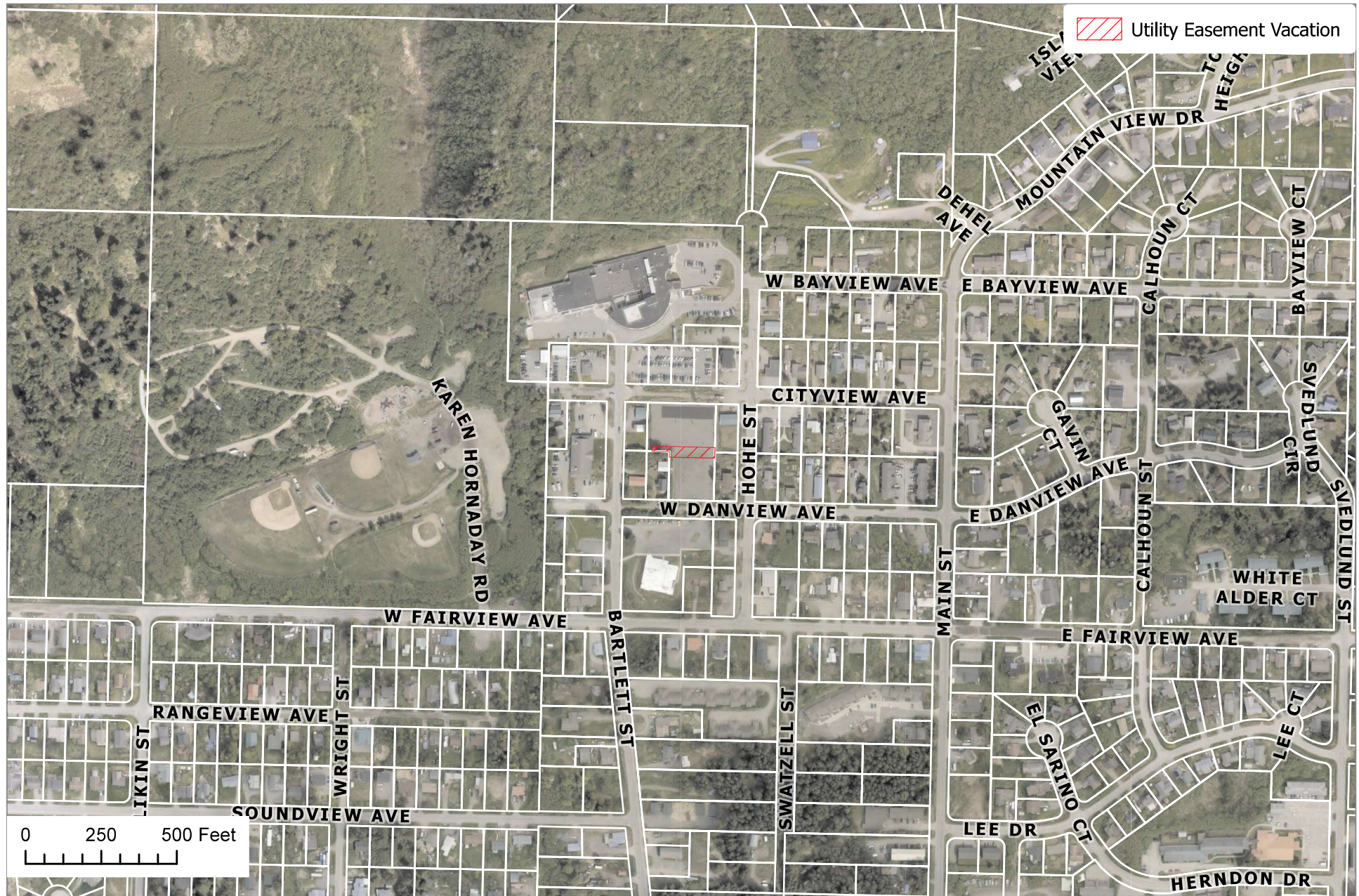
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2025.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST:

Ann Shimberg,
Administrative Assistant

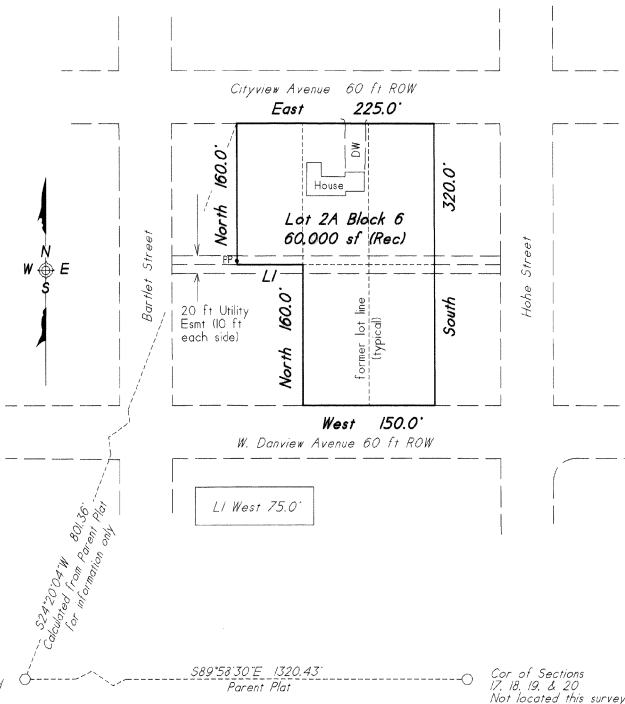
Return to:
Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, Alaska 99669



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.



Ownership Certificate

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 to public use and grant all easements to the use shown.

Alex Flyum, President
Owner of former Lots 2, 4, & 8 Block 6 Fairview Subdivision
Red Rose Rentals Inc by Alex W. Flyum, Jr, President
345 Sterling Hwy Ste 103
Homer Ak 99603-7820

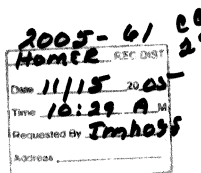
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Alex Flyum, Karen Flyum
Owners of former Lots 3 & 9 Block 6 Fairview Subdivision
Alex W. Flyum, Jr aka Alex Flyum DATE
Karen S. Flyum aka Karen Flyum DATE
267 City View Ave
Homer Ak 99603-7020

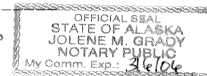
Notes

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. WASTEWATER DISPOSAL: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.
4. All lots within this subdivision are subject to City of Homer Zoning Regulations. Refer to the Parent Plat and the Homer City Code for all current setback and site development restrictions. Owners should check with the City of Homer prior to development activities.
5. The purpose of this plat is vacate the common lot lines. All dimensions and the area are of Record. No field survey was conducted nor were any corners located or monumented except as shown.
6. This subdivision may be effected by covenants, conditions, and restrictions per Bk 10 Page 258, HRD.



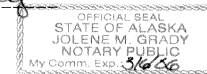
Notary's Acknowledgement
Subscribed and sworn to me before me this 26th day
of September, 2005

For Alex W. Flyum, Jr. President
Jolene M. Grady
Notary Public for Alaska
My Commission Expires 3/6/06



Notary's Acknowledgement
Subscribed and sworn to me before me this 26th day
of September, 2005

For Alex W. Flyum, Jr.
Jolene M. Grady
Notary Public for Alaska
My Commission Expires 3/6/06

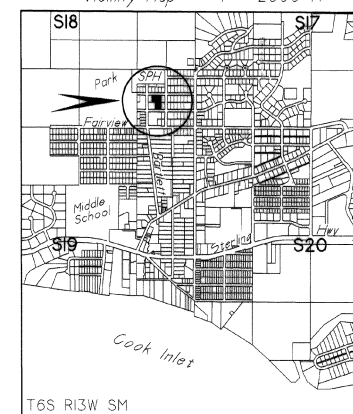


Notary's Acknowledgement
Subscribed and sworn to me before me this 26th day
of September, 2005

For Karen S. Flyum
Jolene M. Grady
Notary Public for Alaska
My Commission Expires 3/6/06



Vicinity Map 1" = 2000 ft



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Imhoff 8/22/05
Roger W. Imhoff LS 5780 Date

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

April 25, 2005

KENAI PENINSULA BOROUGH

By Mary Tall
Authorized Official

Fairview Subdivision Flyum Addition

Being a Replat of Lots 2, 3, 4, 8, and 9 Block 6 Fairview Subdivision as shown on Record Plat No. 56-2936 HRD

Located within the SE 1/4 Section 18, T6S, R13W, SM, in the City of Homer, Homer Recording District, Third Judicial District, Alaska

Contains 1.377 Acres, more or less

Client: Flyum	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	Date: 2-03-05
Scale 1" = 100 ft	File farviewflyum.vcd KPB File No. 2005-084

LAND RESTRICTIONS

FAIRVIEW SUBDIVISION, HOMER, ALASKA

All lots contained in Blocks 5, 6, 9, 10 and Lots 3, 4, 5, 6 and 7 in Block 7, all situated in the East one-Half ($\frac{1}{2}$) of the Southeast Quarter ($\frac{1}{4}$) of Section 18, of Township 6 South, Range 13 West, Seward Meridian, Territory of Alaska are SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS, which shall run with the land and relate to said property, and shall provide a uniform plan for the improvement of said Subdivision, to-wit:

1. That the property herein described shall not be used for any purpose other than for residential purposes and no commercial activities shall be conducted upon the premises herein concerned, neither will there be permitted any conduct, enterprise, or usage that may create a nuisance, be unlawful or act detrimentally to the peace, dignity or value of this Subdivision. The keeping of livestock and poultry upon the premises herein concerned is expressly prohibited.
2. That no residence or building shall be erected, placed or maintained upon the real property herein described unless the same, when completed, shall have a minimum value of TEN THOUSAND DOLLARS (\$10,000.00) and meet the requirements of the Federal Housing Administration, and the same shall be completed within one (1) year after construction has been started.
3. That no building or part thereof shall be erected, placed or maintained upon said lots nearer than twenty feet (20') from the front property line fronting on any road, nor nearer than five feet (5') feet to any side property line; that no building shall exceed one and one-half story in height.
4. No army type huts, quonset huts or temporary buildings shall be constructed or placed upon said lots, nor shall any tents or house trailers be parked or placed thereon, other than for a reasonably short period of time not to exceed six months dating from the date said temporary dwelling shall be placed upon said premises. Multi-family dwellings or units are specifically prohibited except that two-family dwellings or units may be constructed on any one lot. The area of the lots herein described shall not be reduced in size by re-subdivision or otherwise.
5. That a septic tank must be constructed and maintained on said lots within a reasonable time after occupancy of the premises. In constructing or installing any water line, sewer line or septic tank, all construction must comply with the current regulations of the Territorial Department of Health and/or other body politic designated as responsible for regulations concerning health standards.
6. The covenants and restrictions are to run with the land and shall be binding upon the parties and all persons claiming under them until twenty-five (25) years from the date of the recording of these restrictions with the U.S. Commissioner and ex-officio Recorder for the Homer Recording Precinct, at Homer, Alaska, at which time covenants shall automatically be renewed for a like period, unless terminated by a two-thirds vote of all property owners concerned.

/s/ HARRY E. GREGOIRE

Page 259 Volume 10

UNITED STATES OF AMERICA) ss. Individual Acknowledgment (Alaska)
TERRITORY OF ALASKA)

THIS IS TO CERTIFY that on this 7th day of JUNE, 1957, before me the undersigned, a Notary Public in and for the Territory of Alaska, duly commissioned and sworn, personally appeared HARRY E. GREGOIRE, to me known to be the person described in and who executed the above and foregoing instrument, and acknowledged to me that he signed and sealed the same freely and voluntarily for the uses and purposes therein mentioned.

WITNESS MY HAND AND SEAL the day and year in this certificate first above written.

/s/ MARION V. KX KOEPPPEL

my commission expires Aug. 29, 1959.

FILED NO. 3400 FILED FOR RECORDING June 7, 1957 at 2 P.M.
Vol. 10, Page 258 & 259, at the request of Harry E. Gregoire.



MEMORANDUM

Utility Easement Vacation- Lot 2A Block 6, Fairview Subd. Flyum Add. HM2005-61

Item Type: Action Memorandum
Prepared For: Homer Advisory Planning Commission
Date: August 6th, 2025
From: Will Anderson, Associate Planner
Through: Ryan Foster, City Planner

Per the surveyor's letter, the owner of this parcel is proposing to vacate the easement as shown on the enclosed exhibit. The purpose of this request is to clear the middle portion of this lot for development. The easement was carried from the original plat HM2936 when the lot lines were vacated per HM2005-61. With utility access from the remaining easements to the east and west, the adjacent lots do not need this portion of the easement.

The City of Homer Public Works Department was contacted regarding local utilities and asked to provide any comments on potential objections or existing utility installations within the easement. The City has confirmed that it does not utilize the easement and has no objection to its vacation.

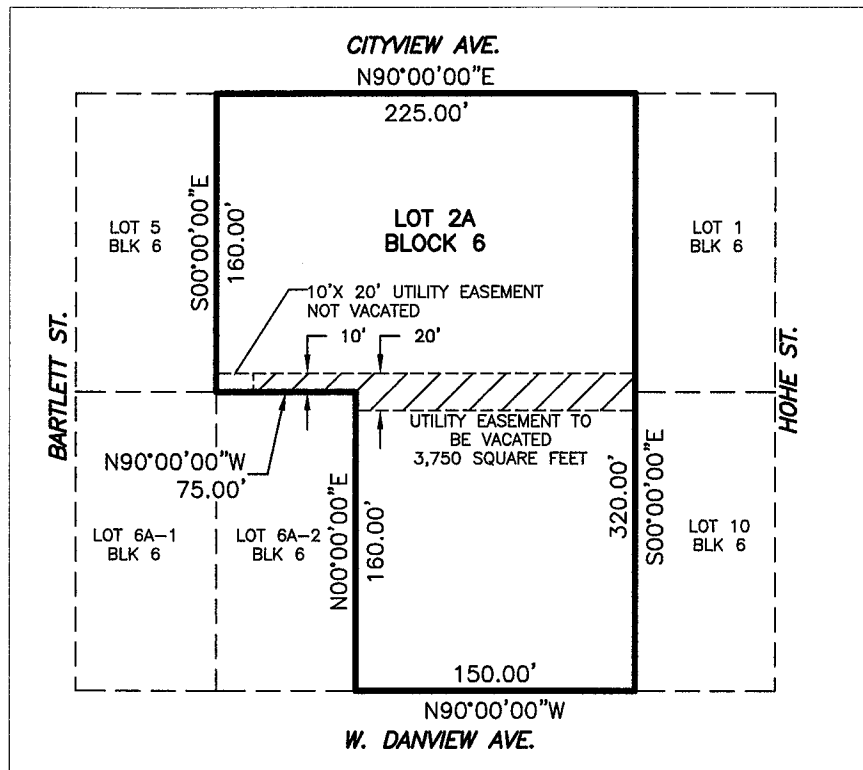
RECOMMENDATION:

Recommend approval of the Utility Easement Vacation as submitted with no additional comments:

Attachments:

Utility Easement Vacation Exhibit - Lot 2A Block 6, Fairview Subd. Flyum Add. HM2005-61

UTILITY ESMT. VACATION EXHIBIT



PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

LOT 2A BLOCK 6
FAIRVIEW SUBD. FLYUM ADDN.
HM2005-61
CITY OF HOMER, HRD,
SEC 18, T6S, R13W, SM, AK

SCALE:
1" = 100'

DATE:
3/18/2025

DRAWN:
BLT

SHEET:
1 OF 1

CALL TO ORDER

Session 25-13, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:30 p.m. on August 6th, 2025 in the Cowles Council Chambers in City Hall, located at 491 E. Pioneer Avenue, Homer, Alaska, and via Zoom Webinar.

PRESENT: COMMISSIONERS BARNWELL, SCHNEIDER, S. SMITH, WALKER, HARNESS, & VENUTI

ABSENT: COMMISSIONER H. SMITH (EXCUSED)

STAFF: COMMUNITY DEVELOPMENT DIRECTOR ENGBRETSSEN, PUBLIC WORKS DIRECTOR KORT & DEPUTY CITY CLERK PETTIT

AGENDA APPROVAL

Chair S. Smith read the supplemental items into the record. He then requested a motion and second to approve the agenda as amended.

HARNESS/BARNWELL MOVED TO ADOPT THE AGENDA AS AMENDED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PUBLIC COMMENTS UPON MATTERS ALREADY ON THE AGENDA

Jan Keiser, city resident, voiced her support for removing the Slope Stability & Erosion Mitigation Program from the Capital Improvement Plan. She requested that the Kachemak Sponge Project and the Baycrest Storm Drain Conveyance and Treatment System Project be rewritten but kept in the Capital Improvement Plan in a new format.

HARNESS/WALKER MOVED TO SUSPEND THE RULES.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

RECONSIDERATION

CONSENT AGENDA

- A. Unapproved Regular Meeting Minutes of July 16, 2025
- B. Utility Easement Vacation – Lot 2A Block 6, Fairview Subd. Flyum Add.
Memorandum PC-25-037 from Associate Planner as backup

SCHNEIDER/BARNWELL MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS/VISITORS

REPORTS

A. City Planner's Report, Staff Report 25-35

Community Development Director Engebretsen summarized City Planner Foster's report included in the packet, covering the following items:

- Comprehensive Plan update
- Recap of July 28, 2025 City Council Meeting
 - Resolution 25-070, A Resolution of the City Council of Homer, Alaska, Directing the Planning Commission to Review and Recommend Amendments to Homer City Code to Allow Temporary Structures for Retail Purposes on Vacant Lots in the Central Business District. Davis.
- Continued work on Title 21
 - Open house at Islands & Oceans Visitor Center on October 20th, 2025
- Next Regular Meeting is scheduled for August 20th, 2025
- Next Commissioner report to City Council on August 11th, 2025
- Candidacy Filing period is open
- City is seeking election workers

PUBLIC HEARINGS

PLAT CONSIDERATION

PENDING BUSINESS

- #### **A. Capital Improvement Plan, Jenny Carroll, Special Projects & Communications Coordinator**
- Memorandum PC-25-038 from Special Projects & Communications Coordinator as backup
Memorandum from Public Works Director as backup

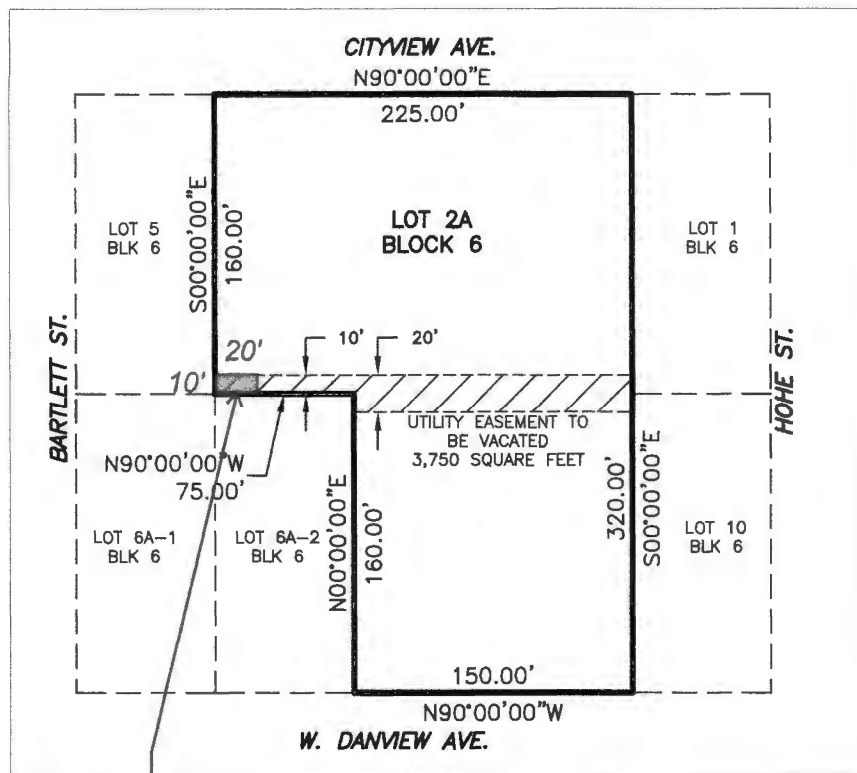
The Commission reviewed the Capital Improvement Plan, with each Commissioner providing their top priority projects. There were in-depth discussions about various projects included in the Capital Improvement Plan, as well as a recap of what the Commission moved forward as its top priority projects last year.

HARNESS/SCHNEIDER MOVED TO RECOMMEND TO CITY COUNCIL TO REMOVE SLOPE STABILITY PROJECT FROM THE CIP.

There was no discussion.

VOTE: NON-OBJECTION: UNANIMOUS CONSENT.

UTILITY ESMT. VACATION EXHIBIT



HEA's mapping shows that there is a transformer and pedestal located in this area with service lines being run to different parcels. HEA is not opposed to the vacation of the utility easement as long as the west 20 feet of the easement is NOT VACATED.

HEA REVIEWED - SEE COMMENTS

Scott Huff

Scott Huff 3/13/2025
Land Management Officer

PENINSULA SURVEYING, LLC

10535 KATRINA BOULEVARD, NINILCHIK, AK 99639
(907)306-7065

LOT 2A BLOCK 6
FAIRVIEW SUBD. FLYUM ADDN.
HM2005-61
CITY OF HOMER, HRD,
SEC 18, T6S, R13W, SM, AK

SCALE:
1" = 100'

DATE:
2/20/2025

DRAWN:
BLT

SHEET:
1 OF 1