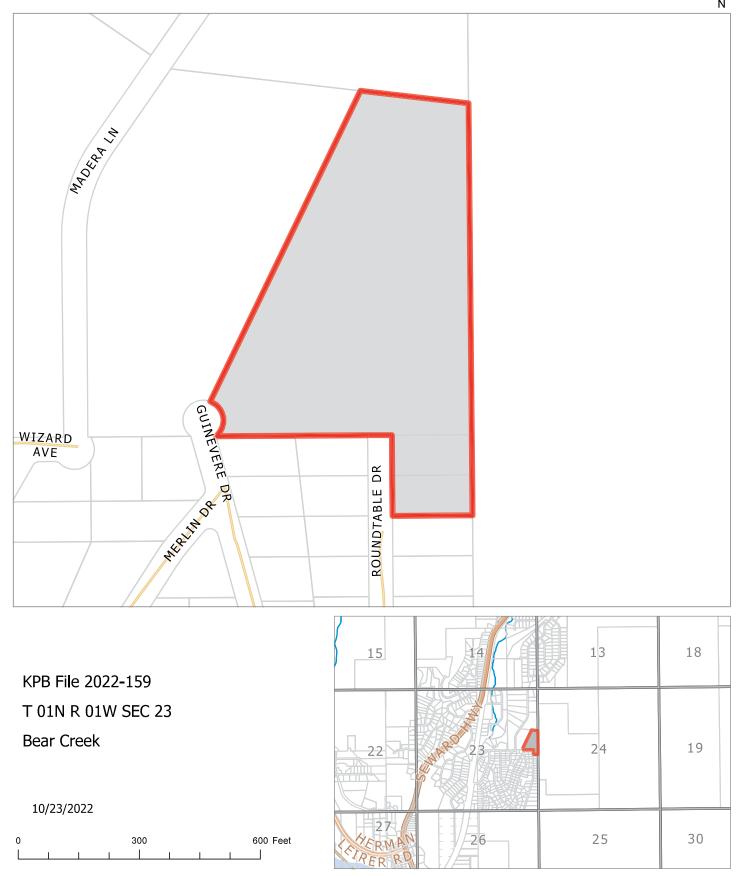
# **E. NEW BUSINESS**

3. Questa Woods Subdivision Unrein Addition KPB File 2022-159



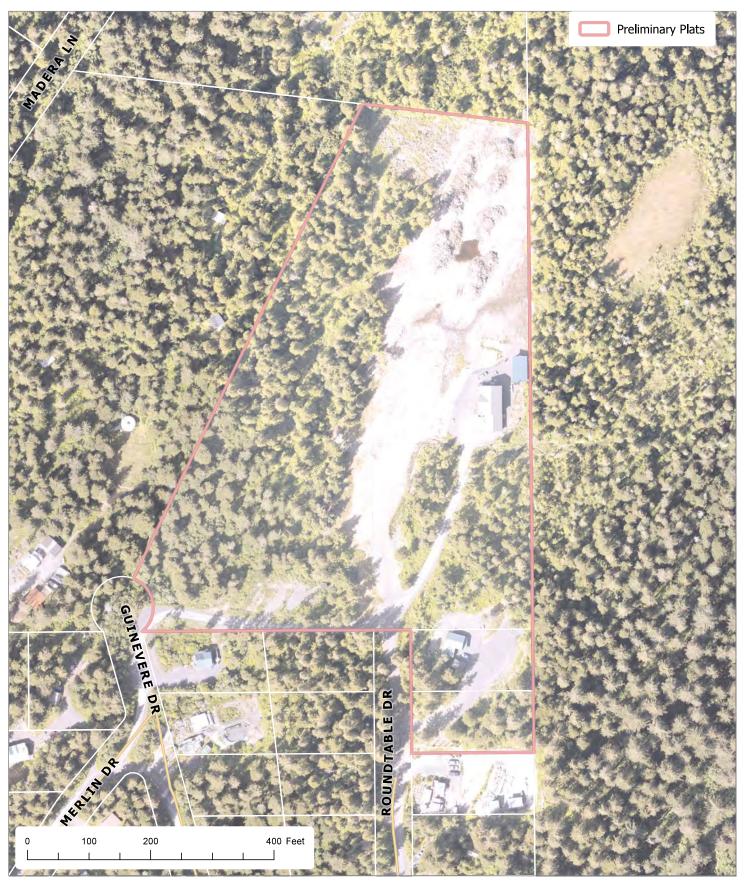


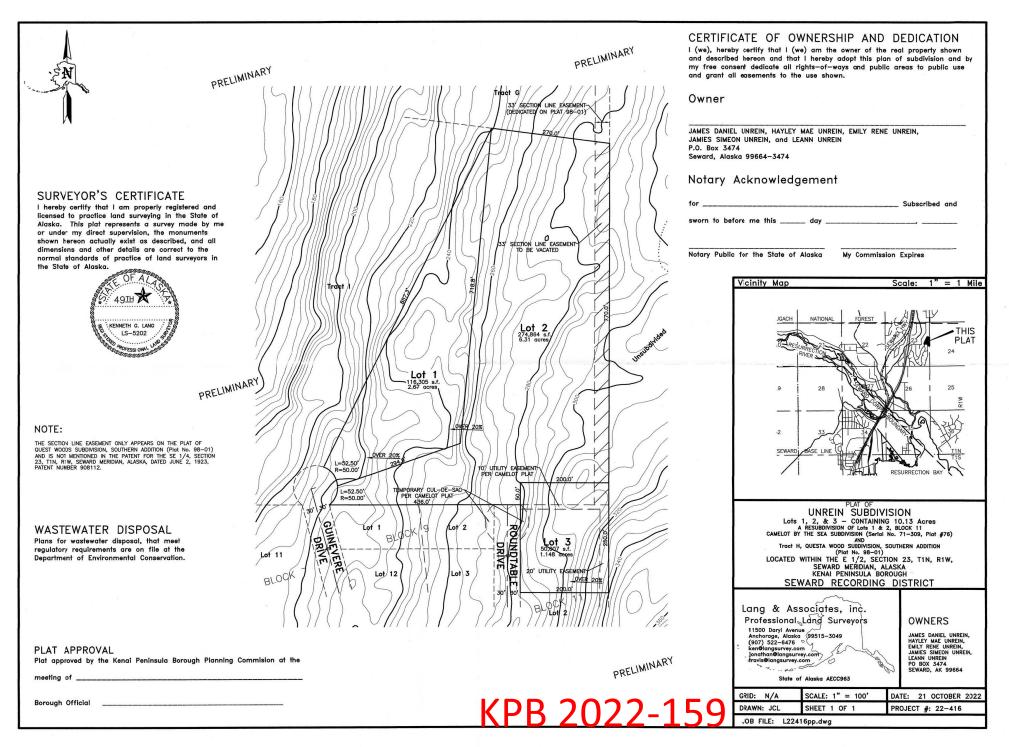


Aerial View

KPB 2022-159 10/23/2022

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## AGENDA ITEM E. NEW BUSINESS

KPB File No.	2022-159
Plat Committee Meeting:	November 14, 2022
Applicant / Owner:	James, Hayley, Emily, James, Leann Unrein all of Seward, Alaska
Surveyor:	Ken Lang / Lang and Associates, Inc.
General Location:	Guinevere Drive, Roundtable Drive, Bear Creek
Parent Parcel No.:	144-012-04, 144-210-01, 144-210-02
Legal Description:	Lots 1 and 2, Block 11, Camelot by the Sea Subdivision, Plat SW 76 and Tract
	H, Questa Wood Subdivision Southern Addition, SW 98-01
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

#### **ITEM 3 – QUESTA WOODS SUBDIVISION UNREIN ADDITION**

## STAFF REPORT

**Specific Request / Scope of Subdivision:** The proposed plat will reconfigure three lots into three new lots and vacate a public access easement. The former parcels were .45, .47, and 9.2 acres and the new lots will be 1.148, 2.67, and 6.31 acres.

Location and Legal Access (existing and proposed): The proposed subdivision is located at the end of Guinevere Drive and Roundtable Drive, 60 foot wide dedications.

Guinevere Drive ends with a cul-de-sac bulb and it appears borough maintenance ends at the intersection with Merlin Drive leaving approximately 165 feet unmaintained. Guinevere Drive currently provides constructed access to Tract H. This access can be used by proposed Lot 2. Proposed Lot 1 will have access from Guinevere Drive.

Roundtable Drive dead ends with a temporary turnaround at the end. The right-of-way is maintained but it appears maintenance ends right at the southern portion of the subdivision. The parent lots 1 and 2 currently have access from Roundtable Drive. It also appears that parent Tract H has constructed access from Roundtable Drive. Proposed Lot 2 will have access via Roundtable Drive.

The subdivision is access by Salmon Creek Road, a state maintained right-of-way that is near mile 3 of the Seward Highway. There are multiple dedicated routs but some are not constructed or dedications not fully obtained.

Questa Woods Subdivision Southern Addition, Plat SW 98-01, depicted a 33 foot section line easement along the eastern boundary and within parent Tract H. This was not a state granted section line easement based on the date of entry for the property and the issuance of the federal patent. When depicted on a plat, where a section line easement does not exists, a public access easement is created that can be used in the same manner as a section line easement. To the south and within parent Lots 1 and 2, a section line easement does not exist and the parent plat did not indicate an easement. The lot to the east is a large acreage lot owned by Alaska Mental Health Trust Authority. Per KPB staff documentation, it appears that the large acreage parcel is subject to a 50 foot section line easement that connects to a 33 foot section line easement to the north and then to dedicated rights-of-way. The owners are requesting to vacate the public access easement that was created along Tract H and to finalize with the plat. The petition to vacate will be heard by the Kenai Peninsula Borough Planning Commission at the November 14, 2022 meeting.

The block is not compliant due to large acreage lots to the east as well as multiple rights-of-way ending with cul-desacs. Camelot by the Sea Subdivision was a subdivision of 160 acres and is located to the south of this subdivision. The subdivision was done in 1971 and the design created multiple meandering roads making some of the blocks difficult to define. Guinevere Drive and Roundtable Drive were dedicated with the intent of continuing to the north. When Questa Wood Subdivision Southern Addition was done in 1998 the roads were not continued. A bulb was granted at the end of Guinevere Drive and a new road was dedicated to the north, Madera Lane, off Castle Drive. Camelot by the Sea Subdivision did but a temporary cul-de-sac at the end of Roundtable Drive with the note it would be automatically vacated with the extension of the right-of-way. The owners are requesting an exception to not continue Roundtable Drive to the north and to carry over the temporary turnarounds. *Staff recommends* the plat committee concur that an exception to block length is not required as the main dedications to improve the block have an exception request.

If the exception is granted for dedications, *staff recommends* the label for the temporary turnaround be updated to state "...per Plat SW 76."

KPB Roads Dept. comments	Out of Jurisdiction: No
	Roads Director: Uhlin, Dil
	Comments: No comments
SOA DOT comments	No comment - Engineering

<u>Site Investigation</u>: There are no low wet areas within the subdivision boundary or affecting adjacent rights-of-way. The submitted preliminary plat contains terrain which appears to be four foot contours. There are several areas within the subdivision that appear to contain slopes greater than 20 percent. Some of those areas are labeled. **Staff recommends** any steep slopes greater than 20 percent be indicated on the final plat if they will limit development or access routes for the new lots.

Structures are present and as-builts were supplied. The structures that will be within proposed Lot 2 are within the property boundary but a fuel tank is within the easement proposed for vacation. The improvements that will be within proposed Lot 3 will be fully contained as the lot line adjustment will correct the encroachment issue.

KPB River Center review	Floodplain: Not within flood hazard area. Located in a Non-Regulatory X -
	Zone, minimal flood risk.
	Habitat Protection: Is NOT within HPD. No comments
	State Parks: No comments
State of Alaska Fish and Game	No objections

**<u>Staff Analysis</u>** This is a replat of three lots from two separate parent plats. The three lots will be reconfigured to create three new lots. The two larger lots will have access from the cul-de-sac for Guinevere Drive. The width is limited and under 60 feet width but the narrow portions increase in width within a reasonable distance. A flag lot note should be added as well as one stating limited future development may occur.

The replat will also address an encroachment issue between parent Lot 1 and Tract H.

Parent parcel Tract H was subject to 20 foot building setbacks per plat notes on Questa Woods Subdivision Southern Addition, Plat SW 98-01. **Staff recommends** the setbacks be depicted, if unable due to required information a typical depiction may be used, and required plat notes be added.

If new dedications are required or granted, **staff recommends** improvements be located to ensure that there will be no encroachments within dedications, setbacks, or utility easements, if any are found they are to be disclosed and resolution be provided. If within new setbacks or utility easements the structures may be grandfathered after a review by staff and the appropriate depictions and notes being added to the final plat.

A soils report will not be required for Lot 2 due to the size of the lot. Lot 3 is increasing in size and will not require a soils analysis report. Lot 1 will require a soils analysis report to be reviewed and an engineer will need to sign the final plat. *Staff recommends* the correct wastewater notes be added that comply with KPB 20.40 and findings within the soils analysis report.

Notice of the proposed plat was mailed to the beneficial interest holder on October 24, 2022. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The property is not within an advisory planning commission.

<u>Utility Easements</u> Proposed Lot 3 will be subject to a 20 foot utility easement along the eastern boundary and a 10 foot utility easement along the northern boundary of the former lot line that were granted with Camelot by the Sea Subdivision. *Staff recommends* the label for the 10 foot and 20 foot utility easement state they are granted by Plat SW 76.

Proposed Lot 1 and Lot 2 will be subject to 10 foot utility easements that were granted with Questa Wood Subdivision Southern Addition. The plat notes states the 10 feet adjacent to rights-of-way were utility easements. This would include at the end of Roundtable Drive. *Staff recommends the utility easements be depicted along Guinevere Drive and Roundtable Drive.* 

Per KPB code, a required 10 foot utility easement is required adjacent to rights-of-way. New utility easements will need to be granted along Roundtable Drive and any new dedications. *Staff recommends* the new utility easements be depicted and code required plat notes be added.

An easement with a defined location has been granted to the City of Seward for utilities per the Certificate to Plat. *Staff recommends* the location be shown with a reference to a plat note that contains the recording information.

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends** to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.

# Utility provider review:

HEA	This subdivision is not located with HEA's service area. No comments.
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown
SEWARD ELECTRIC	No response
CHUGACH ELECTRIC	No comments. Not within service area.
TELALASKA	No response

# KPB department / agency review:

A dalara a sinan	
Addressing	Reviewer: Haws, Derek
	Affected Addresses:
	12512 ROUNDTABLE DR
	12498 ROUNDTABLE DR
	12490 ROONDTABLE DR
	Existing Street Names are Correct: Yes
	List of Correct Street Names:
	List of Correct Street Names.

	GUINEVERE DR
	ROUNDTABLE DR
	Existing Street Name Corrections Needed:
	All New Street Names are Approved: No
	List of Approved Street Names:
	List of Approved Street Names.
	List of Street Names Denied:
	Comments:
	12512 ROUNDTABLE DR will remain with lot 2.
	12498 ROUNDTABLE DR will remain with lot 3.
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.
	Matarial Site Commenter
	Material Site Comments:
	There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

# STAFF RECOMMENDATIONS

**CORRECTIONS / EDITS** 

# KPB 20.25.070 – Form and contents required

**Staff recommendation**: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

A. Within the Title Block

1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.

2. Legal description, location, date, and total area in acres of the proposed subdivision;

3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.

**Staff recommendation:** Include the KPB File number. Update the file name as discussed with staff. Update the owners' name, "James Simeon".

D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;

**Staff recommendation:** Some information is cut off such as Chugach Forest label. Instead of Seward Corp Boundary update to Seward City Limits. Make sure there are no overstrikes on information.

G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;

**Staff recommendation:** Parent plat information is not requested if from the same parent plat listed within the title block. As there are more than one subdivision associated with this plat, provide the recording number for the neighboring lots. The block label for Lot 11 currently has an overstrike, make sure visible with final. The lot south of proposed Lot 3 needs updated from 2 to 3.

- J. Block and lot numbering per KPB 20.60.140, approximate dimensions and total numbers of proposed lots; **Staff recommendation:** Staff requests the lot numbers be revised to incorporate a former lot number within the new number. Example: 1A, H1, H2. If the lot does not contain a block label it will not be carried over. This is not a requirement but if the owners wish it to be part of the new legal a label will be required.
- N. Apparent encroachments, with a statement indicating how the encroachments will be resolved prior to final plat approval;

**Staff recommendation:** House on Lot 3 appears to be in utility easement. No petition to vacate has been received.

# KPB 20.30 – Subdivision Design Requirements

**Staff recommendation**: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

## 20.30.240. Building setbacks.

A. A minimum 20-foot building setback shall be required for dedicated rights-of-way in subdivisions located outside incorporated cities.

A. The setback shall be graphically depicted and labeled on the lots; if such depiction will interfere with the legibility of the plat, a typical lot showing the depiction and label may be provided on the plat, clearly indicating that the typical setback applies to all lots created by the plat.

B. The setback shall be noted on the plat in the following format: Building setback- A setback of 20 feet is required from all dedicated street right-of-ways unless a lesser standard is approved by resolution of the appropriate planning commission.

C. When a subdivision is affected by a Local Option Zoning District (LOZD), an approved by the assembly, all building setbacks shall be graphically depicted and labeled on the lots. A local option zoning setback shall be noted on the plat in the following format:

Building setback – This subdivision is located within (name of LOZD) Local Option Zoning District as contained in KPB Chapters 21.44 and 21.46 and adopted by KPB Ordinance (number), recorded under (serial no. and recording district). Information regarding the zoning restrictions and copies of the ordinance are available from the KPB Planning Department.

Staff recommendation: Plat notes are required as well as depiction or detail drawing.

# KPB 20.40 – Wastewater Disposal

**Staff recommendation**: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: Proposed Lot 2 is larger than 5 acres and does not require a soils report. Lot 3 is increasing in size and does not require a soils report. Lot 1 will require a soils analysis report and an engineer must sign the plat.

**Staff recommendation**: Plat notes will need to be added that note which lot the note pertains, comply with 20.40.

## KPB 20.60 – Final Plat

**Staff recommendation**: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.040. Dedication of public use lands. Any land shown on a plat as a street, public park or other public area must be dedicated on the final plat to a tax exempt governmental entity. If the governmental entity is not the Kenai Peninsula Borough, the governmental entity shall be required to execute an acceptance of the dedication on the plat.

Staff recommendation: Any dedications required will need an acceptance to be signed by the borough.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required, Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat. *Staff recommendation:* Place the following notes on the plat.

- If dedications are required, "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)."
- Lots from Camelot by the Sea are subject to covenants, conditions, restrictions, and/or easements recorded on July 26, 1971 in Book 51R, Page 39, Seward Recording District and amended on September 22, 1972 in Book 53R, Page 74, Seward Recording District. Lots from Questa Woods Subdivision Southern Addition are subject to covenants, conditions, restrictions, and/or easements recorded on January 21, 1998 in Book 89, Page 345, Seward Recording District.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Subject to right-of-way easement defined by document serial number 2004-000312-0, Seward Recording District, granted to the City of Seward.
- Setback and utility required notes must be added.
- Required wastewater disposal notes must be added.
- If any exceptions are granted a plat note must be added.
- If the vacation of the section line easement is granted please add the following "The 33 foot public access easement that was designated as a section line easement on Questa Woods Subdivision, Southern Addition, Plat SW 98-01, was vacated by the Kenai Peninsula Borough Planning Commission at the November 14, 2022 meeting. Consent by the Kenai Peninsula Borough Assembly was granted on December 13, 2022."
- No structures are permitted within the panhandle portion of the flag lot(s).
- There may be possible limitations on further subdivision based on access issues, development trends in the area, or topography.

# 20.60.190. Certificates, statements, and signatures required.

**Staff recommendation**: The certificate of ownership shall be done in the plural, correct the spelling of James Simeon's name, provide Leann's middle initial as this is how title was taken. The signature lines should indicate which former lots they are signing on behalf of. Additional notary space may be required. Correct as the current notary is a combination of acknowledgement and jurat. Comply with 20.60.190.

KPB 20.70 – Vacation Requirements

Staff recommendation. Must be recorded within one year of consent.

# **EXCEPTIONS REQUESTED:**

# KPB 20.30.030 – Proposed street layout-requirements and KPB 20.30.100 – Cul-de-sacs

<u>Surveyor's Discussion:</u> The underlying plat for Camelot by the Sea created a temporary cul-de-sac at the north end of Roundtable Drive. Since they are not allowed under the current code we are requesting an exception for it to be carried forward on this plat. By doing so Roundtable Drive could be extended in the future.

<u>Staff Discussion:</u> Staff has grouped the exception requests, if the Plat Committee wishes to take action on the exceptions separately they may do so by making two separate motions.

# Surveyor's Findings:

- 1. This is a situation that has been in existence since the plat was recorded in 1971.
- 2. The petitioner does not want to extend the street at this time but would like the option to do so in the future.
- 3. The granting of these exceptions is not detrimental to the borough or the adjacent property owners.

# Staff's Findings:

- 4. Camelot by the Sea Subdivision, SW 76, granted a temporary cul-de-sac with the note it would be automatically vacated upon street extension.
- 5. Camelot by the Sea Subdivision, SW 76, intended the property to the north to continue the dedication.
- 6. Questa Woods Subdivision Southern Addition, SW 98-01, did not continue Roundtable Drive and did not provide a turnaround area.
- 7. Questa Woods Subdivision Southern Addition, SW 98-01, dedicated a different through right-of-way that meanders slightly in the subdivision.
- 8. A through dedication of Roundtable Drive could be granted but would need to connect to Timber Drive and would not run north to connect to Melanie Lane due to Timber Drive design.
- 9. Additional parcels would be needed to provide a proper continuation.
- 10. Tract G to the north has improvements near the straight through continuation.
- 11. Extensions of Roundtable Drive will need to be planned with development and existing restrictions.
- 12. Cul-de-sacs are to be permanently closed.
- 13. Due to the design of the two new lots, requiring a cul-de-sac will limit their future development.
- 14. Current KPB Code no longer allows for temporary turnarounds.
- 15. The temporary turnaround is in place until the road is extended or vacated.
- 16. Requiring a different style turnaround dedication such as hammerhead or t-style would comply with code and allow for future extension.
- 17. Dedicating a hammerhead or t-style would not remove the temporary turnaround and the lot will still be subject to the temporary turnaround as the note specifically states it is street extension.

# Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

# E3-10

- 1. That special circumstances or conditions affecting the property have been shown by application; **Findings 1-4, 6-13, 15, and 17 appear to support this standard.**
- That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title; Findings 1-4, 6-13, 15, and 17 appear to support this standard.
- That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
  Findings 1-4, 6-13, 15, and 17 appear to support this standard.

**Staff recommendation**: place notes on the final plat indicating any exceptions granted by the Plat Committee with the meeting date.

# **RECOMMENDATION:**

# SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

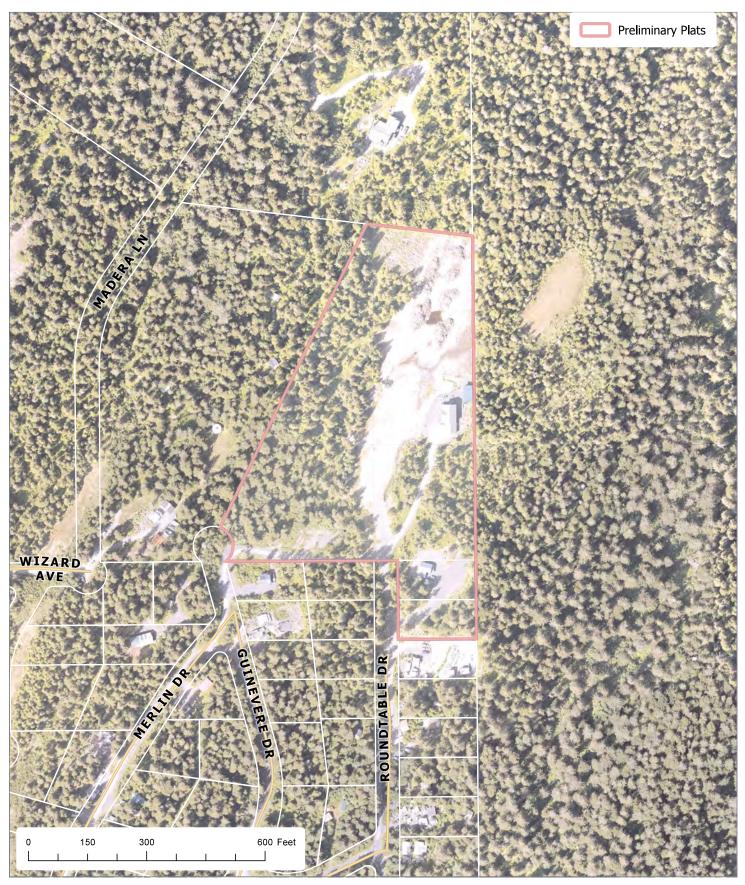
END OF STAFF REPORT



Aerial View

KPB 2022-159 10/23/2022

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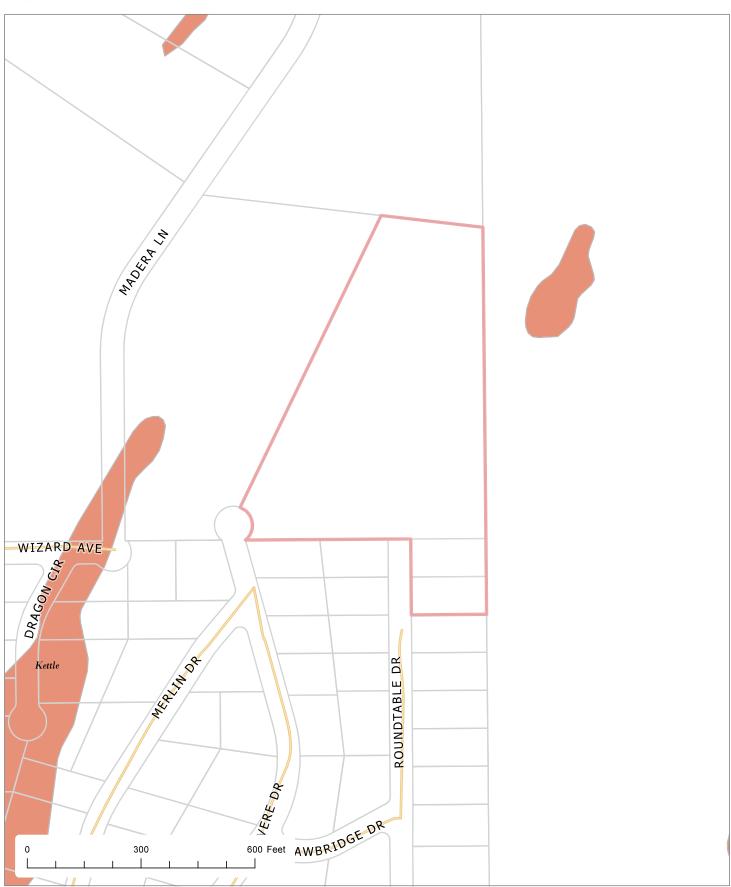






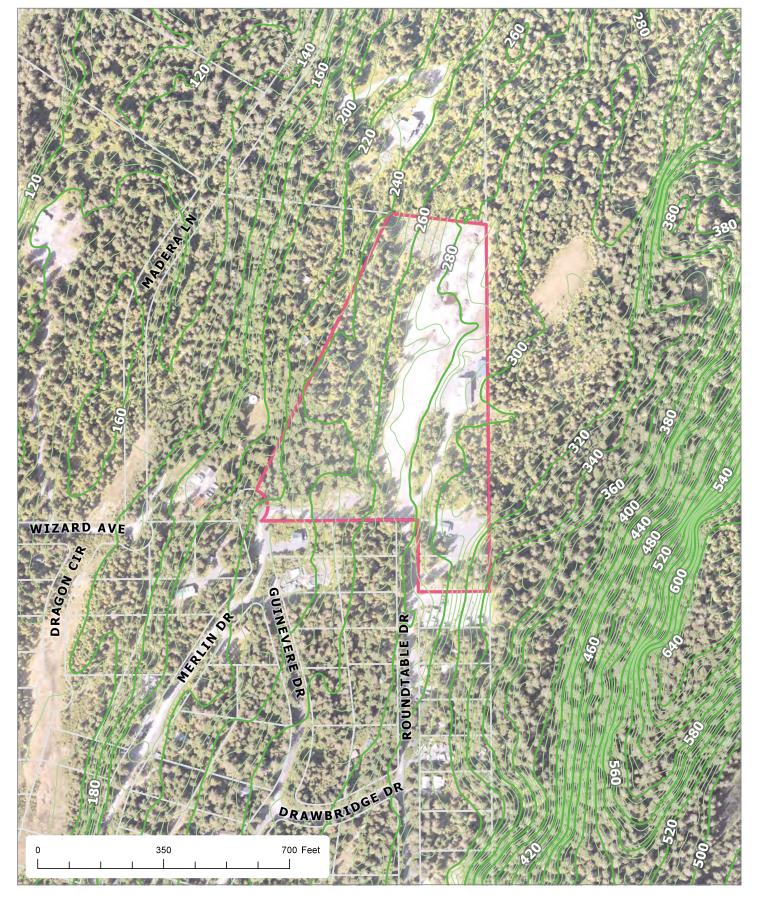
KPB File 2022-159 10/23/2022







Aerial with 5-foot Contours





# Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

# **EXCEPTION REQUEST APPLICATION**

# NAME OF PRELIMINARY PLAT OR PLANNING COMMISSION ITEM:

Unrein Subdivision

# PROPERTY INFORMATION:

legal description: Lot 1 & 2, Blk 11 Camelot & Tract H, Questa Woods Sub, Southern add

General area location: at the North end of Koundtable Drive, Seward

## 20.50.010. - EXCEPTIONS TO REGULATIONS-PROCEDURE-COMMISSION AUTHORITY.

- A. Unless prohibited under this title, the commission may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. The commission shall make findings of fact meeting the following standards before granting any exception:
  - 1. That special circumstances or conditions affecting the property have been shown by application;
  - 2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
  - 3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
- B. Where a design requirement of this title is addressed by a zoning regulation adopted by the borough assembly or city council, the variance procedures of the applicable zoning code shall be utilized in lieu of the exception procedures.
- C. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.
- D. Upon reconsideration of a plat committee decision following the procedure in KPB 20.25.120, an appeal of a decision of the planning commission made under this section shall be taken to the

# SUBMITTAL REQUIREMENTS

Identify the exceptions requested including the section identifier of KPB code. Provide evidence justifying the requested exceptions that fully states the grounds for the exception request, and the facts relied upon. A letter can be attached to this application.

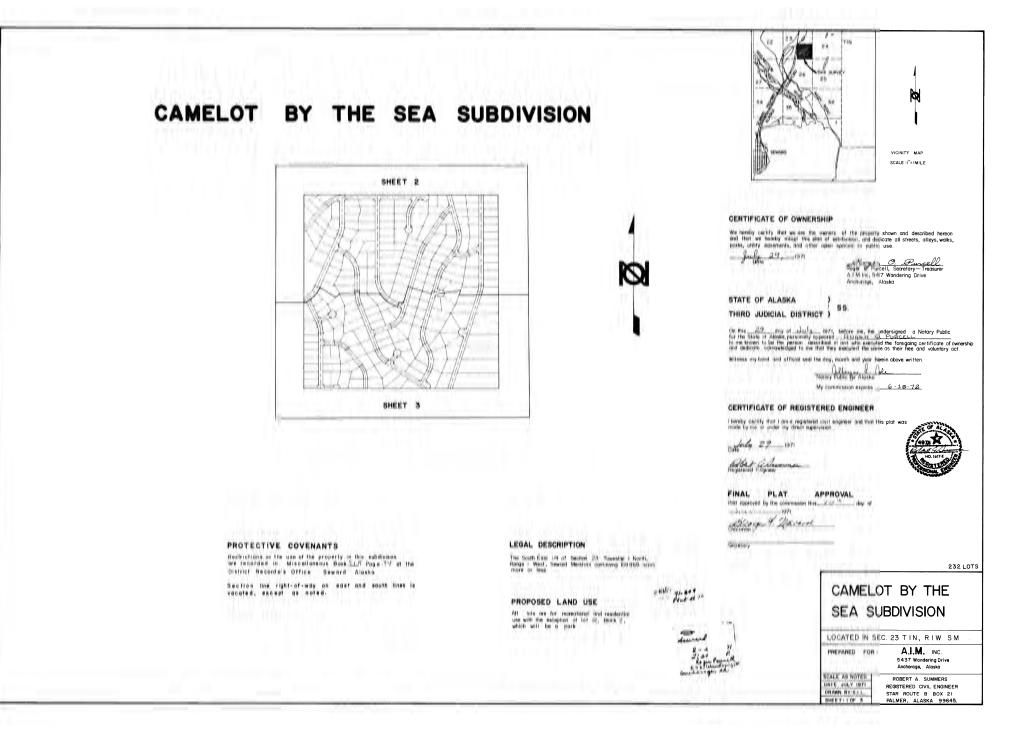
20.30.030 Proposed street layout 30.30.100 Cil-de-sacs

The underlying plat for Camelot by the Sea created a temporary cul-de-sac at the north end of Roundtable Drive. Since they are not allowed under the current code we are requesting an exception for it to be carried forward on this plat. By doing so Roundtable Drive could be extended in the future. Our justification is as follows:

This is a situation that has been in existance since the plat was recorded in 1971, The petitioner does not want to extend the street at this time but would like the option to do so in the future. The granting of these exceptions is not detremental to the Borough or the adjacent property owners.

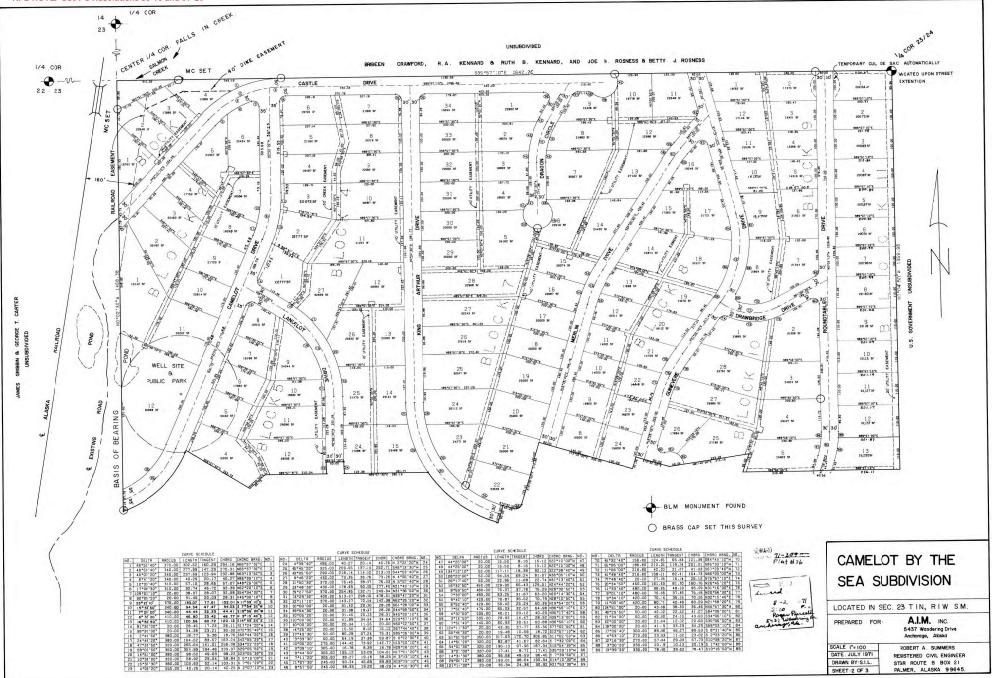
DATE SUBMITTED

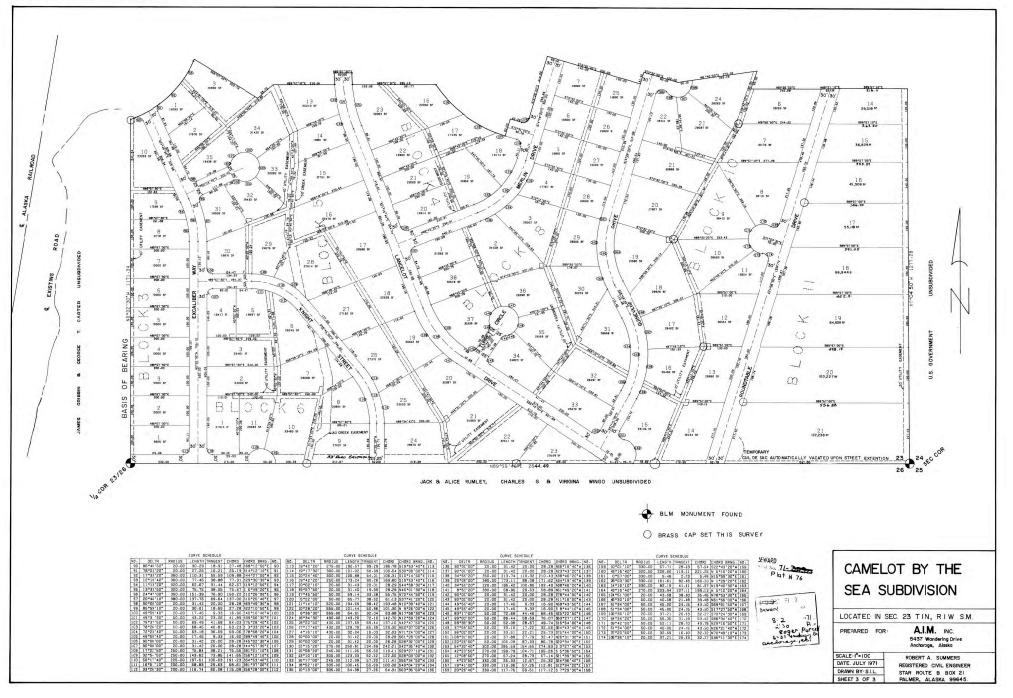
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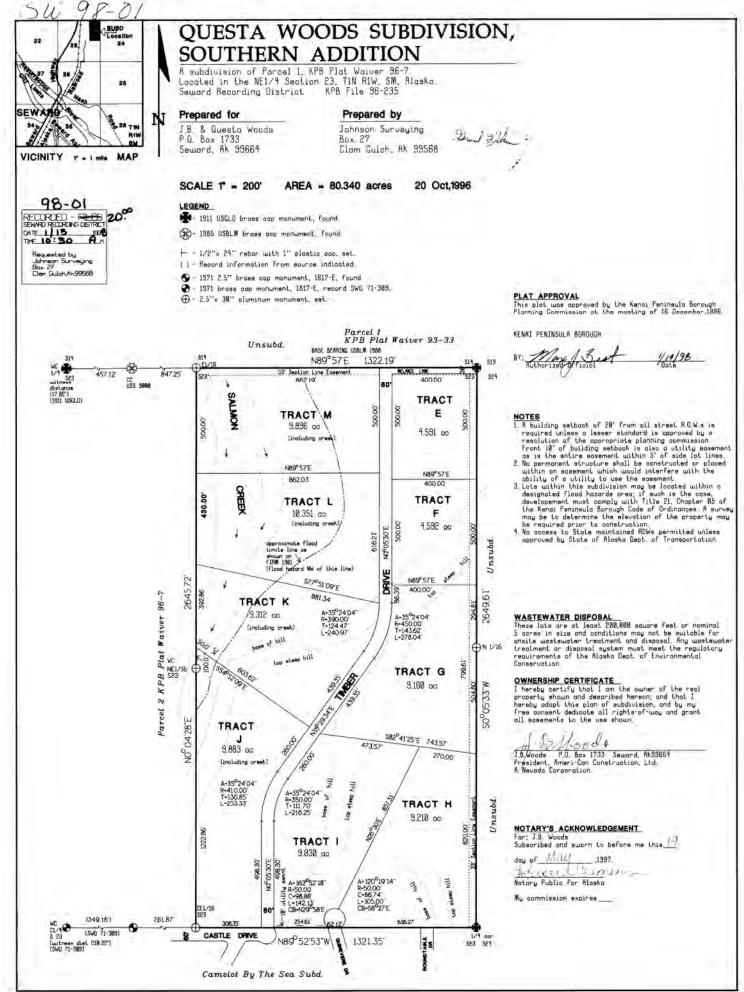


## E3-16

#### KPB NOTE: See PC Resolutions 86-10 and 97-26







E3-19

# KENAI PENINSULA BOROUGH PLANNING COMMISSION

#### SEWARD RECORDING DISTRICT

GRANTING A PLATTING WAIVER FOR CERTAIN LANDS WITHIN SECTION 23, TOWNSHIP 1 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA.

WHEREAS, J. B. Woods, of Ameri-Can Construction, Ltd. has petitioned for a waiver of platting requirements for the following described parcel:

That portion of the Northeast Quarter (NE1/4) of Section 23, Township 1 North, Range 1 West, Seward Meridian, Seward Recording District, Third Judicial District, State of Alaska, lying east of the right-of-way of the Alaska Railroad as it runs through said Section 23, and excepting therefrom that portion of the Southwest Quarter of the Northwest Quarter of the Northwest Quarter, east of the right-of-way of said Alaska Railroad, excepting therefrom also a strip of land twenty feet (20') in width running within and along the southern portion of the Northwest one-quarter of said Northeast one-quarter joining from and extending the existing or the intended right-of-way across the right-of-way of the said Alaska Railroad, making access to the land herein conveyed from the Seward Highway.

WHEREAS, 29.04.090 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 two parcels described as follows:

Parcel 1: East 1/2 of NE1/4, Sec 23, T1N, R1W, Seward Meridian, Alaska; cntg 80 acres m/l.

Parcel 2: West 1/2 of the NE1/4 lying east of ARR except that portion of SW1/4 of the NW1/4 of the NE1/4 of Sec. 23, T1N, R1W, Seward Meridian, Alaska; lying east of the right-of-way of the Alaska Railroad; cntg 57.86 acres m/l.

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 B DAY OF <u>April</u>, 1996

John Hammelman, Chairperson Planning Commission

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn before me this 8 day of Apri Notary Public for State of Alaska (

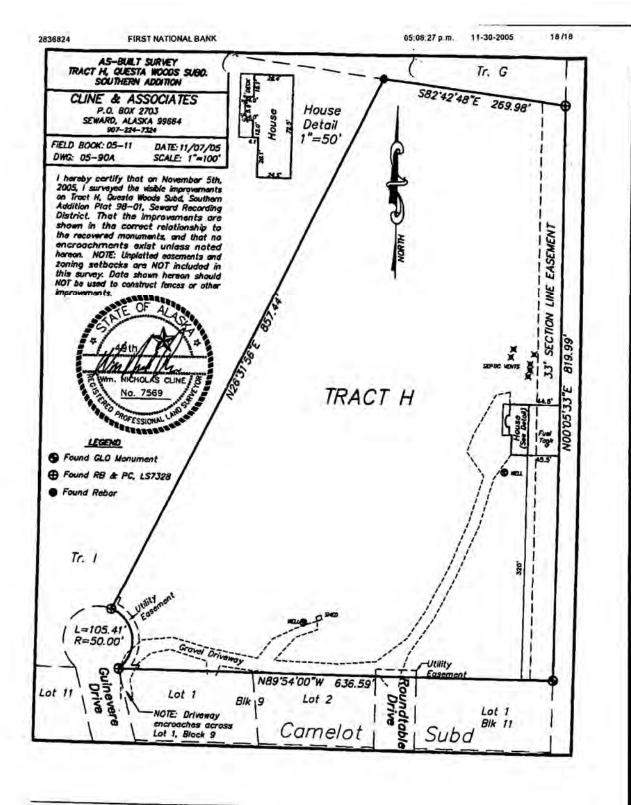
My Commission Expires: 1--16-

NOTARY PUBLIC STATE OF ALASKA MARIA E. SWEPPY

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



1996.



1. Mar ...

JA SON

