



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director *mb*

DATE: August 13, 2015

SUBJECT: Vacate Mills Pond Avenue right-of-way, a 60-foot wide by 1,060 foot in length right-of-way as dedicated by Davis-Mills Subdivision (Plat KN 2007-57) and Toombs Subdivision #3 (Plat KN 2006-105). Also vacate a portion of Toombs Ave., a 33-foot wide by 90 feet in length east to west spur (overlying a Section Line Easement) also dedicated by Toombs Subdivision #3 (Plat KN 2006-105). This action also proposes to vacate all 10 foot utility easements along each right-of-way proposed for vacation as created by plat note on each plat. The Toombs Avenue Spur is located within the SE ¼ of Section 3, and Mills Pond Avenue is located within NE ¼ of Section 10; both within Township 2 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2015-074.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of August 10, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
4. Per the submittal, the right-of-way proposed for vacation have not been constructed.
5. The rights-of-way do not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, two utility companies have provided written statements of non-objection.
8. The associated plat that will finalize the vacation, if it is approved, provides an alternative right-of-way over an existing travel way.
9. The proposed vacation of the existing Mills Pond Avenue moves a KPB right-of-way out of a low wet area.
10. Vacation of the fee right-of-way will not vacate the underlying section line easement, which will be shown and labeled on the plat that will finalize the right-of-way vacations.
11. KPB Roads Department provided a written statement of no objection to the proposed vacations.

The Assembly has 30 days from August 10, 2015 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only