

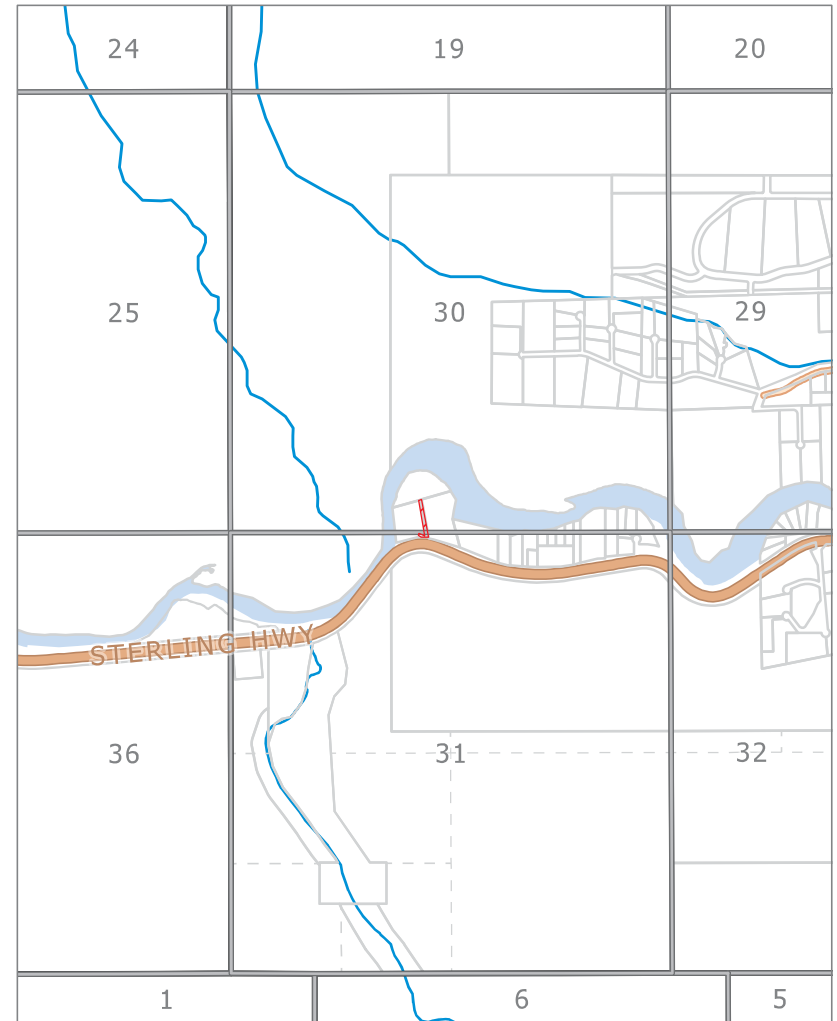
E. NEW BUSINESS

2. Right of Way Vacation; KPB File 2024-068V

Edge Survey & Design / Wildland Projects, LLC

Request: Vacates the entire 25' Hamilton Rd. ROW & associated utility easement granted by Taylor-Wright Subdivision, Plat SW 83-007

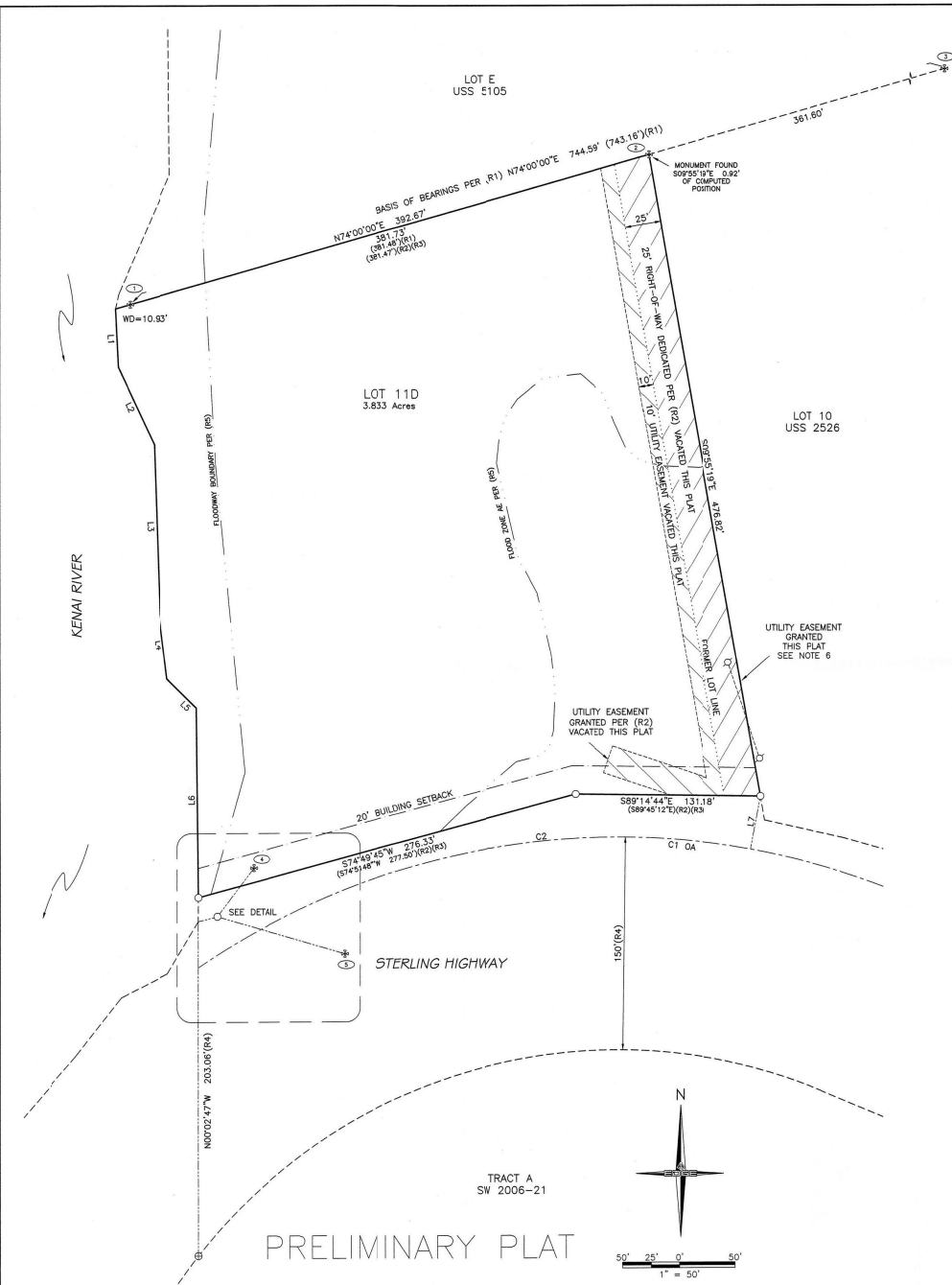
Cooper Landing Area / Cooper Landing APC



KPB File 2024-068V
T 05N R 03W SEC 30
Cooper Landing



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.



KPB 2024-068V

LEGEND

- * FOUND BLM MONUMENT AS REFERENCED
 - FOUND PRIMARY MONUMENT AS REFERENCED
 - ⊕ RECORD PRIMARY MONUMENT PER (R4)
 - FOUND SECONDARY MONUMENT 5/8" REBAR - NO CAP
 - C COMPUTED
 - OA OVER ALL
 - (R) RECORD DATA SEE REFERENCE
 - ① MONUMENT REFERENCE NUMBER
 - UTILITY POLE
- SUBDIVISION BOUNDARY
 - FORMER LOT LINE
 - ADJACENT PROPERTY LINE
 - EASEMENT
 - SETBACK
 - CENTERLINE
 - MONUMENT TIE LINE
 - FLOOD DATA LINE
 - SECTION LINE
 - RIGHT-OF-WAY VACATED THIS PLAT
 - UTILITY EASEMENT VACATED THIS PLAT

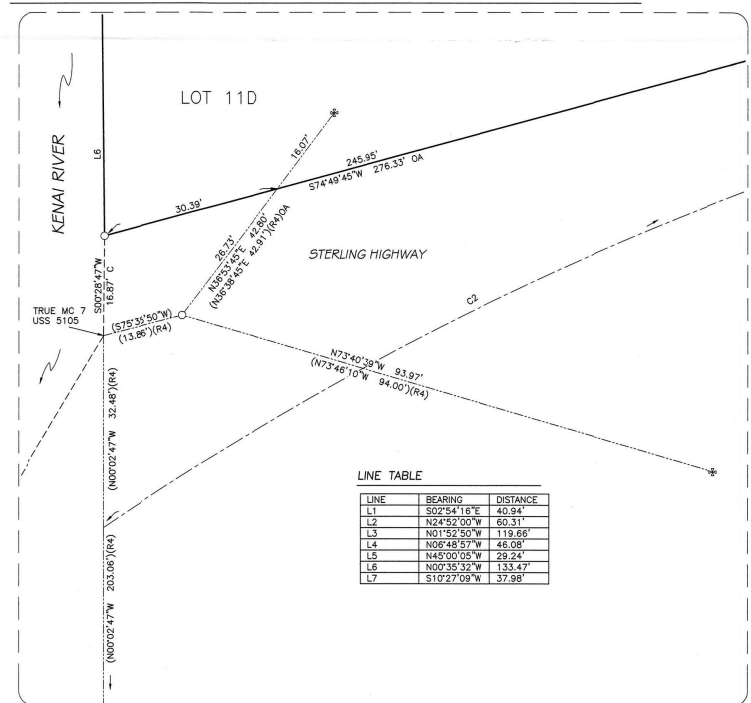
REFERENCES

- (R1) U.S. SURVEY 2526, DATED MAY 26, 1934.
- (R2) TAYLOR-WRIGHT SUBDIVISION, PLAT 83-07, SEWARD RECORDING DISTRICT
- (R3) TAYLOR-WRIGHT SUBDIVISION-REPLAT, PLAT 86-04, SEWARD RECORDING DISTRICT
- (R4) ASLS 2003-5, PLAT 2006-21, SEWARD RECORDING DISTRICT
- (R5) FLOOD INSURANCE RATE MAP 020012-1360-E AND 020012-1380-E

CURVE TABLE

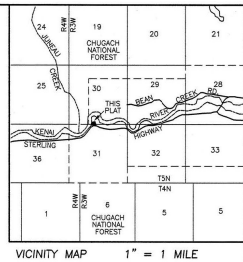
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	525.00'	522.91'	57°04'03"	S84°14'03"W	501.56'
C2	525.00'	410.06'	44°45'07"	S78°04'39"W	399.72'

DETAIL - SCALE 1" = 10'



LINE TABLE

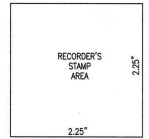
LINE	BEARING	DISTANCE
L1	S02°54'16"E	40.94'
L2	N24°52'00"W	60.31'
L3	N01°52'50"W	119.66'
L4	N06°48'57"W	46.08'
L5	N45°00'05"W	29.24'
L6	N02°55'52"W	133.47'
L7	S10°27'09"W	37.98'



SURVEYOR CERTIFICATE

I, MARK AIMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

MARK A. AIMONETTI
AKPLS 13022



KPB FILE: 2024-000

TAYLOR-WRIGHT SUBDIVISION 2024 REPLAT RIGHT-OF-WAY VACATION

A REPLAT OF
TAYLOR-WRIGHT SUBDIVISION- REPLAT
SEWARD RECORDING DISTRICT
LOCATED WITHIN SW 1/4 SECTION 30
T3N, R3W, S4M
STATE OF ALASKA
KENAI PENINSULA BOROUGH
SEWARD RECORDING DISTRICT

OWNERS:
WILDLAND PROJECTS LLC
PO BOX 380
GRIFFIN, AK 99587
CONTAINING 3.383 ACRES



DRAWN BY: JT	DATE: 06/18/2024	PROJECT: 24-526
CHECKED BY: MA	SCALE: 1" = 40'	SHEET: 1 OF 2

NOTES

1. A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT OF WAYS UNLESS A LESSER STANDARD IS APPROVE BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. 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.
3. THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 20-FOOT-WIDE ELECTRICAL DISTRIBUTION EASEMENT, INCLUDING GUYS AND ANCHORS, GRANTED THIS PLAT.
4. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
5. THE NATURAL MEANDER LINE FORMS THE TRUE BOUNDARY OF THE SUBDIVISION. THE TRUE PROPERTY CORNERS BEING THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER LINE.
6. FLOODWAY NOTICE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE FLOODWAY, PURSUANT TO KPB CHAPTER 21.06, ALL DEVELOPMENT (INCLUDING FILL) IN THE FLOODWAY IS PROHIBITED UNLESS CERTIFICATION BY AN ENGINEER OR ARCHITECT IS PROVIDED DEMONSTRATING THAT ENCROACHMENTS SHALL NOT RESULT IN ANY INCREASE IN FLOOD LEVELS DURING THE OCCURRENCE OF THE BASE FLOOD DISCHARGE.
7. ANADROMOUS WATERS HABITAT PROTECTION DISTRICT NOTE: PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18 AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION.
8. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTIES SHOWN ON THIS PLAT HAVE BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.04 OF THE KENAI PENINSULA BOROUGH CODE. THIS PLAT IS AFFECTED BY FLOOD ZONES AE PER MAP PANEL 020012-1360-E AND 020012-1360-E.
9. NO DIRECT ACCESS TO STATE MAINTAINED ROWS PERMITTED UNLESS APPROVED BY STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.
10. THESE PARCELS SUBJECT TO AN EASEMENT, WITH NO DEFINED LOCATION, GRANTED TO CHUGACH ELECTRIC ASSOCIATION, INC. FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY, RECORDED NOVEMBER 24, 1960. BOOK 32 PAGE 257, SEWARD RECORDING DISTRICT.
11. RIGHT-OF-WAY VACATION WAS APPROVED BY KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 22, 2024.
12. WASTEWATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT WILDLAND PROJECTS, LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF WILDLAND PROJECTS, LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KIRK HOESSLE, OWNER
WILDLAND PROJECTS, LLC.
PO BOX 389
GIRDWOOD, ALASKA 99587

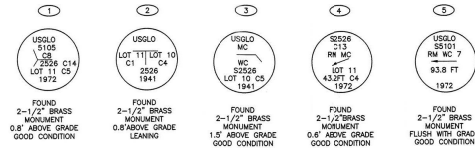
NOTARY ACKNOWLEDGEMENT

FOR: KIRK HOESSLE
ACKNOWLEDGED BEFORE ME
THIS _____ DAY OF _____, 2024

NOTARY PUBLIC SIGNATURE

NOTARY
STAMP
AREA

MONUMENT SUMMARY



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 22, 2024.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

KPB FILE: 2024-000

TAYLOR-WRIGHT
SUBDIVISION
2024 REPLAT
RIGHT-OF-WAY VACATION

A REPLAT OF
LOT 11-C OF
TAYLOR WRIGHT SUBDIVISION-- REPLAT
PLAT 88-4
SEWARD RECORDING DISTRICT
LOCATED WITHIN SW 1/4 SECTION 30
AND
NW 1/4 SECTION 31
T.5N., R.3W., S.4M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
SEWARD RECORDING DISTRICT
OWNERS:
WILDLAND PROJECTS LLC.
PO BOX 389
GIRDWOOD, AK 99587
CONTAINING 3.383 ACRES

EDGE
SURVEY AND DESIGN, LLC
8000 LONG STREET ANCHORAGE, AK 99516
Phone (907) 544-5990 Fax (907) 544-7794

DRAWN BY: DATE: 06/19/2024 PROJECT: 24-525
CHECKED BY: SCALE: 1" = 40' SHEET: 2 OF 2
MR

KPB 2024-068V

Taylor-Wright 2024 Replat and Right-of-Way Vacation

Justification and finding for vacation:

Findings:

1. Original Lot 11 created by US Survey 2526 dated September 28, 1943, with no ROW dedicated, other than Sterling Highway, depicted as Russian River Highway.
2. Tract E was created by US Survey No. 5105, dated April 23, 1979, with no legal access to Tract E other than the Kenai River.
3. Plat 83-07, Seward Recording District subdivided Lot 11, creating lots 11-B and 11-A. Plat 83-07 dedicated additional ROW along Sterling Highway along with the 25' ROW dedication of Hamilton Road.
4. Plat 86-04, Seward Recoding District vacated the lot line between lots 11-B and 1-A, creating the current Lot 11C, leaving Hamilton ROW in place.

Justification:

1. Hamilton Road has been in place for 41 years and has not been developed or used by the public.
2. Hamilton Road location is not easily determined on the ground and if attempted to be used as access by the public would generate trespassing situation on the adjacent properties.
3. Tract E is owned by DNR, and falls predominantly within the flood way, with no plan or intention of being developed by DNR.
4. Tract E has legal access by boat from the Kenai River and legal access by foot below the ordinary high-water line.
5. Tract E has no history of use for recreational purposes.
6. Vacation of Hamilton Road creates more usable space for adjacent landowner.
7. Tract E was granted no road access on original BLM plat US 2526, landowners when plat 83-07 was recorded gave rights to Hamilton Road ROW.

AGENDA ITEM E. NEW BUSINESS

**ITEM #2 - RIGHT OF WAY VACATION
Taylor-Wright Subdivision 2024 Replat**

KPB File No.	2024-068V
Planning Commission Meeting:	July 22, 2024
Applicant / Owner:	Kirk Hoessle / Wildland Projects, LLC
Surveyor:	Edge Survey & Design / Mark Aimonetti
General Location:	Sterling Hwy., Hamilton Rd., Cooper Landing, AK / Cooper Landing APC
Legal Description:	Lot 11C, Taylor-Wright Subdivision, SW 86-04, Section 30 & 31, Township 5 North, Range 3 West, S.M.

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Vacates the entire 25-foot-wide Hamilton Rd right-of-way and associated utility easement granted by plat Taylor-Wright Subdivision, SW 83-07.

Notification: The public hearing notice was published in the July 17th issue of the Peninsula Clarion 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 Cooper Landing

Post Office of Cooper Landing

One certified mailing was sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

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

20 public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Cooper Landing Advisory Planning Commission
Emergency Services of Cooper Landing
Kenai Peninsula Borough Office
Kenai Peninsula Borough Land Management

Seward Bear Creek Fire Service Area
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)
Chugach Electric
TelAlaska

Legal Access (existing and proposed):

Legal access to this property is from the Sterling Highway and shall continue to be. Hamilton Rd is also the access point for Tract E of US Survey 5105 located to the north. Lot 10 of US Survey 2526 also abuts to Hamilton Rd on the east and Sterling Highway. Lot 10 is owned by the petitioner.

The proposed Lot 11-D and containing the ROW vacation and associated easement are located approximately mile 50.1 of the Sterling Highway - just west of Cooper Landing, Alaska.

There is no new dedication or easement being proposed with this vacation as they are being returned to the original dedicating parcel and forming the proposed Lot 11-D.

Several comments were made concerning the vacation and access to Tract E of US Survey 5105. KPB Roads Dept stated no object unless Alaska DNR objected, which did, so KPB Roads should be considered as objecting to this vacation.

Both AK DOT and DNR are strongly opposed to this vacation as it is the only road access point to the tract behind the petitioner's land. Their comments can be viewed below and are included in the packet.

A section line easement appears to cross the plat per KPB data, **Staff recommends** the surveyor verify the data and if correct, show the SLE on the drawing.

Block length along the Sterling Highway will remain non-compliant after the vacation of the right-of-way and easement. **Staff recommends:** the committee concur that an exception is not needed due to the proximity of the block to the Kenai River.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Parcel viewer displays lot 11904021 under ownership of AKDNR. If no protest from that parcel owner, no RSA objections
SOA DOT comments	CR DOT ROW Engineering <u>objects</u> to the proposed ROW vacation KPB 2024-068V as it eliminates all road/highway access to USS 5105 Tract E
SOA DNR comments	Vacating this ROW would remove the only legal upland access to the DNR parcel to the North, which is Kenai Riverfront property. The Kenai Area Plan (pg. 3-112) notes that the DNR parcel, Tract E USS 5105, provides access to the Kenai River, which it cannot do without access to the parcel itself. DNR is strongly against limiting access to this parcel and objects to this proposed right-of-way vacation

Site Investigation:

The right-of-way is mostly level along its entire length, with a decline off the Sterling Highway down Hamilton Rd to the north. No grades exceed 3%.

The Kenai River borders on the west side of the proposed Lot 11-D, and the east side of the adjacent Lot 10, US Survey 2526. A significant border to the north of the adjacent Tract E, US Survey 5105, falls within the Kenai River Floodway according to KPB GIS mapping.

All of Tract E, US Survey 5105, much of Lot 10, US Survey 2526, and the northern portion of the proposed Lot 11-D falls within Flood Zone AE, per KPB GIS mapping, and that portion of proposed Lot 11-D that is affected is noted and delineated on the plat.

River Center review as identified the plat to be in a FEMA designated flood hazard area and the correct note is shown. The FEMA panels listed should be confirmed the River Center Flood Administrator. Plat note #6 can be removed per River Center review KWF Wetlands Assessment data.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area
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	<p>Comments: The plat that finalizes the vacation will have required notes and depictions. The road as platted is partially within a mapped floodplain. Development or construction of this right-of-way would be allowed with an issued permit. No comment in regards to the vacation.</p> <p>Flood Zone: AE Map Panel: 02122C-1380E In Floodway: False Floodway Panel:</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: Portions of this plat lie within the KPB Anadromous Streams Habitat Protection District and permitting through the River Center is required.</p>
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Staff Analysis:

The proposed Lot 11-D was established as Lot 11 on US Survey 2526. Taylor-Wright Subdivision, SW 83-07, divided Lot 11 into Lots 11-A and 11-B, and a 25' ROW dedication with an adjacent utility easement and an additional 17' ROW dedication along the Sterling Highway.

Taylor-Wright Subdivision – Replat, SW 86-04, combined Lots 11A & 11B into Lot 11-C.

To the north lies unsubdivided Tract E, US Survey 5105, and to the east is unsubdivided Lot 10, US Survey 2526. Together with the proposed Lot 11-D, these three parcels form a peninsula into the Kenai River bordered on the south by the Sterling Highway.

No legal access was established for Tract E, US Survey 5105, other than the Kenai River until Taylor-Wright Subdivision, SW 83-7. The 25' ROW appears to never have been developed other than to provide private drive access to the proposed Lot 11-D and Lot 10.

The plat proposes a 20' building setback from all street ROWs and **Staff recommends:** to include the front 10' of the setback and the entire setback within 5' of side lot lines as a utility easement.

There appears to be several encroachment issues along the lot lines between proposed Lot 11-D and Lot 10, US Survey 2526, and this vacation action will relieve all of them as the same owner owns both parcels.

There appears to be additional encroachments along the southern border of proposed Lot 11-D and the Sterling Highway ROW. These encroachments will be exacerbated with the addition of a 20' setback along the Sterling Highway as proposed by this platting action. **Staff recommends:** the surveyor verify any encroachments of permanent structures and if found provide a solution to found encroachments.

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;
Petitioner comments: Only as a driveway, not developed as a road.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: a telephone pole is on the edge of the ROW; an alternative access has not been proposed.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: No development north, access appears still needed, no utilities needing further development at this time
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: yes, access to a public DNR parcel.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: the vacation would limit access to the north parcel
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: With the vacation of the dedication, the parcels will still have access via the Sterling Highway.
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: No utility comments at this time, however, a 10' utility easement along all ROWs is requested by staff as part of this platting action per KPB Code 20.30.060.D. there is a utility with poles shown in the right-of-way with no apparent easement requested.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: petitioner justification has been included in the packet.

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, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled August 12, 2024 meeting.

If approved, Taylor-Wright Subdivision 2024 Replat ROV will finalize the proposed right of way vacations. The Plat Committee is scheduled to review Taylor-Wright Subdivision 2024 Replat ROV on July 22, 2024.

KPB department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 35022 HAMILTON RD, 16520 STERLING HWY Existing Street Names are Correct: No List of Correct Street Names: STERLING HWY, HAMILTON RD
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	<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: IF VACATION IS APPROVED NEW ADDRESS WILL BE ASSIGNED TO 35022 HAMILTON RD</p>
Code Compliance	<p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan</p> <p>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</p> <p>Comments: This road vacation will result in US Survey 5105 Tract E to have no road access</p>
Advisory Planning Commission	

Utility provider review:

HEA	No Comment
ENSTAR	No comment or recommendation
ACS	
GCI	
SEWARD ELECTRIC	
CHUGACH ELECTRIC	
TELALASKA	

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Make the following corrections:

Update KPB file no to 2024-068.

Plat note 10 should be updated to show the date as December 16, instead of November 24.

In the Title Block, a hyphen should be added between "Taylor" and "Wright" and a space should be added before the hyphen and after "subdivision".

In the Vicinity Map, label the purpose of the dotted line, label section 2, and label section 4 correctly.

In the north, label Tract E correctly.

Update label for OHE easement to the correct plat note of reference.

RECOMMENDATION:

Staff recommends DENIAL as petitioned.

If the Planning Commission wishes to approve the petition based on consideration of the merits as per KPB 20.65.050(D), the following would need to be followed upon approval:

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 the 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)).

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*
 - o *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.*

END OF STAFF REPORT



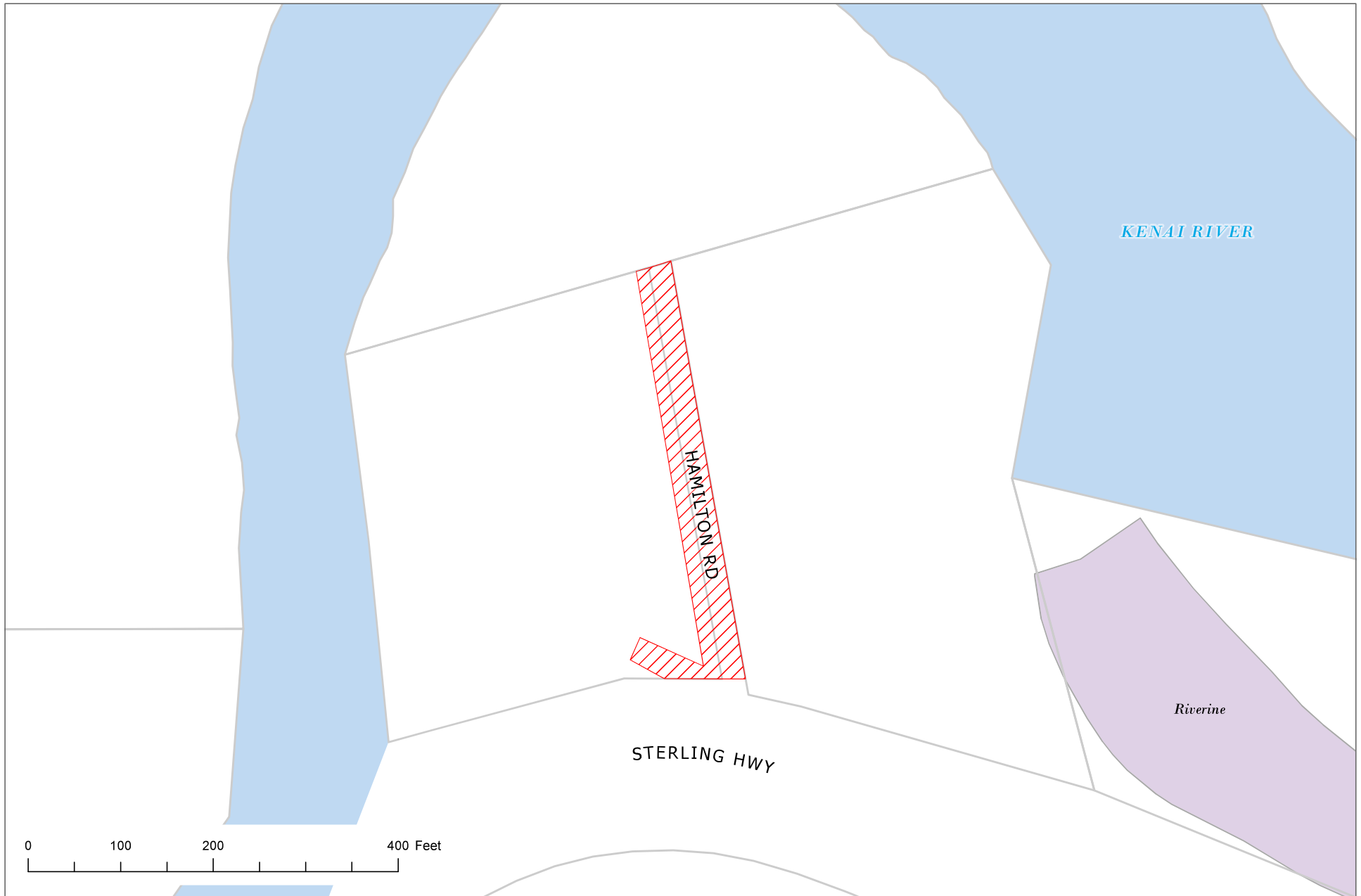
Aerial Map



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.



Wetlands



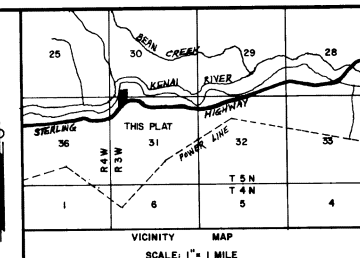
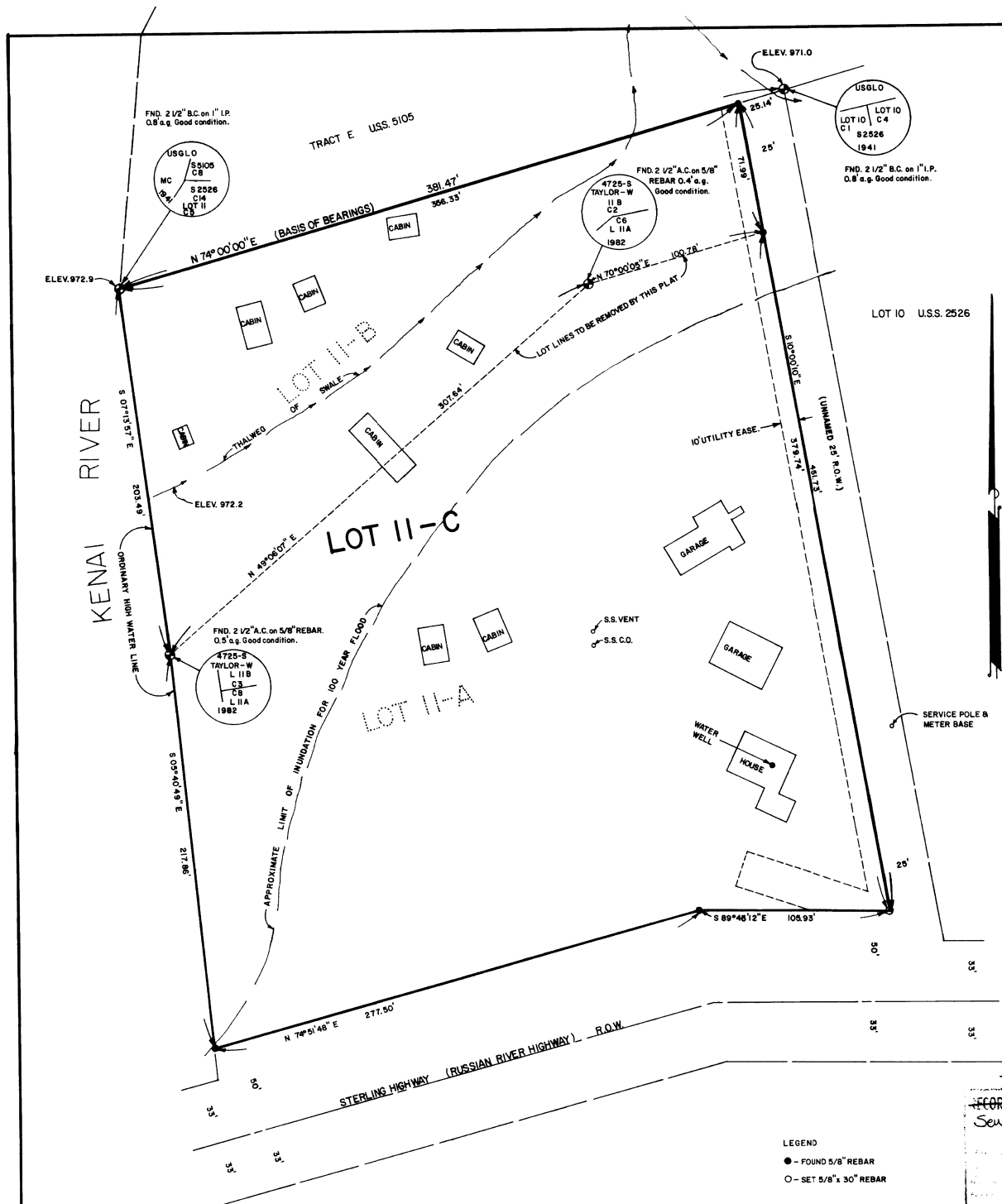
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial with 5-foot Contours



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.



A BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION IN ACCORDANCE WITH SECTION 20.04.070 KENAI PENINSULA BOROUGH SUBDIVISION REGULATIONS.

MARCH 24, 1986
DATE

Richard D. Wright
BOROUGH OFFICIAL

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHT-OF-WAYS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

William G. Wright President
WILLIAM S. WRIGHT, Alaska Fishing & Wildlife Adventures, Inc.
938 "P" STREET
ANCHORAGE, ALASKA 99501

NOTARY'S ACKNOWLEDGEMENT

FOR *William G. Wright*

SUBSCRIBED AND SWORN BEFORE ME THIS 14th DAY OF

February, 1986.

Richard D. Wright
NOTARY PUBLIC FOR THE STATE OF ALASKA

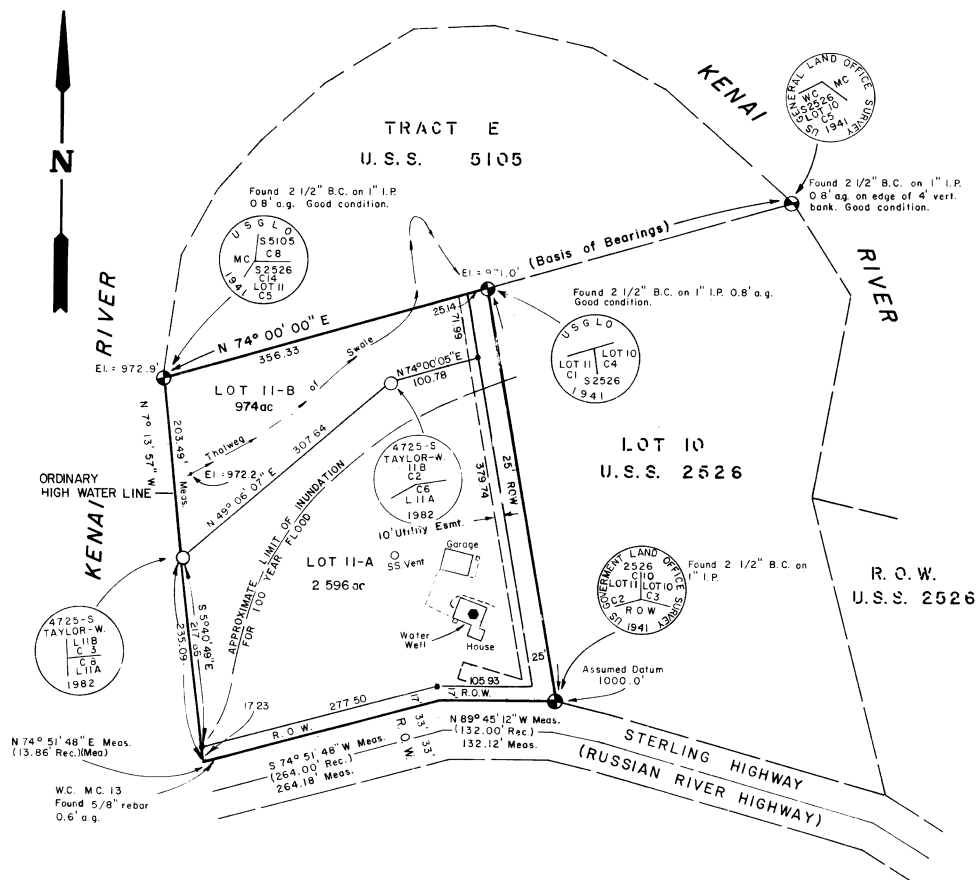
MY COMMISSION EXPIRES: May 31, 1987



86-4
86-0543
RECORDED FILED 26
Seward DIST.
4/2 10:41 AM
Area Planners
Box 870564
Wasilla, AK
99687

SOURCE OF INFORMATION IS PLAT OF TAYLOR-WRIGHT SUBDIVISION. RECORDED IN SEWARD RECORDING DISTRICT ON 8 FEB. 1985.	
TAYLOR-WRIGHT SUBDIVISION - REPLAT	
LOTS 11-A & 11-B, TAYLOR-WRIGHT SUBDIVISION IN NW 1/4, SECTION 31 & SW 1/4, SECTION 30, T 5N, R 3W, S. M. 3.57 ACRES	
AREA PLANNERS	
LAND SURVEYORS (907) 376-3544	
P.O. BOX 870564 WASILLA, ALASKA 99687	
SCALE: 1" = 40'	SHEET 1 OF 1
F.B. NO. CP-1, P-7-II DATE: 11-16-85	

KPG File 86-072



PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF December 13, 1982.

KENAI PENINSULA BOROUGH
BY: [Signature]
AUTHORIZED OFFICIAL

CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHT OF WAYS AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Charles R. Taylor

CHARLES R. TAYLOR
General Delivery
Cooper Landing, Alaska 99572

Elsye Taylor

ELSYE TAYLOR
General Delivery
Cooper Landing, Alaska 99572

NOTARY'S ACKNOWLEDGEMENT

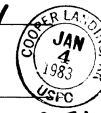
FOR CHARLES R. TAYLOR AND ELSYE TAYLOR

SUBSCRIBED AND SWORN BEFORE ME THIS 4

DAY OF January, 1982.

Betty J. Fisher, Notary
NOTARY FOR ALASKA

MY COMMISSION EXPIRES 02-1980



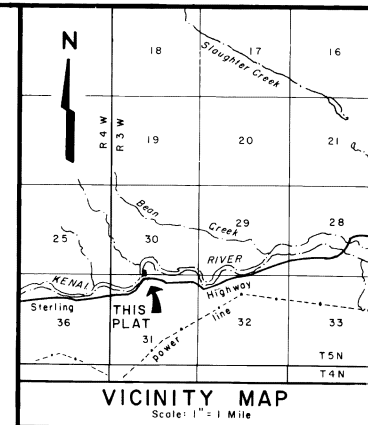
CERTIFICATE OF REGISTERED LAND SURVEYOR

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE IN ACCORD TO THE BEST OF MY KNOWLEDGE.



RECEIVED BY LAND SURVEYOR

1/18/83
DATE



LEGEND AND NOTES

- Found GLO Brass Cap monument (1941).
- Set 5/8" x 30" steel rebar.
- Set 2 1/2" Alum. Cap with 5/8" x 30" rebar.
- All bearings refer to the Northerly line of Lot 11 U.S.S. 2526 as being N 74° 00' 00" E.
- All datum of record shown thus ().
- All wastewater treatment and disposal systems shall comply with The requirements of 18 AAC 70, 18 AAC 72, 18 AAC 80.
- Permanent access easements shall be accorded as shown.
- Permanent utility easements shall be accorded as shown.
- No on site wastewater disposal system shall be permitted on lot 11-B.
- A setback of 20' is required from all street rights-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.

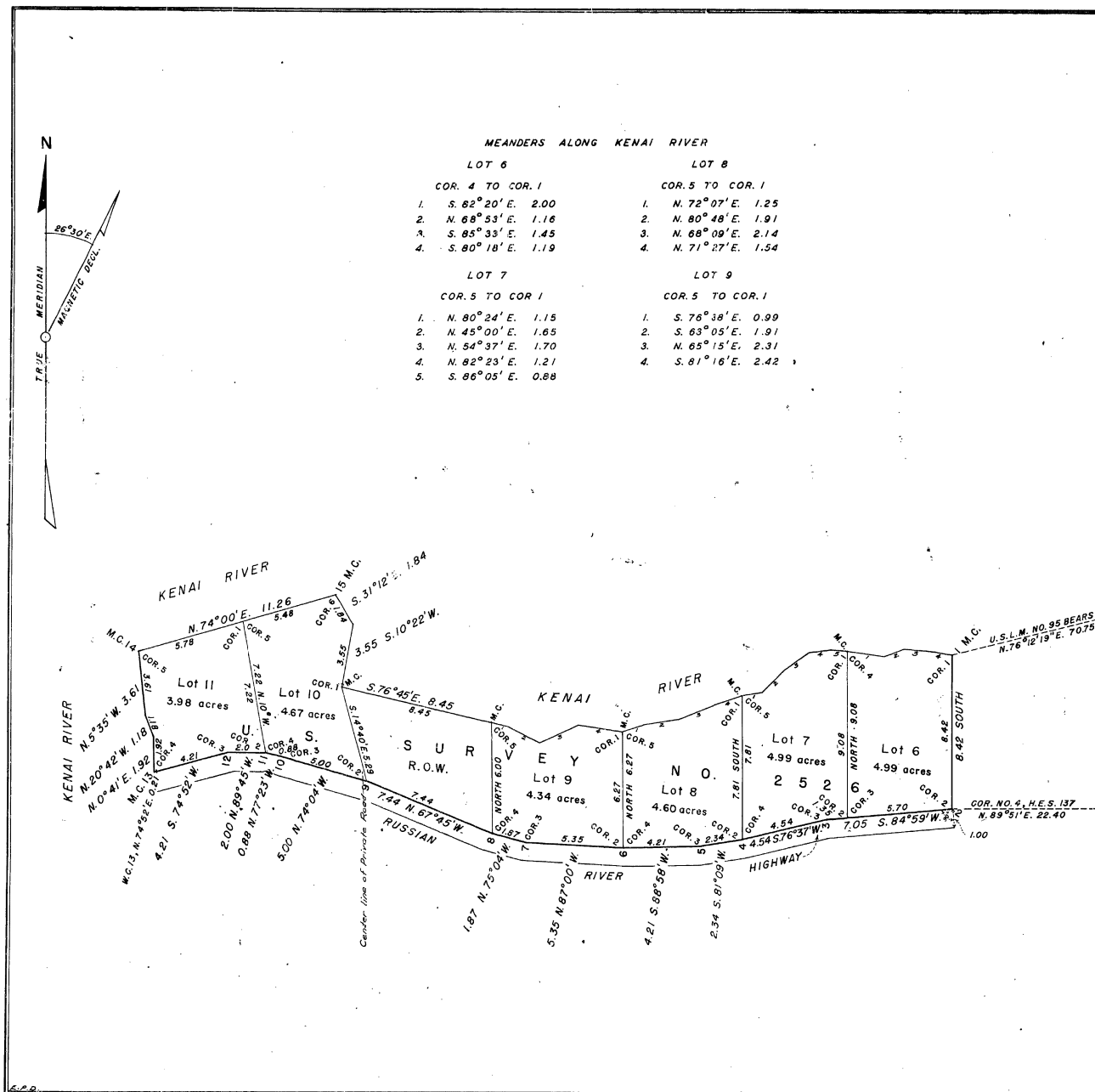
TAYLOR-WRIGHT SUBDIVISION

DESCRIPTION: A resubdivision of Lot 11, U.S. Survey 2526 lying between the Sterling Highway and the Kenai River within the NW 1/4, Protracted Section 31 & SW 1/4, Protracted Section 30, T 5 N, R 3 W, S.M., AK. and the Kenai Peninsula Borough containing 3.99 acres, more or less.

OWNER: Charles R. and Elsie Taylor
Mile 50.1, Cooper Landing, Ak.

TED FORSI & ASSOCIATES INC.
Engineering Planning Surveying
124 East Seventh Ave. P.O. Box 2470
Anchorage, Ak. 99501 Soldotna, Ak. 99669

SCALE 1" = 100'	DATE SURVEYED Sept. 9, 1982	BOOK NUMBER Taylor - Wright
--------------------	--------------------------------	--------------------------------



PLAT

of
U.S. SURVEY NO. 2526

of the
Cooper Landing Group of Homesites, No. 1
embracing

Lots 6-7-8-9-10-11 and one R. O. W.

Executed under the Act of Congress,
Approved May 14, 1898
Amended May 26, 1934
situated

on left bank of Kenai River about
3/4 mile S. W. of Cooper Landing, Alaska

TERRITORY OF ALASKA

Area: 31.61 acres
Declination: 26° 30' E.
Scale: 4 chains to the inch
Latitude 60° 29' 49" N. Longitude 149° 49' 30" W.

Survey executed by
F. W. Williamson, Associate Cadastral Engineer
August 19 to 23, 1941

CERTIFICATE OF APPROVAL
PUBLIC SURVEY OFFICE
Juneau, Alaska, SEPT. 28, 1943.

The original field notes of Survey No. 2526, of the
Cooper Landing Group of Homesites, No. 1

from which this plat has been made, have been examined
and approved, and are on file in this office, and I hereby
certify that they furnish such an accurate description of
said claim as will, if incorporated into a patent, serve fully
to identify the premises, and that such reference is made
therein to natural objects and permanent monuments, as
will perpetuate and fix the locus thereof.

And I further certify that this is a correct plat of
said claim, made in conformity with said original field
notes of the survey thereof, and the same is hereby ap-
proved.

E. A. Parker
District Cadastral Engineer

UNITED STATES
DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D. C., Feb. 7, 1944.

The survey represented by this plat having been cor-
rectly executed in accordance with the requirements of
law and the regulations of this office, is hereby accepted.

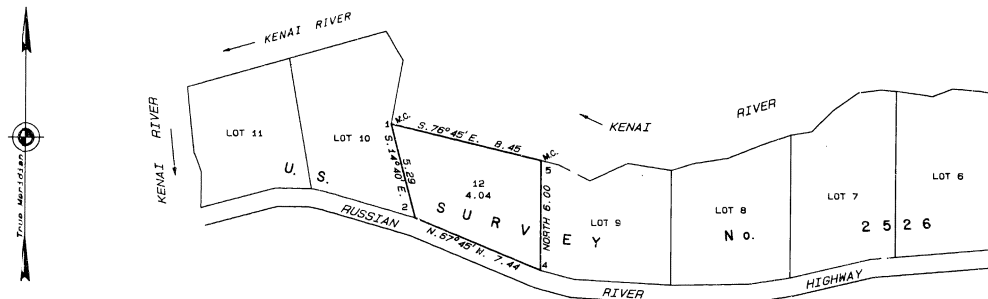
J. D. Nelson
Assistant Commissioner.

Officially Filed
DATE DECEMBER 14, 1985

ORIGINAL

U.S. SURVEY
No. 2526, ALASKA
SUPPLEMENTAL PLAT

This supplemental plat removes the right-of-way designation and shows the lotting and area of the former right-of-way for identification purposes. This supplemental plat is based upon the plat of U.S. Survey No. 2526, accepted February 7, 1944.



1 0 1 2 3 4 5 10 15
Chains

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

Robert L. Gilling Nov. 13, 1985
Date
Deputy State Director for Cadastral Survey,
Alaska

U.S. SURVEY No. 5105, ALASKA

COMPRISING
TRACTS A, B, C, D, AND E
SITUATED
ON BOTH SIDES OF THE KENAI RIVER
AT
COOPER LANDING, ALASKA

APPROXIMATE GEOGRAPHIC POSITION
AT
CORNER NO. 8, WHICH IS A MEANDER CORNER
LATITUDE 60°29.3' NORTH, LONGITUDE 149°52.4' WEST

AREA: 1,837.55 ACRES

SURVEYED BY
WILLIAM F. VAN VALKINBURGH
AND
MALCOLM F. McCONE, CADASTRAL SURVEYORS
SEPTEMBER 29, 1972, THROUGH JULY 17, 1976
UNDER SPECIAL INSTRUCTIONS

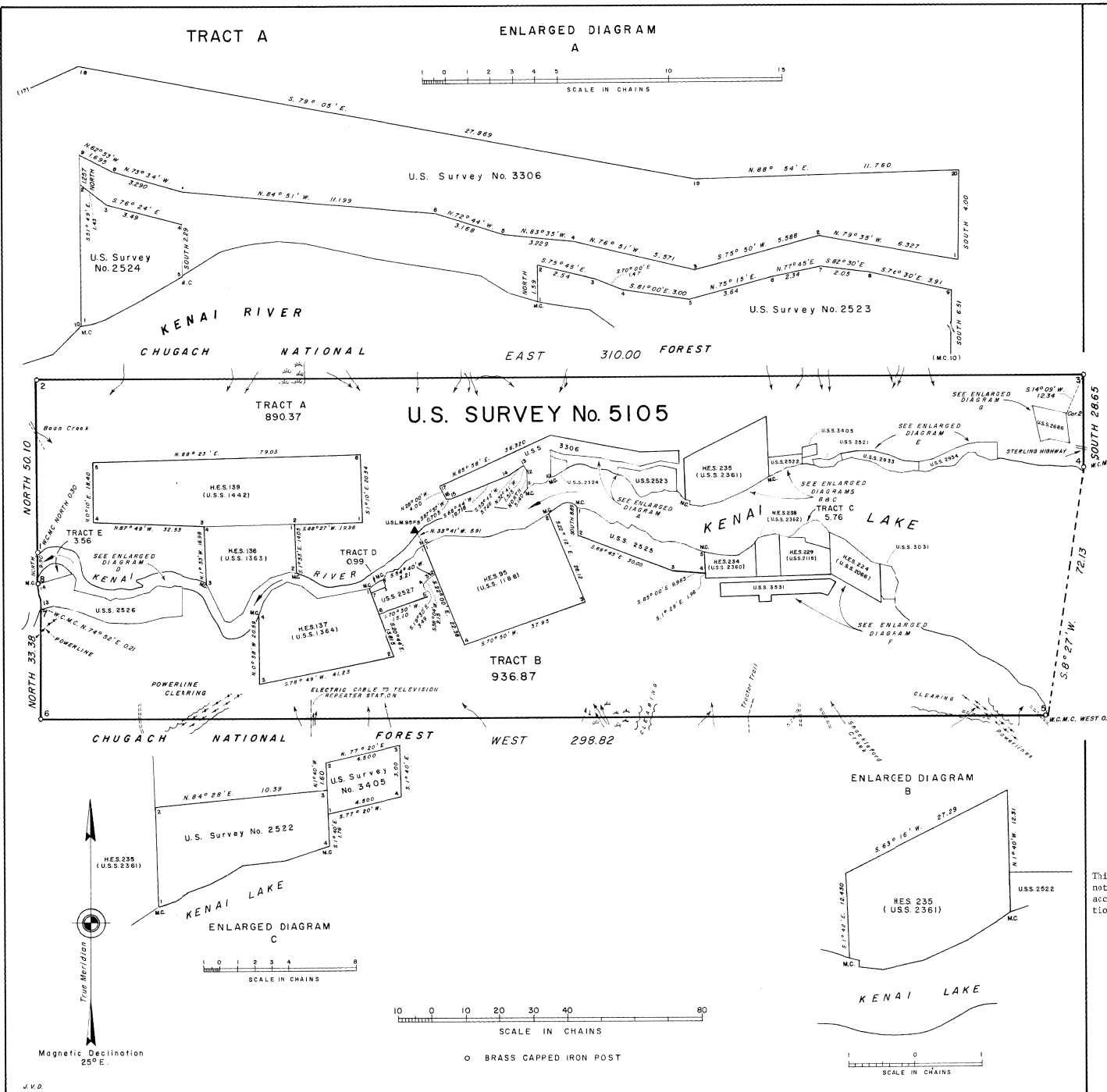
DATED
SEPTEMBER 22, 1972
AND
APPROVED
SEPTEMBER 25, 1972

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 23, 1979

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

Acting Chief, Division of Cadastral Survey



U.S. SURVEY
No. 5105, ALASKA

Reference should be made to Sheet No. 1 for survey information.

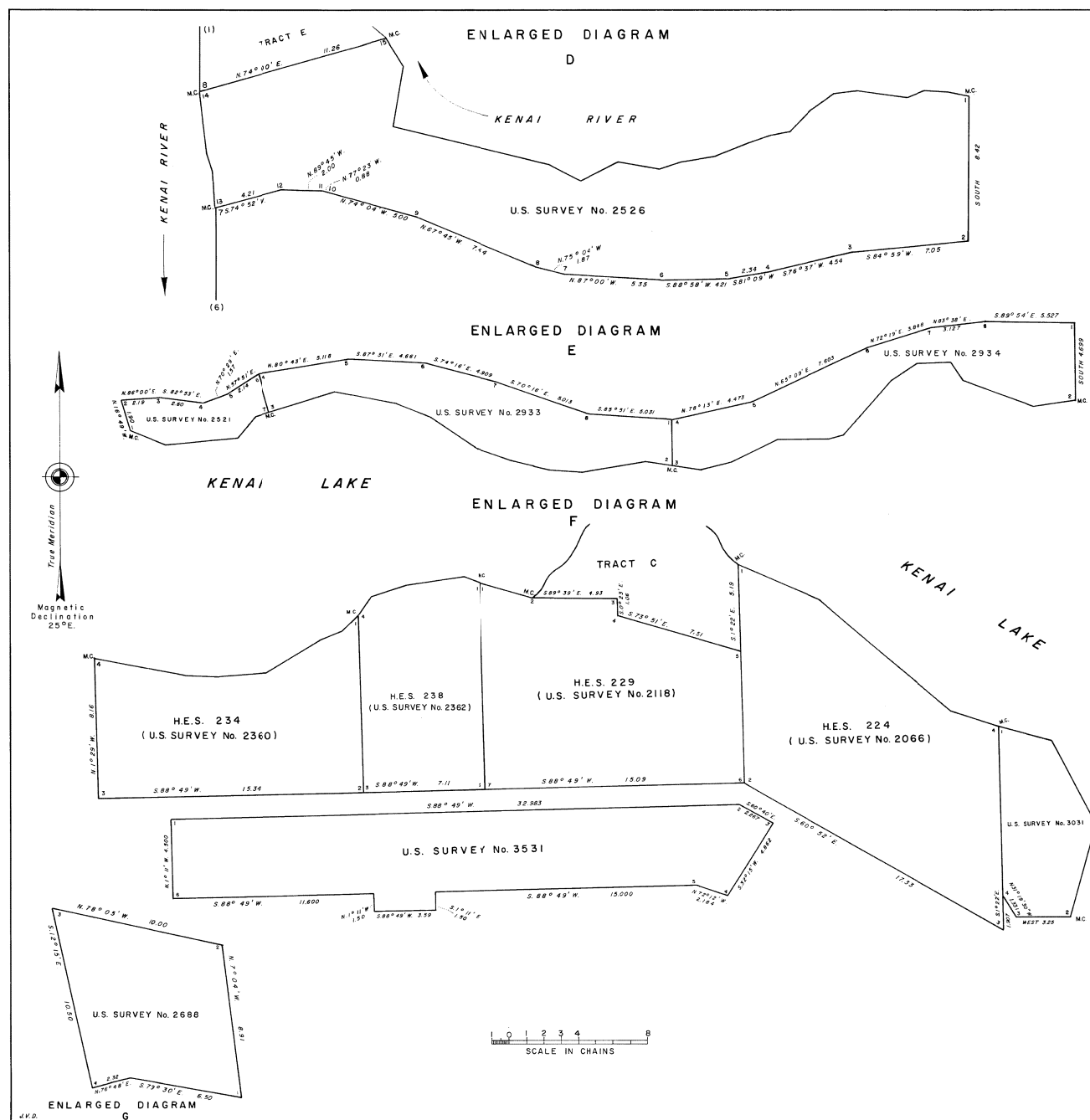
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. April 23, 1979

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

J. Voorhes

Acting Chief, Division of Cadastral Survey



D-671 Seward (B-8) 516-6 vol. 130
677 (C-8)

From: [Donohue, Joseph M \(DNR\)](#)
To: [Carpenter, Beverly](#)
Cc: [Taber, Amber-Lynn \(DNR\)](#); [Rinke, Hans J \(DNR\)](#); [Wedeking, Matthew D \(DNR\)](#); [Potter, Nikki M \(DNR\)](#); [Rokos, Jay M \(DNR\)](#); [Dodd, Evan G \(DNR\)](#); [Brown, Stanley C \(DNR\)](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR July 22, 2024 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI
Date: Tuesday, July 9, 2024 2:37:49 PM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Hi Beverly,

DNR has the following comment on "Taylor-Wright Subdivision 2024 Replat Vacate Hamilton Road" (KPB 2024-068V):

Vacating this ROW would remove the only legal upland access to the DNR parcel to the North, which is Kenai Riverfront property. The Kenai Area Plan (pg. 3-112) notes that the DNR parcel, Tract E USS 5105, provides access to the Kenai River, which it cannot do without access to the parcel itself. **DNR is strongly against limiting access to this parcel and objects to this proposed right-of-way vacation.**

Please let me know if additional is needed.

Thank you,

Joseph Donohue, PLS
Alaska DNR - DMLW
550 West 7th Ave, Suite 650
Anchorage, AK 99501-3576
(907) 269-8610

From: Carpenter, Beverly <BCarpenter@kpb.us>
Sent: Wednesday, July 3, 2024 3:44 PM
To: Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Donohue, Joseph M (DNR) <joseph.donohue@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>; 'Duilio.Guerrero@acsalaska.com' <Duilio.Guerrero@acsalaska.com>; Marasigan, Romorenzo B (DOT) <romorenzo.marasigan@alaska.gov>
Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>
Subject: ROW VACATION REVIEW FOR July 22, 2024 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI

CAUTION: This email originated from outside the State of Alaska mail system. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Attached are the sketches to be reviewed for the **July 22, 2024** meeting.

- Taylor-Wright Subdivision 2024 Replat Vacate Hamilton Road (KPB 2024-068V)

Please provide comments by **July 10, 2024** to ensure the comments will be included in a right-of-way vacation staff report.

Right-of-way vacation comments will be accepted until 1:00p.m. Friday before the meeting date.

Kind regards,

Beverly Carpenter

Platting Technician, Planning Department

Office: 907-714-2200 **Direct:** 907-714-2207



Kenai Peninsula Borough

144 N. Binkley St. Soldotna, AK 99669

kpb.us

PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

From: [Keiner, Robert \(DOT\)](#)
To: [Carpenter, Beverly](#)
Cc: [Taber, Amber-Lynn \(DNR\)](#); [Rinke, Hans J \(DNR\)](#); [Wedeking, Matthew D \(DNR\)](#); [Potter, Nikki M \(DNR\)](#); [Rokos, Jay M \(DNR\)](#); [Dodd, Evan G \(DNR\)](#); [Brown, Stanley C \(DNR\)](#); [Sowerwine, James E \(DOT\)](#); [Biloon, Joselyn \(DOT\)](#); [Marasigan, Romorenzo B \(DOT\)](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR July 22, 2024 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI
Date: Tuesday, July 9, 2024 4:42:21 PM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Beverly,

CR DOT ROW Engineering objects to the proposed ROW vacation KPB 2024-068V as it eliminates all road/highway access to USS 5105 Tract E.

Thanks!

Bob Keiner, P.L.S.
ROW Engineering Supervisor
Central Region DOT/PF
(907) 269-0713

From: Carpenter, Beverly <BCarpenter@kpb.us>
Sent: Wednesday, July 3, 2024 3:44 PM
To: Biloon, Joselyn (DOT) <joselyn.biloon@alaska.gov>; Donohue, Joseph M (DNR) <joseph.donohue@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Keiner, Robert (DOT) <bob.keiner@alaska.gov>; Marsengill, Dale <DMarsengill@HomerElectric.com>; ENSTAR ROW <row@enstarnaturalgas.com>; 'OSP Design Group' <ospdesign@gci.com>; Percy, Colton T (DFG) <colton.percy@alaska.gov>; 'Huff, Scott' <shuff@HomerElectric.com>; 'Duilio.Guerrero@acsalaska.com' <Duilio.Guerrero@acsalaska.com>; Marasigan, Romorenzo B (DOT) <romorenzo.marasigan@alaska.gov>
Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>
Subject: ROW VACATION REVIEW FOR July 22, 2024 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI

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Kind regards,

Beverly Carpenter

Platting Technician, Planning Department

Office: 907-714-2200 **Direct:** 907-714-2207



Kenai Peninsula Borough

144 N. Binkley St. Soldotna, AK 99669

kpb.us

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