

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, December 12, 2023

3:45 PM

Meeting ID: 884 7373 9641 Passcode: 671108

Betty J. Glick Assembly Chambers

Meeting ID: 884 7373 9641 Passcode: 671108

Lands Committee

Cindy Ecklund, Chair

Brent Hibbert, Vice Chair

Tyson Cox

PUBLIC HEARINGS ON ORDINANCES

5. [2023-25](#) An Ordinance Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Attachments:[Ordinance 2023-25](#)[Memo](#)[LAYDOWN Advisory Board Recommendations](#)[Anchors Aweigh North - Local Option Zoning District](#)**NEW BUSINESS**

3. Other

- *a. [KPB-5661](#) Petition to Vacate a Portion of Park Road and Sara Jane Street Right of Way of Rappe Park Subdivision, Nikiski Area, Plat KN87-105, KPB File 2023-114V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

Attachments:[ROWV-Rappe Park Sub_KPB File 2023-114V](#)

- *b. [KPB-5660](#) Petition to Vacate a Portion of Paulk Avenue Right of Way and Associated Utility Easements of Jacks Estate Subdivision Salmon Nest Addition, Kalifornsky Area, Plat KN78-4, KPB File 2023-115V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on November 13, 2023 the proposed vacation was approved by unanimous consent.]

Attachments:[Jakes Estate Salmon Nest Addn_KPB File 2023-115V](#)

Introduced by: Mayor
Date: 11/07/23
Hearing: 12/12/23
Action:
Vote:

**KENAI PENINSULA BOROUGH
ORDINANCE 2023-25**

**AN ORDINANCE APPROVING ANCHORS AWEIGH NORTH SUBDIVISION
SINGLE-FAMILY RESIDENTIAL (R-1) LOCAL OPTION ZONING DISTRICT AND
AMENDING KPB 21.46.040**

WHEREAS, an application was submitted to the Kenai Peninsula Borough Planning Department signed by the record owner of six lots within the proposed Local Option Zoning District (“LOZD”); and

WHEREAS, pursuant to KPB 21.44.040, the proposed LOZD meets all formation requirements; and

WHEREAS, the Alaska Department of Natural Resources is the current and sole owner of the subject property; and

WHEREAS, the Planning Department held a community meeting at the Donald E. Gilman River Center on October 18, 2023, regarding this proposed LOZD as required by KPB 21.44.040(C); and

WHEREAS, the Planning Department received one public inquiry regarding the proposed LOZD; and

WHEREAS, Goal 2, Focus Area: Land Use, Objective A of the Kenai Peninsula Borough's 2019 Comprehensive Plan is to establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms; and

WHEREAS, the Kenai Peninsula Borough Planning Commission reviewed the proposed LOZD at its regularly scheduled meeting of November 13, 2023 and recommended approval by unanimous consent;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Assembly finds the adoption of Anchors Aweigh North, Local Option Zoning District to be consistent with surrounding land uses and the 2019 Kenai Peninsula Borough Comprehensive Plan.

SECTION 2. That KPB 21.46.040 is hereby amended as follows:

21.46.040. – Single - Family Residential (R-1) Districts.

A. The following Single-Family Residential (R-1) districts and official maps are hereby adopted:

...

14. Anchors Aweigh North is described as follows:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and Tracks A, B and C, Anchors Aweigh Subdivision, according to Alaska State Land Survey No. 2023-16, Homer Recording District

a. The local option zoning applies to any further replats within the Anchors Aweigh North LOZD.

SECTION 3. That Anchors Aweigh North Subdivision LOZD will be recorded in the proper recording district.

SECTION 4. That this ordinance shall be effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS * DAY OF * 2023.

Brent Johnson, Assembly President

ATTEST:

Michele Turner, CMC, Borough Clerk

Yes:

No:

Absent:

Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Members, Kenai Peninsula Borough Assembly

THRU: Peter A. Micciche, Borough Mayor *PM*
Robert Ruffner, Planning Director *RR*
Samantha Lopez, River Center Manager *SL*

FROM: Ryan Raidmae, Planner *RR*

DATE: October 26, 2023

RE: Ordinance 2023-25, Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

The Alaska Department of Natural Resources submitted an application requesting the formation of a Single-Family Residential (R-1) Local Option Zoning District (LOZD) of the Anchors Aweigh North Subdivision in Happy Valley. The proposed LOZD includes 15 lots and 2 tracts, encompasses 39.4 acres, and is adjacent to the west side of the Sterling Highway.

The property within the proposed LOZD was approved by the Borough Planning Commission on August 14, 2023 as part of the ASLS No. 2023-16 Anchors Aweigh North Subdivision. The final plat has been submitted for staff review, but has not yet been finalized. The Planning Department's intent is to finalize and record the subdivision plat and LOZD concurrently.

Public notice was sent to property owners within a 300-foot radius of the proposed LOZD informing them of a scheduled community meeting to be held on October 18, 2023 at the Donald E. Gilman River Center. While there were no attendees at the meeting, the Planning Department received one inquiry regarding the proposed LOZD. The proposed LOZD appears to meet the formation requirements of KPB 21.44.040, and is consistent with the 2019 Kenai Peninsula Borough Comprehensive Plan which states, "Establish policies that better guide land use to minimize land use conflicts, maintain property values, protect natural systems and support individual land use freedoms."

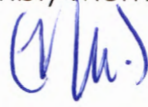
Per KPB 21.44.060(A), the Assembly must approve, disapprove, or modify the proposed LOZD. If adopted, this Ordinance will approve the formation of the R-1 LOZD and amend KPB 21.46.040 to include the Anchors Aweigh North Subdivision LOZD.

Your consideration is appreciated.

Kenai Peninsula Borough
Office of the Borough Clerk

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Michele Turner, Borough Clerk 

DATE: December 12, 2023

RE: Ordinance 2023-25: Approving Anchors Aweigh North Subdivision Single-Family Residential (R-1) Local Option Zoning District and Amending KPB 21.46.040 (Mayor)

Per KPB 22.40.050(F), the borough clerk, or the clerk's designee in his or her absence, has the authority to revise pending resolutions and ordinances prior to assembly action, by filling in any blanks in the legislation stating advisory board recommendations made concerning the legislation. This serves as our memorandum to advise the assembly of same.

Conforming to the advisory boards' actions, the last Whereas clause has been updated to read:

"WHEREAS, the Kenai Peninsula Borough Planning Commission reviewed the proposal LOZD at its regularly scheduled meeting of November 13, 2023 and recommended approval by unanimous consent;"

Thank you.



LOCAL OPTION ZONING DISTRICT APPLICATION

(KPB 21.44.030A)

Kenai Peninsula Borough
Planning Department
124 N. Binkley St.
Soldotna, AK 99669
907-714-2206
1-800-478-4441 ext 2206
(Toll Free within Borough)

Formation Requirements: An LOZD formed under KPB 21.44.030(A) requires an application signed by the record owners of at least six lots within the proposed LOZD. The applicants shall be owners of parcels proposed for regulation. The formation of the LOZD may include portions of subdivisions.

Please fill in the following information.

FY24

PRIMARY CONTACT		SECONDARY CONTACT	
Name	Patrick Hall	Name	Tim Shilling
Mailing Address	3700 Airport Way Fairbanks, AK 99709	Mailing Address	3700 Airport Way Fairbanks, AK 99709
Contact Phone (Day)	907-374-3737 (Mobile) Same	Contact Phone (Day)	907-451-2734 (Mobile) Same
Email	patrick.hall@alaska.gov	Email	timothy.shilling@alaska.gov

PROPERTY INFORMATION

KPB Parcel ID # (000-000-00) 159-18-022 TOWNSHIP 3S RANGE 15W SECTION 36
 SUBDIVISION Anchors Aweigh Subdivision LOT 2-17 BLOCK _____ ACREAGE 39.4

If the permit is not being requested for the entire parcel, describe the specific location within the parcel to be permitted. e.g. N1/2 SW1/4 NE1/4
 N/A

KPB Parcel ID #: 159-18-022 Acreage: 42.76

Physical Address: 27725 Sterling Highway

Legal Description: T 3S R 15W SEC 36 SEWARD MERIDIAN HM W1/2 SW1/4 LYING WEST OF STERLING HWY

LOCAL OPTION ZONING DISTRICT

R-1 Single-Family Residential District R-2 Small Lot Residential District R-R Rural Residential District
 R-W Residential Waterfront District R-M Multi-Family Residential District C-3 Mixed Use District

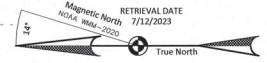
STRUCTURE TYPE

Single-Family Dwelling Garage Storage Shed Other Kids Slide/Swing Set

I hereby certify that I am (or I have been authorized to act for) the owner of the property described above and that the construction will be completed as shown on the attached site plan.

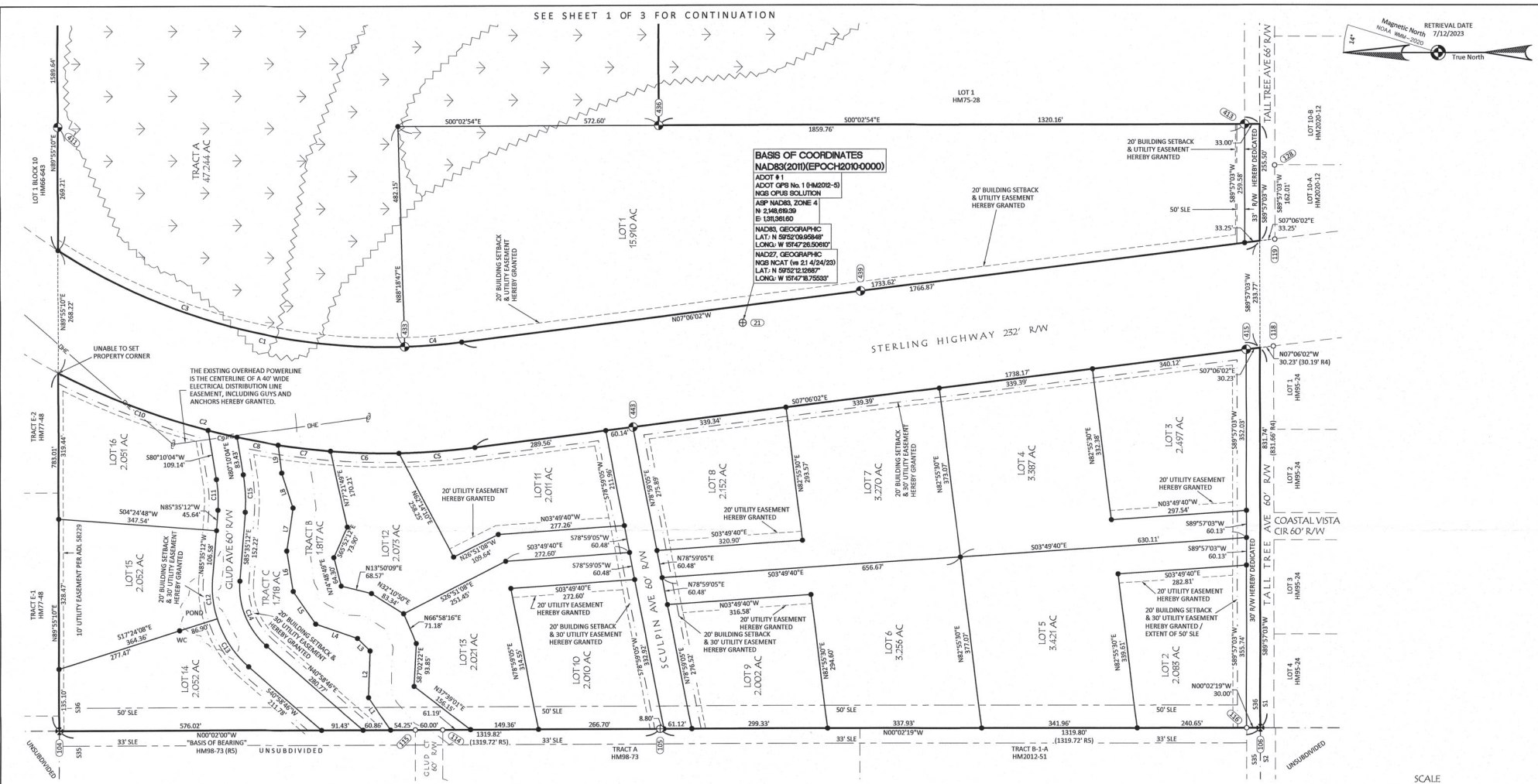
Date 7/14/2023 Signature Patrick Hall

SEE SHEET 1 OF 3 FOR CONTINUATION



BASIS OF COORDINATES
NAD83(2011)(EPOCH2010-0000)

ADOT # 1
 ADOT GPS No. 1 0462092-5)
 NGS CPUS SOLUTION
 ASP NADRS, ZONE 4
 N: 2,146,082.9
 E: 181,061.60
 NAD83, GEOGRAPHIC
 LAT: N 59°52'09.96948"
 LONG: W 157°47'26.50867"
 NAD27, GEOGRAPHIC
 NGS NCAT (on 21 4/24/20)
 LAT: N 59°52'12.20867"
 LONG: W 157°47'18.75533"



LEGEND

	FOUND GLO/BLM MONUMENT		SURVEYED	(R1)	RECORD PER PLAT HM66-643
	FOUND PRIMARY MONUMENT AS DESCRIBED		UNSURVEYED	(R2)	RECORD PER PLAT HM75-28
	SET TYPICAL ON SHEET 4		SECTION LINE EASEMENT PER AS19.10.010	(R3)	RECORD PER PLAT HM77-48
	FOUND SECONDARY MONUMENT AS DESCRIBED		UTILITY EASEMENT AS NOTED	(R4)	RECORD PER PLAT HM95-24
	SET SECONDARY MONUMENT		SECTIONAL LINE	(R5)	RECORD PER PLAT HM98-73
	ADOT 66 R/W MONUMENT		BUILDING SETBACK	(R6)	RECORD PER PLAT HM2005-27
			MONUMENT IDENTIFIER	(R7)	RECORD PER PLAT HM2012-10
			AREA SUBJECT TO INUNDATION	(R8)	RECORD PER PLAT HM2012-51
			SECTION LINE EASEMENT PER AS19.10.010	(R9)	RECORD PER PLAT HM2017-23
				(R10)	RECORD PER PLAT HM2020-12

LINE TABLE

LINE #	BEARING	DISTANCE
L1	N55°52'44" E	86.14
L2	S88°17'45" E	102.13
L3	N44°28'07" E	39.09
L4	N19°03'19" E	69.28
L5	N15°38'42" E	86.36
L6	N87°47'40" E	89.34
L7	S82°39'51" E	95.99
L8	N72°09'51" E	80.23
L9	N82°20'05" E	63.71

CURVE TABLE

CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	39°59'13"	1332.40	928.34	483.91	N12°51'33" E	909.67
C2	34°34'30"	1564.40	944.08	486.91	S10°11'16" W	929.82
C3	34°30'25"	1332.40	802.45	413.81	N15°33'59" E	780.38
C4	5°24'48"	1332.40	125.89	62.99	N04°23'38" W	125.84
C5	6°07'53"	1564.40	167.41	88.78	S04°02'09" E	167.93
C6	9°21'09"	1564.40	351.15	79.69	S01°47'56" W	151.09
C7	4°14'23"	1564.40	115.76	57.91	S06°41'12" W	115.73
C8	3°17'25"	1564.40	91.60	45.84	S10°29'09" W	91.64
C9	2°27'23"	1564.40	65.28	32.64	S13°21'31" W	65.27
C10	12°59'20"	1564.40	352.83	177.17	S21°00'54" W	352.20
C11	14°14'44"	2700.00	67.13	33.74	S87°17'26" W	66.90
C12	21°48'56"	2300.00	87.57	44.32	S83°30'20" W	87.05
C13	33°37'05"	2300.00	126.92	65.12	S56°47'19" W	125.32
C14	53°26'02"	170.00	158.54	85.56	N67°41'47" E	152.86
C15	14°14'44"	330.00	82.05	41.24	N87°17'26" E	81.84

STATE OF ALASKA
 49th
 JAMES A. HALL
 80203-8

DATE OF SURVEY: BEGINNING 6/2023, ENDING 12/2023

SURVEYOR: 607-388-4318 MELANE CONSULTING INC. 15040 KENAI DRIVE SOLDOTNA, AK 99686 LICENSE # AC00081

ALASKA STATE LAND SURVEY No. 2023-16
 ANCHORS AWEIGH NORTH SUBDIVISION

A SUBDIVISION OF THE N1/2 SW1/4 AND SW1/4 SW1/4 OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, ALASKA EXCLUDING THE STERLING HIGHWAY

CREATING LOTS 1, 17 AND TRACTS A, B & C CONTAINING 105.756 ACRES MORE OR LESS

HOMER RECORDING DISTRICT

SHEET 2 OF 3
 DRAWN BY: JAH
 DATE: JULY 2023
 CHECKED: CMA
 SCALE: 1" = 100'

APPROVAL RECOMMENDED
 SEE SHEET 1
 COUNTERSIGNED PLATTING SUPERVISOR
 878 FILE NO.
 2023-084

DATE: 6/2023
 DATE: 6/2023
 DATE: 6/2023
 DATE: 6/2023

REFERENCE TABLE - FOUND PRIMARY MONUMENTS THIS SURVEY						
MON #	DESC	BEARING TO	DISTANCE	SOURCE	STATUS	
102	FOUND 2-1/2" BRASS CAP ON 1" IRON PIPE FLUSH W/ GROUND	6" SPRUCE	S 46° 05' W	21 LINKS	GLO	NOT FOUND
		8" SPRUCE	N 23° 00' W	22.5 LINKS	GLO	NOT FOUND
		1.8 B2 SE - 1/2" REBAR	N 44° 52' W	42.5'	HM86-83	COMPUTED
		1.8 B2 SW - 1/2" REBAR	N 85° 33' W	411.1'	HM86-83	COMPUTED
103	FOUND 1" IRON PIPE FLUSH W/ GROUND	10" SPRUCE	N 80° E	22 LINKS	GLO	NOT FOUND
		10" SPRUCE	N 65° 05' W	25 LINKS	GLO	NOT FOUND
		1.8 B12 SE - 1/2" REBAR	S 89° 55' W	50'	HM75-37	COMPUTED
		1.8 B12 SW - 1/2" REBAR	S 89° 55' W	357.2'	HM75-37	COMPUTED
104	FOUND 2-1/2" BRASS CAP ON 1" IRON PIPE FLUSH W/ GROUND	10" SPRUCE	S 48° 05' E	8 LINKS	GLO	NOT FOUND
		16" SPRUCE	N 30° 05' W	15 LINKS	GLO	NOT FOUND
		1E-1 SW - 1/2" REBAR	N 89° 55' E	33'	HM77-48	COMPUTED
		1E-1 NW - 1/2" REBAR	N 09° 54' E	192.0'	HM77-48	COMPUTED
106	FOUND 2" IRON PIPE FLUSH W/ GROUND	6" SPRUCE	N 67° 50' E	43 LINKS	GLO	NOT FOUND
		6" SPRUCE	S 52° 25' E	17 LINKS	GLO	NOT FOUND
		14" SPRUCE	S 57° 05' W	60 LINKS	GLO	NOT FOUND
		12" SPRUCE	N 8° W	12 LINKS	GLO	NOT FOUND
412	FOUND 2-1/2" ALMON 1" BELOW GRADE SET MAGNET 0.5' BELOW GRADE	1.4 NW - 1/2" REBAR w/ 1" YPC	S 00° 10' E	30'	HM95-24	COMPUTED
		TRC B-1-A-SE - 1/2" REBAR w/ 1" YPC	N 00° 02' W	30'	HM98-73	FOUND
		SM # 124	N 00° 04' W	33.0'	HM2012-10	FOUND
		SM # 126	S 42° 24' E	44.5'	HM2007-57A	FOUND
105	FOUND 2-1/2" ALMON ON 2" AL-POST FLUSH W/ GROUND NO RECORD BEARING TREES	SM # 127	N 42° 13' E	44.6'	HM2007-57A	FOUND
		109	FOUND 2-1/2" ALMON ON 2" AL-POST FLUSH W/ GROUND NO RECORD BEARING TREES	123	FOUND 2-1/2" ALMON ON 2" AL-POST FLUSH W/ GROUND NO RECORD BEARING TREES	

REFERENCE TABLE - SET PRIMARY MONUMENTS THIS SURVEY					
MON #	DESC	BEARING TO	DISTANCE	SOURCE	STATUS
411	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	S 89° 55' W	537.4'	
		SET SECONDARY MONUMENT	S 89° 55' W	269.2'	
413	SET PRIMARY MONUMENT	SM # 119	S 75° 15' W	259.9'	
		SM # 128	S 53° 31' W	111.1'	
415	SET PRIMARY MONUMENT	SM # 118	S 07° 06' E	60.5'	
		SM # 119	S 75° 26' E	249.6'	
433	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	S 04° 24' E	125.8'	
		SET SECONDARY MONUMENT	N 86° 51' W	232.7'	
436	SET PRIMARY MONUMENT	18" SPRUCE	S 86° 48' W	20.5'	
		12" SPRUCE	S 28° 23' E	59.2'	
		12" SPRUCE	N 65° 12' E	33.5'	
438	SET PRIMARY MONUMENT	18" SPRUCE	N 14° 55' E	20.7'	
		14" SPRUCE	N 73° 23' W	18.2'	
		18" SPRUCE	S 29° 57' W	19.2'	
439	SET PRIMARY MONUMENT	ADOT # 1 CP # 21	N 14° 58' W	269.0'	
		SET SECONDARY MONUMENT	S 50° 54' W	273.6'	
443	SET PRIMARY MONUMENT	SET SECONDARY MONUMENT	N 07° 06' W	60.1'	
		SET SECONDARY MONUMENT	S 78° 59' W	275.9'	

CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT I AM THE DIRECTOR, DIVISION OF MINING, LAND AND WATER AND THAT THE STATE OF ALASKA IS THE OWNER OF THE REAL PROPERTY ASLS No. 2023-18 SHOWN AND DESCRIBED HEREON. I HEREBY APPROVE THIS SURVEY AND PLAT FOR THE STATE OF ALASKA, AND DEDICATE FOR PUBLIC OR PRIVATE USE AS NOTED, ALL EASEMENTS, PUBLIC UTILITY AREAS AND RIGHTS-OF-WAY SHOWN AND DESCRIBED HEREON.

DIRECTOR, DIVISION OF MINING, LAND & WATER DATE

NOTARY'S ACKNOWLEDGEMENT

FOR: _____
 ACKNOWLEDGED BEFORE ME THIS _____
 DAY OF _____, 2023
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

CERTIFICATE OF ACCEPTANCE - KP/B

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (GLUD AVE, SCULPIN AVE & TALL TREE AVE), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL DATE

WASTEWATER DISPOSAL - LOTS & TRACT C

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE

WASTEWATER DISPOSAL - TRACT A & LOT 1
 THESE TRACTS ARE AT LEAST 20,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL - TRACT B
 CONDITIONS MIGHT NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THIS TRACT AS OF THE DATE OF THIS PLAT. IF CIRCUMSTANCES CHANGE TO ALLOW LAWFUL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS, THOSE SYSTEMS MUST MEET THE WASTEWATER DISPOSAL REQUIREMENTS OF KPB CHAPTER 20.40 AND THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



SURVEYOR'S CERTIFICATE

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

JAMES A. HALL 85032-S REGISTERED LAND SURVEYOR

DATE

TYPICAL PRIMARY MONUMENT

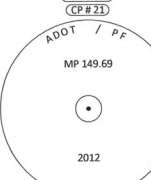
SET THIS SURVEY



SET 3-1/4" ALUMINUM CAP w/ PRE-INSTALLED MAGNET UNDER CAP ON 2-3/8" x 30" FLANGED ALUMINUM PIPE SET CAP FLUSH WITH GROUND 3" PINK CASED MAGNET SET BELOW BASE OF MON. 3" x 6" CARSONITE POST w/ SURVEY MARKER LABEL SET 2' IN GROUND AS WITNESS POST

BASIS OF COORDINATES

(ADOT # 1) (CP # 21)



FOUND 2-1/2" BRASS DONUT ON 9/16"x36.5" STAINLESS DRIVE ROD IN METAL CASING 0.3' BELOW GROUND

114, 115, 116: FOUND 1/2" REBAR w/ 1" YPC FLUSH w/ GROUND

118: FOUND 2" ALCAP ON 5/8" REBAR FLUSH W/ GROUND

119: FOUND 2" ALCAP ON 1" AL PIPE FLUSH W/ GROUND

124: FOUND 1/2" REBAR w/ 1" YPC BENT & LOCATED AT GROUND ENTRY

126: FOUND 1/2" REBAR w/ 1" YPC FLUSH w/ GROUND

127: FOUND 1/2" REBAR w/ 1" YPC FLUSH w/ GROUND

128: FOUND 2" ALCAP ON 5/8" REBAR FLUSH W/ GROUND

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF AUGUST 14, 2023.

AUTHORIZED OFFICIAL

Plat #

File Date

Date

Time

DATE OF SURVEY: BEGINNING 6/2023 ENDING 12/2023	SURVEYOR: 907-283-4218 McLANE CONSULTING INC. 3630 KENAI SPUR HWY SOLDOTNA, AK 99688 LICENSE # A00001
STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND AND WATER 500 W. 7TH AVE., SUITE 550, ANCHORAGE, ALASKA 99501	
ALASKA STATE LAND SURVEY No. 2023-16 ANCHORS AWEIGH NORTH SUBDIVISION	
A SUBDIVISION OF THE N1/2 SW1/4 AND SW1/4 SW1/4 OF SECTION 36, TOWNSHIP 3 SOUTH, RANGE 15 WEST, SEWARD MERIDIAN, ALASKA EXCLUDING THE STERLING HIGHWAY	
CREATING LOTS 1 - 17 AND TRACTS A, B & C CONTAINING 105.756 ACRES MORE OR LESS	
HOMER RECORDING DISTRICT	
SHEET 3 OF 3 DRAWN BY: JAH DATE: MAY 2023 SCALE: N/A	
APPROVAL RECOMMENDED SEE SHEET 1 DATE: _____ TIME: _____	
JANITRISSE PLATTING SUPERVISOR DATE: _____ TIME: _____	
CHECKED: CRM DATE: 2023-084	
KPM FILE NO.: 2023-084 DNR FILE NO.: ASLS 20230016	



Project Overview and Vicinity Map

Anchors Aweigh North, Single-Family Residential (R-1), LOZD

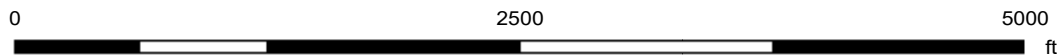
 Project Area



Vicinity



Map created by Raidmae, Ryan





Project Area

River Miles



Tax Parcels



Habitat

KPB 2118 - KPB 2118

Anadromous Streams

- Exempt
- Managed
- Unregulated
- others

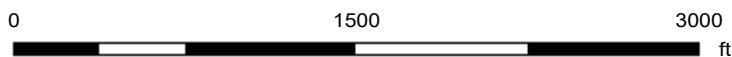
KPB 2118 - KPB 2118

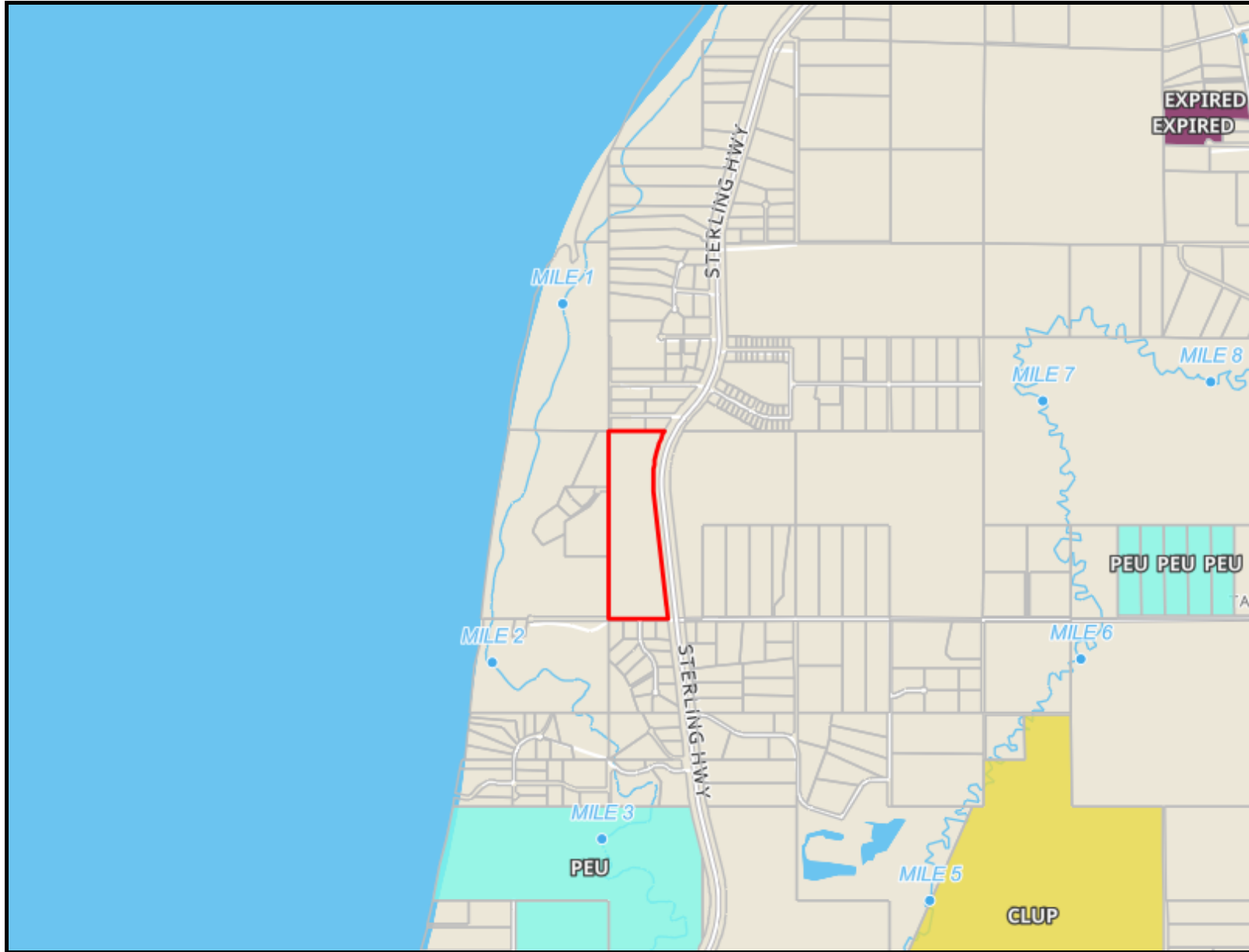
Anadromous Lakes and Areas

- Exempt
- Managed
- Unregulated
- n/a

Map created by Raidmae, Ryan

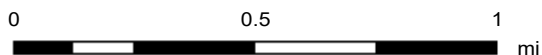
Friday, October 20, 2023

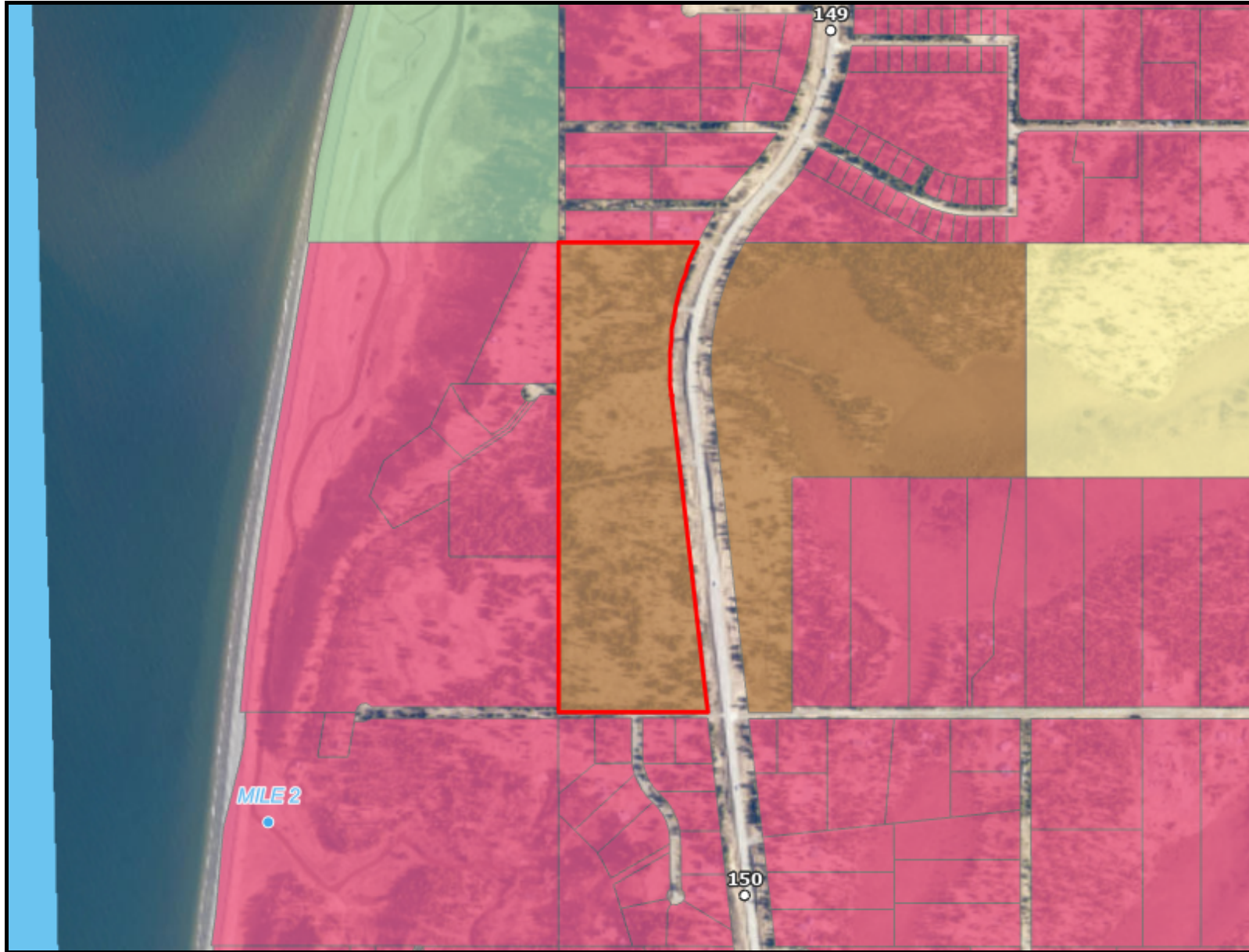




- Project Area
- River Miles
 - River Miles
- Tax Parcels
 - Tax Parcels
- Material Sites
 - PEU
 - CLUP
 - EXPIRED

Map created by Raidmae, Ryan
Friday, October 20, 2023





Project Area

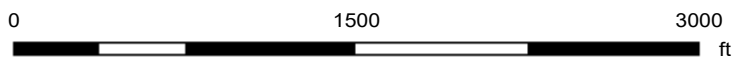
River Miles



Parcels by Use / Ownership

Parcel Ownership Type

- Borough
- Federal
- Native
- Native Allotment
- Municipal
- Private
- State





Project Area

River Miles



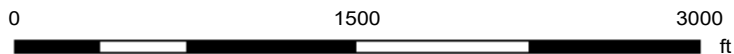
Tax Parcels



Landcover Features

KWF Wetlands Assessment

- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex




Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche Borough Mayor

FROM: Robert Ruffner, Planning Director 

DATE: November 14, 2023

RE: Right-Of-Way Vacation KPB File 2023-114V: Rappe Park Subdivision, Vacate a Portion of Park Road & Sara Jane Street

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 November 13, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (8-Yes, 1-Absent). The petitioner is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

- November 13, 2023 Draft PC Minutes
- November 13, 2023 Meeting Packet Materials
- Petition Form

**ITEM #2 - RIGHT OF WAY VACATION
RAPPE PARK SUBDIVISION VACATE PORTION OF PARK ROAD AND SARA JANE STREET**

KPB File No.	2023-114V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Louis and Stacy Oliva of Nikiski, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Park Road and Sara Jane Street, Nikiski, Nikiski APC
Parent Parcel No.:	013-410-37, 013-410-53, and 013-410-69
Legal Description:	Government Lot 17 of Section 34 Township 8N Range 11W

Staff report given by Platting Manager Vince Piagentini.

Vice-Chair Gillham open the item for public comment.

James Hall, McLane Consulting Group; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for any questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the six conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent - 1	Brantley

**ITEM #3 - RIGHT OF WAY VACATION
VACATE A PORTION PAULK AVENUE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-115V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Jody Asimakopoulos of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Kalifornsky
Parcels No.:	055-370-28
Legal Description:	T 5N R 10W SEC 30 Seward Meridian KN 0880056 Jake Estates Sub Salmon Nest Addn Lot 6C Block 2

Staff report given by Platting Manager Vince Piagentini.

Vice-Chair Gillham open the item for public comment

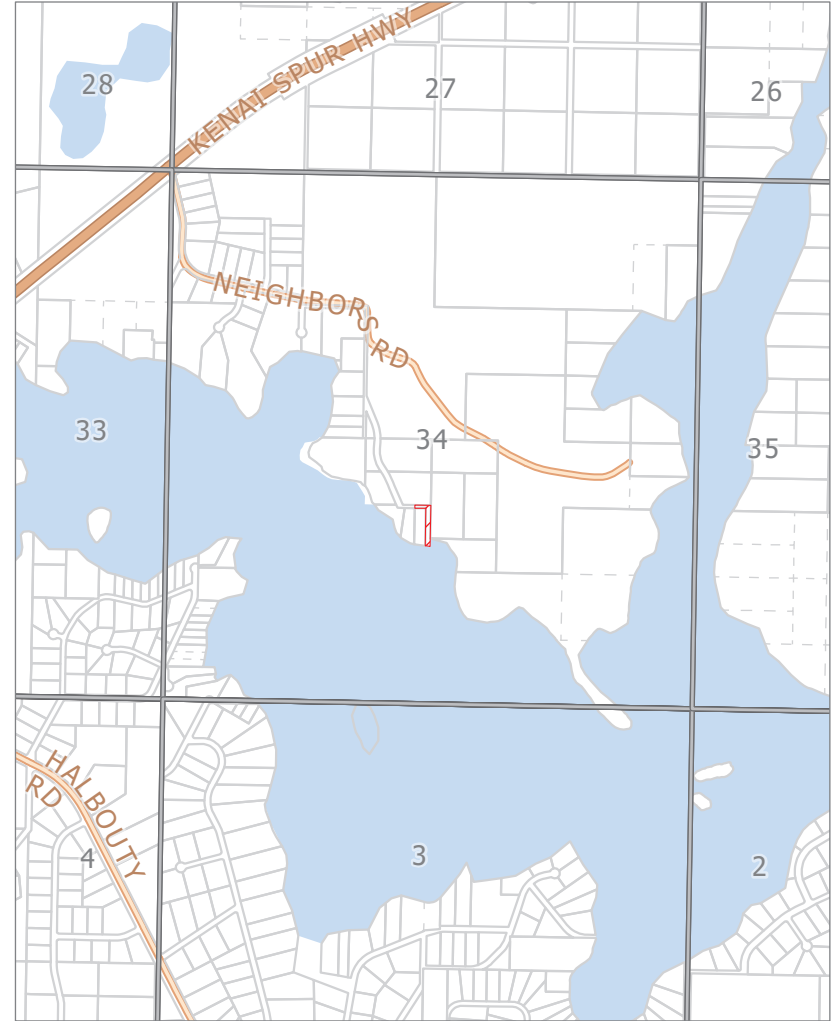
Jody Asimakopoulos; P.O. Box 1958, Soldotna, AK 99669: Ms. Asimakopoulous is the applicant and made herself available for questions.

Commissioner Epperheimer noted according to the aerial view map it appeared there would be buildings in the setback where the new cul-de-sac bulb was to be located. Platting Specialist Quanton replied that if there were any setback encroachments created by the relocated cul-de-sac bulb they would be grandfathered in and the grandfathered encroachment would be noted on the plat.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

E. NEW BUSINESS

2. Right-Of-Way Vacation; KPB File 2023-114V
McLane Consulting / Triple-Knot Land & Livestock, Oliva
Request: Vacates a 110' x 30' portion of Park Rd. and the entire
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105
Nikiski Area / Nikiski APC

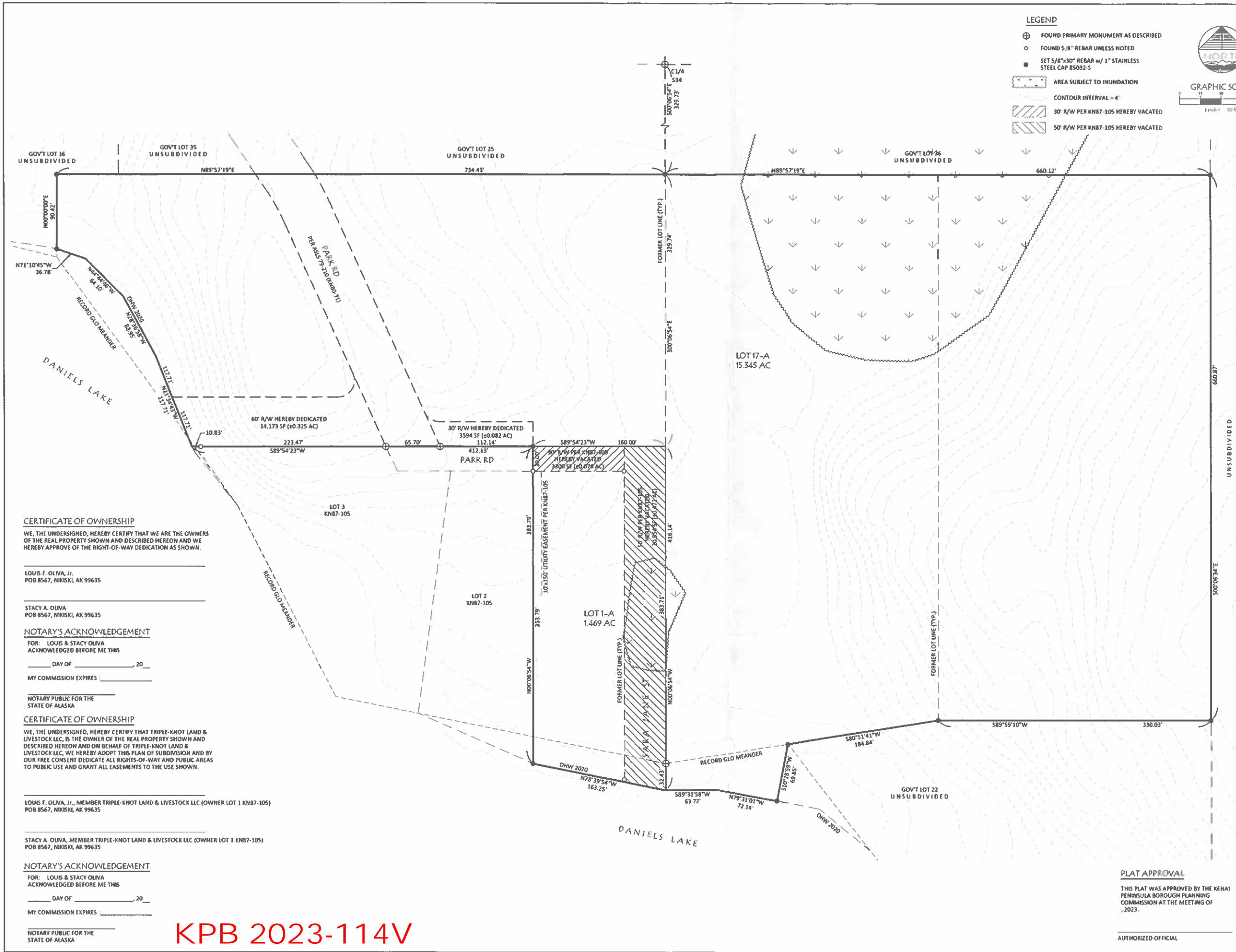


KPB File 2023-114V
T 08N R 11W SEC 34
Nikiski

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



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



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'
- ▨ 30' R/W PER KN87-105 HEREBY VACATED
- ▨ 50' R/W PER KN87-105 HEREBY VACATED

GRAPHIC SCALE
1" = 10'

16	COOK	15	INLET	14	13
21		22	33	24	
28		27	26	25	
33	DANIELS LAKE	34	35	36	T8N

VICINITY MAP
Scale 1" = 1 Mile

WASTEWATER DISPOSAL
THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (JUNE 16, 1986) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF DANIELS LAKE FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2020 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
 3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF PARK ROAD AND SARA JANE STREET RIGHTS-OF-WAY (R/W) AT THE MEETING OF _____, 2023.

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY APPROVE OF THE RIGHT-OF-WAY DEDICATION AS SHOWN.

LOUIS F. OLIVA, Jr.
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT

FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 20____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

CERTIFICATE OF OWNERSHIP

WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRIPLE-KNOT LAND & LIVESTOCK LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF TRIPLE-KNOT LAND & LIVESTOCK LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LOUIS F. OLIVA, Jr., MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA, MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT

FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS

____ DAY OF _____, 20____

MY COMMISSION EXPIRES _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #

Rec Date _____

Date _____ 20____

Time _____

RAPPE PARK OLIVA ADDITION
REPLAT OF LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105, GOVT LOT 17 AND GOVT LOT 19 OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND ASSOCIATED R/W VACATION

LOUIS F. OLIVA, Jr.
PO BOX 8567
NIKISKI, AK 99635

STACY A. OLIVA
PO BOX 8567
NIKISKI, AK 99635

16.814 AC. M/L SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____

ENGINEERING - YELLOW SURVEYING & MAPPING
P.O. BOX 468
SOLDOTNA, AK 99688
VOICE (907) 283-4218
FAX (907) 283-3285
WWW.MCLANE.COM

KPB File No. 2023-xxx

Project No. 190018

Scale 1" = 50'

Date: OCT 2023

Drawn by: JAH

KPB 2023-114V

**ITEM #2 - RIGHT OF WAY VACATION
RAPPE PARK SUBDIVISION VACATE PORTION OF PARK ROAD AND SARA JANE STREET**

KPB File No.	2023-114V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Louis and Stacy Oliva of Nikiski, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Park Road and Sara Jane Street, Nikiski, Nikiski APC
Parent Parcel No.:	013-410-37, 013-410-53, and 013-410-69
Legal Description:	Government Lot 17 of Section 34 Township 8N Range 11W

STAFF REPORT

Specific Request / Purpose as stated in the petition: A portion of Park Road (shown as Craig Drive on KN87-105) and all of Sara Jane Street (as Shown on KN87-105) is being vacated. Petitioner owns property on both sides of Sara Jane Street. The existing ROWs disrupt and limit owner's use and enjoyment of property. There are ponded wetlands on Sara Jane Street preventing lake access.

Notification: The public hearing notice was published in the November 8th 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 Nikiski

Post Office of Nikiski

Four certified mailings were 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 six owners within 600 feet of the proposed vacation.

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

State of Alaska Dept. of Fish and Game
 State of Alaska DNR
 State of Alaska DOT
 State of Alaska DNR Forestry
 Advisory Planning Commission
 Emergency Services of Nikiski
 Kenai Peninsula Borough Office

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

Legal Access (existing and proposed): This parcel is located at approximately mile 30.5 along the Kenai Spur Highway at access point to Neighbors Road then to Parks Road. Neighbors Road and Parks Road are both Borough maintained. Parks Road maintenance ends at the turn to the east. Sara Jane Street is a 50-foot-wide right-of-way and currently not constructed. In addition to the proposed vacation, two dedications are proposed. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road. The provided drawing with the submittal does not have a proposed name for the west dedication. **Staff recommends:** when the preliminary plat is submitted a name be provided for review and approval by the KPB Addressing Officer.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: A bulb dedication at the end of Park Rd would be preferable to support contractor equipment turn-around. The alternative lake access dedication (for Sara Jane St) has very steep water approach grades.
SOA DOT comments	No comments - Engineering

Site Investigation: There are some steep areas on the drawing to the west. **Staff recommends:** top and toe be shown on the subdivision plat when submitted.

The preliminary drawing does have an area labeled as “subject to inundation” within the portion of Sara Jane Street being vacated. Staff recommends: if the vacation is approved the depiction remain on the final plat submittal.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
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Staff Analysis: The Kenai Peninsula Borough Planning Commission heard a petition to vacate ROW Permit ADL 220394 north of the existing Park Road dedication on February 8, 2021. The ADL is a state-managed easement. The Planning Commission recommended approval, subject to providing a matching 30-foot right-of-way dedication for Park Road by subdivision plat. The Kenai Peninsula Borough Assembly reviewed that decision on March 2, 2021, and consented to the Planning Commission decision. The owner proceeded to work with the State of Alaska on the vacation of the ADL. A final decision was approved on June 14, 2022. Approval of the vacation was granted subject to the western portion of the ADL being dedicated prior to final approval. These right-of-way vacations and dedications are to fulfill the requirements outlined by the state to allow the approved vacation of the ADL to record.

The State of Alaska Fish and Game Division of Wildlife Conservation sent comments in which are included in the packet.

Nikiski Advisory Planning Commission minutes for the November 9, 2023 meeting were not available when the staff report was prepared (KPB 21.02.020). These will be provided with the desk packet if available.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:

1. The right-of-way or public easement to be vacated is being used;
Staff comments: *Both Sara Jane and Park Ave (Craig Dr) are undeveloped and no public use occurs*
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *there is an area of inundation in the vacation area. New dedication is proposed*
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: *No*
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: *The proposed vacation of the undeveloped 50' width of Sara Jane ROW provides legal access to Daniels Lake, contains a low wet area. Equal or superior access will be provided via the new dedication because the new dedication to the lake does not contain low wet areas, and is 60' in width.*
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *No*
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *No*
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: *HEA requested a 15' utility easement for an overhead electric line through the proposed dedication of Park Road and above the vacated area.*
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: *applicant owns all the land surrounding vacation area. A 30-foot-wide portion of Park Road is proposed north and east of the existing dedication, that will contain a turnaround bulb. A 60-foot-wide dedication is also proposed to provide access to Daniels Lake west of Park Road.*

A KPBC Planning Commission decision denying a vacation application is final. A KPBC Planning Commission decision to approve the vacation application is subject to consent or veto by the KPBC Assembly, or City Council if located within City boundaries. The KPBC Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at its scheduled December 12, 2023, meeting.

If approved, Rappe Park Oliva Addition will finalize the proposed right-of-way vacations. The Planning Department has not received a preliminary submittal at the time of this staff report.

KPBC department / agency review:

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 52377 PARK RD, 52360 SARA JANE ST Existing Street Names are Correct: Yes
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	List of Correct Street Names: SARA JANE ST, PARK RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 52360 SARA JANE ST WILL BE DELETED AND A NEW ADDRESS ASSIGNED.
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. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
State of Alaska Fish and Game	See comment in Packet

Utility provider review:

HEA	Locate and depict the overhead primary electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 15-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Dedication of the 60' access to Daniels Lake and 30' Parks Road as shown.
4. A turnaround bulb east of existing Parks Road, in the new dedication area.
5. Grant of utility easements requested by the utility providers.
6. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

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*
 - 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.*

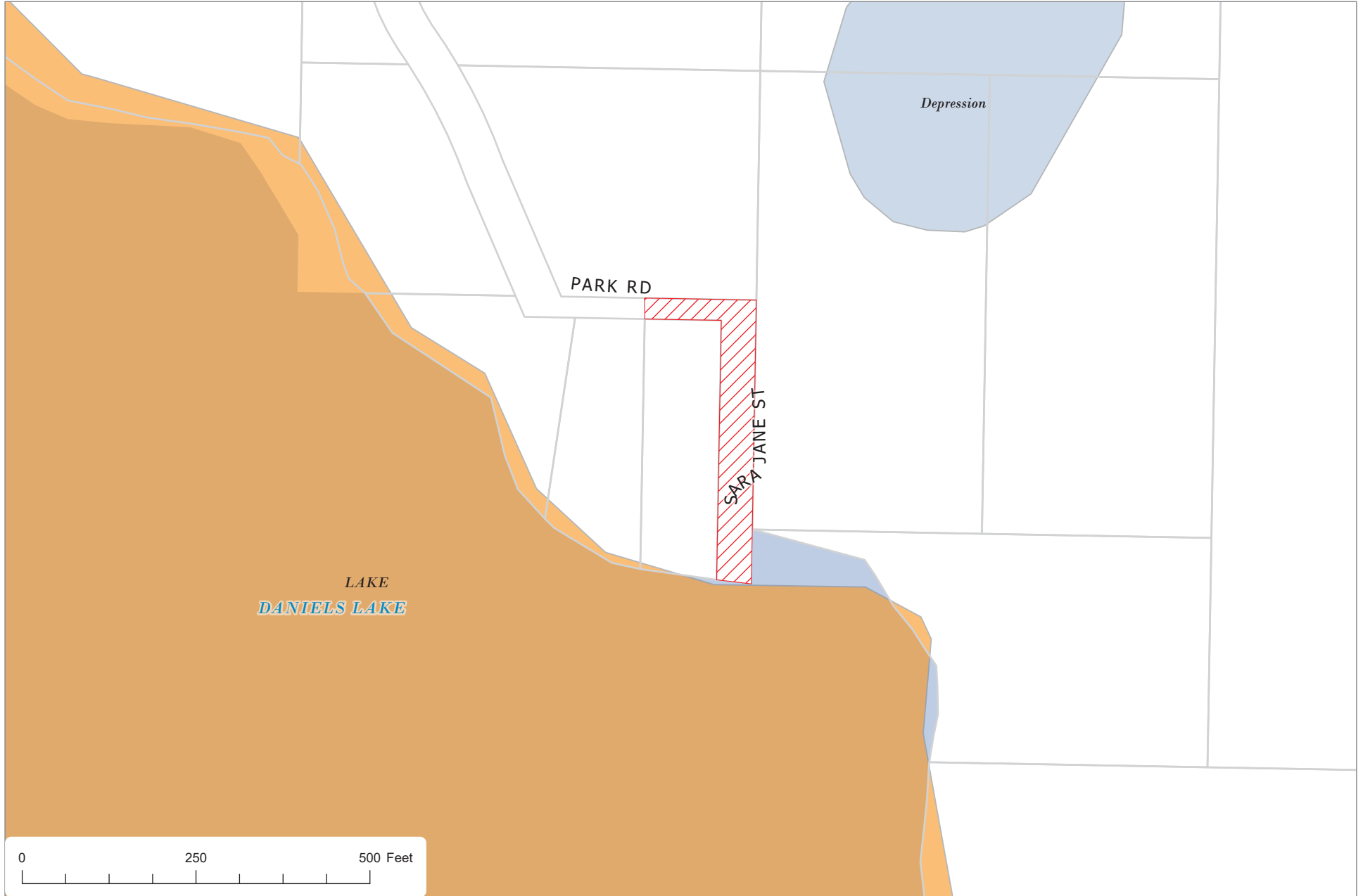
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *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



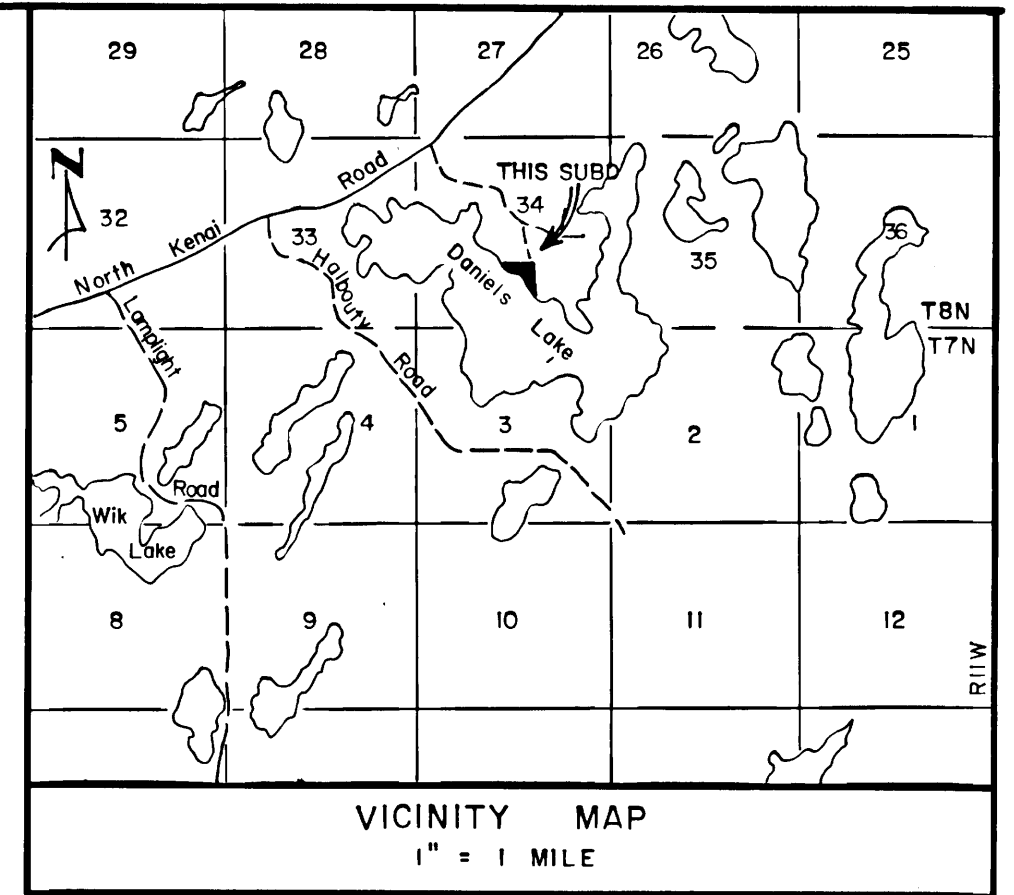
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CERTIFICATE OF OWNERSHIP AND DEDICATION

I certify that I am the representative for the estate of Leslie A. Rappe, which is the owner of the property shown and described hereon, and that, on behalf of the estate of Leslie A. Rappe, I hereby adopt this plan of subdivision and dedicate all rights-of-way to public use and grant all easements to the use shown on.

Craig Rappe
 CRAIG RAPPE
 BOX 112062
 ANCHORAGE, ALASKA 99511
 PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE

NOTARY'S ACKNOWLEDGEMENT

For Craig E. Rappe
 Subscribed to and sworn before me
 this 25th day of August, 1986.
 My commission expires 5/14/89

Olava A. Mail
 Notary Public for Alaska

PLAT APPROVAL

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

JUNE 16, 1986
 Kenai Peninsula Borough

By Richard P. Terzger
 Authorized Official

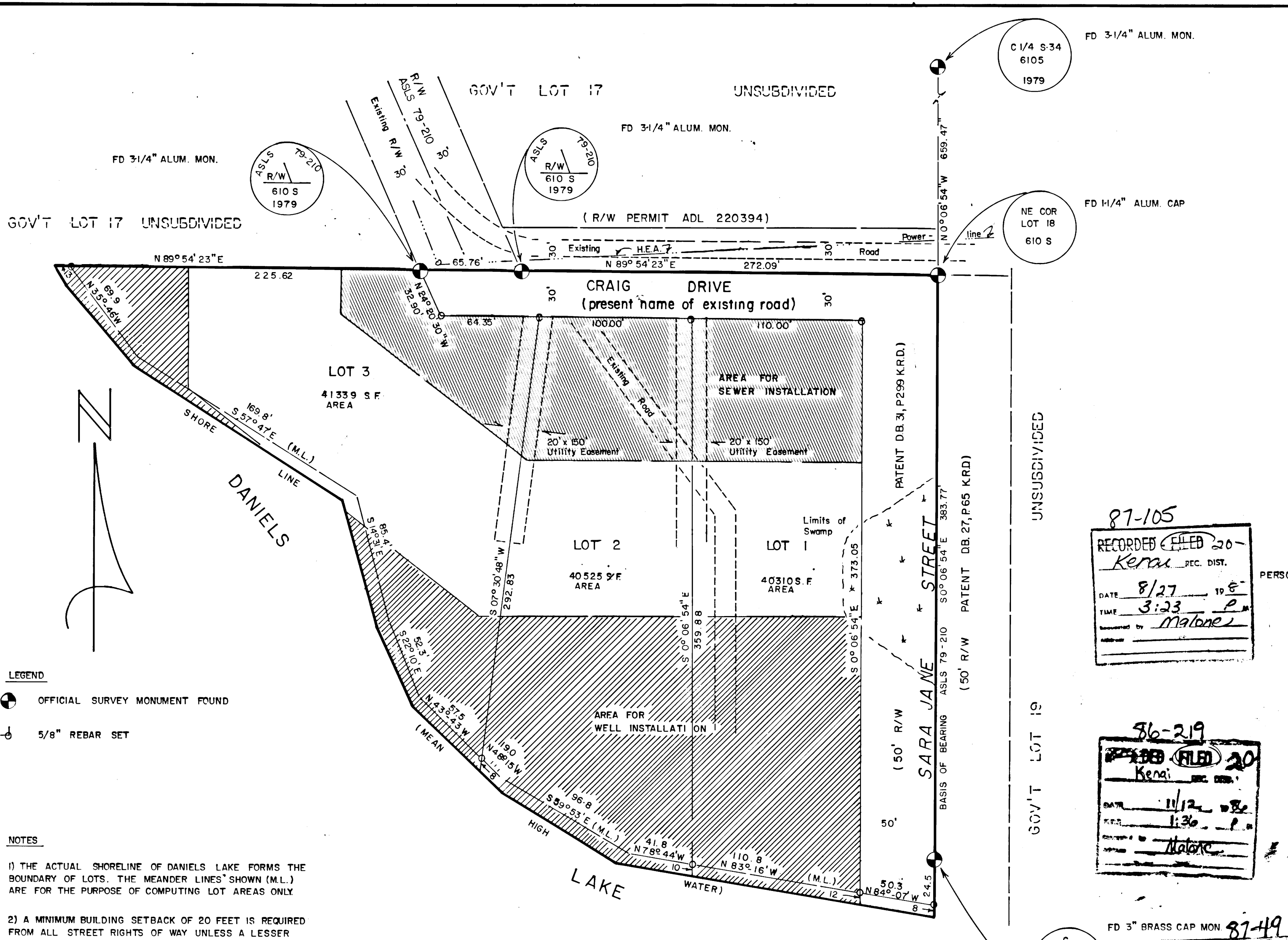
AMENDED

RAPPE PARK SUBDIVISION

GOV'T LOT 18 IN THE NE 1/4 SW 1/4 SECTION 34
 T8N R11W SEWARD MERIDIAN, ALASKA

CONTAINING 3.464 ACRES
 KENAI RECORDING DISTRICT

FOR CRAIG RAPPE BOX 112062 ANCHORAGE, ALASKA 99511		MALONE SURVEYING BOX 566 KENAI, ALASKA 99611	
PERSONAL REPRESENTATIVE FOR THE ESTATE OF LESLIE A. RAPPE	JOB 86014	FB 86-08	DATE OF SURVEY 7/13/86
SCALE 1 inch = 50 feet	DRAWN BY dpw		CHECKED fpm 7/15/86
K.P.B. FILE NO. 86-187			



- LEGEND**
- OFFICIAL SURVEY MONUMENT FOUND
 - ⊕ 5/8" REBAR SET

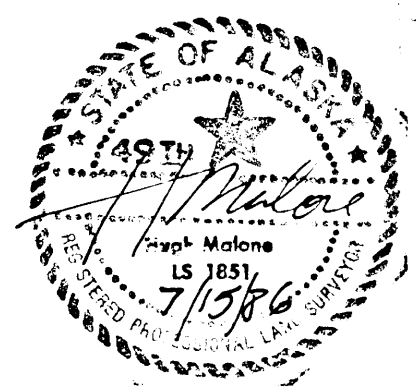
- NOTES**
- 1) THE ACTUAL SHORELINE OF DANIELS LAKE FORMS THE BOUNDARY OF LOTS. THE MEANDER LINES SHOWN (M.L.) ARE FOR THE PURPOSE OF COMPUTING LOT AREAS ONLY.
 - 2) A MINIMUM BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - 3) SOILS ON THESE LOTS MAY OR MAY NOT BE SUITABLE FOR CONVENTIONAL ON-SITE WASTE DISPOSAL SYSTEMS. NO PERSON MAY CONSTRUCT, INSTALL, MAINTAIN, OR OPERATE A PRESSURIZED WATER SYSTEM OR A WATER-BORNE WASTE DISPOSAL SYSTEM UNLESS APPROVAL OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS OBTAINED. IN ADDITION ALL SEWER SYSTEMS SHALL BE INSTALLED WITHIN THE DESIGNATED AREA SHOWN ON THIS PLAT.
 - 4) NO PART OF THIS SUBDIVISION IS WITHIN A KNOWN FLOOD PLAIN.
 - 5) WATER WELLS AND SEPTIC SYSTEMS MAY ONLY BE INSTALLED IN THE AREAS DESIGNATED FOR SUCH INSTALLATION.

AMENDMENTS

- 1) THE DELINEATION OF THE WATER AND SEWER INSTALLATION AREAS HAS BEEN ADDED TO THIS PLAT.
- THE ABOVE REVISION CONSTITUTES THE SOLE CHANGE MADE TO THE PLAT, ASIDE FROM THE NOTATION THEREON.
- THE ABOVE REVISIONS DO NOT ALTER LOT AREAS AND DO NOT AFFECT OR INFLUENCE ANY CHANGE OF OWNERSHIP, DRAINAGE FEATURES, RIGHTS-OF-WAY OR ANY OTHER ITEM WHICH WOULD ADVERSELY AFFECT THIS OR ADJACENT PROPERTIES. WE THEREFORE ARE SUBMITTING THIS PLAT FOR REFILE AS CORRECTED.

87-105
 RECORDED FILED 20-
 Kenai REC. DIST.
 DATE 8/27 1986
 TIME 3:23 P.
 Malone

86-219
 RECORDED FILED 20-
 Kenai REC. DIST.
 DATE 11/12 1986
 TIME 1:36 P.
 Malone

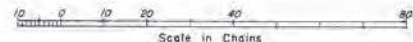


KA 87-105

TOWNSHIP 8 NORTH, RANGE II WEST, OF THE SEWARD MERIDIAN, ALASKA



Area surveyed, 4138.02 acres



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. May 8, 1959

Prior adjoining surveys of this township are shown on the township plat approved June 26, 1953.

Portion of the south boundary of the township was surveyed by Robert Q. Pickering in 1955.

Dependent resurvey of the south boundary of secs. 23 and 24 and the completion survey of Township 8 North, Range II West, Seward Meridian, Alaska, was executed by Robert Q. Pickering July 28 to November 11, 1955 under special Instructions for Group 66, Alaska, dated December 9, 1952.

o indicates brass capped iron post

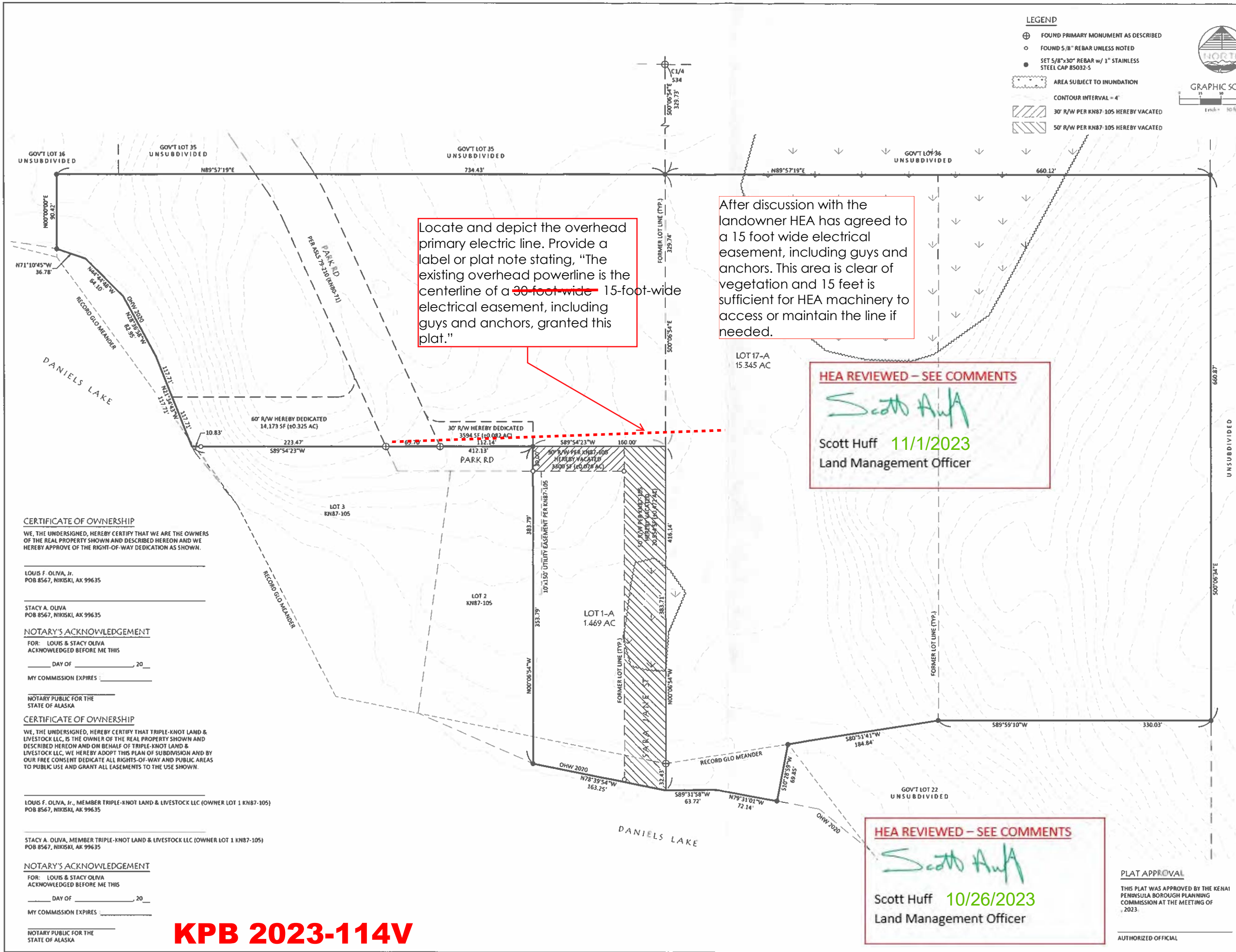
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Carl S. Harrington

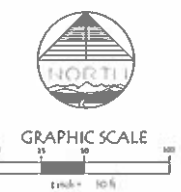
Cadastral Engineering Staff Officer

AP KENAI C3, C4, D3, D4
AS 124-6



LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-5
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'
- ▧ 30' R/W PER KN87-105 HEREBY VACATED
- ▩ 50' R/W PER KN87-105 HEREBY VACATED



16	COOK	15	14	13
21		22	23	24
28		27	26	25
33	DANIELS LAKE	34	35	36

VICINITY MAP
Scale 1" = 1 Mile

WASTEWATER DISPOSAL
THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE KENAI PENINSULA BOROUGH (JUNE 16, 1986) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 2. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF DANIELS LAKE FORM THE TRUE BOUNDS OF EACH PARCEL. THE 2020 MEANDER LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY.
 3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF PARK ROAD AND SARA JANE STREET RIGHTS-OF-WAY (R/W) AT THE MEETING OF 2023.

Locate and depict the overhead primary electric line. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a ~~30-foot-wide~~ 15-foot-wide electrical easement, including guys and anchors, granted this plat."

After discussion with the landowner HEA has agreed to a 15 foot wide electrical easement, including guys and anchors. This area is clear of vegetation and 15 feet is sufficient for HEA machinery to access or maintain the line if needed.

HEA REVIEWED - SEE COMMENTS
Scott Huff
Scott Huff 11/1/2023
Land Management Officer

HEA REVIEWED - SEE COMMENTS
Scott Huff
Scott Huff 10/26/2023
Land Management Officer

CERTIFICATE OF OWNERSHIP
WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY APPROVE OF THE RIGHT-OF-WAY DEDICATION AS SHOWN.

LOUIS F. OLIVA, Jr.
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT
FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS

DAY OF 20
MY COMMISSION EXPIRES

NOTARY PUBLIC FOR THE STATE OF ALASKA

CERTIFICATE OF OWNERSHIP
WE, THE UNDERSIGNED, HEREBY CERTIFY THAT TRIPLE-KNOT LAND & LIVESTOCK LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF TRIPLE-KNOT LAND & LIVESTOCK LLC, WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LOUIS F. OLIVA, Jr., MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

STACY A. OLIVA, MEMBER TRIPLE-KNOT LAND & LIVESTOCK LLC (OWNER LOT 1 KN87-105)
POB 8567, NIKISKI, AK 99635

NOTARY'S ACKNOWLEDGEMENT
FOR: LOUIS & STACY OLIVA
ACKNOWLEDGED BEFORE ME THIS

DAY OF 20
MY COMMISSION EXPIRES

NOTARY PUBLIC FOR THE STATE OF ALASKA

KPB 2023-114V



Plat #

Rec Date _____

Date _____ 20__

Time _____

RAPPE PARK OLIVA ADDITION
REPLAT OF LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105, GOVT LOT 17 AND GOVT LOT 19 OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND ASSOCIATED R/W VACATION

LOUIS F. OLIVA, Jr.
PO BOX 8567
NIKISKI, AK 99635

STACY A. OLIVA
PO BOX 8567
NIKISKI, AK 99635

16.814 AC. M/L SITUATED IN THE SOUTH HALF (S1/2) OF SECTION 34, TOWNSHIP 8 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 2023.

ENGINEERING - TESTING SURVEYING - MAPPING
P.O. BOX 468
SOLDOTNA, AK 99688
VOICE: (907) 283-4218
FAX: (907) 283-3285
WWW.AJCLAKE.COM

Project No. 192018

Scale 1" = 50'

Date: OCT 2023

Drawn by: JAH

From: [Huff, Scott](#)
To: [Carpenter, Beverly](#)
Subject: <EXTERNAL-SENDER>updated plat review KPB 2023-114V
Date: Wednesday, November 1, 2023 8:44:39 AM
Attachments: [Plat Prelim KPB 2023-114V Reduced HEA reviewed 110123.pdf](#)

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,

Attached is an update plat review for KPB 2023-114V. After discussion with the landowner a 15-foot-wide easement will be sufficient to allow HEA to access the power line with equipment. The land is generally flat, with no trees, and has an improved drive in this area.

Thanks,

SCOTT HUFF | Land Management Officer

Homer Electric Association, Inc.

280 Airport Way | Kenai, Alaska 99611

office 907.335.6209 | toll free 800.478.8551 | www.homerelectric.com

Your Member-Owned Electric Cooperative

CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure.

From: [Percy, Colton T \(DFG\)](#)
To: [Carpenter, Beverly](#)
Cc: [Piagentini, Vincent](#); [Smith, Tracy A \(DFG\)](#); [Gates, Jenny L \(DFG\)](#); [Demma, Nick J \(DFG\)](#); [Perschbacher, Jeffrey T \(DFG\)](#); [Cafferty-SOA, Kaitlynn](#); [Miller, Matthew G \(DFG\)](#); [Dye, Jason E \(DFG\)](#); [Carter, Marla M \(DFG\)](#); [Mulligan, Benjamin J \(DFG\)](#); [Lipka, Colton G \(DFG\)](#)
Subject: <EXTERNAL-SENDER>RE: ROW VACATION REVIEW FOR November 13, 2023 MEETING: ROW State Review Group, HEA, ACS, ENSTAR, GCI
Date: Thursday, November 2, 2023 3:50:51 PM
Attachments: [image001.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,

The Alaska Department of Fish and Game (ADF&G) has reviewed the preliminary plat KPB 2023-114V, Right Of Way (ROW) Vacation Plat within Rappe Park Subdivision Lot 1 and Government Lot 19 within Section 34, T8N, R11W, SM. The petitioners, Louis and Stacy Olivia, are requesting to vacate the following ROWs:

- The 50' wide public access easement along the east boundary of Lot 1 as reserved under federal patent # 1233765, known as Sara Jane Street
- The 30' wide ROW along a portion of Park Rd, including a portion of the south 30' of Government Lot 17 as dedicated by the State of Alaska in 1985 and recorded in 2018 under ADL 220394

The petitioners are proposing to dedicate an alternative public access easement along the south 60' of Government Lot 17 to provide public access to Daniels Lake.

ADF&G previously commented on KPB 2020-059V in June of 2020 and again on the revised plat in October of 2020. ADF&G originally objected to the ROW vacation as the alternate access did not provide adequate public access to Daniel's Lake.

We would like to reiterate our previous comments that ADF&G's main concern is to maintain safe and practical public access to Daniels Lake for anglers and other outdoor recreators. The above-described trail improvements do appear to provide reasonable access for pedestrians that will potentially be more appealing to the public than the current ROW through the petitioners developed property. However, the steep grade, even with the installed steps, will make the site subject to significant erosion without continued maintenance. Such erosion would impact water quality as well as decrease the usability of the site for access.

Therefore, if the KPB Planning Commission were to approve the proposed ROW Vacations and associated dedication of alternative public access, ADF&G would request that the petitioners identify an entity that could commit to long-term maintenance to ensure the site continues to provide adequate access to Daniels Lake.

Thank you for the opportunity to review and comment on this preliminary platting action. Please feel free to contact me regarding these comments. ADF&G requests notification of the Planning Commission's decision.

Colton Percy

Habitat Biologist

Access Defense Program

Alaska Department of Fish and Game

Division of Wildlife Conservation

333 Raspberry Rd

Anchorage, AK 99518

907-267-2118

From: Carpenter, Beverly <BCarpenter@kpb.us>

Sent: Thursday, October 26, 2023 9:56 AM

To: Biloan, Joselyn (DOT) <joselyn.biloan@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>; 'Brown, Trevor' <Trevor.Brown@acsalaska.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>

Cc: 'Zubeck, Brad' <BZubeck@HomerElectric.com>

Subject: ROW VACATION REVIEW FOR November 13, 2023 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 **November 13, 2023** meeting.

- Rappe Park Subdivision Vacate Portion Park Road and Sara Jane Street KPB 2023-114V
- Jake Estates Vacate Portion Paulk Avenue KPB 2023-115V

Please provide comments by **November 1, 2023** 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. Thursday before the meeting date.

Beverly Carpenter

Platting Technician

Planning Department

Ph: (907) 714-2200

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



DESK PACKET

(MATERIALS SUBMITTED AFTER MEETING PACKET PUBLICATION)

2. Right-Of-Way Vacation; KPB File 2023-114V
McLane Consulting / Triple-Knot Land & Livestock, Oliva
Request: Vacates a 110' x 30' portion of Park Rd. and the entire
Sara Jane ROW of Rappe Park Subdivision, KN 1987-105
Nikiski Area / Nikiski APC

From: [James Hall](#)
To: [Piagentini, Vincent](#); [Shirnberg, Ann](#)
Subject: <EXTERNAL-SENDER>KPB 2023-114v
Date: Thursday, November 9, 2023 2:31:09 PM
Attachments: [image002.png](#)
[4. STAFF REPORT Rappe Park Subdivision Vacate Park Road and Sara Jane Street KPB 2023-114V.pdf](#)
[Comment KPB 2023-114V ADFG YES.pdf](#)

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.

Good Afternoon,

Please add the below comment regarding the comment from ADF&G.

The owners request that the Planning Commission reject the request by ADF&G, which has no authority over the rights of way proposed to be vacated. The owners will provide an alternate 60' right of way to Daniels Lake that they have partially developed to be suitable for pedestrian traffic, in exchange for vacating: (1) a portion of Craig Drive per Plat KN87-105 , which is a driveway not maintained by the Borough, and (2) Sara Jane Street per Plat KN87-105, which is undeveloped and runs through swamp land. The Borough code only requires that the Planning Commission consider whether there is "equal or superior access" in order to vacate a right of way that provides access to a lake or river -- and that applies only to Sara Jane Street in this case. KPB 20.65.070(D)(7). The Borough Code does not require a particular type of access, or that the owner develop the access. The owners believe that they provided either equal or superior access. There is no requirement in Borough Code that they develop the alternate access any further, or that they are obliged to maintain the alternate access they have provided.

Thanks for your time
James Hall, PLS
McLane Consulting, Inc.
907-283-4218 office
907-953-5886 cell

From: Shirnberg, Ann <ashirnberg@kpb.us>
Sent: Tuesday, November 7, 2023 9:35 AM
To: James Hall <jhall@mclanecg.com>
Subject: 11/13/23 Planning Commission Meeting

Good Morning,

The following plats are being heard at the 11/13/23 Plat Committee meeting:

- Bings Landing Subdivision Gregory Addition
- Evenson Subdivision 2023 Replat



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Park Rd & Sara Jane St _____ platted public right of way proposed to be vacated was dedicated by the plat of Rappe Park Subdivision Amended _____ Subdivision, filed as Plat No. KN87-105 in the KENAI _____ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	No
Are there utility easements associated with the right of way to be vacated?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?			

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address LOT 1 RAPPE PARK SUBDIVISION AMENDED KN87-105	
Section, township, range SECTION 34, T8N, R11W, SM AK	
City (if applicable)	General area PARK RD & DANIELS LAKE

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner	
Name (printed): Stacy A Oliva, Member	Signature: <i>Stacy A Oliva</i>
e-mail: Stacy.Oliva@gmail.com	Address: PO Box 807, NIKISKI AK 99635
Owner of: Triple Knot Land & Livestock, LLC	
Land Owner:	
Name (printed): Louis F Oliva, Jr	Signature: <i>Louis F Oliva, Jr</i>
e-mail: louexcavate@gmail.com	Address: PO Box 807, NIKISKI AK 99635
Owner of: Triple Knot Land & Livestock, LLC	


FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche Borough Mayor

FROM: Robert Ruffner, Planning Director 

DATE: November 14, 2023

RE: Right-Of-Way Vacation KPB File 2023-115V: Jake Estates Subdivision Salmon Nest Addition,
Vacating a Portion of Paulk Avenue & Associated Utility Easements

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 November 13, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (8-Yes, 1-Absent). The petitioner is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

- November 13, 2023 Draft PC Minutes
- November 13, 2023 Meeting Packet Materials
- Petition Form

Vice-Chair Gillham open the item for public comment.

James Hall, McLane Consulting Group; P.O. Box 468, Soldotna, AK 99669: Mr. Hall was the surveyor on this project and made himself available for any questions.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Staggs to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the six conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 8	Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent - 1	Brantley

**ITEM #3 - RIGHT OF WAY VACATION
VACATE A PORTION PAULK AVENUE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-115V
Planning Commission Meeting:	November 13, 2023
Applicant / Owner:	Jody Asimakopoulos of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc
General Location:	Kalifornsky
Parcels No.:	055-370-28
Legal Description:	T 5N R 10W SEC 30 Seward Meridian KN 0880056 Jake Estates Sub Salmon Nest Addn Lot 6C Block 2

Staff report given by Platting Manager Vince Piagentini.

Vice-Chair Gillham open the item for public comment

Jody Asimakopoulos; P.O. Box 1958, Soldotna, AK 99669: Ms. Asimakopoulous is the applicant and made herself available for questions.

Commissioner Epperheimer noted according to the aerial view map it appeared there would be buildings in the setback where the new cul-de-sac bulb was to be located. Platting Specialist Quanton replied that if there were any setback encroachments created by the relocated cul-de-sac bulb they would be grandfathered in and the grandfathered encroachment would be noted on the plat.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Slaughter to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the four conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

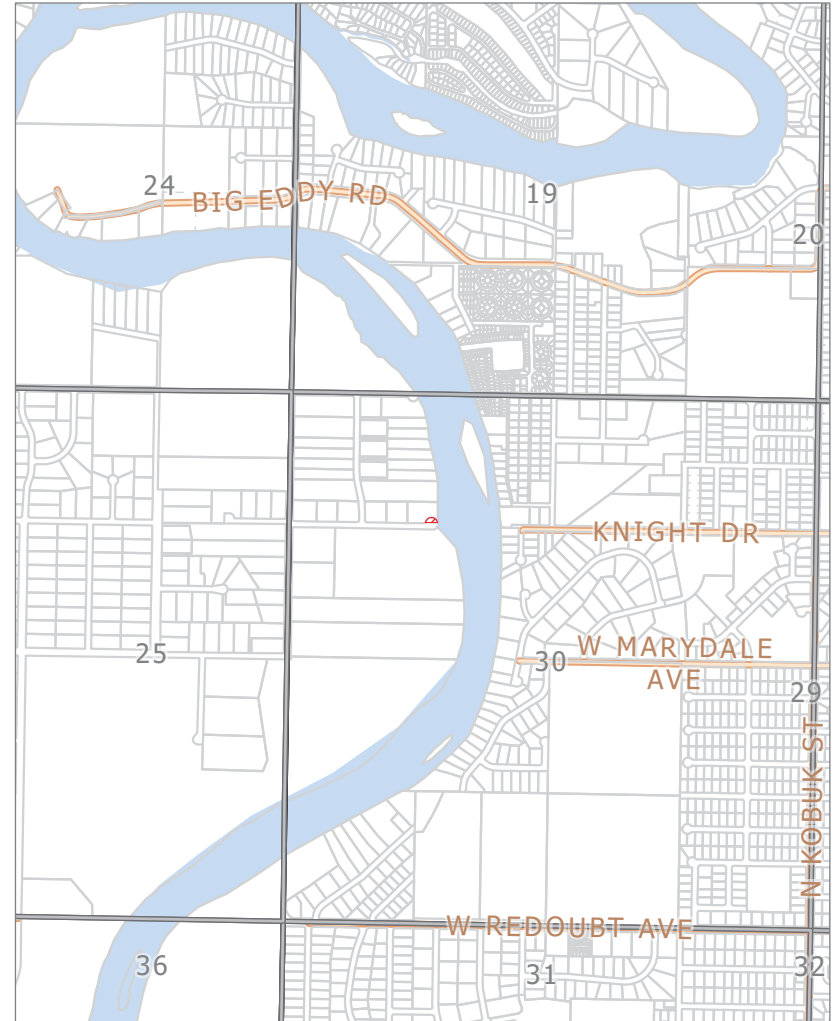
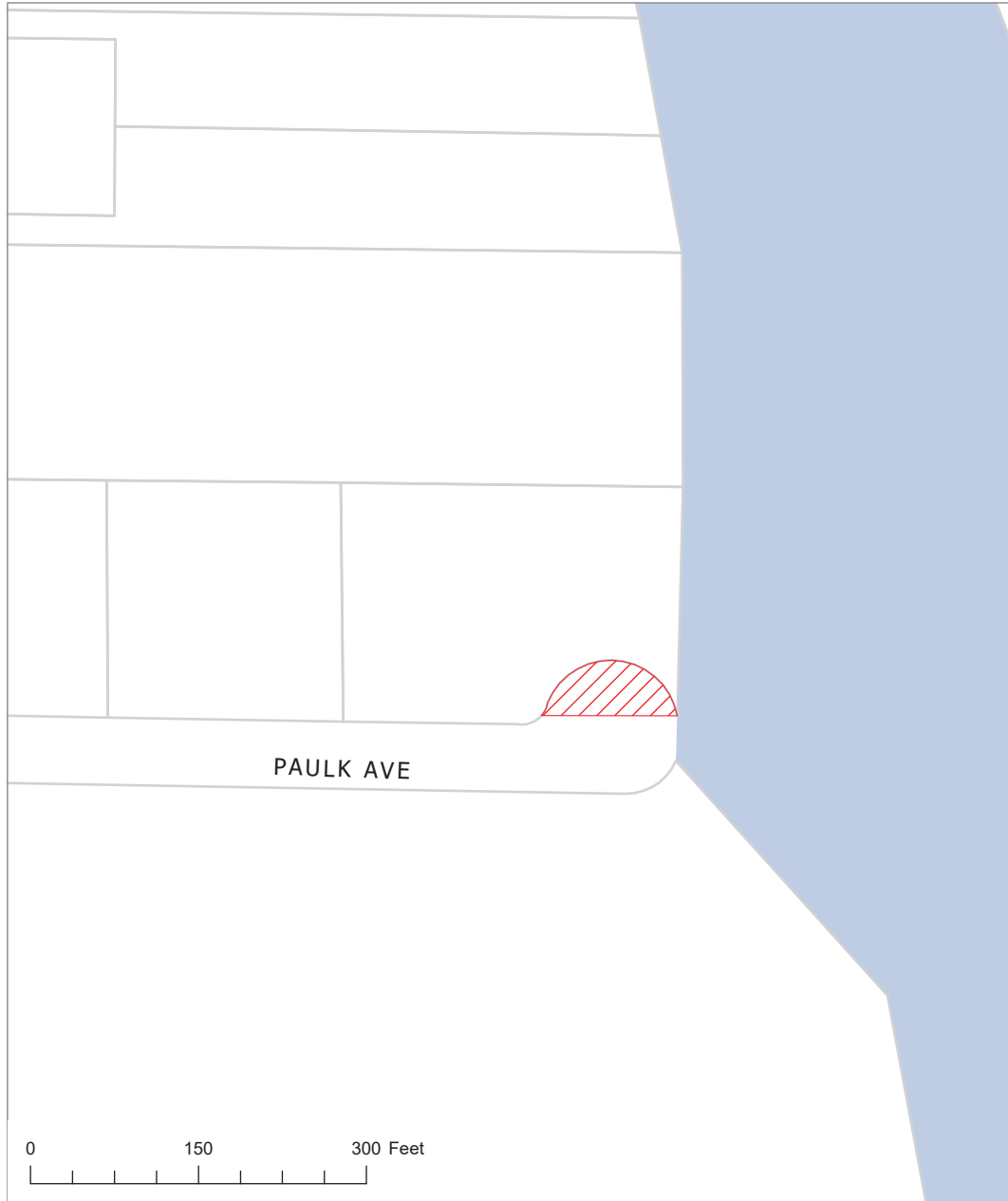
Yes - 8	Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
Absent - 1	Brantley

AGENDA ITEM F. PLAT COMMITTEE REPORT

Vice-Chair Gillham report that the committee reviewed fifteen preliminary plats. Fourteen plats were

E. NEW BUSINESS

3. ROW Vacation; KPB File 2023-115V
McLane Consulting / Asimakopoulos
Request: Reconfigures the Pulk Ave. cul-de-sac by vacating & relocating the current bulb and associated utility easements of Jakes Estate Salmon Nest Addition, KN 1988-56
Kalifornsky Area / Kalifornsky APC

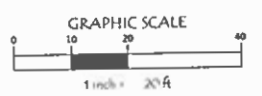
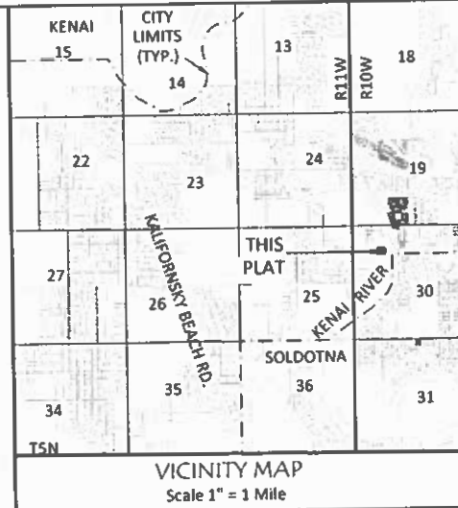
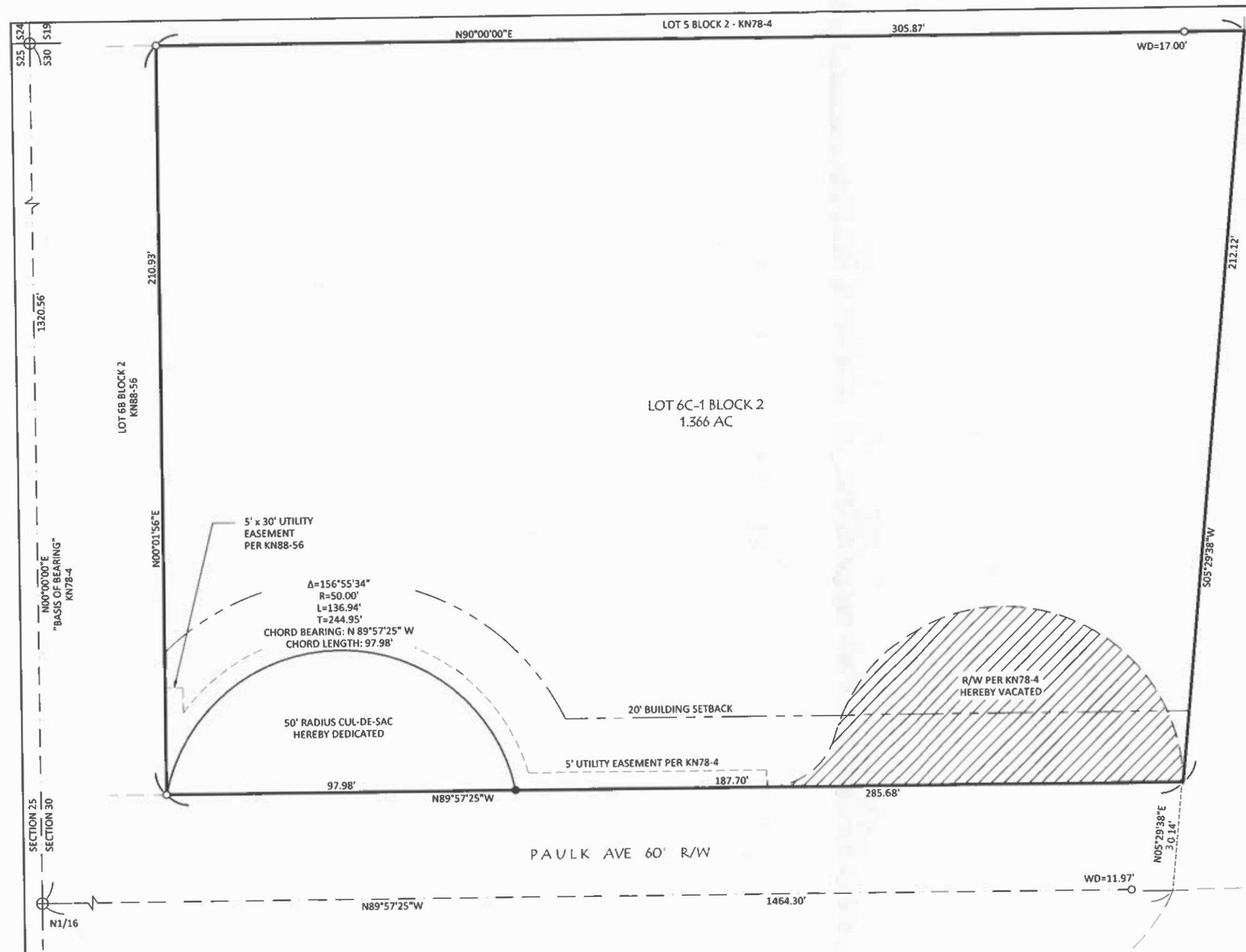


KPB File 2023-115V
T 05N R 10W SEC 30
Kalifornsky

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



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



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR UNLESS NOTED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JODY J. ASIMAKOPOULOS
 PO BOX 1958, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: JODY J. ASIMAKOPOULOS
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #

Rec Dist _____

Date _____ 20____

Time _____

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 5 FEET OF THE 20 FOOT BUILDING SETBACK IS ALSO A UTILITY EASEMENT PER KN88-56.
4. 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.
5. 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 DEPARTMENT.
6. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KENAI RIVER FORM THE TRUE BOUNDS OF LOT 6C-1. THE MEANDER LINE SHOWN PER KN78-4 HEREON IS FOR SURVEY COMPUTATIONS ONLY.

WASTEWATER DISPOSAL
 THE EXISTING PARENT SUBDIVISION WAS APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION (SEPTEMBER 9, 1988) AND THIS SUBDIVISION IS LIMITED TO MOVING ONE OR MORE LOT LINES WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA, AS DESCRIBED IN KPB 20.40.040(A)(4)(A), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KPB 20.40.020(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL _____

JAKE ESTATES ROW REPLAT
 A REPLAT OF LOT 6C BLOCK 2 JAKE ESTATES SALMON NEST ADDITION KN88-56 AND THE ASSOCIATED R/W VACATION

JODY J. ASIMAKOPOULOS
 PO BOX 1958, SOLDOTNA, AK 99669

1.433 AC. M/L SITUATED IN THE NW1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, THE KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT.

	ENGINEERING, TESTING & SURVEYING P.O. BOX 468 SOLDOTNA, AK 99669 VOICE (907) 283-4218 FAX (907) 283-3265 WWW.MCLANECG.COM	KPB FILE NO. 2023-xxx
	SCALE 1" = 20' DATE OCT. 2023	PROJECT NO. 232029 DRAWN BY: JAH

A new dedication to replace the vacated right-of-way is proposed on the west side of the lot.

The RSA Director has reviewed the design and indicated the location of the proposed bulb will provide better turnaround area for the public and neighbors..

Block length for the area is not compliant due to the Kenai River to the east and a large unsubdivided parcel to the south currently owned by State of Alaska Fish and Game. **Staff recommends:** *the plat committee concur an exception is not required.*

KPB Roads Dept. comments	<p>Out of Jurisdiction: No</p> <p>Roads Director: Griebel, Scott</p> <p>Comments: The public river access appears to be preserved. The shift of the traffic bulb away from the proximity to the river bank is a positive from both a construction and habitat preservation perspective. There is some history of Paulk ROW encroachments by adjacent residents. Public access to the resource is the intent of the dedication and should be protected.</p>
SOA DOT comments	No comments – Engineering

Site Investigation: This area is located within a mapped flood hazard area, floodway, and habitat protection area for the Kenai River. **Staff recommends:** *the corresponding notes for these items be added to the final submittal including the panel map provided by the Floodplain-Planner.*

This area is generally flat with a slight decline towards the river to the east.

The current location for the bulb area falls within the classified Riverine wetland. The proposed location will be outside of any classified wetlands.

KPB River Center review	<p>See attachments</p> <p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: A4,B,Floodway Map Panel: 020012-2045C In Floodway: True Floodway Panel: 020012-0013</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w\kpb\maldridge</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
-------------------------	--

Staff Analysis: 30 feet of Paulk Avenue and the bulb area was granted by Jake Estate Subdivision, KN 78-4. A matching 30-feet was dedicated by Channel Shores Subdivision, KN 85-102.

Lot 6 of KN 78-4 was subdivided into three lots by Jake Estates Salmon Nest Addition, KN 88-56. No other platting actions have happened for this lot.

Alaska Fish and Game owns the large tract on the south side of Paulk Avenue and were sent a notice of the subdivision plat. 60-feet of the right-of-way will remain to the river to continue public access.

There are utilities in the area and all service providers were sent the design for review. Homer Electric Association Inc. (HEA) did provide a comment regarding a power pole in the current utility easement of the main right-of-way of Paulk Ave. Prior to any road development **staff recommends the developer contact HEA and the KPB Roads Department for all needed permits.**

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: Yes
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: *No, just impractical and destructive. Alternative proposed in better location.*
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Yes
 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: *60 feet of right-of-way will still remain, but the cul-de-sac bulb is being relocated for river bank protection.*
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: *No affect to adjacent parcels*
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: *Access via end Paulk Rd will remain open.*
 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:
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

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 December 12, 2023 meeting.

If approved, Jakes Estates ROW Replat will finalize the proposed right of way vacations. A subdivision plat will not be accompanying this vacation and will be finalized under 20.10.080 – Vacation Plat.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 45730 PAULK AVE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: PAULK AVE</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No additional comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: Current Imagery shows multiple ROW encroachments. Limits public access to the River.</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	Power pole G6-30-1720 is currently located in the outer 10 foot utility corridor of the right of way, which is an approved location. After the right of way dedication, the pole will be out of compliance, but twill be grandfathered. Any improvements to the cul-de-sac will require the pole to be relocated at the cost of the road developer.
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
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 20.70.130).
-

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*
 - 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.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

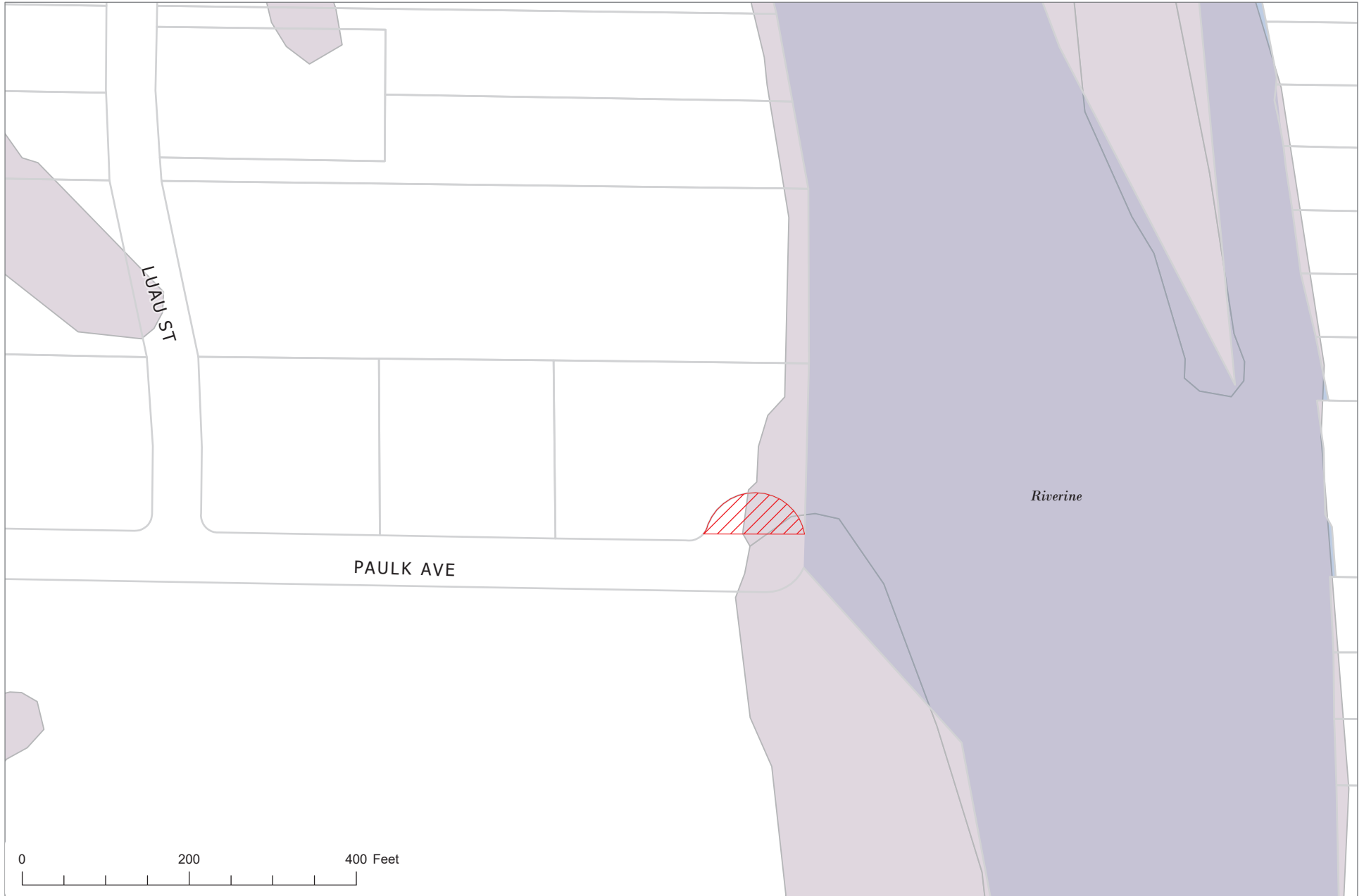
- *Focus Area: Transportation*

- *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



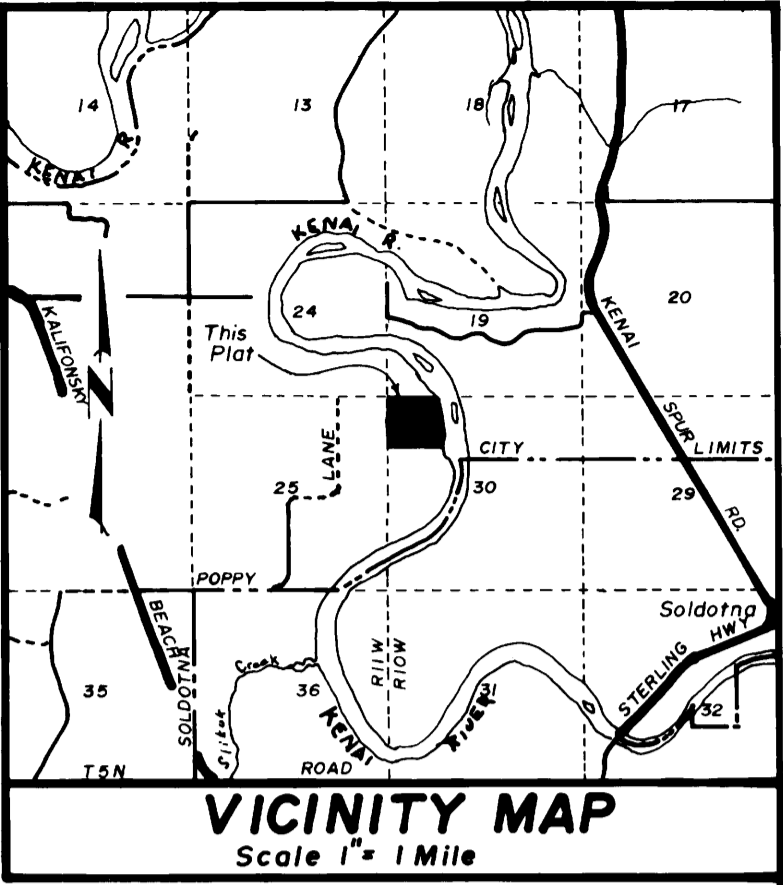
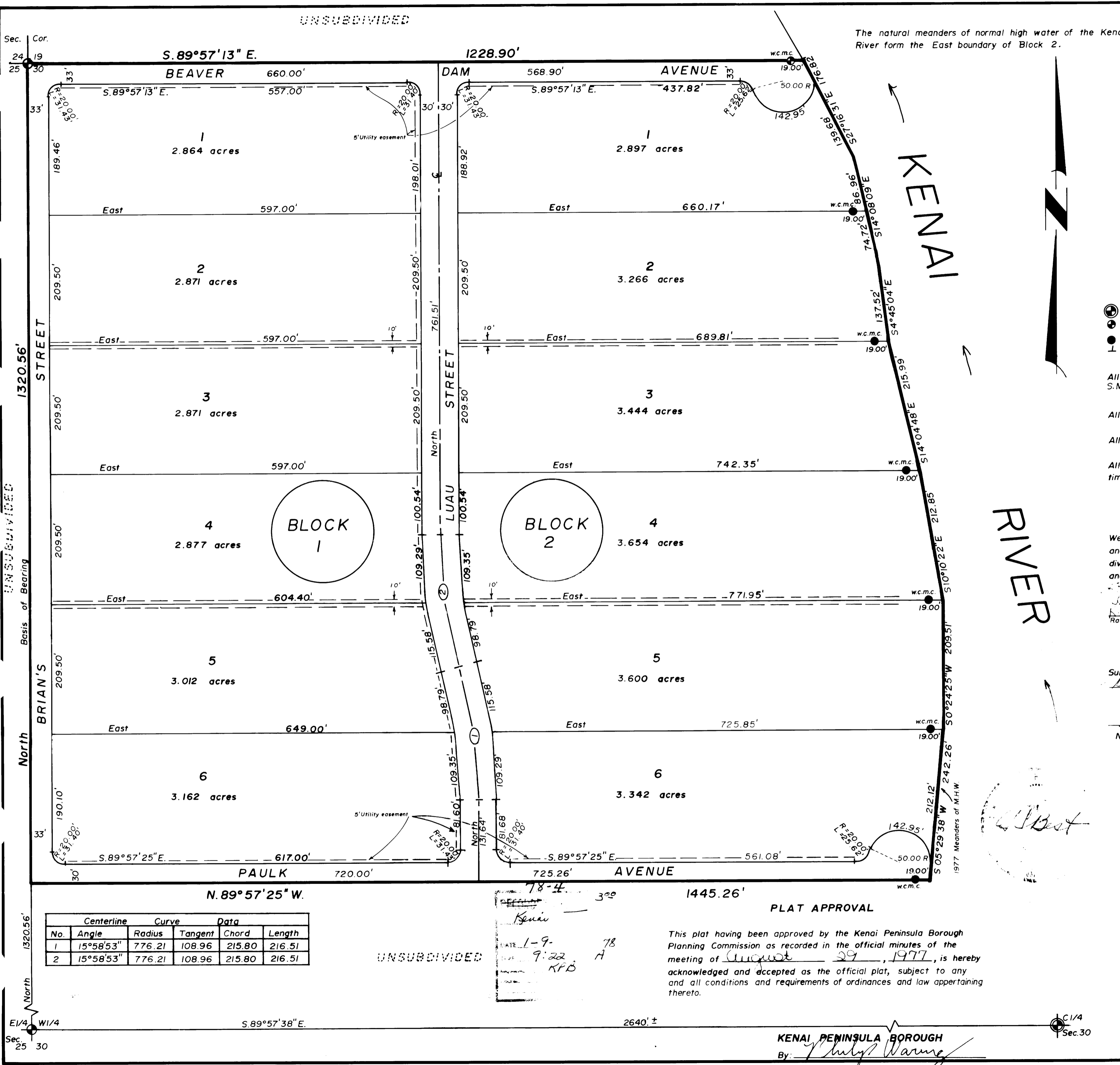
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.



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



LEGEND AND NOTES

- Found official survey B.C. monument (610-S)
- Found G.L.O. B.C. monument
- Set 1/2" x 20" steel rebar.
- Set 1/2" x 20" steel rebar at all lot corners.

All bearings refer to the West boundary of Sec. 30, T5N, R9W, S.M. AK. as being North.

All datum of record shown thus ().

All lots are subject to a 20' bldg. setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

CERTIFICATE OF OWNERSHIP AND DEDICATION

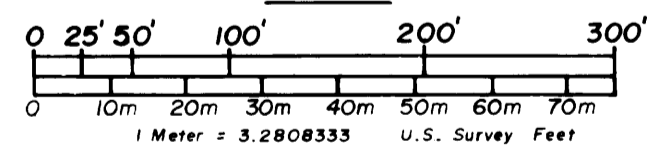
We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

Ramona Pauk, Box 191, Soldotna, AK 99669 et al. Robert K. Fukushima

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 21st day of November, 1977.

G.S. Best
Notary Public for Alaska
My commission expires July 1, 1978



No.	Centerline Angle	Curve Radius	Tangent	Chord	Data Length
1	15°58'53"	776.21	108.96	215.80	216.51
2	15°58'53"	776.21	108.96	215.80	216.51

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of August 29, 1977, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

Kenai
DATE 1-9-78
9:22
KPB

JAKE ESTATE SUBDIVISION

DESCRIPTION

42.70± Ac. of Govt. Lot 3, located in NW 1/4 NW 1/4 and in a portion of NE 1/4 NW 1/4 that lies west of the Kenai River Sec. 30, T.5N., R.10W., S.M. Ak. and in the Kenai Peninsula Borough.

Owner: Ramona Pauk Et. Al.
Box 191
Soldotna, Ak. 99669

P.O. Box 476 Soldotna Ak.

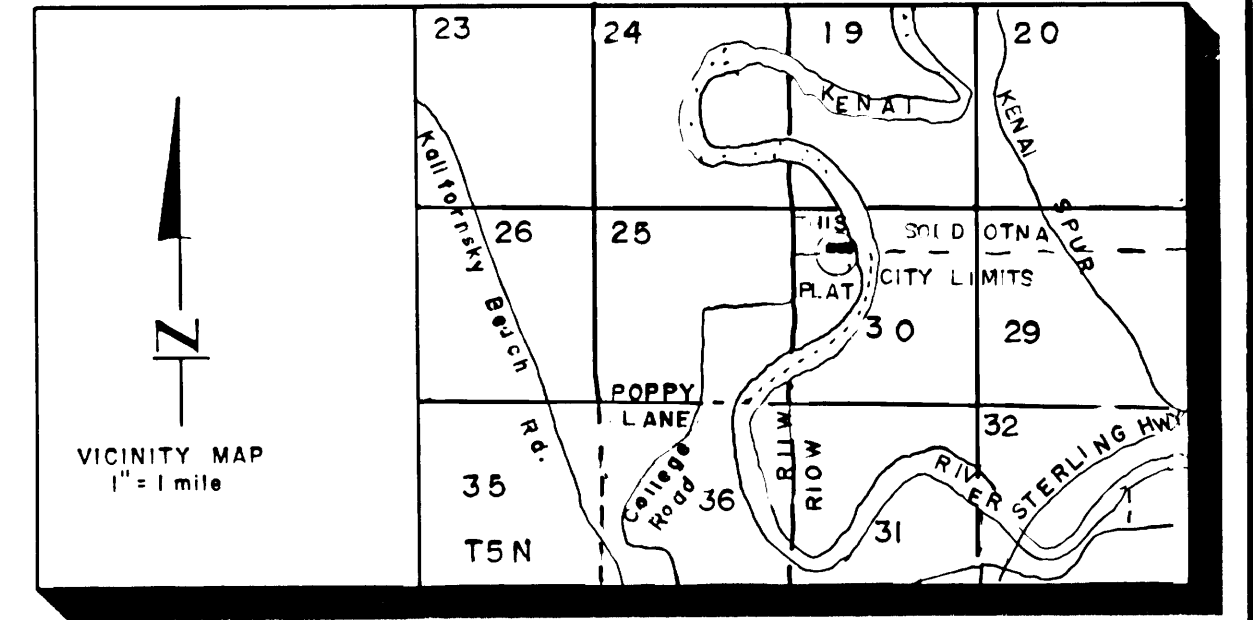
G.S. Best
Geologist, Registered Land Surveyor

Date Surveyed Aug. 1977	Scale 1" = 100'	Bk No. 77-2
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88-56
 RECORDED FILED 20-
 Kenai REC. DIST.
 9/22 1988
 9:59 A.
 Integrity Surveys

FLOOD PLAIN NOTE:

LOTS WITHIN THIS SUBDIVISION MAY BE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA. DEVELOPEMENT MUST COMPLY WITH CHAPTER 21 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY TO DETERMINE THE ELEVATION OF THE PROPERTY MAY BE REQUIRED PRIOR TO CONSTRUCTION.

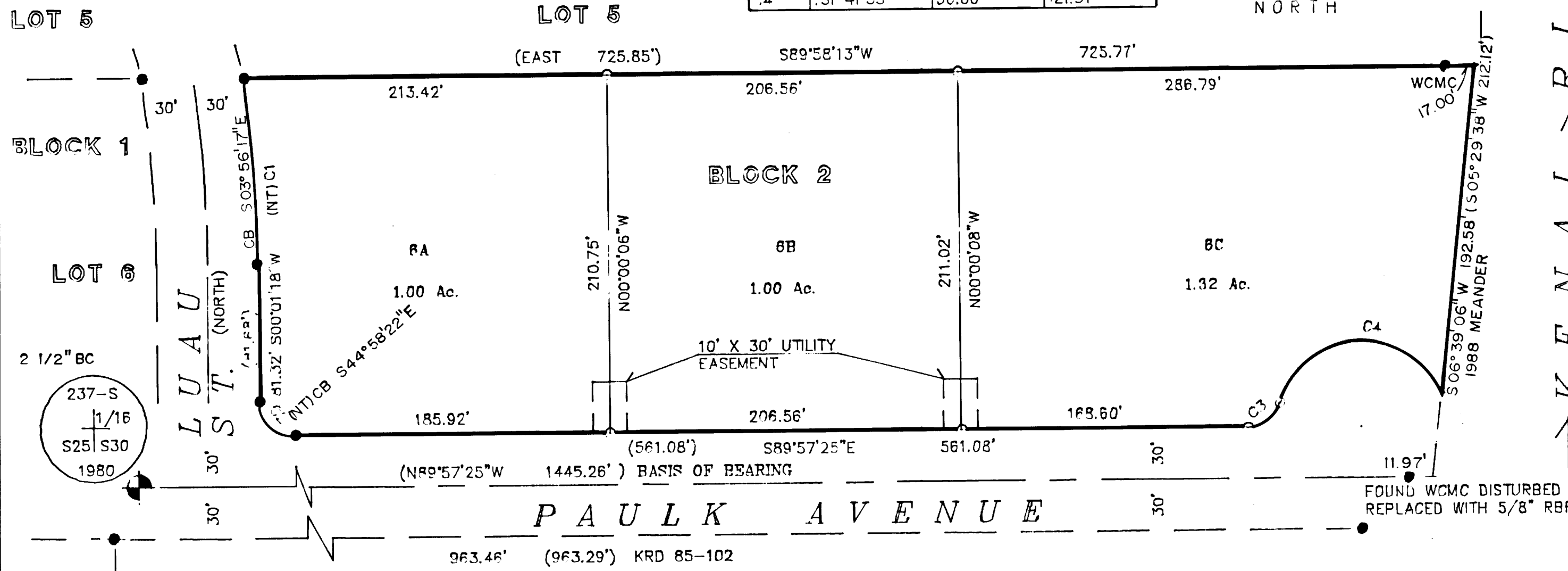


JAKE ESTATES

No.	Delta	Radius	Arc Length
C1	07°49'51"	806.21	109.48
C2	97°10'56"	20.00	31.48
C3	73°23'57"	20.00	25.62
C4	31°41'53"	50.00	121.91



KENAI RIVER



CERTIFICATE of OWNERSHIP and DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON & THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION & DEDICATE ALL RIGHT-OF-WAYS & PUBLIC AREAS TO PUBLIC USE & GRANT ALL EASEMENTS TO THE USE SHOWN.

Ramona M Paulk
 RAMONA M. PAULK
 P.O. BOX 191
 SOLDOTNA, ALASKA 99669

NOTARY'S ACKNOWLEDGEMENT

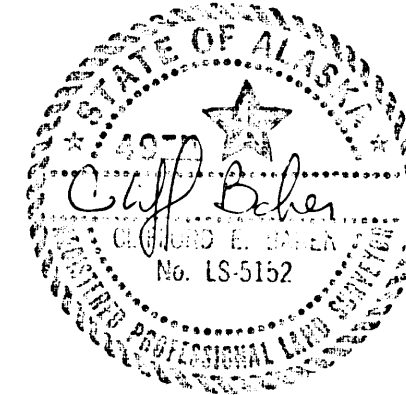
SUBSCRIBED AND SWORN BEFORE ME THIS 3 DAY OF August, 1988 FOR *Ramona M. Paulk*

Cliff Baker
 NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 3/12/89

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 7-25-88

KENAI PENINSULA BOROUGH
Richard B. Tveder
 AUTHORIZED OFFICIAL



K.P.B. FILE NO. 88-058

JAKE ESTATES SALMON NEST ADDITION

A RESUBDIVISION OF LOT 6 BLOCK 2 JAKE ESTATES SUBDIVISION LOCATED WITHIN THE N1/2 NW1/4 SEC. 30, T5N, R10W, S.M. KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

CONTAINING 3.32 Ac INTO 3 PARCELS

INTEGRITY SURVEYS

P.O. BOX 1831 SOLDOTNA, ALASKA 99669 262-9461	
SURVEYORS	PLANNERS
JOB NO.: 88-23	FIELD BOOK: 88-4
DISK NO.: D4	FILE NAME: JAKE ESTATES
SURVEYED: JULY 88	PLATTED: AUGUST 88
DRAFTED: CB / JS	SCALE: 1" = 60'
CHECKED: CB	SHEET:

LEGEND

- MONUMENT (Found this survey)
- MONUMENT (Set this survey)
- 1/2" REBAR (Found this survey)
- 5/8" x 30" REBAR (Set this survey)
- () RECORD DATUM KRD 78-4
- (NT) NON-TANGENT
- CB CHORD BEARING

MEANDER NOTE:

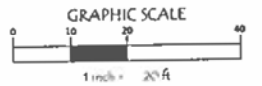
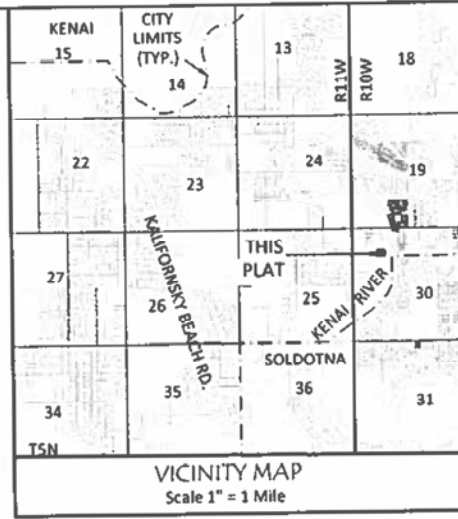
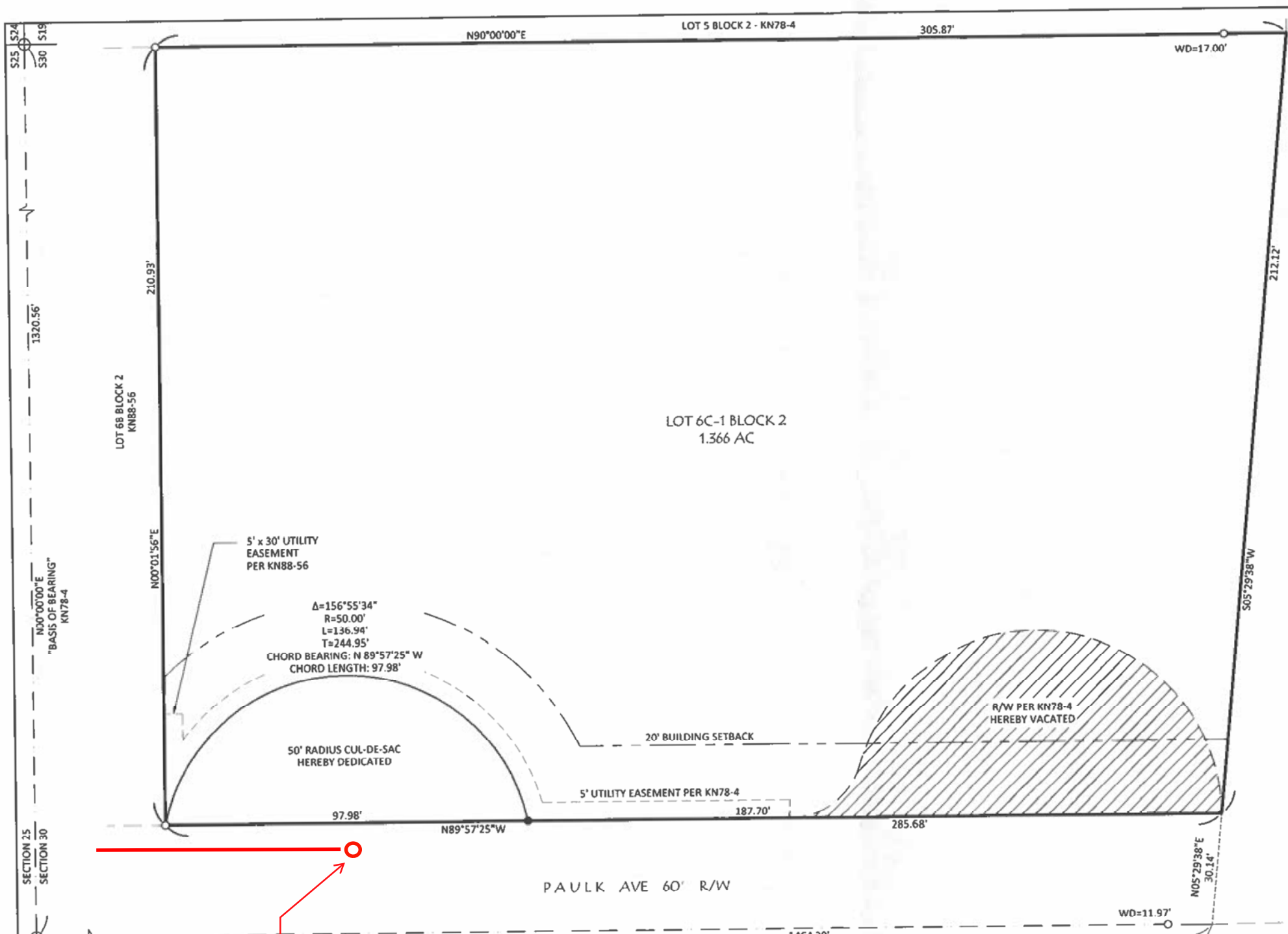
THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER OR ORDINARY HIGH WATER FORMS THE TRUE BOUNDS OF THE SUBD. THE APPROXIMATE LINE OF MEAN HIGH WATER OR ORDINARY HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE SUBDIVISION CORNERS BEING ON THE EXTENSION OF THE SUBDIVISION SIDE LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18 AAC 72.065 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.

Paul D. Howarth EE 9/9/88
 SIGNATURE TITLE DATE

NOTES:

- 1) PROPOSED LAND USES ARE RECREATIONAL, RESIDENTIAL & AGRICULTURAL.
- 2) A SETBACK OF 20 FEET IS REQ'D FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 3) ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION.
- 4) THE FRONT 5 FEET OF BUILDING SETBACK IS RESERVED AS A UTILITY EASEMENT
- 5) DUE TO HIGH WATER TABLE ALL LOTS WILL REQUIRE ENGINEERED MOUND DISPOSAL SYSTEM WITH ADEC APPROVAL PRIOR TO INSTALLATION, 18 AAC 72.060.



- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR UNLESS NOTED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JODY J. ASIMAKOPOULOS
 PO BOX 1958, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT

FOR: JODY J. ASIMAKOPOULOS
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA



Plat #

Rec Dist _____

Date _____ 20____

Time _____

Power pole G6-30-1720 is currently located in the outer 10 foot utility corridor of the right of way, which is an approved location. After the right of way dedication the pole will be out of compliance, but will be grand fathered.

KPB

Any improvements to the cul-de-sac will require the pole to be relocated at the cost of the road developer.

WASTEWATER
 THE EXISTING PARCEL DEPARTMENT OF ENVIRONMENTAL CONSERVATION IS LIMITED TO MOVING ONE OR MORE LOT LINES WITHOUT INCREASING THE NUMBER OF DEVELOPABLE LOTS, WHILE MAINTAINING A MINIMUM OF 20,000 SQUARE FEET OF CONTIGUOUS AREA, AS DESCRIBED IN KPB 20.40.040(A)(4)(A), FOR EACH LOT AFFECTED BY THE LOT LINE MOVEMENT PER KPB 20.40.020(1)(C). WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 5 FEET OF THE 20 FOOT BUILDING SETBACK IS ALSO A UTILITY EASEMENT PER KN88-56.
4. 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.
5. 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 DEPARTMENT.
6. THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF THE KENAI RIVER FORM THE TRUE BOUNDS OF LOT 6C-1. THE MEANDER LINE SHOWN PER KN78-4 HEREON IS FOR SURVEY COMPUTATIONS ONLY.

HEA REVIEWED - SEE COMMENTS

Scott Huff
 Scott Huff 10/26/2023
 Land Management Officer

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2023.

AUTHORIZED OFFICIAL

JAKE ESTATES ROW REPLAT
 A REPLAT OF LOT 6C BLOCK 2 JAKE ESTATES SALMON NEST ADDITION KN88-56 AND THE ASSOCIATED R/W VACATION
 JODY J. ASIMAKOPOULOS
 PO BOX 1958, SOLDOTNA, AK 99669
 1.433 AC. M/L SITUATED IN THE NW1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, ALASKA, THE KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT.

 ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK, 99669 VOICE (907) 283-4218 FAX (907) 283-3265 WWW.MCLANECG.COM	KPB FILE NO. 2023-XXX
	PROJECT NO. 232029

SCALE 1" = 20'	DATE OCT. 2023	BOOK NO. 23-XX	DRAWN BY: JAH
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Planning Department

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

RECEIVED
OCT 20 2023
KPB PLANNING DEPT.

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- PAULK CUL-DE-SAC _____ platted public right of way proposed to be vacated was dedicated by the plat of JAKE ESTATE SUBD. _____ Subdivision, filed as Plat No. KN78-4 in the KENAI _____ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Is the platted right of way and or associated utility easement in use by any utility company?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address LOT 6C KN88-56	
Section, township, range SECTION 30, T5N, R10W, SM AK	
City (if applicable)	General area PAULK AVE & KENAI RIVER

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Judy Asimakopoulos	Signature: <i>Judy Asimakopoulos</i>
e-mail: judya@cpgh.org	Address: Box 1958
Owner of:	Soldotna AK 99669

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____