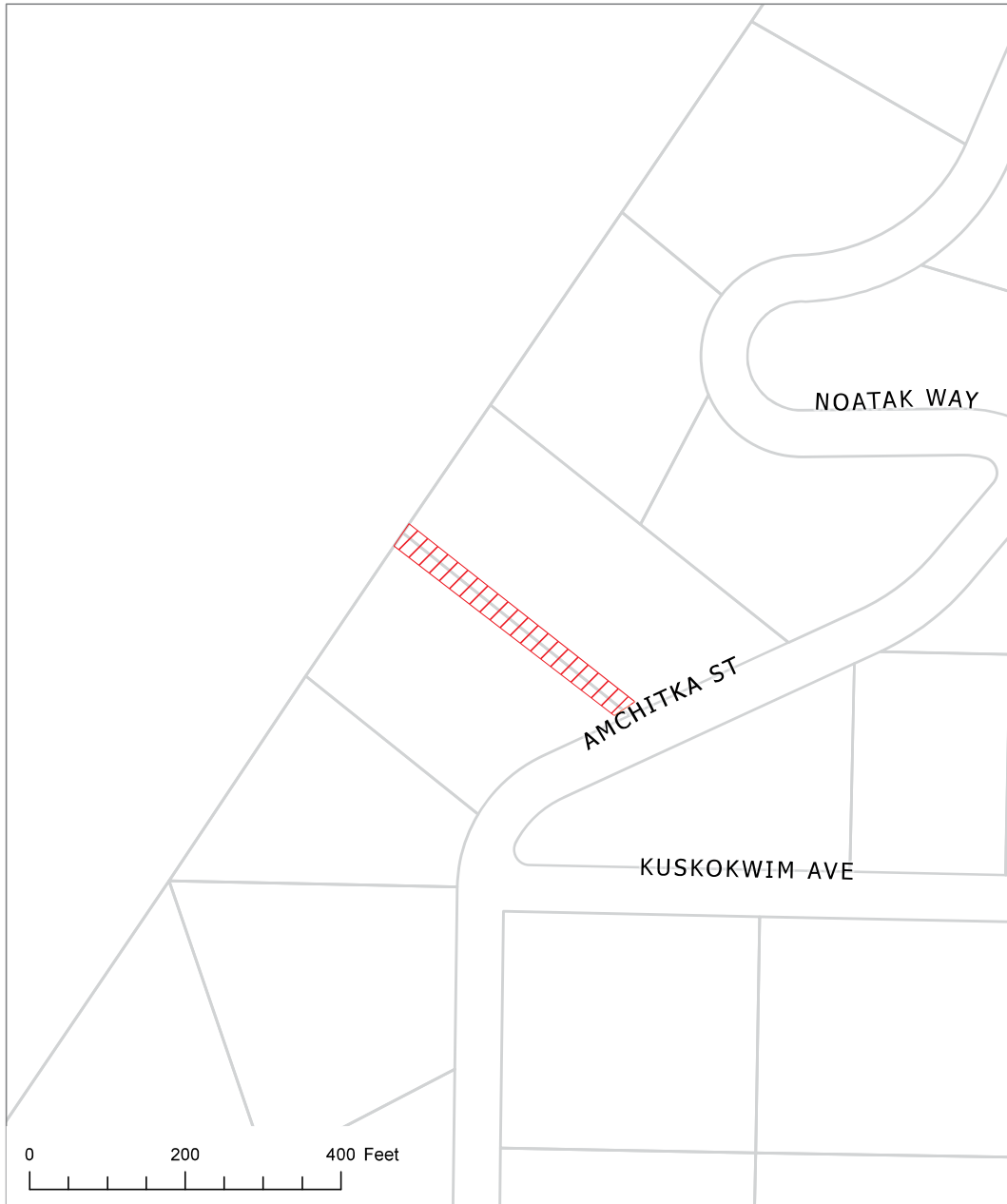


E. NEW BUSINESS

2. Utility Easement Vacation; KPB File 2027-076V

McLane Consulting Group / Gottsche

**Request: Vacates the utility easement granted on the common lot line between Lots 5 & 6, Block 2, Chugach Heights Subdivision, Plat KN 78-136
Nikiski Area / Nikiski APC**



KPB File 2024-076V
T 07N R 12W SEC 10
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.



Aerial Map



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

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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.

DAVID M. GOTTSCHÉ
50850 NOATAK WAY, KENAI, AK 99611

V. PENNY GOTTSCHÉ
50850 NOATAK WAY, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT

FOR: DAVID M. & V. PENNY GOTTSCHÉ
ACKNOWLEDGED BEFORE ME THIS

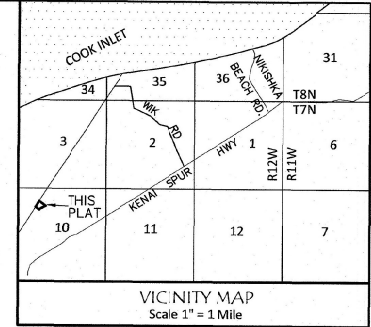
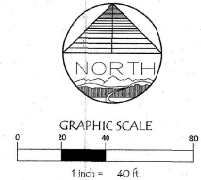
DAY OF _____, 20__

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF _____

LEGEND

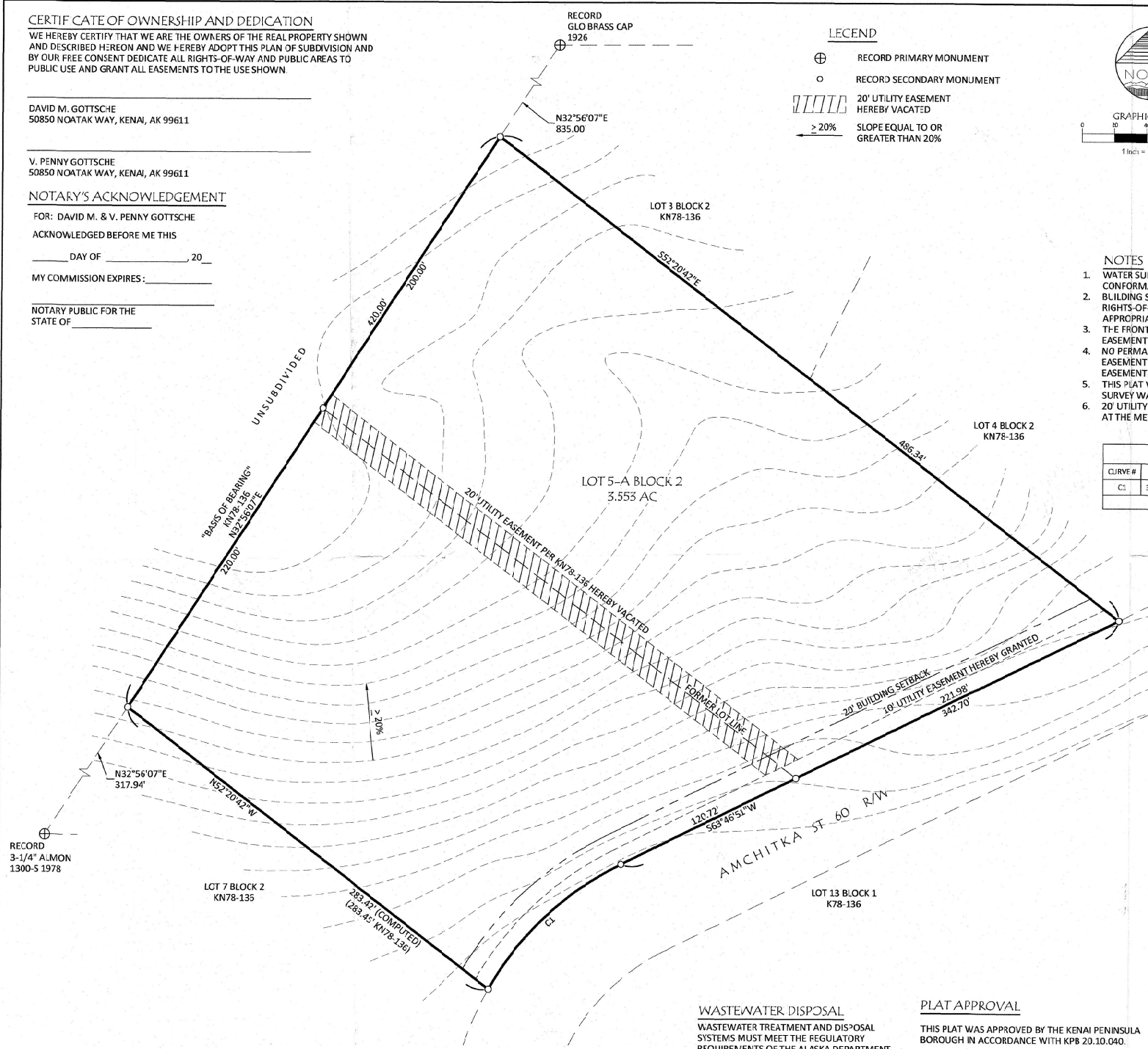
- RECORD PRIMARY MONUMENT
- RECORD SECONDARY MONUMENT
- 20' UTILITY EASEMENT HEREBY VACATED
- > 20% SLOPE EQUAL TO OR GREATER THAN 20%



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 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT HEREBY GRANTED.
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. THIS PLAN WAS PREPARED FROM DATA OF RECORD (KN78-136). NO ADDITIONAL FIELD SURVEY WAS PERFORMED THIS DATE.
6. 20' UTILITY EASEMENT WAS APPROVED FOR VACATION BY KPB PLANNING COMMISSION AT THE MEETING ON _____, 2024.

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	34°21'50"	190.00'	113.95'	58.75'	S 46° 35' 56" W	112.25'
(113.97' KN78-136)						COMPUTED



Plat #

Rec Dat _____

Date _____ 20__

Time _____ M



CHUGACH HEIGHTS SUBDIVISION 2024 REPLAT
 REPLAT OF LOTS 5 & 6 BLOCK 2 CHUGACH HEIGHTS SUBDIVISION (KN78-136)
 AND THE ASSOCIATED 20' UTILITY EASEMENT VACATION
 DAVID M. GOTTSCHÉ V. PENNY GOTTSCHÉ
 50850 NOATAK WAY 50850 NOATAK WAY
 KENAI, AK 99611 KENAI, AK 99611
 3.553 AC. M/L SITUATED IN THE NW 1/4 OF SECTION 10, TOWNSHIP 7
 NORTH, RANGE 12 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH,
 AND THE KENAI RECORDING DISTRICT, ALASKA.

	ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK, 99669 VOICE: (907) 283-4218 FAX: (907) 283-3285 WWW.MCLANECG.COM	KPB FILE NO. 2324-XXX
	PROJECT NO. 242018	

WASTEWATER DISPOSAL
 WASTEWATER TREATMENT AND DISPOSAL
 SYSTEMS MUST MEET THE REGULATORY
 REQUIREMENTS OF THE ALASKA DEPARTMENT
 OF ENVIRONMENTAL CONSERVATION.

PLAT APPROVAL
 THIS PLAN WAS APPROVED BY THE KENAI PENINSULA
 BOROUGH IN ACCORDANCE WITH KPB 20.10.040.

KPB 2024-076V

AUTHORIZED OFFICIAL _____

SCALE: 1" = 40' DATE: JUN 2024 DRAWN BY: JAH

ITEM 2 - UTILITY EASEMENT ALTERATION

Vacates the utility easement granted per KN 78-136, which is approximately 7,219 square feet and 20 feet wide. This easement is located on the common lot line between lots 5 and 6, block 2, in Chugach Heights Subdivision, Plat 78-136 (KN 1978136)

KPB File No.	2024-076V
Planning Committee Meeting:	August 12, 2024
Applicant / Owner:	V Penny and David M Gottsche
Surveyor:	Andrew Hamilton — McLane Consulting Group
General Location:	Nikiski

STAFF REPORT

Specific Request / Purpose as stated in the petition: Petition is to vacate a 20 foot utility easement between Lots 5 and 6 Block 2 Chugach Heights Subdivision KN78-136. Both lots 5 & 6 are owned by Penny and David Gottsche. The lot line between lots 5 & 6 is to be vacated. Owners want to further develop the property and utility easement will hinder development.

Notification: Notice of vacation mailings were sent by regular mail to 24 owners of property within 600 feet. Notice of the proposed vacation was emailed to 3 agencies and interested parties.

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

Staff Analysis:

There are no utilities currently located within the utility easement and no utilities are planning for the easement.

Utility providers have no objections to the right-of-way vacation. Future utilities shall utilize the 10-foot utility easement adjacent to Amchitka Street, which will be granted by the abbreviated plat, Chugach Heights Subdivision 2024 Replat, which has been submitted and was reviewed on July 18, 2024.

Planning Commission Resolution 2024-11 will finalize the vacation of this 20-foot utility easement when recorded. Once recorded, it will be added as note to the Chugach Heights Subdivision 2024 Replat and the second submittal will be submitted for review.

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No comments
GCI	No comments

Findings:

1. The petition states that the utility easement proposed for vacation is not in use by any utility company.
2. ACS, ENSTAR, GCI, and HEA have provided written non-objections to the proposed vacation.
3. The Chugach Heights Subdivision 2024 Replat is granting a 10-foot wide utility easement adjoining all rights-of-way.
4. The lots associated with the utility easement are owned by the same individuals. The Chugach Heights Subdivision 2024 Replat will combine both lots into one, and the location of the easement currently prevents development.
5. No surrounding properties will be denied utilities.
6. Alaska DOT & PF and KPB RSA have provided reviews of “no comment or objections.”

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

The drawing should be drawn to represent the original lots of Lots 5 and 6 Block 2 Chugach Heights Subdivision KN78-136 for purposes of being filed with Resolution 2024-11.

RECOMMENDATION:

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

1. Grant utility easements requested by the Kenai Peninsula Borough Planning Commission and utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

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

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

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

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*

- *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2024-11
KENAI RECORDING DISTRICT**

Vacates the utility easement granted per KN 78-136, which is approximately 7,219 square feet and 20 feet wide. This easement is located on the common lot line between lots 5 and 6, block 2, in Chugach Heights Subdivision, Plat 78-136 (KN 1978136), Kenai Recording District, granted by Chugach Heights Subdivision, Plat 78-136 (KN 1978136); within S10, T07N, R12W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2024-076V

WHEREAS, a request has been received from V Penny and David M Gottsche of Kenai, AK to Vacate the utility easement granted per KN 78-136, which is approximately 7,219 square feet and 20 feet wide. This easement is located on the common lot line between lots 5 and 6, block 2, in Chugach Heights Subdivision, Plat 78-136 (KN 1978136), granted by Chugach Heights Subdivision (KN 0780136); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on August 12, 2024, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the above described vacates the utility easement granted per KN 78-136, which is approximately 7,219 square feet and 20 feet wide. This easement is located on the common lot line between lots 5 and 6, block 2, in Chugach Heights Subdivision, Plat 78-136 (KN 1978136), are hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS _____ DAY OF _____, 2024.

Jeremy Brantley, Chairperson
Planning Commission

ATTEST: _____
Ann Shimberg,
Administrative Assistant

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



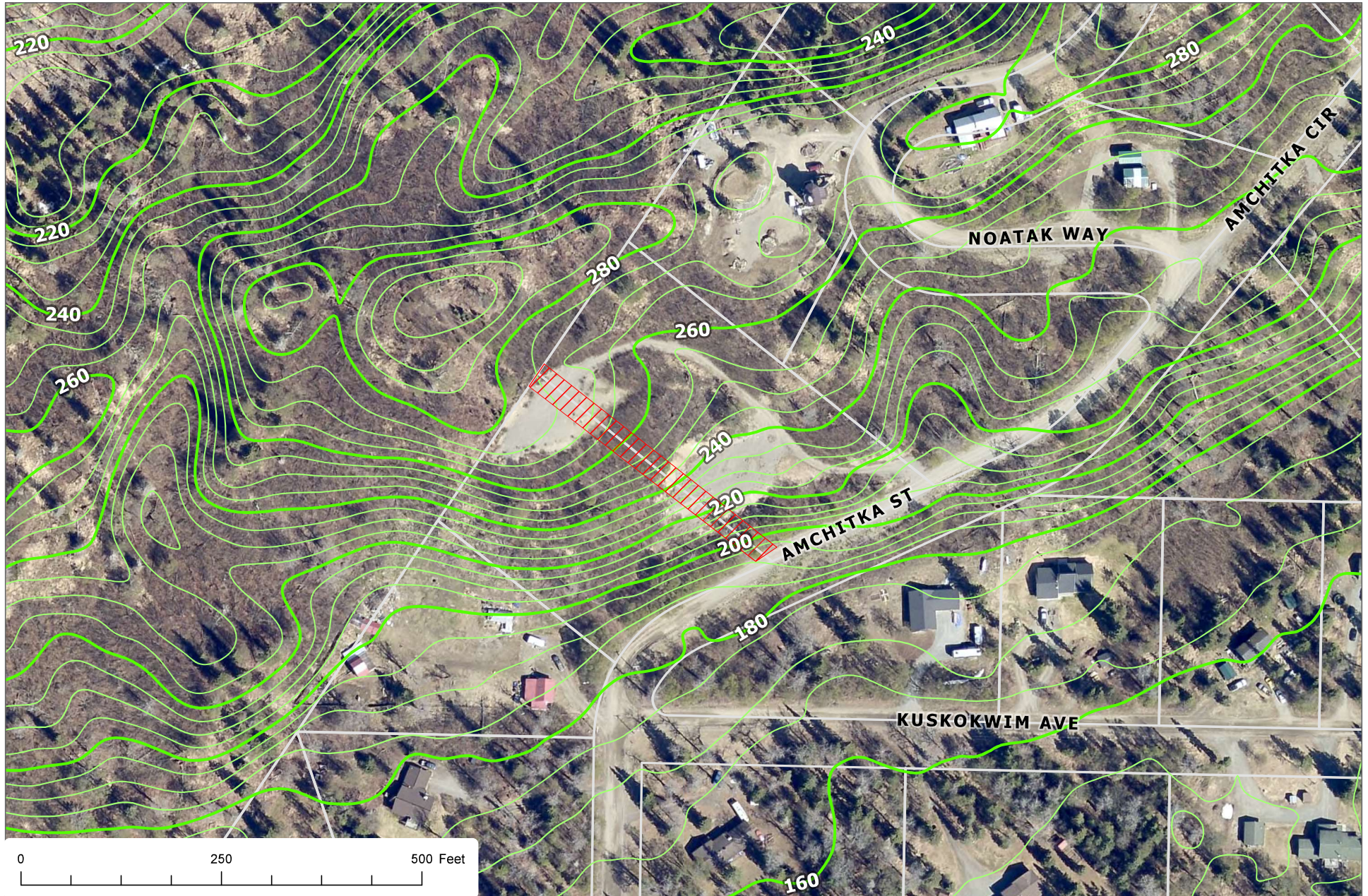
Aerial Map



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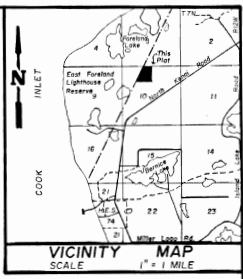
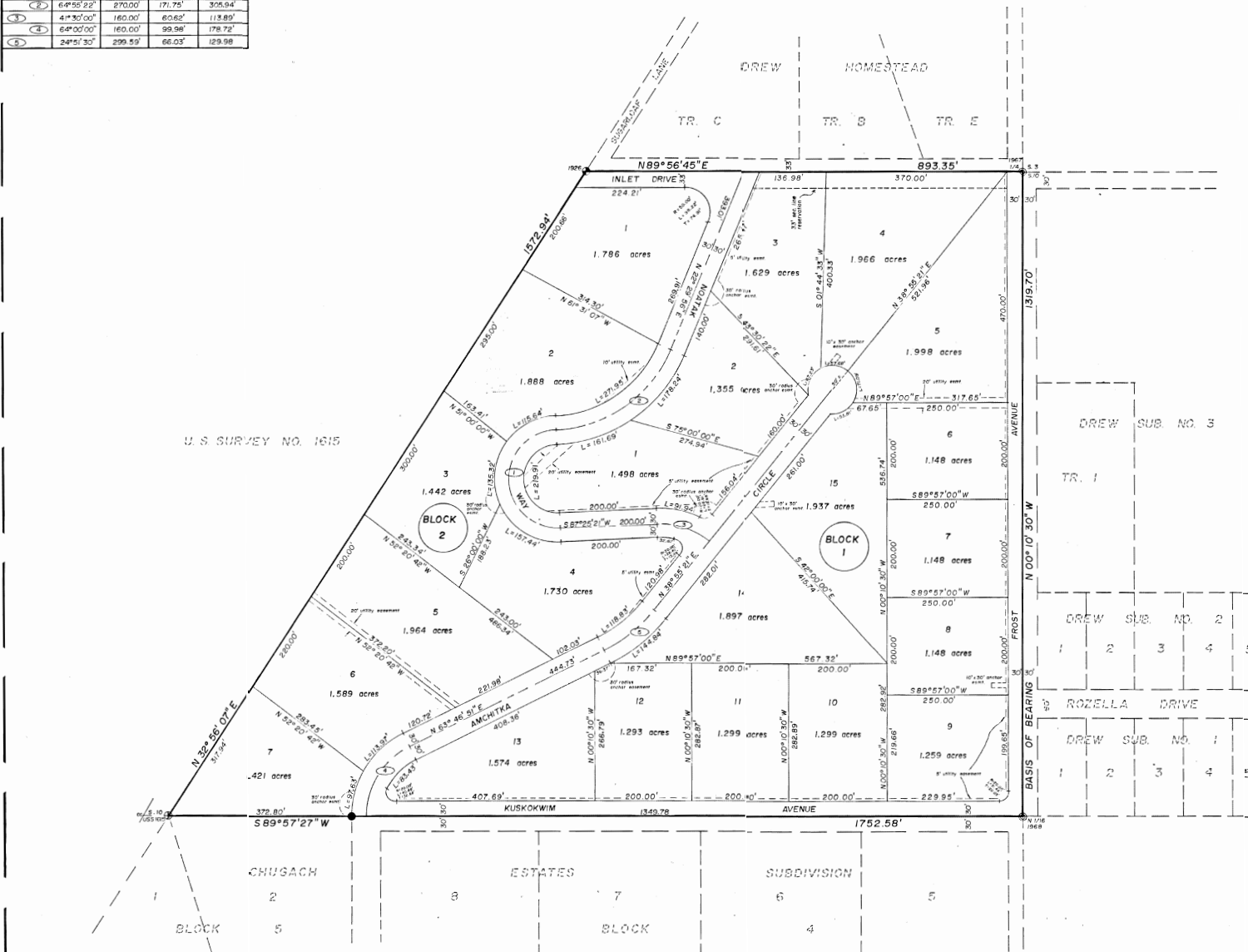


Aerial with 5-foot Contours



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

CURVE NO.	Δ	RADIUS	TANGENT	LENGTH
1	179°59'57"	100.00'	1.338'	314.15'
2	64°55'22"	270.00'	171.75'	305.94'
3	41°30'00"	160.00'	60.62'	113.89'
4	64°00'00"	160.00'	99.98'	178.72'
5	24°51'30"	299.59'	66.03'	129.98'



LEGEND AND NOTES

- Found GLO Brass Cap monument
- Found Brass Cap monument (1516-E)
- Set 1/2" x 3/4" steel rebar
- Set 3/4" Aluminum Cap monument (1500-S 1978)
- Found Brass Cap monument (185-S 1975)

All bearings refer to the West boundary of Drew Subdivision Nos. 1, 2 and 3 as being N 00° 10' 30" W.

All datum of record shown Plus (+).

All lots are subject to a 20' strip setback along all dedicated Right'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 herein 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.

Buell Neibart

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 14th day of July, 1978.

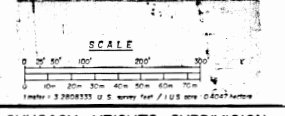
Monda L. Wilcox
Notary Public for Alaska - California
My Commission Expires 9-30-80

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 3, 1978, is hereby acknowledged as the official plat, subject to any and all conditions and requirements of ordinances and law applicable thereto.

Kenai Peninsula Borough
By *Philip Worring*

78-136
MAILED
Kenai REC. DIST.
DATE 8/1/78
FILED BY KFB



CHUGACH HEIGHTS SUBDIVISION

DESCRIPTION: U.S. Government Lots 3 & 4, Section 10, T7N, R12W, S.M., Alaska and within the Kenai Peninsula Borough containing 40.077 acres more or less.

OWNER: Buell Neibart
756 Barbara Drive
Solana Beach, California 92075

W.D. Box 476 Soldano, Alaska 99669

Geologist, Registered Land Surveyor
Date Surveyed June 1978 Scale 1" = 100' Plat No. 77-4

