

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: March 26, 2024

RE: Right-Of-Way Vacation KPB File 2024-022V: Vacate the approximate 184' of the end of the cul-de-sac of Shalom Lane between Lots 4, 5, 6 & Tract A of Immanuel Subdivision (Plat KN 2022-46) & Associated Utility Easement

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 March 25, 2024 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.

- March 25, 2024 Draft PC Minutes
- March 25, 2024 Meeting Packet Materials
- Petition Form

**ITEM #2 - RIGHT OF WAY VACATION
 VACATE THE APPROXIMATE 184' OF THE END OF THE CUL-DE-SAC OF SHALOM LANE
 BETWEEN LOTS 4, 5,6 AND TRACT A OF IMMANUEL SUBDIVISION AND ASSOCIATED UTILITY
 EASEMENT**

KPB File No.	2024-022V
Planning Commission Meeting:	March 25, 2024
Applicant / Owner:	David and Christina Hall & Terrance Rais
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	De Busk Drive in Nikiski
Legal Description:	Shalom Lane in Immanuel Subdivision KN 2022-46

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

MOTION: Commissioner Staggs moved, seconded by Commissioner Gillham 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 five 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	Brantley, Epperheimer, Fikes, Gillham, Morgan, Staggs, Tautfest, Venuti
Absent – 1	Slaughter

**ITEM #3 – CONDITIONAL USE PERMIT
 FOR THE CONSTRUCTION OF A FOOT BRIDGE WITHIN THE
 50-FOOT HABITATE PROTECTION DISTRICT OF PTARMIGAN CREEK**

PC Resolution Number	2024-05
Planning Commission Meeting:	March 25, 2024
Applicant	USDA Forest Service
KPB Tax Parcel ID	125-321-05
Legal Description:	T 4N R 1E SEC 30 SEWARD MERIDIAN SW GOVT LOTS 1 THRU 4 & NE1/4 NE1/4 & W1/2 NE1/4 & E1/2 W1/2

Staff report given by Planner Morgan Aldridge.

Chair Brantley opened the item for public comment.

Hampton Coogle, Project Manager; 161 E. 1st Avenue, Anchorage, AK 99501: Mr. Coogle is the project manager for this installation and made himself available for questions.

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

MOTION: Commissioner Morgan moved, seconded by Commissioner Staggs to adopt Planning Commission Resolution 2024-05, granting a conditional use permit pursuant to KPB 21.18 for the construction of a footbridge within the 50-Foot Habitat Protection District Ptarmigan Creek.

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

MOTION PASSED BY UNANIMOUS VOTE:

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

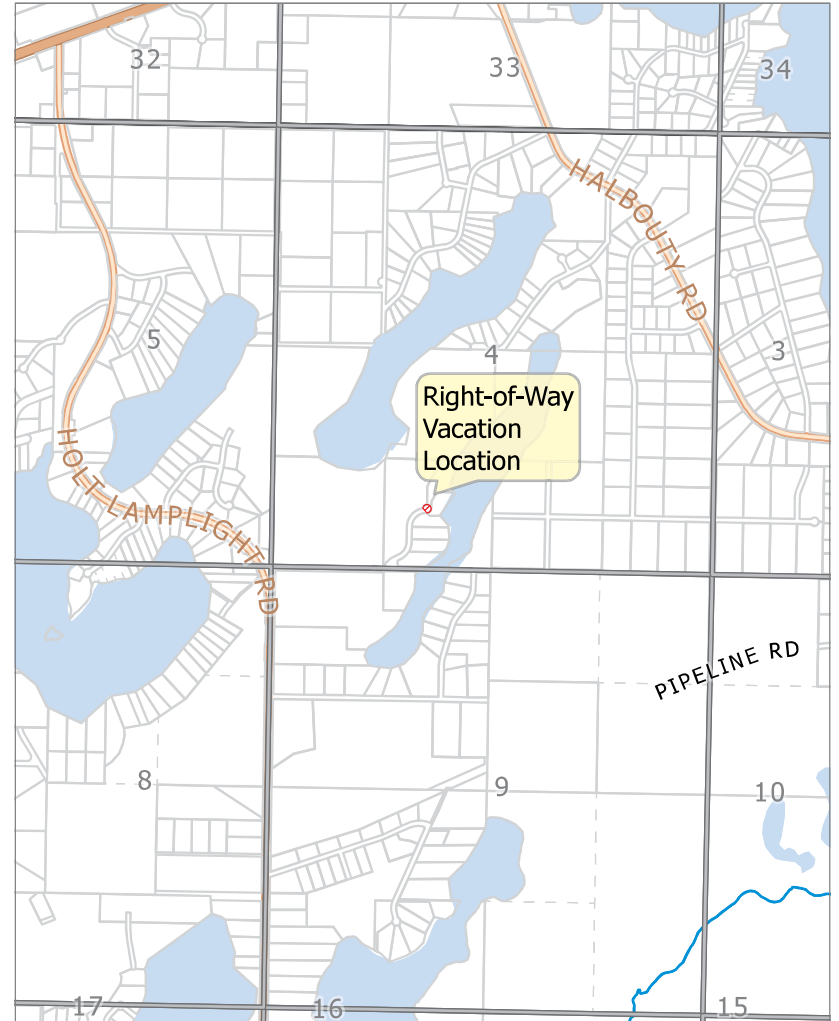
E. NEW BUSINESS

2. Right-Of-Way Vacation; KPB File 2024-022V

McLane Consulting Group / Rais, Hall

Request: Reconfigures the Shalom Lane cul-de-sac by vacating & relocating the current bulb & associated utility easements

Nikiski Area / Nikiski APC

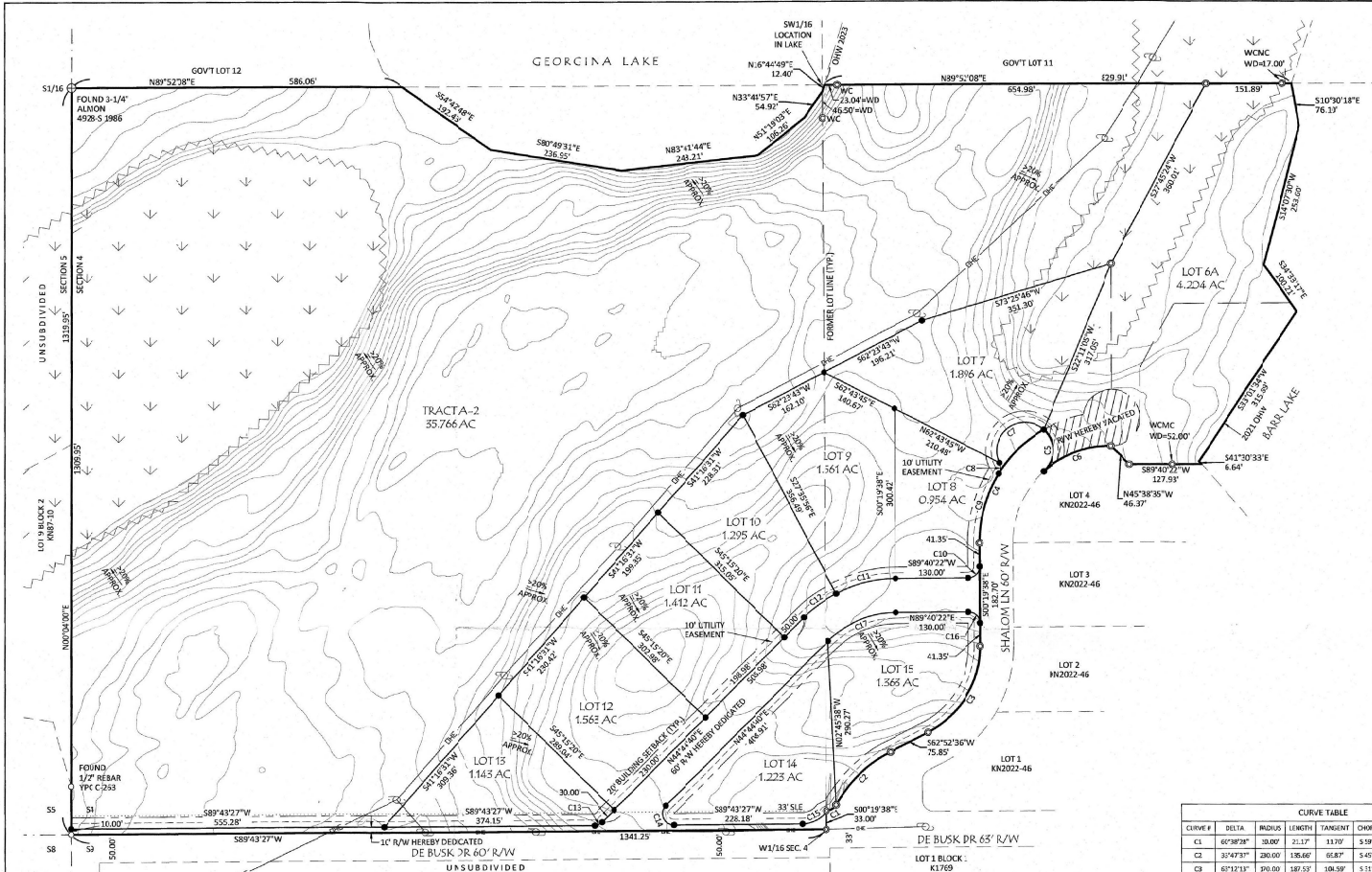


KPB File 2024-022V
T 07N R 11W SEC 04
Nikiski

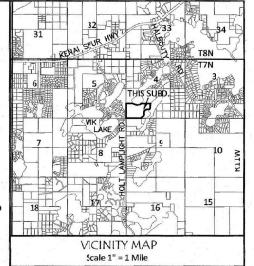
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- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR UNLESS NOTED
 - FOUND 5/8" x 30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - SET 5/8" x 30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
 - SLE SECTION LINE EASEMENT
 - ⚡ POWER POLE
 - OVERHEAD ELECTRIC
 - ⊞ AREAS SUBJECT TO INUNDATION
 - >20% APPROX. APPROXIMATE SLOPES OVER 20%



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.

DAVID HALL
 PO BOX 7601, NIKISKI, AK 99631

CHRISTINA HALL
 PO BOX 7601, NIKISKI, AK 99631

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.

TERENCE RAS, OWNER LOT 5 & 6 KN2022-46
 1007 2ND ST, KENAI, AK 99611

NOTARY'S ACKNOWLEDGEMENT
 FOR: DAVID HALL AND CHRISTINA HALL
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

NOTARY'S ACKNOWLEDGEMENT
 FOR: TERENCE RAS
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2024

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE STATE OF ALASKA

- NOTES**
- WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
 - 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.
 - THE FRONT 10 FEET ADJOINING DEDICATED RIGHTS-OF-WAY AND 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
 - NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
 - THIS PARCEL MAY BE AFFECTED BY AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 4, 1983 INBOOK 10 PAGE 17EN1, KENAI RECORDING DISTRICT. LOCATION NOT DEFINED.
 - THE NATURAL MEANDERS OF THE ORDINARY HIGH WATER OF GEORGINA LAKE AND BARR LAKE FORM THE TRUE BOUNDS OF LOT 5A AND TRACT A-2. THE 2023 MEANDIR LINE SHOWN HEREON IS FOR SURVEY COMPUTATIONS ONLY. THE TRUE CORNER BEING ON THE EXTENSION OF THE SIDE LINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
 - THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - AN ELECTRICAL EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 4, 1983 RECORDED IN BOOK 10 PAGE 17EN1 KENAI RECORDING DISTRICT. LOCATION NOT DEFINED.
 - A NATURAL GAS EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY ON JULY 15, 2022 IN DOCUMENT NO. 2022-005918-0 KRD. LOCATION NOT DEFINED.
 - A RIGHT-OF-WAY EASEMENT GRANTED TO ENSTAR NATURAL GAS COMPANY ON SEPTEMBER 5, 2023 IN DOCUMENT NO. 2023-008874-0. LOCATION NOT DEFINED.
 - COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED ON JUNE 12, 2023 IN DOCUMENT NO. 2023-004533-0 KRD.

WASTEWATER DISPOSAL: TRACT A-2
 THESE LOTS ARE AT LEAST 200,000 SQUARE FEET 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: LOTS 7 - 15
 SOIL CONDITIONS, WATER TABLE LEVELS, AND SLOPES IN THIS SUBDIVISION HAVE BEEN DETERMINED TO BE 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. MCANE C.E. 11510 AK DATE

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	60°38'28"	18.00	21.17	11.70	S 59°24'12" W	20.19
C2	32°47'37"	200.00	186.66	65.87	S 45°58'47" W	133.27
C3	62°12'11"	291.00	249.52	108.59	S 11°46'29" W	178.20
C4	60°19'27"	200.00	216.57	138.20	S 10°44'14" W	236.07
C5	92°12'31"	100.00	83.09	54.77	N 60°25'46" W	73.82
C6	47°54'27"	290.00	130.28	68.53	S 19°58'03" W	122.11
C7	15°24'16"	100.00	17.30	256.28	S 13°25'44" W	98.00
C8	57°07'18"	180.00	15.84	14.89	S 10°17'14" W	15.12
C9	32°10'11"	200.00	128.16	66.33	S 15°45'38" W	122.47
C10	90°00'00"	100.00	31.42	26.00	S 44°40'22" W	28.28
C11	27°16'14"	200.00	109.48	55.89	S 78°02'13" W	108.45
C12	17°59'24"	200.00	76.88	35.72	S 59°34'22" W	70.97
C13	44°56'41"	100.00	15.70	8.28	S 17°14'09" W	15.28
C14	130°21'13"	100.00	47.13	42.31	N 10°45'57" W	36.96
C15	52°18'59"	100.00	58.02	23.83	S 81°05'52" W	47.89
C16	90°00'00"	100.00	31.42	26.00	S 45°19'38" E	28.28
C17	47°55'43"	100.00	133.31	74.29	N 57°12'31" E	128.82

PLAT APPROVAL
 THIS PLAN WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2024.

AUTHORIZED OFFICIAL _____ DATE _____



Plat #

Res. Dist. _____

Date _____

Time _____

IMMANUEL SUBDIVISION No. 2
 A RESUBDIVISION OF GOVT LOT 13 SECTION 4, TOWNSHIP 7 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, ALASKA AND LOT 5, 6 & TRACT A IMMANUEL SUBDIVISION (KN2022-046) AND THE ASSOCIATED R/W VACATION OF SHALOM LN ALONGS WITH THE ADJOINING UTILITY EASEMENTS

DAVID HALL, OWNER
 PO BOX 7601, NIKISKI, AK 99631

CHRISTINA HALL, OWNER
 PO BOX 7601, NIKISKI, AK 99631

TERENCE RAS, OWNER
 1007 2ND ST, KENAI, AK 99611

53.876 AC. M/L SITUATED IN THE SW1/4 OF SECTION 4, TOWNSHIP 7 NORTH, RANGE 11 WEST SWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING SURVEYING - MAPPING
 P.O. BOX 404
 SOLDOTNA, AK 99601
 PHONE: (907) 283-2418
 FAX: (907) 283-2405
 WWW.MAKINC.COM

KPB FILE NO. 2024-XXXX

PROJECT NO. 232016

SCALE 1" = 100' DATE 1/28/24 BOOK NO. 24-4 DRAWN BY: JAP

KPB 2024-022V

AGENDA ITEM E. NEW BUSINESS

ITEM #2 - RIGHT OF WAY VACATION
VACATE THE APPROXIMATE 184' OF THE END OF THE CUL-DE-SAC OF SHALOM LANE BETWEEN
LOTS 4, 5,6 AND TRACT A OF IMMANUEL SUBDIVISION AND ASSOCIATED UTILITY EASEMENT

KPB File No.	2024-022v
Planning Commission Meeting:	March 25, 2024
Applicant / Owner:	David and Christina Hall & Terrance Rais
Surveyor:	James Hall / McLane Consulting, Inc
General Location:	De Busk Dr in Nikiski
Legal Description:	Shalom Lane in Immanuel Subdivision KN 2022-46

STAFF REPORT

Specific Request / Purpose as stated in the petition: The current use is by the same property owner who also owns Lot 4 KN 2022-46. Lot 5 and 6 will also be combined to provide additional acreage for wastewater treatment systems and water well separation. All surrounding parcels remain with legal access. Alternate cul-de-sac will be dedicated.

Notification: The public hearing notice was published in the March 22nd issue of the Peninsula Clarion as part of the Planning 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

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation. No receipts had been returned when the staff report was prepared.

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

Eighteen public hearing notices were emailed to agencies and interested parties as shown below:

- | | |
|--|---|
| State of Alaska Dept. of Fish and Game | Kenai Peninsula Borough Land Management |
| State of Alaska DNR | Nikiski Community Council |
| State of Alaska DOT | Alaska Communication Systems (ACS) |
| State of Alaska DNR Forestry | ENSTAR Natural Gas |
| Nikiski Advisory Planning Commission | General Communications Inc, (GCI) |
| Emergency Services of Nikiski | Homer Electric Association (HEA) |
| Kenai Peninsula Borough Office | |

Legal Access (existing and proposed):

The proposed vacation is at the end of the Shalom Lane a 60 foot dedication. Shalom Lane is off De Busk Dr a varied width dedication coming off Holt Lamp Light Rd a 100 foot dedication.

The vacation will be finalized by the plat Immanuel Subdivision No. 2 that will dedicate a new end to the cul-de-sac for Shalom Lane.

Block length is currently not compliant. The new subdivision will add a dedication, bringing the block into compliance.

KPB Roads Dept. Comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No RSA Comments
SOA DOT comments	No Comment

Site Investigation:

The area of the vacation is not located near any steep terrain. The proposed vacation are is along a small ridge line with a drop to the northeast.

There is an area of inundation identified to the north of the proposed vacation. Several lakes surround the property proposed for the future subdivision. The area is not in a flood hazard area according to the River center review.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No Comment C. State Parks Reviewer: Comments: No Comment
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Staff Analysis:

The plat Immanuel Subdivision KN 2022-46 is a division of Government Lot 14 of Section 4, Township 7 North, Range 11 West, SM, Alaska. Immanuel Subdivision KN 2022-46 dedicated the right-of-way for Shalom Lane cul-de-sac.

Adjacent land to the cul-de-sac are Lots 5, 6 and Tract A from Immanuel Subdivision KN 2022-46. These parcels along with the vacation will be included in the new subdivision Immanuel Subdivision No 2, that will also include a new dedication for the bulb of the Shalom Lane cul-de-sac.

Homer Electric Associate has sent a comment that an electric line has been installed in the 10' utility easement along the cul-de-sac being proposed for vacation in Lots 4 & 5 of Immanuel Subdivision the parent plat. HEA has request that this portion of the 10' utility easement not be vacated. The comment is included in the packet. **Staff recommends:** the Commission not to vacate the 10' utility easement along lots 4 & 5 Immanuel Subdivision KN 2022-46, unless other arrangements can be made to relocate the electric line and any other utilities installed at owners' expense.

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: Not in use
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: A road is possible, but a more practical end is being proposed.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: No, houses are not in yet. Utilities have been installed in utility easements
 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: No access to a lake, river or public area is being vacated.
 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:cNo
 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: A utility is installed in the utility easement, outside the proposed vacation.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: No

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 or City Council will hear the vacation at their scheduled April 2, 2024 meeting.

If approved, Immanuel Subdivision No. 2 will finalize the proposed right of way vacations. The Plat Committee is scheduled to review Immanuel Subdivision No. 2, on next available meeting possible.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: NONE</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DEBUSK DR, SHALOM LN</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No List of Approved Street Names: N/A</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	HEA has request the easement in Lot 4 & 5 not be vacated, comment is in the packet.
ENSTAR	
ACS	No objections
GCI	No comments or objections
SEWARD ELECTRIC	N/A
CHUGACH ELECTRIC	N/A
TELALASKA	N/A

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 including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by the City Council and utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
5. Not vacating the 10' utility easement along Lots 4 & 5 Immanuel Subdivision KN 2022-46 unless other arrangements are made by the owners and utility companies. Movement of any utilities will be at owners expense.

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

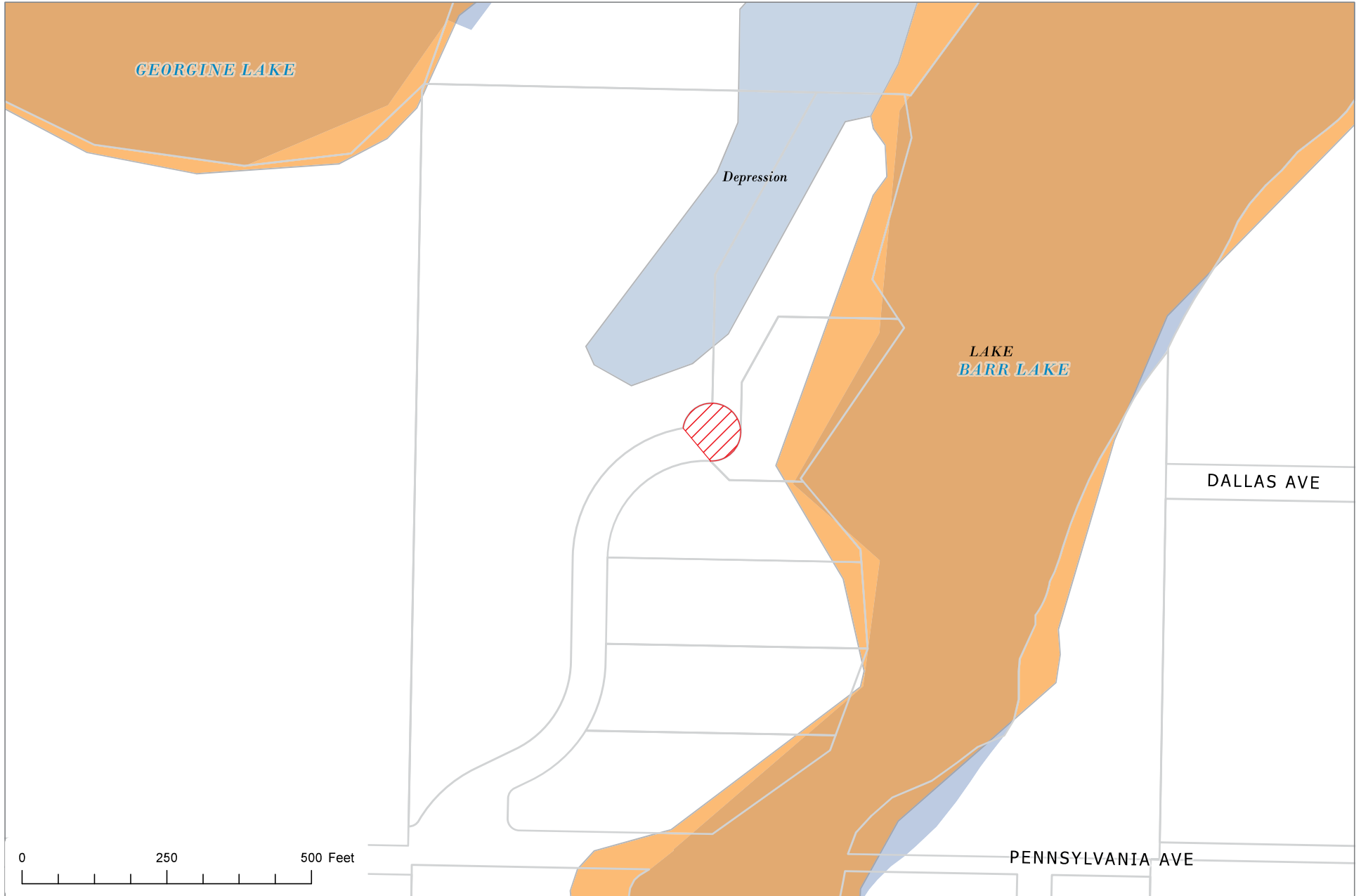
- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*

- *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*
-

END OF STAFF REPORT



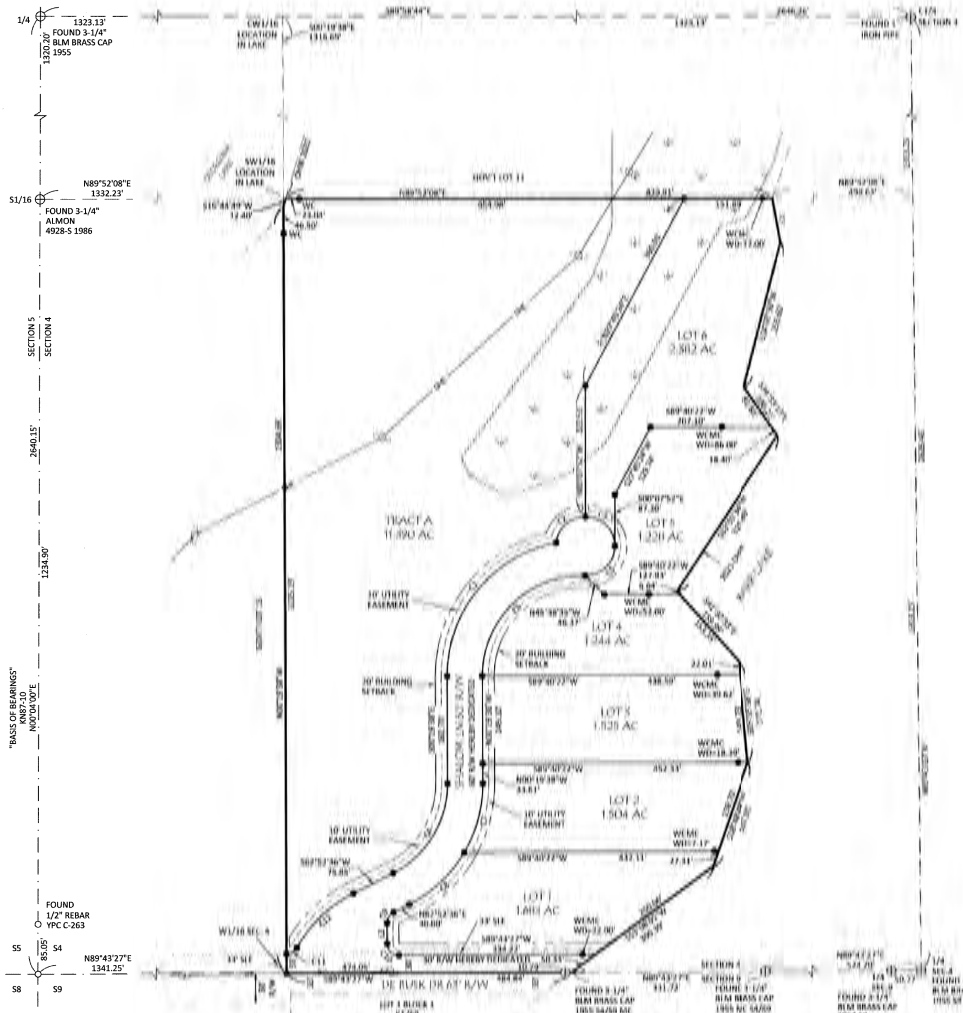
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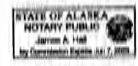


CURVE #	INFLX	AMOUNT	ORDINATE	ABSCISSA	CURVE BEARING	CHORD LENGTH
1	284.44	284.44	284.44	284.44	135.12 41.26'	284.44
2	47.12	47.12	47.12	47.12	2.48 37.37'	47.12
3	87.07	87.07	87.07	87.07	0.97 37.37'	87.07
4	87.07	87.07	87.07	87.07	2.93 37.37'	87.07
5	20.27	20.27	20.27	20.27	0.97 37.37'	20.27
6	47.12	47.12	47.12	47.12	2.48 37.37'	47.12
7	87.07	87.07	87.07	87.07	0.97 37.37'	87.07
8	87.07	87.07	87.07	87.07	2.93 37.37'	87.07
9	20.27	20.27	20.27	20.27	0.97 37.37'	20.27
10	47.12	47.12	47.12	47.12	2.48 37.37'	47.12
11	87.07	87.07	87.07	87.07	0.97 37.37'	87.07
12	87.07	87.07	87.07	87.07	2.93 37.37'	87.07

CURVE #	BEARING	DISTANCE
1	S 89° 52' 08" W	28.10'
2	S 89° 52' 08" W	28.10'
3	S 89° 52' 08" W	28.10'

CERTIFICATE OF OWNERSHIP AND OPERATION
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY OUR FILED HEREON I HEREBY WAIVE ALL RIGHTS IN ANY AND ALL PUBLIC AREAS TO BE USED OR ADJACENT ALL EASEMENTS TO THE USE SHOWN

NOTARY ACKNOWLEDGMENT
 FOR DAVID HALL AND CHRISTINA HALL
 Admins A & B
 MAY 22 2022
 NOTARY PUBLIC FOR THE STATE OF ALASKA



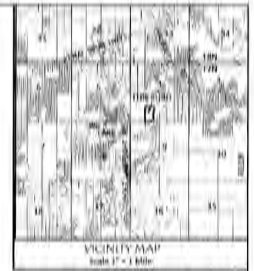
CERTIFICATE OF ACCEPTANCE
 THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE STATE OF ALASKA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DESCRIBED BY THIS PLAN INCLUDING THE RIGHTS OF WAY OF BURDENS AND SHOWN LAND SHOWN ON THIS PLAN. THE ACCEPTANCE OF LAND FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

WASTEWATER DISPOSAL LOTS 1 & 2
 SOIL CONDITIONS, WATER TABLE LEVELS, AND SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ON-LAND WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. THEREFORE, PRIVATE OR PUBLIC REUSE IS NOT ALLOWED. THE REGULATORY REQUIREMENTS OF THE STATE OF ALASKA BOROUGH AND FEDERAL TITLE USE ON-LAND WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE OBTAINED BY A PROFESSIONAL ENGINEER, REFERRED TO FROM THE STATE OF ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL TRACT A
 THESE LOTS ARE AT LEAST 1000 SQUARE FEET AND CONDITIONS MAY NOT BE SUITABLE FOR ON-LAND WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL LOTS 3 & 4
 SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ON-LAND WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ON-LAND WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE FINDER'S SUBDIVISION AND SOIL REPORT AND ARE AVAILABLE FROM THE STATE OF ALASKA BOROUGH. ALL ALTERNATE ON-LAND WASTEWATER TREATMENT AND DISPOSAL SYSTEMS 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 PRIOR TO CONSTRUCTION.

PLAT APPROVAL
 THIS PLAN WAS APPROVED BY THE BEAR PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF FEBRUARY 22, 2022.



LEGEND

- ① FOUND PRIMARY MEASUREMENT AS DESCRIBED
- ② FOUND SURVEY NEAR UNLESS NOTED
- ③ SET 5/8" x 80" BOARD W/ 1" STAPLES, STEEL CAPS 5/8" x 5"
- ④ SECTION LINE EASEMENT
- ⑤ BOUNDARY LINE
- ⑥ UNDEVELOPED LOTS
- ⑦ AREAS SUBJECT TO REMEDIATION

NOTES

1. WASTEWATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF AS 15.05.22 AND 15.05.28 AND BUILDING SYSTEMS. A BUILDING SYSTEM OF 20 FT IS REQUIRED FROM ALL STREET RIGHTS OF WAY UNLESS A LOWER STANDARD IS APPROVED BY RESOLUTION OF THE APPLICABLE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJACENT UNDEVELOPED RIGHTS OF WAY AND IN FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS AS A UTILITY EASEMENT.
3. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT UNLESS IT WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH OR LOTS TO BE CONSIDERED FOR SEPARATION AND REVISION IN THE ROAD MAINTENANCE FUNDING.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. THIS PARCEL MAY BE AFFECTED BY AN EJECTA EASEMENT GRANTED TO HOME ELECTRIC ASSOCIATION OF LOTS 5, THIS IS NOTED IN PARAGRAPH 1.1.1. FURTHER EXISTING EJECTA EASEMENT NOT NOTED.
7. EJECTA EASEMENT GRANTED TO STREET LIGHTS ARE 30 FEET AND IN A LENGTH END TO BE FILED BY THE PLANNING COMMISSION AS THE FEBRUARY 22, 2022 MEETING.
8. NO EJECTA EASEMENT IS WITHIN THE PARCEL PORTION OF PLOT LOT 5.
9. THE NATIONAL BOUNDARIES OF THE BOUNDARY LINE ARE IN CONFORMANCE WITH THE NATIONAL BOUNDARIES FROM THE TRUE BOUNDARY OF LOTS 1, 2 AND TRACT A. THE BOUNDARY LINE SHOWN HEREON IS FOR SURVEY CONVEYANCE ONLY. THE TRUE BOUNDARY LINE IS THE EXTENSION OF THE BOUNDARY LINE AND THE BOUNDARY WITH THE NATIONAL BOUNDARIES.
10. LOT 5 ALSO HAS EJECTA EASEMENT GRANTED TO BOUNDARY LINE BASED ON ACCESS ISSUES DEVELOPMENT DESIGN IN THE AREA OF CONVEYANCE.
11. THE BOUNDARY LINE IS FOR SURVEY CONVEYANCE ONLY. THE TRUE BOUNDARY LINE IS THE EXTENSION OF THE BOUNDARY LINE AND THE BOUNDARY WITH THE NATIONAL BOUNDARIES.
12. THIS PARCEL MAY BE AFFECTED BY A NATURAL GAS EJECTA EASEMENT FROM PARCEL ON LOT 15, THIS IS NOTED IN PARAGRAPH 1.1.1. FURTHER EXISTING EJECTA EASEMENT NOT NOTED.



2022-46
 Plat #
 Section
 State
 Date
 2/22/22

MANUEL SUBDIVISION
 A SUBDIVISION OF 607' LOT 14 SECTION 5, TOWNSHIP 7 NORTH, RANGE 11 WEST, BEAR PENINSULA BOROUGH, ALASKA
 DAVID HALL, OWNER
 CHRISTINA HALL, OWNER
 ADMIN A & B
 ADMIN A & B
 22.77 AC. AND SITUATED IN THE NORTH BEAR PENINSULA BOROUGH, TOWNSHIP 7 NORTH, RANGE 11 WEST, BEAR PENINSULA BOROUGH, ALASKA AND THE BEAR PENINSULA BOROUGH, ALASKA.

FILED	RECORDED	INDEXED	SEARCHED
INDEXED	SEARCHED	RECORDED	FILED
FEB 22 2022		FEB 22 2022	
BEAR PENINSULA BOROUGH, ALASKA		BEAR PENINSULA BOROUGH, ALASKA	



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.
- SHALOM LN _____ platted public right of way proposed to be vacated was dedicated by the plat of IMMANUEL _____ Subdivision, filed as Plat No. 2022-46 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	<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?		Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address LOT 5, 6 AND TRACT A KN2022-46	
Section, township, range SECTION 4, T7N, R11W, SM AK	
City (if applicable)	General area DE BUSK AVE IN NIKISKI

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): Terence Rais	Signature: Terence Rais
e-mail: TRais@FoxAK.com	Address:
Owner of:	1007 2nd St. Kenai, AK 99611

Land Owner:

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

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____



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Submitted by:

Land Owner

Name (printed): David Hall	Signature: <i>David Hall</i>
e-mail: akagapeelectric@hotmail.com	Address:
Owner of:	

Land Owner:

Name (printed): Christina Hall	Signature: <i>Christina Hall</i>
e-mail: akagapeelectric@hotmail.com	Address:
Owner of:	

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