



Planning Department

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

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OCT 21 2022
KPB PLANNING DEPT.

PETITION TO VACATE SECTION LINE EASEMENT

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.

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

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 Section Line Easement Vacation 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 Section Line Easement Vacation (SLEV) 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.
- Is the section line easement in use by any utility company? If so, which company NU
- Width of easement proposed to be vacated must be shown on the sketch.
- 3 copies of the plat or map showing the section line easement to be vacated. Must not exceed 11 x 17 inches in size. 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 section line easement.

Has the section line easement been fully or partially constructed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the section line easement 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

LEGAL DESCRIPTION OF AREA TO BE VACATED:

The east 33 feet of Tract H, Questa Woods Sub, Southern	
Section, township, range	Section 23, T1N, R1W
City (if applicable)	Seward
General area	Camelot/Questa Woods

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

Submitted by: Petitioner Representative

Name (printed): Ken Lang	Signature
e-mail: ken@langsurvey.com	Address: 11500 Daryl Ave,
Owner of: Representative	

Petitioners:

Name (printed): James Daniel Unrein	Signature <i>James Unrein</i>
e-mail: junrein@hotmail.com	Address: P.O. Box 3474 Seward,
Owner of: Tract H	

Name (printed): Leann M. Unrein	Signature <i>Leann M Unrein</i>
e-mail: lLeann.michelle@hotmail.com	Address: 16124 Stineburg Drive Eagle River, AK 99577
Owner of: Tract H	

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

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SECTION LINE EASEMENT VACATION - Procedures by Petitioner(s)

Some section line easements are unimproved and not used. Under certain circumstances, some of these section line easements may be vacated. Section line easement vacation petitions must comply with the requirements of the following:

- 1) KPB 20.70.040 (petition required).

A. A platted right-of-way or platted public area may not be vacated, except upon petition by resolution of the governing body from a municipality in which the property is located or by the owners of the majority of land fronting or abutting the right-of-way or public area to be vacated. The petition shall be filed with the planning commission.
- 2) KPB 20.70.050 (petition information required).

A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. The petition shall include a statement containing the reasons in support of the vacation and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. Additional copies may be required as needed. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travelways, amount of encroachment, and any other submittal as requested by the planning commission. The burden of proof shall lie with the petitioner to support the vacation.

C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.
- 3) KPB 20.70.060 (fee required)

The fee established by the current Kenai Peninsula Borough Schedule of Rates, Charges and Fees shall accompany the filing of the vacation petition.
- 4) 20.70.070. Public hearing required.

Upon receipt of the complete vacation application including petition, sketches, and fee, the planning commission shall schedule a public hearing on the petition to be conducted within 60 calendar days after filing.

Public hearing and notice must comply with the requirements of KPB 20.70.070, 20.70.080, 20.70.100, 20.70.110 and 20.70.120.
- 5) 20.70.080

C. A notice shall be sent by regular mail to each property owner as shown on the Kenai Peninsula Borough tax rolls within a 300-foot radius from the section line easement proposed for vacation.

Notices will be sent by regular mail. Publication on the planning commission agenda, advertised once in local papers, posted in public areas and on the borough website prior to the meeting will satisfy the publishing requirements.
- 6) 20.70.100. Hearing board—Authority and determination.

The planning commission shall conduct the public hearing, consider the vacation petition, and make its decision on the merits of the proposal. The planning director shall forward a copy of the minutes pertaining to the action to the assembly or appropriate city council within five calendar days following their decision.
- 7) 20.70.110. Vacation consent—City council or assembly.

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council. A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly or council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.
- 8) 20.70.120. Action after denial of vacation petition.

A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

B. Upon denial by the planning commission, 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.

The petitioner is responsible for all submittals required by the State of Alaska Department of Natural Resources (DNR) in compliance with their procedures. The petition must be reviewed and approved by the planning commission but final authority for approval and platting of the vacation rests with DNR. The petitioner is responsible for coordination with DNR and submittals to DNR.