


Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Peter Ribbens, Assembly President
Kenai Peninsula Borough Assembly Members

THRU: Peter A. Micciche Borough Mayor

FROM: Robert Ruffner, Planning Director 

DATE: July 16, 2025

RE: Right-Of-Way Vacation; KPB File 2025-097V: Vacates the entire Herbert Way right-of-way and associated utility easements, located north of and adjacent to Lots 9 and 10, Steadman Subdivision Jessica Addition, Plat KN 2005-73; and south of and adjacent to Lot 6, Lake View Terrace #3 Phase 3, Plat KN 1998-47. Proposed vacation is approximately 22,515 square feet.

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 July 14, 2025 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 (9-Yes). The petition 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.

- July 14, 2025 Draft PC Minutes
- July 14, 2025 Meeting Packet Materials
- Petition Form

MOTION: Commissioner Whitney moved, seconded by Commissioner Slaughter to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the two conditions 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, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney |
| Recused - 1 | Venuti |

ITEM #3 - RIGHT OF WAY VACATION

VACATES THE ALLEY LOCATED BETWEEN LOTS 6 & 12, BLOCK 6; THE WEST HALF OF FIRST AVE. ADJACENT TO LOTS 2 – 6, BLOCK 6 NORTH OF MILL ST. & THE EAST HALF OF FIRST AVE. ADJACENT TO LOTS 12 -14, BLOCK 9 NORTH OF MILL ST. AND THE ALLEY LOCATED BETWEEN LOT 1 & 12 -14, BLOCK 9 ALL IN CLIFF ADDITION TO SEWARD TOWNSITE, PLAT SW-3

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|-------------------------------------|---|
| KPB File No. | 2025-094 |
| Planning Commission Meeting: | July 14, 2025 |
| Applicant / Owner: | Gregg George Walker, Eric John Walker & Kathleen Marie Stubblefield Davis |
| Surveyor: | Stacy Wessel / AK Lands Land Surveying LLC |
| General Location: | West of the Seward Lagoon / City of Seward |
| Legal Description: | First Avenue & Two Separate Alleyways, Lots 1, 2, 3, 4, 5, 6 & 12, Block 6, and Lots 1, 12, 13 & 14, Block 9, Original Townsite of Seward Cliff Addition, Plat SW-3 |

Staff report given by Platting 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 England moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 - 9 | Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti |
|---------|--|

ITEM #4 - RIGHT OF WAY VACATION

VACATES THE ENTIRE HERBERT WAY ROW & ASSOCIATED UTILITY EASEMENTS LOCATED NORTH & ADJACENT TO LOTS 9&10, STEADMAN SUBDIVISION JESSICA ADDN, PLAT KN 2005-73 AND SOUTH OF & ADJACENT TO LOT 6, LAKE VIEW TERRACE #3 PHASE 3, PLAT KN 1998-47

| | |
|-------------------------------------|---|
| KPB File No. | 2025-097V |
| Planning Commission Meeting: | July 14, 2025 |
| Applicant / Owner: | Scott W. & Amy S. Brown and Jacqueline Pannell |
| Surveyor: | Andrew Hamilton / McLane Consulting, Inc. |
| General Location: | Near MP 88 Sterling Highway, off St. Theresa Road & Steadman Street / Sterling Area |
| Legal Description: | Lot 6, Lake View Terrace # 3 Phase 2, Plat KN 98-47; and Lots 9 & 10, Steadman Subdivision Jessica Addition, Plat KN 2005-73, |

Staff report given by Platting Vince Piagentini.

Chair Brantley opened the item for public comment.

Scott Brown; 38252 Blakester Court, Soldotna, AK 99603: Mr. Brown is the petitioner for this request 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 Slaughter moved, seconded by Commissioner Whitney to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 - 9 | Brantley, England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti |
|---------|--|

ITEM #5 - RIGHT OF WAY VACATION

VACATES THE ENTIRE 60' BY 230' ROW DEDICATION, SIXTH STREET & ASSOCIATED UTILITY EASEMENTS LOCATED BETWEEN LOT 2, KENAI MEADOWS, PLAT KN 2017-17 AND LOT 3, KENAI MEADOWS ADDITION NO.1, PLAT KN 2023-48

| | |
|-------------------------------------|---|
| KPB File No. | 2025-091V |
| Planning Commission Meeting: | July 14, 2025 |
| Applicant / Owner: | City of Kenai & Kenai Peninsula Housing Initiatives, Inc. |
| Surveyor: | John Segesser / Segesser Surveys |
| General Location: | Redoubt Ave / City of Kenai |
| Legal Description: | Lot 2, Kenai Meadows, Plat KN 2017-17 and Lot 3, Kenai Meadows Addition No 1, Plat KN 2023-048, |

Staff report given by Platting Vince Piagentini.

Chair Brantley requested to be recused from this matter as he had a conflict of interest and passed the gavel to Commissioner Gillham.

Commissioner Gillham opened the item for public comment.

Dana Gregoire, KPHI; P.O. Box 1869, Homer, AK 99603: Ms. Gregoire is one of the petitioners on this request and made herself available of questions.

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

MOTION: Commissioner Epperheimer moved, seconded by Commissioner England to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65.050(D), based on staff recommendations and subject to the four conditions 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 | England, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Whitney, Venuti |
| Recused - 1 | Brantley |

ITEM #6 – CONDITIONAL USE PERMIT

GRANTING A CONDITIONAL USE PERMIT PURSUANT TO KPB 21.18 FOR THE CONSTRUCTION OF A FENCE WITHIN THE 50' HABITAT PROTECTION DISTRICT OF THE KENAI RIVER

| | |
|-------------------------------------|--------------------------|
| PC Resolution No. | 2025-11 |
| Planning Commission Meeting: | July 14, 2025 |
| Applicant / Owner: | City of Soldotna |
| Physical Address | 349 Centennial Park Road |

E. NEW BUSINESS

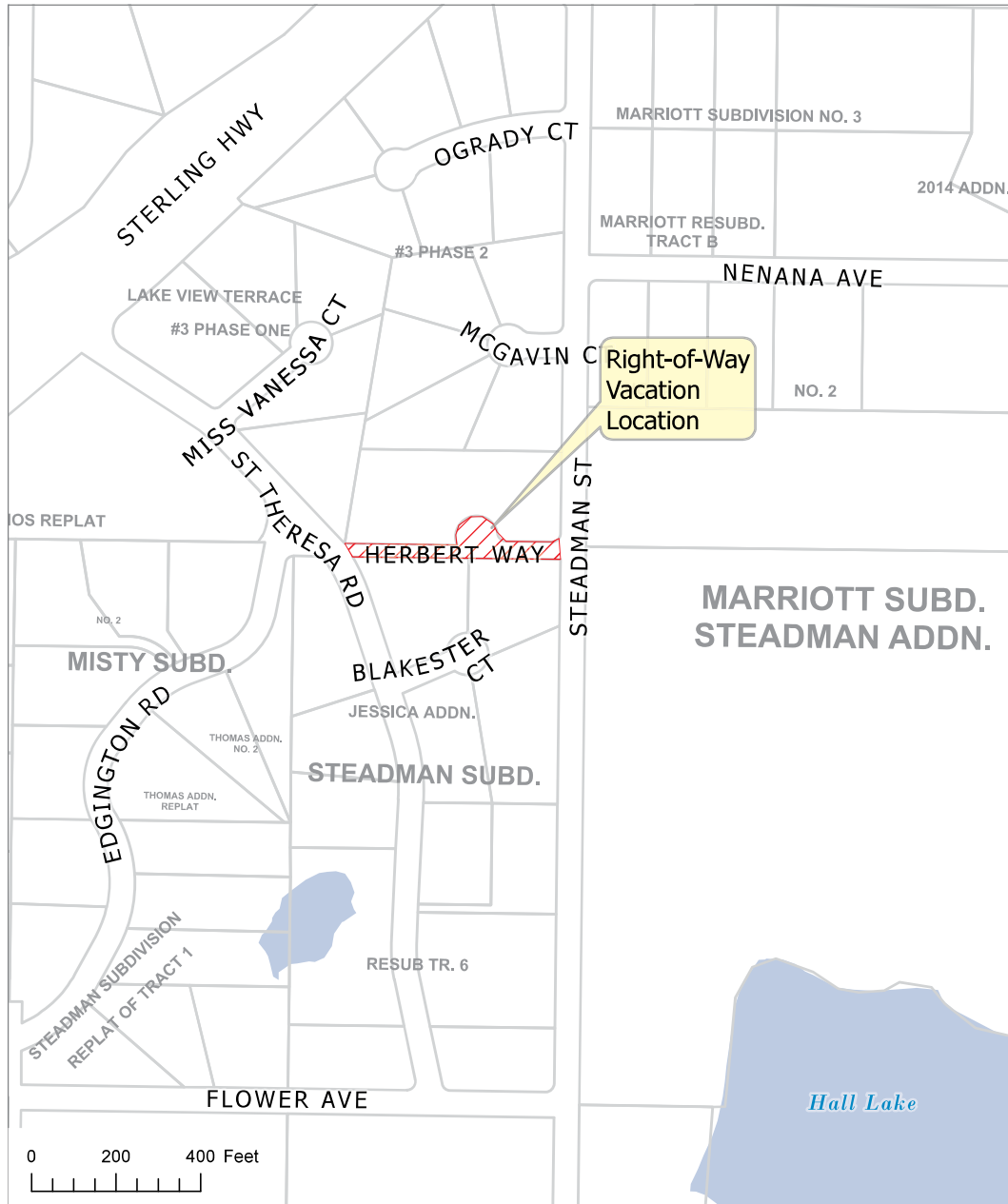
4. Right-Of-Way Vacation; KPB File 2025-097V

McLane Consulting Group / Brown, Pannell

Request: Vacates approximately 22,515 sq. ft. pertaining to a 10' ROW & cul-de-sac per Lake View Terrace #3 Phase 2, Plat KN1988-45 & 30' ROW per Steadman Subdivision, Plat KN 75-45

Sterling Area

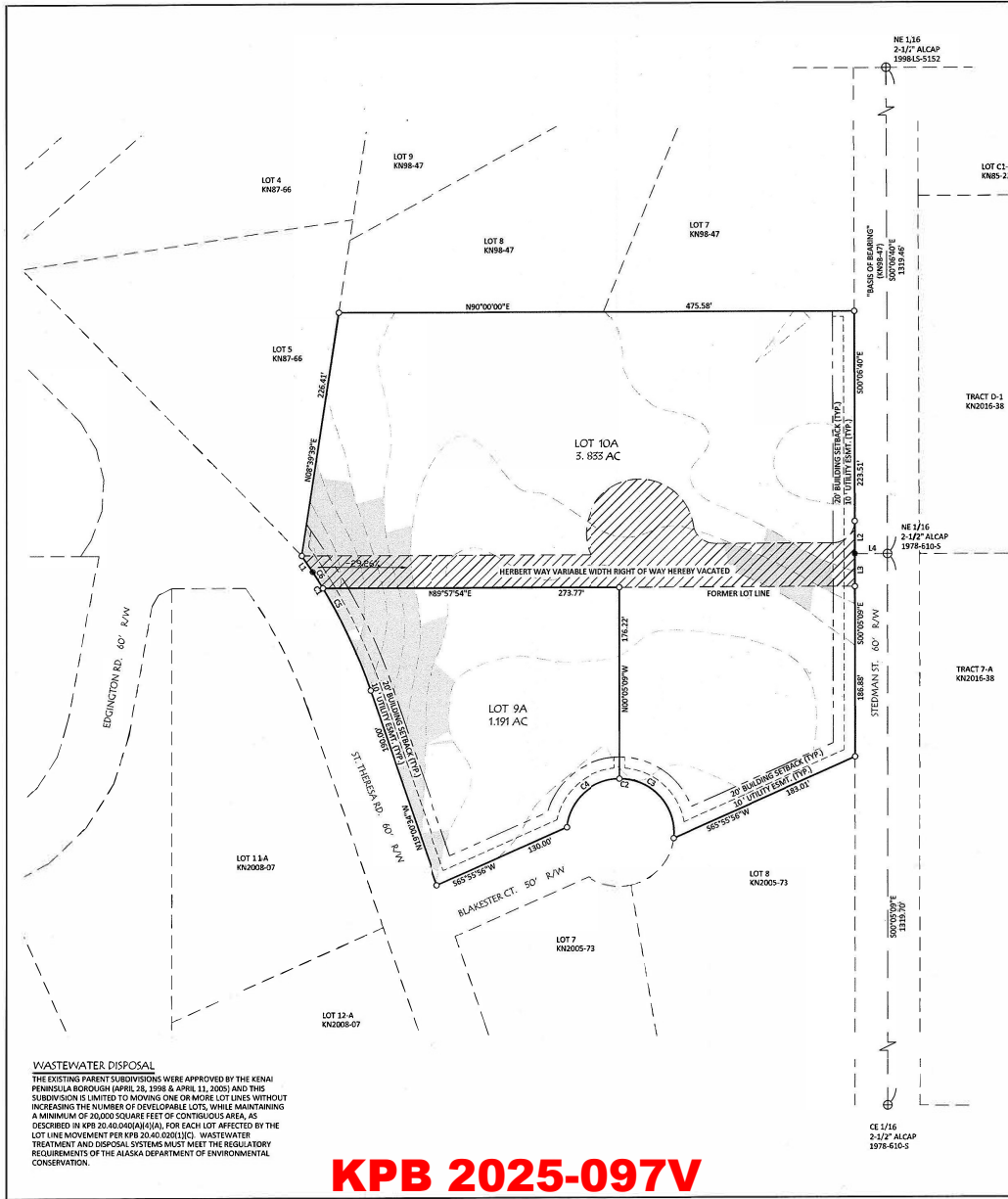
(Staff Person: Platting Manager Vince Piagentini)



KPB File 2025-097V
T 5N R 9W Sec 20
Sterling



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



KPB 2025-097V

- LEGEND**
- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
 - FOUND 5/8" REBAR UNLESS NOTED
 - SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 15-211269
 - CONTOUR INTERVAL = 5'
 - SLOPES GREATER THAN 20%

CERTIFICATE OF OWNERSHIP
 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.

SCOTT W. BROWN OWNER LOT 6 LAKE VIEW TERRACE #3 PHASE 2 (KN2008-47) & LOT 9 STEADMAN SUBDIVISION JESSICA ADDITION (KN2005-73)
 38252 BLAKESTER CT.
 SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT
 FOR:
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE STATE OF ALASKA

CERTIFICATE OF OWNERSHIP
 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.

JACQUELINE PANNELL OWNER LOT 10 STEADMAN SUBDIVISION JESSICA ADDITION (KN2005-73)
 38272 BLAKESTER CT.
 SOLDOTNA, AK 99669

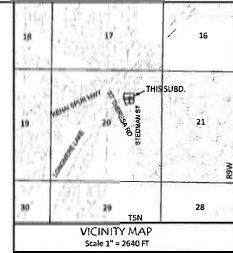
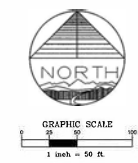
NOTARY'S ACKNOWLEDGEMENT
 FOR:
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2025
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE STATE OF ALASKA

| CURVE TABLE | | | | | |
|-------------|------------|---------|---------|---------------|---------------|
| CURVE # | DELTA | RADIUS | LENGTH | TANGENT | CHORD BEARING |
| C1 | 174°49'03" | 504.06' | 121.76' | 61.38' | N 25°55'00"W |
| C2 | 179°59'45" | 50.00' | 157.68' | 137.64(1.53)' | N 84°00'00"W |
| C3 | 96°50'14" | 50.00' | 63.29' | 55.55' | N 42°04'43"W |
| C4 | 83°58'48" | 50.00' | 73.29' | 65.00' | S 47°59'24"W |
| C5 | 174°58'54" | 504.06' | 121.76' | 61.38' | N 25°55'00"W |
| C6 | 2°00'00" | 504.06' | 17.60' | 8.52' | N 57°49'55"W |

| LINE TABLE | | |
|------------|--------------|----------|
| LINE # | BEARING | DISTANCE |
| 11 | N 84°00'00"W | 38.30' |
| 12 | S 0°00'00"E | 30.00' |
| 13 | S 0°00'00"E | 30.00' |
| 14 | N 89°57'53"E | 30.00' |

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2025.

AUTHORIZED OFFICIAL _____



- NOTES**
- BUILDING SET BACK: A BUILDING SET BACK OF 30 FT. IS REQUIRED FROM ALL STREETS RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - THE FRONT 10 FEET OF THE 30 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
 - 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.
 - THIS PLAT MAY BE SUBJECT TO:
 - A BLANKET EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION RECORDED AUGUST 4, 1961 IN BOOK 7 PAGE 33 KRD.
 - RESTRICTIVE COVENANTS RECORDED SEPTEMBER 22, 1998 IN BOOK 540 PAGE 843 KRD. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 21-4008(VI).

Plat #
 For City _____
 Date _____
 Title _____



STEADMAN SUBDIVISION JESSICA ADDITION 2025 REPLAT
 REPLAT OF LOT 9 & 10 STEADMAN SUBDIVISION JESSICA ADDITION (KN2005-73) & LOT 6 LAKE VIEW TERRACE #3 PHASE 2 (KN2008-47)
 SCOTT W. BROWN, OWNER
 38252 BLAKESTER CT., SOLDOTNA, AK 99669
 JACQUELINE PANNELL, OWNER
 38272 BLAKESTER CT., SOLDOTNA, AK 99669
 5.024 AC. M/L SITUATED IN THE W1/2 OF SECTION 20, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

| | | |
|----------------|---|-----------------------|
| | ENGINEERING - TESTING SUPERVISOR - MARY PYLE P.O. BOX 488 SOLDOTNA, AK 99669 VOICE: (907) 261-4618 FAX: (907) 261-2026 WWW.MCLANDSCOL.COM | KPB File No. 2025-XXX |
| | Project No. 250213 | |
| Scale 1" = 50' | Date: MAY 2025 | FB: N/A Drawn by: 868 |

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - RIGHT OF WAY VACATION

Vacates the entire Herbert Way right-of-way and associated utility easements, located north of and adjacent to Lots 9 and 10, Steadman Subdivision Jessica Addition, Plat KN 2005-73; and south of and adjacent to Lot 6, Lake View Terrace #3 Phase 3, Plat KN 1998-47. Proposed vacation is approximately 22,515 square feet.

| | |
|-------------------------------------|---|
| KPB File No. | 2025-097V |
| Planning Commission Meeting: | July 14, 2025 |
| Applicant / Owner: | Scott W. and Amy S. Brown and Jacqueline Pannell of Soldotna, Alaska |
| Surveyor: | Andrew Hamilton / McLane Consulting, Inc. |
| General Location: | Located in Sterling near milepost 88 Sterling Highway, off St. Theresa Road and Steadman Street |
| Legal Description: | Lot 6, Lake View Terrace # 3 Phase 2, Plat 98-47; and Lots 9 and 10, Steadman Subdivision Jessica Addition, Plat 2005-73, Kenai Recording District, Seward Meridian, Township 5 North, Range 9 West, Section 20 |

STAFF REPORT

Specific Request / Purpose as stated in the petition: To vacate the 10 foot right-of-way and cul-de-sac per Lake View Terrace #3, Phase 2 (KN 1998-47) and 30 foot right-of-way per Steadman Subdivision (KN 75-45).

Notification: The public hearing notice was published in the July 4, 2025 issue of the Peninsula Clarion and the July 3, 2025 issue of the Homer News 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 Soldotna

Post Office of Sterling

Twenty-nine certified mailings were sent to owners of property within 300 feet of the proposed vacation. Fourteen receipts had been returned when the staff report was prepared.

10 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
Central Emergency Services

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

Legal Access (existing and proposed):

The proposed right-of-way to be vacated is Herbert Way and is located between St. Theresa Road and Steadman Street.

St. Theresa Road is located near milepost 88 of the Sterling Highway, a state-maintained road, and connects to Herbert Way on the west side. Steadman Street intersects with Herbert Way from the east.

When the plat to complete the vacation is complete the lots will continue to have legal access by Blakester Court on the south and Steadman Street to the east. Blakester Court is a 50-foot constructed cul-de-sac which connects to St. Theresa Road to the west. St. Theresa road is a partially borough-maintained road, transitioning to a privately maintained road approximately 683 feet north of Blakester Court, at the point where it turn off to Edgington Rd. Steadman Street is a 60-foot partially borough-maintained road ending approximately 270 feet north of Herbert Way, then converting to a privately maintained road as it continues south.

No dedications are proposed by the plat finalizing the vacation.

No section line easements affect the subject area.

The block is defined by existing roads: Panoramic Drive to the north, Steadman Street to the east, Flower Ave to the south, St. Theresa Road to the west, and the Sterling Highway connecting the block to the northwest. Multiple cul-de-sacs are present in the area: Miss Vanessa Court to the northwest, O'Grady Court and McGavin Court to the north and Blakester Court to the south, complying with KPB 20.30.170 block length requirement. Vacating Herbert Way will not affect the block due to the existing cul-de-sacs.

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| KPB Roads Dept. comments | Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time. |
| SOA DOT comments | |
| SOA DNR-DMLW | No Comments |

Site Investigation:

According to the KPB GIS Contours layer, steep slopes appearing to exceed 20% exist to the east and west ends of Herbert Way. The contours have been shown on the preliminary plat with grades over 20% shaded.

No wetlands are present in the subject area per the KWF Wetlands Assessment.

The KPB River Center Reviewers confirmed the area is not within a Flood Hazard Area or Habitat Protection District. Therefore, no notes from KPB 20.30.280 will be needed.

| | |
|-------------------------|---|
| KPB River Center review | <p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> |
|-------------------------|---|

Staff Analysis:

In 1975, Steadman Subdivision (KN 75-45) subdivided the southern portion of land and dedicated 30-feet to Harbin Avenue. Lake View Terrace # 3, Phase 2 (KN 98-47) subdivided the northern portion of land in 1998 and dedicated an additional 10-feet to Harbin Avenue on the east and a partial cul-de-sac bulb to the west. In 2017, the Planning Commission adopted a street naming resolution (SN 2017-02) to rename this portion of Harbin Avenue to Herbert Way.

The adjacent parcels will continue to have legal access by Blakester Court to the south and Steadman Street to the east.

Herbert Way is currently undeveloped and due to the steep terrain to the east and west, future construction of the road is not the most feasible. Steadman Street to the east and Blakester Court to the south provide the most feasible access to the affected parcels.

The Surveyor has stated that there is an agreement that once vacated, the right-of-way is proposed to be combined with Lot 9, Steadman Subdivision Jessica Addition (KN 2005-73) and Lot 6, Lake View Terrace #3 Phase 2 (KN 98-47). **Staff recommends** the agreement be provided with the plat submittal to finalize the vacation.

The vacation sketch submittal shows the proposed plat finalizing the vacation. The plat has not been submitted to the Planning Department. Once a complete application has been received and reviewed, it will be scheduled for review by the Plat Committee.

Steadman Subdivision (KN 75-45) granted a 5-foot clearing easement adjacent to Harbin Avenue on the south. Steadman Subdivision Jessica Addition (KN 2005-73) granted a 10-foot utility easement adjacent to all street rights-of-way and carried forward the previous 5-foot clearing easement.

Lake View Terrace #3 Phase 2 (KN 98-47) granted a 10-foot utility easement adjacent to Harbin Avenue on the north.

Staff reached out to the Surveyor and received confirmation that the associated utility easements are to be vacated with the right-of-way. **Staff recommends** the surveyor include this in the label depicting the vacation and in the legal description of the plat submittal.

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;
Surveyors' comments: Herbert Way has no driveways or roads built inside of the ROW. There are no known utilities in the existing Herbert Way ROW.
Staff comments: Herbert Way is currently undeveloped. KPB Roads Department, SOA DNR, HEA and GCI provided no objections to vacating the right-of-way.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Surveyors' comments: The terrain at the intersection of the existing Herbert Rd & St. Theresa rights-of-way has significant slope gradients (-29%) that present major challenges for standard road construction. Based on preliminary site analysis and contour data, portions of the right-of-way exceed typical slope tolerances for road development, creating safety, engineering, and cost feasibility concerns.
Staff comments: Steadman Street to the east and Blakester Court to the south provide the most feasible access to the affected parcels.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Surveyors' comments: Owner of Lot 6 Lake View Terrace #3 Phase 2 also owns Lot 9 Steadman Subdivision Jessica Addition. Herbert Way ROW bisects the two lots. The owner would like to consolidate the lots.

Staff comments: The parent plats granted utility easements adjacent to the rights-of-way which will be carried forward on the plat finalizing the vacation. Steadman Street to the east and Blakester Court to the south provide the most feasible access to the affected parcels.

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: Herbert Way does not provide access to public lands.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Staff comments: Vacating Herbert Way will not affect the block due to the existing cul-de-sacs. Steadman Street to the east and Blakester Court to the south provide the most feasible access to the affected parcels.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Staff comments:

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.

Surveyors' comments: There are no known utilities in the existing Herbert Way ROW.

Staff comments: HEA and GCI provided no objections to vacating the right-of-way.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Surveyors' comments: Owners have an agreement that the Herbert ROW vacated lands will be added to the parcels owned by Scott Brown. Owner of Lot 6 Lake View Terrace #3 Phase 2 also owns Lot 9 Steadman Subdivision Jessica Addition. Herbert Way ROW bisects the two lots. The owner would like to consolidate the lots.

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, must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled August 5, 2025 meeting.

If approved, Steadman Subdivision Jessica Addition 2025 Replat will finalize the proposed right of way vacations. At this time, the plat has not been submitted.

KPB department / agency review:

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| Addressing | Reviewer: Pace, Rhealyn Affected Addresses: 38272 BLAKESTER CT, 38252 BLAKESTER CT, 36765 STEADMAN ST Existing Street Names are Correct: Yes List of Correct Street Names: BLAKESTER CT, ST THERESA RD, STEADMAN ST, HERBERT WAY Existing Street Name Corrections Needed: |
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|-----------------|---|
| | <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: 36765 STEADMAN ST WILL BE DELETED</p> |
| Code Compliance | <p>Reviewer: Ogren, Eric</p> <p>Comments: No comments</p> |
| Planner | <p>Reviewer: Raidmae, Ryan</p> <p>There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p> |
| Assessing | <p>Reviewer: Windsor, Heather</p> <p>Comments: No comment</p> |

Utility provider review:

| | |
|--------|-------------------------------|
| HEA | No Comments |
| ENSTAR | No comment or recommendations |
| ACS | |
| GCI | Approved as shown |

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Add corrections to be made to drawing as noted

- Add the associated utility easements to the depiction label of the vacation and to the legal description on the plat.
- Add all owners of record to the drawing for both parcels.

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 utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city

council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

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

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

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - 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.*

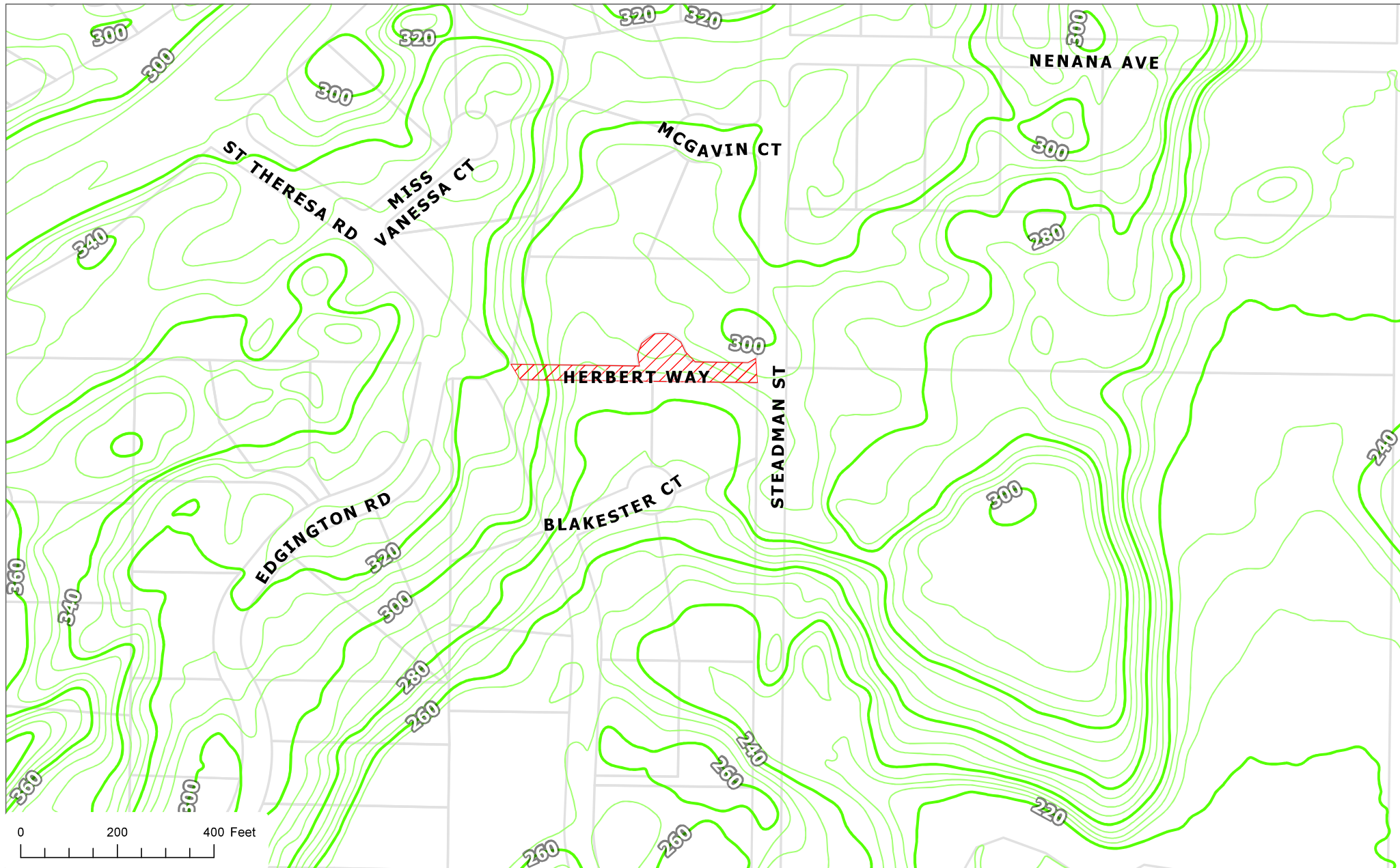
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *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



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.



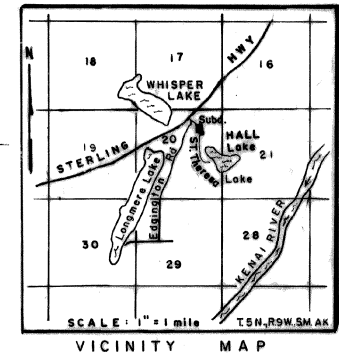
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

LAKE VIEW TERRACE
(1987-25) 5
(1987-66)

PLAT APPROVAL:

This subdivision plat was approved by the
Kenai Peninsula Borough Planning Commission
at the meeting of April 11, 2005

Kenai Peninsula Borough by Max J. Bent
Authorized Official



NOTARY'S ACKNOWLEDGEMENT
Subscribed and sworn before me
this 4 day of August 2005
for: Darren R Jones
Becky Jones

CERTIFICATION 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 by our free consent dedicate all right of ways to public use and
grant all easements to the use shown.

DRR
Darren R Jones

Becky Jones
Becky Jones



Patricia Hartley
Notary Public for Alaska
My commission expires March 7, 2009

NOTES:

1. A building setback of 20ft. is required from all street right of ways unless a lesser standard is approved by resolution of the appropriate planning commission.
2. Roads must meet the design construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
3. The existing power line is center line of an electrical distribution line easement. No structures permitted in panhandle portion of lot 5.
4. The front 10 feet of the 20 foot building setback and the entire setback within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability to use the easement.
5. Wastewater Disposal: 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.

Sean J. Forni
(signature of Engineer)

AA-696
License No.

9/30/2005
Date

2005-73
Kenai REC DIST
Date 10-4-05
Time 3:30 PM
Requested by Eastham
Address _____



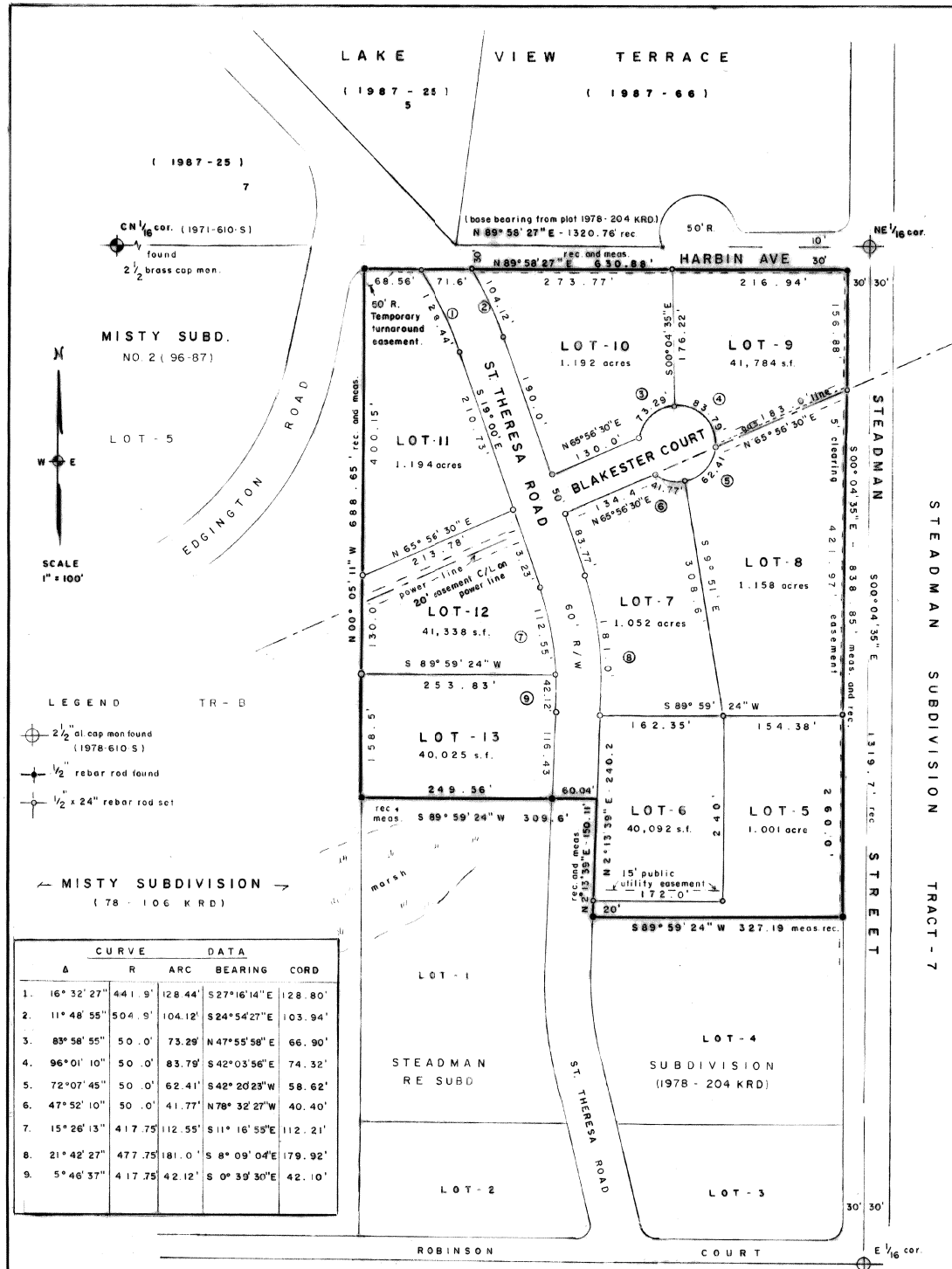
STEADMAN SUBDIVISION JESSICA ADDITION

Comprised of 11.090 acres; the unsubdivided
remainder of TRACT-6
STEADMAN SUBDIVISION
plat no. 1975 - 45 in the SW 1/4 NE 1/4 Sec. 20
T.5N., R.9W., Kenai Recording District, Alaska.

Owner: Darren Jones
P.O. Box 1346 Soldotna, AK 99669

Surveyor: Terry T. Eastham 7629 S
P.O. Box 2891, Soldotna AK 99669

March 2005, Scale: 1"=100', KPB no. 2005-082



- LEGEND TR-B
- 2 1/2" al. cap mon found (1978-610 S)
 - 1/2" rebar rod found
 - 1/2" x 24" rebar rod set

MISTY SUBDIVISION
(78-106 KRD)

| CURVE | | DATA | | |
|----------------|---------|---------|-----------------|---------|
| Δ | R | ARC | BEARING | CORD |
| 1. 16° 32' 27" | 441.9' | 128.44' | S 27° 16' 14" E | 128.80' |
| 2. 11° 48' 55" | 504.5' | 104.12' | S 24° 54' 27" E | 103.94' |
| 3. 89° 58' 55" | 50.0' | 73.29' | N 47° 55' 58" E | 66.90' |
| 4. 96° 01' 10" | 50.0' | 83.79' | S 42° 03' 56" E | 74.32' |
| 5. 72° 07' 45" | 50.0' | 62.41' | S 42° 20' 23" W | 58.62' |
| 6. 47° 52' 10" | 50.0' | 41.77' | N 78° 32' 27" W | 40.40' |
| 7. 15° 26' 13" | 417.75' | 112.55' | S 11° 16' 55" E | 112.21' |
| 8. 21° 42' 27" | 477.75' | 181.0' | S 8° 09' 04" E | 179.92' |
| 9. 5° 46' 37" | 417.75' | 42.12' | S 0° 39' 30" E | 42.10' |

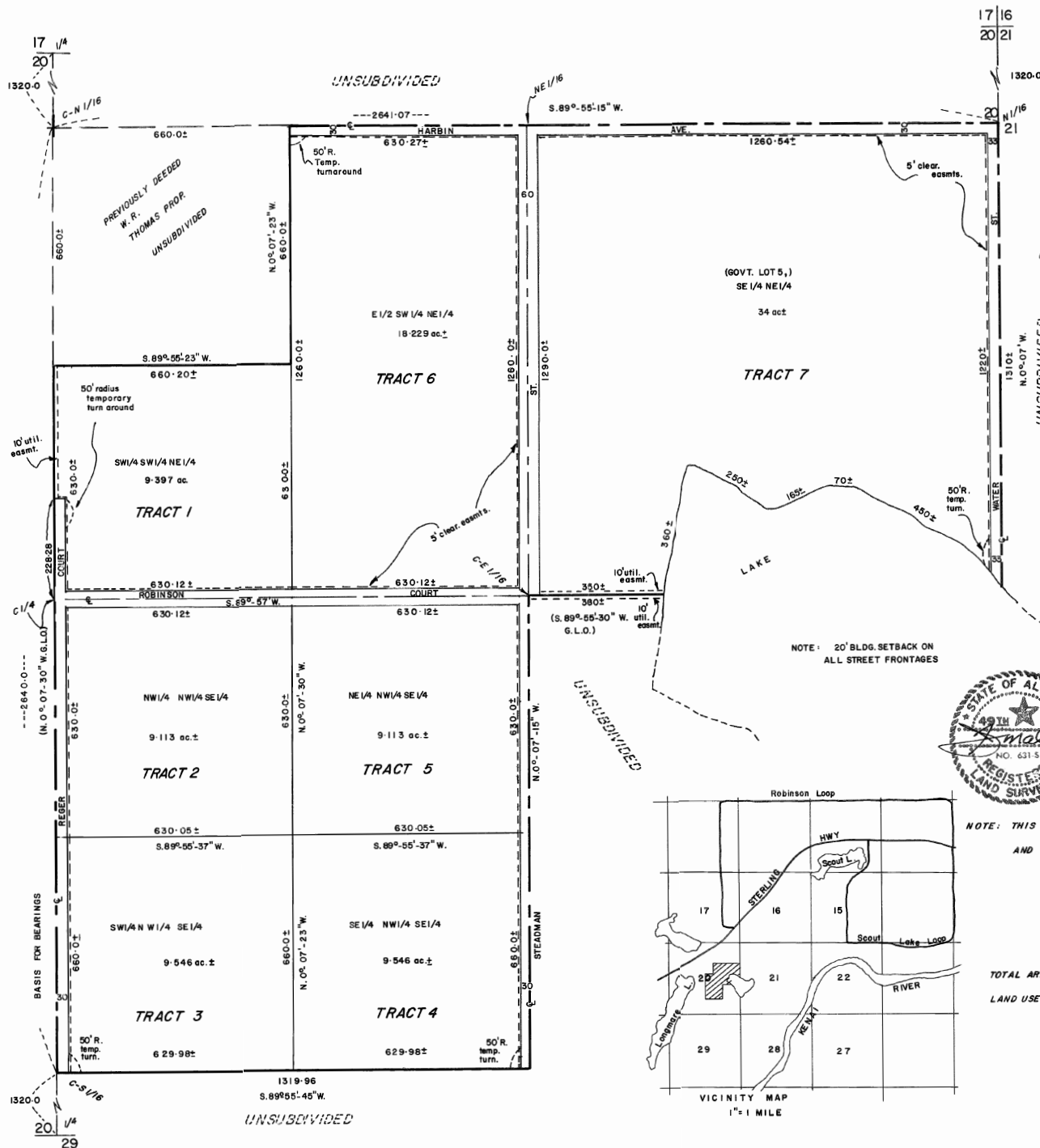
| LINE | LENGTH | BEARING |
|------|--------|------------|
| 1 | 19.45 | 500.520° E |
| 2 | 28.36 | 509.751° W |
| 3 | 15.83 | 604.315° E |
| 4 | 20.73 | 609.515° E |
| 5 | 47.38 | 685.474° E |
| 6 | 17.01 | 584.251° E |
| 7 | 23.22 | 504.315° E |

E4-13



LONGMERE ESTATES SUB.

1" = 200'



STEADMAN SUBDIVISION

A PORTION OF SW 1/4 NE 1/4, GOV'T. LOT 5,
& NW 1/4 SE 1/4, SEC. 20, T.5N, R.9W, S.M.

CERTIFICATE OF OWNERSHIP & DEDICATION:

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE
LAND SHOWN & DESCRIBED HEREON, THAT WE ADOPT THIS
PLAN OF SUBDIVISION WITH OUR FREE CONSENT, & DO
HEREBY DEDICATE TO PUBLIC USE & THE USE OF PUBLIC
UTILITIES THE STREETS & EASEMENTS SHOWN.

Harold V. Steadman *James J. Steadman*
OWNER OWNER

SWORN TO & SUBSCRIBED BEFORE ME, A NOTARY PUBLIC,

THIS 2nd DAY OF June, 1975

James J. Steadman
NOTARY

MY COMMISSION EXPIRES April 23, 1979

BOROUGH APPROVAL

PLAT APPROVED BY THE COMMISSION THIS 5th DAY
OF May, 1975

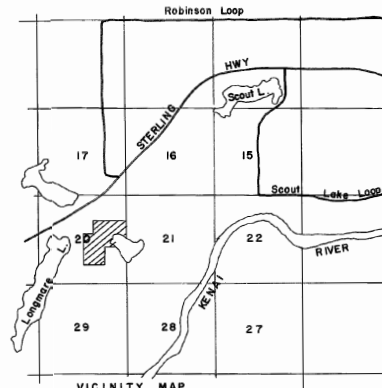
Charles Thompson
MAYOR

NOTE: THIS PLAT WAS PREPARED IN ACCORDANCE WITH SEC. 20-15-025 (2) KPBC,

AND NO FIELD SURVEY HAS BEEN PERFORMED BY ME.

4/30/75

F.J. Malone
F.J. MALONE, R.L.S.



VICINITY MAP
1" = 1 MILE

TOTAL AREA: 98.944 ac. ± exclusive of roads

LAND USE: RESIDENTIAL

| |
|---------------------|
| RECORDED - FILED |
| Kenai, ALASKA |
| DATE: 6-9-1975 |
| TIME: 12:28 P. |
| Recorded by: R.R.B. |
| Address: |

FOR
H.V. & N.I. STEADMAN,
% KENAI REALTY,
KENAI, ALASKA
MALONE SURVEYING
KENAI, ALASKA

882



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.

☒ Herbert Way platted public right of way proposed to be vacated was dedicated by the plat of Steadman Subdivision, filed as Plat No. KN 98-47 in the Kenai Recording District. + Lake View Terrace #3 Ph2 KN 98-47 Kenai Recording Dist.

☒ - 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? | Yes | <input checked="" type="checkbox"/> | 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 <u>KN 0980047 Lakeview Terrace #3 phase 2 Lot 6</u> | |
| Section, township, range <u>sterling soldotna</u> | |
| City (if applicable) <u>Soldotna</u> | General area <u>between ST Theresa Rd and Steadman St</u> |

36765 Steadman St

Longmere 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): <u>Scott W Brown</u> | Signature: <u>Scott W Brown</u> |
| e-mail: <u>scottbrown907@gmail.com</u> | Address: <u>38252 Blakester Ct</u> |
| Owner of: <u>PID 06367035</u> | <u>Soldotna, AK 99669</u> |

Land Owner:

| | |
|---|--------------------------------------|
| Name (printed): <u>Jacqueline Pannell</u> | Signature: <u>Jacqueline Pannell</u> |
| e-mail: <u>quittingdiva@acsalaska.net</u> | Address: <u>38272 Blakester Ct</u> |
| Owner of: <u>PID 06367036</u> | <u>Soldotna, AK 99669</u> |

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____



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.
- ☐ _____ platted public right of way proposed to be vacated was dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in the _____ 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 type="checkbox"/> | No |
| Is the platted right of way used by vehicles / pedestrians / other? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Is alternative right-of-way being provided? | <input type="checkbox"/> | Yes | <input type="checkbox"/> | No |
| Are there utility easements associated with the right of way to be vacated? | <input 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 type="checkbox"/> | No |
| If so, which utility provider? | | | | |

LEGAL DESCRIPTION ADJOINING LAND:

| | |
|---|--|
| Lot, Block, Subd. or street address Lakeview Terrace #3 Ph2 Lot 6 & Steadman Sub Jessica Add Lots 9 & 10 | |
| Section, township, range Sec 20 T5N R9W | |
| City (if applicable) Soldotna | General area St. Theresa & Steadman St. |

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): Amy S. Brown | Signature <i>Amy S Brown</i> |
| e-mail: Scottbrown907@gmail.com | Address: 38252 Blakester Ct. Soldotna AK 99669 |
| Owner of: L9 Steadman Sub & Lot 6 Lake View Terrace | |

Land Owner:

| | |
|---|-----------|
| Name (printed): | Signature |
| e-mail: | Address: |
| Owner of: L9 Steadman Sub & Lot 6 Lake View Terrace | |

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____