



# KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

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**MIKE NAVARRE**  
**BOROUGH MAYOR**

## MEMORANDUM

**TO:** Dale Bagley, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director

**DATE:** June 26, 2015

**SUBJECT:** Vacate a portion of Rut Avenue, a 60-foot right-of-way. Vacate the south 30 feet of the east 660 feet (more or less) of this dedication along the north boundary of Tract 2 of Snowshoe Subdivision (Plat KN 77-136) and vacate any associated utility easements. **AND** Vacate that portion of the 10-foot utility easement along the south boundary of Tract A of Moose Run Estates (Plat KN 84-51) and as shown on Tract A-2 Moose Run Estates Williams Addition (Plat KN 2009-9). All portions of requested vacations are located within Section 18 T7N R11W, SM, AK and within the KPB. File 2015-060.

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 June 22, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

### *Findings:*

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way proposed for vacation does not appear to be in use for utilities.
6. Comments of no objection to the proposed vacations were received from ACS, GCI, and HEA.
7. ENSTAR submitted a statement of no objection to the proposed vacation subject to granting a 10-foot natural gas easement centered on the existing gas main on Tract 2 of Snowshoe Subdivision.
8. A 30-foot alternative right-of-way for Rut Avenue will be dedicated adjoining the right-of-way proposed to be vacated.
9. The proposed vacation and alternative dedication for Rut Avenue results in no net loss of public right-of-way.
10. Per KPB GIS mapping, Rut Avenue is partially maintained by the KPB Roads Department.
11. Per the preliminary plat that will accomplish the proposed vacation, the right-of-way proposed for vacation is affected by slopes greater than 20 percent.
12. Per the preliminary plat that will accomplish the proposed vacation, the new alternative right-of-way is not affected by steep terrain.
13. Per the preliminary plat that will accomplish the proposed vacation, the new alternative right-of-way is not affected by a low wet area.

The Assembly has 30 days from June 22, 2015 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only