

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of Jobber Street, (formally Banta Street, changed on August 9, 2010 on Resolution SN 2010-10), a 66-foot right-of-way easement. Vacate the 33-foot right-of-way easement along the west boundary of Government Lot 61 and the 33-foot right-of-way easement along the east boundary of Government Lots 59 and 60, and vacate any associated utility easements. A 10-foot wide utility easement is being granted, centered over the existing buried electric line with this plat. **AND** Vacate the 33-foot right-of-way easement along the west boundary of Government Lot 72 and the 33-foot right-of-way easement along the east boundary of Government Lots 73 and 74, and vacate any associated utility easements. All within Section 23, Township 6 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2015-041; Location: On Thunder Road in Nikiski Area.

Staff Report given by Max Best

PC Meeting: 5/11/15

Purpose as stated in petition: The portion of Jobber Street to the North has already been approved for vacation. This plat will continue the vacation of Jobber Street 300 feet south of Thunder Road. Jobber Street is not constructed or being used at this time. There are other public right-of-ways in the immediate area to provide access to affected lots.

Petitioners: Luke Hanson, Robert T. Peterkin II, Robert T. and Bonnie Peterkin, Ralph Wellborn all of Kenai, Alaska

Notification:

Public notice appeared in the April 30 issue of the Peninsula Clarion. Public notice was also published in the Peninsula Clarion, Seward Journal, and Homer News as part of the tentative agenda on May 8, 2015.

Ten certified mailings were sent to owners of property within 300 feet of the parcels. Nine receipts have been returned. Notices were sent by regular mail to 18 owners within 600 feet of the proposed vacation.

Eighteen regular mailings were sent to agencies and interested parties. Six notices were sent to KPB Departments. Notices were mailed to the Kenai Post Office and Kenai Community Library to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Addressing Officer: This right-of-way vacation will force duplicate street names. There will be a need for a street name change in the future to rectify this.

River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Anadromous Habitat Protection District.

Roads Department: There is a human grave near the eastern boundary on Government Lot 73A. I found this many years ago while working on Thunder Road. As I recall, it is very close to the Spot Shop building. I don't know if the grave is in the area to be vacated or actually on the lot.

Staff Discussion:

The Planning Commission approved vacating Jobber Street from Sandy Lane to the subject vacation on August 26, 2013. The Plat Committee granted conditional approval to the plat that will accomplish the vacation on August 26. Staff issued the final review letter for the plat on November 18, 2013. Preliminary plat approval expired. Staff notified the surveyor of the need to submit a time extension request.

If the vacation of Jobber Street north of the subject vacation of Jobber Street is finalized, a duplicate street name will not be created.

Typically, platting staff asks for grave sites to be shown and labeled so future property owners know to avoid

excavating or developing the site. Lot 73A fronts Thunder Road so access to the site does not appear to be an issue. Staff will recommend that the location be located and shown on the final plat.

If the proposed vacation is approved, the block will still be in compliance with KPB 20.30.170.

Comments from the utility providers were not available when the staff report was prepared.

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. If the vacation of Jobber Street is approved, the block will still be in compliance with KPB 20.30.170.
6. Alternate public access is by Sandy Lane, Galankin Street, and Thunder Road.
7. Sandy Lane, Galankin Street, and Thunder Road provide the block with looped access back to the Kenai Spur Highway.
8. Sandy Lane, Galankin Street, and Thunder Road are maintained by the KPB Roads Department.
9. The Planning Commission approved vacating Jobber Street from Sandy Lane to the subject proposed vacation of Jobber Street on August 26, 2013.
10. KPB GIS mapping indicates Homer Electric Association may have facilities in or near Jobber Street that is proposed to be vacated.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements. No comments were available when the staff report was prepared.
12. The surveyor advised staff by email that utility easements centered on existing facilities will be granted on the plat.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code.
2. Grant utility easements as requested by the utility providers per KPB 20.30.060.
3. The final plat must be recorded within one year of vacation consent by the Assembly per KPB 20.70.130.

KPB 20.70.110:

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 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.

KPB 20.70.120:

- 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.**

END OF STAFF REPORT

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to speak Vice Chairman Ruffner closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Foster moved, seconded by Commissioner Whitney to grant approval of the vacation with staff recommendations and citing the following findings of fact.

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. If the vacation of Jobber Street is approved, the block will still be in compliance with KPB 20.30.170.
6. Alternate public access is by Sandy Lane, Galankin Street, and Thunder Road.
7. Sandy Lane, Galankin Street, and Thunder Road provide the block with looped access back to the Kenai Spur Highway.
8. Sandy Lane, Galankin Street, and Thunder Road are maintained by the KPB Roads Department.
9. The Planning Commission approved vacating Jobber Street from Sandy Lane to the subject proposed vacation of Jobber Street on August 26, 2013.
10. KPB GIS mapping indicates Homer Electric Association may have facilities in or near Jobber Street that is proposed to be vacated.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements. No comments were available when the staff report was prepared.
12. The surveyor advised staff by email that utility easements centered on existing facilities will be granted on the plat.

VOTE: The motion passed by unanimous consent.

CARLUCCIO ABSENT	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING YES	HOLSTEN ABSENT
ISHAM YES	LOCKWOOD YES	MARTIN ABSENT	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Rename existing streets in conjunction with the Enhanced 911 Street Naming and Addressing Methods within the Kenai Peninsula Borough. Streets under consideration at this meeting are described as follows:
 - a. Bowman Rd (portion of) originally named by plat KN0720073 Soldotna – East an Aliquot Part Subdivision; T 5N R 10W SECTION 25; Seward Meridian, AK; in the Sterling Community; ESN 302

Staff Report given by Carrie Henson

PC MEETING 5/11/2015

Applicant: Kenai Peninsula Borough

Existing right-of-way names: Bowman Rd (portion of)

Name proposed by staff: Bowman Rd W

Reason for Change: Jump Street

Background:

Name	Bowman Rd (western portion)
ESN	302
Community	Sterling
YR Dedicated	1972
Constructed	Partially



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.borough.kenai.ak.us

**MIKE NAVARRE
BOROUGH MAYOR**

May 12, 2015

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF MAY 11, 2015

RE: Vacate a portion of Jobber Street, (formally Banta Street, 30 changed on August 9, 2010 on Resolution SN 2010-10), a 66-foot right-of-way easement. Vacate the 33-foot right-of-way easement along the west boundary of Government Lot 61 and the 33-foot right-of-way easement along the east boundary of Government Lots 59 and 60, and vacate any associated utility easements. A 10-foot wide utility easement is being granted, centered over the existing buried electric line with this plat. **AND** Vacate the 33-foot right-of-way easement along the west boundary of Government Lot 72 and the 33-foot right-of-way easement along the east boundary of Government Lots 73 and 74, and vacate any associated utility easements. All within S23, T6N R12W, SM, AK and within the KPB. File 2015-041. Petitioners: Luke Hanson, Robert T. Peterkin II, Robert T. and Bonnie Peterkin, Ralph Wellborn all of Kenai, AK. Location: On Thunder Road in Nikiski Area.

During their regularly scheduled meeting of May 11, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

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. If the vacation of Jobber Street is approved, the block will still be in compliance with KPB 20.30.170.
6. Alternate public access is by Sandy Lane, Galankin Street, and Thunder Road.
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8. Sandy Lane, Galankin Street, and Thunder Road are maintained by the KPB Roads Department.
9. The Planning Commission approved vacating Jobber Street from Sandy Lane to the subject proposed vacation of Jobber Street on August 26, 2013.
10. KPB GIS mapping indicates Homer Electric Association may have facilities in or near Jobber Street that is proposed to be vacated.
11. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements. No comments were available when the staff report was prepared.
12. The surveyor advised staff by email that utility easements centered on existing facilities will be granted on the plat.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (May 11, 2015) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent May 12, 2015 to:

Robert Peterkin, II
PO Box 1614
Kenai, AK 99611-1614

Robert & Bonnie Peterkin
42540 Kenai Spur Hwy
Kenai, AK 99611-9784

Glen & Laraine Hanson
309 Birch St.
Kenai, AK 99611

Luke Hanson
PO Box 389
Kenai, AK 99611-0389

Ralph Wellborn
PO Box 3236
Kenai, AK 99611-3236

Integrity Surveys, Inc.
820 Set Net Dr.
Kenai, AK 99611

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STAFF REPORT

PC Meeting: 5/11/15

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Petitioners: Luke Hanson, Robert T. Peterkin II, Robert T. and Bonnie Peterkin, Ralph Wellborn all of Kenai, Alaska

Notification:

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Comments Received:

Addressing Officer: This right-of-way vacation will force duplicate street names. There will be a need for a street name change in the future to rectify this.

River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Anadromous Habitat Protection District.

Roads Department: There is a human grave near the eastern boundary on Government Lot 73A. I found this many years ago while working on Thunder Road. As I recall, it is very close to the Spot Shop building. I don't know if the grave is in the area to be vacated or actually on the lot.

Staff Discussion:

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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



Vicinity Map



Date: 4/13/2015



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.

Created by: msweddy

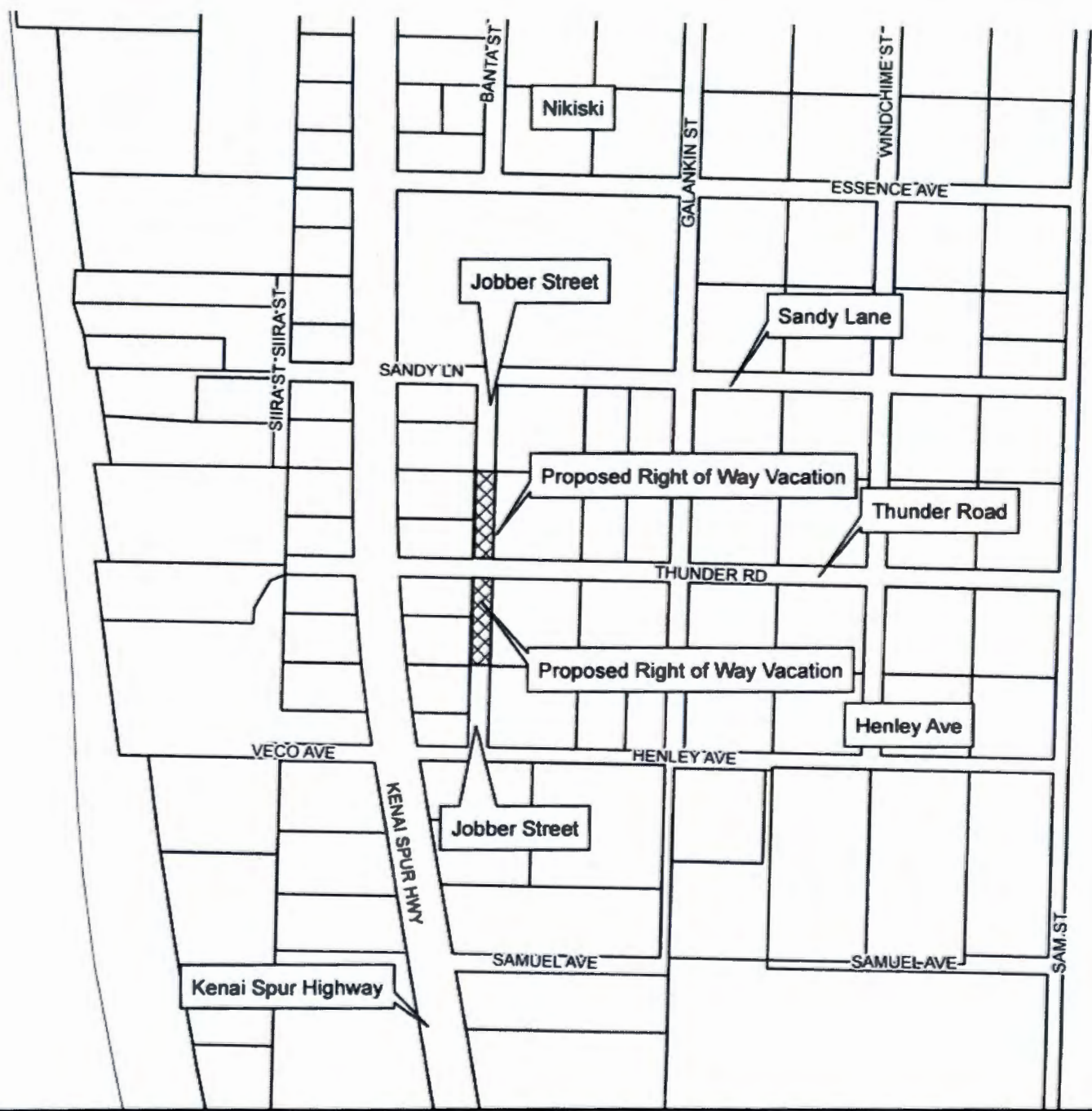
Proposed Vacation of Jobber Street

0 150 300 600 Feet

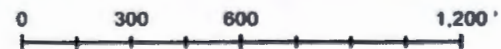


Date: 4/29/2015





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.



Vicinity Map



Date: 4/13/2015

Hindman, Julie

From: Henson, Carrie
Sent: Friday, April 17, 2015 1:40 PM
To: Hindman, Julie
Subject: RE: ROW Vacation Review

This right-of-way vacation will force duplicate street names. There will be a need for a street name change in the future to rectify this.

Carrie Henson
E911 Addressing Officer
Kenai Peninsula Borough
(907) 714-2226



From: Hindman, Julie
Sent: Wednesday, April 15, 2015 10:02 AM
To: Cody Neuendorf (cneuendorf@homerelectric.com); Byron Jackson ; Jennifer Diederich (Jennifer.Diederich@enstarnaturalgas.com); Bradley Beck; familler.99611@yahoo.com; Baisden, James; Aldridge, Morgan; Biloon, Joselyn (DOT); Carver, Nancy; Curtis, Harmony; Danika Simpson - CDE-CR DESIGN/ENGINEERING (danika.simpson@alaska.gov); Dearlove, Tom; Fuller, Karen; george.horton@alaska.gov; hans.rinke@alaska.gov; Henson, Carrie; Holly Zafian (holly.zafian@alaska.gov); Knackstedt, Henry; Lisa Doehl - CDE-CR DESIGN/ENGINEERING (lisa.doehl@alaska.gov); Lorraine Kastner - CDE-CR DESIGN/ENGINEERING (lorraine.kastner@alaska.gov); Malone, Patrick; mark.fink@alaska.gov; Mattson, Stacey; Russell, Pam; Wall, Bruce
Subject: ROW Vacation Review

Please find attached the notice for a vacation of a Right of Way and Associated Utility Easements. This is scheduled for the May 11, 2015 meeting. Please have your comments to us by May 5, 2015.

Thank you,

Julie Hindman
Kenai Peninsula Borough
Planning Department

Sweppy, Maria

From: Conner, Jim
Sent: Thursday, April 16, 2015 1:56 PM
To: Voeller, Paul; Sweppy, Maria
Cc: Malone, Patrick
Subject: Preliminary Plat 2015-041 (Jobber St. Vacation)

Paul//Maria,

FYI,

There is a human grave near the east boundary on Gvt. Lot 73A. I found this many years ago while working on Thunder Rd. As I recall it is very close to the "Spot Shop" building. I don't know if the grave is in the area to be vacated or actually on the aforementioned lot.

Jim

April 17, 2015

To Whom It May Concern:

This letter is to inform you that we approve of the plat action for KPB File 2015-041 to vacate portion of Jobber St. and associated utility easements.

Thank you.

Sincerely,

Glenn A. Hanson

Laraine Hanson

Glenn A. Hanson and Laraine Hanson

**309 Birch Street
Kenai, Alaska 99611**

907-283-3419

E-mail: ghanson@alaska.net

Hindman, Julie

From: Scott Huff - Integrity Surveys Inc. <integritysurveys@alaska.net>
Sent: Friday, April 10, 2015 4:41 PM
To: Hindman, Julie
Subject: RE: North Kenai 2015 ROW Vacation

Julie,

Yes we would like to vacate all associated utility easements as well. I believe that there are some utility lines in that area so the final plat will grant easements centered on the existing utility lines.

Thanks,

Scott Huff

From: Hindman, Julie [<mailto:jhindman@kpb.us>]
Sent: Friday, April 10, 2015 4:03 PM
To: integritysurveys@alaska.net
Subject: North Kenai 2015 ROW Vacation

Scott,

Working on your ROW submittal. Noticed on the plat mention of vacating utility easements but did not see any mention on the submittal form. Just would like confirmation of utility easement vacations planned. You can just email me that information for me to add to submittal.

Thank you,

Julie Hindman
Kenai Peninsula Borough
Planning Department



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

RECEIVED

APR 8 2015

Petition to Vacate Public Right-of-Way/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.

- ☒ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☐ Name of public right-of-way proposed to be vacated is dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- ☒ Are there associated utility easements to be vacated? ☒ Yes ☐ No
- ☐ Are easements in use by any utility company? If so, which company _____
- ☒ Easement for public road or right-of-way as set out in (specify type of document) Federal Patents as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- ☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☐ Yes ☒ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☒ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The portion of Jobber St. to the North has already been approved for vacation.

This plat will continue the vacation of Jobber St. South to Thunder Rd.

Jobber St. is not constructed or being used at this time.

There are other public ROWs in the immediate area to provide access to affected lots

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: Integrity Surveys
Address 820 Set Net Dr.
Kenai, Alaska 99611

Phone 283-9047

Signature as:

☐ Petitioner ☒ Representative

Petitioners:

Signature [Signature]
Name Luke Hanson
Address PO Box 389
Kenai, Alaska 99611

Owner of 64 Lot 159
Signature [Signature]
Name Robert T. Peterkin II
Address PO Box 42540
Kenai, Alaska 99611

Owner of 64 Lot 74, 72,

Signature [Signature]
Name Robert T. Peterkin II
Address PO Box 1646
Kenai, Alaska 99611

Owner of 64 Lot 61, 60

Signature _____
Name _____
Address _____

Owner of _____



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
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- Has right-of-way been fully or partially constructed? ☐ Yes ☐ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☐ No
- Is alternative right-of-way being provided? ☐ Yes ☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: _____
Address _____

Signature as:

☐ Petitioner ☐ Representative

Phone _____

Petitioners:

Signature _____ Signature _____
Name _____ Name _____
Address _____ Address _____

Owner of _____ Owner of _____

Signature _____ Signature _____
Name _____ Name _____
Address _____ Address _____

Owner of _____ Owner of _____



Kenai Peninsula Borough Planning Department
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- ☒ Are there associated utility easements to be vacated? ☐ Yes ☐ No
- ☐ Are easements in use by any utility company? If so, which company _____
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- Has right-of-way been fully or partially constructed? ☐ Yes ☒ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☒ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
The portion of Jobber St. to the North has already been approved for vacation.

This plat will continue the vacation of Jobber St. South to Thunder Rd.

Jobber St. is not constructed or being used at this time.

There are other public ROWs in the immediate area to provide access to effected lots

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: Integrity Surveys
Address 820 Set Net Dr.
Kenai, Alaska 99611

Signature as:

☐ Petitioner ☒ Representative

Phone 283-9047

Petitioners:

Signature Ralph Wellborn
Name Ralph Wellborn
Address PO Box 3236
Kenai, Alaska 99611

Signature _____
Name Bonnie Peterkin
Address 42540 Kenai Spur Highway
Kenai, Alaska 99611

Owner of 64 Lot 73

Owner of _____

Signature _____
Name Robert T. Peterkin
Address PO Box 1646
Kenai, Alaska 99611

Signature _____
Name _____
Address _____

Owner of _____

Owner of _____