

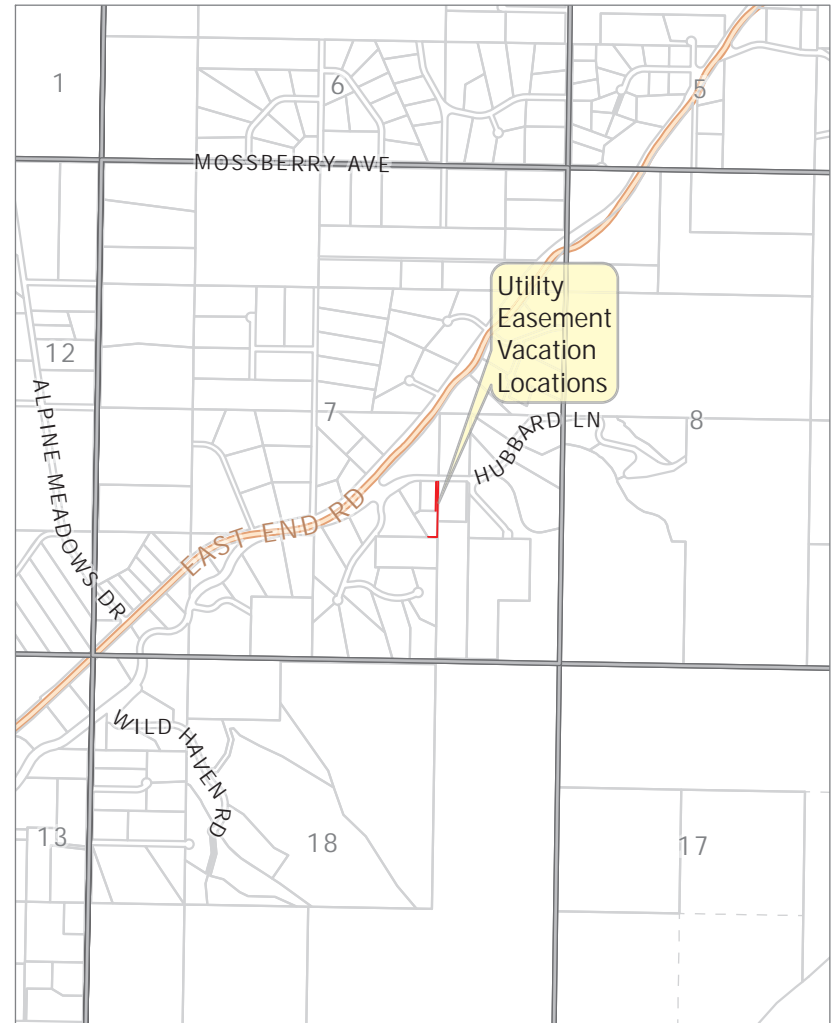
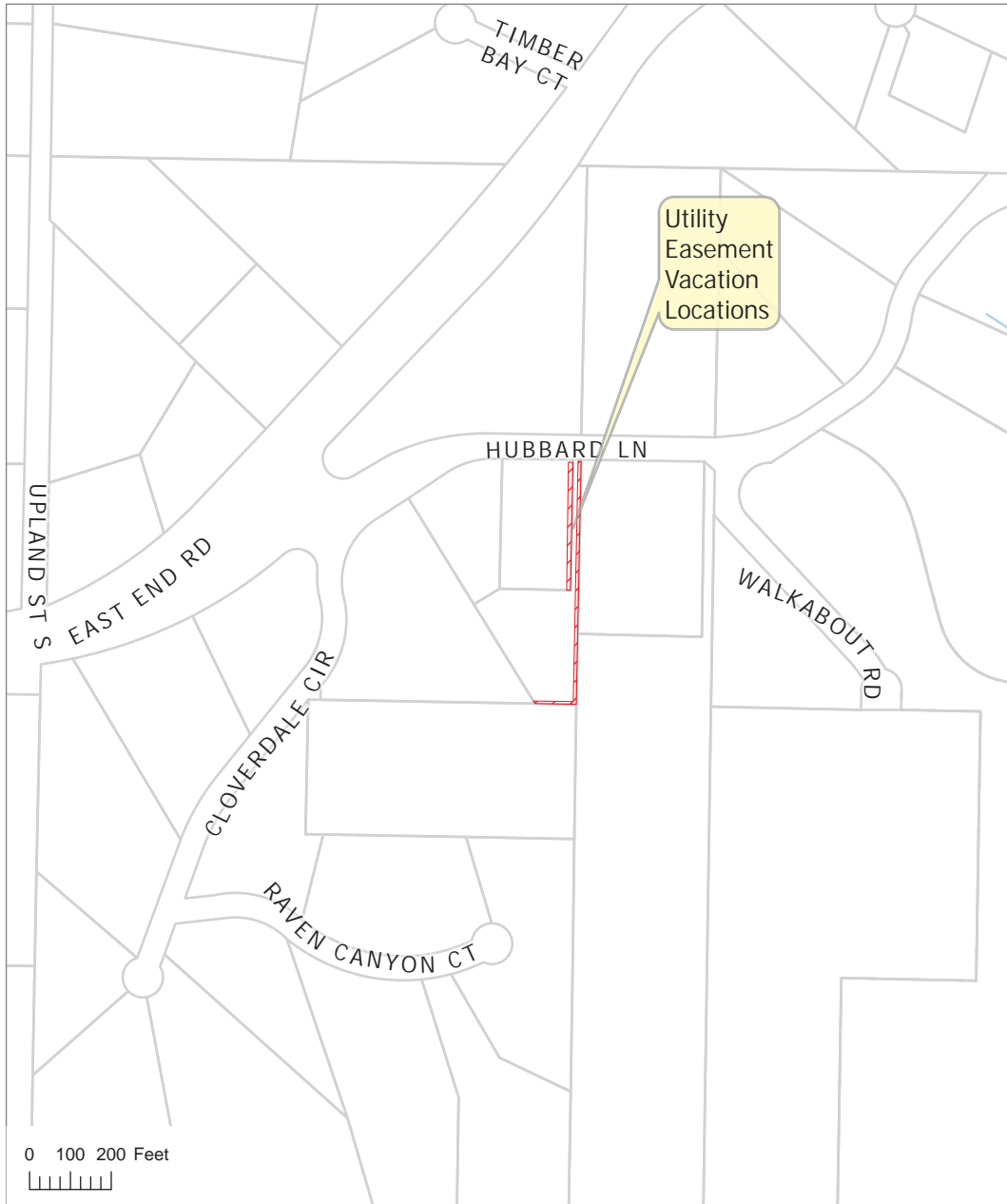
## **E. NEW BUSINESS**

1. Utility Easement Vacation; KPB File 2026-030V

Peninsula Surveying / Weisser

Request: Vacates an approximately 10' x 320' utility easement along the eastern lot line of current Lot 2B, and an approximately 10' x 590' utility easement along the eastern lot line of current Lot 2C and an approximately 10' x 102' utility easement along the southern lot line of current Lot 2C, Fox River Estates Three, Plat HM 2005-80

**Fritz Creek Area**



KPB File 2026-030V  
T05S R11W SEC07  
Fritz Creek

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.



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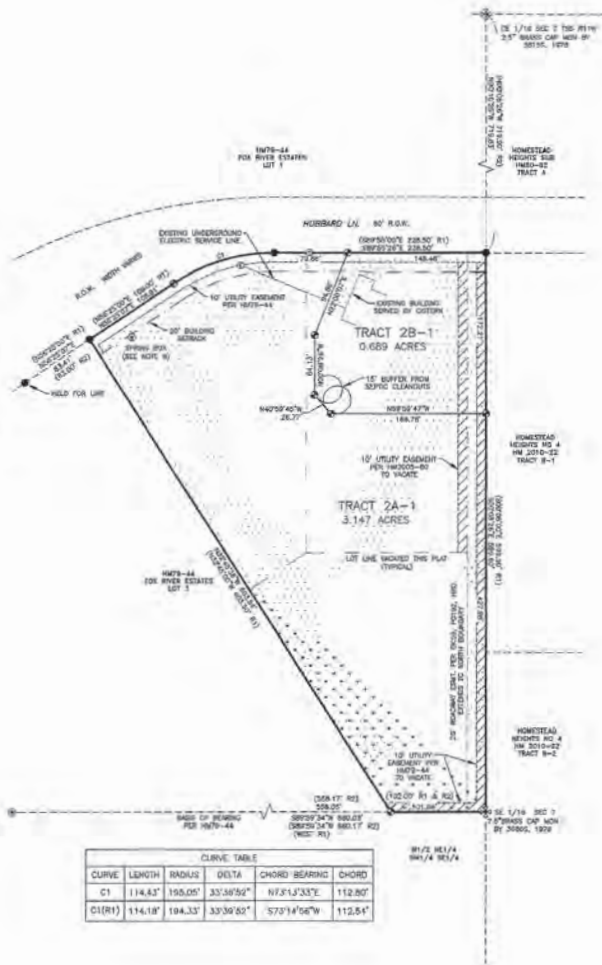


**NOTES:**

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LEISER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10' OF ADJOINING DEDICATED RIGHTS-OF-WAY, AND THE ENTIRE SETBACK WITHIN 6' OF SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
3. 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.
4. 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.
5. SUBJECT TO A GENERAL EASEMENT FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY GRANTED TO HOMER ELECTRIC ASSOCIATION, INC., RECORDED SEPTEMBER 17, 1992 IN BOOK 27, PAGE 3, HOMER RECORDING DISTRICT, WITH NO DEFINITE LOCATION DISCLOSED.
6. SUBJECT TO AN AGREEMENT FOR COVENANTS, EASEMENTS, WATER RIGHTS, SUBDIVISION AND LIMITATIONS DATED NOVEMBER 9, 1974, RECORDED NOVEMBER 23, 1979 IN BOOK 80, PAGE 830, HOMER RECORDING DISTRICT.
7. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.60.17000.
8. SUBJECT TO A STATE OF ALASKA PERMIT AND CERTIFICATE OF APPROPRIATION OF WATER, INCLUDING TERMS AND PROVISIONS FOR OGDAM SERIAL NO. 2003-021365-0, RECORDED MAY 31, 2022, HOMER RECORDING DISTRICT.
9. ACCEPTANCE OF THIS PLAT BY THE BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
10. FLOOD HAZARD NOTICE: THIS SUBDIVISION IS NOT IN A FEMA FLOOD HAZARD AREA.
11. KPB GIS SHOWS NO ANADROMOUS WATERS.

**LEGEND**

- ⊕ PRIMARY MONUMENT FOUND AS DESCRIBED
- FOUND 1/2" REBAR
- ⊙ FOUND 3/4" IRON PIPE W/ 1/2" SPC BY 3688S
- ⊙ TO SET RPC ON 5/8" X 3/4" REBAR BY LS1448S
- ⊙ SPRING BOX -- 36" CULVERT SET VERTICALLY
- ⊙ TELEPHONE PEGSTAL
- ⊙ ELECTRIC WATER
- (R1) RECORD DATA PER H42003-80
- (R2) RECORD DATA PER H4203-44
- ⊙ RIVINE WETLANDS PER THE KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
- ⊙ APPROXIMATE SLOPES GREATER THAN 20% FROM KPB DONTOLIK GIS DATA



CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD
C1	114.43'	155.05'	33°38'52"	N73°12'33"E	112.80'
C1(R1)	114.18'	184.33'	33°38'52"	S73°14'58"W	112.51'

**WASTEWATER DISPOSAL**  
 THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON 10/28/2009. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT 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.

JASON WESSLER  
 BOX 2913  
 HOMER, AK 99603

**NOTARY ACKNOWLEDGMENT**  
 FOR: \_\_\_\_\_  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020

NOTARY PUBLIC FOR: \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH AT THE MEETING OF MM/DD/YYYY.

BOROUGH OFFICIAL: \_\_\_\_\_ DATE: \_\_\_\_\_

KPB FILE NUMBER: 2024-000

**PENINSULA SURVEYING, LLC**  
 11088 KATHA BUCKLEARD, JUNOAK, AK 99609  
 (907)500-7005

PLAT OF  
**FOX RIVER ESTATES 2026 REPLAT**

A SUBDIVISION OF  
 A REPLAT OF TRACTS 2A, 2B & 2C,  
 FOX RIVER ESTATES TRACTS, H42003-80

LOCATED WITHIN  
 SE1/4 SEC. 7, T25E 41R1E, S1M,  
 KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA  
 CONTAINING 3.836 ACRES

OWNERS: JASON WESSLER  
 P.O. BOX 2913  
 HOMER, AK 99603

SCALE: 1" = 60' DATE: FEBRUARY 16, 2026  
 DRAWN: BLT CHECKED: JLS SHEET: 1 OF 1



KPB 2026-030V

ITEM #1 - UTILITY EASEMENT ALTERATION

VACATE A 10-FOOT UTILITY EASEMENT LOCATED ON THE EAST AND SOUTH BOUNDARY OF TRACT 2C, AS SHOWN ON HM 2005-80 AND GRANTED BY PLAT HM 79-44, AND A 10-FOOT UTILITY EASEMENT ON THE EAST BOUNDARY OF TRACT 2B, AS GRANTED BY PLAT HM 2005-80

<b>KPB File No.</b>	2026-030V
<b>Planning Committee Meeting:</b>	April 27, 2026
<b>Applicant / Owner:</b>	Jason Weisser of Homer, Alaska
<b>Surveyor:</b>	Jason Schollenberg; Peninsula Surveying, LLC
<b>General Location:</b>	Hubbard Lane off East End Road, Fritz Creek Area, Homer

STAFF REPORT

**Specific Request / Purpose as stated in the petition:**

This petition to vacate the utility easement is going along with a replat of Tracts 2A, 2B, and 2C Fox River Estates Three, HM 2005-80. The replat will reconfigure the lot lines.

**Notification:** Notice of vacation mailings were sent by regular mail to eight owners of property within 300 feet. Notice of the proposed vacation was emailed to nine agencies and interested parties.

The public notice was posted on the Planning Department’s bulletin board at the KPB Administration Building.

**Staff Analysis:**

The land was originally surveyed by the Government Land Office in June of 1918. In 1979 Fox River Estates HM 79-44 subdivided land in the W1/2 SE1/4 of Section 7, Township 5 South, Range 11 West SM lying south of the Homer East Rd. including Lot 2. Fox River Estates Three HM 2005-80 subdivided Lot 2 in three tracts.

Fox River Estates HM 79-44, granted a 10-foot utility easement along the east and south boundaries of Tract 2. Fox River Estates Three HM 2005-80 carried forward the 10-foot utility easement the east and west boundaries of Lot 2 to Tract 2C, being included within the flag portion of the lot. An additional 10-foot utility easement was granted along the east boundary of Tract 2B. Plat note 2 also granted a 10-foot utility easement along all rights-of-way, extending to 20 feet within 5 feet of side lot lines.

The 10-foot utility easements along the east and south boundaries of Tract 2C, as well as the 10-foot utility easement along the east boundary of Tract 2B, are petitioned for vacation.

If approved, the utility easement vacation will be finalized by Fox River Estates 2026 Replat. The preliminary plat is scheduled for review by the Plat Committee on April 27, 2026, at 6:30 PM. This plat will carry forward the 10-foot utility easement adjacent to Hubbard Lane, extending to 20 feet within 5 feet of side lot lines. **Staff recommends** modifying the label for the 10-foot utility easement along the right-of-way to reference the correct plat granting plat (HM 2005-80). **Staff also recommends** the front utility easement be corrected to add the 5’ line near side lot lines an modify the utility vacation limit to remove the front utility easement near the side lot line back to the 20’ building setback within 5’

The proposed plat depicts an existing underground electric service line located within the northeast corner of proposed Tract 2A-1. HEA has requested an easement for this electric line, as shown in the staff packet.

Additionally, the proposed plat includes a plat note referencing a general easement to HEA recorded in Book 27, Page 3, HRD. HEA’s review indicates that the easement is located within section 18. Staff reviewed the easement and believes it to be located within section 7. **Staff recommends** the applicant verify the easement location and confirm with HEA whether it affects the subdivision. Provide confirmation to the Platting Department.

Available public imagery shows two unidentifiable improvements located within the utility easements to be vacated, one within the panhandle portion of Tract 2C and one in the southeast corner of Tract 2C. Staff contacted the surveyor and confirmation was received that no structures are located within the easement and the ones shown were removed.

**Utility provider review:**

HEA	See comments. No objection to the vacation of the 10-foot utility easements granted by Plat HM 79-44 and Plat HM 2005-80 as depicted on the drawing.
ENSTAR	Approved as shown.
ACS	No objections.
GCI	Approved as shown.

**Applicant Findings:**

1. This petition to vacate the utility easement is going along with a replat of Tracts 2A, 2B, and 2C, Fox River Estates Three, HM 2005-80. The replat will reconfigure the lot lines.
2. The existing easement will limit use and development of the property.
3. Alternate utility easements are in place for the surrounding lots.

**Staff Findings:**

4. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
5. Fox River Estates (HM 79-44) granted a 10-foot utility easement along the east and south boundaries of Tract 2.
6. Fox River Estates (HM 2005-80) further subdivided Tract 2 into Tracts 2A through 2C. The 10-foot utility easement was carried forward on this plat and is now located along the east and south boundaries of Tract 2C, being within the flag portion of the lot.
7. Plat HM 2005-80 granted an additional 10-foot utility easement along the east boundary of Tract 2B.
8. Plat HM 2005-80, Plat note 2 also granted a 10-foot utility easement along all rights-of-way, extending to 20 feet within 5 feet of side lot lines.
9. The preliminary plat, Fox River Estates 2026 Replat, which will finalize the utility easement vacation, is scheduled for review by the Plat Committee on April 27, 2026, at 6:30 PM. This plat will carry forward the 10-foot utility easement adjacent to Hubbard Lane, extending to 20 feet within 5 feet of side lot lines.
10. There is an existing underground electric service line located within the northeast corner of proposed Tract 2A-1. HEA has requested an easement for the existing underground electric service line located within the northeast corner of proposed Tract 2A-1.
11. No surrounding properties will be denied utilities.

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

Make the following corrections:

**RECOMMENDATION:**

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends APPROVAL of the utility easement alteration as petitioned, subject to:

1. Grant utility easements requested by the utility providers.
2. Finalizing the approval of the easement alteration by either;

- a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,
- b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
  - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
  - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
  - iii. The Planning Department is responsible for filing the Planning Commission resolution.

**20.65.070 Alteration of platted utility easements**

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section 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.*

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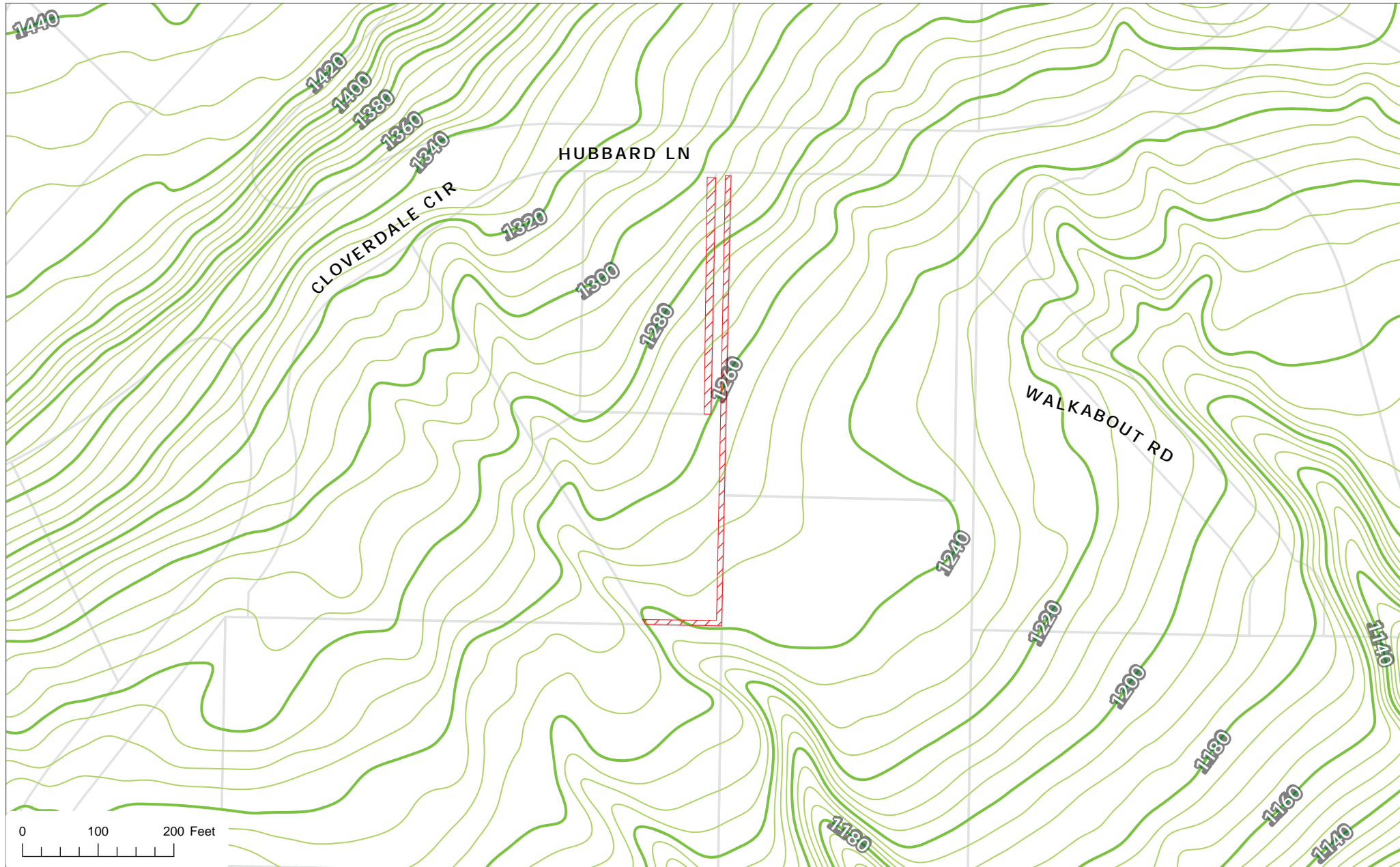
**END OF STAFF REPORT**



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**WASTEWATER DISPOSAL**

Soil conditions for Lots 2A and 2B have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater disposal system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough.

Soil conditions, water table levels and soil slopes for Lot 2C has been found suitable for conventional on-site wastewater treatment and disposal systems serving single-family or duplex residences, and meeting the regulatory requirements of the Kenai Peninsula Borough.

All alternate 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 prior to construction.

*Paul B. Voeller* 10-19-05  
 Paul B. Voeller CE No. 39820 Date  
 34801 Alamar Road  
 Anchor Point AK 99556

NOTARY PUBLIC,  
 STATE OF ALASKA  
 MARIA E. SWEPPY

**CERTIFICATE OF OWNERSHIP**

I hereby certify that I am the owner of the real property shown and described hereon, and that I hereby assent 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.

*James E. Book*  
 James E. Book  
 P.O. Box 779  
 Homer Alaska 99603

**NOTARY'S ACKNOWLEDGMENT**

For James E. Book  
 Subscribed and sworn to before me this 26 day of October 2005

*Marie E. Sweppy* 1-16-07  
 Notary Public for Alaska My Commission Expires:

**SURVEYORS CERTIFICATE**

I hereby certify that this survey was performed by me or under my direct supervision. I declare that the information shown hereon is true and correct to the best of my knowledge and belief.

*Jerry A. Anderson* 01/27/2005  
 Date

**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 19, 2005

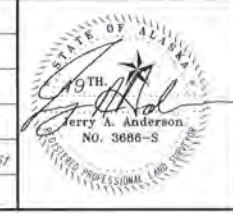
KENAI PENINSULA BOROUGH

BY *Max A. Best*  
 Authorized Official

VICINITY MAP SCALE: 1" = 1000'



DATE JUNE 2005  
 SCALE 1" = 80'  
 GRID No. AR-39  
 FLD. BK. No. 310/58  
 KPB FILE No. 2005-151  
 JOB No. 2025



**"FOX RIVER ESTATES THREE"**  
 A SUBDIVISION OF TRACT 2, FOX RIVER ESTATES,  
 PLAT NM73-44 WITHIN THE NE1/4 SE1/4 OF Sec. 7,  
 Twp. 55, Rge. 11W, S.M. ALASKA  
 CONTAINING 3.836 ACRES AND THREE LOTS

ANDERSON DEVELOPMENT CONSULTANTS  
 SURVEYORS-PLANNERS-DESIGNERS  
 JERRY ANDERSON PLS  
 1-800-961-6231  
 P.O. BOX 18  
 DORA MO 65637

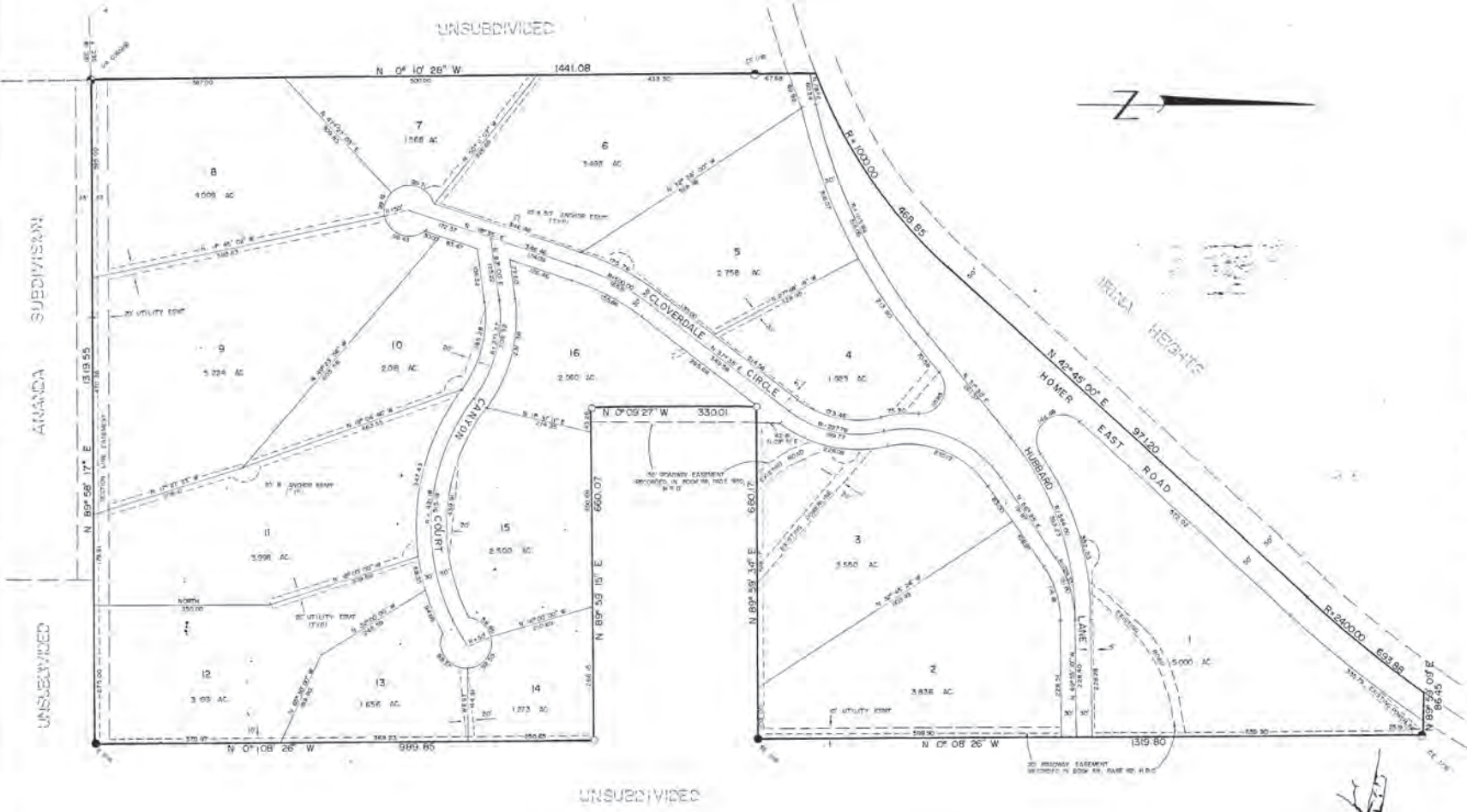
**LEGEND**

- FOUND 5/16" BRASS CAP 3686-S 1978
- FOUND 1/2" REBAR 3686-S 1978
- SET 5/8" x 30" CAPRED REBAR
- FOUND 3/4" IRON PIPE 3686-S 1978

**NOTES:**

- 1.) A 20' BUILDING SETBACK LINE SHALL EXIST ALONG ALL RIGHTS OF WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
- 2.) THE FRONT 10' OF THE BUILDING SETBACK, AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES IS GRANTED AS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN AN EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
- 3.) NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF FLAG LOTS (LOT 2C).
- 4.) COVENANTS, CONDITIONS AND RESTRICTIONS AFFECTING THIS SUBDIVISION ARE RECORDED IN BOOK 88 AT PAGES 930-939.

2005-80  
 Home REC DIST 20  
 Date 12/22 2005  
 Time 1:24 P.M.  
 Requested By Anderson  
 Address



CERTIFICATE OF CORRECTION  
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY OWNED  
AND DESCRIBED HEREIN, I HEREBY REQUEST CORRECTION BY THIS PLAT  
SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADS, ETC.  
DEDICATED BY ME FOR PUBLIC USE.

*Alfred Owen Saxe, Jr.*  
FOX RIVER ESTATES, A LIMITED PARTNERSHIP  
ALFRED OWEN SAXE, JR., GENERAL PARTNER



NOTARIAL PUBLIC  
I HEREBY CERTIFY THAT I AM THE REGISTERED SURVEYOR, HEREBY CERTIFY THAT  
A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT  
SUPERVISION AND THAT CORRECTIONS AND AMENDMENTS HAVE BEEN  
MADE AND ESTABLISHED AND THAT IMPROVEMENTS SHOW HEREON ARE TRUE  
AND CORRECT.

*Robert M. Stewart*  
DATE: 07/27/1981  
STATE SURVEYOR

PLAT APPROVAL  
THIS PLAT HAS BEEN APPROVED BY THE VENUE PENNSYLVANIA BOROHO  
PLANNING COMMISSION AS SHOWN IN THE OFFICIAL MINUTES OF THE  
MEETING OF 07/27/1981. THIS PLAT IS HEREBY ACKNOWLEDGED AND  
ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS  
AND REQUIREMENTS OF ORDINANCES AND LAW APPLICABLE THEREIN.  
VENUE PENNSYLVANIA BOROHO

*Richard W. Wynn*



- NOTES:
1. ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION.
  2. THE STATE OF ALABAMA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
  3. A 10' BUFFER BETWEEN LOT LINES EXISTE ALONG ALL SIDES OF LOT.
  4. LOT X 24' BUFFER WILL BE SET AT ALL LOT CORNERS PRIOR TO AUGUST 14, 1978.
  5. THIS PLAT IS SUBJECT TO THE TERMS OF THE COVENANTS AND EASEMENTS OF RECORD, AS EVIDENCED BY THESE DOCUMENTS  
RECORDED IN BOOK 88, PAGES 470, 471, 472.

- LEGEND:
- ROAD BE EASEMENT, 50' WIDE
  - ROAD BE EASEMENT, 100' WIDE
  - 10' BUFFER BETWEEN LOT LINES
  - SET BACK (S), THIS SURVEY

74-44  
FILED 7-27-81  
VENUE PENNSYLVANIA BOROHO  
COUNTY OF VENUE, ALABAMA



DATE: NOVEMBER, 1978  
SCALE: 1" = 100'  
CHECKED BY: A.S.  
DESIGNED BY: J.A.  
DRAWN BY: S.W.  
P.L.D. BK. NO.:



**FOX RIVER ESTATES**  
BEING THAT PORTION OF THE W/2 SEC. 16, S. 7, T. 55, R. 11 W,  
5th RANGE SOUTH OF THE POWER LINE ROAD  
CONTAINING 16.948 ACRES  
**ABILITY SURVEYS**

