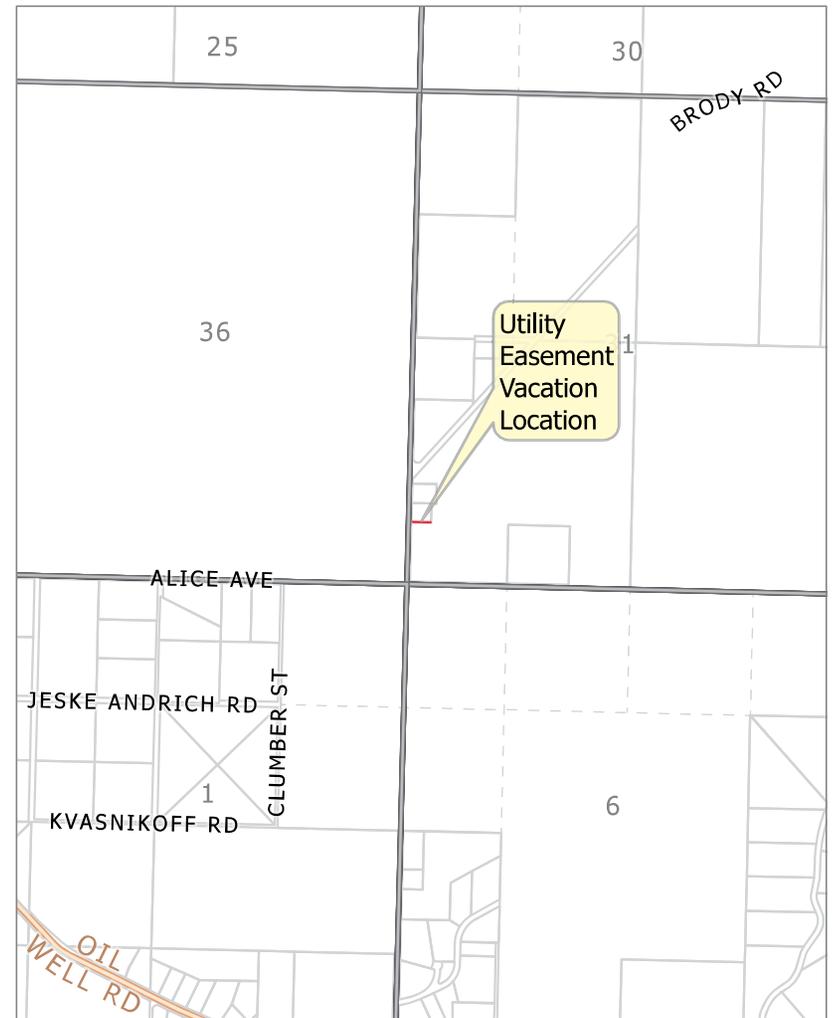
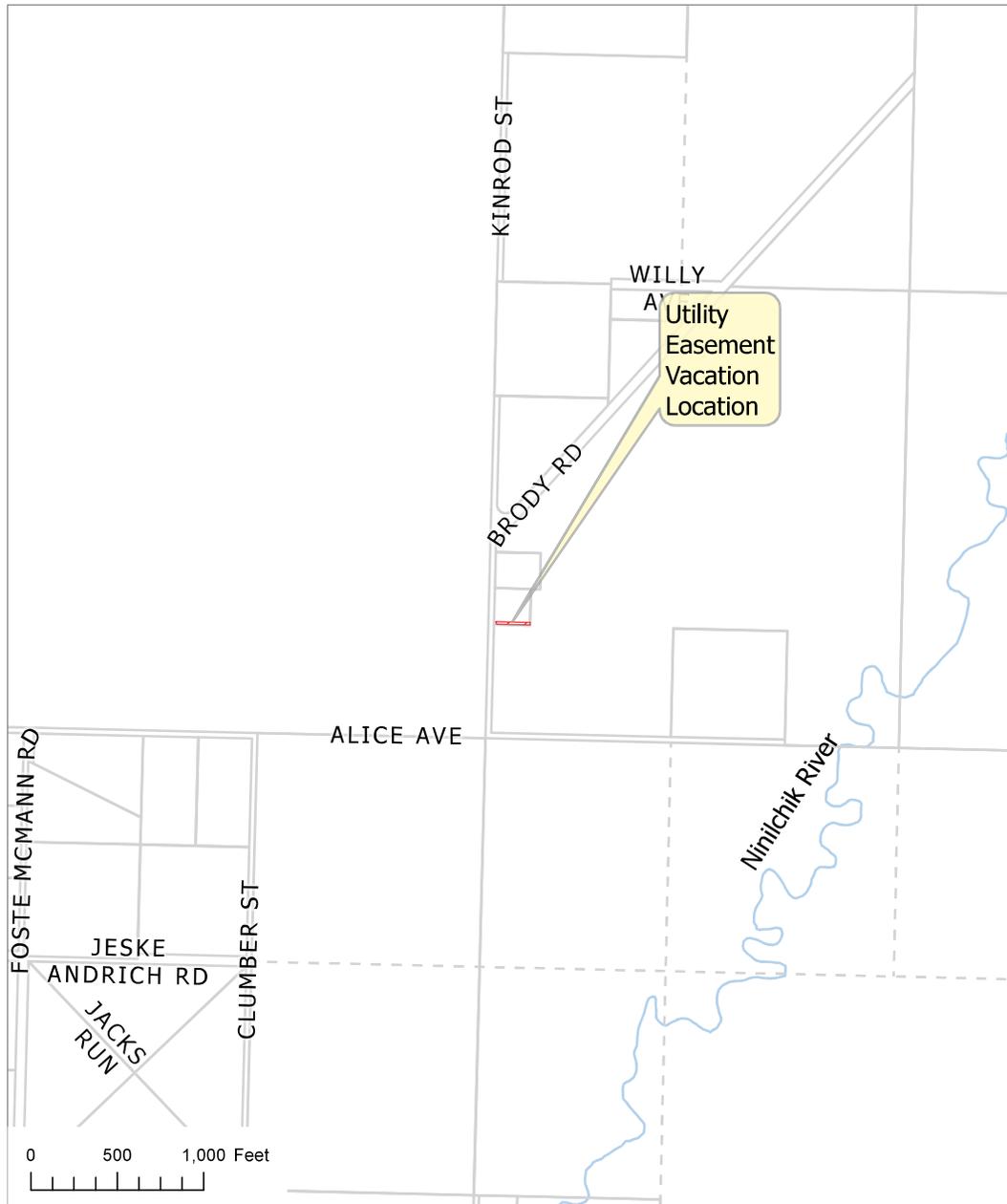


## **E. NEW BUSINESS**

- 1. Utility Easement Vacation; KPB File 2025-131V  
Peninsula Surveying / Tilbury  
Request: Vacates a 10' wide utility easement along the  
southern border of Lot 1, Kinrod Addition, Plat HM 81-18  
Ninilchik Area**

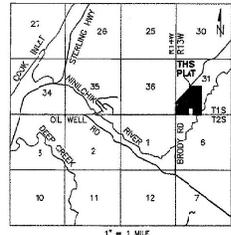


KPB File 2025-131V  
T01S R13W SEC31  
Ninilchik

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.



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

**PATRICIA E. TILBURY, OWNER TRACT B2**  
 P.O. BOX 39081  
 NINILCHIK, AK 99639

**STEVEN A. TILBURY, AKA STEVEN TILBURY**  
 AKA STEVEN TILBURY OWNER TRACT B2 & LOT 1  
 P.O. BOX 39081  
 NINILCHIK, AK 99639

**NOTARY ACKNOWLEDGMENT**  
 FOR: PATRICIA E. TILBURY  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025

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

**NOTARY ACKNOWLEDGMENT**  
 FOR: STEVEN A. TILBURY, AKA STEVEN TILBURY  
 ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025

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

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMITTEE AT THE MEETING OF SEPTEMBER 22, 2025.

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

KPB FILE NUMBER: 2025-131

**PENNSULA SURVEYING, LLC**  
 10335 KATINA SOLIVKADO, NINILCHIK, AK 99635  
 (907)306-7055

**PLAT OF**  
**KINROD 2025 REPLAT**  
 A SUBDIVISION OF  
 TRACT B2, KINROD 2018 REPLAT, HM2018-28  
 & LOT 1, KINROD ADDITION, HM81-19

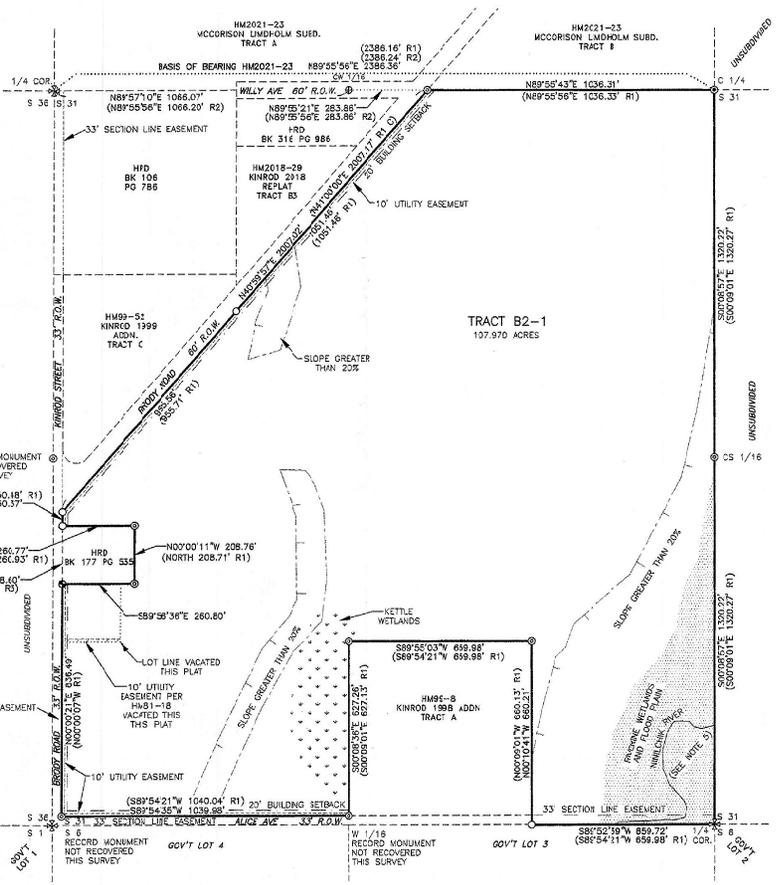
LOCATED WITHIN  
 SW1/4 SEC. 31, T15, R15W, S4M  
 HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, KENAI PENINSULA  
 BOROUGH, ALASKA, CONTAINING 107.970 ACRES

OWNERS: PATRICIA E. TILBURY, STEVEN A. TILBURY, AKA STEVEN TILBURY  
 P.O. BOX 39081 P.O. BOX 39081  
 NINILCHIK, AK 99639 NINILCHIK, AK 99639

SCALE: 1" = 200' DATE: FEBRUARY 2, 2025  
 DRAWN: BLT CHECKER: JLS SHEET: 1 OF 1

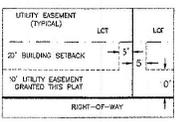


**WASTEWATER DISPOSAL**  
 TRACT B1-A: LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



- NOTES**
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  2. THE FRONT 10' OF ADJOINING DEDICATED RIGHTS-OF-WAY THAT INCREASE TO 20' WITHIN 5' OF THE 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. HOMER ELECTRIC ASSOCIATION HAS A GENERAL EASEMENT, RECORDED JANUARY 25, 1974 IN BOOK 74 PAGE 99, HRD.
  5. SUBJECT TO RIGHTS OF THE PUBLIC AND OR GOVERNMENTAL AGENCIES IN AND TO THAT PORTION OF SAID PREMISES LYING BELOW THE MEAN HIGH WATER MARK OF NINILCHIK RIVER AND ANY QUESTIONS OF RIGHT OF ACCESS TO NINILCHIK RIVER IN THE EVENT SAID LANDS DO NOT IN FACT ABUT THE NINILCHIK RIVER.
  6. ANY PERSON DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
  7. THE KPB PLAT COMMITTEE GRANTED AN EXCEPTION TO KPB 20.30.050, PROPOSED STREET LAYOUT REQUIREMENTS AND AN EXCEPTION TO KPB 20.30.120, BLOCK LENGTH AT THE MEETING OF JANUARY 22, 2018, ON SEPTEMBER 22, 2025 THE PLANNING COMMISSION CONCURRED TO CARRY FORWARD THESE EXCEPTIONS TO THIS PLAT.
  8. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.18.040.
  9. SUBJECT TO A RIGHT-OF-WAY EASEMENT, RECORDED SEPTEMBER 24 1973 IN BOOK 72 PAGE 11, HRD, THIS 60 FOOT WIDE EASEMENT IS CENTERED ON THE HISTORIC SEISMIC LINE WHICH IS NOW REDECATED AS THE DIAGONAL PORTION OF BRODY ROAD.
  10. SUBJECT TO A ROAD RESERVATION OF 33 FEET ALONG EACH SIDE OF THE SECTION LINE AS CREATED BY 43 U.S.C. 932.

- LEGEND**
- ⊕ FOUND US200 BRASS CAP MONUMENT, 1913
  - ⊙ FOUND 2.5" ALUMINUM MONUMENT BY 7326-S, 2003
  - ⊙ FOUND 2 1/2" AL-CAP Ø" 14488-S, 2016
  - FOUND 1/2" REBAR
  - ⊕ FOUND 2 1/2" AL-CAP Ø" 13022-S, 2021
  - ⊕ SET RPO ON 5/8" X 3/8" REBAR BY L514488
  - (R1) RECORD DATA PER HM2018-28
  - (R2) RECORD DATA PER HM2021-23
  - (R3) RECORD DATA PER HM99-8



**KPB 2025-131V**

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION  
VACATE A 10-FOOT-WIDE UTILITY EASEMENT LOCATED ON THE SOUTHERN BOUNDARY OF LOT 1,  
KINROD ADDITION, PLAT HM 81-18

<b>KPB File No.</b>	2025-131V
<b>Planning Committee Meeting:</b>	March 16, 2026
<b>Applicant / Owner:</b>	Steven A. Tilbury of Ninilchik, Alaska
<b>Surveyor:</b>	Jason Schollenberg, Peninsula Surveying, LLC
<b>General Location:</b>	Brody Road off Oil Well Road, Ninilchik

STAFF REPORT

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

This petition to vacate the utility easement is going along with a replat of Tract B2, Kinrod 2018 Replat, HM2018-20 and Lot 1, Kinrod Addition, HM81-18. The proposed plat would vacate the lot line that this easement follows. The owners would like to be able to freely use their entire lot.

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

**Staff Analysis:**

Kinrod Addition (HM 81-18) granted a 5-foot utility easement along Brody Road and a 10-foot utility easement Along the south lot line of Lot 1.

The 10-foot utility easement located on the south lot line of Lot 1 HM81-2 is being petitioned to be vacated and finalized with the plat Kinrod 2025 Replat. This easement is shown as a hatched area on the associated preliminary plat, on the west side and flagged as vacated this plat.

On September 22, 2025, The Plat Committee reviewed and granted conditional approval of the preliminary plat, Kinrod 2025 Replat (KPB 2025-131). If the vacation request is approved, the plat will finalize the vacation of the utility easement. **Staff recommends** a plat note be added that included the approval of the petition to vacate and date of this meeting.

The proposed plat reconfigures the lot lines between Lot 1, Kinrod Addition (Plat HM 81-18), and Tract B2, Kinrod 2018 Replat (HM 2018-29), eliminating the former south lot line of Lot 1. A 10-foot utility easement adjacent to all rights-of-way (HM 99-8) is being carried forward on the proposed plat, which incorporates the former 5-foot utility easement from HM81-18.

Homer Electric Association, Inc was granted a right-of-way easement as recorded in Book 74, Page 99, HRD. This easement has been denoted as plat note number 4.

**Utility provider review:**

HEA	No objection to the vacation of the 10-foot platted utility easement as depicted on the drawing.
ENSTAR	Approved as shown.
ACS	No objections
GCI	Approved as shown
KPB RSA	No objections at this time

**Applicant Findings:**

1. The proposed replat would vacate the lot line that this easement follows. If the proposed plat is approved, this easement will cut through the middle of the property, limiting use and development.
2. Alternate utility easements are in place along the sides of the property. These can be used for any future utilities.

**Staff Findings:**

3. ACS, ENSTAR, GCI, HEA, and KPB Roads, provided written non-objection to the proposed vacation.
4. Kinrod Addition (HM 81-18) granted a 5-foot utility easement adjacent to Brody Road and a 10-foot utility easement on the south lot line of Lot 1.
5. On September 22, 2025, The Plat Committee reviewed and granted conditional approval of the preliminary plat, Kinrod 2025 Replat (KPB 2025-131). If approved, this plat will be used to finalize the vacation of the utility easement.
6. A 10-foot utility easement adjacent to all rights-of-way (HM 99-8) is being carried forward on the proposed plat, which will include the former 5-foot utility easement from HM81-18.
7. Homer Electric Association, Inc was granted a right-of-way easement as recorded in Book 74, Page 99, HRD.
8. No surrounding properties will be denied utilities.

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**STAFF RECOMMENDATIONS**

**CORRECTIONS / EDITS**

- Plat note 7, September is spelled incorrectly and needs corrected.
- In the wastewater disposal note, change Tract B1-A to Tract B2-1.

Make the following addition::

- If approved, add a note on the associated final plat referencing the utility easement being approved for vacation at the March 16, 2026, KPB Planning Commission meeting and this plat is finalizing the vacation petition in accordance with KPB 20.65.070 (H) (1).

---

**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 utility providers.
2. Finalizing the approval of the easement alteration by;
  - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code or,

**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.*

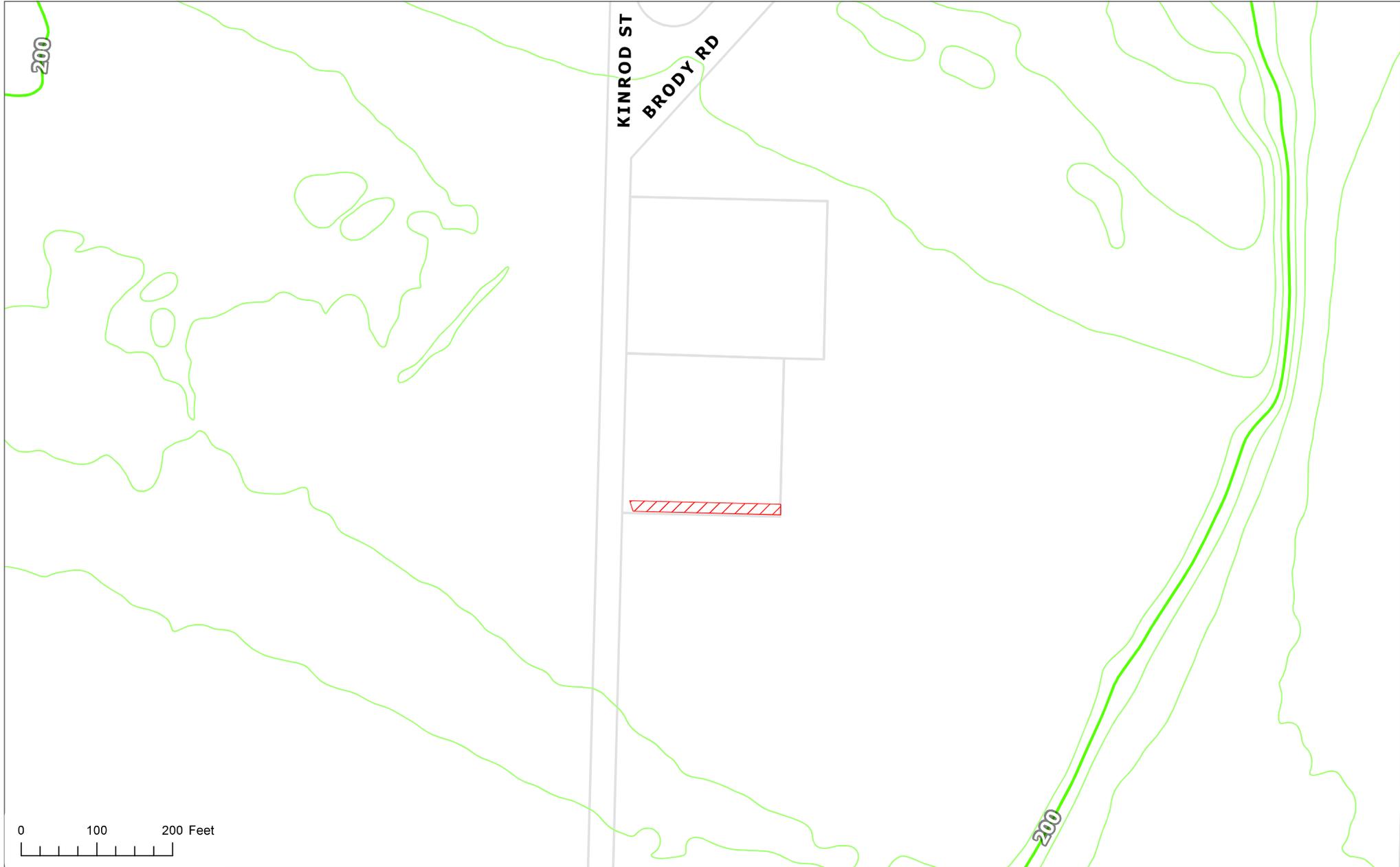
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to 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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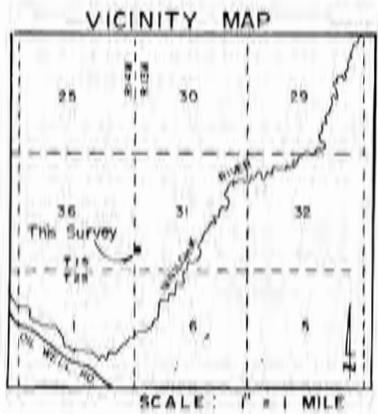
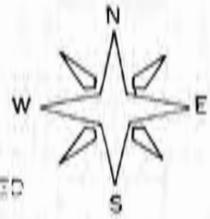
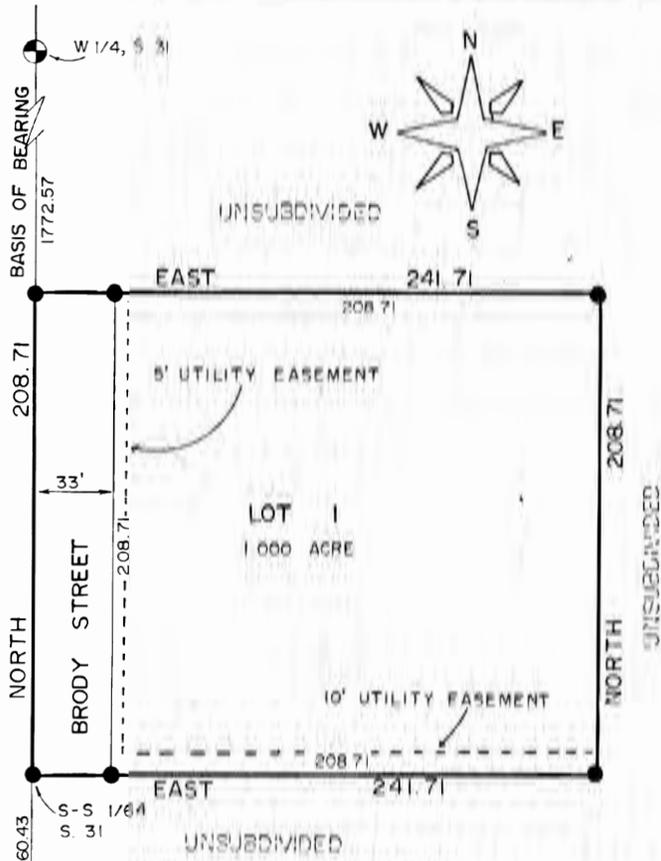
0 100 200 Feet

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UNSUBDIVIDED



LEGEND:

- SET 1/2" REBAR
- ⊙ FOUND GLO BC, 1919

NOTES:

- 1 ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION.
- 2 THE STATE OF ALASKA REQUIRES THAT ALL WASTEWATER DISPOSAL SYSTEMS BE A MINIMUM OF 100' FROM ANY WATER SOURCE.
- 3 A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY A RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 28, 1980

KENAI PENINSULA BOROUGH  
 BY: Jeffrey B. Lohak  
 AUTHORIZED OFFICIAL

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

William Brody  
 WILLIAM BRODY  
 BOX 12  
 NINILCHIK, AK 99639

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 4<sup>th</sup> DAY OF December 1980

Virginia L. Wilson  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES: 2-26-82

State of Alaska  
 NOTARY PUBLIC  
 VIRGINIA L. WILSON  
 MY COMMISSION EXPIRES FEB. 26 1982

KINROD ADDITION

LOCATED WITHIN THE SW 1/4 SW 1/4, S-31, T-15, R-13W, S.M., HOMER RECORDING DISTRICT, ALASKA, CONTAINING 1.158 AC.



SURVEYED BY: DONALD E. MULLIKIN, RLS  
 JULY 1980 SCALE 1" = 50'

MULLIKIN SURVEYS  
 P.O. BOX 790 HOMER, AK

CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHTS-OF-WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

Doris D. Brody  
 DORIS D. BRODY, BOX 12, NINILCHIK, AK. 99639

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 20<sup>th</sup> DAY OF February, 1981.

Virginia L. Wilson  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES: 2-26-82

State of Alaska  
 NOTARY PUBLIC  
 VIRGINIA L. WILSON  
 MY COMMISSION EXPIRES FEB. 26, 1982

81-18

FILED 10-  
Homer REC. DIST.  
 DATE 3-10- 1981  
 TIME 8:39 A.M.  
 Requested by: J.P. Borough  
 Address: Seldotna

# KINROD 1998 ADDITION

A subdivision of the SW1/4 Section 31, T15 R13W, SM, Nnitchik, Alaska. Excluding Lot 1 Kinrod Addn (HR 81-18) and deed parcels HRD Bk 94 Pg 667, Bk 99 pg 719, Bk 106 pg 786, and Bk 177 pg 535. Honer Recording District KPB File 98-281

SCALE 1" = 200' AREA = 112.51 acres +/- 7 Nov, 1998

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 December, 1998.

KENAI PENINSULA BOROUGH

BY: Mary Beut March 15, 1999  
Authorized Official Date

## NOTES

1. This is a paper plat compiled from information shown on USGLO 1919 Township Plat, HRD Plat 81-18, and HR Deeds Bk 94 pg 667, Bk 99 pg 719, Bk 106 pg 786, & Bk 177 pg 535, and a field survey of the south section line of section 31. A partial survey & monumentation waiver was granted by the KPB Planning Commission on 14 Dec. 1998.
2. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.

## OWNERSHIP CERTIFICATE

We hereby certify that we are the owners of the real property shown and described herein; and that we hereby adopt this plan of subdivision; and by our Free consent dedicate all ROW's to public use and grant all easements to the use shown.

William Brody  
William Brody P.D. Box 12 Nnitchik, Ak 99639

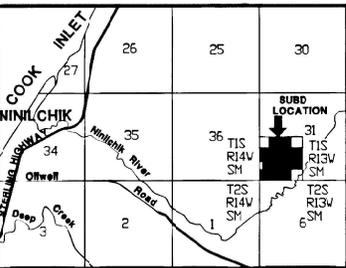
Doris Brody  
Doris Brody P.D. Box 12 Nnitchik, Ak 99639

## NOTARY'S ACKNOWLEDGMENT

For: William & Doris Brody  
Subscribed and sworn to before me this 28<sup>th</sup> day of Jan. 1999.

Shirley A. Libenthal  
Notary Public For Alaska

My commission expires 1/25/2001



VICINITY 1" = 1 mile MAP

99-8  
**RECORDED & FILED**  
HONER RECORDING DIST.  
DATE 3/16/1999  
TIME 1:17 P.M.  
Requested by:  
Johnson Surveying  
Box 27  
Clam Gulch, Ak 99568

## Prepared for

Brian Tibbs  
P.O. Box 452  
Kenai, Ak 99611

## Prepared by

Johnson Surveying  
Box 27  
Clam Gulch, Ak 99568



## LEGEND

- ⊗ - 1919 USGLO brass cap monument. Found.
- ⊙ - USGLO brass cap monument, record. 1919 USGLO.
- ⊕ - 1/2" rebar lot corner, record, plat HRD 81-18.
- ⊖ - 2 1/2" x 30" alcap monument, set.
- ⊙ - Lot corner position, not set.
- - 1/2" x 4" rebar with 1" plastic cap, set.
- ( ) - Indicates measurement made this survey.
- +/- - Indicates information derived from USGLO 1919.

## WASTEWATER DISPOSAL

These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

