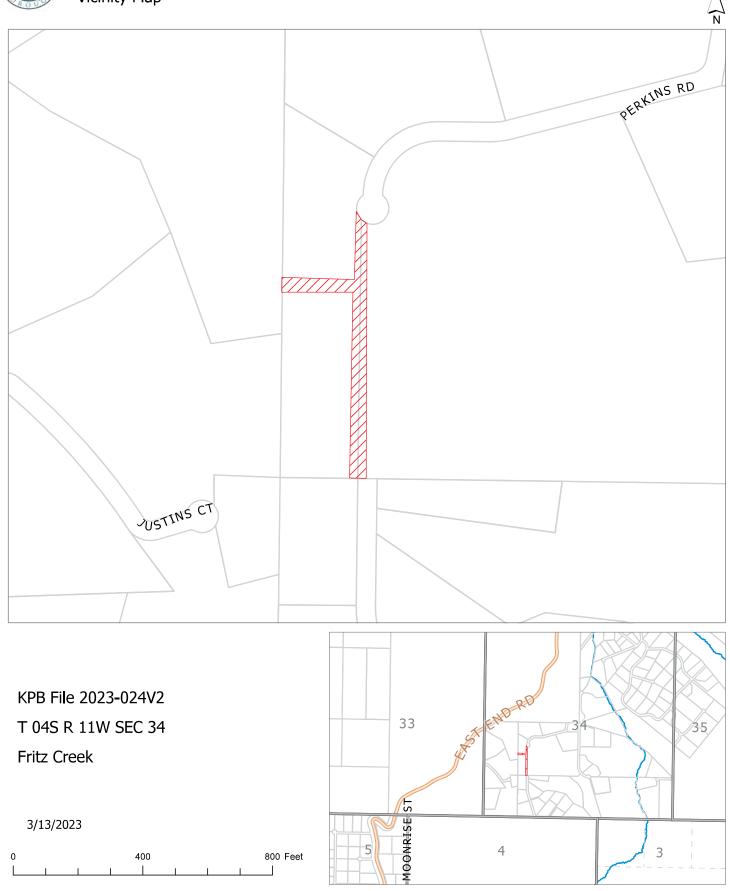
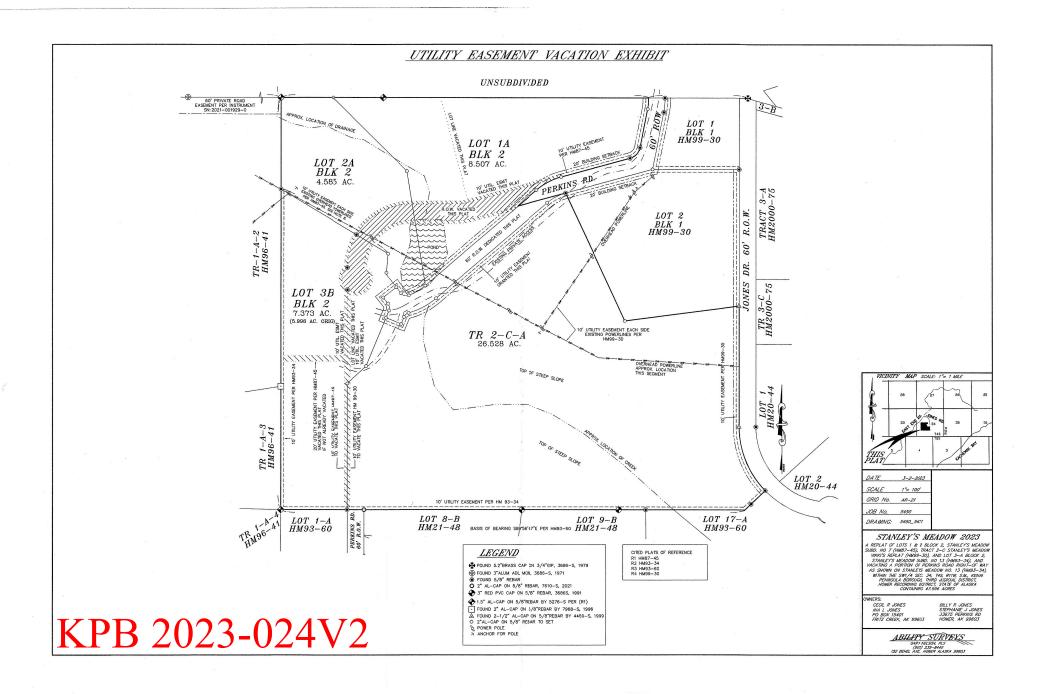
E. NEW BUSINESS

3. Utility Easement Vacation; KPB File 2023-024V2 Ability Surveys / Jones Request: Vacates entire utility easement on boundaries of Lot 4 granted on Stanley's Meadow #7, Plat HM 87-45 Fitz Creek Area / Kachemak Bay APC









AGENDA ITEM E. NEW BUSINESS

ITEM 3 - UTILITY EASEMENT ALTERATION VACATE MULTIPLE UTILITY EASEMENTS ASSOCIATED WITH LOT 13-A, BLOCK 2, STANLEY'S MEADOW SUBDIVISION NO. 13, HM 93-34

KPB File No. 2023-024V2 **Planning Commission Meeting:** April 10, 2023

Applicant / Owner: Billy and Stephanie Jones of Homer, Alaska

Surveyor: Gary Nelson / Ability Surveys

General Location: Perkins Road, Fritz Creek, Kachemak Bay APC

STAFF REPORT

<u>Specific Request / Purpose as stated in the petition:</u> This letter is to state the reasons for vacation of the utility easements as shown on the enclosed Exhibit and Preliminary Plat.

- The portion of utility easements adjacent the existing Perkins Dr ROW would be vacated and replaced with new dedicated easements adjacent to the new ROW alignment.
- These parcels have been the subject of a few different replats including HM 87-45, HM 93-34, HM 93-60, and HM 99-30. With this replat, each parcel would be served easements, and the remaining 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the entire south boundary of this subdivision.
- Based on the proposed Lot 3B Block 2 boundary the easements being requested for vacation are no longer needed to serve the parcels.
- Vacating these easements would clear the title of the affected parcel.
- Any future ROW dedications would require additional utility easements to serve potential future lots.
- This petition is being made in conjunction with a replat of the affected parcels. All owners are in agreement with the proposed alignment and would benefit from the suitability of the layout.

<u>Notification:</u> Notice of vacation mailings were sent by regular mail to fifteen owners of property within 600 feet. Notice of the proposed vacation was emailed to ten agencies and interested parties.

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

<u>Staff Analysis:</u> The property has been subdivided multiple times over the years. Some of the reconfigurations have resulted in remaining utility easements that encumber the current lots and will possibly impede development on newly proposed lot configurations.

There are existing utility easements present along the western boundary of Lot 3-A Block 2, Stanley's Meadow No. 13. Utility easements have also been granted over existing services on previous plats. Any portions of those services that do not have an easement will be required to have an easement granted over them with the replat. Part of the replat is vacating and realigning and existing dedication. The vacation will include the associated utility easements but new easements will be required along the new dedication.

KPB Roads Department did not have an objection to the vacation but does not that there do appear to be some concerns with the new right-of-way placement. These will be addressed within the staff report for the right-of-way vacation and plat.

Utility provider review:

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HEA	HEA has no objection to the vacation of the platted utility easements as depicted on this utility
	easement vacation exhibit drawing.
	Leasement vacation exhibit drawing.

	HEA will request a 30 foot wide utility easements on all single phase overhead electric lines during the platting review.
ENSTAR	No comment for the proposed vacation.
ACS	No objections
GCI	Approved as shown

Findings:

- 1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
- 2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
- 3. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and northern boundary of Lot 4, Block 2.
- 4. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and southern boundary of Lot 3, Block 2.
- 5. Stanley's Meadow No. 13, Plat HM 93-34, vacated a portion of Perkins Road and combined Lot 3 and Lot 4, Block 2 but left utility easements in place.
- 6. Stanley's Meadow Vikki's Replat, Plat HM 99-30, vacated some of the utility easements along the former right-of-way and granted a new easement along the western boundary of Tract 2-C.
- 7. Lot 3-A Block 2 of Stanley's Meadow No. 13, Plat HM 93-34 has a 20 foot utility easement running through the middle of the lot.
- 8. A preliminary plat has been submitted that will reconfigure several lots in the area and the vacation will allow for the new lots to not be encumbered by multiple utility easements running through the middle of lots.
- 9. Any requested utility easements shall be granted.
- 10. No surrounding properties will be denied utilities.

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends <u>APPROVAL</u> 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 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
 - 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
 - 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.

END OF STAFF REPORT



