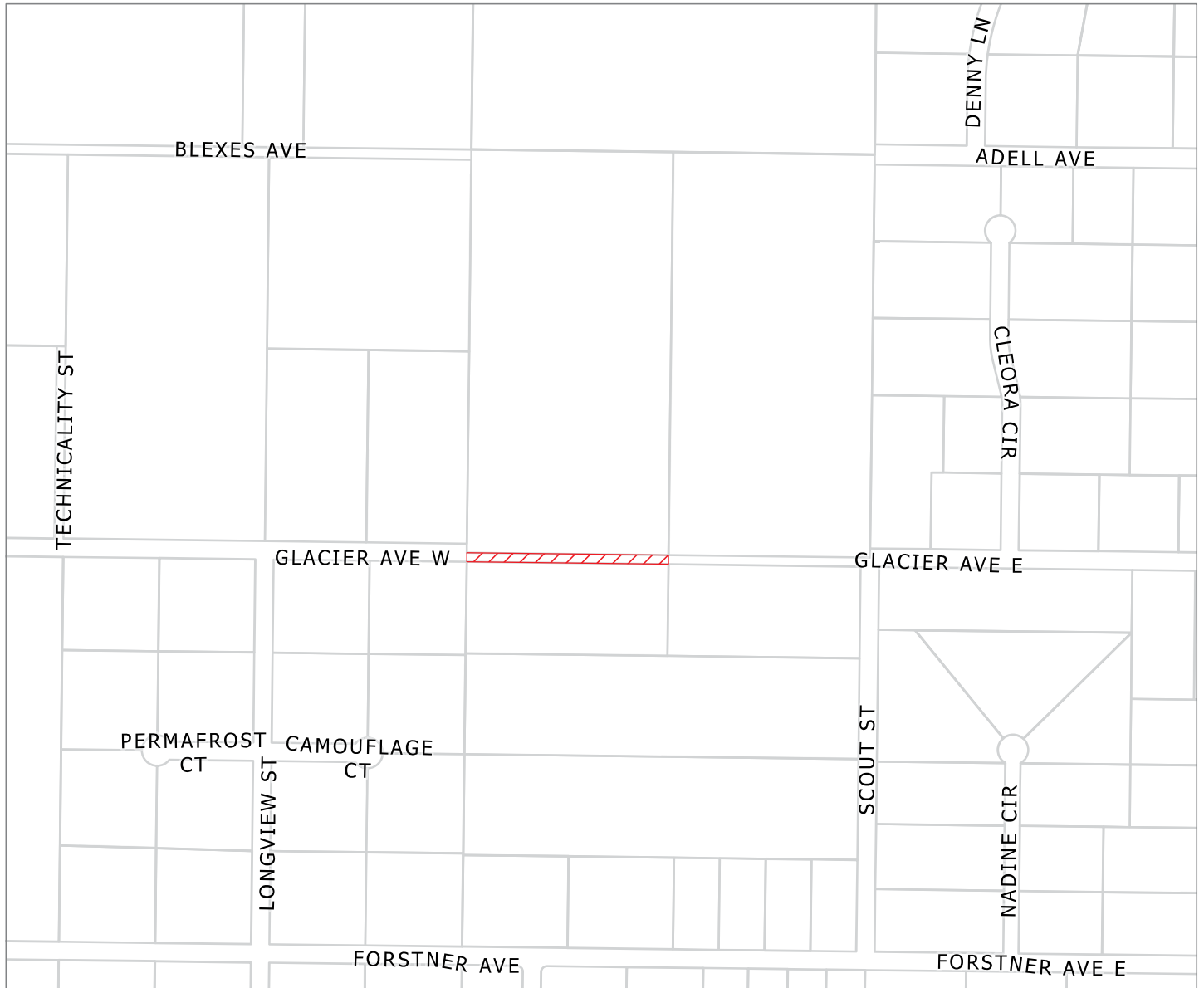


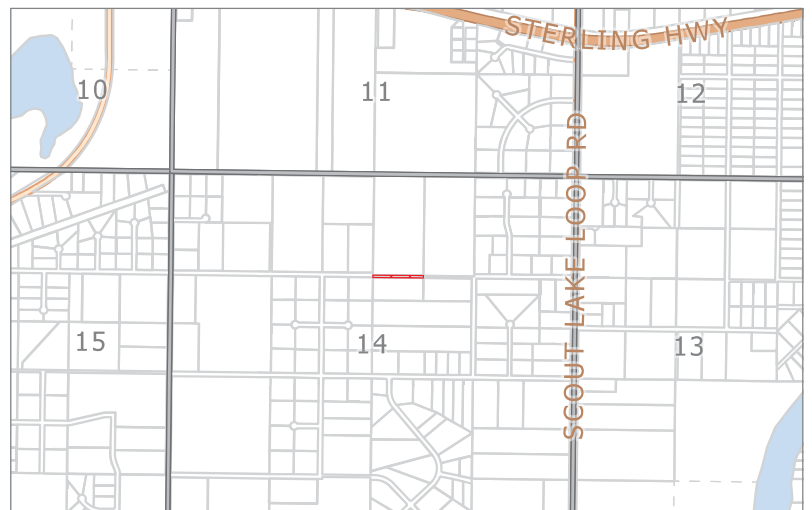
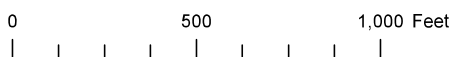
E. NEW BUSINESS

- 1. Right-of-Way Vacation; KPB File 2024-002V
Petitioner: Owens (No Surveyor)
Request: Vacates the easternmost approximately 30' by 660'
portion of Glacier Avenue West ROW
Sterling Area**



KPB File 2024-002V
T 05N R 09W SEC 14
Sterling

1/2/2024





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.

KPB 2024-002V

CLIXES AVE

ADELL AVE

Offer new 30'
Easement here

GLACIER AVE W

GLACIER AVE W

GLACIER AVE E

GLACIER AV

Vacate
30' Easement

SCOUT ST

To the east end of Glacier Avenue is a wetland as designated by the KPB GIS data, labeling it as drainage way. This area appears to be half way across the requested vacation area and also further to the east. This wetland appears to prohibits the development of the road economically to the east.

A new 30 foot dedication is being proposed on the north end of the requester’s property. The applicant has proposed a half dedication on the north side of their property which would be an extension of Blexes Avenue from the west. This area according to KPB GIS data show a wetland designation of kettle in a portion of the proposed dedication area. **Staff recommends:** a turn around be supplied to end Glacier Avenue and provide a turnaround point to be added when the subdivision is submitted.

The proposed dedication is in the location of a 33 foot section line easement to be shown on the plat when submitted. The plat to the west Dayton Subdivision KN81-147 has a dedication of 33 feet due to the SLE. **Staff recommends:** when the subdivision is submitted, the dedication matched the subdivision to the west at 33 feet in width.

Block length is not compliant, the block is longer than allowed by code. Since Borough maintenance of Glacier Avenue ends a Longview Street to the west, request of a north / south street dedication would not be feasible from this property and request a on adjacent properties is not in line with this application.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott - Comments: No RSA comments
SOA DOT Comments	No comments

Site Investigation:

There are steep areas located at the end of the constructed Glacier Avenue and along the edge of the wetlands. These should be shown on the subdivision when submitted.

KPB data indicates there are wetlands on the property as stated above. **Staff recommendation:** *place a note on the subdivision submittal indicating 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.*

KPB River Center Review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments
	B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
	C. State Parks Reviewer: None Comments: None

Staff Analysis: The north portion of the property is an aliquot part of Section 14 Township 5 North, Range 9 West SM Alaska. It was granted a subdivision waiver by Resolution 91-3 filed in Bk 91-31W to be divided from the 40 acres NW1/4 NE1/4 as the W1/2 NW1/4 NE1/4 Sec 14 T5N R9W SM AK.

The south portion was an aliquot part known at the SW1/4 NE1/4 Sec 14 T5N R9W SM AK. Jimmee Lake Subdivision KN 76-140 subdivided the 40 acres into four lots and three 30' dedications, one being Glacier Avenue. Jimmee Lake Subdivision #2 KN2017-79 subdivided Lot 1 of KN 76-140 in Tracts 1A and 1B, 1A lying south of the current vacation request.

Lands to the east, south and west have all been subdivided and are of residential designation. To the north is a 40 acres unsubdivided parcel. The only parcel with a residence on it is the parcel directly to the west on Glacier Avenue.

The only utility provider requesting an easement has been HEA requesting a 30 foot easement along the overhead power line. This should cover any easement locate close to the power line. **Staff recommends:** with submittal of the subdivision, the HEA request and any other utility request received be fulfilled to satisfaction.

The applicant proposed to finalize the vacation with a subdivision that combines the vacated land and their two parcels into one large tract with a dedication on the north for road purposes. The dedication with be an equal or superior access as the location will allow for a better location to construct a road.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: The current ROW is not in use other than my driveway portion to access my home, (from applicant).
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The road would be very costly, and I have offered a better alternative route, (per applicant).
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: All parcels in the area are developed and all utilities are in place, (per applicant).
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: There are no lake or river interest, just marsh and swamp, (per applicant).
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: All parcels are accessed and developed, (per applicant).
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: No other public access exist, (per applicant).
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: I have offered to allow a private property utility easement, (per applicant).

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: Unaware of any other factors, (per applicant).

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled February 6, ,2024 meeting.

If approved, a to be submitted subdivision will finalize the proposed right of way vacations.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 35480 GLACIER AVE W</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: GLACIER AVE W, GLACIER AVE E, BLEXES AVE</p> <p>Existing Street Name Corrections Needed: No</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names: None</p> <p>List of Street Names Denied: None</p> <p>Comments: ADDRESS WILL NOT BE AFFECTED.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	No APC

Utility provider review:

HEA	Depict and label the overhead power line. (Comment in packet)
ENSTAR	No comments or recommendations
ACS	No Comment
GCI	Approved as shown

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
 3. Grant utility easements requested by the Planning Commission and utility providers.
 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. 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.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter 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*

- *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.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- Focus Area: Transportation

- *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT

Request to Vacate ROW

I would like to vacate the 30' ROW that runs between my 2 lots (Parcel: 06357026 and 06357059). These were the last 2 properties that did not have access or utilities to them. All properties around mine are developed so I paid to have Glacier Avenue extended 850' from the corner of Longview so that I could build. I also had to pay for power and gas to be extended from Longview totaling over \$50,000 in development. I am the only one maintaining this road year-round as well.

What I am requesting is since I am at the end of this road extension, I would like to un-subdivided my 2 properties to make it 1 large parcel so that I can build a mother-in-law cabin on the 4.5-acre lot. That lot has very little buildable land so, by eliminating the 30' ROW this would allow me a lot more area for building and make use of my current driveway for access.

Having the borough put a road through would be extremely costly since most of this is swamp/marsh that is part of the natural drainage in the area that eventually drains to the Kenai River. There are even small fish in pockets of this drainage so again this would be very expensive and not very practical for the borough to build a road through properly.

I have spoken to HEA (email correspondence attached), and they are fine with the road vacation but would like for there to be a private property utility easement left in place for any future extensions that may or may not be needed. The natural gas line follows the power poles as well so this would satisfy both utility company's needs.

What I would like to offer in exchange for the vacation of the ROW is an exact equal 30' ROW on the North end of my 20-acre lot. This stretch of my property is all solid ground that is superior to the current swamp section on the current South end. This would be an equal exchange minus the quality of the land types, but I am fine with this so that I can improve my use of the 4.5-acre lot.

I believe that all my points have covered your section D 1-8 check list:

- D1) The current ROW is not in use other than my driveway portion to access my home.
- D2) The road would be very costly, and I have offered a better alternative route.
- D3) All parcels in the area are developed and all utilities are in place.
- D4) There are no lake or river interests, just marsh and swamp.
- D5) All parcels are accessed and developed.
- D6) No other public access exist.
- D7) I have offered to allow a private property utility easement.
- D8) Unaware of any other factors.

Thank you for your consideration,

Chris Owens

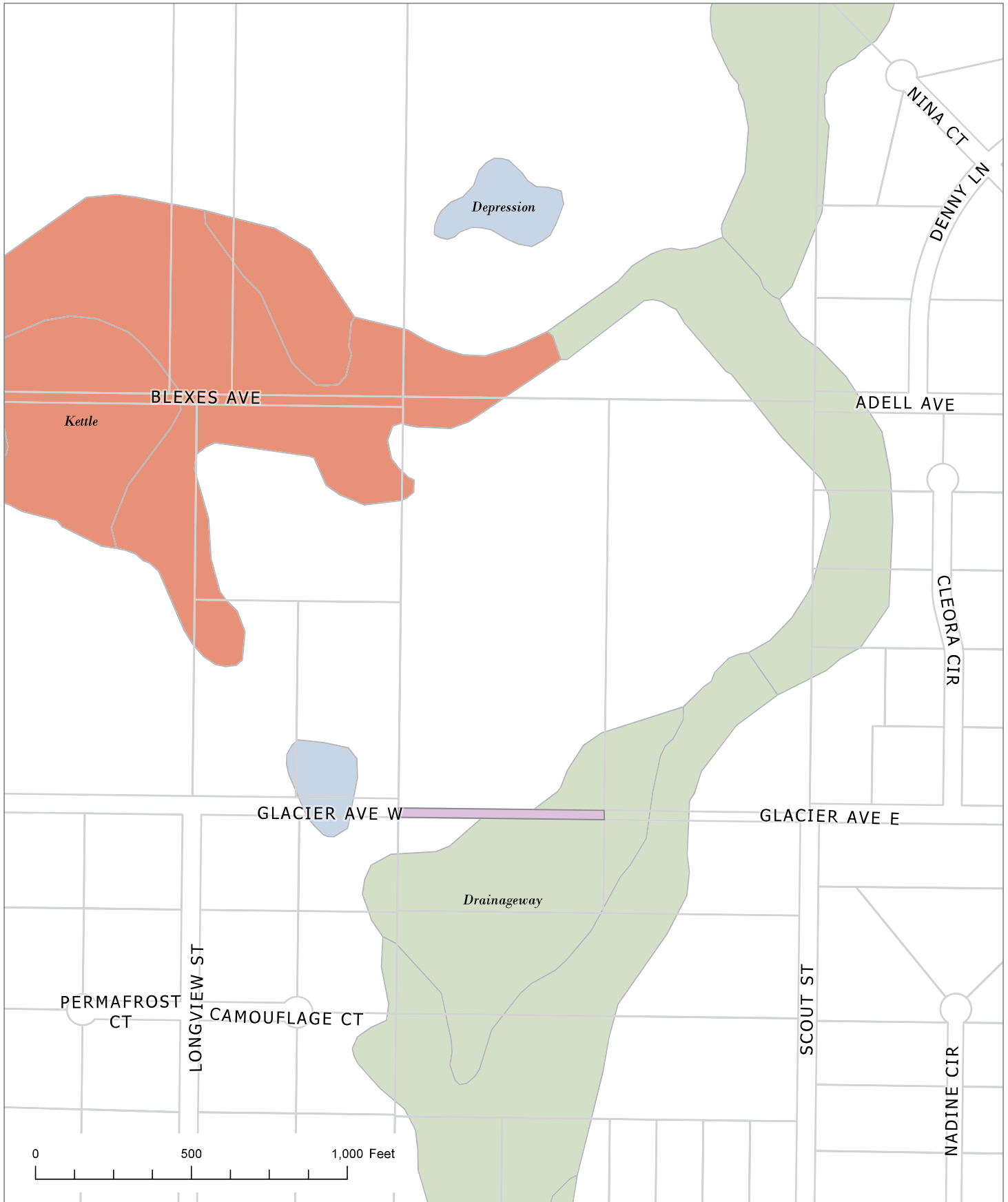
35480 Glacier Ave. W., Sterling, AK 99672 (907)953-5926



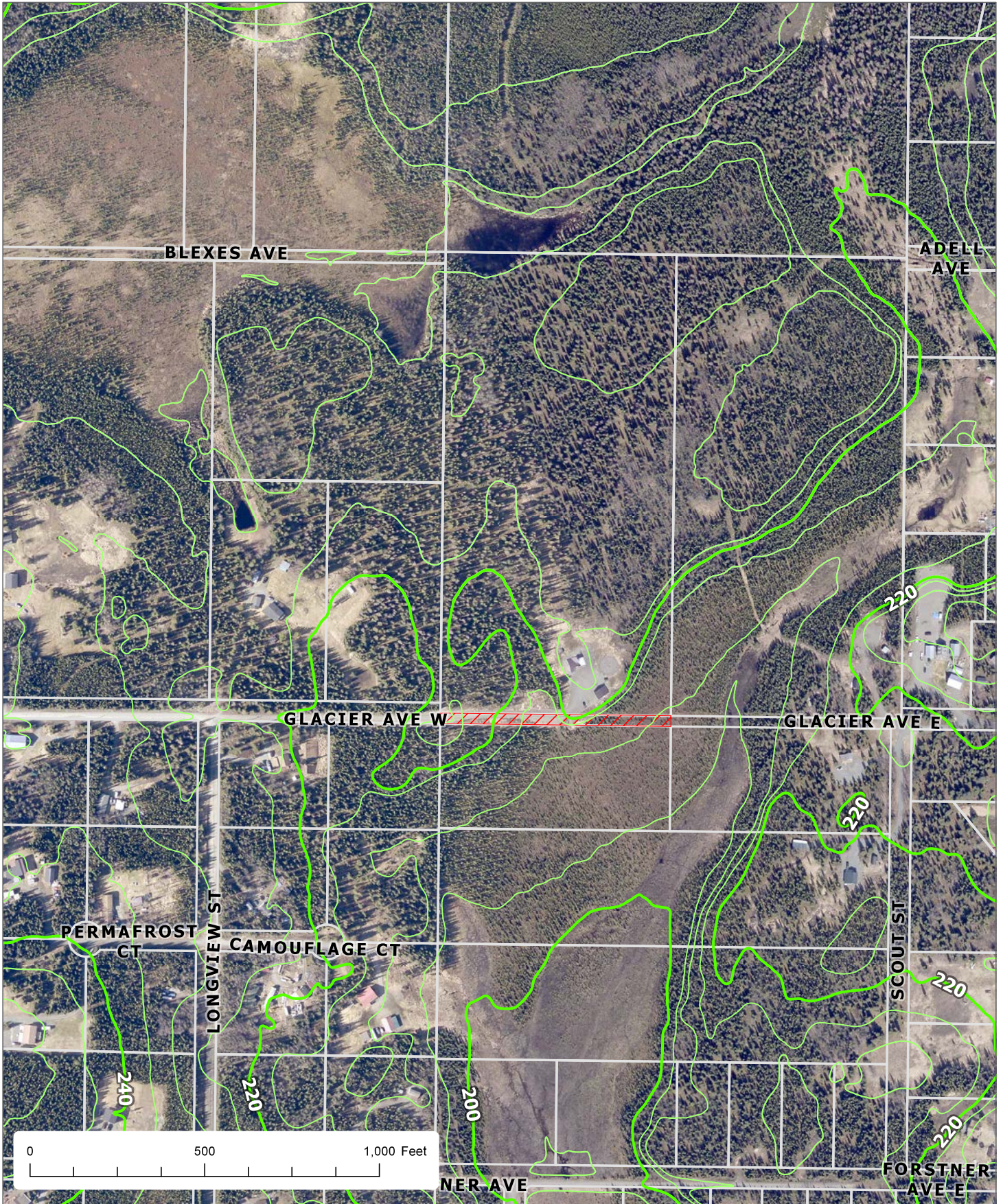
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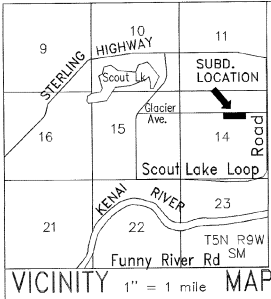
Wetlands



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JIMMEE LAKE SUBDIVISION #2

A Subdivision of Tract 1 Jimmie Lake Subd., KR 76-140.
 Located in the NE 1/4 Section 14, T5N R9W, SM, Sterling, Alaska.
 Kenai Recording District Kenai Peninsula Borough File 2017-102

Prepared for
 David A Justus
 P.O. Box 649
 Sterling, AK 99672

Prepared by
 Johnson Surveying
 Box 27
 Clam Gulch, Ak 99568



SCALE 1" = 100' Area = 8.879 acres 1 July, 2017

LEGEND

- ⊕ - 2 1/2" brass cap monument, 3815-S, 1977, found.
- ⊙ - 3 1/2" alcap monument, 610-S, 1977, found.
- ⊗ - 2 1/2" x 30" aluminum monument, set.
- - 1/2" rebar lot corner, found.
- - 1/2" x 4" rebar with plastic cap, set.

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. 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.
3. An exception to KPB 20.30.170, Block Length, was granted by the KPB Planning Commission at the meeting of 14 August, 2017.
4. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetlands determination if applicable.
5. A electrical utility easement affecting this property was granted to Homer Electric Association by Kenai Records Book 5 Page 99. This is a general easement, no definite location given.

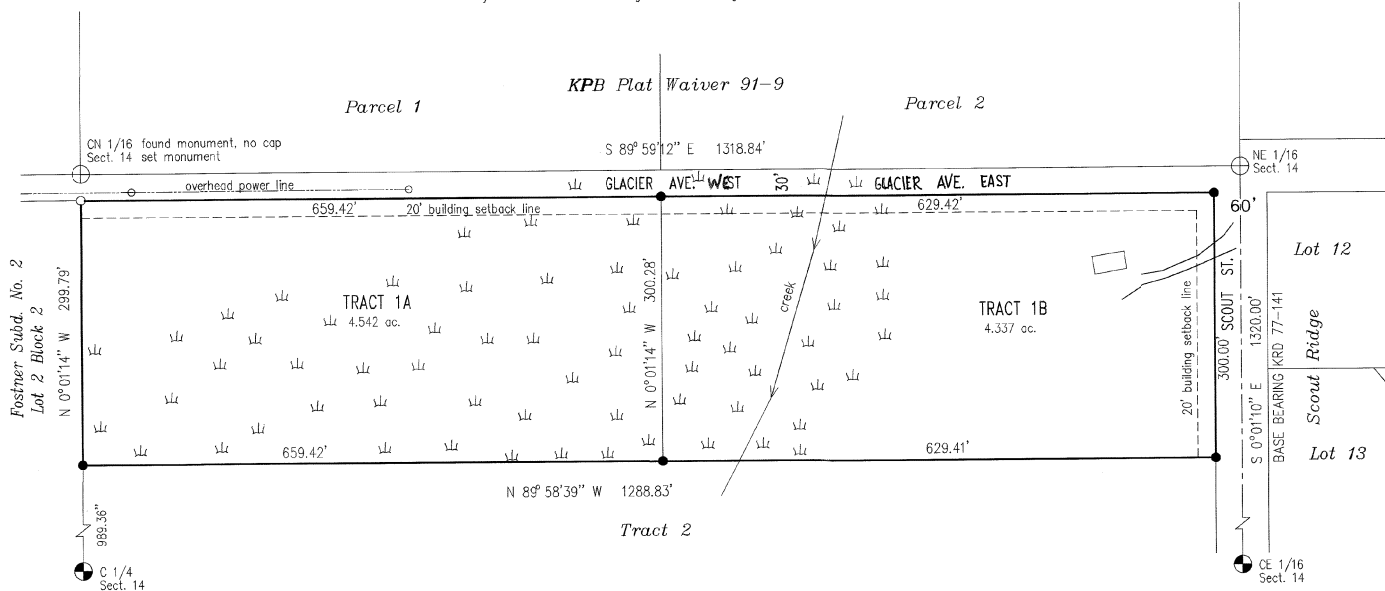
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 August, 2017.

KENAI PENINSULA BOROUGH

By: Max M. Best Authorized Official Date: Dec. 27, 2017

2017-79
 Plat. #
Kenai
 Rec. Dist.
12/28/2017
 DATE
 TIME 11:10 AM



Notary Public
PEGGY CLEMENTS
 State of Alaska
 My Commission Expires July 31, 2018

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein; and that I hereby adopt this plan of subdivision and by my free consent grant all easements to the use shown.

David Justus
 David A. Justus
 P.O. Box 649
 Sterling, AK 99672

NOTARY'S JURAT

For: David A. Justus
 Subscribed and sworn to before me this 22nd
 day of December, 2017.
Peggy Clements
 Notary Public for Alaska
 My commission expires 7-31-2018

WASTEWATER DISPOSAL

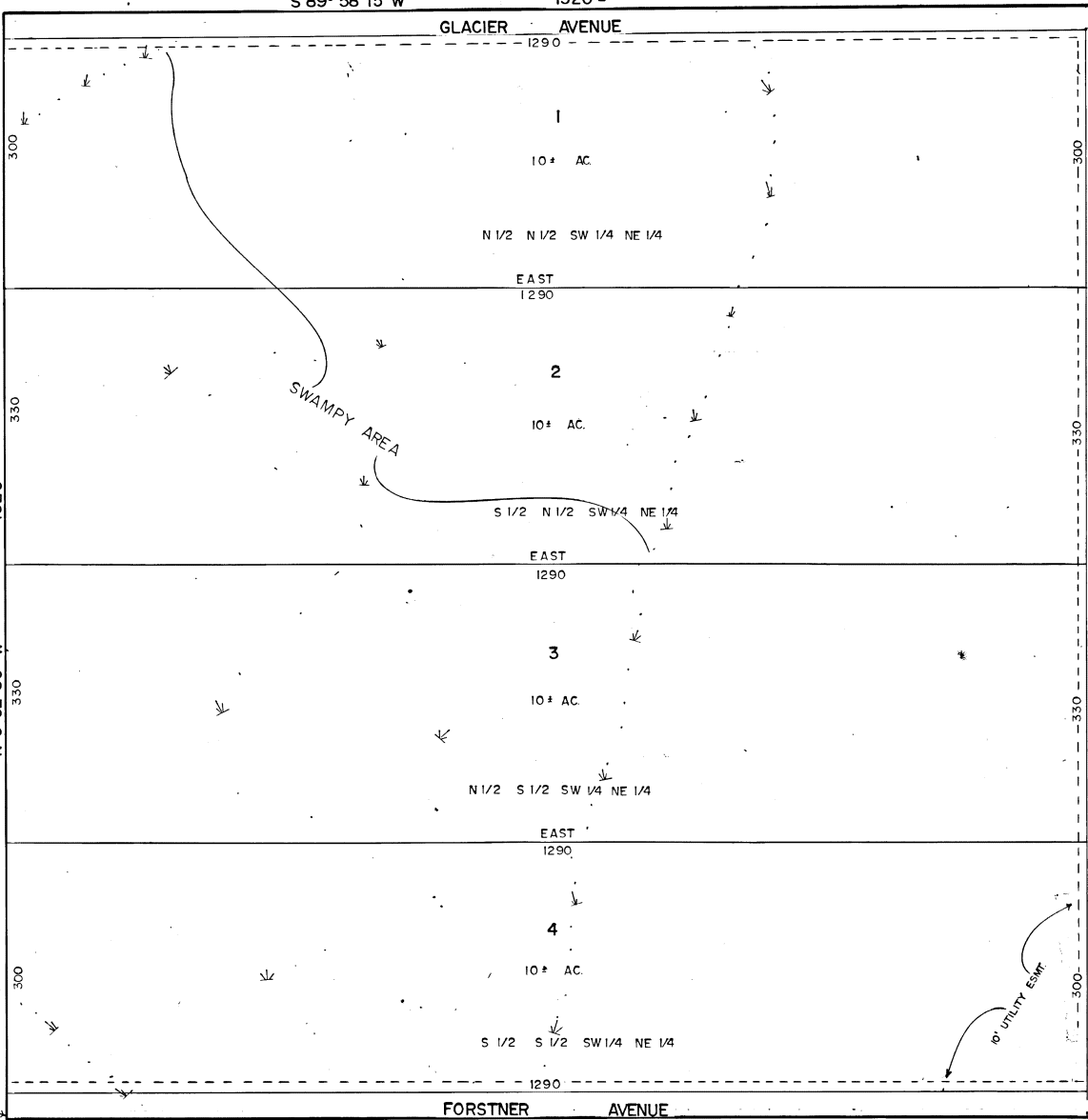
20.40.030
 These Tracts are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment disposal. Any wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

ON 1/4, NOT SET

NE 1/4, NOT SET

FORSTNER SUBD.

N 0°02'30" W 1320 *



C 1/4, NOT SET

CE 1/4, NOT SET

NOTES:

- 1. ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS.
- 2. A 20' BLDG. SETBACK LINE EXISTS ALONG ALL R.O.W.
- 3. NO SURVEY WAS MADE NOR WERE ANY STAKES OR MON. SET.

UNSUBD.

CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADWAYS AND ALLEYS DEDICATED BY US FOR PUBLIC USE.

Jerry A. Anderson
 JAMES E. LAKE
 13021 BATES CIRCLE
 ANCHORAGE, ALASKA 99507

NOTARY'S ACKNOWLEDGEMENT

SUBSCRIBED AND SWORN BEFORE ME THIS 14 DAY OF May 1976

Jerry A. Anderson
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 11/17/1979

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THE INFORMATION SHOWN ON THIS PLAT IS BASED UPON THE MOST RECENT PLATS OF THE PROPERTIES SHOWN, AND THAT NO SURVEY WAS PERFORMED.

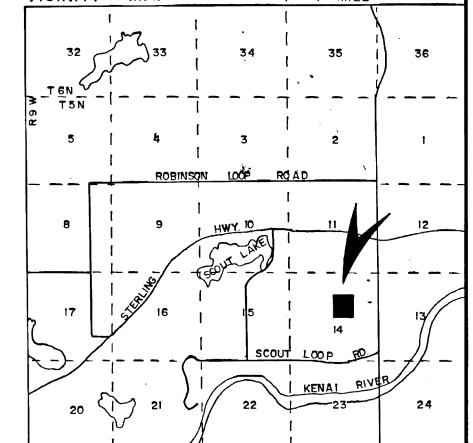
Jerry A. Anderson 61076
 JERRY ANDERSON, 3686-S

PLAT APPROVAL

PLAT APPROVED BY THE BOROUGH PLANNING COMMISSION THIS 7th DAY OF June 1976.

BOROUGH MANAGER *Bill Best*
 Planning Director

VICINITY MAP



DATE: MAY, 1976

SCALE: 1" = 100'

CHECKED BY: S.W.

DRAWN BY: S.W.

DESIGNED BY: J.A.

FLD. BK. NO.:



JIMMEE LAKE SUBDIVISION

AN ALIQUOT PARTS PLAT
 SITUATED IN THE SW 1/4 NE 1/4, S. 14, T. 5 N,
 R. 9 W, S. M

CONTAINING 40+ ACRES

ABILITY SURVEYS

JERRY ANDERSON, L.S. BOX 1263 HOMER, ALASKA

76-140
 FILED
 9:28 AM
 8:29 AM
 JPB

ELEXIS AVE

ADRIEL AVE

Offer new 30'
Easement here

HEA REVIEWED - SEE COMMENTS

Scott Huff 1/5/2024
Land Management Officer

Depict and label the overhead powerline.
Provide a label or plat note stating, "The
existing overhead powerline is the centerline
of a 30-foot-wide electrical easement,
including guys and anchors, and extends to
the east boundary, granted this plat.

GLACIER AVE W

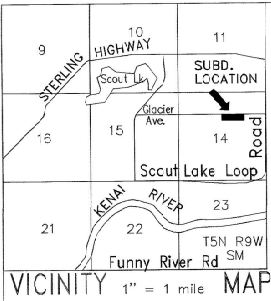
GLACIER AVE W

GLACIER AVE E

GLACIER AV

Vacate
30'
Easement

SCOUT ST

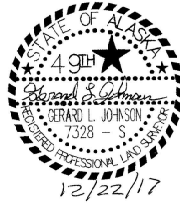


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Prepared for
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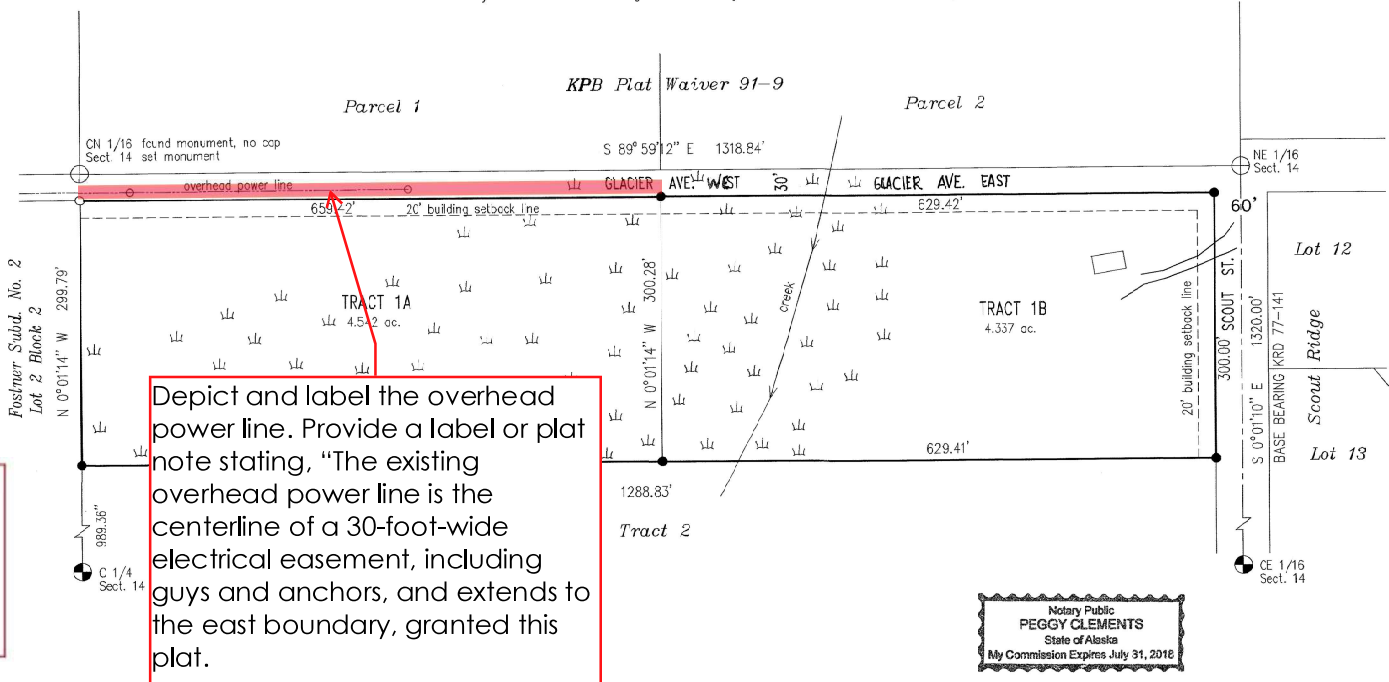
PLAT APPROVAL

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KENAI PENINSULA BOROUGH

By: Max A. Burt Authorized Official Date: Dec. 27, 2017

2017-79
 Plat #
 Kenai
 Rec. Dist.
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 DATE
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Depict and label the overhead power line. Provide a label or plat note stating, "The existing overhead power line is the centerline of a 30-foot-wide electrical easement, including guys and anchors, and extends to the east boundary, granted this plat."

HEA REVIEWED - SEE COMMENTS
Scott Huff
 Scott Huff 12/20/2023
 Land Management Officer

Notary Public
 PEGGY CLEMENTS
 State of Alaska
 My Commission Expires July 31, 2018

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