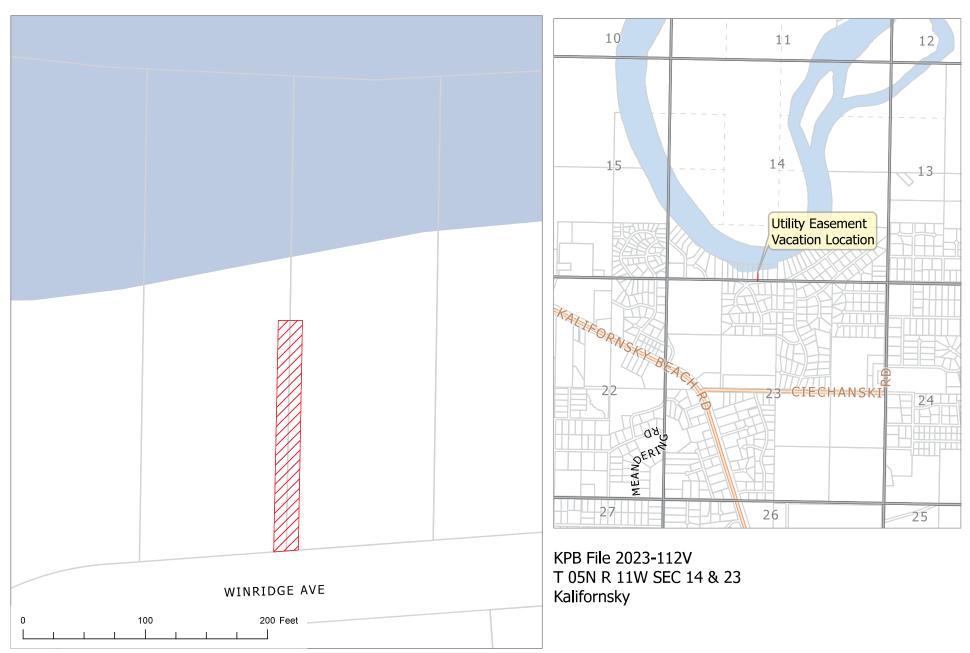
E. NEW BUSINESS

 Utility Easement Vacation; KPB File 2023-112V McLane Consulting / Roberts, Presley Request: vacates an approximate 3000' utility easement granted by South Bluff Estates KN 2002-42 Kalifornsky Area





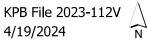


4/19/2024

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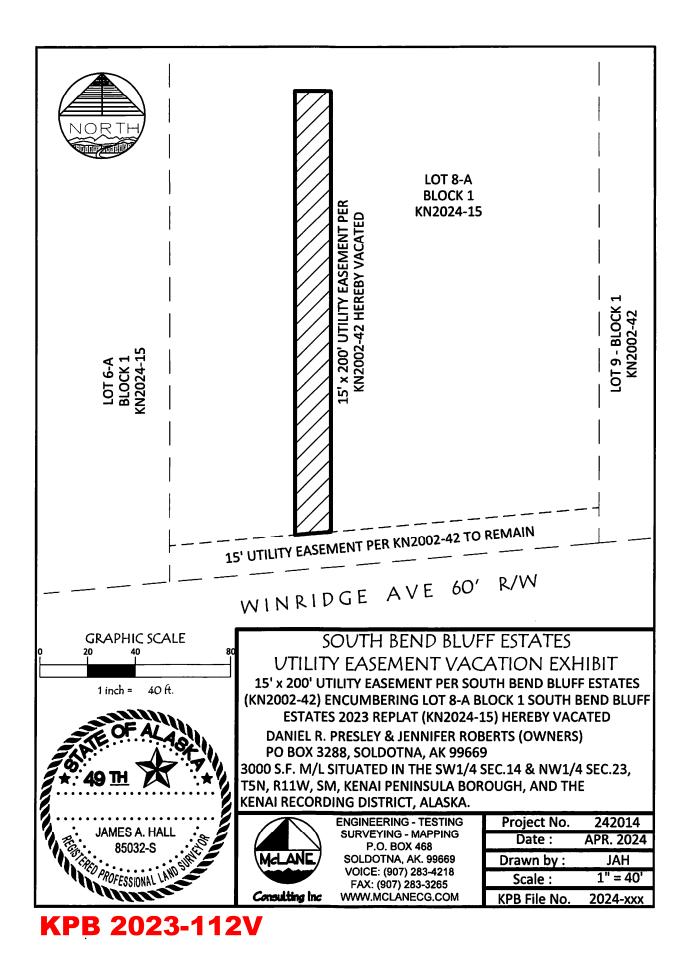






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E1-2



AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION

VACATES AN APPROXIMATE 3,000 FOOT UTILITY EASEMENT VACATION GRANTED BY SOUTH BEND BLUFF ESTATES KN 2002-42, GRANTED BY SOUTH BEND BLUFF ESTATES KN 2002-42 (KN 2023042); WITHIN S14, T05N, R11W, SEWARD MERIDIAN, ALASKA, WITHIN THE KENAI PENINSULA BOROUGH.

KPB File No.	2023-112V	
Planning Commission Meeting:	May 13, 2024	
Applicant / Owner:	Daniel R. Presley and Jennifer Roberts of Soldotna Alaska	
Surveyor:	James Hall / McLane Consulting, Inc	
General Location:	Winridge Ave near Ciechanski Rd in Kalifornsky area	

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Vacate the 15' x 200' utility easement encumbering the property that is not necessary to provide utilities to the property.

Notification: Notice of vacation mailings were sent by regular mail to 49 owners of property within 600 feet. Notice of the proposed vacation was emailed to 6 agencies and interested parties.

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

Staff Analysis:

The petition is to vacate a 15' x 200' wide utility easement located running up the westerly third of the recently combined and created Lot 8-A Block 1 South Bend Bluff Estates 2023 Replat KN 2024-15.

Current utilities utilize the 15' utility easement established by KN2002-42 located on the front 15 feet adjacent to the right-of-way.

Utility reviews were all acceptable of the vacation as no utilities are located within the easement to be vacated. There were no comments that the easement was to used in the future either.

Utility provider review:

HEA	agreeable to the vacation of the 15' x 200' utility easement per plat KN2002-42 as there are no electric lines in this easement and all lots are currently being served with electricity.	
ENSTAR	no comments or recommendations.	
ACS	no objections.	
GCI	Approved as shown.	

Findings:

- 1. The current use of the property is by the same owner that has combined Properties into Lot 8-A Block 1 KN2024-15
- 2. The large utility easement is not necessary to provide utilities to the property.
- 3. The 15' utility easement along Winridge Avenue will remain and provides adequate accessibility to utilities.
- 4. The easement is not in use.
- 5. South Bend Bluff Estates, Plat KN 2002-42, granted a 15' x 200' wide utility easement between the west boundary of Lot 8 and the east boundary of Lot 7 from the shared border with Winridge Avenue.
- 6. South Bend Bluff Estates 2023 Replat, KN 2024-15, subdivided Lot 6, 7 and 8 KN 2002-42, into 2 parcels creating Lot 6-A and Lot 8-A.

- 7. KN 2024-15 carried forward the 15' x 200' utility easement on the former west boundary of Lot 8 and the east boundary of Lot 7, which is now located in the middle western portion of Lot 8-A. KN 2024-15.
- 8. No surrounding properties will be denied utilities.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Make the following corrections:

- Add the section line and labels and 33' Section line easement to the drawing as shown on South Bend Bluff Estates 2023 Replat KN2024-15
- Label the 20' building setback line

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 Planning Commission and 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 0 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

KENAI PENINSULA BOROUGH PLANNING COMMISSION RESOLUTION 2024-7 KENAI RECORDING DISTRICT

Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42, granted by South Bend Bluff Estates KN 2002-42 (KN 2023042); within S14, T05N, R11W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2023-112V

WHEREAS, a request has been received from Jennifer Roberts and Daniel R Presley of Soldotna, AK to Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42 granted by South Bend Bluff Estates KN 2002-42 (KN 2023042); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on May 13, 2024, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

<u>Section 1</u>. That the above described Vacates an approximate 3,000 foot utility easement vacation granted by South Bend Bluff Estates KN 2002-42 are hereby vacated.

Section 2. That an as-built survey or sketch prepared, signed, and sealed by a licensed land surveyor showing the locations of the portions of the utility easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

<u>Section 3</u>. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

<u>Section 4</u>. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS __ DAY OF ______, 2024.

Jeremy Brantley, Chairperson Planning Commission ATTEST:

Ann Shirnberg, Administrative Assistant

Return to: Kenai Peninsula Borough Planning Department 144 N. Binkley Street Soldotna, Alaska 99669





KPB File 2023-112V

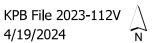


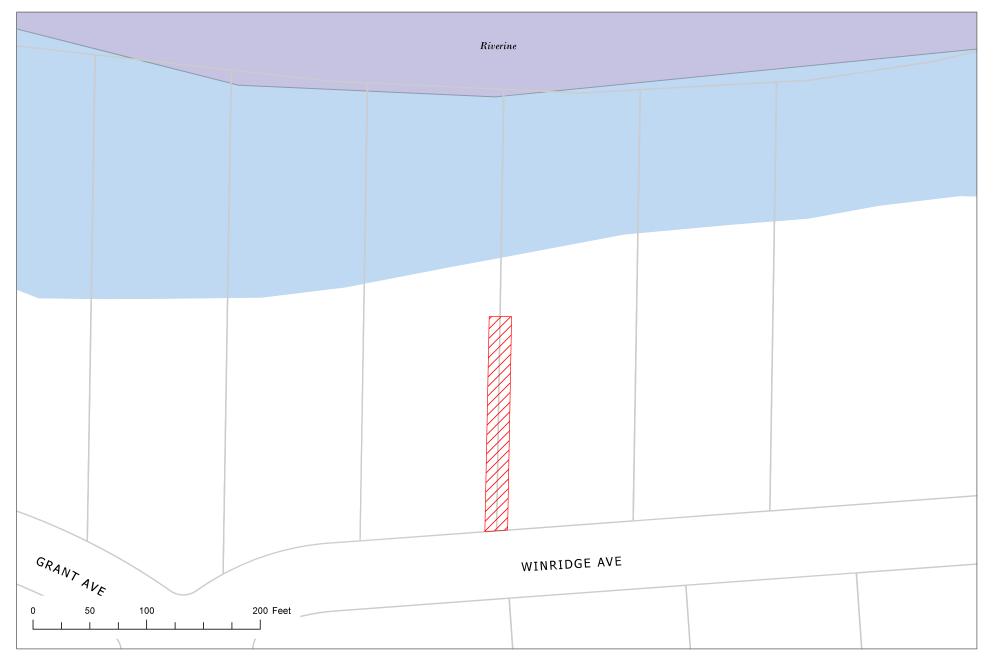
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E1-8



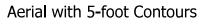


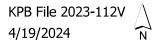




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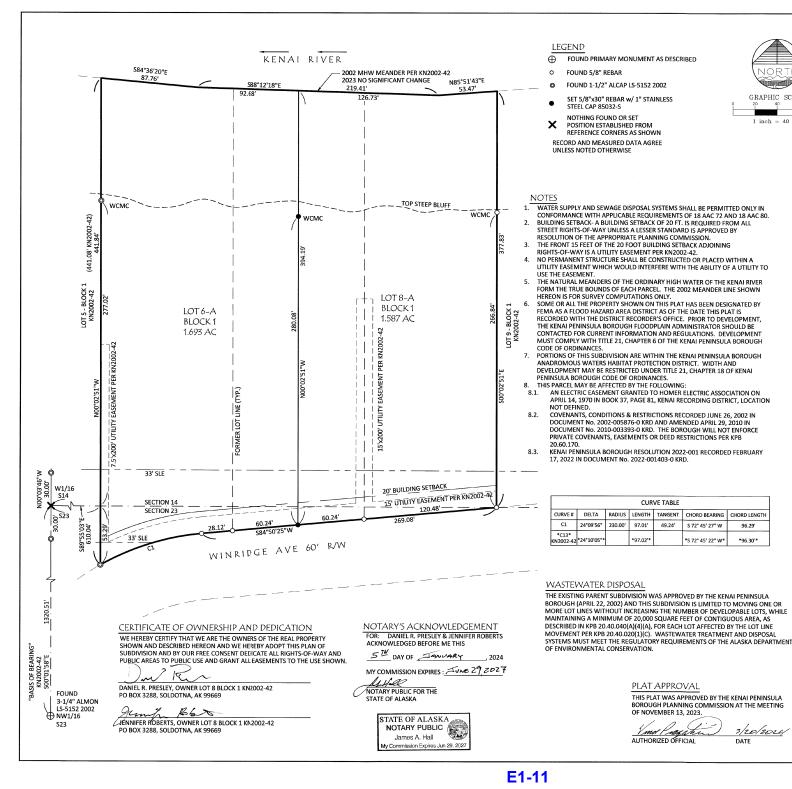






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E1-10



35 36 34 SOLDOTNA T5N VICINITY MAP Scale 1" = 1 Mile CERTIFICATE OF OWNERSHIP AND DEDICATION WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND 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. Þ Samerin SCOTT M. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42 37100 EDGEWOOD DR, KENAI, AK 99611 Dena R. Cunninglam DENA R. CUNNINGHAM, OWNER LOTS 6 & 7 BLOCK 1 KN2002-42 37100 EDGEWOOD DR. KENAI, AK 99611 NOTARY'S ACKNOWLEDGEMENT FOR: SCOTT M. & DENA R. CUNNINGHAM ACKNOWLEDGED BEFORE ME THIS 1/12 DAY OF JAA . 2024 MY COMMISSION EXPIRES : 06/04/2026 Hasi Aly NOTARY PUBLIC FOR THE STATE OF AZ 2024-15 Plat # Kenai 49 TH 3.26. _24 Alta 4 JAMES A. HALL 3:01 P 85032-5 Time _ 16/

KENA

20

27

GRAPHIC SCALE

1 inch = 40 ft

96.29'

*96.30**

3/20/2024

DATE

15

LIMITS

(TYP.) 14

23

26

THIS

PLAT

13

25

31

SOUTH BEND BLUFF ESTATES 2023 REPLAT				
A RESUBDIVISION OF LOTS 6, 7 & 8 BLOCK 1 SOUTH BEND BLUFF ESTATES (KN2002-42)				
SCOTT M. CUNNINGHAM 37100 EDGEWOOD DR KENAI, AK 99611	DANIEL R. PRESLEY PO BOX 3288 SOLDOTNA, AK 99669			
DENA R. CUNNINGHAM 37100 EDGEWOOD DR KENAI, AK 99611	JENNIFER ROBERTS PO BOX 3288 SOLDOTNA, AK 99669			
3.281 AC. M/L SITUATED IN THE SW1/4 SECTION 14 & NW1/4 SECTION 23, TOWNSHIP 5 NORTH, RANGE 11 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.				
ENGINEERING - TESTING SURVEYING - MAPPING P.O. BOX 468 SOLDOTNA, AK. 99669	KPB FILE No. 2023-112			
Consulting Inc. VOICE: (907) 283-4218 FAX: (907) 283-3265 WWW.MCLANECG.COM	PROJECT NO. 232026			
	BOOK NO. : 22-04 DRAWN BY : JAH			
Sheet 1 of 1				

lun

KPB NOTES: See PC Resolutions 2011-25 and 2012-04 and 2020-04

