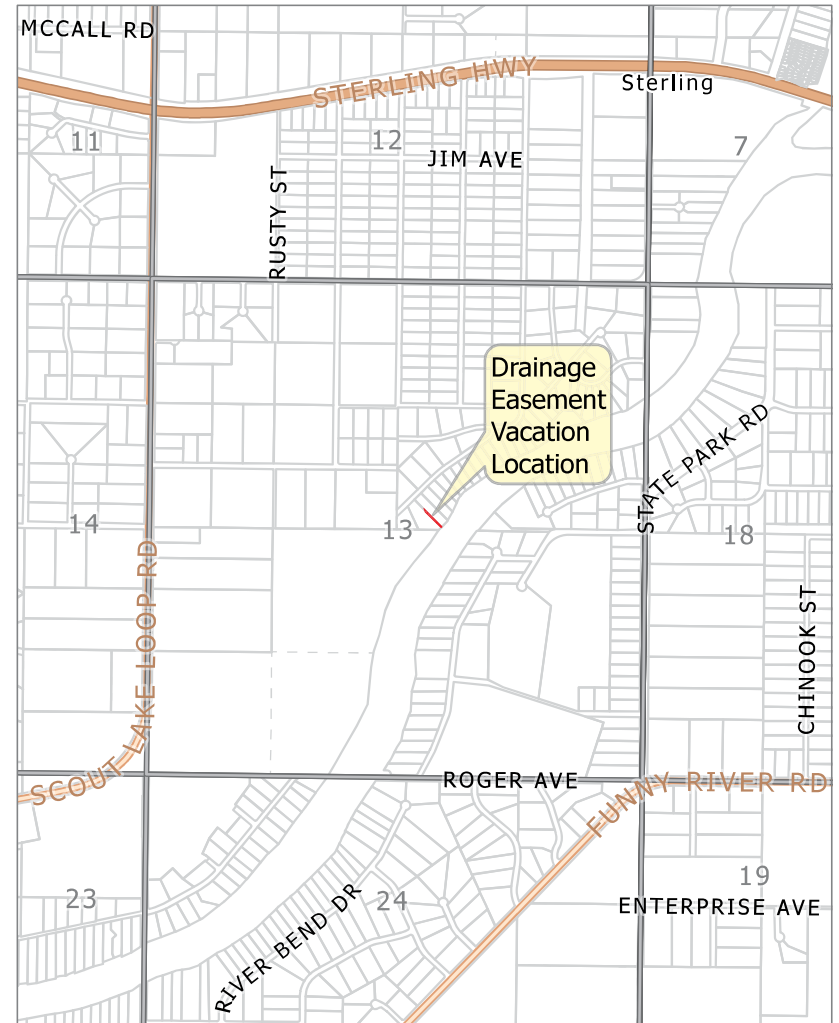
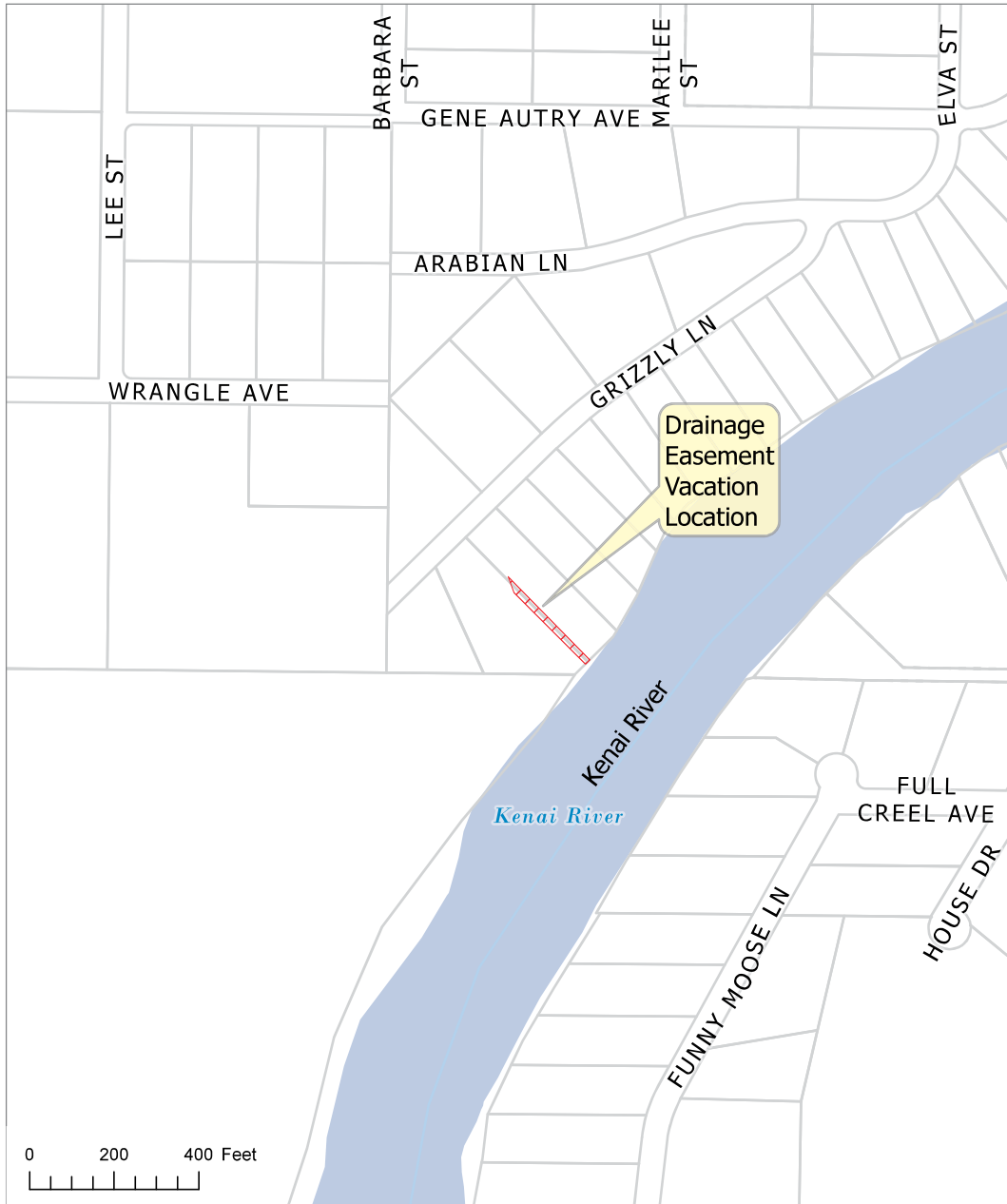


## **E. NEW BUSINESS**

**2. Drainage Easement Vacation; KPB File 2026-049V**

**Peninsula Surveying / NTK Revocable Trust**

**Request: Vacates A 20-foot by approximately 277-foot long drainage easement located along the shared lot line between Lots 27 & 28, Block 3, Moose River Estates Sub, Plat KN 74-98 Sterling Area**



KPB File 2026-049V  
T05N R09W SEC13  
Sterling

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.



AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - UTILITY EASEMENT ALTERATION**

VACATE A SEGMENT OF THE 20-FOOT DRAINAGE EASEMENT LOCATED ALONG THE COMMON LOT LINE BETWEEN LOTS 27 AND 28, BLOCK 3, WITH 10 FEET SITUATED ON EITHER SIDE OF THE LOT LINE, AS GRANTED BY MOOSE RIVER ESTATES SUBDIVISION, PLAT KN 74-98.

<b>KPB File No.</b>	2026-049V
<b>Planning Committee Meeting:</b>	June 8, 2026
<b>Applicant / Owner:</b>	NTK Revocable Trust of Anchorage, Alaska
<b>Surveyor:</b>	Jason Schollenberg; Peninsula Surveying, LLC
<b>General Location:</b>	Sterling Area
<b>KPB PC Resolution</b>	2026-32

**STAFF REPORT**

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

This petition is to vacate the drainage easement located in Lots 27 and 28, Block 3, Moose River Estates Subdivision, KN 74-98.

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

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

**Staff Analysis:**

Moose River Estates Subdivision (KN 74-98) granted a 20-foot drainage easement centered along the common lot line between Lots 27 and 28, Block 3. A portion of the easement is petitioned for alternation by this request as shown on the submitted exhibit. The applicant proposes to relocate the easement to the west to follow the existing drainage path more accurately.

Available data indicates that an existing structure is located within the currently platted drainage easement. The submitted exhibit includes a depiction of this structure, along with a wooden walkway and a structure used for shade built on blocks and a deck on blocks.

The proposed relocated easement would remove the conflict between the easement and the listed structures while maintaining drainage functionality by aligning the easement with the natural drainage course.

The easement alteration will be finalized by KPB PC Resolution 2026-32.

**Utility provider review:**

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**Applicant Findings:**

1. The actual drainageway does not follow the existing easement.
2. The drainageway has been surveyed, and is shown on the exhibit as the new location of the easement.
3. The existing easement will limit use and development of the property.
4. There is an existing structure in the easement.

**Staff Findings:**

5. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
6. Moose River Estates Subdivision (KN 74-98) granted a 20-foot drainage easement along the common lot line between Lots 27 and 28, Block 3.

---

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

Make the following corrections:

- o Add the KPB File Number 2026-049V
- o Include the total square foot of area of the drainage easement to be vacated.

---

**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 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*

- *Objective A - Encourage coordination of 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**

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2026-32  
KENAI RECORDING DISTRICT**

Vacate a segment of the 20-foot drainage easement located along the common lot line between Lots 27 and 28, Block 3, with 10 feet situated on either side of the lot line, as granted by Moose River Estates Subdivision (KN 74-98); within S13, T05N, R09W, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2026-049V

WHEREAS, a request has been received from NTK Revocable Trust of Anchorage, AK to vacates a segment of the 20-foot drainage easement located along the shared lot line between Lots 27 and 28, Block 3, as granted by Moose River Estates Subdivision (KN 74-98); 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 June 8, 2026, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the drainage 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:

Section 1. That the above described vacates a segment of the 20-foot drainage easement located along the shared lot line between Lots 27 and 28, Block 3, as 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 drainage easements being vacated be attached to, and made a part of this resolution, becoming page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within one year of adoption.

Section 4. 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 \_\_\_\_\_, 2026.

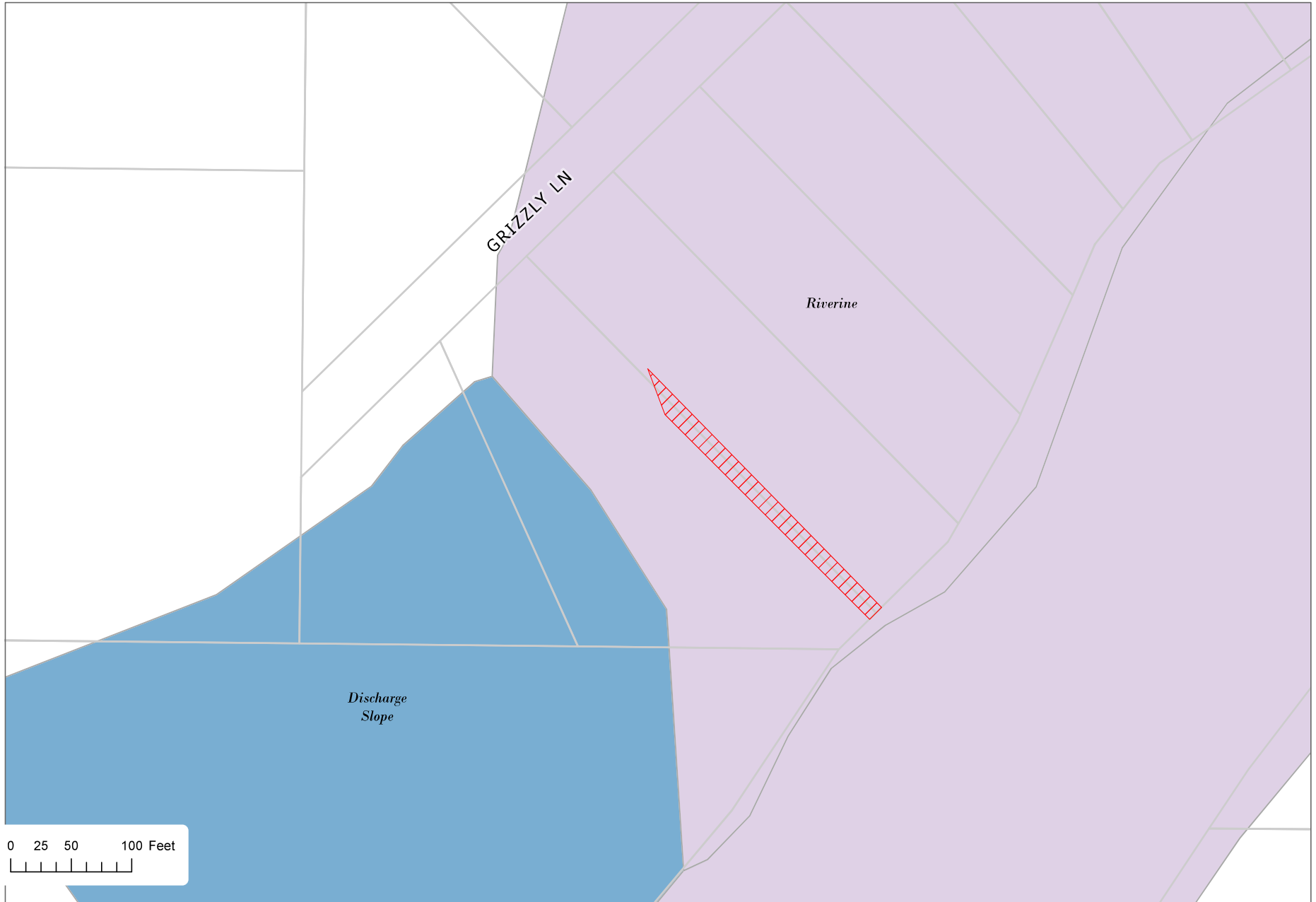
\_\_\_\_\_  
Jeremy Brantley, Chairperson  
Planning Commission

ATTEST: \_\_\_\_\_  
Ann Shirnberg,  
Administrative Assistant

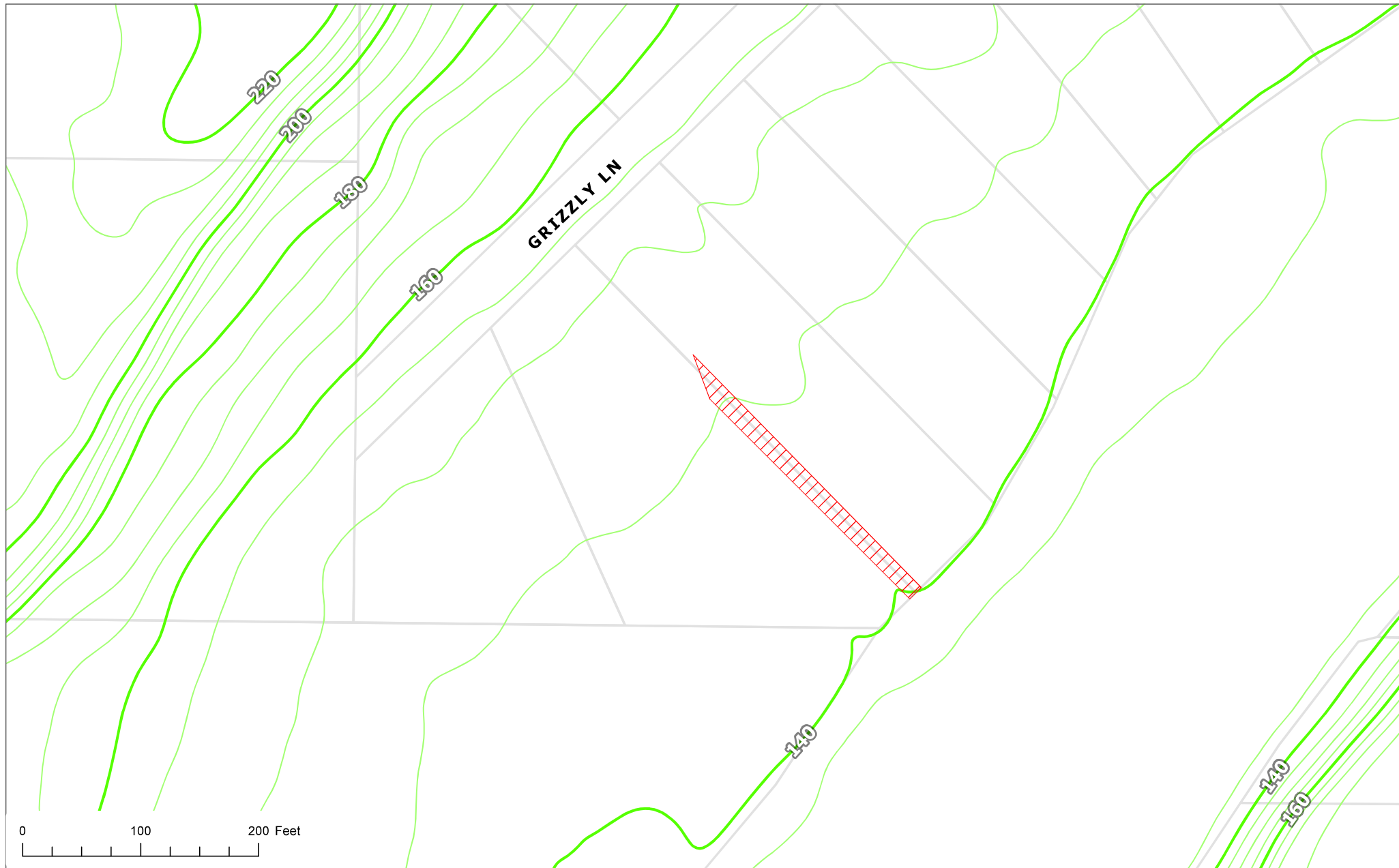
Return to:  
Kenai Peninsula Borough Planning Department  
144 N. Binkley Street  
Soldotna, Alaska 99669



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.

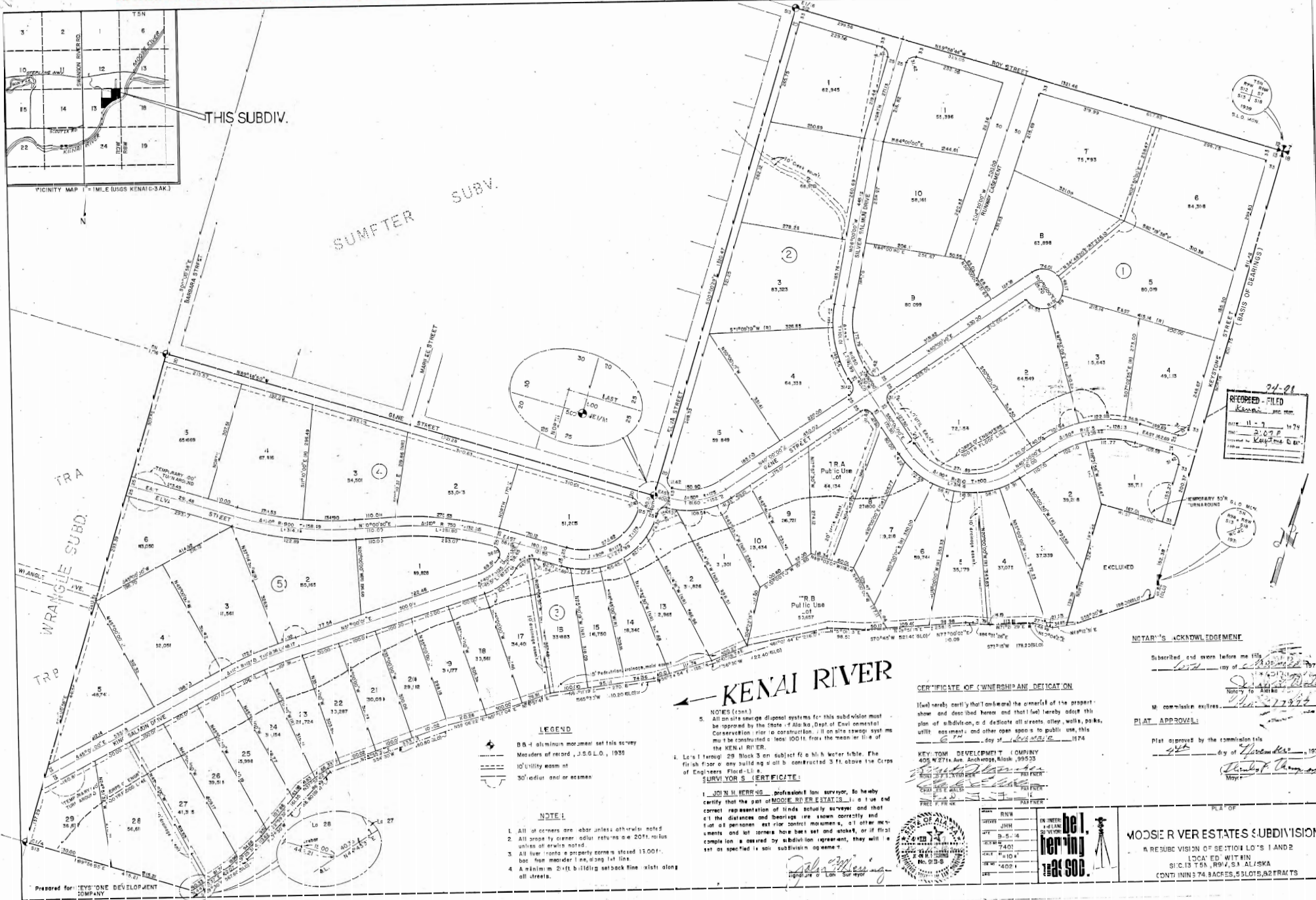
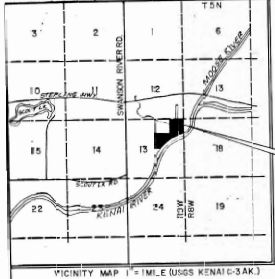


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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 NOTE: See PC Resolutions 97-30 and 2004-56



TSU  
Raw 519  
519 2 519  
1979  
S.L.O. 40N

RECORDED - FILED  
24-01  
DATE 11-7-1979  
BY 2007 P  
KAYLOR & CO.

**NOTAR'S ACKNOWLEDGMENT**  
Subscribed and sworn before me this 11th day of November 1979 by \_\_\_\_\_ Mayor of Kenai Alaska  
My commission expires \_\_\_\_\_  
**PLAT APPROVAL:**  
Plat approved by the commission this 11th day of November 1979 by \_\_\_\_\_ Mayor

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
I (we) hereby certify that I (we) are the owner(s) of the property shown and described herein and that I (we) hereby adopt this plan of subdivision, and dedicate all streets, walks, parks, utility easements and other open spaces to public use, this day of \_\_\_\_\_ 1979.  
**KEY: TOM DEVELOPMENT COMPANY**  
405 W 27th Ave Anchorage Alaska 99503  
PREPARED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_

**KENAI RIVER**

**NOTES (cont.)**  
5. All on-site sewage disposal systems for this subdivision must be approved by the State of Alaska, Dept of Environmental Conservation, prior to construction. If on-site sewage systems must be constructed a least 100ft. from the mean or line of the KENAI RIVER.  
6. Lots 1 through 29 Block 3 on subject to a high water table. The first floor of any building shall be constructed 3 ft. above the Corps of Engineers Flood-11-B.  
**SURVEYOR'S CERTIFICATE:**  
I, JOHN H. HERRING, a professional land surveyor, do hereby certify that the plat of MOOSE RIVER ESTATES is a true and correct representation of lands actually surveyed; and that all the distances and bearings are shown correctly and that all permanent exterior control monuments, all other monuments and set corners have been set and marked, or if their completion is covered by subdivision agreement, they will be set as specified in said subdivision agreement.

**LEGEND**  
--- 88-ft aluminum monument set this survey  
--- Measured of record, J.S.G.L.O., 1935  
--- Utility easement  
--- 30' utility and/or easement

**NOTE:**  
1. All lot corners are e-bar unless otherwise noted.  
2. All property corner radius returns are 20ft. radius unless otherwise noted.  
3. All lot corners are properly cornered staked 1500ft. back from meander line, along lot lines.  
4. A minimum 2-ft building setback line exists along all streets.



**ENGINEER**  
J.H.H.  
No. 9338  
DATE: 11-7-1979  
SCALE: AS SHOWN

**MOOSE RIVER ESTATES SUBDIVISION**  
A RESUBVISION OF SECTION 10'S 1 AND 2  
LOCAL WITHIN  
SIC. 13 75N, R0V. 53 AL/JSKA  
CONTAINING 74 ACRES, 52 LOTS, 22 TRACTS

Prepared for: TOM DEVELOPMENT COMPANY