

KENAI PENINSULA BOROUGH
PLANNING COMMISSION
RESOLUTION 89-15

VACATING FIFTEEN FEET OF THE TWENTY FOOT UTILITY EASEMENT WITHIN LOT 8, BLOCK 1; AND VACATING TEN FEET OF THE TWENTY FOOT UTILITY EASEMENT WITHIN LOT 10, BLOCK 1; MCSMITH SUBDIVISION ROSE-BAY 1983 ADDITION, (PLAT 83-274 KRD) SECTION 26, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, ALASKA

WHEREAS, a request has been received to vacate the south fifteen feet of the twenty foot utility easement adjacent to Grove Circle within Lot 8; and to vacate the south ten feet of the twenty foot utility easement adjacent to Grove Circle within Lot 10; and to vacate the east ten feet of the twenty foot utility easement adjacent to South Jawle Street within Lot 10. All being within Block 1, McSmith Subdivision Rose-Bay 1983 Addition; and

WHEREAS, a five foot utility easement will be retained along north boundary of said Lot 8; and a ten foot utility easement will be retained along north and west boundaries of said Lot 10; and

WHEREAS, on April 3, 1989, a public hearing was held by the Kenai Peninsula Borough Planning Commission to address all concerns about this proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the above described utilities will not be detrimental to the public interest; and

WHEREAS, 20.28.120 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 interior fifteen feet of the twenty foot utility easement along north boundary of Lot 8; and the interior ten feet of the twenty foot utility easement along north and west boundaries of Lot 10, Block 1, McSmith Subdivision Rose-Bay 1983 Addition are hereby vacated.

Section 2. That this Resolution is eligible for recording after approval of the vacation by the Assembly of the Kenai Peninsula Borough; and will be void if not recorded within 90 days of adoption.

Section 3. That this Resolution is void if the vacation approval is vetoed by the Assembly of the Kenai Peninsula Borough within 30 calendar days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded; with petitioner being responsible for payment of recording fees.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 3 DAY OF April, 1989.

Colleen Denbrock
Colleen Denbrock, Chairperson

ATTEST:

Nancy Jungmann
Nancy Jungmann, Planning Secretary

Return to: Kenai Peninsula Borough
Planning Department
144 No. Binkley Street
Soldotna, AK 99669

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