



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2013-08
KENAI RECORDING DISTRICT**

Vacate a public use right of way and access easements within Government Lots 33, 34 and 35. Vacate the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150 within the Kenai Recording District; all within Section 6, Township 5 North, Range 11 West, Seward Meridian, Alaska; within the City of Kenai and the Kenai Peninsula Borough; KPB File 2013-033; Location: City of Kenai

WHEREAS, John J. Williams on behalf of the Archdiocese of Anchorage, and Sid Strauss for Strauss Capital Real Estate, LLC of Kenai, Alaska, have petitioned for vacation of the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150, all within the Kenai Recording District; and

WHEREAS, it has been determined by the Planning Commission on March 25, 2013 that all requirements have been met; and

WHEREAS, the easement was granted by document without the underlying transfer of ownership as in a platted dedication; and

WHEREAS, ACS has an existing cable within the easement proposed to be vacated and has requested a 10-foot utility easement centered on their existing facilities; and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, the vacation does not require replatting of any vacated area, and may be accomplished by a resolution;

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

Section 1: That the 30-foot strip along the northerly boundary of Government Lot 34 as described and recorded in Book 38 Page 12; and vacate the 30-foot strip lying along the north boundary of Lot 35 as described and recorded in Book 38 Page 47; and vacate the 15-foot access easement along the south boundary of Government Lot 33 as described and recorded in Book 47 Page 150 within the Kenai Recording District;

Section 2: That a 10-foot utility easement was granted centered on the existing ACS cable as shown on the attachment provided by ACS, and recorded as Document # 2013 - 003311-0.


Section 3. That a sketch depicting the vacated easement submitted with the application shall be recorded with this resolution becoming page 2.

Section 4. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 5. That this resolution becomes effective upon being properly recorded.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 25
DAY OF March, 2013.


Philip Bryson, Chairperson
Planning Commission

ATTEST:

Patti Hartley
Administrative Assistant

Please return to:
Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, Alaska 99669-7520

