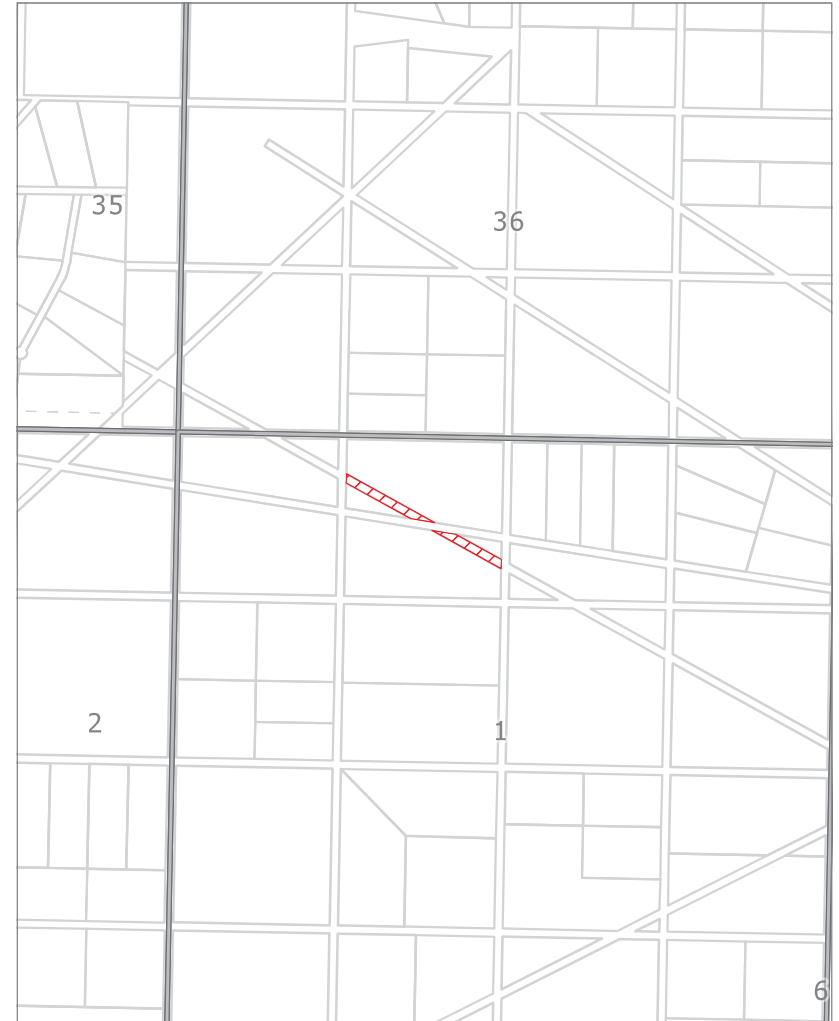


E. NEW BUSINESS

- 5. Seismograph Trail Vacation; KPB File 2022-091V
Ranquette / Edge Survey & Design, LLC
PINs: 18550924 & 18550926
Ninilchik Area**



KPB File # 2022-091V
S01 T02S R12W
Ninilchik

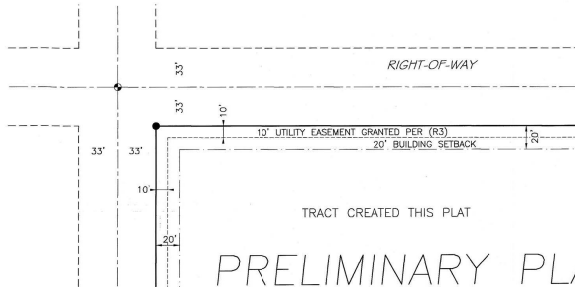




MONUMENT SUMMARY

- | | |
|---|---|
| <p>1
7328-S
W 1/4
+ S36
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.3' ABOVE GRADE
GOOD CONDITION</p> | <p>2
7328-S
1/4
+ S36
S1
2001</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1' ABOVE GRADE
GOOD CONDITION</p> |
| <p>3
7328-S
NW 1/4
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
0.1' ABOVE GRADE
GOOD CONDITION</p> | <p>4
7328-S
ON 1/4
+
S1
2012</p> <p>FOUND
2-1/2" ALUMINUM
MONUMENT
FLUSH WITH GRADE
GOOD CONDITION</p> |

BUILDING SETBACK AND UTILITY EASEMENT TYPICAL - SCALE 1" = 50'



NOTES

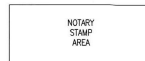
1. THERE MAY BE FEDERAL, STATE, OR LOCAL REQUIREMENTS GOVERNING LAND USE. ANY PERSONS DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED FEDERAL, STATE, OR LOCAL PERMITS, INCLUDING THE U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
2. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT, PER (R3), 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.
4. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLAIMS SETTLEMENT ACT, DATED DECEMBER 18, 1971, U.S. PUBLIC LAW 92-203, 85 STAT. 688, U.S.C. 1601 ET SEQ.
5. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LAND INCLUDING, BUT NOT LIMITED TO, RIGHTS OF ENTRY TO EXPLORE, DEVELOP OR REMOVE MINERALS FROM SAID SUBSURFACE ESTATE, AS SET FORTH IN SECTION 14(F) AND 14(G) OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT.
6. THIS SUBDIVISION SUBJECT TO COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS RECORDED JUNE 7, 1985, VOLUME 153 PAGE 252.
7. THIS SUBDIVISION IS SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS AND EASEMENTS AS CONTAINED IN INTERIM CONVEYANCE, RECORDED JUNE 19, 1978, VOLUME 100 PAGE 226, AND AS CONTAINED IN DEED RECORDED APRIL 12, 1983 AND OCTOBER 4, 1983, VOLUME 134 PAGE 950 HOMER RECORDING DISTRICT.
8. THE KENAI PENINSULA BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS, OR DEED RESTRICTIONS PER KPB 20.50.170.
9. THIS SUBDIVISION IS SUBJECT TO EASEMENT OVER EXISTING RIGHT-OF-WAY, RECORDED MAY 31, 1991, VOLUME 206 PAGE 609. HOMER RECORDING DISTRICT
10. EXCEPTION TO KPB CODE 20.40 WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF JULY 18, 2022.
11. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF SEISMOGRAPH TRAIL AND THE ASSOCIATED UTILITY EASEMENTS AT THE MEETING OF JULY 18, 2022.
12. WASTEWATER DISPOSAL: AN WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

FOR: JESSICA RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS DAY OF , 2022

PUBLIC NOTARY SIGNATURE

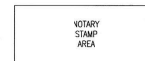


NOTARY ACKNOWLEDGEMENT

FOR: BRIAN RANGUETTE
ACKNOWLEDGED BEFORE ME

THIS DAY OF , 2022

PUBLIC NOTARY SIGNATURE



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

JESSICA RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
- SET PROPERTY CORNER
5/8" X 30" REBAR
WITH 2" ALUMINUM CAP
STAMPED EDGE SURVEY LS-13021 2022
- MONUMENT REFERENCE NUMBER
- (R1) RECORD DATA, SEE REFERENCE

- SUBDIVISION BOUNDARY
- INTERIOR LOT LINE
- ADJACENT PROPERTY LINE
- CENTERLINE
- 20 FOOT BUILDING SETBACK
- 10 FOOT UTILITY EASEMENT
- RIGHT-OF-WAY VACATED

100' 50' 0' 100'
1" = 100'

REFERENCES

- (R1) LAS VEGAS SUBDIVISION, PLAT 2001-07, HOMER RECORDING DISTRICT
- (R2) PORTER-SYVERSON SUBDIVISION, PLAT 2013-13, HOMER RECORDING DISTRICT
- (R3) RIGHT OF WAY MAP, PLAT 84-115, HOMER RECORDING DISTRICT

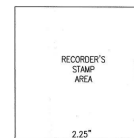
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JULY 18, 2022.
KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



KPB FILE No. 2022-XXX

R SUBDIVISION

A SUBDIVISION OF
TRACT 110
RIGHT OF WAY MAP
PLAT 84-115
HOMER RECORDING DISTRICT

OWNERS:

JESSICA RANGUETTE
AND
BRIAN RANGUETTE
PO BOX 7181
NIKISKI, ALASKA 99635

LOCATED WITHIN NW 1/4 SECTION 1,
T.25S., R.12W. S.M.
STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

CONTAINING 34.187 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7754
REC# 1392

DRAWN BY:	DATE:	PROJECT:
JY	6/22/2022	22-542
CHECKED BY:	SCALE:	SHEET:
MA	1" = 100'	1 OF 1

**ITEM 5 - RIGHT OF WAY VACATION
PORTIONS OF SEISMOGRAPH TRAIL AND ASSOCIATED UTILITY EASEMENTS
WITHIN LOT 110 OF PLAT 84-115**

KPB File No.	2022-091V
Planning Commission Meeting:	July 18, 2022
Applicant / Owner:	Brian and Jessica Ranguette of Nikiski, Alaska
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Gravel Pit Trail, Throop Avenue, Reid Street, Steik Avenue, Reno Street, Ninilchik Area
Legal Description:	Seismograph Trails within Lot 110 of Right of Way Map (also known as the Ninilchik Right of Way Map), HM 84-115

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacate portions of a 66 foot wide seismograph trail within Lot 110. Right-of-way vacation justification.

1. Right of way granted per plat 84-115, in which trails were located via air photos depicting old seismograph trails.
2. Dedication of seismograph trails divided Tract 110 into 4 separate parcels, two of which are small, the smallest being .06 acres.
3. Vacating the trails will provide more space for the new parcels.
4. Trails to be vacated have not had the surface improved, trails are organic soils.
5. Trail to the North West is grown shut with vegetation and not practical for use.
6. Trail to the South East is passable but narrow with vegetation.
7. Right of way granted per plat 84-115 provides sufficient access to adjacent parcels and adjoining right of ways.
8. A 175' section of right of way from Gravel Pit Trail south along Reno Avenue, will be improved to provide access to remaining seismograph trail heading South East and the new southern parcels created this plat. Area to be improved is flat terrain with minimal vegetation. Landowner has the equipment and skill level to make improvements, with the proper permitting process. Improvements will be made August 2022.

Notification: Public notice appeared in the July 7, 2022 issue of the Homer News as a separate ad. The public hearing notice was published in the July 14, 2022 issue of the Homer News as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Ninilchik

Post Office of Ninilchik

Fifteen certified mailings were sent to owners of property within 600 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared.

Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry

Emergency Services of Ninilchik
Kenai Peninsula Borough Office
Ninilchik Traditional Council
Alaska Communication Systems (ACS)

Legal Access (existing and proposed): The proposed vacation is within the area known as Caribou Hills. The Ninilchik Right-of-Way map, Plat HM 84-115, dedicated 66 foot wide rights-of-way on the depicted seismograph trails in additions to dedicating 66 foot wide rights-of-way centered on all 1/16th and 1/4 aliquot lines and section lines except for some lands that were not subject to the plat.

The area with the proposed vacation has 66 foot wide dedications along all four sides. They are named Steik Avenue, Reid Street, Throop Avenue, and Reno Street. An additional seismograph trail is dedicated through the property and is known as Gravel Pit Trail. The trail proposed for vacation does not have a name assigned.

Gravel Pit Trail is located north of mile 18 of Oil Well Road, the main access to the Caribou Hills area. Gravel Pit Trail appears to be in use and provides access to other trails and dedications for lots in the area. Gravel Pit Trail is proposed to remain in place with no changes to the dedication. A small portion of Reno Street appears to be in use south of a section of the vacation. The portion of the trail proposed for vacation does appear to be in use. This is the southern portion that connects Gravel Pit Trail to Reno Street and then continues further to the southeast.

Access will still be available from Gravel Pit Trail and the dedications surrounding the property. The owner is proposing to construct a new access from Gravel Pit Trail to the south within the Reno Street dedication to allow a connection to the existing trail that continues to the southeast.

The block is closed. Some portions are currently smaller than allowed by code but the proposed vacation will bring the block into compliance.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	No comment

Site Investigation: The Caribou Hills area is a remote area with various types terrain. The creation of the rights-of-way and dedications on the seismograph trails did not take slopes or wetlands into consideration. The existing rights-of-way in this area as well as the lots appear to be free of wetlands per the KPB GIS data. Some steep slopes are present within the Steik Avenue and Reid Street dedications. The portion of Gravel Pit Trail within this area appears to be relatively flat and the proposed area within Reno Street that the owner intends to construct new access is relatively flat.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy 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: Russell, Pam Comments: No Comments
Alaska Fish and Game	No objections

Staff Analysis: The proposed is within the Caribou Hills recreational area. The plat that dedicated the rights-of-way created various lots that were not surveyed but were aliquot descriptions that excluded dedications. The map did however indicate numbers to help tell the lots apart on the plat due to the scale. The property that is associated with this vacation is split into four parcels that are aliquot descriptions that exclude the dedications. The title block is simply referring to the lot number shown on the right-of-way map.

The dedications split the NE1/4 NW1/4 of Section 1, Township 2 South, Range 12 West into four parcels. The existing four parcels are 16.19, 14.33, 1.21, and .6 acres. The smallest parcel is approximately 26,000 square feet and is not compliant in size. Additional 10 feet along the three sides will further limit development on the lot. Per KPB Code 20.30.200, the minimum lot size should be 40,000 square feet if onsite water and wastewater disposal are required. The new configuration will bring all proposed lots into compliance.

The right-of-way map did not put into place building setbacks but did grant 10 foot utility easements adjacent to the rights-of-way. The proposal will vacate those adjacent easements if the right-of-way vacation is approved. Utility easements will remain adjacent to the remaining rights-of-way.

The southern portion of the proposed vacation does appear to be in use and provides a connection to other portions of trails that are used for access. While many of the lots in this area have additional access routes, the existing trails have been used for years as some of the dedications go through steep terrain or wetland areas.

The owner is proposing to construct a new connection within existing dedications to not deprive land owners access to their property. The construction of this new travelway should be done in accordance with KPB Code and the proper permitting will be required. As the existing right-of-way is currently in use, staff will be suggesting that one of the conditions will be the proper permit must be received from the KPB Roads Department and that the finalization of the vacation may not be done until the roads department notifies staff that the terms of the permit have been met and a new travelway is in place that is considered equal or better to the existing travelway.

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: A portion is currently being used for access.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Additional access is available but not currently constructed, the owner intends to provide alternative access through existing dedications.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: This is a remote area with minimal development or utilities in place. Utility easements will still be in place along all other dedications within the proposed area and comments have been solicited from the utility providers for the area.
 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: It provides access to private recreational lands that do connect to state lands that surround the area. Dedications and other trails are present for access and the owner is planning to construct some access connections.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Staff comments: The owner intends to replat the lots adjacent and all lots will be provided with required access to dedicated rights-of-way. The area is surrounded by multiple dedications that provide additional undeveloped access and the owner will be providing some newly constructed access.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Staff comments: This is a recreational area with heavy snowmachine and ATV usage. Pedestrian use is feasible also.

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: No utilities appear to be present in the area. Existing easements in the area will remain in place and only vacate those along the requested vacated portion of the right-of-way.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Staff comments: The layout of the current dedications limit the use of the parcels and the vacation will provide additional options that will bring lots into compliance with KPB Code and the owner intends to construct access to accommodate adjacent parcels.

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.

KPB department / agency review:

Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Code Compliance	Reviewer: Ogren, Eric Comments: Vacation will create access to other properties unless ROW are developed.
Addressing	Reviewer: Haws, Derek Affected Addresses: None Existing Street Names are Correct: Yes List of Correct Street Names: THROOP AVE REID ST STEIK AVE RENO ST SEISMOGRAPH TRAIL

	<p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No addresses affected by this subdivision.</p>
Assessing	<p>Reviewer: Windsor, Heather</p> <p>Comments: Public appears to use this portion of the trail across Tract 1 and Tract 4</p>

Utility provider review:

HEA	No comments
ENSTAR	No comments or recommendations
ACS	No objections
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 utility providers.
4. A permit must be received from the Kenai Peninsula Borough Roads Department and it is demonstrated that all requirements have been met of said permit.
5. 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*
 - o *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*
 - o *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



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.