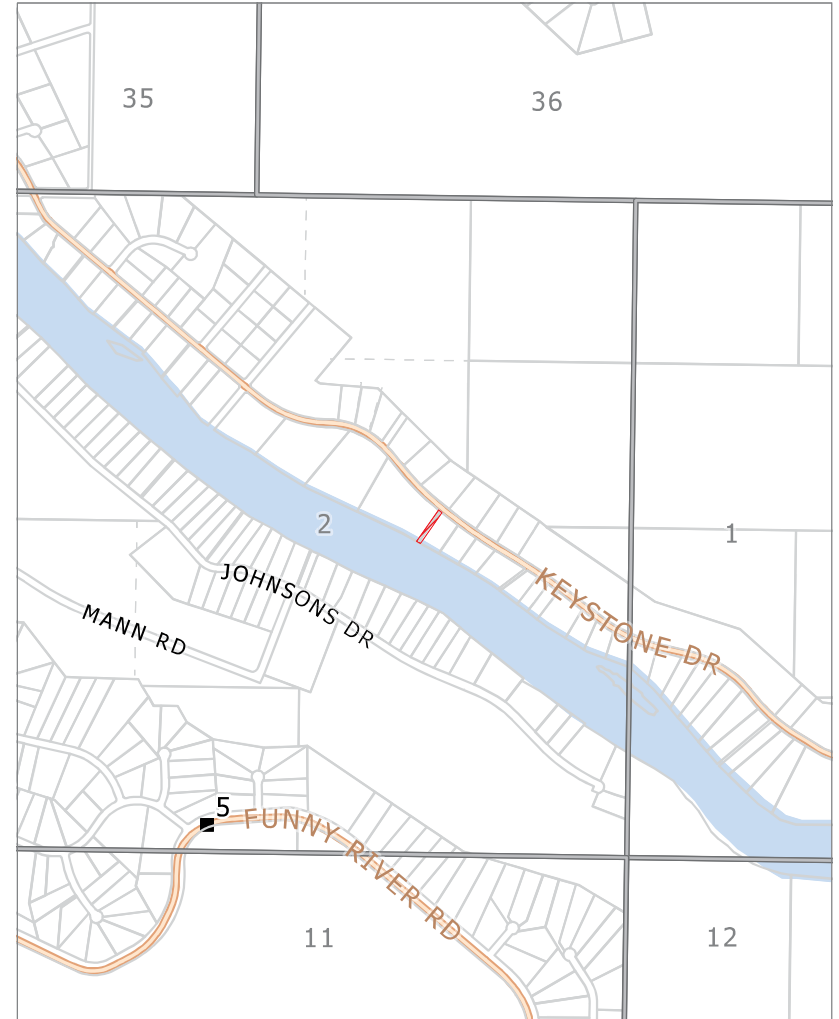
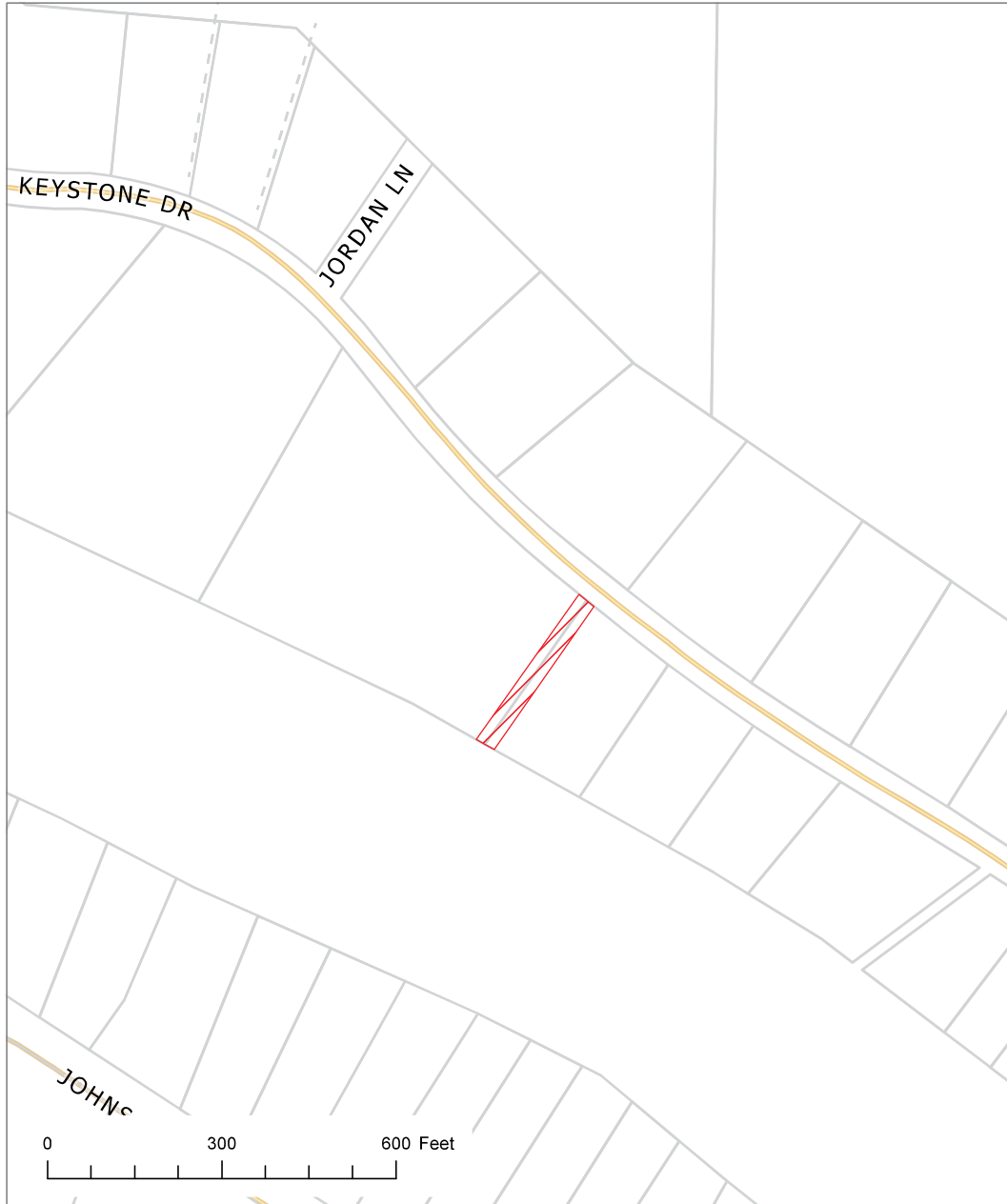


## **E. NEW BUSINESS**

- 11. Utility Easement Vacation; KPB File 2022-104V  
Lot 1, Block 2, Moose Range Meadows Sub Phase II Amended;  
Plat KN 87-100  
Lot B-5, Moose Range Meadows Sub Phase II RV; Plat KN 96-3  
McLane Consulting Group / Frawner  
Sterling Area**



KPB File # 2022-104V  
S02 T04N R10W  
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.



# KPB 2022-104V

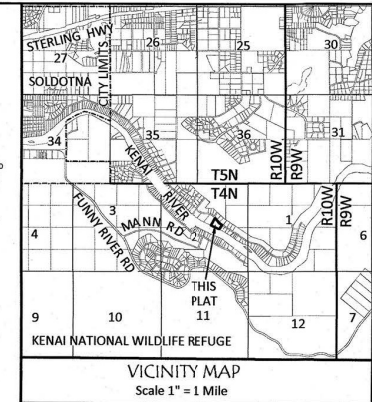
## LEGEND

- ⊕ FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 5/8" REBAR UNLESS NOTED
- SET 5/8"x30" REBAR w/ 1" STAINLESS STEEL CAP 85032-S
- ⚡ POWER POLE
- OVERHEAD ELECTRIC
- ▨ AREA SUBJECT TO INUNDATION
- CONTOUR INTERVAL = 4'



GRAPHIC SCALE  
1 inch = 50 ft.

CURVE TABLE						
CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	12°42'49"	1825.06'	404.97'	203.32'	S 45° 43' 41" E	404.14'
C2	1°34'20"	3269.56'	89.73'	44.87'	S 52° 52' 16" E	89.72'
C3	0°52'24"	1825.06'	27.82'	13.91'	S 39° 48' 29" E	27.82'
C4	4°26'26"	1825.06'	141.45'	70.76'	S 42° 27' 54" E	141.42'
C5	4°43'20"	1825.06'	150.42'	75.25'	S 47° 02' 48" E	150.37'
C6	2°40'39"	1825.06'	85.28'	42.65'	S 50° 44' 47" E	85.28'



## NOTES

1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 72 AND 18 AAC 80.
2. BUILDING SETBACK- A BUILDING SETBACK OF 20 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 20 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS A UTILITY EASEMENT WITH CLEARING RESTRICTED TO FRONT 10 FEET PER KN87-100.
4. 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.
5. THE NATURAL MEANDERS OF ORDINARY HIGH WATER FOR THE KENAI RIVER FORM THE TRUE BOUNDS OF EACH TRACT. THE RECORD MEANDER LINE SHOWN IS FOR SURVEY COMPUTATIONS ONLY. THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDE LINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
6. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE KENAI PENINSULA BOROUGH ANADROMOUS WATERS HABITAT PROTECTION DISTRICT. SEE KPB CHAPTER 21.18, AS MAY BE AMENDED, FOR RESTRICTIONS THAT AFFECT DEVELOPMENT IN THIS SUBDIVISION. WIDTH OF THE HABITAT PROTECTION DISTRICT SHALL BE IN ACCORDANCE WITH KPB 21.18.040
7. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
8. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
  - 8.1. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED JUNE 26, 1986 IN BOOK 289, PAGE 157 KRD AND AMENDED NOVEMBER 29, 1988 IN BOOK 338 PAGE 228 KRD
  - 8.2. NON-DEVELOPMENT AREA RECORDED APRIL 3, 1998 IN BOOK 526, PAGE 136 KRD.
  - 8.3. COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED MARCH 8, 1996 IN BOOK 480, PAGE 129 KRD.
  - 8.4. THE BOROUGH WILL NOT ENFORCE PRIVATE COVENANTS, EASEMENTS OR DEED RESTRICTIONS PER KPB 20.60.170

## 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.

EARL FRAWNER, OWNER  
16764 BRIARCLIFF POINTE CIR, ANCHORAGE, AK 99516

ANN FRAWNER, OWNER  
16764 BRIARCLIFF POINTE CIR, ANCHORAGE, AK 99516

## NOTARY'S ACKNOWLEDGEMENT

FOR: EARL & ANN FRAWNER  
ACKNOWLEDGED BEFORE ME THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 2022

MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC FOR THE  
STATE OF ALASKA

## WASTEWATER DISPOSAL

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CODY R. McLANE C.E. 11510 AK DATE

## PLAT APPROVAL

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

AUTHORIZED OFFICIAL DATE



Plat #	
Rec Dist	_____
Date	____/____/20____
Time	____ M

**MOOSE RANGE MEADOWS FRAWNER ADDITION**  
A RESUBDIVISION OF LOT 1 BLOCK 2 MOOSE RANGE MEADOWS SUBDIVISION PHASE II (KN86-137) AND TRACT B-5 MOOSE RANGE MEADOWS SUBDIVISION PHASE II, R.V. ADDITION (KN96-3)

EARL FRAWNER, OWNER  
16764 BRIARCLIFF POINTE CIR  
ANCHORAGE, AK 99516

ANN FRAWNER, OWNER  
16764 BRIARCLIFF POINTE CIR  
ANCHORAGE, AK 99516

6.207 AC. M/L SITUATED IN THE E1/2 OF SECTION 2, TOWNSHIP 4 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - TESTING  
SURVEYING - MAPPING  
P.O. BOX 466  
SOLDOTNA, AK 99669  
VOICE: (907) 283-4218  
FAX: (907) 283-3265  
WWW.MCLANECG.COM



KPB FILE NO. 2022-XXX

PROJECT NO. 222023

SCALE 1" = 50'

DATE: JUN 2022

BOOK NO.: 22-02

DRAWN BY: JAH



AGENDA ITEM E. NEW BUSINESS

ITEM 11 Moose Range Meadows Frawner Addition Utility Easement Vacation

KPB File No.	2022-104V
Planning Commission Meeting:	August 8, 2022
Applicant / Owner:	Earl and Ann Frawner of Anchorage, AK
Surveyor:	James Hall / McLane Consulting
General Location:	Sterling / Keystone Drive

---

STAFF REPORT

**Specific Request / Purpose as stated in the petition:** None stated. This action will vacate a 10-foot-wide utility easement running the entire length of proposed Lot 1A Block 2 and part of Lot B-5A Block 2 which will be finalized by replat.

**Notification:** Notice of vacation mailings were sent by regular mail to 11 owners of property within 600 feet. Notice of the proposed vacation was emailed to 5 agencies and interested parties.

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

**Staff Analysis:** The utility easement was originally granted by plat note on Moose Range Meadows Subdivision Phase II plat number KN 86-137 and amended in plat number KN 87-100. The plat note reads as follows "A 5' utility easement shall be provided on each side of all lot lines" and is listed as Note #6. In the preliminary sketch that was provided it appears a carport may be encroaching into the utility easement and the vacation will resolve this via replat. The proposed replat named Moose Range Meadows Frawner Addition will be heard separately by the Plat Committee on August 8<sup>th</sup>, 2022.

If the vacation is approved there will still be a 5 foot utility easement along the entire east boundary of proposed lot 1A Block 2 that carried forward from KN 87-100. Proposed Lots 1A, B-5C, B-5B, and B-5A all in Block 2 will have a 20-foot building setback along all right of ways and there shall also be a utility easement with clearing restricted to the front 10 feet of said easement which was carried forward from KN 87-100.

**KPB department / agency review:**

KPB Roads Dept. comments	No comment
SOA DOT comments	No comment
KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: IS in flood hazard area Comments: Flood Zone: A4,C Map Panel: 020012-2405A In Floodway: False Floodway Panel:  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: IS totally or partially within HPD Comments: i:0#.w kpb\maldrige  C. State Parks Reviewer: Russell, Pam Comments: No Comments

State of Alaska Fish and Game	
Addressing	Address and streets correct
Code Compliance	No comments
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.
Assessing	No comment

**Utility provider review:**

HEA	No objection
ENSTAR	No objection
ACS	No objection
GCI	No objection

**Findings:**

1. The petition does state that the utility easement proposed to be vacated is not in use by a utility company.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Moose Range Meadows Subdivision Phase II R.V. Addition, Plat KN 96-3, granted a 20' x 250' utility easement adjoining the west boundary of Tract B-5 and 5' utility easements was provided on each side of all lot lines.
4. Moose Range Meadows Sub Phase II, KN 87-100, subdivided Tract B and Lot 1 Block 2, Moose Range Meadows Subdivision Phase II R.V. Addition, Plat KN 96-3, creating Tract B-5, KN 96-3.
5. The easement is not being used by any utility company.
6. The carport from Lot 1A is encroaching into easement.
7. The new property line is moving away from the easement centerline.
8. No surrounding properties will be denied utilities.

**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 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*
  - 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.*

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**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.





Aerial with 5-foot Contours







**Wetlands**





## RESTRICTIVE COVENANTS

RESTRICTIVE COVENANTS WERE RECORDED  
ON JUNE 26, 1986, AT THE KENAI RECORDING  
DISTRICT IN BOOK 289 PAGE 157

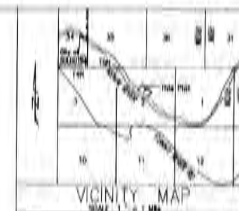
**WASTEWATER DISPOSAL :** CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WATER CARRIED WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST BE DESIGNED BY A REGISTERED ENGINEER AND APPROVED BY THE DEPARTMENT PRIOR TO CONSTRUCTION. ALL WASTE DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

SUBJECT TO ANY NOTED RESTRICTIONS, THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVES THIS SUBDIVISION FOR PLATTING.

SIGNATURE David A. Hahn TITLE Environmental Engineer DATE 2-26-96

LEGEND

- Found 5/8" rebar w/plastic cap
- Set 5/8" rebar w/plastic cap



## NOTES

- [illegible]



MICHAEL A. SWAN  
REGISTRATION NO. LS 8940

 HESS CARMOOSE RANGE MEADOWS SUBD.  
PHASE II, R.V. ADDITION

A RESUBDIVISION OF TRACT B-1 BLOCK 2, MOOSE HANG MEADOWS SUBD. PHASE II, TRACTS A-1, B-1 and C-1

CHIEF SALAMATY NATIVE ASSOCIATION  
P.O. BOX 2802  
KESNA, AK 99581

LOCATED WITHIN THE NW 1/4, SE 1/4, SE 1/4, SECTION 8, T4N, R2W, S4E, KENAI PENINSULA BOROUGH, KENAI RECORDING DISTRICT  
CONTAINING BLIND ADULTS



SWAN SURVEYING

P.O. Box 987  
SOLDOTNA, AK, 99669  
PHONE 907-262-1014

DATE SURVEYED APR. 1988	SCALE 1" = 100'	DRAFTED MAG
K.P.N. PRE NO. 85-178	DR. NO. M. 0000	DETAILED DESCRIPTION (CUSTOMER)

CERTIFICATE of OWNERSHIP and DEDICATION

We hereby certify that we are the owners of real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to use shown.

We further certify that Deeds of Trust affecting this property do not contain restrictions which would prohibit this report, or require signature and approval of beneficiaries.

### Notary's Acknowledgement

Subscribed and sworn before me on this 10th day  
of February, 1996, for notarization.

Connie J. Wirz  
Secretary / Treasurer  
SALAMATOF NATIVE ASSOCIATION, INC.  
Authorized

James O. Segura  
President  
SALAMATIF NATIVE ASSOCIATION, INC.

NOTARY PUBLIC FOR Franklin  
MY COMMISSION EXPIRES 12/31/2007

## PLAT APPROVAL

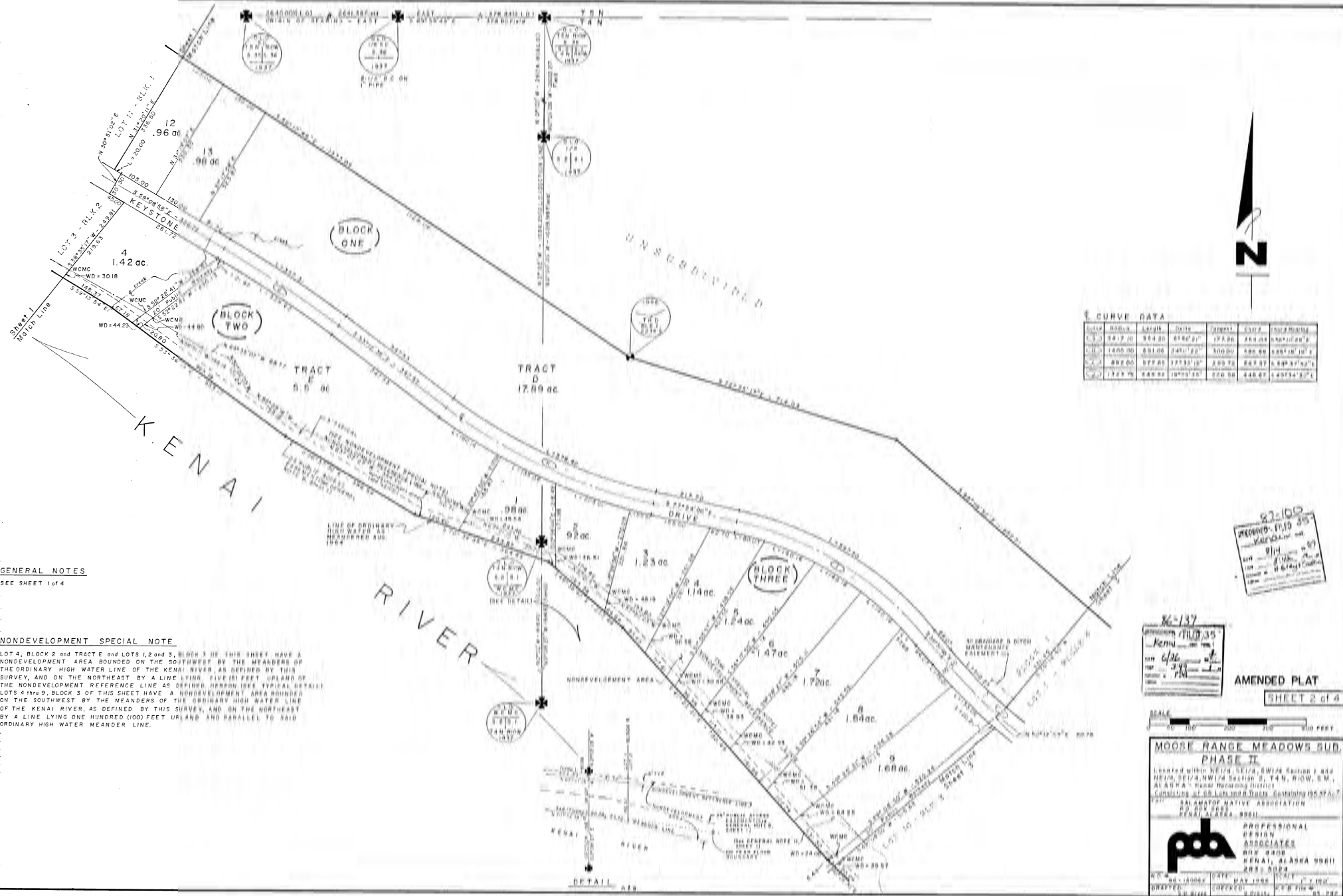
This plot was approved by the KTHA PENHOLA BOROUGH PLANNING COMMISSION at the meeting of 11/15/2010.

VERBA VERBUMULA VERBUXUM

BY [Signature]  
SUSANNE LITVAK







# GENERAL NOTES

SEE SHEET 1-4

## NONDEVELOPMENT SPECIAL NOTE

LOTS 10, 11, 12 AND PORTION OF TRACT F, BLOCK 5 ARE DESIGNATED TO HAVE A NONDEVELOPMENT AREA BOUNDED ON THE SOUTH AND SOUTHWEST BY THE ORDINARY HIGH WATER LINE MEANDER OF THE KENAI RIVER, AS DEFINED BY THIS SURVEY, AND ON THE NORTH AND SOUTHEAST BY A LINE LYING ONE HUNDRED (100) FEET UPLAND AND PARALLEL TO SAID ORDINARY HIGH WATER AS DEPICTED HEREON. LOTS 1 AND 15, BLOCK 5 ARE DESIGNATED TO HAVE A NONDEVELOPMENT AREA BOUNDED ON THE SOUTHEAST BY SAID ORDINARY HIGH WATER LINE, AS DEFINED BY THIS SURVEY, AND ON THE NORTHWEST BY A LINE LYING FIVE (5) FEET UPLAND AND PARALLEL TO THE NONDEVELOPMENT REFERENCE LINE AS DEPICTED HEREON.

SHEET 3-4

KN-87-100

KN-87-100

KN-87-100

## 6. CURVE DATA

Curve	Radius	Length	Delta	Station	Chord	Chord Bearing
C-1	1323.78	448.81	104°25'35"	2+26.58	448.81	S49°44'32"E
C-2	463.00	166.93	104°58'44"	25+02	166.93	S89°16'31"E
C-3	281.08	139.93	140°52'50"	100+00	139.93	S86°33'48"E
C-4	402.12	117.49	80°47'52"	3+8.84	117.49	N86°47'02"E
C-5	1785.17	582.85	18°58'00"	300+00	582.85	N17°58'00"E

## AMENDED PLAT

SHEET 3 of 4

SCALE 0 50 100 200 300 400 FEET

## MOOSE RANGE MEADOWS SUB PHASE II

Located within NE 1/4, Sec 18, T4N, R10W, S 14, ALASKA, 2nd of 4th Recording District, containing 63.10 ac. and 0.10 ac. of public land.

FOR: SALAMATON NATIVE ASSOCIATION, CIVIL NO. 2082

PROFESSIONAL DESIGN ASSOCIATES, BOX 4406, KENAI, ALASKA 99601, 283-8083

DRAWN BY: JAMES, DATE: 07-1998, CHECKED BY: JAMES, DATE: 07-1998

