

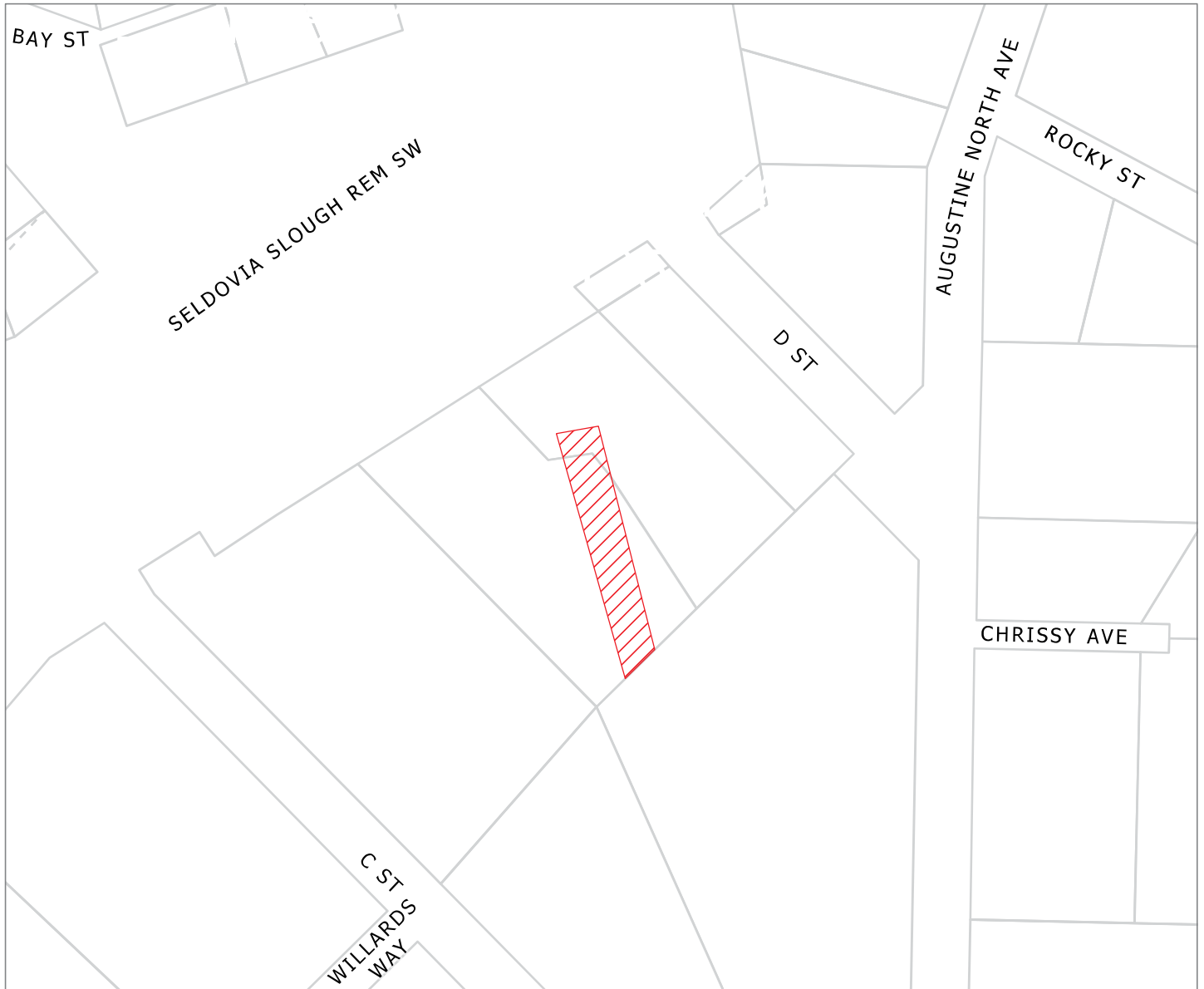
## **E. NEW BUSINESS**

- 2. Utility Easement Vacation; KPB File 2022-148V  
Location: Lots 2A-1 & 2B-1, Seldovia Townsite  
East Addn. 2006 Replat; Plat SL 2007-3**



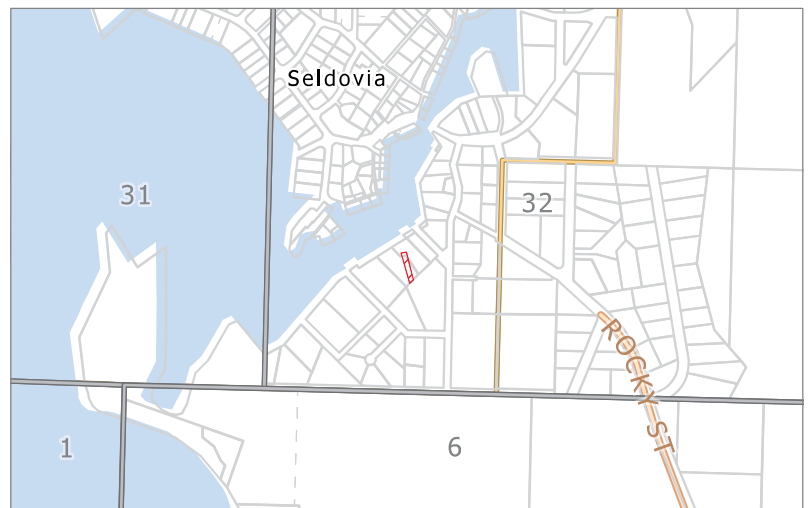
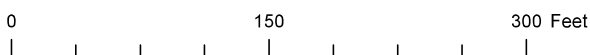
# Kenai Peninsula Borough Planning Department

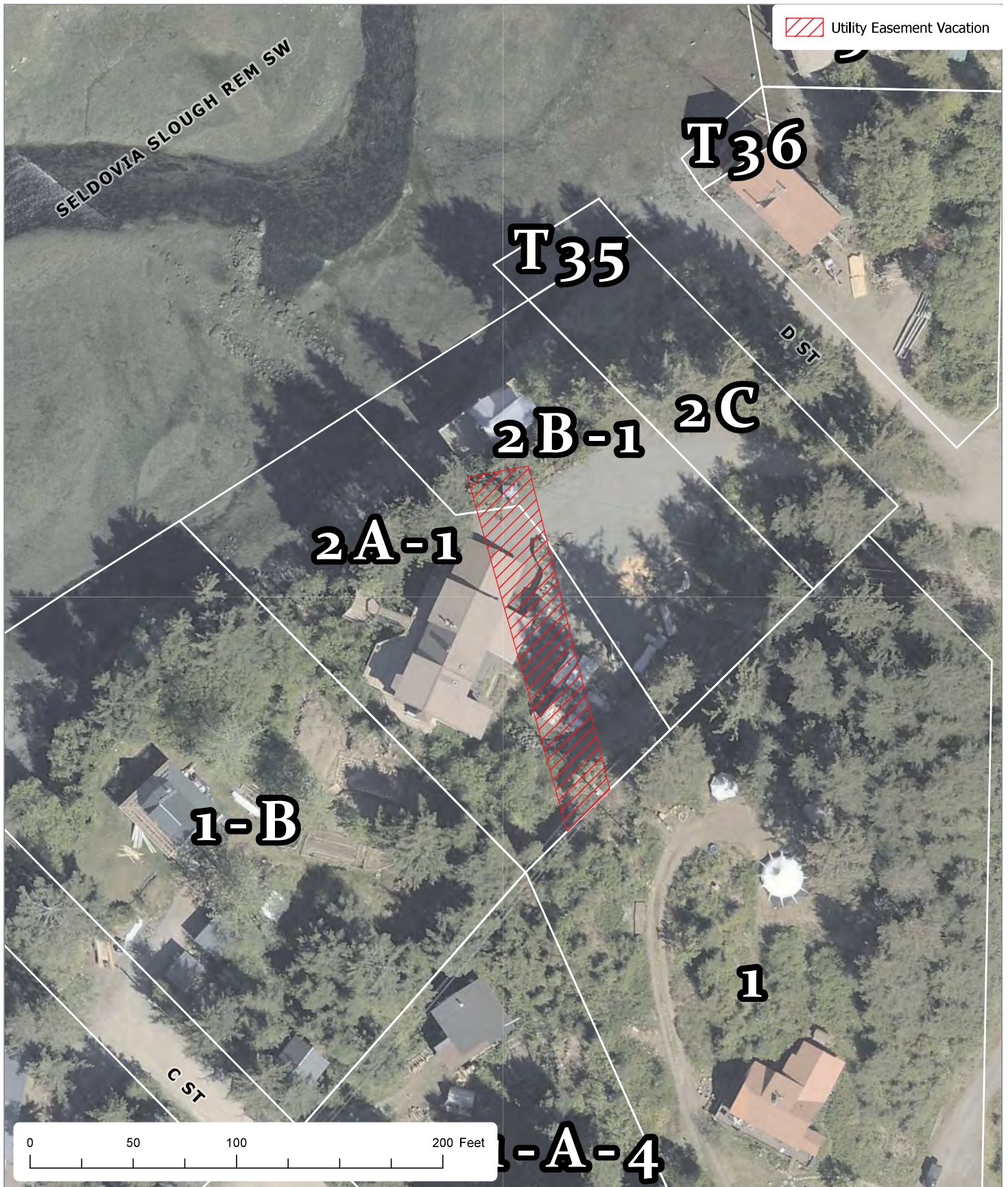
## Vicinity Map



KPB File 2022-148V  
T 08S R 14W SEC 32  
Seldovia

9/29/2022







## NOTES

1. BASIS OF BEARING IS BETWEEN THE SOUTH CORNER OF LOT 2A AND THE EAST CORNER OF LOT 2B, BLOCK 39 SELDOVA TOWNSITES.
2. LOTS 2A AND 2B WILL BE SERVED BY CITY WATER AND SEWER.
3. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY THE BOROUGH.
4. 3" WATER LINE DRIVEWAY EASEMENT GRANTED THIS PLAT TO PROVIDE ACCESS TO THE CITY OF SELDOVA FOR MAINTENANCE. THE EASEMENT IS ADJACENT TO THE NORTH EDGE OF THE EXISTING DRIVEWAY EASEMENT.
5. THE FRONT 10' OF THE 20' BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES IS A UTILITY EASEMENT. 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.
6. THE EXISTING OVERHEAD POWERLINE ACROSS LOT 2A-1 IS THE CENTER OF A 20' WIDE UTILITY EASEMENT.

## LEGEND

- FOUND 2" AL-CAP AS SHOWN
- FIND 2" A-C ON 5/8" REBAR AS SHOWN
- FIND 1" PLASTIC CAP ON 1/2" REBAR AS SHOWN
- SET 5/8" REBAR 1/2" A-C 7988-S 2007
- FOUND REIN PIPE
- POWER POLE
- RECORD 1/16

## WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

LOT 1-A BLOCK 39 SELDOVA TOWNSITE EAST ADDITION 2004 REPLAT, 2004-04 S.R.D.

## EASEMENTS

- LOT 2A BLANKET EASEMENT FOR RIGHT TO FLIGHT BOOK 27 PAGE 431, S.R.D.
- LOT 2B BLANKET EASEMENT FOR RIGHT TO FLIGHT BOOK 28 PAGE 132, S.R.D.
- LOT 2A BLANKET EASEMENT HEA FOR RIGHT-OF-WAY BOOK 13 PAGE 83, S.R.D.



## LINE TABLE

L#	BEARING	DIST.
L1	S 39°31'29"E	19.44'
L2	N 80°33'54"E	31.29'
L3	S 44°37'21"E	70.61'

NOTE: EXCEPTION TO KPB 20.20.200 FRONTAGE ON A DEDICATED STREET APPROVED BY KPB PLANNING COMMISSION MEETING 11/27/2006

## PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF 11/21/2006

KENAI PENINSULA BOROUGH

BY: Mary Beth  
AUTHORIZED OFFICIAL

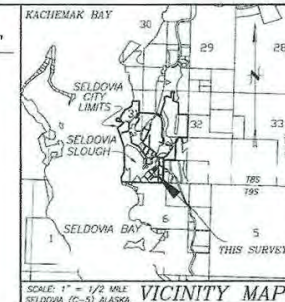
## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF Aug, 2007.

FOR: \_\_\_\_\_

NOTARY PUBLIC FOR ALASKA

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



## CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON. THAT WE HEREBY ADOPT THIS PLAT 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 HEREON.

Brian D. Watson  
360 E. INTL AIRPORT RD # 1  
ANCHORAGE AK 99518-1217

Jennifer E. Watson  
360 E. INTL AIRPORT RD # 1  
ANCHORAGE AK 99518-1217

## NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 21st Aug, 2007.

FOR: Brian D. & Jennifer E. Watson

Margaret McInnes Postma  
NOTARY PUBLIC FOR ALASKA

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



SELDOVA RECORDING DISTRICT

KPB FILE No. 2006-329

## SELDOVA TOWNSITE EAST ADDITION 2006 REPLAT

A REPLAT OF LOTS 2-A AND 2-B, BLOCK 39

PLAT #66-28 S.R.D.

SEC. 32, T. 08 S., R. 14 W. 5M

KENAI PENINSULA BOROUGH, STATE OF ALASKA

WITHIN THE CITY OF SELDOVA

CONTAINING 42,293.8 S.F.

## SEABRIGHT SURVEYING

1044 EAST END ROAD, SUITE A

HOMER, ALASKA 99603

(907) 235-4247 PHONE & FAX

seabright@alaska.net

DRAWN BY: K.B.

DATE: 5/18/07

SCALE: 1" = 40'

CHK BY: K.B.

JOB #06-47

SHEET 1 OF 1

**KPB 2022-148V**

**ITEM 2 – UTILITY EASEMENT ALTERATION –  
20 FOOT WIDE HOMER ELECTRIC ASSOCIATION EASEMENT WITHIN LOTS 2A-1 AND 2B-1 OF  
SELDOVIA TOWNSITE EAST ADDITION 2006 REPLAT**

<b>KPB File No.</b>	2022-148V
<b>Planning Commission Meeting:</b>	October 24, 2022
<b>Applicant / Owner:</b>	Jennifer Watson of Anchorage, Alaska
<b>Surveyor:</b>	
<b>General Location:</b>	City of Seldovia

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Easement not in use.

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

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

**Staff Analysis:** Seldovia Townsite East Addition 2006 Replat, Plat SL 2007-3, depicted an overhead powerline within Lot 2A-1. Per plat note 6 the line was the center of a 20 foot utility easement. The end of the line would then include a portion of the easement to be within Lot 2B-1. The easement was not depicted on the earlier plat. Plat SL 2007-3 created the utility easement.

The owner submitted the proposal to HEA as the owner of the line to see if they objected to the removal of the easement. HEA stated the powerline had been removed and the easement was no longer required.

The City of Seldovia Planning Commission did not meet to discuss this action due to lack of a quorum. The City Council reviewed the petition at their September 12, 2022 meeting. The council voted unanimously to approve the petition for alteration to a platted utility easement.

A replat of the two lots subject to the easement has been submitted and was approved by the Plat Committee on November 29, 2021. Seldovia Townsite East Addn. Watson 2021 Replat, KPB File 2021-148, is reconfiguring the shared lot line. A final was submitted and reviewed. The final plat still depicts the utility easement. Unless something unexpected occurs, it is expected to record prior to October 14, 2022. The new plat does grant a new 20 foot wide utility easement over an overhead powerline located in a different location on the property. The petition states it is intended to finalize by resolution.

**Utility provider review:**

HEA	This line has been removed and the platted easement is not required at this time. HEA agrees to the vacation of the 20 foot wide easement per SL 2007-3.
ENSTAR	
ACS	No objections
GCI	Approved as shown

**Findings:**

1. HEA has stated the powerline has been removed and the easement is no longer needed.
2. The Seldovia City Council agreed to the petition.
3. Seldovia Townsite East Addition 2006 Replat, Plat SL 2007-003, granted the 20 foot utility easement centered on the existing overhead powerline.
4. A replat of the property will be granting new utility easements over the new existing powerlines.
5. 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 the Seldovia City Council and 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.*

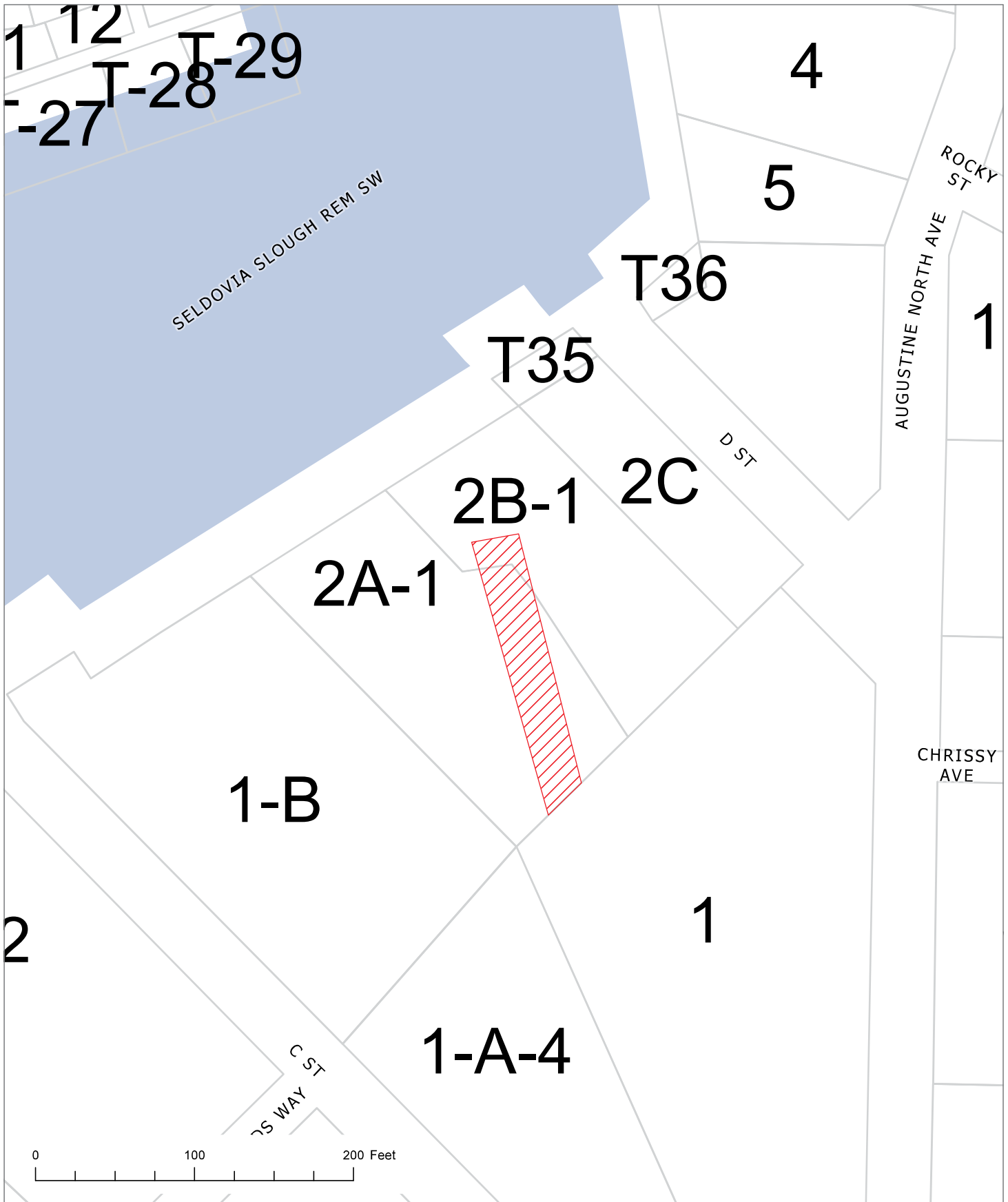
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to 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**













## NOTES

1. THESE LOTS ARE SUBJECT TO THE CITY OF SELDOVIA MUNICIPAL CODE. CONTACT THE CITY OF SELDOVIA FOR CURRENT BUILDING SETBACK REQUIREMENTS PRIOR TO DEVELOPMENT.
2. THESE LOTS ARE SERVED BY THE CITY OF SELDOVIA SEWER AND WATER.
3. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY THE BOROUGH.
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. THIS SUBDIVISION IS SUBJECT TO A RIGHT-OF-WAY EASEMENT (NO DEFINITE LOCATION DISCLOSED) GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC TRANSMISSION AND/OR TELEPHONE DISTRIBUTION LINE OR SYSTEM, RECORDED BK 13 PG 83 SRD ON FEBRUARY 25 1985.
6. THE NATURAL MEANDERS OF MEAN HIGH WATER LINE IS FOR AREA COMPUTATIONS ONLY, THE TRUE CORNERS BEING ON THE EXTENSION OF THE SIDELINES AND THE INTERSECTION WITH THE NATURAL MEANDERS.
7. THIS SUBDIVISION IS SUBJECT TO EASEMENTS FOR RIGHT TO FLIGHT GRANTED TO THE STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES RECORDED IN BK 27 PG 431 SRD ON MARCH 11, 1985 AND BK 28 PG 132 SRD ON OCTOBER 29, 1985.
8. FLOOD HAZARD NOTICE: SOME OR ALL OF THE PROPERTY SHOWN ON THIS PLAT HAS BEEN DESIGNATED BY FEMA AS A FLOOD HAZARD AREA DISTRICT AS OF THE DATE THIS PLAT IS RECORDED WITH THE DISTRICT RECORDER'S OFFICE. PRIOR TO DEVELOPMENT, THE KENAI PENINSULA BOROUGH FLOODPLAIN ADMINISTRATOR SHOULD BE CONTACTED FOR CURRENT INFORMATION AND REGULATIONS. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE. MAP PANEL 020012-5065A.
9. AN EXCEPTION TO KPB 20.30.210 (LOTS- ACCESS TO STREET) WAS GRANTED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 29, 2021.
10. MEAN HIGH WATER AS SHOWN IS THE SURVEYED TOE OF CLIFF.
11. THERE IS A 20' WIDE UTILITY EASEMENT ALONG A PREVIOUSLY EXISTING OVERHEAD POWERLINE PER SL 2007-03.
12. EXISTING OVERHEAD POWERLINES AS SHOWN ON THIS PLAT ARE THE CENTERLINE OF A 20' UTILITY EASEMENT GRANTED THIS PLAT.

## WASTEWATER DISPOSAL

PLANS FOR WASTEWATER DISPOSAL THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

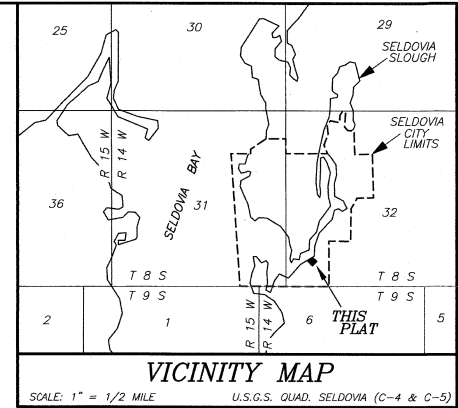
## LEGEND

- SET 2" AC 7968-S 2021
- FND 2" AC 7610-S 2006
- FND 2" AC 7968-S 2007
- FND 1" IRON PIPE
- FND 2" AC 7610-S 1995
- ⊕ FND 2" AC 4129-S 2004
- ⊕ FND GLO MON AS NOTED
- ⊕ UTILITY POLE
- (M) BOUNDARY DATA MEASURED THIS SURVEY
- (C) BOUNDARY DATA COMPUTED THIS SURVEY
- (R1) BOUNDARY DATA PER SL 2007-03
- (R2) BOUNDARY DATA PER SL 66-28
- (R3) BOUNDARY DATA PER SL 2019-01



## NOTARY'S ACKNOWLEDGMENT

FOR: Jennifer E. Watson  
 ACKNOWLEDGED BEFORE ME THIS 30th  
 DAY OF August 2022  
Jenny F. Chisus  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES January 14, 2023



## CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

Jennifer E. Watson  
 JENNIFER E. WATSON AKA J. E. WATSON  
 360 E INTERNATIONAL AIRPORT RD APT 1  
 ANCHORAGE, AK 99518

## GPS CONTROL DATA

1. THE BASIS OF COORDINATES FOR THIS PLAT IS A MONUMENT DESIGNATED "SELDOVIA AIRPORT PK". THE NAD 83 (2011) COORDINATES (LAT/LONG) ARE BASED ON AN NGS OPUS SOLUTION (EPOCH 2010.0000) FOR "SELDOVIA AIRPORT PK". THE COORDINATES WERE CONstrained TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORS REFERENCE STATIONS: KEN6 KENAI 6 CORS ARP (PID DJ3031), A00B CARPDUKASAK2007 CORS ARP (PID DM7472), AND AC43 SEALROCKSAK2007 CORS ARP (PID DM7496). THESE COORDINATES SHOULD BE USED TO LOCATE AND VERIFY EXISTING CORNERS AND MONUMENTS.
2. ALL BEARINGS SHOWN WERE COMPUTED BY APPLYING A COUNTERCLOCKWISE ROTATION OF 1°27'58.8" TO THE NAD 83 ALASKA STATE PLANE ZONE 4 BEARINGS USING "SELDOVIA AIRPORT PK" AS A ROTATION POINT. ALL GROUND DISTANCES WERE COMPUTED BY DIVIDING GRID INVERSE DISTANCES BY 1.00001157. THE SCALE FACTOR EXTRACTED FROM THE OPUS SOLUTION REPORT AT "SELDOVIA AIRPORT PK".
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON "SELDOVIA AIRPORT PK" N=10,000 E=10,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH.

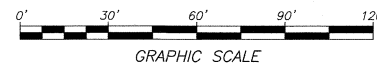
## PLAT APPROVAL

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

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
 AUTHORIZED OFFICIAL  
 KENAI PENINSULA BOROUGH



N: 6676.3739  
 E: 9239.4484  
 COR 10 USS 1770  
 2.5" BC MON  
 W1/16 COR 1927



SELDOVIA RECORDING DISTRICT KPB FILE NO. 2021-148

## SELDOVIA TOWNSITE EAST ADDN. WATSON 2021 REPLAT

A REPLAT OF LOTS 2A-1 & 2B-1 SELDOVIA TOWNSITE EAST ADDN. 2006 REPLAT (SL 2007-03) LOCATED WITHIN THE SW 1/4 SW 1/4, SEC 32, T. 8 S., R. 14 W., SEWARD MERIDIAN, CITY OF SELDOVIA, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

CONTAINING 42,309.2 SQ FT (0.971 ACRES)

SEABRIGHT SURVEY + DESIGN  
 KENTON T. BLOOM, P.L.S.  
 1044 EAST ROAD, SUITE A  
 HOMER, ALASKA 99603  
 (907) 299-1091

CLIENTS: JENNIFER E. WATSON  
 360 E INTERNATIONAL AIRPORT RD APT 1  
 ANCHORAGE, AK 99518

DRAWN BY: KK CHKD BY: KB JOB #2021-56  
 DATE: 09/2022 SCALE: 1"=30' SHEET #1 OF 1



1. BASIS OF BEARING IS BETWEEN THE SOUTH CORNER OF LOT 2A AND THE EAST CORNER OF LOT 2B, BLOCK 39 SELDOVIA TOWNSITES.

3. ACCEPTANCE OF THE PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT CONSTITUTE ACCEPTANCE OF ANY ENCROACHMENTS BY THE BOROUGH.

4. 3' WATER LINE DRIVEWAY EASEMENT GRANTED THIS PLAT TO PROVIDE ACCESS TO THE CITY OF SELDOVIA FOR MAINTENANCE. THE EASEMENT IS ADJACENT TO THE NORTH EDGE OF THE EXISTING DRIVEWAY EASEMENT.

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- FOUND 2" AL-CAP  
AS SHOWN
- FND 2" A-C ON 5/8" REBAR  
AS SHOWN
- ⊗ FND 1" PLASTIC CAP ON 1/2" REBAR  
AS SHOWN
- ⊙ SET 5/8" REBAR W/2" A-C 7968-S 2007
- ⊙ FOUND IRON PIPE
- POWER POLE
- RECORD 1/16

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

LOT 1-A BLOCK 39 SELDOVIA  
TOWNSITE EAST ADDITION 2004  
REPLAT, 2004-04 S.R.D.

LOT 2A BLANKET EASEMENT FOR RIGHT TO FLIGHT  
BOOK 27 PAGE 431, S.R.D.  
LOT 2B BLANKET EASEMENT FOR RIGHT TO FLIGHT  
BOOK 28 PAGE 132, S.R.D.  
LOT 2A BLANKET EASEMENT HEA FOR RIGHT-OF-WAY  
BOOK 13 PAGE 83, S.R.D.

L#	BEARING	DIST.
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NOTE: EXCEPTION TO KPB 20.20.200 FRONTAGE ON A DEDICATED STREET  
APPROVED BY KPB PLANNING COMMISSION MEETING 11/27/2006

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH  
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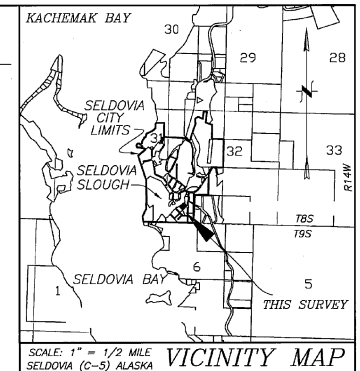
BY:

AUTHORIZED OFFICIAL

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
DAY OF \_\_\_\_\_, 2007.

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES



WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT 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 HEREON.

BRIAN E. WATSON  
360 E INTL AIRPORT RD # 1  
ANCHORAGE AK 99518-1217

JENNIFER E WATSON  
360 E INTL AIRPORT RD # 1  
ANCHORAGE AK 99518-1217

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
DAY OF 29th Aug, 2007.

FOR: BRIAN D & Jennifer E. WATSON

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES



SEDOVIA RECORDING DISTRICT

KPB FILE No. 2006-329

**SELDOVIA TOWNSITE  
EAST ADDITION 2006 REPLAT**  
A REPLAT OF LOTS 2-A AND 2-B, BLOCK 39

PLAT #66-28 S.R.D.  
SEC. 32, T. 08 S., R. 14 W. 5M  
KENAI PENINSULA BOROUGH, STATE OF ALASKA  
WITHIN THE CITY OF SELDOVIA  
CONTAINING 42,293.8 S.F

1044 EAST END ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 235-4247 PHONE & FAX  
seabright@alaska.net

DRAWN BY: K.B.

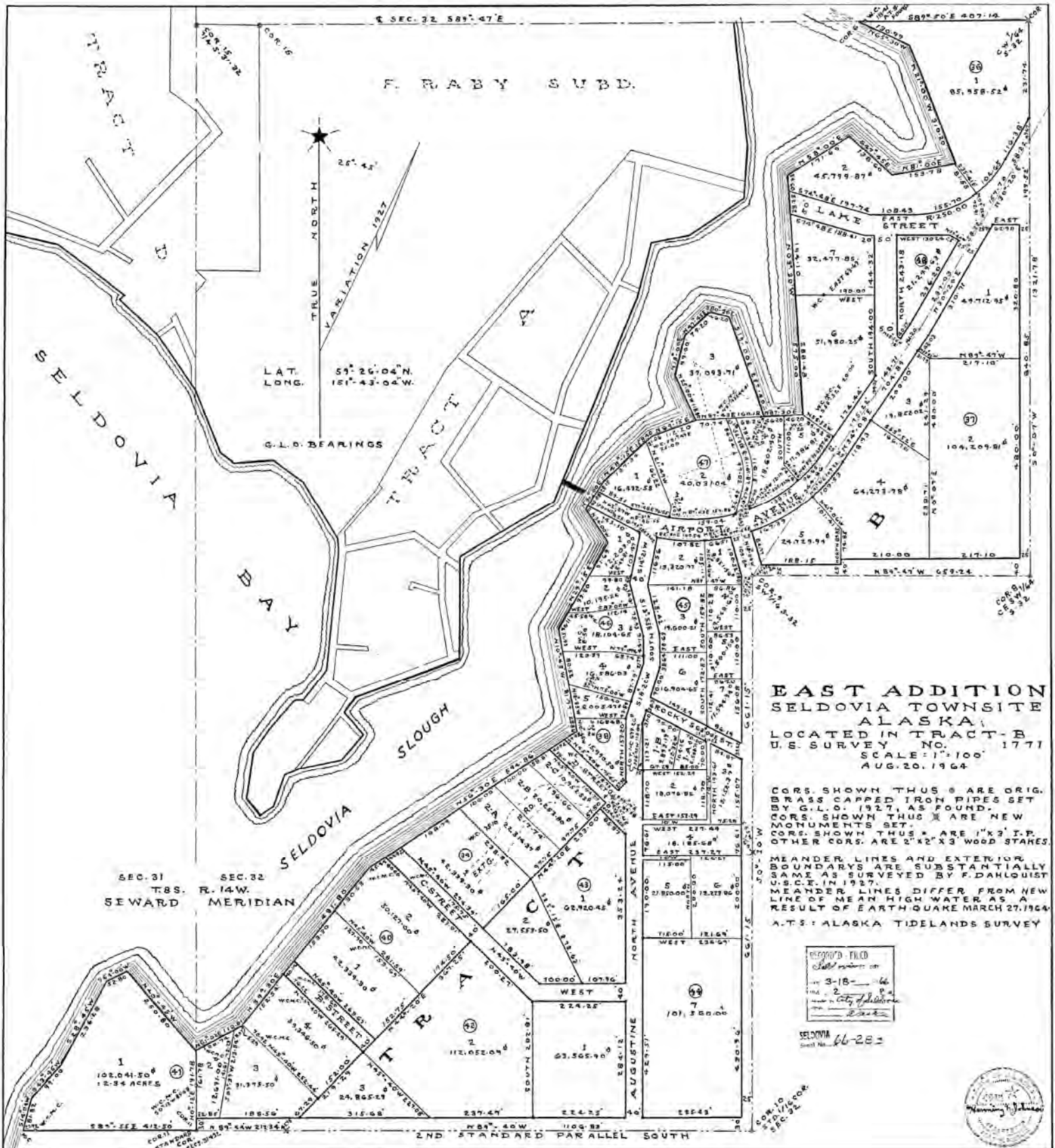
DATE: 5/18/07

SCALE: 1" = 40'

CHK BY: K.B.

JOB #06-47

SHEET 1 OF 1





Transportation, Senator Murkowski were aware of Jakolof Bay Dock situation.

CONSENSUS OF COUNCIL TO BRING BACK THE DISCUSSION AT NEXT REGULAR MEETING

5. PETITION FOR ALTERATION TO PLATTED UTILITY EASEMENT- WATSON 2022

a. Presentation by Staff or Council

CLERK GEAGEL- Presented a petition to vacate a 20-foot HEA Utility Easement in the Seldovia Townsite East Addition. A staff report with recommended findings and a comment in support of the vacation from HEA was also presented. The petition was received by the City and scheduled to be presented at the regular Seldovia Planning Commission regular meeting last week, which was cancelled from lack of quorum. Petitions should be reviewed within 30 days of receipt and due to the deadline this petition was now being referred to council for consideration.

b. Council Discussion

NATHAN, PAYTON, ROJAS, MAYOR CAMPBELL- Spoke in support of approving the petition to vacate.

c. Public Presentation or Hearing (public has 3 min each)

MAYOR CAMPBELL- Called for public comment and none was heard.

d. Action/Disposition

CLERK GEAGEL- Asked for the consideration of the council to approve the petition for alteration to a platted utility easement for Watson 2022 with findings as attached in the staff report.

NATHAN/ROJAS SO MOVED

ROLL CALL VOTE/ SWEATT-Y, ROJAS-Y, KENNEDY-Y, SWICK- Y, PAYTON- Y, NATHAN-Y/MOTION PASSED

N. City Manager's Report: *Provided in the Laydown*

CM FRIEDLANDER- Presented the city manager's report as written and was available for questions.

O. Informational Items Not Requiring Action:

1. Notice of Regular Election: October 04, 2022

2. There will be a 4:00pm work session on September 26, 2022 to discuss the City Manager and Chief Police transition

P. Executive Session:

Q. Council and Mayor Comments Concerning Items Not on the Agenda:

SWEATT, ROJAS, PAYTON- Provided thanks to the staff, council, and people in attendance.

NATHAN- Discussed having chased another helicopter off the runup pad at airport and he wished they could somehow get the state to put up signs or paint notice on the pad. It took twenty years to get the pad and now every time he turned around there was a helicopter on it.

MAYOR CAMPBELL- Discussed having had an opportunity to attend the school taco open house and having been surprised to see how many people showed up. It was packed and the principal told him there were 54 kids attending the school. He spoke to it being nice to know as before they were slipping into the low 30's for attendance and he provided thanks to the staff.

R. Next Meeting: The next Regular Meeting will be held on September 26, 2022 at 6:00 pm.

S. Adjournment:

ROJAS/SWICK MOVED TO ADJOURN AT 8:23PM

NO OBJECTION/MOTION PASSED

I certify the above represents accurate minutes of City of Seldovia Council meeting of September 12, 2022.

\_\_\_\_\_  
Heidi Geagel, City Clerk

Approved by Council \_\_\_\_\_

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2022-47  
SELDOVIA RECORDING DISTRICT**

Vacate the entire 20-foot-wide utility easement centered along the shown overhead powerline within Lot 2A-1, Seldovia Townsite East Addition 2006 Replat (SL 2007-3), granted by Seldovia Townsite East Addition 2006 Replat (SL 2007-3); within SW1/4 SW1/4 Section 32, Township 8 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2022-148V

WHEREAS, Jennifer Watson of Anchorage, Alaska requested the vacation of the 20-foot-wide utility easement centered on an overhead powerline located on Lot 2A-1, Seldovia Townsite East Addition 2006 Replat (SL 2007-3), granted by Seldovia Townsite East Addition 2006 Replat (SL 2007-3) and;

WHEREAS, per KPB 20.30.060(A) – Easements – Requirements, the planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

WHEREAS, affected utility companies provided written non-objection to the proposed vacation; and

WHEREAS, per the petition, the easement is not in use by any utility companies; and

WHEREAS, the proposed vacation will not deny utility easement(s) to surrounding properties; and

WHEREAS, on October 24, 2022, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 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. 20-foot-wide utility easement centered on an overhead powerline located on Lot 2A-1, Seldovia Townsite East Addition 2006 Replat (SL 2007-3), granted by Seldovia Townsite East Addition 2006 Replat (SL 2007-3), is hereby vacated.

Section 2. That an exhibit drawing or as built survey, prepared by a licensed surveyor, showing the location of the portion of the utility easement 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 90 days 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 24th DAY OF OCTOBER 2022.

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Jeremy Brantley, Chairperson  
Planning Commission

ATTEST:

\_\_\_\_\_  
Ann Shirnberg  
Administrative Assistant

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