

E. NEW BUSINESS

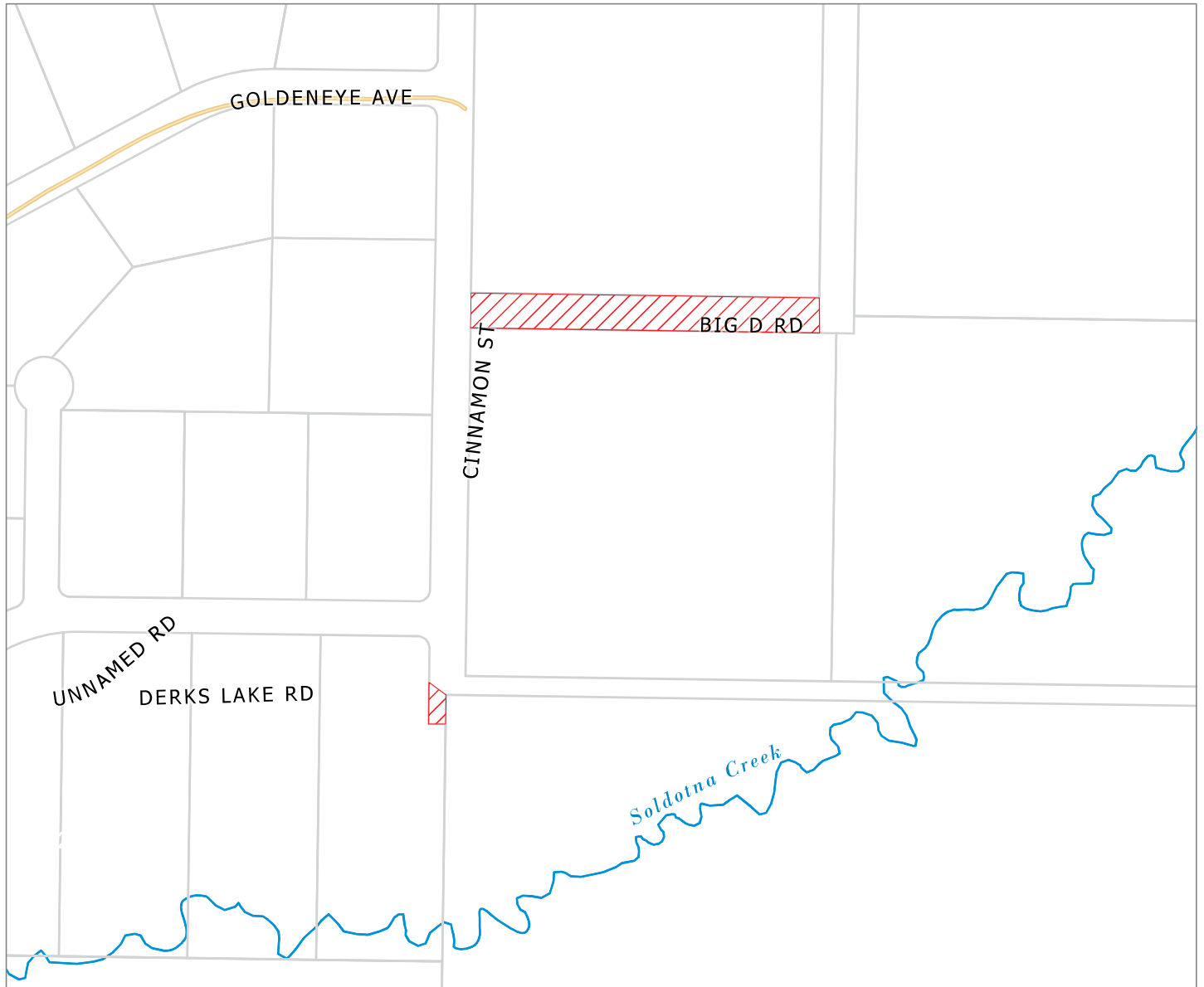
2. Right-Of-Way Vacation; KPB File 2022-155V

Request: Vacates a portion of Cinnamon St. in Sections 14 & 23 and a 60' X 597' portion of Big D Road running east/west in Section 13, all in T05N & R14W



Kenai Peninsula Borough Planning Department

Vicinity Map

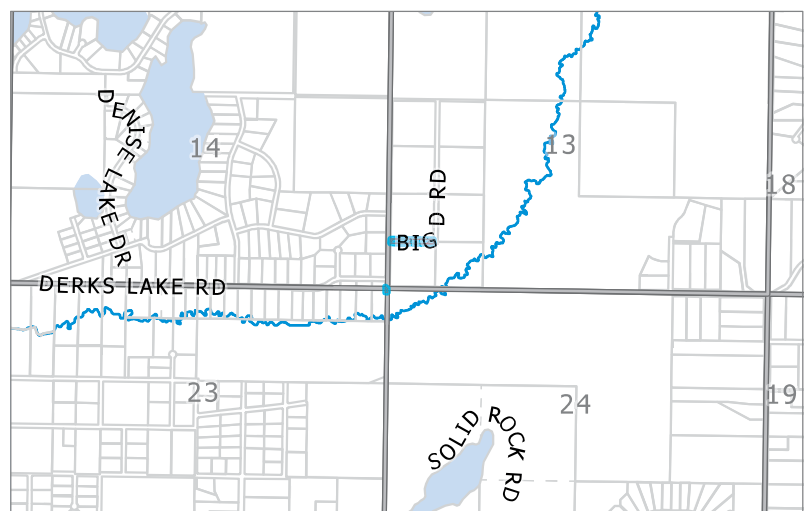
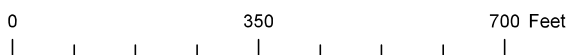


KPB File 2022-155V

T 05N R 10W SEC 14, 13, AND 23

Ridgeway

10/14/2022





CERTIFICATE OF OWNERSHIP

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 IN OUR FREE CONSENT DEDICATE ALL HIGHWAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

GENE I. FRIENDSHUH,
OWNER LOTS 10A-10U 14A TATUM DENSE SUBD. KN2022-43
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH,
OWNER LOTS 10A-10U 14A TATUM DENSE SUBD. KN2022-43 ANC
TRACTS 1, 2 & 4 KN74-09
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH,
OWNER LOTS 10A-10U 14A TATUM DENSE SUBD. KN2022-43 ANC
TRACTS 1 & 4 KN74-09
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

NOTARY'S ACKNOWLEDGEMENT
FOR: GENE I. FRIENDSHUH, LINDA A. FRIENDSHUH, GEORGE U. FRIENDSHUH
ACKNOWLEDGED BEFORE ME THIS

DAY OF _____ 20____
MY COMMISSION EXPIRES: _____

NOTARY PUBLIC FOR THE
STATE OF ALASKA

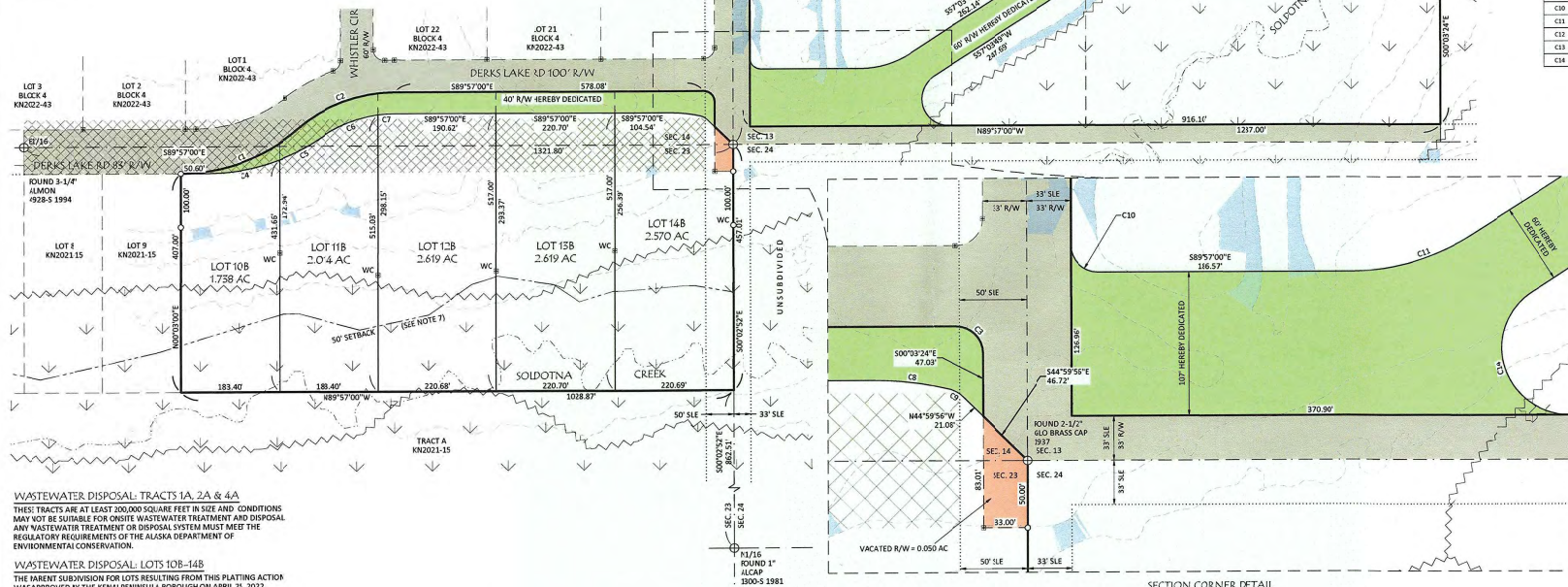
NOTES

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 10 FEET OF THE 20 FOOT BUILDING SETBACK ADJACENT TO DEDICATED RIGHTS-OF-WAY AND THE ENTIRE SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT.
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. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROAD MAINTENANCE PROGRAM (KPB 14.06).
6. 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.
7. 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.
8. THIS PARCEL MAY BE AFFECTED BY THE FOLLOWING:
 - a. CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE FOR PLANNING COMMISSION RESOLUTION 2020-18 AND RECORDED AS SERIAL NO. 2021-003985-A KRD. LOTS WITHIN THIS SUBDIVISION ARE NOT PERMITTED FOR MATERIAL EXTRACTION.
 - b. AN ELECTRIC EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION ON JUNE 25, 1973 IN BOOK 71, PAGE 912, KENAI RECORDING DISTRICT, LOCATION NOT DEFINED.
9. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF BIG D ROAD, CINNAMON STREET AND THE ASSOCIATED UTILITY EASEMENT AT THE MEETING OF _____, 2022.

CERTIFICATE OF ACCEPTANCE

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (DEERS LAKE ROAD AND BIG D ROAD), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSE DOES NOT DELEGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL _____ DATE _____



WASTEWATER DISPOSAL: TRACTS 1A, 2A & 4A
THESE TRACTS ARE AT LEAST 200,000 SQUARE FEET IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

WASTEWATER DISPOSAL: LOTS 10B-14B
THE BARREN SUBDIVISION FOR LOTS RESULTING FROM THIS PLATING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON APRIL 25, 2022. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.



LEGEND

- FOUND PRIMARY MONUMENT AS DESCRIBED
- FOUND 2" ALUMINUM CAP #528-1
- FOUND 5/8" REBAR UNLESS NOTED
- FOUND 5/8" REBAR w/ 1" STAINLESS STEEL CAP #503-5
- SET 5/8" 30" REBAR w/ 1" STAINLESS STEEL CAP #503-5
- AREA SUBJECT TO INUNDATION
- SECTION LINE EASEMENT
- DEDICATED RIGHTS-OF-WAY
- PROPOSED ALTERNATE ROUTE R/W DEDICATIONS
- VACATED BOROUGH RIGHTS-OF-WAY
- VACATED SECTION LINE EASEMENT
- CONTOUR INTERVAL = 4'
- SLOPES GREATER THAN 2%

CURVE #	DELTA	RADIUS	LENGTH	TANGENT	CHORD BEARING	CHORD LENGTH
C1	41°24'32"	330.00	238.58	124.73	N 89°20'44"E	233.14
C2	41°24'32"	270.00	195.14	100.05	N 89°20'44"E	190.12
C3	89°53'36"	30.00	31.38	15.96	S 45°00'12"E	28.26
C4	21°02'51"	370.00	135.83	68.69	N 79°31'59"E	135.47
C5	12°12'40"	350.00	61.39	31.13	N 84°24'44"E	61.50
C6	21°44'15"	390.00	131.35	56.79	N 89°40'18"E	133.10
C7	71°03'31"	280.00	38.14	19.09	N 60°17'43"E	30.12
C8	13°23'18"	250.00	54.42	29.84	S 87°15'21"E	58.29
C9	31°33'45"	10.00	11.02	5.65	S 60°46'49"E	10.88
C10	89°53'36"	30.00	31.38	15.96	S 45°00'12"E	28.26
C11	32°59'11"	170.00	97.87	50.33	N 73°30'25"E	95.48
C12	57°02'11"	170.00	104.41	51.53	S 39°40'11"W	102.10
C13	57°02'11"	220.00	129.39	67.39	S 39°40'11"W	129.12
C14	14°00'40"	50.00	128.23	168.87	S 16°28'35"E	95.89

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

AUTHORIZED OFFICIAL _____ DATE _____



Plat # _____

Rev Dtd _____

Date _____

Time _____

TATUM DENSE SUBDIVISION
DERKS LAKE ADDITION
RESUBDIVISION OF LOTS 10A THRU 14A TATUM DENSE SUBDIVISION (KN2022-43) AND TRACT 1, 1.8 & 4 DERKS LAKE SUBDIVISION (KN74-09) AND FINALIZE RIGHT-OF-WAY/UTILITY EASEMENT VACATION

GENE I. FRIENDSHUH, OWNER
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

LINDA A. FRIENDSHUH, OWNER
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

GEORGE U. FRIENDSHUH, OWNER
35581 KENAI SPUR HWY, SOLDOTNA, AK 99669

89.927 AC. M/L SITUATED IN THE SE1/4 SECTION 14, NE1/4 SECTION 23 AND SW1/4 SECTION 13, TOWNSHIP 5 NORTH, RANGE 10 WEST, SEWARD MERIDIAN, KENAI PENINSULA BOROUGH AND THE KENAI RECORDING DISTRICT, ALASKA.

ENGINEERING - SURVEYING - MAPPING
ML&N
SOLDOTNA, AK 99669
PHONE: (907) 261-4214
FAX: (907) 261-7066
WWW.ML&N.COM

KPB FILE NO. 2022-xxx

PROJECT NO. 222029

SCALE: 1" = 100' DATE: JULY 2022 BOOK NO.: 22xx DRAWN BY: JAH

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - RIGHT OF WAY VACATION
VACATE THE EAST-WEST PORTION OF BIG D ROAD AND A SMALL PORTION OF CINNAMON STREET
AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-155V
Planning Commission Meeting:	November 14, 2022
Applicant / Owner:	Gene, Linda, and George Friendshuh all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Derks Lake Road, Ridgeway
Legal Description:	Big D Road, Derk's Lake Subdivision, Plat KN 74-9, Section 13, Township 5 North, Range 10 West. Cinnamon Street, Tatum Subdivision, Plat KN 2021-15 and Denise Lake Estates Part Two, Plat KN 94-27, Sections 14 and 23, Township 5 North, Range 10 West.

STAFF REPORT

Specific Request / Purpose as stated in the petition:

RIGHT-OF-WAY & ASSOCIATED UTILITY EASEMENTS VACATED:

Big D Road from Cinnamon Street east to intersection with easterly property line of Lot 1 & 2 (KN 74-9).

- dedicated per Derk's Lake Subdivision KN74-9
- current right-of-way width is 60 feet.
- proposed vacation is approximately 0.822 acres

Cinnamon Street at the southwest corner of dedication.

- dedicated per Denise Lake Estates KN94-27 and Tatum Subdivision KN2021-15.
- current right-of-way width is 33 feet
- proposed vacation is approximately 0.050 acres
- the north/south section line easements will remain

Reasoning:

This replat effort is in conjunction with State of Alaska Department of Natural Resources (ADNR) section line easement vacation (slev) requirements for EV 3-353. This section line easement was approved for vacation by the Kenai Peninsula Borough Planning Commission on 9/13/2021 & Assembly on 10/12/2021 per KPB File no. 2021-123V.

The re-alignment of Big D Road is adhering to ADNR requirements, provides extension of Derk's Lake Road and can feasibly be constructed.

The vacation of Cinnamon St. is to provide additional acreage to proposed Lot 14b for responsible development along Soldotna Creek. With the proposed r/w dedication this area is unnecessary for road development.

Alternate route proposed:

Derk's Lake Road is proposed to have an additional 40 foot dedication for 100-foot-wide r/w.

East of Cinnamon Street is currently a 33 foot r/w and offset south of the re-alignment of Derk's Lake Road. A proposed additional 107-foot-wide dedication will allow for a direct transition to the re-aligned Big D Road.

Future development along the section line, over Soldotna Creek, will have 140-foot-wide dedicated r/w and additional 33-foot-wide section line easement to adequately design a transition to that alignment.

60-foot-wide dedication re-directing to the northeast and connection to previous dedication of Big D Road allows for a feasibly constructible transition between Derk's Lake Road and Big D Road.

Notification: Public notice appeared in the November 3, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the November 10, 2022 issue of the Peninsula Clarion 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 Soldotna

Post Office of Soldotna

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

Sixteen 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
Central Emergency Services

Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): Legal access to Derks Lake Road is via Mackey Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right-of-way Goldeneye Avenue provides additional access.

Tatum Denise Subdivision, Plat KN 2022-43, finalized a partial vacation of Derks Lake Road and then provide a new dedication for the right-of-way to provide a realignment of Derks Lake Road. The vacation was for a 100 foot width of Derks Lake Road that was atop a 100 foot section line easement. The new dedication was code compliant at 60 foot in width. The Kenai Peninsula Borough Planning Commission and Assembly also heard the vacation of the underlying section line easement and recommended to the state approval of the vacation. The owners finalized their subdivision with the right-of-way vacation and realignment but are still working with the state on the section line easement vacation. The state is requesting that the new portion of Derks Lake Road be expanded to 100 feet. There is a partial dedication to the south but the intersection is not in line with Derks Lake Road. Vacating the east-west portion of Big D Road and providing a new connection in line with Derks Lake Road will improve the situation and bring the area into compliance with requests made by the state.

A small portion of Cinnamon Street is proposed for vacation and is not improved. The Plat Committee did not require a dedication for the southern portion of Cinnamon Street when reviewing Tatum Denise Subdivision, Plat KN 2022-43, as there are section line easements present for access, a dedication would cross anadromous Soldotna Creek, and to the south is a material site that did not require public access via dedication. They are now requesting to vacate a small portion of Cinnamon Street south of the Derks Lake Road dedication. The area proposed to remain will provide an access to the other rights-of-way and section line easements in the area. The section line easement that is underlying to the right-of-way dedication proposed for vacation will remain.

The portion of Big D Street proposed for vacation appears to have a constructed road but is not maintained by the borough. The proposal will move the Big D Street intersection in line with Derks Lake Road and will increase the width at the intersection to 160 feet when including the previously unnamed dedication along the south and 193 feet when considering section line easements. The new design will follow the terrain and avoid Soldotna Creek. The new road will curve northerly to connect to the existing Big D Road north-south dedication.

Due to the proximity to Soldotna Creek and material sites, the block containing the lots does not comply. The tracts have a similar situation due to large acreage parcels in the area and Soldotna Creek. The northern block for the Tracts is not currently compliant in length. The relocation will result in the length being longer.

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

Site Investigation: The area contains some steep slopes and wetlands in addition to anadromous stream, Soldotna Creek. The areas proposed for vacation appear to be areas free of terrain issues as do the new proposed dedications.

KPB River Center review	Floodplain: No Comments State Parks: No Comments Habitat Protection: IS totally or partially within HPD
Alaska Fish and Game	No objections

Staff Analysis: The lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands. The vacation and realignment of Derks Lake Road was to provide more usable area for the lots. The request to vacate the small portion of Cinnamon Street is stated to provide additional area to the lot. The area proposed for vacation is .05 acres and the lot is still subject to section line easements that will limit development area.

The now required 40 feet of additional width for Derks Lake Road creates an intersection issue with the unnamed dedication along the section line easements to the southeast. Providing a dedication to bring the intersection into compliance would be needed. The owners are willing to do such and provide a connection to the existing north-south dedication of Big D Road. In exchange for that new dedication the owners are petitioning to vacate the existing east-west dedication of Big D Road.

Currently Derks Lake Road is constructed within the dedication until it approaches the lots within this proposal. The roadway continues within the former dedication before angling to the north through several lots until it connects with Cinnamon Street and then is within the Big D Road dedication. The roadway continues to the north within the dedication and then veers outside the dedication through property. All the property the roadway goes through and is currently owned by the same owners of the petition. One additional owner appears to have a trail off Big D Road to their property. The property does not appear to have any improvements.

As the portion of Big D Road proposed for vacation is constructed and provides access to numerous parcels, staff would request that the new dedication be built to borough standards prior to finalization of the vacation. The Kenai Peninsula Borough Roads department will have to notify the planning department that the new right-of-way has been constructed and is acceptable.

A 10 foot wide utility easement will adjoin all dedicated rights-of-way within the proposed subdivision. The vacation of the rights-of-way includes the vacation of associated utility easements.

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the December 13, 2022 Assembly meeting.

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: Cinnamon Street is not constructed and section line easement will remain for access. The portion of Big D Road proposed is constructed.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Section line easement will remain under the Cinnamon Street vacation for access and a new connection for Big D Road is proposed. Additional section line easements and dedications are in the area.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Many parcels in the area are large acreage properties within minimal development.
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: Does not provide access to public lands.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The vacation and new dedications will not limit opportunities but the vacation contains a constructed roadway
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments:
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:
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

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.

The Assembly will hear the vacation at their scheduled December 13, 2022 meeting.

If approved, Tatum Denise Subdivision Derks Lake Addition will finalize the proposed right-of-way vacations. The Plat Committee is scheduled to review the plat at the November 14, 2022 meeting.

KPB department / agency review:

Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.
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	<p>Prior Existing Use PEU Recognized Date: 5/10/2001 Conditional Land Use Permit CLUP Resolution Number: 2020-38 CLUP Approval Date: 12/14/2020 Material Site Comments: The CLUP is located South and adjacent to newly subdivided lots 10B through 14B. The PEU is located on the newly subdivided lot 1A. Per section 21.29.120(A), the PEU status will be considered abandoned due to the subdivision.</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 37180 CINNAMON ST 37140 CINNAMON ST</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD WHISTLER CIR GOLDENEYE AVE</p> <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: 37180 CINNAMON ST will remain with lot 2A. 37140 CINNAMON ST will remain with lot 1A.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	Locate and depict the overhead and primary electric line on the final plat. Provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electric easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations
ACS	No objection
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. Construction of the new right-of-way and approval of the KPB Roads Department.
 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

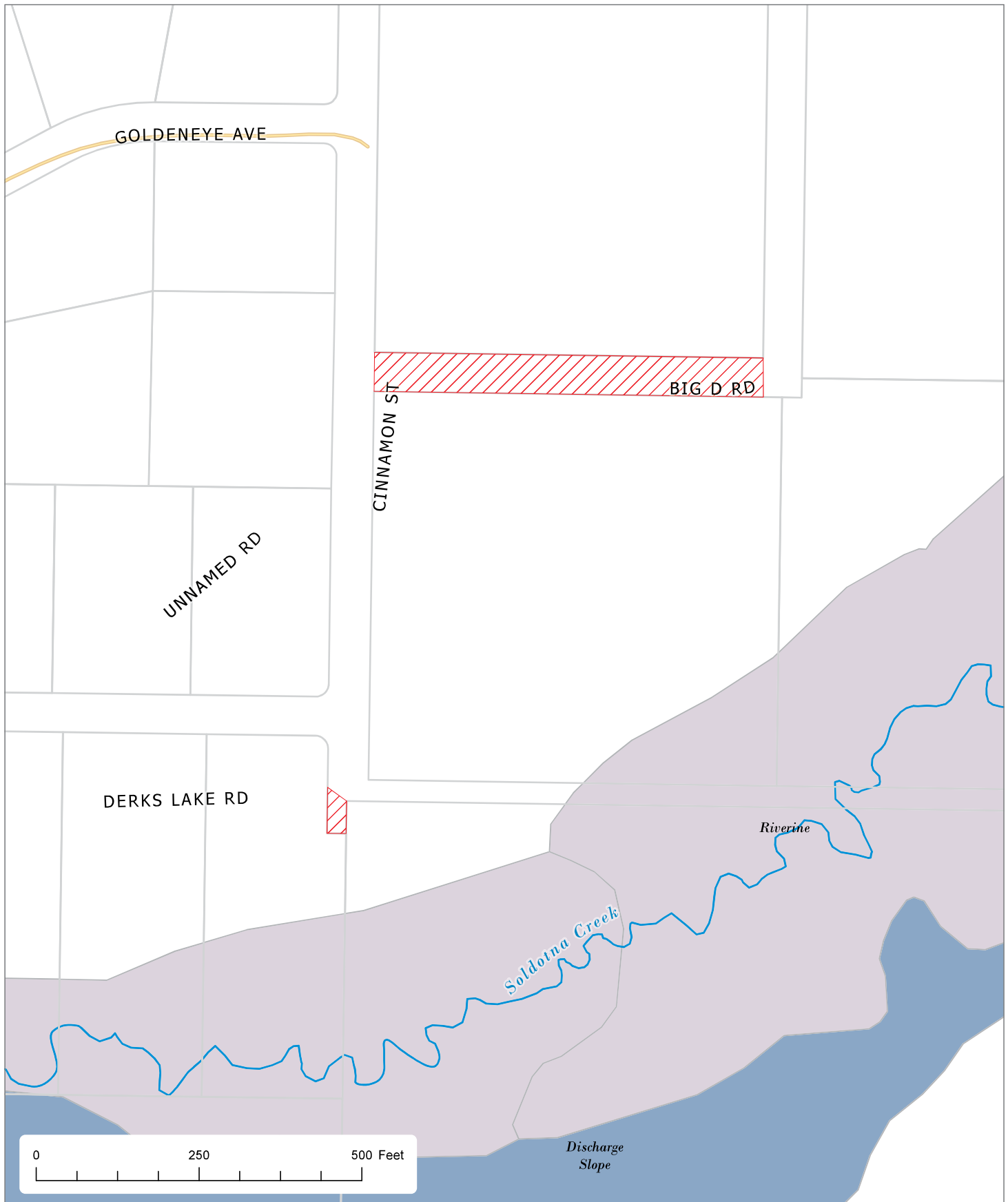
- Focus Area: Transportation

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







WASTEWATER DISPOSAL: LOTS 10A-14A
THE PARENT SUBDIVISION FOR LOTS RESULTING FROM THIS PLATTING ACTION
WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON MAY 11, 2011.
WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE
REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF
ENVIRONMENTAL CONSERVATION.



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

LINDA A. FRIENDSHIP, OWNER LOTS 10 THRU 15 TATUM SUBD. #20021 15

NOTARY'S ACKNOWLEDGEMENT

NOTARY PUBLIC FOR THE
STATE OF ALASKA

STATE OF ALASKA
NOTARY PUBLIC
James A. Hall

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 THIS FREE CONSENT DEED ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

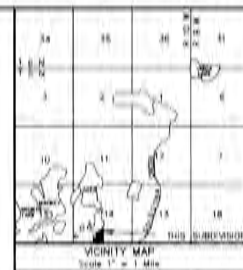
SECOND LIRIAN FRIENDSHIP, OWNED LEE INTEREST IN SLAVE OF KEE/IN DEC.

FOR: LINDA A. FREUNDLICH (GEOFF LINDAN FREUNDLICH)
ACKNOWLEDGED BEFORE ME THIS
26th DAY OF JULY, 2008.

NOTARY PUBLIC
James A. Hall
My Commission Expires July 7, 2008

[illegible][illegible][illegible]

KN-97-18



CURVE	RADIUS	LENGTH	TANGENT	STATION	BEARING	DELTA
1	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
2	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
3	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
4	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
5	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
6	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
7	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
8	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
9	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
10	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
11	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
12	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
13	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
14	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
15	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
16	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
17	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
18	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
19	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
20	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
21	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
22	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
23	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"
24	100.00	100.00	100.00	100.00	N 00°00'00" E	00°00'00"

CURVE	DIRECTION	DISTANCE
1	N 00°00'00" E	100.00
2	N 00°00'00" E	100.00
3	N 00°00'00" E	100.00
4	N 00°00'00" E	100.00
5	N 00°00'00" E	100.00
6	N 00°00'00" E	100.00
7	N 00°00'00" E	100.00
8	N 00°00'00" E	100.00
9	N 00°00'00" E	100.00
10	N 00°00'00" E	100.00
11	N 00°00'00" E	100.00
12	N 00°00'00" E	100.00
13	N 00°00'00" E	100.00
14	N 00°00'00" E	100.00
15	N 00°00'00" E	100.00
16	N 00°00'00" E	100.00
17	N 00°00'00" E	100.00
18	N 00°00'00" E	100.00
19	N 00°00'00" E	100.00
20	N 00°00'00" E	100.00
21	N 00°00'00" E	100.00
22	N 00°00'00" E	100.00
23	N 00°00'00" E	100.00
24	N 00°00'00" E	100.00

LEGEND

- Found 1/2" radii at property corner
- Found official survey monument as described
- Set 1/2" x 24" radii with McLane cap attached
- Record data
- Right-of-way to be updated by this plat
- Power Pole

NOTES

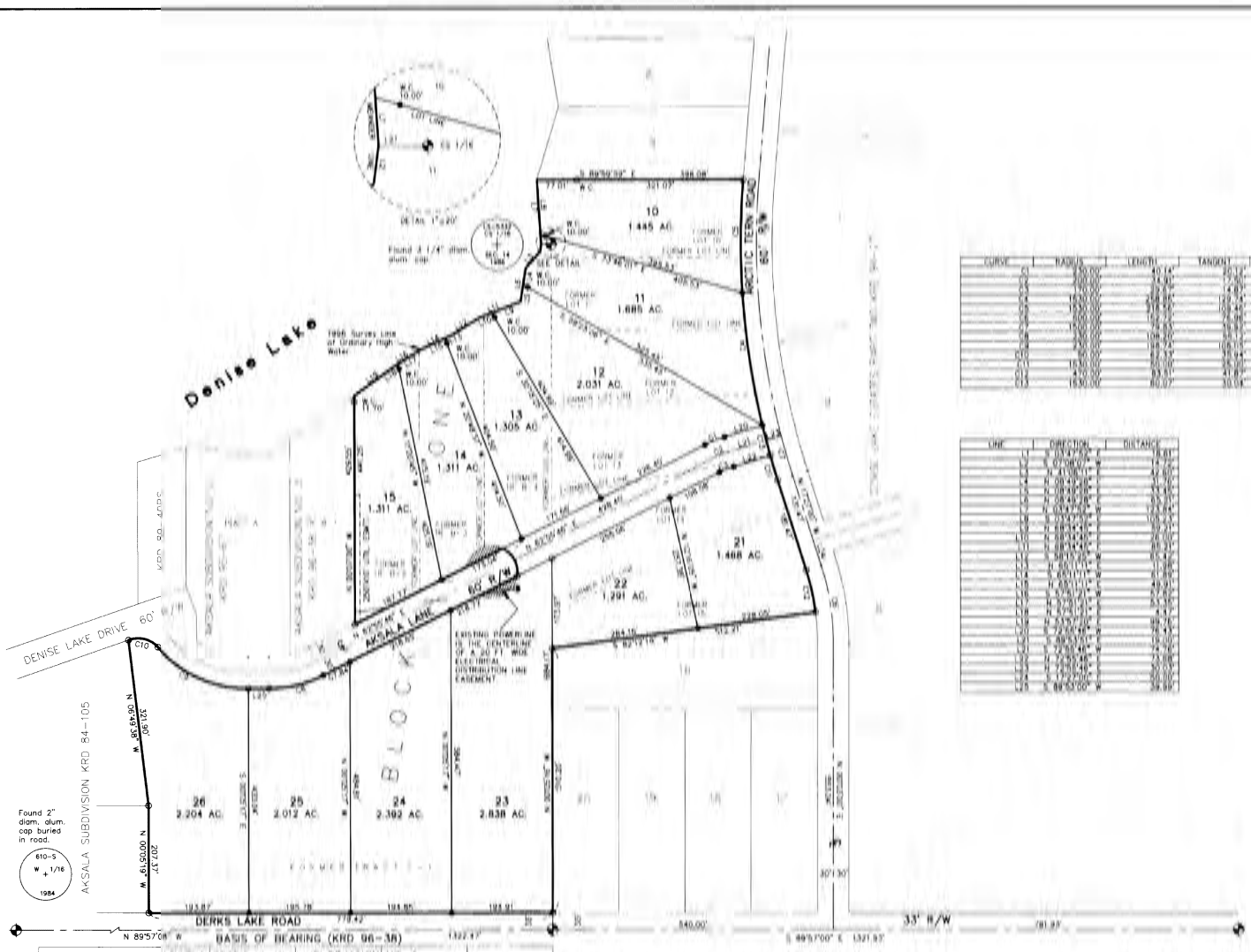
- Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.
- No street access to state maintained roads permitted unless approved by State of Alaska Department of Transportation.
- No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- The natural meanders of ordinary high water for Denise Lake from the true bounds of these lots. The 1980 meander line shown herein is for survey computations only.
- Minimum Set Back - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the local Planning Commission.
- The front set back (10 ft. of the twenty (20) ft. building setback is a utility easement.
- None of the lots in this subdivision are subject to inundation by storm or tide flooding.
- The portion of Alaska Court and associated easements created by this plat was approved by the Kenai Peninsula Borough Planning Commission on March 23, 1987.



DENISE LAKE ESTATES PART THREE

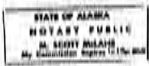
A REBIDIVISION OF TRACTS B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z AND TRACT 1-11 ARKALA SUBDIVISION NO. 5 AND LOT 10-15 BLOCK 1 DENISE LAKE ESTATES PART TWO) Linda & Ronald Friendshuh, Alaska Real Estate Pros. Co., Inc. 1200 S. 4th St., Anchorage, Alaska 99501

Date of Survey	Book No.	Section/Block No.
4-28-87	48-38	20-71
Drawn by	Scale	P.S. File No.
McLane	1" = 100'	97-080



NOTARY'S ACKNOWLEDGEMENT

FOR: Linda A. Friendshuh, Ronald Friendshuh, Subscribed and sworn before me this 10th day of May, 1987. My commission expires 12/31/88. Notary Public for the State of Alaska



CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and 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 an easement to the Department of Environmental Conservation. The engineer's subdivision and Sub Report is available from the Kenai Peninsula Borough.

Linda A. Friendshuh, Ronald M. Friendshuh, Linda A. Friendshuh, Ronald M. Friendshuh

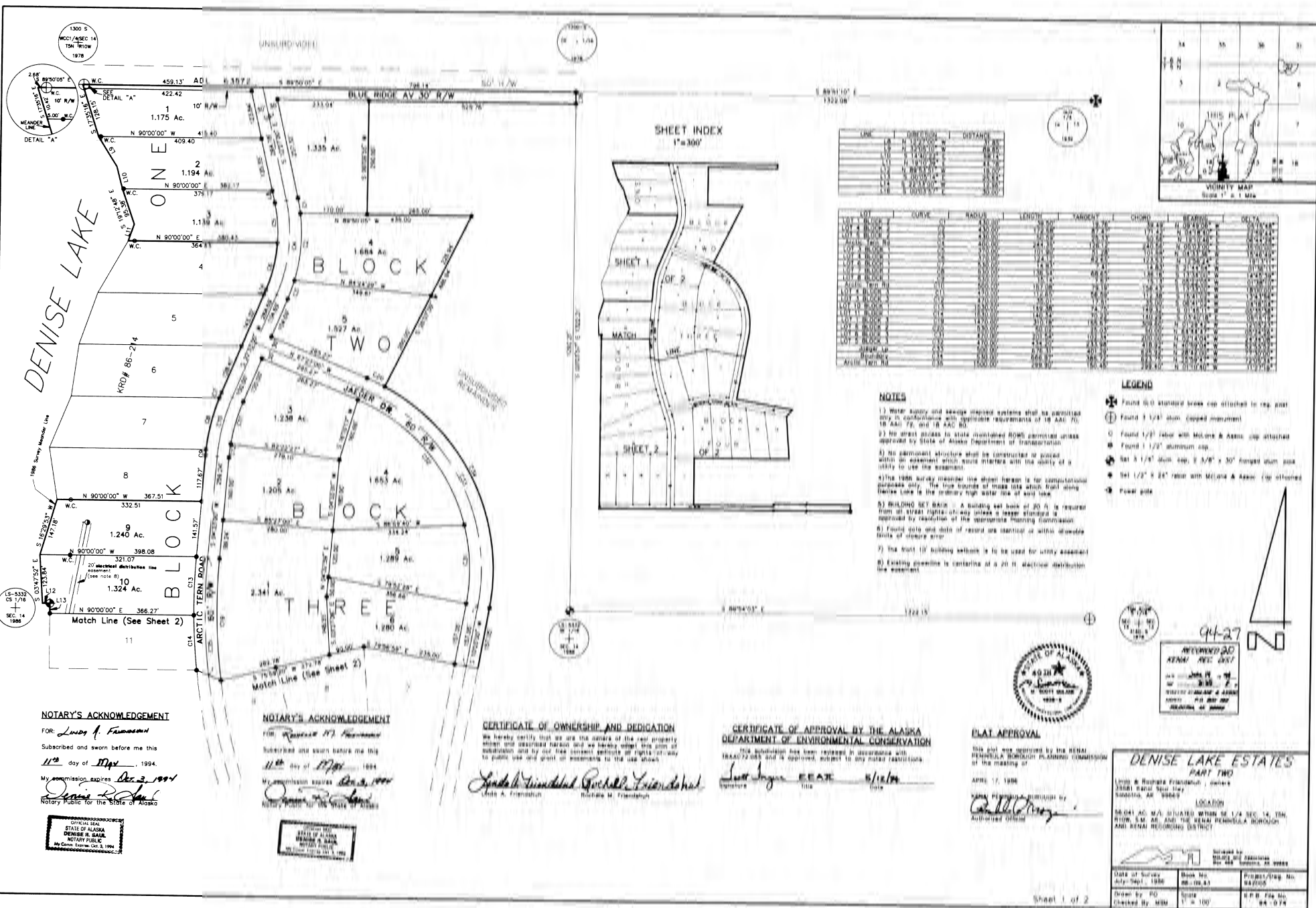
WASTEWATER DISPOSAL

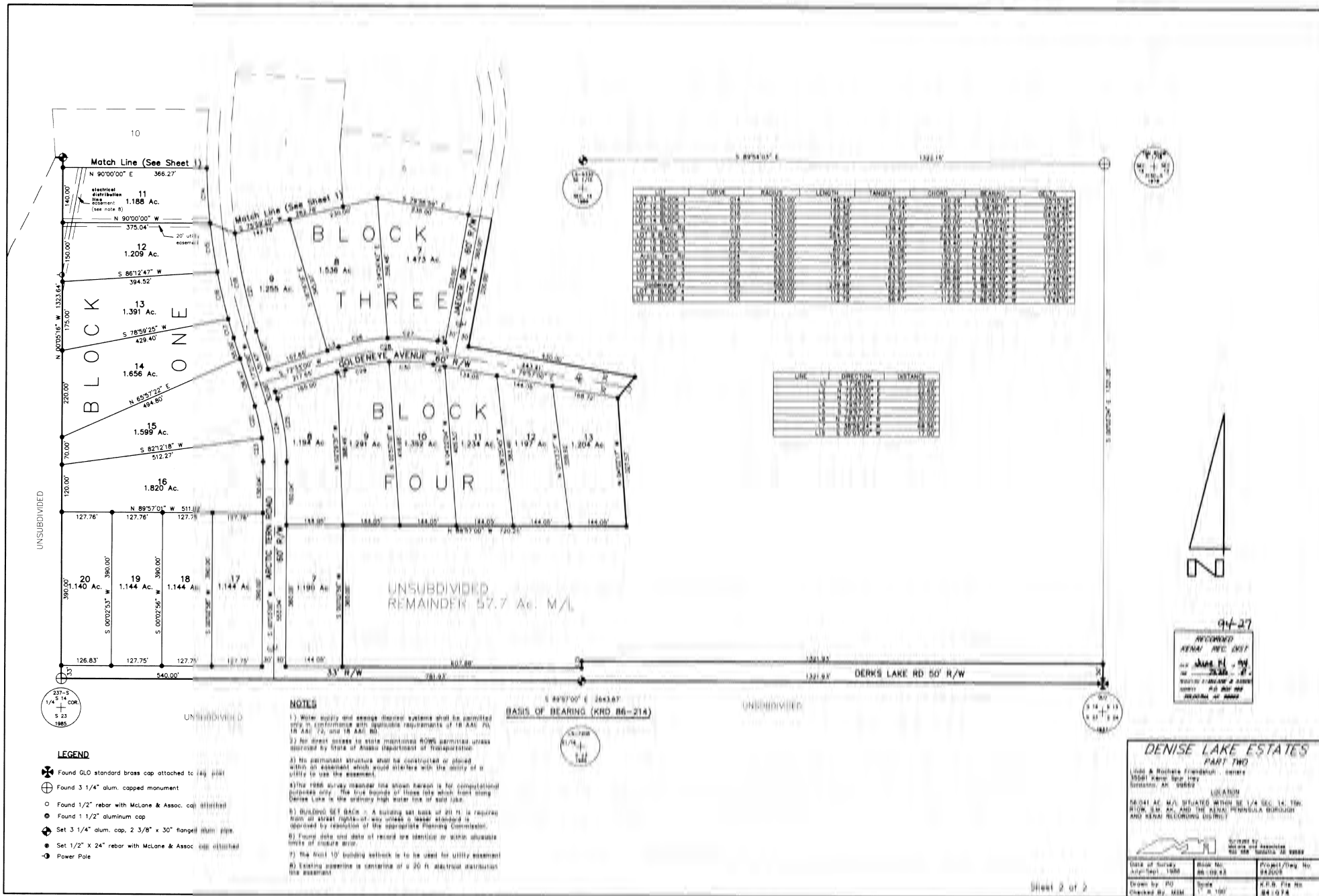
San conditions, water table levels, and all slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Alaska Department of Environmental Conservation. Any other type of wastewater treatment and disposal system must be approved by the Alaska Department of Environmental Conservation. The engineer's subdivision and Sub Report is available from the Kenai Peninsula Borough.

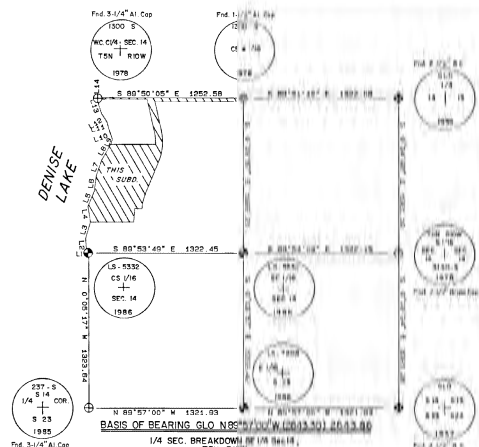
Stan A. McLane, C.E. 7861 AK, Date 02 May 87

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission on March 23, 1987. Kenai Peninsula Borough by [Signature]





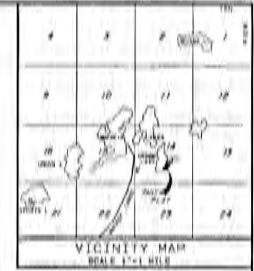


LINE	N	80	100	120	140	160	180	200	220	240	260	280	300	320	340	360	380	400	420	440	460	480	500	520	540	560	580	600	620	640	660	680	700	720	740	760	780	800	820	840	860	880	900	920	940	960	980	1000
1	N	80	100	120	140	160	180	200	220	240	260	280	300	320	340	360	380	400	420	440	460	480	500	520	540	560	580	600	620	640	660	680	700	720	740	760	780	800	820	840	860	880	900	920	940	960	980	1000

DENISE LAKE



LINE	N	80	100	120	140	160	180	200	220	240	260	280	300	320	340	360	380	400	420	440	460	480	500	520	540	560	580	600	620	640	660	680	700	720	740	760	780	800	820	840	860	880	900	920	940	960	980	1000
1	N	80	100	120	140	160	180	200	220	240	260	280	300	320	340	360	380	400	420	440	460	480	500	520	540	560	580	600	620	640	660	680	700	720	740	760	780	800	820	840	860	880	900	920	940	960	980	1000



- LEGEND**
- BLN or BLD monument recovered
 - BLN or BLD monument not recovered
 - Found official survey monument
 - Not Section 3 (74) 30' aluminum survey monument
 - Monument of record not recovered
 - Found 8/8" rebar
 - Set 8/8" 30' corner with 8" aluminum cap
 - Found 1/8" rebar
 - Set 1/8" 30' corner with plastic cap 3' DMS
 - Found 1 1/8" aluminum cap
 - Found rebar with plastic cap
 - Indicates record data

- NOTES**
- Water right and water disposal system shall be subject to the requirements of the Alaska Dept. of Transportation.
 - Rebar on these lots may or may not be suitable for non-ventilation or water disposal system. In event any construction, install, maintain, or replace a subsurface water system or water-borne waste disposal system (waste disposal) of the Alaska Department of Environmental Conservation is required.
 - No direct access to state maintained roads permitted on lots approved by State of Alaska Dept. of Transportation.
 - BUILDING SET BACK - A building set back of 20 ft. is required from all street front of lots unless a lesser setback is approved by resolution of the appropriate planning commission.
 - Double frontage lots are restricted to one access only.
 - The 1988 survey number line shown herein is for computational purposes only. The true bounds of these lots which front along Denise Lake is the arbitrary high water line of said lake.
 - The front of building setback is to be used for utility easement.

STATE OF ALASKA
NOTARY PUBLIC
George V. Parnell
My Commission Expires 2-21-87

STATE OF ALASKA
NOTARY PUBLIC
George V. Parnell
My Commission Expires 2-21-87

NOTARY'S ACKNOWLEDGEMENT
FOR: George V. Parnell
Subscribed and sworn before me this
6 day of October, 1986.
My commission expires 2-21-87
George V. Parnell
Notary Public for the State of Alaska

NOTARY'S ACKNOWLEDGEMENT
FOR: George V. Parnell
Subscribed and sworn before me this
13 day of October, 1986.
My commission expires 2-21-87
George V. Parnell
Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
We hereby certify that we are the owners of the property
shown and described herein and that we hereby agree to the plan
of subdivision and dedicate all rights of title to public use
and grant all easements to the use shown.
George V. Parnell
George V. Parnell

**LETTER OF APPROVAL BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**
This subdivision has been reviewed in accordance with
10AAS10 and 10AAS11 and is approved, subject to any noted restrictions.
Aug 18, 1986 (1986) 00 (083)
Date



PLAT APPROVAL
This plat was approved by the State
Department of Environmental Conservation
at the meeting of
August 17, 1986
By: [Signature]
Checked by: [Signature]

**DENISE LAKE ESTATES
PART ONE**

Don R. George Parnell, owner
3500, Kenai Sp. Hwy.
Soldotna, AK 99589

LOCATION
8.250 AC. SITUATED WITHIN GOVERNMENT LOT 8,
SECTION 18, T.4N, R.10W, S.4M, AK, THE KENAI PENINSULA
BOROUGH, AND THE KENAI RECORDING DISTRICT.

Reviewed by: [Signature] M.L.P. and Associate the
Notaries, as shown

DATE OF SURVEY	SCALE	SHEET
July 1986	1" = 100'	1 of 3

OWNER BY: [Signature] S.P.S. 88-090, AS
CHECKED BY: [Signature] S.P.S. 88-090, AS

