

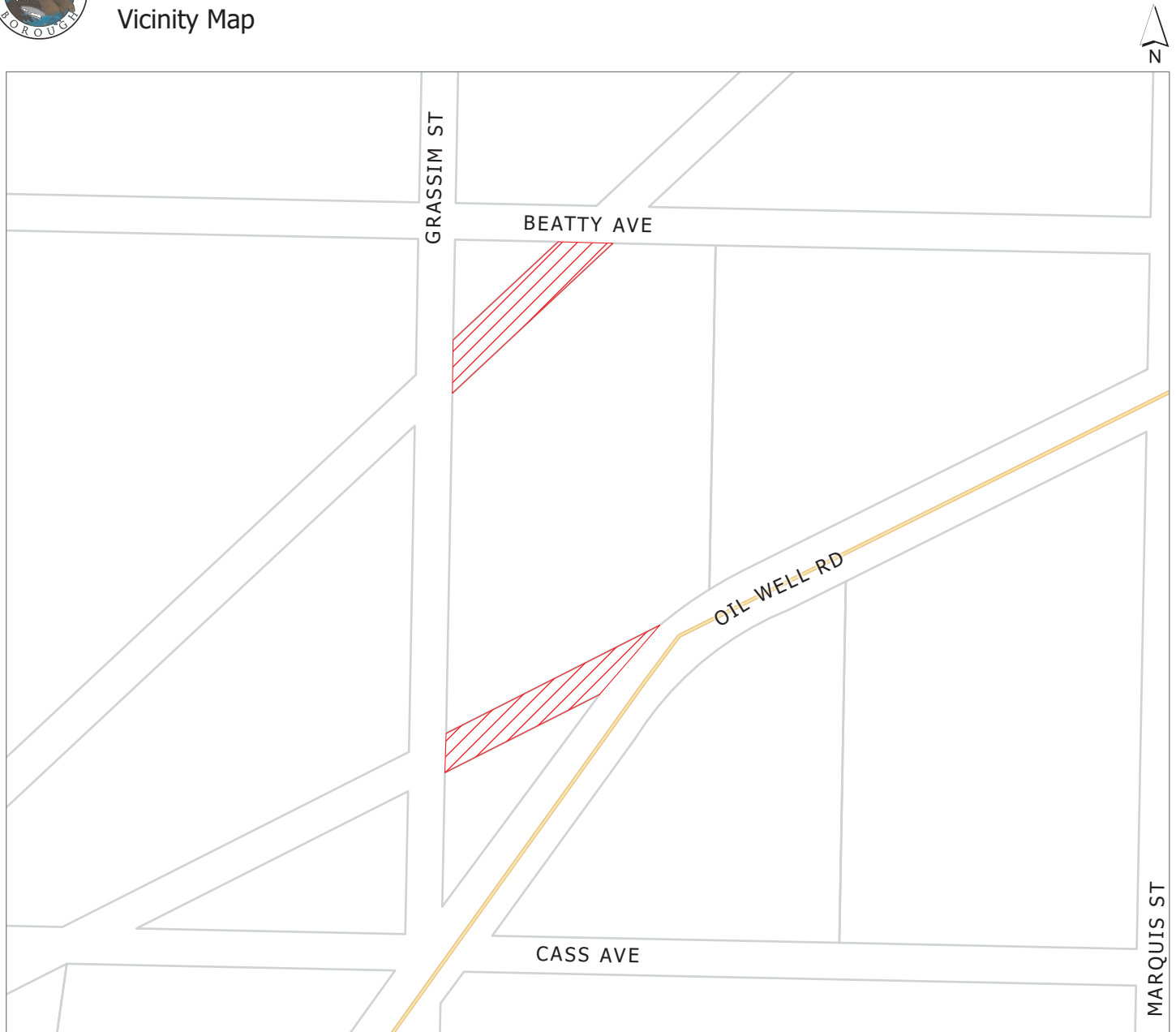
E. NEW BUSINESS

4. Seismographic Trails Vacation; KPB File 2023-020V
Edge Survey & Design, LLC / Carmody
Request: Vacates two portion of two seismograph trails
granted on Ninilchik Right-Of-Way Map, Plat HM 84-115
Ninilchik Area



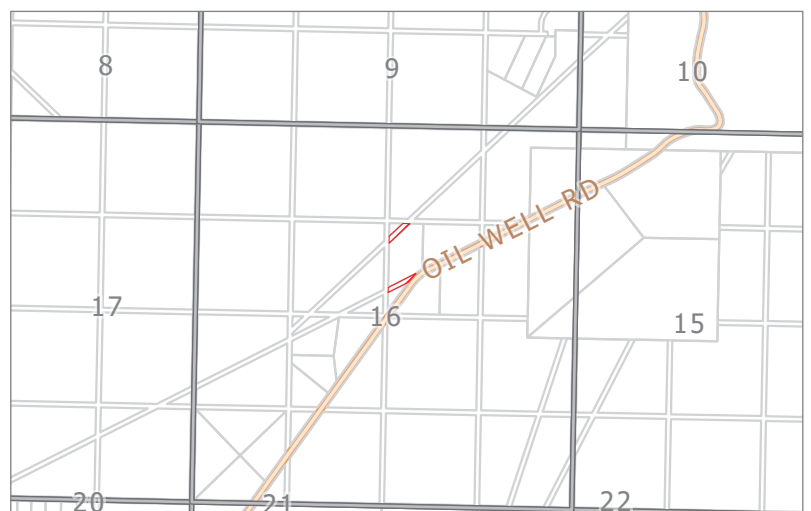
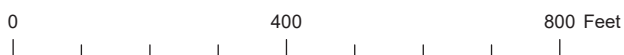
Kenai Peninsula Borough Planning Department

Vicinity Map



KPB File 2023-020V
T 02S R 12W SEC 16
Ninilchik

2/21/2023

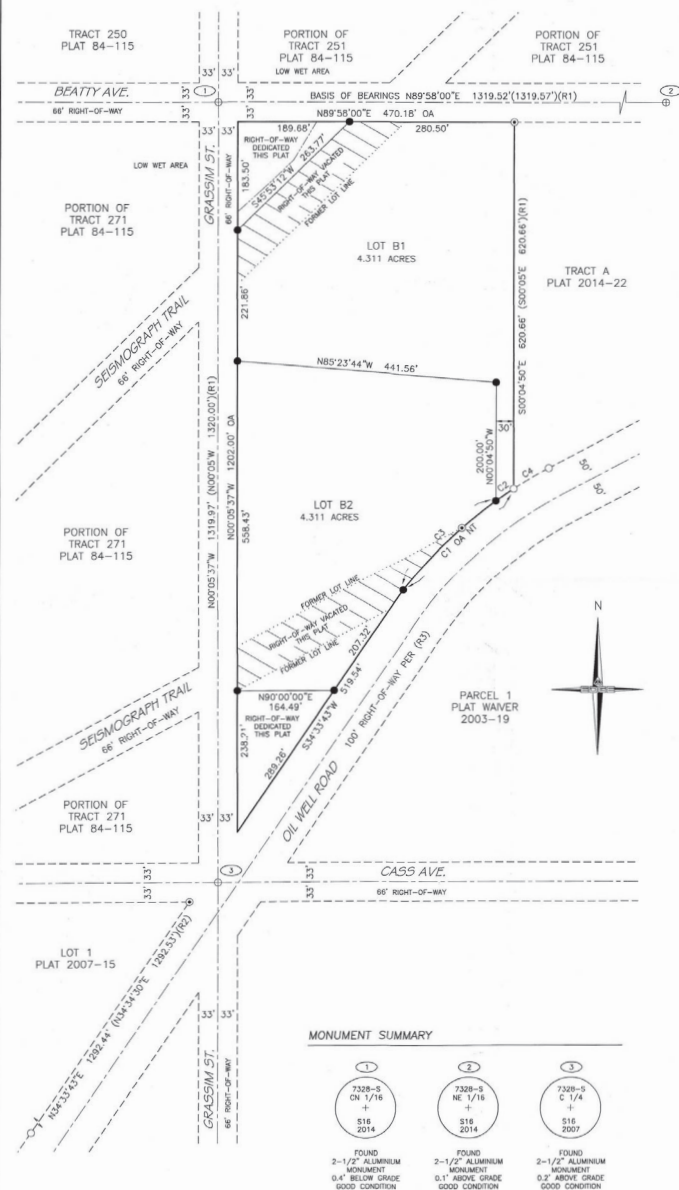




Aerial View



KPB 2023-020V



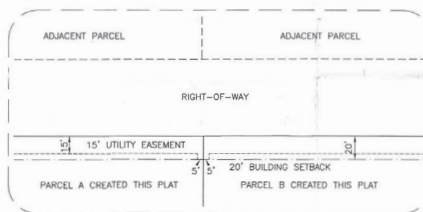
LEGEND

- FOUND PRIMARY MONUMENT AS REFERENCED
 FOUND SECONDARY MONUMENT
 YELLOW PLASTIC CAP STAMPED LS-7328
 FOUND SECONDARY MONUMENT - REBAR
 SET SECONDARY MONUMENT
 5/8" X 30" SURVEY WITH 2" ALUMINUM CAP
 STAMPED EDGE SURVEY LS-13022 2023
 SUBDIVISION BOUNDARY
 INTERIOR LOT LINE
 ADJACENT PROPERTY LINE
 FORMER LOT LINE
 CENTERLINE
 EASEMENT
 SETBACK
 LOW WET AREA
 OVERALL
 RECORD DATA, SEE REFERENCE
 HELD RECORD RADIOS
 NON-TANGENTIAL
 RIGHT-OF-WAY VACATED THIS PLAT

REFERENCES

- (R1) HARDEN SUBD., PLAT 2014-22, HOMER RECORDING DISTRICT
(R2) AMANDA SUBDIVISION, PLAT 2007-15, HOMER RECORDING DISTRICT
(R3) RIGHT-OF-WAY MAP, PLAT 84-115, HOMER RECORDING DISTRICT

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



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 HRR	750.00'	256.05'	19°33'38"	S47°20'19"W	254.81'
C2	750.00'	36.27'	2°46'15"	S55°44'01"W	36.27'
C3	750.00'	219.78'	18°47'24"	S45°57'12"W	218.99'
C4	750.00'	69.37'	5°17'59"	S59°46'08"W	69.35'
C4 (R1)	750.00'	69.49'	5°18'31"	S59°44'45"W	69.46'

NOTARY ACKNOWLEDGEMENT

FOR: PATRICK MICHAEL CARMODY
ACKNOWLEDGED BEFORE ME

THIS _____ DAY OF _____, 2023

PUBLIC NOTARY SIGNATURE _____

PRELIMINARY

NOTES

1. BUILDING SETBACK OF 20 FEET IS REQUIRED FROM ALL STRAIGHT RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMITTEE.
2. THE FRONT 15 FEET ADJACENT TO THE RIGHTS-OF-WAY TO A UTILITY EASEMENT ALONG WITH 20 FEET ADJACENT TO RIGHT-OF-WAY WITHIN 5 FEET OF SIDE LOT LINES, NO PERMANENT CONSTRUCTION SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
3. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLANDS DETERMINATION IF APPLICABLE.
4. ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE ROADS MAINTENANCE PROGRAM PER KPB 14.06.
5. THE KENAI PENINSULA BOROUGH PLANNING COMMITTEE APPROVED THE VACATION OF A PORTION OF SEISMOGRAPH AND ASSOCIATED UTILITY EASEMENTS, AT THE MEETING OF MARCH 20, 2023. THE VACATION RECEIVED CONSENT BY THE KENAI PENINSULA ASSEMBLY APRIL 4, 2023.
6. EXCEPTION TO KPB CODE 20.40.100, NOT TO REQUIRE A SOLIS ANALYSIS, AND 20.30.190 - ZONING, LENGTH OF FLAG LOT, WAS GRANTED BY THE KPB PLAT COMMITTEE AT THE MEETING OF MARCH 20, 2023.
7. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
8. THE ACCEPTANCE OF THIS PLAT BY THE BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
9. THIS SUBDIVISION SUBJECT TO THE RIGHTS AND PROVISIONS CONTAINED IN THE INTERIM CONVEYANCE FROM THE USA AS HERIN NOTED, DATED MAY 26, 1978- RECORDED OCTOBER 21, 1991, VOLUME 100 PAGE 226. HOWER RECORDING DISTRICT.
10. THIS SUBDIVISION IS SUBJECT TO TERMS, COVENANTS, CONDITIONS AND PROVISIONS, INCLUDING RIGHT OF WAYS AND EASEMENTS AS CONTAINED IN THE ALASKA NATIVE CLIMATE SETTLEMENT ACT, DATED DECEMBER 18, 1971, 5 U.S.B. 102-203, 54 STAT. 688, U.S.C. 1601 ET SEQUE.
11. THIS SUBDIVISION SUBJECT TO RESERVATIONS OF THE SUBSURFACE ESTATE IN SAID LANDS 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 CLIMATE SETTLEMENT ACT.
12. THIS SUBDIVISION SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS, AND EASEMENTS CONTAINED IN DEED RECORDED MARCH 27, 1985, VOLUME 155 PAGE 728.
13. THIS SUBDIVISION SUBJECT TO RESERVATIONS, RESTRICTIONS, CONDITIONS, AND EASEMENTS CONTAINED IN DEED RECORDED JUNE 10, 1990, VOLUME 190 PAGE 100.
14. **WASTEWATER DISPOSAL:** ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF ACCEPTANCE AND DEDICATION
BY KENAI PENINSULA BOROUGH

THE UNDERSIGNED OR ONE IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DEDICATED BY THIS PLAT ON THE PLAT IDENTIFIED AS FOLLOWS:

RIGHT OF WAY DEDICATED ON THIS PLAT -- FORMER NORTHERN PORTION OF TRACT 270, PLAT 84-115 AT INTERSECTION OF GRASSMIST TRACT AND BEATTY AVENUE, FORMER SOUTHERN PORTION OF TRACT 270, PLAT 84-115 AT INTERSECTION OF CASS AVENUE AND OIL WELL ROAD.

THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH
144 NORTH BINKLEY STREET
SOLDOTNA, ALASKA 99669

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH
PLANNING COMMISSION AT THE MEETING OF MARCH 20, 2023.

KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

CERTIFICATE OF SURVEYOR

I, MARK AIMONETTI 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.



RECORDER'S
STAMP
AREA



CERTIFICATE OF OWNERSHIP
AND DEDICATION

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

PATRICK MICHAEL CARMODY
PO BOX 6997
NIKISKI, ALASKA 99635

KPB FILE No. 2023-000

HARDEN
SUBDIVISION
MUGS AND TAD
ADDITION

A SUBDIVISION OF
TRACT B HARDEN SUBD. PLAT 2014-22
AND
SW 1/4 NE 1/4 SECTION 12
BETWEEN SEISMOGRAPH TRAIL, BEATTY
AVENUE AND GRASSIM STREET
ALSO SHOWN AS NORTHWEST CORNER OF
TRACT 270 OF RIGHT-OF-WAY PLAT 84-115
AND

SW 1/4 NE 1/4 SECTION 12
BETWEEN SEISMOGRAPH TRAIL, OIL WELL
ROAD AND GRASSIM STREET
ALSO SHOWN AS SOUTHWEST CORNER OF
TRACT 270 OF RIGHT-OF-WAY PLAT 84-11

HOMER RECORDING DISTRICT

LOCATED WITHIN NE 1/4 SECTION 12,
T.2S., R.12W. S.M.
STATE OF MICHIGAN

STATE OF ALASKA
KENAI PENINSULA BOROUGH
HOMER RECORDING DISTRICT

OWNERS:
PATRICK MICHAEL CARMODY
PO BOX 6997
NIKISKI, ALASKA 99635
CONTAINING 9.471 ACRES



12501 OLD SEWARD, D ANCHORAGE, AK 99515
Phone (907) 344-5990 Fax (907) 344-7794
AECL# 1392

DRAWN BY: JY	DATE: 12/11/2022	PROJECT: 22-621
CHECKED BY: MA	SCALE: 1" = 200'	SHEET: 1 OF 1

AGENDA ITEM E. NEW BUSINESS

**ITEM 4 - RIGHT OF WAY VACATION
VACATE PORTIONS OF TWO SEISMOGRAPH TRAILS GRANTED ON NINILCHIK RIGHT-OF-WAY MAP,
PLAT HM 84-115 and ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2023-020V
Planning Commission Meeting:	March 20, 2023
Applicant / Owner:	Patrick Carmody of Nikiski, Alaska
Surveyor:	Jason Young, Mari Aimonetti / Edge Survey and Design, LLC
General Location:	Oil Well Road, Beatty Avenue, Grassim Street, Ninilchik
Legal Description:	Seismograph Trails within Lot 270, Section 16, Township 2 South, Range 12 West, 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: 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 created small unusable tracts.
3. Vacating the trails will provide more space for adjacent parcels.
4. Trails to be vacated are no improved or used.
5. Trails to be vacated are grown shut with vegetation and not practical for use.
6. This platting action intends to dedicate along with vacate right-of-way to make larger parcels and better overall public access.
7. This platting action will dedicate .850 acres and vacate 1.032 acres.

Notification: The public hearing notice was published in the March 15, 2023 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

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

Twenty 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
Ninilchik Emergency Services
Kenai Peninsula Borough Office

Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)
Caribou Hills Cabin Hoppers

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 ¼ aliquot lines and section lines except for some lands that were not subject to the plat.

The area with the proposed vacations is located near mile 15 of Oil Well Road, the main access to the Caribou Hills area. The areas described are located north of Oil Well Road unless otherwise noted. Grassim Street is a 60 foot wide dedication that runs north from Oil Well Road. Beatty Avenue is a 66 foot wide right-of-way that runs west from Oil Well Road. One of the seismograph rights-of-way proposed for vacation is in the area where Beatty Avenue and Grassim Street meet. The other vacation is off Oil Well Road and connects to Grassim Street.

The dedications in the area split Tract 270, as named on the Right-Of-Way Map, into multiple lots. A few of those have been divided by deed and another portion by subdivision plat. The seismograph locations created two smaller lots that were split into triangles.

The parcels in the area will remain having access from Grassim Street, Beatty Avenue, Oil Well Road, and other seismograph dedications.

The northern right-of-way proposed for vacation is an approximate 400 foot length of a seismograph trail that connects between Grassim Street and Beatty Avenue. It looks like there may be some areas that have been used as a trail. Per the submittal some of the area has grown over with vegetation. It is difficult to detect but does seem to contain more vegetation within the southwest portion. The dedication continues to the west past Grassim Street. The area to the west contains large areas of wetlands but they still appear to be used as tracks appear within imagery. The right-of-way also continues to the north of Beatty Avenue. This area appears to be used more and contains clearings that connect to other trails. The owners are proposing to dedicate the triangle lot for right-of-way in exchange for the vacated portion that can be added to their existing lots.

The southern right-of-way proposed for vacation is an approximate 420 foot length of a seismograph trail that connects between Grassim Street and Oil Well Road. It looks like there may be some areas that have been used as a trail through the years with heavier use appearing to the west and south. The dedication does continue to the west of Grassim Street. That area appears to be heavily used as does the southern portion Grassim Street. The owners are proposing to dedicate a portion of the southern lot as right-of-way to allow the vacated area to be added to the main lot.

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

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: Vacation appears to allow for alternative access to all surrounding parcels.
SOA DOT comments	No comments – DOT Engineering

Site Investigation: There are low wet areas within the intersection of Grassim Street and Beatty Avenue. The designation is a depression designation. There are some low wet areas within the proposed northern vacation. The proposal will place most of the proposed dedication into the depression area and the drier land will be added to the adjacent parcels. There are no low wet areas within the southern area proposed for vacation or dedication.

The terrain contains slopes but not within the existing dedications or proposed dedications that appear to be steeper than 10 percent. The area within the northern proposed dedication does appear to be flatter than the current dedication.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments
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	<p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: The proposed vacation 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 area proposed for vacation is within the SW1/4 NE1/4 of Section 16, Township 2 South, Range 12 West.

The dedications split the SW1/4 NE1/4 of Section 16, Township 2 South, Range 12 West into four parcels. Some portions have been split so that there are now six lots in the area. The parcels that are part of this platting action are .39, .83, and 7.33 acres in size. One of the lots is approximately 17,000 square feet and another is 36,000. Neither lot is compliant with borough code. Additionally, the lots have 10 foot utility easements on all three sides which further limit usage. 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.

If the vacation is approved the owners will add the vacated area to the larger parcel and then subdivide it into two lots. The current acreage of all the lots is approximately 8.55 acres and the subdivision will allow increase the acreage to 8.62. While the acreage is increasing slightly it is putting all the land together and will make compliant lots and blocks that can have more improvements, development, or allow further subdivision to occur.

If the vacation is approved the owner will be dedicating the northwestern and southern triangle portions as right-of-way. These proposed areas are irregular and will result in wide rights-of-way at intersections. Upon reviewing the unusual design, the northern dedication could be of benefit as the Beatty Avenue and Grassim Street intersection contains low wet areas. The proposed dedication contains some dryer areas that may provide a better right-of-way area. The southern dedication will provide a wider intersection of Grassim Street with Oil Well Road. Having this location available could be viewed as a benefit as it could provide additional turnaround area for vehicles and provide multiple options to connect to Oil Well Road in that area in the best location based on terrain and line of sight.

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 and new ones granted along the new dedications.

The owner is stating that the areas proposed for dedication have become grown over and not in use. If information is presented that states otherwise, the owner will be required to get a permit from the KPB Roads Department and will need to improve the new dedications better than the existing rights-of-way.

While this is an area with heavy recreational use it should be noted that these are dedicated rights-of-way. While they are primarily used by ATVs or snowmachines they are to be viewed as borough rights-of-way with intended vehicle use. Due to the placement of some of these seismograph trails and the terrain there have been issues of trespass or unusable rights-of-way. As the platting staff reviews these they are considering all KPB Code as these dedications that were granted in 1984 resulted in lots and blocks that do not comply with our code. They have resulted in lots that have limited development due to size and being non-compliant with code. While this is a recreational area currently there has been an increase in development with some owners transitioning to year round residents in the area. Platting items in this area should be reviewed in compliance with borough code and how future development needs can be met.

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: Actual use is unknown. According to petition no longer used.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: It appears that either of the rights-of-way could be constructed in current locations. The owners are shifting the dedication.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: There are improvements on the lots but many lots in area are not improved with only main rights-of-way developed to borough standards.
 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: There are other rights-of-way within the area to provide access.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: They could be used for pedestrian use.
 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: The existing easements are not in use. New easements will be granted.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: This will slightly realign the dedications but will bring the block and lots into compliance.

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. The KPB Assembly must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled April 4, 2023 meeting.

If approved, Harden Subdivision Mugs and Tad Addition will finalize the proposed right of way vacations. The Plat Committee is scheduled to review the plat on March 20, 2023.

KPB department / agency review:

Planner	
Code Compliance	Reviewer: Ogren, Eric Comments: Vacating ROW is necessary to conjoin the 3 lots.
Addressing	Reviewer: Sjogren, Bobbi Affected Addresses: Action will not affect addresses. Existing Street Names are Correct: List of Correct Street Names: Existing Street Name Corrections Needed: All New Street Names are Approved: List of Approved Street Names: List of Street Names Denied: Comments: No other comments
Assessing	Reviewer: Windsor, Heather Comments: No comment

Utility provider review:

HEA	
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. 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





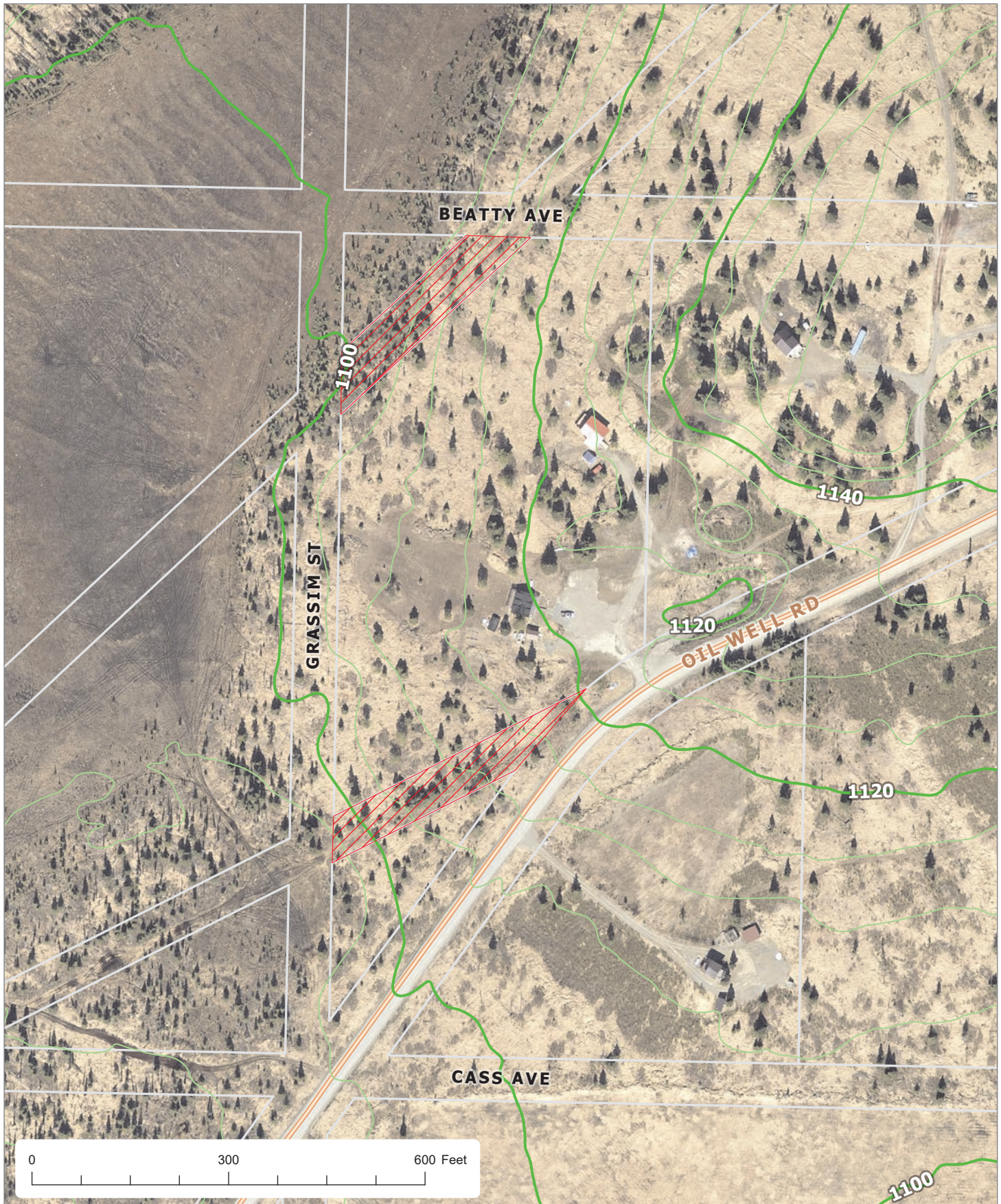
Wetlands



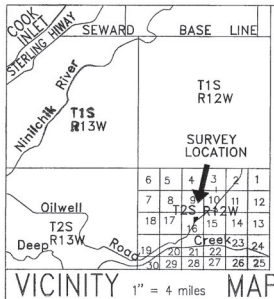
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial with 5-foot Contours



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.



HARDEN SUBD.

Of a portion of Lot 270 Ninilchik Native ROW Map, HRD 84-115.
Located in the SW1/4 NE1/4 Section 16, T2S R12W, SM, Alaska.
Homer Recording District Kenai Peninsula Borough File 2014-054

Prepared for

Coby Harden
P.O. Box 365
Kenai, AK 99611

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568



SCALE 1" = 200' 15 May, 2014
AREA = 14.753 acres

NOTES

1. A building setback of 20' from all street ROWs is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Oil Well Road ROW shown is fitted to existing road, as dedicated by plat HRD 84-115.
4. Section monumentation is as shown on HRD 98-36; as referenced from HRD 2007-15, grid projection from Basis of Bearings.

LEGEND

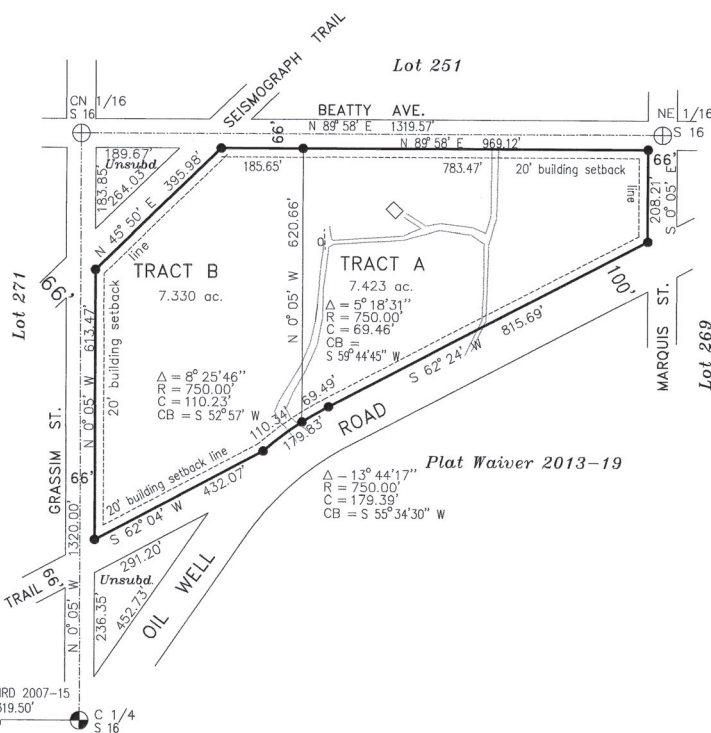
- - 2 1/2" alcap monument, 7328-S, 2007, as per HRD 2007-15, found.
- ⊕ - 2 1/2" alcap on 5/8" x 6" rebar, set.
- - 1/2" x 4' rebar with plastic cap, set.
- - 3 1/2" alcap monument, record, HRD 98-36.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 12 May, 2014

KENAI PENINSULA BOROUGH

By: Max Best Sept. 19, 2014
Authorized Official Date



OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described herein; and that I hereby adopt this plan of replat, and by my free consent grant all easements to the use shown.

Coby Harden
P.O. Box 365 Kenai, AK 99611

NOTARY'S ACKNOWLEDGEMENT

For: Coby Harden
Subscribed and sworn to before me this 12

day of September, 2014.

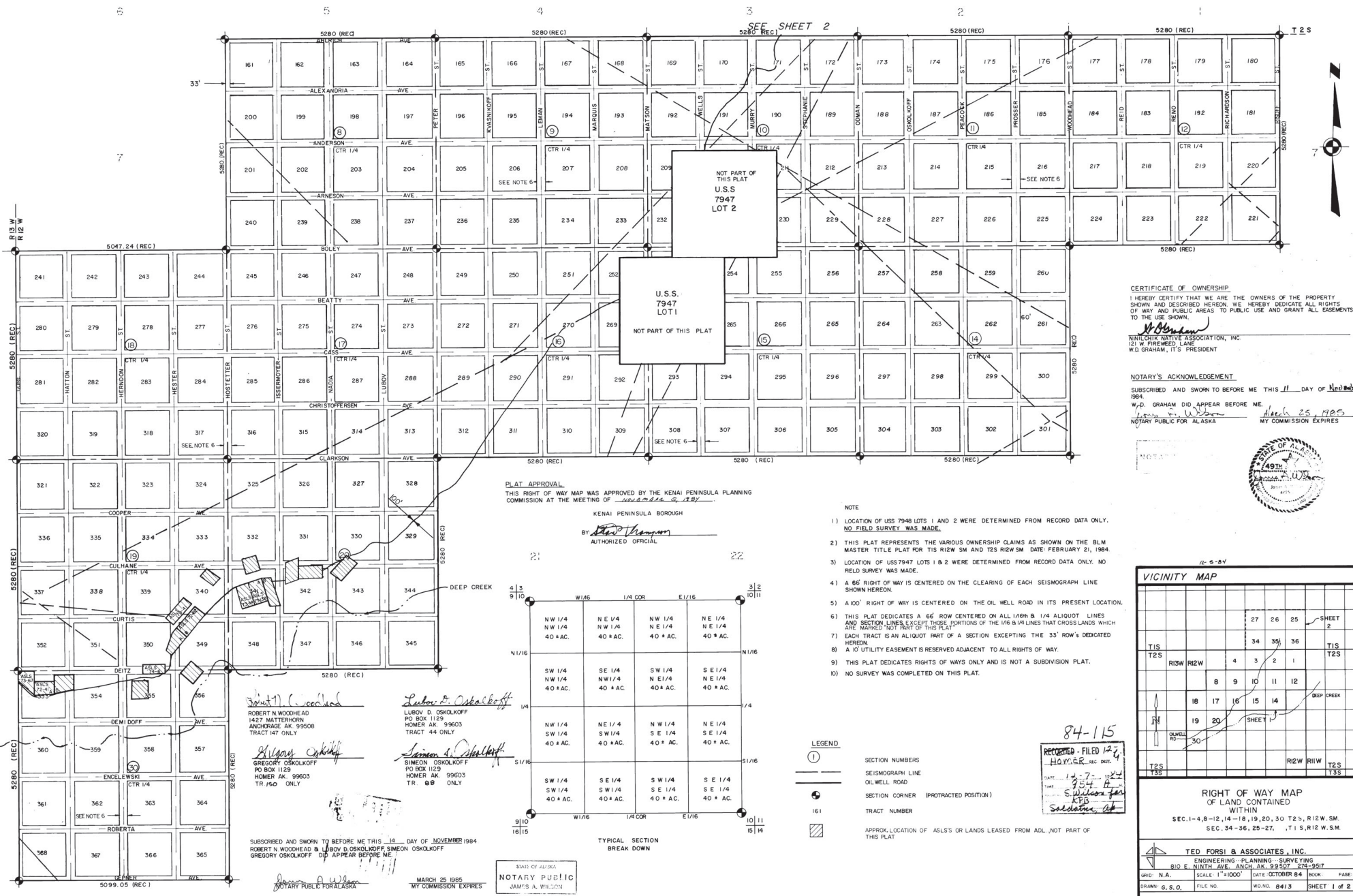
Patricia Hartley
Notary Public for Alaska

My commission expires 3-7-17



Wastewater Disposal

These tracts are at least 200,000 sq. ft., or nominal 5 acres, 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.



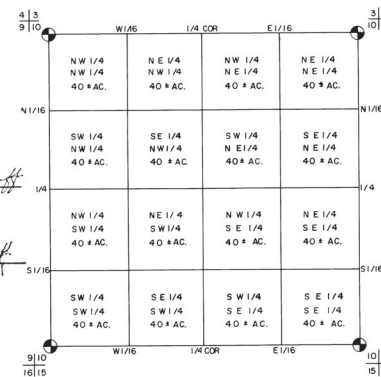
CERTIFICATE OF OWNERSHIP
I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON. WE HEREBY DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.
W.D. Graham
NINILCHIK NATIVE ASSOCIATION, INC.
121 W. FIREMEAD LANE
W.D. GRAHAM, ITS PRESIDENT

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY OF November 1984.
W.D. GRAHAM DID APPEAR BEFORE ME.
James A. Wilson
NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

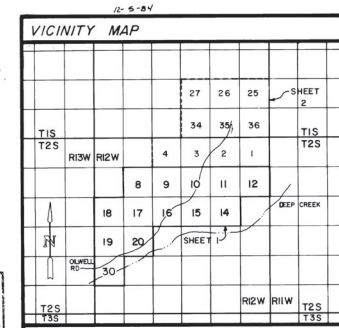


PLAT APPROVAL
THIS RIGHT OF WAY MAP WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF *November 9, 1984*
KENAI PENINSULA BOROUGH
BY: *Paul Thompson*
AUTHORIZED OFFICIAL

- NOTE
- 1) LOCATION OF USS 7946 LOTS 1 AND 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
 - 2) THIS PLAT REPRESENTS THE VARIOUS OWNERSHIP CLAIMS AS SHOWN ON THE BLM MASTER TITLE PLAT FOR T1S R12W 5M AND T2S R12W 5M. DATE: FEBRUARY 21, 1984.
 - 3) LOCATION OF USS 7947 LOTS 1 & 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
 - 4) A 66' RIGHT OF WAY IS CENTERED ON THE CLEARING OF EACH SEISMOGRAPH LINE SHOWN HEREON.
 - 5) A 100' RIGHT OF WAY IS CENTERED ON THE OIL WELL ROAD IN ITS PRESENT LOCATION.
 - 6) THIS PLAT DEDICATES A 66' ROW CENTERED ON ALL 1/466N & 1/4 ALIQUOT LINES AND SECTION LINES EXCEPT THOSE PORTIONS OF THE 1/16 & 1/4 LINES THAT CROSS LANDS WHICH ARE MARKED "NOT PART OF THIS PLAT".
 - 7) EACH TRACT IS AN ALIQUOT PART OF A SECTION EXCEPTING THE 35' ROW'S DEDICATED HEREON.
 - 8) A 10' UTILITY EASEMENT IS RESERVED ADJACENT TO ALL RIGHTS OF WAY.
 - 9) THIS PLAT DEDICATES RIGHTS OF WAYS ONLY AND IS NOT A SUBDIVISION PLAT.
 - 10) NO SURVEY WAS COMPLETED ON THIS PLAT.



- LEGEND
- 1 SECTION NUMBERS
 - SEISMOGRAPH LINE
 - OIL WELL ROAD
 - SECTION CORNER (PROTRACTED POSITION)
 - TRACT NUMBER
 - APPROX. LOCATION OF ASLS OR LANDS LEASED FROM ADL, NOT PART OF THIS PLAT



84-115
RECORDED - FILED 127
HOMER REC. DEPT.
DATE: 12-7-84
TIME: 9:54 AM
SFB
Sullivan
Sullivan

Robert N. Woodhead
ROBERT N. WOODHEAD
1427 MATTERHORN
ANCHORAGE AK 99508
TRACT 147 ONLY

Gregory Osolkoff
GREGORY OSOLKOFF
PO BOX 1129
ANCHORAGE AK 99503
TRACT 147 ONLY

Simon Osolkoff
SIMON OSOLKOFF
PO BOX 1129
ANCHORAGE AK 99503
TRACT 44 ONLY

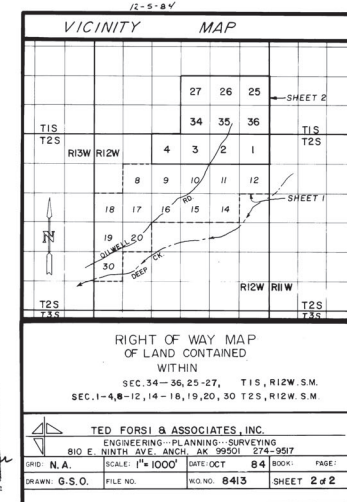
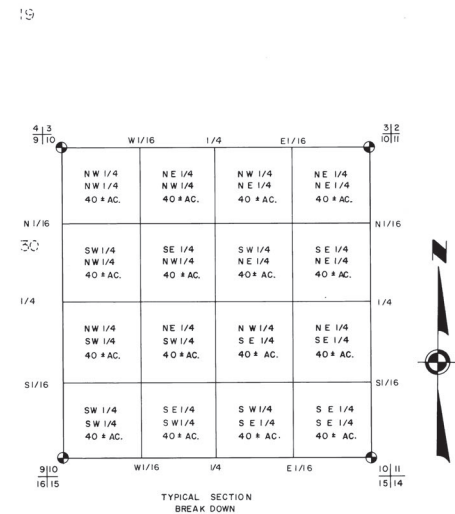
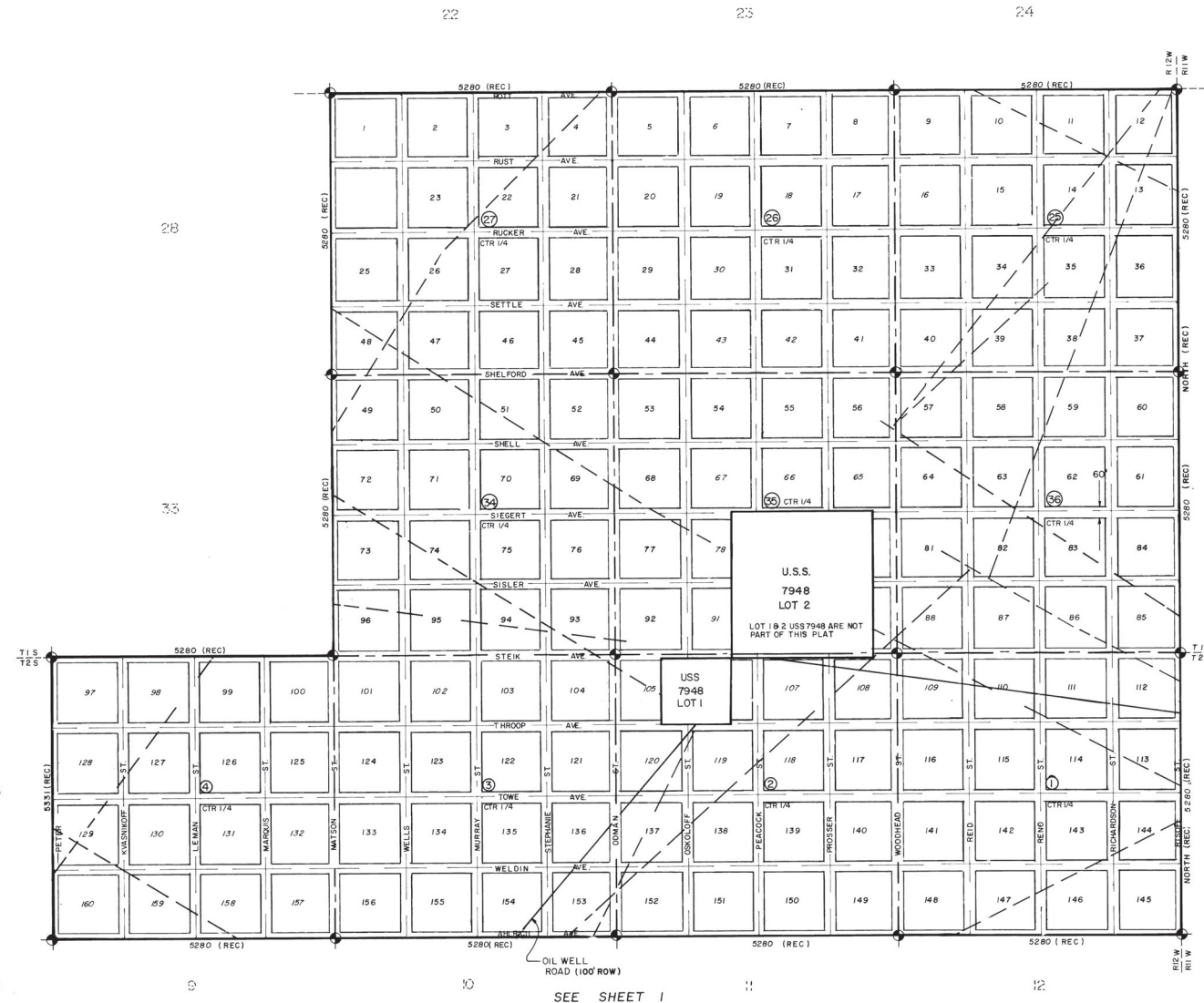
STATE OF ALASKA
NOTARY PUBLIC
JAMES A. WILSON

MARCH 25 1985
MY COMMISSION EXPIRES

RIGHT OF WAY MAP
OF LAND CONTAINED
WITHIN
SEC. 1-4, 8-12, 14-18, 19, 20, 30 T2S, R12W 5M.
SEC. 34-36, 25-27, T1S, R12W 5M.

TED FORSI & ASSOCIATES, INC.
ENGINEERING - PLANNING - SURVEYING
810 E. NINTH AVE. ANCH. AK 99507 274-9517

GRID: N.A. SCALE: 1"=1000' DATE: OCTOBER 84 BOOK: PAGE:
DRAWN: G.S.O. FILE NO. W.O.NO. 8413 SHEET 1 of 2



84-115
 12-7-84
 9-24-84
 S. Wilson
 KPB
 Sold 12-1-84

HM 84-115

NINILCHIK R.O.W. MAP