

E. NEW BUSINESS

3. Utility Easement Vacation; KPB File 2023-024V2

Ability Surveys / Jones

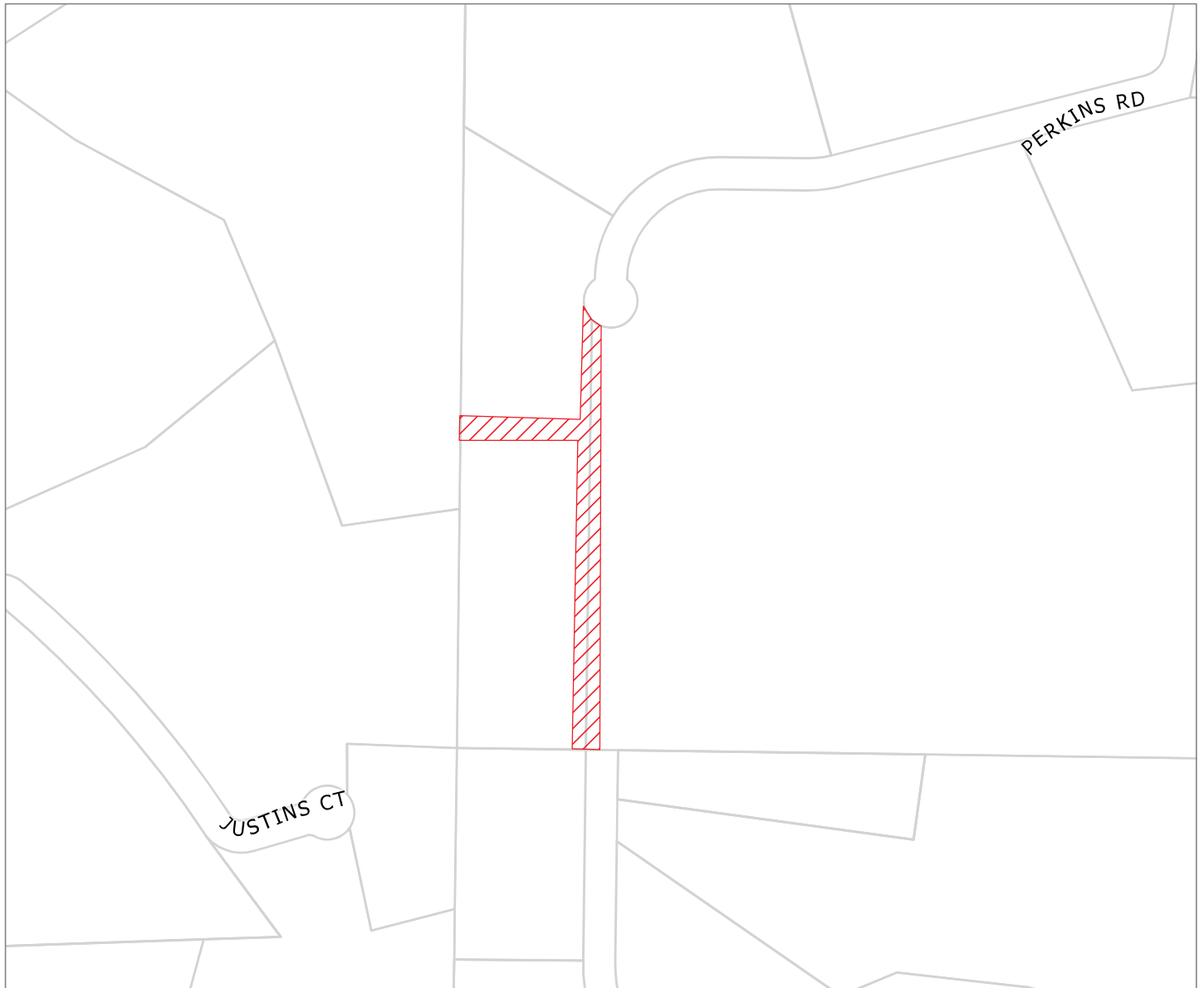
Request: Vacates entire utility easement on boundaries of Lot 4 granted on Stanley's Meadow #7, Plat HM 87-45

Fitz Creek Area / Kachemak Bay APC



Kenai Peninsula Borough Planning Department

Vicinity Map

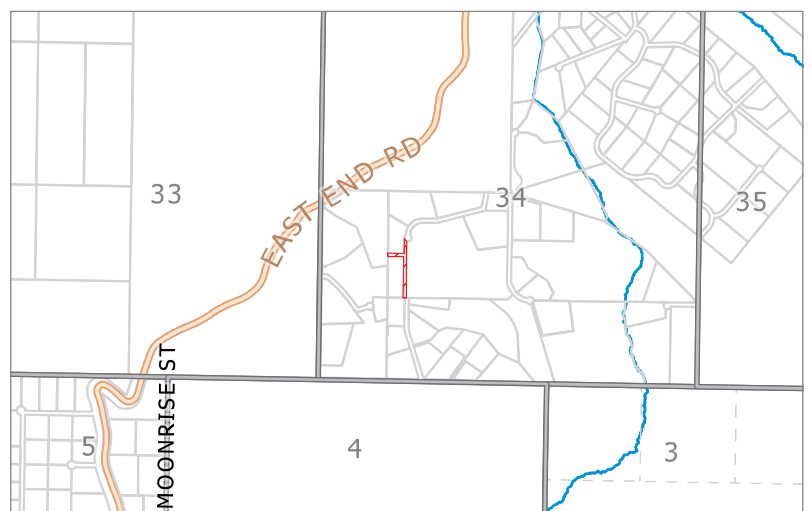
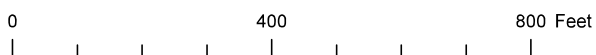


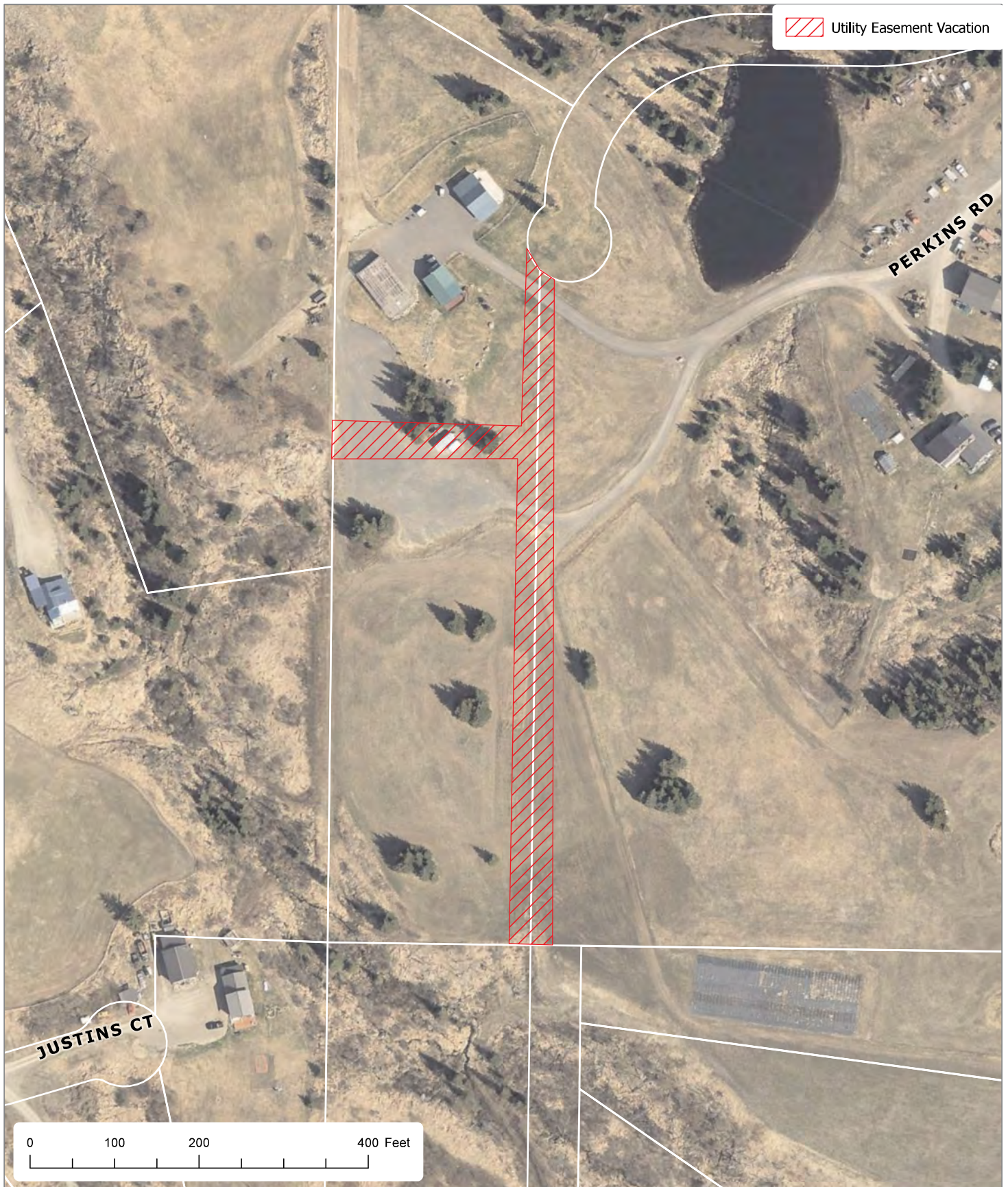
KPB File 2023-024V2

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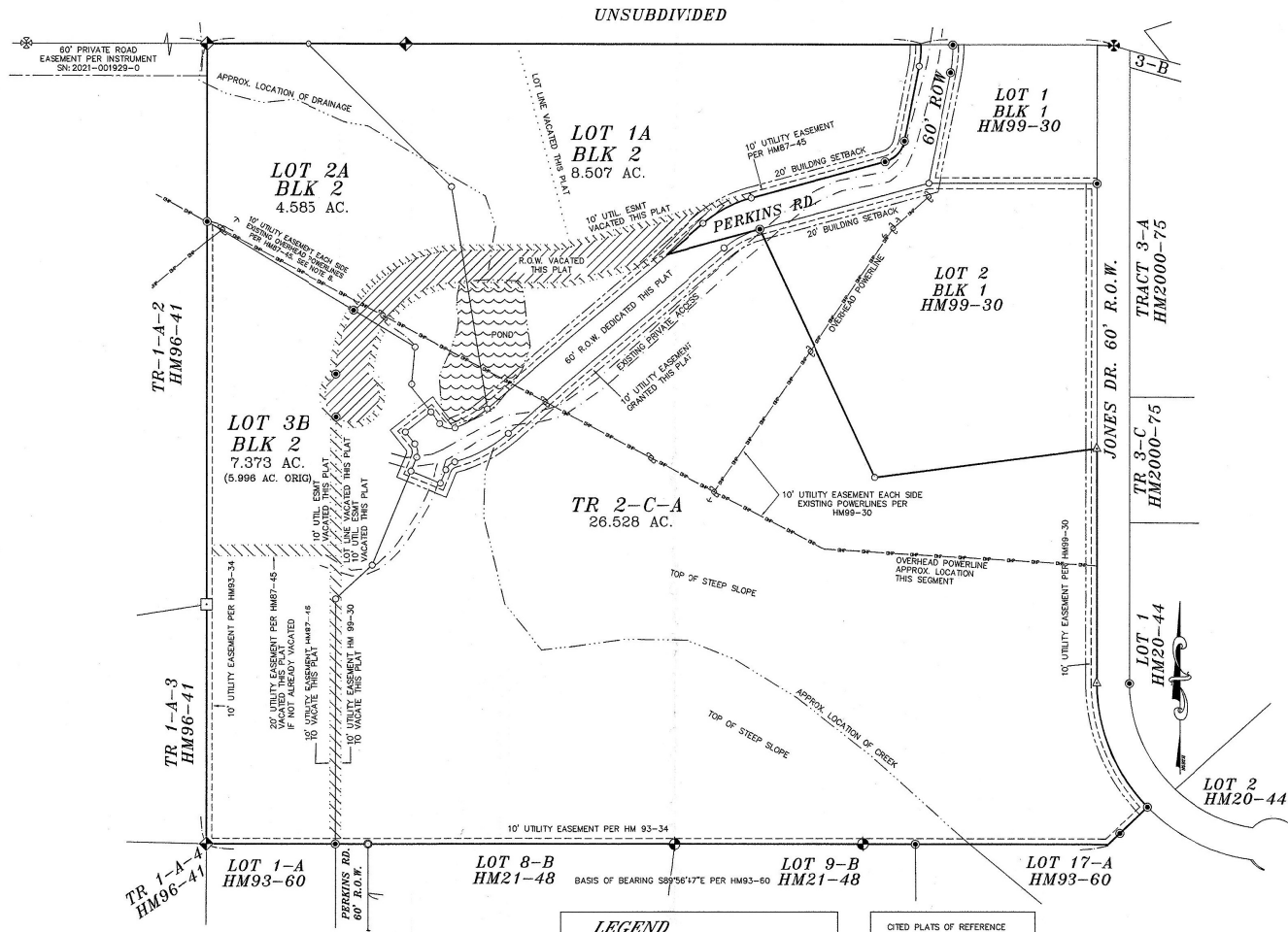
Fritz Creek

3/13/2023





UTILITY EASEMENT VACATION EXHIBIT



LEGEND

- ✱ FOUND 5.2" BRASS CAP ON 3/4" O.P., 3686-S, 1979
- ⊙ FOUND 3" ALUM ADL MOK, 3686-S, 1971
- ⊙ FOUND 5/8" REBAR
- ⊙ 2" AL-CAP ON 5/8" REBAR, 7610-S, 2021
- ⊙ 3" RED PVC CAP ON 5/8" REBAR, 3686S, 1991
- ⊙ 1.5" AL-CAP ON 5/8" REBAR BY 5276-S PER (R1)
- ⊙ FOUND 2" AL-CAP ON 1/8" REBAR BY 7968-S, 1996
- ⊙ FOUND 2-1/2" AL-CAP ON 5/8" REBAR BY 4469-S, 1999
- ⊙ 2" AL-CAP ON 5/8" REBAR TO SET
- ⊙ POWER POLE
- ⊙ ANCHOR FOR POLE

CITED PLATS OF REFERENCE

- R1 HM97-45
- R2 HM93-34
- R3 HM93-60
- R4 HM99-30

VICINITY MAP SCALE: 1" = 1 MILE

THIS PLAT

DATE: 3-2-2023
 SCALE: 1" = 100'
 GRID No. AR-21
 JOB No. 5450
 DRAWING: 5450-541

STANLEY'S MEADOW 2023
 A REPLAT OF LOTS 1 & 2 BLOCK 2, STANLEY'S MEADOW SUBD. NO. 2 (HM97-45), TRACT 3-C STANLEY'S MEADOW WRTT'S REPLAT (HM99-30), AND LOT 3-A BLOCK 2, STANLEY'S MEADOW SUBD. NO. 13 (HM93-34), AND VACATING A PORTION OF PERKINS ROAD RIGHT-OF-WAY AS SHOWN ON STANLEY'S MEADOW NO. 13 (HM93-34), WITHIN THE SW1/4 SEC. 34, T4S, R11W, S14, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, HOMER RECORDING DISTRICT, STATE OF ALASKA, CONTAINING 47.998 ACRES.

OWNERS:
 DEOL R. JONES
 MA L. JONES
 FRITZ CREEK, AK 99603

BILLY R. JONES
 STEPHANIE J. JONES
 13875 PERKINS RD
 HOMER, AK 99603

ABILITY SURVEYS
 GARY NELSON, PLS
 (907) 235-6440
 1502 CHERIE AVE. HOMER ALASKA 99603

KPB 2023-024V2

AGENDA ITEM E. NEW BUSINESS

ITEM 3 - UTILITY EASEMENT ALTERATION
VACATE MULTIPLE UTILITY EASEMENTS ASSOCIATED WITH LOT 13-A, BLOCK 2, STANLEY'S MEADOW
SUBDIVISION NO. 13, HM 93-34

KPB File No.	2023-024V2
Planning Commission Meeting:	April 10, 2023
Applicant / Owner:	Billy and Stephanie Jones of Homer, Alaska
Surveyor:	Gary Nelson / Ability Surveys
General Location:	Perkins Road, Fritz Creek, Kachemak Bay APC

STAFF REPORT

Specific Request / Purpose as stated in the petition: This letter is to state the reasons for vacation of the utility easements as shown on the enclosed Exhibit and Preliminary Plat.

- The portion of utility easements adjacent the existing Perkins Dr ROW would be vacated and replaced with new dedicated easements adjacent to the new ROW alignment.
- These parcels have been the subject of a few different replats including HM 87-45, HM 93-34, HM 93-60, and HM 99-30. With this replat, each parcel would be served easements, and the remaining 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the west boundary of proposed Lot 3B Block 2 and the 10' utility easement along the entire south boundary of this subdivision.
- Based on the proposed Lot 3B Block 2 boundary the easements being requested for vacation are no longer needed to serve the parcels.
- Vacating these easements would clear the title of the affected parcel.
- Any future ROW dedications would require additional utility easements to serve potential future lots.
- This petition is being made in conjunction with a replat of the affected parcels. All owners are in agreement with the proposed alignment and would benefit from the suitability of the layout.

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

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

Staff Analysis: The property has been subdivided multiple times over the years. Some of the reconfigurations have resulted in remaining utility easements that encumber the current lots and will possibly impede development on newly proposed lot configurations.

There are existing utility easements present along the western boundary of Lot 3-A Block 2, Stanley's Meadow No. 13. Utility easements have also been granted over existing services on previous plats. Any portions of those services that do not have an easement will be required to have an easement granted over them with the replat. Part of the replat is vacating and realigning and existing dedication. The vacation will include the associated utility easements but new easements will be required along the new dedication.

KPB Roads Department did not have an objection to the vacation but does not that there do appear to be some concerns with the new right-of-way placement. These will be addressed within the staff report for the right-of-way vacation and plat.

Utility provider review:

HEA	HEA has no objection to the vacation of the platted utility easements as depicted on this utility easement vacation exhibit drawing.
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	HEA will request a 30 foot wide utility easements on all single phase overhead electric lines during the platting review.
ENSTAR	No comment for the proposed vacation.
ACS	No objections
GCI	Approved as shown

Findings:

1. The petition states that the utility easement proposed to be vacated is not in use by a utility company.
2. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
3. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and northern boundary of Lot 4, Block 2.
4. Stanley's Meadow #7, Plat HM 87-45, granted a 10 foot utility easement along the eastern and southern boundary of Lot 3, Block 2.
5. Stanley's Meadow No. 13, Plat HM 93-34, vacated a portion of Perkins Road and combined Lot 3 and Lot 4, Block 2 but left utility easements in place.
6. Stanley's Meadow Vikki's Replat, Plat HM 99-30, vacated some of the utility easements along the former right-of-way and granted a new easement along the western boundary of Tract 2-C.
7. Lot 3-A Block 2 of Stanley's Meadow No. 13, Plat HM 93-34 has a 20 foot utility easement running through the middle of the lot.
8. A preliminary plat has been submitted that will reconfigure several lots in the area and the vacation will allow for the new lots to not be encumbered by multiple utility easements running through the middle of lots.
9. Any requested utility easements shall be granted.
10. 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 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.

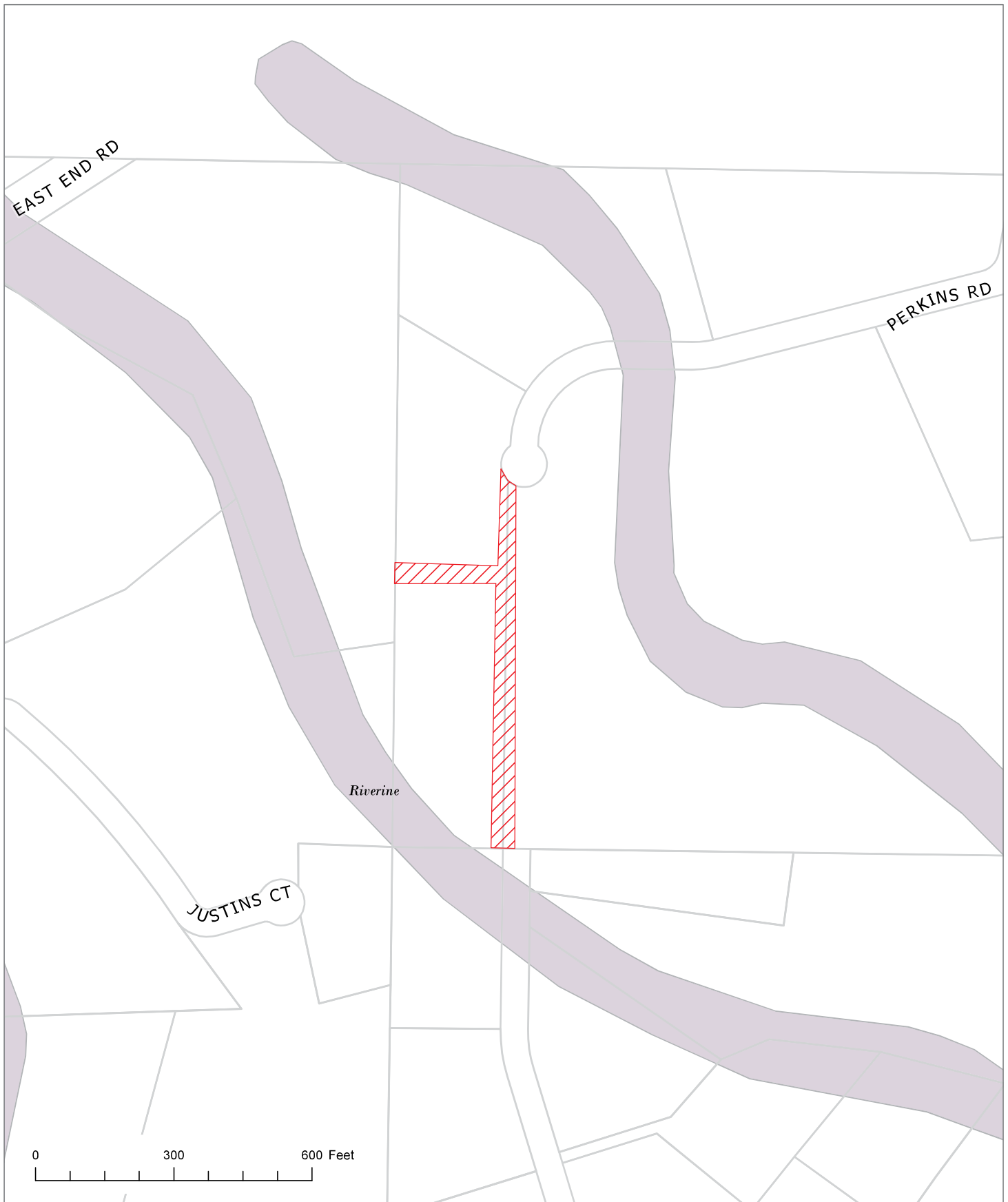
The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

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.*

END OF STAFF REPORT





STANLEY'S MEADOW NO. 6
NO. 0316 RECORD



LEGEND

- 5/8" REBAR FOUND
- 5/8" REBAR PLACED

NOTES

1. A 10' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF POWERLINE.
2. BUILDING SETBACKS: A SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER SETBACK IS APPROVED BY REGULATION OF THE APPROPRIATE PLANNING COMMISSION.
3. NO PERMANENT STRUCTURE SHALL BE PLACED WITHIN A RIGHT-OF-WAY UNLESS IT IS NECESSARY FOR THE OPERATION OF A UTILITY TO USE THE EASEMENT.
4. RECORD DATA FROM STANLEY'S MEADOW NO. 7

CERTIFICATE OF OWNERSHIP & DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND IS CORRECT, ACCORDING AND I AM HEREBY DEDICATING THIS PLAT OF SUBDIVISION AND BY MY THIS CERTIFICATE I DEDICATE ALL RIGHTS OF WAY AND GRANT ALL EASEMENTS SHOWN

NOTARY PUBLIC FOR ALASKA
JAMES J. JONES JR. 3335 EAST ROAD HOMER AL 99603

NOTARY'S ACKNOWLEDGMENT
SUBSCRIBED AND SWORN TO BEFORE ME THIS 18 DAY OF JULY, 1993

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 1-16-95

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE HOMER PLANNING & ZONING PLANNING COMMISSION AT THE MEETING OF JULY 13, 1993.

BOROUGH OFFICIAL: *James J. Jones Jr.* DATE: 6-29-93

WASTEWATER DISPOSAL - LOT 3-A & BLOCK 2
CONDITIONS MAY NOT BE SUITABLE FOR WASTE WATER TREATMENT & DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA D.E.C. SUBJECT TO ANY LOCAL RESTRICTIONS, THE ALASKA D.E.C. APPROVES THIS SUBDIVISION.

WASTEWATER DISPOSAL - TRACT 2-B
WASTEWATER TREATMENT & DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA D.E.C. THE ALASKA D.E.C. APPROVES THIS SUBDIVISION FOR PLATING.

APPROVED: *James J. Jones Jr.* DATE: 6/1/93
ALASKA DEPT. OF ENVIRONMENTAL CONSERVATION

STANLEY'S MEADOW NO. 13

BEING A VACATION OF RIGHT-OF-WAY AND BEING A RESUBDIVISION OF LOTS 3 & 4, BLOCK 2 AND TRACT 2-A STANLEY MEADOWS NO. 7, PLAT 87-45, HOMER REC. DISTRICT SITUATED IN THE S. 1-2, SECTION 34, T4S, R11W, BEAVER MERIDIAN, ALASKA

CONTAINS 49.493 ACRES

PRICE
ENGINEERING
P.O. BOX 1016
HOMER, ALASKA 99603
TELEPHONE: 235-8005

SCALE: 1" = 100'
DATE: 6/1/93

LEGEND:

Nothing Found or Set except as noted.

⊗ Found Brass Cap, 3686-S, 1979.

● Found 5/8" Rebar, 527-S, 1988.

⊖ Found 3/4" Iron Bar, as reported on plot #91-47.

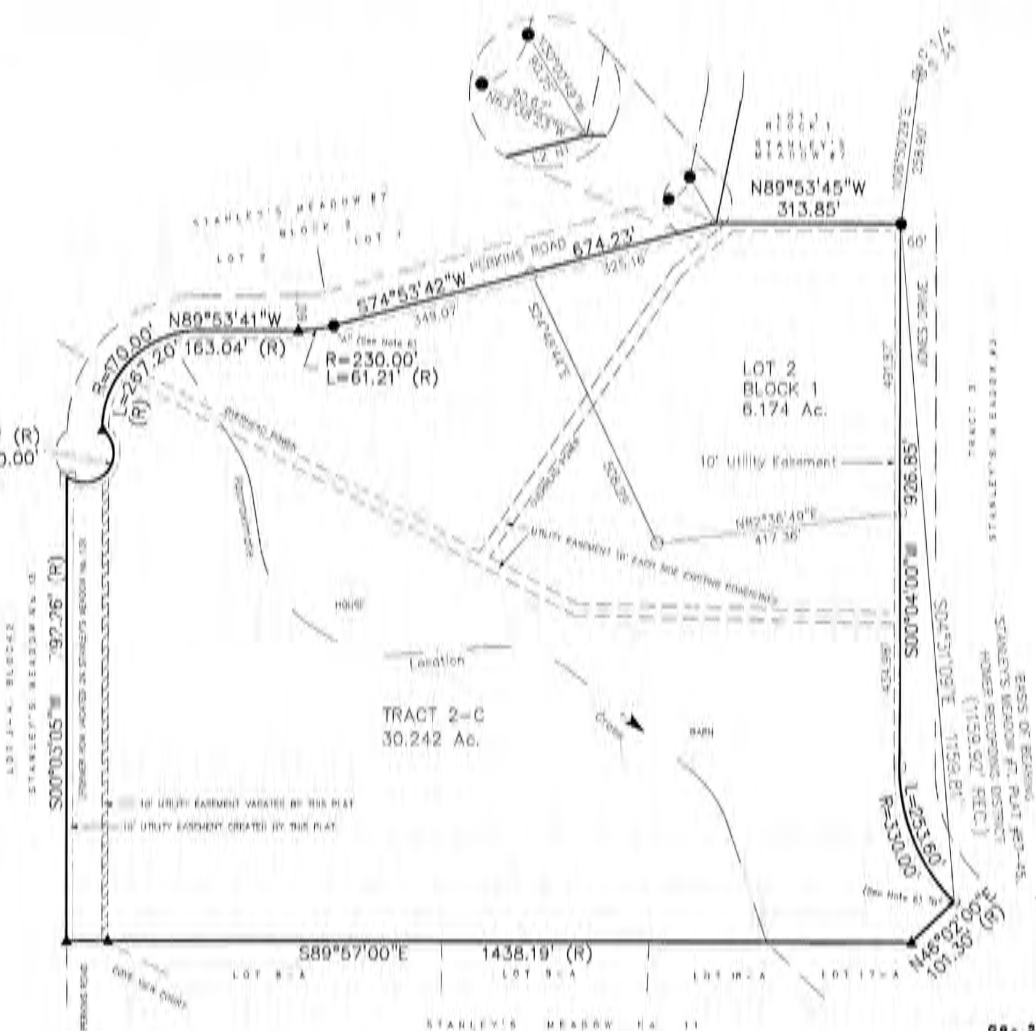
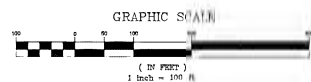
○ Set 2 1/2" Alum. Cap on 5/8" Rebar, 4469-S, 1999.

▲ Monument of Record, 5/8" Rebar, 527-S, 1987, NOT RECOVERED (See Plot #R7-45, Stanley's Meadow #7).

□ Monument of Record, 5/8" Rebar, 3411-S, 1993, NOT RECOVERED (See Plot #91-34, Stanley's Meadow No. 1).

NOTES

1. WASTEWATER DISPOSAL: These lots are at least 100,000 square feet or nominal 5 acres in size and conditions may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
2. Building Setback: A setback of 20 ft. is required from all street rights-of-way unless a lesser standard is determined by resolution of the appropriate Planning Commission.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. The State of Alaska requires that all wastewater disposal systems be a minimum of 100 ft. from any water source.
5. The utility easement vacation was approved at the May 12, 1999 meeting of the Kenai Peninsula Borough Planning Commission.
6. Distances annotated with (R) are record from Stanley's Meadow No. 13. Closing line between monuments labeled A and B is $54^{\circ}05'39"E$, 1441.53'.
7. Creek bottom may be subject to flooding in extreme weather.
8. There is an electric and telephone easement, its details location, described on Page 167, Book 90, R111.



Certificate of Ownership and Dedication

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adjust this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown. I further certify that Benef(s) of Trust affecting this property do not contain restrictions which would prohibit this subdivision, or require signature and approval of beneficiary(ies).

Carl Jones

Carl R. Jones
33975 Jones Drive
Homer, AK 99603

History's Acknowledgement

Subscribed and sworn before me this 25th day of August, 1999 for Carl R. Jones.

Quentin Matheson

Notary Public for Alaska
My Commission Expires: 6-18-99

NOT OF RECORD
NOTARY PUBLIC
QUENTIN MATHESON
ALASKA

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of March 22, 1999.

KENAI PENINSULA BOROUGH

By *Michael Burt*
Authorized Official

Special Note:
This also amends Stanley's Meadow No. 7, plat #91-45, Stanley's Meadow No. 3, plat #11.

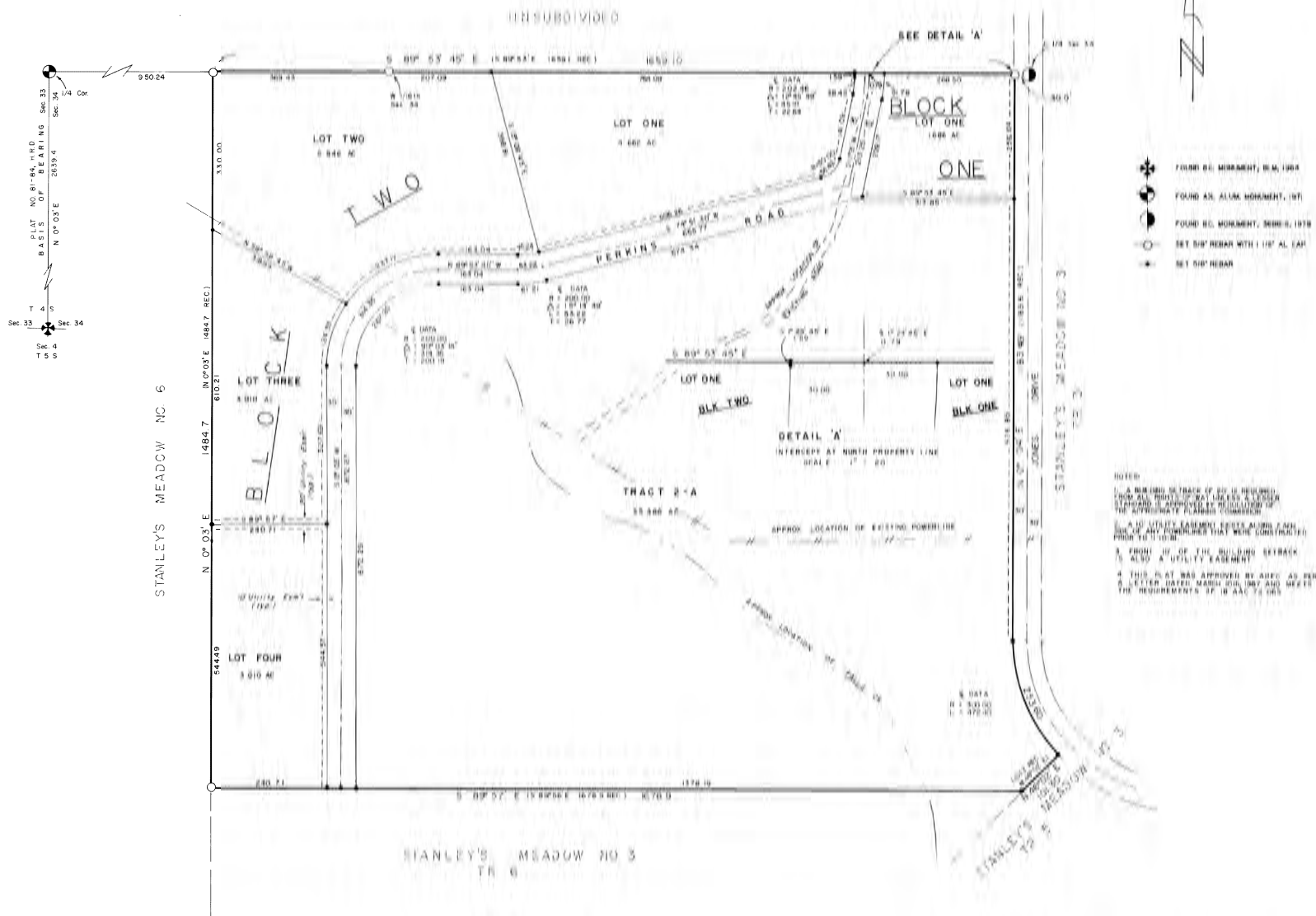
STANLEY'S MEADOW VAKKI'S REPLAT

Subdivision of Tract 2-C, Stanley's Meadow No. 13, Plat #91-34, Kenai Peninsula Borough, Alaska, and utility easement vacation, adjusted to 50'-0" from 100'-0" (See Note 6).

SURVEYOR	DATE
QUENTIN MATHESON	DEC 15, 1998
C.R. Jones	DEC 15, 1998
Homer, AK 99603	
Scale: 1" = 100'	Base Map: AR 21
Book No. 128	Plat No. 99-037
Drawn by: R.M.	Checked by: R.M.

99-30
HOMER, ALASKA
6/25/99
Quentin Matheson





- FOUND B.C. MONUMENT, H.M., 1984
- FOUND A.C. ALUM. MONUMENT, 1971
- FOUND B.C. MONUMENT, SERIES, 1978
- SET 5/8" REBAR WITH 1 1/2" AL CAP
- SET 5/8" REBAR

- NOTES:
1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL RIGHTS OF WAY LINES & LOTS. SETBACKS ARE TO BE MAINTAINED AT ALL TIMES.
 2. A 10' UTILITY EASEMENT EXISTS ALONG THE LINE OF ANY POWERLINES THAT WERE CONSTRUCTED PRIOR TO 1978.
 3. FRONT 10' OF THE BUILDING SETBACK TO ALSO A UTILITY EASEMENT.
 4. THIS PLAT WAS APPROVED BY ADEC AS PER LETTER DATED MARCH 20, 1987 AND MEETS THE REQUIREMENTS OF 16 AAC 75.010.



CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT I HEREBY ADAPT THIS PLAN OF SUBDIVISION AND LOCATE ALL RIGHTS OF WAY TO PUBLIC USE AND ALL EASEMENTS TO THE USE SHOWN.

Cecil B. Jones 6-19-86
 Cecil B. Jones, 1307 S. EASY ROAD, HOMER, AK 99603
 DATE: 6-19-86

NOTARY'S ACKNOWLEDGEMENT
 I, *Virginia L. Wilson*, Notary Public for Alaska, do hereby certify that the foregoing is a true and correct copy of the original as shown to me this 19th day of June, 1986.

MY COMMISSION EXPIRES: 12-31-87
 State of Alaska

SURVEYOR'S CERTIFICATE
 I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME, AND THAT ALL MONUMENTS SHOWN ON THIS PLAT WERE DISCOVERED BY ME, OR BY ME, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE.

Richard P. Tange
 AUTHORIZED OFFICIAL

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE PERMITS DIVISION OF THE PLANNING COMMISSION AT THE MEETING OF 6-21-86.

PERMITS DIVISION
 By: *Richard P. Tange*
 AUTHORIZED OFFICIAL

SCALE 1" = 100' JANUARY, 1980 DES: DF DWS: SW

STANLEY'S MEADOW #7

REMS & RESUBDIVISION OF TRACT 2, STANLEY'S MEADOW No. 3, PLAT No. 81-84, H.D. 345 P, SITUATED IN THE S 1/4, SECTION 34, T4S, R1W, SEWARD MERIDIAN, ALASKA.

CURTAIN 26.757 ACRES

David Fluitt, L.S. SPA Box 5PA Homer, AK 99603

