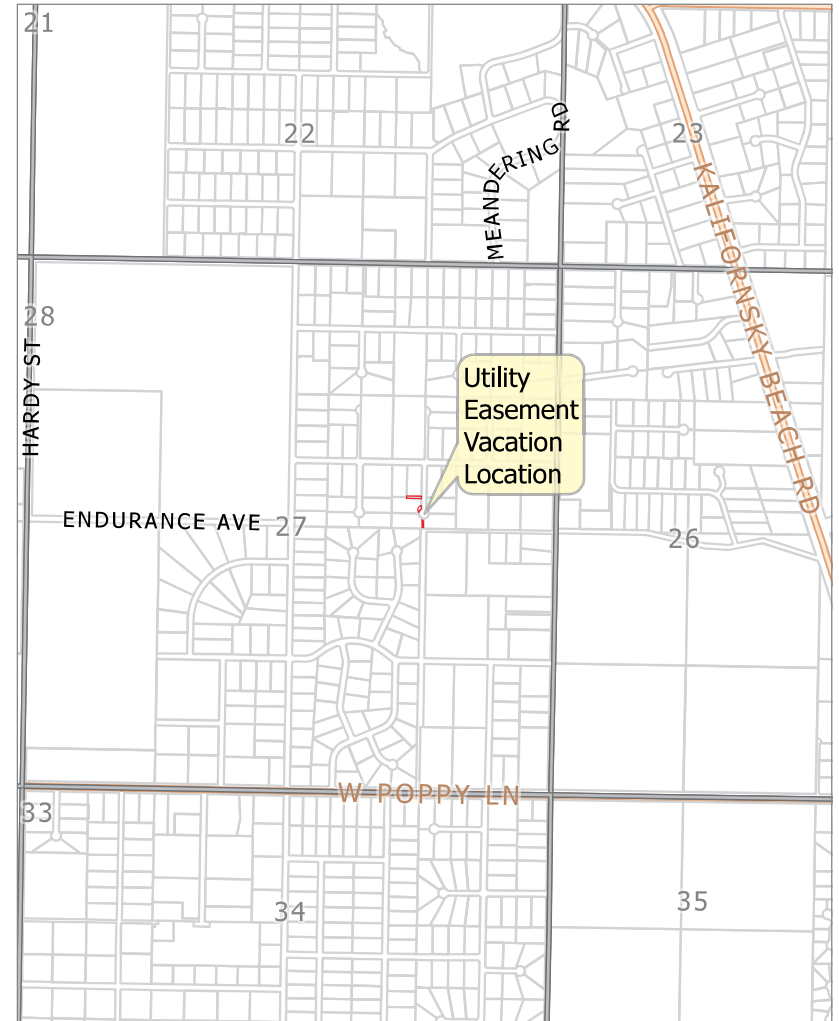
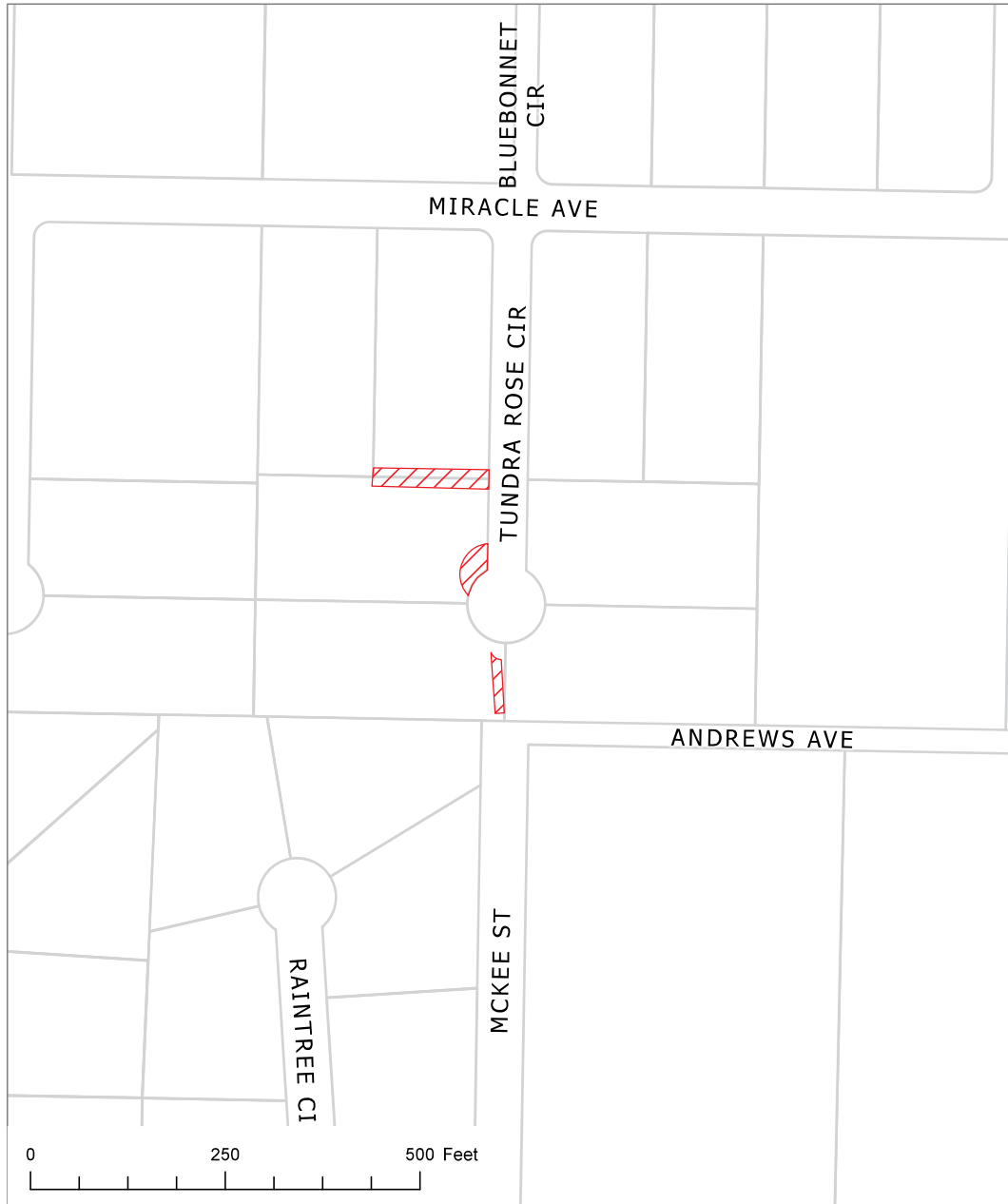


## **E. NEW BUSINESS**

**3. Utility Easement Vacation; KPB File 2024-003V**

**Edge Survey & Design, LLC / Jose**

**Request: Vacates portions of a utility easement located on the south boundary of Lot 4-B, eastern boundaries of Lots 4-C & 4-D granted by Resubdivision of Lots 4&5 Cottonwood Acres Subdivision, Plat KN 78-224 Soldotna Area**



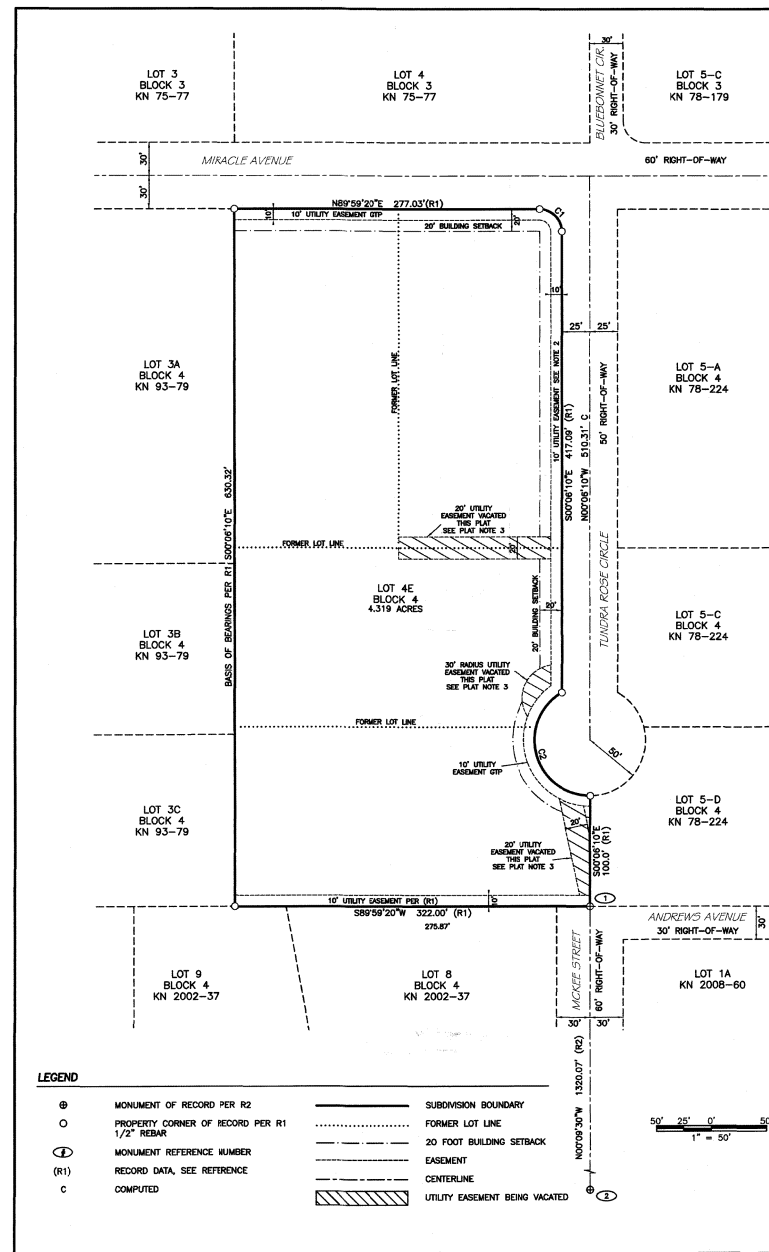
KPB File 2024-003V  
T 05N R 11W SEC 27  
Kalifornsky





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.





NOTES

1. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. THE FRONT 10 FEET ADJACENT TO THE RIGHTS-OF-WAY 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. A 10 FOOT UTILITY EASEMENT ADJACENT TO MIRACLE AVENUE GRANTED THIS PLAT. PLAT 78-224 GRANTED A 5 FOOT UTILITY EASEMENT ALONG THE TANGENT OF TUNDRA ROSE CIRCLE. AN ADDITIONAL 5 FEET ARE BEING GRANTED THIS PLAT, BRINGING THE TOTAL EASEMENT WIDTH TO 10 FEET. A 10 FOOT UTILITY EASEMENT ADJACENT TO THE CUL-DE-SAC PORTION OF TUNDRA ROSE CIRCLE BEING GRANTED THIS PLAT.
3. THE KENAI PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF UTILITY EASEMENTS GRANTED PER (R1), AT THE MEETING OF JANUARY 23, 2024.
4. THIS SUBDIVISION SUBJECT TO EASEMENT, WITH NO DEFINED LOCATION, FOR ELECTRIC LINES OR SYSTEM AND/OR TELEPHONE LINES TOGETHER WITH RIGHT TO ENTER, MAINTAIN, REPAIR AND CLEAR SHRUBBERY. RECORDED: AUGUST 21, 1963, VOLUME/PAGE: 10/315, GRANTED TO HOMER ELECTRIC ASSOCIATION, INC.
5. WASTEWATER DISPOSAL: WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

NOTARY ACKNOWLEDGEMENT

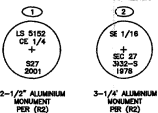
FOR: JAMIE JOSE  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

PUBLIC NOTARY SIGNATURE

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



MONUMENT SUMMARY



CURVE TABLE

CURVE	RADIUS	ARC LENGTH	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1 C	20.00'	31.38'	89°54'30"	S45°03'23"E	28.26'
C1(R1)	20.00'	31.38'	89°54'30"	S45°03'23"E	28.26'
C2 C	50.00'	130.90'	149°59'59"	S15°06'09"E	96.59'
C2(R1)	50.00'	130.90'	149°59'59"	S15°06'09"E	96.59'

REFERENCES

- (R1) RESUBDIVISION OF LOTS 4 & 5 COTTONWOOD ACRES SUBD. PLAT 78-224, KENAI RECORDING DISTRICT
- (R2) DENALI SUBDIVISION SETON ADDITION, PLAT 2008-60, KENAI RECORDING DISTRICT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF JANUARY 23, 2024.

KENAI PENINSULA BOROUGH

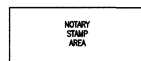
AUTHORIZED OFFICIAL

NOTARY ACKNOWLEDGEMENT

FOR: BRUCE JOSE  
ACKNOWLEDGED BEFORE ME  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024

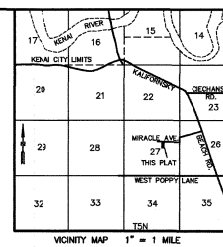
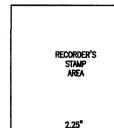
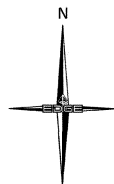
PUBLIC NOTARY SIGNATURE

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



CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 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.



CERTIFICATE OF OWNERSHIP AND DEDICATION

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

JAMIE JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

BRUCE JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

KPB FILE No. 2024-000

COTTONWOOD  
SUBDIVISION  
JOSE REPLAT  
AND UTILITY EASEMENT VACATION

A REPLAT OF  
LOTS 4A, 4B, 4C AND 4D  
RESUBDIVISION OF LOTS 4 & 5  
COTTONWOOD ACRES SUBD.  
PLAT 78-224 KENAI RECORDING DISTRICT

LOCATED WITHIN NE 1/4 SECTION 27,  
T.5N., R.11W. S.M.  
STATE OF ALASKA  
KENAI PENINSULA BOROUGH  
KENAI RECORDING DISTRICT

OWNERS:  
JAMIE AND BRUCE JOSE  
48275 MIRACLE AVENUE  
SOLDOTNA, ALASKA 99669

CONTAINING 4.319 ACRES



8000 KING STREET ANCHORAGE, AK 99516  
Phone (907) 344-5993 Fax (907) 344-7794

ACEL# 1392

DRAWN BY: DATE: 12/18/2023 PROJECT: 23-615  
CHECKED BY: SCALE: 1" = 50' SHEET: 1 OF 1  
MA

PRELIMINARY PLAT

**ITEM #3 - UTILITY EASEMENT ALTERATION**  
**VACATE PLATTED UTILITY EASEMENTS ON SOUTH LINE OF LOT 4-B, NORTH LINE OF LOT 4-C,**  
**SOUTHEAST CORNER OF LOT 4-C AND SOUTHEAST CORNER OF LOT 4-D**

<b>KPB File No.</b>	2024-003V
<b>Planning Commission Meeting:</b>	January 22, 2024
<b>Applicant / Owner:</b>	Bruce & Jaemi Jose of Soldotna Alaska
<b>Surveyor:</b>	Mark Aimonetti / Edge Survey and Design, LLC
<b>General Location:</b>	Tundra Rose Circle in Kalifornsky area

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:**

1. Easements to be vacated not in use by any utility provider.
2. Additional easement being granted to accommodate utility needs.
3. Easements granted by parent plat were not designed around existing utilities.
4. Vacating easements provides landowner with more usable space.
5. All local providers and KPB roads department agreed to proposed easement vacation.

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

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

**Staff Analysis:**

The petition is to vacate portions of a utility easement located on the south line of Lot 4-B, the North line of Lot 4-C, the southeast corner of Lot 4-C and the southeast corner of Lot 4-D all in Resubdivision of Lots 4 & 5 cottonwood Acres Subdivision KN 78-224. There are no utilities currently located within these easements proposed for vacation.

With a new subdivision o combine the four lots, a 10 foot utility easement is proposed along the front 10 feet adjacent to the right-of-way. His will accommodate any utility more functionally in a better location for use and access.

KPB Road Department had no objection to the proposed vacation.

**Utility provider review:**

HEA	No comments
ENSTAR	Approved as shown
ACS	Approved as shown
GCI	Approved as shown

**Findings:**

1. ACS, ENSTAR, GCI, and HEA provided written non-objection to the proposed vacation.
2. No surrounding properties will be denied utilities.
3. Resubdivision of Lots 4 & 5 Cottonwood Acres Subdivision created the utility easements being proposed for vacation.
4. New easements are being proposed with the new plat to better accommodate.
5. Utility providers had no objections.

### **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 Planning Commission 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.*

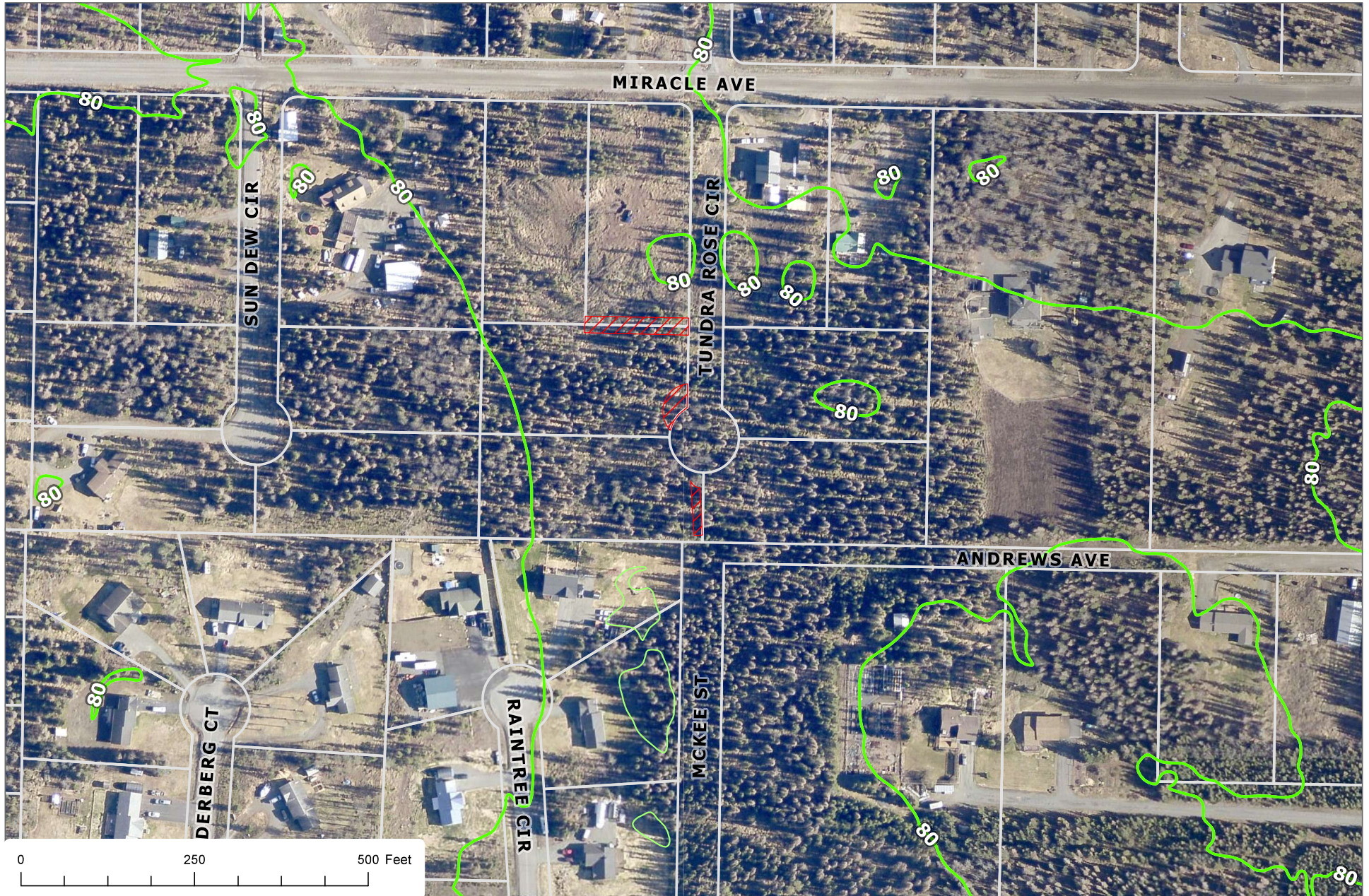
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**END OF STAFF REPORT**







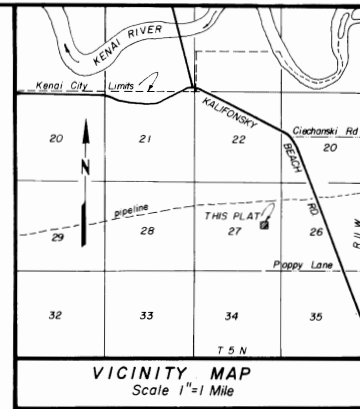
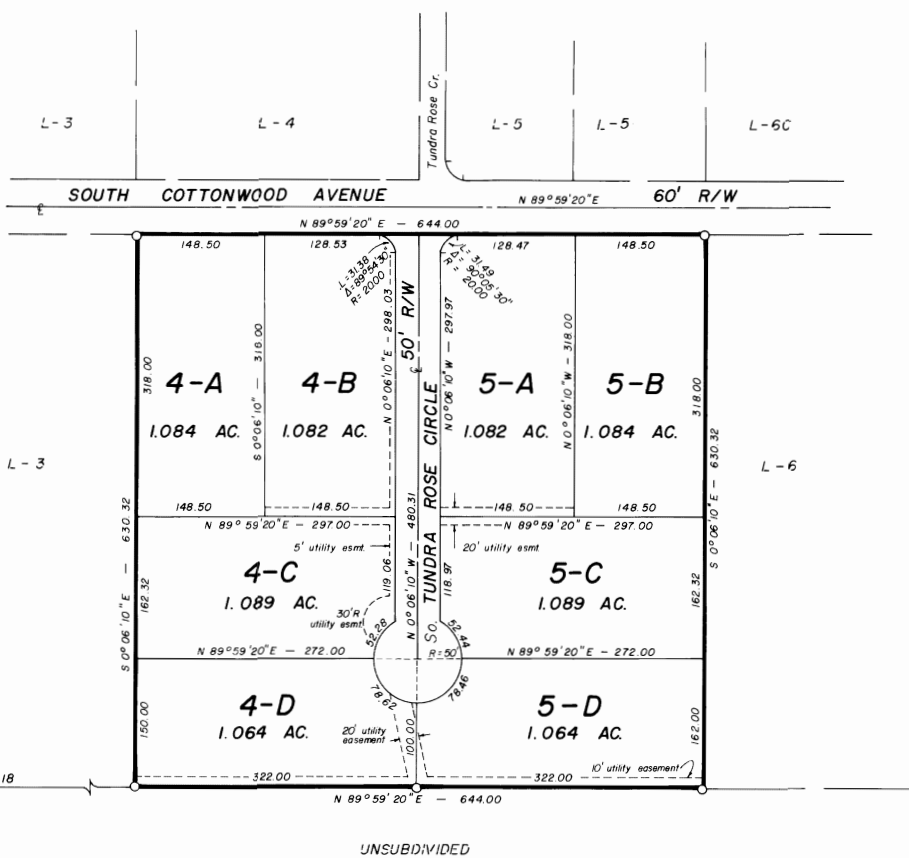


The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



BLOCK  
3

BLOCK  
4



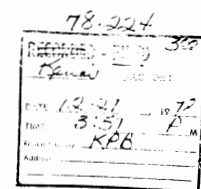
### Legend and Notes

- Found official survey survey monument
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners

All bearings refer to the E-W of Section 27 as being S 89°59'20"W data of record

All lots are subject to a 20' building setback along dedicated R/W's

All wastewater disposal systems shall comply with existing law at the time of construction.

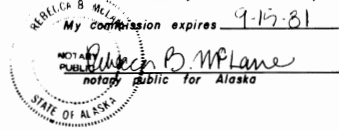


### CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

*Christopher G. Burns*  
Christopher G. Burns, owner, Box 2107 Soldotna, Ak 99669

NOTARY'S ACKNOWLEDGEMENT  
Subscribed and sworn before me this 3rd day of October, 1978  
My commission expires 9-15-81



### PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of September 11, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

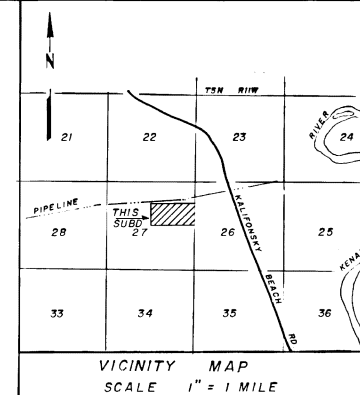
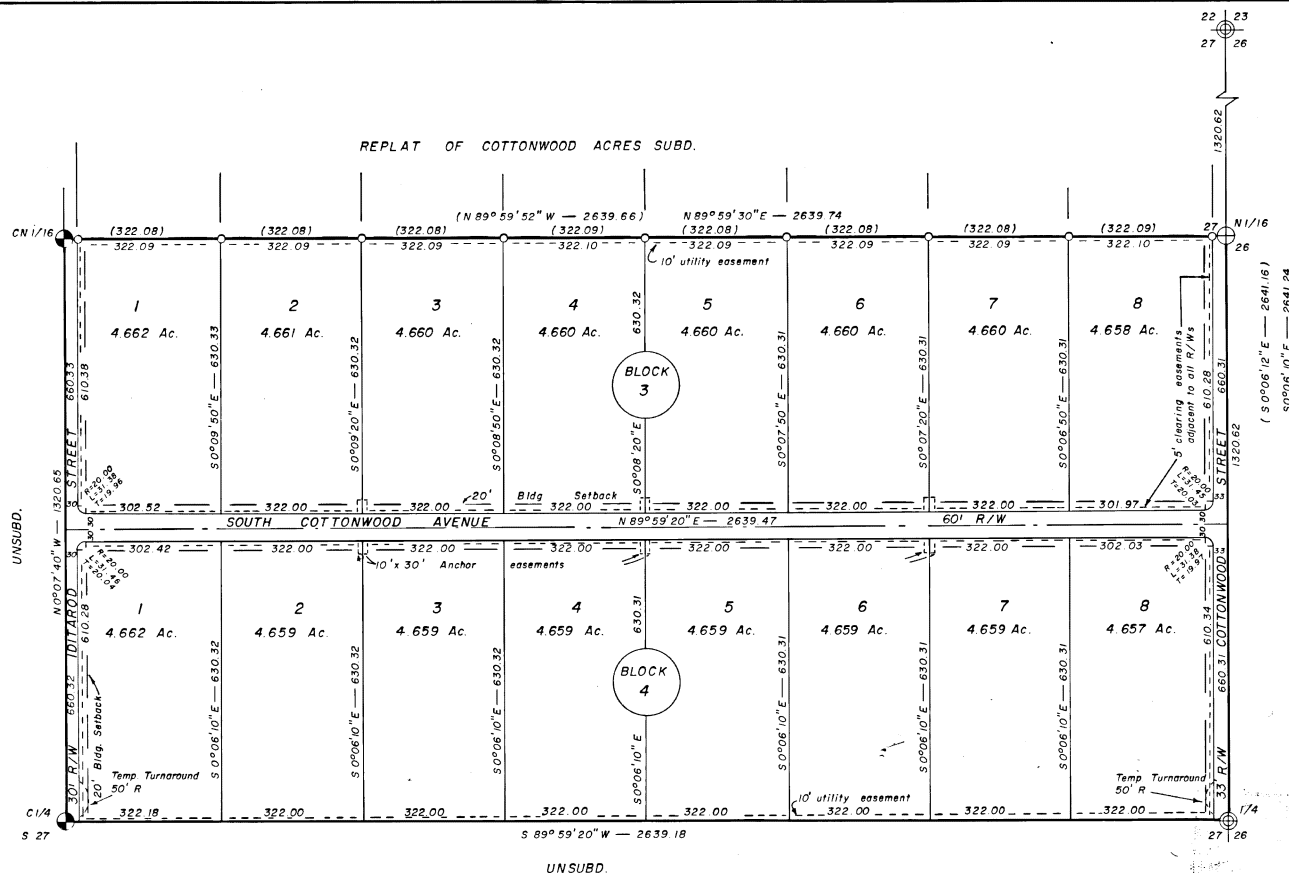
KENAI PENINSULA BOROUGH  
By: *Phyllis Waring*

### RESUBDIVISION of LOTS 4 & 5 COTTONWOOD ACRES SUBD.

Chris Burns owner  
Box 2107 Soldotna, Ak. 99669  
**DESCRIPTION**  
9.319 ACRES CONSISTING OF LOTS 4 AND 5 BLK 4 COTTONWOOD ACRES SUBDIVISION LOCATED IN THE NE 1/4 SECTION 27 T5N, R11W S.M. AK. AND IN KENAI PENINSULA BOROUGH.

Surveyed by McLane and Associates Soldotna Ak.

DATE OF SURVEY 7-24-78	SCALE 1"=100'	BK. NO. 77-26
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# LEGEND AND NOTES:

- Found G.L.O. brass cap monument
- Found official survey brass cap (R.C.J.)
- Set 3" cast Al. monument.
- Found 1/2" steel rebar.
- Set 1/2" x 24" steel rebar at all lot corners.

All bearings refer to the east line of Section 27 as being S 0° 06' 12" E of record.

Data of record shown in ( ).

## PLAT APPROVAL.

Plat approved by the Commission this 4<sup>th</sup> day of August, 1975.

Stanley S. McLane  
Mayor

## CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Date August 6, 1975  
The Briggs Corporation owner  
State of Alaska owner

## NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 6 day of August, 1975.

My commission expires 8/16/78.

Michelle Ballhofer  
notary public for Alaska



## COTTONWOOD ACRES SUBDIVISION ADDITION NO. 1

The Briggs Corporation, owner  
Star Route Box 65, Eagle River AK. 99577

DESCRIPTION  
THE 1/2 NE 1/4 SEC. 27 T5N, R11W S.M. AK.  
CONTAINING 80.019 ACRES LOCATED IN THE  
KENAI PENINSULA BOROUGH.

Surveyed by S.S. McLane R.L.S.

DATE OF SURVEY July 14 - 23, 1975	SCALE 1" = 200'	BK. NO. 74 - 1
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