

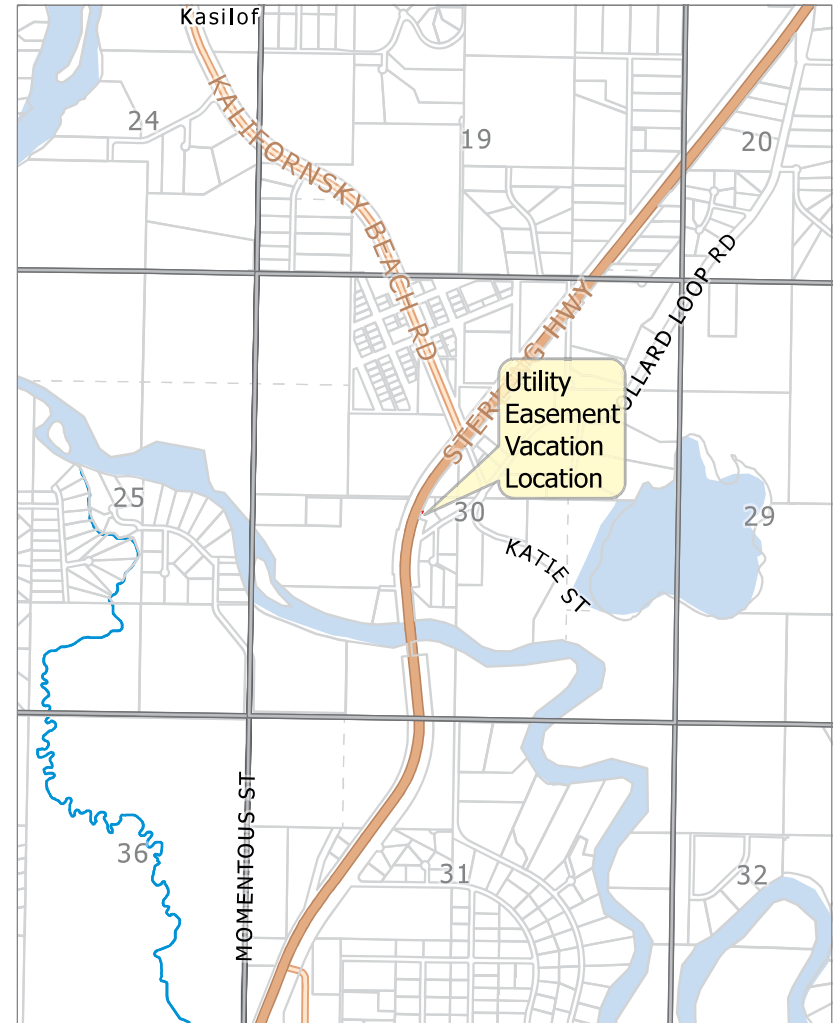
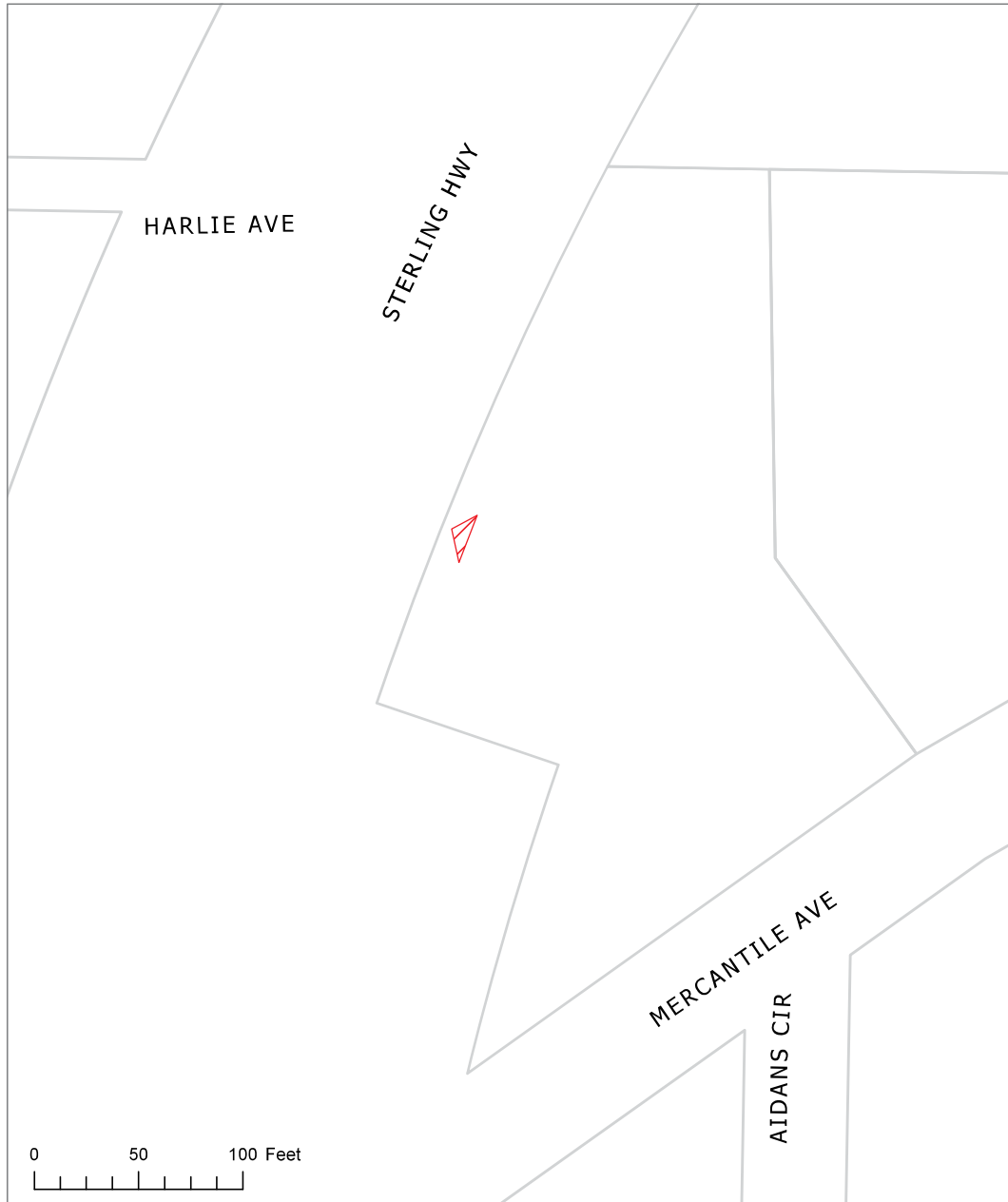
E. NEW BUSINESS

1. Utility Easement Vacation: KPB File 2024-021V

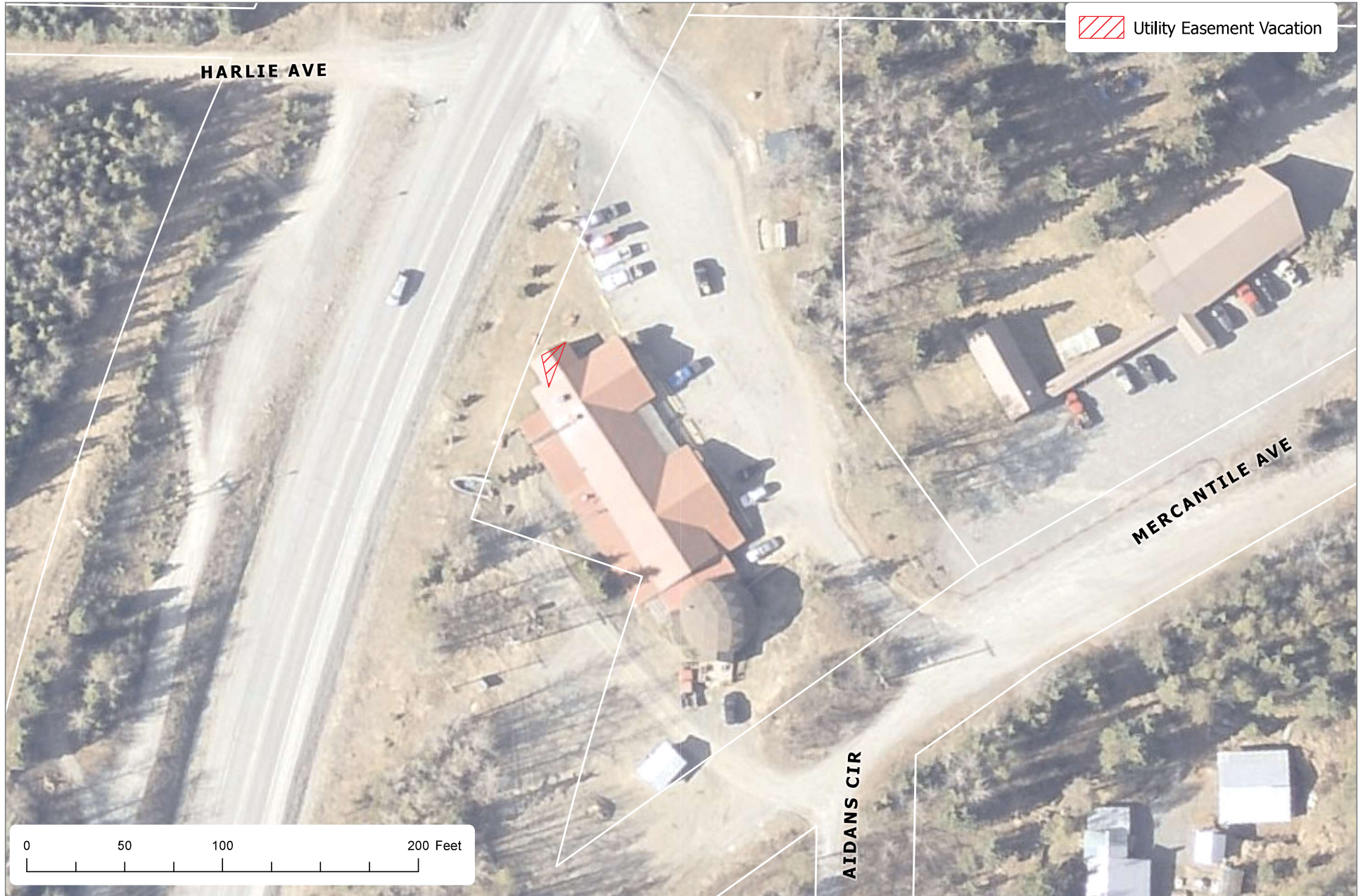
Johnson Surveying / Steinbeck

Request: Vacates a portion of the 25' utility easement on the western side of Tract B, Harlie A Fellers Subdivision, KN 78-31

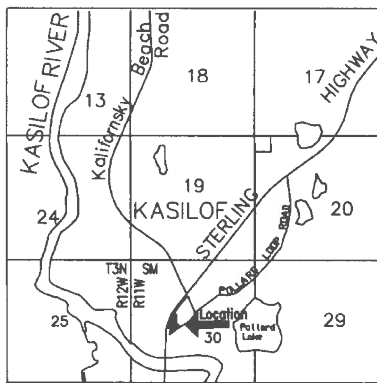
Kasilof Area



KPB File 2024-021V
T 03N R 11W SEC 30
Kasilof



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.



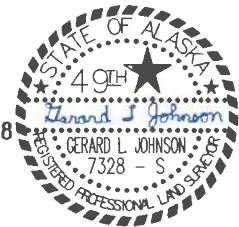
VICINITY 1" = 1 mile MAP

Harlie A. Fellers Subdivision Tract B utility easement vacation

Partial As-Built Survey of Tract B Harlie Fellers Subd., KRD 78-31.
utility easement vacation/variances needed.
Located in the SW 1/4 Section 30, T3N R11W, SM, Kaslof, Alaska.
Kenai Recording District Kenai Peninsula Borough File 2023-037

Prepared for
Steinbeck, Inc.
1116 Inlet Woods Dr.
Kenai, AK 99611

Prepared by
Johnson Surveying
P.O. Box 27
Clam Gulch, Ak 99568

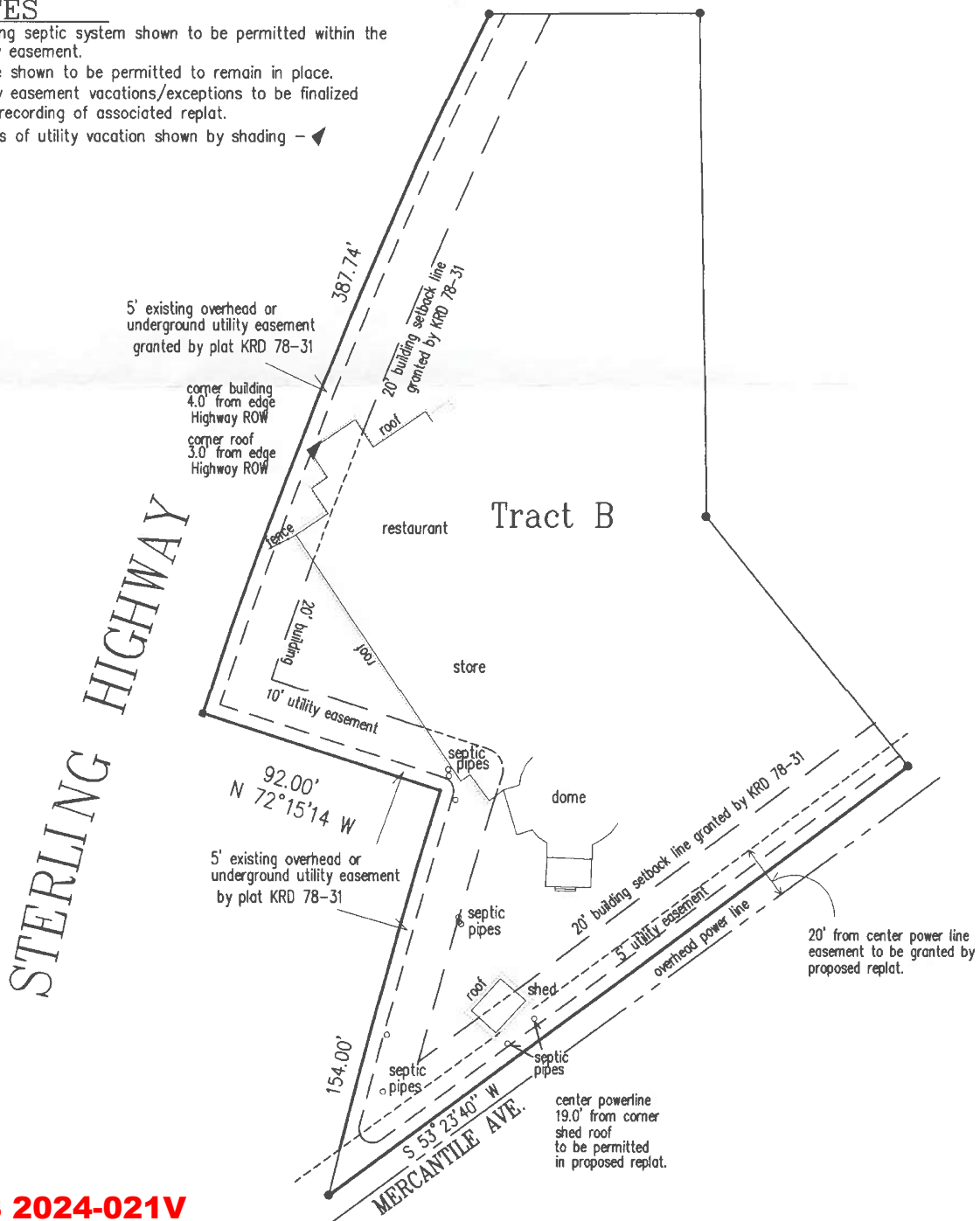


SCALE 1" = 40'

13 February, 2024

NOTES

1. existing septic system shown to be permitted within the utility easement.
2. Fence shown to be permitted to remain in place.
3. Utility easement vacations/exceptions to be finalized with recording of associated replat.
4. Areas of utility vacation shown by shading - ◀



KPB 2024-021V

AGENDA ITEM E. NEW BUSINESS

ITEM #1 - UTILITY EASEMENT ALTERATION

Vacates a portion of the five-foot utility easement that the Northerly portion of a structure is encroaching located on the western side of Tract B.

KPB File No.	2024-021V
Planning Commission Meeting:	April 22, 2024
Applicant / Owner:	Steinbeck, Inc. / Kenai, AK
Surveyor:	Jerry Johnson / Johnson Surveying
General Location:	Sterling Highway and Mercantile Avenue

STAFF REPORT

Specific Request / Purpose as stated in the petition: Petition to vacate a portion of the five-foot utility easement that a triangular portion of northwestern corner is encroaching into.

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

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

Staff Analysis: No utilities appear to be affected by the building encroachment as is. Any future utilities to be installed should have enough clearance to avoid the structure in the future.

Utility provider review:

HEA	No comment
ENSTAR	No comments or recommendations
ACS	No response
GCI	Approved as shown

Findings:

1. The petition does not state 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. No surrounding properties will be denied utilities.
4. This easement faces towards and is against a large highway right-of-way.

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

Make the following corrections:

Orient the label for the overhead power line better and add a arrow pointer to the line. Label as Existing.

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 utility providers.
2. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 12 months, compliant with the requirements of Chapter 20 of KPB Code 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



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Harlie A. Fellers Subdivision

LOCATED IN GOV. LOTS 6 AND 7, SEC. 30 T3N-R11W-S.M.; KASIOLOF, ALASKA

SCALE = 1" = 200'

AREA = 42.816 AC.

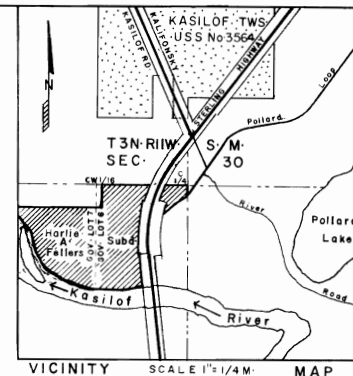
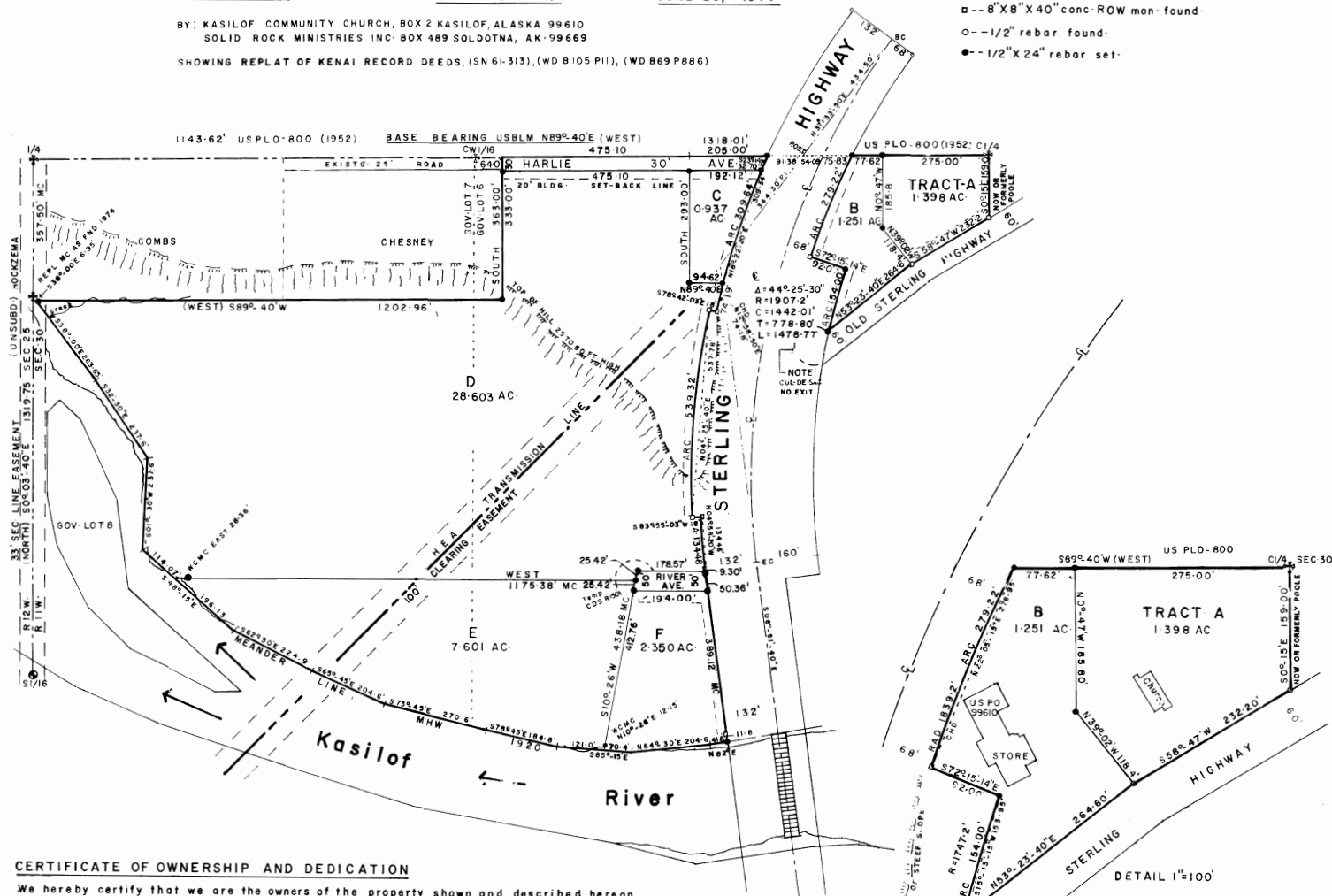
JUNE 20, 1977.

BY: KASIOLOF COMMUNITY CHURCH, BOX 2 KASIOLOF, ALASKA 99610
SOLID ROCK MINISTRIES INC. BOX 489 SOLDOTNA, AK 99669

SHOWING REPLAT OF KENAI RECORD DEEDS, (SN 61-313), (WD B105 P11), (WD B69 P886)

LEGEND

- ✱ Indicates GLO, BLM monument found.
- Ind. 3/4" X 3' IP W/BC found, 268-S
- 8" X 8" X 40" conc. ROW mon. found.
- 1/2" rebar found.
- 1/2" X 24" rebar set.



PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 11, 1977 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 Philip Waring

NOTE:

The natural line of mean high water of Kasilof River is the legal boundary of tracts D, E, and F.

All waste water disposal systems shall comply with existing laws at time of construction.

A 20' bldg. set-back line along all streets.
A 5' underground utility, or overhead clearing easement for H-E-A along streets.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and dedicate all streets to public use, and to the use of public utilities.

George Jackinsky James W. Turnbull
GEORGE JACKINSKY BOX 2 KASIOLOF, AK JAMES W. TURNBULL
TRUSTEES, KASIOLOF COMMUNITY CHURCH

Floyd Seekins Bert Shultz
FLOYD SEEKINS, CHAIRMAN BERT SHULTZ, DIRECTOR
SOLID ROCK MINISTRIES INC.
BOX 489 SOLDOTNA, AK

Frederick Galloway Ruth V. Galloway
FREDERICK GALLOWAY RUTH V. GALLOWAY
BOX 181 KASIOLOF, AK 99610

Noble W. Webb Trudy S. Webb
NOBLE W. WEBB TRUDY S. WEBB
STAR ROUTE KASIOLOF, AK

Terence Cowart Daniel P. Casey
TERENCE COWART (PARTNER) DANIEL P. CASEY (PARTNER)
KASIOLOF RIVER DRIVE-IN
STAR ROUTE 2 KASIOLOF, AK

STATE OF ALASKA, THIRD JUDICIAL DISTRICT

Subscribed and sworn to before me this 20th day of

August 1977
Frederick Galloway
NOTARY PUBLIC FOR ALASKA

My commission expires 6-14-81



BOX 27 CLAM GULCH, AK 99568