



# KENAI PENINSULA BOROUGH

## PLANNING DEPARTMENT

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MIKE NAVARRE  
BOROUGH MAYOR

## MEMORANDUM

**TO:** Blain Gilman, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director 

**DATE:** January 28, 2016

**SUBJECT:** Vacate the two 33-foot portions (approximately 215 feet) of the Section Line Easements between Cohoe Lake Drive and Lower Cohoe Lake that intersect Lots 2, 3, and 4, Block 2 of Cohoe Lakes Subdivision (Plat KN-1430). All portions of the requested vacation are located within Sections 22 & 27, Township 3 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2016-005.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of January 25, 2016, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

### *Findings*

1. Cohoe Lakes Subdivision (completed in 1965) granted a 50 foot right of way (ROW) dedication to Lower Cohoe Lake. The dedication to the lake is located 350 feet from the SLE.
2. The ROW dedication to the lake is perpendicular to the lake and provides a shorter length to access the lake. The ROW is a more direct access to the lake as opposed to the SLE which does not intersect the lake at a perpendicular angle.
3. The ROW dedication to Lower Cohoe Lake meets the DNR's requirement of being "a reasonably comparable, established alternate right-of-way that is sufficient to satisfy all present and reasonable foreseeable uses". The dedicated ROW provides "equal or better" access that is protected for public use and is adequately wide for the purpose it is to be used for.
4. The SLE has not been improved and is not being used by the public at this time.
5. There is public access to the west side of Lower Cohoe Lake along the SLE located on the north boundary of Section 27.
6. There is public access to northwestern side of Lower Cohoe Lake across the 83 acre parcel that is owned by Alaska Mental Health Trust. This 83 acre parcel has approximately 4,200 feet of lake frontage.
7. There is public access to southeastern side of Lower Cohoe Lake across the 37 acre parcel that is owned by Alaska Mental Health Trust. This 37 acre parcel has approximately 642 feet of lake frontage.
8. There is public access to the south side of Lower Cohoe Lake across the 221 acre parcel that is owned by the State of Alaska DNR. This 221 acre parcel has 3,482 feet of Lake Frontage. More than half of the lake frontage on Lower Cohoe Lake has public access at this time.
10. KN 1430 (Cohoe Lakes Subdivision) was approved by the KPB Assembly on December 7, 1965.
11. KN 1430 was recorded on January 10, 1966, which was prior to enactment of the subdivision

ordinance.

12. KN 1430 did not depict the 66-foot section line easements.
13. KN 1430 dedicated two 50-foot rights-of-way approximately 350 feet northwest and northeast of the proposed vacation.
16. Lot 2 contains 13,939 square feet; Lot 3 contains 20,908 square feet, and Lot 4 contains 23,958 square feet.
17. No minimum lot size was in effect when KN 1430 was recorded.

The Assembly has 30 days from January 25, 2016 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only