

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2021-22
HOMER RECORDING DISTRICT**

Vacate the 10' wide utility easement adjoining the north boundary of Lot 14 Block 1, excluding the 10' adjoining the east boundary common with Barbara Drive right of way. Said utility easement granted by Banta Subdivision Addition No. 1 and Resubdivision of Lot 4 Block 1 Banta Subdivision (Plat HM 78-21) within Section 26, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-084V.

WHEREAS, Mark and Micki Salinas of Ninilchik, AK requested the vacation of a 10-foot utility easement granted by Banta Subdivision Addition No 1 and Resubdivision of Lot 4 Block 1 Banta Subdivision (Plat HM 78-21); and

WHEREAS, per KPB 20.30.060(A) – Easements – Requirements, the planning commission may require easements it determines necessary for the benefit of the public. Such easements include, but are not limited to, lateral support (slope) easements, drainage easements for ditching or protection of a drainage, and utility easements. Required easements do not need to be for road purposes.

WHEREAS, per KPB 20.30.060(D) – Easements – Requirements, unless a utility company requests additional easements, the front ten feet of the building setback shall be designated as a utility easement, graphically or by note.

WHEREAS, affected utility companies provided written non-objection to the proposed vacation; and

WHEREAS, per the petition, the easement is not in use by any utility companies; and

WHEREAS, the proposed vacation will not deny utility easement(s) to surrounding properties; and

WHEREAS, on JULY 12, 2021, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.65.070 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. The 10-foot utility easement on the north boundary of Lot 14 Block 1, excluding the 10' adjoining the east boundary common with Barbara Drive right of way, said utility easement granted by Banta Subdivision Addition No 1 and Resubdivision of Lot 4 Block 1 Banta Subdivision (Plat HM 78-21), is hereby vacated.

Section 2. That an exhibit drawing or asbuilt survey, prepared by a licensed surveyor, showing the location of the portion of the utility easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 12th DAY OF JULY 2021.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Ann Shirnberg
Administrative Assistant

Return to:
Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669