

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2021-25  
KENAI RECORDING DISTRICT**

Vacate the 10 foot wide utility easement adjoining the south property line of Lot 4, Eventyr Subdivision (Plat KN 83-149), vacate the 10 foot wide utility easement along the north property lines of Lots 5 and 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the west 10 feet abutting Linwood Lane, and vacate the 10 foot wide utility easement along the east property line of Lot 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the south 10 feet abutting Lawton Drive.; within SW1/4 Section 34, Township 6 North, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-079V.

WHEREAS, Molly E. Hannigan of Kenai, AK and Christopher Johnson of Kenai, AK requested the vacation of 10 foot wide utility easement adjoining the south property line of Lot 4, Eventyr Subdivision (Plat KN 83-149), vacate the 10 foot wide utility easement along the north property lines of Lots 5 and 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the west 10 feet abutting Linwood Lane, and vacate the 10 foot wide utility easement along the east property line of Lot 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the south 10 feet abutting Lawton Drive.

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, The City Council of the City of Kenai heard the vacation and approved it at their August 19, 2020 regularly scheduled meeting.

WHEREAS, on August 24, 2020, 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, 20.70.140 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. Vacate the 10 foot wide utility easement adjoining the south property line of Lot 4, Eventyr Subdivision (Plat KN 83-149), vacate the 10 foot wide utility easement along the north property lines of Lots 5 and 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the west 10 feet abutting Linwood Lane, and vacate the 10 foot wide utility easement along the east property line of Lot 6, Eventyr Subdivision No. 2 (Plat KN 86-75), excluding the south 10 feet abutting Lawton Drive, are 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 9th DAY OF AUGUST 2021.

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Blair J. Martin, Chairperson  
Planning Commission

ATTEST:

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Ann Shirnberg  
Administrative Assistant

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