




## KENAI PENINSULA BOROUGH

144 N. BINKLEY - SOLDOTNA, ALASKA - 99669-7520  
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS  
MAYOR

### MEMORANDUM

**TO:** Ron Long, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:**  Max Best, Planning Director

**DATE:** May 24, 2006

**SUBJECT:** Vacate Ji-Anna Loop, a 60-foot right-of-way dedicated by Ji-Anna Subdivision Phase 2 (Plat KN 2004-82) and associated utility easements; within Section 5, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-090; Petitioners: James D. and Anna B. Lipps of Soldotna, Alaska; Location: North of Robinson Loop Road

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. The Planning Commission approved the referenced vacation during their regularly scheduled May 22, 2006 meeting.

A motion to grant the vacation as petitioned and adopting the eleven findings passed by unanimous consent. This petition is being sent to you for your consideration and action.

The Assembly has 30 days from May 22, 2006 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

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Ji-Anna Loop, a 60-foot right-of-way dedicated by Ji-Anna Subdivision Phase 2 (Plat KN 2004-82) and associated utility easements; within Section 5, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-090; Petitioners: James D. and Anna B. Lipps of Soldotna, Alaska; Location: North of Robinson Loop Road

Staff Report reviewed by Max Best

PC Meeting: 5/22/06

Purpose as stated in petition: We have changed our developed plans to agricultural uses. The dedicated ROW would interfere with our desired current and future use of this land. The parcel will be large enough that if future plans change a new ROW could be dedicated at that time.

Petitioners: James D. and Anna B. Lipps of Soldotna, Alaska

Public notice appeared in the May 4 and May 11, 2006 issues of the Peninsula Clarion.

Eight (8) certified mailings were sent to owners of property within 300 feet of the parcels; all the receipts have been returned.

Twelve (12) regular mailings were sent to agencies and interested parties; five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library, Soldotna Post Office, and Sterling Post Office to post in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection/no comment

Homer Electric Association

Staff discussion

Findings:

1. The Plat Committee reviewed and granted conditional approval to the associated preliminary plat on April 24, 2006.
2. Sufficient rights-of-way exist to serve surrounding properties.
3. No surrounding properties will be denied access.
4. Per the submittal, the right-of-way proposed for vacation is not in use for access.
5. The right-of-way does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, one utility company has provided a letter of no comment.
8. Per the submittal, the owners have changed their development plans, and the right-of-way and utility easement interferes with their revised use of the property.
9. The replatted parcel will contain approximately 28 acres.
10. Additional right-of-way, if needed, can be obtained when the replatted parcel is further subdivided.
11. The vacation will allow the property to be used for the anticipated and existing agricultural purposes as stated by the petitioner.

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

**If the vacation is approved, the Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE**

**GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

END OF STAFF REPORT

Chairman Bryson opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Tauriainen moved, seconded by Commissioner Isham to adopt the eleven findings cited by staff and grant the vacation.

Chairman Bryson asked for discussion. Hearing none, the commissioners proceeded to vote.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL YES	HUTCHINSON ABSENT
ISHAM YES	JOHNSON ABSENT	MARTIN YES	MASSION YES	PETERSEN YES	TAURIAINEN YES	11 YES 2 ABSENT

**AGENDA ITEM F. PUBLIC HEARINGS**

2. Vacate Trenchant Street, a 60-foot right of way, dedicated by Miller Homestead Subdivision (Plat KN 96-05); within Section 19, Township 7 North, Range 11 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-092; NOTE: Alternate Right of Way is proposed to be dedicated; Petitioners: Sharon K. Lamm of Salem Oregon, Sandra Jones, Johnnie Stolz & Philip Stolz of Nikiski, Alaska; Location: South of Bastien Drive in Nikiski

Staff Report reviewed by Max Best

PC Meeting: 5/22/06

Purpose as stated in petition: The owner of Tract 5 wishes to utilize an area in the southwesterly portion of the parcel for construction. The current road configuration will require not only the construction of Trenchant Street, but will also necessitate the construction of a 1500' driveway across the tract to provide access to the desired building site. Vacating Trenchant Street and providing new access across the easterly portions of Tracts 3 and 4 is the preferred alternative and the concurrence of all affected property owners.

Petitioners: Sharon K. Lamm of Salem Oregon, Sandra Jones, Johnnie Stolz & Philip Stolz of Nikiski, Alaska.

Public notice appeared in the May 4 and May 11, 2006 issues of the Peninsula Clarion.

Fourteen (14) certified mailings were sent to owners of property within 300 feet of the parcels; thirteen (13) of the receipts have been returned.

Twelve (12) regular mailings were sent to agencies and interested parties; seven (7) notices were sent to KPB Departments. Notices were mailed to Kenai Community Library and the Nikiski Post Office to post in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection/no comment

Homer Electric Association  
ACS

Staff discussion



**Kenai Peninsula Borough  
Planning Department  
144 North Binkley  
Soldotna, Alaska 99669-7599  
907-714-2200**

**toll free within the Borough 1-800-478-4441, extension 2200  
FAX 907-262-8618**

**email: [planning@borough.kenai.ak.us](mailto:planning@borough.kenai.ak.us)**

May 24, 2006

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF DECISION**

**MEETING OF MAY 22, 2006**

**RE:** Vacate Ji-Anna Loop, a 60-foot right-of-way dedicated by Ji-Anna Subdivision Phase 2 (Plat KN 2004-82) and associated utility easements; within Section 5, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-090; Petitioners: James D. and Anna B. Lipps of Soldotna, Alaska; Location: North of Robinson Loop Road

The Kenai Peninsula Borough Planning Commission approved the proposed vacation during their regularly scheduled meeting of May 22, 2006.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Borough shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) to verify the date the subject vacation will be reviewed by the Assembly.

This notice and unapproved minutes of the subject portion of the meeting were sent May 24, 2006 to:

James & Anna Lipps  
PO Box 4042  
Soldotna, AK 99669

Cliff Baker  
Integrity Surveys  
8195 Kenai Spur Highway  
Kenai, AK 99611-8902

**AGENDA ITEM F. PUBLIC HEARINGS**

1. Vacate Ji-Anna Loop, a 60-foot right-of-way dedicated by Ji-Anna Subdivision Phase 2 (Plat KN 2004-82) and associated utility easements; within Section 5, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-090; Petitioners: James D. and Anna B. Lipps of Soldotna, Alaska; Location: North of Robinson Loop Road

**STAFF REPORT**

**PC Meeting: 5/22/06**

**Purpose as stated in petition:** We have changed our developed plans to agricultural uses. The dedicated ROW would interfere with our desired current and future use of this land. The parcel will be large enough that if future plans change a new ROW could be dedicated at that time.

**Petitioners:** James D. and Anna B. Lipps of Soldotna, Alaska

Public notice appeared in the May 4 and May 11, 2006 issues of the Peninsula Clarion.

Eight (8) certified mailings were sent to owners of property within 300 feet of the parcels; all the receipts have been returned.

Twelve (12) regular mailings were sent to agencies and interested parties; five (5) notices were sent to KPB Departments. Notices were mailed to the Soldotna Community Library, Soldotna Post Office, and Sterling Post Office to post in public locations. The notice and maps were posted on the Borough web site and bulletin board.

**Statement(s) of non-objection/no comment**

Homer Electric Association

**Staff discussion**

**Findings:**

1. The Plat Committee reviewed and granted conditional approval to the associated preliminary plat on April 24, 2006.
2. Sufficient rights-of-way exist to serve surrounding properties.
3. No surrounding properties will be denied access.
4. Per the submittal, the right-of-way proposed for vacation is not in use for access.
5. The right-of-way does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, one utility company has provided a letter of no comment.
8. Per the submittal, the owners have changed their development plans, and the right-of-way and utility easement interferes with their revised use of the property.
9. The replatted parcel will contain approximately 28 acres.
10. Additional right-of-way, if needed, can be obtained when the replatted parcel is further subdivided.
11. The vacation will allow the property to be used for the anticipated and existing agricultural purposes as stated by the petitioner.

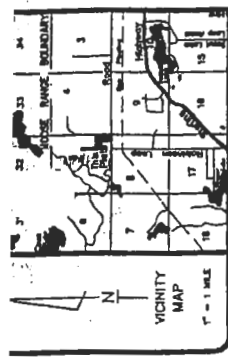
**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within one year of vacation approval.

**If the vacation is approved, the Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

**END OF STAFF REPORT**



**CERTIFICATE OF OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY AGREE TO THIS PLAN AND TO THE DEDICATION OF THE PUBLIC RIGHTS AND EASEMENTS TO THE USE SHOWN.

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALABAMA

APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF ALABAMA

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2006 FOR \_\_\_\_\_

NOTARY PUBLIC FOR ALABAMA BY COMMISSION EXPIRES \_\_\_\_\_

**PLAT APPROVAL**

THIS PLAT HAS APPROVED BY THE KENAI PENINSULA BOROUGHER PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_

KENAI PENINSULA BOROUGHER

AUTHORIZED OFFICIAL \_\_\_\_\_

2006-090

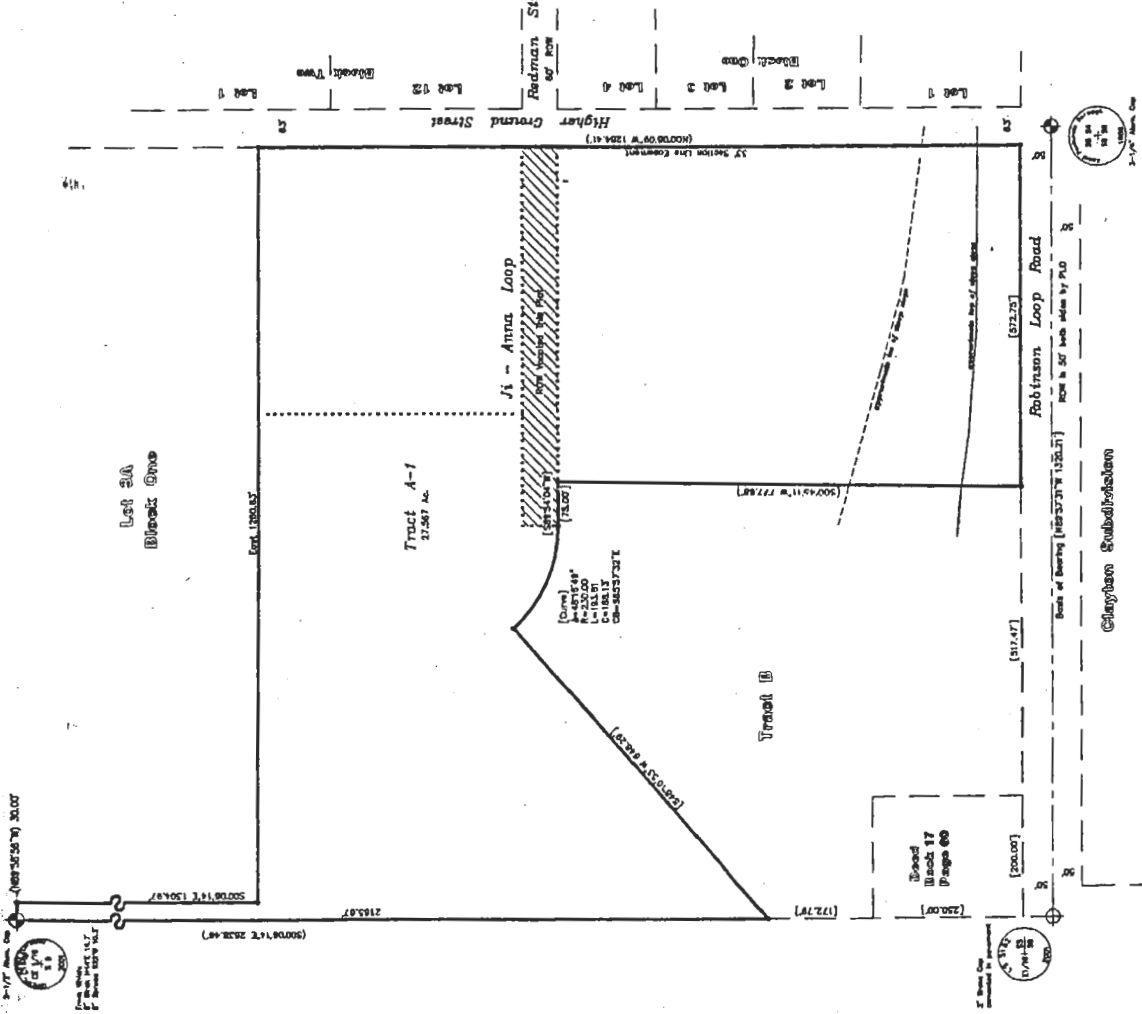
KPB FILE No. 2006-PPP

**Ji - Anna Subdivision, Phase 4**

Subdivision of the unincorporated township of Let A Block, S. E. Anna Subd. Phase 1 (Ord. No. 2001-42 MBO), Tract A - Anna Subd. Phase 2 (Ord. No. 2001-42 MBO), and portion of J - Anna Loop Right-of-Way, located within the NE 1/4 SE 1/4 of Section 5, T8N, R9W, S14E, Kenai Peninsula Borough, Alaska. Containing 22.267 Acres.

JOB NO.	20060	DRAWN BY	01 APRIL 2006 BLJ
SURVEYED BY	M/A	SCALE	1" = 100'
FIELD NO.	M/A	DATE	01 - June 06

**Integrity Surveys**  
 803 Buena Vista  
 Kenai, Alaska 99511-5353  
 PHONE - (907) 386-5600  
 FAX - (907) 386-5601  
 SURVEYORS  
 PLANNERS



**RECORDED**

FILED IN \_\_\_\_\_

REGISTERED BY \_\_\_\_\_

BOOK \_\_\_\_\_

PAGE \_\_\_\_\_

**PRELIMINARY PLAT**

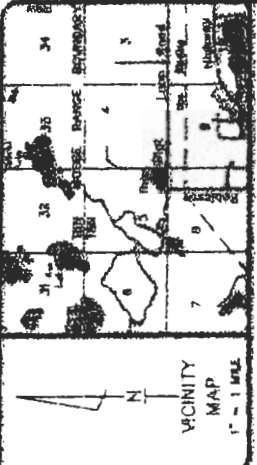


- NOTES:**
- 1) Proposed lot uses are recreational, residential, agricultural, and commercial.
  - 2) Building setback - A setback of 20 feet is required from all street right-of-way lines. A 10-foot setback is required from all utility easement lines. A 5-foot setback is required from all utility easement lines. A 10-foot setback is required from all utility easement lines.
  - 3) No private access to State maintained roads permitted unless approved by the State of Alaska Department of Transportation.
  - 4) Front 15 ft. of the building setback adjustment to right-of-way is one utility easement. No permanent structure shall be constructed within the utility easement. All utility easements shall be shown with the utility easement line and the utility easement line shall be shown with the utility easement line.
  - 5) **WATERWATER DISPOSAL:** This tract is at least 200,000 square feet or more. It is shown in site and conditions may not be suitable for disposal. The owner of this tract shall meet the regulatory requirements of the Alaska Department of Environmental Conservation.
  - 6) No field survey was performed. All information was compiled from record information as indicated.

- LEGEND:**
- Management (owner)
  - 3/4" Water (record)
  - Front Setback - J - Anna Subd. Phase 2
  - Record of Survey - J - Anna Subd. Phase 1
  - Record of Survey - J - Anna Subd. Phase 1

**CERTIFICATE OF SURVEYOR**

I, the undersigned, am a duly registered and licensed surveyor in the State of Alaska. I have personally surveyed and prepared this plat and the same is true and correct to the best of my knowledge and belief. I am a resident of the State of Alaska.



**CERTIFICATE OF OWNERSHIP  
and DEDICATION**

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

*[Signature]*  
P. O. Box 4042  
Seldovia, Alaska 99885

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SIGNED BEFORE ME THIS 20th DAY OF September, 2004 FOR *[Signature]* My Commission Expires *[Signature]*



**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF April 9, 2004

KENAI PENINSULA BOROUGH

APR FILE No. 2004-255 200

**Ji - Anna  
Subdivision  
Phase 2**

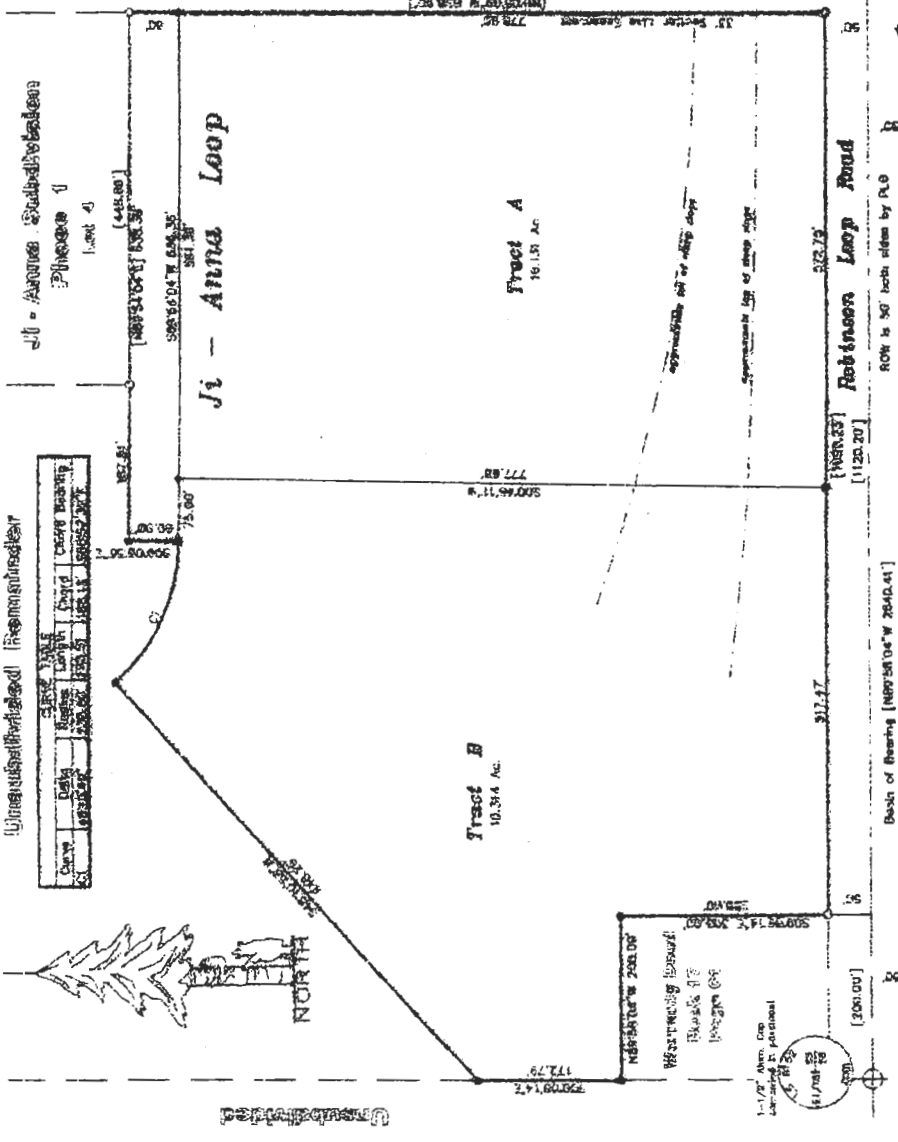
Located within the E1/4 351/4 of Section 5, T29N, R29W, S1M,  
Kenai Recording District, Kenai Peninsula Borough, Alaska.

Containing 71.321 Acres

**Integrity Surveys**

805 Seward Drive Kenai, Alaska 99571-6383  
SURVEYORS PHONE - (907) 382-4447 FAX - (907) 382-4077

JOB NO:	24025	DATE:	26 September, 2004
SURVEYED:	August 2004	SCALE:	1" = 100'
FIELD DC:	2001-2, Pg. 19	DIST:	J - Anna



RECORDED 2004  
ALASKA REC. DIST.  
DATE: 10/15/04  
TIME: 11:12 AM  
REQUESTED BY:  
INTEGRITY SURVEYS  
805 SEWARD DRIVE  
KENAI, ALASKA 99571



**LEGEND:**

- Monument (found)
- 5/8" Rebar w/ 1-1/2" Alum. Cap (found)
- 5/8" Rebar (set)
- Revised Datum - Ji-Anna Subdivision Phase 1, Plat # 2001-42 RRB

**CERTIFICATE OF SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision. All monuments shown herein actually exist on the ground, and the monuments used in this survey comply with the standards of practice of land surveyors in the State of Alaska.

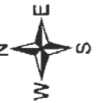
**NOTES:**

- 1) Proposed land uses are recreational, residential, agricultural, and commercial.
- 2) Building setback - A setback of 20 feet is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 3) The public access to State maintained 201's roadbed unless approved by the State of Alaska Department of Transportation.
- 4) Front 15 ft. of the building setback adjacent to right-of-way is also a utility easement which would interface with the ability of a utility to use the easement.
- 5) Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the local maintenance program.
- 6) **WATERWAY IMPROVEMENTS:** These lots are at least 200,000 square feet or more in size and conditions may not be suitable for waterway treatment and disposal. Any waterway permit or discharge permit must meet the regulatory requirements of the Alaska Department of Environmental Conservation.





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.

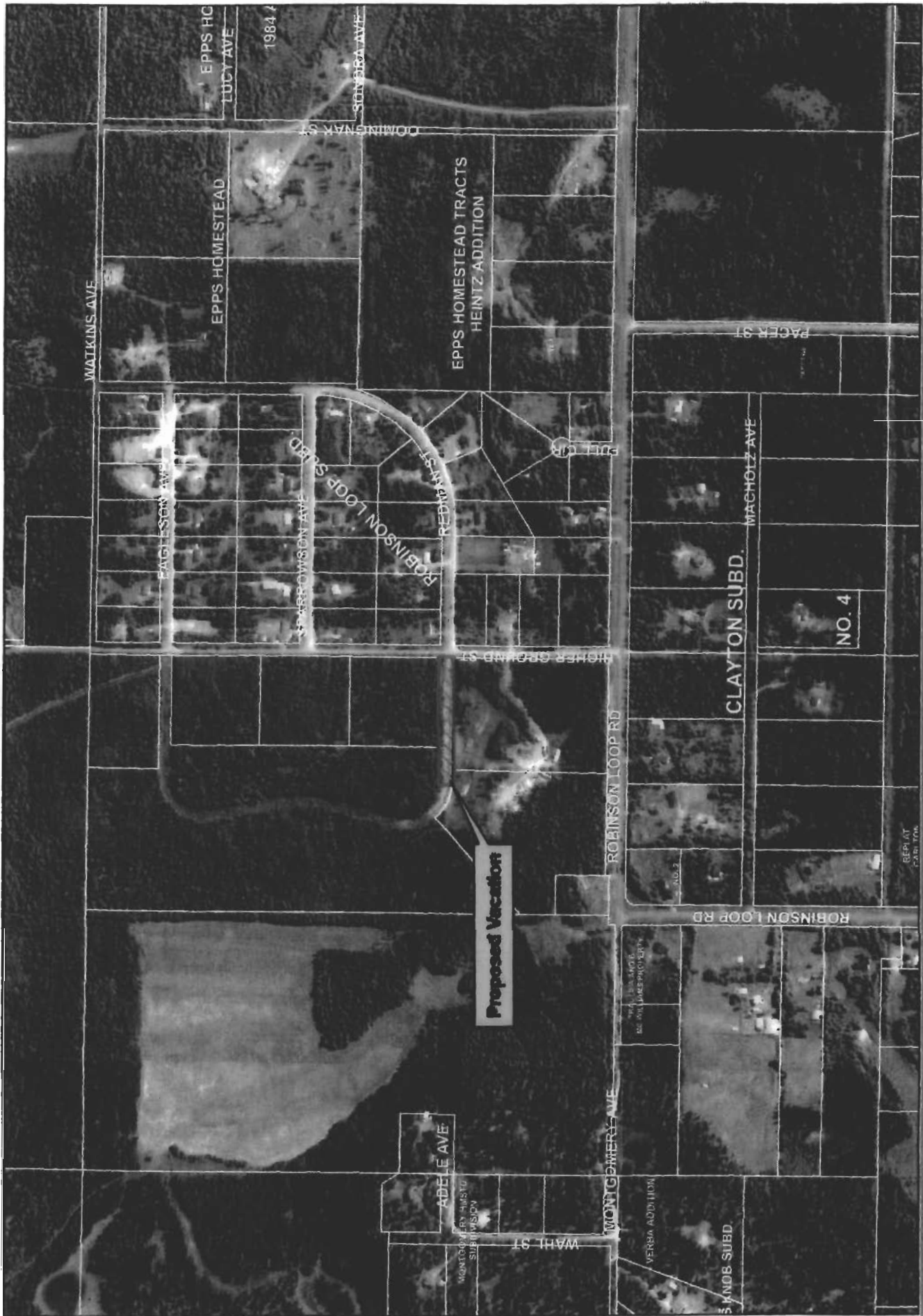


4/17/06

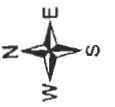
Kenai Peninsula Borough Planning Department

Vicinity Map





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

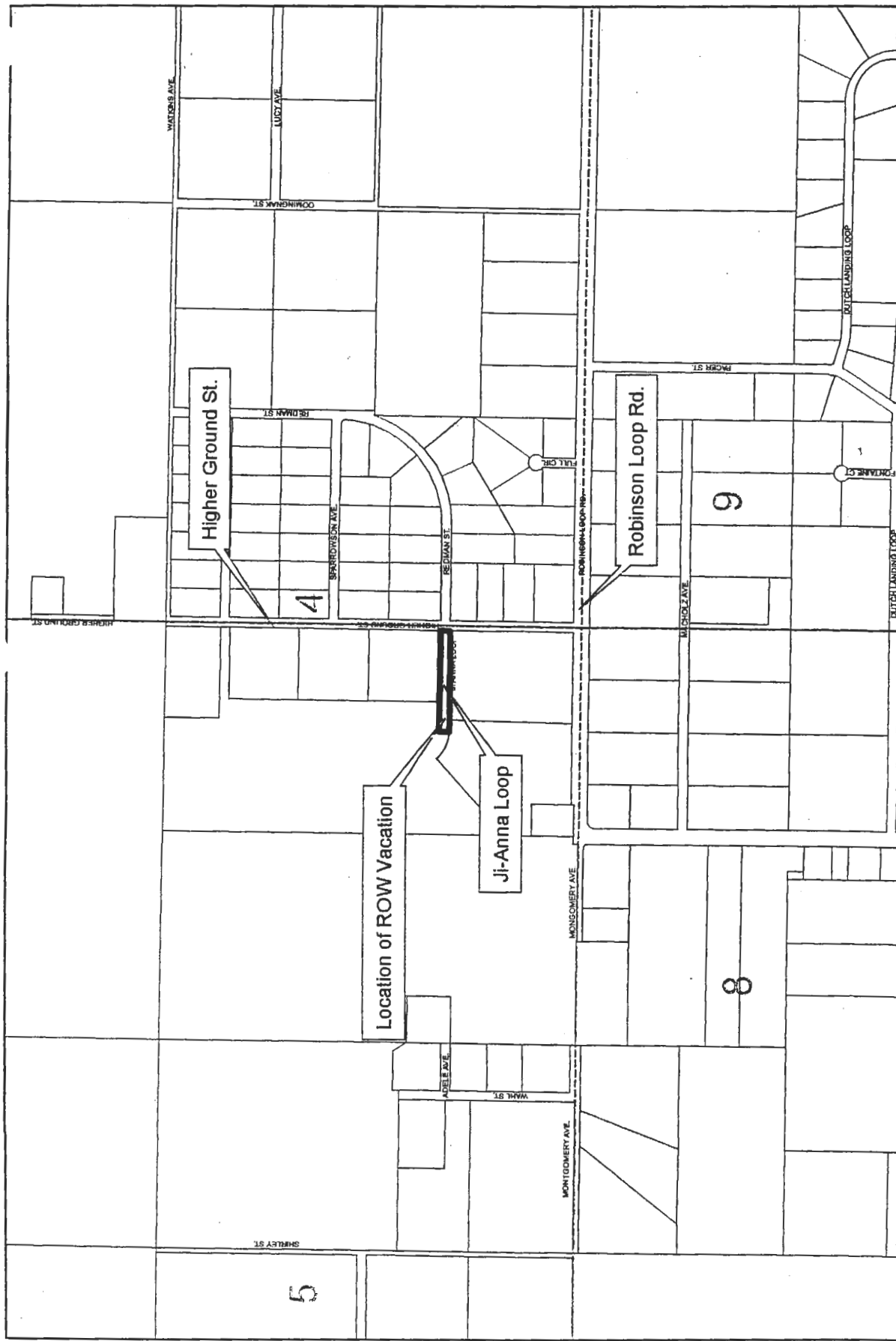


5/8/06

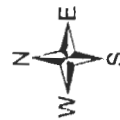
City Map

Kenai Peninsula Borough Planning Department





4/6/2006



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

# STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION - PLANNING

FRANK H. MURKOWSKI, GOVERNOR

4111 AVIATION AVENUE  
P.O. BOX 196900  
ANCHORAGE, ALASKA 99519-6900  
(907) 269-0520 (FAX 269-0521)  
(TTY 269-0473)

May 5, 2006

RE: Kenai Plat Review

Ms. Mary Toll  
Kenai Peninsula Borough  
144 N. Binkley  
Soldotna, Alaska 99669-7599

Dear Ms. Toll:

The Alaska Department of Transportation and Public Facilities (ADOT&PF, the Department) has reviewed the following plat cases and has no comment:

1999-021 --Triple Crown Estates No 2 Revised Preliminary  
2006-010 -- Foruth of July Creek Subdivision No 3  
2006-073 -- S.A.P. Subdivision Byrns Addition #2  
2006-076 -- Barron Park Subdivision 2006 Replat  
2006-080 -- Jones Stub Road ROW Acquisition Plat  
2006-082 -- River Park Estates Weed Replat  
2006-085 -- Razdolna Subdivision Miron Addition  
2006-086 -- Tom Clark Subdivision  
2006-087 -- Anderson Subdivision No XX  
2006-??? -- Griffing Acres Buerge Replat  
2006-091 -- Gruber Subdivision Kimes replat  
2006-093 -- Salmon Heights BWP Replat  
2006-095 -- Forest Glen Ingle Replat  
2006-096 -- Wintergreen Subdivision Lot 5 Replat  
2006-097 -- Sunland Southview  
2006-098 -- Fischer Subdivision

## Comments:

**2006-081 -- Lake Salamatof Crescent Rhines Replat No 2:** The Department requests the following plat note; "Direct vehicle access to Kenai Spur Highway is prohibited from lot 10B."

**2006-084 -- Ji-Anna Subdivision, Phase 4:** The Department requests the following plat note; "Direct vehicle access to Robinson Loop Road is prohibited from Tract A-1."

KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

PETITION TO VACATE

PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT

PUBLIC HEARING REQUIRED

Receipt of complete application with fees and all required attachments; a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- [X] Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
[ ] City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
[X] Name of public right-of-way proposed to be vacated is Li-Anna Loop; dedicated by plat of Li-Anna SID Phase 2 Subdivision, filed as Plat.No 2004-BZ in Kenai Recording District.
[X] Are there associated utility easements to be vacated? Yes [ ] No
Are easements in use by any utility company; if so which?
[ ] Easement for public road or right-of-way as set out in (specify type of document) as recorded in Book Page of the Recording District.
[ ] Section Line Easement. Width of easement must be shown on sketch.
[ ] Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 inches in size.

- Has right-of-way been fully or partially constructed? [ ] Yes [X] No
Is right-of-way used by vehicles/pedestrians/other? [ ] Yes [X] No
Has section line easement been constructed? [ ] Yes [ ] No
Is section line easement being used? [ ] Yes [ ] No
Alternative right-of-way being provided? [ ] Yes [X] No

RECEIVED
APR 03 2006

The petitioner must provide reasonable justification for the vacation.

Reason for vacating We have changed our develop plans to agricultural uses. the dedicated row would interfere with our desired present & future use of this land. The parcel will be large enough that if future plans change a new ROW could be dedicated @ that time.

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Signature C.H.P.B.L.
Name as representative [ ] petitioner
Address Integrity Surveys
Phone 8195 Kenai Spur Hwy.
Kenai, Alaska 99611-8902

Petitioners:

Signature Name Address Owner of
Signature Name Address Owner of
Signature Name Address Owner of
Signature Name Address Owner of

