

2160

Introduced by: Mayor at Request
of Planning
Commission
Date: July 6, 1976
Hearing: August 3, 1976
Action: Adopted
Vote: 108.5 "Yes", 9 "No"

KENAI PENINSULA BOROUGH
ORDINANCE 76-40

AN ORDINANCE AMENDING KPB 20.16.180(3) TO PROVIDE FOR USE OF A SHORT FORM NOTARY ACKNOWLEDGEMENT FORM AND AMENDING KPB 20.16.190 TO PROVIDE FOR THE MAYOR OR PLANNING DIRECTOR TO SIGN PLATS RATHER THAN CHAIRMAN AND SECRETARY AND AMENDING KPB 20.16.290 TO CLARIFY AND CORRECT THE DISTRIBUTION AND TRANSMITTAL OF PLATS AND TO PROVIDE FOR LIMITING THE TIME THAT A FINAL PLAT CAN BE HELD FOR RECORDING AFTER APPROVAL AND AMENDING KPB 20.24.020 TO CLARIFY THE PROVISIONS FOR GRANTING EXCEPTIONS

WHEREAS, KPB 20.16.180 shows as an example a long form notary acknowledgement; and

WHEREAS, it is more practical and economical to use the short form that has been used for many years; and

WHEREAS, KPB 20.16.190 provides for the signature of a chairman and a secretary; and

WHEREAS, the title of chairman has been changed to mayor and there has never been a formal officer established as secretary; and

WHEREAS, the mayor or chairman of the borough has always been the only signature on plats; and

WHEREAS, it is more practical to have at least two persons who may sign plats on behalf of the borough planning commission; and

WHEREAS, the procedure as outlines in KPB 20.16.290 for recording and distribution is not in conformity with the practices and procedures required by the District Recorders; and

WHEREAS, the provisions as outlines in KPB 20.24.020 for granting an exception need to be clearly stated;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE
KENAI PENINSULA BOROUGH:

Section 1. That KPB 20.16.180 is hereby amended as follows:

3. Dedication certificate: A certificate signed and acknowledged offering for dedication for public use those certain parcels of land which said parties are required to dedicate. Example:

"CERTIFICATE OF OWNERSHIP AND DEDICATION

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

[Date _____, 19____.]

(Owner's Name and Address)"

"NOTARY'S ACKNOWLEDGEMENT

[State of Alaska)
)ss.
Third Judicial District)

On this _____ day of _____, 19____,
before me, the undersigned, a Notary Public for the State of Alaska, personally appeared _____ to me known to be the person described in and who executed the foregoing certificate of ownership and dedication, and acknowledged to me that he executed the same as his free and voluntary act.

Witness my hand and official seal the day, month and year hereinabove written.]

Subscribed and sworn before me this _____
day of _____.

Notary Public for Alaska
My commission expires _____"

Section 2. That KPB 20.16.190 is hereby amended as follows:

20.16.190 Certificates [and acknowledgements] required--
Form--Plat approval. The following form of certification shall be printed on the final plat by the person preparing the plat, to be filled in after approval by the commission.

"PLAT APPROVAL

Plat approved by the commission this _____ day of _____, 19____.

[_____] [Chairman]

[_____] [Secretary]

Mayor or Planning Director"

Section 3. That KPB 20.16.290 is hereby amended as follows:

20.16.290 Approval--Filing of copies and original tracing. When the final plat has been approved by the commission, [1 copy shall be returned to] the subdivider [with] shall be notified in writing of the approval of the commission [certified thereon]. [1 copy] The original tracing and copies as required shall be filed with the district recorder by the commission staff within 10 days after approval and completion of the plat by the subdivider unless the subdivider requests postponement in writing. Postponement for filing with the district recorder shall only be granted for a period ending December 31 of the succeeding calendar year. The commission may extend this time upon written request and the finding that the intent of this ordinance is maintained. Upon return of the [The] original tracing [containing the certification by the commission] by the district recorder to the borough it will be retained by the commission [.] and 1 copy shall be returned to the subdivider. Additional copies [Prints] will be furnished at cost.

Section 4. That KPB 20.24.020 is hereby amended as follows:

20.24.020 Exceptions [Exemptions] to regulations--
Procedure--Commission authority. A. The commission may authorize exceptions to any of the requirements set forth in these regulations. Application for any such exception

shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon. Such petition shall be filed with the preliminary plat of the subdivider. The commission shall find the following facts before granting any exceptions:

1. That special circumstances or conditions affecting the property [;] have been shown by by the petitioner;

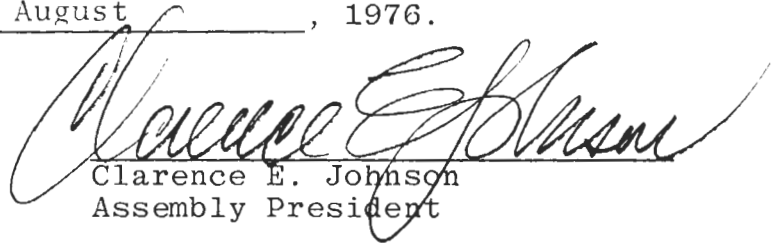
2. That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.

B. The commission shall set forth any exception fully and specifically and [may] shall require such conditions as are necessary to preserve the intent of this chapter as to light, air, public health, safety, welfare and convenience. The commission [may] shall impose such restrictions necessary to insure that the exceptions and conditions are complied with.

Section 5. The ordinance shall be effective immediately upon adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH
THIS 3rd DAY OF August, 1976.


Clarence E. Johnson
Assembly President

ATTEST:


Borough Clerk