

Introduced by: Mayor
Date: Nov. 15, 1988
Hearing: Jan. 3, 1989
Action: TABLED
Vote: UNANIMOUS
1-3-89 Postponed to 1-17-89
1-17-89 Postponed to 4-4-89
7-1989 Tabled

KENAI PENINSULA BOROUGH

ORDINANCE 88-49

AMENDING KPB CHAPTER 20.20 REGARDING SUBDIVISION DESIGN REQUIREMENTS BY ENACTMENT OF A NEW SECTION 20.20.035 PROVIDING ACCESS REQUIREMENTS FOR PROPOSED SUBDIVISION OF LAND ISOLATED BY THE ALASKA RAILROAD RIGHT-OF-WAY FROM THE STATE HIGHWAY SYSTEM.

WHEREAS, there are certain parcels of privately-owned lands in the eastern Kenai Peninsula Borough which are currently isolated from the state highway system by the Alaska Railroad right-of-way; and

WHEREAS, several of the land owners of the lands involved have contacted the Borough regarding the proposed subdivision of those lands and the need for access across the railroad right-of-way; and

WHEREAS, the Alaska Railroad Corporation has adopted a policy of permitting the construction and use of a public railroad crossing only where the local governing body is signatory to the permit and thus accepts responsibility for construction and maintenance of the crossing; and

WHEREAS, the Alaska Railroad Corporation, in conjunction with the State Department of Transportation, the Kenai Peninsula Borough and various local agencies has, through a public process, reached a determination as to the minimum number of crossings necessary to provide access to the isolated private holdings within the Peninsula; and

WHEREAS, the Alaska Railroad Corporation has stated its intention to allow only the minimum number of crossing permits necessary to provide access to the private properties involved; and

WHEREAS, in order to ensure that all of the various properties currently isolated are served by these minimum number of crossings, it is necessary that the Borough subdivision ordinance design requirements, found at KPB Chapter 20.20, specifically require that no plat within these isolated areas will be approved unless it provides for access for adjoining properties to the crossing serving that respective isolated area.

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

Section 1. That KPB Chapter 20.20 is amended by enactment of a new Section 20.20.035 to read as follows:

Section 20.20.035 Access requirement for lands isolated from the state highway system by the Alaska Railroad right-of-way. Where a proposed plat involves land located such that the only practical road access connecting the land directly or indirectly to the Alaska state highway system requires a road crossing the Alaska Railroad right-of-way, the final plat shall not be approved until all of the following conditions are met:

A. A crossing design meeting the Alaska Railroad Corporation requirements and which provides the lowest possible maintenance costs for the useful life of the crossing is submitted by the subdivider and approved by the Alaska Railroad Corporation and the Kenai Peninsula Borough;

B. A permit is issued by the Alaska Railroad Corporation to the Kenai Peninsula Borough allowing for construction of the proposed crossing;

C. The subdivider, at his own expense, completes construction of the crossing to the standards required (including clearing of all required sight triangles) and the crossing is accepted by the Alaska Railroad Corporation and the Kenai Peninsula Borough;

D. The subdivision plat provides for continuation of dedicated access through the proposed plat to any neighboring parcels of land which are also isolated by the Alaska Railroad right-of-way such that their only practical road access to the state highway system requires a road crossing of the railroad right-of-way;

E. The proposed plat shall provide for dedication or easement across all property necessary to provide the required sight triangles as determined by the Alaska Railroad Corporation (such dedication/easement limited to the right of the Borough or its agents to enter upon the property and clear or remove any obstructions necessary to provide the clear visibility required by such sight triangle regulations).

