

Introduced by: Mayor
Date: June 6, 1989
Hearing: July 18, 1989
Action: Enacted
Vote: Unanimous

KENAI PENINSULA BOROUGH

ORDINANCE 89-28

AMENDING TITLE 20 OF THE BOROUGH CODE OF ORDINANCES TO PROVIDE
FOR RIGHT-OF-WAY ACQUISITION PLATTING PROCEDURES

WHEREAS, acquisition of property by various government agencies for road rights-of-way, airport parcels or land for other public purposes is generally by written document without consideration to platting regulations; and

WHEREAS, acquisition of parcels for rights-of-way and other public purposes is more readily accomplished by reference to a recorded plat; and

WHEREAS, clearly defined platting regulations provide means for efficient and orderly development of lands within the borough; and

WHEREAS, the Kenai Peninsula Borough Planning Commission at their regular meeting of April 17, 1989 considered this amendment and recommended adoption.

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

Section 1. That Section 20.04.080, a new section, is hereby enacted as follows:

20.04.080 Right-of-way acquisition plat.

A. A plat for a subdivision created by a government agency's acquisition of a street right-of-way, airport parcel, or land for other public purposes, is subject to approval under this section only and is not subject to any other approval procedure for plats under this chapter, except where hereinafter stated.

1. Certain provisions of this section may also apply to other parties who volunteer a formal dedication of rights-of-way to the public.

- B. Submission requirements. A right-of-way acquisition plat shall contain the following information:
1. The location and name of the acquisition project.
 2. The approximate timetable for the acquisition and construction.
 3. The dimensions and area of the proposed tract, parcel or parcels to be acquired and the remainder parcel.
 4. The name of the record owner of the subject parcels shall be required on the preliminary plat only.
- C. Review and approval procedures. The planning director, or his designee, shall review the preliminary right-of-way acquisition plat for completeness prior to consideration by the planning commission. If the plat does not meet the requirements of this section it shall be returned to the submitting agency with an explanation of the deficiencies.
1. The plat shall be considered by the planning commission at any regular meeting that is agreeable to the submitting agency. Preliminary approval of the plat shall be for a period of 24 months. The planning director may grant a one-time extension of one year thereafter. Additional time extensions may be granted by the planning commission upon finding that it is in the public interest to do so.
 2. The planning director, or his designee may grant approval of minor revisions to the preliminary plat. Substantive revisions shall be subject to planning commission consideration.
 3. Right-of-way plats are not subject to other agency review except when the plats are within the boundaries of a city they shall be reviewed by the advisory planning commission of the appropriate city.

4. Statement of plat approval. The following form shall be shown on the final plat to be completed after final approval:

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with KPB 20.04.08 at the meeting of _____

Borough Official

5. In the instance where the plat provides actual dedication of rights-of-way an ownership and dedication certificate shall be provided in accordance with Section 20.16.150 of this title.
 6. When signed by the authorized official of the borough the original final plat shall be filed with the appropriate district recorder within 30 days by the submitting agency.
- D. Survey and monumentation requirements for right-of-way acquisition plats:
1. The minimum monumentation required will be a 5/8" x 24" reinforcement bar with appropriate identification cap set on the margin of the right-of-way at all points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. An alternate method may be proposed which shall consist of placing primary type monuments at center line points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. The survey and monumentation shall be completed by a land surveyor registered in the State of Alaska.
 2. If construction of improvements is scheduled to follow the right-of-way acquisition, the

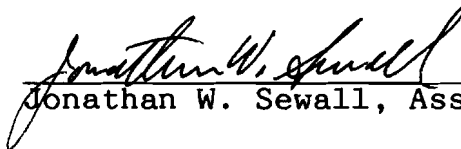
placement of the center line monuments may be delayed until such improvements have been completed, in which case a statement designating the schedule for placing the monuments must be included on the plat.

3. The plat shall be in conformance with any applicable provisions of Section 20.16.160 of this title.

E. Remainder Parcels. No remainder parcel resulting from the right-of-way plat shall be allowed which does not conform to applicable city and borough codes.

Section 2. That this ordinance is effective immediately upon enactment.

ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON
THIS 18th DAY OF July, 1989



Jonathan W. Sewall, Assembly President

ATTEST:



Joanne Brindley
Borough Clerk