



## KENAI PENINSULA BOROUGH

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JOHN J. WILLIAMS  
BOROUGH MAYOR

### MEMORANDUM

**TO:** Grace Merkes, Assembly President  
Members, Kenai Peninsula Borough Assembly

Agenda Item N.2.

**FROM:** Milli Martin, Assembly Member

Committee Lands

**DATE:** August 5, 2008

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**SUBJECT:** Ordinance 2008-10, **CORRECTIVE MEMO** Amending Title 20 to require documented legal access to subdivisions with the Kenai Peninsula Borough

Please make the following revisions to proposed KPB 20.20.035 because (A)(1)-(5) set forth below are meant to be disjunctive, ie. there are five different ways to document legal access. This is a formatting change.

Also section 3 is deleted as it is duplicative of the introductory language in Section (A).

➤ Amend proposed KPB 20.20.035(A) in Section 2 as follows:

A. *Legal access required.* The applicant shall provide the platting division an access plan verifying the existence of legal access to the subdivision boundary which shall consist of the documents depicting the access, a map depicting the location of the access, and topographic information indicating that construction which meets the design requirements set forth in KPB 20.20 is practical and economical. In this title, legal access exists [ONLY IF ONE OF THE FOLLOWING IS MET:

1.] where an unrestricted, public right-of-way connects the subdivision to the state highway system or a regularly served public airport and one of the following is met:

[A]1. ingress and egress will be provided over section line easements located within a surveyed section;

[B]2. the applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located;

[C]3. that access is a State of Alaska maintained road or municipal maintained road; or

[D]4. the applicant provides documentation satisfactory to the borough demonstrating that public legal access is guaranteed through judicial decree;  
or

[2]5. the right-of-way is an easement or fee interest at least 60 feet in width dedicated or irrevocably conveyed to the public and acceptable to the planning commission[; OR

**3. THE APPLICANT PROVES THAT THE PROPOSED ACCESS CAN BE CONSTRUCTED PRACTICALLY AND ECONOMICALLY WITHIN THE LEGAL ACCESS DOCUMENTED].**