

Introduced by: Brown @ Request of Clerk
Date: 06/02/98
Action: Adopted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
RESOLUTION 98-046**

**A RESOLUTION AFFIRMING THE DECISION OF THE ASSEMBLY TO
GRANT THE AMENDED APPEAL OF THE PLANNING COMMISSION'S
DENIAL OF A PETITION TO VACATE A UTILITY EASEMENT AS
FILED BY MARK CLEMENS**

WHEREAS, on March 9, 1998, the Kenai Peninsula Borough Planning Commission denied a petition to vacate the entire 10-foot utility easement, adjacent to Romack Court, within the northerly portion of Lot 17, Block 4, Meridian Park (Plat 85-2 Seward Recording District), being within Section 13, Township 1 North, Range 1 West, Seward Meridian, Alaska, as filed by Mark Clemens; and

WHEREAS, Mr. Clemens appealed the decision of the Planning Commission to the Kenai Peninsula Borough Assembly, as provided in KPB 20.28.110; and

WHEREAS upon the request of Mr. Clemens, the Assembly amended the appeal to request the vacation of 5 feet of the 10-foot easement adjacent to Romack Court; and

WHEREAS, on May 5, 1998, the Assembly, by voice vote, unanimously approved the amended appeal; and

WHEREAS, this resolution will affirm the earlier action of the Assembly and will provide a vehicle for recording that action;

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

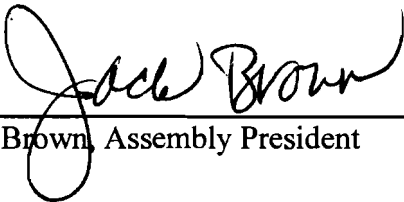
SECTION 1. That five feet of the ten-foot utility easement adjacent to Romack Court, within the northerly portion of Lot 17, Block 4, Meridian Park (Plat 85-2 Seward Recording District), being within Section 13, Township 1 North, Range 1 West, Seward Meridian, Alaska, is hereby vacated for the following reasons:

1. Sufficient easements have been granted to serve the surrounding properties;
2. No surrounding properties will be denied utilities;
3. Per the petition, the easement is not being used for utilities; and
4. All utility companies serving the area have stated nonobjection.

SECTION 2. That this resolution is eligible for recording after approval and will be deemed void if not recorded within 90 days of adoption.

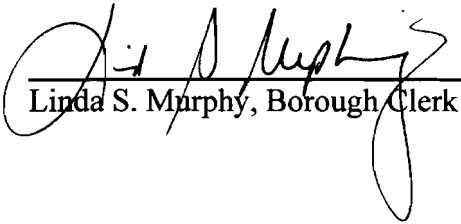
SECTION 3. That this resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fees.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2ND DAY OF JUNE, 1998.



Jack Brown, Assembly President

ATTEST:



Linda S. Murphy, Borough Clerk

