

20.10.070. - 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 right-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(s).
 - 4. The name of the record owner(s) of the subject parcels shall be required on the preliminary plat only.
- C. Review and approval procedures. The planning director 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 a written explanation of the deficiencies.
 - 1. The plat shall be considered by the planning commission at any regular meeting that is agreed upon by the planning department and the submitting agency. Preliminary approval of the plat shall be for a period of 24 months. Additional time extensions may be granted by the planning director for specified time periods upon finding that it is in the public interest to do so. Submittal of documentation from an affected agency, or if located within city limits, the city advisory planning commission, indicating concurrence with a time extension request must be submitted with the request.
 - 2. The planning director may grant approval of minor revisions to the preliminary plat. Substantive revisions shall be subject to planning commission consideration. Substantive revisions are those which impact surrounding properties or utilities.
 - 3. Right-of-way plats are subject to agency review. When the plat is within the boundaries of a city, documentation must be submitted with the preliminary plat showing the recommendation of the advisory planning commission of the appropriate city.
 - 4. The land status shown on the final plat must be current as of the date of Borough signature. The planning director may authorize the use of an errata sheet to document current status on a case by case basis.
 - 5. Statement of plat approval. The following form shall be shown on the final plat to be completed after final approval:

Right-of-Way Acquisition Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission in accordance with KPB [20.10.070](#) at the meeting of _____.

	_____ Borough Official
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- 6. Where the plat provides dedication of rights-of-way, an ownership and dedication

certificate shall be provided in accord with KPB [20.60.190](#). Where the dedication is located within the city limits an acceptance statement shall also be provided in accord with KPB [20.60.190\(A\)\(7\)](#).

7. When signed by the authorized official of the borough, the original final plat shall be recorded 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 " × 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 centerline 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.
2. If construction of improvements is scheduled to follow the right-of-way acquisition, the placement of the centerline 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 surveyed and monumented in conformance with any applicable provisions of KPB [20.60.190](#).

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 unless:

1. A note is placed on the plat indicating that damages have been paid to the owner of the remainder and that the nonconforming remainder cannot be developed without first being replatted so as to conform to applicable city and borough codes; or
2. The remainder meets the requirement for an exception under KPB [20.30.200\(C\)](#), or KPB [20.50.010](#).

([Ord. No. 2014-02, § 1, 2-11-14](#))

20.10.080. - Right-of-Way Vacation plat.

- A. When the sole purpose of a plat is to depict right-of-way approved for vacation under KPB [Chapter 20.70](#) as attaching to adjoining parcels in compliance with KPB [20.70.150](#) and AS 29.40.150, the following procedure shall apply:
1. Submission Requirements. All of the submission requirements of [Chapter 20.25](#) shall be met.
 2. Surveyor's Certificate. The surveyor's signature and seal on the plat certifies the surveyor is properly registered and licensed to practice land surveying in the State of Alaska, that the plat represents a survey made by the surveyor or under the surveyor's direct supervision, that the monuments shown thereon actually exist as described, and that all dimensions and other details are correct to the best of the surveyor's knowledge and belief. A written certificate is optional.
 3. Statement of Plat Approval. The following form shall be printed on the final plat to be filled in after approval:

Right-of-Way Vacation Plat Approval

This plat was approved by the Kenai Peninsula Borough in accordance with KPB [20.10.080](#).

<p>_____</p> <p>Borough Official Date</p>	
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- B. Procedure. The planning director shall review the submitted preliminary vacation plat for completeness. If the preliminary plat does not conform to the requirements of KPB [20.10.080\(A\)\(1\)](#), the planning director shall return the plat to the petitioner with a letter describing the deficiencies.
- C. Action.
1. The platting authority for the right-of-way vacation plat procedure is vested in the planning director. The planning director shall take action on the plat within twenty Borough working days of acceptance of the preliminary plat, subject to prior acquisition of all necessary outside reviews.
 2. Preliminary approval of the plat may not extend beyond one year of the vacation consent in KPB [20.70.110](#). No extensions of time may be granted.
 3. All decisions of the planning director regarding the preliminary plat shall be final.
- D. Final Plat.
1. The requirements of the final plat shall be in accord with KPB [20.40.020](#), KPB [20.70.130](#) and the applicable portions of KPB [Chapter 20.60](#).
 2. The requirements of KPB [20.60.190\(A\)\(7\)](#) and (D) do not apply to vacation plats.
 3. The vacated area shall be shown in a clearly discernible pattern, such as hatching, and shall be labeled as 'area vacated this plat'. The former lot area and current lot area shall be labeled or noted on the plat.
 4. The date of the vacation approval by the planning commission, as well as the date of consent to the vacation by the assembly or appropriate city council, shall be noted on the plat.
 5. When the preliminary plat has been approved by the planning director under this section, the final plat may be approved by the planning director if the final plat meets the conditions of the preliminary approval and complies with this title. The planning director's approval shall be on a notarized form. The planning director shall report final plat approvals under this section at the next regular plat committee meeting. If the final plat does not meet the conditions of preliminary approval, the planning director shall provide a written explanation describing the deficiencies to the applicant.

([Ord. No. 2014-02, § 1, 2-11-14](#))

20.10.090. - Municipal entitlement acquisition plat.

When the sole purpose of a plat is to show a survey and delineate parcels as a condition prior to transfer of title for a municipal entitlement pursuant to AS 29.65, the following procedure shall apply:

- A. *Submission Requirements.* All of the submission requirements of KPB [Chapter 20.25](#) shall be met.
- B. *Statement of Plat Approval.* The following form shall be printed on the final plat to be filled in after approval:

Municipal Entitlement Plat Approval

This plat was approved by the Kenai Peninsula Borough in accordance with KPB [20.10.090](#).

<p>_____</p> <p>Borough Official Date</p>	
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- C. *Procedure.* The planning director shall review the submitted preliminary municipal entitlement plat for completeness. If the preliminary plat does not conform to the requirements of KPB [20.10.090\(A\)](#), the planning director shall return the plat to the owner or petitioner with a written explanation describing the deficiencies.
- D. *Action.*
1. The platting authority for the municipal entitlement plat procedure is vested in the planning director. The planning director shall within thirty Borough working days of receipt of the preliminary plat, subject to prior acquisition of all necessary outside reviews, take action on the plat and notify the owner or petitioner.
 2. At the discretion of the planning director, plats that propose or require dedication of right-of-way may be taken to the planning commission for approval.
 3. Preliminary approval of the plat shall be for a period of 24 months. Extensions of time may be granted by the planning director.
 4. All decisions of the planning director regarding the preliminary plat shall be final unless appealed by the owner or petitioner to the planning commission. Any appeal to the planning commission shall be conducted as a preliminary plat application.
- E. *Final Plat.*
1. The requirements of the final plat shall be in accordance with KPB [20.40.020](#) and KPB [Chapter 20.60](#).
 2. Certificates of Ownership and Dedication are required on the final plat and signatures of owners as determined by the state and Borough are required. The requirements of KPB [20.60.190](#) apply to the plat.
 3. The planning director may determine that portions of KPB [Chapter 20.60](#) are not required to finalize the plat.
 4. When the preliminary plat has been approved by the planning director under this section, the final plat may be approved by the planning director if the final plat meets the conditions of the preliminary approval and complies with this title. The planning director's approval shall be on a notarized form. The planning director shall report such approvals at the next regular planning commission meeting.

([Ord. No. 2014-02, § 1, 2-11-14](#))

[Title 20 - SUBDIVISIONS](#)