Memorandum 13-141 Public Use Easement for Lot 38 Bunnell's Subdivision

Memorandum ID: 13-141
Memorandum Status: Approved

M e m o r a n d u m 13-141

TO: MAYOR AND CITY COUNCIL

FROM: JO JOHNSON, MMC, CITY CLERK

DATE: OCTOBER 7, 2013

SUBJECT: VACATE THE WEST HALF OF THE 80-FOOT WIDE PUBLIC USE EASEMENT THAT EXTENDS THROUGH THE EAST PORTION OF LOT 38, BUNNELL'S SUBDIVISION. SAID PLAT BUNNELL'S SUBDIVISION IS RECORDED IN THE SELDOVIA RECORDING DISTRICT. SAID EASEMENT WAS CREATED IN 1970 AND RECORDED IN BOOK 60 PAGE 230-234 HOMER RECORDING DISTRICT (HRD), AND IS APPLIED TO THE SUBJECT PROPERTY BY THE APPLICANT NOTE PAGE 230 OF BOOK 60 HRD DESCRIBING PROPERTY BY PARCEL NO. 175-142-13, AND AS LOT 28 OF BUNNELL'S SUBDIVISION. SAID EASEMENT IS FURTHER SHOWN AS EASEMENT 21 WITHIN SAID BOOK 60 PAGE 234 HRD. ALL PROPERTY LIES WITHIN SECTION 19, TOWNSHIP 6, RANGE 13 WEST, SEWARD MERIDIAN, ALASKA, WITHIN THE CITY OF HOMER AND THE KENAI PENINSULA BOROUGH, KPB FILE 2013-132; LOCATION: CITY OF HOMER.

At their September 23, 2013 meeting the Kenai Peninsula Borough Planning Commission approved vacation of the west half of the 80-foot wide public use easement that extends through the east portion of Lot 38, Bunnell's Subdivision. Said Plat Bunnell's Subdivision is recorded in the Seldovia Recording District. Said easement was created in 1970 and recorded in Book 60 Page 230-234 Homer Recording District (HRD), and is applied to the subject property by the applicant note Page 230 OF BOOK 60 HRD describing property by Parcel No. 175-142-13, and as Lot 28 of Bunnell's Subdivision. Said easement is further shown as Easement 21 within said Book 60 Page 234 HRD. All property lies within Section 19, Township 6, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough, KPB File 2013-132; Location: City of Homer.

Notice of vacation was received on September 29, 2013 by mail. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from September 23, 2013 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.
The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of July 17, 2013, Staff Report PL 13-56, Right of Way Easement Vacation, 202 E. Pioneer Ave., Lot 38, Bunnell's Subdivision.

RECOMMENDATION:

Voice non objection and consent to the vacation of the west half of the 80-foot wide public use easement that extends through the east portion of Lot 38, Bunnell's Subdivision. Said Plat Bunnell's Subdivision is recorded in the Seldovia Recording District. Said easement was created in 1970 and recorded in Book 60 Page 230-234 Homer Recording District (HRD), and is applied to the subject property by the applicant note Page 230 OF BOOK 60 HRD describing property by Parcel No. 175-142-13, and as Lot 28 of Bunnell's Subdivision. Said easement is further shown as Easement 21 within said Book 60 Page 234 HRD. All property lies within Section 19, Township 6, Range 13 West, Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough, KPB File 2013-132; Location: City of Homer.

Fiscal Note: N/A

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