



TRANSMITTAL MEMORANDUM

TO: The Honorable Mayor and City Council

FROM: Lacey G. Simpson, Acting City Manager

DATE: December 7, 2021

RE: **Consenting To and Approving a Vacation of Right-of-Way as Detailed in Ketchikan Gateway Borough Planning Commission/Platting Board Resolution No. 4328 A, Approving A Request to Vacate Portions of Edmonds Street Right-Of-Way, City of Ketchikan (Case No. 21-045)**

The motion detailed below was prepared at the request of Acting Public Works Director Kara Jurczak, who asked that it be placed before the City Council for consideration at its meeting of December 16, 2021. At its meeting of November 9, 2021, the Ketchikan Gateway Borough Planning Commission/Platting Board adopted a motion approving Resolution No. 4328 A, a request from Edmonds Street property owners Eric and Pam Christianson to vacate a 5 foot right-of-way to allow the consolidation of 5 adjacent properties into two lots, as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board. Ms. Jurczak's transmittal memorandum is attached and requires no elaboration on the part of the City Manager's office. I concur with the Acting Public Works Director's recommendation.

The Acting Public Works Director will be attending the City Council meeting of December 16, 2021, in order to respond to any questions and/or concerns that Councilmembers may have.

A motion has been prepared for City Council consideration.

RECOMMENDATION

It is recommended that the City Council adopt the motion consenting to and approving the vacation of a portion of the Edmonds Street right-of-way, as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board through the approval of Resolution No. 4328 A at its meeting of November 9, 2021 (Case No. 21-045).

Recommended Motion: I move the City Council consent to and approve the vacation of a portion of the Edmonds Street right-of-way, as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board through the approval of Resolution No. 4328 A at its meeting of November 9, 2021 (Case No. 21-045).

PUBLIC WORKS / ENGINEERING DEPARTMENT
Mark Hilson, P.E., Public Works Director
Kara Jurczak, P.E., Acting Public Works Director

CITY OF KETCHIKAN
Administrative Offices
PH: 907.228.4727
FAX: 907.225.8721

MEMORANDUM

TO: Lacey Simpson, Acting City Manager
VIA: Kara Jurczak, P.E., Acting Public Works Director
FROM: Karlee Miller, Project Inspector/EIT
DATE: December 7, 2021
SUBJECT: **Vacation of Right-of-Way – Edmonds Street – Christianson**

At its meeting of November 9, 2021, the Ketchikan Gateway Borough Planning Commission considered the attached application from Erik and Pam Christianson to vacate a five foot right-of-way (ROW) near Edmonds Street and City Parking Lot. Vacating this portion of right-of-way would allow the Christianson's to consolidate 5 adjacent properties (note that one referenced property is a City of Ketchikan ROW) into two lots, as shown on Exhibit A. This portion of right-of-way is undeveloped, however to maintain access to the proposed Lot 2 and existing Lot 9A & 9B, a new access easement will be created. Due to the proposed platting action there are four aerial KPU facilities that provide service to lots 1B, proposed Lot 2, 9A & 9B across the proposed Lot 1; prior to final platting easements necessary for these services to remain or relocation of the services will be necessary. The attached Resolution 4328 A (by KGB Planning Commission) attached as Exhibit B approving the application was provided by the Planning Commission.

The Ketchikan Gateway Borough Code of Ordinances Section 17.40.020(g)(2) states, in part, that the City Council shall have 30 days from the date that the written decision of the planning commission is transmitted to the City to consent to or veto the decision. Since the signed Resolution was received by the City Clerk's Office on November 22, 2021, staff believes taking no action prior to December 23, 2021 would be construed as City Council consent by the Code and would allow the right-of-way vacation to move forward.

RECOMMENDATION

It is recommended that the City Council adopt a motion consenting to and approving the vacation of right-of-way on a portion of Edmonds Street, as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board through the approval of Resolution 4328 A at its

meeting of November 9, 2021 (Case No. 21-045); with the condition that additional utility easements be approved by the City of Ketchikan Engineer and recorded prior to final platting.

Recommended Motion: I move the City Council consent to and approve the vacation of right-of-way on a portion of Edmonds Street, as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board through the approval of Resolution 4328 A at its meeting of November 9, 2021 (Case No. 21-045); with the condition that additional utility easements be approved by the City of Ketchikan Engineer and recorded prior to final platting.

Attachments:

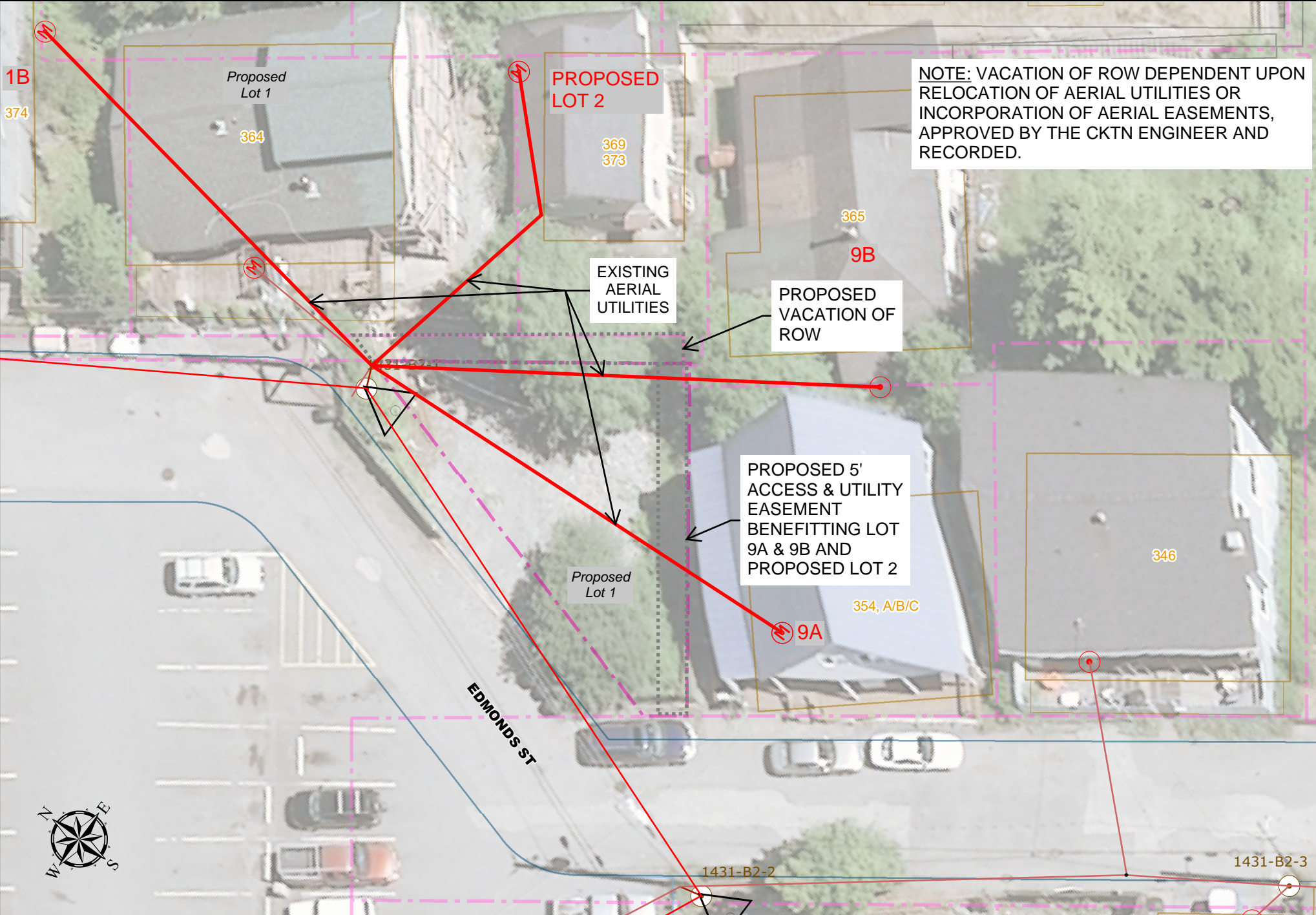
Exhibit A: Edmonds St; Exhibit B: Resolution 4328 A; Exhibit C: Christianson Replat



1 in = 50 ft

For informational purposes only, not a legal document
Reference use only, not a substitute for field survey.

Date: Monday, November 22, 2021



1 in = 20 ft

For informational purposes only, not a legal document
Reference use only, not a substitute for field survey.

Date: Monday, November 29, 2021



EXHIBIT B

KETCHIKAN GATEWAY BOROUGH

1900 First Avenue, Suite 126, Ketchikan, Alaska 99901

• telephone (907) 228-6610 • fax (907) 228-6698

planning@kgbak.us

Department of Planning & Community Development

November 19, 2021

I hereby certify the annexed copy of the following documents are true and correct copies of the documents on file at the Borough Planning Department:

- Notice to the City of Ketchikan of the Planning Commission/ Platting Board approval of the Vacation of a 5 foot right-of-way near Edmonds Street and City Parking Lot.
- Planning Commission Resolution No. 4328A Final Order approving the request

A handwritten signature in blue ink, appearing to be "J. Weber", is written over a horizontal line.

Jeremy Weber
Platting/ Zoning Clerk
Ketchikan Gateway Borough



KETCHIKAN GATEWAY BOROUGH

1900 First Avenue, Suite 126, Ketchikan, Alaska 99901

•telephone: (907) 228-6610 •fax (907) 228-6698

planning@kgbak.us

Department of Planning & Community Development

November 10, 2021

Erik and Pam Christianson
351 Carlanna Lake Road
Ketchikan, AK 99901

Case 21-045 Vacation of Rights-of-Way/ Preliminary Plat with Variances

The following was approved by the Planning Commission on November 9, 2021:

Request for a vacation of right-of-way and preliminary plat to consolidate five parcels into two lots, with a subdivision variance to create two substandard lots and major variances to allow the existing structures to remain and encroach into the rear and side yard setbacks on Lots 1 and 2 of the proposed Christianson Replat; located at 364 Edmonds Street and 369/373 Bawden Street, City of Ketchikan; filed by Erik & Pamela Christianson on October 15, 2021. (Resolutions 4328 & 4329)

Effective dates: The Major Variances were effective on November 9, 2021. The vacation of right-of-way will be effective upon confirmation by the City of Ketchikan Council. The subdivision variance will be effective upon recordation of the final plat.

Final Order Resolution 4328A Conditions:

1. Consent to the vacation of right-of-way by the City of Ketchikan pursuant to KGBC 17.40.020(g)(2).
2. The final plat shall be in substantially the same form as depicted on the attached preliminary plat.

Resolution 4329A Conditions:

1. Consent to the vacation of right-of-way by the City of Ketchikan pursuant to KGBC 17.40.020(g).
2. Major variances for existing residences with attached covered porches shall be according to the as-built survey attached as "Exhibit B".
3. The attached deck and shed located in the front yard on proposed Lot 1 shall be brought into compliance with the zoning code prior to submitting the final plat.
4. The final plat shall be in substantially the same form as depicted on the attached preliminary plat.
5. Address comments and corrections produced by staff prior to submitting the final plat.

The owner of the property, a municipal officer or any party with ownership or possessory interest in property located within the borough, may file with the Board of Adjustment an appeal specifying in detail their objections to the grant or denial of a variance. All such appeals shall be filed in writing with the Borough Clerk within fifteen (15) days of the date of said grant or denial. The appeal period for your variance case ends on November 14, 2021.

The City of Ketchikan Council will have approximately 35 days from the date of decision in which to confirm or veto the vacation of right-of-way.

What you need to do: A plat for the vacation of right-of-way must be recorded within six months of the date of decision.

Please contact the Planning Department at (907) 228-6610 if you have any questions, or if we can be of further service.

Alethea Johnson, Assistant Planner

**KETCHIKAN GATEWAY BOROUGH
PLANNING COMMISSION/PLATTING BOARD**

RESOLUTION NO. 4328 A

A Resolution of the Ketchikan Gateway Borough Planning Commission Approving a Request to Vacate a Portion of Undeveloped Right-Of-Way Located Abutting Lot 5A, U.S. Survey 437, City of Ketchikan.(Case 21-045)

RECITALS

- A. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way plat conforms to the Ketchikan Gateway Borough's Comprehensive Plan 2020, Goal 101, specifically to encourage responsible community development and economic development to provide future lands available for residents of the Ketchikan Gateway Borough; and
- B. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way plat generally conforms to Title 17 KGBC, Subdivisions, and the ordinances of the Ketchikan Gateway Borough and the Alaska Statutes regarding platting; and
- C. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not result in a substantial detriment to vehicular or pedestrian traffic circulation because existing infrastructure will remain in place and the vacated portion of right-of-way is undeveloped.; and
- D. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not interfere with any private property rights of access because the existing physical access to abutting private lots is not being altered; and
- E. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not inhibit fire or emergency protection or access and the existing infrastructure will continue to be utilized by firefighters and emergency responders; and
- F. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not interfere with utility lines or services because a new access and public utility easement will be dedicated by this plat; and
- G. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not obstruct, diminish, or eliminate any significant viewsheds or viewpoints

because the area to be vacated is a narrow strip of land sloping downward below the view shed of the adjacent dwellings; and

- H. **WHEREAS**, the Planning Commission finds that the surrounding developed rights-of-way will continue to be utilized for access to the public facilities in the area; and
- I. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not be removing any natural features or harming the scale and character of the surrounding developments because the subject area is incorporated into the landscaping of a developed residential parcel; and
- J. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way does not appear to pose a substantial adverse effect upon other elements within the KGB Comprehensive Plan 2020 due to the minimal area of vacated right-of-way; and
- K. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will have no effect on existing physical access routes; therefore, no alternative routes are necessary; and
- L. **WHEREAS**, the Planning Commission finds that the impacts of the proposed vacation on future use and development can be reasonably evaluated because the existing rights-of-way will continue to provide access and utilities to lots adjacent to Edmonds Street; and
- M. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way is in the best interest of the Ketchikan Gateway Borough.

NOW, THEREFORE, IN CONSIDERATION OF THE ABOVE FINDINGS, IT IS RESOLVED BY THE PLANNING COMMISSION/PLATTING BOARD OF THE KETCHIKAN GATEWAY BOROUGH as follows:

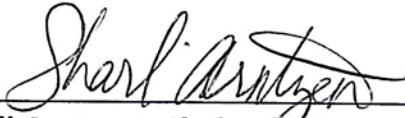
Section 1 That a request to vacate a portion of undeveloped right-of-way located abutting Lot 5A, U.S. Survey 437, as depicted on Exhibit "A", be approved, subject to the findings of fact and conditions contained herein.

Conditions:

1. Consent to the vacation of right-of-way by the City of Ketchikan pursuant to KGBC 17.40.020(g).

2. The final plat shall be in substantially the same form as depicted on the attached preliminary plat.

PASSED AND ADOPTED this 9th of November, 2021.



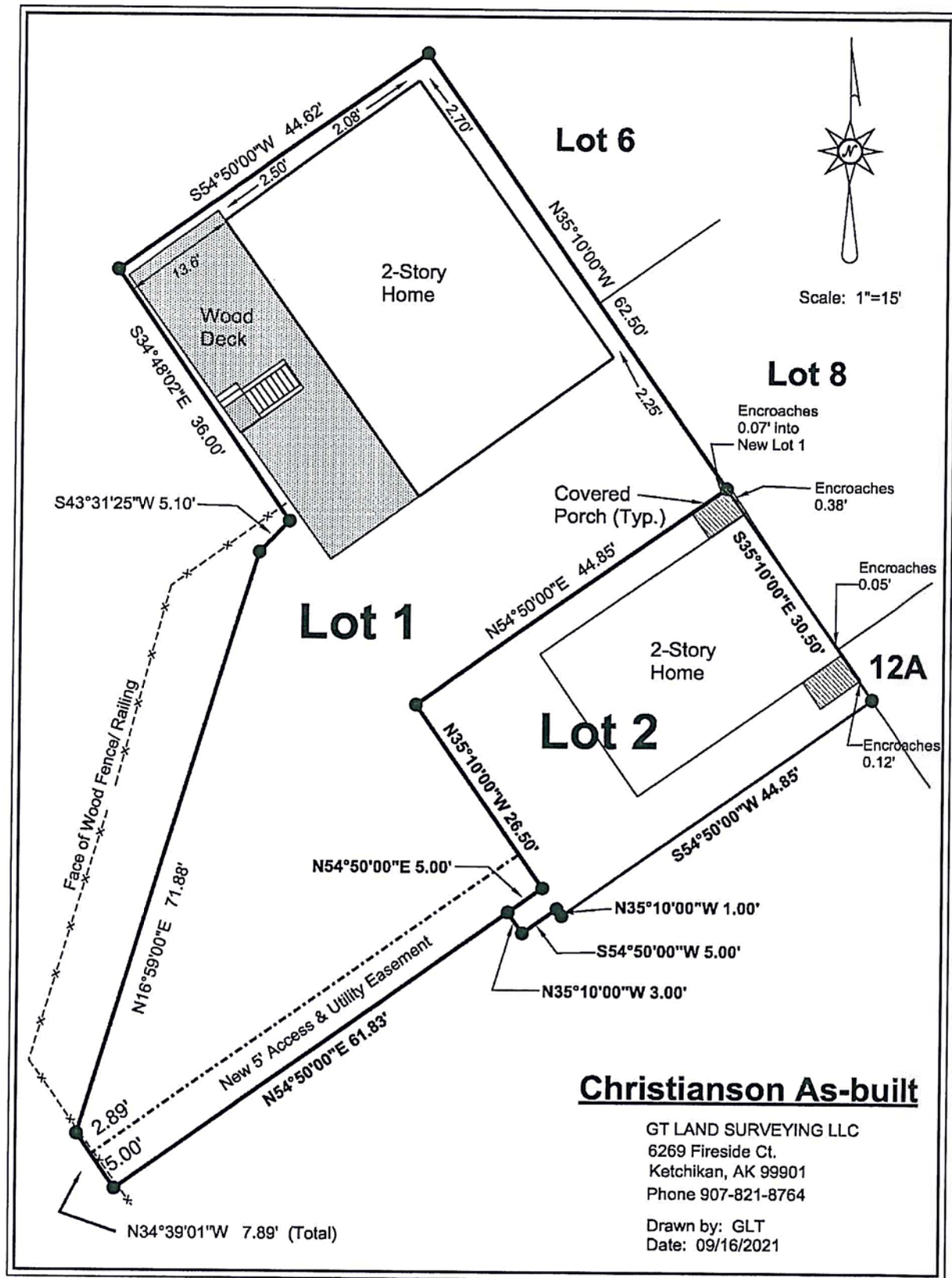
**Sharli Arntzen, Chair of the
Planning Commission/Platting Board**

ATTEST:



**Jeremy Weber, Platting/ Zoning Clerk
Ketchikan Gateway Borough**

"EXHIBIT A"



NOTES:

1. The error of closure of this survey does not exceed 1:5000.
2. All bearings shown are true bearings as oriented to the Basis of Bearings and the distances shown are reduced to horizontal field distances.
3. This plat is subject to reservations and exceptions in the U. S. Patent and acts relating thereto.
4. Easement and the terms and provisions thereof, granted to the City of Ketchikan for constructing and maintaining thereon a sanitary sewer, dated October 4, 1951 and recorded November 6, 1951 in Volume Y at Page 87.
5. Easement and the terms and provisions thereof, granted to the City of Ketchikan for constructing and maintaining thereon a sanitary sewer, dated October 3, 1951 and recorded November 6, 1951 in Volume Y at Page 83.

CERTIFICATE OF APPROVAL

I hereby certify that the subdivision shown hereon has been found to comply with the subdivision regulations of the Borough Planning Commission, and that said plat has been approved by the board by Plat Resolution No. _____ dated _____, and that the plat shown hereon has been approved for recording in the Office of the District Recorder, First Judicial District, Ketchikan, Alaska.

Platting Official	Date
Borough Assessor	Date
Borough Engineer	Date
Planning Commission Chair	Date

CERTIFICATE OF PAYMENT OF TAXES

I hereby certify that to the best of my knowledge, all local property taxes assessed against the property described hereon are paid in full _____; or that current taxes for the year _____ will be due on or before _____; or _____ are exempt.

Finance Director _____ Date _____
Ketchikan Gateway Borough

SUBDIVISION DATA:

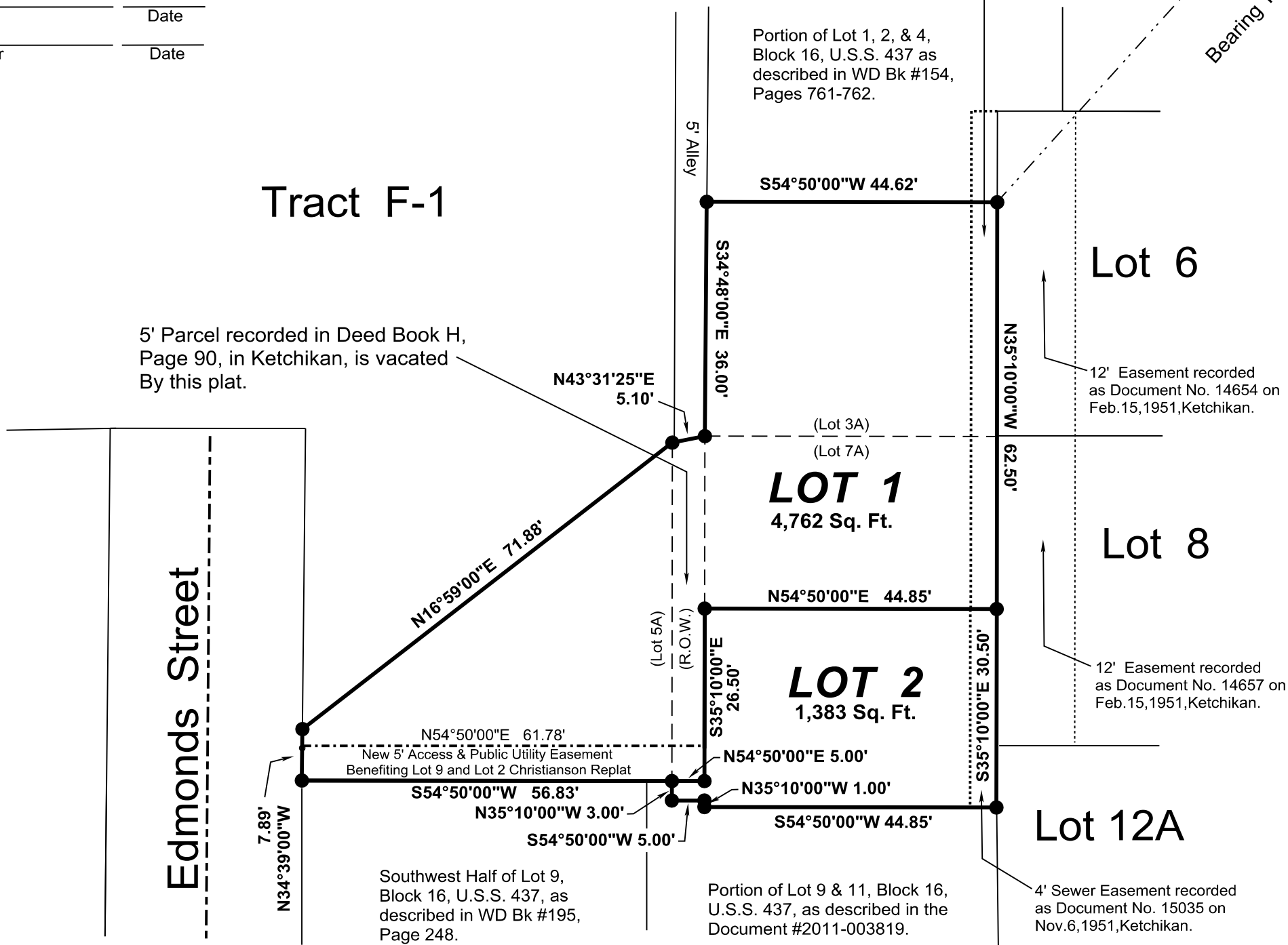
This survey vacates the 5' wide City owned parcel of land recorded in Deed Book H, Page 90, and adds a new 5' wide access & utility easement benefitting the City of Ketchikan.

Total Area: 6,145 Sq. Ft.

LOTS CREATED BY THIS PLAT ARE:
LOT 1 CHRISTIANSON REPLAT
LOT 2 CHRISTIANSON REPLAT

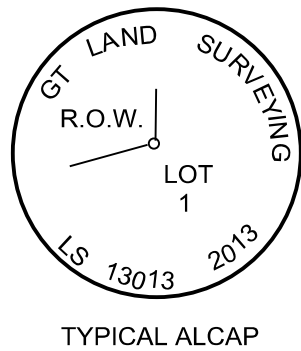
Tract F-1

5' Parcel recorded in Deed Book H, Page 90, in Ketchikan, is vacated By this plat.



LEGEND

- Existing Sanitary Sewer Easement.
- Recovered Centerline Monument.
- Set 2" ALCAP on 5/8" X 36" Rebar or to refusal.
- Surveyed Property Lines.
- Unsurveyed Property Lines.
- - - Centerline of R.O.W.
- - - New Access & Utility Easement Benefitting the City of Ketchikan.
- - - Lot Lines removed through this plat.



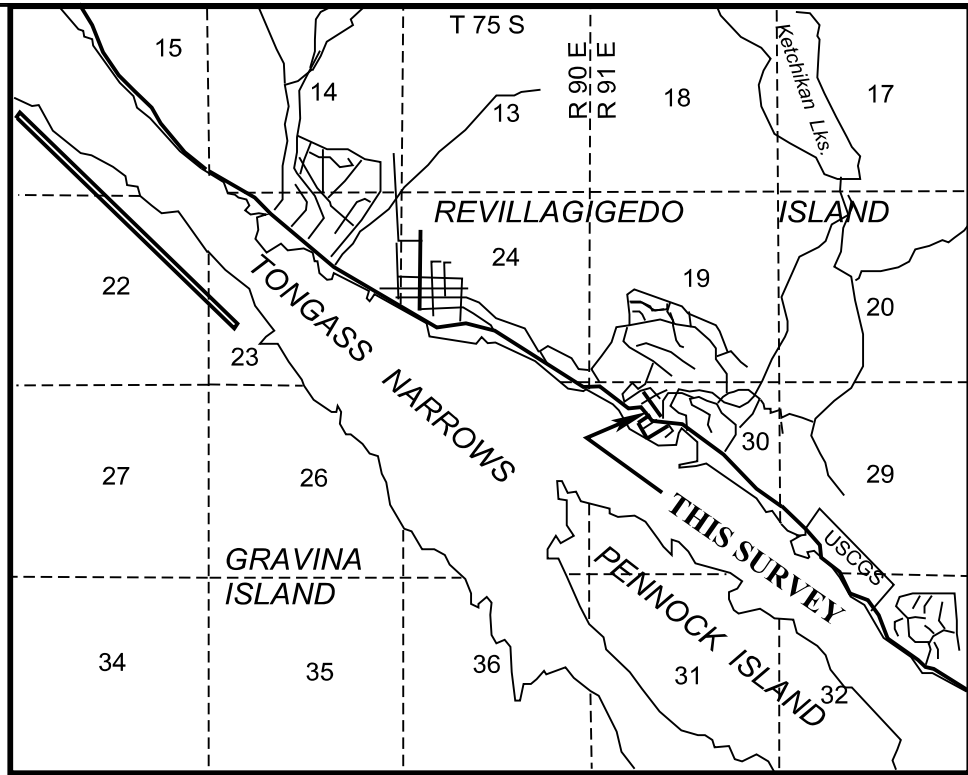
REFERENCE PLATS:

- City of Ketchikan Townsite, recorded as Plat No. V1-100, on July 23, 1952, K.R.D.
- City of Ketchikan Townsite, recorded as Plat No. V1-108, on February 25, 1964, K.R.D.
- Subdivision of Lot 5, Block 16, U.S.S. 437, recorded as Plat No. P-27, on February 25, 1959, K.R.D.

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice Land Surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision and that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct according to the notes of said survey.

Gary L. Tams, Alaska R.L.S. No 13013
Date: _____



VICINITY MAP From Ketchikan B-5 & B-6 Quads. 1994 1"=1 Mile

CERTIFICATE OF OWNERSHIP

We hereby certify that we are the owner of a Portion of Lot 3 and a Portion of Lot 7, Block 16, U.S.S. 437, recorded in Book 198, Page 481, Lot 5A, Block 16, U.S.S. 437, and a Portion of Lot 9, Block 16, U.S.S. 437, recorded as WD 2005-000069-0 as shown hereon and that we hereby approve this survey and plat.

Erik D. Christianson _____ Date _____

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____ day of _____, 20____.
For _____
(notary to print signer's name)

Notary Public for the State of Alaska
My Commission expires _____.

Pamela P. Christianson _____ Date _____

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____ day of _____, 20____.
For _____
(notary to print signer's name)

Notary Public for the State of Alaska
My Commission expires _____.

LIEN HOLDER'S CERTIFICATE

I hereby certify that I am authorized to sign as the Lien Holder as shown hereon and that I hereby approve this plat.

Lending Institution _____

Signature _____ Date _____

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this _____ day of _____, 20____.
For _____
(notary to print signers name)

Notary Public for the State of Alaska
My Commission expires _____.



CHRISTIANSON REPLAT

VACATING A PORTION OF UNNAMED R.O.W. AND CREATING LOT1 AND LOT 2

An Alteration of a Portion of Lot 3, 5A, Two Portions of Lot 7, and a Portion of Lot 9, Block 16, U.S.S. 437

LOCATED WITHIN SEC. 30, T. 75 S., R. 91 E., C.R.M. KETCHIKAN RECORDING DISTRICT

Surveyed for: Erik & Pam Christianson 364 Edmonds St. Ketchikan, AK. 99901	Surveyed by: GT LAND SURVEYING LLC 757 FOREST AVENUE KETCHIKAN, AK. 99901	
Date of Survey: 9/19/2013	Date of Plat: 9/21/2021	Drawn by: Gary L. Tams
Scale: 1" = 20'	File No.	