


TRANSMITTAL MEMORANDUM

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TO: The Honorable Mayor and City Council

FROM: Delilah A. Walsh, City Manager Initials: 

DATE: December 29, 2022 File # MGR22-098

RE: **Consenting to and Approving Vacation of a Portion of Hunt Street Right-of-Way**

The motion was prepared at the request of Ketchikan Gateway Borough's Planning Department through the City Clerk. At its meeting of November 8, 2022, the Ketchikan Gateway Borough Planning Commission conditionally approved a request from Family Village, LLC to vacate a portion of the Hunt Street right-of-way abutting Lot 8A, U.S. Survey 1296. Public Works Director Mark Hilson has prepared the attached memorandum explaining the impacts of this partial right-of-way vacation as requires no further explanation from the Manager's Office. As there is no adverse impact to surrounding properties and their access, approval is recommended.

A motion has been prepared for City Council Consideration.

**Recommended Motion:**

I move the City Council consent to and approve the vacation of a portion of Hunt Street right-of-way as approved by the Ketchikan Gateway Borough/Platting Board at its meeting of November 8, 2022 (Case No. 22-070).

## **MEMORANDUM**

**TO:** Delilah Walsh, City Manager

**CC:** Lacey Simpson, Assistant City Manager  
Mitch Seaver, City Attorney  
Ted & Nancy Eggleston, Family Village, LLC  
Ben Williams, Williams Inc.

**FROM:** Mark Hilson, P.E., Public Works Director

**DATE:** December 27, 2022

**SUBJECT:** **Consenting to and Approving Vacation of a Portion of Hunt Street Right-of-Way**

At its meeting of November 8, 2022, the Ketchikan Gateway Borough Planning Commission conditionally approved a request from Family Village, LLC to vacate a portion of the Hunt Street right-of-way abutting Lot 8A, U.S. Survey 1296. The proposed vacation is a 13' wide by 150' long portion of the Hunt Street (shown on Exhibit A) which would eliminate an encroachment by the refrigeration units (shown on Exhibit B photos), for the Alaskan and Proud (A&P) Grocery Store, over the property boundary of Lot 8A. The remaining right-of-way is 37' wide.

The attached decision from Ketchikan Gateway Borough Planning Commission as transmitted by letter of Jeremy Weber dated December 14, 2022 includes the following conditions of approval:

1. Consent to the Vacation by the City of Ketchikan Council pursuant to KGBC 17.40.020(g)(2).
2. The Mylar shall be in substantially the same form as depicted on the attached vacation of right-of-way plat.
3. A public utility easement shall be submitted with the Mylar to be recorded concurrently with the plat.

If approved, the remaining developed portion of Hunt Street right-of-way will continue to be utilized for access to public facilities and has no adverse effects on the surrounding properties, as such, staff is in favor of the request. Hunt Street has not been accepted as a public street and therefore is not maintained by the City of Ketchikan.

## **RECOMMENDATION**

It is recommended that the City Council adopt a motion consenting to and approving the vacation of a portion of Hunt Street right-of-way as approved by the Ketchikan Gateway Borough Planning Commission/Platting Board at its meeting of November 8, 2022 (Case No. 22-070).

**Recommended Motion:** I move the City Council consent to and approve the vacation of a portion of Hunt Street right-of-way as approved by the Ketchikan Gateway Borough/Platting Board at its meeting of November 8, 2022 (Case No. 22-070).

**Attachments:** Map of vacation

Photo of vacation area

KGB December 14, 2022 notification letter from Jeremy Weber including  
Attachments



## KETCHIKAN GATEWAY BOROUGH

1900 First Avenue, Suite 126, Ketchikan, Alaska 99901

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

planning@kgbak.us

Director, Department of Planning & Community Development

December 14, 2022

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 portion of Hunt Street.
- Planning Commission Resolution No. 4400A Amended Final Order approving the request

Jeremy Weber  
Platting/ Zoning Clerk  
Ketchikan Gateway Borough



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Director, Department of Planning & Community

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December 14, 2022

City Clerk  
City of Ketchikan  
344 Front Street  
Ketchikan, Alaska 99901

RE: Vacation of a Portion of Hunt Street

Dear Clerk Stanker:

On November 8, 2022, the Ketchikan Gateway Borough Platting Board adopted Resolution No. 4400A Amended approving a request by Family Village to vacate a portion of Hunt Street with the following conditions:

1. Consent to the Vacation by the City of Ketchikan Council pursuant to KGBC 17.40.020(g)(2).
2. The Mylar shall be in substantially the same form as depicted on the attached vacation of right-of-way plat.
3. A public utility easement shall be submitted with the Mylar to be recorded concurrently with the plat.

Since no vacation of right-of-way of a City of Ketchikan street or public area may be made without the consent of the City Council, the Council shall have thirty days from the date of this letter in which to consent to or veto the Platting Board decision. If no consent or veto is received by the clerk of the Platting Board within the thirty-day period, the consent of the City Council shall be deemed to have been given.

According to KGBC 17.40.080, the final order granting the petition for the vacation of a portion of Hunt Street is effective on the date affirmative consent is given by the City Council in the form of a duly adopted motion, or if no affirmative consent is given and the Final Order is not vetoed, then upon expiration of the thirty-day period which will be January 13, 2023.

Jeremy Weber  
Platting/ Zoning Clerk  
Ketchikan Gateway Borough

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Department of Planning & Community Development

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November 10, 2022

Family Village LLC  
9419 NW Steamboat Island Rd  
Olympia, WA 98502

Dear Property Owner,

On November 8 the Planning Commission voted unanimously to approve your request for a vacation of a portion of Hunt Street right-of-way.

**What's next:** The City of Ketchikan Council will have 30 days from the date they are notified of the decision to confirm or veto the decision. In the meantime, a public utility easement agreement should be prepared for electrical services that are extending through the area. If the Council concurs with the decision to vacate the right-of-way, the Mylar may be printed after any minor plat corrections, signed and submitted to the Planning Department for recording.

**What you need to do:** Please contact the KPU Electric Division for guidance on preparing an easement agreement. The agreement may be recorded concurrently with the plat. Once the Mylar is printed you will need to sign the plat, have your signatures notarized, and submit the plat and easement agreement to the Planning Department for recording.

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

Cc: Jeremy Weber, Platting Clerk  
Ben Williams, co-applicant

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

**RESOLUTION NO. 4400 A Amended**

**A Resolution of the Ketchikan Gateway Borough Planning Commission for a Request to Vacate a Portion of Hunt Street Right-Of-Way, Abutting Lot 8A, U.S. Survey 1296; Located at the Intersection of Hunt Street and Heneghan Street, City of Ketchikan, as Depicted on Exhibit "A" (Case 22-070)**

**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 encompasses existing mechanical equipment; 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; 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 existing right-of-way to be vacated is utilized for mechanical equipment; and

- H. **WHEREAS**, the Planning Commission finds that the remaining developed portions of Hunt Street right-of-way will continue to be utilized for access to the public facilities; and
- I. **WHEREAS**, the Planning Commission finds that the proposed vacation of right-of-way will not remove any natural features or harm the scale and character of the surrounding developments because the subject area is utilized for mechanical equipment; 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 small 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 right-of-way will continue to provide access and utilities to lots adjacent to Hunt Street; and
- M. **WHEREAS**, the Planning Commission finds that the requested vacation 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 the request to vacate a portion of Hunt Street right-of-way, abutting Lot 8A, U.S. Survey 1296; located at the intersection of Hunt Street and Heneghan Street, City of Ketchikan, as depicted on Exhibit "A", be approved, subject to the findings of fact and conditions herein:



Conditions

1. Consent to the Vacation by the City of Ketchikan Council pursuant to KGBC 17.40.020(g)(2).
2. The Mylar shall be in substantially the same form as depicted on the attached vacation of right-of-way plat.
3. A public utility easement shall be submitted with the Mylar to be recorded concurrently with the plat.

**PASSED AND ADOPTED this 8<sup>th</sup> of November 2022.**

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

**ATTEST:**

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

**“EXHIBIT A”**

[illegible]



Photos



View of the Hunt Street right-of-way. Refrigeration units within a fenced area at right.