


Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Marcus Mueller, Land Management Officer 

DATE: May 15, 2019

RE: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of May 13, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the proposed public access easement vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

May 15, 2019

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF MAY 13, 2019

RE: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE $\frac{1}{4}$ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 60-foot wide public access easement vacation during their regularly scheduled meeting of May 13, 2019 based on the following findings of fact and conditions.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

Conditions:

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
 - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
 - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (May 13, 2019) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent May 15, 2019 to:

Triple Crown Investments LLC
5243 Kachemak Dr., Ste A
Homer, AK 99603-9478

Erik and Amanda Bakke
PO Box 15375
Fritz Creek, AK 99603-6375

PUBLIC COMMENT / PRESENTATIONS / COMMISSIONERS

Vice Chairman Ruffner opened the meeting for public comment for items not on the agenda. Seeing and hearing no one public comment was closed and meeting continued.

PUBLIC HEARINGS**AGENDA ITEM F. PUBLIC HEARINGS**

1. Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District.
Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16);
Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

Staff Report given by Scott Huff

PC Meeting: 5/13/19

Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska

Notification: Public notice appeared in the May 2, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the May 9 issue of the Homer News as part of the Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation. One receipt was returned when the staff report was prepared.

Public hearing notices were sent by regular mail to five owners within 600 feet of the proposed vacation.

Sixteen public hearing notices were emailed to agencies and interested parties.

Public hearing notices were emailed or made available to nine KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Electric Association: HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.

KPB Addressing: No addresses have been assigned. Existing street names are correct.

KPB Planner: No local option zone or material site issues.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Statement of Objection:

ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

Staff Discussion:

Triple Crown Road has been dedicated atop the southern portion of the right-of-way easement proposed to be vacated. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
 - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
 - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to

- and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

END OF STAFF REPORT

Vice Chairman Ruffner opened public comment. Seeing and hearing no one wishing to comment, Vice Chairman Ruffner closed public comment and discussion was opened among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Whitney to approve the vacation of a 60 foot wide public access easement running south approximately 1, 450 feet from Triple Crown Road to Scott Avenue.

MOTION AMENDMENT: Commissioner Ecklund moved, seconded by Commissioner Whitney to amend the motion to add per staff recommendations and compliance with borough code.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.

F. PUBLIC HEARINGS

- 1. Vacate a 60 foot wide public access easement running south from Triple Crown Road to Scott Avenue.**

KPB File 2019-044V

Petitioner: Triple Crown Investments, LLC

AGENDA ITEM F. PUBLIC HEARINGS

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Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

STAFF REPORT

PC Meeting: 5/13/19

Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

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ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

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STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned, subject to:

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5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

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shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.

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END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2019-16
HOMER RECORDING DISTRICT**

Vacate the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); within the SE1/4 of Section 28, T5S, R10W, S.M., Alaska, Fritz Creek, within the Kenai Peninsula Borough; KPB File 2019-044V

WHEREAS, Triple Crown Investments, LLC of Homer, Alaska requested the vacation of the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16).

WHEREAS, the north portion of the easement within Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26) was vacated by KPB Planning Commission Resolution 2008-24 on June 23, 2008; and

WHEREAS, no surrounding properties will be denied access; and

WHEREAS, requests for utility easements have been submitted by Homer Electric Association and ACS; and

WHEREAS, on May 13, 2019, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the easement was granted by recorded document, without the underlying transfer of ownership as in a platted right-of-way dedication; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That documentation from ACS and Homer Electric Association confirming utility easements required to protect each company's existing facilities have been granted has been provided to the Planning Department.

Section 2. That the 60-foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16), is hereby vacated.

Section 3. That a sketch showing the location of the portion of the public access easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 4. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

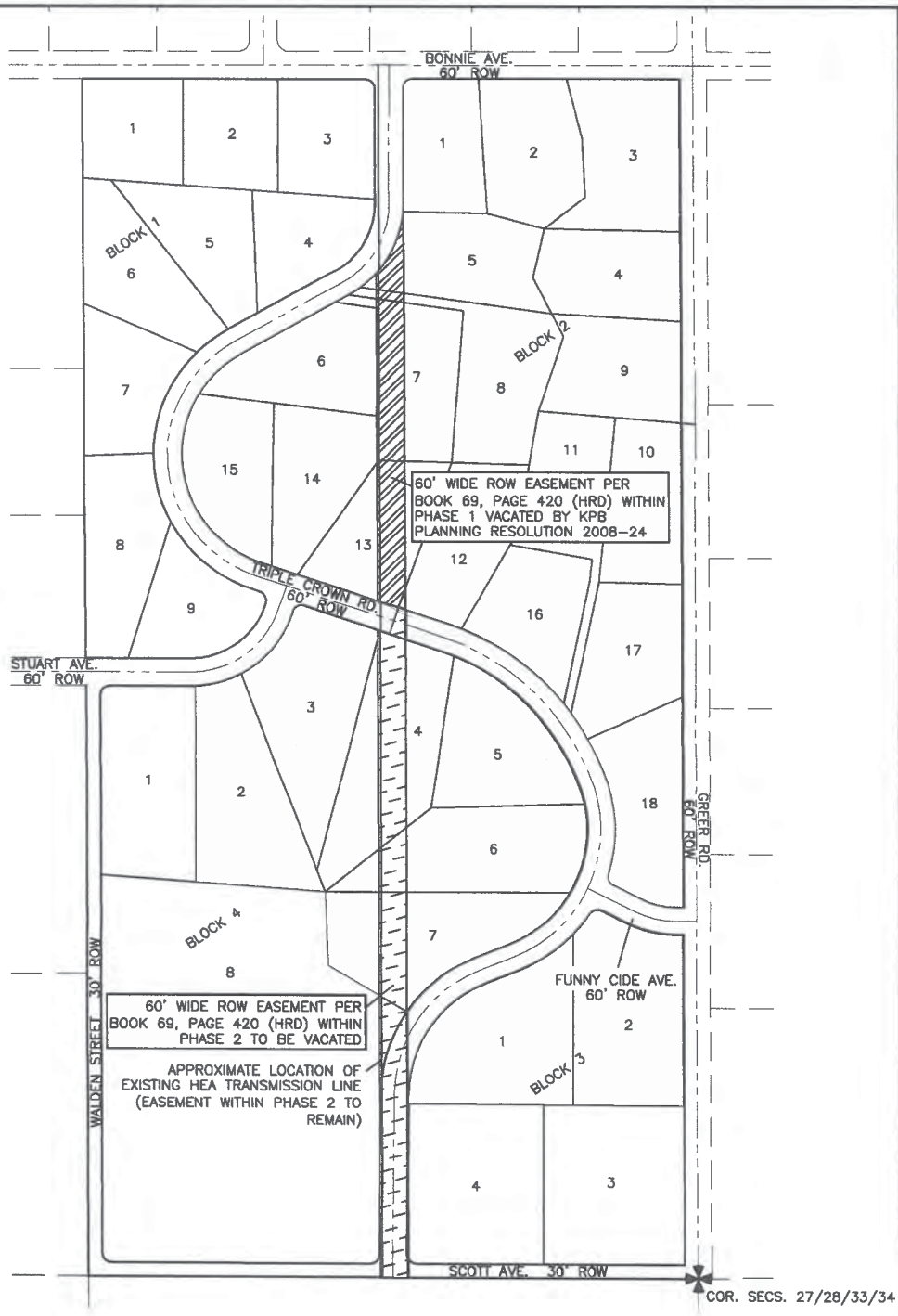
Section 5. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 13th DAY OF MAY, 2019.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Julie Hindman, Administrative Assistant
Return to:
Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669



ROW EASEMENT VACATION
 TRIPLE CROWN ESTATES NO. 2 - PHASE 2
 LOT 12, BLOCK 2, LOT 4, BLOCK 3 AND LOTS 3, 4, 6, 7 & 8, BLOCK 4
 PLAT NO. 2014-16 (HRD)

LOCATED WITHIN
 E1/2 SE1/4 SECTION 28, T. 5 S., R. 12 W., S.M.
 KENAI PENINSULA BOROUGH
 HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200



**Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
 Public Hearing Required**

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company _____
 - Easement for public road or right-of-way as set out in (specify type of document) _____ Grant of Right-of-Way Easement _____ as recorded in Book 69 _____ Page 420 _____ of the Homer _____ Recording District. (Copy of recorded document must be submitted with petition.)
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
 An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 - Phase 1 (2007-26 HRD) and Triple Crown Estates No. 2 - Phase 2 (2014-16 HRD). The portion of the Easement through the Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:
 Name: Sanford Beachy
 Address 5243 Kachemak Drive, Suite A
Homer, Alaska 99603
 Phone (907) 235-8876

Signature as:
 Petitioner Representative

Petitioners:
 Signature
 Name Sanford Beachy
 Address 5243 Kachemak Drive, Suite A
Homer, Alaska 99603

Signature
 Name Sheldon Beachy
 Address 5243 Kachemak Drive A
Homer Alaska 99603

Owner of Lots 4, 6 & 7 Blk 4 and Lot 4 Blk 3
 Signature
 Name Erik Bakke
 Address PO Box 15375
Fritz Creek, Alaska 99603

Owner of Lots 4, 6, 7, Blk 4 and Lot 4 Blk 3
 Signature _____
 Name _____
 Address _____

Owner of Lots 3 & 8, Blk 4

Owner of _____

Serial No. 73-610

THIS INDENTURE, made and entered into this 2nd day
of April, 1972, by and between Eugene Julius Evancoe and Olive
M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred
to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter
referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND
NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by
said Grantee, the receipt whereof is hereby acknowledged, has granted, bar-
gained, sold and conveyed, and by these presents does grant, bargain, sell
and convey unto said Grantee, a perpetual, full and unrestricted easement
in perpetuity and right-of-way, along, over and across the following described
strip, tract or parcel of land and real estate lying, and being situated
in the State of Alaska, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28,
T.5 s., R.12W., Seward Meridian in the Kenai Peninsula Borough
of the Third Judicial District, State of Alaska, being a 60.00
foot wide strip of land which is 30.00 feet on each side,
parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way
line of Homer East Road, Alaska Department of Highways Project
#SAS-414.

Parcel "A" - Beginning at a point for the intersection
of Homer East Road, Alaska Department of Highways Project
#SAS-414, station 517 + 06L, and a driveway entering said
highway right-of-way; Thence along a line bearing S45 degrees
04 minutes East, a distance of 65⁴ more or less to a point
for the intersection of said line with the East-West quarter
section line of Section 28, T5s, R12W, S.M.: Thence easterly
along the quarter section line of Section 28, a distance of 3,850 1190
feet more or less to the quarter-section corner common to
~~section 27 and section 28, T5S, R12W, S.M. centerline of parcel "B"~~ (Elevated 1190)
eye eye

Parcel "B" - Starting at the 1/4 corner common to Section
27 and Section 28 T.5 S., R.12W., Seward Meridian thence West
a distance of 660.00 feet to the true point of beginning of
said center line for Parcel "B" thence South and parallel to
the East Section line of Section 28, T.5 S., R.12W, S.M. a distance
of 2640.00 feet to the termination point of this parcel "B"
center line.

The said right-of-way shall be used for the purpose of constructing
and maintaining thereon a public roadway, and the Grantor covenants and agrees
that the Grantee and the general public shall have full, free and uninterrupted
use of said right-of-way for the purpose aforesaid, and for all other purposes
deemed by Grantee to be beneficial, desirable or necessary in connection with
the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises
according to the plot attached hereto and made a part of this instrument.

Should the said right-of-way herein granted cease to be used as a public roadway

or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor Eugene Julius Evanroe
Eugene Julius Evanroe

Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF TAZEWELL

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

Lepora Skinnell
Notary Public in and for Illinois
Commission Expires:

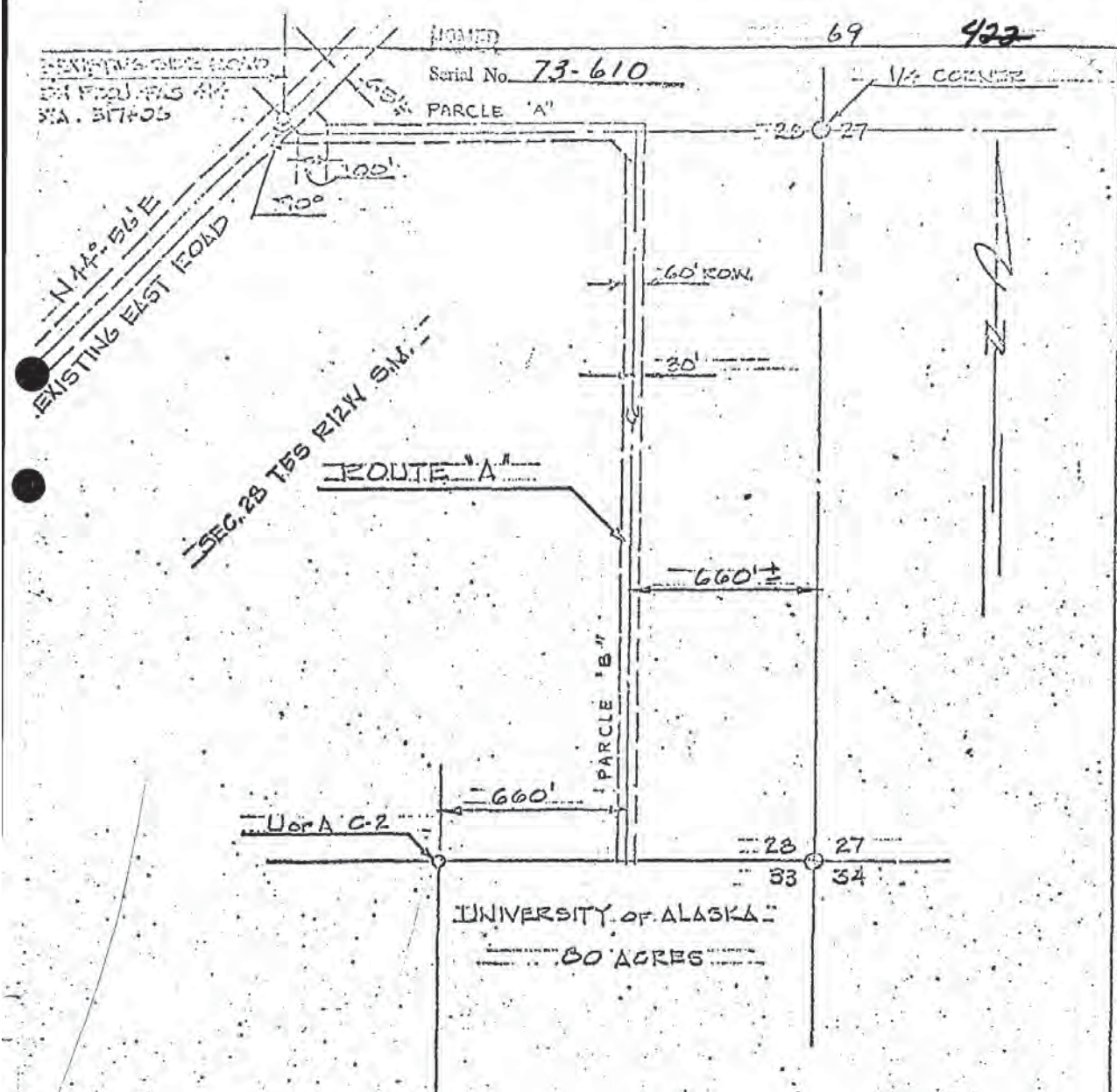
2-2-1973

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantee herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

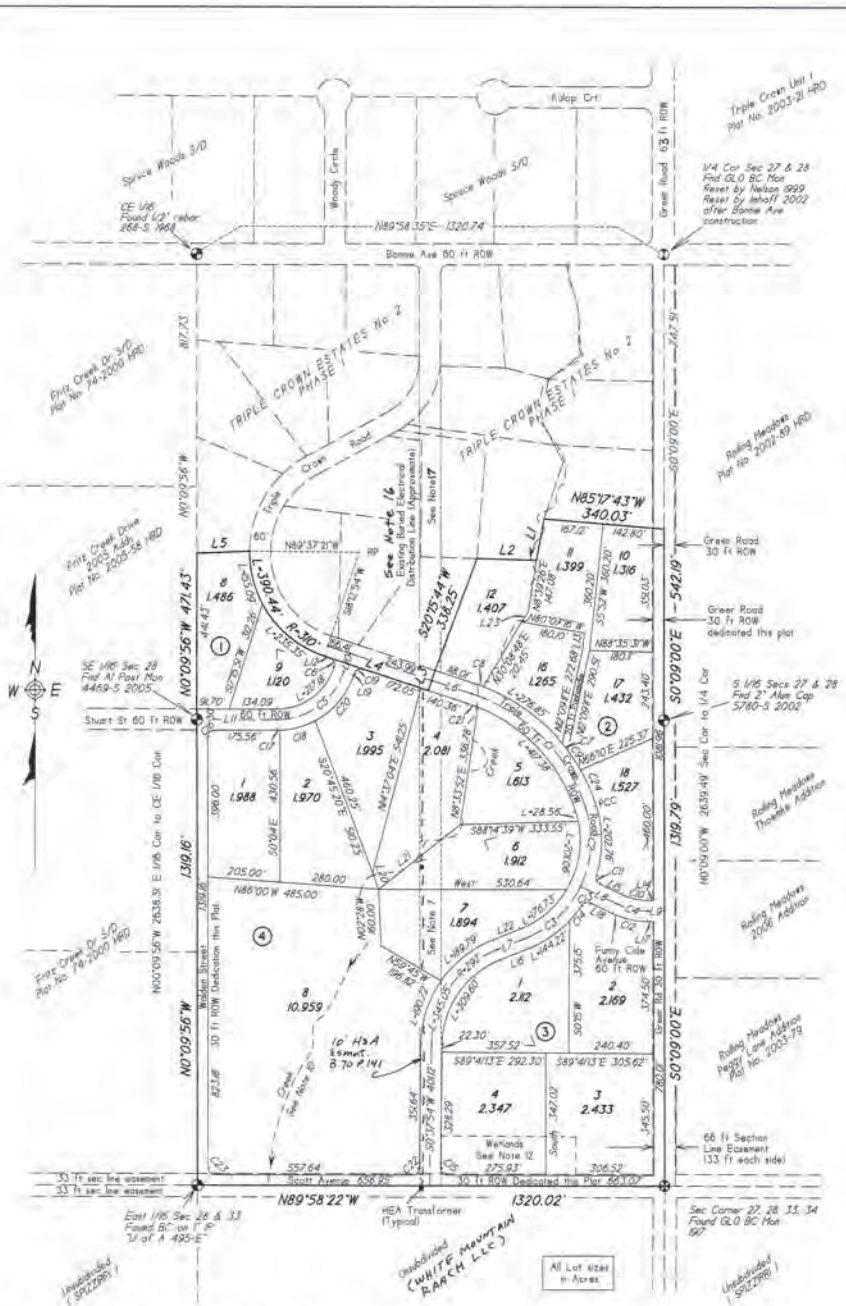
IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA
By Wm R. Wood
William R. Wood, President



RECORDED - ~~FILED~~ 7-14
 Homer REC. DIST.
 DATE 5-21-1973
 TIME 12:35 P.M.
 Requested by Univ. of Alaska
 Address Fairbanks, AK

REVI	UP-DATED	DWR	5-1-72
LOCATION PLAN ACCESS ROAD TO THE UNIVERSITY OF ALASKA, HOMER RED MEAT RESEARCH CENTER EXHIBIT "A" - R-O-W EASEMENT			
SURVEY'D	DRAWN	DATE	SCALE
WHI	JRC	4-12-72	1" = 500'
			3



Subdivision Boundary Line Chart

L1 S1079°51'W 88.73
 L2 N88°24'58\"/>

Funny Cole Ave Curve Line Chart

L8 S64°28'34\"/>

Triple Crown Road Centerline Chart

L6 S71°47'06\"/>

Blocks 1, 2, 3 and 4 Line and Curve Chart

L12 N17°47'06\"/>

Sheet St Centerline Chart

L10 S81°37'05\"/>

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plat of subdivision and by our free consent dedicate all rights-of-way to public use and grant all agreements to the use shown.

Roger W. Inhoff 11-9-07
 Date
 Triple Crown Investments LLC
 by Sanford Beachy
 5243 Kachwahk Drive
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to before me this 11th day of November 2007.
Sanford Beachy
 Notary Public for Alaska
 My Commission Expires 4-24-2010



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon accurately were as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Inhoff
 Date: Nov 9 2007
 Roger W. Inhoff, L.S. 5780



- Notes**
- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
 - The front 10 ft. and the entire building setback with a 5 ft. of side lot lines is also a utility easement.
 - No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - General easements (in location given) in favor of Homer Electric Association have been recorded in B49 P194 and B70 P141.
 - No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
 - A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - A 3" self-identifying aluminum cap on 3/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
 - Existing Road is within 80 ft wide ROW easement in favor of the University of Alaska and the general public recorded in BK 65 P420 HRD.
 - Existing buried powerline is centerline of 15 ft. wide electrical distribution easement.
 - Base of Bearing is Rolling Meadows Plat No. 2002-89 HRD.
 - The existing stream bed is centerline of a 40 ft wide drainage and greenbelt easement. Conditions and restrictions reference Serial No. 2-114-02-8837 HRD.
 - Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the maintenance system.
 - Wetlands shown within Lots 3 and 4 Block 3 according to the wetlands determination under Corps of Engineers PCA-2006-0519-9.
 - WASTEWATER DISPOSAL - LOT 8 BLOCK 4**
 These lots are at least 200,000 square feet or named 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.
 - No permanent structures are permitted within the parkade portion of Lot 8 Block 2.

Plat Approval

The plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of **April 24, 2008**.

KENAI PENINSULA BOROUGH
 By *Maury Grant*
 Borough Official



Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soil Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

J. J. ... License No. ... Date ...

2014-16
Plat #
HOMER
 REC'D AT
 7/22/2014
 TIME 9:57 AM

- The easterly 10 ft. of Lot 16 Block 2 is a utility easement.
- The buried electrical distribution line within Phase 2 was retired in 2007.
- 60 ft. wide ROW easement within Phase 2 vacated by KPB Planning Commission Resolution 2008-24.

Triple Crown Estates No. 2 - Phase 2

Being a Subdivision of the E 1/2 SE 1/4 Section 28 T55 R12W S14 containing therefrom Triple Crown Estates No. 2 - Phase 1 as shown on Plat No. 2007-26 within the Kenai Peninsula Borough Homer Recording District, Third Judicial District, Alaska Containing 50.957 Acres, more or less.

Client: Triple Crown LLC 5243 Kachwahk Dr Homer AK 99603	Surveyor: Roger W. Inhoff, R.L.S. 5243 Kachwahk Dr Homer AK 99603	FB 06-2/07-2 Drawn RWI SCALE T - 200 ft
Date of Survey: June 2007	File Information: KPB File No. 2008-202 KPB File No. 2007-178	



Subdivision Boundary Line Chart

L1 S010°51'W 88.73'
 L2 N88°24'58"W 167.74'
 L3 S81°12'54"W 60.00'
 L4 S87°48'00"W 148.75'

Triple Crown Road Centering Chart
 C1 L-33.71 R-200'
 C2 S60°12'31"W 261.00'

Blocks 1 and 2 Line and Curve Chart

L5 South 808	C1 L-31.42 R-20'
L6 S80°12'31"W 72.20'	C2 L-88.65 R-70'
L7 S82°09'30"E 25.4'	C3 L-84.04 R-30'
L8 S61°12'31"W 33.52'	C4 L-31.42 R-20'
L9 S71°47'06"E 21.80'	C5 L-89.60 R-230'
L10 S71°47'06"E 59.00'	C6 L-95.03 R-230'
L11 S85°55'14"E 266.00'	C7 L-30.83 R-230'
L12 N75°25'25"W 67.62'	C8 L-30.00 R-250'
L13 S82°08'36"E 97.02'	
L14 S41°25'42"E 133.59'	
L15 S21°43'35"E 106.14'	
L16 S52°42'45"W 84.44'	
L17 S13°16'16"W 101.45'	
L18 S27°15'20"E 68.92'	
L19 S27°15'20"E 55.00'	
L20 S82°47'16"E 69.87'	

Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is also a utility easement.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- General easements (No location given) in favor of Homer Electric Association have been recorded in B49 P14 and B70 P14.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- A 2" self identifying aluminum cap on 5/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
- Existing Road is within 60 ft wide ROW easement in favor of the University of Alaska and the general public recorded in Bk 69 P420 HRD.
- Existing buried powerline is contained of 15 ft wide electrical distribution easement.
- Base of Bearing is Rolling Meadows Plot No. 2002-89 HRD.
- The existing stream bed is centerline of a 40 ft wide drainage and greenbelt easement. Conditions and restrictions reference Serial No. 2007-001435-0 HRD.
- Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the maintenance system.
- According to the wetlands determination under Corps of Engineers 90A-2006-1519-9, there are no designated wetlands within this phase of subdivision.

Wastewater Disposal

Soil conditions in the subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Sales Report and are available from the Kenai Peninsula Borough. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska and the design must be approved by the Alaska Department of Environmental Conservation prior to construction.

T. Spillman CE 2285 4/13/07
 Engineer License No. Date

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent declare all rights-of-way to public use and grant of easements to the use shown.

Triples Crown Investments LLC Date
Stanford Beachy
 5243 Kachemak Drive
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to me before me this 07 day of April 2007

for Stanford Beachy
 My Commission Expires 01/15/2011



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the measurements herein actually made as described and that the dimensions and other details are correct to the best of my knowledge.

April 4, 2007 Roger W. Inhoff LS 5780
 Date Signature



Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 24, 2008

KENAI PENINSULA BOROUGH
 By *M. Joseph J. Frost*
 Authorized Official

Vicinity Map 1" = 1 Mile



Triple Crown Estates No. 2 - Phase 1

Being a Subdivision of a portion of the E 1/2 SE 1/4 Section 26, T5S, R2W, S1N
 Homer Recording District, Third Judicial District, Alaska
 Containing 28.023 Acres, more or less

Client: Triple Crown LLC 5243 Kachemak Dr Homer AK 99603	Surveyor: Roger W. Inhoff, RLS PO Box 2588 Homer AK 99603	FB2006-2 Drawn RWI SCALE 1" = 200' ft
Date of Survey: June 2006	File # 190300003/0400000000	KPB File No 2006-202

2007-26
 HOMEER-14-0407
 4/18-07
 10:11 AM
 Submitted by *Imbels*

26

A
L
A
S
K
A

2008-002722-0

Recording Dist: 309 - Homer
7/8/2008 10:47 AM Pages: 1 of 2



**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2008-24
HOMER RECORDING DISTRICT**

Vacate a portion of a 60-foot right-of-way easement granted in Book 69 Page 420, within or adjacent to Lots 5, 6, 7, 13 and 14, Block Two, Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26); within Section 28, Township 5 South, Range 12 West; all within the Seward Meridian and Kenai Peninsula Borough, Alaska; KPB File 2008-070; Location: South of East End Road in Homer

WHEREAS, Sanford Beachy of Triple Crown Investments of Homer, Alaska, petitioned for vacation of a portion of a 60-foot right-of-way easement granted in Book 69 Page 420 Homer Recording District; and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, it was been determined by the Planning Commission on April 14, 2008 that all requirements had been met, supporting approval of the vacation; and

WHEREAS, the Borough Assembly concurred with the Planning Commission's approval of the vacation on May 6, 2008; and

WHEREAS, the vacation of the easement does not require replatting of any vacated area, allowing it to finalized by a resolution;

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

- Section 1: That the portion of the 60-foot right-of-way easement described above is hereby vacated.
- Section 2: That a copy of the sketch clearly depicting the easement being vacated shall be recorded with this resolution.
- Section 3: That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.
- Section 4: That this resolution becomes effective upon being properly recorded.

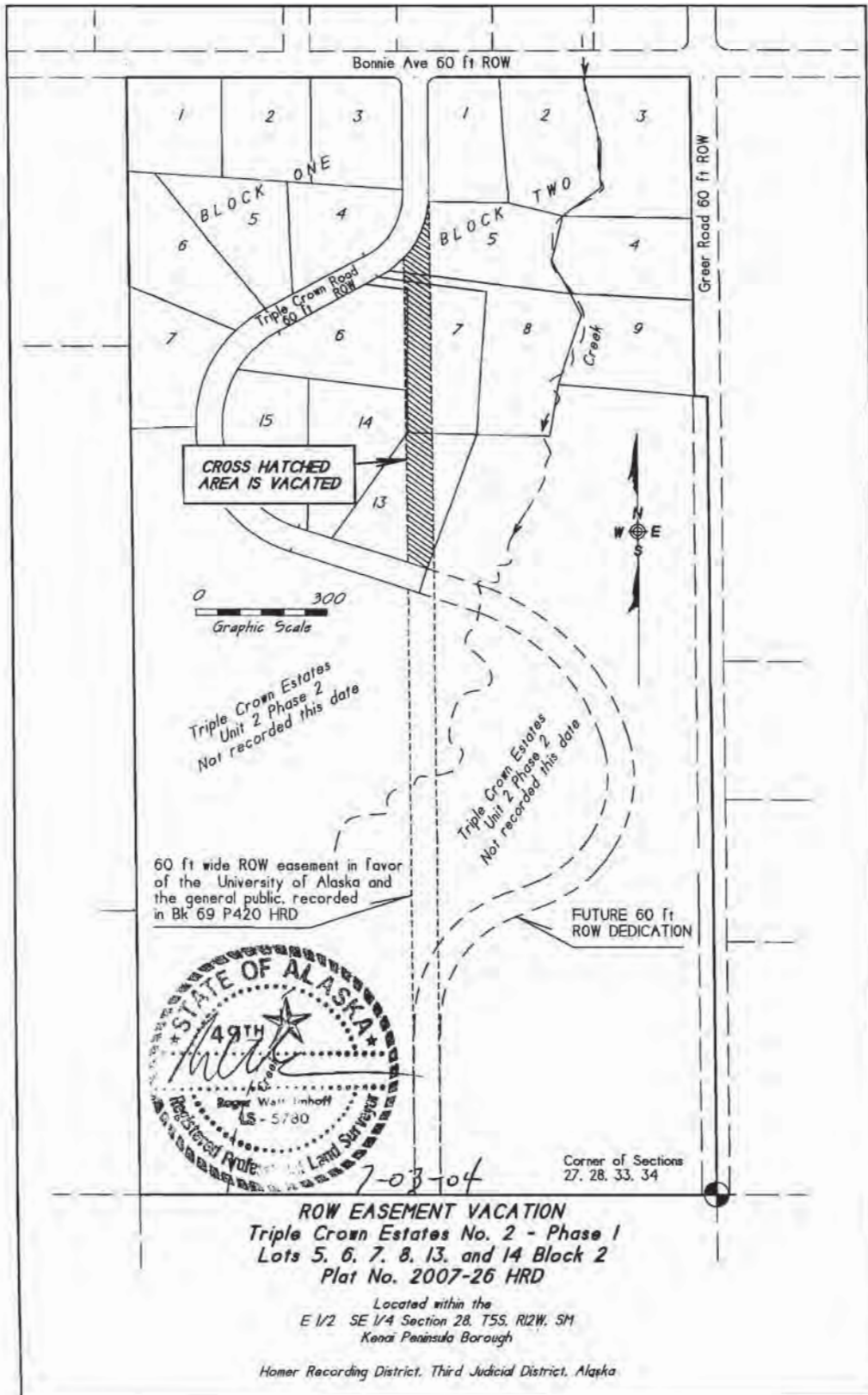
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF June, 2008.

Philip Bryson, Chairperson
Planning Commission

ATTEST:

Patricia Hartley
Administrative Assistant

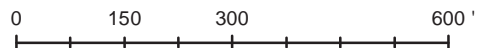
Please return to:
Planning Department
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669-7599






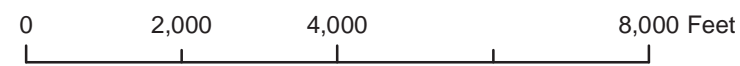
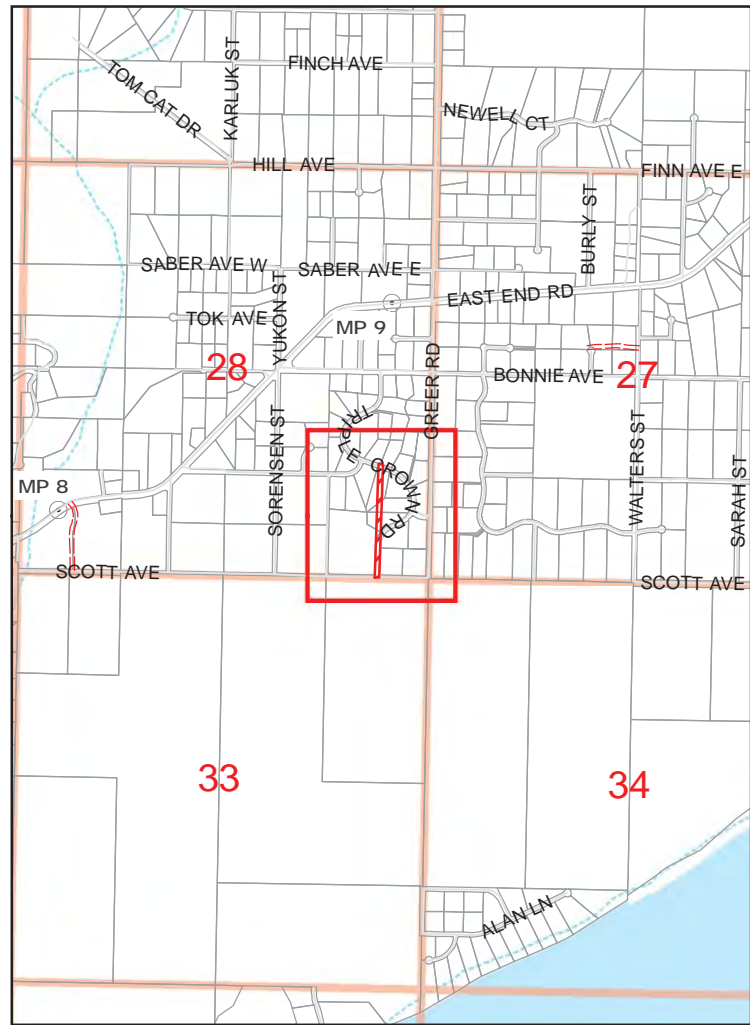
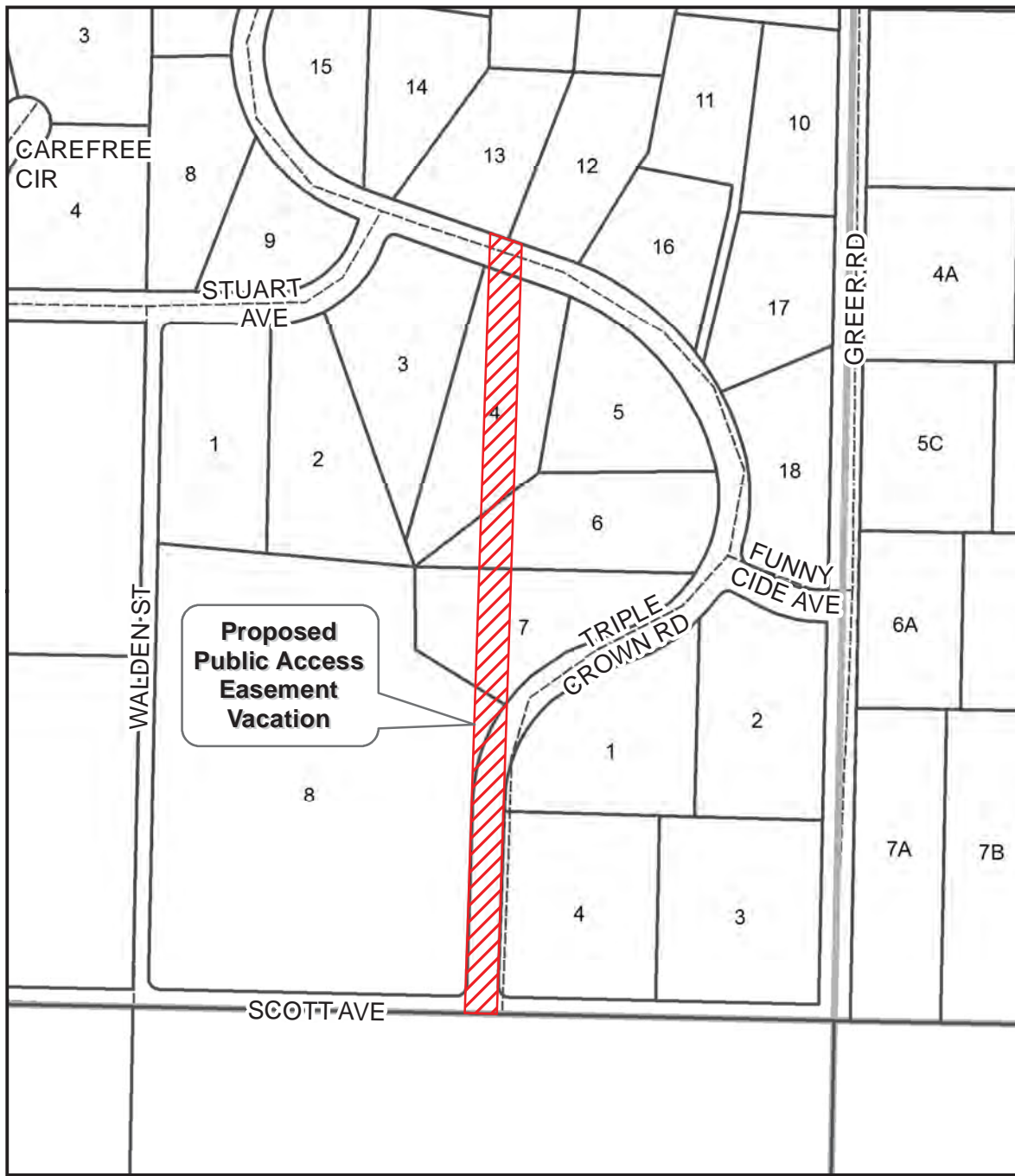
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



 Public Access Easement Vacation

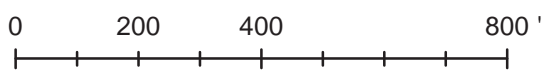
JReif, KPB
Date: 4/19/2019
Imagery: 2016



**KPB 2019-044V
T05S R10W S28
FRITZ CREEK**



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



JReif, KPB
Date: 4/19/2019