

# Kenai Peninsula Borough

## Planning Department

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### MEMORANDUM

**TO:** Brent Johnson, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Robert Ruffner, Planning Director *RR*

**DATE:** June 27, 2023

**RE:** Vacate portions of Steik Avenue granted on Ninilchik Right-Of-Way Map, Plat HM 84-115 and associated utility easements.

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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 June 26, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way, vacating portions of Steik Avenue granted on Ninilchik Right-Of-Way Map, Plat HM 84-115 by unanimous vote (12-Yes) based on the means of evaluating public necessity established by KPB 20.65. This petition is being sent to you for your consideration and action.

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

June 26, 2023 Planning Commission Draft Meeting Minutes  
June 26, 2023 Agenda Item E2 Meeting Materials

**ITEM 2 - RIGHT OF WAY VACATION  
VACATE PORTIONS OF STEIK AVENUE GRANTED ON NINILCHIK RIGHT-OF-WAY MAP,  
PLAT HM 84-115 & ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2023-061V
<b>Planning Commission Meeting:</b>	June 26, 2023
<b>Applicant / Owner:</b>	Caribou Hills Cabin Hoppers of Clam Gulch, Alaska
<b>Surveyor:</b>	None
<b>General Location:</b>	Steik Avenue, Oil Well Road, and Gravel Pit Trail REM SW within Ninilchik, Alaska
<b>Legal Description:</b>	Steik Avenue within Lot 107, Ninilchik Right-Of-Way Map, Plat HM 84-115 in Township 2 South Range 12 West Section 2 and Lots 29 and 30, Clarks' Point of View Estates Phase 1 HM 2001-80, and Lot 24 Clarks' Point of View Estates Phase 5, HM 2005-94 within Township 1 South Range 12 West Section 35

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Sylvia Shelton, Caribou Hills Cabin Hoppers; P.O. Box 375, Clam Gulch, AK 99568: Ms. Shelton is the treasurer for the Cabin Hopper and asked the commission to approve their vacation request.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Slaughter moved, seconded by Commissioner Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations, and subject to the 4 conditions as set forth in the staff report.

Hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 12	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Slaughter, Staggs, Stutzer, Taufest, Venuti
No - 0	

**ITEM 3 – CONDITION USE PERMIT  
ANADROMOUS WATERS HABITAT PROTECTION DISTRICT OF THE KENAI RIVER**

<b>KPB File No.</b>	2023-13
<b>Planning Commission Meeting:</b>	June 26, 2023
<b>Applicant</b>	Steve Helbock
<b>Mailing Address</b>	1806 Curry Road, Roseburg, OR 97471
<b>Legal Description</b>	T 4N R 10W SEC 2 SM KN 0870100 MOOSE RANGE MEADOWS SUB PHASE II AMENDED LOT 1 BLK 2
<b>Physical Address</b>	33537 KEYSTONE DR
<b>KPB Parcel Number</b>	135-260-02

Staff report given by Resource Planning Morgan Aldridge

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

**MAIN MOTION:** Commissioner Gillham moved, seconded by Commissioner Slaughter to adopt Planning

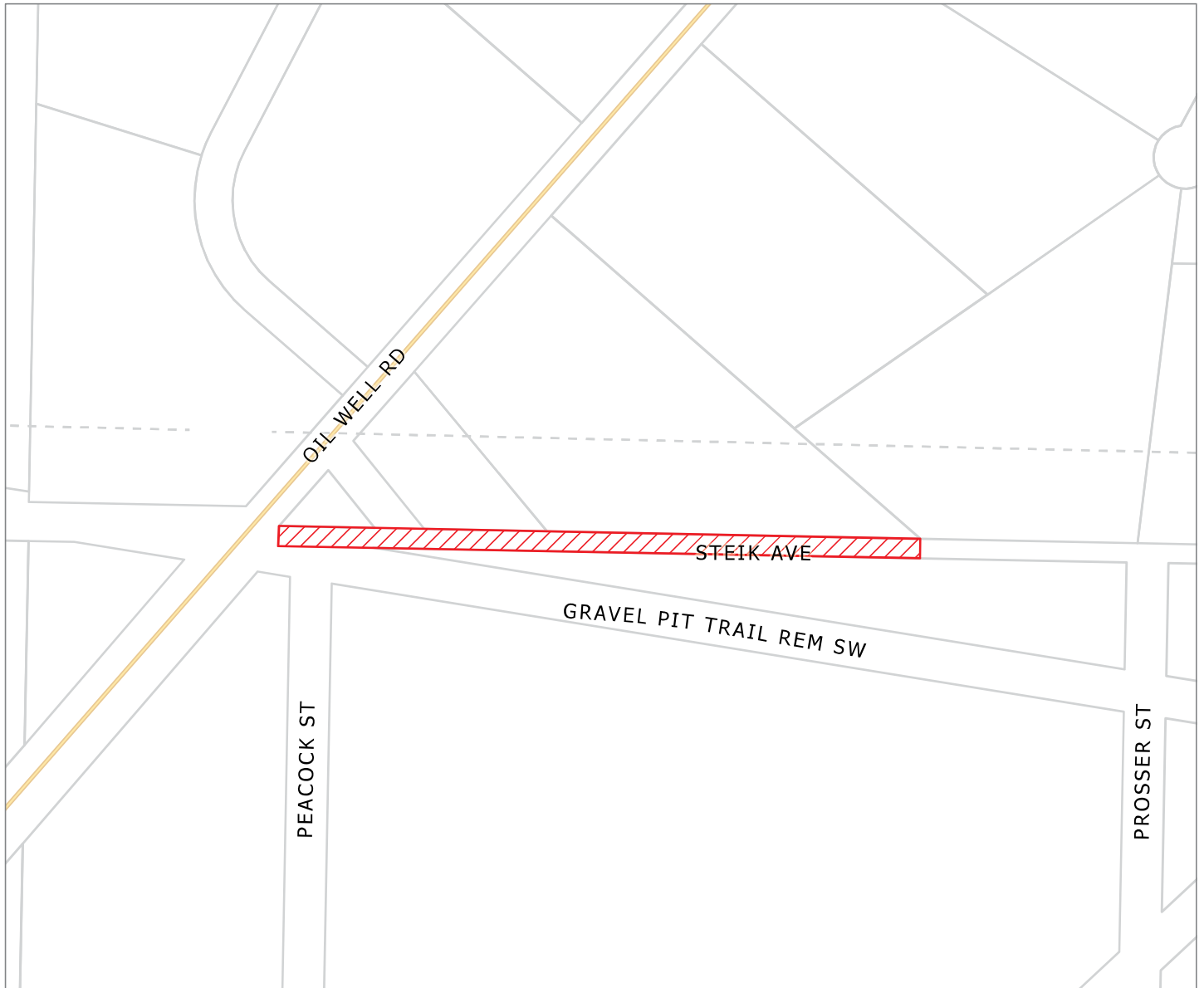
# **E. NEW BUSINESS**

## **2. Right-of-Way Vacation; KPB File 2023-061V**

**No Surveyor / Caribou Hills Cabin Hoppers**

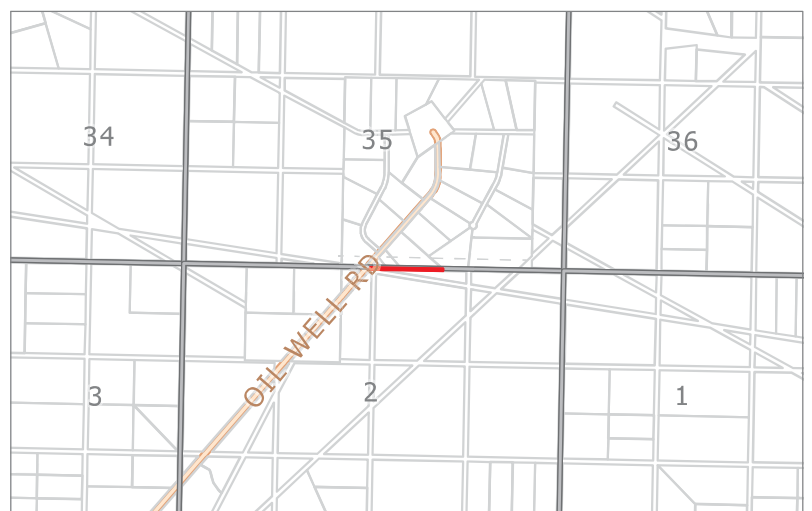
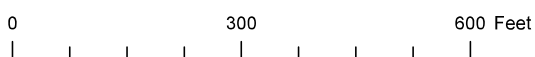
**Request: Vacates approximately a 30' by 1000' portion  
of Steik Avenue dedicated by Ninilchik ROW Map, Plat  
HM 84-155**

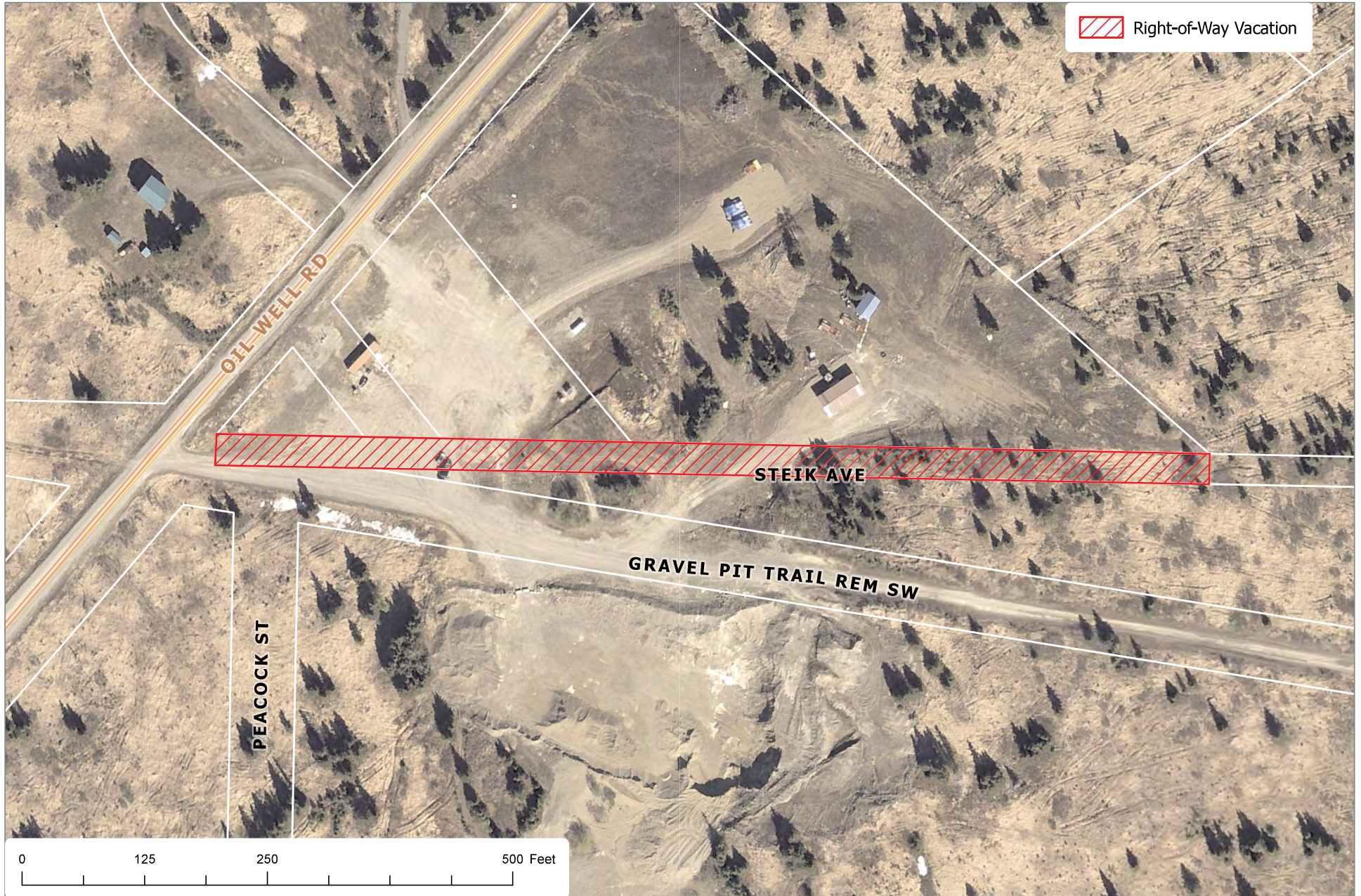
**Ninilchik Area**



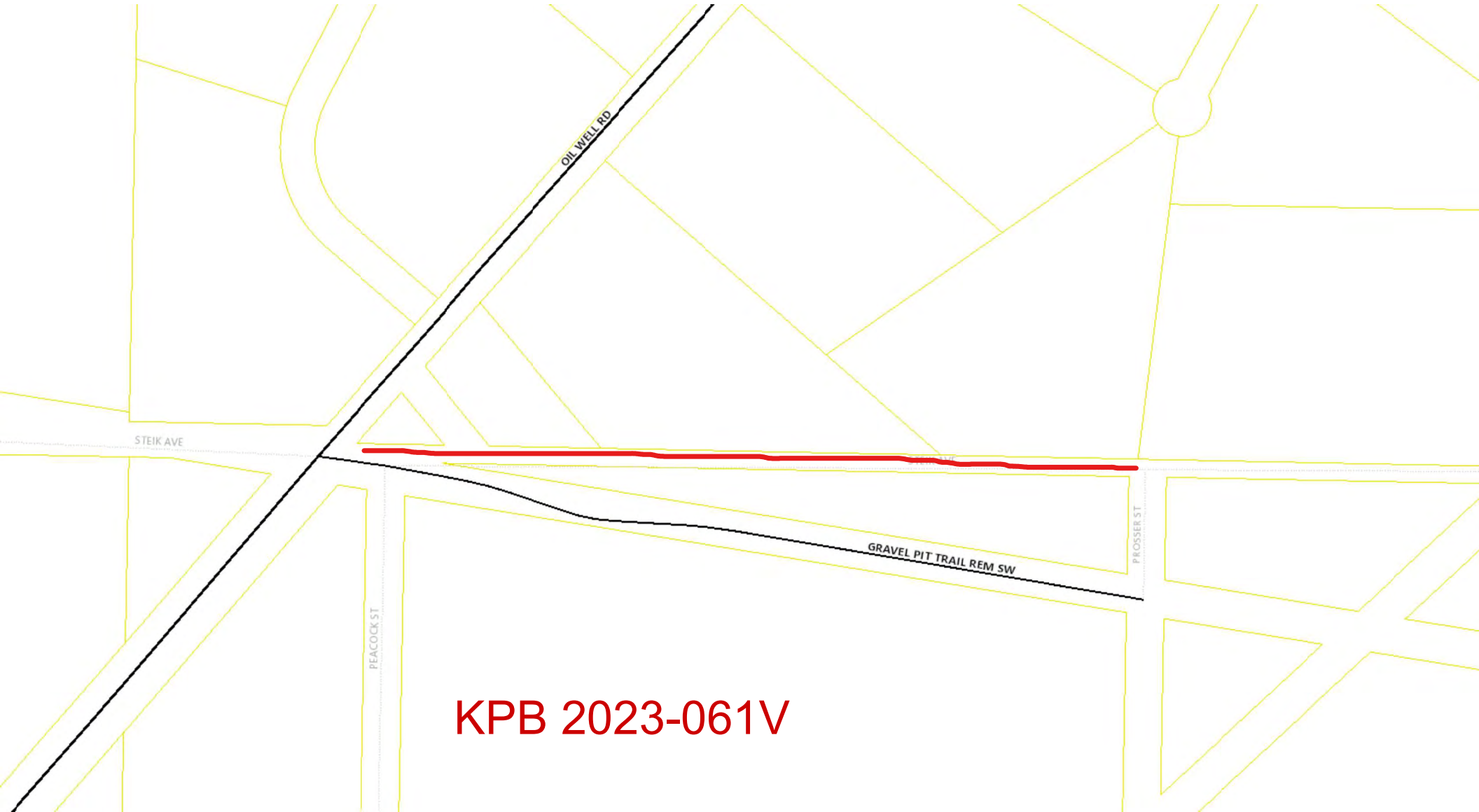
KPB File 2023-061V  
 T 02S R 12W SEC 02  
 Ninilchik

6/5/2023





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.



KPB 2023-061V

AGENDA ITEM E.      NEW BUSINESS

**ITEM #2 - RIGHT OF WAY VACATION  
VACATE PORTIONS OF STEIK AVENUE GRANTED ON NINILCHIK RIGHT-OF-WAY MAP, PLAT HM 84-115  
and ASSOCIATED UTILITY EASEMENTS**

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<b>Legal Description:</b>	Steik Avenue within Lot 107, Ninilchik Right-Of-Way Map, Plat HM 84-115 in Township 2 South Range 12 West Section 2 and Lots 29 and 30, Clarks' Point of View Estates Phase 1 HM 2001-80, and Lot 24 Clarks' Point of View Estates Phase 5, HM 2005-94 within Township 1 South Range 12 West Section 35

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Caribou Hills Cabin Hoppers are requesting a partial vacate of Steik Ave. The reason for the ROW vacation is we own the parcels on each side of Steik and would prefer no trails or roads to be created between the parcels. Parcel 18550814 we just acquired, we own the adjoining Parcels 18550851, 18550852 and 18550871. Parcel 18550871 has the physical address of 49545 Oilwell Rd, Ninilchik Ak 99639. CHCH requested vacate will NOT affect access to these parcels. Parcel 18550870, 18550757, 18550815 have access via Gravel Pit Trail REM SW, Prosser, Steik Ave, and Lobo Lane Seismograph Trail not listed on KPB parcel viewer page. CHCHs plan is to utilize our parcels for new construction of a facility to house the Groomers with facility access, from Gravel Pit Trail REM SW. Our parcels are also used for access points to the over 120 miles of trails in the Caribou Hills. We currently use our property to host community events and it provides a safe landing location for Central Emergency Services Helicopters. CHCH plans to improve the parcel for future community use. This vacate would affect only parcels owned by CHCH, there is NO use of Steik Ave at this time. Thank you for your consideration.

**Notification:** The public hearing notice was published in the June 22<sup>nd</sup> issue of the Homer News as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Ninilchik

Post Office of Ninilchik

Sixteen certified mailings were sent to owners of property within 600 feet of the proposed vacation. Zero receipts had been returned when the staff report was prepared.

Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game  
State of Alaska DNR  
State of Alaska DOT  
State of Alaska DNR Forestry  
Emergency Services of Ninilchik

Kenai Peninsula Borough Homer Office  
Kenai Peninsula Borough Land Management  
Ninilchik Traditional Council  
Alaska Communication Systems (ACS)  
ENSTAR Natural Gas

**Legal Access (existing and proposed):** The proposed vacation is within the area known as Caribou Hills. Access is provided by Oil Well Road off of Sterling Highway. State maintenance ends at mile post six and is continued by borough maintenance the rest of the length of Oil Well Road. The portion of Steik Avenue that is proposed to be vacated was granted by Ninilchik Right-Of-Way Map, Plat HM 84-115 and is a 36 foot wide dedication at this portion. According to KPB imagery Steik Avenue’s use appears to be cutting across properties owned by the petitioners instead of the intended use of east to west travel.

Ninilchik Right-Of-Way Map, Plat HM 84-115 also granted a seismograph trail currently named Gravel Pit Trail REM SW and is a 66 foot wide right-of-way. Gravel Pit Trail is constructed, but not borough or state maintained.

There is a 60 foot dedicated right-of-way in between Lots 29 and 30 granted by Clarks’ Point of View Estates Phase 1 HM 2001-80. The dedication was named Tatiana Lane and provides a connection between Oil Well Road and the Gravel Pit Trail and Steik Avenue intersection.

Parcels 185-508-51, 52, and 71 will all still have access to Oil Well Road. 185-508-51 and 52 will have access to Tatiana Lane. 185-508-71 will have access via Gravel Pit Trail along the southern boundary and Prosser Street along the east boundary of the parcel. 185-508-71 will have the only access being Oil Well Road.

Currently the angle of the intersection of Steik Avenue and Gravel Pit Trail doesn’t comply with KPB 20.30.150 and this vacation will improve the alignment.

Staff research indicates there is a 50 foot section line easement running east to west, but the vacation is taking place outside of that. The Planning Department has not received any other petitions for different platting actions.

The block is closed. Some portions are currently smaller than allowed by code, but the proposed vacation will bring the blocks into compliance.

KPB Roads Dept. comments	Out of Jurisdiction: No  Roads Director: Griebel, Scott Comments: No objections. Notes: 1) The section line distinction will remain and DNR will retain access authority therein. 2) Tatiana Lane ROW would seem moot as a result.
SOA DOT comments	

**Site Investigation:** According to KPB GIS information there are some classifications from the Kenai Watershed Forum of Wetland / Upland Complex. These appear to be in the western and eastern portions of the proposed vacation.

There are some gradual slopes that gain in elevation heading east with the steepest portions outside of the proposed vacation.

KPB River Center review	A. Floodplain  Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection  Reviewer: Aldridge, Morgan
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	Habitat Protection District Status: Is NOT within HPD Comments: No comments  C. State Parks  Reviewer: VACANT Comments:
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**Staff Analysis:** The proposed vacation is within the Caribou Hills recreational area. The plat that dedicated the rights-of-way created various lots that were not surveyed but were aliquot descriptions that excluded dedications. The map did however indicate numbers to help tell the lots apart on the plat due to the scale. The area proposed for vacation is within the NE1/4 NW1/4 of Section 2 Township 2 South Range 12 West.

The parcels involved with the vacation are all of varying sizes at .16, .84, 2.31, and 4.59 acres. The smallest of the four is a substandard lot by current KPB code, but at creation was not. **Staff recommends:** *a reconfiguration be done in the future to add square footage to Lot 30 which could be done through a possible right-of-way vacation of Tatiana Lane, and a subdivision to either combine lots or realign lines.*

**20.65.050 – Action on vacation application**

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;  
**Staff comments:** No use of the easement is currently being done.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** Alternative access has been provided by Gravel Pit Trail REM SW
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** It appears a majority of use is done by the petitioners who own all of the parcels surrounding the proposed vacation. In their justification it is stated they host community events and will continue to allow members access.
  4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;  
**Staff comments:** The area is a recreation area and the vacation does not affect the usage.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** Adjacent access is not prohibited.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** Vacating this portion of Steik Avenue will bring the intersection angle into compliance.
  7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests,

and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.

**Staff comments:** All parcels will still have utilities easements along Oil Well Road and Gravel Pit Trail granted by parent plats.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

**Staff comments:**

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled July 11, 2023 meeting.

If approved, submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB department / agency review:**

Addressing	
Code Compliance	Reviewer: Ogren, Eric Comments: There appears to be a Conex or structure in the ROW of Steik Ave. if denied the structure would need to be moved.
Planner	
Assessing	Reviewer: Windsor, Heather Comments: No comment

**Utility provider review:**

HEA	HEA does not have any facilities in this area and is not opposed to the vacation of the right-of-way.
ENSTAR	No comments or recommendations
ACS	
GCI	

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by July 11, 2023 KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

**H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either**

consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. 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.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

*Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.*

- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
    - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
    - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
  - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
    - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

*Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough*

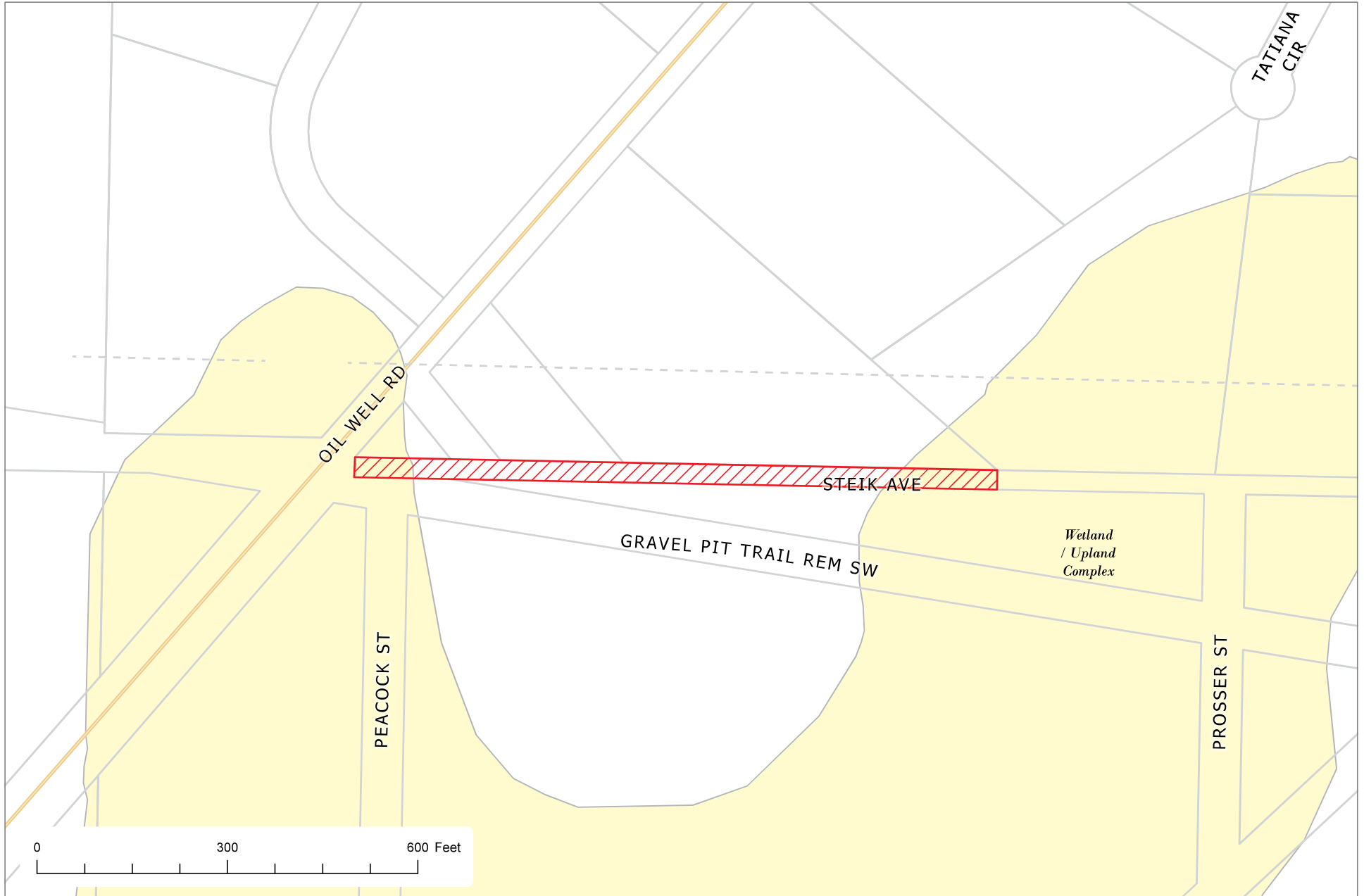
- *Focus Area: Transportation*
  - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
    - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
    - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

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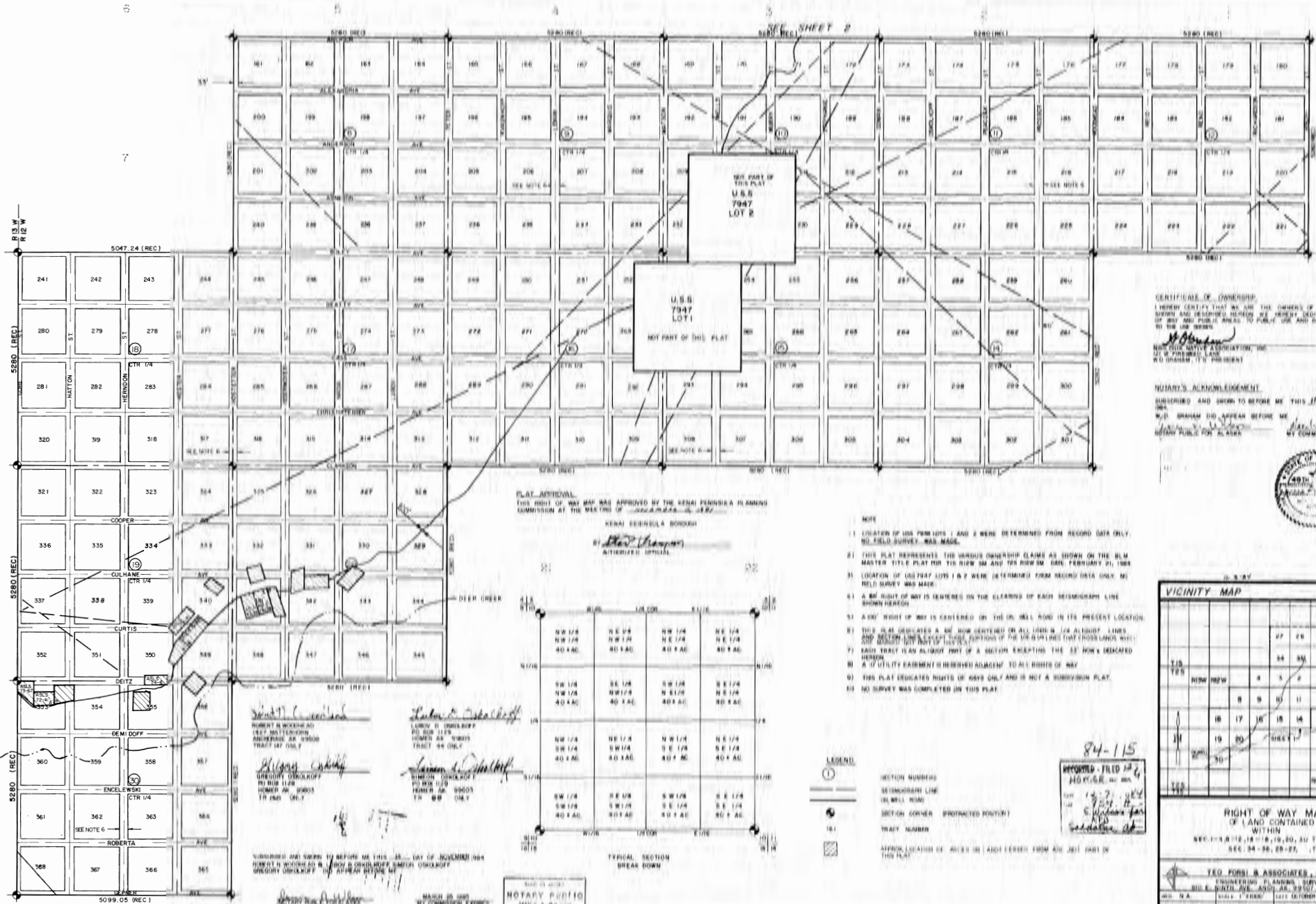
**END OF STAFF REPORT**



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**CERTIFICATE OF OWNERSHIP**  
 I HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND HEREBY DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE JOB SHOWN.  
 W.D. GRAHAM  
 W.D. GRAHAM, PRESIDENT

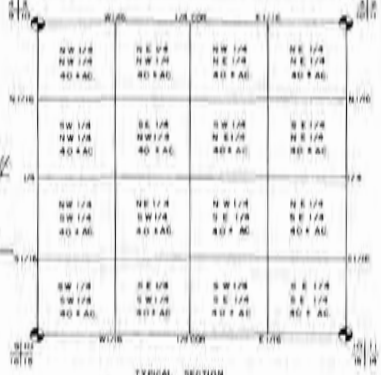
**NOTARY'S ACKNOWLEDGEMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 11 DAY of November 1984  
 W.D. GRAHAM DID APPEAR BEFORE ME  
 WITNESSES: [Signatures]  
 MY COMMISSION EXPIRES



**PLAT APPROVAL**  
 THIS RIGHT OF WAY MAP WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF 11/15/84.

KENAI PENINSULA BOROUGH  
 BY: [Signature]  
 AUTHORIZED OFFICIAL

- NOTE**
- 1) LOCATION OF JOB PERMITS 1 AND 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
  - 2) THIS PLAT REPRESENTS THE VARIOUS OWNERSHIP CLAIMS AS SHOWN ON THE SLM MASTER TITLE PLAT FOR THIS ROW SM AND FOR ROW SM DATE FEBRUARY 21, 1984.
  - 3) LOCATION OF LOT 1 AND 2 WERE DETERMINED FROM RECORD DATA ONLY. NO FIELD SURVEY WAS MADE.
  - 4) A 60' RIGHT OF WAY IS CENTERED ON THE CLEARING OF EACH SEISMOGRAPH LINE SHOWN HEREON.
  - 5) A 60' RIGHT OF WAY IS CENTERED ON THE DEER CREEK ROAD IN ITS PRESENT LOCATION.
  - 6) THIS PLAT INDICATES A 60' ROW CENTERED ON ALL 1000 & 1/2' ALLOTMENT LINES AND 200' ROW CENTERED ON ALL 1/2' ALLOTMENT PORTIONS OF THE 1000 & 1/2' LINES THAT CROSS LANDS WHICH ARE OWNED BY OTHER PARTIES.
  - 7) EACH TRACT IS AN ALLOTMENT PART OF A SECTION EXCEPTING THE 33' ROW'S DEKARED HEREON.
  - 8) A 6' UTILITY EASEMENT IS RESERVED ADJACENT TO ALL RIGHTS OF WAY.
  - 9) THIS PLAT DESIGNATES RIGHTS OF WAY ONLY AND IS NOT A SUBDIVISION PLAT.
  - 10) NO SURVEY WAS COMPLETED ON THIS PLAT.



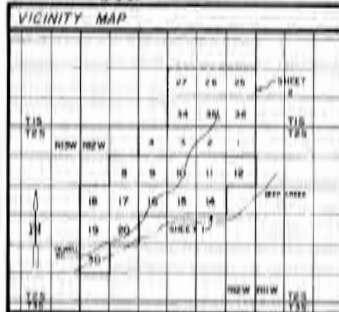
- LEGEND**
- SECTION NUMBERS
  - SEISMOGRAPH LINE
  - DEER CREEK ROAD
  - SECTION CORNER (PROTRACTED POINT)
  - WAY NUMBER
  - APPROX. LOCATION OF WELLS OR LAID LINES FROM ANOTHER PART OF THIS PLAT

84-115  
 REPORTED - FILED  
 NOV 15 1984  
 [Signatures]

[Signatures and names of individuals involved in the plat process, including Robert H. Wickhead and Gregory Oskampoff.]

WITNESSED AND SWORN TO BEFORE ME THIS 11 DAY OF NOVEMBER 1984  
 ROBERT H. WICKHEAD & GREGORY OSKAMPOFF, SMITH OSKAMPOFF  
 GREGORY OSKAMPOFF, PRESIDENT

NOTARY PUBLIC  
 JAMES A. [Signature]

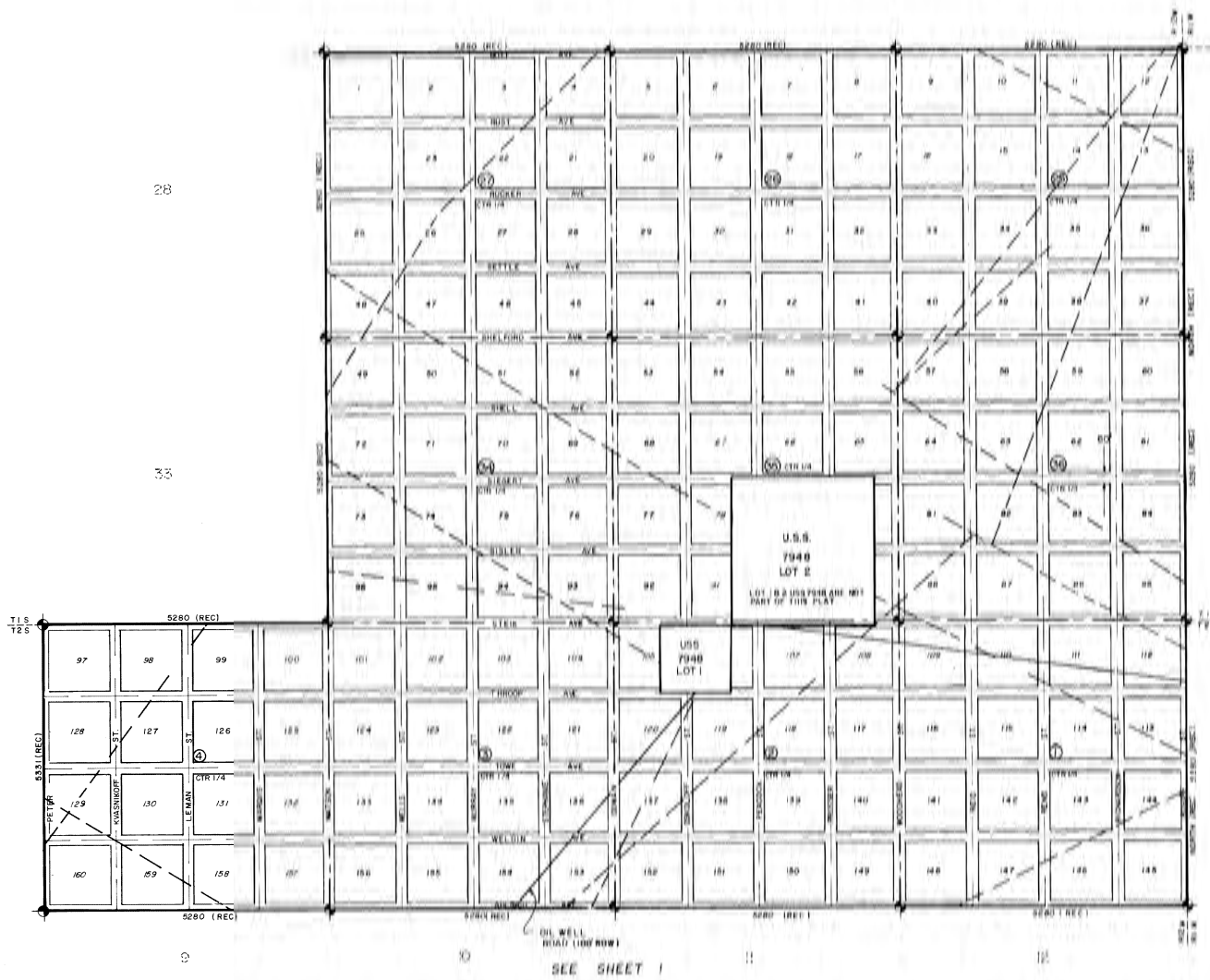


**RIGHT OF WAY MAP**  
 OF LAND CONTAINED  
 WITHIN  
 SEC. 18 & 19, 18 & 19, 20, 20, 20, ROW SM  
 SEC. 34 & 35, 25-27, T. 1 S, R. 12 W SM

**TEO FORSI & ASSOCIATES, INC.**  
 ENGINEERING PLANNING SURVEYING  
 2000 N. A. [Address]  
 [Contact Information]

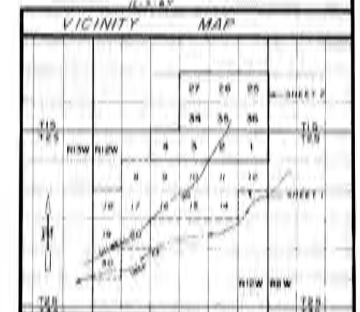
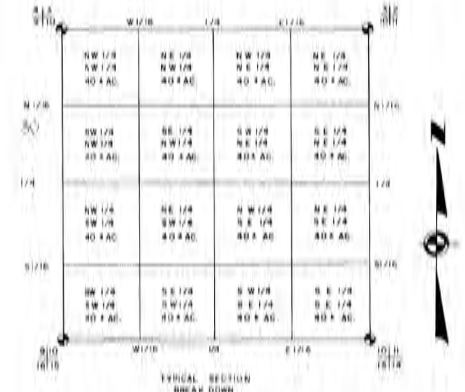
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84-115  
 HOMER  
 12-7-27  
 S. W. Wilson  
 Sold to  
 S. W. Wilson

RIGHT OF WAY MAP  
 OF LAND CONTAINED  
 WITHIN  
 SEC 34-36, 25-27, T1S, R12W S.W.  
 SEC. 1-8, 12, 14-18, 19, 20, 30 T2S, R12W S.W.

TED FORS & ASSOCIATES, INC.	
REGISTERED PROFESSIONAL SURVEYORS	
200 E. MAIN ST. ANCHORAGE, ALASKA 99501	
DATE: N.A.	SCALE: AS SHOWN
DRAWN: G.B.O.	CHECKED: B.A.S.
DATE: 1984	SHEET 2 OF 2

84-115

NINILCHIK R.O.W. MAP

**NOTES:**

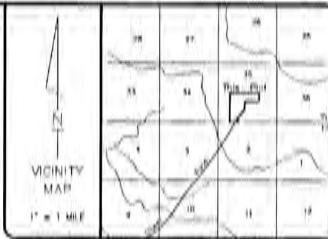
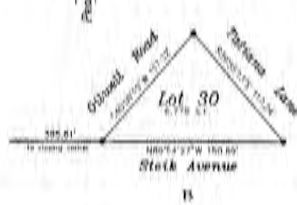
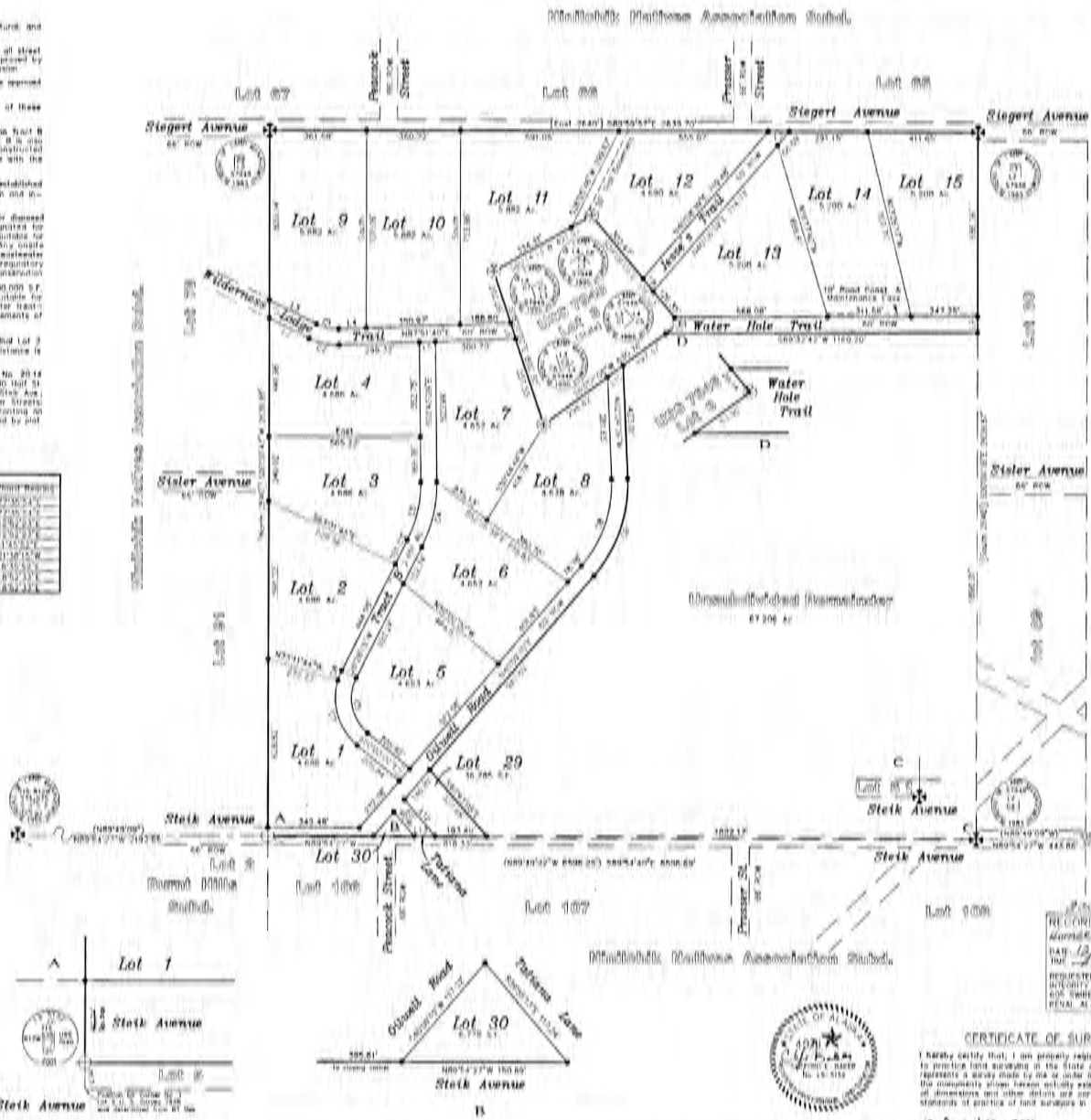
- Proposed land uses are recreational, residential, agricultural and commercial.
- Building setback - A setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No private access to State maintained ROW's permitted unless approved by the State of Alaska Department of Transportation.
- Restrictive Covenants that may affect the development of these parcels are recorded in Book 32 F, Page 42 B, III.
- Front 15 ft. adjacent to rights-of-way and lots fronting on Block B is also a utility easement. The outer most 10 ft. of Block B is also a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a Utility to use the easement.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- WASTEWATER DISPOSAL:** No wastewater will be generated or disposed of on Lots 29, 30, Tracts B. These parcels are designated for parking and road construction. Conditions must not be suitable for onsite wastewater treatment and disposal systems. Any onsite wastewater treatment and disposal system must meet the wastewater disposal requirements of the KPB Chapter 20.14 and regulatory requirements of the Alaska Department of Environmental Conservation.
- WASTEWATER DISPOSAL:** All remaining lots are at least 100,000 sq. ft. or nominal 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.
- Books of Bearing is West between C1 and C4 of the adjacent Lot 7 as shown on the US Survey 7948. Record and found distances is 2640/2640.49' respectively.
- An exception was granted to KPB Subdivision Ordinance No. 8114 & 20.20.100 for Lots 29 & 30 and Tract B. No. 20.10.100 (Part 1) & 20.20.110 Minimum Right-of-Way widths for Siebert & Sister Ave. no. 20.20.030 Extension of Sister Ave, Peacock & Pioneer Streets no. 20.20.200 Frontage on a dedicated street for lots fronting on Tract B; No. 20.20.080 Maximum Grade for roads delineated by plat.

Curve	Delta	Radius	Length	Ch
C1	29°04'53"	230.00'	116.74'	116.54'
C2	29°04'53"	230.00'	116.74'	116.54'
C3	27°11'44"	470.00'	223.09'	221.11'
C4	27°11'44"	470.00'	223.09'	221.11'
C5	72°28'15"	170.00'	126.82'	210.41'
C6	9°39'59"	230.00'	38.80'	38.71'
C7	86°48'16"	230.00'	268.17'	253.31'
C8	42°23'24"	470.00'	349.09'	341.11'
C9	42°23'24"	470.00'	349.09'	341.11'

Line	Bearing	Length
L1	S00°00'43"W	67.30'
L2	S63°03'28"E	166.87'
L3	S63°03'28"E	197.35'
L4	N87°51'40"E	102.48'
L5	N87°51'40"E	60.02'
L6	N18°20'02"W	62.48'
L7	N88°59'57"W	78.49'
L8	S39°09'00"E	61.06'
L9	N00°00'18"W	60.00'
L10	S53°01'05"W	72.87'
L11	N40°09'15"E	60.00'
L12	S39°05'15"E	167.61'
L13	S88°54'27"E	78.34'
L14	S00°00'43"W	7.44'
L15	N00°00'18"W	3.18'

**LEGEND:**

- 3-1/4" Alum. Cap Monument (found)
- 2-1/2" Brass Cap Monument (found)
- 2-1/2" Alum. Cap Monument (set)
- 5/8" Rebar (set this survey)
- Record Datum - U. S. Survey 7948
- Details - Not to Scale



**CERTIFICATE of OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SURVEY AND DESCRIBED HEREON AND THAT WE HEREBY ACCEPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEVOTE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Clayton Clark*  
*Paula Clark*

20155 Cook Court  
 Fairbanks, Alaska 99711

*Alan Clark*  
*Alana Clark*

P. O. Box 1281  
 Fairbanks, Alaska 99711

**NOTARY'S ACKNOWLEDGMENT**

SUBSCRIBED AND SWORN before me this 17th day of October, 2001, before me, Notary Public, Clayton Clark, Paula L. Clark, Clayton H. Clark, and Alana Clark.

*Notary Signature*  
 MY COMMISSION EXPIRES 9-14-2003

**PLAT APPROVAL**

THE PLAT WAS APPROVED BY THE DENAL PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 17, 2001.

DENAL PENINSULA BOROUGH  
*Notary Signature*

KPB FILE No. 2001-127

**Clarks' Point Of View Estates - Phase 1**

A subdivision of a portion of Lot 6 U. S. Survey # 7948 located within the SE1/4 & SW1/4 of Section 35, T16, R10W, S4, former Fairbanks District, Fairbanks Borough, Alaska. Containing 25.96 Acres.

**Integrity Surveys**

825 Sakas Drive  
 Anchorage, Alaska 99511-8103

OWNER: CLARKS' POINT OF VIEW ESTATES  
 PLANNERS

JOB NO.	10017	DRAWN	3 October, 2001
SURVEYED	May - Sept, 2001	SCALE	1" = 200'
FIELD BY	2001-4-BJ, L-SO	DSK	Clark's View

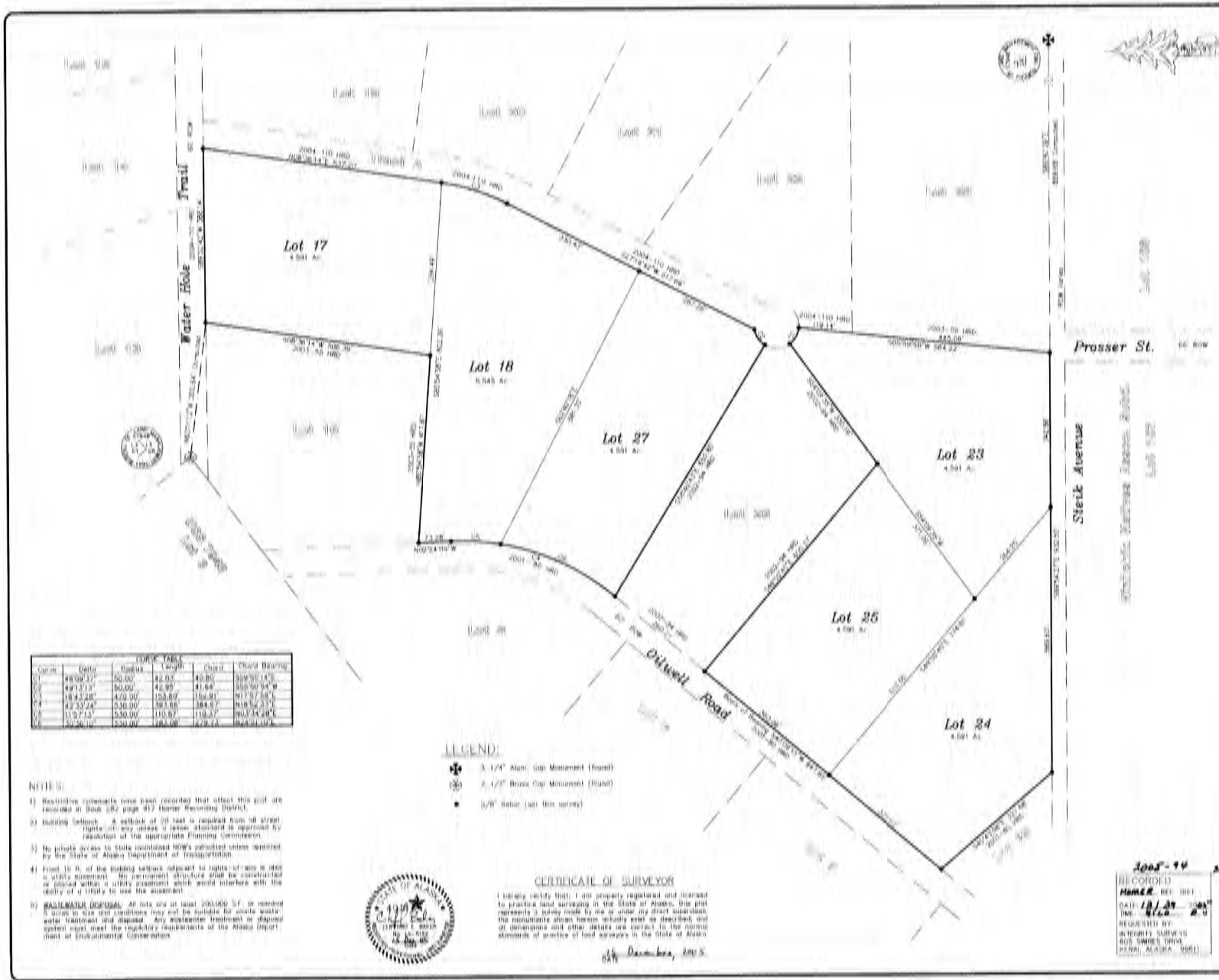
**CERTIFICATE OF SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska; this plat represents a survey made by me or under my direct supervision. The measurements shown herein actually exist as described, and all dimensions and other details are correct to the minimum standards of practice of land surveyors in the State of Alaska.

13 December, 2001







Corner	Bearing	Distance	Chain	Chain Bearing
1	48°09'27"	50.00'	1.0000	309°11'45"
2	49°17'13"	50.00'	42.95'	308°09'34" W
3	18°42'28"	470.00'	153.85'	41°12'38" S
4	42°33'24"	530.00'	393.85'	418°52'38" S
5	119°17'13"	1230.00'	1119.27'	260°15'48" S
6	110°36'10"	1230.00'	1219.73'	263°50'10" S

- NOTES:**
- 1) Restrictive covenants have been recorded that affect this land are recorded in Book 486 page 917 Homer Recording District.
  - 2) Easement Setback - A setback of 20 feet is required from all street rights-of-way unless a lesser setback is approved by resolution of the appropriate Planning Commission.
  - 3) No private access to state maintained ROW's permitted unless permitted by the State of Alaska Department of Transportation.
  - 4) Front 10 ft. of the building setback adjacent to rights-of-way is dedicated to public use. No permanent structure shall be constructed or placed within a utility easement which would interfere with the utility of a utility to use the easement.
  - 5) **WATERHOLE DISPOSAL:** All lots are at least 200,000 sq. ft. or more and are in such good condition they may not be suitable for water waste treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.

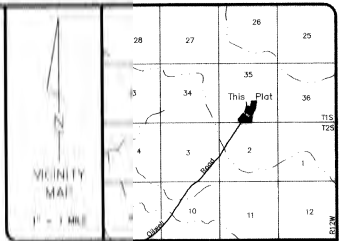


- LEGEND:**
- ✦ 3/4" Alum. Cap Monument (Found)
  - ⊗ 1/2" Brass Cap Monument (Found)
  - 3/8" Nail (set this survey)

**CERTIFICATE OF SURVEYOR**

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska. This plat represents a survey made by me or under my direct supervision. The measurements shown herein, including as described, and all dimensions and other data are correct to the normal standards of practice of land surveyors in the State of Alaska.

DATE: December, 2005



**CERTIFICATE of OWNERSHIP and DEDICATION**

WE HEREBY CERTIFY THAT WE ARE THE OWNER(S) OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY THIS FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE PUBLIC.

C. Anthony Clark  
Tatiana Clark

Notary Public for Alaska  
Sarah Hanson  
My Commission Expires 3/1/07

11114 Eagle Court  
Kenai, Alaska 99611

P. O. Box 1481  
Kenai, Alaska 99611

**NOTARY'S ACKNOWLEDGMENT**

Subscribed and sworn before me this 19th day of December, 2005 for C. Anthony Clark, Tatiana Clark, and Sarah Hanson.

Notary Public for Alaska  
Sarah Hanson  
My Commission Expires 3/1/07

**PLAT APPROVAL**

THIS PLAT WAS APPROVED BY THE KENAI PENNSACOLA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 25, 2001.

KENAI PENNSACOLA BOROUGH  
Approved: [Signature]  
ATTENDING OFFICIAL

KPD FILE NO. 2005-313

**Clarks' Point Of View Estates - Phase 5**

A subdivision of a portion of Lot 6 U. S. Survey # 7948.  
Located within the SE1/4 & NW1/4 of Section 35, T1S, R12W, S.M., Homer Recording District, Kenai Peninsula Borough, Alaska.  
Containing 28.501 Acres

**Integrity Surveys**  
Kenai, Alaska 99611-8363  
PHONE - (907) 283-9047  
FAX - (907) 283-9071  
PLANNERS

1005-11 10

RECORDED  
Homer, AK 99611

DATE: 12/27/05  
TIME: 4:10 PM

REGISTRATION:  
REGISTRY SURVEYS  
ROS SWIRE DRIVE  
KENAI, ALASKA 99611

JOB NO.: 25211-PL-10047  
DRAWN: 08 December, 2005: GHB

SURVEYED: May - Sept. 2001  
SCALE: 1" = 100'

FILED IN: 2005-8  
DISK: Clark's View



# Planning Department

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

## PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

RECEIVED  
JUN 02 2023  
KPB PLANNING DEPT.

### SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- STEIK AVE Partial platted public right of way proposed to be vacated was dedicated by the plat of \_\_\_\_\_ Subdivision, filed as Plat No. \_\_\_\_\_ in the Homer Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the platted right of way used by vehicles / pedestrians / other?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there utility easements associated with the right of way to be vacated?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the platted right of way and or associated utility easement in use by any utility company?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If so, which utility provider?		


### LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address 18550871- address 49545 Oilwell Rd Ninilchik Ak 99639, 18550851, 18550852, 18550814	
Section, township, range	
City (if applicable) <u>Ninilchik</u>	General area <u>Caribou Hills</u>

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

#### Submitted by:

##### Land Owner

Name (printed): <u>Caribou Hills Cabin Hoppers</u>	Signature: 
e-mail: <u>chchtreas@gmail.com</u>	Address: <u>PO Box 375 Clam Gulch Ak 99568</u>
Owner of: <u>18550871, 18550851, 18550852, 18550814</u>	

##### Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of:	

#### FOR OFFICE USE ONLY

RECEIVED BY \_\_\_\_\_ DATE SUBMITTED \_\_\_\_\_ KPB FILE # \_\_\_\_\_

**Caribou Hills Cabin Hoppers Parcels:**

**PARCEL ID: 18550814 2.31 acres**

Native

Vacant

Owner:

CARIBOU HILLS CABIN HOPPERS

PO BOX 375

CLAM GULCH, AK 99568

Legal:

T 2S R 12W SEC 2 SEWARD MERIDIAN HM NW1/4 NE1/4 LYING NORTH OF THE MOST NORTHERLY SEISMOGRAPH ROW EXCLUDING STREETS

Physical Addresses:

**PARCEL ID: 18550851 .16 Acres**

Private

Vacant

Owner:

CARIBOU HILLS CABIN HOPPERS

PO BOX 375

CLAM GULCH, AK 99568

Legal:

T 1S R 12W SEC 35 SEWARD MERIDIAN HM 2001080 CLARKS POINT OF VIEW ESTATES PHASE 1 LOT 30

Physical Addresses:

**PARCEL ID: 18550852 .84 Acres**

Private

Vacant

Owner:

CARIBOU HILLS CABIN HOPPERS

PO BOX 375

CLAM GULCH, AK 99568

Legal:

T 1S R 12W SEC 35 SEWARD MERIDIAN HM 2001080 CLARKS POINT OF VIEW ESTATES PHASE 1 LOT 29

Physical Addresses:

**PARCEL ID: 18550871 4.59 Acres**

Private

Vacant

Owner:

CARIBOU HILLS CABIN HOPPERS

PO BOX 375

CLAM GULCH, AK 99568

Legal:

T 1S R 12W SEC 35 SEWARD MERIDIAN HM 2005094 CLARKS POINT OF VIEW ESTATES PHASE 5 LOT 24

Physical Addresses:

49545 OIL WELL RD