


Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Melanie Aeschliman, Planning Director 

DATE: April 15, 2022

RE: Right-of-way Vacation: Vacating a portion of Symphony Lane associated with C.I Hatton Subdivision Eagle's Crest Addition.

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 April 11, 2022 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation of by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (10-Yes, 1-Absent, 3-Vacant). 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.

April 11, 2022 Planning Commission Draft Meeting Minutes
April 11, 2022 Agenda Item E3 Meeting Packet Materials

E1 – Right-of-way Vacation

Vacate a Portion of Symphony Lane associated with C.L. Hatton Subdivision Eagle’s Crest Addition

| | |
|-------------------------------------|--|
| KPB File No. | 2022-027V |
| Planning Commission Meeting: | April 11, 2022 |
| Applicant / Owner: | Mathew Byler of Ninilchik, Alaska No More FYI LLC of Kenai, Alaska Kenneth Noonan of Willington, Connecticut |
| Surveyor: | Jason Schollenberg / Peninsula Surveying, Inc |
| General Location: | Symphony Lane near mile 132.5 of Sterling Highway, Ninilchik |
| Legal Description: | Tracts B-5, B-6, and B-7 of C.L Hatton Subdivision Eagle’s Crest Addition, Section 23, Township 1 South, Range 14 West, Seward Meridian. |

Staff report given by Julie Hindman.

Chair Martin opened the meeting for public comment.

Naomi Heneage; 181 Cascade Dr., Spring Creek, NV 89815: Ms. Heneage is the owner for Tract B of My View Subdivision 2021 Replat. She wanted to make sure that the vacation of any of the utility easements would not negatively affect her property. Ms. Hindman replied 150’ portion of Symphony Land is being vacated and being moved to the west and will dedicate a new full 60’ right-of-way. She also noted that the utility easements being vacated are the ones along the current right-of-way where the house encroaches. New utility easements will be dedicated on the western side of the new right-of-way and the surveyor will be working with the utility companies regarding easement along the eastern side. All existing and new utility easements will be noted on the new plat.

Commissioner Ruffner asked staff to clarify that no existing utility services will be abandoned by this platting action. Ms. Hindman replied that no utility services will be abandoned and that they have reached out to all the area utilities for comment and those comments will be taken into consideration.

Hearing no one else wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Ruffner moved, seconded by Commissioner Gillham to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance to borough code.

Commissioner Ruffner stated that right-of-way vacations are something the commission struggles with from time to time. He noted the last right-of-way vacation the commission approved, which was similar to this request in that a house was encroaching into the right-of-way, was overturned by the Assembly. Code does not have a great way to resolve these types of encroachment issues. He then noted that the request before the commission right now is different than the other one in that the applicants are not gaining any land as they are basically moving the right-of-way over. This platting action will result in access and utility easements being maintained. As he sees it this right-of-way vacation has no adverse effects to the public. He stated that he will be supporting this request.

Commissioner Stutzer asked how can the applicant dedicate a full 60’ right-of-way in the proposed location. He does not own enough land to do so. Ms. Hindman replied that the applicant has worked with his neighbor to resolve the issue and they have come to an agreement. She then noted that the plat cannot be finalized without the neighboring landowner’s signature on the plat.

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

MOTION PASSED BY UNANIMOUS VOTE:

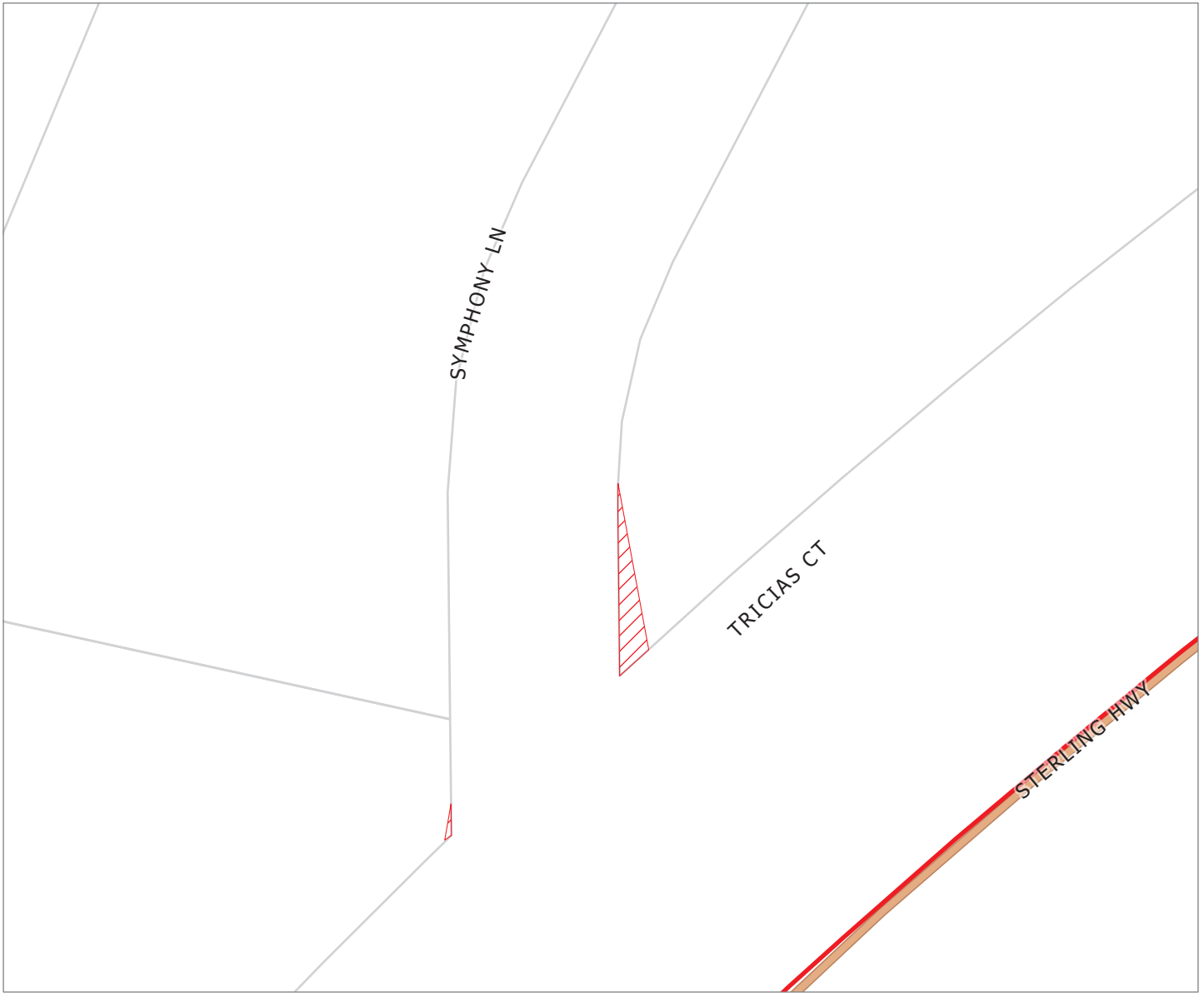
| | | | | | | |
|--------|---|----|---|--------|---|---|
| Yes | 10 | No | 0 | Absent | 1 | 1 |
| Yes | Bentz, Brantley, Fikes, Gillham, Hooper, Martin, Morgan, Ruffner, Stutzer, Venuti | | | | | |
| No | | | | | | |
| Absent | Horton | | | | | |

E. NEW BUSINESS

**ITEM E1 - RIGHT OF WAY VACATION
VACATE A PORTION OF SYMPHONY LANE ASSOCIATED
WITH C.L. HATTON SUBDIVISION EAGLE'S CREST ADDITION**



Vicinity Map



KPB File # 2022-027V

S23-T01S-R14W

Ninilchik

3/9/2022



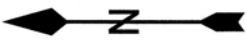
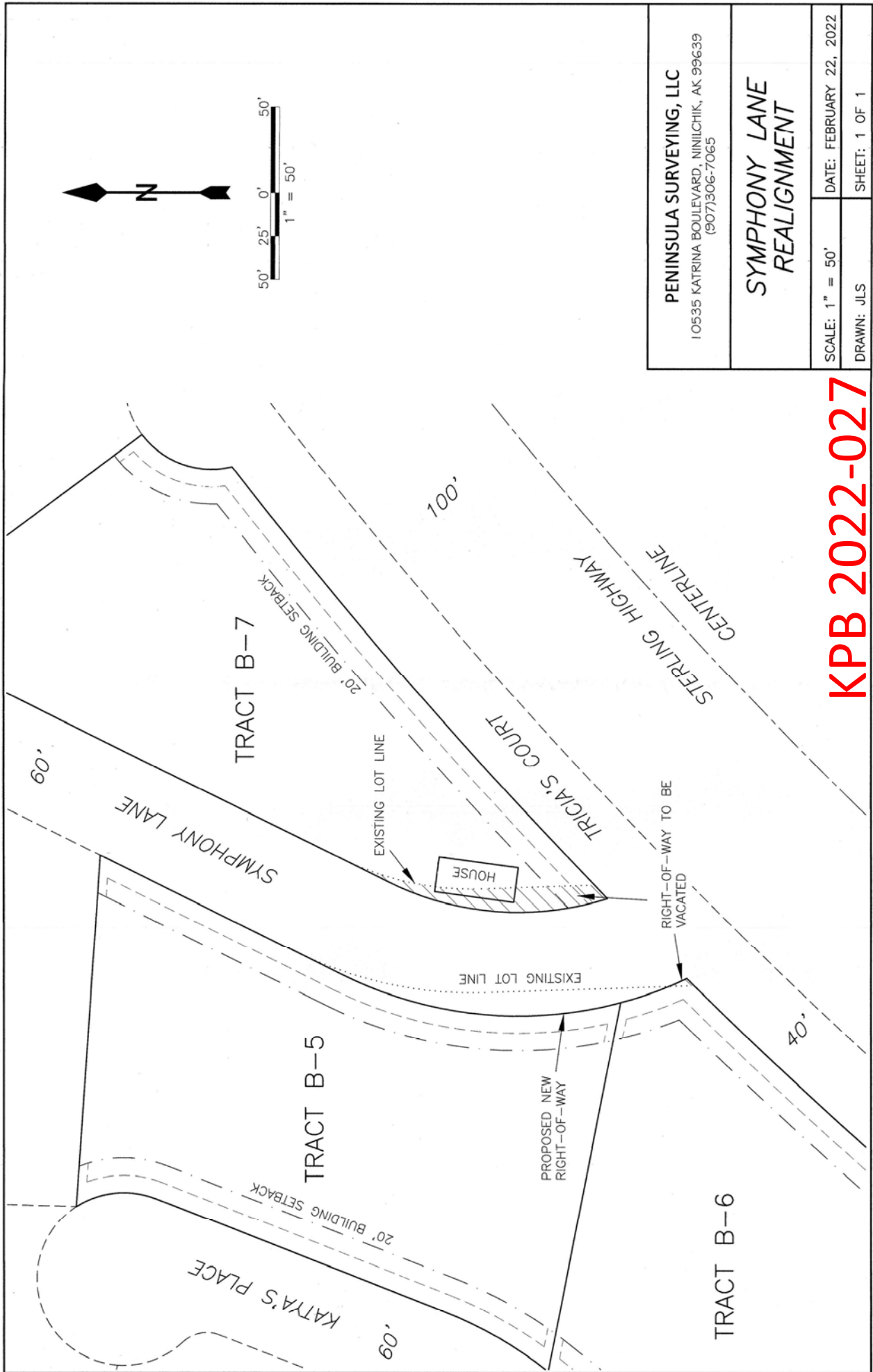
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial View



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.



| | |
|--|-------------------------|
| PENINSULA SURVEYING, LLC 10535 KATRINA BOULEVARD, NINILCHIK, AK 99639 (907)306-7065 | |
| SYMPHONY LANE REALIGNMENT | |
| SCALE: 1" = 50' | DATE: FEBRUARY 22, 2022 |
| DRAWN: JLS | SHEET: 1 OF 1 |

KPB 2022-027

AGENDA ITEM E. NEW BUSINESS

**ITEM 1 - RIGHT OF WAY VACATION
VACATE A PORTION OF SYMPHONY LANE ASSOCIATED WITH C.L. HATTON SUBDIVISION EAGLE'S
CREST ADDITION**

| | |
|-------------------------------------|--|
| KPB File No. | 2022-027V |
| Planning Commission Meeting: | April 11, 2022 |
| Applicant / Owner: | Mathew Byler of Ninilchik, Alaska No More FYI LLC of Kenai, Alaska Kenneth Noonan of Willington, Connecticut |
| Surveyor: | Jason Schollenberg / Peninsula Surveying, Inc |
| General Location: | Symphony Lane near mile 132.5 of Sterling Highway, Ninilchik |
| Legal Description: | Tracts B-5, B-6, and B-7 of C.L Hatton Subdivision Eagle's Crest Addition, Section 23, Township 1 South, Range 14 West, Seward Meridian. |

STAFF REPORT

Specific Request / Purpose as stated in the petition: We would like to realign Symphony Lane where it meets Tricia's Court. The adjustment would add a curve to Symphony Lane, which moves the right-of-way to the west. The change to the right-of-way at the largest point will be 15 feet. We would also like to vacate the 10 foot utility easements along the section of Symphony Lane that is being realigned.

The main reason for this petition is to solve an encroachment issue. There is a single-family residence built in the right-of-way. The existing road is already built in the west side of the right-of-way, so this realignment will not affect access. The new alignment will also provide an intersection that is closer to a right angle in accordance with KPB 20.30.150.

Notification: Public notice appeared in the March 31, 2022 issue of the Homer Daily News as a separate ad. The public hearing notice was published in the April 7, 2022 issue of the Homer Daily 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

Eight certified mailings were sent to owners of property within 300 feet of the proposed vacation. Zero receipts had been 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.

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

Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas
General Communications Inc, (GCI)
Homer Electric Association (HEA)

Legal Access (existing and proposed): Symphony Lane is a 60 foot wide dedicated right of way located near mile 132.5 of the Sterling Highway in the Ninilchik area. Tricias Court is a frontage road to provide a single point

access to the Sterling Highway from Symphony Lane and Katyas Place, a dedication located to the southwest of Symphony Lane. The roads all appear to be partially constructed or cleared but are not maintained.

The proposal is to vacate a portion of Symphony Lane to resolve an encroachment issue and provide a road realignment to accommodate the structure. The eastern portion to be vacated will be added to Tract B-7, which is the lot with the encroachment. A small portion of the vacation located along the western side of the right of way will be added to Tract B-6. The new road to be dedicated will have the area taken from Tract B-5 and Tract B-6.

The block is not compliant or closed. Due to the location along the Cook Inlet, Katyas Place is a cul-de-sac, and a 20 acre lot to the north, dedications have not occurred to provide a closed block or bring the block closer to length requirements. Staff would note that the realignment would not affect the block. It will neither improve nor worsen the existing block.

| | |
|--------------------------|--|
| KPB Roads Dept. comments | Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time |
| SOA DOT comments | No comment |

Site Investigation: The area is between the Cook Inlet and the Sterling Highway. There do not appear to be any low wet areas within the existing right of way or the proposed dedication. The area proposed for vacation and dedication is relatively flat. Some steeper slopes appear present within the northeastern portion of the dedication.

A house was constructed within the right of way. The house was to be within the boundaries of Tract B-7. There are other structures located on the property that do not appear to cause any issues. Tract B-5 and Tract B-6, per KPB GIS Imagery and Assessing Data, are currently vacant.

| | |
|-------------------------------|--|
| KPB River Center review | A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments |
| State of Alaska Fish and Game | No objections |

Staff Analysis: Symphony Lane was dedicated as a 60 foot wide right of way by C.L. Hatton Subdivision Eagle's Crest Addition, Plat HM 93-51. The plat also created a 20 foot building setback along the right of ways with the front 10 feet granted as utility easements.

The encroachment was brought to the attention of the KPB Roads Department and the KPB Code Compliance Officer. An as-built was performed that verified the structure was within the right of way. The KPB began working with the owners for a resolution. The right of way vacation and realignment will provide a resolution for the encroachment. Per the statement from the surveyor, the constructed portion of the right of way will still be within the dedicated area.

The right of way is partially constructed but is not maintained by the borough or state. The right of way provides access to the 20 acre parcel located to the north. The large acreage lot does have approximately 152 feet of Sterling

Highway frontage. In addition to some steeper terrain, there is a drainage way within the portion along the highway. Symphony Lane provides additional access and for portions of the lot the best access.

The vacation is including the 10 foot utility easements along the right of way. Utility easement will be granted along the new portion of the right of way. Staff is agreeable to the vacation of the utility easement and not granting along the new eastern boundary of the right of way if all utility providers agree.

Per the sketch provided it does not appear the structure will be clear of the 20 foot building setback. If the proposed design is approved and the building would in fact be within the setback, the plat will need to provide a plat note that explains the building is exempt of the setback but there will still be one in place on the lot.

Staff would like to note the GIS data is off from the imagery. While aerial maps are provided for reference, the as-built contains the actual encroachment depiction.

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: The right of way is constructed but not maintained. Per the surveyor, the constructed portion will still be within the new dedication.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The proposal is to provide new right of way to shift the dedication to the west.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: There are no other improvements along Symphony Lane at this time. Comments from utility companies will be considered in the planning and granting of new utility easements.
 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 right of way does not provide access to an area with public interest.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: The proposal will still provide for a 60 foot wide right of way to allow access to the lot to the north.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: limited due to encroachment.
 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: Utility easements will be granted along the new right of way along the western boundary. The sketch and application do not specify the intention along the eastern boundary. The owner will be required to receive approval from all utility providers.

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

Staff comments: A single family home has been constructed within the right of way.

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 May 3, 2022 meeting.

If approved, a subdivision plat will be required to finalize the proposed right of way vacation and dedicate the new right of way. A preliminary plat application has not been received. Once a completed application in accordance with KPB Code 20.25 is received, the plat will be scheduled for a hearing with the Plat Committee.

KPB department / agency review:

| | |
|-----------------|---|
| Planner | Comments not received when staff report was prepared |
| Code Compliance | No comment |
| Addressing | <p>Reviewer: Haws, Derek Affected Addresses: 13330 TRICIAS CT 13378 TRICIAS CT 13338 KATYAS PL</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: TRICIAS CT SYMPHONY LN KATYAS PL</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p> <p>Comments: 13330 TRICIAS CT will remain with Tract B-7 13378 TRICIAS CT will remain with Tract B-7 13338 KATYAS PL will remain with Tract B-5</p> |
| Assessing | <p>Reviewer: Wilcox, Adeena Comments: No Comment</p> |

Utility provider review:

| | |
|--------|---|
| HEA | <p>Plat 93-51 HRD granted 10 foot utility easements adjoining the dedicated right of way.</p> <p>HEA approves the vacation of the 10 foot utility easement where adjoining the vacation of the portion of Symphony Lane. HEA approves that no utility easement be granted adjoining the new alignment of Symphony Lane where the house is located.</p> <p>Depict and label the area of the associated utility easement that will be vacated with the approval of the right of way vacation.</p> <p>Depict and label the remaining 10 foot utility easement within Tract B-7 that adjoins Symphony Lane.</p> |
| ENSTAR | No comment |

| | |
|-----|-------------------|
| ACS | No objection |
| GCI | Approved as shown |

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 the 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.

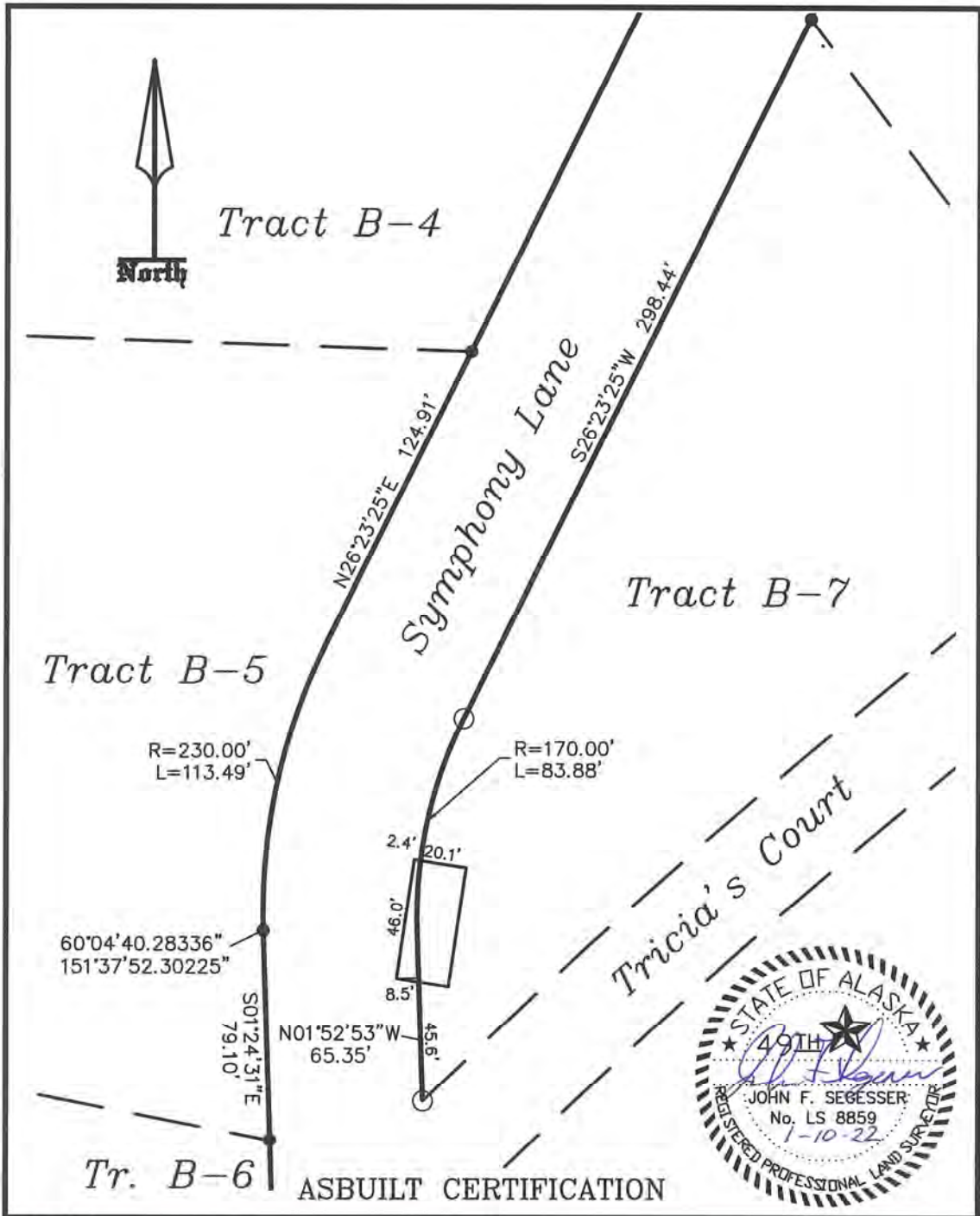
- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing 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*
 - *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*
 - *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.*

END OF STAFF REPORT



| | | |
|--|---------------|------------|
| LEGEND | | |
| ● Found Rebar | | |
| ○ Set Rebar | | |
| KENAI RECORDING DISTRICT | Plat: 93-51 | |
| Date: 1-2-22 | Scale: 1"=50' | Drawn: JFS |
| Job: 21363 | Book: 21-6 | |
| SEGESSER SURVEYS 30485 ROSLAND ST. SOLDOTNA, AK 99669 (907) 262-3909 | | |

I hereby certify that I have surveyed the following described property:

Symphony Lane Right-of-Way

and that no encroachments exist except as indicated.

Exclusion Note:
 It is the responsibility of the Owner to determine the existence of any easements, covenants, or restrictions which do not appear on the recorded subdivision plat. Under no circumstances should any data hereon be used for construction or for establishing boundary or fence lines.

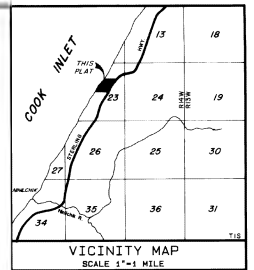


SYMPHONY LANE

JUSTIFICATION FOR VACATING RIGHT-OF-WAY

We would like to realign Symphony Lane where it meets Tricia's Court. The adjustment would add a curve to Symphony Lane, which moves the right-of-way to the west. The change to the right-of-way at the largest point will be 15 feet. We would also like to vacate the 10 foot utility easements along the section of Symphony Lane that is being realigned.

The main reason for this petition is to solve an encroachment issue. There is a single-family residence built in the right-of-way. The existing road is already built in the west side of the right-of-way, so this realignment will not affect access. The new alignment will also provide an intersection that is closer to a right angle in accordance with KPB 20.30.150.



- LEGEND**
- ⊙ BLM or BLM monument recovered
 - ⊙ BLM or BLM monument not recovered
 - ⊙ Found official survey monument
 - ⊙ Not identified 3/4" x 30" aluminum survey monument
 - ⊙ Monument of record not recovered
 - ⊙ Found 5/8" rebar
 - ⊙ Not 3/8" 30" rebar with 2" aluminum cap
 - ⊙ Found 1/2" rebar
 - ⊙ Not 1/2" 34" rebar with plastic cap C 283
 - ⊙ Found 1/2" aluminum cap
 - ⊙ Found rebar with plastic cap
 - () Indicate record data

| TRACT | AREA (AC) | PERCENTAGE | ADJUSTED AREA (AC) | ADJUSTED PERCENTAGE | ADJUSTED AREA (AC) | ADJUSTED PERCENTAGE |
|--------------|------------------|---------------|--------------------|---------------------|--------------------|---------------------|
| A-1 | 11,892.00 | 100.00 | 11,892.00 | 100.00 | 11,892.00 | 100.00 |
| B-1 | 2,877.00 | 24.22 | 2,877.00 | 24.22 | 2,877.00 | 24.22 |
| B-2 | 2,280.00 | 19.18 | 2,280.00 | 19.18 | 2,280.00 | 19.18 |
| B-3 | 2,634.00 | 22.15 | 2,634.00 | 22.15 | 2,634.00 | 22.15 |
| B-4 | 1,084.00 | 9.11 | 1,084.00 | 9.11 | 1,084.00 | 9.11 |
| B-5 | 1,232.00 | 10.36 | 1,232.00 | 10.36 | 1,232.00 | 10.36 |
| B-6 | 1,232.00 | 10.36 | 1,232.00 | 10.36 | 1,232.00 | 10.36 |
| B-7 | 1,089.00 | 9.16 | 1,089.00 | 9.16 | 1,089.00 | 9.16 |
| B-8 | 2,466.00 | 20.73 | 2,466.00 | 20.73 | 2,466.00 | 20.73 |
| TOTAL | 48,405.00 | 100.00 | 48,405.00 | 100.00 | 48,405.00 | 100.00 |

- NOTES**
- (1) Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70.18 AAC 72. and 18 AAC 80.
 - (2) BUILDING SET BACK - A building set back of 20 ft. is required from all street right-of-ways unless a lesser setback is approved by resolution of the ADULTERATED PLANNING Commission.
 - (3) The owner agrees to state maintained ROWs permitted unless approved by State of Alaska Dept. of Transportation.
 - (4) The survey boundary lines shown hereon are for computational purposes only. The true bounds of these tracts are the extension of the property lines to the Mean High Tide here of these tracts.
 - (5) The listed release easements shown hereon are for the owner and authorized agents of the Tract owners for Tracts B-1, B-2, B-3 and B-4.
 - (6) Double frontage lots are restricted to one access only.
 - (7) Lots on these lots may or may not be suitable for conventional on-site waste disposal systems. No person may construct, install, maintain, or operate a pressurized water system or water-borne waste disposal system unless approval of the Alaska Department of Environmental Conservation is obtained.
 - (8) The front 10' of the building setback is also a utility easement.
 - (9) An engineering report containing soils information for this subdivision has been submitted to and is on file at the Alaska Department of Environmental Conservation, Fairbanks District Office. It is recommended that a review of this report be conducted.
 - (10) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.



93-51
 RECORDED APR 20 2004
 FAIRBANKS, AK
 BY: [Signature]
 [Signature]



NOTARY'S ACKNOWLEDGEMENT
 FOR Sharon L. Cushman
 Subscribed and sworn before me this
28th day of JULY, 1993
 My Commission Expires Dec. 8, 1995
[Signature]
 Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I, hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my firm consent dedicate all rights-in-fee to public use and grant all easements to the use shown.
[Signature]
 Sharon L. Cushman

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
 THIS SUBDIVISION HAS BEEN REVIEWED IN ACCORDANCE WITH 18AAC 70.00 AND IS APPROVED, SUBJECT TO ANY NOTED RESTRICTIONS.
 12/28 [Signature]
 1993

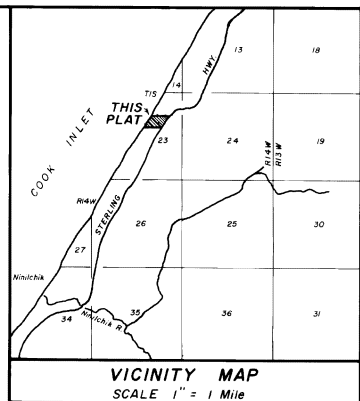
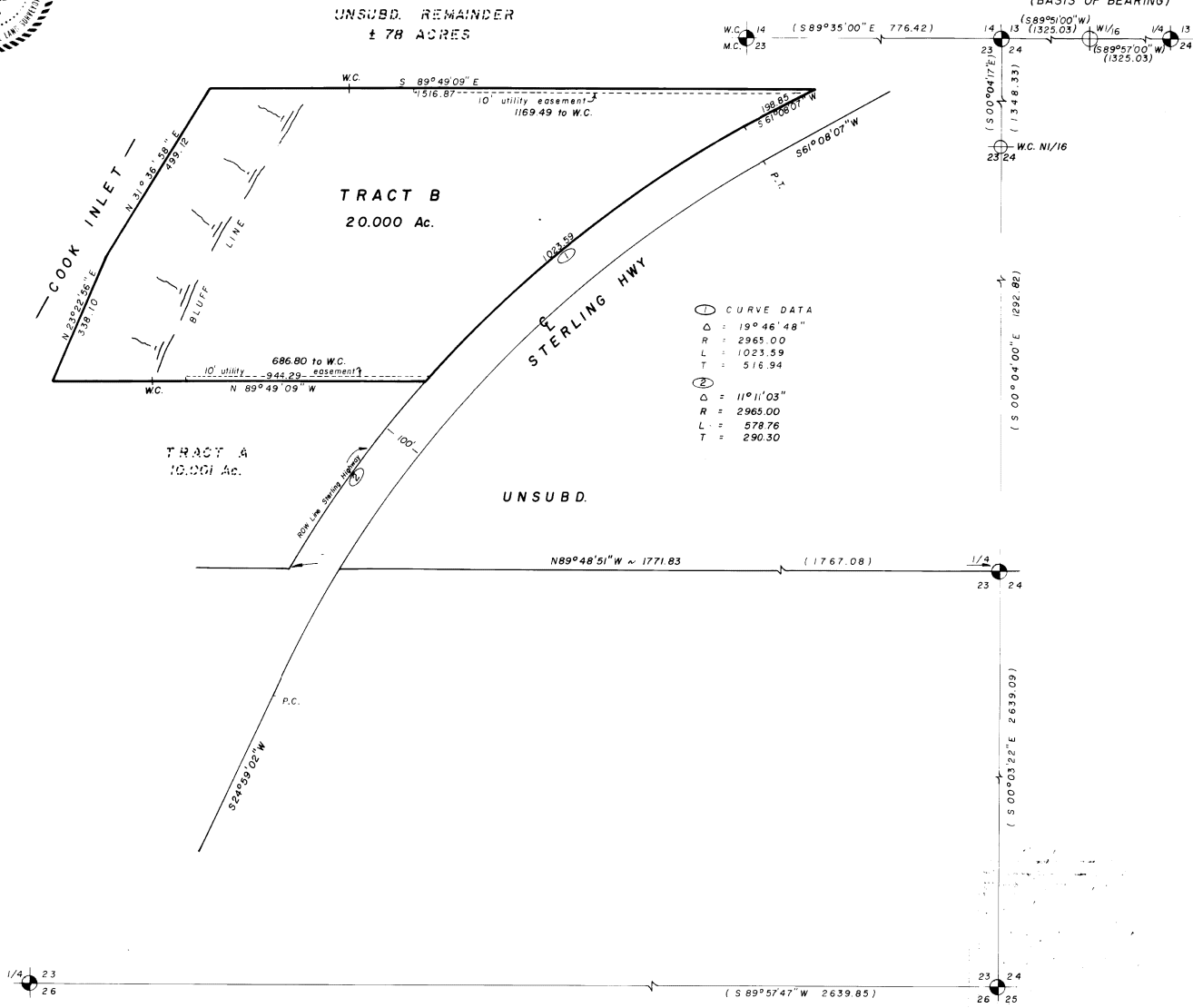
PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE STATE PLANNING BOARD DURING THE COMMISSION BY THE RESULTS OF
[Signature]
 AUTHORIZED OFFICIAL

C.L. HATTON SUBDIVISION
EAGLE CREST ADDITION
 A REDEVELOPMENT OF TRACTS A & B, C.L. HATTON PROPERTY
 Sharon Cushman, owner (TMD 62-594 AND 78-75)
 8811 Jennifer Cir.
 Anchorage, AK 99504

LOCATION
 88.888 ACRES SITUATED WITH 3 1/2 NE 1/4 SECTION 23,
 T18 N 1/4 S 24 E, THE KENAI PENINSULA BOROUGH
 AND THE HOMER RECORDING DISTRICT.

SUPPERSED BY: **McLANE and ASSOCIATES, INC.**
 Soldotna, AK 99689

| | | |
|---------------------------------------|-----------------------------------|---------------------------|
| DATE OF SURVEY 7/10/93 | SCALE 1" = 100' | SHEET 1 of 1 |
| DRAWN BY ST, MT, JB CHECKED BY MSM | BLK. NO. 86-24 JOB NO. 86-2067 | K.P.S. FILE NO. 87-035 |



LEGEND AND NOTES

- Found USGLO B.C. monument
- Found official survey B.C. monument HNJ 268-S 1973
- Found 1/2" x 24" steel rebar
- Set 1/2" x 24" steel rebar at all lot corners
- () Indicates data of record

All bearings refer to the North line of Section 24 as being S89°51'00"W.

The meander line as shown is for survey computation only, the property line follows the M.H.T.M. of Cook Inlet.

All wastewater treatment and disposal systems shall comply with existing law at time of construction.

Building set back—A building set back of 20' is required from all street rights of ways unless a lesser standard is approved by resolution of the appropriate planning commission.

Note: This plat corrects the ROW data shown for Tract A C.L. Hatton Property K7B-75.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of June 7, 1982.

Kenai Peninsula Borough
By [Signature]
Authorized Official

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and/or streets dedicated by us for public use.

Clara L. Hatton
CLARA L. HATTON

NOTARY'S ACKNOWLEDGMENT

FOR CLARA L. HATTON

Subscribed and sworn before me this 8th day of July, 1982

My commission expires September 3, 1985

[Signature]
Notary Public for Alaska

82-59

RECORDED FILED 1000
HOMER

8-31-82
9:57 A.M.
MCLANE for
KPB
Saldutina

C. L. HATTON PROPERTY
TRACT B

Clara L. Hatton owner
821 Dexter St Denver, Colorado 80220

LOCATION

20.000 ACRES SITUATED IN GOV'T. LOT 2, SW 1/4 NE 1/4 SEC. 23, T15, R14W, S.M., AK. AND THE KENAI PENINSULA BOROUGH.

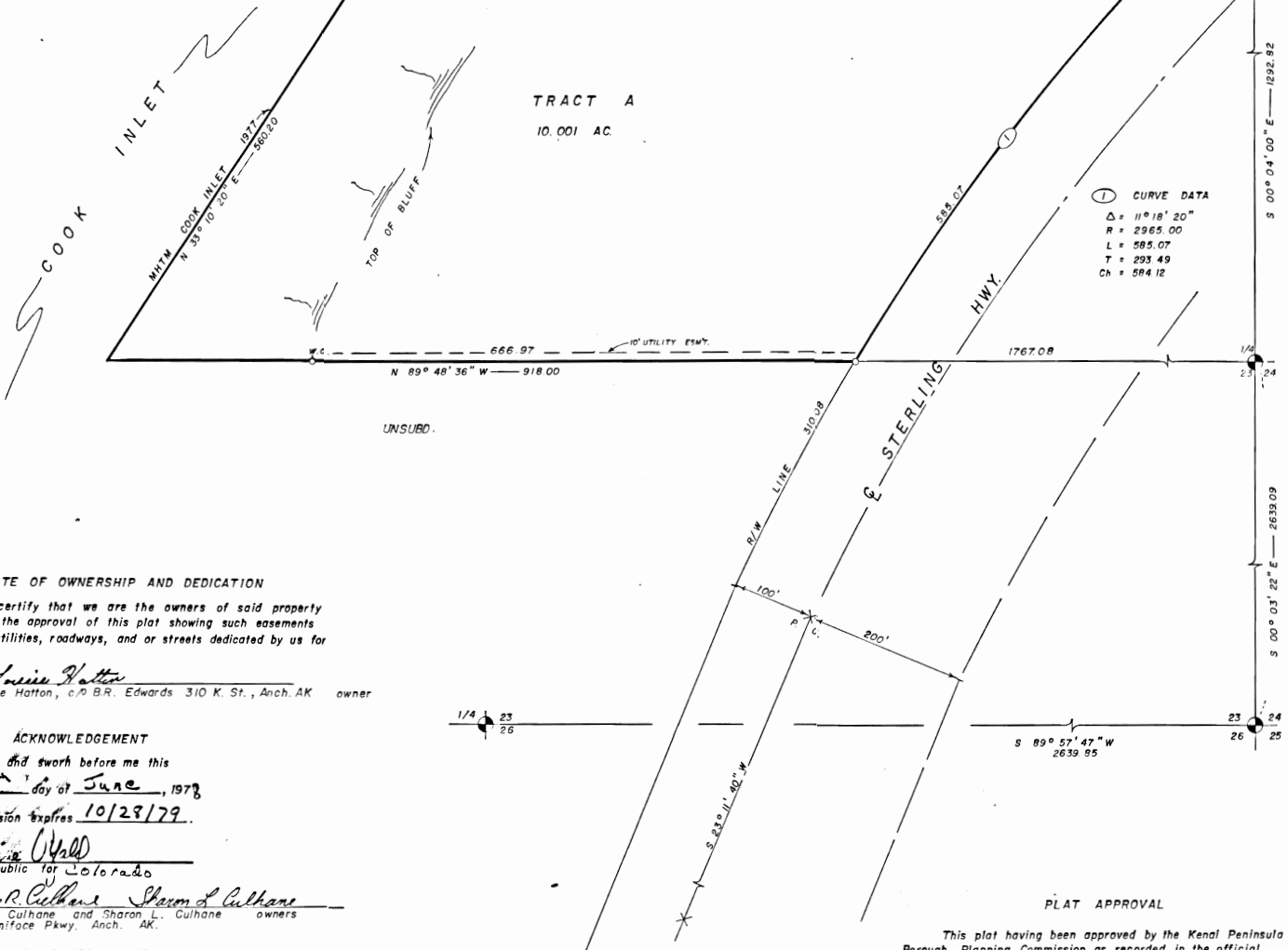
Surveyed by: McLANE AND ASSOCIATES, INC.
Soldotna, Ak. 99669

| | | |
|-----------------|--------------------|------------------|
| DATE 6/26/82 | SCALE 1" = 200' | BK. NO. 76-17 |
|-----------------|--------------------|------------------|

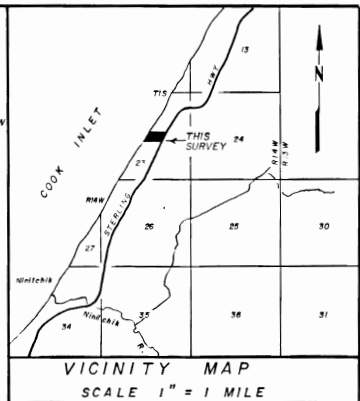


UNSUBD REMAINDER 98 AC.

TRACT A
10.001 AC.



① CURVE DATA
 $\Delta = 11^\circ 18' 20"$
 $R = 2965.00$
 $L = 585.07$
 $T = 293.49$
 $Ch = 584.12$



LEGEND AND NOTES

- Found USGLO B.C. monument
- Found official survey B.C.
- Set 1/2" x 24" steel rebar at all prop corners
- Found P.K. nail in center line of pavement

All bearings refer to the North line of Section 24 as being S 89° 51' 00" W.

This tract is subject to a 20' bldg setback from the Sterling Hwy R/W.

All wastewater disposal systems shall comply with existing law at time of construction.

The meander line as shown is for survey computation only the property line follows the M.H.T.M. of Cook Inlet.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of said property and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.

Clara Louise Hatten
 Clara Louise Hatten, c/o B.R. Edwards 310 K. St., Anch. AK owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 19th day of June, 1978.
 My commission expires 10/29/79.

Thomas R. Culhane and Sharon L. Culhane
 Thomas R. Culhane and Sharon L. Culhane owners
 3609 Boniface Pkwy. Anch. AK.

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 23 day of June, 1978.
 My commission expires 10/14/80.

Notary Public for Alaska

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of July 11, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH
 By: Phyllis Wareing

78-75

| | | |
|-----------------|-----------|------|
| RECORDED | FILED | 35 |
| Dome REC. DIST. | | |
| DATE | 8-25-78 | 1678 |
| TIME | 2:07 P.M. | |
| Recorded by | KPB | |
| Address | Seldovia | |

TRACT A C.L. HATTON
PROPERTY

Thomas Culhane—owner
 3609 Boniface Pkway, Anchorage, Ak.

DESCRIPTION
 10.001 ACRES SITUATED IN GOV'T LOT 2 SEC. 23, T13S, R14W S.M. AK. AND THE KENAI PENINSULA BOROUGH.

Surveyed by: McLane & Associates
 Soldotna, Alaska

| | | |
|----------------|-----------|---------|
| Date of survey | Scale | Bk. No. |
| 5/12/77 | 1" = 100' | 76-17 |