


Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Max Best, Planning Director 

DATE: February 20, 2018

RE: Vacate the Horwarth Street 30-foot wide right-of-way adjoining the eastern lot line of Tract D-1 of Ten-Mar Ranch Bowser Addition as dedicated on Ten-Mar Ranch Bowser Addition. Petitioners: Timothy L and Marian S Bowser Trust and Maurice I Hughes of Soldotna, AK.

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 February 12, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 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. The proposed vacation is not a conflict with the requirements of the zoning district, R1 Single-Family Residential.
2. KPB Roads Department had no comments regarding the proposed vacation.
3. Howarth Circle, a cul-de-sac that is directly aligned with Horwarth Street, is a permanently closed street which cannot connect with Horwarth Street in the future.
4. Stone Hollow Drive, Ten Mar Avenue, Deville Road, Flatstone Avenue, a portion of Howarth Street, and Moose Range Drive are maintained by the KPB Roads Department.
5. Robinson Loop Road is maintained by the State of Alaska.
6. Per 2016 imagery, Howarth Street between Julie Bowman Avenue and Moose Range Drive is not yet constructed.
7. The block is served by 60-foot wide KPB maintained Stone Hollow Drive, which is approximately 250 to 400 feet east of Horwarth Street.
8. Stone Hollow Drive connects with Ten Mar Avenue, Deville Road, and the Sterling Highway to the south
9. Stone Hollow Drive connects with Flatstone Avenue, Howarth Street, Moose Range Drive, Robinson Loop Road, and the Sterling Highway to the north and northwest.
10. Horwarth Street is not on a section line.
11. Lots in the subdivision to the east and north are served by KPB maintained rights-of-way Stone Hollow Drive, Flatstone Avenue, and the constructed portion of Howarth Street.
12. Tracts G, H, and I, KN 2000-51, to the south are served by KPB maintained rights-of-way Ten Mar Avenue and Deville Road.
13. Per the submittal, the right-of-way proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve surrounding properties.
15. No surrounding properties will be denied access.

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

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Horwarth Street, a 30-foot wide right-of-way adjoining the eastern lot line of Tract D-1 of Ten-Mar Ranch Bowser Addition as dedicated on Ten-Mar Ranch Bowser Addition, Plat KN 2004-115. The right-of-way being vacated is unconstructed and located within the SW1/4 SW1/4 of Section 18, T5N, R9W, S.M., AK, within the KPB. File 2017-112V.

Staff Report given by Paul Voeller

PC Meeting: 2/12/18

Purpose as stated in petition: The right-of-way that is being dedicated is not used for access to any parcels. There is no connection from any other right-of-ways to the right-of-way that is being vacated. It is essentially a "landlocked" right-of-way. The parcels in the parent plat are being combined into one lot. If the property is subdivided in the future then right-of-way dedication will occur at that time to provide access to all parcels.

Petitioners: Timothy L. and Marian S. Bowser Trust and Maurice I. Hughes of Soldotna, AK.

Notification: Public notice was published in the February 1 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the February 8 issue of the Peninsula Clarion as part of the Planning Commission's tentative agenda.

Eleven certified mailings were sent to owners of property within 300 feet of the proposed vacation. Eight receipts have been returned to date.

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

Notice of the proposed vacation was emailed to twelve agencies and interested parties.

The public hearing notice was made available to ten KPB Departments via a shared database.

Notices were mailed to the Sterling Post Office and Soldotna 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: Carry forward the 15-foot utility easement per KN 2004-006396.

KPB Planner: This proposed plat is located within the Ten Mar Ranch Local Option Zoning District. The zoning designation for this property is Single-Family Residential (R-1). The proposed vacation is not in conflict with the requirements of the R-1 District. The property will continue to be subject to the land use regulations contained in KPB 21.44 generally, and specifically KPB 21.44.160.

There are not any material site issues with this proposed plat.

KPB Code Compliance: No comments.

KPB Roads Department: No comments.

Staff Discussion: Recordation of Stone Hollow Estates Phase 1 (KN 2008-87) to the north dedicated Howarth Circle, which is directly aligned with Horwarth Street. Howarth Circle, a cul-de-sac, is a permanently closed street which cannot connect with Horwarth Street in the future. KN 2008-87 provided a 60-foot through dedication (Stone Hollow Drive), which is now KPB maintained. Stone Hollow Drive in KN 2008-87 connected with the existing Stone Hollow Drive to the south, which was constructed and connected with Ten Mar Avenue.

The preliminary plat that will finalize the vacation, if it is approved, is scheduled for Plat Committee review on February 26. An exception to block length will be required for the plat. The plat will eliminate a flag lot with a panhandle that is less than 60 feet wide and more than 700 feet long.

The parent plat did not grant a utility easement within the building setback of Horwarth Street.

Findings:

1. The proposed vacation is not a conflict with the requirements of the zoning district, R1 Single-Family Residential.
2. KPB Roads Department had no comments regarding the proposed vacation.
3. Howarth Circle, a cul-de-sac that is directly aligned with Horwarth Street, is a permanently closed street which cannot connect with Horwarth Street in the future.
4. Stone Hollow Drive, Ten Mar Avenue, Deville Road, Flatstone Avenue, a portion of Howarth Street, and Moose Range Drive are maintained by the KPB Roads Department.
5. Robinson Loop Road is maintained by the State of Alaska.
6. Per 2016 imagery, Howarth Street between Julie Bowman Avenue and Moose Range Drive is not yet constructed.
7. The block is served by 60-foot wide KPB maintained Stone Hollow Drive, which is approximately 250 to 400 feet east of Horwarth Street.
8. Stone Hollow Drive connects with Ten Mar Avenue, Deville Road, and the Sterling Highway to the south
9. Stone Hollow Drive connects with Flatstone Avenue, Howarth Street, Moose Range Drive, Robinson Loop Road, and the Sterling Highway to the north and northwest.
10. Horwarth Street is not on a section line.
11. Lots in the subdivision to the east and north are served by KPB maintained rights-of-way Stone Hollow Drive, Flatstone Avenue, and the constructed portion of Howarth Street.
12. Tracts G, H, and I, KN 2000-51, to the south are served by KPB maintained rights-of-way Ten Mar Avenue and Deville Road.
13. Per the submittal, the right-of-way proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve surrounding properties.
15. No surrounding properties will be denied access.

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

1. Consent of the KPB Assembly.
2. Submittal of the final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that recordation of the plat can occur within one year of vacation consent.
3. Carry forward the 15-foot utility easement per KN 2004-006396.

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.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Vice Chairman Ruffner opened the meeting for public comment. Seeing and hearing no one wishing to speak Vice Chairman Ruffner closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Foster moved, seconded by Commissioner Carluccio to approve of the vacation of Horwarth Street, a 30-foot wide right-of-way based on the following findings of fact.

Findings:

1. The proposed vacation is not a conflict with the requirements of the zoning district, R1 Single-Family Residential.
2. KPB Roads Department had no comments regarding the proposed vacation.
3. Howarth Circle, a cul-de-sac that is directly aligned with Horwarth Street, is a permanently closed street which cannot connect with Horwarth Street in the future.
4. Stone Hollow Drive, Ten Mar Avenue, Deville Road, Flatstone Avenue, a portion of Howarth Street, and Moose Range Drive are maintained by the KPB Roads Department.
5. Robinson Loop Road is maintained by the State of Alaska.
6. Per 2016 imagery, Howarth Street between Julie Bowman Avenue and Moose Range Drive is not yet constructed.
7. The block is served by 60-foot wide KPB maintained Stone Hollow Drive, which is approximately 250 to 400 feet east of Horwarth Street.
8. Stone Hollow Drive connects with Ten Mar Avenue, Deville Road, and the Sterling Highway to the south
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10. Howarth Street is not on a section line.
11. Lots in the subdivision to the east and north are served by KPB maintained rights-of-way Stone Hollow Drive, Flatstone Avenue, and the constructed portion of Howarth Street.
12. Tracts G, H, and I, KN 2000-51, to the south are served by KPB maintained rights-of-way Ten Mar Avenue and Deville Road.
13. Per the submittal, the right-of-way proposed for vacation is not in use for access.
14. Sufficient rights-of-way exist to serve surrounding properties.
15. No surrounding properties will be denied access.

VOTE: The motion passed by unanimous consent.

BENTZ ABSENT	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM YES
LOCKWOOD ABSENT	MARTIN ABSENT	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARING

2. State application for a marijuana establishment license; Kasilof/Cohoe Area

Staff Report given by Bruce Wal

PC MEETING: February 12, 2018

Applicant: Althea's Morning Bear Cultivation

Landowner: John E Norden and Margaret Norden Wood

Parcel ID#: 137-230-59



Planning Department

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

Charlie Pierce
Borough Mayor

February 20, 2018

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF FEBRUARY 12, 2018

RE: Vacate the Horwarth Street 30-foot wide right-of-way adjoining the eastern lot line of Tract D-1 of Ten-Mar Ranch Bowser Addition as dedicated on Ten-Mar Ranch Bowser Addition. Petitioners: Timothy L and Marian S Bowser Trust and Maurice I Hughes of Soldotna, AK.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of February 12, 2018 based on the following findings of fact and conditions.

Findings:

1. The proposed vacation is not a conflict with the requirements of the zoning district, R1 Single-Family Residential.
2. KPB Roads Department had no comments regarding the proposed vacation.
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14. Sufficient rights-of-way exist to serve surrounding properties.
15. No surrounding properties will be denied access.

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 (February 12, 2018) 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 February 20, 2018 to:

Integrity Surveys
820 Set Net Dr
Kenai, AK 99611

Timothy & Marians Bowser Trust
37730 Deville Rd
Soldotna, AK 99669-9012

Maurice Hughes
PO Box 916
Soldotna, AK 99669

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STAFF REPORT

PC Meeting: 2/12/18

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KPB Planner: This proposed plat is located within the Ten Mar Ranch Local Option Zoning District. The zoning designation for this property is Single-Family Residential (R-1). The proposed vacation is not in conflict with the requirements of the R-1 District. The property will continue to be subject to the land use regulations contained in KPB 21.44 generally, and specifically KPB 21.44.160.

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KPB 20.70.120:

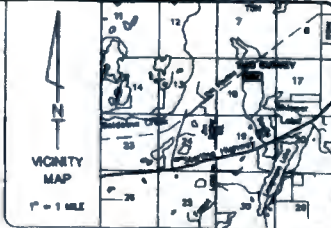
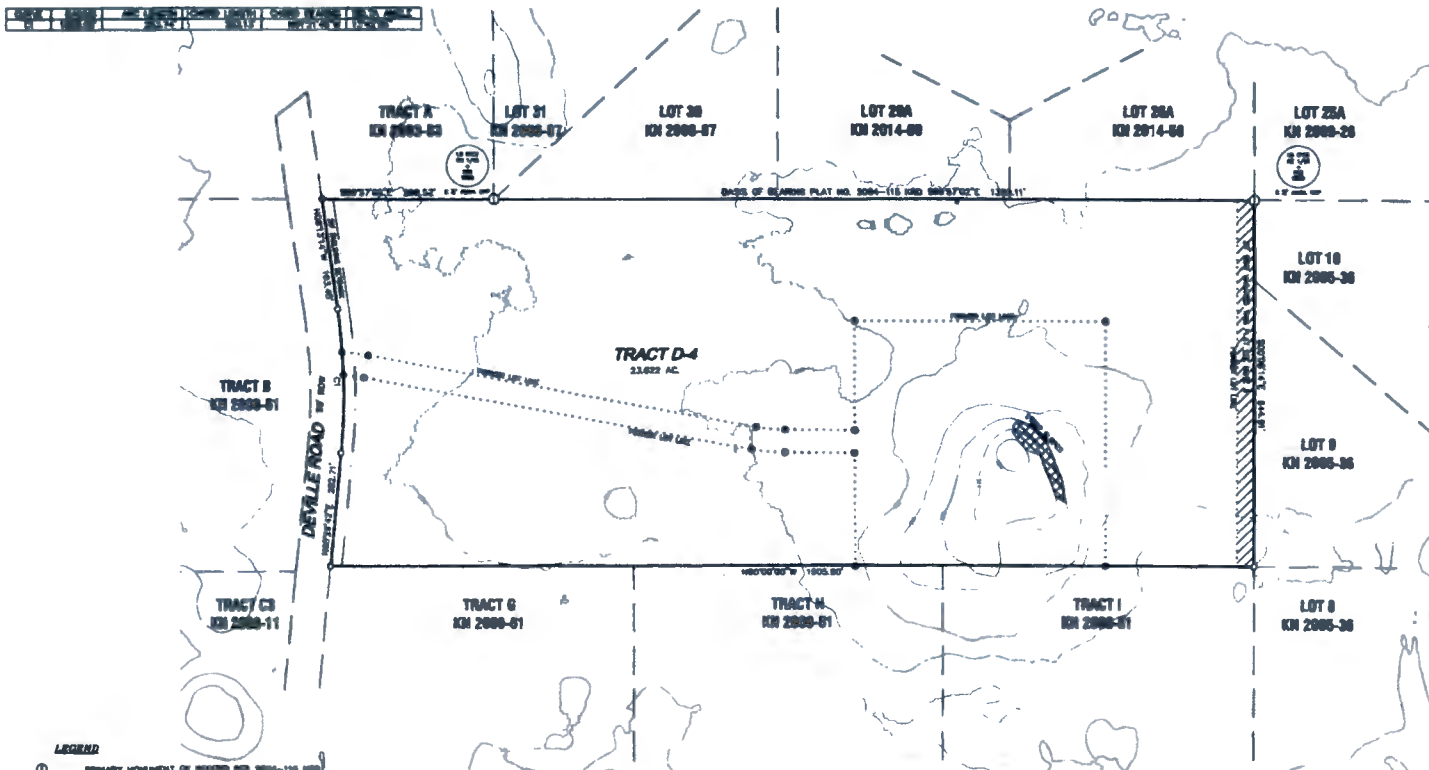
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KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

PRELIMINARY PLAT



CERTIFICATE OF OWNERSHIP AND DEDICATION
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR TRUE CONSENT RESERVE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BARBAR S. BOWSER THE TRUSTEY L. BOWSER
 17720 DEWALLE RD.
 SELDORVA, AK 99828

NOTARY'S ACKNOWLEDGEMENT
 FOR ACKNOWLEDGEMENT BEFORE ME THIS ___ DAY OF _____, 2017.

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPIRES _____

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

KENAI PENINSULA BOROUGH
 AUTHORIZED OFFICIAL _____

KPB FILE No.
TEN - MAR RANCH
2017 ADDITION

A REPLAT OF TRACTS D-1, D-2 AND D-3 TEN MAR RANCH BOWSER ADDITION (PLAT NO KN 2004-118) ALSO PARALLEL THE VACATION A PORTION OF NORTHBATH

OWNER: BARBAR S. BOWSER AND DR. THORWY L. BOWSER
 17720 DEWALLE RD.
 SELDORVA, AK 99828

LOCATED WITHIN THE 1/2 1/4 AND 3/4 SECTION 15, T4N, R9E, SEWARD MERIDIAN, KENAI RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA
 CONTAINING 23.822 ACRES

INTEGRITY SURVEYS INC.
 830 NET NET DRIVE KENAI, AK 99511
 PHONE: 907-885-0677 FAX: 907-885-2571
 SURVEYORS PLANNERS

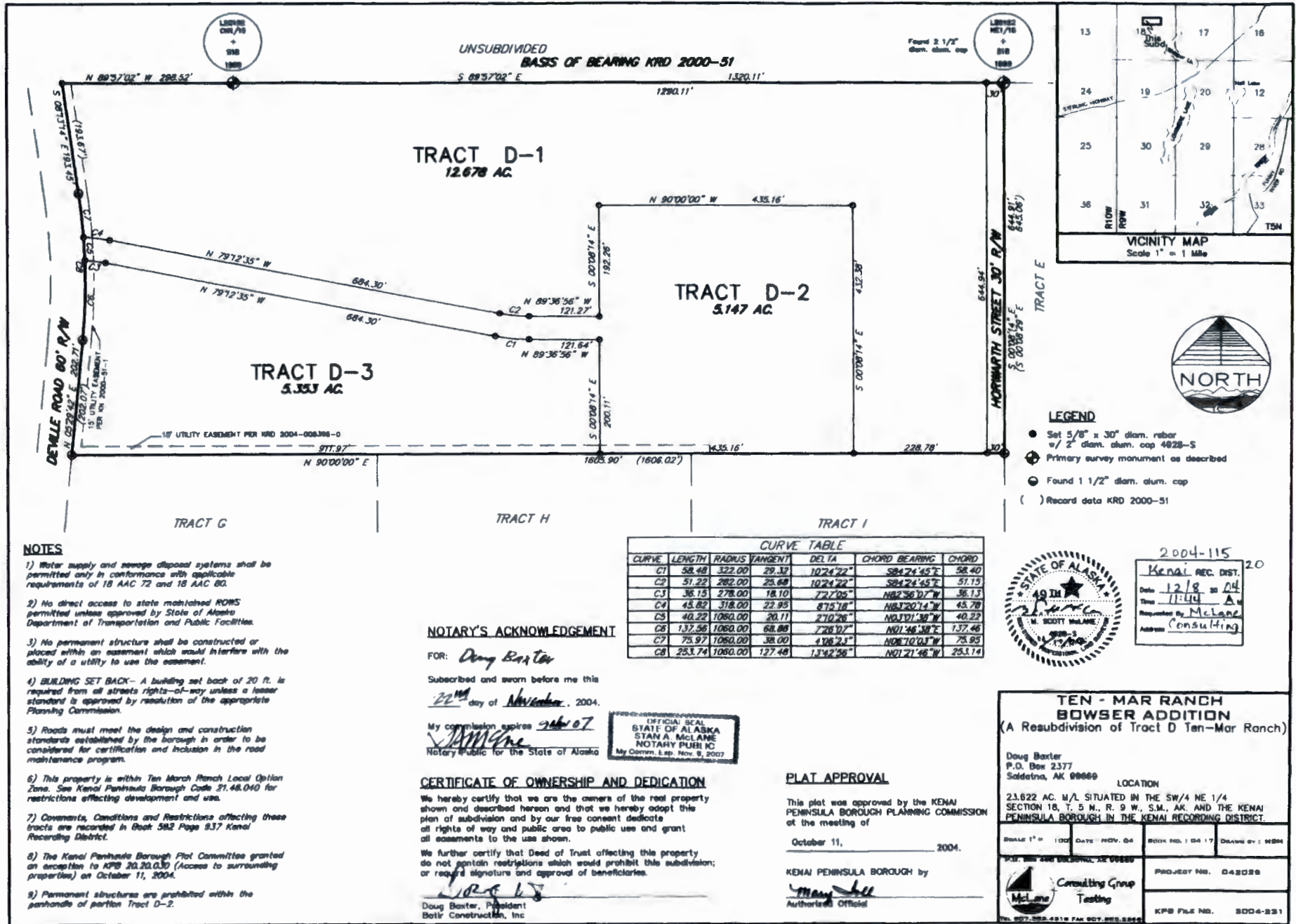
JOB NO:	2171-06	DATE:	AUG. 1, 2017 SH
SURVEYED:	N/A	SCALE:	1" = 100'
FIELD EX:	N/A	FILE:	2171-06 PP.DWG

- LEGEND**
- ① PRIMARY MONUMENT OF RECORD PER 2004-118 (SD)
 - SECONDARY MONUMENT OF RECORD PER 2004-118 (SD)
 1 1/2" ALUM. CAP ON ROD
 - SECONDARY MONUMENT OF RECORD PER 2004-118 (SD)
 3" ALUM. CAP ON 1/2" SDR. 4020-S
 RIGHT OF WAY BEING VACATED THIS PLAT

- NOTICE:**
- 1) BUILDING SETBACK - A SETBACK OF 30 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LOWER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - 2) DEVELOPMENT OF THIS PARCEL MAY BE SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS AS RECORDED IN BK 592 PG 637 KENAI RECORDING DISTRICT.
 - 3) THE UPD PLANNING COMMISSION APPROVED THE VACATION OF THE ROW AS SHOWN, AT THE MEETING OF _____, 2017.
 - 4) FRONT 10 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY 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.
 - 5) THIS IS A PAPER PLAT. A FIELD SURVEY WAS NOT CONDUCTED FOR THIS PLATING ACTION. ALL BEARINGS AND DISTANCES SHOWN ARE RECORD INFORMATION PER 1081 - MAR RANCH BOWSER ADDITION (KN 2004-118).
 - 6) UNDERMINE DISPENSAL, THE PARENT SUBDIVISION FOR THE LOTS BEING PLACED FROM THIS PLATING ACTION WAS APPROVED BY THE KENAI PENINSULA BOROUGH ON OCT. 11, 2004. WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

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 MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.





VICINITY MAP
Scale 1" = 1 Mile



LEGEND

- Set 5/8" x 30" diam. rebar w/ 2" diam. alum. cap 4828-S
- ⊕ Primary survey monument as described
- Found 1 1/2" diam. alum. cap
- () Record data KRD 2000-51



2004-115
Kenai REC. DIST. 20
Date: 12/18/04
Time: 11:44 AM
Requested by: McLane Consulting
Address: _____

NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation and Public Facilities.
- 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 4) **BUILDING SET BACK** - A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 5) 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.
- 6) This property is within Ten Marsh Ranch Local Option Zone. See Kenai Peninsula Borough Code 21.48.040 for restrictions affecting development and use.
- 7) Comments, Conditions and Restrictions affecting these tracts are recorded in Book 582 Page 937 Kenai Recording District.
- 8) The Kenai Peninsula Borough Plat Committee granted an exception to KPB 20.20.030 (Access to surrounding properties) on October 11, 2004.
- 9) Permanent structures are prohibited within the parasheds of portion Tract D-2.

NOTARY'S ACKNOWLEDGEMENT

FOR: Doug Baxter
 Subscribed and sworn before me this 22nd day of November, 2004.
 My commission expires 2/26/07
Stan A. McLane
 Notary Public for the State of Alaska

CURVE TABLE						
CURVE	LENGTH	RADIUS	TANGENT	DELTA	CHORD BEARING	CHORD
C1	58.48	322.00	29.32	102°4'22"	S84°24'45"E	58.40
C2	51.22	282.00	25.60	102°4'22"	S84°24'45"E	51.15
C3	36.15	278.00	18.10	72°7'05"	N62°36'10"W	36.13
C4	45.82	318.00	22.95	87°5'18"	N63°20'14"W	45.78
C5	40.22	1060.00	20.11	2°10'28"	N01°10'30"W	40.22
C6	137.56	1060.00	68.88	7°28'10"	N01°46'58"E	137.46
C7	75.97	1060.00	38.00	4°08'21"	N01°10'13"W	75.89
C8	253.74	1060.00	127.48	13°42'26"	N01°21'46"W	253.14

CERTIFICATE OF OWNERSHIP AND DEDICATION

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

We further certify that Deed of Trust affecting this property do not contain restrictions which would prohibit this subdivision; or record signature and approval of beneficiaries.

Doug Baxter
 Doug Baxter, President
 Boir Construction, Inc

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of
 October 11, 2004.
 KENAI PENINSULA BOROUGH by
Manuel
 Authorized Official

TEN - MAR RANCH BOWSER ADDITION
 (A Resubdivision of Tract D Ten-Mar Ranch)

Doug Baxter
 P.O. Box 2377
 Soldotna, AK 99660

LOCATION
 23.822 AC. M/L SITUATED IN THE SW/4 NE 1/4 SECTION 18, T. 5 N., R. 9 W., S.M., AK, AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

SCALE 1" = 100'	DATE NOV. 04	BOOK NO. 1 04 17	DRAWN BY: MRM
PROJECT NO. 042028		KPB FILE NO. 2004-231	

McLane Consulting Group
 Testing
 207.282.4914 FAX 207.282.8249



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

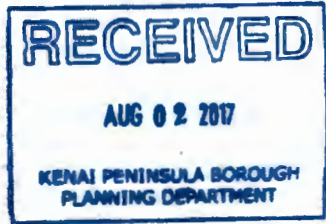


Right of Way Vacation

JReif, KPB
Date: 8/9/2017



Kenai Peninsula Borough Planning Department
 144 North Skyway
 Soldotna, Alaska 99688-7588
 Toll free within the Borough 1-800-478-4441, extension 2288
 (907) 714-2288



**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 Tan-Mar Ranch Bowser Addition Subdivision, filed as Plat No. 8004-118 in Kenai Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company DN
 - Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ 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:
All parcels are being combined into one lot. If the property is subdivided in the future then right of way dedication will occur at that time to provide access to all parcels. The ROW that is being vacated is not used for access to any parcels. There is no connection from any other right of ways to the right of way that is being vacated. It is essentially a 'landlocked' right of way.

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: Scott Hill - Integrity Surveys Inc Signature as: Petitioner Representative
 Address 880 8th Nat Dr.
Kenai, AK 99611

Phone 283-8047
 Petitioners:
 Signature [Signature]
 Name Dr. Timothy L. Bowser
 Address 37780 Deville Rd.
Soldotna, AK 99688

Signature [Signature]
 Name Marlan E. Bowser
 Address 37780 Deville Rd.
Soldotna, AK 99688

Owner of current tract D-1 (to be replatted with D-2 and D-8)
 Signature _____
 Name _____
 Address _____

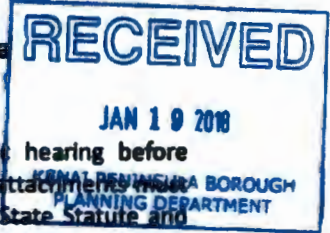
 Owner of _____

Owner of current tract D-1 (to be replatted with D-2 and D-8)
 Signature _____
 Name _____
 Address _____

 Owner of _____

ROW Easement Vacation Petition & Procedures
 Revised 2/21/14

**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) _____ as recorded in Book _____ Page _____ of the _____ 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:

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: _____ Address: _____ Phone: _____
 Signature as: Petitioner Representative

Petitioners:
 Signature [Handwritten Signature]
 Name Timothy L Bowser
 Address 37782 DeWille Rd, Saldonia

Signature [Handwritten Signature]
 Name Maurice J Hughes
 Address 37741 Stone Hollow Dr

T5N R9W SEC 18 SEWARD MERIDIAN
 Owner of KN 200415 TEN-MAR RANCH
BOWSER ADDN TR
 Signature _____
 Name _____
 Address _____
 Owner of _____

T5N R9W SEC 18 SEWARD MERIDIAN KN
 Owner of 2006021 TEN-MAR
RANCH STONE HOLLOW EST.
 Signature _____
 Name _____
 Address _____
 Owner of _____