



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Dale Bagley, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director *mb*

DATE: March 26, 2015

SUBJECT: Vacate the 33-foot section line easement lying along the south boundary of Lot 1 and the 33-foot section line easement lying along the north boundary of Lot 4, Carrol Martin Subdivision No. 2 (Plat KN 94-82). Also, vacate the 50-foot section line easement lying along the north boundary of Tract C, Kenai Peninsula Borough Aquaculture Subdivision (Plat KN 85-73). All within Section 15 and Section 22, Township 5 North, Range 11 West, S.M., Alaska and within the Kenai Peninsula Borough; On Kalifornsky Beach Road in the Kenai area; KPB File 2015-021.

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 March 23, 2015 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. Lot 1 Carrol Martin Subdivision No. 2 has approximately 1,400 feet of frontage on Bridge Access Road and Kalifornsky Beach Road.
2. The parcel north of Lot 1 Carrol Martin Subdivision No. 2 belongs to the State Department of Natural Resources (DNR) and is part of the Kenai River Special Management Area.
3. The DNR parcel is a well-known caribou crossing and grazing area as well as landing area for annual migratory waterfowl.
4. Lot 4 Carrol Martin Subdivision No. 2 has approximately 379 feet of frontage on Kalifornsky Beach Road.
5. Tract C Kenai Peninsula Borough Aquaculture Subdivision has 110 feet of frontage on Kalifornsky Beach Road.
6. The subject section line easements do not provide alternate access to Lot 1 Carrol Martin Subdivision No. 2, Lot 4 Carrol Martin Subdivision No. 2, Tract C Kenai Peninsula Borough Aquaculture Subdivision or any adjacent parcels.
7. Tract C Kenai Peninsula Borough Aquaculture Subdivision is completely encompassed by the 50-foot section line easement.
8. A Section Line Easement Vacation Plat was submitted to the State Department of Natural Resources about February 18, 2015.
9. The section line easements proposed for vacation do not appear to be in use for utilities.
10. EV-3-157 (KN 2013-04) vacated the 66-foot section line easement to the east.
11. The subject section line easements adjoin Kalifornsky Beach Road to the west.

The Assembly has 30 days from March 23, 2015 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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 the 33-foot section line easement lying along the south boundary of Lot 1 and the 33-foot section line easement lying along the north boundary of Lot 4, Carrol Martin Subdivision No. 2 (Plat KN 94-82). Also, vacate the 50-foot section line easement lying along the north boundary of Tract C, Kenai Peninsula Borough Aquaculture Subdivision (Plat KN 85-73). All within Section 15 and Section 22, Township 5 North, Range 11 West, S.M., Alaska and within the Kenai Peninsula Borough; On Kalifornsky Beach Road in the Kenai area; KPB File 2015-021.

Staff Report given by Max Best

PC Meeting: 3/23/15

Purpose as stated in petition: The section line easement that is being petitioned for vacation is a short (441") dead end section line easement. This portion of the section line easement is a remainder of a section line easement that originally ran through the Carrol Martin Homestead. The section line easement to the east has been vacated. The section line easement remaining on Lot 4 and Lot 1 does not provide access to any public lands and is currently not being used by the public. A possible encroachment into the section line easement may exist with the building on Lot 4. A plan to reconfigure Lot 4 and Lot 1 is being presented to the Kenai Peninsula Borough. By vacating this small remainder of the section line easement it will allow better use of the land and remove the encroachment.

Petitioners: Marcia L. and Richard E. King of Kilauea, Hawaii; Joanne B. and Carrol J. Martin of Soldotna, Alaska; and the Kenai Peninsula Borough of Soldotna, Alaska.

Public notice appeared in the March 12 and March 19, 2015 issues of the Peninsula Clarion.

Seven certified notices were mailed to owners within 300 feet of the proposed vacation. Two receipts had been returned when the staff report was prepared. Notices were sent by regular mail to two owners within 600 feet of the proposed vacation.

Seventeen notices were sent by regular mail to agencies and interested parties. Seven notices were distributed to KPB Departments. Notices were mailed to the Soldotna Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Comments Received

KPB Roads Department: No objection to the proposed vacation.

Staff Discussion:

Tract C Kenai Peninsula Borough Aquaculture Subdivision is a remnant parcel created by Kalifornsky Beach Road. Tract C contains approximately 2,378 square feet and is completely encompassed by the 50-foot section line easement.

The Section Line Easement Vacation Plat was mailed to the State Department of Natural Resources on approximately February 18, 2015. An EV number or preliminary decision is not available at this time.

The utility providers were notified of the proposed vacation. Comments from the utility providers had not been received when the staff report was prepared.

Per KPB 20.25.110, section line easement vacation plats will be given an initial four-year preliminary approval. Extensions of the approval may be given by the planning director as needed for completion of the project.

Findings for the Proposed Vacation

1. Lot 1 Carrol Martin Subdivision No. 2 has approximately 1,400 feet of frontage on Bridge Access Road and Kalifornsky Beach Road.

2. The parcel north of Lot 1 Carrol Martin Subdivision No. 2 belongs to the State Department of Natural Resources (DNR) and is part of the Kenai River Special Management Area.
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10. EV-3-157 (KN 2013-04) vacated the 66-foot section line easement to the east.
11. The subject section line easements adjoin Kalifornsky Beach Road to the west.

STAFF RECOMMENDATION: Based on Findings 1-11, staff recommends granting approval to the section line vacation as submitted, subject to:

1. Submit the Section Line Easement Vacation Plat for Plat Committee review within four years of vacation approval in accordance with Title 20.
2. Compliance with any State requirements for the section line easement vacation.

If the vacation is approved, the Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].

END OF STAFF REPORT

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

Chairman Martin stated that Carrol & JoAnne Martin are his parents and neighbors however this action does not personally affect his interest.

MOTION: Commissioner Lockwood moved, seconded by Commissioner Holsten to grant the vacation as petitioned based on the following findings of fact and subject to staff recommendations and conditions.

Findings

1. Lot 1 Carrol Martin Subdivision No. 2 has approximately 1,400 feet of frontage on Bridge Access Road and Kalifornsky Beach Road.
2. The parcel north of Lot 1 Carrol Martin Subdivision No. 2 belongs to the State Department of Natural Resources (DNR) and is part of the Kenai River Special Management Area.
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VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	HOLSTEN YES	ISHAM YES
LOCKWOOD YES	MARTIN YES	RUFFNER YES	VENUTI YES	WHITNEY YES		12 YES

AGENDA ITEM F. PUBLIC HEARINGS

2. Rename existing streets in conjunction with the Enhanced 911 Street Naming and Addressing Methods within the Kenai Peninsula Borough. Streets under consideration at this meeting are described as follows:
 - a. Beuhler St private road originally named by SN2012-03; T 5S R 12W SECTION 28; Seward Meridian, AK; in the Fritz Creek Community; ESN 202

Staff Report given by Carrie Henson

PC MEETING 3/23/2015

Applicant: Charlie Parsons & Sue Baxter

Existing right-of-way names: Beuhler St

Name proposed by staff: Spyglass St

Reason for Change: Husband was recuperating from a plane crash in Anchorage when private road was originally named and was unable to comment. Petitioners did not approve of chosen name.

Background:

Name	Beuhler St
ESN	202
Community	Fritz Creek
YR Dedicated	N/A
Constructed	Yes
Total Lots	4
Residential	4
E911 Address	5
Mailing	0
Decision	Rename



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**MIKE NAVARRE
BOROUGH MAYOR**

March 26, 2015

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF MARCH 23, 2015

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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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (March 23, 2015) 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 March 26, 2015 to:

Carrol & JoAnne Martin
PO Box 1776
Soldotna, AK 99669-1776

Kenai Peninsula Borough
144 North Binkley St.
Soldotna, AK 99669-7520

Richard & Marcia King
4371 Kapuna Rd
Kilauea, HI 96754-5523

Integrity Surveys, Inc.
820 Set Net Dr.
Kenai, AK 99611

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Staff Discussion:

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STAFF RECOMMENDATION: Based on Findings 1-11, staff recommends granting approval to the section line vacation as submitted, subject to:

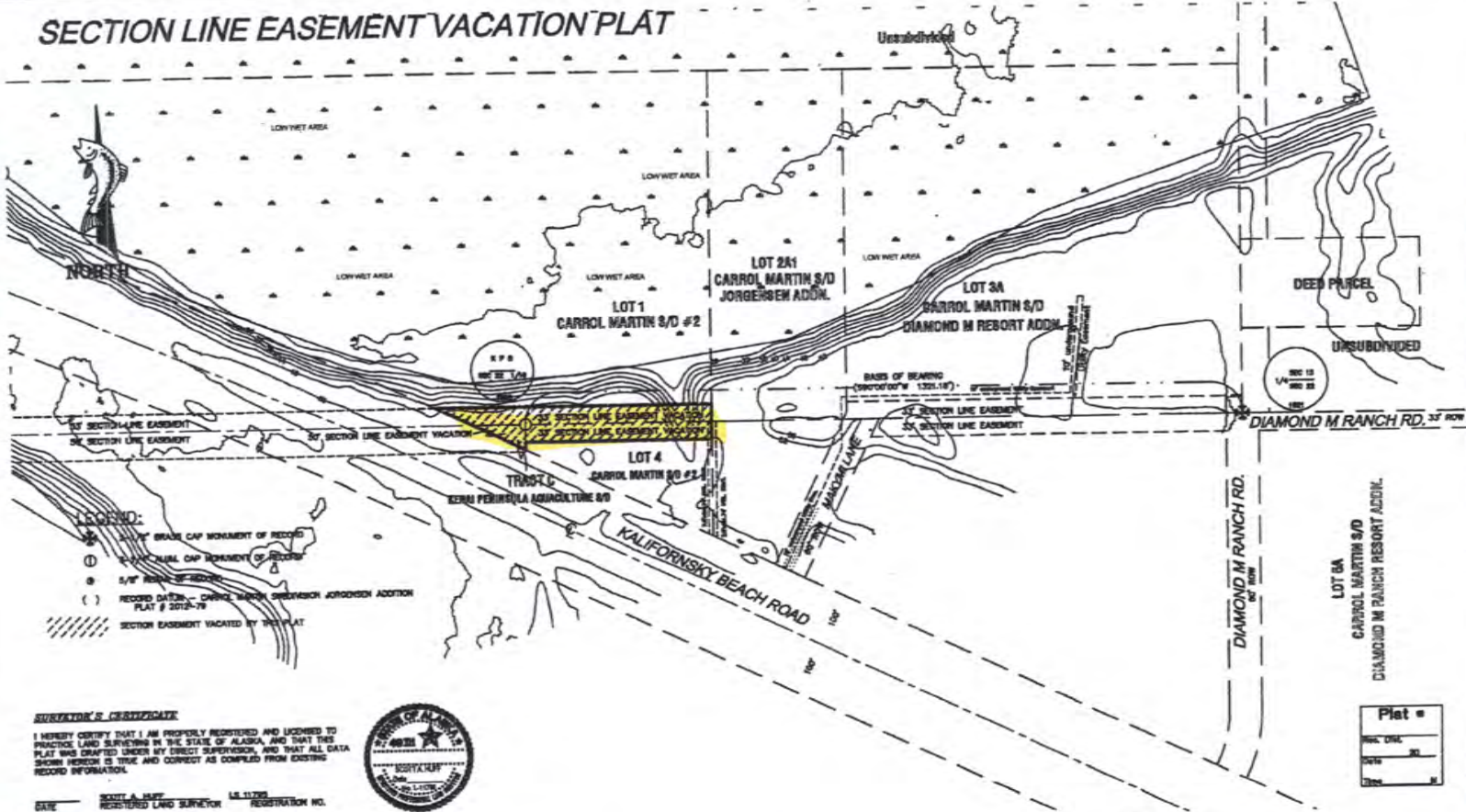
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END OF STAFF REPORT

SECTION LINE EASEMENT VACATION PLAT



SECTION LINE EASEMENT VACATION CERTIFICATE
APPROVAL REQUIREMENTS

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION & PUBLIC SAFETY
 THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CHIEF REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: _____ DATE: _____
 TITLE: REGIONAL CHIEF SURVEY-ONLY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND AND WATER
 THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND AND WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY: _____ DATE: _____
 TITLE: REGIONAL REGION OF MINING, LAND AND WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER AN ISLAND (CHITKA AREA) DELINEATED BY DIAGONAL HATCHING ON THIS PLAT.

APPROVED: _____ DATE: _____
 COMMISSIONER DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY

APPROVED: _____ DATE: _____
 COMMISSIONER DEPARTMENT OF NATURAL RESOURCES

LEGEND:

- ① 1/4" BRASS CAP MONUMENT OF RECORD
- ② 1/4" ALUM. CAP MONUMENT OF RECORD
- ③ 1/4" IRON MONUMENT
- () RECORD DATUM - CAROL MARTIN SUBDIVISION JORGENSEN ADDITION PLAT # 2012-79
- SECTION EASEMENT VACATED BY THIS PLAT

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: _____ SAUND A. HAYES REGISTERED LAND SURVEYOR LICENSE REGISTRATION NO. 143110



CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF LOT 4 CARROL MARTIN SUBDIVISION NO. 2, AS SHOWN ON THIS PLAT. WE APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

MARCIA L. KING _____ DATE _____
 RICHARD E. KING _____ DATE _____
 4321 KAPUNA RD.
 HELENA, MT 59704

NOTARY'S ACKNOWLEDGMENT

FOR MARCIA L. KING AND RICHARD E. KING
 ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPRESSES _____

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF LOT 1 CARROL MARTIN SUBDIVISION NO. 2, AS SHOWN ON THIS PLAT. WE APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

JOHNE B. MARTIN _____ DATE _____
 CARROL J. MARTIN _____ DATE _____
 PO BOX 1778
 SOLOOTNA, AK 99688

NOTARY'S ACKNOWLEDGMENT

FOR JOHNE B. MARTIN AND CARROL J. MARTIN
 ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPRESSES _____

CERTIFICATE OF OWNERSHIP

I, THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF TRACT C KENAI PENINSULA AQUACULTURE BOROUGH, AS SHOWN ON THIS PLAT. WE APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

MIRE KANVIRE _____ DATE _____
 MAYOR OF KENAI PENINSULA BOROUGH
 144 NORTH BRIMLEY ST.
 SOLOOTNA, AK 99688

NOTARY'S ACKNOWLEDGMENT

FOR MIRE KANVIRE
 ACKNOWLEDGED BEFORE ME THIS ____ DAY OF _____, 20__

NOTARY PUBLIC FOR ALASKA
 BY COMMISSION EXPRESSES _____

- NOTES:**
- DIAGONALLY HATCHED AREA INDICATES THE PORTIONS OF THE SECTION LINE EASEMENT BEING VACATED WITHIN SECTIONS 15 AND 22 OF T14N R19W SEWARD MERIDIAN.
 - NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DATA AS SHOWN ARE FROM THE PLAT OF CARROL MARTIN SUBDIVISION NO. 2 PLAT NO. 94-82 KENAI RECORDING DISTRICT.
 - IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS OF WAY OR EASEMENTS.
 - A SET BACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LETTER SETBACK IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - THE FRONT 15 FEET OF THE 20 FOOT BUILDING SETBACK IS A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN THE UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY TO USE THE EASEMENT.
 - VACATION OF THE SECTION LINE EASEMENTS, AS SHOWN ON THIS DRAWING, WERE APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF _____, 20__.
 - THE HATCHED AREA SHOWS THE PORTION OF SECTION LINE EASEMENT THAT WILL BE VACATED BY THIS PLAT.
 - THIS SECTION-LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-1-1777 APPROVED _____, 2014.

KENAI PENINSULA AQUACULTURE BOROUGH

THIS PLAT HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AS RECORDED IN THE MINUTES OF AUGUST 27, 2014 IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF THE ORDINANCE AND THE LAW APPLICABLE THEREIN.

KENAI PENINSULA BOROUGH BY: _____ PLANNING DIRECTOR

KPB FILE No. 2015-???

DATE OF SURVEY: _____ NAME OF SURVEYOR: INTEGRITY SURVEYS INC.
 Beginning: N/A 100 BET NET DR.
 Ending: N/A KENAI, AK 99611
 Info: 907-583-3333

STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
 DIVISION OF MINING, LAND AND WATER
 SECTION LINE EASEMENT VACATION PLAT

APPROVED BY:

LOT 1 AND LOT 4 CARROL MARTIN SUBDIVISION NO. 2
 PLAT 94-82 KENAI RECORDING DISTRICT AND
 TRACT C KENAI PENINSULA AQUACULTURE BOROUGH
 PLAT 95-73 KENAI RECORDING DISTRICT

WITHIN SECTIONS 15 AND 22 T14N, R19W, SEWARD MERIDIAN
 KENAI RECORDING DISTRICT, ALASKA

DRAWN BY: SK APPROVAL RECEIVED

DATE: _____ BY: _____

CHECKED: SK FILE: 210101 BLS/LOWR

SCALE: 1" = 100'

JOB NO. 210101 FIELD DR. N/A OVER FILE NO. EV-1-1777

CERTIFICATE of OWNERSHIP and DEDICATION

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

Richard E. King
Richard E. King
Marie F. King
Marie F. King

We further certify that Deeds of trust affecting this property do not contain restrictions which would prohibit this replat; or require signature and approval of beneficiaries.

Notary's Acknowledgement

Subscribed and sworn before me on this 21st day of January 1994 for Replatting

Joan Priddy
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12-20-96

WASTEWATER DISPOSAL (Lots 1 and 4):

Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

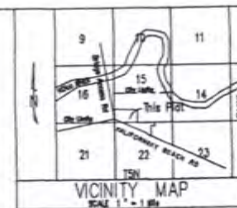
WASTEWATER DISPOSAL (Lots 2,3 and 5)

Conditions may not be suitable for on-site wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this subdivision for platting.

LEGEND

- SET 5/8" REBAR
- FOUND 12"x12" Conc. Post



Scott J. Morgan E.E. II 12/1/94
SIGNATURE TITLE DATE



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 00°04'00" W	47.24
L2	S 14°41'00" E	34.80
L3	N 89°57'51" E	99.96
L4	S 84°17'43" E	108.78

OWNER
K.P.B.

CERTIFICATE of OWNERSHIP and DEDICATION

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

We further certify that Deeds of trust affecting this property do not contain restrictions which would prohibit this replat; or require signature and approval of beneficiaries.

Notary's Acknowledgement

Subscribed and sworn before me on this 21st day of January 1994, for

Carroll J. Martin
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12-20-96

Notary's Acknowledgement

Subscribed and sworn before me on this 21st day of January 1994, for

Joanne Martin
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 12-20-96

PLAT APPROVAL

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of OCTOBER 10, 1993

KENAI PENINSULA BOROUGH

Richard E. King
Authorized Official

NOTES

- No deed access to state maintained A.R.N.'s permitted unless approved by State of Alaska Department of Transportation.
- 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 permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- Front 10 feet of building setback to also a utility easement and the entire setback to width 5 feet of side lot lines.
- A utility easement of 10' x 21.74' centered on the lot line between Lots 2 & 4 and beginning at the Right-of-Way of Kalifornsky Beach Road.
- Section Line Easement within Lots 1,2 and 4, was approved for recording and will be recorded upon filing of a recording plat.



MICHAEL A. SWAN
REGISTRATION NO. LS-6940

94-82
RECORDED FILED 20
12/18/94
1:59 PM
J. Swann

CARROL MARTIN SUBDIVISION No. 2

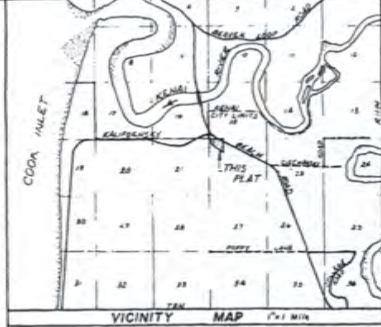
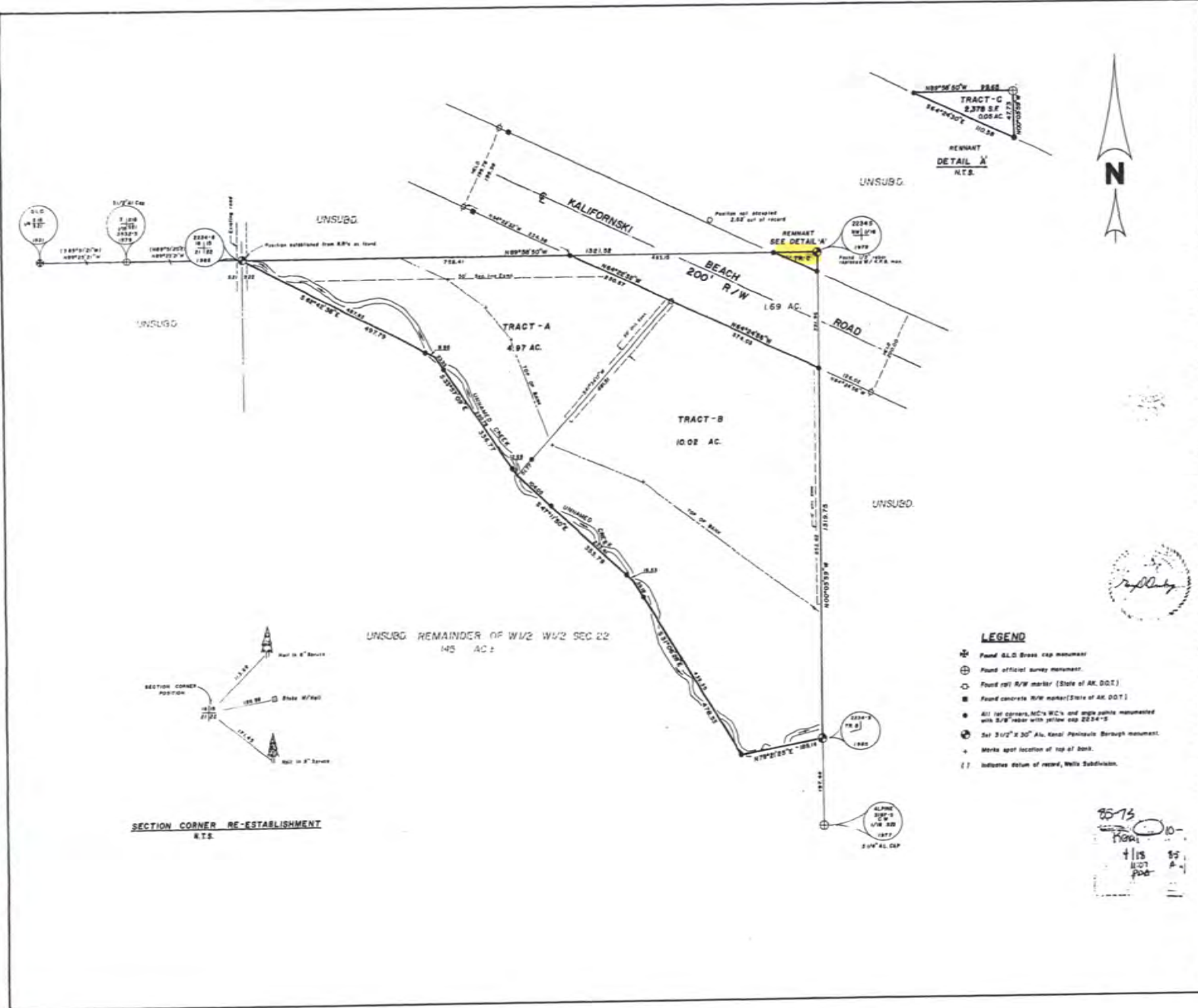
Owners:
Carroll J. & Joanne Martin P.O. Box 1778 Soldotna, AK 99669
Richard & Marcia King P.O. Box 700 Handel, HI 96714

Location:
66.51 acres +/- Located in the SW 1/4 of section 15 and the N 1/2 of section 22, T5N, R11W, S.M., AK and in the Kenai Peninsula Borough and the Kenai Recording District.

SWAN SURVEYING

P.O. Box 967
SOLDOTNA, AK 99669
PHONE 907-292-1014

DATE SURVEYED	SCALE	DRAWN	WAS
Dec. 1993	1"=200'		
K.E.A.L.E.M.C. 0114	REPLAT		KENAI RECORDING DISTRICT



CERTIFICATE of OWNERSHIP and DEDICATION
We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all right of ways to public use and grant all easements to the use above.

Authorized Official: *[Signature]*
Kenai Peninsula Borough

NOTARY'S ACKNOWLEDGEMENT
For: *[Signature]*
(Authorized Official for Kenai Peninsula Borough)
Subscribed and sworn before me this 14th day of August, 1985.
[Signature] 9-12-85
Notary of the State of Alaska Commission Expires

PLAT APPROVAL
This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of JANUARY 30, 1985 (10A-80-373), 1985, Ord. 78-3752 (part), 1979 Kenai Peninsula Borough
By: *[Signature]*
Authorized Official

SURVEYOR'S CERTIFICATE
I, *[Signature]* certify that I am a registered Land Surveyor, that this plat is a true and correct representation of lines surveyed by me or under my direct supervision; that the distances and bearings are shown correctly and the error of closure for field traverses does not exceed one part in 5000; and that all permanent exterior control monuments, of other monuments, and lot corners have been set and staked.
[Signature] March 21, 1985
Registered Land Surveyor

- NOTES**
- 1) Stone corners and survey (chain) systems shall be permitted only in accordance with applicable requirements of IS AAC 70, IS AAC 72 and IS AAC 80.
 - 2) There shall be a 20' building setback from all dedicated R/W's unless a lesser setback is approved by resolution of the appropriate planning commission.
 - 3) Basis of Bearing was derived from State Obsolete Issue 3/29/85 on North boundary of this subdivision as N89°54'50".
 - 4) Tract C may only be conveyed to an owner to become a permanent part of that parcel or may be dedicated to public use.
 - 5) No direct access to state maintained R/W's permitted unless approved by State of Alaska, DOT.
 - 6) Location of creek shown per field measurements.
 - 7) Subject to public use permit ADL 64389. There shall be a 50' wide (total) required public easement along the line of ordinary high water of the unsewered creek. Said easement pertains to both sides of creek.

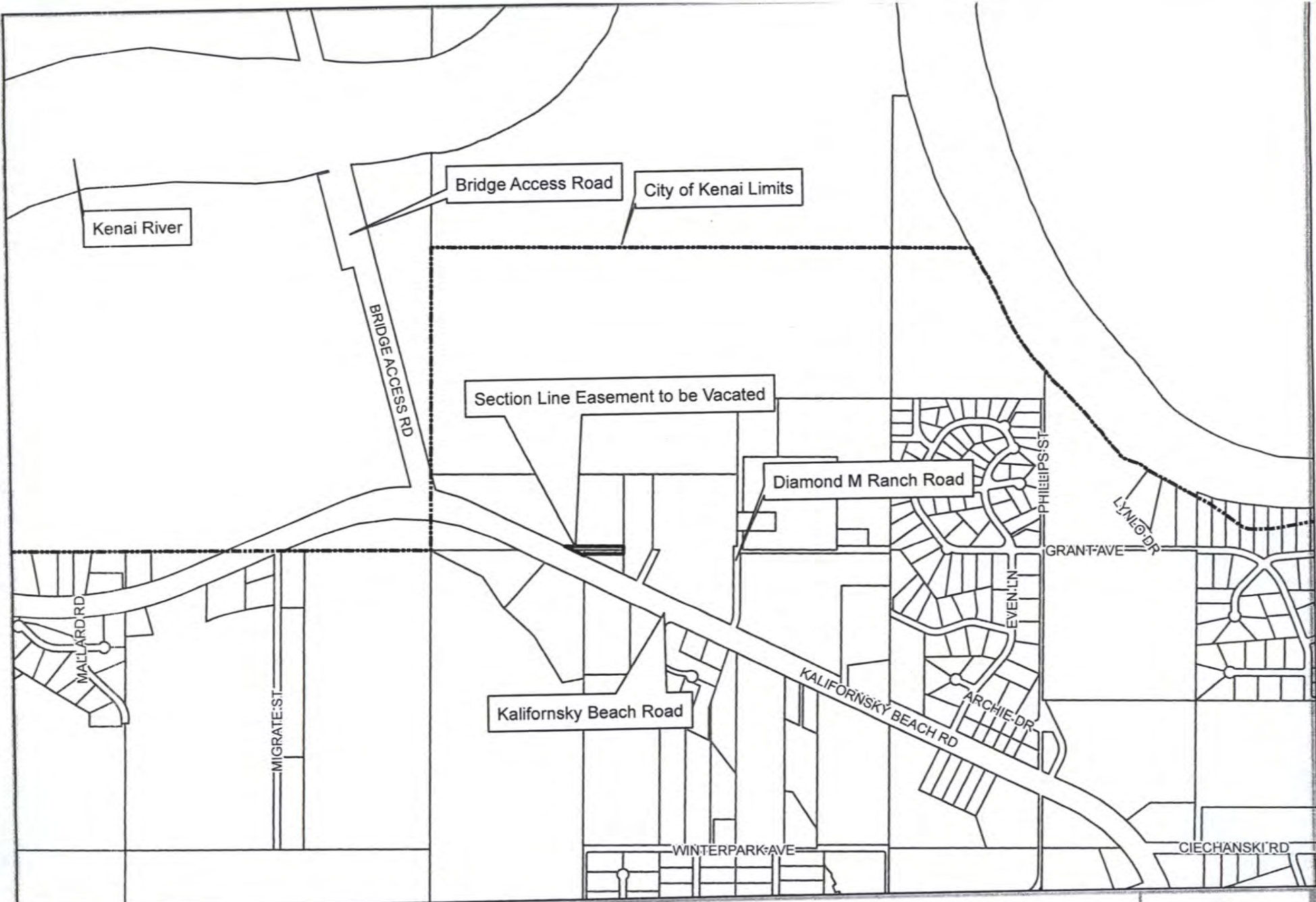
KENAI PENINSULA BOROUGH
AQUACULTURE SUBDIVISION

SITUATED WITHIN THE
NW 1/4 NW 1/4 SEC. 22, T.5N, R.11W, S.M. AK.
AND IN THE KENAI PENINSULA BOROUGH,
TRACTS A, B and C CONTAINING 15.04 AC. N/L.

PREPARED FOR: KENAI PENINSULA BOROUGH Box 3040
SHELTON, AK 99584

PREPARED BY: **ppb** PROFESSIONAL DESIGN
Box 4406 Kenai, Alaska 99541

NO. 85-2004K DATE: 3/13/85 SCALE: 1"=100'
DRAFTED: FB CHECKED: g.p.d. SHEET 1 of 1



Kenai River

Bridge Access Road

City of Kenai Limits

Section Line Easement to be Vacated

Diamond M Ranch Road

Kalifornsky Beach Road

KALIFORNŤKY BEACH RD

GRANT AVE

PHILIPS ST

LYNE DR

MALLARD RD

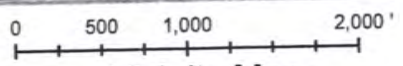
MIGRATE ST

EVEN LN

ARCHIE DR

WINTERPARK AVE

CIECHANSKI RD



Vicinity Map



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.

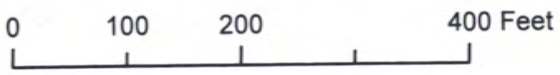


Date: 2/20/2015



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.

Created by: msweppy



Date: 3/12/2015



FEB 18 2015

Toll free within the Borough 1-800-478-4441, extension 2200 (907) 714-2200

KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

Petition to Vacate Section Line Easement
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.

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

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 Section Line Easement Vacation 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.

\$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.

Are there associated utility easements to be vacated? Yes No

Are easements in use by any utility company? If so, which company None

Width of easement proposed to be vacated must be shown on the sketch.

Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.

Has the section line easement been fully or partially constructed? Yes No

Is the section line easement 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 section line easement that is being petitioned for vacation is a short (341') dead end SLE. This portion of the SLE is a remainder of a SLE that originally ran through the Carrol Martin Homestead. The SLE to the east has been vacated. The SLE remaining on Lot 4 and Lot 1 does not provide access to any public lands and is currently not being used by the public. A possible encroachment into the SLE may exist with the building on Lot 4. A plan to reconfigure Lot 4 and Lot 1 is being presented to KPB. By vacating this small remainder of the SLE it will allow better use of the land and remove the encroachment.

The petition must be signed (written signature) by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Signature [Signature]
Name Scott Huff - Integrity Surveys
Address 820 Set Net Drive
Kenai, AK 99611
Phone 283-9047

As: Petitioner Representative

Petitioners:
Signature [Signature]
Name Marcia L. King
Address 4371 Kapuna Rd.
Kilauea, HI 96754
40189 Kalifornsky Beach Rd Kenai AK 99611
Owner of Lot 4 Carrol Martin Sub. no. 2

Signature [Signature]
Name Johanne B. Martin
Address PO Box 1776
Soldotna, AK 99669

Signature [Signature]
Name Richard E. King
Address 4371 Kapuna Rd.
Kilauea, HI 96754
40189 Kalifornsky Beach Rd Kenai AK 99611
Owner of Lot 4 Carrol Martin Sub. No. 2

Owner of Lot 1 Carrol Martin Sub. No. 2
Signature [Signature]
Name Carol J. Martin
Address PO Box 1776
Soldotna, AK 99669
Owner of Lot 1 Carrol Martin Sub. No. 2



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

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

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

- \$500 non-refundable fee to help defray costs of advertising public hearing.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is dedicated by the plat of _____ Subdivision, filed as Plat No. _____ in _____ Recording District.
- Are there associated utility easements to be vacated? Yes No
- Are easements in use by any utility company? If so, which company _____
- Easement for public road or right-of-way as set out in (specify type of document) _____ 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: _____ Signature as: Petitioner Representative
 Name: _____
 Address: _____

 Phone: _____

Petitioners:

Signature _____	Signature _____
Name <u>Marcus A. Moller KPB Land Mgmt. Dir.</u>	Name _____
Address <u>144 N. Binkley St.</u>	Address _____
<u>Soldotna AK 99669</u>	_____
Owner of <u>Tract C Kenai Peninsula</u>	Owner of _____
<u>Aquaculture Subd.</u>	_____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____

Sweppy, Maria

From: Zafian, Holly K (DFG) <holly.zafian@alaska.gov>
Sent: Tuesday, March 17, 2015 9:53 AM
To: Voeller, Paul; Sweppy, Maria
Cc: Poydack, Joseph L (DNR); Litchfield, Ginny; Fink, Mark J (DFG)
Subject: FW: Sec Line Easement Vacation KPB 2015-021
Attachments: Notice.pdf

Attention: Maria Sweppy

The Alaska Department of Fish and Game has reviewed the petition which requests to vacate the 33-foot section line easement (SLE) lying along the south boundary of Lot 1, Carrol Martin Subdivision No. 2 location in Section 15, and the 33-foot SLE located along the north boundary of Lot 4, Carrol Martin Subdivision No. 2 as well as the 50-foot SLE located along the north boundary of Tract C, Kenai Peninsula Borough Aquaculture Subdivision located in Section 22, T. 5 N., R. 11 W., S.M., Alaska. The SLEs provide public access from Kalifornsky Beach Road across the subject properties and terminate at the boundary of the subject properties where the SLEs on the adjacent properties have been vacated by EV 3-157 (KPB file 2012-112). There do not appear to be any actions that would block or remove public access to public lands or waters. ADF&G has no objection to the SLE vacations as proposed. Thank you for the opportunity to review and comment on this proposal. If you have any questions or if you would like to discuss our comments, feel free to call or email me.

Holly Zafian
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518
Phone 907-267-2292
Fax 907-267-2859
Email holly.zafian@alaska.gov

From: Hindman, Julie [<mailto:jhindman@kpb.us>]
Sent: Wednesday, March 04, 2015 11:52 AM
To: integritysurveys@alaska.net; Fink, Mark J (DFG); Zafian, Holly K (DFG); Doehl, Lisa D (DOT); Kastner, Lorraine S (DOT); Simpson, Danika L (DOT); Horton, George C (DNR); Biloan, Joselyn (DOT); Rinke, Hans J (DNR); Cody Neuendorf (cneuendorf@homerelectric.com); Jennifer Diederich (Jennifer.Diederich@enstarnaturalgas.com); Byron Jackson; Bradley Beck; Dearlove, Tom; Russell, Pam; Malone, Patrick; Fuller, Karen; Knackstedt, Henry; Aldridge, Morgan; Curtis, Harmony; Carver, Nancy; Mattson, Stacey; Wall, Bruce; Henson, Carrie; Perkins, Wes
Subject: Sec Line Easement Vacation KPB 2015-021

Please find attached the notice for the Section Line Easement Vacation Associated with Carroll Martin No 2. KPB 2015-021. This SLE Vacation will be on the March 23, 2015 Planning Commission meeting. Please have comments to the Planning Department by March 17, 2015.