

Kenai Peninsula Borough
Planning Department

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Marcus Mueller, Acting Planning Director 

DATE: June 17, 2020

RE: Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right of way being vacated is developed with a driveway, but is not KPB maintained, and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V

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

During their regularly scheduled meeting of June 8, 2020 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of a portion of Wild Salmon Way cul-de-sac by unanimous vote based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

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

June 8, 2020 Planning Commission Draft Meeting Minutes
June 8, 2020 Agenda Item E1 Meeting Packet & Desk Packet Materials



Planning Department

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

Planning Commission

**Meeting Packet
for**

**June 8, 2020
7:30 p.m.**

**KENAI PENINSULA BOROUGH
ASSEMBLY CHAMBERS
144 NORTH BINKLEY ST.
SOLDOTNA, ALASKA 99669**

E. PUBLIC HEARINGS

- 1. Vacate approximately 200-foot-long Wild Salmon Way cul-de-sac adjacent to lots 1-A, 2-A, 14-A & 15-A Ninilchik River Estate Addition No. 1 (HM 91-71); KPB File: 2020-043V; Petitioners: Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman**

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining Lots 1-A, 2-A, 14-A, and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right of way being vacated is developed with a driveway, but is not KPB maintained, and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V

STAFF REPORT

PC Meeting: June 8, 2020

Purpose as stated in petition: The proposed area to be vacated is currently a driveway that serves lot 1-A. It is a single lane road not built to KPB Road standards. If the vacation is granted, Lot 1-A Lot 2-A will be replatted to be one lot. Lot 14-A and 15-A are accessed from Steelhead Ridge Road and not Wild Salmon Way.

Petitioners: Charlene McLean Trustee of Bruce and Charlene McLean Living Trust of Soldotna AK, and Christina M Hoffman of Homer, Alaska

Notification: Public notice appeared in the May 28, 2020 issue of the Homer News as a separate ad. The public hearing notice was published in the June 4, 2020 issue of the Homer News as part of the Commission's tentative agenda.

10 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 5 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 9 owners within 600 feet of the proposed vacation.

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

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik 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:

ACS: Comments not available when staff report was prepared.

ENSTAR: Comments not available when staff report was prepared.

Homer Electric Association: HEA has an underground electrical distribution line located within Lot 2-A and requests a 10 foot utility easement be granted centered on the existing underground line.

KPB Addressing: Comments not available when staff report was prepared.

KPB Planning: Comments not available when the staff report was prepared. Per KPB GIS data, there are no material site or local option zone issues associated with this vacation.

KPB River Center: Per KPB River Center review this vacation is located within a flood hazard area, Flood Zone A and X. The vacation is not located within a mapped flood way. Per KPB GIS data, the vacation is not located within the KPB anadromous habitat protection district.

KPB Roads Department: Comments not available when the staff report was prepared.

State Parks: No comments.

Staff Discussion: The proposed vacation will vacate approximate 200 feet of Wild Salmon Way cul-de-sac. This portion of Wild Salmon Way was dedicated by Ninilchik River Estates Addition No. 1 (HM 91-71). The dedication occurred as part of the vacation and redesign of the existing Wild Salmon Way. The original design was dedicated on Ninilchik River Estates (HM 85-104) and found on Ninilchik River Estates Amended (HM 86-12).

No utility easements have been requested to be vacated with this application. The utility easements per HM 91-71 and HM 86-12 still exist and will need to be shown on the right of way vacation plat.

The lots in the area have access from Garrison Ridge Road, off of Oil Well Road. Another access into the area is by Alice Avenue via Brody Road. East of the subdivision there is a portion of Alice Avenue that is not borough maintained to Foste McMann Road. Alice Avenue is borough maintained to Brody Road that comes off of Oil Well Road. Both Garrison Ridge Road and Brody Road cross the Ninilchik River which is an anadromous river. There are section line easements on both sides of the centerline for Alice Avenue.

If approved, a preliminary plat will need to be prepared by a licensed surveyor and submitted per KPB 20.25 to finalize the proposed right of way vacation. The Plat Committee will review the preliminary plat once reviewed by staff and scheduled for the first available meeting.

KPB 20.70 – Vacation Requirements.

Platting staff comments: Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:

20.70.050. Petition—Information required.

- A. A recorded plat may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of the majority of the land affected by the alteration or replat. A platted street may not be vacated, except on petition of the state, the borough, a public utility, or the owners of a majority of the land fronting the part of the street sought to be vacated. The petition shall be filed with the platting authority and shall be accompanied by a copy of the existing plat showing the proposed alteration or replat.

Platting Staff Comments: The owners of a majority of land fronting Wild Salmon Way cul-de-sac signed the petition to vacate application.

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: Staff has provided contour maps.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: A plat to finalize the right-of-way vacation has not been submitted at the time this staff report was prepared.

Staff recommendation: Submit a complete plat submittal for KPB review.

20.70.150. Title to vacated area.

- A. The title to the street or other public area vacated on a plat attaches to the lot or lands bordering on the area in equal proportions, except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the city if it lies within the city and to the borough if it lies within the borough outside a city. If the property vacated is a lot or tract, title vests in the rightful owner.

Platting Staff Comments: Per the sketch it appears that the portions being vacated will return to the lots from which the dedication came. It is stated that there is a driveway that is used for existing Lot 1-A. It will need to be determined if this will create an encroachment after the right of way is vacated.

Staff recommendation: *The plat to complete the vacation will need to show any encroachments and remedy the encroachment before final plat approval.*

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: The portion proposed to be vacated provides access for lots 1-A, 2-A, 14-A and 15-A. Combined lots 1-A and 2-A will front dedicated Alice Avenue and Garrison Ridge Road right of ways. Lot 14-A and 15-A also front dedicated Steelhead Ridge Road right of way. Per plat note 5 on Ninilchik River Estates Addition No. 1 (HM 91-71), Lots 14-A and 15-A are to only have access by Steelhead Ridge Road and Lots 1-A and 2-A are to have access via Wild Salmon Way. The vacation will comply with this plat note restriction.

Portions of Garrison Ridge Road, Wild Salmon Way, and Steelhead Ridge Road have been improved but are not borough maintained.

The dedication of equal or superior right of way will not be required to maintain the access for all lots in the area as this was already a closed road.

Staff recommendation: *To change the angle of the vacation to create a perpendicular angle for the intersection of Wild Salmon Way and Garrison Ridge Road so that a full 60 foot width remain for all right of ways.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: There is currently a 10 foot pedestrian walkway between Lots 13-A and 14-A. The vacation of Wild Salmon Way will not impact or change the access or availability of that pedestrian walkway.

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: The application does not request a vacation of utility easements. A 10 foot utility easement as granted per HM 86-12 and HM 91-71 will remain in place along the vacated right of ways. HEA is requesting a 10 foot utility easement centered on an existing underground distribution line.

Staff recommendation: *Determine if the requested easement is within the existing easement and if not grant a new easement as requested.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, staff recommends approval of the vacations as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by 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 20.70.110:

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.

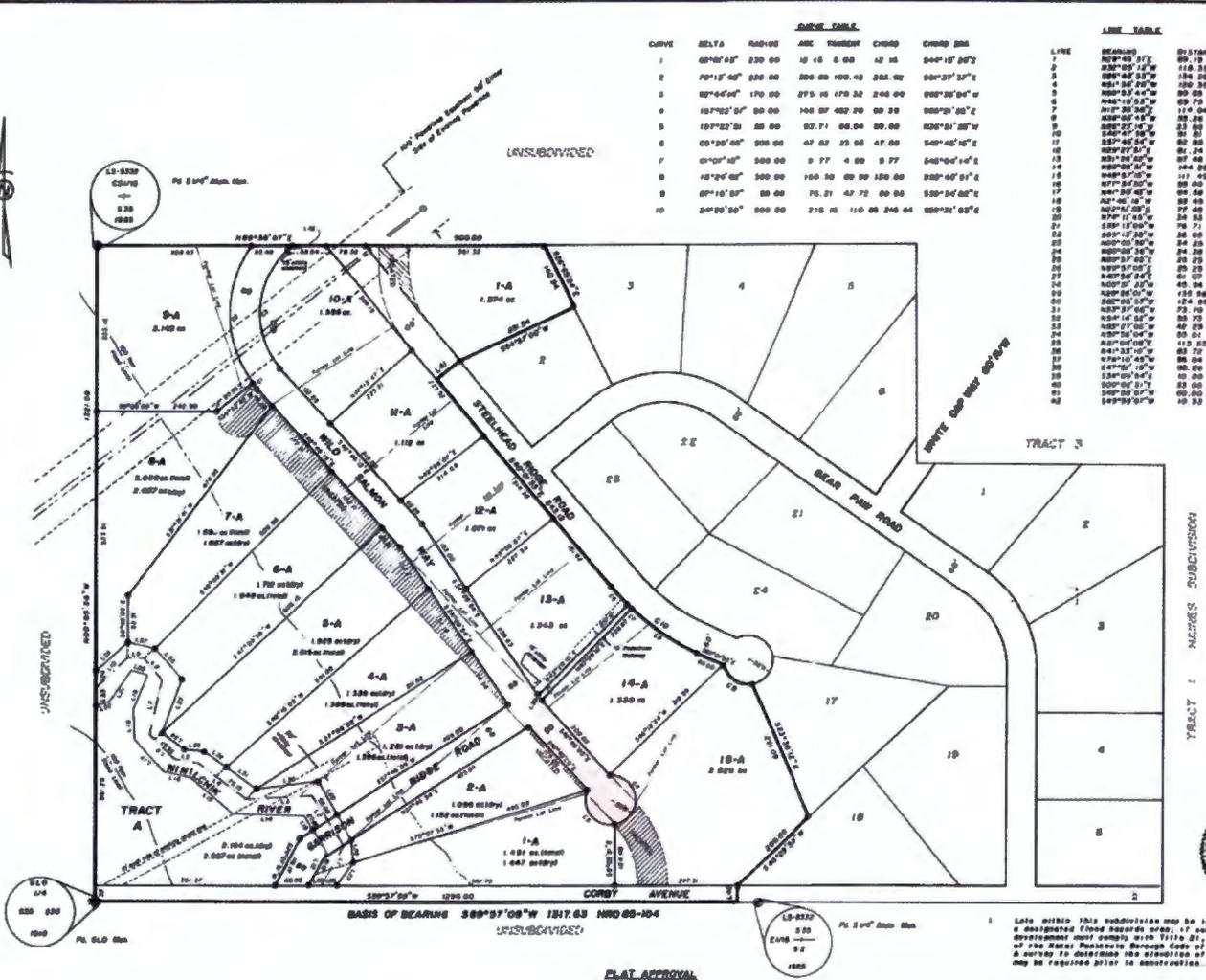
KPB 20.70.120:

- 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:

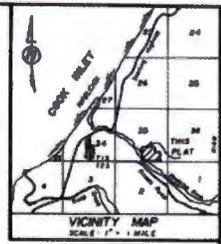
**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KP
B 20.70.110.**

END OF STAFF REPORT



CURVE TABLE						LINE TABLE	
CURVE	DELTA	CHORD	ARC LENGTH	CHORD BEARS	CHORD BEARS	LINE	BEARING
1	02°42'45"	230.00	30.16	0.00	12.16	1	N89°45'00"W
2	70°11'15"	330.00	300.00	100.40	265.00	2	S89°45'00"W
3	02°42'45"	170.00	275.16	170.32	200.00	3	N89°45'00"W
4	10°12'24"	50.00	100.00	40.00	30.00	4	S89°45'00"W
5	10°12'24"	50.00	100.00	40.00	30.00	5	N89°45'00"W
6	00°20'00"	500.00	47.00	25.00	47.00	6	S40°45'15"E
7	01°01'40"	500.00	9.77	4.00	9.77	7	S40°45'15"E
8	15°24'00"	500.00	100.00	60.00	120.00	8	S00°40'01"E
9	02°15'00"	500.00	76.21	47.72	60.00	9	S00°40'01"E
10	24°01'50"	500.00	210.10	110.00	240.00	10	S00°40'01"E

LINE	BEARING	DISTANCE
1	N89°45'00"W	110.35
2	S89°45'00"W	150.00
3	N89°45'00"W	100.00
4	S89°45'00"W	100.00
5	N89°45'00"W	100.00
6	S89°45'00"W	100.00
7	N89°45'00"W	100.00
8	S89°45'00"W	100.00
9	N89°45'00"W	100.00
10	S89°45'00"W	100.00
11	N89°45'00"W	100.00
12	S89°45'00"W	100.00
13	N89°45'00"W	100.00
14	S89°45'00"W	100.00
15	N89°45'00"W	100.00
16	S89°45'00"W	100.00
17	N89°45'00"W	100.00
18	S89°45'00"W	100.00
19	N89°45'00"W	100.00
20	S89°45'00"W	100.00
21	N89°45'00"W	100.00
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37	N89°45'00"W	100.00
38	S89°45'00"W	100.00
39	N89°45'00"W	100.00
40	S89°45'00"W	100.00
41	N89°45'00"W	100.00
42	S89°45'00"W	100.00



Certificate of Ownership and Dedication

I hereby certify that I am the owner of the real property above and described herein and that I hereby agree this plat of subdivision and to my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

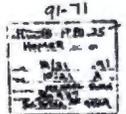
I further certify that deeds of trust affecting this property do not contain restrictions which would prohibit this plat, or require signature and approval of beneficiaries.

CLARK GARRISON
 P.O. Box 80
 Nihilchik, AK 99620

NOTARIAL ACKNOWLEDGMENT

Subscribed and sworn before me on this 14th day of August, 1991, for CLARK GARRISON.

NOTARY PUBLIC FOR ALASKA
 or commission expired



LEGEND

- Found Road
- Set 50' Road 10/10/80 Old
- Area subject to maintenance contract approval
- 100' Road 10/10/80 of 6/7/75, May 10, 1981

SHEET 2 SIGNATURE SHEET OF INTEREST ONLY

**NHILCHIK RIVER ESTATES
 ADDITION NO. 1**

RECONVEYANCE OF UNLICENCED ESTATES LOTS 1-18, BLOCK ONE, LOT 1, BLOCK TWO, TRACT A AND VACATION OF A PORTION OF WILD SALMON WAY AND STEELHEAD RIDGE ROAD.

OWNER: CLARK GARRISON
 P.O. BOX 80
 NHILCHIK, AK 99620

DESCRIPTION

30.75 ACRES SITUATED IN THE SW/4 CORNER, SECTION THREE (3), T16N, R10W, S1, AK, AND THE NHIK PENINSULA BOROUGH.

SWAN SURVEYING
 P.O. BOX 987
 SOLDOTNA, AK 99669
 PHONE 907/262-1014

Surveyed On: 10, 1991	Field Book: 80-80
Surveyed U.S.S.	Scale: 1" = 100'
N.P.S. File No. 2000	WATER RECORDS DISTRICT

MEMORANDUM Waterway treatment and disposal systems shall meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The Alaska Department of Environmental Conservation approves this subdivision for planning.

DATE: 8/14/91

PLAT APPROVAL

This plat was approved by the Nihilchik Borough Planning Commission on the 10th day of August, 1991.

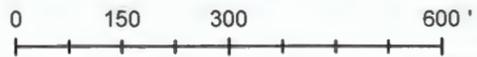
NHIK PENINSULA BOROUGH
 By: *William J. Taylor*
 Authorized Officer

- NOTES:**
1. Lots within this subdivision may be located within a designated flood hazard area. It shall be the owner's responsibility to comply with Title 21, Chapter 05 of the Nihilchik Borough Code of Ordinances, as amended, to determine the elevation of the property and be required prior to construction.
 2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 3. Building Setback - A setback of 20 feet is required from all street right-of-ways unless a lesser setback is approved by resolution of the Nihilchik Borough Planning Commission.
 4. Front 10 feet of building setback abutting all right-of-ways to site utility easement.
 5. Lot 18 - 18A restricted access to Steelhead Ridge Road and Lot 18, 18A & 18B access to Wild Salmon Way.



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.

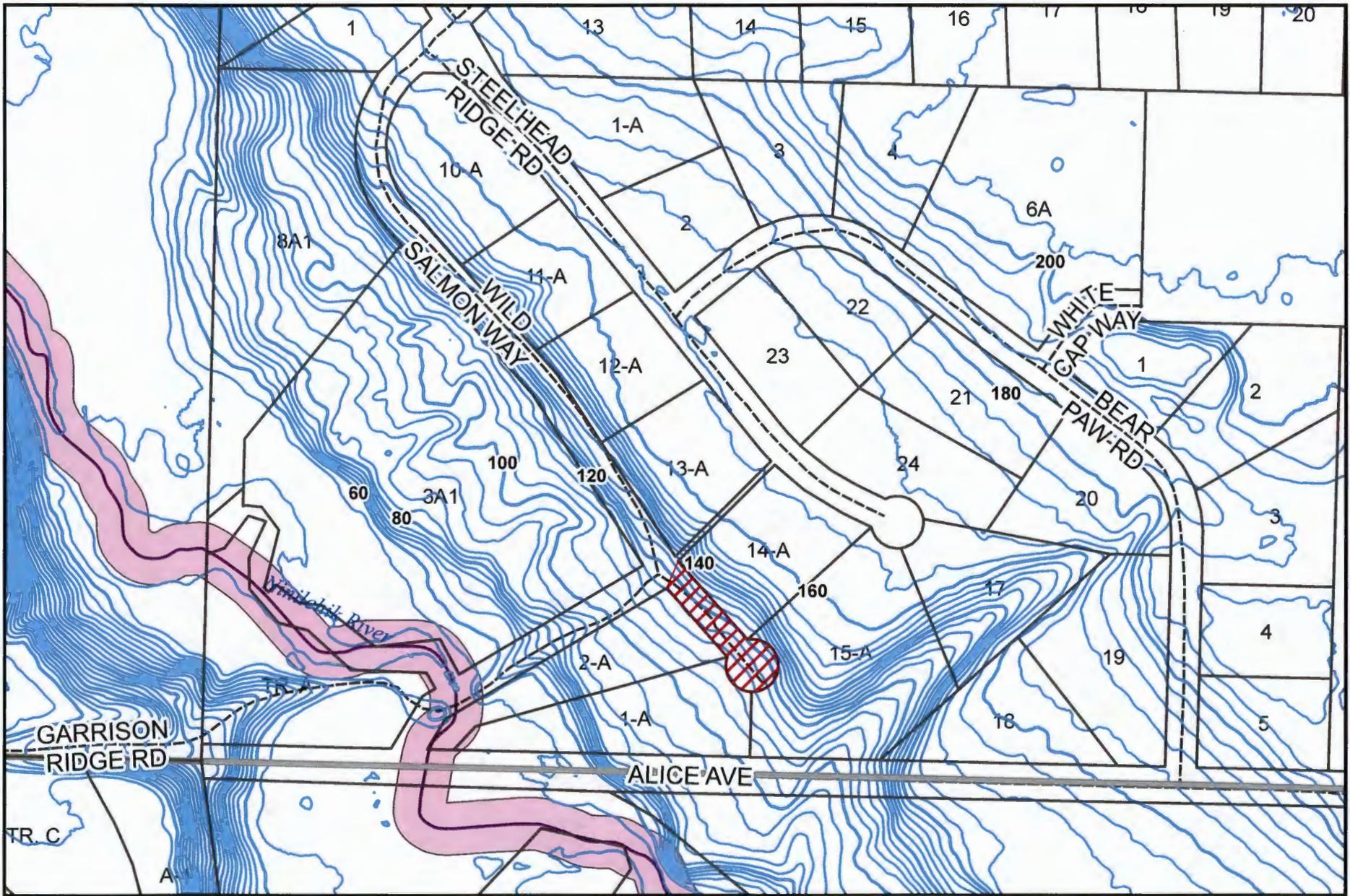
Aerial View



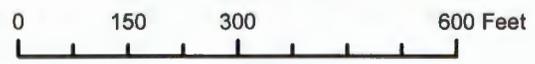
 Right of Way Vacation

PClements, KPB
 Date: 5/6/2020
 Imagery: 20162-2013 FixedWing

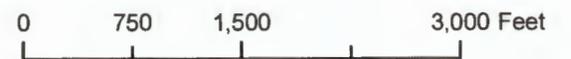
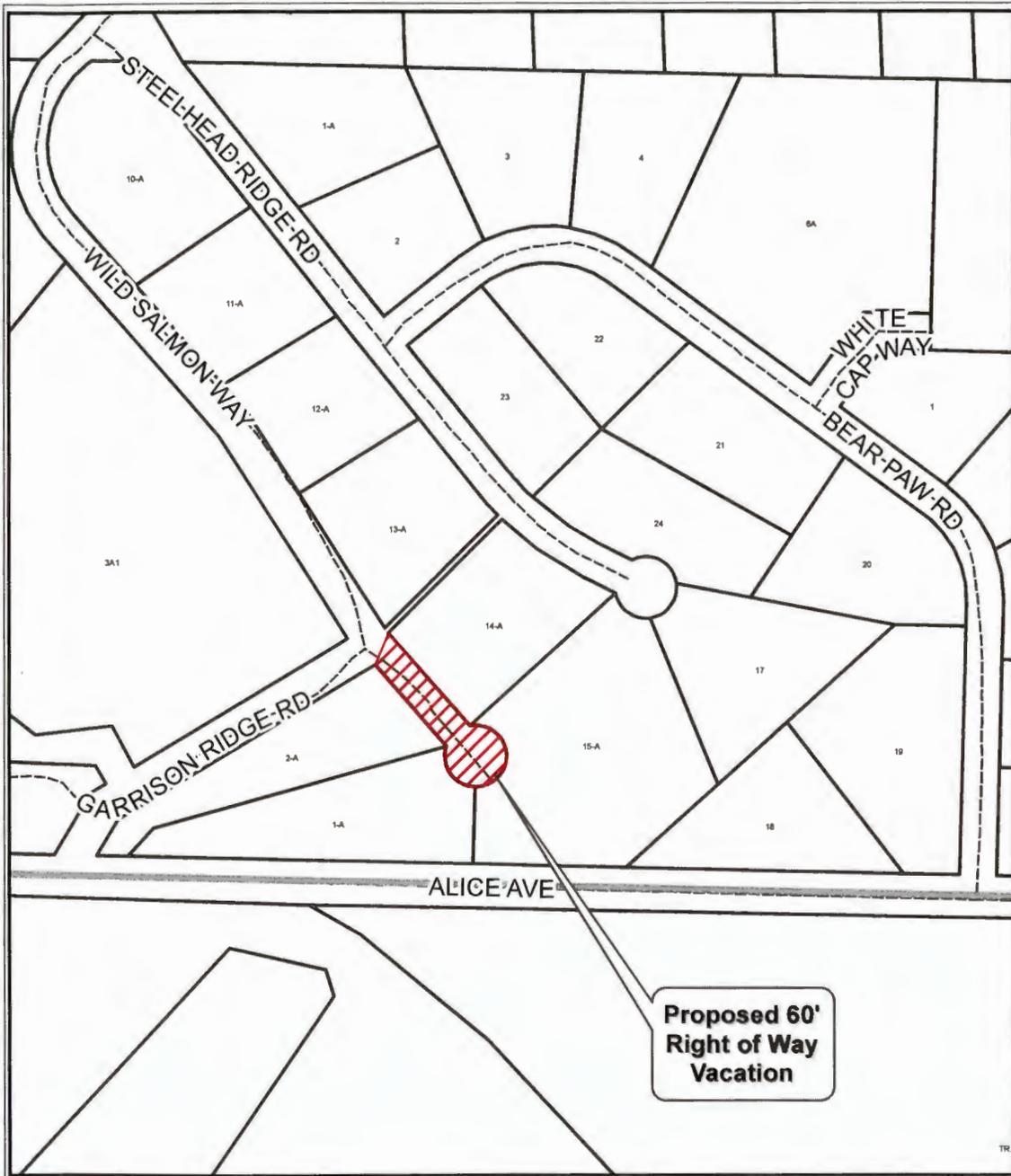
Contours



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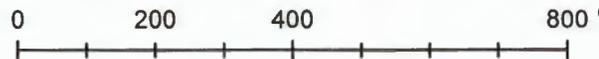
Date: 5/19/2020



KPB 2020-043V
T01S R14W S35
NINILCHIK



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PClements, KPB
Date: 5/6/2020



right of way vacation



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AERIAL IMAGERY - 2012



Date: 5/28/2020
S. Huff, KPB



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AERIAL IMAGERY - 2012



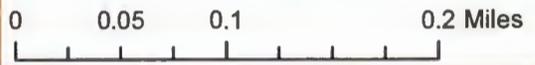
Date: 5/28/2020
S. Huff, KPB



RIGHT OF WAY VACATION



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AERIAL IMAGERY - 2012
4 FOOT CONTOUR INTERVAL



Date: 5/28/2020
S. Huff, KPB

KENAI PENINSULA BOROUGH
MEETING OF THE PLANNING COMMISSION
BOROUGH ADMINISTRATION BUILDING - SOLDOTNA, ALASKA

7:30 P.M. September 9, 1991

APPROVED MINUTES

AGENDA ITEM A. CALL TO ORDER

Chairman Hammelman called the meeting to order at 7:38 P.M.

Commissioners in Attendance

Phil Bryson	Kenai City
Leroy Gannaway	Homer City
John Hammelman	Areawide
Debra Horne	Kasilof, Areawide
Buzz Kyllonen	Anchor Point
Susan Mumma	Seldovia City
Ann Painter	Moose Pass, Areawide
Jodie Thomas	Soldotna City
Chester Thorne	Seward City

Borough Staff Present

Richard Troeger, Planning Director
Nancy Jungmann, Admin. Asst.

Others in Attendance

Jerry Anderson, Surveyor
Cliff Baker, Surveyor
Henning Johnson, Surveyor
Stan McLane, Surveyor
Mike Swan, Surveyor
Maurice Wilson, Surveyor
Sean McCroskey, Peninsula Archers
Dave Hopkins, Peninsula Archers

AGENDA ITEM B. APPROVAL OF REGULAR AGENDA AND
ADOPTION OF CONSENT AGENDA

MOTION: Commissioner Painter, seconded by Commissioner Mumma, moved to approve the regular agenda and adopt the consent agenda. There being no discussion or opposition, the motion carried.

Consent Agenda

1. Time Extensions
 - a) Mutch Gangle Tracts, Neptune Addition
KPB File 88-092

STAFF REPORT

PC Meeting: 9/09/91

Location: Homer East Road near East Hill Road within Homer City Limits

Prior time extensions have continued the 1988 conditional approval through October 10, 1991.

There do not appear to be any changes in the area of a nature that would affect proposed subdivision.

City of Homer has been advised of the extension request.

STAFF RECOMMENDATIONS: Grant a time extension through October 10, 1992.

END OF STAFF REPORT

Those individuals filing the complaints have twenty (20) days after receiving the Director's Decision to appeal to the Planning Commission. As of this date, there have been no responses received by the Planning Department regarding appeals.

END OF STAFF REPORT

AGENDA ITEM C. COMMISSIONERS EXCUSED ABSENCES

1. Keith Hursh

MOTION: Commissioner Bryson, seconded by Commissioner Painter, moved to approve the above listed commissioner as excused. Hearing no discussion or opposition, the motion carried.

AGENDA ITEM D. APPROVAL OF MINUTES

1. August 19, 1991

MOTION: Commissioner Horne, seconded by Commissioner Thomas, moved to approve the minutes of the August 19, 1991 meeting as submitted. There being no discussion or opposition, the motion carried.

AGENDA ITEM E. PUBLIC PRESENTATIONS WITH PRIOR NOTICE

None

AGENDA ITEM F. PUBLIC HEARINGS

1. Petition to vacate portions of Wild Salmon Way adjacent to Lots 1 thru 16, Block 1, AND vacate portion of Steelhead Ridge Road lying between Lot 10, Block 1 and Lot 1, Block 2, Ninilchik River Estates Subdivision Amended (plat 86-12 HRD) AND vacate associated utility easements. Rights-of-way were dedicated and easements granted by filing of Ninilchik River Estates Subdivision (plat 85-104 HRD). Being within Section 35, Township 1 South, Range 14 West, Seward Meridian, Homer Recording District, Alaska [Alternative right-of-way and utility easements are being dedicated and granted by Ninilchik River Estates Addition No. 1]
KPB File 91-101

Staff report as read by Dick Troeger: PC Meeting 9-09-91

Petitioner(s): Clark Garrison of Ninilchik, Alaska

Purpose as stated in petition: Adjusting platted right-of-way to match constructed roadway.

This public hearing was advertised twice in the Peninsula Clarion.

Ten certified mailings were sent to owners of property within 300 feet; and to other interested parties. All receipts have been returned.

Statement of non-objection from Homer Electric Association and Telephone Utilities of The Northland.

Alaska Department of Fish and Game states "The ADF&G has no objection to this proposal to vacate the subject rights-of-way provided the new rights-of-way and easements are dedicated and remain public."

No statements of objection received.

Findings of Fact

1. Sufficient alternative easements and rights-of-way are being granted and dedicated by replat. (Ninilchik River Estates Addition No. 1)

2. No surrounding properties will be denied access or utilities.
3. Preliminary plat showing proposed vacation and alternative dedication scheduled for Commission review and action this meeting.

STAFF RECOMMENDATIONS: Approve vacation of portions of Wild Salmon Way, Steelhead Ridge Road and associated easements as requested; subject to the following conditions:

1. Submittal of final plat within one year of vacation approval.
2. The Kenai Peninsula Borough Assembly has thirty days in which they may veto Planning Commission approval of the vacation.

IF VACATION IS DENIED, PETITIONER HAS EIGHT CALENDAR DAYS IN WHICH TO APPEAL THE PLANNING COMMISSION DENIAL. WRITTEN APPEAL MUST BE SUBMITTED TO BOROUGH CLERK IF PROPOSED VACATION IS WITHIN BOROUGH; OR TO APPROPRIATE CITY CLERK IF PROPOSED VACATION IS WITHIN CITY LIMITS.

END OF STAFF REPORT

Chairman Hammelman opened the public hearing for comment. There being no one wishing to testify, the public hearing was closed and opened for discussion among the commissioners.

MOTION: Commissioner Gannaway, seconded by Commissioner Thorne, moved to approve vacation of portions of Wild Salmon Way, Steelhead Ridge Road and associated easements as requested subject to staff recommendations.

VOTE: A roll call vote was taken with all commissioners present voting yes. The motion passed unanimously.

AGENDA ITEM G. SPECIAL CONSIDERATIONS

1. Title 20 - Exception Requests
 - a) Longmere Estates, Gagnon Addition - 20.16.155 Exception KPB File 91-090

Staff report as read by Dick Troeger: PC MEETING: 9/9/91

Location: Sterling Highway north of Longmere Lake

A request to waive requirement that beneficiary to a Deed of Trust sign the plat has been received.

This is a simple replat showing the right-of-way taken by the Department of Transportation and combining the remainder into one tract.

Both former lots are affected by the same Deed of Trust. Subdivider is not necessarily subdividing by choice; but as a result of the Highway take.

STAFF RECOMMENDATIONS: Grant the requested exception, thereby approving the plat for filing without the signature of the beneficiary to the Deed of Trust.

END OF STAFF REPORT

MOTION: Commissioner Bryson, seconded by Commissioner Thorne, moved to grant the requested exception subject to staff recommendations. Hearing no discussion or opposition, the motion carried.

If there is no annexation; the lots will be considered substandard, not meeting requirements for on-site water and sewer. Additionally, right-of-way width will not meet Ordinance requirements. Redesign will be required.

Coastal Management Consistency Review states - consistent with Coastal Management Plan.

Proposed subdivision appears to be within Flood Hazard Zone. Development may be subject to requirements of Chapter 21, Borough Code of Ordinances. Note to appear on final plat per Resolution 87-13. If annexed prior to filing of plat; note will not appear on plat; however study identifying flood plain is to be referenced.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. No additional preliminary information required.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

2. If annexed, provide Improvement Installation Agreement from City; or letter that agreement is not required.
3. Provide or correct dedication and/or approval statement(s) with notary's acknowledgement as needed.
4. Survey and monumentation to meet Ordinance requirements.
5. Conform to conditions of KPB Planning Commission Resolution 78-6.
6. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
7. Compliance with Ordinance 90-38 (Substitute) - Ownership.
8. Compliance with Ordinance 90-43 - Easement definition.

END OF STAFF REPORT

MOTION: Commissioner Thorne, seconded by Commissioner Gannaway, moved to grant approval of preliminary plat subject to staff recommendations and conditions.

Discussion occurred centering on annexation possibilities emphasizing that if it is not annexed, proposed plat will not meet Borough requirements and redesign will be required.

VOTE: A roll call vote was taken with all commissioners present voting yes. The motion to grant approval passed unanimously.

AGENDA ITEM H. CONSIDERATION OF PLATS

5. **Ninilchik River Estates Addn. No. 1 (Preliminary)**
KPB FILE 91-101

Staff report as read by Dick Troeger: PC Meeting 9-09-91

Location: Ninilchik River approximately 1 mile easterly of Sterling Highway
Use: Residential
Zoning: Unrestricted
Sewer/Water: On-site

Supporting Information: A replat of Lots 1 thru 16, Block 1; Lot 1, Block 2; and Tract A; Ninilchik River Estates Subdivision. The replat will eliminate one lot; dedicate right-of-way between Lots

2 and 3; provide a ten foot pedestrian easement between Lots 13 and 14; as well as accomplish the vacation and dedication of portion of Wild Salmon Way and Steelhead Ridge Road.

Corby Avenue along south is prior dedication.

Public hearing on right-of-way and associated utility easement vacation scheduled for September 9, 1991.

Proposed dedication between Corby Avenue and Wild Salmon Way crosses Ninilchik River as well as what appears to be low marshy lands. Demonstrate that right-of-way is readily constructable. Corps of Engineers permits may be required for construction of right-of-way.

Proposed subdivision appears to be within Flood Hazard Zone. Development may be subject to requirements of Chapter 21, Borough Code of Ordinances. Note to appear on final plat per Resolution 87-13.

Coastal Management Consistency Review states - Lots 1-8 have potential for development of wetlands and flood plain. Special permitting may be required.

An exception to 20.20.180 - 3:1 depth to width ratio would be required for lots bordering river. Due to terrain, staff recommends granting the exception.

Lots between Wild Salmon Way and Steelhead Ridge Road; now less than 250' deep; are double frontage lots. Note to be on final plat restricting these lots to one access point.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

1. Final approval of requested vacation.

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

2. Correct or add to legal description/location/area. Include reference to Tract A as well as the vacations.
3. Provide name/address of owner(s).
4. Provide north arrow.
5. Provide date of this survey.
6. Show existing streets with name and width.
7. Identify adjacent land status.
8. Indicate approximate location of area subject to inundation by storm or tidal flooding. If applicable, city study identifying flood plain.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

9. Revise lot and/or block numbering. 1-A, 2-A, etc.
10. Identify existing easements and label use; or cite record reference.
11. Survey and monumentation to meet Ordinance requirements.
12. Conform to conditions of KPB Planning Commission Resolution 78-6.
13. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
14. Compliance with Ordinance 90-38 (Substitute) - Ownership.

END OF STAFF REPORT

MOTION: Commissioner Painter, seconded by Commissioner Thomas, moved to grant approval of preliminary plat subject to staff recommendations.

Commissioner Bryson asked if the roads were already constructed.

Mike Swan, surveyor, responded the roads are constructed and there is a bridge across the river.

VOTE: There being no further discussion or opposition, the motion carried.

AGENDA ITEM H. CONSIDERATION OF PLATS

6. Baron Park Subdivision Addn. No. 9
KPB FILE 91-103

Staff report as read by Dick Troeger: PC Meeting 9-09-91

Location: Corner of Marathon Rd. and Kenai Spur Hwy. in the City of Kenai

Use: Commercial

Zoning: General Commercial

Sewer/Water: City

Supporting Information: This replat creates a 3.04 acre lot from two existing smaller lots. There is a 15 foot utility easement associated with the lot line that is being removed. Petition to vacate the utility easement is forthcoming. The intent is to accomplish the vacation with the filing of the plat.

The surveyor states that the purpose of this replat is to allow for the expansion of the existing building. This expansion would create an encroachment upon the existing lot line. The replat will allow for the expansion with no encroachments.

The KPB Coastal Management Consistency Review finds that this plat is consistent with the Coastal Management Plan.

Advisory Planning Commission granted preliminary approval on August 28, 1991.

STAFF RECOMMENDATIONS: Grant approval of preliminary plat subject to any above recommendations and the following conditions:

REVISE OR ADD TO THE PRELIMINARY PLAT IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN KPB 20.12 AS FOLLOWS:

1. Revise subdivision name. Title block should indicate that this is a Replat of Lots 2-A and 2-B.
2. Provide name/address of owner(s).
3. Provide date of this drawing.
4. Show width of Kenai Spur Highway.
5. Vicinity Map. Show Kenai City Limits.

ADDITIONAL REQUIREMENTS FOR ADMINISTRATIVE APPROVAL OF FINAL PLAT IN ACCORDANCE WITH TITLE 20:

Chapter 20.16 - Final Plat Contents:

6. Provide Improvement Installation Agreement from City; or letter that agreement is not required.
7. Revise lot and/or block numbering. New lot is 2-A-1.
8. Remove utility easement line outside of subdivision boundary.
9. Former lot line should be dashed.
10. Conform to conditions of KPB Planning Commission Resolution 78-6.
11. State of Alaska, Department of Environmental Conservation requires their approval on final plat and recorded instruments in accordance with 18AAC Chapter 72 Article 3 (adopted 6-30-90).
12. Compliance with Ordinance 90-38 (Substitute) - Ownership.

END OF STAFF REPORT

James L. Alexander, DVM, MPVM

2414 11th Ave

Canyon, TX 79015

806-341-5300

To Whom It May Concern:

My wife and I own the lot at 15661 Steelhead Ridge Road in Ninilchik River Estates (NRE) on which we anticipate building a home this year. However, the condition of the Garrison Ridge Road bridge and Alice Lane have created obstacles and also cause concern regarding our investment in a structure within the NRE.

The proposal to improve Alice Avenue and to build a new bridge are welcome signs of progress. However, these now depend on rejection of Mclean/Hoffman petition for the vacation of an essential right-of-way. We believe it is important to maintain two ingress/egress points for the subdivision. Having only one could easily create a potential choke point in an emergency, such as a wildfire, major earthquake, etc. thereby limiting emergency access to the residents of the subdivision.

The following factors need to be considered for the safety and provisions of services to the tax paying citizens residing here when weighing the petition:

1. The importance of the fire and/or ambulance service being able to respond to structure, grass, forest wildfires or medical emergencies within the subdivision in a timely manner with the shortest route possible, and to have access in the event one entry point is blocked;
2. The accessibility of other important services relied upon by the residents, such as fuel deliveries, courier service deliveries of critical medical supplies, etc.
3. The potential adverse effect on property values if road and bridge improvements are not made.

As property owners in the Ninilchik River Estates we **strongly oppose** the Mclean/Hoffman petition to vacate the right-of-way between their properties.

Sincerely,

The image shows two handwritten signatures in black ink. The top signature is for James L. Alexander and the bottom signature is for Pamela A. Alexander. Both signatures are written in a cursive, flowing style.

James L. and Pamela A. Alexander

To: Kenai Peninsula Borough Planning Commission

Attached is a copy of our agreement to the Ninilchik River Estates Home Owners Association (NREHOA) Petition to Deny the Request to Vacate the ROW on Wild Salmon Way. We are members of the NREHOA and own the property at 15755 Morning Lori Street (parcel #15706430). We are both in high-risk categories for the Covid-19 and will not attend the Planning Commission Meeting on June 8, 2020. We will try to attend via Zoom. We have reviewed materials relevant to this ROW issue and have considered the following:

1. Our property is part of the Ninilchik River Estates Subdivision Forrest Park Addition, Plat 98-42 (May 11, 1998). At that time there were two access routes to the property: 1) From the Tesoro Station on the Sterling Highway along Oil Well Road to Garrison Ridge Road to Wild Salmon Way. The Garrison Ridge Road has a bridge across the Ninilchik River. Distance ~1.85 miles. 2) From the Tesoro Station on the Sterling Highway along Oil Well Road to Brody Road to Alice Avenue to Bear Paw Road to Steelhead Ridge Road to Wild Salmon Way. Brody Road has a bridge across the Ninilchik River. Distance ~5.98 miles. Both routes were substandard in 2017 when we bought the property.
2. Approximate history of NRE Subdivision: Our research into the records of the Ninilchik River Estates subdivision has been limited due to the Covid-19 pandemic. Using plats posted online by the KPB and oral history via property owners, we have concluded that the NRE Subdivision was developed approximately in these several stages:
 - A. Original access to the subdivision was via a ROW on Wild Salmon Way and a ROW on Bear Paw Road that each connected to Alice Avenue, a.k.a. Corby Avenue, via Brody Road. Plat 85-104 (5/6/85), amended by Plat 86-12 (1/16/86). Initially lots in Blocks One, Two and Three were offered for sale. A proposed Alice Avenue bridge would cross the Ninilchik River to provide a second link with Oil Well Road in the future.
 - B. The developer/landowner, Clark R. Garrison, was anxious to subdivide and decided not to wait for the Alice Avenue bridge to be constructed. [We suspect that improved access to Ninilchik River Estates Add, No. 2 Plat 96-23 (3/25/96) and potential subdivision of Ninilchik River Estates Forrest Park Plat 98-42 were major factors] Sometime between 1986 (Plat 86-12) and 1991 (Plat 91-71) the Garrison Ridge Road (across Tract A of Plat 86-12) and a bridge across the Ninilchik River were constructed. No as-built drawings of the bridge were filed with the U.S. Corps of Engineers.
 - C. A new Plat 91-71, Ninilchik River Estates Addition No. 1 (9/9/91) re-divided Lots 1-16 Block One, Lot 1 Block Two and Tract A of Plat 86-12. Lots 1A, 2A and 3A of Block One were re-divided to connect the Garrison Ridge Road bridge to Wild Salmon Way. The 'as-built' roadway across Lots 15A, 1A to 8A Block One and Lot 1A Block Two were vacated. This plat also indicates that the portions of the existing Wild Salmon Way "road" (not the 60' ROW) lying between Lots 1 and 16 (Plat 86-12) were vacated and replaced by a 50' road and cul-de-sac. We have not been able to find a record, such as a title, documenting the terms of any agreement to vacate the Wild Salmon Way ROW as originally drawn on Plat 86-12.
 - D. The Ninilchik River Estates Add, No. 2 Plat 96-23 was approved 3/25/96.
 - E. The Ninilchik River Estates Subdivision Forrest Park Addition, Plat 98-42 was approved 5/11/98.

3. Status of current access: Primary access to NRE properties continues to be via Garrison Ridge Road and Bridge. However, by letter of August 12, 2018 property owners were notified by NREHOA of an emergency need for bridge repair. The Ninilchik River had undercut a bridge pier and abutment impacting bridge's structural integrity. The bridge was posted with an 8-ton load limit because of these structural problems. Bridge damage was exacerbated by the 11/30/18 earthquake. Subsequent engineering investigations have revealed that "The bridge has design deficiencies such as the span, the elevation of the bridge above the river, the location, the angle of the river at the bridge site, and the hills at either end of the bridge are too steep to safely maintain." (Arnold E. Mason, 2020 Proposed Alice Avenue Project). In the summer of 2019, frequent extreme violations of the bridge's posted load limit occurred. In its current condition, the bridge poses a significant potential hazard to the public, the Ninilchik River fishery and to the general environment and may warrant closure.

Alternative access to the NRE is via Alice Avenue to Bear Paw Road to Steelhead Ridge Road to Wild Salmon Way. These are substandard roadways and are frequently impassable under winter or springtime conditions.

4. Foreseeable changes to access: In the near future we anticipate that one of three scenarios for the Garrison Ridge Road Bridge will occur:
- Extreme violations of the posted load limits for the bridge will continue and a catastrophic bridge failure will result.
 - Alaska DNR and/or the KPB and/or the USACOE will condemn and close the bridge as a threat to public safety and the environment.
 - To reduce its legal exposure, the NREHOA may close the bridge to all vehicular traffic or modify physical access to the bridge deck to allow only pedestrian or size-limited ATV/UTV crossings.

Access to the Ninilchik River Estates would be restricted to a single point of entry via Bear Paw Road.

5. Kenai Peninsula Borough regulations provide at: "20.70.170. Vehicular access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. **Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.**" [emphasis added].

6. We are opposed to the Mclean/Hoffman petition to vacate the "200 foot long Wild Salmon Way cul-de-sac" until several questions are resolved:
- Prior to the construction of the Garrison Ridge Road Bridge the Wild Salmon Way ROW provided access to Alice Avenue between Lots 1 and 18 on Plat 813-12. We find it curious that the Wild Salmon Way cul-de-sac was platted at all on Plat 91-71. What is its ownership status? Is it a legal subdivision ROW or an 'as-built' private driveway? If the latter, it should only appear on 'plot plans' filed with the KPB. If it is a ROW, why was its width reduced to 50' from 60'? Why was the ROW not terminated at its intersection with Garrison Ridge Road on Plat 91-71? Who has the legal right to vacate the current cul-de-sac? We have a driveway built across a subdivision ROW. Are we entitled to vacate that portion of the ROW that is crossed by the driveway?

The petition to vacate itself suggests to us that the cul-de-sac is a ROW recorded in the title to the property. So, who owns the ROW and is entitled to vacate it?

- B. What is the status of the southernmost ~125' of the ROW platted on Plat 86-12? Who "owned" this portion of the Wild Salmon Way ROW when Plat 91-71 was approved? Who had the right to vacate?
7. We think that it would be premature to vacate any portion of the Wild Salmon Way cul-de-sac before its legal status is established. We support the NREHOA project proposal to replace the Garrison Ridge Road and Bridge with an Alice Avenue upgrade and new multiplate crossing of the Ninilchik River. We believe that given the condition of the Garrison Ridge Road Bridge, this project is the most reasonable and essential plan for public safety, protection of the Ninilchik River fishery and the general environment. Negotiations between the NREHOA and the petitioners (if necessary) will only be complicated if the KPB Planning Department approves the petition before all parties stipulate to a common understanding of the legal status of the Wild Salmon Way ROW.

Robert and Susan Gal

From: Arnold E Mason
Sent: Thursday, June 4, 2020 1:17 PM
To: Brenda Ahlberg; Brent Johnson
Subject: Garrison Ridge Road Bridge over the Ninilchik River Closure

We met with Andrea Grace Huhndorf, Ninilchik, Assistant Chief, Ninilchik Emergency Services (NES), this morning to discuss the June 8 public hearing to vacate public right of Way on Wild Salmon Way. Without the extension of Wild Salmon Way through the current ROW, the Ninilchik River Estates (NRE) will be left with only one entrance/exit.

Grace hopes that both she and Dave Bear, Chief of (NES,) will attend the public hearing. She states that NES access to NRE will take 25 minutes or more depending on weather conditions. It is possible that they will not be able respond at all.

Grace has since texted 911 dispatch that all NES apparatus,, including ambulance, must use Brody Road to Alice Avenue to Bear Paw Rd to access Garrison Ridge subdivision aka NRE. This means that NES refuses to use the Garrison Ridge Road bridge to service NRE.

We are in the process of closing the bridge. Hopefully the Community Development Block Grant will become active again soon.

NER, Executive Team
Arnold Mason, President
Diane Wilson, Vice President
Jody Michaeli, Treasurer/Assistant Secretary
Helena Bock, Secretary

Sent from [Mail](#) for Windows 10

6/1/2020

Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, AK 99669

Attention: Peggy Clements

Re: Mclean/Hoffman Petition to Vacate Right of Way

Dear Peggy,

I have lived in Ninilchik River Estates for 24 years. I have built my home and I am raising my family here. As of this time we do not have Borough maintained roads. I have been heavily involved in our road maintenance, brush removal, snow plowing and other aspects of upkeep in our subdivision. We are year round residents of Ninilchik River Estates and depend on having good year round access for not only us but all the services including fuel delivery, emergency vehicles, and more.

The petition brought forth to vacate the right of way works in complete opposition to the needs of the year round residents in the subdivision and by far the majority of the property owners. Clearly the reason that right of way was put there in the first place was to provide a future access point to serve our little community. Our hope is to have Alice Road extended and a new bridge installed for better access from Oilwell Road all the way to Brody Road. While this is in the planning stage it looms as a strong possibility. The right of way in question is an integral part of this future plan. It will give our 60 plus property owners a vital access. This access will be crucial in case of wild fire or other emergency, but, also for building material delivery, fuel delivery, and of course emergency vehicle/ambulance access.

Because of the issues expressed above I, as a year round resident, vehemently oppose the vacation of this right of way.

Thank you for your consideration.

Sincerely

Rod Van Saun
PO Box 39622
15677 Steelhead Ridge Rd
Ninilchik, Alaska 99639

907-953-6524

Clements, Peggy

From: Don Yagura <dcyagura@gmail.com>
Sent: Tuesday, June 02, 2020 8:14 AM
To: Clements, Peggy
Subject: <EXTERNAL-SENDER> Deny the request to vacate the right-of-way on Wild Salmon Way in Ninilchik

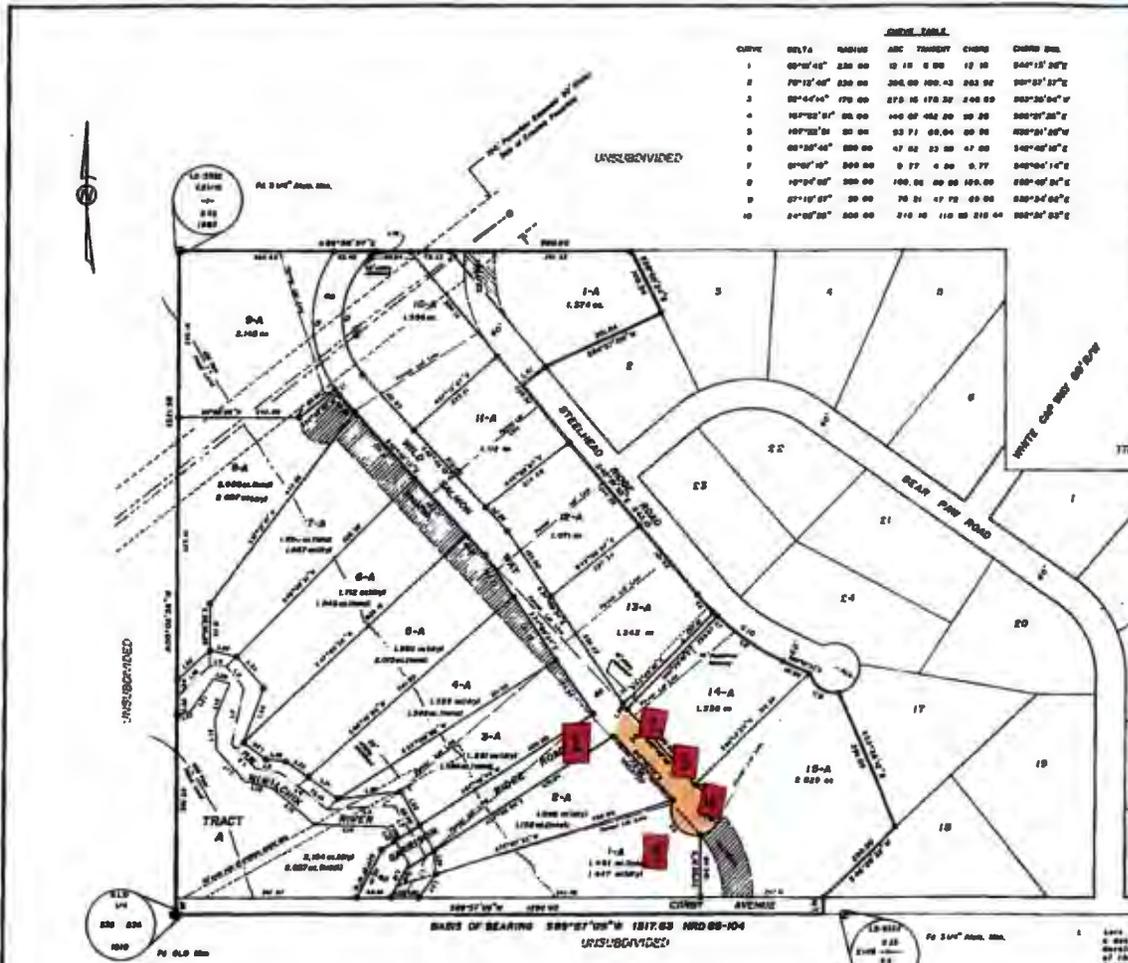
CAUTION: This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Ms. Clements, my name is Don Yagura, and I am a property owner of three lots in the Ninilchik River Estates, including on the aforementioned Wild Salmon Way as well as nearby Steelhead Ridge. I am concerned about the pending request on behalf of the Bruce and Charlene McLean Living Trust to vacate the right-of-way on Wild Salmon Way involving lots 1-A, 2-A, 14-A & 15-A, and would respectfully seek to deny this request for the reasons stated below. I feel, as do other Ninilchik Estate property owners, that this existing right-of-way is still needed in case of not only emergency, but provides access for other essential services. A potential wildlife is a realistic scenario for example. This Wild Salmon right-of-way is also needed for the proposed Alice road project as an access and/or emergency route. Please do not hesitate to contact me should you have any questions or concerns, or if you might need any additional details I can provide.

Sincerely,

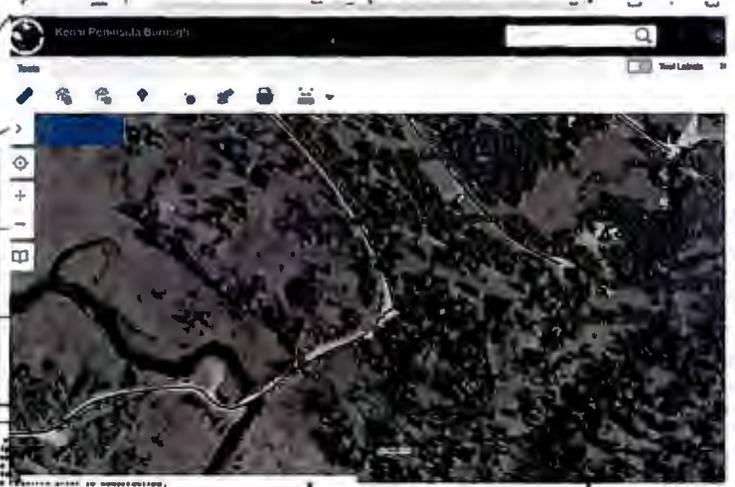
Don Yagura, JD
dcyagura@gmail.com

Sent from my iPhone



CURVE TABLE

CURVE	BEARING	CHORD	ARC	TANGENT	CHORD	CHORD BEAR.
1	00°00'00"	200.00	10.10	0.00	10.10	000°00'00"
2	70°12'00"	200.00	200.00	100.43	200.00	000°00'00"
3	00°44'00"	170.00	275.15	170.32	200.00	000°00'00"
4	10°12'00"	00.00	100.00	00.00	100.00	000°00'00"
5	10°12'00"	00.00	03.71	00.04	00.00	000°00'00"
6	00°30'00"	00.00	47.02	23.00	47.00	100°00'00"
7	00°00'00"	200.00	0.77	0.00	0.77	000°00'00"
8	10°12'00"	200.00	100.00	00.00	100.00	000°00'00"
9	00°10'00"	00.00	70.01	47.70	00.00	000°00'00"
10	00°00'00"	200.00	0.10	10.10	0.10	000°00'00"



UNSUBDIVIDED EMPHASIS: This plat and all subsequent treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation. The Alaska Department of Environmental Conservation approves this subdivision for platting.

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Committee at the meeting of June 2, 2020.

KENAI PENINSULA BOROUGH
By: *[Signature]*
Authorized Official

- NOTES:**
1. Lot 1 is a portion of the SW/4 of Section 24, T18N, R14W, S4R, AC and the same Peninsula Borough.
 2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 3. Building setback - A minimum of 20 feet is required from all street right-of-ways unless a lesser setback is approved by resolution of the appropriate Planning Commission.
 4. Front 10 feet of building setback abutting all right-of-ways is also utility easement.
 5. Lots 10A - 10B reserved under the Steelhead Road and Lot 10, 2A & 2B under the White Cap Way.

ALERT: ADAMS ACQUIRED IN THE SW/4 OF SECTION 24, T18N, R14W, S4R, AC AND THE SAME PENINSULA BOROUGH.

SWAN SURVEYING
P.O. BOX 987
EGLINTON, AK. 99569
PHONE: 907-242-1034

DATE: JUN 02, 2020	FILE NO: 2020
DRAWN BY: A.S.	SCALE: 1" = 100'
P.L.S. FOR: [Blank]	HOODS RECORDING DISTRICT

KPB File 2020-043V

KPB File 2020-043V



KPB File 2020-043V



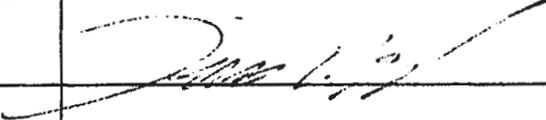
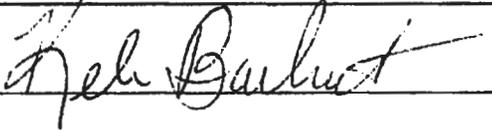
**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Tim Barnhart		5/29/20
Keli Barnhart		5/29/20

PARCEL #'S OWNED – 15706434, 15706435

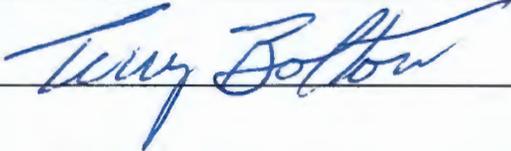
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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Terry Bolton		5-31-20

PARCEL #'S OWNED – 15706357

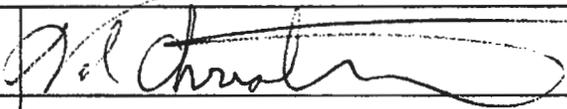
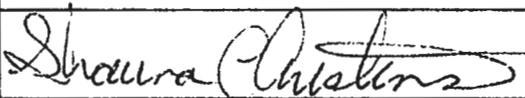
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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

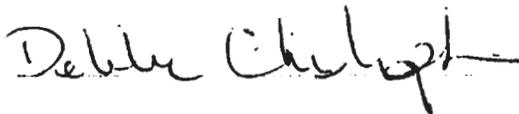
DATE

Val Christensen		6/1/2020
Shauna Christensen		6/1/2020

PARCEL #'S OWNED – 15706315

PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Larry Christopher 15382 Wild Salmon Way Ninilchik, AK, 99639		6-2-20
Debbie Christopher 15372 Wild Salmon Way Ninilchik , AK 99639 Ninilchik		6-2-20

PARCEL #'S OWNED – 15706411

**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Robert Clayton	<i>Robert Clayton</i>	<i>June 3, 2020</i>
Diane Clayton	<i>Diane Clayton</i>	<i>6-3-20</i>

PARCEL #'S OWNED – 15706364

PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

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PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE

Mark Elf	<i>Mark Elf</i>	5/28/2020
Nancy Elf	<i>Nancy Elf</i>	5/28/20

PARCEL #'S OWNED – 15706421

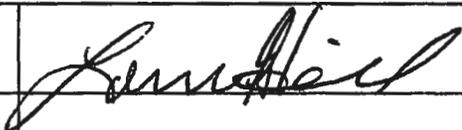
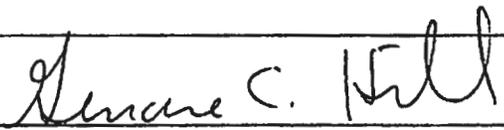
**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Loren Hill		29 May 2020
65114 Forest Park Ave, Ninilchik, AK 99639		
Genanne Hill		
65114 Forest Park Ave		5/29/2020

PARCEL #'S OWNED – 15706422

**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

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PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE

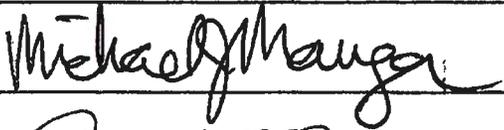
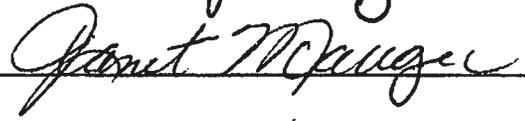
Arnold Mason	<i>Arnold E Mason</i>	<i>6/4/20</i>
Joan Mason	<i>Joan Mason</i>	<i>6/4/20</i>

PARCEL #'S OWNED – 15706412, 15706416, 15706417, 15706418, 15706419

**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

This petition is to STOP the ROW (right of way) on Wild Salmon Way Cul-de-sac, adjoining lots 1A, 2A, 14A, and 15A, of Ninilchik River Estates Addition 1 (HM 91-71) from being VACATED as proposed by Bruce and Charlene McLean Living Trust of Soldotna, AK, along with Christina M. Hoffman of Homer, AK. This ROW is needed for access to our proposed road project, "Alice Avenue over Ninilchik River to Oilwell Road", as a second exit from the subdivision and for emergency purposes.

PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE

Michael Mauger		30 May 2020
Janet E. Mauger		5-30-20
19741 N. Mitkof Loop		
Eagle River, AK 99577		

PARCEL #'S OWNED – 15706362, 15706363

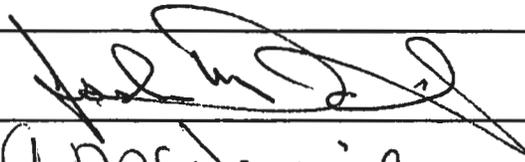
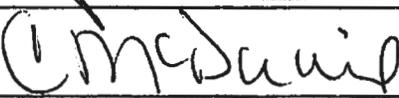
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TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Joshua McDaniel		5/27/2020
Cathy McDaniel		5/27/2020

PARCEL #'S OWNED – 15706366, 15706367

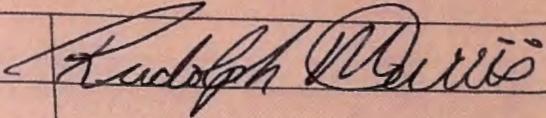
PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

PROPERTY OWNER/S NAME & ADDRESS (PRINT)	SIGNATURES	DATE
Rudolph Morris		06/05/2020
65202 FORREST PARK AVE		

PARCEL #'S OWNED - 15706424

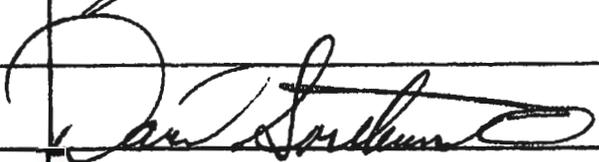
PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY

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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Taylor Southworth		5-31-2020
Dave Southworth		5-31-20

PARCEL #'S OWNED – 15706437

**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

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PROPERTY OWNER/S NAME & ADDRESS (PRINT) SIGNATURES DATE

Bill Steik	<i>William B. Steik</i>	<i>5/29/2020</i>
Kim Steik	<i>Kim Steik</i>	<i>5/29/2020</i>

PARCEL #'S OWNED – 15706313

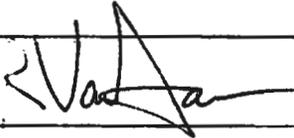
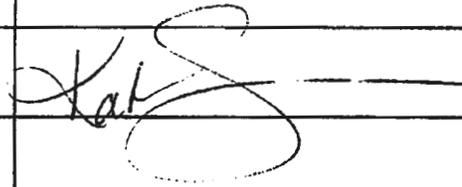
**PETITION
TO DENY REQUEST TO VACATE ROW ON WILD SALMON WAY**

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PROPERTY OWNER/S NAME & ADDRESS (PRINT)

SIGNATURES

DATE

Rod Van Saun		5/30/2020
Kate Van Saun		5/30/2020

PARCEL #'S OWNED – 15706361

Ninilchik River Estates Home Owners Association Inc.

Project: Alice Avenue over the Ninilchik River to Oil Well Road

To: Whom it may concern

**From: Arnold E. Mason, President
Ninilchik River Estates Home Owners Association Inc.
P.O. Box 39802
Ninilchik, Alaska 99639
Email: aemason50@att.net
Cell No.: (315)212-9629**

**Cc: Diane Wilson, Vice President
Jody Michaeli, Treasurer/Assistant Secretary
Helena Bock, Secretary**

**Subject: NREHOA Petition to stop a Petition to Vacate a portion of Right
Of Way on Wild Salmon Way**

Date: May 27, 2020

Since our last meeting on March 14, 2020 that updated NRE and Alice Avenue residents on the status of our proposed Alice Avenue over the Ninilchik River to Oil Well Road Project we have received a Petition from Bruce & Charlene Mclean and Christina M. Hoffman to vacate a portion of the existing Wild Salmon Way Right of Way (ROW) (see attached Petition)

As described in previous correspondence to our NRE members and covered at the meeting on March 14, 2020 we are working with Brenda Ahlberg, KPB Community & Fiscal Projects Manager on an application for a Community Development Block Grant to fund our proposed project to replace the Garrison Ridge Road Bridge. This structure would be designed, built and then owned and maintained by the KPB on the existing ROW on Alice Avenue as shown in the original subdivision plan Plat 86-12 (see attached Plat). The new Alice Avenue alignment would be connected to intersections at Wild Salmon Way and Bear Paw Road (see attached Project Map). The problem we have with the ROW for our plan is an amended subdivision plan Plat 91-71 was filed that changed the Wild Salmon Way ROW to end at a Cul-De-Sac and vacated about 125 feet of ROW that connected to the Alice Avenue ROW (see attached Plat 91-71). We proposed a plan to extend the Wild Salmon Way ROW at meeting with KPB on March 6, 2020 and at our informational meeting for residents on March 14, 2020. After talking to Christina Hoffman at the meeting on March 14th she said that she may agree to extend the Row as shown in our NRE Proposal drawn on a copy of Plat 91-71(see attached map) if her concerns about the project were addressed. I told her that we would submit the proposal to Max Best, KPB Planning Director to see if that plan would meet their approval. Jody Michaeli and I did submit that plan at the KPB Offices in Soldotna on Monday March 16, 2020. I notified Christina Hoffman on this on March 16, 2020.

Unfortunately, this time period is when the Pandemic Shutdown started and everything came to a temporary halt. Also, Max Best, KPB Planning Director was on vacation on decided that this was a good time to complete his plans to retire. Since then on April 6th we updated Brenda Ahlberg, KPB and Brent Johnson, KPB Assemblyman on our informational meeting that was held on March 14th. We updated Sarah Vance, State Representative District 31 on the same issues on April 10th.

With so much being unknown about the economic effect of the Pandemic Shutdown we have been on hold until recently. On May 21, 2020 Brenda Ahlberg, returned my call to give us an update. She said that she had checked on the status of the Community Development Block Grant (CDBG) and currently it was on hold. She said that she would soon be able to work on this with us to complete our application for this CDBG for our Alice Avenue over the Ninilchik River to Oil Well Road Project. She said when this CDBG becomes active we/they have six months to act on it.

This brings us to this Petition to Vacate a portion of Wild Salmon Way (see include Petition and Map). Our proposed project shows how important two access points are to the safety and well being for the residents of our subdivision. The new alignment on Alice Avenue which is upstream of the current bridge would eliminate the access problems we currently have for Emergency and other service vehicles. The steep hills we currently have on Garrison Ridge Road would also be gone and the bridge replaced. Also, the through traffic would not have to drive through our subdivision. We are working directly with the KPB and ADF&G for the design and planning of the new road and the new structure over the Ninilchik River.

We not only want to stop this Petition to vacate this ROW we hope to answer any concerns Christina Hoffman and others may have about this project and apply to KPB to extend the Wild Salmon Way ROW from the Cul-De-Sac to the Alice Avenue ROW as we had discussed. The letter we received from KPB Mayor Charlie Pierce on September 26, 2018 said that the Borough does not own, maintain nor is responsible for our bridge and subdivision roads. That means until/if ever the Borough takes ownership of our roads, we own them and the ROW. This Petition comes down to, do we as owners of the subdivision ROW as approved by the KPB in Plat 91-71 want to give up this ROW to the Petitioners who are also members of NREHOA.

We strongly recommend that the NREHOA members vote and make comments to stop this Petition to Vacate this ROW. In the meantime we will continue with our efforts to complete the CDBG application for our Alice Avenue over the Ninilchik River to Oil Well Road Project. See enclosed form to fill out and return before June 5th. If possible, attend the Public Hearing on June 8th. If you have any questions or comments contact me using the contact information shown at the beginning of this letter.



Planning Department

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

Charlie Pierce
Borough Mayor

HOMER NEWS

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition was received on 5/1/2020 to vacate a public right-of-way in the Ninilchik area. Area under consideration is described as follows:

- A. Location and request: Vacate approximately 200 foot long Wild Salmon Way cul-de-sac adjoining lots 1-A, 2-A, 14-A and 15-A Ninilchik River Estates Addition No. 1 (HM 91-71), as dedicated on Ninilchik River Estates Addition No. 1 (HM 91-71) and Ninilchik River Estates Amended (HM 86-12). The right-of-way being vacated is developed with a driveway and is located within the SW1/4 SE1/4 of Section 35, Township 1 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2020-043V.
- B. Purpose as stated in petition: The proposed area to be vacated is currently a driveway that serves Lot 1-A. It is a single lane road not built to KPB Road standards. If the vacation is granted, Lot 1-A and Lot 2-A will be replatted to be one lot. Lot 14-A and 15-A are accessed from Steelhead Ridge Road and not Wild Salmon Way. One half of the width of the vacated area will attach to adjacent parcels.
- C. Petitioner(s): Bruce & Charlene Mclean Living Trust of Soldotna, AK and Christina M. Hoffman of Homer, AK.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, June 8, 2020**, commencing at **7:30 p.m.**, or as soon thereafter as business permits.

Please be aware that due to the recent COVID-19 pandemic and based on CDC guidelines, the meeting will not be physically open to the public. Instructions are as follows:

The meeting will remain open to the public. The Planning Commissioners, along with staff members, will be attending via teleconferencing. The public will be able to listen or participate with the same methods. The meeting will be held through Zoom. To join the meeting from a computer visit <https://zoom.us/j/2084259541>. To attend the Zoom meeting by telephone call toll free **1-888-788-0099** or **1-877-853-5247**. When calling in you will need the Meeting ID of **208 425 9541**. If you connect by computer and do not have speakers or a microphone, if wishing to comment, connect online and then select phone for audio. A box will come up with toll free numbers, requesting the Meeting ID, and your participant number. Detailed instructions will be posted on the Planning Commission's webpage prior to the meeting. <https://www.kpb.us/planning-dept/planning-commission>.

If you have questions or experience technical difficulties, please contact the Planning Department at (907) 714-2200.



Planning Department

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

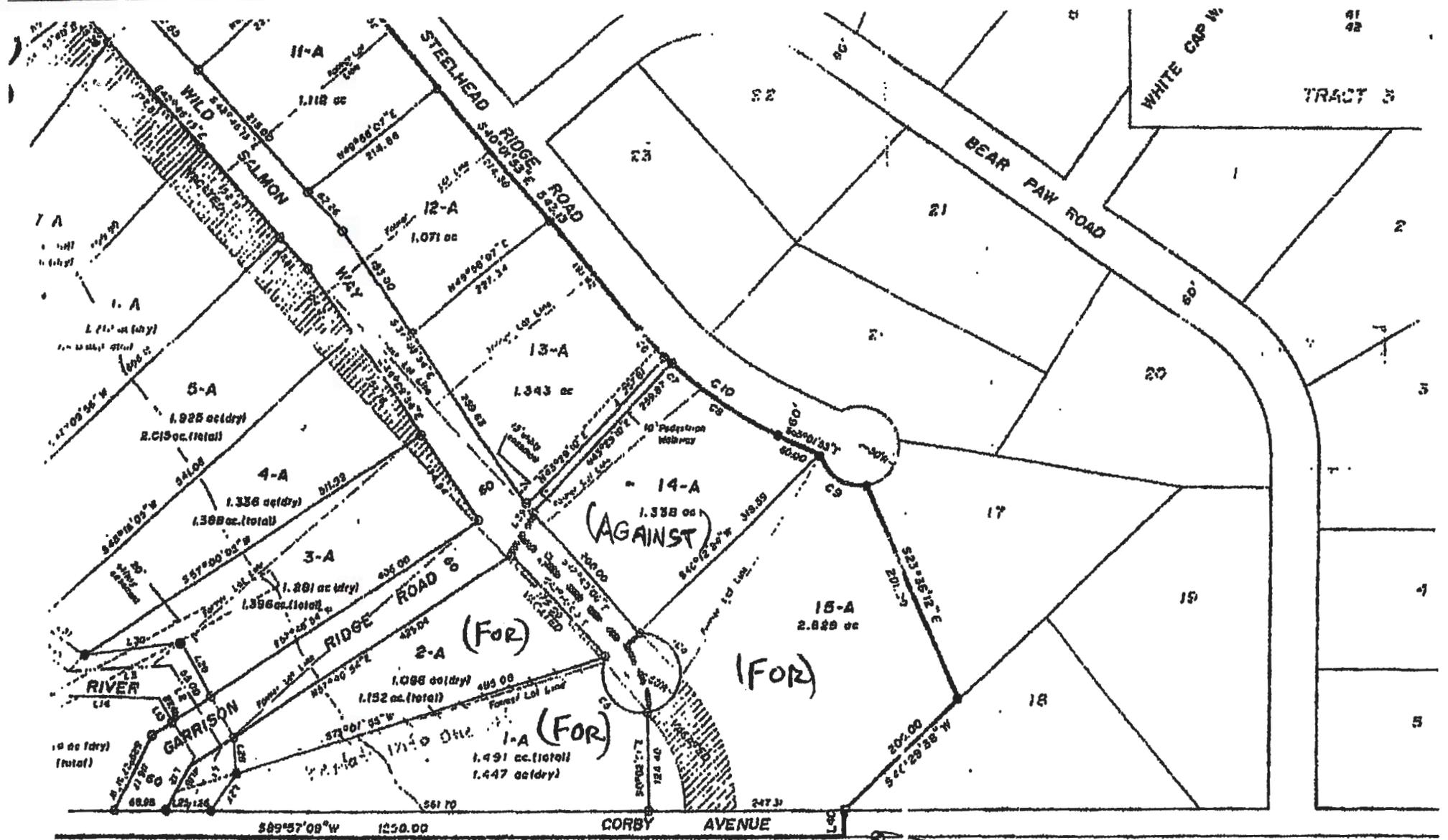
Charlie Pierce
Borough Mayor

Meeting materials may be found at <https://www.kpb.us/planning-dept/planning-commission> as well as any updates to meeting procedures.

Anyone wishing to testify, but cannot attend the zoom meeting, may also submit a written statement to the attention of Peggy Clements, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **1:00 P.M., Friday, June 5, 2020**. [Written comments may also be sent by email to the addresses below or by Fax to 907-714-2378].

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

For additional information contact Peggy Clements (PClements@kpb.us) or Julie Hindman (jhindman@kpb.us), Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough) or email planning@kpb.us.



BASIS OF BEARING S89°57'09"W 1317.63 HRO85-104

UNSUBDIVIDED

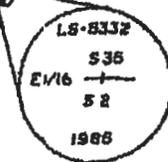
Sketch of how vacated area will
 attach to adjacent parcels. PLAT APPROVAL

Amount and disposal
 requirements of the
 conservation.

and Conservation
 19.

This plat was approved by the Kenai Peninsula Borough
 Planning Commission at the meeting of Sept. 9, 1991.

KENAI PENINSULA BOROUGH



Fd. 31/4" Altm. Man.

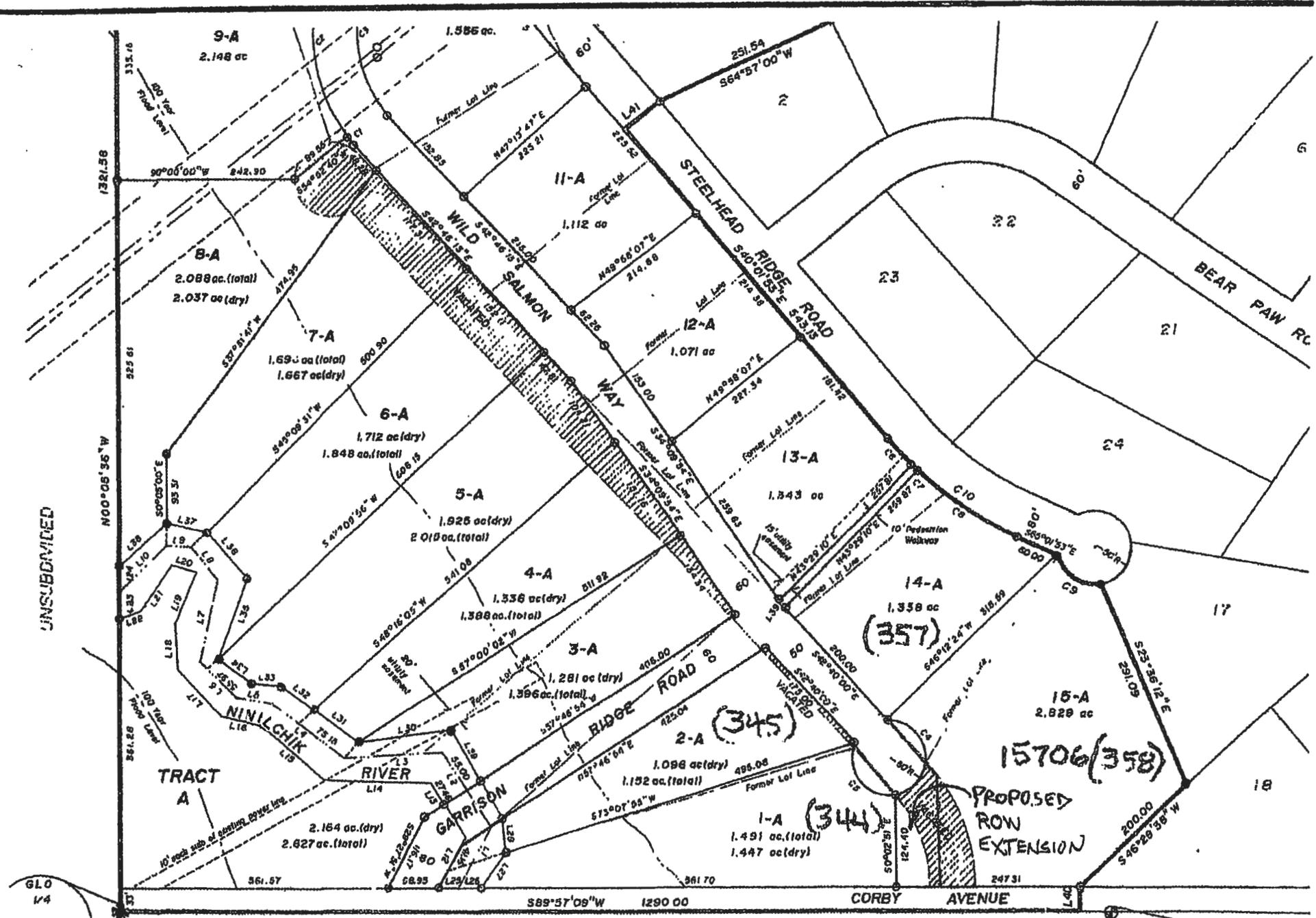
PETITION TO VACATE
 PART OF WILD SALMON WAY ROW

Lots within this as
 a designated flood h
 development must con
 of the Kenai Penins
 A survey to determin
 may be required prio

No permanent structu
 placed within an eas
 with the ability of

NOTES:

SUBMITTED TO KPB 5/1/2020



UNSUBDIVIDED

GLO 1/4
S35 S36
1919

Fd. GLO Mon.

SUBMITTED TO MAX BEST,
KPB PLANNING DIRECTOR
FOR REVIEW ON 3/16/20

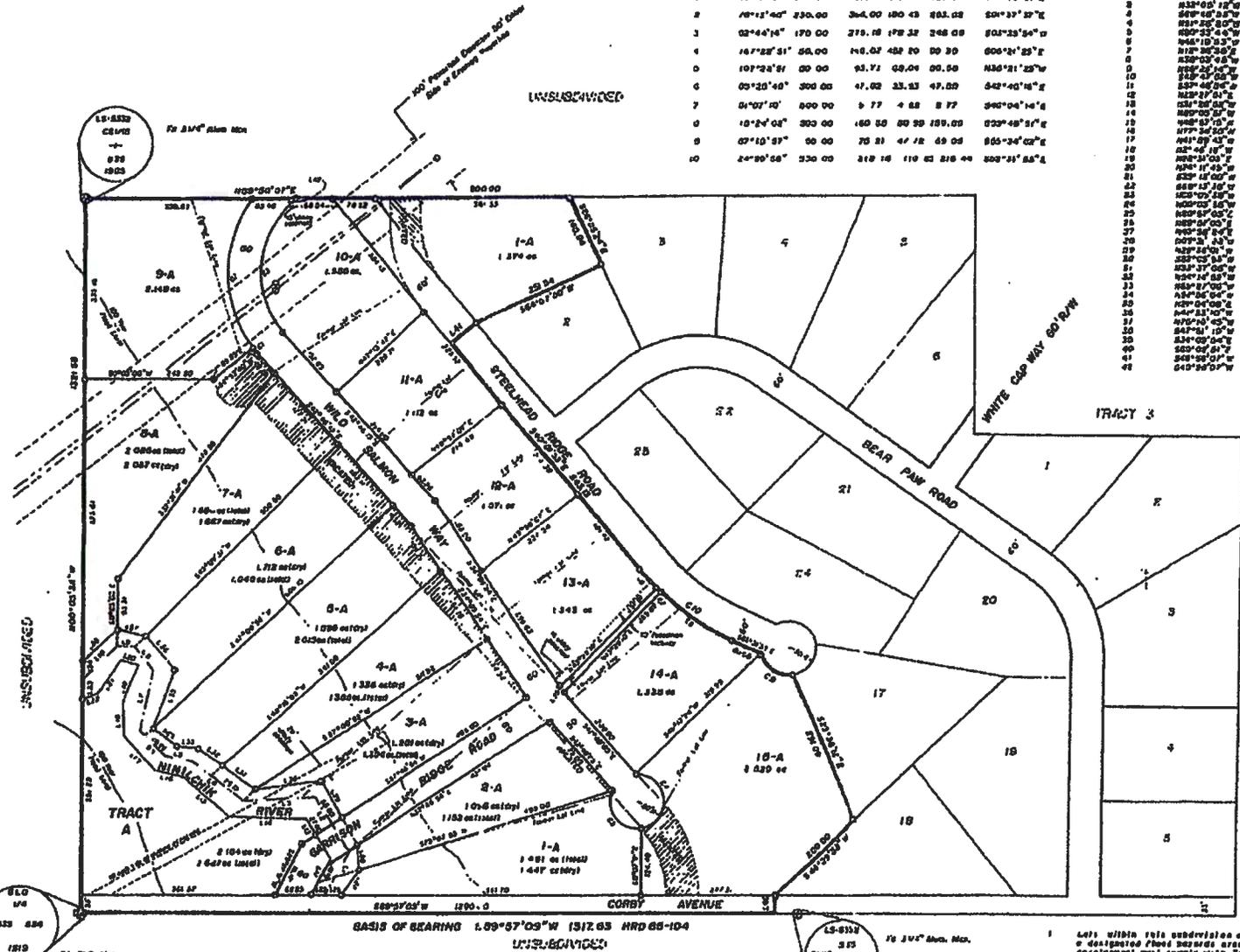
BASIS OF BEARING S89°57'09"W 1317.63 HRD 85-104

UNSUBDIVIDED
NRE PROPOSAL TO EXTEND
WILD SALMON WAY ROW
TO CONNECT WITH ALICE

91-71
PLAT APPROVAL

L5-5352
935
E1/16
62
1986

Fd. 3 1/4" ALU



CURVE TABLE

CURVE	BEARING	RADIUS	ARC LENGTH	CHORD	CHORD BEG	
1	03°07'43"	230.00	14.10	6.00	14.16	S44°15'20"E
2	10°12'40"	230.00	36.40	180.43	262.02	S24°37'52"E
3	02°44'14"	170.00	27.18	178.32	246.09	S01°23'56"W
4	10°12'40"	230.00	14.10	6.00	14.16	S44°15'20"E
5	107°24'51"	00.00	93.71	93.71	00.00	N36°21'25"W
6	00°23'40"	300.00	47.02	33.33	47.02	S42°40'18"E
7	01°07'10"	600.00	9.77	4.68	9.77	S40°04'14"E
8	10°24'04"	300.00	160.50	30.30	160.50	S23°49'51"E
9	07°10'57"	00.00	75.31	47.18	69.03	S55°34'02"E
10	24°50'58"	330.00	31.18	11.03	31.18	S20°31'55"E

LINE TABLE

LINE	BEARING	DISTANCE
1	S89°04'14"E	50.19
2	S12°05'12"W	110.15
3	S89°44'22"W	126.20
4	S29°22'02"W	120.33
5	S25°23'40"W	50.03
6	N44°10'23"E	89.90
7	N10°30'54"E	114.04
8	S32°03'48"W	48.29
9	S89°23'14"W	83.00
10	S14°44'34"E	91.51
11	S27°44'18"W	62.00
12	S23°23'02"E	81.24
13	S31°25'04"E	87.02
14	S89°03'14"W	146.50
15	N40°03'10"E	11.49
16	S27°34'20"W	60.00
17	N41°09'43"E	84.38
18	S21°49'17"W	59.48
19	N42°31'05"E	77.49
20	N44°11'49"E	34.03
21	S29°18'02"W	16.71
22	S68°13'10"W	38.96
23	S23°07'20"W	24.29
24	N20°03'14"W	34.00
25	N20°51'02"E	28.23
26	S23°03'02"E	20.25
27	N20°51'02"E	01.57
28	S23°03'02"E	40.04
29	N20°51'02"E	125.00
30	S23°03'02"E	124.59
31	S23°37'02"W	73.70
32	N42°31'05"E	45.71
33	N44°11'49"E	42.31
34	N42°31'05"E	39.01
35	N20°51'02"E	176.00
36	N44°11'49"E	03.72
37	N42°31'05"E	30.00
38	S23°03'02"E	80.00
39	S23°03'02"E	39.00
40	S23°03'02"E	00.00
41	S42°50'02"W	10.33



Certification of Ownership and Dedication

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby grant the title of subdivision and by my here annexed dedicate all rights to public use and grant all easements to the use shown.

I further certify that none of these affecting this property are under restrictions which would affect this report, or require signature and approval of beneficiaries.

[Signature]
 Clark W. Gordon
 PO Box 90
 Anchorage, AK 99508

NOTARY ACKNOWLEDGMENT

Subscribed and sworn before me on this 25th day of NOVEMBER, 1991, for CLARK W. GORDON

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES 11/15/93



TRACTION: **MAINTENANCE SUBDIVISION**

- LEGEND**
- Flood Plain
 - Set 540' Radii Wetland Cap
 - Area Subject to Easement between owners
 - 100 Year Flood Lines
 - 17024 (part) 2025 of G574, May 10, 1981



SHEET 2 SIGNATURE SHEET OF INTEREST ONLY

ANVILCHIK RIVER ESTATES ADDITION NO. 1

RESUBDIVISION OF UNDEVELOPED ESTATES LOTS 1-10, BLOCK ONE, LOT 1, BLOCK TWO, TRACT 4 AND VARIATION OF A PORTION OF WILD SALMON WAY AND STEELHEAD ROAD ROAD.

OWNER: CLARK GORDON
 P.O. BOX 90
 ANCHORAGE, AK 99508

DESCRIPTION

32.079 ACRES Situated in the SW1/4-1/4, SE1/4 of 1/4 Section 28, T10, R14W, A14, AK, AND THE SERIAL PENINSULA SURVEYS.

SWAN SURVEYING
 P.O. BOX 987
 SOLOOSTNA, AK. 99569
 PHONE 907-1268-1044

Surveyed Oct 10, 1991
 Drawn 10/15/91
 Scale 1" = 100'

PLAT APPROVAL

This plat was approved by the State Peninsula through Planning Commission at the meeting of Sep. 2, 1991.

KAREN PERINSULA GORDON
 By *[Signature]*
 Authorized Officer

NOTES:

1. Lots within this subdivision may be located within a designated flood hazard area. It is the owner's responsibility to comply with Title 19, Chapter 65 of the Alaska Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Building Setback - A setback of 80 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
4. Flood 10 feet of building setback existing all right-of-ways is also utility easement.
5. Lots 10A - 15A reserved access to Steelhead Ridge Road, and Lots 16, 24 & 25 access to Wild Salmon Way.

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

The Alaska Department of Environmental Conservation approves this subdivision for siting.

[Signature] DATE: 1/20/91
 TITLE: TITLE
 DATE: DATE

NOTARY PUBLIC FOR THE STATE OF ALABAMA
 My Commission Expires 06-30-2011
 My Notary Public No. 1000

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALABAMA
 HENRY P. SCOTT
 Notary Public

CERTIFICATE OF OWNERSHIP AND DEDICATION

Part of all property in the land shown on this map and plat is owned by the State of Alabama and is hereby dedicated to the public use of the State of Alabama.

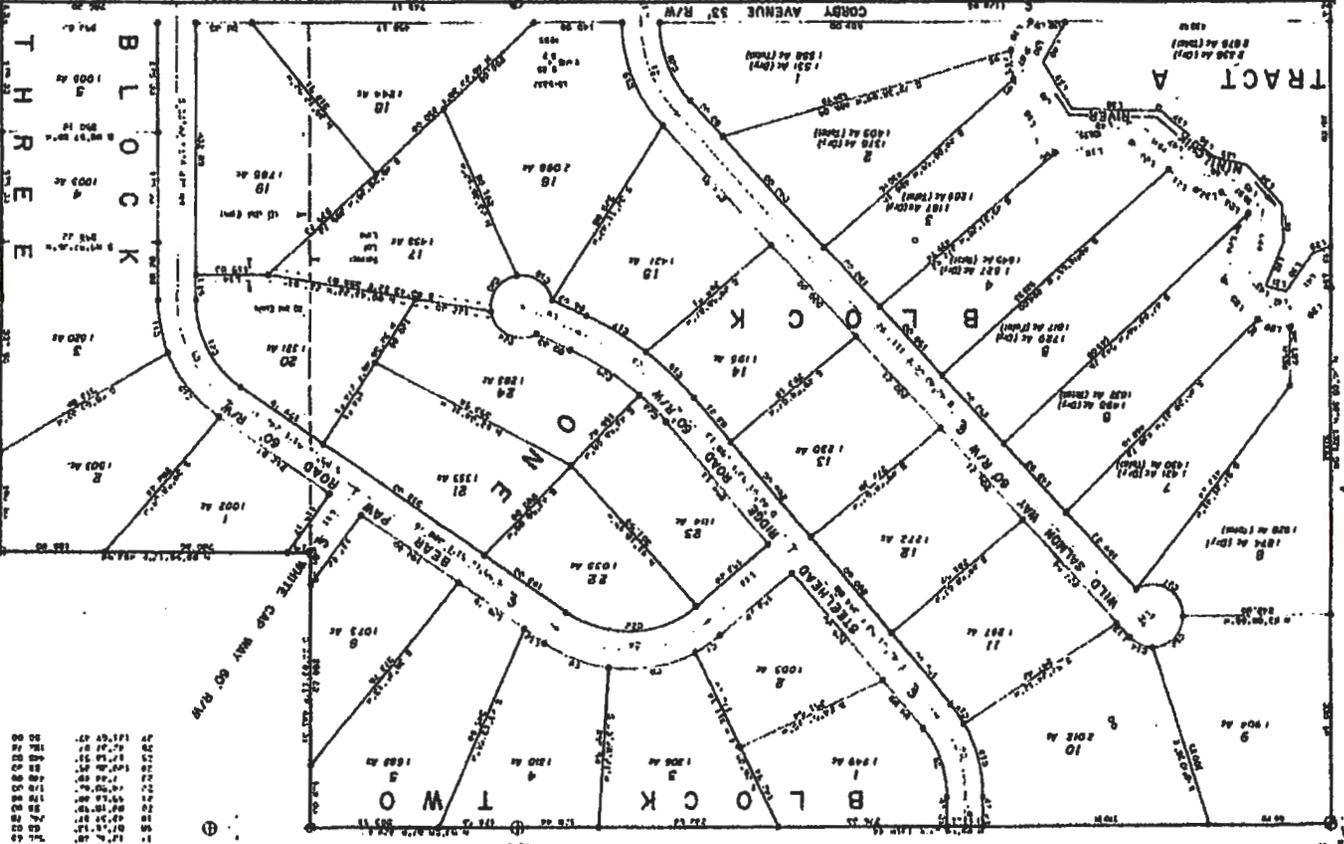
Part of all property in the land shown on this map and plat is owned by the State of Alabama and is hereby dedicated to the public use of the State of Alabama.

AMENDED PLAT NOTE

1-20-11
 86-12

1-14-84
 86-12

8-5-14
 86-12



CURVE TABLE

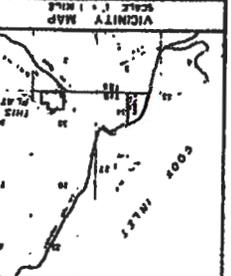
Station	Chord	Chord Bearing	Curve Length	Curve Area
1+00.00	100.00	0°00'00"	100.00	0.00
1+05.00	99.50	0°05'00"	99.50	0.00
1+10.00	98.00	0°10'00"	98.00	0.00
1+15.00	95.50	0°15'00"	95.50	0.00
1+20.00	92.00	0°20'00"	92.00	0.00
1+25.00	87.50	0°25'00"	87.50	0.00
1+30.00	82.00	0°30'00"	82.00	0.00
1+35.00	75.50	0°35'00"	75.50	0.00
1+40.00	68.00	0°40'00"	68.00	0.00
1+45.00	58.50	0°45'00"	58.50	0.00
1+50.00	48.00	0°50'00"	48.00	0.00
1+55.00	35.50	0°55'00"	35.50	0.00
1+60.00	22.00	1°00'00"	22.00	0.00
1+65.00	7.50	1°05'00"	7.50	0.00
1+70.00	0.00	1°10'00"	0.00	0.00
1+75.00	7.50	1°15'00"	7.50	0.00
1+80.00	22.00	1°20'00"	22.00	0.00
1+85.00	35.50	1°25'00"	35.50	0.00
1+90.00	48.00	1°30'00"	48.00	0.00
1+95.00	58.50	1°35'00"	58.50	0.00
2+00.00	68.00	1°40'00"	68.00	0.00
2+05.00	75.50	1°45'00"	75.50	0.00
2+10.00	82.00	1°50'00"	82.00	0.00
2+15.00	87.50	1°55'00"	87.50	0.00
2+20.00	92.00	2°00'00"	92.00	0.00
2+25.00	95.50	2°05'00"	95.50	0.00
2+30.00	98.00	2°10'00"	98.00	0.00
2+35.00	99.50	2°15'00"	99.50	0.00
2+40.00	100.00	2°20'00"	100.00	0.00

LEGEND

- 1. All easement easements are shown in red.
- 2. All easement easements are shown in red.
- 3. All easement easements are shown in red.
- 4. All easement easements are shown in red.
- 5. All easement easements are shown in red.
- 6. All easement easements are shown in red.
- 7. All easement easements are shown in red.
- 8. All easement easements are shown in red.
- 9. All easement easements are shown in red.
- 10. All easement easements are shown in red.

NOTES

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- 9. All easement easements are shown in red.
- 10. All easement easements are shown in red.



AMENDED PLAT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ON 08-05-14.

DATE OF SUBMITTAL: 08-05-14

DATE OF APPROVAL: 08-05-14

PROJECT: NINILCHIK RIVER ESTATES

NINILCHIK RIVER ESTATES



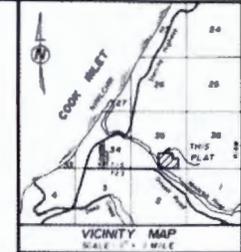
Intersection of Oilwell
Ridge Road

Project Ends Intersect
Alice Avenue & Foster-McMa

Triple-plate Culvert at Ninilchik River

Alice Avenue

ALICE AVENUE OVER NINILCHIK
RIVER TO OILWELL ROAD

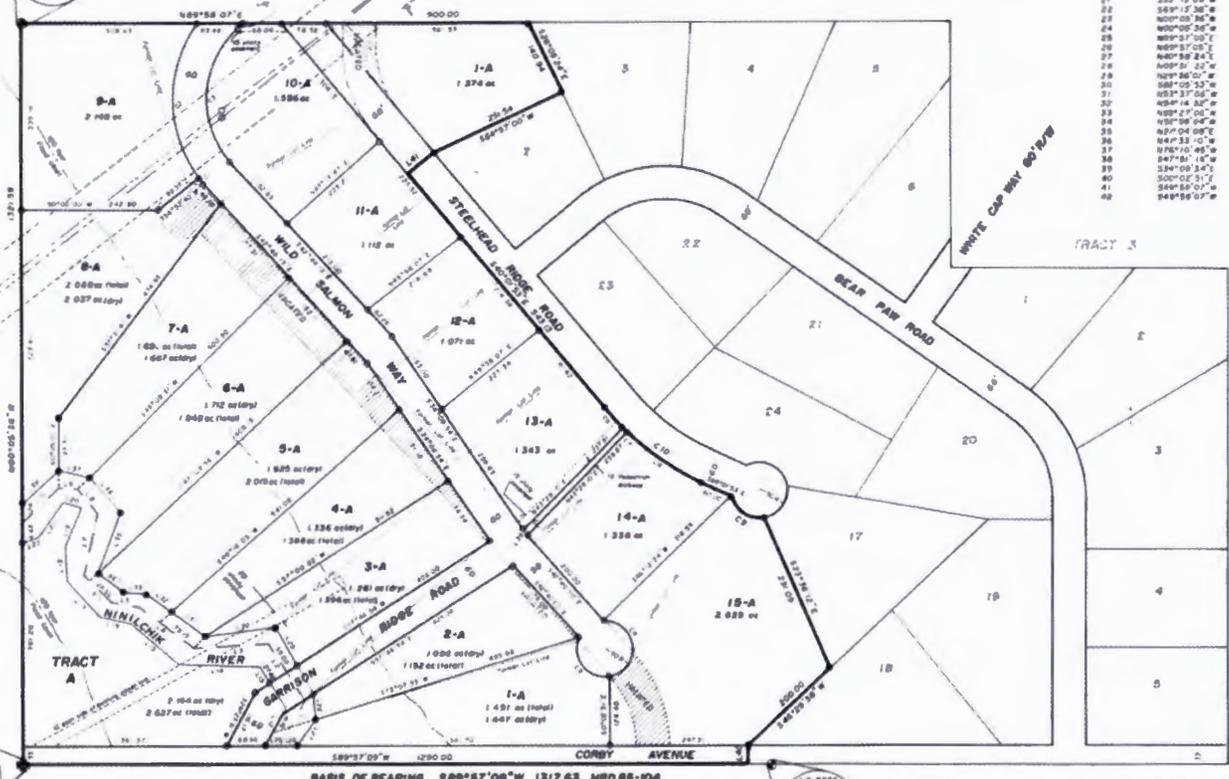


Curve Table						Line Table	
CURVE	DELTA	RADIUS	ARC TANGENT	CHORD	CHORD BEG	LINE	DISTANCE
1	90°00'45"	230.00	-2 10 0 00	12 10	S88°10'20"E	1	89 19
2	90°13'48"	230.00	306 00 180 43	203 00	S88°48'37"W	2	118 35
3	90°44'14"	170.00	275 46 178 32	246 00	S01°30'30"E	3	100 39
4	107°32'01"	30.00	148 07 052 20	90 39	S02°01'20"E	4	80 08
5	107°22'31"	30.00	93 71 68 04	20 58	S82°21'20"W	5	69 79
6	05°20'46"	300.00	47 02 23 93	47 00	S42°46'16"E	6	114 04
7	01°07'10"	300.00	0 77 4 86	0 77	S40°04'14"E	7	97 48
8	10°04'02"	300.00	160 30 60 88	189 00	S30°09'01"E	8	111 49
9	07°19'37"	30.00	76 21 47 72	48 03	S50°34'02"E	9	77 48
10	20°00'00"	300.00	2 10 10	110 00	S02°31'03"E	10	24 52
						11	76 77
						12	38 04
						13	34 29
						14	34 29
						15	25 25
						16	25 25
						17	41 07
						18	43 34
						19	125 98
						20	124 99
						21	73 20
						22	55 73
						23	42 39
						24	55 81
						25	170 65
						26	82 72
						27	36 04
						28	30 28
						29	10 00
						30	33 00
						31	80 90
						32	40 33

LS 533d
251/18
535
1985

Pt 3 and 4 from

UNSUBDIVIDED



SHARLES SUBDIVISION

Certificate of Ownership and Dedication

I hereby certify that on the name of the tract property shown and described herein and that I reserve about this plat of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

I further certify that deeds of trust affecting this property do not contain restrictions which would prohibit this plat, or require signature and approval of beneficiaries.

Class B Garrison
P.O. Box 90
Ninilchik, AK 99630

NOTARY ACKNOWLEDGMENT

Subscribed and sworn before me on this 11th day of _____ 1991, for Class B Garrison

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

91-71
RUBEN P.B. 25
Hester

LEGEND

- Found Meter
- Set 5/8" Meter w/Plastic Cap
- Area subject to subdivision without approval
- 100 year Flood Way
- 17000 plus 25% of 9379, May 19, 1981



SHEET 2 SIGNATURE SHEET OF INTEREST ONLY

**NINILCHIK RIVER ESTATES
ADDITION NO. 1**
REDIVISION OF NINILCHIK RIVER ESTATES LOTS 1-A, BLOCK ONE, LOT 1, BLOCK TWO, TRACT A AND VACATION OF A PORTION OF WILD SALMON WAY AND STEELHEAD RIDGE ROAD

OWNER: CLASS B GARRISON
P.O. BOX 90
NINILCHIK, AK 99630

DESCRIPTION

35.75 ACRES SITUATED IN THE SEVISENA, BLOCK ONE, LOT 1, BLOCK TWO, TRACT A AND THE KENAI PENINSULA BOROUGH

SWAN SURVEYING
P.O. BOX 987
SOLDOTNA, AK 99669
PHONE 907/262-1014

Surveyed On or By: FILED 8/18/91
Dated: 8/18/91 Scale: 1" = 100'
P.B. No. 25-110 HONOR RECORDING DISTRICT

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

The Alaska Department of Environmental Conservation approves this subdivision for siting.

DATE: 1/13/91
TITLE: 1
DATE: 04/76

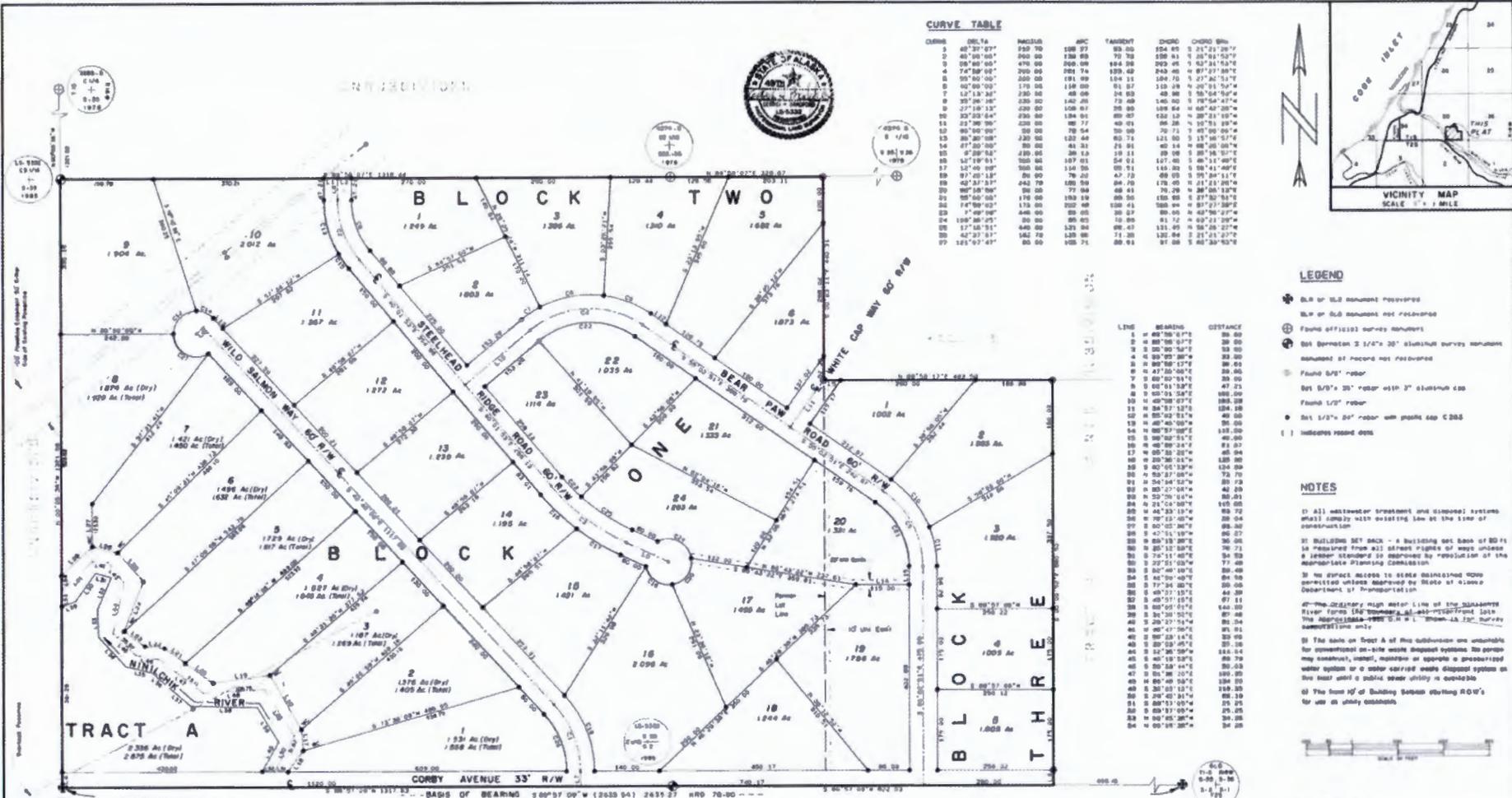
This plat was approved by the Kenai Peninsula Borough Planning Commission at its meeting of 8/18/91.

KENAI PENINSULA BOROUGH
By: *[Signature]*
Author of Plat

NOTES:

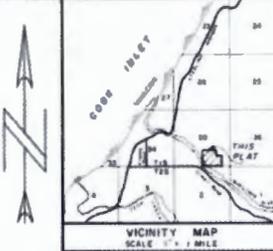
1. Lots within this subdivision may be located within a designated flood hazard area. If such is the case, development must comply with Title 21, Chapter 05 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Building Setback -- A setback of 20 feet is required from all street right-of-ways unless a lesser standard is approved by resolution of the appropriate Planning Commission.
4. Front 10 feet of building setback abutting all rights-of-ways is also utility easement.
5. Lots 10A - 15A have access to Steelhead Ridge Road and Lots 1A, 2A & 3A access to Wild Salmon Way.

PLAT APPROVAL



CURVE TABLE

CURVE	ARC	CHORD	ARC	TANGENT	CHORD	CHORD BISECTOR
1	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
2	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
3	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
4	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
5	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
6	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
7	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
8	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
9	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
10	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
11	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
12	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
13	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
14	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
15	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
16	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
17	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
18	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
19	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
20	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
21	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
22	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
23	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
24	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V
25	40° 37' 07"	240.00	100.00	100.00	254.45	5 21' 23" 20" V



- LEGEND**
- BLK or OLD monument recovered
 - BLK or OLD monument not recovered
 - Found official survey monument
 - BLK or OLD monument 1/4" x 3/8" aluminum survey monument
 - Found 1/2" rebar
 - Found 3/8" rebar
 - Found 1/2" rebar with 2" aluminum cap
 - Found 1/2" rebar
 - BLK 1/2" x 3/8" rebar with plastic cap C-282
 - I indicates road data

- NOTES**
- All subdivision treatment and seasonal systems shall comply with existing law at the time of construction.
 - Buildings SET BACK - A building set back of 50' is required from all street right-of-way unless a lesser setback is approved by resolution of the appropriate Planning Commission.
 - No street access to areas designated roads permitted unless approved by State or Alaska Department of Transportation.
 - The boundary high water line of the Niniichik River front (NE corner of Lot 1) shall be the boundary line of the Niniichik River front.
 - The sale on Part A of this subdivision is conditional for governmental on-site waste disposal systems. No private sewer, septic, or other on-site waste disposal system or other on-site waste disposal system on the lot until a public sewer utility is available.
 - The use of building beyond existing ROW's for use as utility easements.



AMENDED PLAT
NINIICHIK RIVER ESTATES
(A RESUBDIVISION OF TRACT 2 NAMES SUBDIVISION)

Clark S. Gordon & Adam Deane, owners
Box 57
Homer, AK 99635

LOCATION
89,000 ACRES OR LITTLE MORE SITUATED IN THE OMAHA SUBDIVISION BEAR SEC 35, T13, R24W, S14 AND THE NEARBY PENINSULA BOROUGH.

Surveyed by: **MELANE AND ASSOCIATES, INC.**
SANTA FE, ALASKA

DATE OF SURVEY	SCALE	DATE
8/3/85	1" = 100'	11/1/85
DRAWN BY: G.T. OR	BY NO: 85-16	BY: G. T. OR
CHECKED BY: G.H.B.	JOB NO: 85-2023	85-16

86-12

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

This subdivision has been reviewed on accepted used standards and is approved subject to any noted recommendations.

Paul D. Bennett (Signature) **ESB** (Title) **8-13-85** (Date)

AMENDED PLAT NOTE

This plat amends plat No. 85-024 creating site number four (4). I hereby certify that I have made the correction noted above and that no other changes have been made.

Clark S. Gordon (Signature) **Clark S. Gordon** (Name) **1-14-86** (Date)

PLAT APPROVAL

This plat was approved by the NEHAL PENINSULA PLANNING COMMISSION at the meeting of

85-104
HOMER
11-16-85
11-16-85
KFB
360(18/87)

John Thompson (Signature)
John Thompson (Name)
Author/Acting Official

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA
NOTARY PUBLIC
M. SCOTT BLAKE
My Commission Expires 12-31-1988

I, **Clark S. Gordon**, do hereby certify that the foregoing is a true and correct copy of the original plat as submitted and sworn before me this **11th** day of **August**, 1985.

My commission expires **12-31-1988**.

Notary Public for the State of Alaska

CERTIFICATE OF OWNERSHIP AND DEDICATION

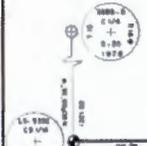
I, hereby certify that as the owners of the property shown and described herein and that as hereby adopt this plan of subdivision and dedicate all right-of-ways to public use and grant all easements to the use shown.

Clark S. Gordon (Signature) **Clark S. Gordon** (Name) **11-14-85** (Date)

Adam Deane (Signature) **Adam Deane** (Name) **11-14-85** (Date)

Thomas C. Deane (Signature) **Thomas C. Deane** (Name) **11-14-85** (Date)

Clark S. Gordon (Signature) **Clark S. Gordon** (Name) **11-14-85** (Date)





Ninilchik Emergency Services

Andrea Grace Huhndorf, Asst. Chief

PO BOX 39446

Ninilchik, AK 99639

907 567 3342

Ninilchik River Estates Home-Owners Association Inc.

Arnold E. Mason, President

PO BOX 39802

Ninilchik, AK 99639

Re: Garrison Ridge Road/ Bridge Access to Community

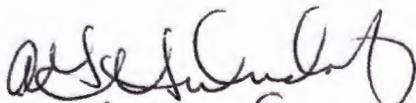
June 04, 2020

As of today, June 04, 2020, Ninilchik Emergency Services will no longer allow our apparatus and volunteers to access Ninilchik River Estates via the bridge on Garrison Ridge Road. This decision will negatively impact ambulance and brush vehicle response times by 15 to 25 minutes, as access will be diverted to Alice via Brody Road.

As many of you are aware, we suspended access across the Garrison Ridge Road bridge for larger apparatus (engine and tenders) last year. The continued degradation of the bridge has prompted continued and further restrictions. Unfortunately, until safety and maintenance measures are made emergency services to your area will be dangerously slowed. Lives and property are lost quickly in emergent and fire instances, so quick response time is vital. The rerouting of access to avoid the dangers of the bridge, force emergency response times into a perilous realm. Be advised, Alice and Bear Paw roads are not adequately serviced in winter and spring months; entirely disabling Ninilchik Emergency Services ability to access Ninilchik River Estates. This is especially frustrating due to the proximity to Ninilchik Emergency Services station. NES has serious concern over the existing condition of the roads and access points to Ninilchik River Estates.

Understand that NES is here to be a resource for the community and is deeply concerned for the safety and well-being of the residents of Ninilchik River Estates. We strongly urge immediate action be taken to alleviate the access problems this neighborhood is facing. Ninilchik Emergency Services is here to serve all of our community and we will continue to service Ninilchik River Estates as best we can. However, we advise swift action to be taken in regard to the bridge access, as lives are at stake and cannot be replaced.

We look forward to this matter being resolved quickly and continuing to provide the highest level of service to our community.


Asst. Chief