



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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


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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

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

FROM: Max Best, Planning Director 

DATE: September 13, 2017

SUBJECT: Vacation of a portion of the Spinnaker Avenue right-of-way abutting Lot 1 Block 2 Nelson-Collie Tracts as dedicated on Nelson-Collie Tracts, Plat HM 77-19; Location: south of School Street, Anchor Point within the NE1/4 of Section 4, T5S, R15W, SM, AK, within the KPB; KPB File 2017-117V

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 September 11, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. ACS and ENSTAR submitted statements of no objections/no comments.
6. The modified vacation petition was not available to ACS and ENSTAR when they submitted comments.
7. Platting staff emailed the modified vacation petition (portion of Spinnaker Avenue and the 50-foot temporary cul-de-sac) to ACS, ENSTAR, GCI, and Homer Electric Association on August 31, 2017.
8. The 50-foot radius temporary cul-de-sac was intended for a turnaround for the portion of Spinnaker Avenue which is now proposed to be vacated.
9. The portion of Spinnaker Avenue proposed to be vacated has three adjoining parcels (14-acre KPB parcel to the north, 5-acre privately owned parcel to the east, and Lot 1 Block 2 HM 77-19).
10. The 14-acre KPB adjoining parcel to the north, which is the solid waste transfer site for the community, fronts KPB maintained School Street, KPB maintained Spinnaker Avenue (the portion not proposed to be vacated), constructed Birch Street, and State maintained Old Sterling Highway.
11. The 14-acre KPB parcel has been issued an Old Sterling Highway address.
12. Per KPB GIS 4-foot contours, a slope of approximately 48 percent fronts the portion of Spinnaker Avenue and the 50-foot radius temporary cul-de-sac proposed to be vacated.
13. The privately owned adjoining 5-acre parcel to the east is a material site for which a Prior Existing Use (PEU) has been approved, and it fronts the Old Sterling Highway.
14. The privately owned PEU parcel to the east has been issued an Old Sterling Highway address.

15. Lot 1 Block 2 fronts KPB maintained Nelson Street and the KPB maintained portion of Spinnaker Avenue that will remain.
16. Lot 1 Block 2 has been issued a Nelson Street address.
17. Vacation of the subject segment of Spinnaker Avenue will not affect through access for the block.

The Assembly has 30 days from September 11, 2017 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacation of a portion of the Spinnaker Avenue right-of-way abutting Lot 1 Block 2 Nelson-Collie Tracts as dedicated on Nelson-Collie Tracts, Plat HM 77-19; Location: south of School Street, Anchor Point within the NE1/4 of Section 4, T5S, R15W, SM, AK, within the KPB; KPB File 2017-117V

Staff Report given by Max Best

PC Meeting: 9/11/17

Purpose as stated in petition: Spinnaker Avenue beyond its intersection with Nelson Street is unnecessary for access to any adjacent parcels and reversion to Lot 1 Block 2 will increase the lot size to above the legal minimum lot size of 42,000 sq. ft. There is a precipitous drop to the north and east.

Petitioner: Emmitt & Mary Trimble Joint Revocable Trust of Anchor Point, Alaska

Notification: Public notice appeared in the August 31, 2017 issue of the Homer News as a separate ad and on September 7 as part of the Planning Commission's tentative agenda.

Five certified mailings were sent to owners of property within 300 feet of the parcels. Two receipts have been returned.

Six public hearing notices were sent by regular mail to owners within 600 feet.

Thirteen public hearing notices were emailed to agencies and interested parties. Thirteen notices were distributed to KPB Departments via shared database.

Notices were mailed to the Anchor Point Post Office and Anchor Point 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: No objections

ENSTAR: No comments, recommendations, or objections.

Staff Discussion: Per KPB GIS 4-foot contours, the slope east of the right-of-way proposed to be vacated is approximately 48 percent.

The parent plat (HM 77-19) provided a 30-foot half dedication for Spinnaker Avenue adjoining the northern boundary of Lot 1 Block 2 (HM 77-19) and a 30-foot half dedication for Spinnaker Avenue adjoining Lot 1 Block 1 (HM 77-19). The portion of Spinnaker Avenue proposed to be vacated has three adjoining parcels.

KPB owns the 14-acre parcel to the north, which is a transfer site for solid waste disposal. The KPB parcel fronts KPB maintained School Street, KPB maintained Spinnaker Avenue (the portion not proposed to be vacated), constructed Birch Street, and State maintained Old Sterling Highway. This parcel has been issued an Old Sterling Highway address.

The privately owned 5-acre parcel to the east is a material site for which a Prior Existing Use has been approved. This parcel fronts the Old Sterling Highway and has been issued an Old Sterling Highway address.

Lot 1 Block 2 fronts KPB maintained Nelson Street and the KPB maintained portion of Spinnaker Avenue that will remain. Lot 1 Block 2 has been issued a Nelson Street address.

If the vacation petition is approved, the vacated right-of-way will be returned to Lot 1 Block 2, Nelson-Collie Tracts.

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

The parent plat (Nelson-Collie Tracts, HM 77-19) granted a partial 50-foot temporary cul-de-sac adjoining the southeastern segment of Spinnaker Avenue. Since the right-of-way to which the temporary cul-de-sac is attached is now proposed to be vacated, **staff recommends** also vacating the temporary cul-de-sac **unless** this area is being used for utilities.

Staff alerted the utility providers to the modified vacation request and noted the preliminary plat that will finalize the vacation, if approved, will be distributed per the standard notification process, which includes the affected utility providers.

Findings:

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. ACS and ENSTAR submitted statements of no objections/no comments.
6. The modified vacation petition was not available to ACS and ENSTAR when they submitted comments.
7. Platting staff emailed the modified vacation petition (portion of Spinnaker Avenue and the 50-foot temporary cul-de-sac) to ACS, ENSTAR, GCI, and Homer Electric Association on August 31, 2017.
8. The 50-foot radius temporary cul-de-sac was intended for a turnaround for the portion of Spinnaker Avenue which is now proposed to be vacated.
9. The portion of Spinnaker Avenue proposed to be vacated has three adjoining parcels (14-acre KPB parcel to the north, 5-acre privately owned parcel to the east, and Lot 1 Block 2 HM 77-19).
10. The 14-acre KPB adjoining parcel to the north, which is the solid waste transfer site for the community, fronts KPB maintained School Street, KPB maintained Spinnaker Avenue (the portion not proposed to be vacated), constructed Birch Street, and State maintained Old Sterling Highway.
11. The 14-acre KPB parcel has been issued an Old Sterling Highway address.
12. Per KPB GIS 4-foot contours, a slope of approximately 48 percent fronts the portion of Spinnaker Avenue and the 50-foot radius temporary cul-de-sac proposed to be vacated.
13. The privately owned adjoining 5-acre parcel to the east is a material site for which a Prior Existing Use (PEU) has been approved, and it fronts the Old Sterling Highway.
14. The privately owned PEU parcel to the east has been issued an Old Sterling Highway address.
15. Lot 1 Block 2 fronts KPB maintained Nelson Street and the KPB maintained portion of Spinnaker Avenue that will remain.
16. Lot 1 Block 2 has been issued a Nelson Street address.
17. Vacation of the subject segment of Spinnaker Avenue will not affect through access for the block.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned and vacation of the portion of the 50-foot radius temporary cul-de-sac attached to the portion of Spinnaker Avenue proposed to be vacated, subject to:

1. No objection to vacating the 50-foot radius temporary cul-de-sac attached to Spinnaker Avenue proposed to be vacated by the affected utility providers.
2. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code within one year of vacation consent.
3. Submittal of a final plat within a timeframe that will allow the plat to be recorded within one year of vacation consent.

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 city or borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

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

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Emmitt Trimble, Anchor Point

Mr. Trimble and his wife own the parcel through their trust. Their daughter is building spec homes and they chose to build one. The area that was being proposed to be vacated drops off into the Borough's transfer site and then to the east drops off to Buzz Kyllonen's property with the elevation being about 50 feet down to that. There was no real need now or in the future for this dedication. It was taken off of the parent plat. He was available to answer questions and requested that this vacation be approved.

Chairman Martin asked if there were questions for Mr. Trimble. Hearing none the public hearing continued.

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

MOTION: Commissioner Ecklund moved, seconded by Commissioner Venuti to grant approval of the vacation of a portion of Spinnaker Ave right-of-way as stated in the staff report and according to staff recommendations and adherence to borough code.

Findings:

- 1. Sufficient rights-of-way exist to serve the surrounding properties.
- 2. No surrounding properties will be denied access.
- 3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
- 4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
- 5. ACS and ENSTAR submitted statements of no objections/no comments.
- 6. The modified vacation petition was not available to ACS and ENSTAR when they submitted comments.
- 7. Platting staff emailed the modified vacation petition (portion of Spinnaker Avenue and the 50-foot temporary cul-de-sac) to ACS, ENSTAR, GCI, and Homer Electric Association on August 31, 2017.
- 8. The 50-foot radius temporary cul-de-sac was intended for a turnaround for the portion of Spinnaker Avenue which is now proposed to be vacated.
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 15. Lot 1 Block 2 fronts KPB maintained Nelson Street and the KPB maintained portion of Spinnaker Avenue that will remain.
 16. Lot 1 Block 2 has been issued a Nelson Street address.
 17. Vacation of the subject segment of Spinnaker Avenue will not affect through access for the block.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO ABSENT	ECKLUND YES	ERNST YES	FIKES ABSENT	FOSTER ABSENT	ISHAM ABSENT
LOCKWOOD YES	MARTIN YES	MORGAN YES	RUFFNER ABSENT	VENUTI YES	WHITNEY YES	8 YES 5 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacation of a public access easement within Section 3, T2S, R14W, S.M. as granted on by Serial #2002-004111-0, Homer Recording District; Location: off Lucason Avenue, Happy Valley within the SW1/4 SE1/4 of Section 3, T2S, R14W, S.M., AK, within the KPB; File 2015-127V.

Staff Report given by Max Best

PC Meeting: 9/11/17

Purpose as stated in petition: The roadway was improved and moved to a new location that is being proposed for a public right-of-way. Approval of this vacation will be conditioned upon approval and formal dedication of the new right-of-way.

Petitioner: Canterwood Cabins, LLC of Ninilchik, Alaska

Notification: Public notice was published in the August 31, 2017 issue of the Homer News as a separate ad. The public notice was published on September 7 as part of the Planning Commission's tentative agenda.

Five certified mailings were sent to owners of property within 300 feet of the proposed vacation. Two receipts have been returned.

Seven public hearing notices were sent by regular mail to 7 owners within 600 feet of the proposed vacation.

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

The public hearing notice was distributed to 11 KPB Departments by email or 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: No objection

ENSTAR: No objection

Staff Discussion: The Plat Committee approved Simonds Ridge preliminary plat on October 26, 2015. The proposed plat creates 5 lots, 1 tract, provides a 33-foot dedication for Lucason Avenue, and a 60-foot dedication for Happy O Avenue. The dedication for Happy O Avenue overlies an existing travel way. The



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www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

September 13, 2017

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF SEPTEMBER 11, 2017

RE: Vacation of a portion of the Spinnaker Avenue right-of-way abutting Lot 1 Block 2 Nelson-Collie Tracts as dedicated on Nelson-Collie Tracts, Plat HM 77-19; Location: south of School Street, Anchor Point within the NE1/4 of Section 4, T5S, R15W, SM, AK, within the KPB; KPB File 2017-117V

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of September 11, 2017 based on the following findings of fact.

Findings

1. Sufficient rights-of-way exist to serve the surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
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17. Vacation of the subject segment of Spinnaker Avenue will not affect through access for the block.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (September 11, 2017) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent September 13, 2017 to:

Geovera, LLC
PO Box 32335
Homer, AK 99603

Emmitt & Mary Trimble Joint Revocable Trust
PO Box 193
Anchor Point, AK 99556-0193

H V Kyllonen
PO Box 49
Anchor Point, AK 99556-0049

Anchor Point Advisory Planning Commission
PO Box 1065
Anchor Point, AK 99556

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

PC Meeting: 9/11/17

Purpose as stated in petition: Spinnaker Avenue beyond its intersection with Nelson Street is unnecessary for access to any adjacent parcels and reversion to Lot 1 Block 2 will increase the lot size to above the legal minimum lot size of 42,000 sq. ft. There is a precipitous drop to the north and east.

Petitioner: Emmitt & Mary Trimble Joint Revocable Trust of Anchor Point, Alaska

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The parent plat (Nelson-Collie Tracts, HM 77-19) granted a partial 50-foot temporary cul-de-sac adjoining the southeastern segment of Spinnaker Avenue. Since the right-of-way to which the temporary cul-de-sac is attached is now proposed to be vacated, **staff recommends** also vacating the temporary cul-de-sac **unless** this area is being used for utilities.

Staff alerted the utility providers to the modified vacation request and noted the preliminary plat that will finalize the vacation, if approved, will be distributed per the standard notification process, which includes the affected utility providers.

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STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation as petitioned **and** vacation of the portion of the 50-foot radius temporary cul-de-sac attached to the portion of Spinnaker Avenue proposed to be vacated, **subject to:**

1. No objection to vacating the 50-foot radius temporary cul-de-sac attached to Spinnaker Avenue proposed to be vacated by the affected utility providers.
2. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code within one year of vacation consent.
3. Submittal of a final plat within a timeframe that will allow the plat to be recorded within one year of vacation consent.

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 city or borough shall be considered to have given consent to the vacation.

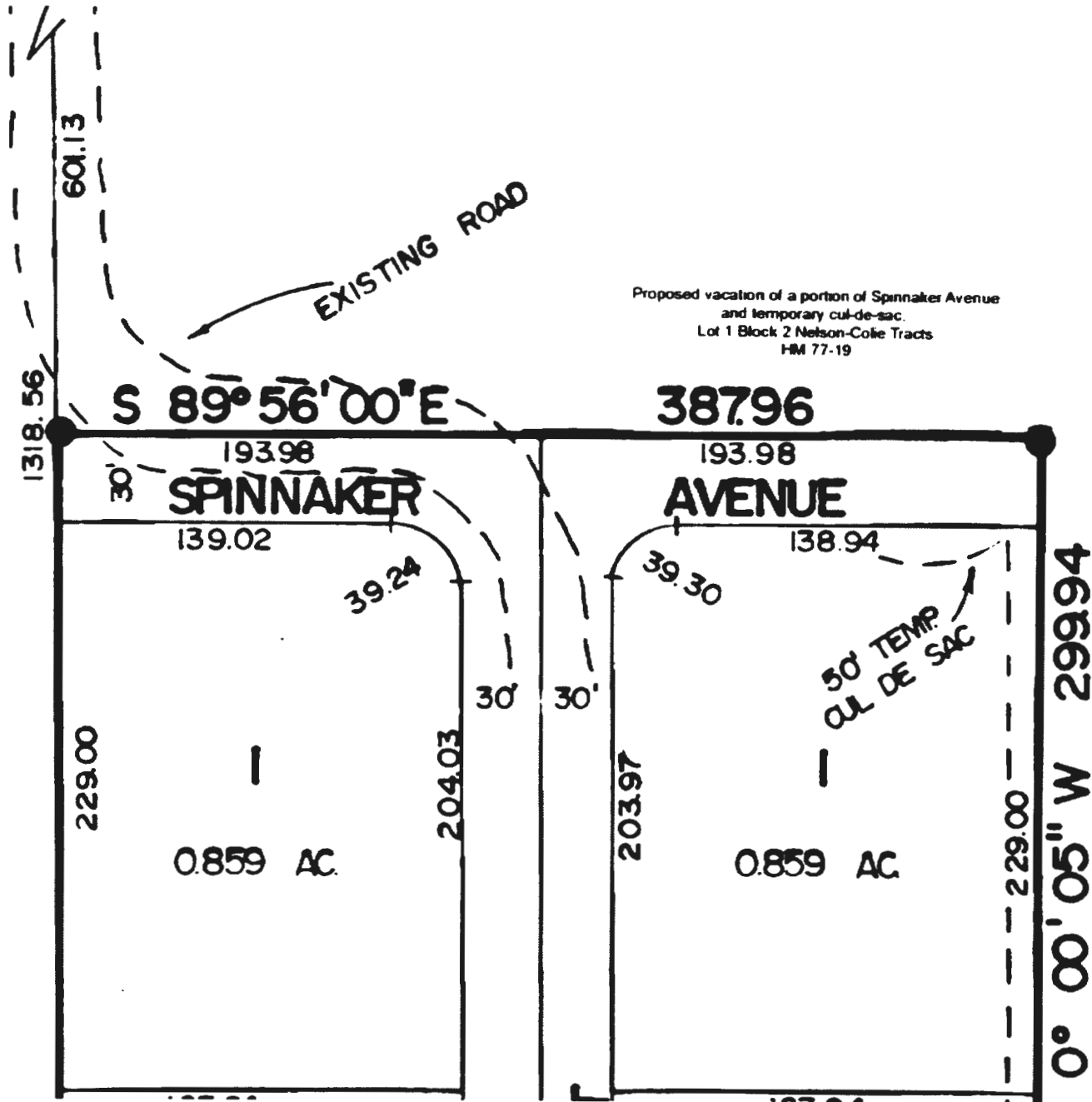
KPB 20.70.120:

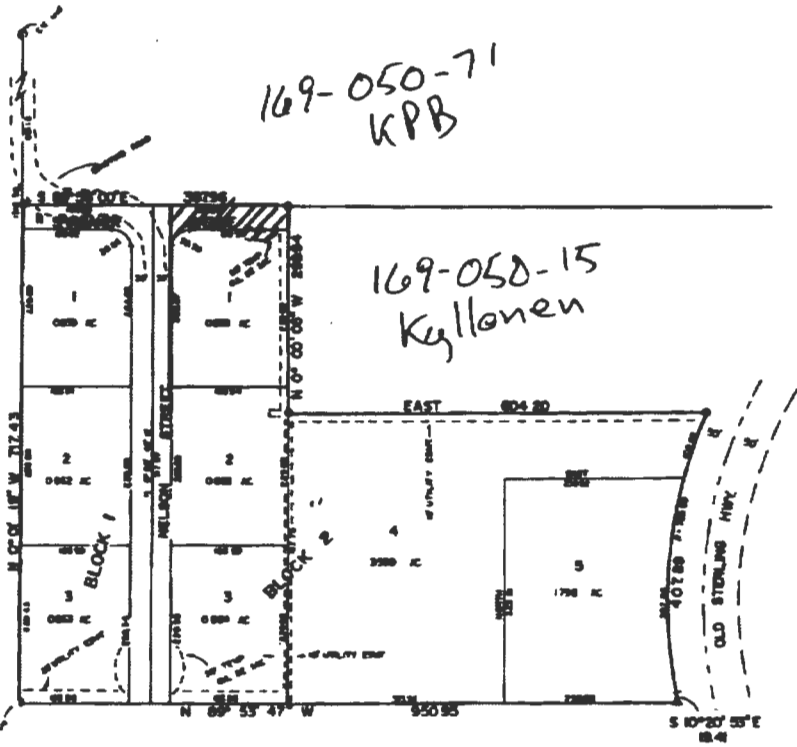
- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

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

END OF STAFF REPORT





169-050-71
KPB

169-050-15
Kyttonen

- NOTES
1. ALL CONVEYANCES HEREON SHOWN SHALL COMPLY WITH EXISTING LAW OF THE JURISDICTION.
 2. THE STATE OF ALASKA RESERVES ALL UNDETERMINED GENERAL EASEMENTS TO BE A PORTION OF THE PUBLIC AIR SPACE.
 3. A 5' BUREAU SERVICE LINE SHOWN ALONG ALL CORNERS OF LOT.
 4. ALL HIGHWAYS ARE SHOWN WITH 20' RIGHTS.
 5. ALL ADJACENT LAND IS UNDEVELOPED.
 6. PART OF SECTION 22 IN T. 12 S., R. 14 W., S. 12 N., AND PART OF SECTION 23 IN T. 12 S., R. 14 W., S. 12 N. ARE SHOWN FOR REFERENCE ONLY.

- LEGEND
- 1/4 AC. 1/4 SEC. 20
 - 1/2 AC. 1/2 SEC. 20
 - △ 1/4 AC. 1/4 SEC. 20

Vacation area $\frac{1}{4}$, 1122 Ac = 4,890 $\frac{1}{4}$
 Existing lot .859 Ac = 37,418 $\frac{1}{4}$
 New lot .97 Ac. = 42,308 $\frac{1}{4}$

CERTIFICATE OF SURVEY
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN I HAVE CAUSED A SURVEY OF THE SAME TO BE MADE BY A LICENSED SURVEYOR AND PUBLIC UTILITIES, RECORDS, AND PLANS REQUIRED BY THE PUBLIC USE.

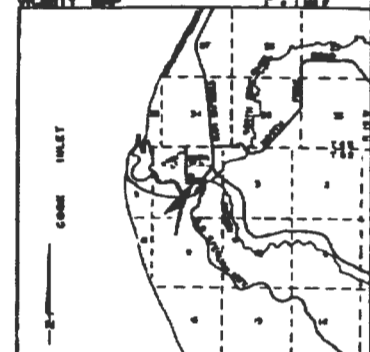
[Signature]
 1/19/77

OWNER'S ACKNOWLEDGMENT
 I HEREBY ACKNOWLEDGE THAT THE ABOVE DESCRIBED PROPERTY IS MY OWN AND I HAVE CAUSED A SURVEY OF THE SAME TO BE MADE BY A LICENSED SURVEYOR AND PUBLIC UTILITIES, RECORDS, AND PLANS REQUIRED BY THE PUBLIC USE.

SURVEYOR'S CERTIFICATE
 I, THE UNDERSIGNED LICENSED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA SURVEYING ACT AND THAT THE SURVEY HAS BEEN LOCATED AND ESTABLISHED AND THE INSTRUMENTS THEREON ARE TRUE AND CORRECT.

[Signature] 1/19/77
 1/19/77

PLAT APPROVED BY THE OFFICIAL PLANNING COMMISSION
 OF A COMMUNITY UNIT



77-19
 RECORDED - FILED
 1/19/77
 KPB
[Signature]

OUT OF STATE OFFICE
[Signature]
 1/19/77
 1/19/77
 1/19/77

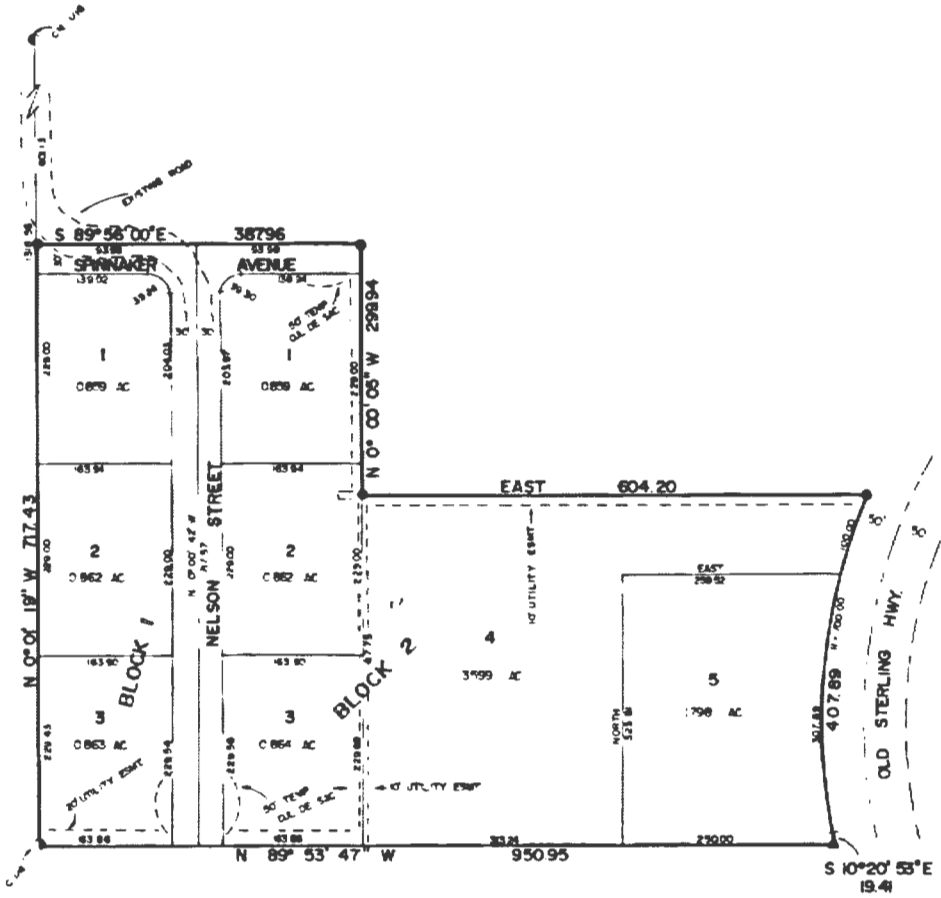
DATE: 1/19/77
 SCALE: 1"=100'
 DESIGNED BY: J.S.
 DRAWN BY: J.S.
 CHECKED BY: J.S.
 P.L.D. NO.: 17



NELSON-COLLIE TRACTS
 SITUATED IN THE S 1/2 NE 1/4, S 12 N, R 14 W, T 12 S

ABILITY SURVEYS

KPB 2017-117V



NOTES

1. ALL WASTE-WATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAW AT TIME OF CONSTRUCTION.
2. THE STATE OF ALASKA REQUIRES ALL WASTE-WATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100 FEET FROM ANY WATER SOURCE.
3. A 20' BLDG SETBACK LINE FIFTEEN FEET ABOVE S.L. RIGHTS OF WAY.
4. ALL RIGHTS OF WAY RETURNS ARE 25' RADII.
5. ALL ADJACENT LAND IS UNRESERVED.
6. BARE BEARING IS THE BLD BEARING EAST BETWEEN THE 1/4 CORNER COMMON TO SECTIONS 28 & 33 AND THE 1/4 CORNER COMMON TO SECTIONS 29 & 34, 45, 41° 12' 58\"/>

LEGEND

- THE 19, 200-5, 975
- SET OF THIS SURVEY
- ▲ PD AL CAP, 388-1, 976

77-19
 RECORDED - FILED
 JAMES
 2-28-77
 218
 KPB
 J. J. J. J.

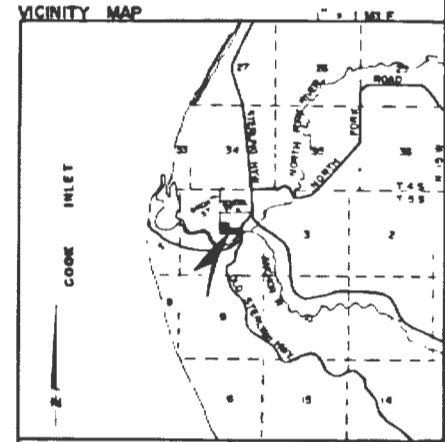
CERTIFICATE OF OWNERSHIP
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DEFINED HEREON. I HEREBY REQUEST APPROVAL OF THIS PLAT SHOWING SUCH EASEMENTS FOR PUBLIC UTILITIES, ROADS, AND ALLEYS DEDICATED BY ME FOR PUBLIC USE.

John William Nelson
 JOHN WILLIAM NELSON
 ANCHORAGE, AK
Janice Nell Collie
 JANICE NELL COLLIE

NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN BEFORE ME THIS 28 DAY OF January 1977
Mira A. Richardson
 NOTARY PUBLIC FOR ALASKA BY COMMISSION EXPIRES

SURVEYOR'S CERTIFICATE
 I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LEAD SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT.
Jerry Anderson 1-19-77
 JERRY ANDERSON, 3888-3

PLAT APPROVED
 PLAT APPROVED BY THE BOROUGH PLANNING COMMISSION THIS 13th DAY OF January 1976
W. D. Wright
 BOROUGHS CHIEF OF PLANNING DIVISION



DATE: NOVEMBER, 1976
 SCALE: 1"=100'
 DESIGNED BY: J.A.
 DRAWN BY: S.W.
 CHECKED BY: J.A.
 FLD. BK. NO.: 27



OUT OF STATE OWNER ?
Edith Nelson Betty Nelson
 EDITH NELSON
 RT 1, BOX 20
 WHEATLAND, CALIF.

MIRA A. RICHARDSON
 NOTARY PUBLIC FOR ALASKA
 1000 1/2 ST. ANNE ST.
 ANCHORAGE, ALASKA 99501
 COMMISSION EXPIRES 12/31/77

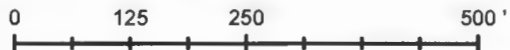
NOTARY'S ACKNOWLEDGEMENT
 SUBSCRIBED AND SWORN BEFORE ME THIS 28 DAY OF January 1976
Mira A. Richardson
 NOTARY PUBLIC FOR ALASKA BY COMMISSION EXPIRES


NELSON-COLLIE TRACTS
 SITUATED IN THE S 1/2 NE 14, S 4 T 55, R 15 W 5 M
 CONTAINS 11.785 ACRES
ABILITY SURVEYS
 JERRY ANDERSON BOX 1283 HONOLULU, ALASKA



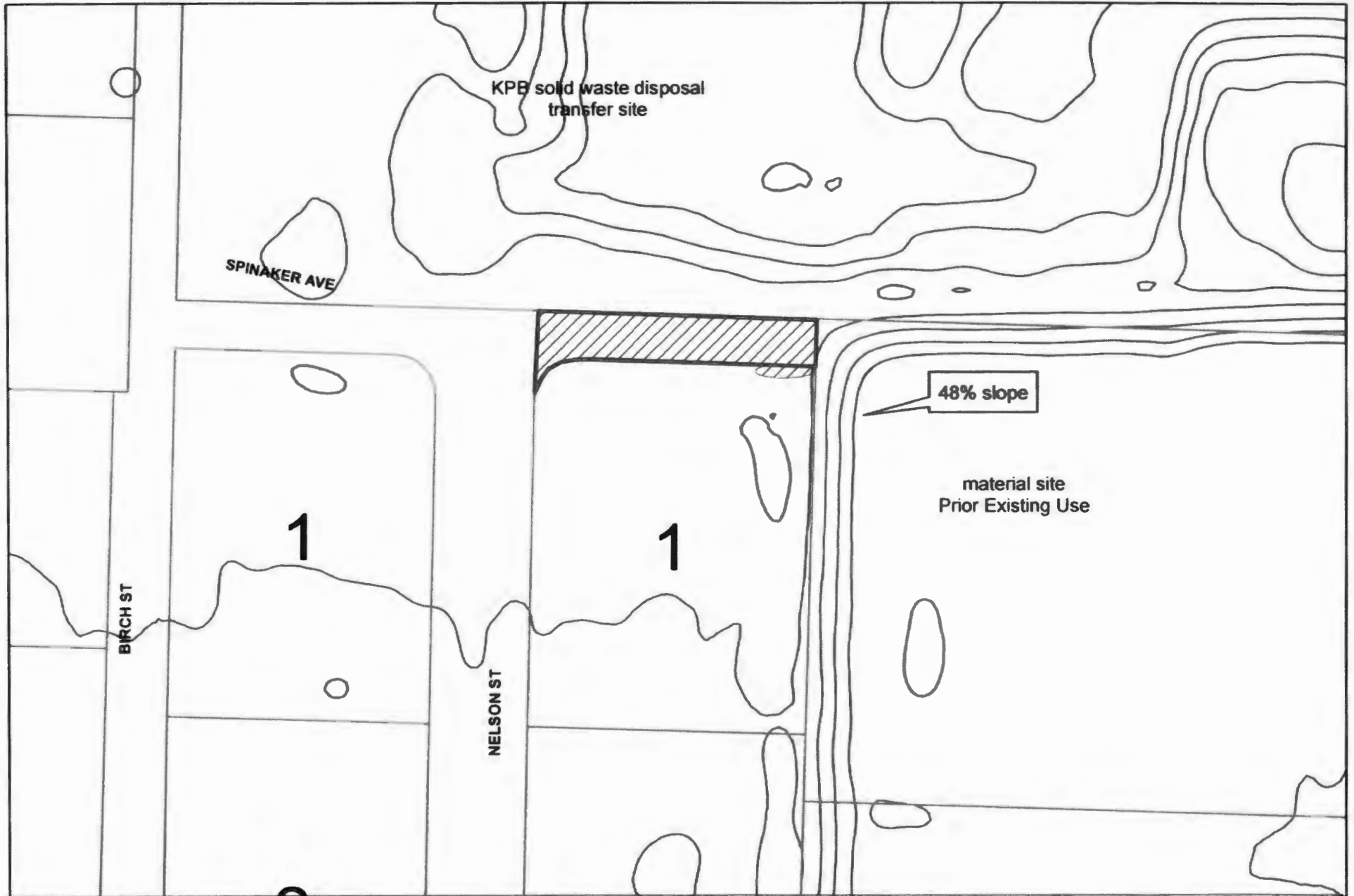
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



 Right of Way Vacation

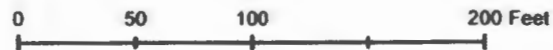
JReif, KPB
Date: 8/9/2017



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.

Kenai Peninsula Borough Planning Department

Four-foot Contours



Date: 8/31/2017



Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99689-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200



Spinaaker Ave Vacation

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

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

- NA \$500 non-refundable fee to help defray costs of advertising public hearing.
- NA City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Name of public right-of-way proposed to be vacated is dedicated by the plat of Nelson-Collie Tract Subdivision, filed as Plat No. 17-19 in Homer Recording District.
- Are there associated utility easements to be vacated? Yes No
- NA Are easements in use by any utility company? If so, which company None
- NA Easement for public road or right-of-way as set out in (specify type of document) None as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.

Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating Spinaaker Ave beyond intersection with Nelson St is unnecessary for access to any adjacent parcel, and reversion to Lot 1 Blk 2 creates above legal minimum size lot of 42,000 +/- Precipitous drop to NE E.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

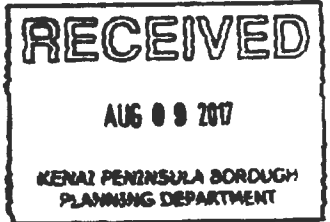
Submitted By: Name: Emmitt Trumble Signature as Petitioner Representative
 Address: PO Box 193
Anchor Point, AK
99556
 Phone: 907-299-1459

Petitioners:
 Signature: Emmitt Trumble
 Name: PO Box 193
 Address: Anchor Point, AK
99556

Signature: Buzz Kullonen
 Name: Buzz Kullonen
 Address: PO Box 49
Anchor Point AK 99556
 169-050-15
 TRS R156 Sec 4 SMHWR
 For R1/2 S 1/4 SW 1/4, NE 1/4



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



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

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

- \$500 non-refundable fee to help defray costs of advertising public hearing.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report. SPINAKER AVE
- Name of public right-of-way proposed to be vacated is dedicated by the plat of Nelson-Golic Tracts Subdivision, filed as Plat No. 77-19 in Kenai Recording District.
- Are there associated utility easements to be vacated? Yes No
- Are easements in use by any utility company? If so, which company _____
- Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
 - Has right-of-way been fully or partially constructed? Yes No
 - Is right-of-way used by vehicles / pedestrians / other? Yes No
 - Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

Page 2 to Petition Submitted by Emmitt Trinkle 8-4-17

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: _____ Signature as: Petitioner Representative
 Address _____

 Phone _____

Petitioners:

Signature <u>[Signature]</u>	Signature _____
Name <u>KPB Land Management Inc</u>	Name _____
Address <u>174N Binkley St</u>	Address _____
<u>Soldotna, AK 99669</u>	_____
Owner of <u>169-050-71</u>	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____

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