

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Melanie Aeschliman, Planning Director *MA*

DATE: March 24, 2022

RE: Right-of-way Vacation: Vacating a portion of Paper Birch Lane & associated utility easements.

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

During their regularly scheduled meeting of March 21, 2022 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation of by unanimous vote based on the means of evaluating public necessity established by KPB 20.65 (10-Yes, 1-Absent, 3-Vacant). This petition is being sent to you for your consideration and action.

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

March 21, 2022 Planning Commission Draft Meeting Minutes
March 21, 2022 Agenda Item E3 Meeting Packet Materials

Vice Chair Ruffner opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti to adopt PC Resolution 2022-13, a resolution recommending adoption of the updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Ruffner, Venuti				
Absent	Stutzer				

**ITEM E2
ORDINANCE 2022-04**

Ordinance 2022-04: An ordinance adoption the updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

Staff report given by Brenda Ahlberg.

Vice Chair Ruffner opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was open among the commission.

MOTION: Commissioner Morgan moved, seconded by Commissioner Venuti to forward to the Assembly a recommendation to adopt Ordinance 2022-04, an ordinance adoption the updated 2022 Kenai Peninsula Borough Community Wildfire Protection Plan.

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

MOTION PASSED BY UNANIMOUS VOTE:

Yes	10	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Ruffner, Venuti				
Absent	Stutzer				

**ITEM E3 - RIGHT OF WAY VACATION
VACATE A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-023V
Planning Commission Meeting	March 21, 2022
Applicant / Owner	Cody McLane, Gale Smith, Littleknife Inc., all of Soldotna, Alaska
Surveyor	James Hall / McLane Consulting Inc.
General Location	Sterling Area, Paper Birch Lane, Mountain Ash Street
Legal Description	Lot 1 Forest Hills Lookout Subdivision, Plat KN 86-204, and Lots 8, 9, and 15 of Tulchina Pointe Estates Phase 2, Plat KN 2009-48.

Staff report given by Julie Hindman.

Vice Chair Ruffner opened the meeting for public comment.

1. Steve Bowen, Builder: 36496 Haley's Way, Soldotna, AK 99669: Mr. Bowen was the builder who made the mistake and build the house in the right-of-way. He apologized for all this issues this mistake has created. He interpreted flagging on the lot and what he thought was the north property line was actually the north boundary of the right-of-way. He noted that he cannot close on the sale of the home until the right-of-way encroachment is resolved. He has hired McLane Consulting to do the survey work and replating of the lot which will hopefully resolve this issue.
2. James Hall, Surveyor: McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall is the surveyor

working on this project. Mr. Hall noted that this area has been replatted over the years due to difficult terrain. The plat Mr. McLane is submitting for the subdivision of Lot 1 will provide access to Lot 2 and continue Authentic Road to Mountain Ash which will connect with Foster Avenue to the north. Tulchina Point Estates Phase 2 was approved by in 2006 and effects Lots 8, 9 & 15 and are also involved with this vacation request. The 2006 meeting minutes stated that the surveyor identified the difficult terrain of this area. The surveyor, Mr. Baker proposed an intersection layout for Mountain Ash and Walker Steet (later renamed to Paper Birch) which would provide dedicated access to the northwest. Walker would be vacated at the top of the knob and Authentic Road would connect to Foster Avenue. The reason given for this was they were trying to follow the terrain. He proposed vacating the portion of Walker between the intersection at the top of the knob and install a cul-de-sac because the road could not be built over that terrain. A lot of the area could not be built and they were trying to work with the terrain as much as possible.

3. Cody McLane, McLane Consulting, P.O. Box 468, Soldotna, AK 99669: Mr. McLane is an engineer and is assisting Steve Bowen with this situation and he is also the owner of Lot 1 to the north of Paper Birch. He spoke to the buildability of Paper Birch Lane. He noted that KPB 14.060.100 which speak to road standards, state that from any intersection the vertical alignment must not exceed 4% within the first 100' and then cannot exceed 10% anywhere else. Where Paper Birch intersects Authentic Road, the elevation changes 70' over the first 200'. To build a road in that area to borough standards, the centerline cut 200' away from the intersection would be approximately 50' and the back slopes would catch about approximate 85' from both directions making the right-of-way of 170'. There is also the possibility of running into ground water issues.

Commissioner Morgan asked Mr. McLane if the rest of Paper Birch Road is built to borough standards. Mr. McLane replied that Paper Birch is not built but he believes there may be some trails in the right-of-way.

Commissioner Ruffner asked Mr. McLane if the concept with the preliminary plat for Lot 1 is to have a connection to Authentic Road as well as a new road that would continue to run north. Mr. McLane replied that he will have a spur that runs up and around the knob of Paper Birch about 200' to the north and will continue north and connect with Foster Road which is to the north of Lot. He noted that there would be a gap created that would be resolved if or when Lot 2 would be subdivided.

4. Gail Smith, 34701 Gloria Burns Circle, Soldotna, AK 99669: Ms. Smith spoke in support of the vacation. She is the owner of Lot 15. She noted the terrain where Paper Birch Lane intersects with Authentic Road is very steep. The image she would use to describe the area would be if you were standing at the bottom on Authentic Road and would go up the easement to connect with Paper Birch it would be like going up a tram at the Alyeska Ski area. The area is very steep and it would be difficult if not impossible to build the road. The area is much flatter and more open where the proposed new road will be. She believed that the new proposed road Mountain Ash will provide a safe access than Paper Birch. She also expressed numerous safety concerns related to the steepness of Paper Birch Lane.
5. Charles Johnson, P.O., Box 1608, Seward, AK 99664: Mr. Johnson is the owner of Lot 2 of Forest Hills Lookout Subdivision. He spoke in support of the vacation. He noted that the area of Paper Birch being vacated is very steep and would be very difficult to build a road to borough standards. He is happy to use the new road the Mr. McLane, is proposing with his proposed subdivision of Lot one. He also noted he is not planning on subdividing his property. He is planning to build a single home on his 15 acres of land. However, should he ever decide to subdivide he does not see a problem with dedicating a road along his property line that would connect with Paper Birch.

Commissioner Fikes asked if Mr. Johnson currently accesses his property from Paper Birch Lane. Mr. Johnson replied he accessed his property in the past by walking up a trail along Paper Birch Lane. Currently there is not developed road access to his property.

6. Mark Kemberling, 40790 Authentic Road, Soldotna, AK 99669: Mr. Kemberling spoke in opposition to this vacation. He noted that several of the affected property owners in the area were led to believe the Mr. Johnson was allowed access to his property through Cody McLane's property. He stated that he has not seen anything in writing confirming this. He also does not see anything in the record confirming the Mr. Johnson will provide access to Paper Birch from his property. He noted that the builder had made a big mistake building well over the property line into the right-of-way. He noted since his clients are gaining

more land that they be required to take a sliver out of Lot 8 and connect that to Paper Birch. He noted that Developer Circle is already there and it is about 120' feet over flat land to connect to Paper Birch Lane. He feels that Developer Circle could to be easily connected to the existing Paper Birch Lane He noted that the area of Paper Birch that is being vacated is steep but that he and his wife of walked it with there dogs several times, it is a bit of a workout but is doable.

7. Heidi Morrison: 107 Sand Dollar Dr., Sitka AK: Ms. Morrison spoke in opposition to this vacation. She owns Lot 6 in the Forest Hills Lookout Subdivision, which runs along Paper Birch Road. When she purchased her property, the plat showed Paper Birch connecting to Authentic Road. She noted that since she has owned this property there have been numerous platting actions in the area, none of the platting actions ever noted that Paper Birch could not be built. She herself has ridden horses and driven snowmachines up Paper Birch and at no time has anyone ever indicated to her that Paper Birch could not be built. She has always assumed that she would have access there. She noted that the Borough must have thought it was possible to build the road because they approved the dedication. She believed that during all the other platting actions this should have been brought up and addressed then but it was not. When she got her notice in the mail regarding this vacation she spoke with Mr. Bowen and presented an alternative of dedicating a section of road along Lots 8 & 9 and connect it to Developer Circle. This would solve the access issues and would allow the landowner who built his house in Paper Birch to resolve his encroachment issue using the land within his lots. She also noted that Mr. Johnson does not have plans to subdivide his property (Lot 2) and so there will not be any road dedications that could be used by any of the land owners along Paper Birch. She noted the KPB Roads Department initially was not supporting the vacation. Mr. McLane replied to the Roads Department concerns about access stating that he would supply access to Mr. Johnson's property (Lot 2), which caused the Roads Department to change their mind and support the vacation. She feels that this email communication was not clear enough to ensure that there will be guaranteed access. She would like the commission to send this vacation request back to the Roads Department for review to ensure that they understand what is being proposed by Mr. McLane. She does not feel that the residents along Paper Birch Lane are being guaranteed access. She believed that there is an opportunity here to discuss other options, but if this platting action is granted the opportunity would be lost. She would like to see Paper Birch Lane remain as it is it provides access and makes the neighborhood walkable.

Commissioner Brantley asked Ms. Morrison which lot she owned and how did she access the lot. She replied that her lot is the large lot that runs parallel along Paper Birch Lane and that she accesses her property via Moran Street which is off Paper Birch Lane. Commissioner Brantley noted that she also has access to her property via Quillback Drive. She replied that she has never accessed her property via Authentic Road and that she does not intend to develop Quillback Drive as an access. She noted that Quillback was dedicated after she purchased her land. Her plans are to be able to access her 15-acre property anywhere along Paper Back Lane. She noted that vacating Paper Birch would put pressure on her to give up some of her land to make Quillback a 60' right-of-way should she ever subdivide her property unless alternate access of secured. She believed her earlier recommendation would resolve this issue and that she would not be required to give up any of her land for a road dedication should she subdivide her property in the future.

Commissioner Ruffner noted that currently even if the vacation did not go through that Ms. Morrison would still be able to access her lot using Foster Ave. to Moran St. and along Paper Birch. He also noted that to the south she also had access to her property via Diamond Willow Lane which turns into Authentic Road which connects to Quillback Drive. She replied that is correct. She is concerned that being required to give the required match to Quillback Drive when she goes to subdivide her property will limit her options on how she could develop her property.

8. Jackie Kemberling: 40790 Authentic Road, Soldotna, AK 99669: She spoke in opposition to this vacation. She and her husband own Lot 4 in Tulchina Point Estates Phase 2. She wanted to let the commission know the Quillback Drive is not constructed. She stated that she did not want the other landowners in the area to be pressured into doing something they do not want to do with their properties because of the mistake of another landowner. She just wanted to make sure that everyone gets what they need without having to put pressure on others.
9. Russ Morrison: P.O. Box 4623, Soldotna, AK 99669: Mr. Morrison spoke in opposition to this vacation. He owns Lot 7B of Forest Hills Lookout and his property fronts Paper Birch Lane. He is in opposition to this vacation until another easement if finalized. He believes this vacation will limit his access and

negatively affect the development of his land. His plan is to subdivide his land believes that vacating Paper Birch will cut access to high value land of Tulchina Estates. His property is directly behind some very expensive land and by Paper Birch Lane completes a loop which would dramatically increases the value of his property. He believes the vacation would decrease the value of his land

Commissioner Ruffner noted that Mr. Morrison still has dedicated access to his property via Paper Birch. Mr. Morrison stated that is correct, but he does not want to see the loop go away. He believes that losing the loop would negatively affect his land value.

10. James Hall, Surveyor; McLane Consulting; P.O. Box 468, Soldotna, AK 99669: Mr. Hall noted that a goal of the borough is to improve access and that roads are dedicated can be improved and constructed. He noted that is what they are trying to do with developing this area. The section of Paper Birch being vacated is not constructable. He noted that KPB 20.30.030(A) requires the matching of road dedications. Should Lot 2 ever subdivide he will have to match and continue the right-of-way the Mr. McLane is proposing to dedicate with his development of Lot 1. The same would be required of Quillback should the property owner of Lot 15 ever subdivide. This would provide good access for the area should these properties be developed.

Commissioner Morgan asked for clarification on the access that Mr. McLane is proposing for his development of Lot 1. Mr. Hall noted that the proposed dedication could be found on page E3-21 of the meeting packet. It shows the right-of-way dedication that will go to Lot 2. He then noted that per borough code should Lot 2 ever subdivide he would be required to continue that right-of-way and would connect it to Paper Birch.

Commissioner Horton ask a question regarding exceptions to road standards. Commissioner Ruffner replied if you want to build a road that will be accepted into the maintenance system you will need to meet the standards set out in code. The Road Service Board generally does not like to make exceptions to the standards. Commissioner Ruffner sits on the Road Service Board and noted there have been problems in the past when exceptions have been granted which resulted in roads being approved which were like goat trails. In his opinion the section of Paper Birch Lane being vacated, should it ever be developed, could not be built to the standard that it would be accepted into the road maintenance inventory.

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

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

Commissioner Brantley stated that he would be supporting the vacation request. The section of road being vacated is not buildable. The only lot that would have an access issue is Lot 2 and the access issue will be resolved with Mr. McLane's replat of Lot 1. Mr. Johnson is going from the Paper Birch access point which is not constructable to one being dedicated by Mr. McLane's plat that is. Mr. Johnson's access to his property will be improved. Everyone else that has spoken tonight currently has developed access to their properties. They are not using the unconstructed portion of Paper Birch Lane being vacated to access their properties.

Commissioner Horton stated that he will be supporting this vacation request. He noted that he lives in this area and is familiar with the lots in question. He noted that there will still be access to Paper Birch Lane via Quillback in the future if needed. The vacation being requested is further back and will not affect access for the other property owners.

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

MOTION PASSED BY UNANIMOUS VOTE:

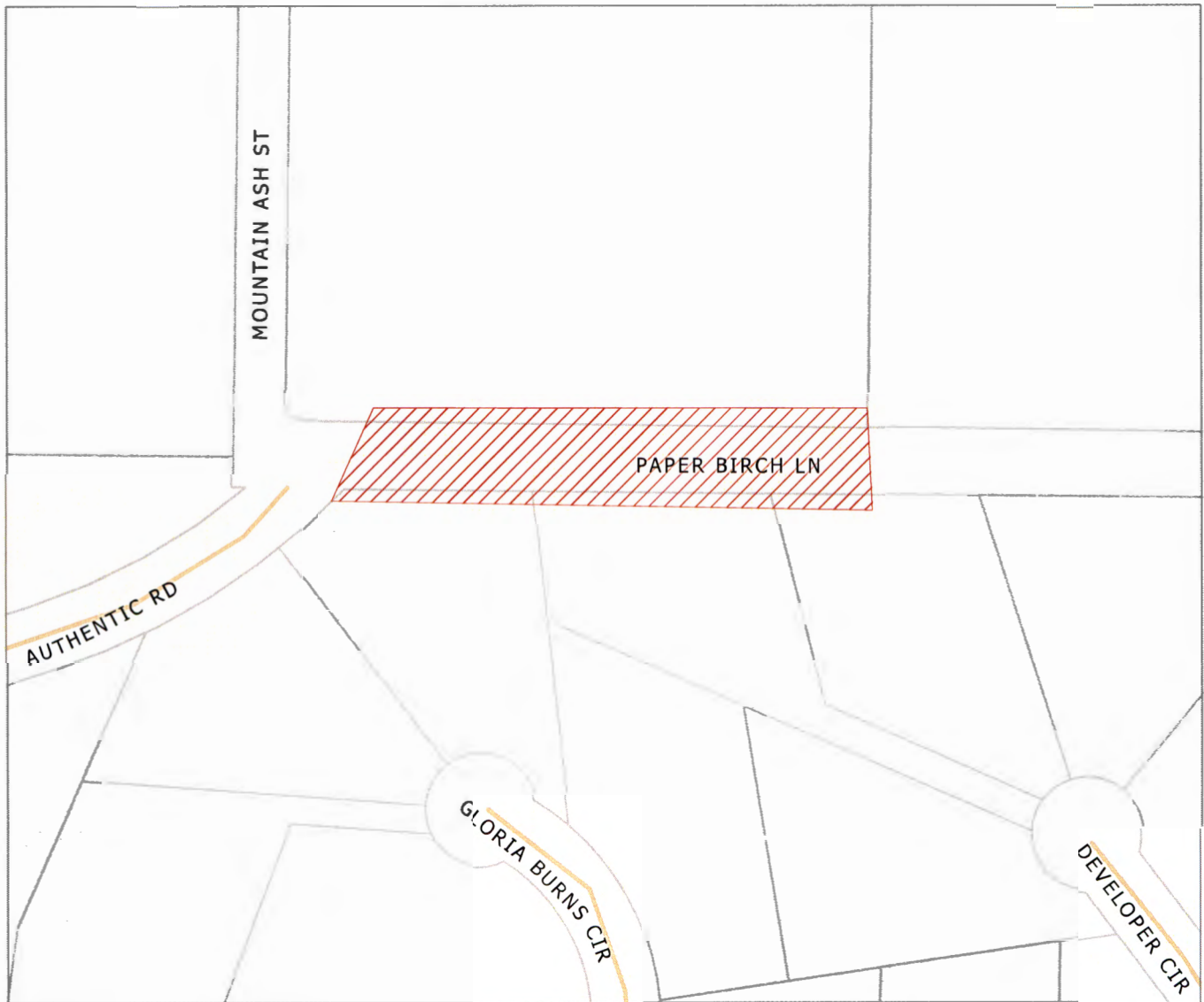
Yes	10	Absent	1	Vacant	3
Yes	Bentz, Brantley, Fikes, Gillham, Hooper, Horton, Martin, Morgan, Ruffner, Venuti				
Absent	Stutzer				

E. NEW BUSINESS

**ITEM E3 - RIGHT OF WAY VACATION
VACATE A PORTION OF PAPER BIRCH LANE AND
ASSOCIATED UTILITY EASEMENTS**

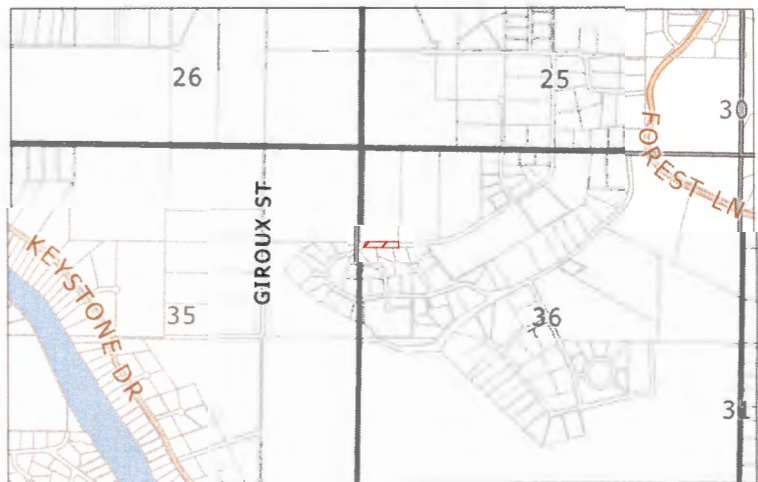
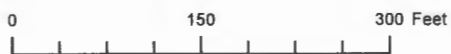


Vicinity Map

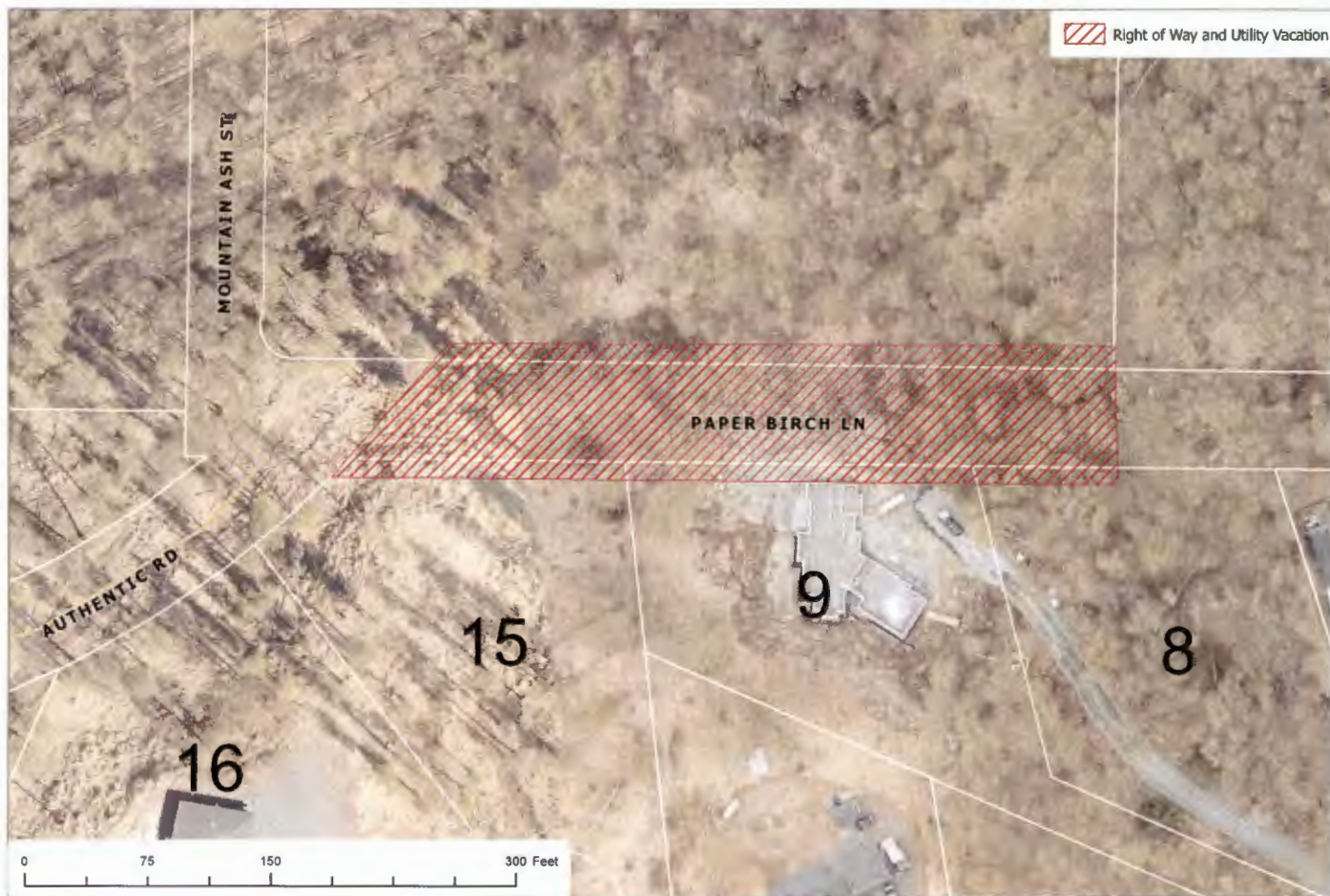


KPB File # 2022-023V
S36-T05N-R10W
Sterling

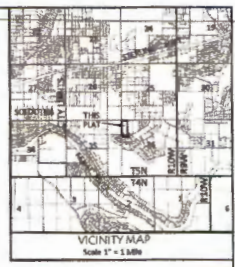
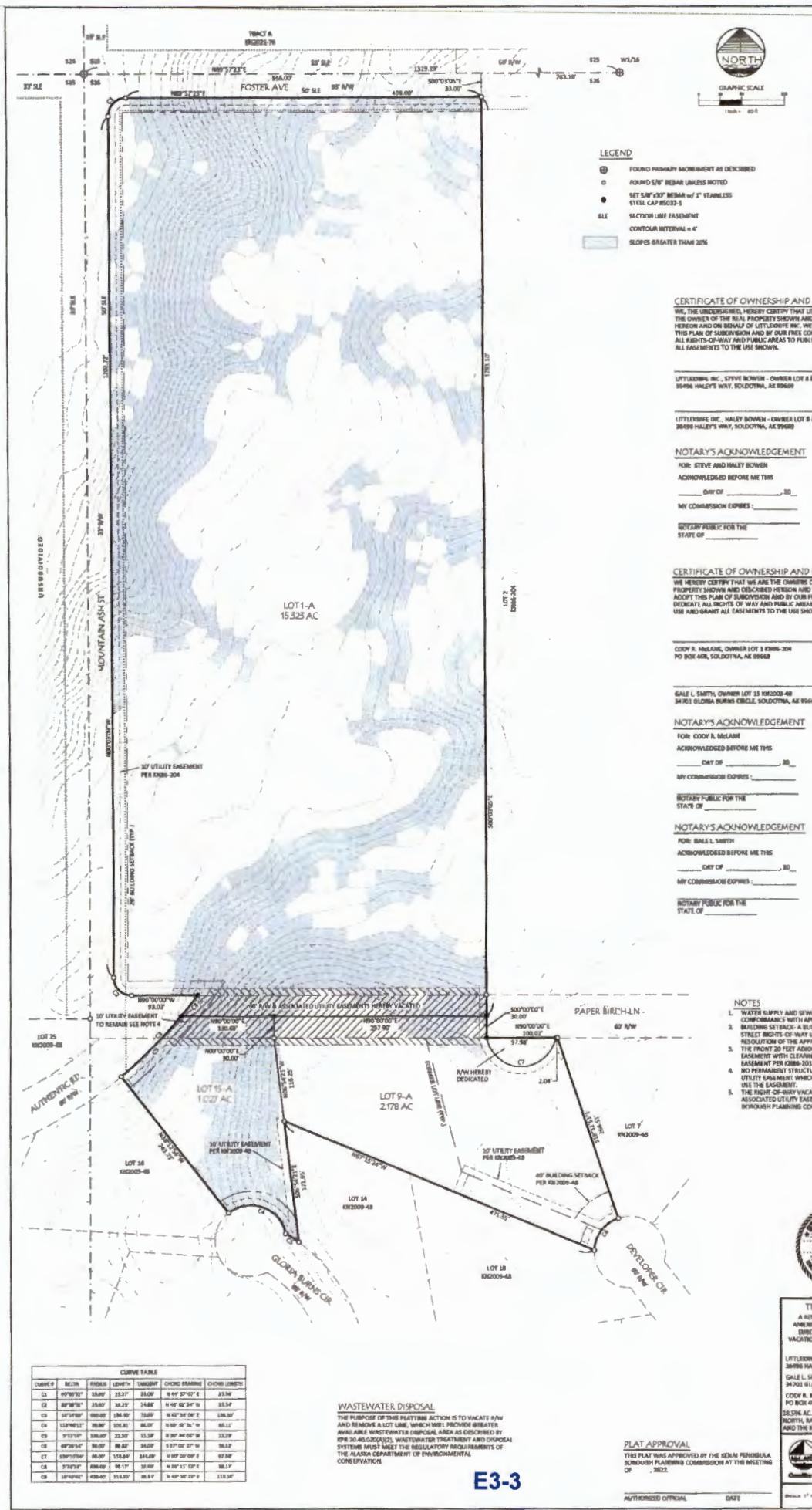
2/25/2022



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



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KPB 2022-023V

- LEGEND**
- ② FOUR PRIMARY MONUMENT AS DESCRIBED
 - FOUR 5/8" REBAR UNLESS NOTED
 - SET 5/8" X 3" REBAR w/ 1" STAINLESS STEEL CAP #5023-5
 - ██ SECTION LINE EASEMENT
 - CONTOUR INTERVAL = 4'
 - ▭ SLOPES GRATER THAN 20%

CERTIFICATE OF OWNERSHIP AND DEDICATION
 WE, THE UNDERSIGNED, HEREBY CERTIFY THAT LITTLEBIE INC. IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF LITTLEBIE INC. WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

LITTLEBIE INC., STEVE BOWEN - OWNER LOT 8 & 9 #20029-48
 3698 HALEY'S HWY, SIOUX FALLS, SD 57108

LITTLEBIE INC., HALEY BOWEN - OWNER LOT 8 & 9 #20029-48
 3698 HALEY'S HWY, SIOUX FALLS, SD 57108

NOTARY'S ACKNOWLEDGEMENT
 FOR: STEVE AND HALEY BOWEN
 ACKNOWLEDGED BEFORE ME THIS
 _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE
 STATE OF _____

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

COOY R. BALDARE, OWNER LOT 1 #20029-204
 PO BOX 408, SIOUX FALLS, SD 57108

GALE L. SMITH, OWNER LOT 15 #20029-48
 34701 OLONA BURNS CIRCLE, SIOUX FALLS, SD 57108

NOTARY'S ACKNOWLEDGEMENT
 FOR: COOY R. BALDARE
 ACKNOWLEDGED BEFORE ME THIS
 _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE
 STATE OF _____

NOTARY'S ACKNOWLEDGEMENT
 FOR: GALE L. SMITH
 ACKNOWLEDGED BEFORE ME THIS
 _____ DAY OF _____, 20____
 MY COMMISSION EXPIRES: _____
 NOTARY PUBLIC FOR THE
 STATE OF _____

NOTES

1. WATER SUPPLY AND SWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF SD AC 72 AND SD AC 80.
2. BUILDING SETBACK: A BUILDING SETBACK OF 30 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSE STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
3. THE FRONT 20 FEET ADJOINING DEDICATED RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT WITH EASEMENTS RESTRICTED TO THE FRONT 10 FEET OF EACH BASSEMENT PER DIRM-203.
4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
5. THE RIGHT-OF-WAY VACATION OF A PORTION OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 30 WEST, SEWARD METROPOLITAN REBAR PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2012.

CURVE TABLE

CURVE #	BELEN	RADIUS	LENGTH	CHORD BEARING	CHORD LENGTH
C1	0°00'00" E	23.37	11.30	18°41'00" E	23.36
C2	90°00'00" E	23.37	14.88	18°40'00" W	23.34
C3	180°00'00" E	136.90	75.00	18°40'54" E	136.92
C4	180°00'00" E	308.81	88.00	18°40'54" W	308.82
C5	180°00'00" E	23.37	11.30	18°40'54" W	23.39
C6	0°00'00" E	23.37	11.30	18°41'00" W	23.38
C7	180°00'00" E	23.37	11.30	18°41'00" E	23.38
C8	180°00'00" E	23.37	11.30	18°41'00" E	23.37
C9	180°00'00" E	23.37	11.30	18°41'00" E	23.37
C10	0°00'00" E	23.37	11.30	18°41'00" E	23.37

WASTEWATER DISPOSAL
 THE PURPOSE OF THE PLATING ACTION IS TO VACATE R/W AND REWORK A LOT LINE, WHICH WILL PROVIDE GREATER AVAILABLE WASTEWATER DISPOSAL AREAS AS DESCRIBED BY PER SD REGULATIONS, WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

E3-3



Plat #

Sheet: _____ of _____

Date: _____

Scale: _____

TULCHINA POINTE ESTATES 2022 REPLAT
 A RESUBDIVISION OF LOT 1 PORTLET HILLS LINDSAY SUBDIVISION AMENDED (PDR-204) AND LOT 8, 9 & 15 TULCHINA POINTE ESTATES (SUBDIVISION PHASE 2) AMENDED (E20029-48) w/ RIGHT-OF-WAY VACATION INCLUDING ASSOCIATED UTILITY EASEMENTS FOR A PORTION OF PAPER BIRCH LANE

LITTLEBIE INC., OWNER LOT 8 & 9 #20029-48
 3698 HALEY'S HWY, SIOUX FALLS, SD 57108

GALE L. SMITH, OWNER LOT 15 #20029-48
 34701 OLONA BURNS CIRCLE, SIOUX FALLS, SD 57108

COOY R. BALDARE, OWNER LOT 1 #20029-204
 PO BOX 408, SIOUX FALLS, SD 57108

28,526 AC. M-1 - SITUATED IN THE NW1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 30 WEST, SEWARD METROPOLITAN REBAR PENINSULA BOROUGH AND THE SEWARD RECORDS DISTRICT, ALASKA.

PLAT APPROVAL
 THIS PLAN HAS BEEN APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____, 2022.

APPROVED: _____
 DATE: _____

Author: James J. Hall
 Date: FEB. 2022
 Scale: 1" = 100'

AGENDA ITEM E. NEW BUSINESS

**ITEM 3 - RIGHT OF WAY VACATION
VACATE A PORTION OF PAPER BIRCH LANE AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-023V
Planning Commission Meeting:	March 21, 2022
Applicant / Owner:	Cody McLane, Gale Smith, Littleknife Inc., all of Soldotna, Alaska
Surveyor:	James Hall / McLane Consulting Inc.
General Location:	Sterling area, Paper Birch Lane, Mountain Ash Street
Legal Description:	Lot 1 Forest Hills Lookout Subdivision, Plat KN 86-204, and Lots 8, 9, and 15 of Tulchina Pointe Estates Phase 2, Plat KN 2009-48.

STAFF REPORT

Specific Request / Purpose as stated in the petition: Right of way vacation of Paper Birch Lane from Authentic Road to the easterly property line of Lot 1 (KN 86-204). Current right-of-way width is 60 feet over very difficult terrain with steep slopes.

Proposed vacation is approximately .591 acres.

Lot 1 (KN 86-204) is in the process of being subdivided and has preliminary approval by the Kenai Peninsula Borough on 11/12/2019 with vacation approval of Mountain Ash Street and section line easements on 10/28/2019 under KPB File No. 2019-117. This plat is in the process of being finalized and will dedicate alternate access that can be connected to in the future subdivision of Lot 2 (KN 86-204).

At this time, a cul-de-sac is proposed at the end of Paper Birch Lane to accommodate a proper turn-around area for traffic.

Reasoning: A new structure on Lot 9 (KN 2009-48) has been constructed over the R/W line of Paper Birch Lane. By re-platting this area and vacating Paper Birch Lane, the property is free of encroachments and allows additional acreage for wastewater treatment systems.

Lot 15 (KN 2009-48) is also encumbered by steep slopes and minimal useable area for construction and would benefit by the additional acreage provided by the R/W vacation.

Notification: Public notice appeared in the March 10, 2022 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the March 17, 2022 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Soldotna

Post Office of Soldotna

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

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

Seventeen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
State of Alaska DNR
State of Alaska DOT
State of Alaska DNR Forestry
Central Emergency Services

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

Legal Access (existing and proposed): Paper Birch Lane is a 60 foot wide right of way located in the Sterling Area. Paper Birch Lane is approximately 3,100 feet long with several intersections that break the road into segments. The proposal will vacate the western segment and the remainder of the right of way will remain. The road is located off Forest Lane, a state maintained right of way that runs south of the Sterling Highway near mile 90.

To access the portion being discussed there are multiple routes dedicated but not all are fully constructed. Foster Avenue, Moran Street, Authentic Road, and Quillback Drive intersect Paper Birch Lane. Foster Avenue and Moran Street are constructed and maintained by the Kenai Peninsula Borough. Authentic Road is constructed and connects to Diamond Willow Lane. Both are constructed and maintained by the Borough. Diamond Willow Lane connects back to Foster Avenue near the Forest Lane intersection. Quillback Drive is only a half width right of way that is not constructed.

Portions of Paper Birch Lane appear to be cleared and used for access. The Kenai Peninsula Borough does not maintain any portions of Paper Birch Lane. The areas cleared are northeast of the Quillback Drive intersection and are accessed via Moran Street and Foster Avenue.

The petition is to vacate approximately 428 feet of the western portion of Paper Birch Lane. Preliminary plat Forest Hills Lookout Bolder Heights Addition, KPB File 2019-117, is located to the north of the proposed vacation. That plat and the associated vacations have been approved. The plat, once recorded, will vacate a portion of Mountain Ash Street, a portion of Foster Avenue, and will provide a new right of way that continues Authentic Road to the north and provides a connection to Foster Avenue. A new right of way will be dedicated that provides access to the large acreage tract to the east. The owners are working to vacate some section line easements and the Planning Commission granted four year approvals to allow the vacations and plat to be recorded together.

A partial bulb is proposed to be dedicated to provide an adequate turn around area for Paper Birch Lane. The 15 acre lot to the north will continue to have access to Paper Birch Lane and by Foster Avenue to the north. Once the plat to the west is finalized, the parcel will also have access from the new dedications. If the 15 acre parcel to the north is ever subdivided, it will have multiple access routes to provide access and possible connections to internal right of ways.

Lot 15 has access from Authentic Road and Gloria Burns Circle. Lots 8 and 9 have constructed access on Developer Circle.

Paper Birch Lane, Quillback Drive, and Authentic Road provide a closed block. The length around Authentic Road is not compliant. Multiple right of ways are off Authentic Road but they are cul-de-sacs and do not improve the block. The proposed vacation and new dedications to the north will not improve the block and the block will be slightly longer. The reason for the placement for the new right of ways in the proposed subdivision to the north is due to terrain. The sketch provided shows the steep terrain within the Paper Birch Lane Dedication. An exception to KPB 20.30.170, block lengths, will need to be requested when the plat is submitted for review.

The Roads Department originally provided a review of "no comment". Staff reached out to the Roads Department due to calls received by concerned landowners. The Roads Department changed their comment to "We oppose the vacation because it will reduce/prevent access to other parcel." The comment received was forwarded to the owner and surveyor and they were advised to begin having conversations with the Roads Department on methods to resolve the issue. The surveyor submitted to the Roads Department an explanation that a portion proposed for vacation does not meet RSA standards. Plans were submitted for the subdivision to the north to support their stance. The Roads Department reviewed the submitted items and changed their comment. "RSA will support the

vacation actions with the knowledge that parcel access will be improved with the next phase of subdivision." The emails and documents have been included in the packet.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA will support the vacation actions with the knowledge that parcel access will be improved with the next phase of subdivision.
SOA DOT comments	No comment

Site Investigation: The dedicated right of way contains steep slopes through the majority of the portion petitioned for vacation. There does not appear to be any lot wet areas within the dedication.

Quillback Drive, Paper Birch Lane and its intersections with Foster Avenue and Moran Street appear to be free from low wet areas. Steep slopes do not appear to be present within the right of ways. The slopes within Quillback Drive are approximately 9 percent.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
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Staff Analysis: Forest Hills Lookout Subdivision, Plat KN 86-204, dedicated the right of way being discussed. It was named Walker Street when dedicated. Resolution SN 2015-09 changed the street name. The parent subdivision created larger acreage lots. Many have been subdivided through the years and provide the current configuration of the area.

The lot to the northwest has received preliminary approval to vacate multiple right of ways and easements to allow for dedications that work with the terrain in the area. The ability for Paper Birch Lane to provide a better connection to another right of way may be obtained in the future if Lot 2, located to the northeast, is ever subdivided.

The owner of Lots 8 and 9 is LittleKnife Inc. The owner is a construction company that recently built a home on the lots for a client. It was determined that the house was constructed partially within the right of way. An as-built was not provided with the application but a sketch was previously received. The sketch shows the house within the right of way but no dimensions were provided.

A bulb is proposed to provide an adequate turnaround area.

The petition is proposing to vacate the associated utility easements along the portion of Paper Birch Lane to be vacated. 10 foot utility easements will be placed along Authentic Road, Paper Birch Lane straight away and bulb.

At the time the staff report was prepared no written comments have been received from the public. Staff has had several phone calls and in person contact with members of the public with concerns about the vacation. Staff answered questions asked and advised that comments be submitted or attend the meeting to provide testimony to the Planning Commission.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: This portion is not constructed and no comments were received of other uses.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: The intersection with Authentic Road will be difficult due to the terrain. New right of ways are proposed to the north that used terrain to help determine locations. The lots along this portion to be vacated all have access from other right of ways.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: No lots will be denied access to utility easements.
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: Does not provide access to public lands or waters.
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: This will make the block no longer close. The ability to construct a closed block in this location will be difficult. No lots will be denied access.
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: The steep terrain may make pedestrian use difficult but could still be feasible. Other dedicated right of ways provide adequate access.
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: Requests by utility providers will be reviewed and the surveyor/owner must work with utility providers to ensure all needed easements are provided. The proposed plat will grant easements along dedicated right of ways.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: There is a structure within the right of way.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly or City Council must hear the vacation within thirty days of the Planning Commission decision.

If approved, the Assembly will hear the vacation at their April 5, 2022 or April 19, 2022 meeting. Meeting date may be verified by contacting the Clerk’s office.

If approved, Tulchina Pointe Estates 2022 Replat will finalize the proposed right of way vacations. Once a complete application for the preliminary plat is received, it will be scheduled for review by the Plat Committee

KPB department / agency review:

Planner	
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Addressing	Reviewer: Haws, Derek Affected Addresses: 34426 DEVELOPER CIR 41258 AUTHENTIC RD Existing Street Names are Correct: Yes List of Correct Street Names: FOSTER AVE MOUNTAIN ASH ST PAPER BIRCH LN DEVELOPER CIR GLORIA BURNS CIR AUTHENITC RD Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied: Comments: 34426 DEVELOPER CIR WILL REMAIN WITH LOT 9-A 41258 AUTHENTIC RD WILL REMAIN WITH LOT 1-A
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

Utility provider review:

HEA	
ENSTAR	No comment
ACS	No objections
GCI	No conflicts

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

KPB 20.65.050 – Action on vacation application

H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The

council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.

- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.*

Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



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.



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.
E3-11

Hindman, Julie

From: Uhlin, Dil
Sent: Tuesday, March 8, 2022 2:37 PM
To: Hindman, Julie
Cc: crmclane@mclanecg.com
Subject: FW: <EXTERNAL-SENDER>RE: Paper Birch Vacation
Attachments: Comments Roads 030722.pdf; 192010 Forest Hills Lookout Civil Prelim 3-8-2022.pdf; 192010 Forest Hills Prelim-Rev1.pdf

Hi Julie,

The RSA will support the vacation actions with the knowledge that parcel access will be improved with the next phase of subdivision.

Dil Uhlin
Director, RSA

From: Cody McLane [crmclane@mclanecg.com]
Sent: Tuesday, March 08, 2022 10:54 AM
To: Uhlin, Dil
Cc: Hindman, Julie; James Hall; Steve Bowen
Subject: FW: <EXTERNAL-SENDER>RE: Paper Birch Vacation

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.

Dil,

In response to RSA comments on the proposed vacation of a portion of Paper Birch Lane right of way for Steve Bowen I'd like to offer support that Paper Birch Lane is effectively unbuildable to anything near RSA standards near the intersection with Authentic Road. I've attached a pdf of the preliminary design for the extension of Authentic Road along with a copy of the preliminary plat which has already been reviewed and received preliminary approval by the Platting Dept. The right cut slope of the cross section at 3+50 (sheet X1) extends east into Paper Birch Lane and is shown at a 1.5:1 slope for reference. The elevation difference from the proposed centerline FG at Authentic at 3+10 (240.0') and the top of the hill on Birch Hill Lane 191' to the east (306') is approximately 66 feet for a centerline grade of over 34% approaching the intersection with Authentic. This result greatly exceeds allowable tolerances of codes 14.06.160A Vertical Alignment and 14.06.160E Intersections creating a dangerous intersection approach. As an alternative I am proposing to dedicate an alternative right of way as shown that extends to the west boundary of Lot 2 (parcel# 05836002). When this parcel is eventually subdivided the expectation is that this right of way would be extended to connect to Paper Birch Lane and provide superior access than that of the segment of Paper Birch which is proposed to be vacated. I am in process of finishing the road design and will be applying for a construction permit and eventually maintenance. Feel free to reach out if you have any questions.

Cody

From: James Hall <jhall@mclanecg.com>
Sent: Tuesday, March 8, 2022 10:19 AM
To: Cody McLane <crmclane@mclanecg.com>
Subject: FW: <EXTERNAL-SENDER>RE: Paper Birch Vacation

From: Hindman, Julie <jhindman@kpb.us>
Sent: Tuesday, March 8, 2022 10:17 AM
To: James Hall <jhall@mclanecg.com>
Subject: RE: <EXTERNAL-SENDER>RE: Paper Birch Vacation

Here it is. I've been playing phone tag with Steve with LittleKnife. I have encouraged him to contact the roads department to discuss.

Julie Hindman

Platting Specialist
Ph: (907) 714-2210
Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669



From: James Hall <jhall@mclanecg.com>
Sent: Tuesday, March 8, 2022 9:55 AM
To: Hindman, Julie <jhindman@kpb.us>
Subject: <EXTERNAL-SENDER>RE: Paper Birch Vacation

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.

Thank you Julie for keeping us informed. Can you share the comment from the RSA department and whom we need to communicate the development in the area with?

James Hall, PLS
McLane Consulting, Inc.
907-283-4218 office
907-953-5886 cell

From: Hindman, Julie <jhindman@kpb.us>
Sent: Tuesday, March 8, 2022 9:37 AM
To: James Hall <jhall@mclanecg.com>
Subject: Paper Birch Vacation

James,

I wanted to inform you that we have received multiple calls from members of the public opposed to this vacation with intent to attend the meeting. The roads department as submitted a comment of opposition to the vacation because it will reduce/prevent access to other parcels.

I wanted to let you know and I will be calling the petitioner today to let him know and suggest he begin working with the roads department on a solution that will either improve the roads department comment or how to resolve if denied.

Julie Hindman

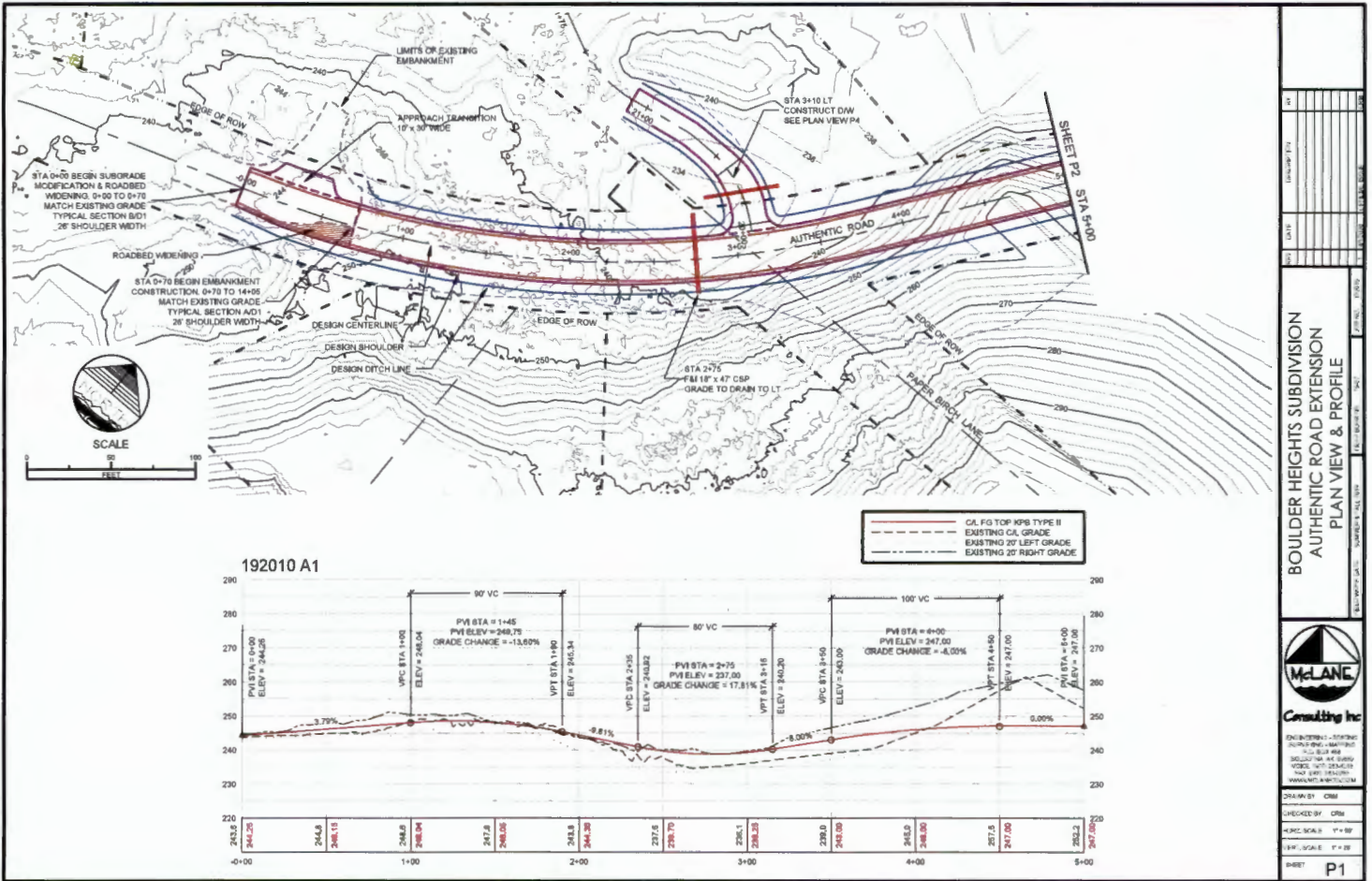
Platting Specialist

Ph: (907) 714-2210

Fx: (907) 714-2378

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669

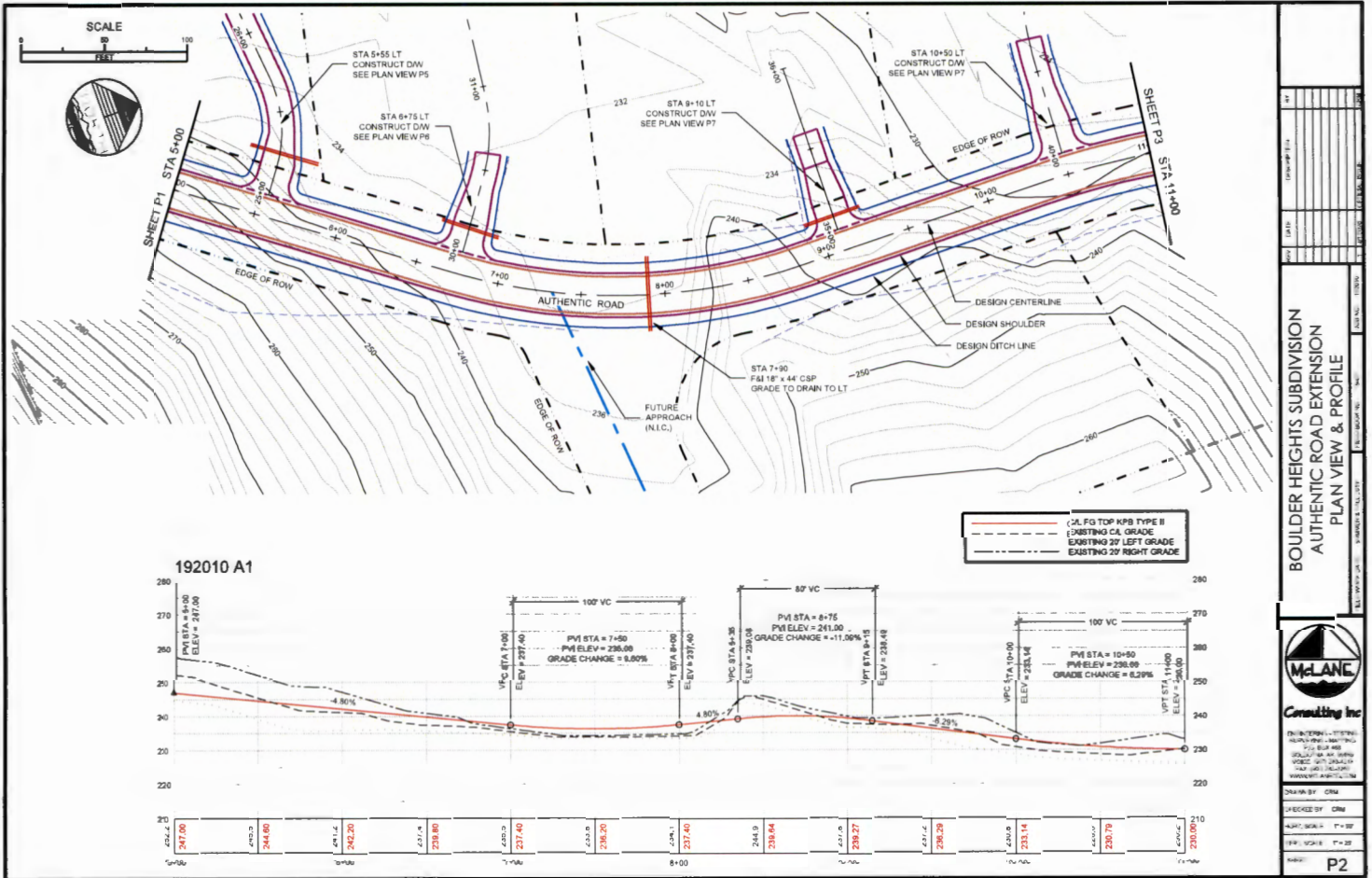




**BOULDER HEIGHTS SUBDIVISION
 AUTHENTIC ROAD EXTENSION
 PLAN VIEW & PROFILE**

McLANE Consulting Inc.
 ENGINEERING - SURVEYING
 1000 W. 10th Street, Suite 400
 Fort Collins, CO 80502
 PHONE: 970.221.1111
 WWW.MCLANECONSULTING.COM

DRAWN BY: CRB
 CHECKED BY: CRB
 DATE: 11/11/10
 SCALE: 1" = 20'
 SHEET: P1

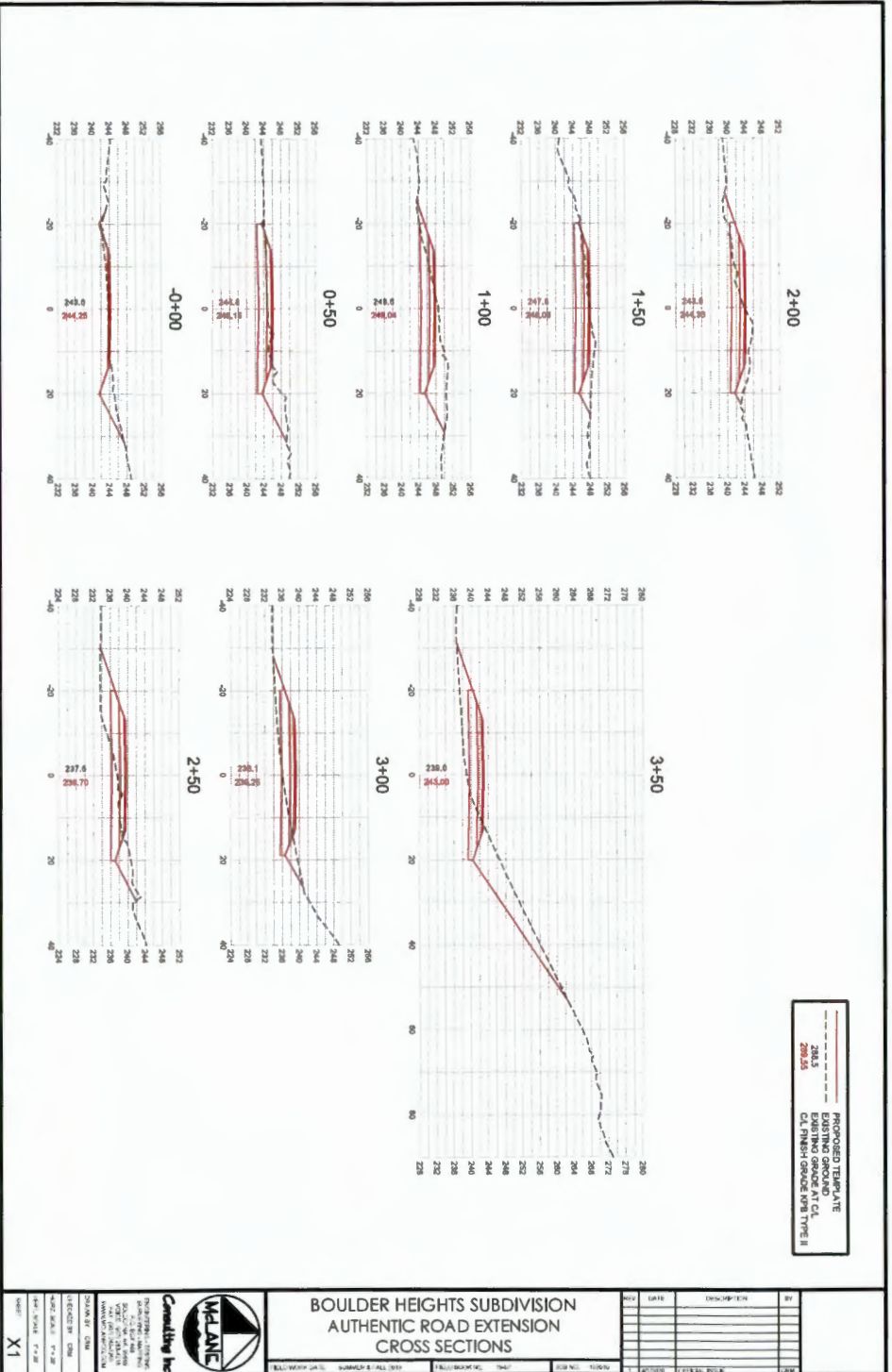


BOULDER HEIGHTS SUBDIVISION
 AUTHENTIC ROAD EXTENSION
 PLAN VIEW & PROFILE



Consulting Inc.
 2000 10th Street, Suite 100
 Boulder, CO 80502
 Phone: 303.440.1111
 Fax: 303.440.1112
 Website: www.mlanc.com

DESIGNED BY: DMG
 CHECKED BY: DMG
 DATE: 11/11/11
 SHEET NO: P2



PROPOSED TEMPLATE
 EXISTING GROUND CL
 FINISHED GRADE CL
 FINISHED GRADE 0.75 TO 1.11

NO.	DATE	DESCRIPTION

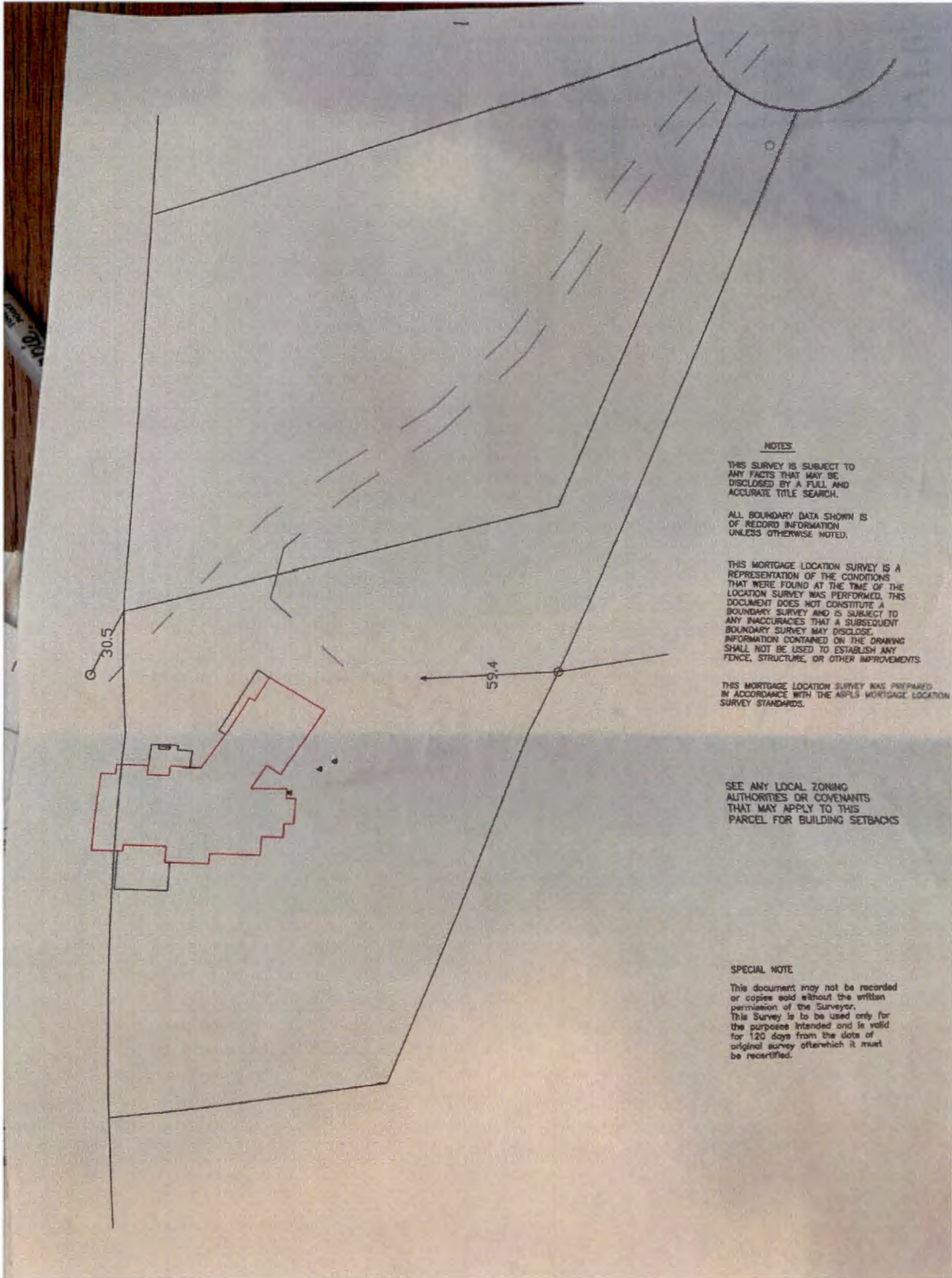
**BOULDER HEIGHTS SUBDIVISION
 AUTHENTIC ROAD EXTENSION
 CROSS SECTIONS**



MPLANE Consulting Inc.
 10000 10th Street, Suite 100
 Boulder, CO 80501
 Phone: (303) 440-1111
 Fax: (303) 440-1112
 Email: info@mplane.com

PROJECT: AUTHENTIC ROAD EXTENSION
 SHEET: 1 OF 1
 DATE: 11/11/11
 SCALE: 1" = 10'-0"

E3-20



Kenai 2009-48

INTEGRITY SURVEYS

Tulchina Pointe Estates – Phase 2

AFFIDAVIT

The above referenced subdivision plat, as filed in the office of the District Recorder, Kenai Recording District, under Plat File No. 2006-63, has been amended by:

Correcting the correcting curves 64 & 66 and lines 21 & 22 within their respective tables. The old information has been lined out and corrective tables provided.

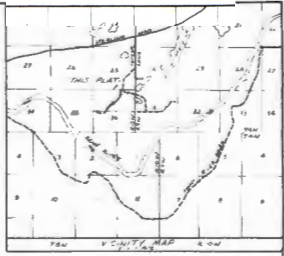
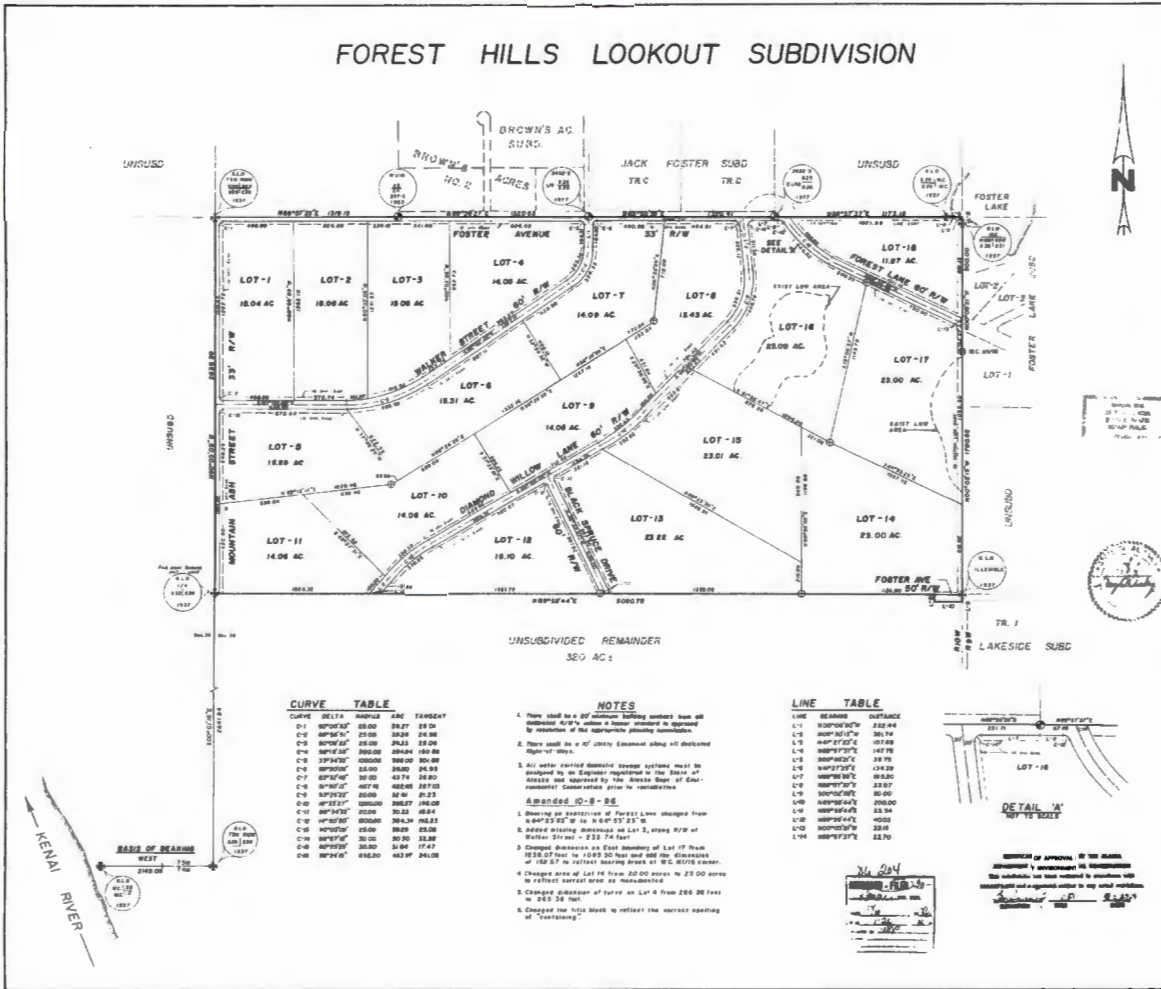
The above revision constitutes the sole change to the plat, aside from its notation thereon.

The above revision does not alter lot areas and does not affect or influence any change of ownership, drainage features, rights-of-way or any other item which would adversely affect this or adjacent properties. We, therefore, are submitting this plat for refiling as corrected

Date: 19 August, 2009



FOREST HILLS LOOKOUT SUBDIVISION



Certificate of Ownership and Dedication
 I, the undersigned, hereby certify that I am the owner of the property shown and described herein and that I hereby dedicate this plan of subdivision and dedicate all right of ways to the use and benefit of all adjacent to the use shown.

Notary Acknowledgment
 I, the undersigned, a Notary Public in and for the State of Alaska, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by the undersigned.

Plot Approval
 THIS PLAN HAS APPROVED BY THE STATE PENINSULA REGIONAL PLANNING COMMISSION AT THE MEETING OF THE BOARD OF REGIONAL PLANNING COMMISSIONERS HELD ON FEBRUARY 27, 1980.

Surveyor's Certificate
 I, the undersigned, do hereby certify that I am a duly licensed Professional Surveyor in the State of Alaska and that I have surveyed the above described property and that the dimensions and bearings shown correctly and that the distances and bearings were measured and reduced to the datum of the Alaska North American 1983 datum, and that I have also surveyed the adjacent lots and that I have also surveyed the adjacent lots and that I have also surveyed the adjacent lots.

Water Supply and Sewage Disposal
 NO INDIVIDUAL WATER SUPPLY OR SEWER DISPOSAL SYSTEM SHALL BE INSTALLED ON ANY LOT UNLESS SUCH SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSTRUCTION WHICH SHALL BE IN EFFECT AT THE TIME OF INSTALLATION.

LEGEND
 (S) PAVED OFFICIAL SURVEY MONUMENT
 (X) FOUND 3/4" x 1/4" IRON NAIL
 (D) SET 1/2" x 1/2" ALUMINUM DISH
 (P) FOUND 1/2" x 1/2" IRON NAIL
 ALL LOT CORNERS SHALL BE MONUMENTED WITH 3/4" IRON NAIL AND YELLOW CAP 2" x 2"

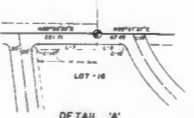
CURVE TABLE

CURVE	BEGINNING	END	THRESHOLD
C-1	100°00'00"	25.00	25.00
C-2	100°00'00"	25.00	25.00
C-3	100°00'00"	25.00	25.00
C-4	100°00'00"	25.00	25.00
C-5	100°00'00"	25.00	25.00
C-6	100°00'00"	25.00	25.00
C-7	100°00'00"	25.00	25.00
C-8	100°00'00"	25.00	25.00
C-9	100°00'00"	25.00	25.00
C-10	100°00'00"	25.00	25.00
C-11	100°00'00"	25.00	25.00
C-12	100°00'00"	25.00	25.00
C-13	100°00'00"	25.00	25.00
C-14	100°00'00"	25.00	25.00
C-15	100°00'00"	25.00	25.00
C-16	100°00'00"	25.00	25.00
C-17	100°00'00"	25.00	25.00
C-18	100°00'00"	25.00	25.00
C-19	100°00'00"	25.00	25.00
C-20	100°00'00"	25.00	25.00

- NOTES**
- There shall be a 10' minimum building setback from all adjacent R/W's unless a better setback is approved by resolution of the appropriate planning commission.
 - There shall be a 10' utility easement along all dedicated Right-of-Ways.
 - All other curved boundary lines shall be approved by an Engineer registered in the State of Alaska and approved by the local Board of Surveyors. All distances shall be in feet.

LINE TABLE

LINE	BEARING	DISTANCE
L-1	N00°00'00"W	222.64
L-2	N00°00'00"W	300.74
L-3	N00°00'00"E	103.68
L-4	S00°00'00"E	147.78
L-5	S00°00'00"E	39.79
L-6	S00°00'00"E	124.20
L-7	S00°00'00"E	80.00
L-8	S00°00'00"E	23.07
L-9	S00°00'00"E	80.00
L-10	S00°00'00"E	200.00
L-11	S00°00'00"E	22.54
L-12	S00°00'00"E	40.00
L-13	S00°00'00"E	22.61
L-14	S00°00'00"E	22.70



AMENDED PLAN (see Notes)

FOREST HILLS LOOKOUT SUBDIVISION

COUNTY: KENAI
 TOWNSHIP: 36 S
 RANGE: 14 E
 SECTION: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36

PREPARED FOR: SALAMATOF NATIVE ASSOCIATION INC.
 1000 W. 10th St., Anchorage, Alaska 99501

PREPARED BY: **APB** PROFESSIONAL SURVEYORS
 1000 W. 10th St., Anchorage, Alaska 99501

DATE: 3/25/78
 SCALE: 1" = 200'



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Paper Birch Lane _____ platted public right of way proposed to be vacated was dedicated by the plat of Forest Hills Lookout Subd Amended KN86-204 _____ Subdivision, filed as Plat No. 86-204 _____ in the Kenai _____ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- **REASON FOR VACATING** The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	No
Is the platted right of way and or associated utility easement in use by any utility company?	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?			

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address Lot 1 (KN86-204) & Lots 8, 9 & 15 (KN2009-48)	
Section, township, range Sec 36, T5N, R10W SM AK	
City (if applicable)	General area Authentic Rd & Paper Birch

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Steve Bowen	Signature
e-mail:	Address:
Owner of: Lot 8 & 9 KN2009-48	

Land Owner:

Name (printed): <i>Hailey Bowen</i>	Signature: <i>Hailey B</i>
e-mail: <i>hailed22@gmail.com</i>	Address: <i>3649c Halys Wy</i>
Owner of: Lot 8 & 9 KN2009-48	<i>Soldotna, AK 99669</i>

FOR OFFICE USE ONLY

RECEIVED BY _____ DATE SUBMITTED _____ KPB FILE # _____



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- Paper Birch Lane _____ platted public right of way proposed to be vacated was dedicated by the plat of Forest Hills Lookout Subd Amended KN88-204 _____ Subdivision, filed as Plat No. 88-204 in the Kenai _____ Recording District.
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?		Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?		Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes		No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes		No
Is the platted right of way and or associated utility easement in use by any utility company?		Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?				

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address Lot 1 (KN88-204) & Lots 8, 9 & 15 (KN2009-48)	
Section, township, range Sec 36, T5N, R10W SM AK	
City (if applicable)	General area Authentic Rd & Paper Birch

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Cody McLane	Signature
e-mail:	Address:
Owner of: Lot 1	

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of: Lot 1	

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Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

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SUBMITTAL REQUIREMENTS

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- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
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- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	No
Is the platted right of way and or associated utility easement in use by any utility company?	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?			

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address Lot 1 (KN86-204) & Lots 8, 9 & 15 (KN2009-48)	
Section, township, range Sec 36, T5N, R10W SM AK	
City (if applicable)	General area Authentic Rd & Paper Birch

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Steve Bowen	Signature <i>Steve Bowen</i>
e-mail: <i>steve@littleknife.com</i>	Address: <i>36496 Haley's Way Soldotna, AK 99669</i>
Owner of: Lot 8 & 9 KN2009-48	

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of: Lot 8 & 9 KN2009-48	

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DATE SUBMITTED _____

KPB FILE # _____



Planning Department

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

PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA

PUBLIC HEARING REQUIRED

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- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- **REASON FOR VACATING** The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area.

Has the platted right of way been fully or partially constructed?	Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?	Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes	No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes	No
Is the platted right of way and or associated utility easement in use by any utility company?	Yes	<input checked="" type="checkbox"/>	No
If so, which utility provider?			

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address Lot 1 (KN86-204) & Lots 8, 9 & 15 (KN2009-4B)	
Section, township, range Sec 36, T5N, R10W SM AK	
City (if applicable)	General area Authentic Rd & Paper Birch

The petition must be signed by owners of a majority of the land affected by the platted right of way proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:

Land Owner

Name (printed): Gale L Smith	Signature <i>Gale L. Smith</i>
e-mail: _____	Address: 34701 Gloria Burns Circle
Owner of: Lot 15 KN2009-4B	Soldotna, AK 99669

Land Owner:

Name (printed):	Signature
e-mail:	Address:
Owner of: Lot 15 KN2009-4B	

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