


Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

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

**FROM:** Robert Ruffner, Planning Director 

**DATE:** May 29, 2024

**RE:** Vacating the northern 18,261' & southern 3121' portions of Fritz Creek Valley Drive and rededicating the right-of-way along the existing road

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

During their regularly scheduled meeting of May 28, 2024 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote (9-Yes, 0-No) based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

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

May 28, 2024 Planning Commission Draft Meeting Minutes  
May 28, 2024 Agenda Item E2 Meeting Packet Materials

**AGENDA ITEM E.      NEW BUSINESS**

**ITEM #1 - UTILITY EASEMENT ALTERATION  
Vacates an approximate 3,000 foot utility easement granted by South Bend Bluff Estates  
Plat KN 2002-42.**

<b>KPB File No.</b>	2023-112V
<b>Planning Commission Meeting:</b>	May 13, 2024
<b>Applicant / Owner:</b>	Daniel R. Presley & Jennifer Roberts
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Winridge Avenue Near Ciechanski Road / Kalifornsky Area

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Gillham to adopt Planning Commission Resolution 2024-07 approving the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations and subject to the two conditions set forth in the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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**Item #2 - RIGHT OF WAY VACATION  
Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat**

<b>KPB File No.</b>	2024-036V
<b>Planning Commission Meeting:</b>	May 28, 2024
<b>Applicant / Owner:</b>	Andrea L. Huyck & Adrian J. Dixon
<b>Surveyor:</b>	Katherine A. Kirsis - Seabright Survey & Design
<b>General Location:</b>	East End Road, Fritz Creek Valley Drive
<b>Legal Description:</b>	A replat of Fritz Creek Valley Drive Right-of-Way, Lot 1 Clark Sub. & Tract D Fritz Creek Acres Addn. Tracts D & E, Located in the SW1/4 Sec. 28 & the SE1/4 Sec. 29, T5S, R12W, SM, KPB 3 <sup>rd</sup> Judicial District, Alaska

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the committee.

**MOTION:** Commissioner Staggs moved, seconded by Commissioner Epperheimer to grant the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, based on staff recommendations and subject to the five conditions set forth in the staff report.

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

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Staggs, Tautfest, Venuti
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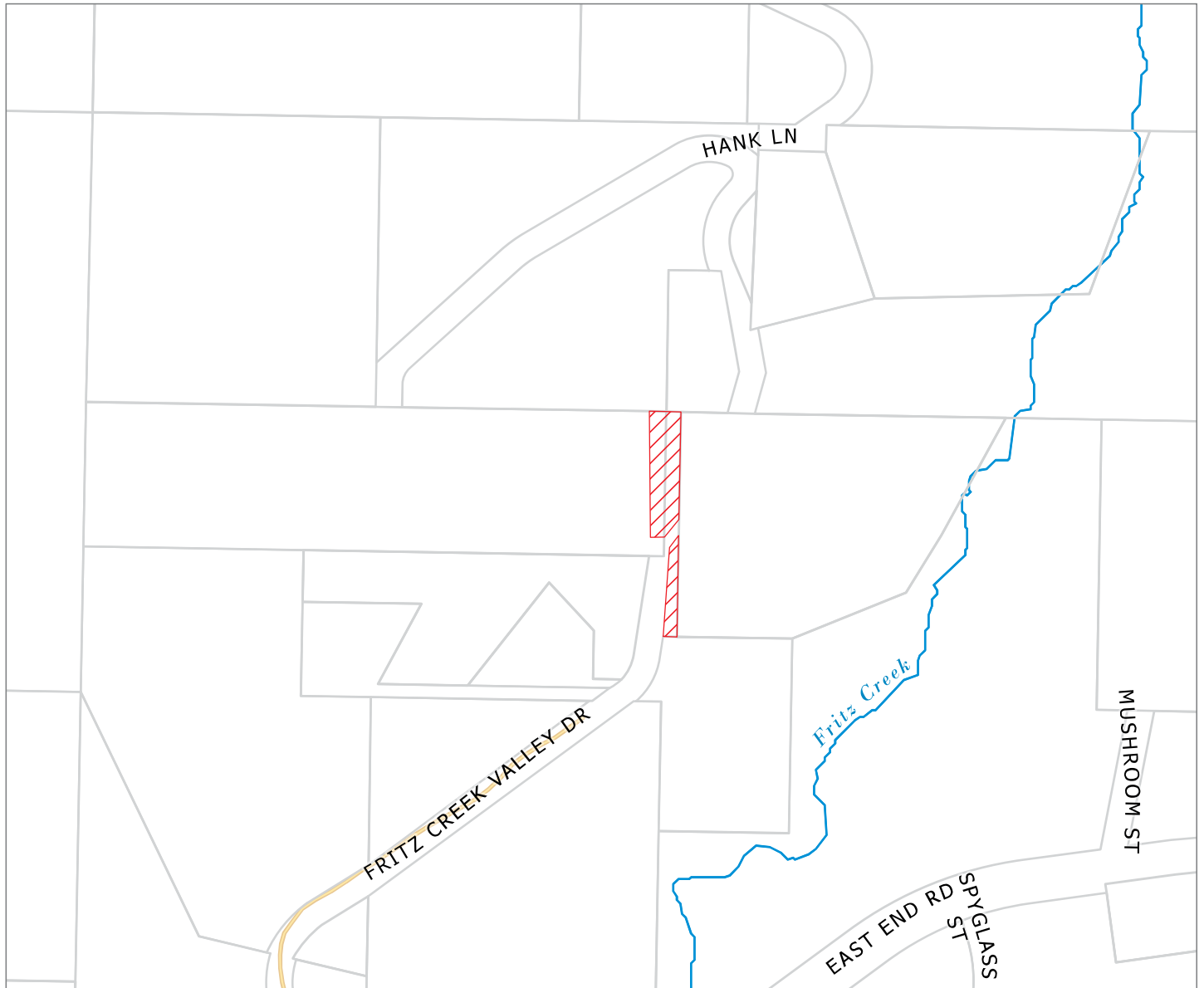
## **E. NEW BUSINESS**

**2. Right-Of-Way Vacation; KPB File 2024-036V**

**Seabright Surveying / Huyck, Dixon**

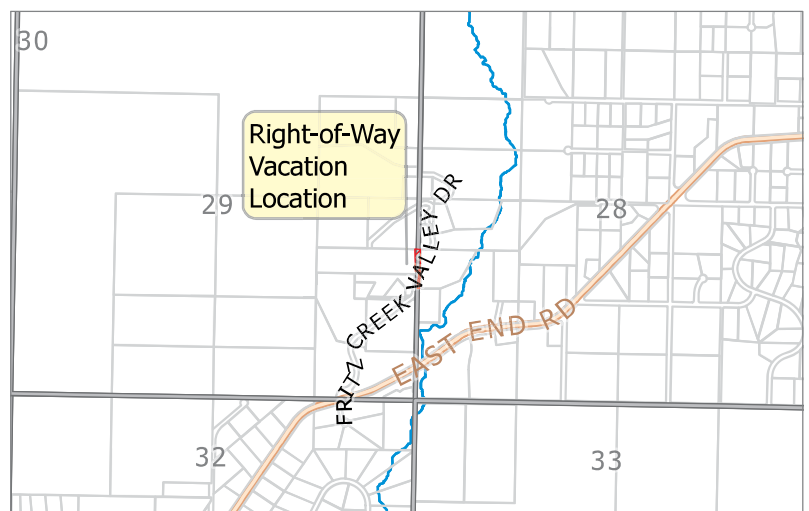
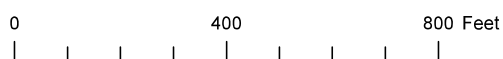
**Request: vacates the northern 18,261' & southern 3121' portions  
of Fritz Creek Valley Drive and re-dedicates the  
right-of-way along the existing road.**

**Fritz Creek Area / Kachemak APC**



KPB File 2024-036V  
T 05S R 12W SEC 28 & 29  
Fritz Creek

4/4/2024





Aerial View



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.

**CLARK SUBD. & FRITZ CREEK ACRES  
HUYCK 2024 REPLAT**

**RIGHT-OF-WAY VACATION DIAGRAM**

A REPLAT OF FRITZ CREEK VALLEY DR. R/W, LOT 1 CLARK SUBD. (HM 75-54) & TRACT D FRITZ CREEK ACRES ADDN. TRACTS D & E (HM 78-105), LOCATED IN THE SW1/4 SEC. 28 & THE SE1/4 SEC. 29, T. 5 S., R. 12 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA

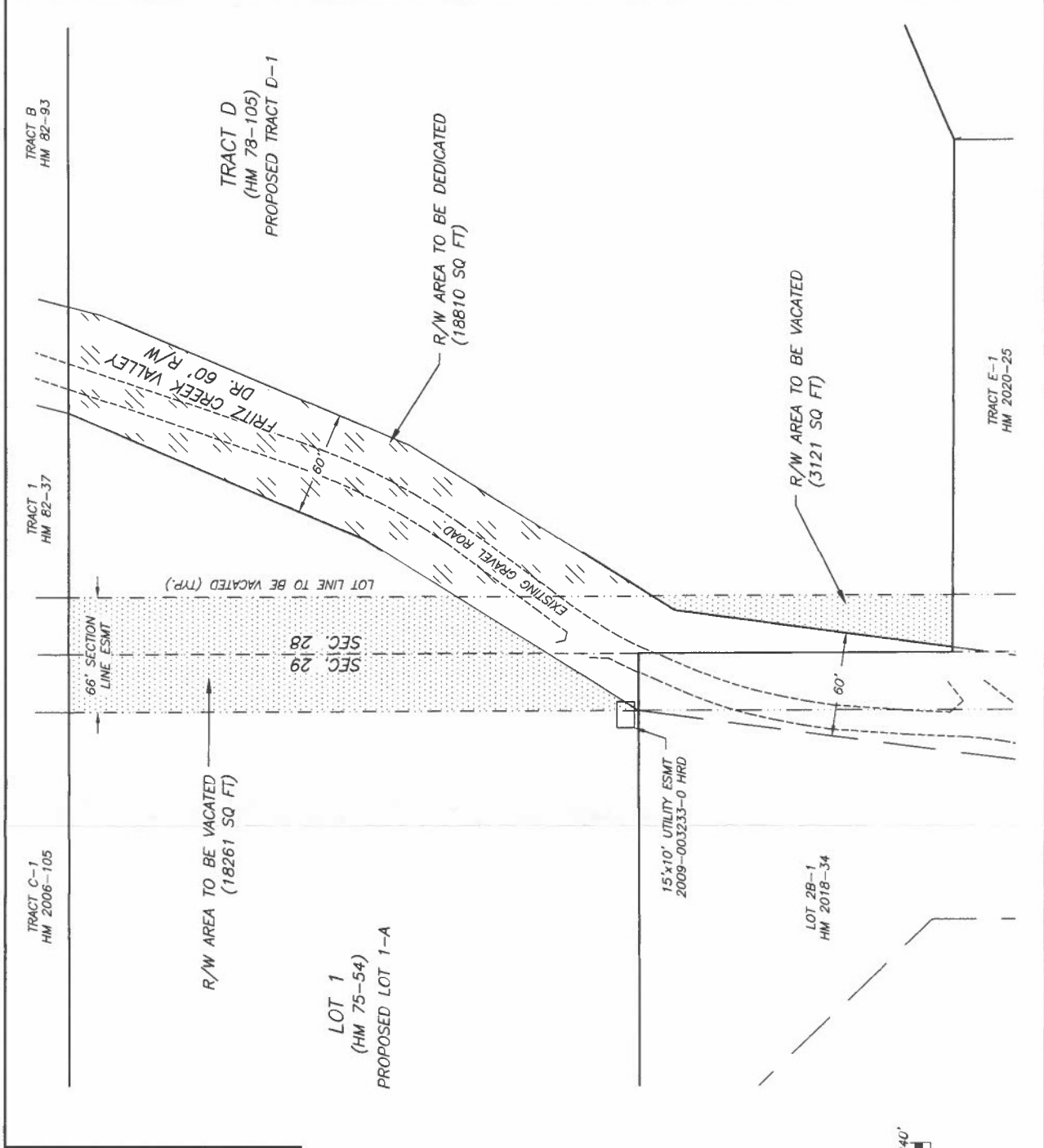
**SEABRIGHT SURVEY + DESIGN**

KATHERINE A. KIRSIS, P.L.S.  
1044 EAST ROAD, SUITE A  
HOMER, ALASKA 99603  
(907) 299-1580



GRAPHIC SCALE

**KPB 2024-036V**



AGENDA ITEM E. NEW BUSINESS

**Item #2 - RIGHT OF WAY VACATION  
Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat**

<b>KPB File No.</b>	2024-036V
<b>Planning Commission Meeting:</b>	May 28, 2024
<b>Applicant / Owner:</b>	Andrea L. Huyck of Homer, AK and Adrian J. Dixon of Anchorage, AK
<b>Surveyor:</b>	Katherine A. Kirsis - Seabright Survey + Design
<b>General Location:</b>	East End Road, Fritz Creek Valley Drive
<b>Legal Description:</b>	A replat of Fritz Creek Valley Drive Right-of-Way, Lot 1 Clark Sub., HM 78-54, & Tract D Fritz Creek Acres Addn. Tracts D & E, HM 78-105, Located in the SW1/4 Sec. 28 & the SE1/4 Sec. 29, T5S, R12W, SM, KPB 3 <sup>rd</sup> Judicial District, Alaska

**Amended STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** The proposed R/W vacation and re-dedication will serve to alleviate the existing encroachments located within the current R/W and align the R/W limits with the constructed roadway. This action is consistent with the efforts of adjacent landowners to vacate Fritz Creek Valley Drive and re-dedicate the R/W along the existing road (Clark Three HM 2018-34 & Coyote Hill 2006 Addn. HM 2006-105). The existing driveway within the right-of-way to be vacated serves the exclusive purpose of providing access to Lot 1 Clark Subdivision. Fritz Creek Valley Drive is a constructed roadway and constitutes "equal or better access" by any reasonable standards.

**Notification:** The public hearing notice was published in the May 22nd issue of the Peninsula Clarion and the May 23rd issue of the Homer News 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 Homer, Alaska

Post Office of Homer, Alaska

23 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 0 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 6 owners within 600 feet of the proposed vacation.

10 public hearing notices were emailed to agencies and interested parties as shown below:

State of Alaska DNR  
 State of Alaska DOT  
 Kenai Peninsula Borough Homer Office  
 Kachemak Bay Advisory Planning Commission  
 Emergency Services of Kachemak

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

**Legal Access (existing and proposed):** Fritz Creek Valley Drive is accessed at approximately mile 7.75 of East End Road in Homer, Alaska and crosses near several properties to get to the subject area.

With this vacation request, the applicants are proposing a new dedication to be finalized with the subdivision Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat. The dedication will follow the existing road crossing the properties.

The properties are affected by 33' section line easements on both sides of the section line that coincide with the right-of-way vacation. The section line easements are not part of the vacation request and do not need approval.

The block length along Fritz Creek Valley Drive is not compliant, **staff recommends:** an exception to KPB 20.30.170 Block – Length requirements should be requested with submittal of the preliminary plat.

KPB Roads Dept. comments	Roads Director: Griebel, Scott Comments: The ROW correction is supported by the RSA.
SOA DNR comments	Section line easements are jointly managed by DNR & DOT and cannot be vacated without DNR & DOT commissioner approval. The depicted section line easement underlying the vacated ROW will continue to exist until vacated by the proper authority. If the underlying 66' section line easement is to remain, this should be clearly described on the plat.

**Site Investigation:**

The area is steep being along a hillside running from the southeast to the northwest. The road has been laid out along a contour to be relatively level along the proposed dedication with a rise at the north end where it straightens out. The steep parts should be identified on the preliminary plat when submitted.

There are no wetlands on the property as the slope is even and no ravines cross the property.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No comments  B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments
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**Staff Analysis:** The portion of land to the west of the proposed vacation was an aliquot part of Section 29 Township 5 South, Range 12 West, Seward Meridian, Homer, Alaska. Clark Subdivision, KN 75-54, subdivided the S ½ NE ¼ SE ¼, Sec 29, T5S, R12W, SM, AK into two 10-acre parcels.

The portion of land to the east of the proposed vacation, to include the proposed re-dedication, was an aliquot part of Section 28, Township 5 South, Range 12 West, SM, Alaska. Fritz Creek Acres, KN 78-105, established Tracts D & E within the W ½ SW ¼, Sec 28, T5S, R 12 W, SM, AK.

Lands to the north, east, and south have been subdivided into mostly large tracts of generally residential designation. To the west is an unsubdivided 40-acre parcel. Most parcels adjacent to Fritz Creek Valley Drive have established residences.

Utility providers have yet to comment, however, SOA DNR has indicated that the proposed section line easement vacation will continue to exist until vacated by the proper authority with DNR & DOT commissioner approval. There is no comment on the re-dedication of Fritz Creek Valley Drive.

The applicants proposed to finalize the vacation with a subdivision that dedicates Fritz Creek Valley Drive as a 60' right-of-way along the existing gravel travel way. The proposed subdivision will combine a portion of Tract D, HM 78-105, west of the proposed dedication with the vacated land and the 10 acres of Lot 1, HM 75-54, into one lot designated as proposed Lot 1-A. The proposed vacation and the remaining portion of Tract D of HM78-105 lying east of the new dedication will become proposed Tract D-1.



The dedication will be a superior access for parcels along Fritz Creek Valley Drive in contrast to utilizing the area being vacated as a roadway.

#### 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:** not as a road, but as a private drive to one of the applicants' residences.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** the actual road in use is located where the proposed dedication is.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** needed ROW along Fritz Creek Valley Drive will not be impacted as they follow the existing road path. No utilities have responded at this time.
  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:** Fritz Creek Valley Drive does not access a public area.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** Impacted parcels have direct access to Fritz Creek Valley Drive and will continue to.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:** Vacation will not impact traffic flow of Fritz Creek Valley Drive.
  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:** Utilities along Fritz Creek Valley Drive remain unimpacted.
  8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** no other factors relevant. Adjacent properties will continue to have road access.

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.

The Assembly will hear the vacation at their scheduled June 4, 2024 meeting.

If approved, *Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat* will finalize the proposed right of way vacations. The Plat Committee is scheduled to review *Clark Subdivision & Fritz Creek Acres Huyck 2024 Replat* on May 28<sup>th</sup> 2024 and their regularly scheduled meeting.

**KPB department / agency review:**

Addressing	Reviewer: Leavitt, Rhealyn Affected Addresses: 38645 FRITZ CREEK VALLEY DR, 38646 FRITZ CREEK VALLEY DR Existing Street Names are Correct: Yes
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
LOZD and Material Site Comments	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Windsor, Heather Comments: No comment
Advisory Planning Commission	

**Alaska DNR - DMLW review:**

Section line easement are jointly managed by the DNR & DOT and cannot be vacated without DNR & DOT commissioner approval. The depicted section line easement underlying the vacated ROW will continue to exist until vacated by the proper authority. If the underlying 66' section line easement is to remain, this should be clearly described on the plat. Please contact Victoria Braun of DNR, DMML&W Survey Section at (907) 375-7733 to pursue a section line easement vacation, if necessary.

**Utility provider review:**

HEA	
ENSTAR	No comments or recommendations
ACS	No objections
GCI	Approved as shown

**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 including a submittal to and approval by the Plat Committee.
3. Grant utility easements requested by utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.65.050(I)).
5. Address DNR – DMLW comments on final as to labeling and distinguishing the section line easement from the vacation of ROW.

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**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.*

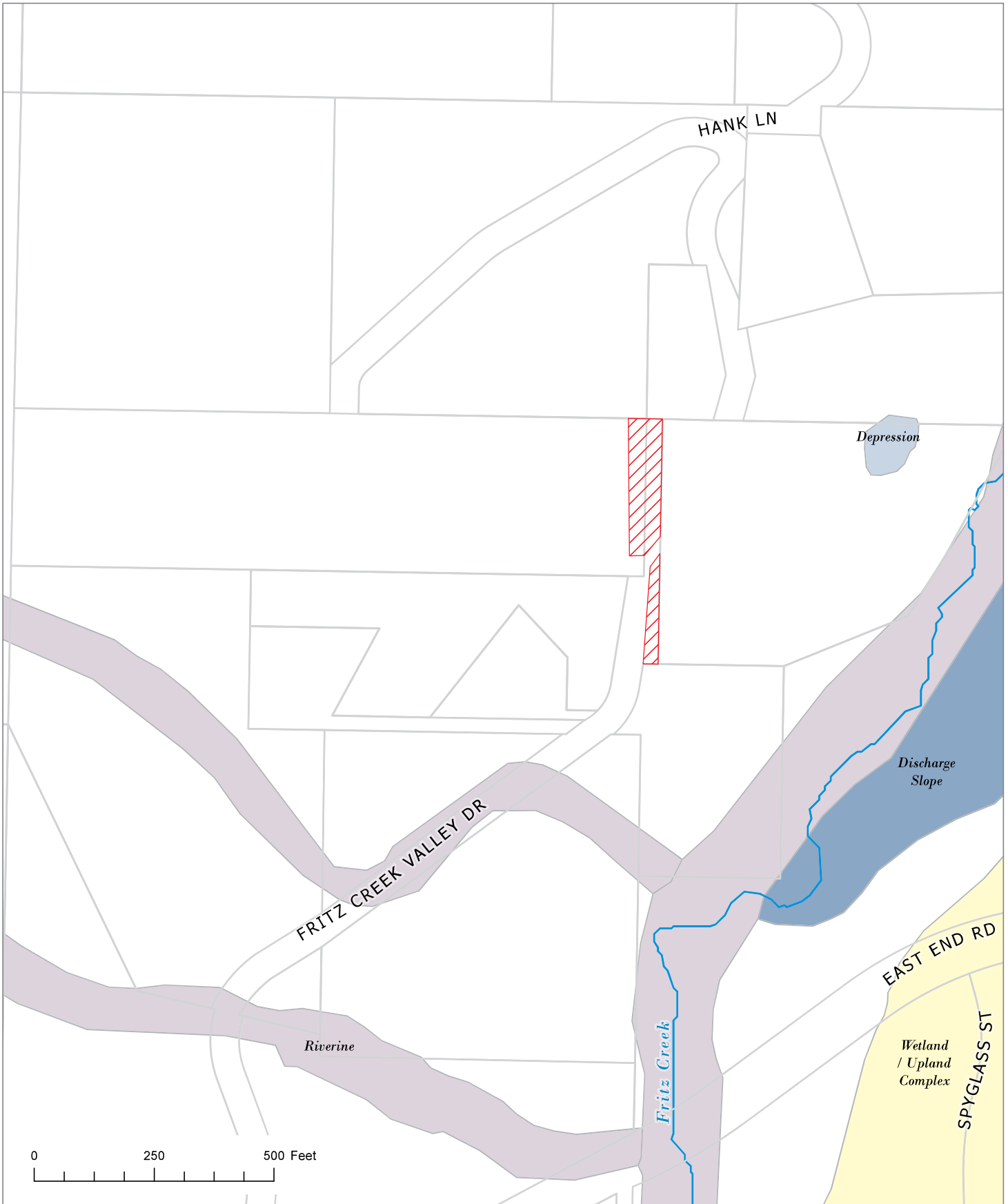
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**END OF STAFF REPORT**

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Wetlands



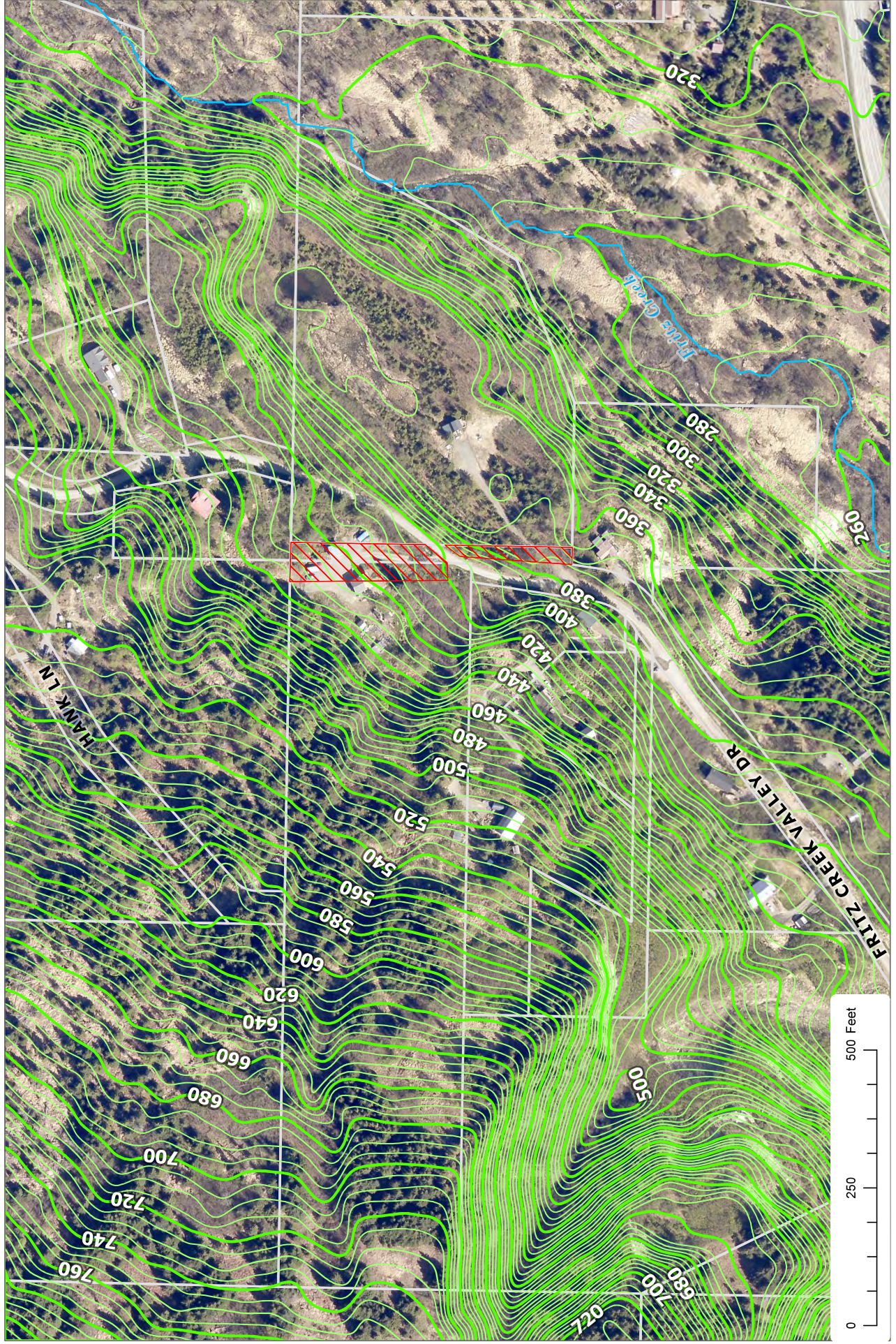
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



# Kenai Peninsula Borough Planning Department

Aerial with 5-foot Contours

KPB File 2024-036V  
4/4/2024



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.

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

*James Ferguson Baiter*  
 FRANCES ROMANOV PAVLOFF  
 BOX 485, HOMER, ALASKA

*Carol Ludwig Baiter*  
 CAROL LUDWIG BAITER  
 BOX 485, HOMER, ALASKA

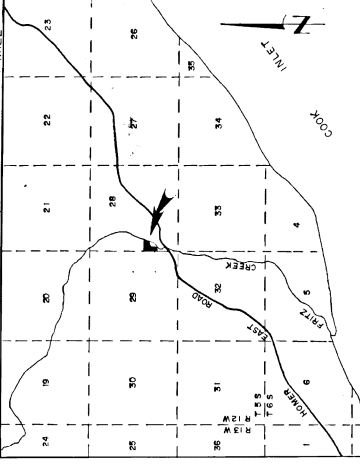
NOTARY'S ACKNOWLEDGEMENT  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 17th DAY OF August, 1978  
*Virginia P. Helstrom*  
 NOTARY PUBLIC FOR ALASKA  
 My Commission Expires 2-26-80

SURVEYOR'S CERTIFICATE  
 VIRGINIA WILSON  
 NOTARY PUBLIC  
 I, THE UNDERSIGNED, REGISTERED SURVEYOR, HOMER, ALASKA, CERTIFY THAT  
 A LAND 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*  
 JERRY ANDERSON, 3686-S  
 DATE 8/17/78

PLAT APPROVAL  
 THIS PLAT HAVING BEEN APPROVED BY THE KENAI PENINSULA BOROUGH  
 PLANNING COMMISSION AS RECORDED IN THE OFFICIAL MINUTES OF THE  
 MEETING OF July 17, 1978, IS HEREBY ACKNOWLEDGED AND  
 ACCEPTED AS THE OFFICIAL PLAT, SUBJECT TO ANY AND ALL CONDITIONS  
 AND REQUIREMENTS OF ORDINANCES AND LAW PERTAINING THERETO  
 KENAI PENINSULA BOROUGH  
*Wylee Baiter*

VICINITY MAP  
 1" = 1 MILE



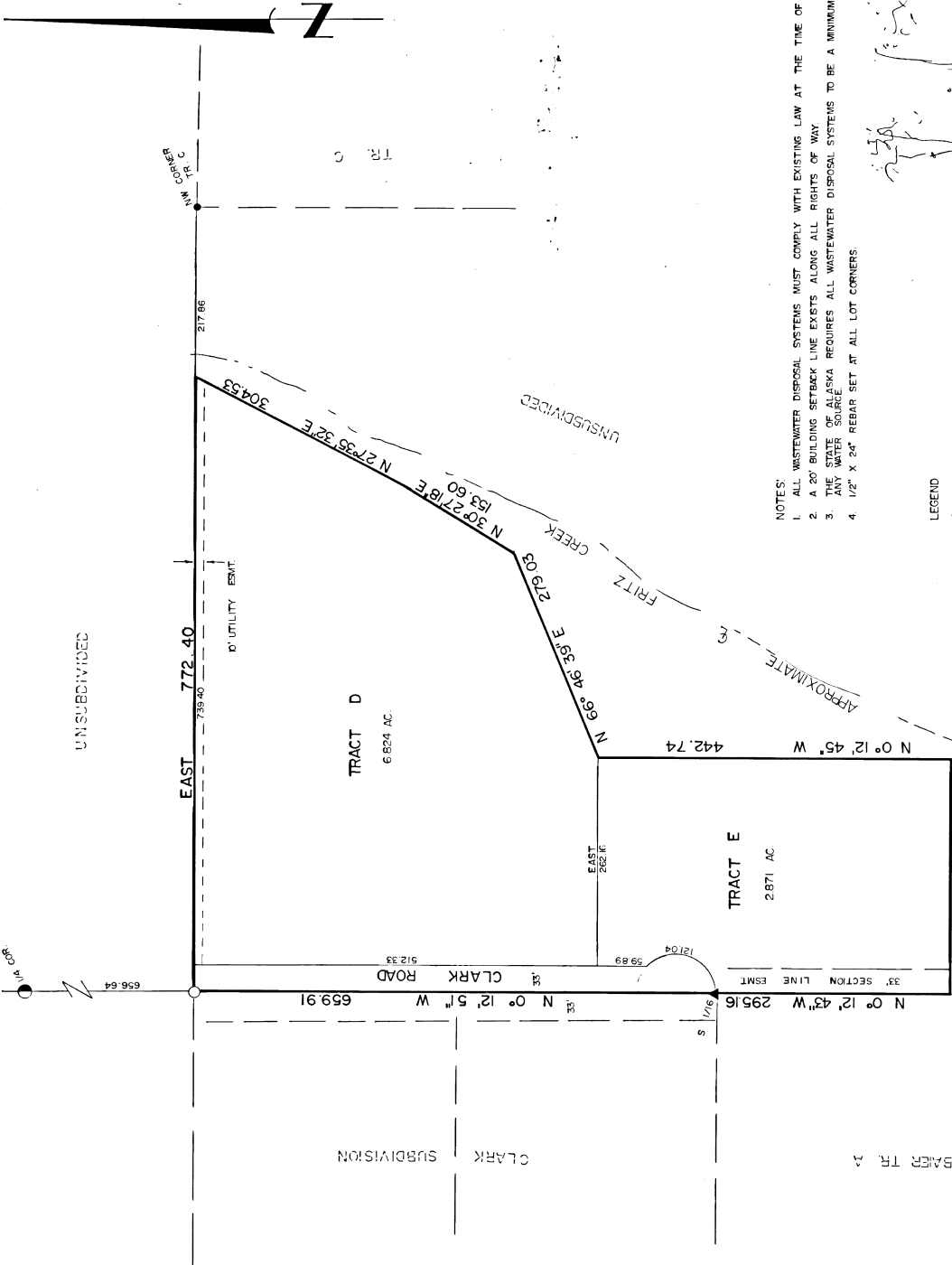
DATE: JUNE, 1978  
 SCALE: 1" = 100'  
 DESIGNED BY: J.A.  
 DRAWN BY: S.W.  
 CHECKED BY: K.B.  
 FLD. BK. NO.: 48



**FRITZ CREEK ACRES**  
 ADDITION OF TRACTS D & E  
 WITHIN THE W 1/2 SW 1/4, S 28, T 55, R 12 W 5 M.  
 CONTAINING 10.212 ACRES

ABILITY SURVEYS

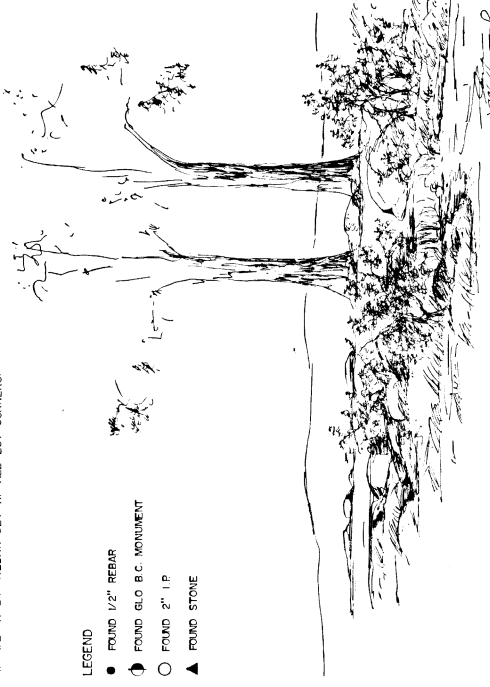
JERRY ANDERSON, P.L.S. BOX 1263 HOMER, ALASKA



- NOTES:
1. ALL WASTEWATER DISPOSAL SYSTEMS MUST COMPLY WITH EXISTING LAW AT THE TIME OF CONSTRUCTION
  2. A 20' BUILDING SETBACK LINE EXISTS, ALONG ALL RIGHTS OF WAY
  3. THE STATE OF ALASKA REQUIRES ALL WASTEWATER DISPOSAL SYSTEMS TO BE A MINIMUM OF 100' FROM ANY WATER SOURCE
  4. 1/2" X 24" REBAR SET AT ALL LOT CORNERS.

LEGEND

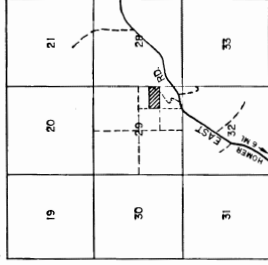
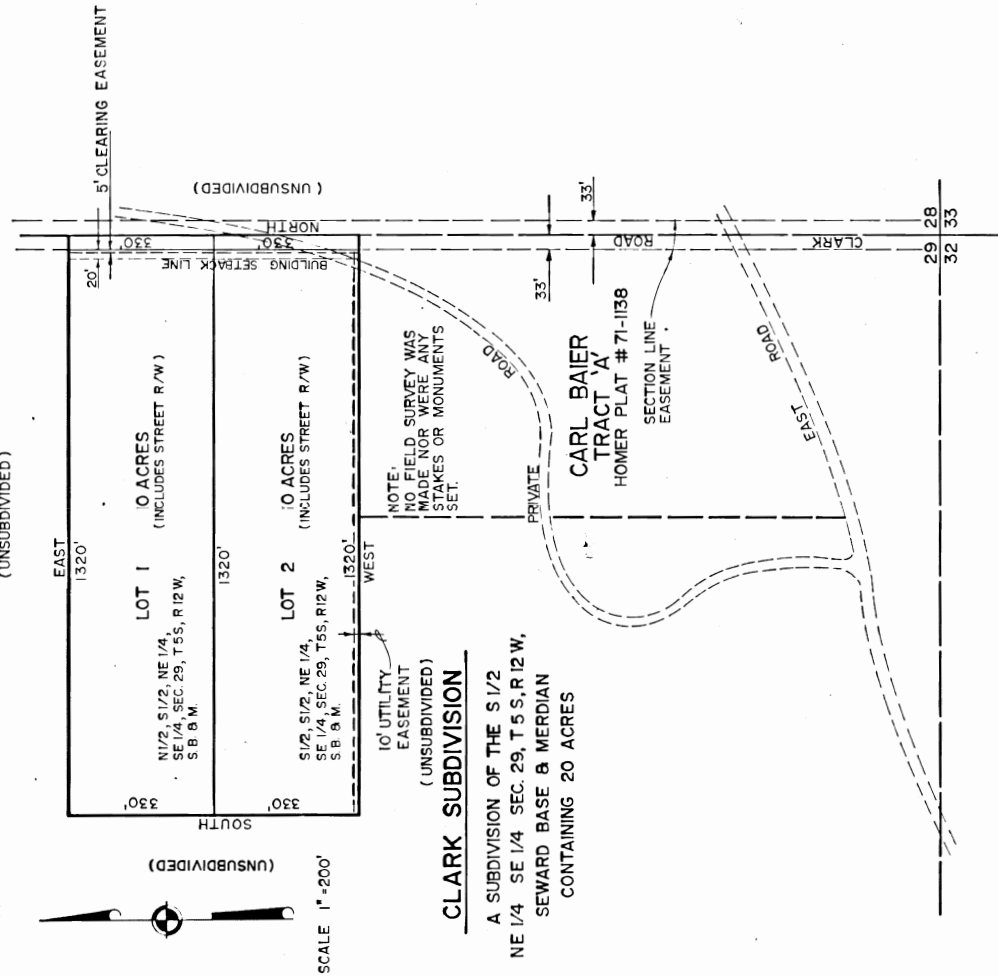
- FOUND 1/2" REBAR
- FOUND GLO B.C. MONUMENT
- FOUND 2" I.P.
- ▲ FOUND STONE



78-105

FILED 3-  
*James Ferguson Baiter*  
 REC. DIST.  
 DATE 10-16-78  
 TIME 4:15 P.M.  
 K.P.B.

SEC 29  
 SEC 32  
 SEC 33



T. 55, R. 12 W., S. 88 M.  
VICINITY MAP

SCALE 1" = 200'

**CLARK SUBDIVISION**

A SUBDIVISION OF THE S 1/2  
NE 1/4 SE 1/4 SEC. 29, T 5 S., R 12 W.,  
SEWARD BASE & MERIDIAN  
CONTAINING 20 ACRES

NOTE:  
NO FIELD SURVEY WAS  
MADE NOR WERE ANY  
STAKES OR MONUMENTS  
SET.

10' UTILITY  
EASEMENT  
(UNSUBDIVIDED)

WEST

EAST

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

ROAD

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

We hereby certify that we are the owners of the property shown and described hereon and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements and other open spaces to public use.

Date Nov 5, 1975

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT )

Ronald Clark  
Owner  
Robert Clark  
Owner

On this 5<sup>th</sup> day of November, 1975, before me, the undersigned, a Notary Public for the State of Alaska, personally appeared Ronald T. Clark to me known to be the person described in and who executed the foregoing certificate of ownership and dedication, and acknowledged to me that he executed the same as his free and voluntary act.

Witness my hand and official seal the day, month and year hereinabove written.

Ernest C. Chiswick  
Notary Public for Alaska  
My commission expires 12-1st-76

**PLAT APPROVAL**

Plat approved by the commission this 2nd day of June, 1975.

Abner C. Selman  
Mayor

75-54

RECORDED - FILED 371  
HOMER REC. DIST.  
DATE 11-13-1975  
TIME 1:17 P.M.  
Prepared by KFB  
Address Julia



ANCHORAGE - JUNEAU

DES. E.B.W.  
DR. O.B.M.  
CHK. D.W.R.  
APPD. E.B.W.

**CLARK SUBDIVISION**  
A SUBDIVISION OF THE S 1/2 NE 1/4 SE 1/4  
SEC. 29, T5S, R12W, S.M. CONTAINING  
20 ACRES - HOMER RECORDING DISTRICT

SHEET 1 OF 1  
PROJ. NO. K 83960  
DATE JUN. 1975  
DWG. NO.



# 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.
- Fritz Creek Valley Dr platted public right of way proposed to be vacated was dedicated by the plat of Clark / Fritz Creek Acres subdivision, filed as Plat No. 75-54/98-105 in the Homer 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?	Yes	<input checked="" type="checkbox"/>	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 <u>LOT 1 Clark Subdivision + Tract D Fritz Creek Acres Adn.</u>	
Section, township, range <u>28 + 29, 5S, 12W</u>	
City (if applicable) <u>Homer</u>	General area <u>Fritz Creek</u>

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): <u>Andrea Hayak</u>	Signature: <u>[Signature]</u>
e-mail: <u>alandhayak@gmail.com</u>	Address: <u>38645 Fritz Creek Valley Dr. Homer AK 99603</u>
Owner of: <u>LOT 1 CLARK Subdivision</u>	

#### Land Owner:

Name (printed): <u>Anderson J. Dixon</u>	Signature: <u>[Signature]</u>
e-mail: <u>repairs@unitedalaska.net</u>	Address: <u>38646 Fritz Creek Valley Dr, PO Box 1003, Fritz Creek, AK 99603</u>
Owner of: <u>TRACT D Fritz Creek Adn.</u>	<u>4247 WESTWOOD DR Anch, AK</u>

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DATE SUBMITTED \_\_\_\_\_

KPB FILE # \_\_\_\_\_

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