

February 27 2024

RE: Request for change in Ordinance 2024-03 Section 5 *Authorizing the sale of certain parcels of Borough owned land by outcry auction followed by a secondary online auction.*

Assembly members:

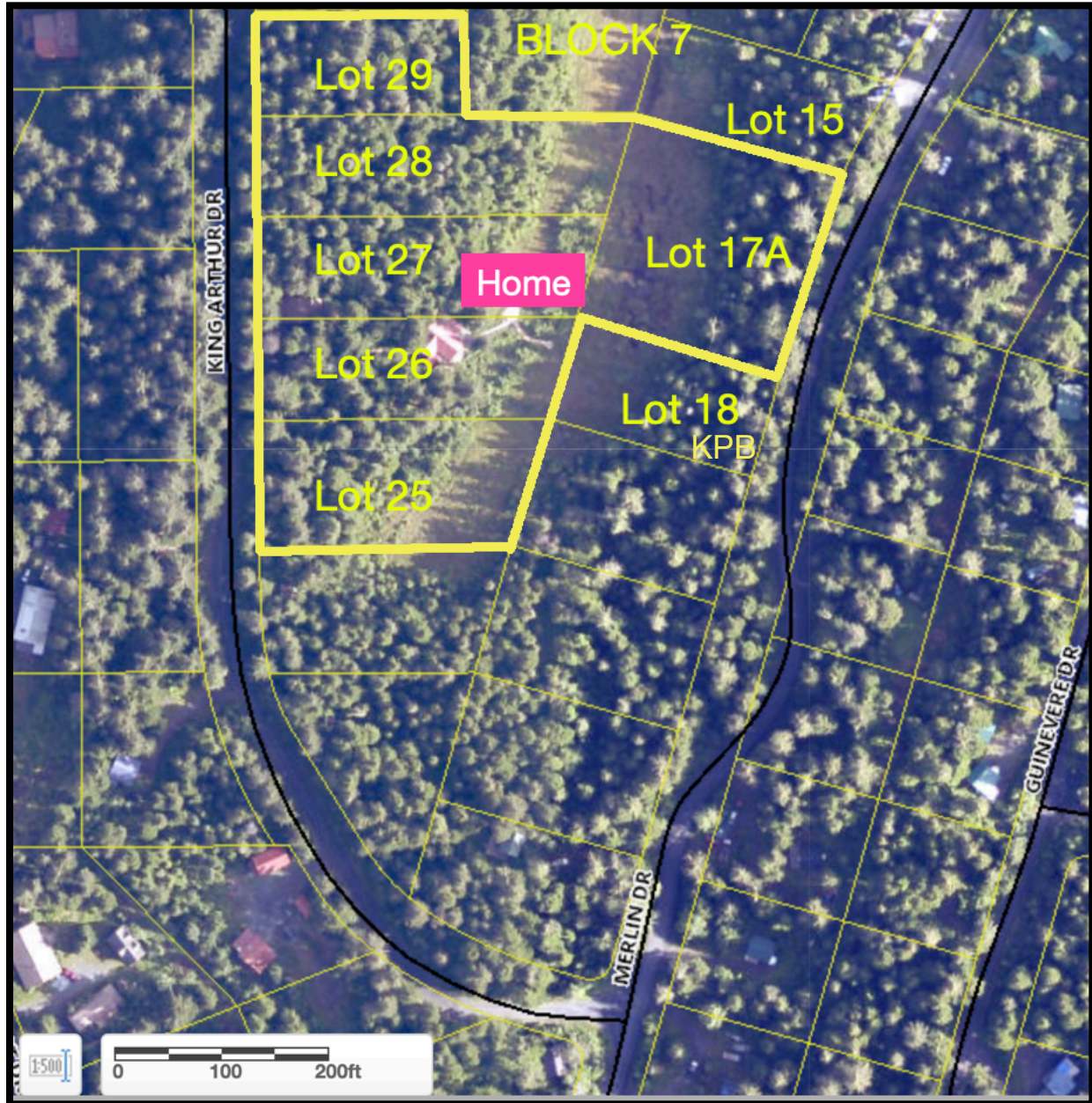
Ordinance 2024-03, Section 5 would change the disposal method of Borough-owned substandard lots to **offering disposal by outcry public auction**. This is a significant change from the disposal method provided for in Ordinance 2009-40.

In the past and currently, substandard-size lot land sales were offered to “eligible bidders”. Ordinance 2009-40 Section 5 states: “The mayor shall establish a list of eligible bidders, **being adjacent landowners**, based on tax roll records and other relevant information ...”

Also, the information packet provided to potential eligible bidders in 1990 has, in the first section, a definition of eligibility. “... the parcels are being **offered for sale only to adjoining property owners** with the requirement that the buyer combine the KPB sale parcel with the buyer’s parcel by subdivision plat ...”

For over 12 years, I have pestered Land Management Officer Marcus Mueller asking him to include lot 18 (CAMELOT BY THE SEA SUB Block 7 lot 18) in a land sale. Now the Land Management Department is offering that sale and I’m interested in buying lot 18. I’d like to hold on to the process that I’ve adhered to for over two decades.

The parcel view screenshot provided here shows that I am an **adjacent landowner** of two of three sides.



Changing the disposal method would be unfair given my good faith participation in the Borough process for years. Lot 18 is DIRECTLY in the view shed from my home, deck and cabin on the west side of Block 7. Were it purchased by another party and developed, it would irreversibly

negatively affect me. The dollar value of my land holdings and home would be severely diminished. Also, and this is the most important, the enjoyment of my unique unmarred property would be spoiled.

Please don't change the rules. Please replace the new public outcry auction language of Ordinance 2024-03 Section 5 with the adjoining landowner requirement found in Ordinance 2009-40 Section 5.

With respect,

Mark Luttrell
Ann Ghicadus
Box 511 Seward AK 99664

12362 King Arthur Drive
Camelot By the Sea subdivision

prufrock@arctic.net

Kenai Borough Assembly

February 27, 2024

My name is Kathleen Stevenson. I am a resident of Cooper Landing. I recently received a flyer regarding a proposal to auction off Lots 20 & 21 Towle Subdivision in Cooper Landing. The flyer is very misleading. The flyer does not address the stream and ravine that flows through both lots. It says that there is no history on the property. I hope to share some history with you.

I purchased Lots 22&23 in 2000. There was a driveway and pad already in place. I could see it was wetlands so I contacted the Corp of Engineers to ask if it was possible to build a house before I bought the property. I found out the driveway was put in without a permit in 1990s. The property had a Red Flag as the drive way went through wetlands. After two years of engineering and soil sampling I was permitted to bring in gravel to an area determined not to be wet to build a house. Next I had to deal with the DEC. I was allowed to put in a holding tank. We started construction in 2003. In 2020 I had to replace that holding tank as it rusted out from sitting in water. I replaced it with a top of the line tank. Coated inside and out with tar. A large port to enter should it ever needs repair. I am including in the packet a survey done on 2020 showing the location of neighboring wells and sceptics. Also, showing the stream running through Lots 20&21. Amen

As I cleared the land I became concerned about the water pouring in at the highway front. It was found that I was getting run off from a very active water flow from Cecil Mountain. It flows alongside the Alpine Motel crossing under the highway into Lots 20,21,22, and 23 The DOT came to look at the problem. They put in a culvert to direct water down the highway towards the bridge. Thus I got a little break. Although, water still flows under the highway. I have included in this packet the letter describing the issues and their recommendation. That would be, to put a culvert across the Sterling Hwy to feed the water to a stream already in place on Lots 20&21 since it is Borough land.

There is a stream on either side of my Lots 22&23. To keep the water from reaching my house I put two larger culverts with heat tapes through my drive way leading the over flow to the stream on Lot 24. Then I held my breath.

I am telling you my story to help you understand Lots 20&21. These lots share the same water flow issues I have dealt with. The difference is there is a large stream and ravine that can handle the water in 20&21. 18 years ago I contacted the Borough about buying the lots. I was told it would be best to have it labeled open/green space, and then apply for a permit to trench to the stream. This would also give DOT access to the lot to put in a culvert under the highway at a later date.

If you look at the survey of lots 22&23 you will see from there is no development from the highway to the house. There is a reason or that....it is not developable. Just like the highway front on lot 20&21.

My concern is that all my hard work could be in vain if gravel was hauled in to lots 20&21. The stream would be redirected and the overflow water would drain into lots 22&23. I have shared pictures of what I mean by overflow.

I am currently the past owner. I recently sold my beloved property to Jason Brink. Who is out of State at the moment? I hosted a B&B there for 15 years. The forest fire, Covid, replacing the holding tank took my spirit. Now this!

I am asking you to take this property off the auction block to look for a better solution for everyone. The day will come when the highway will be upgraded. Having a natural opening to take the mountain run off to the river makes sense. This is a problem all along the Sterling Highway. The water has to flow somewhere. Why not the river? Why not plan ahead to give the water somewhere to go?

If this is not possible then the wording on the flyer needs to be addressing the issues of the property.

Thank you or your time. I will be testifying and able to answer any questions you may have at the meeting.

Kathleen Stevenson

Kathleen Stevenson---90-240-1113



MINIMUM BID: \$260,000.00

Acres: 0.73

Legal Description: LOTS 20 AND 21, TOWLE SUBDIVISION NO. 1, SEWARD RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

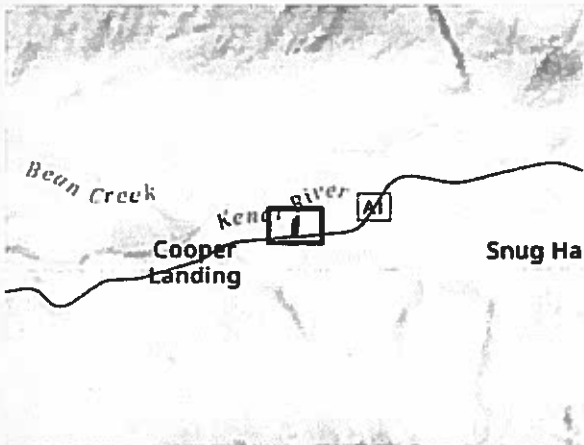
Topography: Slightly sloping lot with a mixed stand of spruce and birch.

Special Features: Located in the community of Cooper Landing with approximately 149 feet of river frontage, just off the Sterling Highway.

Disclosures: The property was acquired by the borough in 1975 by Clerks Deed as the result of a borough tax foreclosure action. KPB has no historical knowledge of the property or its prior use. Property corners have recently been located as part of an as-built survey necessary to address prior encroachment issues. A portion of the property lies within the Habitat Protection District and flood zone. The encroachment issues have been resolved. A portion of the property may have been cleared and improved as a result of the prior encroachment. It is the responsibility of all interested buyers to conduct their own due diligence to confirm the property will satisfy their future needs.

Access: Potential access may be by way of the Sterling Highway. It is the responsibility of the buyer to identify and confirm desired access to subject parcel prior to the sale.

Utilities: Electric utility is available in the area.



3 & 29, T5N, R3W, S.M.

119-020

071

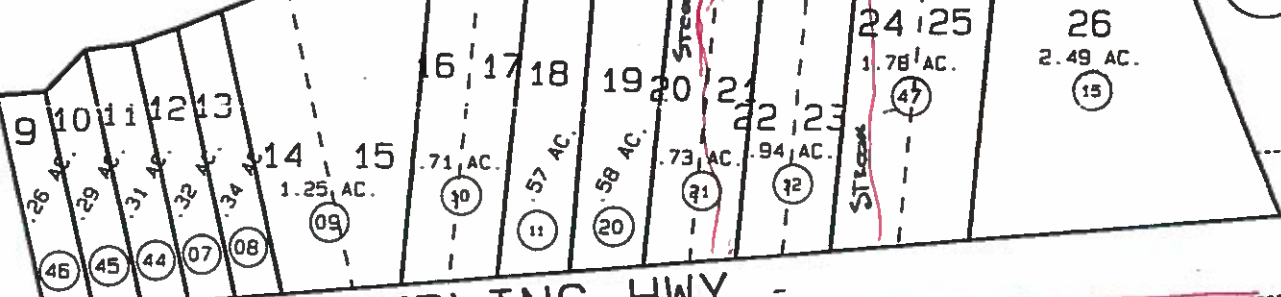
KENAI RIVER

DEED SURVEY LOTS 9-19
TOWLE SUBD. NO. 1

J 8
NO. 1

H 8

8



STERLING HWY.

McWhorter Stream

Alpine Motel

EDWARDS ST

PATRICIA LN.

LISA AVE.

26

THIS MAP IS PREPARED FOR KENAI PENINSULA BOROUGH ASSESSING DEPT. USE ONLY AND IS NOT INTENDED FOR ANY OTHER USE OR REPRESENTATION

NOTE - Assessor's Block Numbers Shown In Ellipses Assessor's Parcel Numbers Shown In Circles



SCALE

1" = 60'



KENAI RIVER

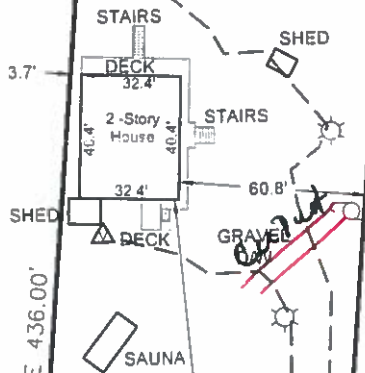
KENAI RIVER
APPROX. O.H.W.L.

KENAI RIVER
APPROX. O.H.W.L.

LOTS 22 & 23
TOWLE SUB #1
KN 91-5 RS
43,537 SF

LOTS 20 & 21
TOWLE SUB #1

LOT 25A
KN2008-26



N04°52'49"E 436.00'

N04°52'49"E 472.56'

Stream

Stream

LOT 18

LOT 19

S84°58'11"W 250.27'

S84°58'11"W 100.28'
STERLING HIGHWAY

LEGEND AND NOTES

- Found Property Corner
- ⊙ Luminaire
- ⊗ Well
- △ Septic Vent
- ⊕ Electric Meter Pole

O.H.W.L. Ordinary High Water Line

1) THE BEARINGS AND DISTANCES SHOWN



AS-BUILT SURVEY

I hereby certify that I have surveyed the following described property in accordance with the Alaska Society of Professional Land Surveyors Mortgage Location Survey Standards:

RECORD OF SURVEY OF LOTS 22 & 23 TOWLE
SUBDIVISION No.1 (KN 91-5RS)

Located in the KENAI Recording District, Alaska, and that the improvements situated thereon are within the property lines and do not overlap or encroach on the property lying adjacent thereto, that no improvements on the property lying adjacent thereto encroach on the premises in question and that there are no roadways, transmission lines or other visible easements on said property except as indicated hereon.



MEMORANDUM

STATE OF ALASKA

Department of Transportation and Public Facilities
Central Region-Statewide Design & Engineering Services
Preliminary Design and Environmental

To: Rex Young
Kenai Area Planner

Date: August 23, 2002

From: Laurie Mulcahy *LM*
Environmental Team Leader

Project No: Sterling Hwy 45-60

Phone No.: 269-0536

Subject: Cooper Landing Drainage
Sterling Highway MP 48.5

On May 31, 2002, I met with Kathleen Stevenson to field review Cooper Landing properties at Sterling Hwy MP 48.5. Kathleen has property in Cooper Landing (Lots #24²² and 22²²) on the Kenai River side of the highway across from the Alpine Motel. She has submitted permit applications with the Corps and Kenai Peninsula Borough to construct a curtain drain to address drainage concerns on her property. Kathleen has also contacted Carl High, ADOT&PF Kenai Peninsula M&O District, and Max Best, Kenai Peninsula Borough Planning, to discuss Sterling Highway vicinity drainage.

Observations (see attached Sterling Highway MP 37-60 Plan Sheet P19, dated 1993): Kathleen's property is sited downgrade of the highway at Station 1777+50 Lt. She indicates that water from a hillside draining stream is seeping through the highway embankment, affecting her property.

The subject drainage intersects the highway at Station 1776+00 Rt. and is adjacent to the west of the Alpine Motel. In its natural state the stream flowed directly to the Kenai River, through Kenai Peninsula Borough Lots #23 and 24. The Sterling Highway appears to have interrupted area hydrology; there does not appear to be a cross culvert through the embankment at this site. As a result, water flows are redirected through the south side highway ditch to Kenai Lake at the bridge. This water passes through the Alpine Motel driveway approach and the Snug Harbor Road intersection. The driveway approach appears to have a small 24-inch diameter pipe.

At the time of my visit, the hillside drainage was carrying high water volumes. Water was backed up along the highway at the Alpine Motel driveway, likely due to the inadequately sized culvert. I also noted that M&O had recently dredged the south side ditch in an effort to improve drainage flow. However, for the length of the highway to the Snug Harbor Road, the ditch and adjacent right-of-way were flooded. I did not note the water level conditions between Snug Harbor Road and the bridge.

Recommendations: It is my understanding that this highway vicinity is also subject to glaciation. Flooding occurs when the driveway approach culvert is plugged with ice, and this happens during winter season and during spring breakup. I also understand that M&O has indicated that they are limited with their maintenance efforts to address this problem.

It appears to me that the best fix may be to restore the original drainage pattern at this location, allowing the stream to continue flowing down gradient to the Kenai River. However, this requires installing a cross culvert through the highway and some sort of an agreement or drainage easement with the Kenai Peninsula Borough to allow the drainage through Lots #23 and 24. In the interim, it may be prudent to install a larger pipe through the Alpine Motel driveway approach.

Conclusion: I spoke to Max Best about my observations and recommendations. I told Max that I am aware that the Cooper Landing Post Office is to be relocated off Snug Harbor Road near its intersection with the Sterling Highway in the vicinity of the subject flooding. Apparently the building site and associated parking area has been shifted an additional 50 feet up the road to help mitigate impacts to the wetland. Development of the Post Office and other Snug Harbor Road properties will likely generate additional traffic that may warrant future improvements of the intersection. With the current conditions, design of the intersection would need to accommodate the higher flows of the stream drainage and possible wetland permitting.

I suggested to Max that the Kenai Peninsula Borough consider proposing a project for the STIP to install a culvert at this site, perhaps in conjunction with a Snug Harbor Road Intersection improvements project. This may require that the Borough set aside Lots #23 and 24 as "open green space" to allow for the drainage. Another consideration would be that the Post Office consider including the highway culvert replacement as part of their construction project to reduce any potential hydrology concerns at their property.

cc: Max Best, Kenai Peninsula Borough Planning
Carl High, Kenai Peninsula M&O District Supervisor
Chris Kepler, M&O Chief
Kathleen Stevenson, Cooper Landing Property Owner, jazz@Alaska.net
U.S. Post Office (8055 East Tufts Avenue, Suite 400, Denver, Colorado 80837-2881)
Cooper Landing Post Office, Cooper Landing

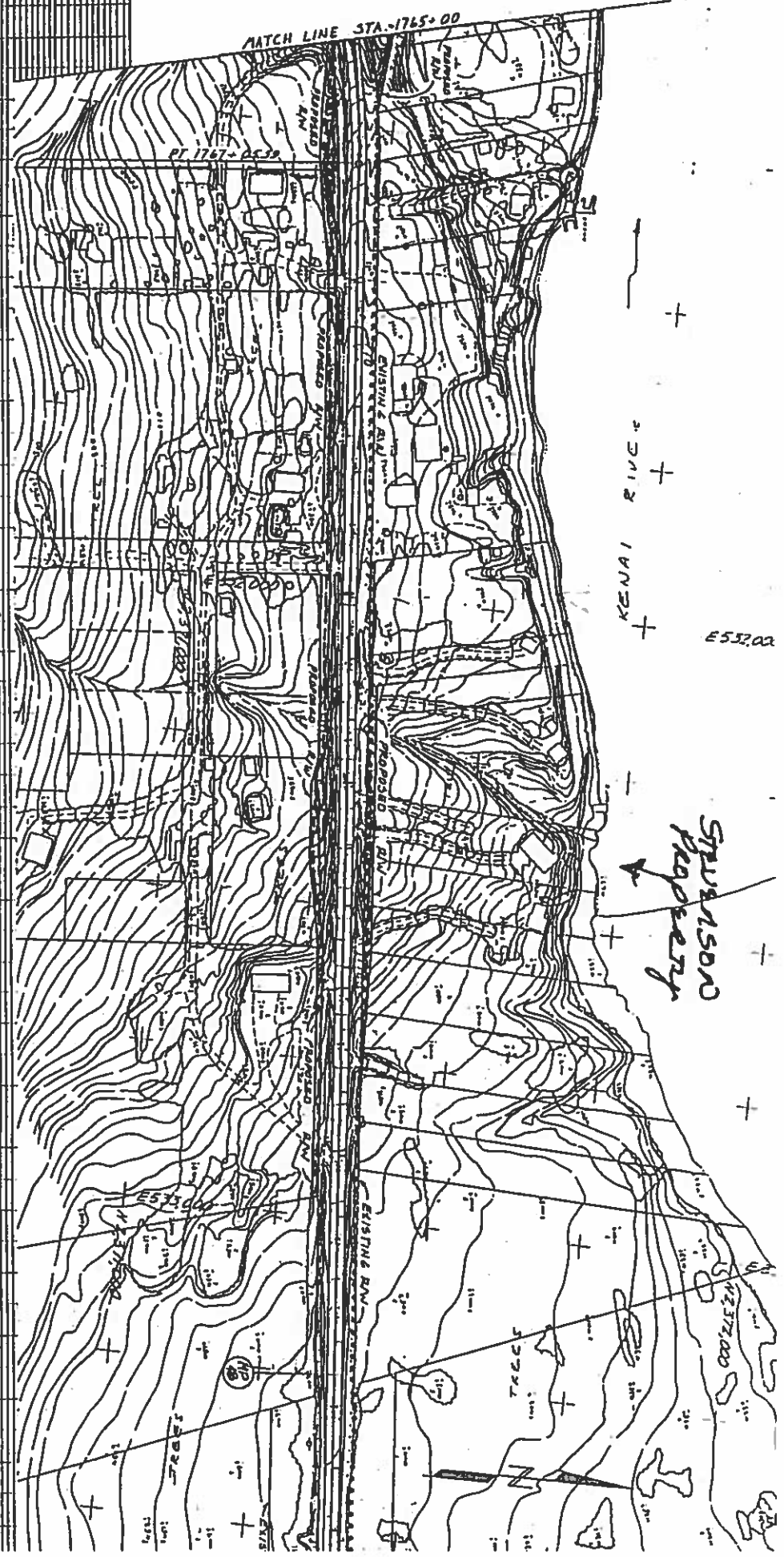
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MATCH LINE STA. 1765+00

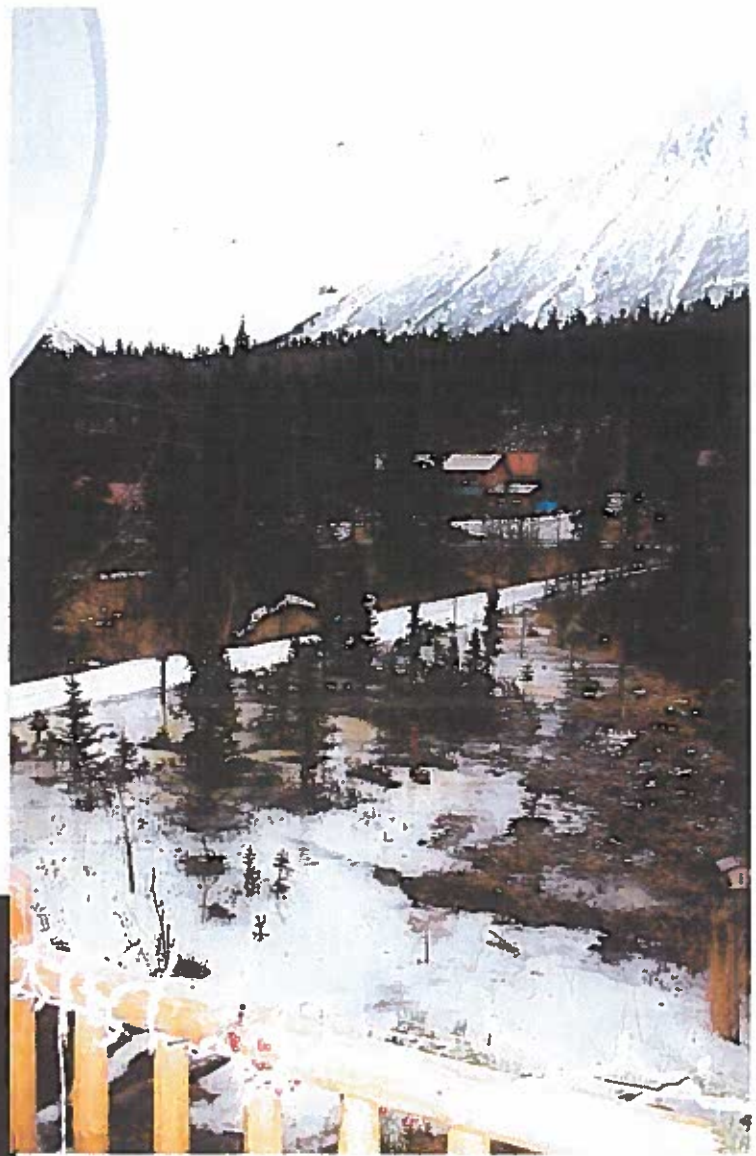
HILL STOK ALPHABETIC

KENAI RIVER

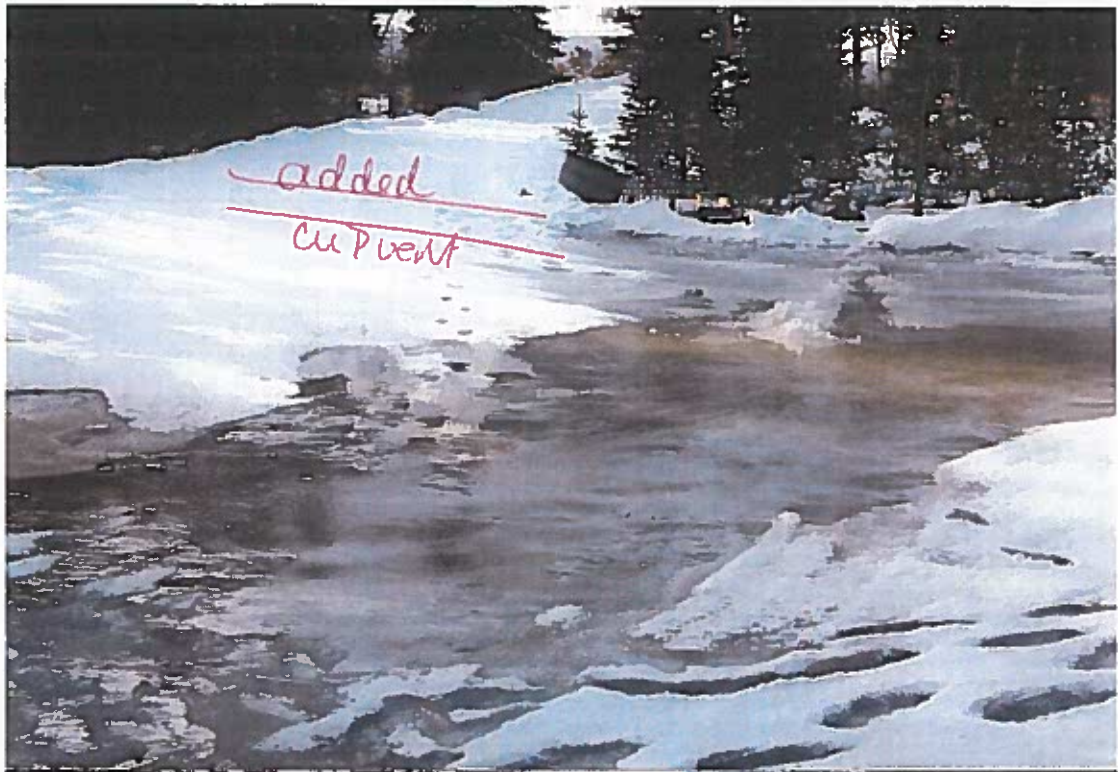
SPURKISON PROPERTY







Bon fires trying to
thaw the snow



IRA front of house .Parking Pad

Quinton, Madeleine

Subject: FW: New Public Comment to Assembly Members

From: Kenai Peninsula Borough <webmaster@kpb.us>

Sent: Tuesday, February 27, 2024 11:53 AM

To: BoroughAssembly <Borough-Assembly@kpb.us>; Mayor's Department <MayorDepartmental@kpb.us>

Cc: Turner, Michele <MicheleTurner@kpb.us>

Subject: New Public Comment to Assembly Members

Your Name: Tammie Smith-Scott

Your Email: troublescott60@gmail.com

Subject: Davis Block usage of Snug Harbor road access for concrete batch plant

Message:

We live off Snug Harbor road and were dismayed and appalled that there was so little time to address this major disruption for our residential neighborhood. There was no discussion with the Coopler Landing planning Committee, and no public comment time here or at the Feb 21, 2024 KPB planning meeting. Many others have submitted letters against this proposal. The Main issues that must be considered before this decision is made are;

1. Road repairs after these heavy loaded concrete and materials trucks tear up the road. who pays for it?
2. Traffic issues turning off and onto the Sterling Highway during fishing season traffic. We have many accidents thru this area with regular traffic during this time and this will make it even worse with trucks and the amount of loads required.
3. Extent of hours and loads, and the sound thru residential areas and near the senior center.
4. Dust mitigation, water contamination , and noise pollution from the batch plant and its impact on the residents on Snug Harbor and Bear Creek roads.
Impact study should be required.
5. Will they drill a well or haul in water?, so more loads using the road if no well drilled.
6. Safety on the road for pedestrians and bike riders, where the walking path ends. Will there be added security or officers to facilitate this added use?
7. Alternate site use at either end of the construction area access, Davies Creek area, also by transfer site for garbage, Resurrection site. All of these would be preferable.
8. The construction site along the mountains is large enough to put a batch plant on site, this is the most efficient and standard used on large projects like this. My Dad and Brother where engineers and built bridges and roads and dams, and this was the preferred practice, the site is large to accommodate this.

If you approve this project on Snug Harbor you will ruin these neighbor hoods and anyone trying to sell during this project will be unable to. This is an industrial use of land in a residential area for potentially 5 plus years, no other community would allow this to happen. Why should these two residential neighborhoods be ruined when there are viable alternatives. Would you allow this to be located in your neighborhood? I think not. Do not locate it in ours so thoughtlessly. Impact research and studies need to be done and comment periods should have been done for transparencies sake. They were not. This is allowing a private, albeit very established company, which many of us used for our house foundation concrete, to lease for very little, and potentially impact property values, health and safety. All without public comment at the planning stages. I implore you to consider alternate sites that are better suited for this. Thank you for letting us comment before your March meeting. We shall plan to attend.

If you have any questions please feel free to contact me.

Tammie Smith-Scott

907-885-4554 cell
troublescott60@gmail.com, email