

Kenai Peninsula Borough

*144 North Binkley Street
Soldotna, AK 99669*



Meeting Agenda

Tuesday, June 20, 2023

1:30 PM

Meeting ID: 884 7373 9641 Passcode: 671108

Assembly Chambers

Lands Committee

*Cindy Ecklund, Chair
Richard Derkavorkian, Vice Chair
Bill Elam, Member*

NEW BUSINESS

3. Other

- *a. [KPB-5295](#) Hollywood Kennedy Gibbons 2006 Addition Section Line Easement Vacation KPB 2023-053V

[Clerk's Note: At its regularly scheduled meeting of the Kenai Peninsula Borough Planning Commission on June 12, 2023 the proposed vacation was approved by unanimous consent.]


Attachments:

[Section Line Easement Vacation - Hollywood Kennedy Gibbons](#)

Kenai Peninsula Borough
Planning Department

MEMORANDUM

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

FROM: Robert Ruffner, Planning Director 

DATE: June 13, 2023

RE: Section Line Easement Vacation
Vacate the 66-foot section line easement along the east lot boundary of Lot 1,
Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108

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

During their regularly scheduled meeting of June 12, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the proposed section line easement vacation, vacating the 66-foot section line easement along the east lot boundary of Lot 1, Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108 by unanimous vote (11-Yes, 1-Absent) based on the means of evaluating public necessity established by KPB 20.65. This petition is being sent to you for your consideration and action.

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

June 12, 2023 Planning Commission Draft Meeting Minutes
June 12, 2023 Agenda Item E1 Meeting Materials

AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read the public hearing procedures into the record.

**ITEM #1 - SECTION LINE EASEMENT VACATION
VACATE THE 66 FOOT SECTION LINE EASEMENT ALONG THE EAST LOT BOUNDARY OF LOT 1,
HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION, PLAT HM 2007-108**

KPB File No.	2023-053V
Planning Commission Meeting:	June 12, 2023
Applicant / Owner:	Stephen Smith / Geovera, LLC
Surveyor:	Emmitt & Mary Trimble Joint Revocable Trust
General Location:	Sterling Highway, Anchor Point, Anchor Point APC
Legal Description:	Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108, NW1/4 Section 22, Township 4 South, Range 15 West SM

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment.

Todd Travis; 31150 Sterling Highway, Anchor Point, AK 99556: Mr. Travis is a neighboring landowner and wanted to know exactly how much of the section line easement in the area was going to be vacated. He wasn't opposed to the vacation but he was concerned that it might affect the view on his property.

Platting Manager Piagentini replied section line easements belong to the State and they will determine how much of the section line would be vacated which could be different that what is being requested by the applicant.

Mr. Travis then asked how would the land from the section line easement vacation be allotted, would it be split between himself and the other landowner? Planner Julie Hindman replied section line easements are easements that the land is subject to. The determination of who gets the use of that land back is the location of the easement on the property. It appears that this section line easement vacation request is encumbered by the applicant's parcel, which is Lot 1.

Hugh (Unclear); P.O. Box 1118, Anchor Point, AK 99556: Hugh asked for clarification on the approval process. Chair Brantley explained the approval process for section line easements.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Gillham moved, seconded by Commissioner Venuti to approve 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 5 conditions as 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 - 11	Brantley, Fikes, Gillham, Hooper, Horton, Martin, Slaughter, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Morgan

E. NEW BUSINESS

- 1. Section Line Easement Vacation; KPB File 2023-053V
Geovera, LLC / Emmitt & Mary Tribble Joint Revocable Trust
Request: Vacates approximately 66' by 550' in size in Lot 1,
Hollywood Kennedy Gibbons 2006 Addition, Plat HM 2007-108
Location: Long Gone Avenue & Sterling Highway
Anchor Point Area / Anchor Point APC**

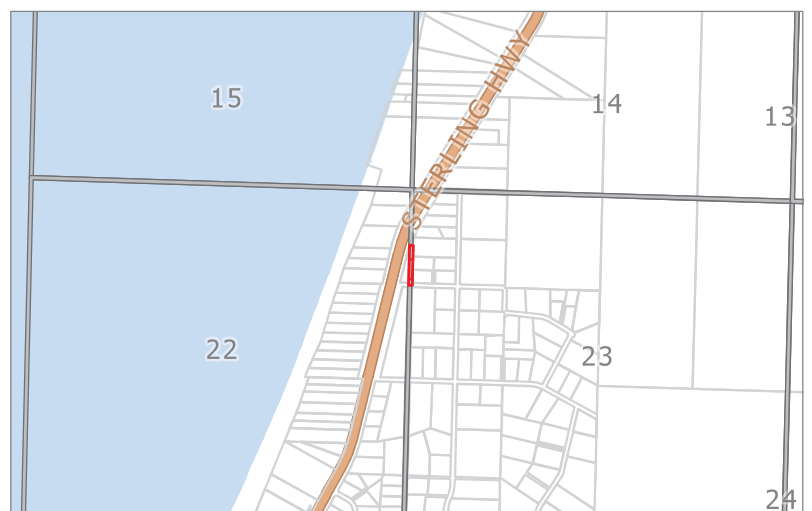
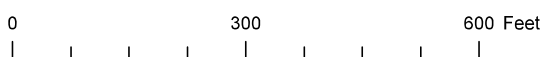


KPB File 2023-053V

T 04S R 15W SEC 22 & 23

Anchor Point

5/17/2023





Aerial View



NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 22 AND 23, T. 4 S., R. 15 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2007-108.

3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-??? APPROVED ???.

4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.410 AND/OR 11 AAC 51.065 IS VIA THE STERLING HIGHWAY.

LEGEND:



INDICATES GLO BRASS CAP MONUMENT PER HM 2007-108



INDICATES BRASS CAP MONUMENT (268-S) PER HM 2007-108



SECTION-LINE EASEMENT VACATED BY THIS PLAT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER

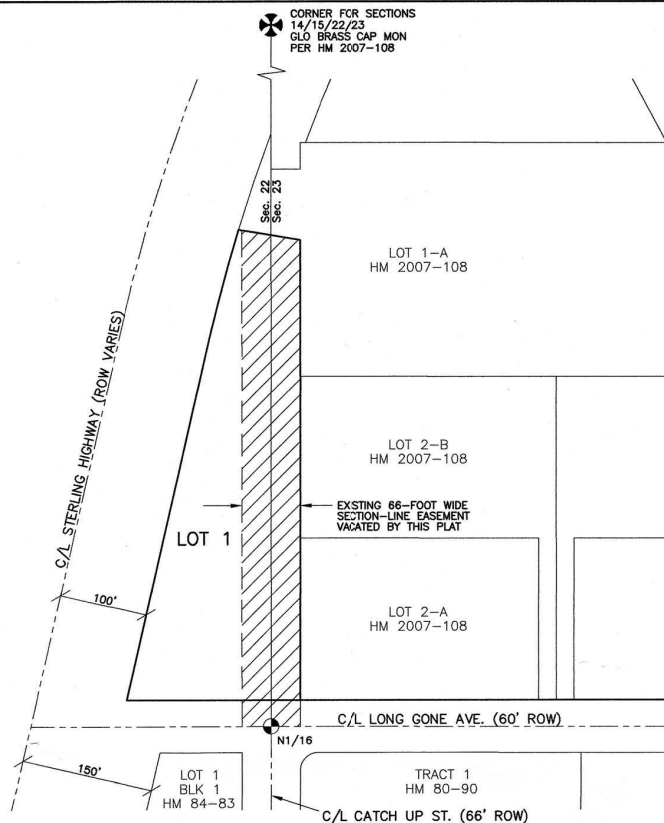
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

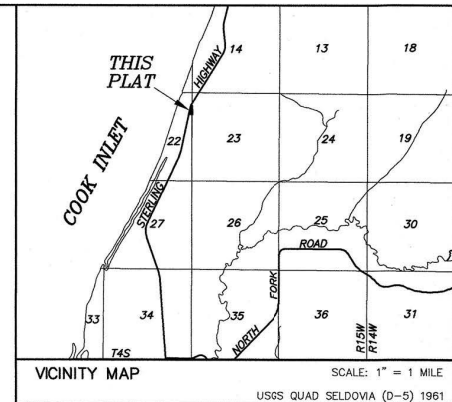
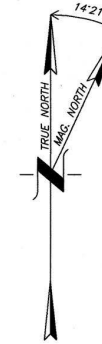
THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES



14'21" EAST CHANGING BY
0'24" WEST PER YEAR
NCEI DECLINATION (WMM 2020)
FEBRUARY 3, 2023



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

EMMITT D. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMELE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

MARY E. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMELE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2023.

BY: EMMITT D. TRIMBLE AND MARY E. TRIMBLE
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: _____ REGISTRATION No. AELL 7538

STEPHEN C. SMITH
REGISTERED LAND SURVEYOR



GRAPHIC SCALE



1 inch = 100 ft.

1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: _____
Beginning: NO FIELD SURVEY
Ending: _____
SURVEYOR: Geovera, LLC COA# 933
PO Box 3235
Homer, Alaska 99603
(907) 399-4345 www.geovera-ak.com

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION PLAT

ASSOCIATED WITH
LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION
HM 2007-108

Located Within Surveyed
NE1/4 NE1/4 Sec. 22 & NW1/4 NW1/4 Sec. 23, T. 4 S., R. 15 W., S.M., Alaska
HOMER RECORDING DISTRICT

DRAWN BY: SCS
DATE: FEB. 2023
SCALE: 1"=100'
APPROVAL RECOMMENDED
STATEWIDE PLATTING SUPERVISOR
DATE: _____
CHECKED: SCS
DNR FILE NO. EV-3-???

KPB 2023-053V

SHEET 1 OF 1

E1-3

AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - SECTION LINE EASEMENT VACATION
VACATE THE 66 FOOT SECTION LINE EASEMENT ALONG THE EAST LOT BOUNDARY OF LOT 1,
HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION, PLAT HM 2007-108**

KPB File No.	2023-053V
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Applicant / Owner:	Stephen Smith / Geovera, LLC
Surveyor:	Emmitt & Mary Trimble Joint Revocable Trust
General Location:	Sterling Highway, Anchor Point, Anchor Point APC
Legal Description:	Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108, NW1/4 Section 22, Township 4 South, Range 15 West SM

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Lot 1, Hollywood Kennedy Gibbons 2006 Addition (HM2007-108) is a narrow lot with existing access along its entire west boundary by way of the Sterling Highway, and along its south boundary by way of Long Gone Avenue. A 33 foot right-of-way (Catch Up Street) along the east side of the section line was vacated by the HM 2006-108 plat, but the section line easement on both sides remained. A house was constructed within the easement on the west side of the section line.

The section line easement has not been constructed. It is not used for access to this or any of the adjoining lots. An overhead powerline exists along a portion of the east edge of the 33 foot section line easement within section 23. There is a 20 foot wide electrical distribution line easement centered on the overhead powerline per note 5 of HM 2006-108.

Vacation of this portion of the section line easement would not prevent or alter access to any of the adjoining lots, which all have functional access from existing rights-of-ways. The alternate route in accordance with AS 19.30.410 and/or AAC 51.065 is by way of the Sterling Highway adjoining the west edge of Lot 1.

Notification: The public hearing notice was published in the June 7th issue of the 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 Anchor Point

Post Office of Anchor Point

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

Public hearing notices were sent by regular mail to fifteen 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
Anchor Point Advisory Planning Commission

Emergency Services of Anchor Point
Kenai Peninsula Borough Homer Office
Ninilchik Traditional Council
Alaska Communication Systems (ACS)
ENSTAR Natural Gas

Legal Access (existing and proposed):

Legal access to the property is by state maintained Sterling Highway on the west and Long Gone Avenue to the south. Sterling Highway is a varied width right-of-way, but is 100 feet from centerline directly adjacent to the property. Long Gone Avenue is a 60 foot right-of-way. Vacation of the section line easement will have no effect on the access to the property. The lots to the east have access from Long Gone Avenue to the south or Whiskey Gulch Street further to the east.

No new dedication is being proposed with this vacation request.

The section line easement has an overhead power line constructed through it on the easterly side of the property with a 20 foot electrical distribution line easement centered over it. This easement was dedicated on Hollywood Kennedy Gibbons 2006 Addition HM 2007-108.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: No comments
SOA DOT comments	No comments to provide at this time. - Engineering

Site Investigation:

There are no low wet area within the proposed vacation area nor within the direct vicinity nearby.

Drainage is relatively flat with a slight slope towards the Sterling Highway to the west.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: IS in flood hazard area Comments: Flood Zone: D Map Panel: 02122C-1880E In Floodway: False Floodway Panel:</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: VACANT Comments:</p>
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Staff Analysis:

Lot 1 Hollywood Kennedy Gibbons 2006 Addition HM 2007-108 was created from Government Lot 1 Section 22 lying east of the Right-of-way of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located in the NE1/4 of Section 22 all in Township 4 South, Range 15 West, SM HRD, State of Alaska. To the east are Lots 1-A, 2-A through 2-D of Hollywood Kennedy Gibbons Addition HM 2007-108 located in the NW1/4 of Section 23, Township 4 South, Range 15 West SM HRD, State of Alaska.

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: The easement does not appear to be in use.
2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: There is a house built in the easement blocking use, alternate access is from Sterling Highway.
3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Lots to the east are developed and have their own access already in use with no interruption shown by the vacation.
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 a public area.
5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: All lots have existing access.
6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: Road use is not feasible.
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: No requests at the time of writing this report.
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments:

The petition presented to the Kenai Peninsula Borough Planning Commission is a state managed easement. Per KPB 20.65.020, the Planning Commission does not have the authority to vacate easements under state jurisdiction. The planning commission will be providing a recommendation to the state on this easement petition. The vacation of this public easement vacation will be under the jurisdiction of the state and the final decision rests with the state.

A recommendation to approve the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the June 20, 2023 Assembly meeting.

A Planning Commission decision recommending denial will not require a hearing by the Kenai Peninsula Borough Assembly.

If approved, a Section Line Easement Vacation Plat may finalize the proposed section line easement vacation. Per KPB Code 20.10.080, if the sole purpose of the plat is to depict an area approved for vacation the plat does not require review by the planning commission. It will be reviewed as a final plat by the Planning Department.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: 31190 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: STERLING HWY, LONG GONE AVE, CATCH UP ST</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: THIS ACTION WILL NOT AFFECT ADDRESS</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Anchor Point Advisory Planning Commission	

Utility provider review:

HEA	An overhead primary single phase electric line is located within the section line easement. The approximate location has been depicted. Please provide a label or plat note stating, "The existing overhead powerline is the centerline of a 30-foot-wide electrical easement, including guys and anchors, granted this plat."
ENSTAR	No comments or recommendations
ACS	After review ACS has no conflicts with vacating the 66' section line easement.
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 the KPB Assembly.
2. Approval by the State of Alaska.
3. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
4. Grant utility easements requested by utility providers.

5. 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).
-

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*

- *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



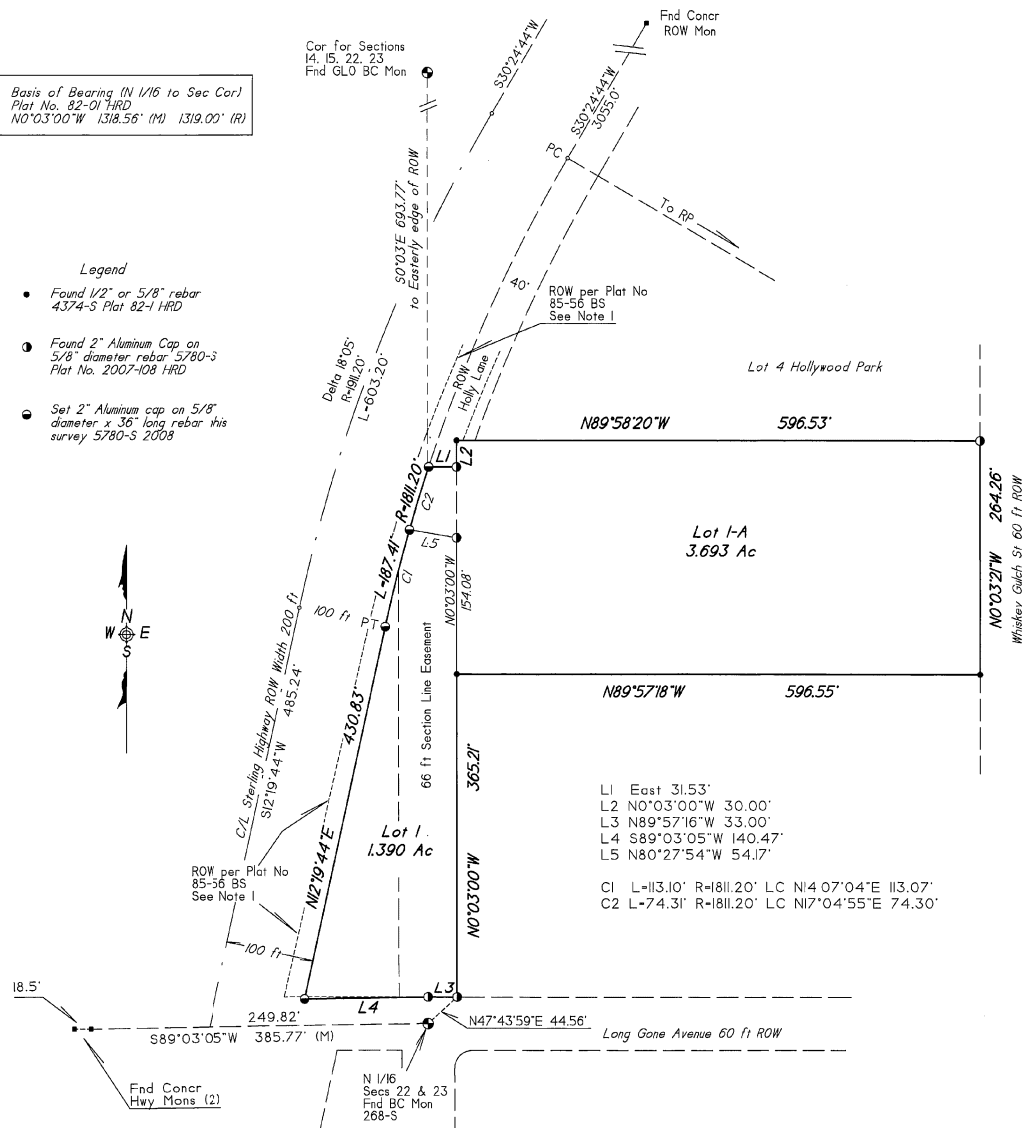
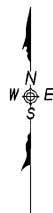
Aerial View





Basis of Bearing (N 1/16 to Sec Cor)
 Plat No. 82-01 HRD
 N0°03'00"W 1318.56' (M) 1319.00' (R)

- Legend**
- Found 1/2" or 5/8" rebar
 4374-S Plat 82-1 HRD
 - Found 2" Aluminum Cap on
 5/8" diameter rebar 5780-S
 Plat No. 2007-108 HRD
 - Set 2" Aluminum cap on 5/8"
 diameter x 36" long rebar this
 survey 5780-S 2008



Notes

- The "Deed of Record Boundary Survey" Plat No. 85-56 BS has been found to contain errors regarding the correct location of the Sterling Highway. The subdivision plat of Hollywood Kennedy Gibbons 2006 Addition Plat No. 2007-108 HRD was based in part on the now erroneous Plat No. 85-56 BS. This Record of Survey makes the appropriate correction along the east side of the Sterling Highway and corrects the area of the 2 effected lots. The ROW monuments set per Plat No. 2007-108 have been removed. No other changes to the effected lots have been made.
- Centerline and ROW data based on State of Alaska Dept of Highways "Right of Way Plat" Project No. F-021121 Sheet 33 of 36 as shown on Plat No. 63-423 HRD.
- Catch Up Street vacated by Plat No. 2007-108 HRD
- This survey does not constitute a subdivision as defined by A.S. 40.15.190.2.

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Roger W. Imhoff
 Roger W. Imhoff LS 5780 Date 4-23-08



2008-19
 (Name) REC DIST
 Date 4/23/08
 Time 2:38 P.M.
 Requested to Imhoff
 Address

Record of Survey

Being a resurvey of Lots 1 and 1-A Hollywood Kennedy Gibbons 2006 Addition as shown on Plat No. 2007-108 HRD located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S4M Kenai Peninsula Borough Homer Recording District, Third Judicial District State of Alaska

Containing 5.083 Acres, more or less

Current Owner Lot 1-A
 Brain & Charlotte Carper
 3150 Catch Up Street
 Anchor Point Ak 99556

Current Owner Lot 1
 Emmitt & Mary Joint Revocable Trust
 PO Box 193
 Homer Ak 99556

Surveyor:
 Roger W. Imhoff, RLS
 PO Box 2588
 Homer Ak 99603

FB 2006-4
 2007-2 2008-1
 Drawn RWI
 Scale 1" = 100 ft

File landofgibbonsrecosurvey.vcd
 gibbons.cgo gibbons3.grp

Date 4-23-08

Basis of Bearing (N 1/16 to Sec Cor)
 Plat No. 82-01 HRD
 N0°03'00"W 1318.56' (M) 139.00' (R)

Cor for Sections
 14, 15, 22, 23
 Find GLO BC Mon

Legend

- Found 1/2" or 5/8" rebar
 4374-S Plat 82-1 HRD

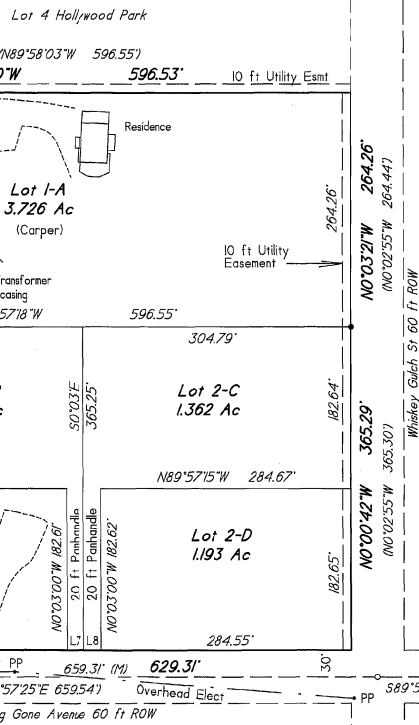
Dimension of Record
 Plat No. 82-1 HRD

ROW Vacated
 This Plat



Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- A building setback of 20 feet for all new buildings is required from the edge of street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is a utility easement.
- Existing overhead powerlines are centerline of a 20 ft. wide electrical distribution line easement.
- Set 2" self identifying Aluminum cap on 5/8" x 36" long steel rebar at all lot corners unless noted otherwise.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road maintenance program.
- No structures are permitted within the panhandle portion of any flag lots.
- No new direct access to the Sterling Highway is allowed without prior written consent of the Alaska Dept of Transportation.
- Acceptance of this plat by the Kenai Peninsula Borough does not indicate acceptance of any encroachments.
- No portion of the 66 ft wide section line easement as shown hereon is vacated by this plat.
- At its meeting on August 24, 2007, the Kenai Peninsula Borough approved the vacation of Catch Up Street as shown hereon.



Line Chart

L1	N0°03'00"W 30.00'
L2	S0°03'00"E 30.00'
L3	West 33.00'
L4	N0°03'00"W 39.94'
L5	N80°27'54"W 70.85'
L6	S89°56'48"E 33.00'
L7	N89°56'48"W 20.00'
L8	N89°56'48"W 20.00'



Wastewater Disposal

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

W. Williams 3380-E 11 Sep 07
 Engineer License No. Date

13. Source of data for the location of the Sterling Highway is 'Deed of Record Boundary Survey' per Plat No. 85-56 BS

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Brian E. Carper, Charlotte L. Carper 4-7-07
 Owner of Former Lot 1 Hollywood Kennedy Addition
 Brian E. Carper Date Charlotte L. Carper Date
 3150 Catch Up Street
 Anchor Point Ak 99555-9614

Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September 2007

for Brian E. Carper and Charlotte L. Carper

Notary Public for Alaska
 My Commission Expires 12-21-10



We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Emmitt D. Trimble 9-7-07
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)
 Emmitt & Mary Trimble Joint Revocable Trust, UTAD February 6, 2006
 by Emmitt D. Trimble, Co-Trustee Date
 PO Box 193
 Anchor Point Ak 99555

Mary E. Trimble
 Owner of Former Land of Gibbons (Portion Gov Lot 1 Sec 22)
 Emmitt & Mary Trimble Joint Revocable Trust, UTAD February 6, 2006
 by Mary E. Trimble, Co-Trustee Date 9-7-07
 PO Box 193
 Anchor Point Ak 99555

Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September 2007

for Emmitt D. Trimble
K. Kacher
 Notary Public for Alaska
 My Commission Expires 12-21-10

Notary's Acknowledgment
 Subscribed and sworn to me before me this 7th day of September 2007

for Mary E. Trimble
K. Kacher
 Notary Public for Alaska
 My Commission Expires 12-21-10



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

August 24, 2007 R. W. Imhoff
 Date Roger W. Imhoff LS-5780

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

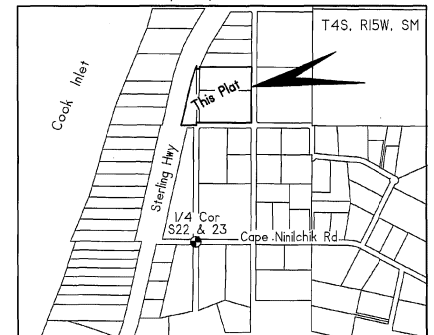
KENAI PENINSULA BOROUGH

By: M. Burt
 Authorized Official

2007-108 REC DIST	
Date	11/29/2007
Time	4:31:08 PM
Requested By	Imhoff
Address	

Sheet 1 of 3
 Sheets 2 and 3 are
 Signature Sheets Only

Vicinity Map 1" = 1000 ft



Hollywood Kennedy Gibbons 2006 Addition

Being a subdivision Lots 1 and 2 Hollywood Kennedy Addition as shown on Plat No. 82-01 HRD and that portion of Gov Lot 1 Section 22 lying east of the ROW of the Sterling Highway and a vacation of a portion of the right-of-way of Catch Up Street located within NE 1/4 Section 22 and the NW 1/4 Section 23, T4S, R15W, S1M Homer Recording District, Third Judicial District State of Alaska

Containing 10.481 Acres, more or less

Clients: Emmitt & Mary Trimble PO Box 193 Anchor Point Ak 99555	Surveyor: Roger W. Imhoff, RLS PO Box 2568 Homer Ak 99503	FB 2006-4 2007-2 Draw RWI Scale 1" = 100 ft
Date 6-30-06	File landofgibbons.vcd	KPB File No. 06-273

OWNERSHIP CERTIFICATE

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN HEREON AND THAT WE HEREBY ADOPT THIS PLAN.

Tommy A. Gibbons *Emily Gibbons*
TOMMY A. GIBBONS EMILY GIBBONS
A.K.A. TOM GIBBONS
BOX 993, HOMER, AK.

NOTARY'S ACKNOWLEDGEMENT

SIGNED AND SWORN TO BEFORE ME THIS 22nd
DAY OF October, 1980.

Pat Marquis
NOTARY FOR ALASKA

MY COMMISSION EXPIRES 10-13-82

KENAI PENINSULA BOROUGH

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON July 21, 1980 FOR RECORDING BY THE STATE RECORDER AS A DEED OF RECORD BOUNDARY SURVEY.

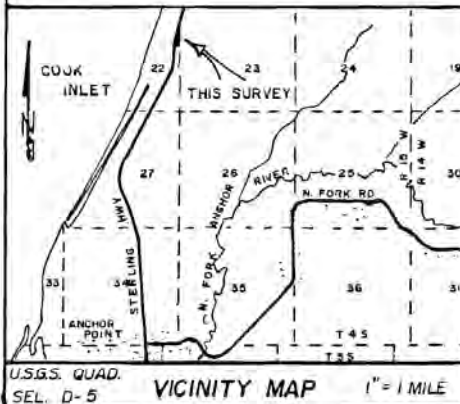
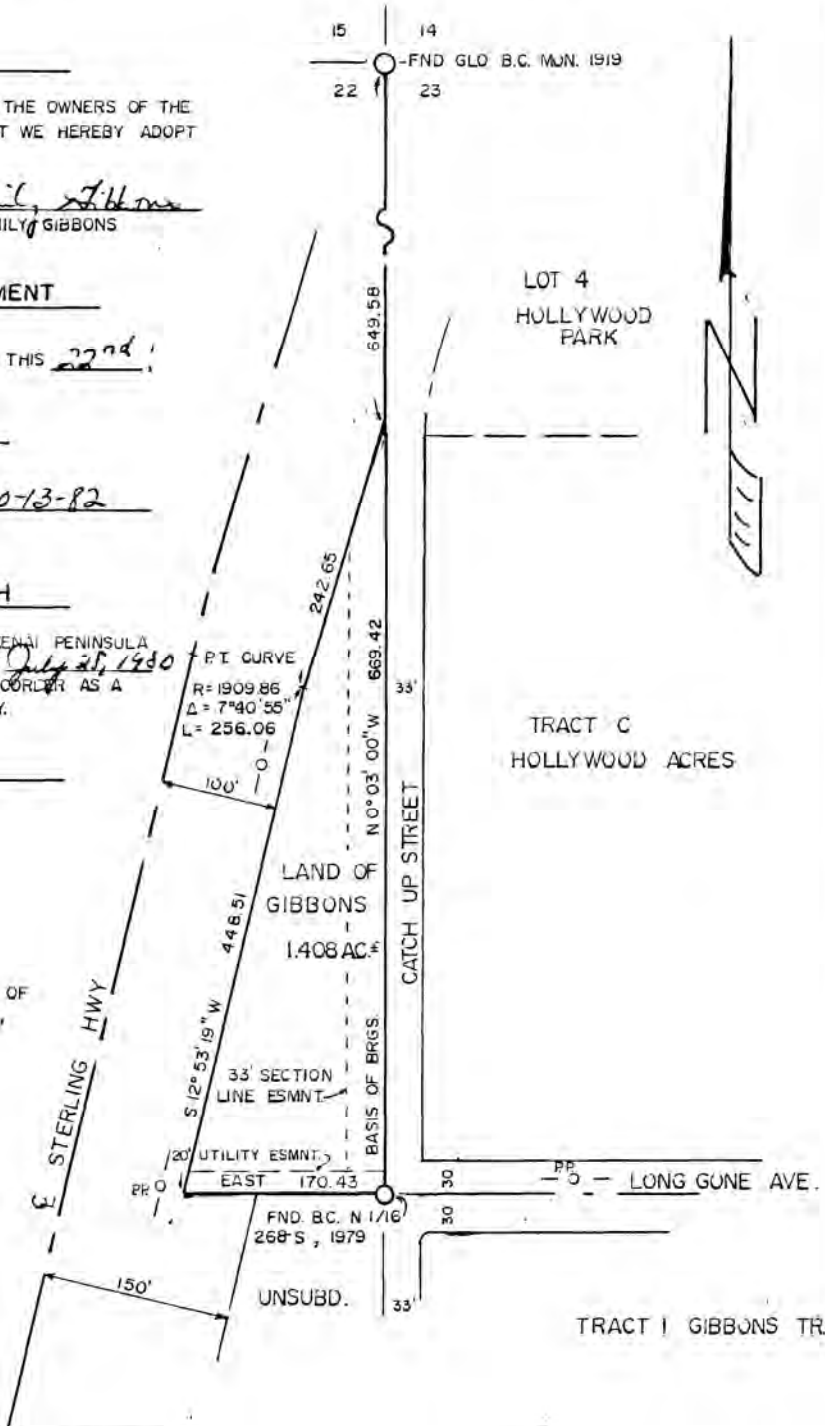
BY *Pat Marquis*
ADMINISTRATIVE OFFICER

LEGAL DESCRIPTION: THAT PORTION OF GOV'T. LOT 1, OF SECTION 22, T 4 S, R 15 W, S.M. LYING EAST OF THE STERLING HWY.

81-56 BS

FILED 10-
Homer REC. DIST.
DATE 7-27-1981
TIME 7:24 A
Requested by <i>Gibbons</i>
Reference <i>Sub 1</i>

NOTE: 1/2" 24" REBAR SET AT ALL LOT CORNERS.



PAT MARQUIS 6/16/80
R.L.S. 4374-S

P & R LAND SURVEYING

STAR ROUTE, BOX 550
ANCHOR POINT, ALASKA 99556
(907) 235-7440

**DEED OF RECORD
BOUNDARY SURVEY**
BK 92 PAGE 964

THAT PORTION OF THE SE 1/4, NE 1/4, SEC. 22
LYING EAST OF THE STERLING HWY., T 4 S, R 15 W,
S.M., ALASKA, CONTAINING 1.408 AC. *

SCALE: 1" = 100'

DATE: 16 JUNE 1980

PREPARED FOR:

MR. TOM GIBBONS
P.O. BOX 993
HOMER, ALASKA

NOTES

1. DIAGONALLY HATCHED AREA INDICATES PORTIONS OF THE SECTION-LINE EASEMENT BEING VACATED WITHIN SECTION 22 AND 23, T. 4 S., R. 15 W., S.M. IT IS NOT THE INTENT OF THIS PLAT TO VACATE ANY OTHER DEDICATED PUBLIC RIGHTS-OF-WAY OR EASEMENTS.

2. NO FIELD SURVEY HAS BEEN CONDUCTED IN RELATION TO THE PREPARATION OF THIS SECTION-LINE EASEMENT VACATION PLAT. ALL DIMENSIONS AND OTHER DETAILS AS SHOWN HEREON ARE FROM THE PLAT OF HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION ON FILE AT THE HOMER RECORDING DISTRICT AS PLAT NO. 2007-108.

3. THIS SECTION LINE EASEMENT VACATION IS IN COMPLIANCE WITH THE FINAL DECISION EV-3-??? APPROVED ???.

4. THE ALTERNATE ROUTE IN ACCORDANCE WITH AS 19.30.410 AND/OR 11 AAC 51.065 IS VIA THE STERLING HIGHWAY.

LEGEND:



INDICATES GLO BRASS CAP MONUMENT PER HM 2007-108



INDICATES BRASS CAP MONUMENT (268-S) PER HM 2007-108



SECTION-LINE EASEMENT VACATED BY THIS PLAT

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF _____

BY: _____ DATE _____
AUTHORIZED OFFICIAL
KENAI PENINSULA BOROUGH

SECTION-LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATION

STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE CENTRAL REGIONAL OFFICE AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: REGIONAL CHIEF RIGHTS-OF-WAY AGENT

STATE OF ALASKA DIVISION OF MINING, LAND & WATER

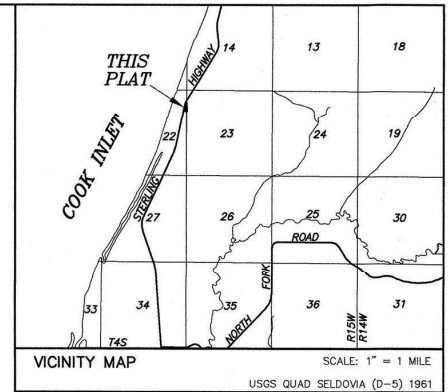
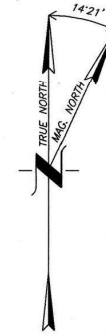
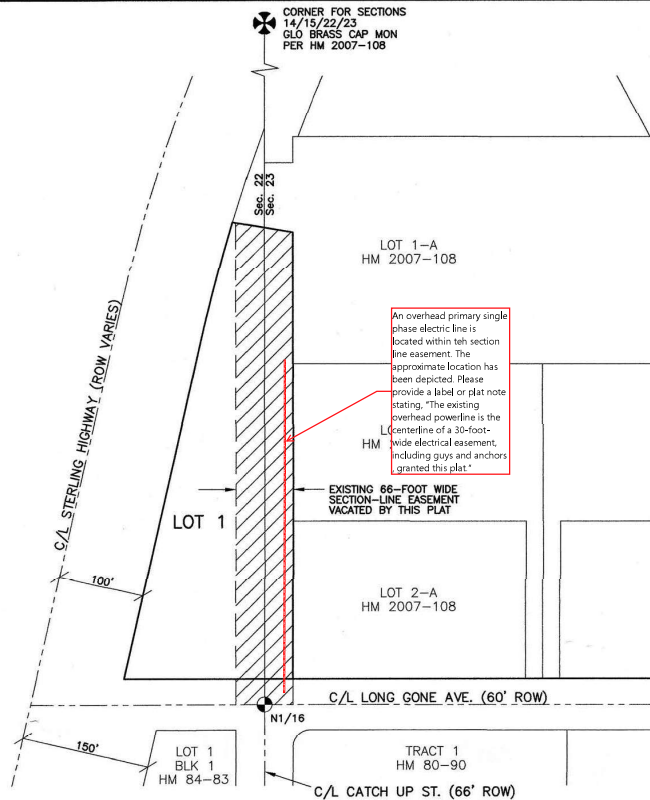
THE VACATION STATEMENT, AS SHOWN HEREON, HAS BEEN REVIEWED BY THE DIVISION OF MINING, LAND & WATER AND IS HEREBY RECOMMENDED FOR APPROVAL BY THE COMMISSIONER.

RECOMMENDED BY _____ DATE _____
TITLE: DIRECTOR, DIVISION OF MINING, LAND & WATER

THE STATE OF ALASKA, ACTING BY AND THROUGH THE COMMISSIONER OF THE DEPARTMENT OF NATURAL RESOURCES AND THE COMMISSIONER OF THE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, DOES HEREBY STATE AND DECLARE THAT THE STATE OF ALASKA VACATES AND RELEASES ALL RIGHTS AND TITLE TO ANY AND ALL PORTIONS OF SECTION-LINE EASEMENTS FOR PUBLIC HIGHWAYS RESERVED TO IT UNDER A.S. 19.10.010 (SPECIFIC AREA DELINEATED BY DIAGONAL HATCHING ON THIS PLAT)

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

DATE: _____ APPROVED: _____
COMMISSIONER
DEPARTMENT OF NATURAL RESOURCES



CERTIFICATE OF OWNERSHIP AND DEDICATION

WE THE UNDERSIGNED, CERTIFY THAT WE ARE THE OWNERS OF LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION. WE HEREBY APPROVE THIS SECTION LINE EASEMENT VACATION PLAT.

EMMITT D. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

MARY E. TRIMBLE
CO-TRUSTEE, EMMITT AND MARY TRIMBLE
JOINT REVOCABLE TRUST
PO BOX 193
ANCHOR POINT, ALASKA 99556

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS _____ DAY OF _____, 2023.

BY: EMMITT D. TRIMBLE AND MARY E. TRIMBLE
(PERSONALLY APPEARED)

NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES: _____

HEA REVIEWED - SEE COMMENTS

Scott Huff
5/22/2023
Land Management Officer

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THIS PLAT WAS DRAFTED UNDER MY DIRECT SUPERVISION, AND THAT ALL DATA SHOWN HEREON IS TRUE AND CORRECT AS COMPILED FROM EXISTING RECORD INFORMATION.

DATE: _____ REGISTRATION No. AELL 7538
STEPHEN C. SMITH
REGISTERED LAND SURVEYOR



GRAPHIC SCALE



1 inch = 100 ft.

1 METER = 3.280833 U.S. SURVEY FEET, 1 U.S. ACRE = 0.4047 HECTARE

DATE OF SURVEY: Beginning: NO FIELD SURVEY Ending: _____
SURVEYOR: Geovera, LLC COA# 933
PO Box 3235
Homer, Alaska 99603
(907) 399-4345 www.geovera-ak.com

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION PLAT

ASSOCIATED WITH
LOT 1, HOLLYWOOD KENNEDY GIBBONS 2006 ADDITION
HM 2007-108

Located Within Surveyed
NE1/4 NE1/4 Sec. 22 & NW1/4 NW1/4 Sec. 23, T. 4 S., R. 15 W., S.M., Alaska
HOMER RECORDING DISTRICT

DRAWN BY: SCS
DATE: FEB. 2023
SCALE: 1"=100'
APPROVAL RECOMMENDED
STATEWIDE PLATTING SUPERVISOR DATE:
CHECKED: SCS
DNR FILE NO.
EV-3-???

KPB 2023-053V

SHEET 1 OF 1

Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669-7520
Toll free within the Borough 1-800-478-4441, extension 2200 (907) 714-2200

Petition to Vacate Section Line Easement
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.

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

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 Section Line Easement Vacation 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.

☒ \$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.

☐ Are there associated utility easements to be vacated? ☐ Yes ☒ No

☐ Are easements in use by any utility company? If so, which company _____

☒ Width of easement proposed to be vacated must be shown on the sketch.

☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.

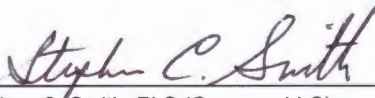
Has the section line easement been fully or partially constructed? ☐ Yes ☒ No

Is the section line easement used by vehicles / pedestrians / other? ☐ Yes ☒ No

Is alternative right-of-way being provided? ☒ Yes ☐ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
See attached Submittal Letter

The petition must be signed (written signature) by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Signature 

As: ☐ Petitioner ☒ Representative

Name Stephen C. Smith, PLS (Geovera, LLC)

Address PO Box 3235

Homer, Alaska 99603

Phone (907) 399-4345

Petitioners:

Signature _____

Name Emmitt D. Trimble (Co-Trustee)

Address PO Box 193

Anchor Point, Alaska 99556

Owner of Lot 1 HM 2007-108+

Signature _____

Name _____

Address _____

Owner of _____

Signature _____

Name Mary E. Trimble (Co-Trustee)

Address PO Box 193

Anchor Point, Alaska 99556

Owner of Lot 1 HM2007-108

Signature _____

Name _____

Address _____

Owner of _____