

KPB-4235

Subject: FW: <EXTERNAL-SENDER>Re: Petition to Vacate a Portion of Paper Birch Lane
KPB-4325

From: Steve Bowen <Steve@littleknife.com>

Date: May 11, 2022 at 8:15:17 PM AKDT

To: "Cox, Tyson" <tysoncox@kpb.us>, "Hibbert, Brent" <bhibbert@kpb.us>, "Derkevorkian, Richard" <rderkevorkian@kpb.us>, "Bjorkman, Jesse" <bjorkman@kpb.us>, "Elam, Bill" <belam@kpb.us>, "Ecklund, Cindy" <CEcklund@kpb.us>, "Johnson, Brent" <bjohnson@kpb.us>, "Chesley, Lane" <lchesley@kpb.us>, "Tupper, Mike" <MTupper@kpb.us>

Subject: <EXTERNAL-SENDER>Re: Petition to Vacate a Portion of Paper Birch Lane KPB-4325

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I'm sorry, I believe I sent an empty email message to each of you earlier. Also, my server notified me that this message isn't deliverable to Jesse Bjorkman. I hope Tyson Cox can forward the message to Mr. Bjorkman for me.

The petition I proposed to vacate a portion of Paper Birch Lane was vetoed in the last Assembly meeting. I regret failing to attend that meeting and offer my sincere apology for being unavailable to elaborate on my position. I was advised that the item was on the consent agenda after being passed unanimously by the Planning Commission and my attendance would not be necessary.

Over a year ago, I was standing in waist-deep snow and received instructions from my clients where they would like to have their home built as they pointed out the flagging they had previously placed (incorrectly) to mark their north property line, which indicated the house placement was acceptable. This April, when I realized the mistake I had made in placing the home on Lot 9 improperly, I went to work on finding a good solution that was favorable for the Borough and the landowners adjacent to the encroached ROW. Because Paper Birch is platted on terrain too steep to construct a road to borough code with reasonable cost and impact, and because the owners of all the adjacent parcels directly affected were in favor of vacation when I spoke with them, and realizing that the new subdivision being developed by Cody McLane directly north offers better road design opportunities, I made the proposal to vacate all of the ROW at the point where the road becomes unnecessary for access to the parcels concerned. My thinking was this would satisfy owners of adjacent properties who know the impact of Paper Birch being built in its currently platted position would be a nuisance, and this proposal would be beneficial to the Borough by eliminating a potentially costly road asset.

I did not anticipate the opposition from parties who own land distant from the proposed vacation. Their viewpoints are varied and their motives I don't dare to incorporate in this discussion as I prefer to avoid dramatizing this issue.

It would have been wise for me to drum up more positive commentary on the issue as I believe the opposing comments held sway and assembly members could have used a different perspective to balance their decision.

In response to my first proposal as well as the current revised proposal, the Staff recommended approval, the Road Service Area supported the proposals and the Planning Commission passed

May 16, 2022

Dear Assembly President Brent Johnson and Assembly Members,

My wife and I are the clients of Little Knife construction at 34426 Developer Circle. We have chosen to remain quiet while a solution is found for the right of way encroachment of Paper Birch. However, it was brought to our attention that during the May 9th meeting, our builder claimed we showed him where the property line was located. This is completely false. The extent of my pointing anything out were the ribbons I tied to trees. I told our builder my dad and I were trying to get a ballpark idea of our property line. We know about steel survey stakes in the ground indicating the true property lines and assumed our hired professional builder knew that too. We made the mistake of also assuming he would execute a proper survey prior to breaking ground.

Also, after reading the comments that have been submitted, and seeing terms like "builder/homeowner", and hearing what Mr. Bowen said about us, I'm concerned that a misconception may be brewing that my wife and I were somehow in cahoots with our builder to execute a malicious plan to gain more land and to purposefully vacate a right of way. Please understand this is the furthest thing from the truth. Also, wouldn't more land mean more taxes? We are not interested in "being rewarded" with more land for which we would then have to pay more taxes.

Please make it known to the Assembly that there was absolutely no malicious intent involved with the placement of this house. It was a terrible mistake that I'm sure this builder will never make again. Also, please understand our builder has been gracious enough to allow us to reside in our new home under an early occupancy agreement. With the completion of our new home being close, we sold the home we had been residing in. Due to this property line delay, we would currently be "homeless" if he did not allow us to move in. We are also now incurring additional expenses to insure our interest rate remains the same until we close. My wife and I are innocent bystanders in all this and any solution other than those proposed would put us in a bad spot that we do not deserve.

We fully support plan the petitioners have proposed; we consider it to be a reasonable solution for an honest mistake. We also fully disagree with putting a road through lot 8. This would mean disturbing a cul-de-sac and

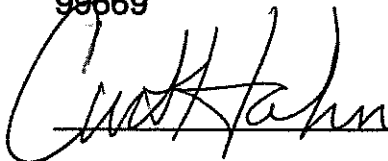
impacting people who currently are not affected by the current encroachment. There are families with young children (ours included) who choose to live in a cul-de-sac for the limited traffic it brings through the area. We internationally purchased this piece of land several years ago to be close to our children and grandchildren. The Developer Connection proposed by Kevin and Heidi Morrison would increase traffic, but more concerning it would increase the likelihood of there being a horrific accident, involving small children. My wife and I are more than willing to pay any additional taxes we might incur for an additional 30', in order to keep the culdesac safe.

In summary, this was a terrible mistake that nobody wanted to have happen. As I understand it, even if the house was 30' to the south, a road could still never have been built in the original right of way; my understanding is that the ROW exceeds grade limits and would have never been permitted. The proposed Developer Connection solution, is more of a detriment to traffic and pedestrian safety than it is a solution to accessing Forest Hills Lookout Subdivision.

Thank you for taking the time to consider our thoughts on the matter.

Curt Hahn 907-252-0916
Wendy Hahn 907-398-0916

PO Box 2808
Soldotna, Alaska
99669

A handwritten signature in cursive script, appearing to read "Curt Hahn", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Wendy Hahn", written over a horizontal line.