



# KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • FAX: (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

[www.borough.kenai.ak.us](http://www.borough.kenai.ak.us)

CHARLIE PIERCE  
BOROUGH MAYOR

## MEMORANDUM

**TO:** Wayne Ogle, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Max Best, Planning Director *mb*

**DATE:** January 11, 2018

**SUBJECT:** Vacation of the western 400 foot portion of the Mark Ross Ct right-of-way adjoining Lots 4 & 5 Ross Retreat Three, Plat SL 92-7, as dedicated on Ross Retreat Too, Plat SL 92-2. The right-of-way being vacated is unconstructed and located within the NW1/4 and SW1/4 of Section 15, Township 8 South, Range 14 West, SM, AK, within the KPB. File 2017-172V. Petitioners: Christopher J. Pollack, Amelia R. Pollack, and Stephen J. Pollack IV of Seldovia, Alaska.

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 January 8, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

### *Findings*

1. All parcels will have access on a public ROW dedication.
3. An existing gravel driveway within Barabara Court currently provides access to Lots 6, 7, 8A and 10.
4. The terrain in the proposed ROW dedication is generally the same as the terrain in the existing ROW. Contour data has not been provided, but I [the surveyor] personally performed a field survey to mark the boundary of Lot 4 Block 17 last summer. The terrain consists of forested lands with large spruce trees. Both the existing ROW and the proposed ROW are not affected by slopes greater than 10%.
6. If the vacation is approved, it will be finalized by recording Barabara Heights Subdivision Pollack Addition.
7. Barabara Heights Subdivision Pollack Addition dedicates alternative right-of-way that connects the remaining segment of Mark Ross Court to KPB maintained Barabara Creek Road.
8. Recordation of Barabara Heights Subdivision Pollack Addition will assure sufficient rights-of-way exist to serve surrounding properties.
9. ENSTAR and Homer Electric Association submitted statements of no comments or objections.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. Per the submittal, the right-of-way proposed for vacation is not in use for access.
12. No surrounding properties will be denied access.
13. KPB Roads Department issued a written statement of no comments.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacation of the western 400-foot portion of the Mark Ross Court right-of-way adjoining Lots 4 & 5 Ross Retreat Three, Plat SL 92-7, as dedicated on Ross Retreat Too, Plat SL 92-2. The right-of-way being vacated is unconstructed and located within the NW1/4 and SW1/4 of Section 15, Township 8 South, Range 14 West, SM, AK, within the KPB; File 2017-172V

Staff Report given by Max Best

PC Meeting: 1/8/18

Purpose as stated in petition: The goal of this project is to vacate a portion of Mark Ross Court and relocate the right-of-way to the eastern side of Lot 4 Block 17 Barabara Heights Subdivision, Plat SL 79-6. The reason for this is that it will make Lot 4 and 5 of Ross Retreat Three and Lot 4 Block 17 of Barabara Heights Subdivision contiguous and enable the owners of the three lots to combine the three lots and allow for better use of the property

Petitioners: Christopher J. Pollack, Amelia R. Pollack, and Stephen J. Pollack IV of Seldovia, Alaska.

Notification:

Public notice appeared in the December 28, 2017 issue of the Homer News. The public hearing notice was published in the January 4, 2018 issues of the Homer News, Seward Journal, and Peninsula Clarion as part of the Commission's tentative agenda.

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Fourteen notices to emailed to agencies and interested parties. One notice was emailed to a KPB Department. The public hearing notice was distributed to 10 KPB Departments and 1 agency via a shared data base.

Notices were mailed to the Seldovia Post Office and Seldovia Community Library with a request to post in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No comments or objections.

KPB Addressing Officer: No comments for the proposed vacation.

KPB Code Compliance: No comments.

KPB Planner: No local option zone or material site issues.

KPB River Center: No affected by a flood hazard zone and it is not within the Habitat Protection District.

KPB Roads Department: No comments.

Surveyor's Discussion: The proposed ROW will create a three-way intersection with Mike Ross Court, Barnhardt Lane, and Barabara Creek Road. Having a three-way intersection is not desirable, but in this specific case it is feasible. Both Barabara Creek Road and Barnhardt Lane are 100-foot-wide ROW's, larger



than the 60-foot width required by borough code. The extra width of ROW will provide more available room to construct driveways and provide separation between the intersections of Barnhardt Lane and Mike Ross Court. A new drive within proposed Mike Ross Court would be approximately 150 feet from the drive within Barnhardt Lane ROW. This subdivision has minimal vehicular traffic.

#### **Surveyor's Findings**

1. All parcels will have access on a public ROW dedication.
2. Currently, no improvements have been made to Mark Ross Court. The new ROW dedication will be shorter in length which will save on the cost of installing a driveway/road to Lots 1, 2, and 3.
3. An existing gravel driveway within Barabara Court currently provides access to Lots 6, 7, 8A and 10.
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5. The vacation of the ROW will allow the land owners' parcels to be contiguous.

Staff Discussion: Recording the plat Barabara Heights Subdivision Pollack Addition will finalize the vacation, if it is approved. The plat provides a 60-foot alternative dedication for Mark Ross Court so the remaining segment of Mark Ross Court connects with KPB maintained Barabara Creek Road. The preliminary plat submittal has not yet been received.

#### **Staff Findings:**

6. If the vacation is approved, it will be finalized by recording Barabara Heights Subdivision Pollack Addition.
7. Barabara Heights Subdivision Pollack Addition dedicates alternative right-of-way that connects the remaining segment of Mark Ross Court to KPB maintained Barabara Creek Road.
8. Recordation of Barabara Heights Subdivision Pollack Addition will assure sufficient rights-of-way exist to serve surrounding properties.
9. ENSTAR and Homer Electric Association submitted statements of no comments or objections.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. Per the submittal, the right-of-way proposed for vacation is not in use for access.
12. No surrounding properties will be denied access.
13. KPB Roads Department issued a written statement of no comments.

**STAFF RECOMMENDATION:** Based on Findings 1, 3, 4, and 6-13, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly.
2. Submittal of the preliminary plat in accordance with Chapter 20 of the KPB Code.
3. Submittal of a final plat within a timeframe that will allow recordation of the plat within one year of vacation consent.

#### **KPB 20.70.110:**

**A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.**

#### **KPB 20.70.120:**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, 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.**



**KPB 20.70.130:**

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Scott Huff, Integrity Surveys, 820 Set Net Dr, Kenai

Mr. Huff is the surveyor on this project and stated that he supported the staff report. The goal of this project is to remove a right-of-way so that three parcels that are all owned by the same people can have contiguous parcels. When the right-of-way is vacated then they will dedicate a 60 foot wide right-of-way on the west side of the boundary. He surveyed Lot 4 last summer so he walked the whole boundary. The new right-of-way has less terrain than what was being proposed to be vacated which is about 100 feet shorter.

Mr. Huff stated that Mr. Hand who owns Lots 2 & 3 is a neighbor who has submitted comments on this proposal. His concerns were about the easements and the power pole. The subdivision plat will be reviewed by all utility companies so if they need easements they will ask for them. There is a power pole and a meter pole within the Barabara right-of-way so he contacted Cody Neuendorf from Homer Electric. Mr. Neuendorf stated that he had no concerns with the power pole being within the dedicated right-of-way but the landowners need to move the meter base pole.

Mr. Huff stated that the cul-de-sac design is a hammerhead turnaround design and meets the borough requirements. If they wanted to incorporate a different cul-de-sac design then he would need to survey Lots 1, 2 and 3 and all those landowners would need to be part of this process. He felt it would create more hoops that would need to be jumped through.

Mr. Huff commented about the building setback. There is a small smokehouse on Lot 5 to the east which a portion of that was in the right-of-way. An as-built survey was included in the planning commission packet. It is a small house that can be moved and the landowners are willing to move it or tear it down. Also he believed that the right-of-way dedication wouldn't place a 20 foot building setback on the neighboring property since that property was not part of this proposed subdivision. He was available to answer questions.

Chairman Martin asked if there were questions for Mr. Huff.

Commissioner Ecklund asked if he saw the alternate cul-de-sac design which was on page 75-10 of the lay down packet. Mr. Huff replied yes. Commissioner Ecklund stated that it would go up to the current right-of-way and then the hammerhead was within the Pollack's property, Lot 4. She asked if he would have to notify all the other landowners if that was done. Mr. Huff replied that Mr. Hand's design has the cul-de-sac portion that was on Lot 3 vacated which would require the property to be resurveyed and changed. The flag portions on Lots 1 & 2 would have to extend back to the southwest to meet the new right-of-way dedication. A boundary survey would have to be done on both those lots and the landowners would have to sign the plat. He stated it would be two more landowners with quite a bit of field surveying that would need to be done.

There being no further comments or questions, the public hearing continued.

2. Stephen Pollack, 233 Harborview Dr, Seldovia

Mr. Pollack was one of the owners of Lot 4. Their main goal was for the continuity of the three parcels that are privately owned by him, his brother and sister-in-law.

Mr. Pollack stated that his brother and sister-in-law have children and the property they recently purchased gives them access to the pond and beach. They and their children use that frequently.



Unlike Mr. Hand, they are permanent residents there and their intention is to live there their whole lives.

Mr. Pollack addressed Mr. Hand's concerns. Mr. Hand stated that he believed that this decision would have been agreed to if he had been contacted prior to or during the creation of the preliminary plat. His concerns had to do with the cul-de-sac. The only cul-de-sac in the Barabara Heights Subdivision was on a borough maintained road which was Robert Creek Rd. All of the other rights-of-way off of Robert Creek Rd are designed to have a cul-de-sac yet none of them have a cul-de-sac. There are private driveways down those rights-of-way so he felt that it would not be right to assume that Mr. Hand was going to take the additional time and expense to create a cul-de-sac. He understood Mr. Hand's concerns but felt that he would not go to the extent to actually create a cul-de-sac.

Chairman Martin asked if there were questions for Mr. Pollack.. Hearing none, the public hearing continued.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Carluccio moved, seconded by Commissioner Morgan to approve the vacation of the western 400 foot portion of the Mark Ross Ct right-of-way adjoining Lots 4 & 5 Ross Retreat Three citing the 13 findings and based on the following findings recommend approval per staff recommendations, conditions and borough code.

*Findings*

1. All parcels will have access on a public ROW dedication.
3. An existing gravel driveway within Barabara Court currently provides access to Lots 6, 7, 8A and 10.
4. The terrain in the proposed ROW dedication is generally the same as the terrain in the existing ROW. Contour data has not been provided, but I [the surveyor] personally performed a field survey to mark the boundary of Lot 4 Block 17 last summer. The terrain consists of forested lands with large spruce trees. Both the existing ROW and the proposed ROW are not affected by slopes greater than 10%.
6. If the vacation is approved, it will be finalized by recording Barabara Heights Subdivision Pollack Addition.
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8. Recordation of Barabara Heights Subdivision Pollack Addition will assure sufficient rights-of-way exist to serve surrounding properties.
9. ENSTAR and Homer Electric Association submitted statements of no comments or objections.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. Per the submittal, the right-of-way proposed for vacation is not in use for access.
12. No surrounding properties will be denied access.
13. KPB Roads Department issued a written statement of no comments.

**VOTE:** The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER ABSENT	ISHAM ABSENT
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

2. ~~Vacation of the Coolidge Lane right-of-way as dedicated on Buxton Subdivision, Plat KN 1624, and Eagle Rock Enterprises Subdivision No. 1, Plat KN 83-281. Also vacation of the five foot wide utility easement adjoining Coolidge Lane on Lots 1, 2, and 3 Eagle Rock Enterprises Subdivision No 1, Plat KN 83-281, as granted on Eagle Rock Enterprises Subdivision No 1, Plat KN 83-281; Location: between Second Avenue and Third Avenue, City of Kenai and the KPB, SE1/4 SW1/4 of Section 31, Township 6 North, Range 11 West, S.M., AK; File 2017-175V~~





# **KENAI PENINSULA BOROUGH**

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**CHARLIE PIERCE  
BOROUGH MAYOR**

January 11, 2018

## **KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION**

### **MEETING OF JANUARY 8, 2018**

RE: Vacation of the western 400 foot portion of the Mark Ross Ct right-of-way adjoining Lots 4 & 5 Ross Retreat Three, Plat SL 92-7, as dedicated on Ross Retreat Too, Plat SL 92-2. The right-of-way being vacated is unconstructed and located within the NW1/4 and SW1/4 of Section 15, Township 8 South, Range 14 West, SM, AK, within the KPB. File 2017-172V. Petitioners: Christopher J. Pollack, Amelia R. Pollack, and Stephen J. Pollack IV of Seldovia, Alaska.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of January 8, 2018 based on the following findings of fact.

#### *Findings*

1. All parcels will have access on a public ROW dedication.
3. An existing gravel driveway within Barabara Court currently provides access to Lots 6, 7, 8A and 10.
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12. No surrounding properties will be denied access.
13. KPB Roads Department issued a written statement of no comments.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (January 8, 2018) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent January 11, 2018 to:

Integrity Surveys  
820 Set Net Dr  
Kenai, AK 99611

Stephen Pollack  
PO Box 95  
Seldovia, AK 99663

Christopher & Amelia Pollack  
PO Box 95  
Seldovia, AK 99663

Kenny Hand  
[kennyhand@msn.com](mailto:kennyhand@msn.com)  
PO Box 795  
Girdwood, AK 99587

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STAFF REPORT

PC Meeting: 1/8/18

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**Staff Findings:**

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**KPB 20.70.130:**

**THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.**

END OF STAFF REPORT

# PRELIMINARY PLAT

- NOTES.**
- 1) **WALKING SETBACK** - A setback of 20 FEET IS REQUIRED FROM ALL WALKING SETBACKS TO THE NEAREST ADJACENT PROPERTY APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION.
  - 2) **FRONT 15 FEET OF THE BUILDING SETBACK** ADJACENT TO THE NORTH-SOUTH WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY TO UTILITY EASEMENT WITHIN THE FACILITY OF A UTILITY TO USE THE EASEMENT.
  - 3) **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.
  - 4) **THE NATURAL FEATURES OF THE USE OF NEARBY WATER** (E.G. NEAR HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE USE AND LOCATION OF NEARBY WATER SHALL BE IN ACCORDANCE WITH THE NATURAL FEATURES AND NOT INTERFERE WITH THE NATURAL FEATURES.
  - 5) **THE LOCATION OF A PORTION OF MIKE ROSS COURT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF \_\_\_\_\_**
  - 6) **WASTEWATER TREATMENT AND DISPOSAL SYSTEMS** SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

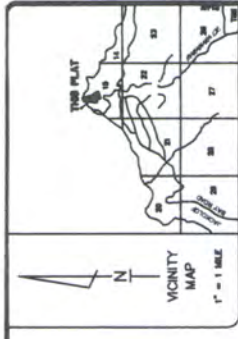


- LEGEND**
- ① BLO/BLM MONUMENT RECORDED AS NOTED
  - ② BLO/BLM MONUMENT OF RECORD AS NOTED
  - ③ PRIMARY MONUMENT SET THIS SURVEY
  - ④ 2 1/2" ALUM. MON. ON 2" ALUM. PIPE
  - ⑤ PRIMARY MONUMENT RECORDED AS NOTED
  - ⑥ PRIMARY MONUMENT OF RECORD AS NOTED
  - ⑦ SECONDARY MONUMENT SET THIS SURVEY
  - ⑧ 5/8" X 3/4" NEAR 1/2" PLASTIC CAP
  - ⑨ SECONDARY MONUMENT RECORDED AS NOTED
  - ⑩ SECONDARY MONUMENT OF RECORD AS NOTED
  - ⑪ DOT/PC CONCRETE ROW MARKER
  - ⑫ GEODETIC CONTROL MONUMENT RECORDED
  - ⑬ GEODETIC CONTROL MONUMENT OF RECORD
  - ⑭ RECORD PER SUBDIVISION
  - ⑮ PLAT NO. TTTTTT
  - ⑯ RECORD PER SUBDIVISION
  - ⑰ PLAT NO. TTTTTT
  - ⑱ RECORD PER SUBDIVISION
  - ⑲ PLAT NO. TTTTTT

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_  
 KENAI PENINSULA BOROUGH  
 AUTHORIZED OFFICIAL \_\_\_\_\_



**CONFESSION OF SURVEYOR**  
 I, HERBERT JONES, SURVEYOR, AM PROBABLY RECORDED AND LACED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. I REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE INSTRUMENTS AND ALL COMPUTATIONS AND OTHER DETAILS ARE CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. I AM A SURVEYOR IN THE STATE OF ALASKA.



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE, HERBERT JONES, AS THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN AS A PRELIMINARY PLAT, DO HEREBY DEDICATE TO THE PUBLIC THE RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

ANGELA K. POLLACK \_\_\_\_\_ CHRIS J. POLLACK \_\_\_\_\_  
 OWNERS OF  
 LOT 4 BLOCK 17 PLAT 79-4 SEL  
 LOT 2 AND LOT 5 PLAT 92-7 SEL

STEPHEN J. POLLACK IV \_\_\_\_\_  
 OWNER OF  
 LOT 4 BLOCK 17 PLAT 79-4 SEL

**ADVERSE ACKNOWLEDGEMENT**  
 FOR ACKNOWLEDGEMENT BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 I, \_\_\_\_\_, A NOTARY PUBLIC FOR ALASKA, DO HEREBY CERTIFY THAT THE ABOVE NAMED PARTIES HAVE PERSONALLY APPEARED BEFORE ME AND HAVE ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 I, \_\_\_\_\_, A NOTARY PUBLIC FOR ALASKA, DO HEREBY CERTIFY THAT THE ABOVE NAMED PARTIES HAVE PERSONALLY APPEARED BEFORE ME AND HAVE ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_  
 I, \_\_\_\_\_, A NOTARY PUBLIC FOR ALASKA, DO HEREBY CERTIFY THAT THE ABOVE NAMED PARTIES HAVE PERSONALLY APPEARED BEFORE ME AND HAVE ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

KP8 FILE No. \_\_\_\_\_

BARBARA HEIGHTS SUBDIVISION  
 POLLACK ADDITION

A SUBDIVISION OF LOT 1 BLOCK 17 BARBARA HEIGHTS SUBDIVISION (79-4 SEL) AND LOT 2 AND LOT 5 BLOCK 17 BARBARA HEIGHTS SUBDIVISION (92-7 SEL) INCLUDING A VARIATION OF A PORTION OF MIKE ROSS COURT RIGHT OF WAY

OWNER: ANGELA K. POLLACK  
 CHRISTOPHER J. POLLACK IV  
 PO BOX 95  
 SELLONA, AK 99553

LOCATED WITHIN THE 897/4 AND 921/4 SECTION 15, T16S, R14E, 3RDWING ALASKA  
 SELLONA RECORDS DISTRICT, TOWN OF SELLONA BOROUGH, ALASKA

CONTAINING \_\_\_\_\_ ACRES

**INTEGRITY SURVEYS INC.**  
 850 5TH STREET, KENAI, AK 99541  
 SURVEYORS  
 HERBERT JONES  
 License No. 11517

DATE: DEC. 7, 2017 2H  
 SCALE: 1" = 100'

**Plat #**

SEC	BLK	LOT
92-7	SEL	20
92-7	SEL	21

CHUNK	BLK	ACRES	CHUNK	CHUNK	BLK	ACRES	CHUNK	CHUNK	BLK	ACRES	
1	92-7	20.00	1	92-7	20.00	1	92-7	20.00	1	92-7	20.00
2	92-7	21.00	2	92-7	21.00	2	92-7	21.00	2	92-7	21.00
3	92-7	22.00	3	92-7	22.00	3	92-7	22.00	3	92-7	22.00
4	92-7	23.00	4	92-7	23.00	4	92-7	23.00	4	92-7	23.00
5	92-7	24.00	5	92-7	24.00	5	92-7	24.00	5	92-7	24.00
6	92-7	25.00	6	92-7	25.00	6	92-7	25.00	6	92-7	25.00
7	92-7	26.00	7	92-7	26.00	7	92-7	26.00	7	92-7	26.00
8	92-7	27.00	8	92-7	27.00	8	92-7	27.00	8	92-7	27.00
9	92-7	28.00	9	92-7	28.00	9	92-7	28.00	9	92-7	28.00
10	92-7	29.00	10	92-7	29.00	10	92-7	29.00	10	92-7	29.00
11	92-7	30.00	11	92-7	30.00	11	92-7	30.00	11	92-7	30.00

KP8 2017-172V



**CERTIFICATE OF OWNERSHIP**  
 I hereby certify that I am the owner of the real property shown and described herein, and that I hereby adopt this plat and all easements thereon, and that I hereby agree to all easements to the use shown.



Mr. L. F. A. ...  
 56335 Green Road  
 Homer, Alaska 99603

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn to before me this 22nd day of June, 1992.

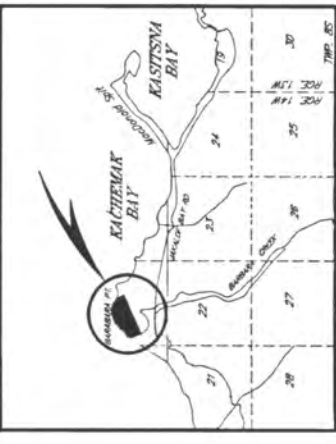
Jerry A. Anderson  
 Notary Public for Alaska  
 My Commission Expires 9/1/95

**SURVEYORS CERTIFICATE**  
 I hereby certify that this survey was performed by me or under my direct supervision, I declare that the information shown herein is true and correct to the best of my knowledge and belief.

Jerry A. Anderson P.S. No. 3088  
 Date: 6-22-92  
**PLAT APPROVAL**

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of JUNE 22, 1992  
 KENAI PENINSULA BOROUGH  
 Authorized Official

**VICINITY MAP** Scale: 1" = 1 MILE



DATE: JUNE 1992  
 SCALE: 1" = 200'  
 GRID No. N/A  
 FLD. BK. No. SEI-4  
 DISK No. C.815  
 JOB No. 0541

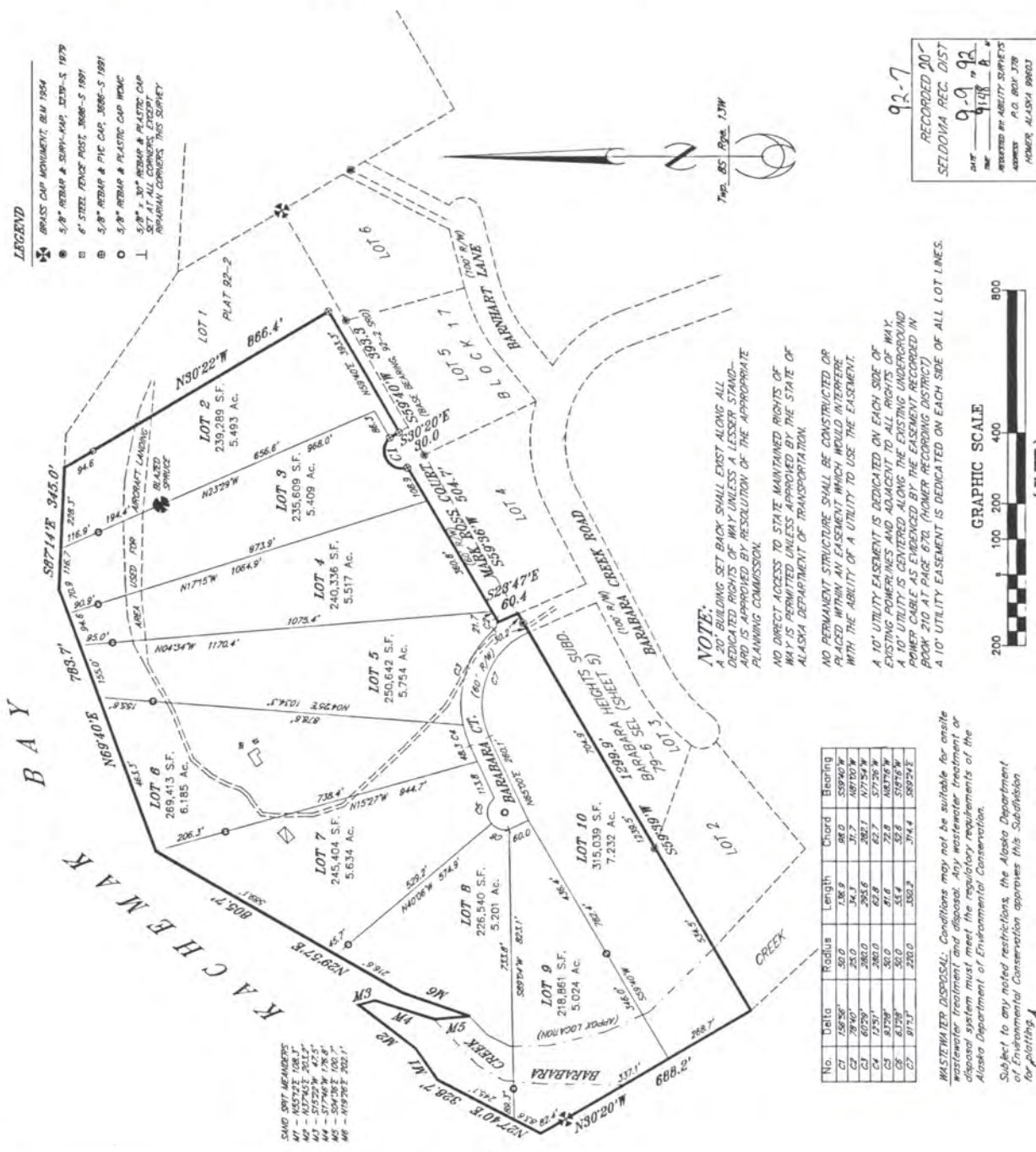


**ROSS' RETREAT THREE**  
 A REPLAT OF TR-A, 92-2 SEI-RD, WITHIN LOT 1, USS 3378  
 HIGHWAY SEC. 15, TWP. 8S, R. 14W S. 14M ALASKA  
 NORTHEAST OF SELDOWIA ALASKA  
 SELDOWIA RECORDING DISTRICT  
 CONTAINING 53.10 ACRES

**ABILITY SURVEYS**  
 JERRY A. ANDERSON PLS  
 (907) 235-8440  
 BOX 378, HOMER, ALASKA 99603

**LEGEND**

- ✦ BRASS CAP MONUMENT, BLM 1954
- 5/8" REBAR & SURV-MAP, 12/9-5 1979
- 6" STEEL FENCE POST, 3068-5 1991
- ⊙ 5/8" REBAR & P.C. CAP, 3068-5 1991
- 5/8" REBAR & PLASTIC CAP W/PC
- 5/8" x 30" REBAR & PLASTIC CAP
- 5/8" x 30" ALUMINUM, EXPOSED
- REBAR CORNER, THIS SURVEY



**NOTE:**  
 A 20' BUILDING SET BACK SHALL EXIST ALONG ALL DEDICATED RIGHTS OF WAY UNLESS A LESSEER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.  
 NO DIRECT ACCESS TO STATE MAINTAINED RIGHTS OF WAY IS PERMITTED UNLESS APPROVED BY THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION.  
 NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN ANY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.  
 A 10' UTILITY EASEMENT IS DEDICATED ON EACH SIDE OF EXISTING POWER LINES AND ADJACENT TO ALL RIGHTS OF WAY. A 10' UTILITY IS CENTERED ALONG THE EXISTING UNDERGROUND POWER CABLE AS EVIDENCED BY THE EASEMENT RECORDED IN BOOK 210 AT PAGE 670 (HOMER RECORDING DISTRICT).  
 A 10' UTILITY EASEMENT IS DEDICATED ON EACH SIDE OF ALL LOT LINES.

No.	Delta	Radius	Length	Chord	Bearing
C1	158.50'	50.0	7.869	68.0	S59°40'W
C2	28.760'	25.0	34.18	31.7	N87°00'W
C3	28.760'	25.0	34.18	31.7	S72°26'W
C4	83.729'	30.0	61.6	72.8	N68°16'W
C5	63.729'	50.0	55.4	52.6	S19°16'W
C6	91.717'	250.0	350.3	374.4	S89°24'E

**WASTEWATER DISPOSAL:** Conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

Subject to any noted restrictions, the Alaska Department of Environmental Conservation approves this Subdivision for platting.  
 Name and Title: **Jerry A. Anderson**, Alaska Department of Environmental Conservation Approving  
 Date: **6-28-92**

RECORDED 90-  
 SELDOWIA REC. DIST  
 BY: 9-9-92  
 TIME: 9:14 AM  
 APPROVED BY: JERRY A. ANDERSON  
 HOMER, ALASKA 99603

APB FILE No. 92-018

# ROEN

5 2 1 9-66 75

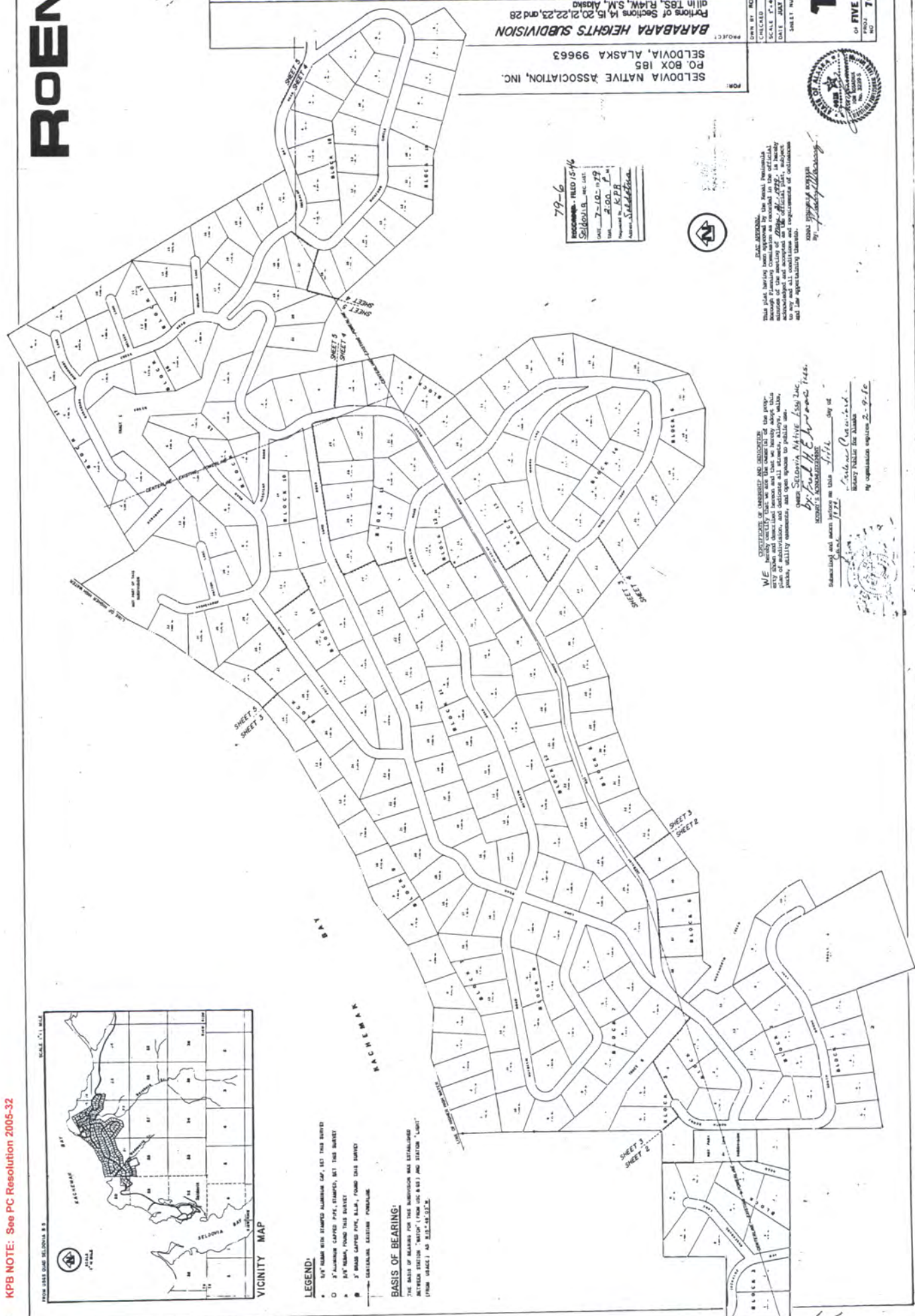
## ROEN DESIGN ASSOCIATES

ENGINEERS - SURVEYORS

PROJECT: BARBARA HEIGHTS SUBDIVISION  
 Portions of Sections 14, 15, 20, 21, 22, 23, and 28  
 in T8S, R14W, S1M, Alaska

FOR: SELDOVIA NATIVE ASSOCIATION, INC.  
 P.O. BOX 185  
 SELDOVIA, ALASKA 99663

DATE: 2002.07.18  
 SCALE: 1" = 400'  
 SHEET NUMBER: 1  
 OF FIVE SHEETS  
 PROJ. NO. 7012

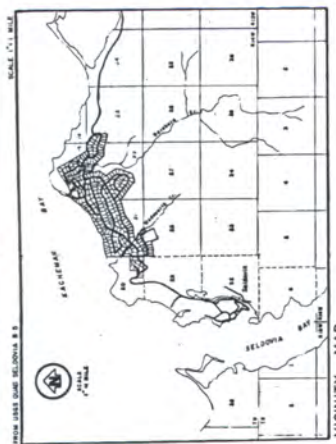


79-9  
 RECORDING - FILED 15-16  
 Seldovia, Inc. 1997  
 2002.07.18  
 Prepared by: K.P.R.  
 Approved: [Signature]

THESE PLANS HAVE BEEN REVIEWED AND APPROVED BY THE STATE ENGINEER OF ALASKA, AND THE STATE ENGINEER OF ALASKA HAS ISSUED HIS OFFICIAL CERTIFICATE OF APPROVAL. THESE PLANS ARE SUBJECT TO THE PROVISIONS OF THE ALASKA SUBDIVISION ACT, AS AMENDED, AND TO ALL OTHER LAWS AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE SUBDIVISION OF LAND.

WE HEREBY CERTIFY THAT WE ARE THE ENGINEERS OF RECORD FOR THIS PROJECT, AND THAT WE HAVE PREPARED THESE PLANS IN ACCORDANCE WITH THE REQUIREMENTS OF THE ALASKA SUBDIVISION ACT, AS AMENDED, AND TO ALL OTHER LAWS AND REGULATIONS GOVERNING THE PRACTICE OF SURVEYING AND THE SUBDIVISION OF LAND.

By: [Signature]  
 STATE OF ALASKA  
 REGISTERED PROFESSIONAL ENGINEER



VICINITY MAP

- LEGEND:**
- LOT NUMBER WITH SHARPER ALPHABETIC CASE, SET THIS BOUNDARY
  - LOT NUMBER CAPSULED FONT, SHARPER, SET THIS BOUNDARY
  - LOT NUMBER, THIN FONT THIS BOUNDARY
  - LOT NUMBER CAPSULED FONT, BOLD, THIN FONT THIS BOUNDARY
  - LOT NUMBER, BOLD FONT, THIN FONT THIS BOUNDARY

**BASIS OF BEARING:**  
 THE BASIS OF BEARING FOR THIS SUBDIVISION WAS ESTABLISHED BY THE STATE ENGINEER OF ALASKA, AND IS SET FORTH IN SECTION 14.01, CHAPTER 14, ASSEMBLY STATUTES.

KPB NOTE: See PC Resolution 2005-32



# ROEN

SELOVIA NATIVE ASSOCIATION, INC.  
 P.O. BOX 185  
 SELDovia, ALASKA 99663

ROEN DESIGN ASSOCIATES  
 ENGINEERS SURVEYORS  
 3505 AIRPORT WAY  
 FAIRBANKS ALASKA 99701

BARBARA HEIGHTS SUBDIVISION  
 Portions of Sections 14, 15, 20, 21, 22, 23, and 28  
 in T8S, R14W, S3M, Alaska

PROJECT: BARBARA HEIGHTS SUBDIVISION  
 DRAWN BY: RCH  
 CHECKED: [ ]  
 SCALE: 1" = 300'  
 DATE: JULY 29, 1977  
 SHEET NUMBER: 2  
 OF FIVE SHEETS  
 PROJ. NO. 7012



Curve No.	Curve Data	Radius	Length
1	60°18'24"	183.25'	104.45'
2	89°27'24"	118.35'	109.43'
3	20°07'06"	435.00'	87.81'
4	67°51'14"	205.89'	125.00'
5	47°00'00"	286.59'	150.00'
6	55°15'12"	327.50'	163.00'
7	127°50'00"	933.00'	100.00'
8	107°00'00"	512.00'	100.00'
9	107°00'00"	512.00'	100.00'

**STANDARD FOR BARBARA HEIGHTS SUBDIVISION**

1. The minimum lot width shall be 100 feet and the minimum lot depth shall be 30 feet along common interior lot lines, excepting 20 feet, adjacent to the street right-of-way.
2. The minimum lot area shall be 10,000 square feet, excepting 10,000 square feet for lots abutting the existing main line which total width, measured on the existing side line which abut the main line, shall be 100 feet.
3. 10 feet for 20 foot parking areas are dedicated with 10 feet of easement according to the cliff's edge as shown on the plan.
4. A 10 foot wide driveway to be granted along the cliff's edge.
5. A 25 foot wide pedestrian walkway easement to be granted on the lots along the line of higher high water.

**MINIMUM SET BACK REQUIREMENTS**

1. No structure shall be located within 20 feet of any lot boundary which borders a dedicated street.
2. The minimum set back shall be 10 feet from the existing street right-of-way easement between existing and/or future utility and located utility easement adjacent to lot lines.

**WATERWAYS, SPECIAL SYSTEMS**

Individual on-site wastewater disposal systems shall comply with those regulations which are in force at the time of construction.

7-6  
 RCH



UNSUBDIVIDED



# ROEN

PROJECT: BARBARA HEIGHTS SUBDIVISION  
 Portions of Sections 14, 15, 20, 21, 22, 23, and 28  
 in T8S, R14W, S1M, Alaska  
 SELDOVIA NATIVE ASSOCIATION, INC.  
 P.O. BOX 185  
 SELDOVIA, ALASKA 99663  
**ROEN DESIGN ASSOCIATES**  
 ENGINEERS - SURVEYORS  
 3905 AIRPORT WAY  
 FAIRBANKS ALASKA 99701

DOWN BY: RICK  
 DATE: JULY 28, 1977  
 SCALE: 1" = 200'  
 SHEET NUMBER: **3**  
 OF FIVE SHEETS  
 PROJ. NO. 7012



- REQUIRE FOR ASSESSMENT:**
1. No permanent improvements shall be permitted within 20 feet of the street line.
  2. The existing utility lines shall be maintained.
  3. No new utility lines shall be installed.
  4. No new utility lines shall be installed.
  5. No new utility lines shall be installed.
- MULTI-PURPOSE SPECIAL ZONING:**
- Single-family detached dwellings with a minimum lot area of 10,000 sq. ft. and a maximum lot area of 20,000 sq. ft. with a minimum front setback of 20 feet and a maximum front setback of 40 feet.

- EXEMPT FROM BARBARA HEIGHTS SUBDIVISION:**
1. Lots shown on the plat which are dedicated with 10 foot wide walkways extending to the cliff edge as shown on the plat.
  2. Lots shown on the plat which are dedicated with 10 foot wide walkways extending to the cliff edge as shown on the plat.
  3. Lots shown on the plat which are dedicated with 10 foot wide walkways extending to the cliff edge as shown on the plat.
  4. A 10 foot wide walkway to be granted along the cliff edge as shown on the plat.
  5. A 10 foot wide walkway to be granted along the cliff edge as shown on the plat.

**CENTRELINE CURVE DATA:**

Curve No.	Curve No.	Radius	Chord	Area
1	1	482.98'	288.54'	14,427.52'
2	2	626.93'	378.32'	20,112.27'
3	3	626.93'	378.32'	20,112.27'
4	4	626.93'	378.32'	20,112.27'
5	5	626.93'	378.32'	20,112.27'
6	6	626.93'	378.32'	20,112.27'
7	7	626.93'	378.32'	20,112.27'
8	8	626.93'	378.32'	20,112.27'
9	9	626.93'	378.32'	20,112.27'
10	10	626.93'	378.32'	20,112.27'
11	11	626.93'	378.32'	20,112.27'
12	12	626.93'	378.32'	20,112.27'
13	13	626.93'	378.32'	20,112.27'
14	14	626.93'	378.32'	20,112.27'
15	15	626.93'	378.32'	20,112.27'
16	16	626.93'	378.32'	20,112.27'
17	17	626.93'	378.32'	20,112.27'
18	18	626.93'	378.32'	20,112.27'
19	19	626.93'	378.32'	20,112.27'
20	20	626.93'	378.32'	20,112.27'
21	21	626.93'	378.32'	20,112.27'
22	22	626.93'	378.32'	20,112.27'
23	23	626.93'	378.32'	20,112.27'
24	24	626.93'	378.32'	20,112.27'
25	25	626.93'	378.32'	20,112.27'
26	26	626.93'	378.32'	20,112.27'
27	27	626.93'	378.32'	20,112.27'
28	28	626.93'	378.32'	20,112.27'
29	29	626.93'	378.32'	20,112.27'
30	30	626.93'	378.32'	20,112.27'
31	31	626.93'	378.32'	20,112.27'
32	32	626.93'	378.32'	20,112.27'
33	33	626.93'	378.32'	20,112.27'
34	34	626.93'	378.32'	20,112.27'

**Lot Areas:**

Block	Lot No.	Area (sq. ft.)
Block 1	1	1,000.00
	2	1,000.00
	3	1,000.00
	4	1,000.00
	5	1,000.00
	6	1,000.00
	7	1,000.00
	8	1,000.00
	9	1,000.00
	10	1,000.00
Block 2	1	1,000.00
	2	1,000.00
	3	1,000.00
	4	1,000.00
	5	1,000.00
	6	1,000.00
	7	1,000.00
	8	1,000.00
	9	1,000.00
	10	1,000.00
Block 3	1	1,000.00
	2	1,000.00
	3	1,000.00
	4	1,000.00
	5	1,000.00
	6	1,000.00
	7	1,000.00
	8	1,000.00
	9	1,000.00
	10	1,000.00

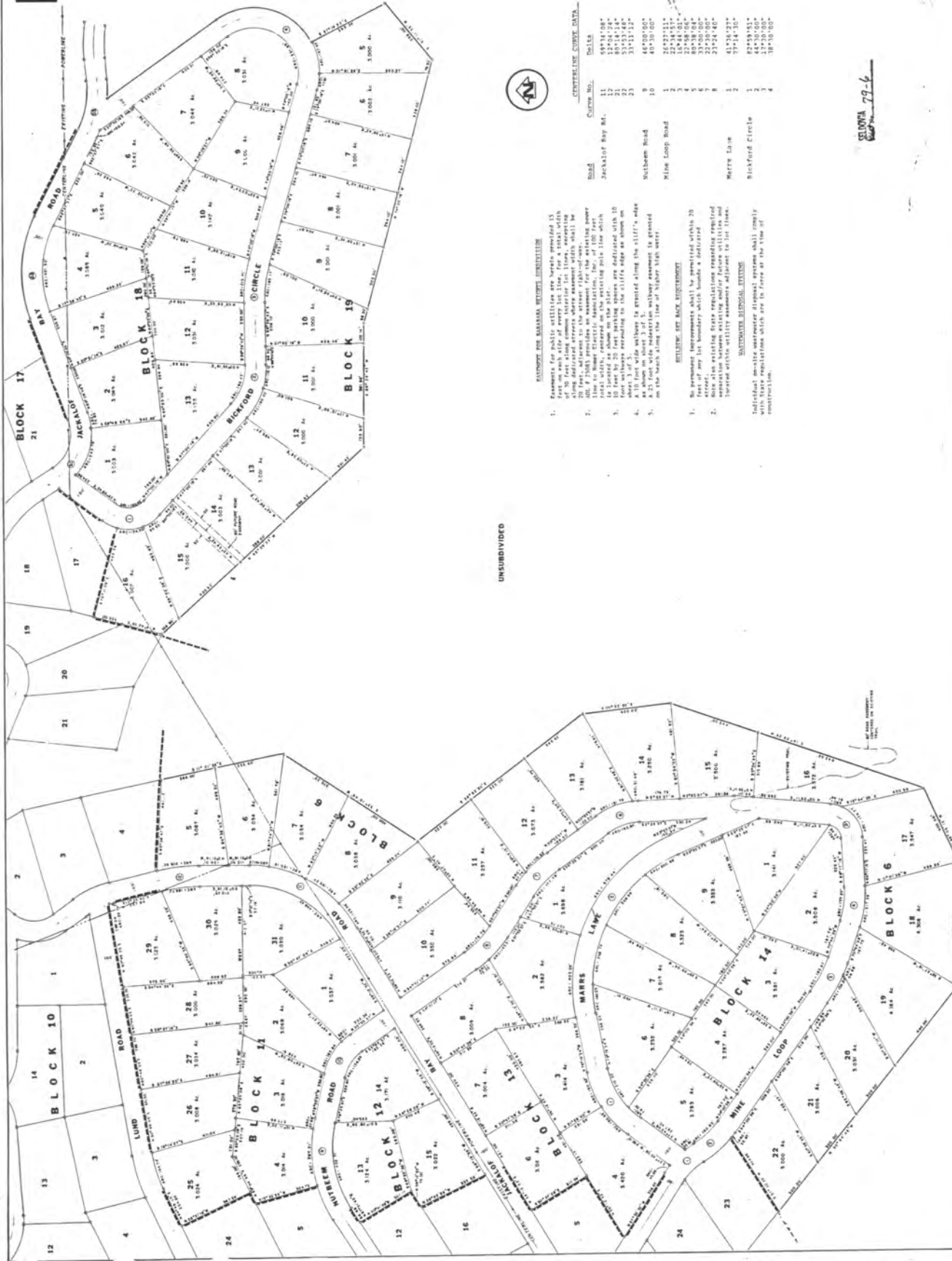


STUDY PLAN 79-6

UNSUBDIVIDED

UNSUBDIVIDED





- EXEMPT FOR BARBARA HEIGHTS SUBDIVISION**
- Assessments for public utilities are hereby provided 15 feet from the centerline of the street, except for the 10 feet along common historic lot lines, excepting along dedicated streets where easements which shall be provided for the same.
  - All of 2005 provides an easement for the existing power lines which are located on the existing pole line which runs along the centerline of the street.
  - Is located on them the poles are dedicated with 10 feet easements on the street edge as shown on the map.
  - A 10 foot wide walkway is granted along the cliff's edge as shown on sheet 3 of 5.
  - On the north along the line of higher high water.
- UTILITY SET BACK REQUIREMENT**
- No permanent improvements shall be permitted within 25 feet of any lot boundary which bounds a dedicated street.
  - Also within these regulations permanent structural improvements shall be permitted within 10 feet of the lot boundary.
  - Turned utility easements adjacent to lot lines.
- UNSATURATED DISPOSAL SYSTEMS**
- Individual multiple wastewater disposal systems shall comply with these regulations which are in force at the time of construction.

ROAD	CURVE NO.	DATE	AREA
Jackalof Bay Rd.	11	09/24/08	530.37
	12	12/04/27	945.61
	13	03/11/28	100.00
	22	03/11/28	281.44
	23	03/11/28	435.09
Murre Loop Road	9	08/09/00	588.86
	10	09/29/00	717.22
	11	09/29/00	100.00
	12	09/29/00	100.00
	13	09/29/00	100.00
	14	09/29/00	100.00
	15	09/29/00	100.00
	16	09/29/00	100.00
	17	09/29/00	100.00
	18	09/29/00	100.00
	19	09/29/00	100.00
	20	09/29/00	100.00
	21	09/29/00	100.00
	22	09/29/00	100.00
	23	09/29/00	100.00
Murre Lane	1	01/26/27	487.44
	2	07/14/30	737.22
	3	02/25/51	133.84
	4	02/25/51	134.70
	5	02/25/51	100.00
	6	02/25/51	100.00
	7	02/25/51	100.00
	8	02/25/51	100.00
	9	02/25/51	100.00
	10	02/25/51	100.00
	11	02/25/51	100.00
	12	02/25/51	100.00
	13	02/25/51	100.00
	14	02/25/51	100.00
	15	02/25/51	100.00
	16	02/25/51	100.00
	17	02/25/51	100.00
	18	02/25/51	100.00
	19	02/25/51	100.00
	20	02/25/51	100.00
	21	02/25/51	100.00
	22	02/25/51	100.00
	23	02/25/51	100.00
Murre Circle	1	02/25/51	133.84
	2	02/25/51	134.70
	3	02/25/51	100.00
	4	02/25/51	100.00
	5	02/25/51	100.00
	6	02/25/51	100.00
	7	02/25/51	100.00
	8	02/25/51	100.00
	9	02/25/51	100.00
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	14	02/25/51	100.00
	15	02/25/51	100.00
	16	02/25/51	100.00
	17	02/25/51	100.00
	18	02/25/51	100.00
	19	02/25/51	100.00
	20	02/25/51	100.00
	21	02/25/51	100.00
	22	02/25/51	100.00
	23	02/25/51	100.00

SELDOVIA 79-4

UNSUBDIVIDED







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.



**Aerial View**



Right of Way Vacation

JReif, KPB  
Date: 12/11/2017



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ul 27

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2005-32  
SELDOVIA RECORDING DISTRICT**

**GRANTING AN EXCEPTION TO A PORTION OF THE TWENTY FOOT BUILDING SETBACK LIMIT  
FOR LOT 5 BLOCK 17 BARABARA HEIGHTS [SL 79-06 (5)], SECTION 15, T8S, R14W, S.M., AK;  
KPB FILE 2005-209**

WHEREAS, a setback of twenty feet is required by designation on the plat in accordance with Kenai Peninsula Borough Code of Ordinances; and

WHEREAS, 20.24.010 authorizes the Planning Commission to grant exceptions upon finding of facts which have been shown; and

WHEREAS, a request has been received from Michel and Elizabeth Bieri of Seldovia, Alaska, for an exception to a portion of the building setback for an existing structure; and

WHEREAS, the structure does not affect sight distance along the right-of-way; and

WHEREAS, the Kenai Peninsula Borough Planning Commission addressed all concerns about this setback exception at their August 22, 2005, meeting.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That an exception to the 20-foot building setback limit on Lot 5 Block 17 Barabara Heights (SL 79-06 Sheet 5) is hereby granted to accommodate only the encroaching portion of the shop and eave.

Section 2. That any new, replacement, and/or additional construction will be subject to the 20-foot building setback limit.


Section 3. That the 20-foot building setback limit shall apply to the remainder of said lot.

Section 4. That an as-built survey or sketch showing the location of the encroachment within the building setback be attached to, and made a part of this resolution, becoming page 2 of 2.

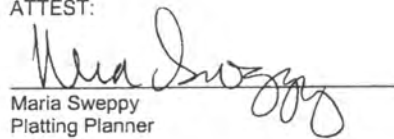
Section 5. That this resolution is void if not recorded in the appropriate Recording District within 90 days of adoption.

Section 6. That this resolution becomes effective upon being properly recorded.

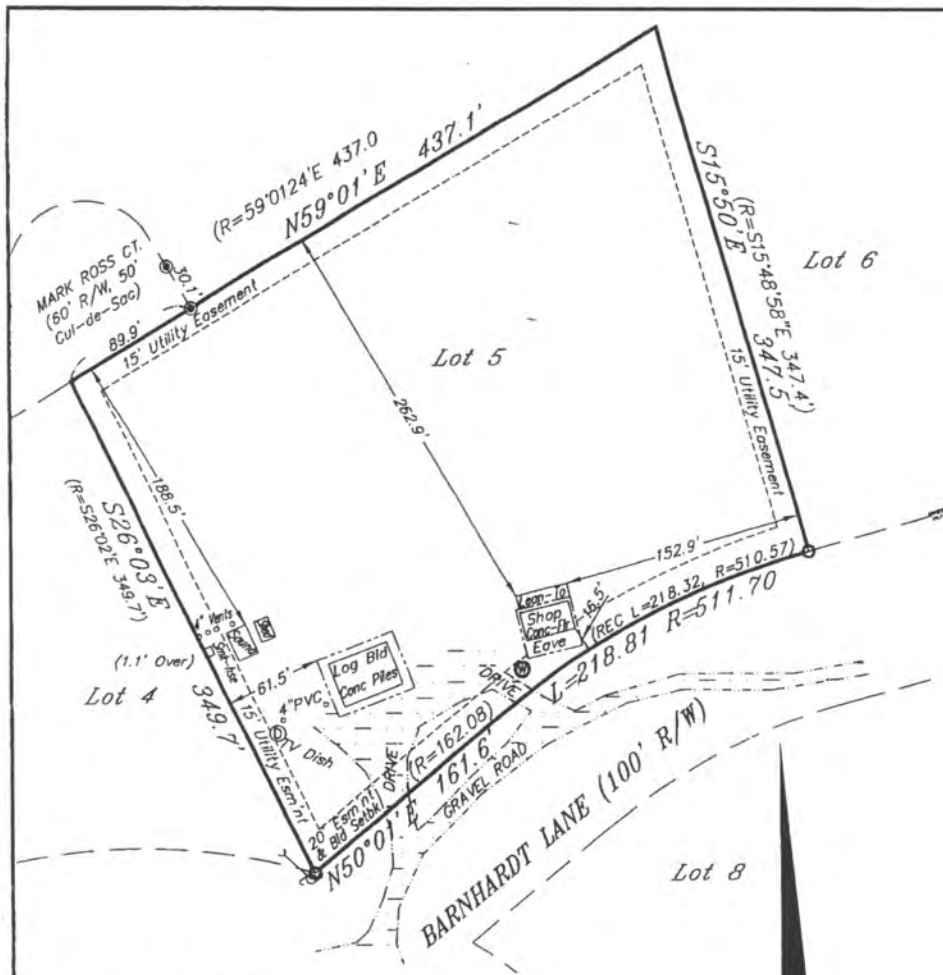
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 22 DAY OF August, 2005.

  
Philip Bryson, Chairperson  
Planning Commission

ATTEST:

  
Maria Sweppy  
Platting Planner





**CERTIFICATE AND EXCLUSIONS**

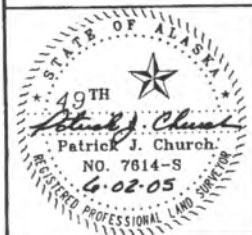
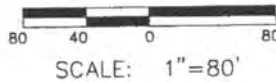
I HEREBY CERTIFY THAT I HAVE PERFORMED THE SURVEY DEPICTED HEREON. I DECLARE THAT THE INFORMATION SHOWN HEREON IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

IT IS THE EXPRESS RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.

*Patrick J. Church* 6.02.05  
 Patrick J. Church Date

**LEGEND**

- ⊕ EXISTING POWER POLE
- ⊙ 5/8" REBAR & PVC CAP 3686-S, 1991  
 (Ross' Retreat Tract, SL92-2)
- ⊙ 5/8" REBAR & SURV-CAP (NO DATE OR LS No.)  
 (Believed set by 3239-S, 1979)



JOB No. 231  
 DATE: MAY 16-2005  
 SCALE: 1" = 80'  
 BASE MAP: SL-2  
 FIELD BOOK: 5B/26-29

PREPARED FOR:  
 Michel & Elizabeth Bieri  
 P.O. Box 208  
 Seldovia, Alaska 99663-208

**"BARABARA HEIGHTS"**  
 AS-BUILT SURVEY OF LOT 5 BLOCK 17,  
 PLAT SL79-06 (5) LOCATED WITHIN SEC. 15  
 TWP. 8S, RGE. 14W, S.M. ALASKA

**PATRICK J. CHURCH**  
 REGISTERED LAND SURVEYOR  
 (907) 235-7388  
 P.O. BOX 2080, HOMER ALASKA, 99603





11 December 2017

Paul Voeller, Platting Officer  
Kenai Peninsula Borough  
144 North Binkley St.  
Soldotna, AK 99669

Re: Barabara Heights Subdivision Pollack Addition – Right of Way Vacation

Mr. Paul Voeller,

Please find attached the Right of Way (ROW) vacation petition for a project located in Seldovia.

The land owners are

- Chris and Amelia Pollack - owners of Lot 4 Block 17 Barabara Heights Subdivision, plat 79-6 SEL and Lots 4 and 5 of Ross Retreat Three, plat no. 92-7 SEL
- Stephen Pollack IV – owner of Lot 4 Block 17 Barabara Heights Subdivision

The goal of this project is to vacate a portion of Mark Ross Court and relocate the ROW to the eastern side of Lot 4 Block 17. The reason for this is that Chris and Amelia Pollack recently purchased Lot 4 and 5 of Ross Retreat Three. By vacating the ROW all three lots will be contiguous and allow for better use of the property. The following findings support the ROW vacation.

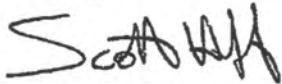
- All parcels will have access on a public ROW dedication.
- Currently, no improvements have been made to Mark Ross Court.
- The new ROW dedication will be shorter in length which will save on the cost of installing a driveway/road to Lots 1, 2 and 3.
- An existing gravel driveway within Barabara Court, currently provides access to Lots 6, 7, 8A and 10.
- The terrain in the proposed ROW dedication is generally the same as the terrain in the existing ROW. Contour data has not been provided, but I personally performed a field survey to mark the boundary of Lot 4 Block 17 last summer. The terrain consists of forested lands with large spruce trees. Both the existing ROW and the proposed ROW are not affected by slopes greater than 10%.
- The vacation of the ROW will allow the land owner's parcels to be contiguous.

The proposed ROW will create a three way intersection with Mike Ross Court, Barnhardt Lane and Barabara Creek Road. Having a three way intersection is not desirable but in this specific case it is feasible. Both Barabara Creek Road and Barnhardt Lane are 100 foot wide ROW's, larger than the 60 foot width required by borough code. The extra width of ROW will provide more available room to construct driveways and provide separation between the intersections of Barnhardt Lane and Mike Ross Court. A new drive within proposed Mike Ross Court would be approximately 150 feet from the drive within Barnhardt Lane ROW. This subdivision has minimal vehicular traffic.



Should you have any questions, please feel free to call me. Thank you for your efforts on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Huff". The signature is stylized with a large, sweeping "S" and "H".

Scott Huff, RLS  
Integrity Surveys

Attachments

ROW vacation submittal

From: Christopher & Amelia Pollack  
PO Box 95  
Seldovia, AK 99663

December 30, 2017

Attn: Jordan Reif or Maria Sweppy

Re: Mark Ross Court ROW vacation

To: KPB Planning Department,

Thank you for considering our proposal to vacate, the western 400 ft portion of the Mark Ross Ct. ROW and relocate the ROW to the eastern side of Barabara Heights Sub L4 B17. Our family has lived at Barabara Heights Sub L4 B17 for over 20 years, and has appreciated the old growth Sitka Spruce forest around us as well as the benefits of living near the end of a road.

When Ross' Retreat Three L2-5 went up for sale in the last year, we realized that the access to these lots (Mark Ross Ct.) was likely to be developed in the near future. This would result in traffic going around us on three sides to reach their destination, as well as the removal of a swath of old growth Sitka Spruce trees along the current ROW path. We ended up purchasing Ross' Retreat Three L4&5 in November.

We would like to vacate the current ROW (as described above) to keep our property continuous. We have young children who will be using all of our property freely, and for their safety, we would like to cut back on the amount of traffic moving around and directly through our property. In addition, we would like to keep the old growth Sitka Spruce forest in-tact for the health of the ecosystem, as well as the integrity of the large trees bordering the easement (specifically to avoid windfall associated with opening up old growth forests, and the potential damage to root systems on trees neighboring a clear cut).

In an effort to keep access to Ross' Retreat Three L1-3, we are offering up a swath of land on the Eastern edge of Barabara Heights Sub L4 B17. We consider this piece of land superior to the current easement location for ease of developing a driveway. It is as flat (if not flatter), is shorter in length, and has less standing timber, making an easier job for the folks developing it. This option will also have less of an impact on the old growth forest, and is ultimately a safer option for our young family.

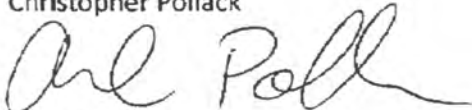
Again, thank you for considering our proposal. We look forward to hearing your decision.

Respectfully,

Christopher & Amelia Pollack



Christopher Pollack



Amelia Pollack



**From:** [Kenny Hand](#)  
**To:** [Voeller, Paul](#); [Reif, Jordan](#)  
**Subject:** Public Hearing - Mark Ross Ct ROW (Barabara Heights Subdivision)  
**Date:** Thursday, January 04, 2018 5:20:35 PM  
**Attachments:** [HEA 3pages.pdf](#)  
[Cul-de-sac.pdf](#)

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Regarding Public Notice Hearing for Mark Ross Ct ROW

Hello my name is Kenny Hand owner of Lots 2 & 3 with-in the Ross Retreat Three Plat, please accept this written statement on behalf of my absence. I am currently at work on the North Slope and my Wife is at home with our four children at our primary residence in Girdwood.

At this time I would ask for your denial for the proposed request to vacate a portion of existing platted Mark Ross Ct ROW and the relocation of Mark Ross Ct ROW and postpone the public hearing for this matter. Based on several of the General Provisions outlined in Title 20 Subdivisions the Preliminary Plat is not complete and I believe needs further review and input to see if this a valid option.

**20.30.060. Easements --- Requirements.**

B. *"Upon submittal of a preliminary plat, the planning department shall provide a copy to the public utility companies for their comments and recommended design of utility easements..."* There is an existing Power Pole right where the proposed relocation of Mark Ross Ct ROW is to go. This is not shown on the Preliminary Plat, and there is no proposed redesign or relocation of how the existing Power utility would be moved and relocated. I've contacted HEA to obtain a Power Plan snap shot, please see the attached PDF for reference, also see attached photos of existing Power utility.

**20.30.100. Cul-de-sacs.**

B. *"Hammerhead or T-type turnarounds may be allowed on a case-by-case basis. Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access. Plans must be reviewed with a recommendation by emergency service providers and the KPB Road Service Area Board prior to submittal for panning commission review."*

As the current Preliminary Plat shows the T-Type ROW depicted is not functional and does not make sense. It would seem more logical to have the cul-de-sac turnaround directly at the end of the straight stretch ROW and would comply more inline with the curve turnaround requirements. See attached cul-de-sac PDF document for reference. I believe this decision would have been agreed to if I were contacted prior to or during the creation of the Preliminary Plat.

**20.30.240. Building setbacks.**

A. *"The commission shall require a building setback of at least 70 feet from the centerline of all fee simple arterial rights-of-way in a subdivision. A minimum 20-foot building setback shall be required for fee simple non-arterial rights-of-way in subdivisions located outside incorporated cities."*

LOT 5 owners have an existing structure within the proposed ROW relocation area. This would need to be moved/relocated along with other possible items. See attached photo for reference.

These three are my primary concerns supported by the Title 20 document, other concerns of mine are that I am not physically able to walk the proposed land in which the ROW is to be relocated to and don't know the condition of it. And that I had contacted Karen Fuller with KPB Road Service to obtain Project Specific Right-Of-Way Construction Permit Application with the intent of the development of the existing Mark Ross Ct platted ROW this coming summer (2018). Application was not submitted to Karen Fuller when I spoke to her in 2017 due to it expiring at the end of the calendar year.

I can be contacted by phone or email, thanks for your time and consideration.

Kenny Hand  
907-982-7803  
kennyhand@msn.com  
LOT 2&3 Owner.  
01/04/18.



RE: barabara creek

Frazier, Cindy <cfrazier@HomerElectric.com>

Thu 1/4/2018 10:03 AM

To: Kenny Hand <KennyHand@msn.com>;

2 attachments (677 KB)

MARK ROSS CT.pdf; map key.pdf;

Here is a snapshot of our map of the area we discussed.  
Please let me know if you need any further information.

***Cindy Frazier***

Engineering Services Specialist

[3977 Lake St.](#)

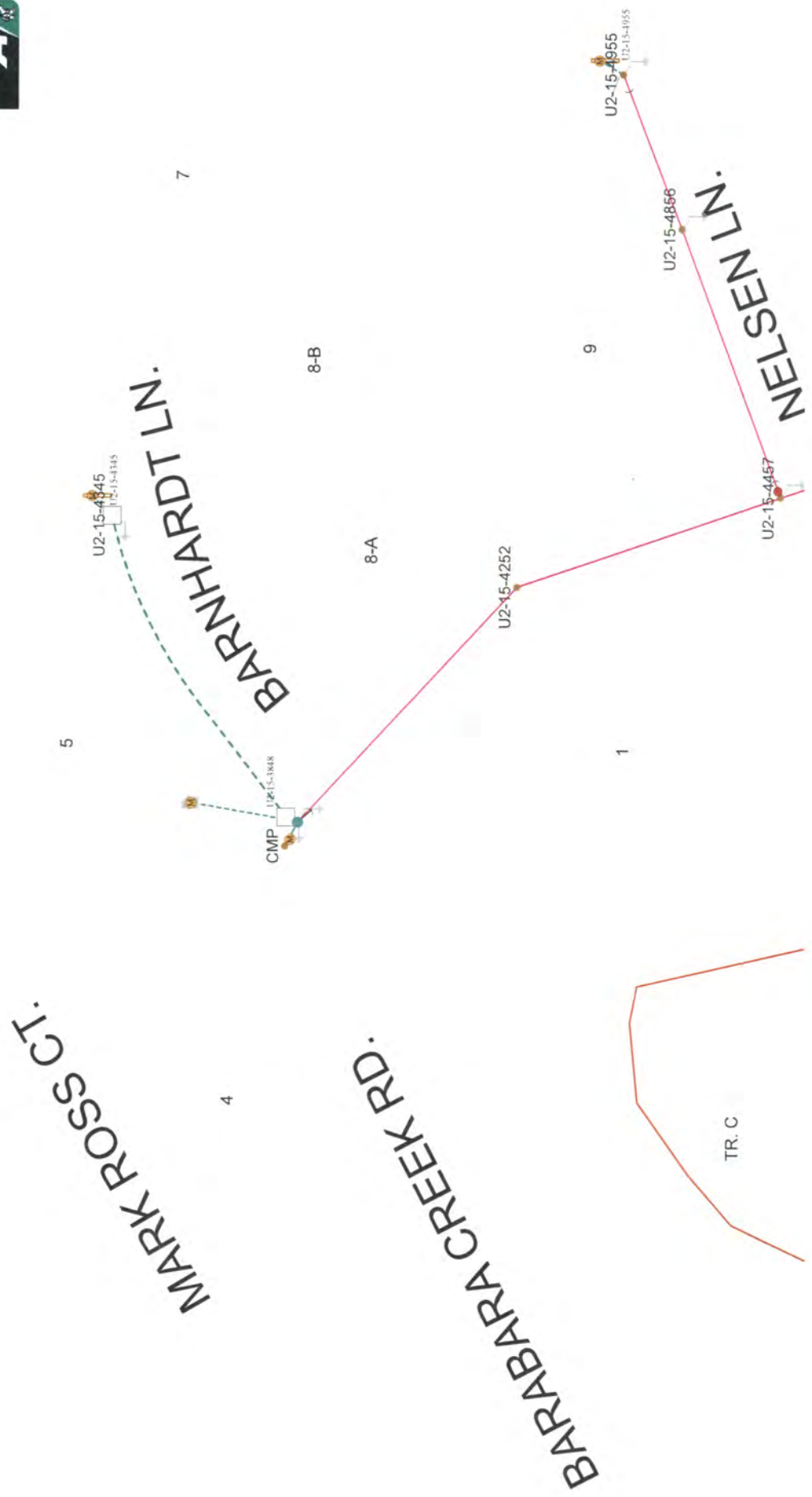
[Homer, AK 99603](#)

ph (907) 235-3351

fax (907) 235-3359

[CFrazier@HomerElectric.com](mailto:CFrazier@HomerElectric.com)

Map is not Survey quality. Accuracy of location of facilities NOT guaranteed



1.

3





OH Primary



UG Primary



OH Secondary



UG Secondary



Transformers



Pole



J-box



Pedestal











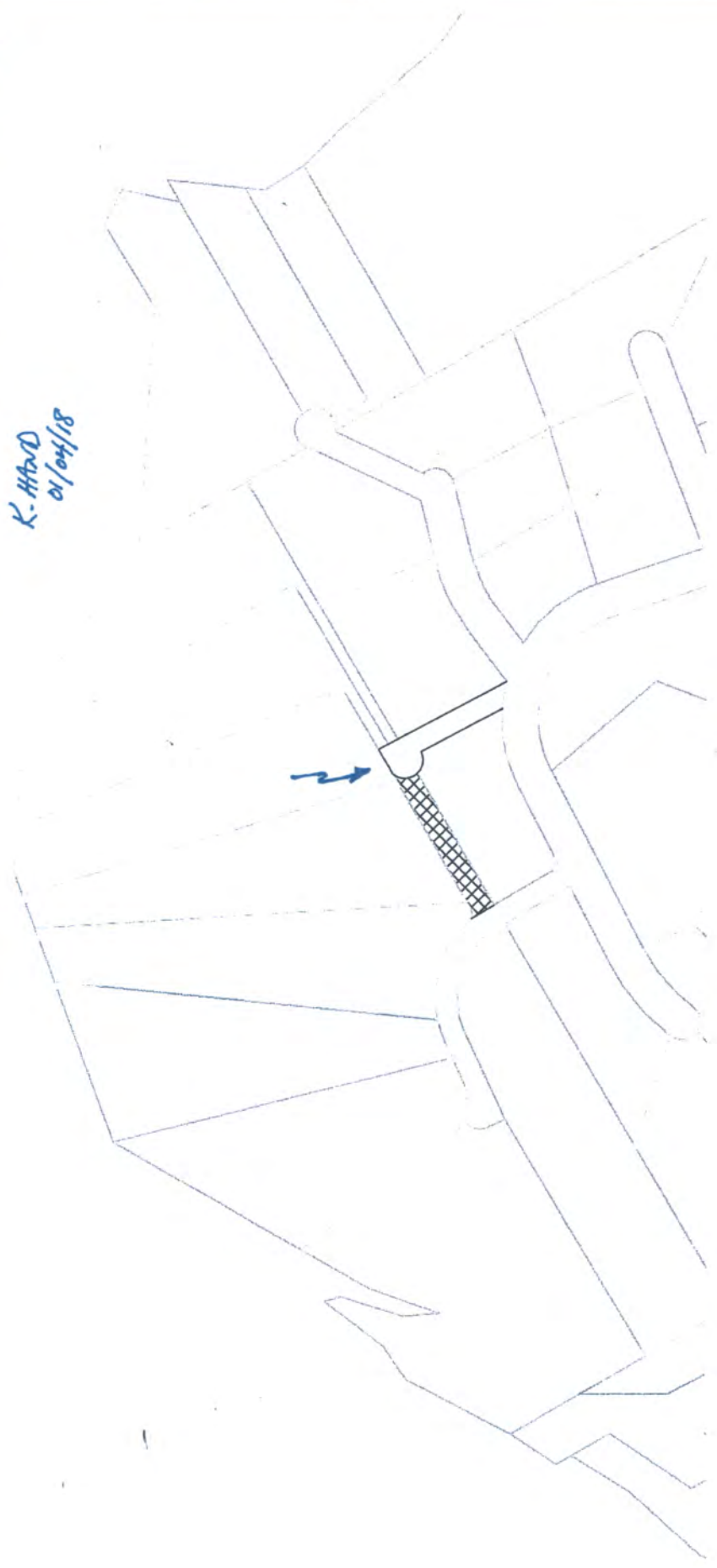






"SKETCH" SHOWING A BETTER CUL-DA-SAC ROW OPTION. "IF" MARK ROSS CT ROW WERE TO BE RELOCATED.

K. HAND  
01/04/18

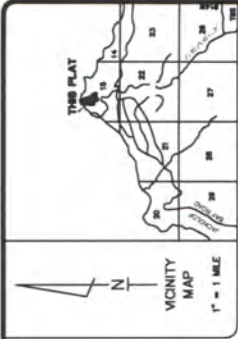


# PRELIMINARY PLAT

**HEA  
REVIEWED  
NO OBJECTION TO ROW VACATION**

**\*\*APPROVAL OF ROW DEDICATION OF  
MIKE ROSS CT. CONDITIONAL UPON  
PROPERTY OWNERS SUBMITTING A  
NEW/REWORK ON-SERVICE  
APPLICATION TO RELOCATE THE  
ELECTRIC SERVICE MEYER OUTSIDE  
THE NEWLY DEDICATED ROW.\*\***

*Chris Pollack*  
Land Management Officer



**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
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, INCLUDING THE RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND CHART ALL EASEMENTS TO THE USE SHOWN.

AMELIA R. POLLACK \_\_\_\_\_ CHRIS T. POLLACK \_\_\_\_\_  
OWNERS OF  
LOT 4 BLOCK 17 PLAT 79-6 SEL  
LOT 4 AND LOT 5 PLAT 92-1 SEL

STEPHEN J. POLLACK IV \_\_\_\_\_  
OWNER OF  
LOT 4 BLOCK 17 PLAT 79-6 SEL

**NOTARY'S ACKNOWLEDGEMENT**  
FOR  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
BY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGEMENT**  
FOR  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
BY COMMISSION EXPIRES \_\_\_\_\_

**NOTARY'S ACKNOWLEDGEMENT**  
FOR  
ACKNOWLEDGED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC FOR ALASKA  
BY COMMISSION EXPIRES \_\_\_\_\_

KPB FILE NO. \_\_\_\_\_

BARBARA HEIGHTS SUBDIVISION  
POLLACK ADDITION

A SUBDIVISION OF LOT 4 BLOCK 17 BARBARA HEIGHTS SUBDIVISION (79-6 SEL) AND LOT 4 AND LOT 5 ROSS RETRACT THREE (92-1 SEL) INCLUDING A VACATION OF A PORTION OF MIKE ROSS COURT RIGHT OF WAY

OWNER: AMELIA R. POLLACK  
STEPHEN J. POLLACK IV  
PO BOX 93  
SELOONA, AK 99883

LOCATED WITHIN THE NW 1/4 AND SE 1/4 SECTION 15, T6S, R14E, S24W ALASKA  
SELOONA RECORDING DISTRICT, KODIAK PENINSULA BOROUGH, ALASKA

CONTAINING \_\_\_\_\_ ACRES

INTEGRITY SURVEYS, INC.

820 3RD ST. SUITE 100  
KODIAK, AK 99811  
SURVEYORS: \_\_\_\_\_  
PLANNERS: \_\_\_\_\_

JOB NO: 217238  
DRAWN: DEC. 7, 2017 SA  
SURVEYED: \_\_\_\_\_  
SCALE: 1" = 100'  
FIELD REC: \_\_\_\_\_  
FILE: 217238 PP-DWG

- NOTES:**
- 1) BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL ADJACENT PROPERTIES AND FROM THE FRONT AND REAR YARD LINES APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  - 2) FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE FRONTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
  - 3) ROADS MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS CONTAINED IN THE KODIAK PENINSULA BOROUGH ROAD MAINTENANCE PROGRAM.
  - 4) THE NATURAL BOUNDARIES OF THE USE OF MEAN HIGH WATER MEANS THE MEAN HIGH WATER OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL BOUNDARIES.
  - 5) THE VACATION OF A PORTION OF MIKE ROSS COURT WAS APPROVED BY THE KODIAK PENINSULA BOROUGH PLANNING COMMISSION ON THE MEETING OF \_\_\_\_\_
  - 6) MATERIALS SHALL BE INSTALLED WITHIN THE TREATMENT AND DISPOSAL SYSTEMS DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE STATE OF ALASKA.



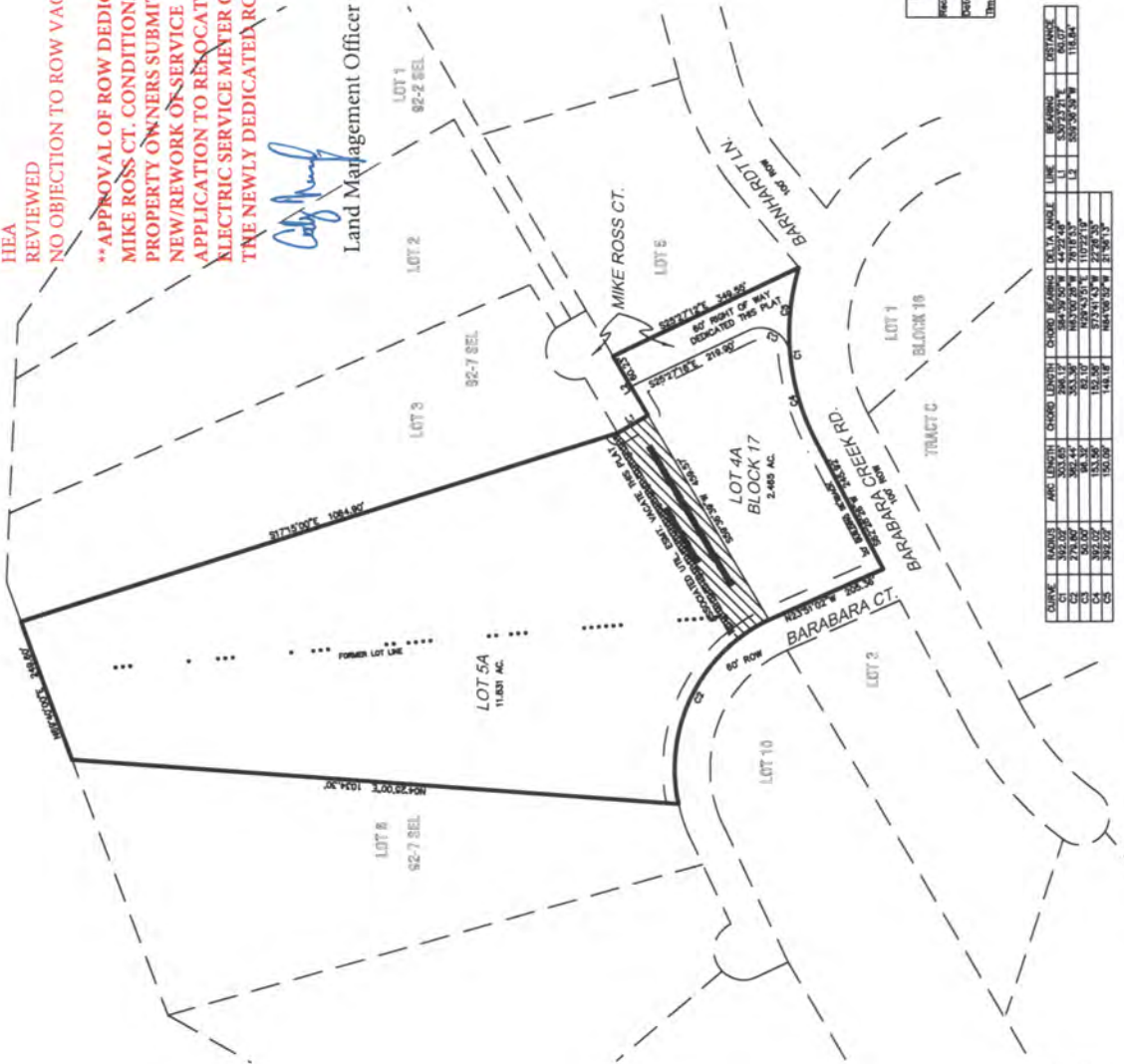
**LEGEND**

- ☼ GLO/BLM MONUMENT RECOVERED AS NOTED
- ⊙ GLO/BLM MONUMENT OF RECORD AS NOTED
- ⊙ PRIMARY MONUMENT SET THIS SURVEY
- ⊙ 2 1/2" ALUM. MON. ON 2" ALUM. PIPE
- ⊙ PRIMARY MONUMENT RECOVERED AS NOTED
- ⊙ SECONDARY MONUMENT OF RECORD AS NOTED
- ⊙ 5/8" X 30" REBAR W/ PLASTIC CAP
- ⊙ SECONDARY MONUMENT RECOVERED AS NOTED
- ⊙ DOT/PC CONCRETE ROW MARKER
- ⊙ GEODETIC CONTROL MONUMENT OF RECORD
- ⊙ GEODETIC CONTROL MONUMENT RECOVERED
- ( ) RECORD PER \_\_\_\_\_ SUBDIVISION
- [ ] PLAT NO. TTTTTT SUBDIVISION
- [ ] RECORD PER \_\_\_\_\_ SUBDIVISION
- [ ] PLAT NO. TTTTTT SUBDIVISION
- [ ] RECORD PER \_\_\_\_\_ SUBDIVISION

**EXAM APPROVAL**  
THIS PLAT WAS APPROVED BY THE KODIAK PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_  
KODIAK PENINSULA BOROUGH  
AUTHORIZED OFFICIAL: \_\_\_\_\_



**CERTIFICATE OF SURVEYOR**  
I HEREBY CERTIFY THAT I AM PROPERLY LICENSED AS A SURVEYOR IN THE STATE OF ALASKA. THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ALL MEASUREMENTS WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ALL MEASUREMENTS WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND ALL MEASUREMENTS WERE MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION.



**Plat #**

SEC. THIS	_____	OF	_____
DATE	_____	YEAR	_____

COURSE	BEARING	DISTANCE	AREA	BEARING	DISTANCE	AREA
1	N 89° 52' 00" W	100.00	100.00	N 89° 52' 00" W	100.00	100.00
2	S 89° 52' 00" E	100.00	100.00	S 89° 52' 00" E	100.00	100.00
3	N 89° 52' 00" W	100.00	100.00	N 89° 52' 00" W	100.00	100.00
4	S 89° 52' 00" E	100.00	100.00	S 89° 52' 00" E	100.00	100.00
5	N 89° 52' 00" W	100.00	100.00	N 89° 52' 00" W	100.00	100.00
6	S 89° 52' 00" E	100.00	100.00	S 89° 52' 00" E	100.00	100.00