

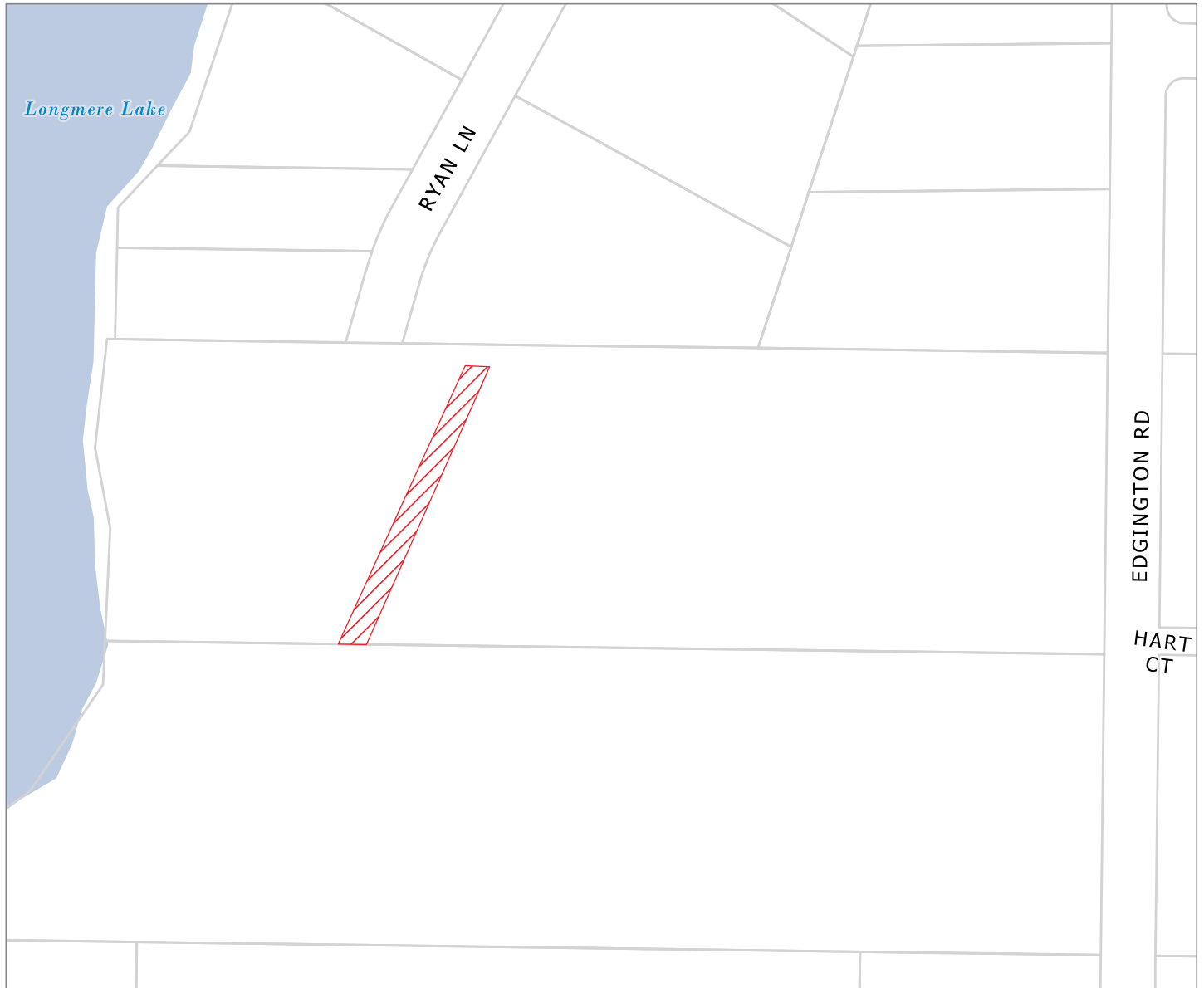
E. NEW BUSINESS

5. Utility Easement Vacation; KPB File 2024-120V

Edge Survey & Design / Whittenberg

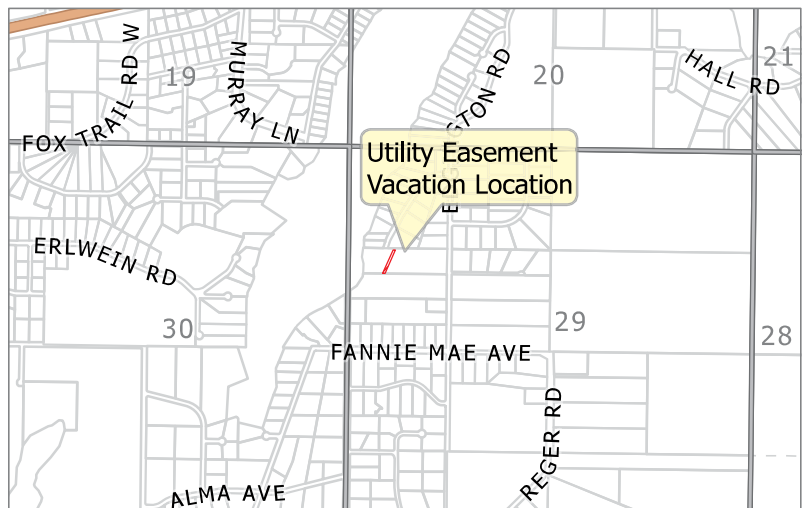
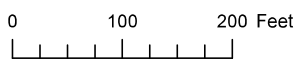
Request: Vacate the 20' utility easement along the existing powerline, which is originally depicted running diagonally north to south on Lot 7A Dawn Estates No. 2, Plat KN 99-15

Sterling Area



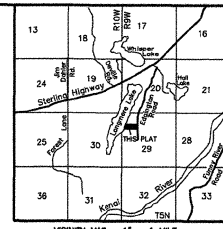
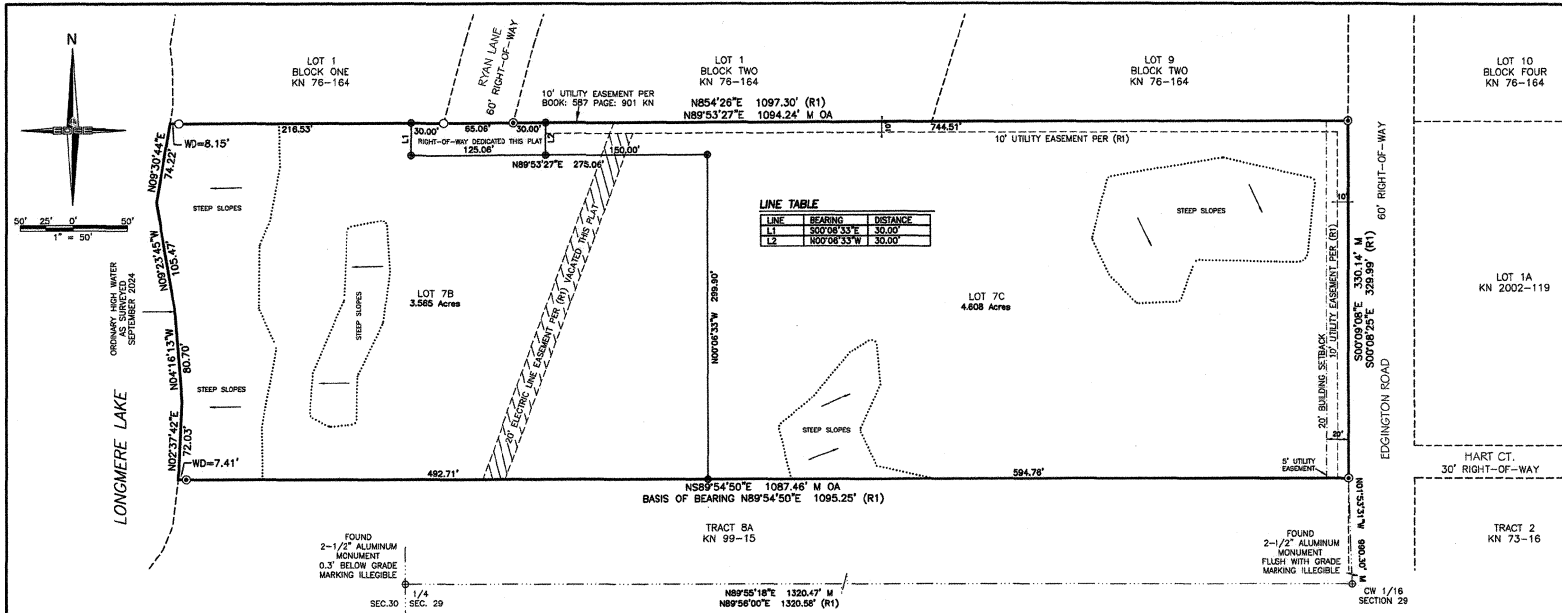
KPB File 2024-120V
T 05N R 09W SEC 29
Sterling

11/25/2024





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



CERTIFICATE OF SURVEYOR

I, MARK AMONETTI 13022-S, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THIS SURVEY ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



LEGEND

- ⊙ FOUND PRIMARY MONUMENT AS REFERENCED
- FOUND PROPERTY CORNER 1/2" REBAR
- ⊙ FOUND PROPERTY CORNER 5/8" REBAR
- SET PROPERTY CORNER 5/8" x 30" REBAR WITH 2" ALUMINUM CAP STAMPED EDGE SURVEY LS-13022 2024
- SUBDIVISION BOUNDARY
- - - INTERIOR LOT LINE
- - - ADJACENT PROPERTY LINE
- - - EASEMENT
- - - BUILDING SETBACK
- - - MONUMENT LINE
- - - STEEP SLOPES
- M MEASURED AND HELD
- OA OVERALL

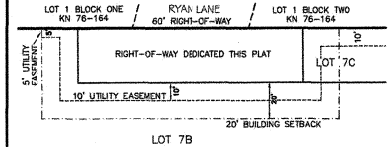
NOTES

1. BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 2. FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY AND THE FULL 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 3. THIS SUBDIVISION MAY BE AFFECTED BY A GENERAL LOCATION UTILITY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED ON JULY 16, 1998 IN BOOK 32 PAGE 132 KENAI RECORDING DISTRICT.
 4. THIS SUBDIVISION IS AFFECTED BY A UTILITY EASEMENT GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. RECORDED ON AUGUST 16, 2000 IN BOOK 587 PAGE 901, KENAI RECORDING DISTRICT, AS SHOWN.
 5. THIS PROPERTY MAY BE AFFECTED BY LOW WET AREAS. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
 6. 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. KP.B 14.06.
 7. NO STRUCTURES ARE PERMITTED WITHIN THE PANHANDLE PORTION OF THE FLAG LOT.
 8. ACCEPTANCE OF HIS PLAT BY THE KENAI PENINSULA BOROUGH DOES NOT INDICATE ACCEPTANCE OF ANY ENCROACHMENTS.
 9. THE NATURAL MEANDERS OF THE LINE OF MEAN HIGH WATER OR ORDINARY WATER FORMS THE TRUE BOUNDARS OF THE SUBDIVISION. THE APPROXIMATE LINE OF MEAN HIGH WATER OR ORDINARY HIGH WATER, AS SHOWN, IS FOR COMPUTATIONS ONLY. THE TRUE PROPERTY CORNERS BEING ON THE EXTENSION OF THE SIDE LOT LINES AND THEIR INTERSECTION WITH THE NATURAL MEANDERS.
 10. WASTEWATER DISPOSAL LOT 7C, LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET IN SIZE MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATOR REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
- WASTEWATER DISPOSAL LOTS 7B, ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION APPROVED SEPTIC SYSTEM IN USE AT TIME OF THIS PLATING ACTION. ANY WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST MEET THE REGULATOR REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

REFERENCES

(R1) DAWN ESTATES NO. 2, PLAT 99-15, KENAI RECORDING DISTRICT

BUILDING SETBACK AND UTILITY EASEMENT DETAIL SCALE 1" = 30'



CERTIFICATE OF ACCEPTANCE BY KENAI PENINSULA BOROUGH

THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC PURPOSES THE REAL PROPERTY TO BE DESIGNATED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY, ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THE PLAT IDENTIFIED AS FOLLOWS:

RIGHT OF WAY DEDICATED ON THIS PLAT - TURN AROUND AT END OF RYAN LANE
 THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH
 144 NORTH BRINKLEY STREET
 SOLDOTNA, ALASKA 99669

DATE

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 18, 2024.
 KENAI PENINSULA BOROUGH

AUTHORIZED OFFICIAL

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 AND OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

BETTY WHITTENBERG
 PO BOX 143
 SOLDOTNA, AK 99669

BOB L. WHITTENBERG
 PO BOX 143
 SOLDOTNA, AK 99669

NOTARY ACKNOWLEDGEMENT

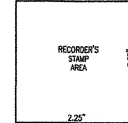
FOR: BETTY WHITTENBERG
 ACKNOWLEDGED BEFORE ME
 THIS ____ DAY OF _____, 2025

NOTARY ACKNOWLEDGEMENT

FOR: BOB L. WHITTENBERG
 ACKNOWLEDGED BEFORE ME
 THIS ____ DAY OF _____, 2025

PUBLIC NOTARY SIGNATURE

PUBLIC NOTARY SIGNATURE



PRELIMINARY DRAFT R1

KPB 2024-120V

**ITEM #5 - UTILITY EASEMENT ALTERATION
20' UTILITY EASEMENT DIAGONALLING ACROSS WESTERLY PART OF PLAT IN A NORTHEAST TO
SOUTHWEST DIRECTION.**

KPB File No.	2024-120V
Planning Committee Meeting:	December 16, 2024
Applicant / Owner:	Robert and Betty Whittenberg of Soldotna, Alaska
Surveyor:	Jason Young – Edge Surveying and Design, LLC
General Location:	Sterling

STAFF REPORT

Specific Request / Purpose as stated in the petition: The land owner would like to vacate the utility easement due to the fact it is no longer in use and no utility providers have a need for the easement.

Notification: Notice of vacation mailings were sent by regular mail to nineteen owners of property within 600 feet. Notice of the proposed vacation was emailed to seventeen agencies and interested parties.

The public notice was posted on the Planning Department’s bulletin board at the KPB Administration Building.

Staff Analysis:

HEA noted that the utility previously located in the 20’ easement has been relocated and they have no opposition to the vacation of the diagonal easement. The existing utility is located in the 10’ utility easement located along the north line of the plat as shown.

There were no objections from the utility providers that responded and no indication any future use of the easement.

Utility provider review:

HEA	No comments
ENSTAR	No comments
ACS	No objections
GCI	<i>No reply</i>

Findings:

1. HEA notes the utility originally using the easement has been relocated.
2. The utility line has been relocated to the north line of the plat.
3. ACS, ENSTAR, and HEA provided written non-objection to the proposed vacation.
4. Dawn Estates No. 2 KN 99-15 originally granted the easement on the plat.
5. Removal of the easement will open the usage of the lot up.
6. No surrounding properties will be denied utilities.

STAFF RECOMMENDATIONS

CORRECTIONS / EDITS

Make the following corrections:
Revise the KPB number to 2024-120V

RECOMMENDATION:

Based on consideration of the merits as outlined by Staff comments and Staff findings, Staff recommends APPROVAL of the utility easement alteration as petitioned, subject to:

1. Finalizing the approval of the easement alteration by either;
 - a. The recording of a subdivision plat within 24 months, compliant with the requirements of Chapter 20 of KPB Code or,
 - b. The recording of a utility easement alteration resolution within 90 days of the adoption of the resolution by the Planning Commission, with the following requirements:
 - i. An exhibit drawing showing, and dimensioning, the utility easement alteration area, prepared, signed and sealed by a licensed land surveyor. The exhibit drawing will be attached to, and recorded with, the resolution.
 - ii. The applicants will provide the recording fee for the resolution and its attachment to the Planning Department.
 - iii. The Planning Department is responsible for filing the Planning Commission resolution.

20.65.070 Alteration of platted utility easements

- E. A planning commission decision under this section is final. A notice of decision shall be sent to the petitioner. No reapplication or petition concerning the same alteration to platted utility easement 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. If the reasons for denial are resolved, the petitioner may submit a new petition for alteration of platted utility easement with documentation that the issues have been resolved, accompanied by a new fee.**
- F. An appeal of the planning commission decision under this section 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.*

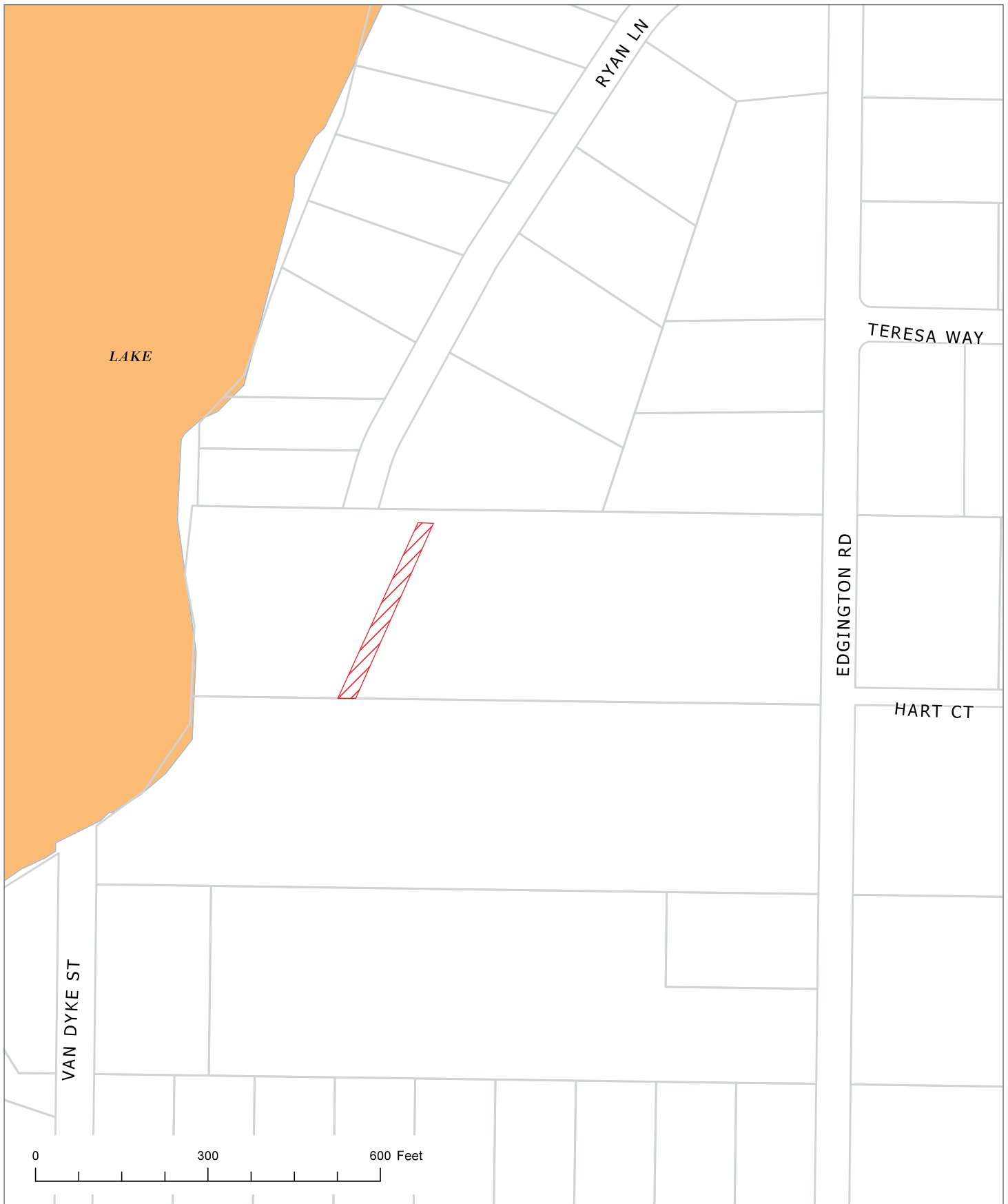
END OF STAFF REPORT



Aerial View



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



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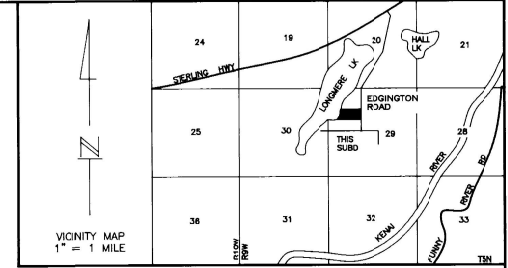
WASTEWATER DISPOSAL: These lots are at least 200,000 square feet or nominal 5 acres in size and conditions may not be suitable for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

LINE DATA

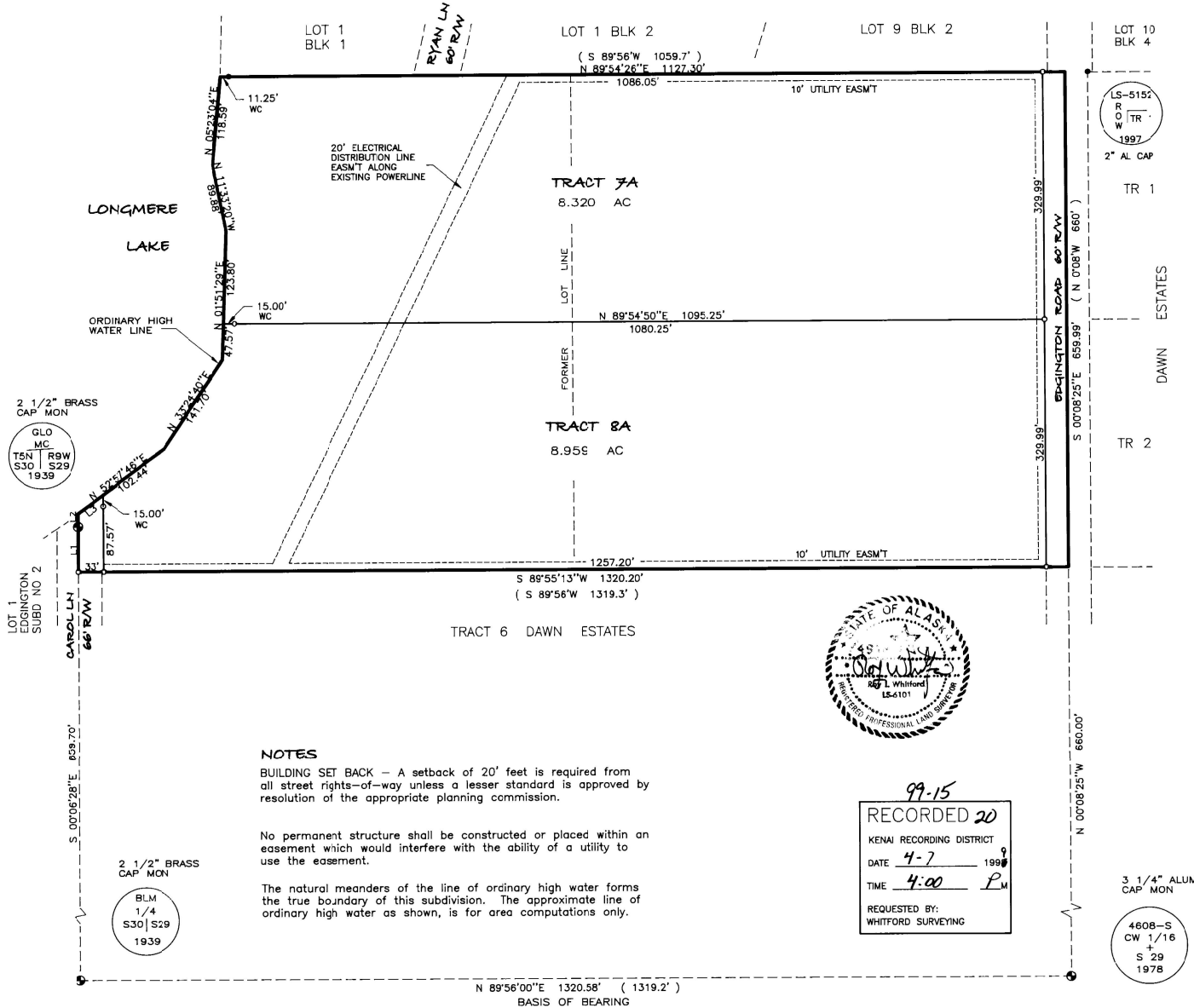
LINE	BEARING	DISTANCE
L1	N 00°06'28"W	60.34'
L2	N 00°06'28"W	17.41'
L3	N 52°57'46"E	41.28'



- MONUMENT RECOVERED
- REBAR RECOVERED
- 5/8" REBAR/PLASTIC CAP SET THIS SURVEY
- () RECORD DATA KN73-16



TIMBER LAKE ESTATES SUBDIVISION



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 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 beneficiaries

Timothy A. Gleason Janet L. Gleason
 Timothy A. Gleason Janet L. Gleason
 PO Box 4183 - Soldotna, AK 99669

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn before me this 10th day of March, 1998.

For Timothy A. Gleason & Janet L. Gleason
Sharon A. Whigford
 Notary Public for Alaska
 My Commission Expires 7-14-02



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of August 10, 1998

KENAI PENINSULA BOROUGH

By: *Mary J. Becht*
 Authorized Official



99-15
RECORDED 20
 KENAI RECORDING DISTRICT
 DATE 4-7 1998
 TIME 4:00 P.M.
 REQUESTED BY:
 WHITFORD SURVEYING

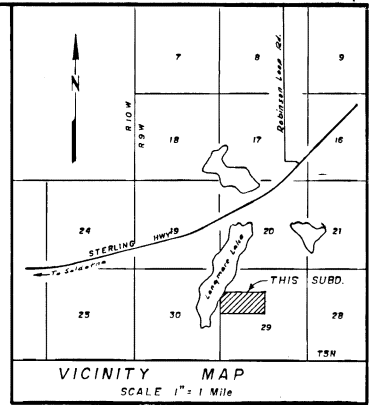
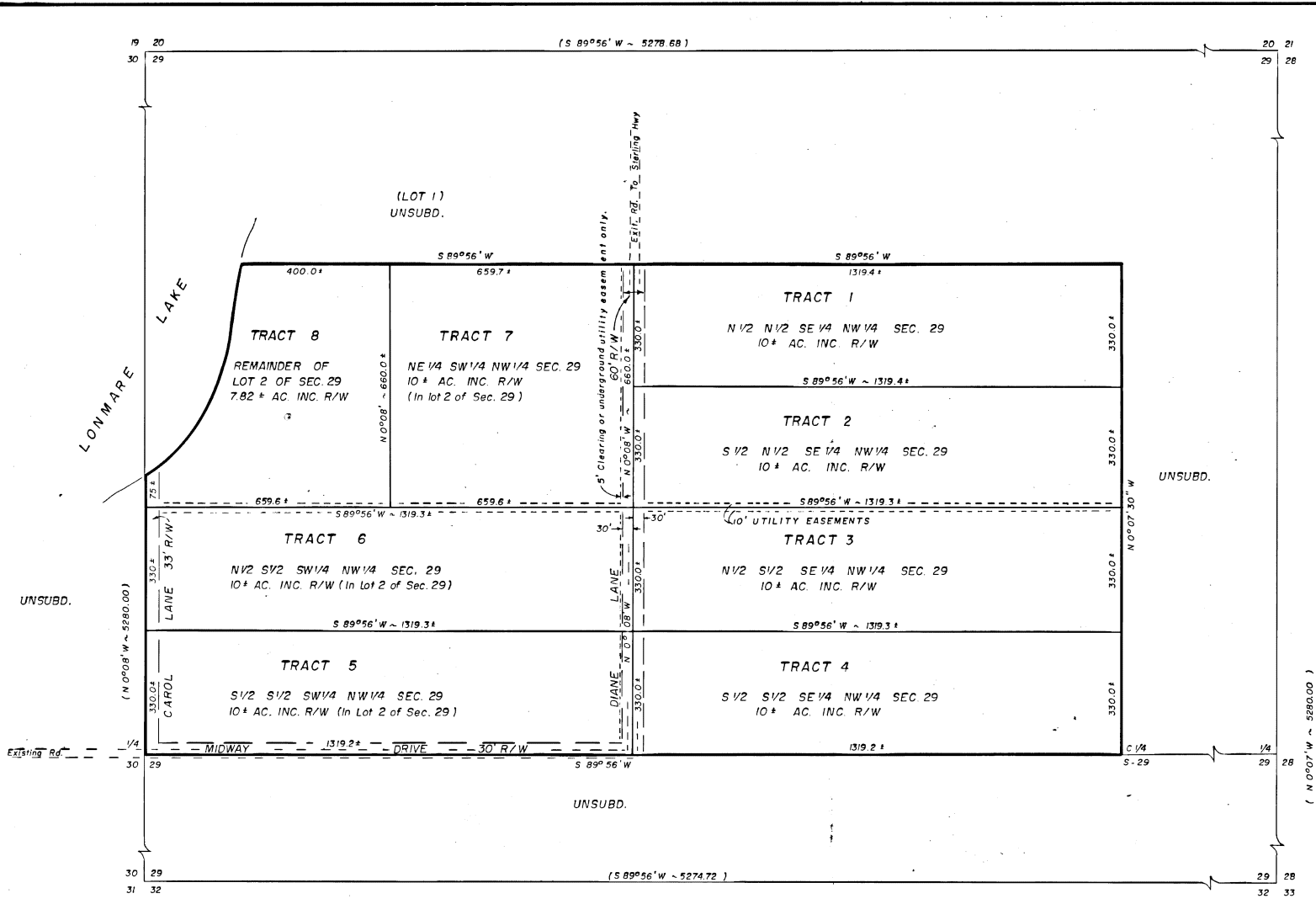
DAWN ESTATES NO. 2

A Resubdivision of Tracts 7 & 8 DAWN ESTATES.
 Located within the SW1/4 NW1/4 Sec. 29, T5N, R9W, SM, AK
 17.802 AC.

WHITFORD SURVEYING
 PO BOX 4032 - SOLDOTNA, AK 99669
 (907) 260-9092

SURVEYED: 7/98	SCALE: 1" = 100'
KPB FILE NO: 98-159	DWG FILE: DAWN2.DWG

KN 99-15



NOTES:
 This is a paper plat of the SE 1/4 NW 1/4 and the whole of Lot 2, all of Section 29 divided by aliquot parts. All bearings and distances refer to the G.L.O. datum shown on the official township plat ().

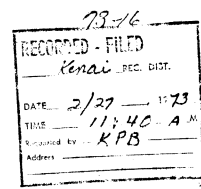


CERTIFICATE OF OWNERSHIP AND DEDICATION.

We hereby certify that we are the owners of said property, and request the approval of this plat showing such easements for public utilities, roadways, and or streets dedicated by us for public use.
 Date 2-5-73 Frank W. Jaros owner
 _____ owner

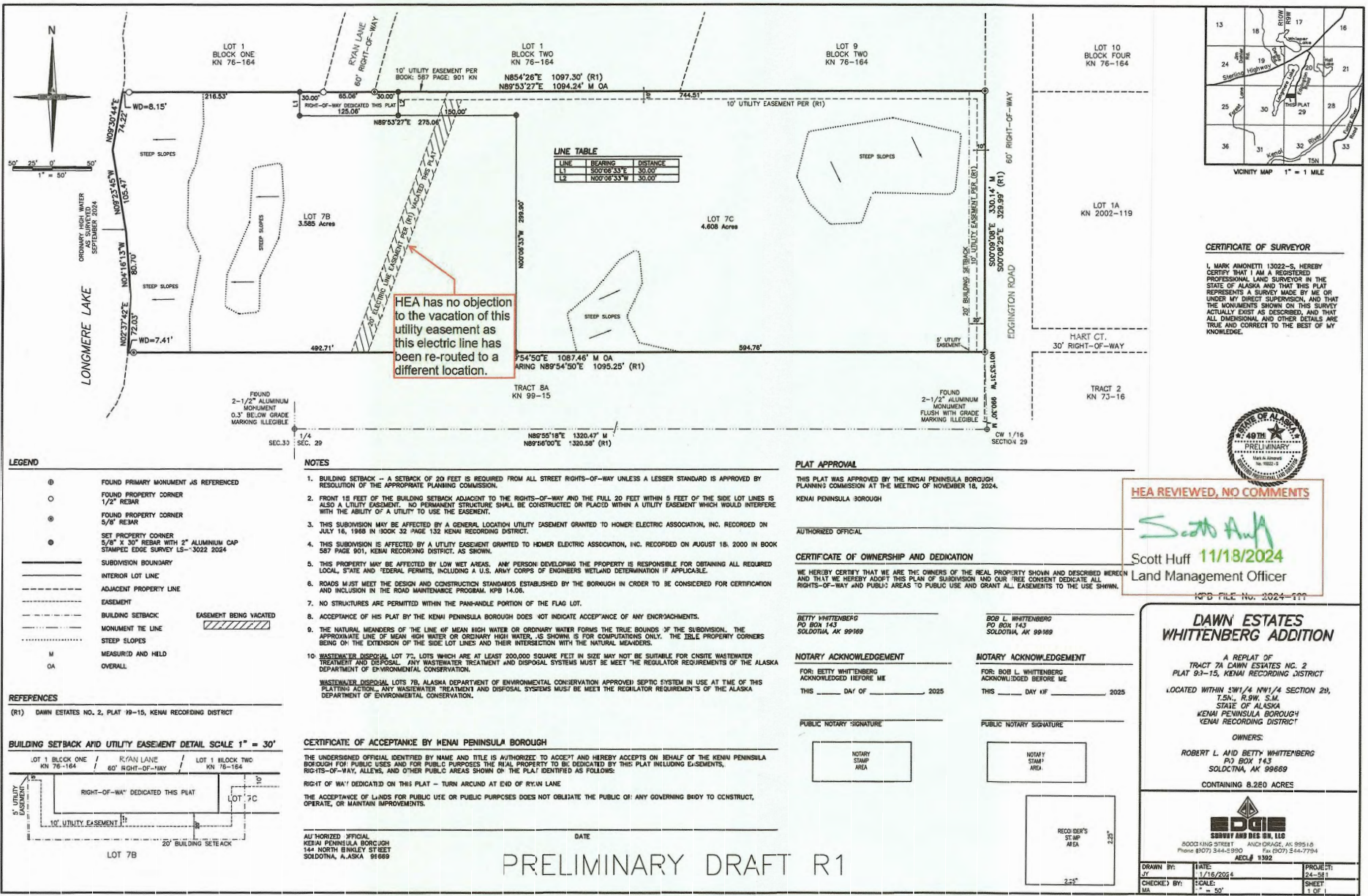
NOTARY'S ACKNOWLEDGEMENT.

Subscribed and sworn before me this 5th day of February, 1973
 My commission expires 12/1/75
Ruth M. Bonte
 notary public for
 Marin County - California



PLAT APPROVAL.
 Plat approved by the Commission this 8th day of JANUARY, 1973
Stanley M. Lane
 Mayor

DAWN ESTATES	
SUBDIVISION	
Frank W. Jaros, owner Box 426; Soldotna, AK. 99669	
DESCRIPTION SE 1/4 NW 1/4 AND THE WHOLE OF LOT 2 ALL IN SECTION 29, T5N, R9W, S.M., AK., CONTAINING 77.82+ ACRES IN THE KENAI PENINSULA BOROUGH.	
Prepared by	S.S. McLane, R.L.S. Soldotna, AK.
DATE Dec. 20, 1972	SCALE 1" = 200'



LINE TABLE

LINE	BEARING	DISTANCE
L1	S00°06'33"E	30.00'
L2	N02°06'33"W	30.00'

HEA has no objection to the vacation of this utility easement as this electric line has been re-routed to a different location.

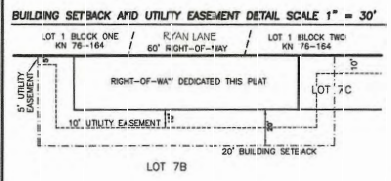
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- ⊙ FOUND PRIMARY MONUMENT AS REFERENCED
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 - ⊙ FOUND PROPERTY CORNER 5/8" REBAR
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 - INTERIOR LOT LINE
 - - - ADJACENT PROPERTY LINE
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 - - - BUILDING SETBACK
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 - M MEASURED AND HELD
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- NOTES**
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 - FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY AND THE FULL 20 FEET WITHIN 5 FEET OF THE SIDE LOT LINES IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
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REFERENCES
 (R1) DAWN ESTATES NO. 2, PLAT 19-15, KENAI RECORDING DISTRICT



CERTIFICATE OF ACCEPTANCE BY KENAI PENINSULA BOROUGH
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AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH
 144 NORTH BINGLEY STREET
 SODDINGTON, ALASKA 99589

DATE

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF NOVEMBER 16, 2024.
 KENAI PENINSULA BOROUGH

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BETTY WHITTENBERG
 PO BOX 143
 SODDINGTON, AK 99589

BOB L. WHITTENBERG
 PO BOX 143
 SODDINGTON, AK 99589

NOTARY ACKNOWLEDGEMENT
 FOR: BETTY WHITTENBERG
 ACKNOWLEDGED BEFORE ME
 THIS ___ DAY OF ___ 2025

NOTARY ACKNOWLEDGEMENT
 FOR: BOB L. WHITTENBERG
 ACKNOWLEDGED BEFORE ME
 THIS ___ DAY OF ___ 2025

PUBLIC NOTARY SIGNATURE

PUBLIC NOTARY SIGNATURE

NOTARY STAMP AREA

NOTARY STAMP AREA

RECORDER'S STAMP AREA

PRELIMINARY DRAFT R1

HEA REVIEWED, NO COMMENTS
 Scott Huff 11/18/2024
 Land Management Officer

DAWN ESTATES WHITTENBERG ADDITION
 A REPLAT OF TRACT 7A DAWN ESTATES NO. 2 PLAT 9-15, KENAI RECORDING DISTRICT
 LOCATED WITHIN SW1/4 NW1/4 SECTION 29, T.5N., R.9W., S.4M. STATE OF ALASKA
 KENAI PENINSULA BOROUGH KENAI RECORDING DISTRICT
 OWNERS:
 ROBERT L. AND BETTY WHITTENBERG
 PO BOX 143
 SODDINGTON, AK 99589
 CONTAINING 8.280 ACRES



EDGIE SURVEY AND GIS, LLC
 8000 KING STREET ANCHORAGE, AK 99518
 PHONE (907) 344-2390 FAX (907) 344-7794
 AECLE 9392

DRAWN BY: DATE: PROJECT: 24-581
 CHECKED BY: SCALE: SHEET: 1 OF 1
 1" = 30'