

Kenai Peninsula Borough  
Planning Department

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**MEMORANDUM**

**TO:** Brent Hibbert, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:** Melanie Aeschliman, Planning Director *MA*

**DATE:** September 14, 2021

**RE:** Right-of-way Vacation: Derks Lake Road as dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West S.M.

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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 September 13, 2021 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation of a portion of the above right-of-way by unanimous vote based on the means of evaluating public necessity established by KPB 20.70 (7-Yes, 3-Absent, 1-Vacant) 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.

September 13, 2021 Planning Commission Draft Meeting Minutes  
September 13, 2021 Agenda Item Meeting Packet

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**

- o **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**

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Ruffner to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

**AGENDA ITEM E. NEW BUSINESS**

**ITEM 4 - RIGHT OF WAY VACATION  
VACATE A PORTION OF DERKS LAKE ROAD AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2021-122V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Gene, George, and Linda Friendshuh of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Ridgeway Area
<b>Legal Description:</b>	Derks Lake Road as dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West S.M.

Staff report given by Scott Huff.

**Specific Request / Purpose as stated in the petition:** Lots along south side of Derks Lake Road are pressed between right of way and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission’s tentative agenda.

A petition has also been received for section line easement vacations that coincide with the right of way Kenai Peninsula Borough

vacation. Public notices posted and mailed contained the information for each item so only one notice was required. 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 Soldotna
- Post Office of Sterling

Fifteen certified mailings were sent to owners of property within 300 feet of the proposed vacation. Six receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to eight owners within 600 feet of the proposed vacation. Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish & Game	Alaska Communication Systems (ACS)
State of Alaska DNR	ENSTAR Natural Gas
State of Alaska DOT	General Communications Inc. (GCI)
State of Alaska DNR Forestry	Homer Electric Association (HEA)
Advisory Planning Commission	Central Emergency Services

**Legal Access (existing and proposed):** Legal access to Derks Lake road is via Mackdy Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Bid D Road appears to have a constructed road. Neither right of way is maintained by KPB.

Per KPB GIS data, Derks Lake Road maintenance stops approximately 200 feet east of Arctic Tern Road and the portion being requested for vacation is not constructed or maintained. The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed vacation has an underlying section line easement and a petition has been received to vacate the corresponding area. The public hearing for the section line easement vacation will be heard at the same meeting as this petition.

The parent subdivision Tatum Denise Subdivision, KN 2021-15, did receive an exception for block length. The preliminary plat to finalize the vacation will also need to request an exception for block length.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

**Site Investigation:** There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis:** Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

Denise Lake Estates Part Two, KN 94-27, and Tatum Subdivision, KN 2021-15 originally dedicated the portion of Derks Lake Road proposed for vacation. Both of those subdivisions dedicated 50 foot wide right

of way atop 50 foot wide section line easements to create a 100 foot wide right of way. To the west of the 100 foot wide dedication the right of way width is reduced to 66 feet and coincides with section line easements.

This petition is requesting the vacation of the east approximately 1000 feet of Derks Lake Road, and the north 17 foot wide by approximately 570 foot section of Derks Lake Road.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

A 10 foot wide utility easement will adjoin all dedicated right of ways within the proposed subdivision. The vacation of the right of way includes the vacation of associated utility easements. There does appear to be Homer Electric Association utilities running parallel to the proposed vacation. The line appears to be approximately 15 feet from the right of way. The parent plat only granted a 10 foot utility easement along the right of way. **Staff recommends the utility easement association with the right of way be vacated and the applicant work with the utility provider to determine an agreeable width and grant an easement centered over the existing powerline line.**

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

#### 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 portion of right of way being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the right of way.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
  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:** The right of way proposed to be vacated does not provide access to public areas.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** A proposed right of way dedication in conjunction with the proposed right of way vacation will provide connectivity of the roads and utility easements for nearby parcels.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:**

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:** Utility easements will be granted to adjoin the proposed dedicated right of way.
  
8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** A proposed realignment will provide continuation of the right of way.

If approved, Tatum Denise Subdivision Phase 1 will finalize the proposed right of way vacations. A separate action to vacate the section line easement is proposed to finalize the section line easement vacations. The Plat Committee is scheduled to review Tatum Denise Subdivision Phase 1 on September 27, 2021.

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code compliance review not available.
Addressing – Derek Haws	Affected Addresses: None  Existing Street Names are Correct: Yes  List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD  Existing Street Name Corrections Needed: All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: No addresses affected by this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(F) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.

3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

#### **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*

- o *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**

Chair Martin opened the meeting for public comment. Hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

**MOTION:** Commissioner Ruffner moved, seconded by Commissioner Ecklund to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Seeing and hearing no objection or further discussion, the motion was carried by the following vote:

**MOTION PASSED BY UNANIMOUS VOTE:**

Yes	7	No	0	Absent	3
Yes	Brantley, Ecklund, Fikes, Gillham, Martin, Ruffner, Venuti				
Absent	Bentz, Chesser, Morgan				

AGENDA ITEM E.      NEW BUSINESS

**ITEM 5 – SECTION LINE EASEMENT VACATION  
VACATE SECTION LINE EASEMENTS ASSOCIATED WITH  
SE1/4 SE1/4 OF SECTION 14 AND  
NE1/4 NE1/4 OF SECTION 23,  
TOWNSHIP 5 NORTH RANGE 10 WEST S.M.**

<b>KPB File No.</b>	2021-123V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Gene, George, and Linda Friendshuh of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Ridgeway Area
<b>Legal Description:</b>	50 foot section line easements associated with the SE1/4 SE1/4 of Section 14 and the NE1/4 NE1/4 of Section 23 Township 05 North Range 10 West S.M.

Staff report given by Scott Huff.

**Specific Request / Purpose as stated in the petition:** Lots along south side of Derks Lake Road are pressed between R/W and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for right of way vacations that coincide with the section line easement vacations. Public notices posted and mailed contained the information for each item so only one notice was required. 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.



## Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

# Planning Commission

## Meeting Packet

**September 13, 2021**

**7:30 p.m.**

**E4 – Right-of Way Vacation  
Derk's Lake Road**



AGENDA ITEM E.      NEW BUSINESS

**ITEM 4 - RIGHT OF WAY VACATION  
VACATE A PORTION OF DERKS LAKE ROAD AND ASSOCIATED UTILITY EASEMENTS**

<b>KPB File No.</b>	2021-122V
<b>Planning Commission Meeting:</b>	September 13, 2021
<b>Applicant / Owner:</b>	Gene, George, and Linda Friendshuh of Soldotna, Alaska
<b>Surveyor:</b>	James Hall / McLane Consulting, Inc
<b>General Location:</b>	Ridgeway Area
<b>Legal Description:</b>	Derks Lake Road as dedicated on Denise Lake Estates Part Two, KN 94-27 and Tatum Subdivision, KN 2021-15, Kenai Recording District, Sections 14 and 23 Township 05 North Range 10 West S.M.

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**STAFF REPORT**

**Specific Request / Purpose as stated in the petition:** Lots along south side of Derks Lake Road are pressed between right of way and Soldotna Creek. By re-routing Derks Lake Road the additional property gained will allow the owners space to build homes.

**Notification:** Public notice appeared in the September 2, 2021 issue of the Peninsula Clarion as a separate ad. The public hearing notice was published in the September 9, 2021 issue of the Peninsula Clarion as part of the Commission's tentative agenda.

A petition has also been received for section line easement vacations that coincide with the right of way vacation. Public notices posted and mailed contained the information for each item so only one notice was required. 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 Soldotna
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Fifteen certified mailings were sent to owners of property within 300 feet of the proposed vacation. Six receipt had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to eight owners within 600 feet of the proposed vacation.

Nineteen public hearing notices were emailed to agencies and interested parties as shown below;

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Advisory Planning Commission	
Central Emergency Services	

**Legal Access (existing and proposed):** Legal access to Derks Lake road is via Mackdy Lake Road to Denise Lake Road. An alternate route is from Denise Lake to Aksala Lane and Arctic Tern Road.

Nearby right of ways Goldeneye Avenue, Big D Road, and Cinnamon Street provide additional access. Cinnamon Street does not appear to be improved. Bid D street appears to have a constructed road. Neither right of way is maintained by KPB.

Per KPB GIS data, Derks Lake Road maintenance stops approximately 200 feet east of Arctic Tern Road and the portion being requested for vacation is not constructed or maintained. The preliminary plat design shows a realignment of Derks Lake Road. KPB GIS Imagery appears to show a roadway that angles to the north of the dedication and connects to Big D Road. The proposed dedication does not appear to follow the existing trail or drive.

The proposed vacation has an underlying section line easement and a petition has been received to vacate the corresponding area. The public hearing for the section line easement vacation will be heard at the same meeting as this petition.

The parent subdivision Tatum Denise Subdivision, KN 2021-15, did receive an exception for block length. The preliminary plat to finalize the vacation will also need to request an exception for block length.

KPB Roads Dept. comments	Within KPB jurisdiction. The RSA has no comments at this time.
SOA DOT comments	No comments.

**Site Investigation:** There are no low wet areas or steep terrain within the right of way vacation or within the proposed dedication areas. The area proposed to be vacated and dedicated appear to be relatively flat.

Floodplain Hazard Review	Not within a flood hazard area.
Anadromous Waters Habitat Protection District Review	Not within a HPD.
State Parks Review	No comments.

**Staff Analysis:** Per the petition, the lots south of Derks Lake Road have limited buildable area due to restrictions associated with Soldotna Creek wetlands and the existing right of way. The realignment of Derks Lake Road will provide additional square footage to develop the lots.

Denise Lake Estates Part Two, KN 94-27, and Tatum Subdivision, KN 2021-15 originally dedicated the portion of Derks Lake Road proposed for vacation. Both of those subdivisions dedicated 50 foot wide right of way atop 50 foot wide section line easements to create a 100 foot wide right of way. To the west of the 100 foot wide dedication the right of way width is reduced to 66 feet and coincides with section line easements.

This petition is requesting the vacation of the east approximately 1000 feet of Derks Lake Road, and the north 17 foot wide by approximately 570 foot section of Derks Lake Road.

A new dedication for Derks Lake Road is proposed to curve northeasterly and connect to Cinnamon Street. KPB GIS imagery shows a constructed road in this area but it will not align with the new right of way. The location of the proposed right of way will allow the best subdivision design with usable area for all lots.

A 10 foot wide utility easement will adjoin all dedicated right of ways within the proposed subdivision. The vacation of the right of way includes the vacation of associated utility easements. There does appear to be Homer Electric Association utilities running parallel to the proposed vacation. The line appears to be approximately 15 feet from the right of way. The parent plat only granted a 10 foot utility easement along the right of way. **Staff recommends the utility easement association with the right of way be vacated and the applicant work with the utility provider to determine an agreeable width and grant an easement centered over the existing powerline line.**

Approval of the vacation will be subject to consent or veto by the Kenai Peninsula Borough Assembly. The petition to vacate is tentatively scheduled for the September 21, 2021 Assembly meeting.

**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 portion of right of way being vacated is not being used for vehicular or pedestrian access. An overhead electric line is located to the south of the right of way.
  2. A road is impossible or impractical to construct, and alternative access has been provided;  
**Staff comments:** The area being vacated is constructible as a roadway. A new right of way dedication is being provided to the north of the vacation and will provide a connection.
  3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;  
**Staff comments:** The surrounding area has been subdivided, or will be subdivided with this plat. All needed right-of-ways and utility easements have been provided.
  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:** The right of way proposed to be vacated does not provide access to public areas.
  5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;  
**Staff comments:** A proposed right of way dedication in conjunction with the proposed right of way vacation will provide connectivity of the roads and utility easements for nearby parcels.
  6. Other public access, other than general road use, exist or are feasible for the right-of-way;  
**Staff comments:**
  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:** Utility easements will be granted to adjoin the proposed dedicated right of way.
  8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.  
**Staff comments:** A proposed realignment will provide continuation of the right of way.

If approved, Tatum Denise Subdivision Phase 1 will finalize the proposed right of way vacations. A separate action to vacate the section line easement is proposed to finalize the section line easement vacations. The Plat Committee is scheduled to review Tatum Denise Subdivision Phase 1 on September 27, 2021.

**KPB department / agency review:**

Planner – Bryan Taylor	There are not any Local Option Zoning District issues with this proposed plat.  There are not any material site issues with this proposed plat.
Code Compliance – Eric Ogren	Code compliance review not available.
Addressing – Derek Haws	Affected Addresses: None  Existing Street Names are Correct: Yes

	List of Correct Street Names: DERKS LAKE RD CINNAMON ST BIG D RD  Existing Street Name Corrections Needed:  All New Street Names are Approved: No  List of Approved Street Names:  List of Street Names Denied:  Comments: No addresses affected by this subdivision.
Assessing – Matt Bruns	No concerns from Assessing Department.

**Utility provider review:**

HEA	
ENSTAR	
ACS	
GCI	Approved as shown.

**RECOMMENDATION:**

Based on consideration of the merits as per KPB 20.65.050(F) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by KPB Assembly.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the utility providers.
4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).

**KPB 20.65.050 – Action on vacation application**

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- 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.

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*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.*

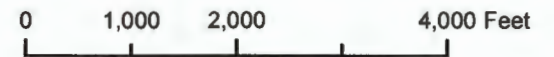
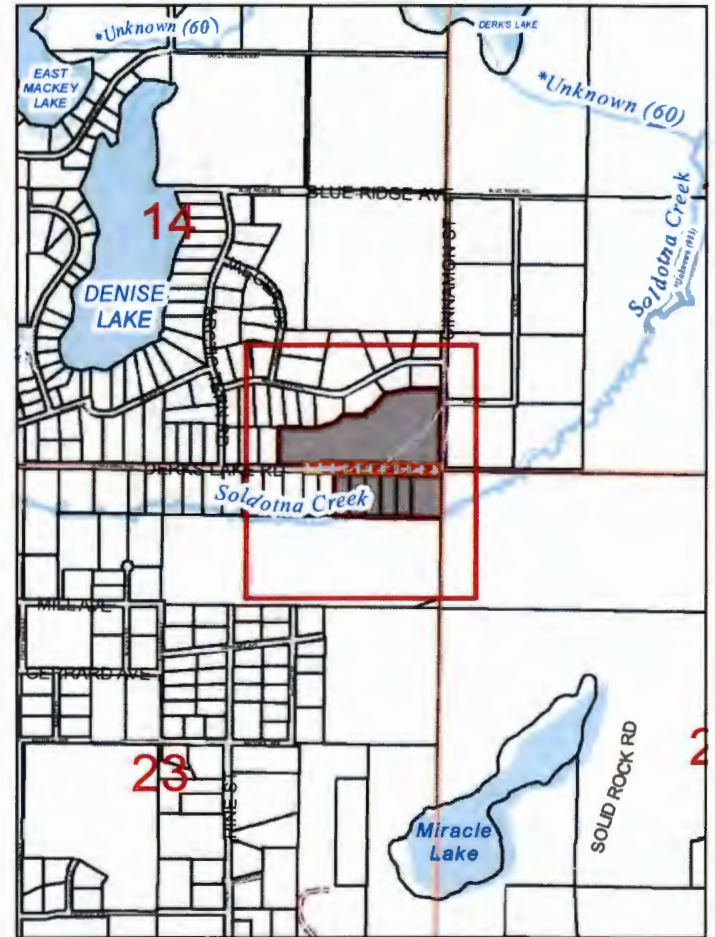
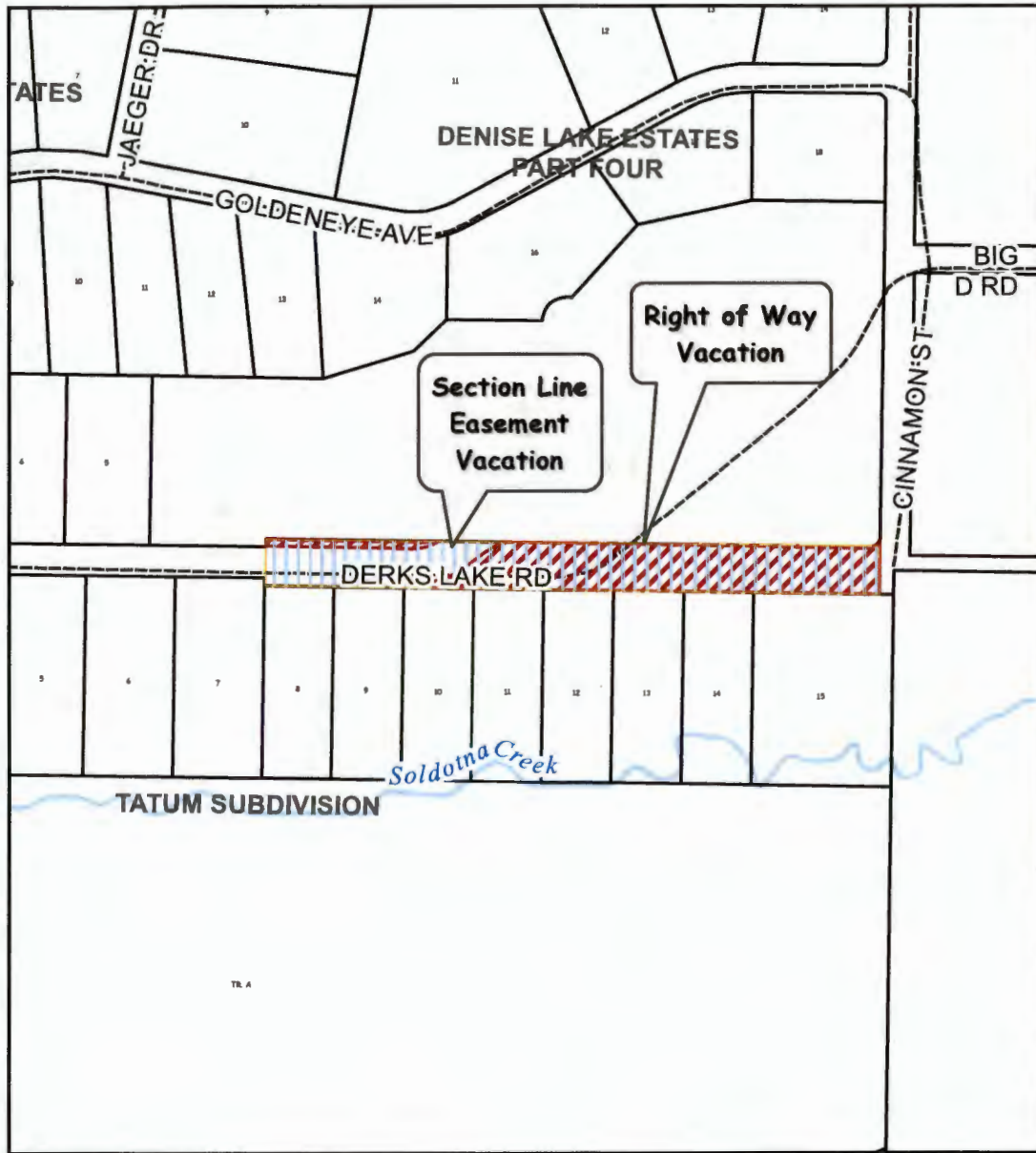
- *Focus Area: Energy and Utilities*
  - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
    - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to 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*
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    - *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.*

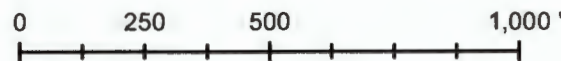
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**END OF STAFF REPORT**



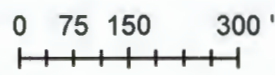
**KPB 2021-122V**  
**S23 T05N R10W**  
**S14 T05N R10W**  
**STERLING**

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.







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



	SLEV
	Right of Way Vacation

PClements, KPB 2021-122V  
Imagery Sterling 2018

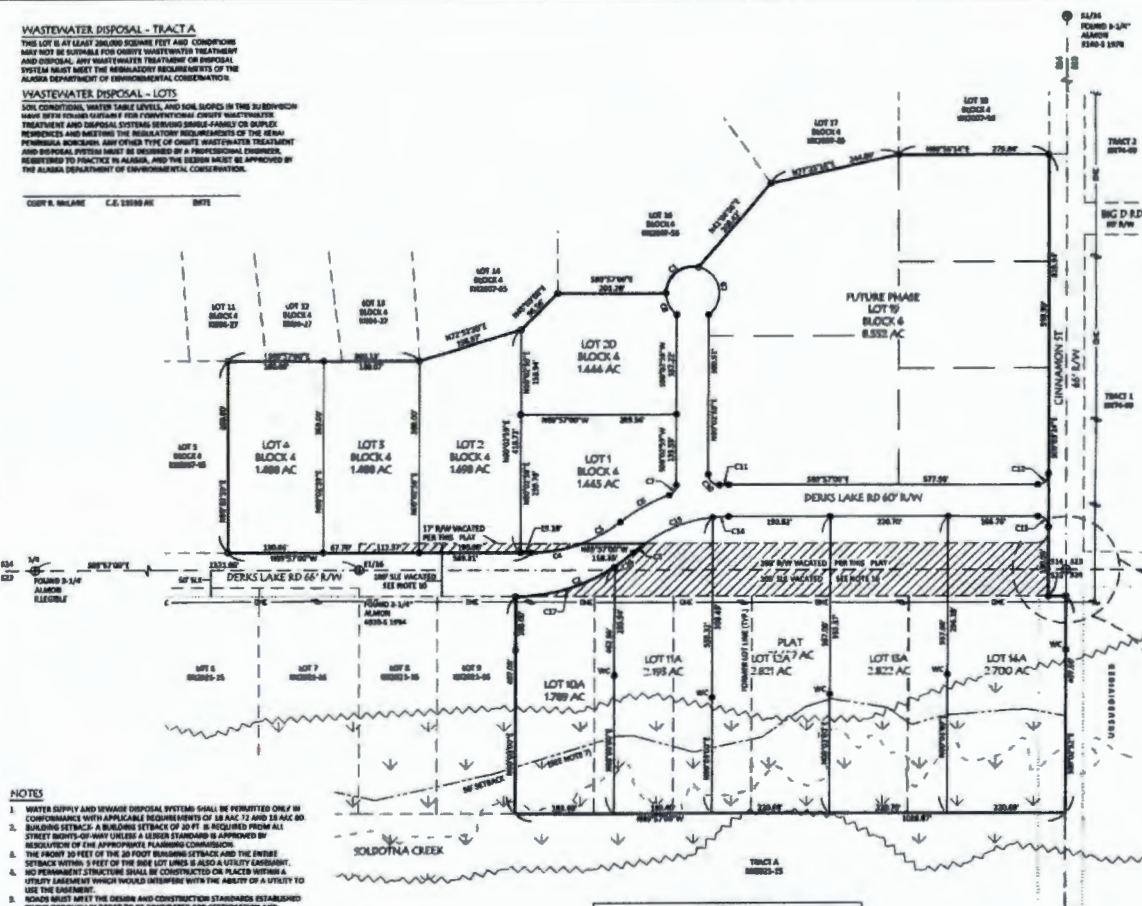
**WASTEWATER DISPOSAL - TRACT A**

THIS LOT IS AT LEAST 250 FEET SEPARATE FEET AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE MINIMUM REQUIREMENTS OF THE ALABAMA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

**WASTEWATER DISPOSAL - LOTS**

SOIL CONDITIONS, WATER TABLE LEVELS, AND SLOPES IN THIS SUBDIVISION MAKE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS NEARLY IMPOSSIBLE OR IMPROPER. PERMISSIBLE AND MEETING THE REGULATORY REQUIREMENTS OF THE PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALABAMA, AND THE DESIGN MUST BE APPROVED BY THE ALABAMA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CURT S. HILBARE C.S. 13898 AS EMT



- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 38 AC 7 AND 38 AC 89.
  2. BUILDING SETBACKS: A BUILDING SETBACK OF 30 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A DIFFERENT STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  3. THE FRONT 30 FEET OF THE 30 FOOT BUILDING SETBACK AND THE FRONT SETBACK WITHIN 5 FEET OF THE SIDE LOT LINES IS TO BE A UTILITY EASEMENT.
  4. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED ON PLOTS WITHIN A UTILITY EASEMENT UNLESS APPROVED WITH THE ADEQUACY OF A UTILITY TO USE THE EASEMENT.
  5. SLOPES MUST MEET THE DESIGN AND CONSTRUCTION STANDARDS ESTABLISHED BY THE BOROUGH IN ORDER TO BE CONSIDERED FOR CERTIFICATION AND INCLUSION IN THE TOPOGRAPHIC PROGRAM.
  6. 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.
  7. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE PENINSULA BOROUGH 50-FOOT ANCHORAGE STREAM-BANKED PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.18 BOROUGH CODE OF ORDINANCES.
  8. THIS PARCEL MAY BE SUBJECT TO THE FOLLOWING:
    - a. CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL OR MATERIAL SITE FOR PLANNING COMMISSION RESOLUTION 2020-10 AND RESOLUTION 33 SERIAL NO. 2021-020000-0-0-0.
    - b. AN ELECTRIC EASEMENT GRANTED TO HOOPER ELECTRIC ASSOCIATION ON AUGUST 6, 2013 BY MISC. BOOK 7, PAGE 38, SEMI RECORDED DISTRICT. LOCATION NOT SHOWN.
  9. THE PENINSULA BOROUGH PLANNING COMMISSION APPROVED THE VACATION OF A PORTION OF DEBRIS LAKE ROAD AND THE ASSOCIATED UTILITY EASEMENT AT THE MEETING OF JULY 2021.
  10. THE STATE OF ALABAMA APPROVED THE VACATION OF THIS SECTION LINE AGREEMENT PER PLAT 2021-122V.



**CURVE TABLE**

CURVE #	BSL TA	ARC LENGTH	CHORD BEARING	CHORD BEARING	CHORD LENGTH
C1	387.3739'	38.80	85.43	42.25	85.37' 39"
C2	479.9712'	39.68	338.88	138.75	447.87' 38"
C3	179.6771'	42.30	14.33	4.92' 37"	14.33'
C4	379.7271'	27.60	96.21	48.20	177.49' 40"
C5	177.9071'	27.60	85.30	42.25	85.37' 39"
C6	479.9712'	39.68	338.88	138.75	447.87' 38"
C7	479.9712'	39.68	338.88	138.75	447.87' 38"
C8	179.6771'	42.30	14.33	4.92' 37"	14.33'
C9	479.9712'	39.68	338.88	138.75	447.87' 38"
C10	479.9712'	39.68	338.88	138.75	447.87' 38"
C11	179.6771'	42.30	14.33	4.92' 37"	14.33'
C12	479.9712'	39.68	338.88	138.75	447.87' 38"
C13	179.6771'	42.30	14.33	4.92' 37"	14.33'
C14	479.9712'	39.68	338.88	138.75	447.87' 38"
C15	479.9712'	39.68	338.88	138.75	447.87' 38"
C16	179.6771'	42.30	14.33	4.92' 37"	14.33'
C17	379.7271'	27.60	96.21	48.20	177.49' 40"

- LEGEND**
- FOUND PRIMARY MONUMENT AS DESCRIBED
  - FOUND 5/8" IRON UNLESS NOTED
  - SET 5/8" IRON REBAR w/ 1" STAINLESS STEEL CAP 8002-5
  - SPOKE POLE
  - CHANGING ELECTRIC AREA SUBJECT TO REVISIONS
  - CONSIDER INTERFERE - IF

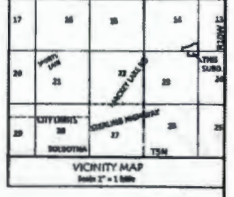
**CERTIFICATE OF OWNERSHIP**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR JOINT CONSENT DEEDS ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

\_\_\_\_\_  
 GEORGE L. FREDERICK, OWNER LOTS 19 THRU 22 TATUM ROAD, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEMI SPUR HWY, SOLICHTMA, AL 36889

\_\_\_\_\_  
 LINDA A. FREDERICK, OWNER LOTS 20 THRU 22 TATUM ROAD, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEMI SPUR HWY, SOLICHTMA, AL 36889

\_\_\_\_\_  
 GEORGE L. FREDERICK, OWNER LOTS 19 THRU 22 TATUM ROAD, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEMI SPUR HWY, SOLICHTMA, AL 36889

**NOTARY'S ACKNOWLEDGEMENT**  
 I, \_\_\_\_\_, NOTARY PUBLIC FOR THE STATE OF ALABAMA, DO HEREBY ACKNOWLEDGE BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, THAT THE ABOVE NAMED PARTIES ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THEY HAVE ADOPTED THIS PLAN OF SUBDIVISION AND GRANTED ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANTED ALL EASEMENTS TO THE USE SHOWN.



**Plat #**

Title: \_\_\_\_\_  
 Date: \_\_\_\_\_

**TATUM DENSE SUBDIVISION PHASE 1**  
 A REVISION OF LOTS 19 THRU 22 TATUM ROAD, TOWNSHIP 5 NORTH, RANGE 9 WEST, SEMI SPUR HWY, SOLICHTMA, AL 36889. THIS PLAN IS A REVISION OF PLAT 2021-122V, DEBRIS LAKE ESTATES PART TWO, DEBRIS LAKE, DEBRIS LAKE ESTATES PART TWO, DEBRIS LAKE, DEBRIS LAKE ESTATES PART TWO, DEBRIS LAKE, DEBRIS LAKE ESTATES PART FOUR, DEBRIS LAKE, DEBRIS LAKE ESTATES PART FOUR, DEBRIS LAKE, DEBRIS LAKE ESTATES PART FOUR, DEBRIS LAKE, DEBRIS LAKE ESTATES PART FOUR, DEBRIS LAKE, DEBRIS LAKE ESTATES PART FOUR.

\_\_\_\_\_  
 GEORGE L. FREDERICK, OWNER  
 LINDA A. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889  
 GEORGE L. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889  
 25.381 AC, ALL LOCATED IN THE E1/2 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 9 WEST, TOWNSHIP 5 NORTH, SEMI SPUR HWY, SOLICHTMA, AL 36889 AND THE SEMI RECORDED DISTRICT, ALABAMA.

\_\_\_\_\_  
 GEORGE L. FREDERICK, OWNER  
 LINDA A. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889  
 GEORGE L. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889

\_\_\_\_\_  
 GEORGE L. FREDERICK, OWNER  
 LINDA A. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889  
 GEORGE L. FREDERICK, OWNER  
 DEBRA SEMI SPUR HWY, SOLICHTMA, AL 36889

**KPB 2021-122V(ROWV)**

**PLAT APPROVAL**  
 THIS PLAT HAS BEEN APPROVED BY THE PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
 PLANNING COMMISSION





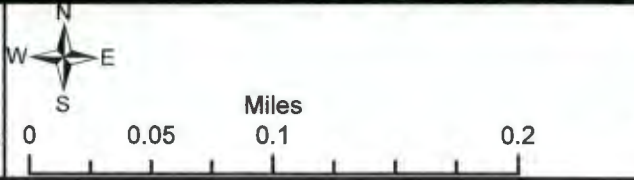
**Legend**

**HEA Primary Conductor Placement**

- overhead
- - - underground
- <all other values>
- BOROUGH MAINTAINED ROADS
- DOT Centerlines

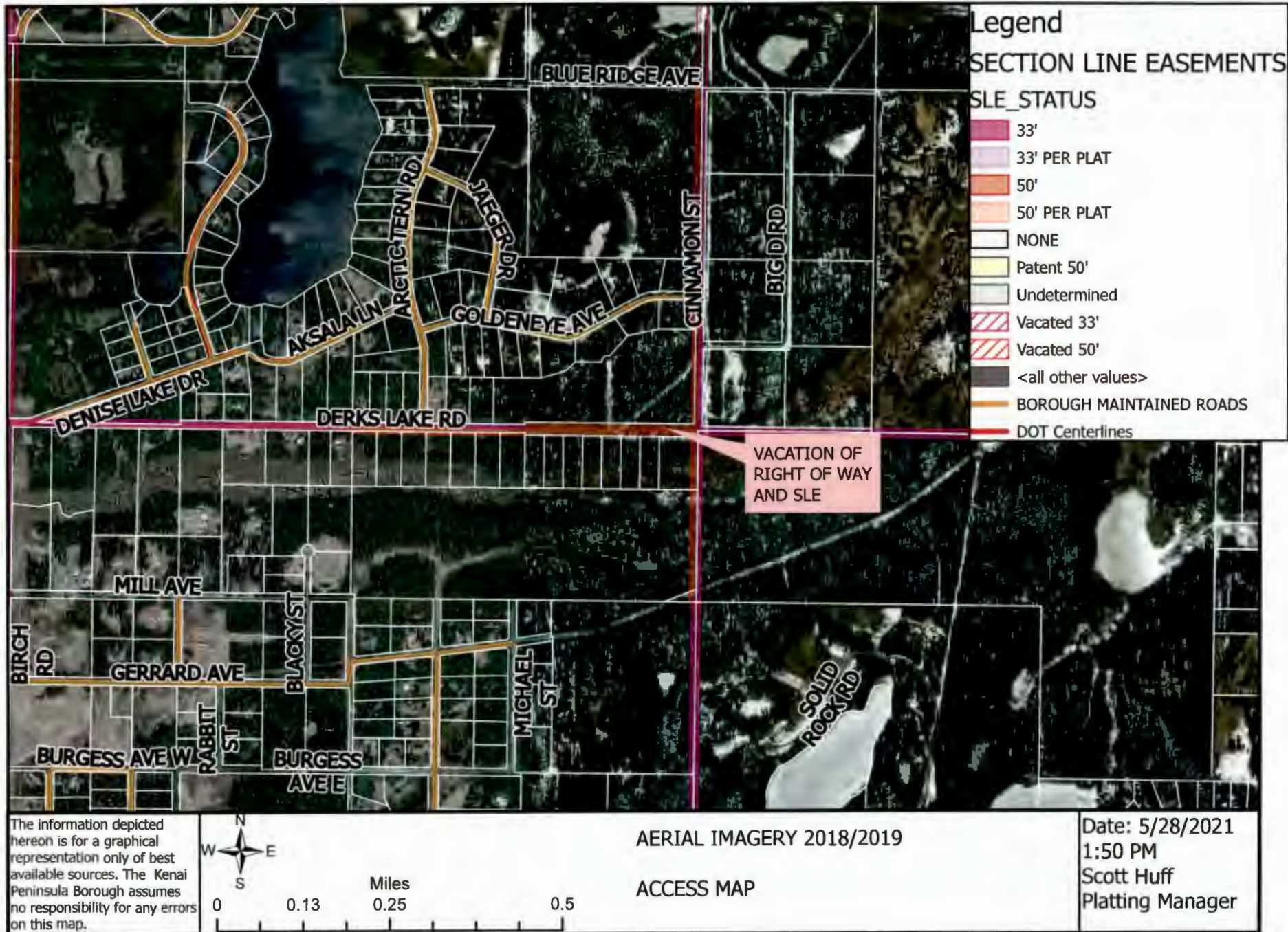
VACATION OF RIGHT OF WAY

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 IMAGERY 2018  
UTILITY MAP

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager



**Legend**

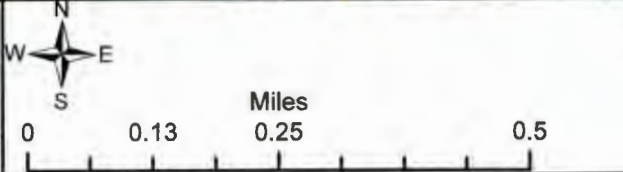
**SECTION LINE EASEMENTS**

**SLE\_STATUS**

- 33'
- 33' PER PLAT
- 50'
- 50' PER PLAT
- NONE
- Patent 50'
- Undetermined
- Vacated 33'
- Vacated 50'
- <all other values>
- BOROUGH MAINTAINED ROADS
- DOT Centerlines

VACATION OF  
RIGHT OF WAY  
AND SLE

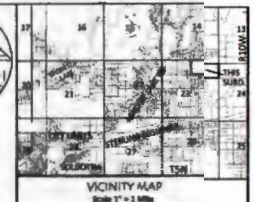
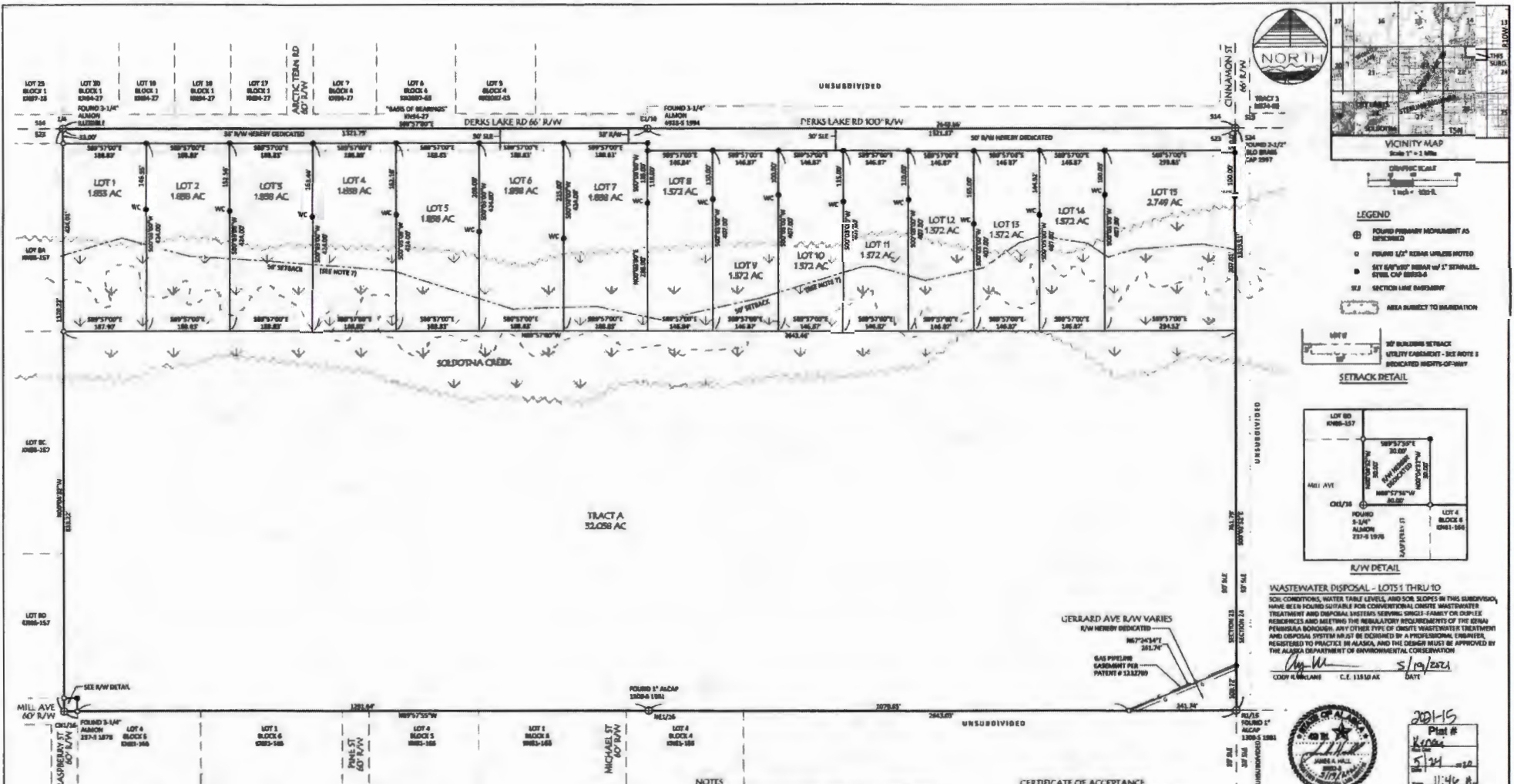
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



AERIAL IMAGERY 2018/2019

ACCESS MAP

Date: 5/28/2021  
1:50 PM  
Scott Huff  
Platting Manager



- LEGEND**
- FOUND PRIMARY MONUMENT AS SHOWN
  - FOUND LOT KERNAS UNLESS NOTED
  - SET 640' WEST BEAR W 5° 52' 00" N 289.85' E, ST. CAP 289.85'
  - SECTION LINE BOUNDARY
  - AREA SUBJECT TO EASEMENT
  - 30' BUILDING SETBACK UTILITY EASEMENT - SEE NOTE 1 INDICATED WIDTHS-OF-WAY



**WASTEWATER DISPOSAL - LOTS 1 THRU 10**  
 SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL TYPES 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 DENALI 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.

*Codey McLane* 5/19/21  
 CODEY MCCLANE C.E. 11510 AK DATE

**WASTEWATER DISPOSAL - TRACT A**  
 THIS TRACT IS AT LEAST 200 FEET SQUARE FEET OR FIFTEEN (15) 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.

**WASTEWATER DISPOSAL - LOTS 11 THRU 15**  
 SOIL CONDITIONS IN THIS SUBDIVISION HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS FOR A TYPICAL ALTERNATE WASTEWATER DISPOSAL SYSTEM FOR USE ON LOTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOILS REPORT AND ARE AVAILABLE FROM THE DENALI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS 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 PRIOR TO CONSTRUCTION.

*Codey McLane* 5/19/21  
 CODEY MCCLANE C.E. 11510 AK DATE

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND WE HEREBY ADOPT THE PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

*Ronald T. Rozak*  
 RONALD T. ROZAK  
 1303 DENALI ST APT 302, ANCHORAGE, AK 99501

*L. Marie Rozak*  
 L. MARIE ROZAK  
 1303 DENALI ST APT 302, ANCHORAGE, AK 99501

**NOTARY'S ACKNOWLEDGMENT**  
 FOR: RONALD T. ROZAK & L. MARIE ROZAK  
 ACKNOWLEDGED BEFORE ME THIS

*Ronald T. Rozak* 5/19/21  
*L. Marie Rozak* 5/19/21

NOTARY PUBLIC  
 STATE OF ALASKA



- NOTES**
1. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS SHALL BE PERMITTED ONLY IN CONFORMANCE WITH APPLICABLE REQUIREMENTS OF 18 AAC 21 AND 18 AAC 61.
  2. BUILDING SETBACKS - A BUILDING SETBACK OF 30 FT. IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LARGER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  3. THE FRONT 10 FEET OF THE 30 FOOT BUILDING SETBACK AND THE ENTIRE SETBACK 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.
  4. 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.
  5. 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. PORTIONS OF THIS SUBDIVISION ARE WITHIN THE DENALI PENINSULA BOROUGH SO CITY ANCHORAGE'S STREAM HABITAT PROTECTION AREA. DEVELOPMENT MAY BE RESTRICTED UNDER CHAPTER 21.38 BOROUGH CODE OF ORDINANCES.
  7. EXCEPTION GRANTED TO STREET LAYOUT (SPS 26.20.020) AND BLOCK LENGTH (SPS 26.30.020) BY THE PLANNING COMMISSION AT THE APRIL 12, 2021 MEETING. THIS PROPERTY IS SUBJECT TO A CONDITIONAL LAND USE PERMIT TO OPERATE A SAND, GRAVEL, OR CRUSHED LITE PER PLANNING COMMISSION RESOLUTION 2020-38 AND RECORDING #5 DENALI NO. 2021-00996-0-020.

**CERTIFICATE OF ACCEPTANCE**  
 THE UNDERSIGNED OFFICIAL IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE DENALI PENINSULA BOROUGH FOR PUBLIC PLANNED THE REAL PROPERTY TO BE DESCRIBED BY THIS PLAT INCLUDING EASEMENTS, RIGHTS-OF-WAY (BORNEAD AVE, DERKS LAKE RD, MILL AVE & RASPBERRY ST), ALLEYS, AND OTHER PUBLIC AREAS SHOWN ON THIS PLAT. THE ACCEPTANCE OF LANDS FOR PUBLIC USE ON PUBLIC PURPOSE DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE, OR MAINTAIN IMPROVEMENTS.

*Scott W. Hill* 5/21/21  
 AUTHORIZED OFFICIAL DATE

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE DENALI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2021.

*Scott W. Hill* 5/21/21  
 AUTHORIZED OFFICIAL

**TATUM SUBDIVISION**  
 SUBDIVISION OF THE 1/2 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 30 WEST, 146E AS

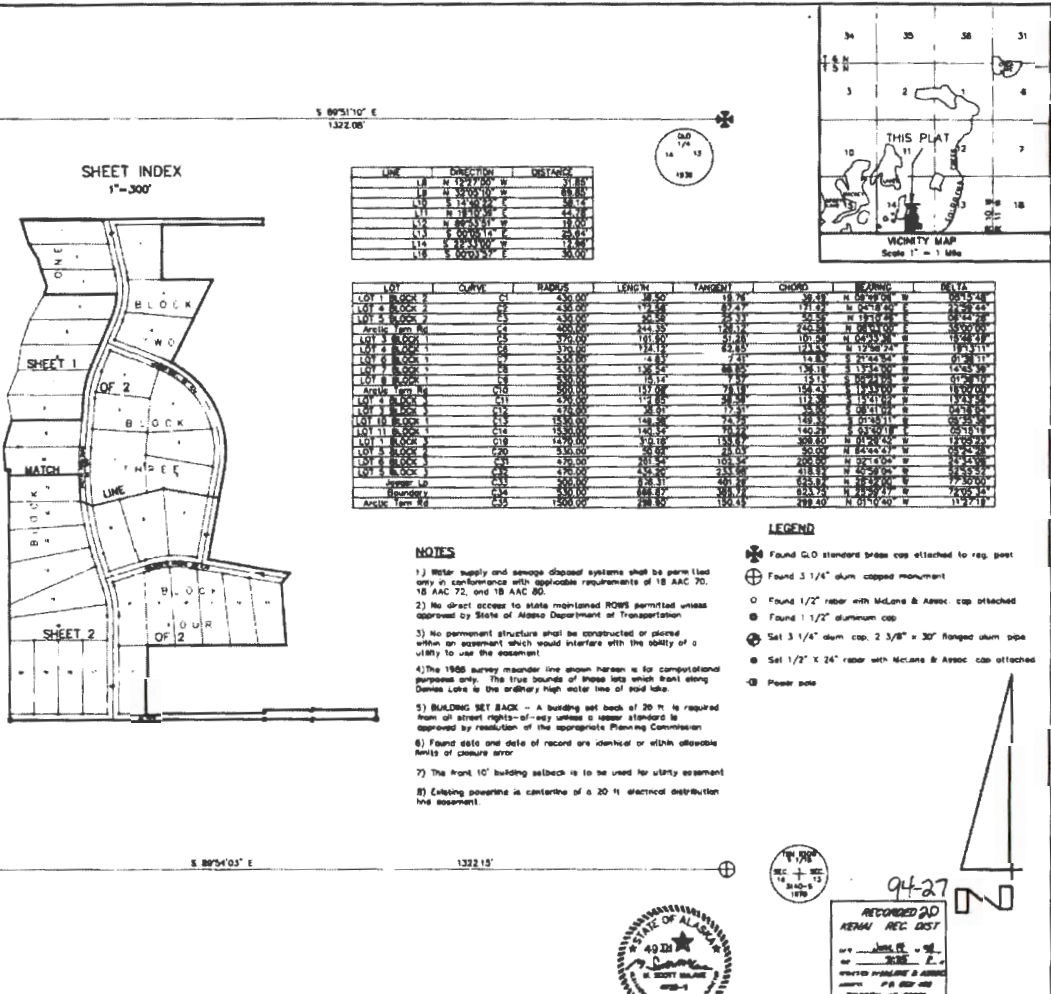
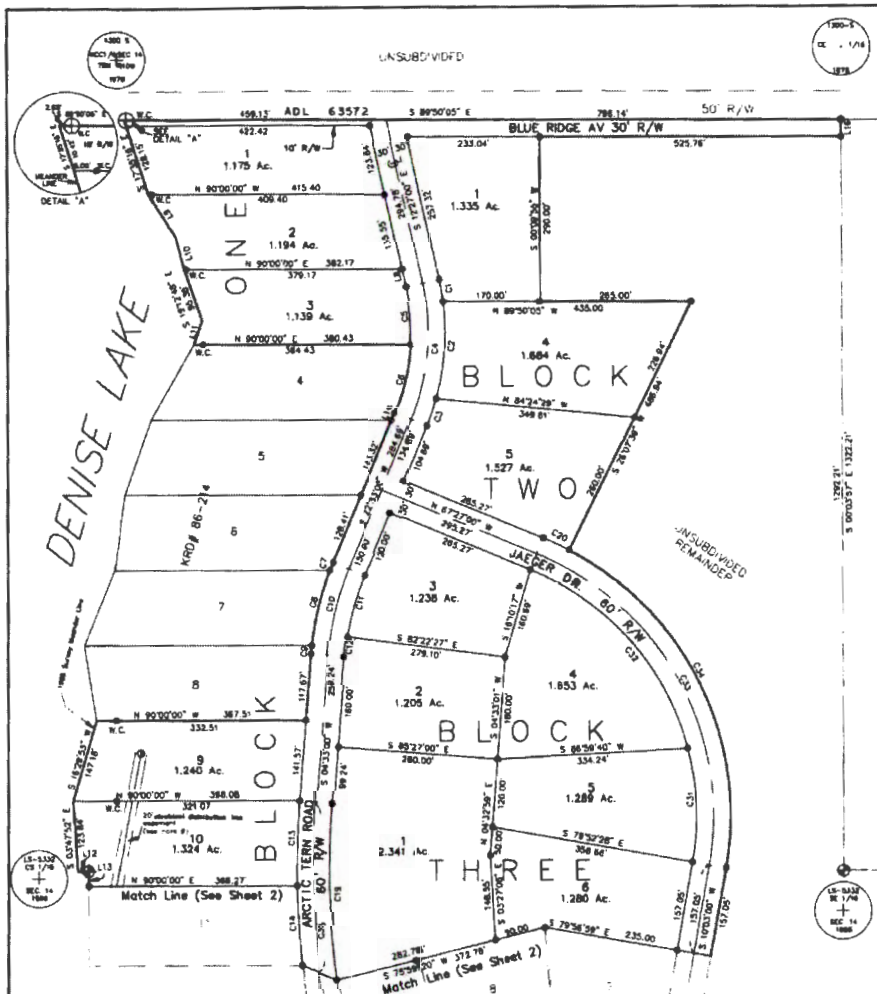
RONALD T. ROZAK, OWNER  
 1303 DENALI ST APT 302, ANCHORAGE, AK 99501

L. MARIE ROZAK, OWNER  
 1303 DENALI ST APT 302, ANCHORAGE, AK 99501

30.05 AC. MAP SITUATED IN RELATION TO SECTION 23, TOWNSHIP 5 NORTH, RANGE 30 WEST, DENALI PENINSULA BOROUGH, AK. THE KERNAS RECORDING DISTRICT, ALASKA.

REGISTERED SURVEYOR  
 STATE OF ALASKA  
 CODEY MCCLANE  
 C.E. 11510 AK

APR 21 2021  
 PROJECT NO. 21-001-0  
 SHEET 1 OF 1  
 DATE 5/19/21  
 DRAWN BY: [Signature]



**NOTARY'S ACKNOWLEDGEMENT**  
 FOR *Linda M. Franchini*  
 Subscribed and sworn before me this *11th* day of *April*, 1994.  
 My commission expires *Dec 2, 1994*  
*Dennis R. Smith*  
 Notary Public for the State of Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR *Richard M. Franchini*  
 Subscribed and sworn before me this *11th* day of *April*, 1994.  
 My commission expires *Dec 2, 1994*  
*Dennis R. Smith*  
 Notary Public for the State of Alaska

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We hereby certify that we are the owners of the real property shown and described herein and as hereby accept 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.  
*Linda M. Franchini* *Richard M. Franchini*

**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
 This subdivision has been reviewed in accordance with 18AAC72.085 and is approved, subject to any noted restrictions.  
*Scott J. Egan* *EEAK* *5/12/94*  
 Director Title Date

**PLAT APPROVAL**  
 This plat was approved by the REGULAR PENINSULA BOROUGH PLANNING COMMISSION at the meeting of  
 APRIL 17, 1994  
 REGULAR PENINSULA BOROUGH BY  
*Carl M. King*  
 Authorized Official

**LEGEND**  
 Found G.O. standard brass cap attached to reg. post  
 Found 3 1/4" alum capped monument  
 Found 1/2" rebar with McLane & Assoc cap attached  
 Found 1/2" aluminum cap  
 Set 3 1/4" alum cap, 2 3/8" x 30" flanged alum pipe  
 Set 1/2" x 24" rebar with McLane & Assoc cap attached  
 Power pole

**NOTES**  
 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.  
 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.  
 3) No permanent structure shall be constructed or placed within an easement which would interfere with the utility of a utility to use the easement.  
 4) The 1986 survey meander line shown herein is for computational purposes only. The true bounds of these lots which front along Denise Lake is the arbitrary high water line of said lake.  
 5) BUILDING SET BACK - A building set back of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.  
 6) Found old and date of record are identical or within acceptable limits of closure error.  
 7) The front 10' building setback is to be used for utility easement.  
 8) Existing powerline is centerline of a 20 ft electrical distribution line easement.

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR *Linda M. Franchini*  
 Subscribed and sworn before me this *11th* day of *April*, 1994.  
 My commission expires *Dec 2, 1994*  
*Dennis R. Smith*  
 Notary Public for the State of Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 FOR *Richard M. Franchini*  
 Subscribed and sworn before me this *11th* day of *April*, 1994.  
 My commission expires *Dec 2, 1994*  
*Dennis R. Smith*  
 Notary Public for the State of Alaska

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We hereby certify that we are the owners of the real property shown and described herein and as hereby accept 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.  
*Linda M. Franchini* *Richard M. Franchini*

**CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
 This subdivision has been reviewed in accordance with 18AAC72.085 and is approved, subject to any noted restrictions.  
*Scott J. Egan* *EEAK* *5/12/94*  
 Director Title Date

**PLAT APPROVAL**  
 This plat was approved by the REGULAR PENINSULA BOROUGH PLANNING COMMISSION at the meeting of  
 APRIL 17, 1994  
 REGULAR PENINSULA BOROUGH BY  
*Carl M. King*  
 Authorized Official

**ALASKA STATE SEAL**  
 APR 17 1994  
 REGULAR PENINSULA BOROUGH PLANNING COMMISSION

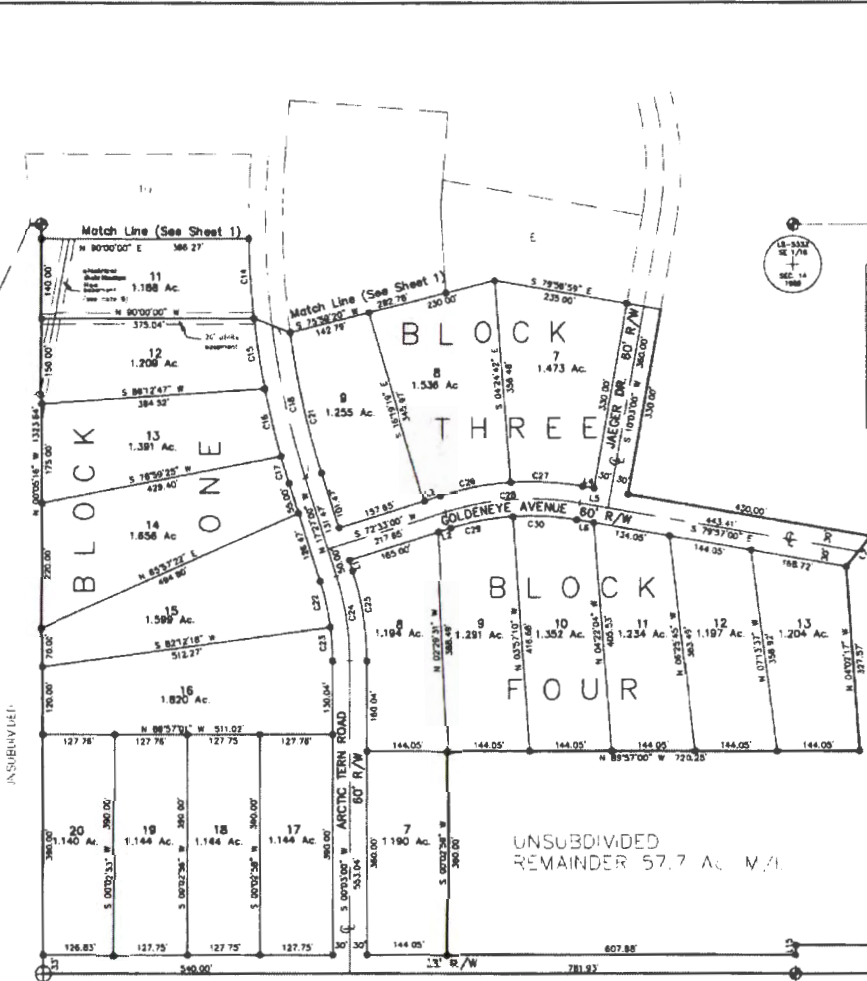
**RECORDED 2D**  
 KENAI REC. DIST  
 BY *JANE E. WILSON*  
 REC'D *5/12/94*  
 KENAI REC. DIST  
 RECORDS AT 9:00 AM

**DENISE LAKE ESTATES PART TWO**  
 Linda & Rochelle Franchini, owners  
 35581 Kenai Spur Hwy  
 Seldovia, AK 99889  
 LOCATION  
 36.041 AC. W/4 SITUATED WITHIN SE 1/4 SEC 16, T5N, R10E, S3M AK, AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT

Drawn by *MD*  
 Checked by *MDM*

Date of Survey: *3-17-1994*  
 Book No.: *88-0843*  
 Project/Orig. No.: *880008*  
 Scale: *1" = 100'*  
 C.P. & 7th Ed. No.: *94-076*

Sheet 1 of 2



LOT	CURVE	RADIUS	LENGTH	PERCENT	CHORD	BEARING	DELTA
LOT 11 BLOCK 1	C14	130.00'	140.34'	30.22	140.34'	S. 03°40'18" E	28.1918'
LOT 12 BLOCK 1	C15	130.00'	139.40'	27.74	139.40'	S. 03°30'31" E	24.9148'
LOT 13 BLOCK 1	C16	130.00'	139.40'	27.74	139.40'	S. 1°17'11" E	24.9148'
LOT 14 BLOCK 1	C17	130.00'	139.40'	27.74	139.40'	S. 18°52'56" E	31.3221'
Arctic Fern Rd	C18	130.00'	278.80'	138.72	278.80'	N. 1°10'02" W	55.2231'
LOT 8 BLOCK 3	C19	400.00'	400.00'	90.00	400.00'	N. 02°00'00" W	171.0000'
LOT 9 BLOCK 3	C20	400.00'	400.00'	90.00	400.00'	N. 03°00'00" W	171.0000'
LOT 10 BLOCK 3	C21	400.00'	400.00'	90.00	400.00'	N. 04°00'00" W	171.0000'
LOT 11 BLOCK 3	C22	400.00'	400.00'	90.00	400.00'	N. 05°00'00" W	171.0000'
LOT 12 BLOCK 3	C23	400.00'	400.00'	90.00	400.00'	N. 06°00'00" W	171.0000'
LOT 13 BLOCK 3	C24	400.00'	400.00'	90.00	400.00'	N. 07°00'00" W	171.0000'
LOT 14 BLOCK 3	C25	400.00'	400.00'	90.00	400.00'	N. 08°00'00" W	171.0000'
LOT 15 BLOCK 3	C26	400.00'	400.00'	90.00	400.00'	N. 09°00'00" W	171.0000'
LOT 16 BLOCK 3	C27	400.00'	400.00'	90.00	400.00'	N. 10°00'00" W	171.0000'
LOT 17 BLOCK 3	C28	400.00'	400.00'	90.00	400.00'	N. 11°00'00" W	171.0000'
LOT 18 BLOCK 3	C29	400.00'	400.00'	90.00	400.00'	N. 12°00'00" W	171.0000'
LOT 19 BLOCK 3	C30	400.00'	400.00'	90.00	400.00'	N. 13°00'00" W	171.0000'

LINE	DESCRIPTION	DISTANCE
L1	N. 17°15'00" E	20.00'
L2	N. 75°00'00" E	30.00'
L3	N. 75°00'00" E	30.00'
L4	N. 75°00'00" E	30.00'
L5	N. 75°00'00" E	30.00'
L6	N. 75°00'00" E	30.00'
L7	N. 75°00'00" E	30.00'
L8	N. 75°00'00" E	30.00'
L9	N. 75°00'00" E	30.00'
L10	N. 75°00'00" E	30.00'



NOTES  
 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 70, 18 AAC 72, and 18 AAC 80.  
 2) No direct access to state maintained ROWS permitted unless approved by State of Alaska Department of Transportation.  
 3) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.  
 4) The 1886 survey meander line shown hereon is for computational purposes only. The true bounds of those lots shown front along Derks Lake is the arbitrary high water line of said lake.  
 5) BUILDING SET BACK - A building set back of 30 ft. is required from all street right-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.  
 6) Found date and axis of record are identical or within allowable limits of clerical error.  
 7) The front 10' building setback is to be used for utility easement.  
 8) Existing powerline a centerline of a 20 ft. electrical distribution line easement.

94-27  
 RECORDED  
 KENAI REC. DIST.  
 REC. NO. 11-095  
 DATE 10-26-83  
 CHECKED BY: PLS SEE 808  
 RELATIONS, AK 99889

**DENISE LAKE ESTATES**  
 PART TWO  
 Linda & Rochelle Friedland - owners  
 35581 Kenai Spur Hwy  
 Seldovia, AK 99889

LOCATION  
 56.041 AC M/A, SITUATED WITHIN SE 1/4 SEC. 14, T5N, R10W, S.W. 1/4, AND THE KENAI PENINSULA BOROUGH AND KENAI RECORDING DISTRICT

Date of Survey July-Sept., 1986	Block No. 88-08, 63	Project/Dwg. No. 84-0000
Drawn by PD	Scale 1" = 100'	K.P.B. File No. 84-074
Checked By USM		