

# **DESK PACKET**

*(ITEMS THAT CAME IN AFTER MEETING PACKET WAS POSTED)*

**E6. James 2022; KPB File 2022-161**

## Quinton, Madeleine

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**From:** Planning Dept,  
**Sent:** Monday, November 7, 2022 8:18 AM  
**To:** Piagentini, Vincent; Quinton, Madeleine  
**Subject:** FW: <EXTERNAL-SENDER>NOTICE OF SUBDIVISION/REPLAT KPB File No. 2022-161

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**From:** Deborah Hart <dlhgshosh@aol.com>  
**Sent:** Sunday, November 6, 2022 10:03 AM  
**To:** Planning Dept, <planning@kpb.us>  
**Subject:** <EXTERNAL-SENDER>NOTICE OF SUBDIVISION/REPLAT KPB File No. 2022-161

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

WRITTEN TESTIMONY SUBMITTED BY:  
GS and Deborah (Dasher) Hart 36678 Lisa St.

RE: KPB File No. 2022-161

We have three lots totaling approximately 6 acres of Bob James Original Property.

We wish to have links to access our latest lot, 4B James 2019-17, from our house at the corner of Lisa and Maria Rd (Lisa-Lynn Subd Phase 2 HM 2008-72)

Lot 5D has illustrated a temporary access easement (Serial No 2017-002825-0) that we hope to use to access our lot 4-B James 2019 HM 2019-17.

If the easement becomes permanent, we can reach our lot 4B. If not, we cannot connect our properties with common access off James Rd.

We would like consideration in resolving this problem without unreasonable expense.

Thank you for your consideration,  
GS and Deborah Hart  
Nov 6,2022

## Quainton, Madeleine

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**From:** Planning Dept,  
**Sent:** Thursday, November 10, 2022 11:15 AM  
**To:** Quainton, Madeleine  
**Subject:** FW: <EXTERNAL-SENDER>Submission for Plat Committee Meeting (E-6 KPB File 2022-161) (November 14, 2022 - 5:30 PM)  
**Attachments:** KPB File 2022-161 Submission (Austin Jones).pdf; AK\_Seldovia C-4\_361821\_1961\_63360\_geo (Minor Revisions 1966).pdf; 309-1972-001446-0 (Permanent Easement BK 67 PG 322).pdf; 309-1973-000553-0 (Easement BK 69 PG 345).pdf

## Madeleine

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**From:** Austin Jones <austin@austindjones.com>  
**Sent:** Thursday, November 10, 2022 11:01 AM  
**To:** Planning Dept, <planning@kpb.us>  
**Subject:** <EXTERNAL-SENDER>Submission for Plat Committee Meeting (E-6 KPB File 2022-161) (November 14, 2022 - 5:30 PM)

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Enclosed please find materials that are submitted to the Plat Committee for consideration related KPB File 2022-161. We will attend the meeting via zoom and will be prepared to offer additional testimony regarding the submission if necessary. Let me know if you have any questions.

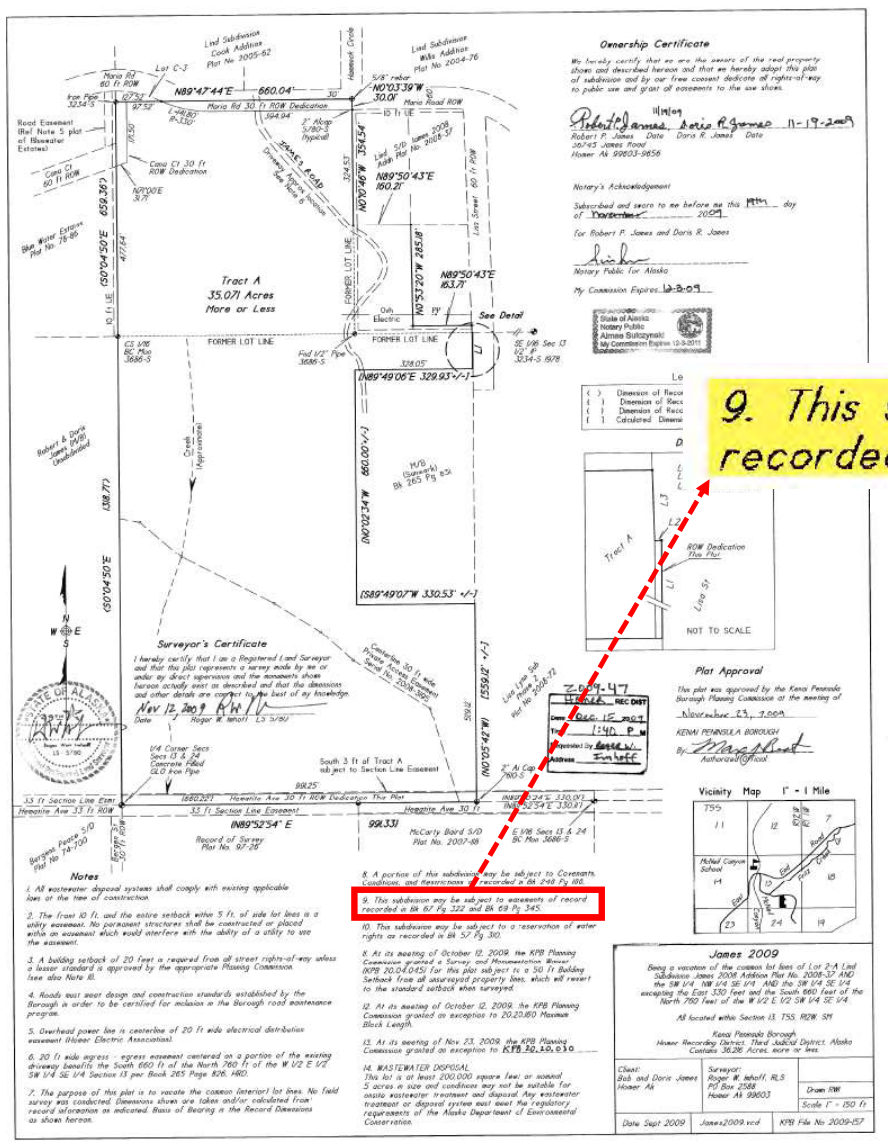
Austin Jones & Katherine Koppman  
36786 Halftrack Street  
Fritz Creek, AK 99603

**KPB File # 2022-161**

Items for consideration / discussion related to preliminary James 2022 Plat

## Items for Consideration / Discussion

1. Request the addition, depiction and/or notation of historical easements. As noted by the committee, numerous easements have been referenced on prior plats related to the same area.
2. Request the addition of relevant Covenants and Conditions that may restrict use of the property contained within the preliminary Plat.
3. Is the requested exemption to KPB 20.30.190(B) supported or necessary?



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

*Robert James, Doris R. James* 11-19-2009  
 Robert P. James Date Doris R. James Date  
 30°12' corner floor  
 Home AL 99003-9656

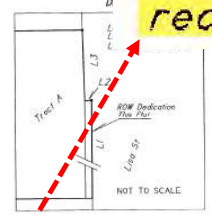
**Notary's Acknowledgment**  
 Subscribed and sworn to me before on this 11th day of November, 2009.  
 For Robert P. James and Doris R. James

*[Signature]*  
 Notary Public for Alaska  
 My Commission Expires 12-31-2011



9. This subdivision may be subject to easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345.

- 3 Dimension of Face
- 4 Dimension of Side
- 1 Dimension of Race
- 1 Colored Dashed



**Plat Approval**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of November 23, 2009.  
 KENAI PENINSULA BOROUGH  
 Approved by *[Signature]*  
 Authorized Official

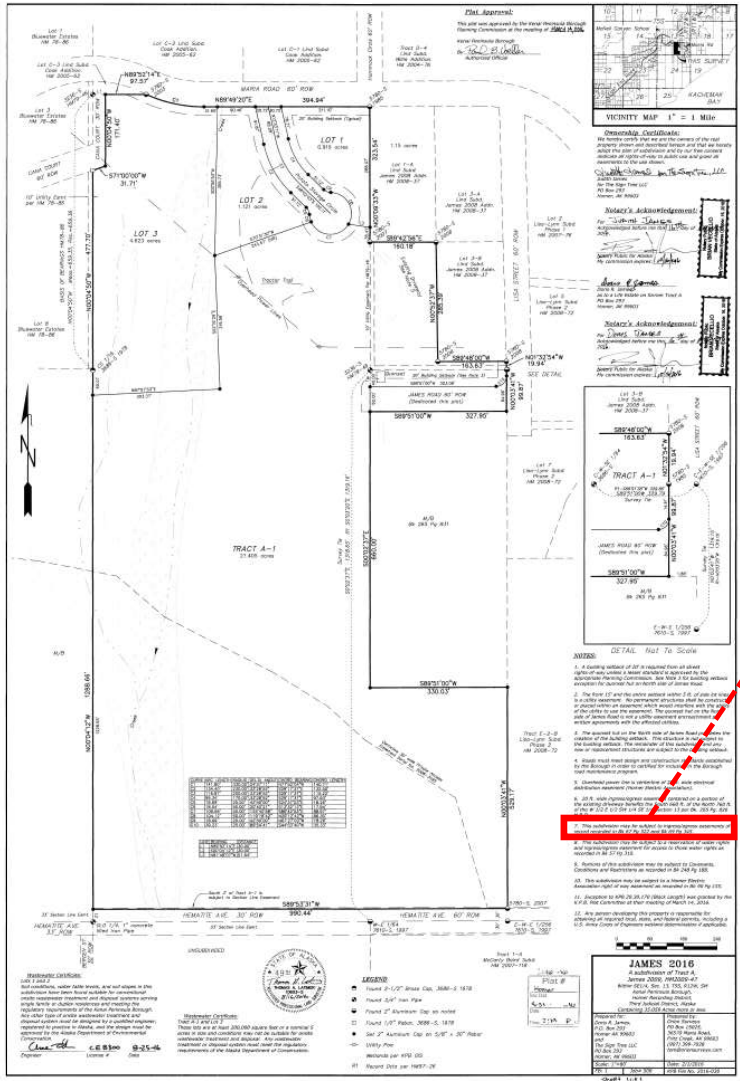


**Notes**

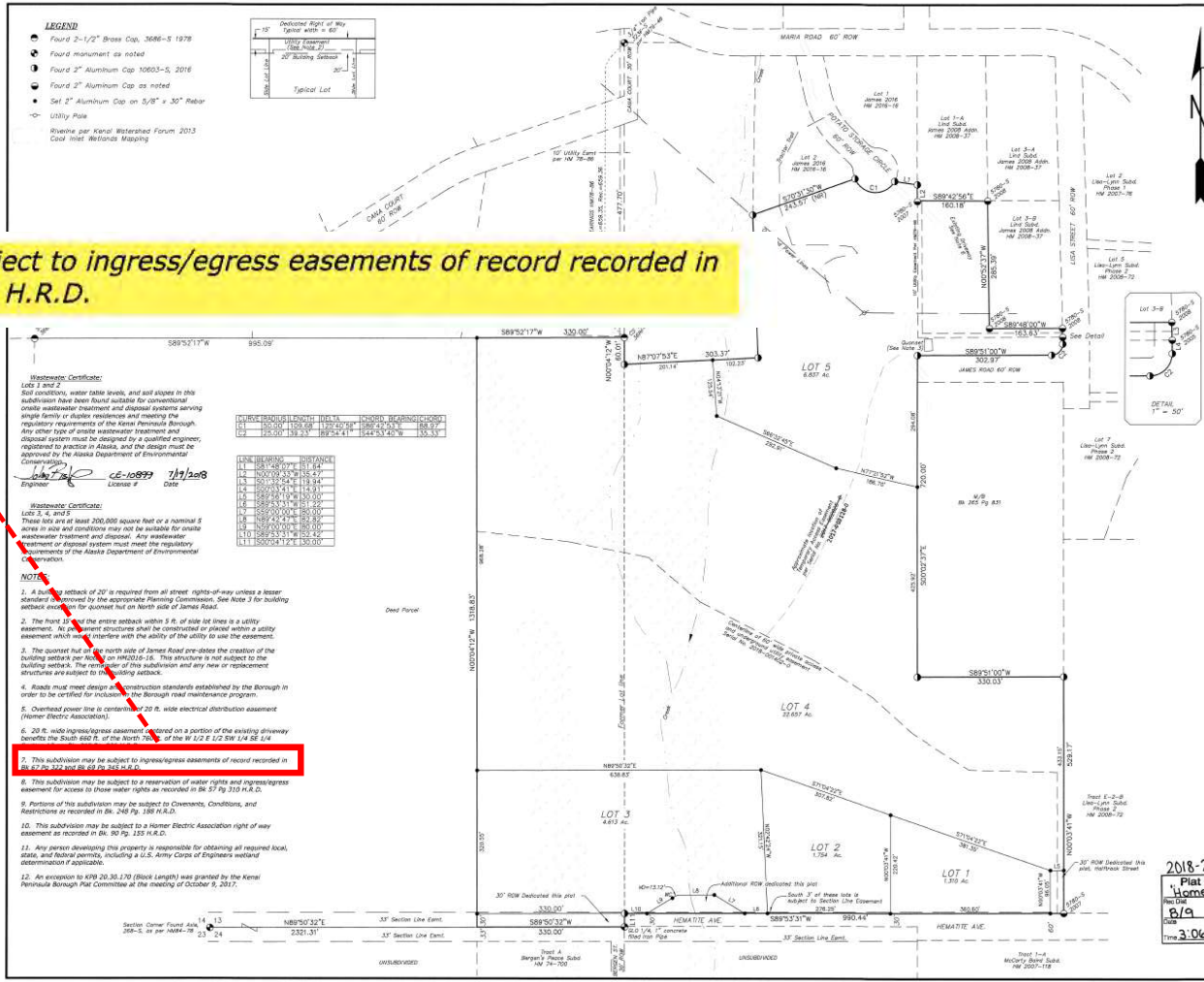
1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. The front 10 ft. and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. A building setback of 20 feet is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission (see also Note 6).
4. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
5. Overhead power line is a minimum of 20 ft wide electrical distribution easement (Kenai Electric Association).
6. 20 ft wide egress - egress easement centered on a portion of the existing driveway benefits the South 660 ft of the North 760 ft of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Book 055 Page 826, 860.
7. The purpose of this plat is to vacate the common driveway lot lines. No field survey was conducted. Dimensions shown are taken and/or calculated from record information as indicated. Basis of Bearing is the Record Dimensions as shown hereon.
8. A portion of this subdivision may be subject to Covenants, Conditions, and Restrictions recorded in BK 208 Pg 086.
9. This subdivision may be subject to easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345.
10. This subdivision may be subject to a reservation of water rights as recorded in BK 57 Pg 300.
11. At its meeting of October 12, 2009, the KPB Planning Commission granted a Survey and Memorandum Book: KPB 20,045 for this plat subject to a 50 ft Building Setback from all surveyed property lines, which will extend to the standard setback when surveyed.
12. At its meeting of October 12, 2009, the KPB Planning Commission granted an exception to 20,20,60 Maximum Block Length.
13. At its meeting of Nov 23, 2009, the KPB Planning Commission granted an exception to KPB 20,10,030.
14. WASTEWATER DISPOSAL: This lot is at least 200,000 square feet or more and 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.

**James 2009**  
 Being a vacation of the common lot lines of Lot 5-A (and Subdivision James 2008 Addition Plat No. 2008-37) AND the SW 1/4 NW 1/4 SE 1/4 AND the SW 1/4 SE 1/4 occupying the East 130 feet and the South 660 feet of the North 760 feet of the W 1/2 E 1/2 SW 1/4 SE 1/4. All located within Section 13, T55 R2W S14.  
 Kenai Peninsula Borough  
 Home Recording District Third Judicial District Alaska  
 Contains 36.28 Acres, more or less.

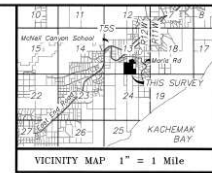
Client: Bob and Doris James  
 Owner: AL  
 Surveyor: Robert P. James, RLS  
 PLS No. 2068  
 Home AL 99003  
 Date Sept 2009 James 2009 and KPB File No 2009-057



7. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345.



7. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345 H.R.D.



**Ownership Certificate:**  
 We hereby certify that we are the owners of the real property shown and described herein 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.

**Notary's Acknowledgement:**  
 For Justin James  
 Acknowledged before me this 23<sup>rd</sup> day of July, 2018.

**Notary's Acknowledgement:**  
 For Justin James  
 Acknowledged before me this 23<sup>rd</sup> day of July, 2018.

**Notary's Acknowledgement:**  
 For Justin James  
 Acknowledged before me this 23<sup>rd</sup> day of July, 2018.

**Plat Approval:**  
 This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 19, 2018.

**JAMES 2017**  
 SUBDIVISION OF  
 Tract A-1 James 2016, H20216-16, and  
 East 330' of S21.6 S1/4 Section 12  
 T.5S., R.12W., S.4M. Alaska  
 Kenai Peninsula Borough, Homer Recording District  
 Third Judicial District, Alaska  
 Containing 27.395 Acres

Prepared for:  
 Chris R. James,  
 P.O. Box 293,  
 Homer AK 99603

Prepared by:  
 Dren Burrows  
 36570 Norta Road,  
 Ft. Collins, AK 99603  
 (907) 399-7028  
 drenburrows@ms.com

Notary Public for Alaska  
 My commission expires 7/19/2021

2018-24  
 Plat #  
 Homer  
 8/9/18  
 2:06 PM



HOMER

Serial No. 72-1446

BOOK 67 PAGE 322  
Homer Recording District

EASEMENT

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of Section 24, Township 5 South, Range 12 West, Seward Meridian, containing 40 acres more or less, and the E 1/2 of the E 1/2 of the SW 1/4 of the SE 1/4, Section 13, Township 5 South, Range 12 West, Seward Meridian, containing 10 acres more or less, all of said property being located within the Homer Recording District, Third Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

DATED this 13 day of Nov., 1972.

Robert P. James  
ROBERT P. JAMES

Doris James  
DORIS JAMES

STATE OF ALASKA )  
THIRD JUDICIAL DISTRICT ) ss.

THIS IS TO CERTIFY that on the 13 day of Nov., 1972, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared ROBERT P. JAMES and DORIS JAMES, known to me and to me known to be the individuals named in and who executed the above and foregoing Easement and they acknowledged to me the execution thereof as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

John W. Stark  
Notary Public in and for Alaska. My Commission expires 7-26-76.

RECORDED - FILED 374  
Homer REC. DIST.  
DATE 12-4- 1972  
TIME 10:55 A.M.

Friedman, West & Co.  
Notary & Subscribers  
Loyalty  
820 E. 8th Ave.  
Anchorage, Alaska  
277-0287  
272-8811

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of

Judicial District, State of Alaska, said Easement existing upon:

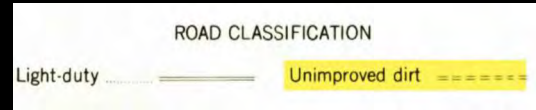
Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

**USGS Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966**

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of

Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.



5475



HOMER  
Serial No. 73-553

BOOK 69 PAGE 345 ADDED  
Homer Recording District

EASEMENT

We, ROBERT P. JAMES and DORIS JAMES, husband and wife, of Homer, Alaska, owner of land described as:

South West Quarter (SW 1/4), South East Quarter (SE 1/4), and South East Quarter (SE 1/4), South West Quarter (SW 1/4) and South West Quarter (SW 1/4), North West Quarter (NW 1/4), South East Quarter (SE 1/4), all in Section 13 (s 13), Township 5 South (T 5 S), Range 12 West (R 12 W), Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

in consideration of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is described as:

The East 330 Feet of the SE 1/4 of the SW 1/4, S 13, T 5 S, R 12 W, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, said parcel containing ten (10) acres more or less.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

It is specifically provided, that Grantors may move the alignment of said easement or provide an alternate access to the premises of the Grantees depending on weather and soil conditions and that such realignment or alternate access may be made at the discretion of the Grantors.

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.

IN WITNESS WHEREOF we have hereunto set our hands this 27<sup>th</sup> day of March, 1973.

GRANTORS:

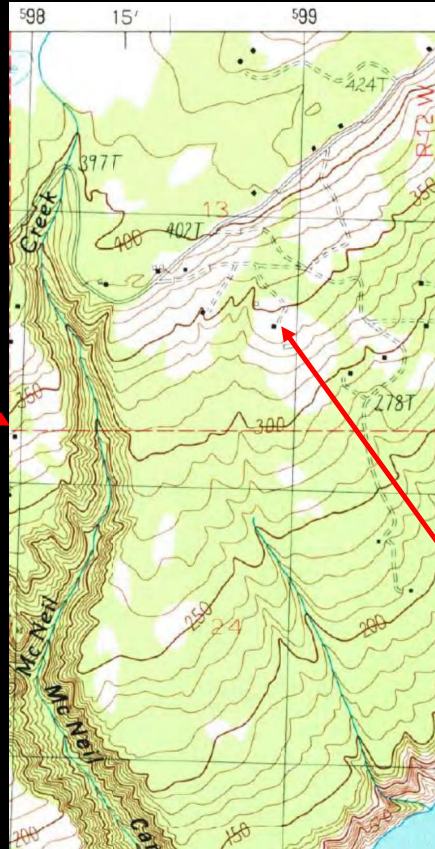
Robert P. James  
ROBERT P. JAMES

Doris James  
DORIS JAMES

LAW OFFICE OF  
HAYN & JEWELL  
240 W. SECOND AVENUE  
ANCHORAGE, ALASKA  
271-1244  
HOMER, ALASKA  
233-8789  
SEALY, ALASKA  
243-7755

acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is des-

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.



USGS Survey Soldovia (C-4)  
Quadrangle Map dated 1987

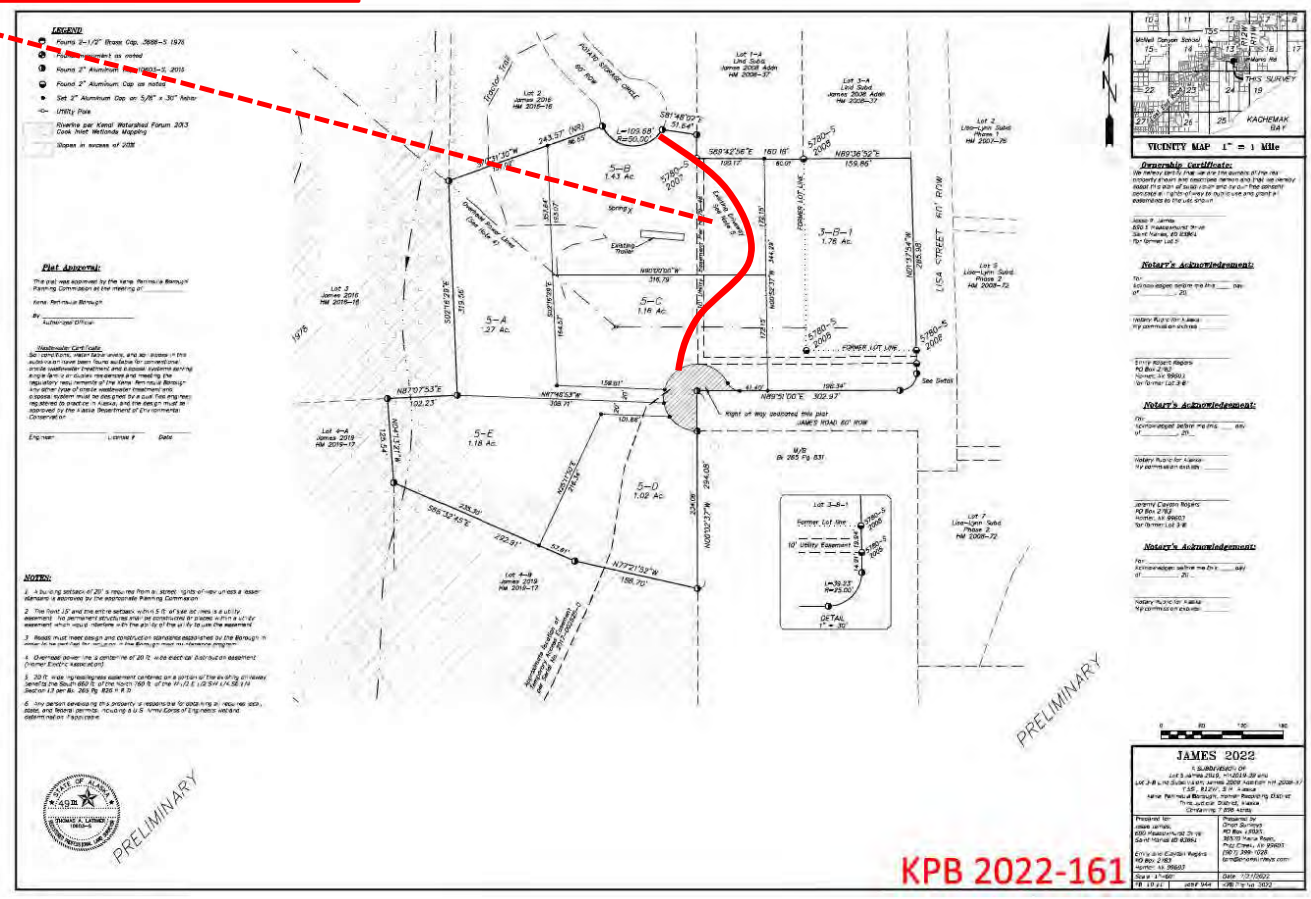
acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is des-

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.

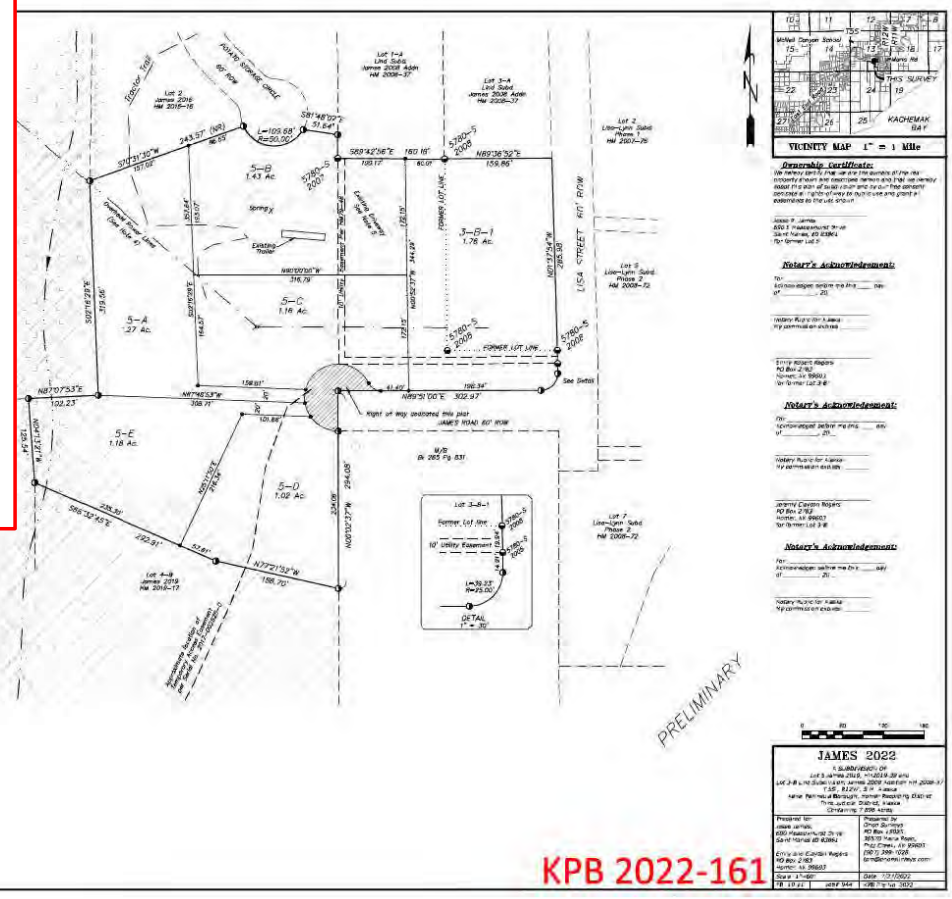


5. 20 ft. wide ingress/egress easement centered on a portion of the existing driveway benefits the South 660 ft. of the North 760 ft. of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Bk. 265 Pg. 826 H.R.D.

**Question:** Will the existing driveway shown on the preliminary plat continue to provide access to lot 5-A, 5-B, 5-C, 5-D and the other tracts to the South or is it the intent of the developer to try to block this driveway / path / private easement from future use at the time the lots are sold and conveyed?



- NOTES:**
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
  2. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
  3. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
  4. Overhead power line is centerline of 20 ft. wide electrical distribution easement (Homer Electric Association).
  5. 20 ft. wide ingress/egress easement centered on a portion of the existing driveway benefits the South 660 ft. of the North 760 ft. of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Bk. 265 Pg. 826 H.R.D.
  6. Any person developing this property is responsible for obtaining all required local, state, and federal permits, including a U.S. Army Corps of Engineers wetland determination if applicable.



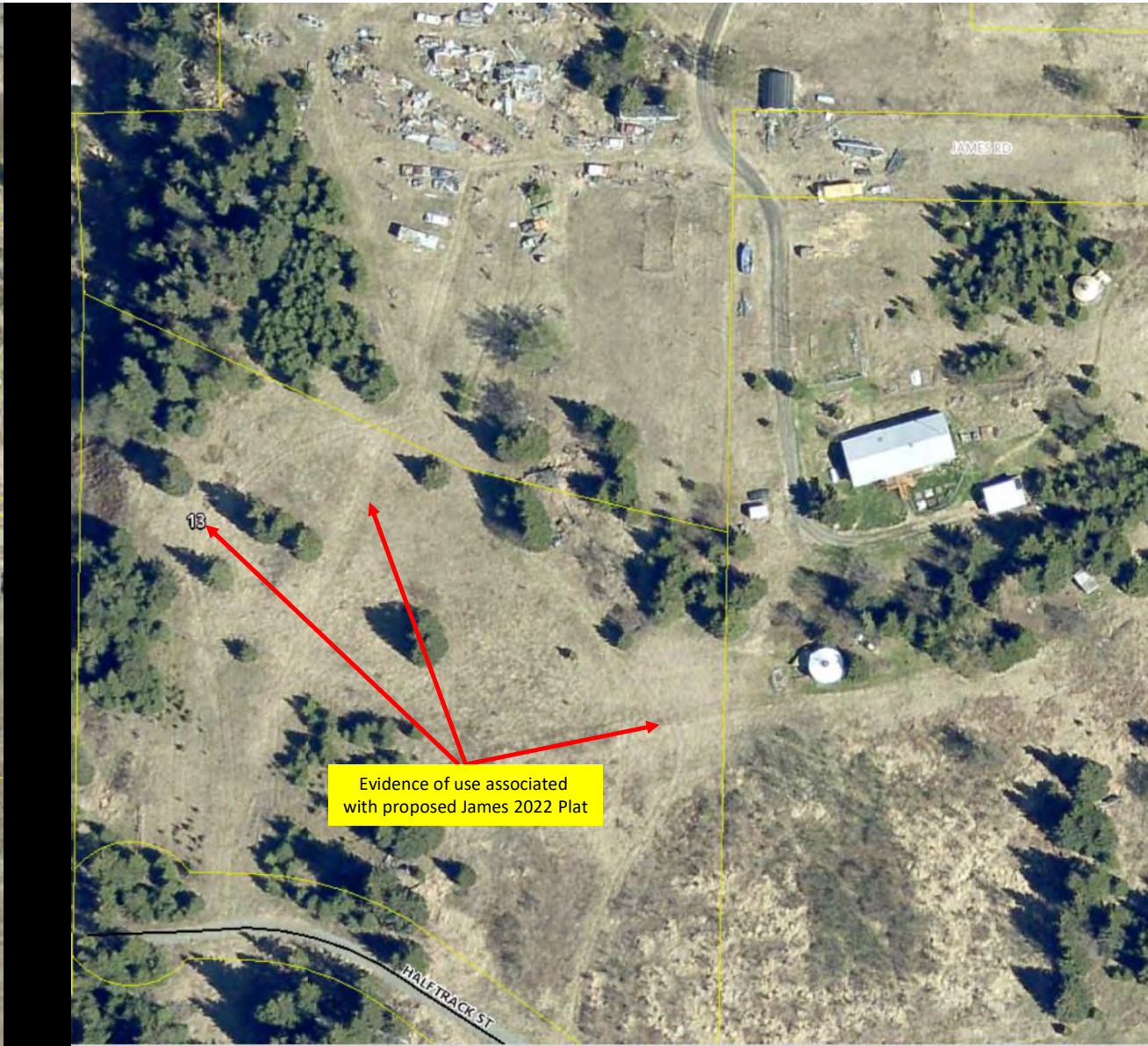
Request the addition of the same note that was included on James 2009, 2016, and 2017 Plats. To the extent the referenced easements can be identified and plotted, we request that they be added to the Plat. Recent aerial surveys suggests historical use of various paths and/or easements tied to proposed subdivision. (see aerial imagery pulled from KPB and provided)

**NOTES:**

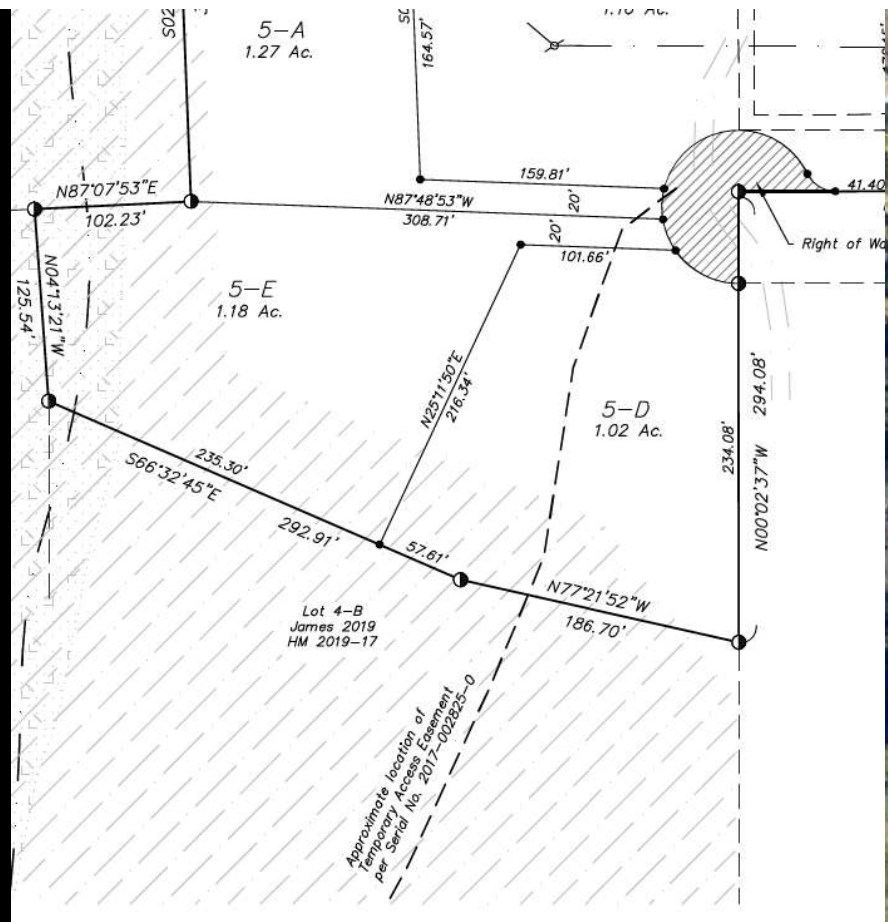
1. A building setback of 20' is required from all street rights-of-way unless a lesser standard is approved by the appropriate Planning Commission.
2. The front 15' and the entire setback within 5 ft. of side lot lines is a utility easement. No permanent structures shall be constructed or placed within a utility easement which would interfere with the ability of the utility to use the easement.
3. Roads must meet design and construction standards established by the Borough in order to be certified for inclusion in the Borough road maintenance program.
4. Overhead power line is centerline of 20 ft. wide electrical distribution easement (Homer Electric Association).
5. 20 ft. wide ingress/egress easement centered on a portion of the existing driveway benefits the South 660 ft. of the North 760 ft. of the W 1/2 E 1/2 SW 1/4 SE 1/4 Section 13 per Bk. 265 Pg. 826 H.R.D.
6. Any person developing this 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. This subdivision may be subject to ingress/egress easements of record recorded in Bk 67 Pg 322 and Bk 69 Pg 345 H.R.D.



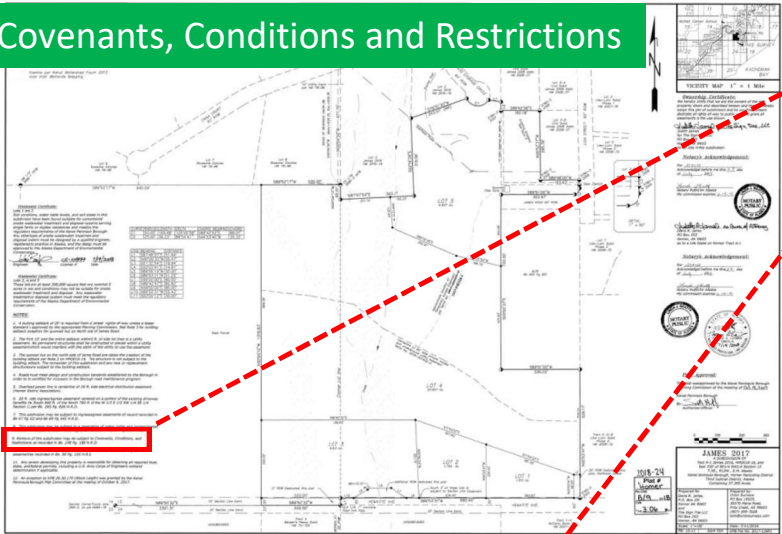








# Covenants, Conditions and Restrictions



9. Portions of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in Bk. 248 Pg. 188 H.R.D.

8. A portion of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in Bk 248 Pg 188.

9. Portions of this subdivision may be subject to Covenants, Conditions and Restrictions as recorded in Bk 248 Pg 188.

BOOK 0248 PAGE 188  
Y DEED

Return to:  
GRANTEE

THIS INDENTURE, made this 2nd day of November, 1995, by and between RANGVALD T. LIND and ALICE L. LIND, husband and wife, whose address is 166 Bunnell Street, Apt. 201, Homer, AK 99603, Grantors, and ROY L. CENTERS and CANDICE L. CENTERS, husband and wife, whose address is 26924 120th Avenue, Kent, WA 98031, Grantees, WITNESSETH:

That the said Grantors, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, convey and warrant to Grantees, as tenants by the entirety with full rights of survivorship, and to Grantees' heirs and assigns, the following:

**FURTHER SUBJECT TO and reserving unto Grantors, their heirs, successors and assigns, the restriction that Grantees, their heirs, successors and assigns, shall erect, place upon or permit to remain upon the subject real property only permanent buildings, as the term is used in the residential construction trade, and further that any dog owned or controlled by either Grantee, or any of their heirs, successors or assigns, and kept upon the subject real property, shall be confined by leash, tether, fencing or other means prevented from leaving the subject property unrestrained. Grantees, for themselves, their heirs, successors and assigns, agree to comply with such restrictions of use and occupancy.**

TO HAVE AND TO HOLD the same with the appurtenances, unto the said Grantees and to Grantees' heirs and assigns, FOREVER.

DATED this 2nd day of November, 1995

Rangvald T. Lind  
RANGVALD T. LIND

Alice L. Lind  
ALICE L. LIND

Roy L. Centers  
ROY L. CENTERS

Candice L. Centers  
CANDICE L. CENTERS

C. MICHAEL MOUGH  
Attorney at Law  
1601 Ben Watson  
Lima, Alaska  
99520  
Tel: (907) 234-8184  
Fax: (907) 233-1420

**NOTES**

1. All easements depicted herein shall comply with existing applicable law at the time of construction.

2. From 10:00 AM to 10:00 PM on the 1st day of each month, the owner shall be permitted to use the driveway for the purpose of receiving or delivering goods or services to or from the property.

3. A public utility easement for the purpose of installing, maintaining, repairing, and operating overhead power lines shall be granted to the utility company for the purpose of installing, maintaining, repairing, and operating overhead power lines across the property.

4. A public utility easement for the purpose of installing, maintaining, repairing, and operating underground power lines shall be granted to the utility company for the purpose of installing, maintaining, repairing, and operating underground power lines across the property.

5. A public utility easement for the purpose of installing, maintaining, repairing, and operating water lines shall be granted to the utility company for the purpose of installing, maintaining, repairing, and operating water lines across the property.

6. A public utility easement for the purpose of installing, maintaining, repairing, and operating sewer lines shall be granted to the utility company for the purpose of installing, maintaining, repairing, and operating sewer lines across the property.

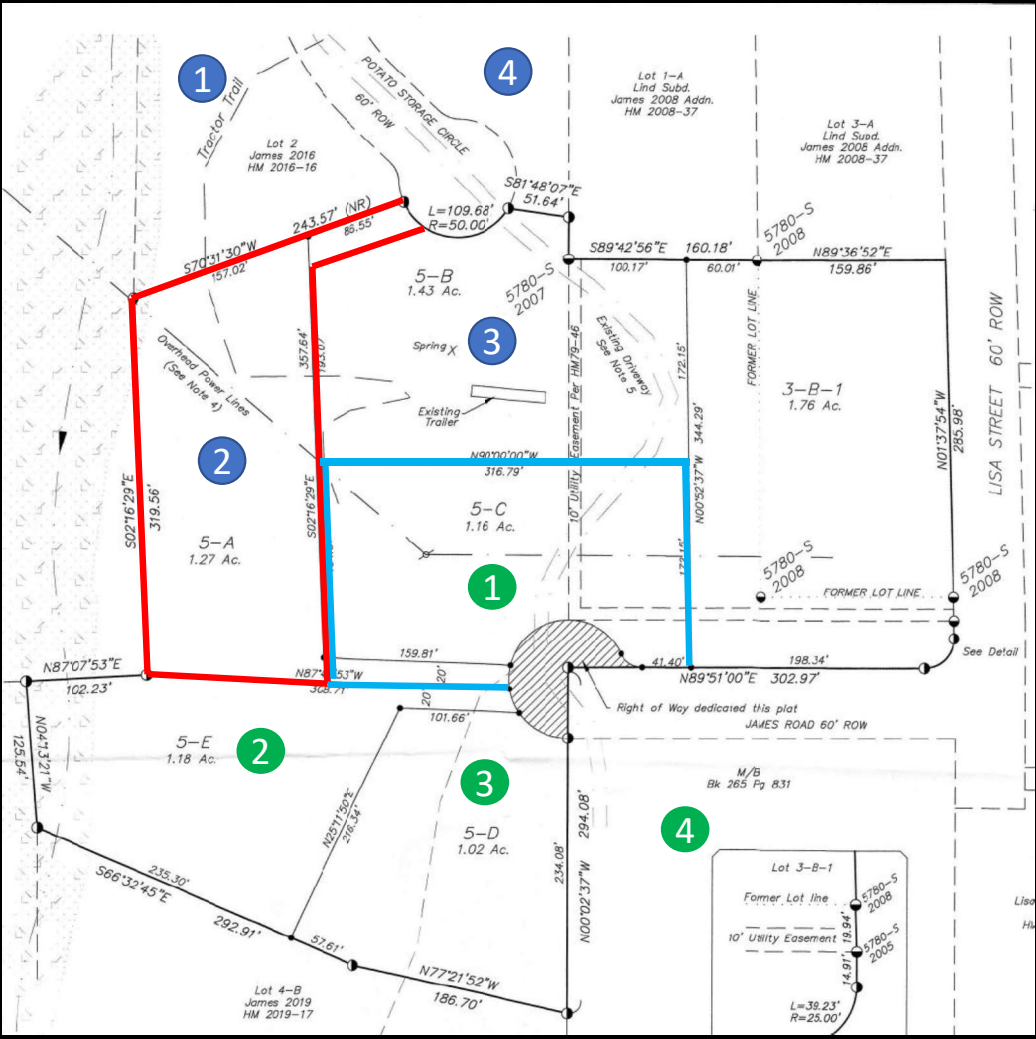
7. The purpose of this plan is to create the same described by the deed recorded in the public records of the State of Alaska under the name of the Grantors as shown above and to be subject to the restrictions of the deed recorded in the public records of the State of Alaska under the name of the Grantors as shown above.

9. Portions of this subdivision may be subject to Covenants, Conditions, and Restrictions as recorded in Bk. 248 Pg. 188 H.R.D.



# Is the requested Exemption for Lot 5A Necessary?

KPB 20.30.190 (B)



The diagram to the right shows an alternative configuration of the proposed lots that would comply with KPB 20.30.190(B) without the need for an exemption.

This configuration also divides the traffic pattern tied to the proposed subdivision equally between two separate roads

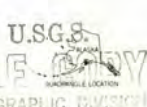
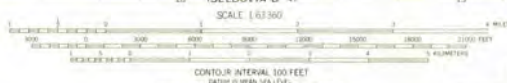
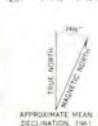
1. Potato Storage Circle
2. James Road

Four lots would be accessed through each road. The lots that would be accessed are shown to the left in two different colors (Blue and Green).





Mapped, edited, and published by the Geological Survey  
Control by USGS, USCGS and USCE  
Topography by photogrammetric methods from aerial photographs,  
1953, and 1952, last annotated 1961. Map not field checked.  
Selected hydrographic data compiled from USCGS  
Charts 8531, 11679 and 1804 (1:200,000 scale, 1959). This  
information is not intended for navigational purposes.  
Universal Transverse Mercator projection (1927 North American datum,  
10,000 foot grid and based on Alaska coordinate system, zone 4  
1000-meter Universal Transverse Mercator grid ticks,  
zone 5, datum on datum.  
Gray land form representation unapproved and obtained locations  
(determined) by the Bureau of Land Management  
July 5, 16, Seward Meritt  
Shoreline on gray land, visible only in water area,  
usually of low water, as indicated from aerial photographs.



ROAD CLASSIFICATION  
Light duty ——— Unimproved dirt ———

FOR SALE BY U.S. GEOLOGICAL SURVEY  
FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR WASHINGTON, D. C. 20424  
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST

SELDOVIA (C-4), ALASKA  
N9930-W15107 5 / 15422 5  
1961  
4000 REVISED 788

USGS  
Historical File  
Topographic Division

DEC 1 1967  
5675

INDEXED

HOMER

Serial No. 72-1446

EASEMENT

The grantors, ROBERT P. JAMES and DORIS JAMES, husband and wife of Homer, Alaska, for money in hand paid and other valuable consideration, convey to JOHN W. STARK a single man of Anchorage, Alaska a permanent easement for ingress and egress to the following property: The E 1/2 of the W 1/2 of the NE 1/4 of Section 24, Township 5 South, Range 12 West, Seward Meridian, containing 40 acres more or less, and the E 1/2 of the E 1/2 of the SW 1/4 of the SE 1/4, Section 13, Township 5 South, Range 12 West Seward Meridian, containing 10 acres more or less, all of said property being located within the Homer Recording District, Third Judicial District, State of Alaska, said Easement existing upon:

Section 13, Township 5 South, Range 12 West, Seward Meridian as described and shown as an unimproved dirt road upon the U. S. Geological Survey Soldovia (C-4) Quadrangle Map as dated 1961 with minor revisions of 1966.

DATED this 13 day of Nov., 1972.

Robert P. James  
ROBERT P. JAMES

Doris James  
DORIS JAMES

STATE OF ALASKA )  
                                  ) ss.  
THIRD JUDICIAL DISTRICT )

THIS IS TO CERTIFY that on the 13 day of Nov., 1972, before me, the undersigned Notary Public in and for Alaska, duly commissioned and sworn as such, personally appeared ROBERT P. JAMES and DORIS JAMES, known to me and to me known to be the individuals named in and who executed the above and foregoing Easement and they acknowledged to me the execution thereof as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal, the day and year in this certificate first above written.

Col. L. Jewell  
Notary Public in and for Alaska. My Commission expires 7-26-76.



RECORDED - FILED 374  
Homer REC. DIST.  
DATE 12-4 1972  
TIME 10:35 17 AM  
11-8-72

Friedman, Wagner,  
Ravin & Rubinstam  
Lawyers  
820 E. 8th Ave.  
Anchorage, Alaska  
277-0297  
272-9811



HOMER

Serial No. 73553

BOOK 69 PAGE 345 INDEXED

Homer Recording District

E A S E M E N T

We, ROBERT P. JAMES and DORIS JAMES, husband and wife, of Homer, Alaska, owner of land described as:

South West Quarter (SW 1/4), South East Quarter (SE 1/4), and South East Quarter (SE 1/4), South West Quarter (SW 1/4) and South West Quarter (SW 1/4), North West Quarter (NW 1/4), South East Quarter (SE 1/4), all in Section 13 (s 13), Township 5 South (T 5 S), Range 12 West (R 12 W), Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

in consideration of ONE DOLLAR (\$1.00), receipt of which is hereby acknowledged, hereby grant, bargain, sell and convey to CARL M. GREEN and JILL P. GREEN, husband and wife, of Anchorage, Alaska, a permanent easement and right-of-way over the existing access road used by the Grantors for ingress and egress from the above described property to the East Road, a State maintained highway, at a point approximately 11 miles from the corporate limits of the City of Homer, Alaska. The property of the Grantees is described as:

The East 330 Feet of the SE 1/4 of the SW 1/4, S 13, T 5 S, R 12 W, Seward Meridian, Homer Recording District, Third Judicial District, State of Alaska, said parcel containing ten (10) acres more or less.

SUBJECT to all reservations, restrictions, easements and encumbrances of record.

It is specifically provided, that Grantors may move the alignment of said easement or provide an alternate access to the premises of the Grantees depending on weather and soil conditions and that such realignment or alternate access may be made at the discretion of the Grantors.

Grantors expressly agree that this easement is assignable to the heirs and successors of the Grantees and shall be considered an easement running with the land.

IN WITNESS WHEREOF we have hereunto set our hands this 27<sup>th</sup> day of March, 1973.

GRANTORS:

Robert P. James  
ROBERT P. JAMES

Doris James  
DORIS JAMES

1 We hereby accept the above and foregoing grant of easement  
2 as above set forth.

3 DATED this 28<sup>th</sup> day of March, 1973.

4 GRANTEES:  
5 Carl M. Green  
6 CARL M. GREEN

7 Jill P. Green  
8 JILL P. GREEN

9 THIS IS TO CERTIFY that on this 27<sup>th</sup> day of March, 1973,  
10 before me, the undersigned, a Notary Public in and for the State  
11 of Alaska, duly commissioned and sworn as such, personally  
12 appeared ROBERT P. JAMES and DORIS JAMES, husband and wife, who  
13 are known to me and to me known to be the individuals named in  
14 and who executed the above and foregoing Easement, and they  
15 acknowledged to me the execution thereof as their free and volun-  
16 tary act and deed for the uses and purposes therein set forth.

17 IN WITNESS WHEREOF, I have hereunto set my hand and  
18 affixed my notarial seal the day and year first above written.

19 Robert Hahn  
20 Notary Public in and for Alaska  
21 My Commission Expires: 6-10-75

22 THIS IS TO CERTIFY that on this 28<sup>th</sup> day of March, 1973,  
23 before me, the undersigned, a Notary Public in and for the State  
24 of Alaska, duly commissioned and sworn as such, personally  
25 appeared CARL M. GREEN and JILL P. GREEN, husband and wife, who  
26 are known to me and to me known to be the individuals named in  
27 and who executed the above and foregoing Easement, and they  
28 acknowledged to me the execution thereof as their free and volun-  
29 tary act and deed for the uses and purposes therein set forth.

30 IN WITNESS WHEREOF, I have hereunto set my hand and  
31 affixed my notarial seal the day and year first above written.

32 Robert Hahn  
Notary Public in and for Alaska  
My Commission Expires: 6-10-75



RECORDED - FILED 5-9-73  
Homer REC. DIST.  
DATE 5-9- 1973  
TIME 1:00 P.M.  
By Hahn & Jewell  
Address Anchorage