

# 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 

**DATE:** April 13, 2021

**RE:**

- Vacate a 10' utility easement adjoining the south boundary of Lot 2-C Block 1, excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and
- Vacate a 10' by 30' anchor easement within the Lot 2-C Block 1 excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22;

Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V.

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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 April 12, 2021 the Kenai Peninsula Borough Planning Commission granted approval of the above vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70 by unanimous vote (9-Yes, 0-No, 2-Absent).

A draft copy of the unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

April 12, 2021 Planning Commission Draft Meeting Minutes  
April 12, 2021 Agenda Item E5 Meeting Packet Materials

**MOTION:** Commissioner Ecklund moved, seconded by Commissioner Gillham 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.

**MOTION PASSED:** Hearing no further discussion or objection the motion passed by the following vote:

Yes	9	No	0	Absent	2
Yes	Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Morgan, Ruffner, Venuti				
Absent	Bentz, Martin				

**AGENDA ITEM E UTILITY EASEMENT VACATIONS**

**5. Utility Easement Vacations**

- **Vacate a 10' utility easement adjoining the south boundary of Lot 2-C Block 1, excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and**
- **Vacate a 10' by 30' anchor easement within the Lot 2-C Block 1 excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22;**

**Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V.**

Staff report given by Scott Huff.

Purpose as stated in petition: My husband and I are planning to begin construction on our property this upcoming 2021 Spring. Our property has three utility easements, two of which we would like to have vacated. As you will see in my highlighted attachment, "a 20' utility easement exists along each side of all dedicated rights of way, and a 10' on each side of existing power lines." There is also a 10' by 30' anchor easement clearly marked. We would like to vacate the 10' utility easement on the south boundary of our lot, as well as the 10' by 30' anchor easement. Our plan is to put our driveway where these two easements are currently sitting.

Petitioners: Mirimia Sanarov of Homer, Alaska

Notification:

Notice of vacation mailings were sent by regular mail to owners of property within 300 feet and interested parties. 14 mailings were sent. The notice was posted on the Borough web site and on the Borough bulletin board in Soldotna.

Comments Received:

Alaska Communications Systems: ACS has no objections to vacating the 10' PUE along the southern edge of Lot 2-V, Block one and the 10 x 30 anchor easement.

ENSTAR Natural Gas: ENSTAR Natural Gas Company has no objection to the ten foot utility easement vacation along the south side of Lot 2-C, or the ten foot by thirty foot (10 FT x 30 FT) anchor easement vacation within the same lot, all within Mountain Glacier Estates part Four, according to Plat No. 83-20, Records of the Homer Recording District, Third Judicial District, State of Alaska.

GCI: (land owner attempted multiple times to contact the utility provider and was unable to get a response.)

Homer Electric Association: HEA has no objection to the requested vacation. HEA requests to retain the 20' utility easement adjacent to the Mountain Glacier Court dedicated right of way (Per Plat HM 83-20, plat note 4) since there is an existing HEA transformer within the easement and also to accommodate future

electrical service to the subject property, if required.

KPB Roads Department: No objection at this time.

Three comments were received from nearby landowners. The commenters objected to the vacation of the utility easement as they use this area for access between Mountain Glacier Ct. and Lowbush Street.

**Findings:**

1. Per the petition, the easements are not in use.
2. All utility companies have provided written non-objection to the vacations.
3. Homer Electric Association requested to retain the 20' utility easement adjacent to the Mountain Glacier Court dedicated right of way.
4. KPB Roads Department provided a written statement of non-objection to the vacations.
5. No surrounding properties will be denied utilities.
6. Location of platted easement may conflict with suitable building location and with constructing a driveway.
7. A 20 foot utility easement, adjoining Mountain Glacier Court will remain,
8. A 10 foot utility easement will remain on the south boundary of Lot 2-B, located to the west of the vacation.

Based upon the above findings, **staff recommends** vacating the 10' utility easement adjoining the south boundary of Lot 2-C excluding the 20 feet adjoining Mountain Glacier Court and a 10' by 30' anchor easement vacation, excluding the 20 feet adjoining Mountain Glacier Court, as petitioned, subject to:

5. Consent by KPB Assembly
6. Finalize the approval of the vacation by either
  - a. 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).  
OR
  - b. Recording of a resolution within 90 days of adoption of the resolution by the Planning Commission, with the following requirements
    - i. Provide an exhibit drawing, prepared by a licensed land surveyor, clearly indicating the portion of the utility easement being vacated to be recorded with KPB Planning Commission Resolution 2020-18, becoming Page 2 of 2.
    - 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.

**KPB 20.70.110:**

**A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly.**

**The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the borough shall be considered to have given consent to the vacation.**

**NOTE: Action after denial of vacation (KPB 20.70.120)**

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

**KPB 20.70.130**

**The final plat must be recorded within one year of vacation approval.**

as petitioned based on the means of evaluating public necessity established by KPB 20.70, subject to staff recommendations and compliance with borough code.

Commissioner Brantley had a question for staff. Is he correct in understanding that code allows for a driveway to be built within a utility easement? Mr. Huff stated that he was correct; driveway can be built within a utility easement. The landowner will have to allow the utilities access should they need it. The utility could dig up the driveway to place or access their lines, and then they replace the gravel.

Commissioner Ecklund noted there are different types of easements such as section lines and utility easements. The commission has seen where people have used trails on different types of easements believing they have a right to use them. She then asked staff to explain the differences between these two types of easements. Mr. Huff replied utility easements are for utilities to place their lines either below or above ground. It does not give the public the right to the area. Section line or public access easements are for both the public and utilities to use. The public has the right to travel on the easement. Commissioner Ecklund thanked Mr. Huff for the clarification. She then noted that in the past the commission has upheld the public's use of section line easements across properties but that the easement in question tonight is a utility easement and not a section line or public access easement.

Commissioner Venuti stated that he thought if a group of people had been using an existing trail for over 10 years that adverse possession might apply.

Commissioner Carluccio asked if the commission could hear from legal regarding adverse possession. She was under the impression that adverse possession would not apply in this situation.

Sean Kelly, Borough Attorney stated he would be careful talking about prescriptive rights or adverse possession because that is for a court of law to decide and is not within the authority of the planning commission. The scope of authority for the planning commission is to decide whether to vacate the public's interest in a utility easement that was granted in trust to the borough for utility purposes.

**MOTION PASSED:** Hearing no further discussion or objection the motion passed by the following vote:

Yes	8	No	1	Absent	2
Yes	Brantley, Carluccio, Chesser, Ecklund, Fikes, Gillham, Morgan, Ruffner				
No	Venuti				
Absent	Bentz, Martin				

**AGENDA ITEM E NEGOTIATED LEASE**

- 6. Ordinance 2021-14: Authorizing a Negotiated Lease with Alaska Department of Transportation and Public Facilities for Staging and Material Extraction and Disposal Activities in Support of the Sterling Highway MP 45-60 Construction Project near Cooper Landing.

Staff report given by Marcus Mueller

Alaska Department of Transportation and Public Facilities (DOT&PF) is actively working on the Sterling Highway MP 45-60 Construction Project, which follows the Juneau Creek Alternative near Cooper Landing. The Kenai Peninsula Borough is a landowner in the project area and the borough is the managing authority to certain lands under its municipal entitlement land grant.

KPB Land Management has been working with the project team as it seeks to implement the major project. DOT&PF has proposed three project staging and disposal sites on borough owned or managed land. A fourth site related to the project has been proposed directly by DOT&PF Construction Management/General Contractor.

The proposed master lease agreement provides terms for both project staging activities and material extraction and disposal. The staging activities are handled through a surface use rental structure and the material disposal is addressed in resource management terms with a fee structure based on the volume and types of materials from the project that are left on site. Environmental protections and practices are

## END OF STAFF REPORT

Vice Chair Ruffner opened the item for public comment. (2:07:30)

Miriamia Sanarov, Petitioner; P.O. Box 1519, Homer AK, 99663: Ms. Sanarov stated she and her husband purchased this property in 2019, and will begin the process of building their home this spring. The utility easements they would like to vacate have no utilities placed in them. It is the best location to put their driveway, as the other area on the lot appears to be wet and not suitable for a driveway. When they purchased the property they were aware of the utility easements, however, they were not aware that some of the neighbors were using the utility easement as a trail to access Lowbush St. from Mountain Glacier Ct. The easements they want to vacate are utility easements, meant only for utilities to use – it is not for the public to use to travel on. While some people may have used the trail in the past, she and her husband do not want to encourage the continued trespass and have put up “No Trespassing” signs in the area. There is no need for the neighbors to use the easement as there is already legal public access that can be used.

Garrett Yager; 2712 Jefford Place, Anchorage, AK 99517: Mr. Yager is one of the adjacent property owners and stated he understands some of the petitioner’s concerns. He would argue that while it is only a 2-minute drive to get from Mountain Glacier Ct. over to Lowbush St., it is not a safe walking path, as it would require folks to walk along East End Road. The section of East End Road they will have to walk along has no shoulder and is hazardous. There are families that have children that use the easement as a safe walking corridor to get to their grandparents house on Lowbush.

Cassie Brooks; P.O. Box 585, Homer, AK 99663: Ms. Brooks stated she owns the property on Lowbush St. which is on the other side of the easement being vacated. Her children use the trail on the easement to get to their grandparents house on Mountain Glacier Ct. She and others have used this trail for years to move between the two streets. She and her family have gone on nature walks and have picked blueberries on this trail for years. This trail has been important to her family and she does not want to see it go away.

Miriamia Sanarov, Petitioner; P.O. Box 1519, Homer AK, 99663: Ms. Sanarov stated that she has lived in this area all her life, over 25 years, and she understands it can be dangerous to walk along East End Rd. Parents will just have to drive their children to the bus stop instead of walking through their property. She does not believe it is fair for someone to purchase property and then be told that other people in the area get to use up a huge section of the property, while they are the one’s paying the mortgage and taxes. What they are asking to vacate is a utility easement; which the utilities have stated they do not need, it is not a public access easement.

Commissioner Venuti asked Ms. Sanarov when they purchased this property. Ms. Sanarov stated they purchased the property in August of 2019. Commissioner Venuti then asked if they were aware that people were using the trail on their property when they purchased it. Ms. Sanarov replied that while they did notice that there was a trail on their property they were not aware how people were using it. She was not aware of the history of use of the trail. They assumed that when they purchased the property any use of the trail would stop. Once the neighborhood saw that new people owned the property they would stop using the trail.

Asonya Brown; 1152 Norton Ave., Columbus, OH 43212: Ms. Brown stated that she has purchased a great deal of property and that it is the responsibility of the purchaser to know about any covenants or easements that go with the property and that they agree to abide by them.

Miriamia Sanarov, Petitioner; P.O. Box 1519, Homer AK, 99663: Ms. Sanarov stated once again the easement in question is a utility easement and not a public trail easement. Even though people have used the trail on the easement for years it does not mean they had the right to use it, it means that they were trespassing.

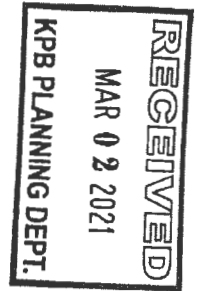
Hearing no one else wishing to comment, Vice Chair Ruffner closed public comment and opened discussion among the Commission.

**MOTION:** Commissioner Gillham moved, seconded by Commissioner Ecklund to approve the vacations



# Planning Department

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



## PETITION TO VACATE UTILITY EASEMENT

### PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

### SUBMITTAL REQUIREMENTS

A utility easement vacation application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$75 non-refundable fee to help defray costs of advertising public hearing.
- Utility easement requested to be vacated was granted by subdivision plat, files as Plat No. \_\_\_\_\_ in \_\_\_\_\_ Recording District. OR *mountain glacier*
- Utility easement requested to be vacated was granted by *estates* Subdivision, filed as Plat No. 83-20 in the KPB Recording District.
- Utility easement requested to be vacated was granted by \_\_\_\_\_ (specify type of document) as recorded under \_\_\_\_\_ in \_\_\_\_\_ Recording District.  
(Copy of recorded document must be submitted with petition.)
- Comments from HEA Electric Association attached.
- Comments from Enstar Gas Company attached.
- Comments from ACS Telephone Company attached.
- Comments from GCI Cable Company attached.
- Comments from KPBB Roads Department attached.
- Comments from City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- 1 copy of the plat or map showing the utility easement to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated shall be marked clearly with cross hatching or other identifiable markings.
- If an existing improvement is encroaching into the easement, an As-Built drawing showing the encroachment must be attached.
- Yes  No Is the right of way/utility easement in use by any utility company? If yes, which utility?
- REASON FOR VACATING** The petitioner must attach a statement with reasonable justification for the vacation of the section line easement.

### LEGAL DESCRIPTION OF PARCEL CONTAINING THE UTILITY EASEMENT TO BE VACATED:

T 5S R 11W SEC 5 Seward Meridian HM 0830020 MOUNTIAN GLACIER EST SUB PT 4 AMD LOT 2-C BLOCK 1	
Section, township, range <u>5S R 11W Sec 5</u>	
City (if applicable)	General area <u>Mile 15.5 East End Road</u>

The petition must be signed by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property. Attach additional signature sheets if needed.

Submitted by:  Petitioner  Representative

Name (printed): <u>Miriamia Sanarov</u>	Signature <i>Miriamia Sanarov</i>
e-mail: <u>miriamiasanarov@outlook.com</u>	Address: <u>PO Box 1519 Homer, AK 99603</u>
Owner of: <u>LOT 2-C</u>	

Petitioners:

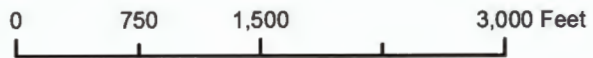
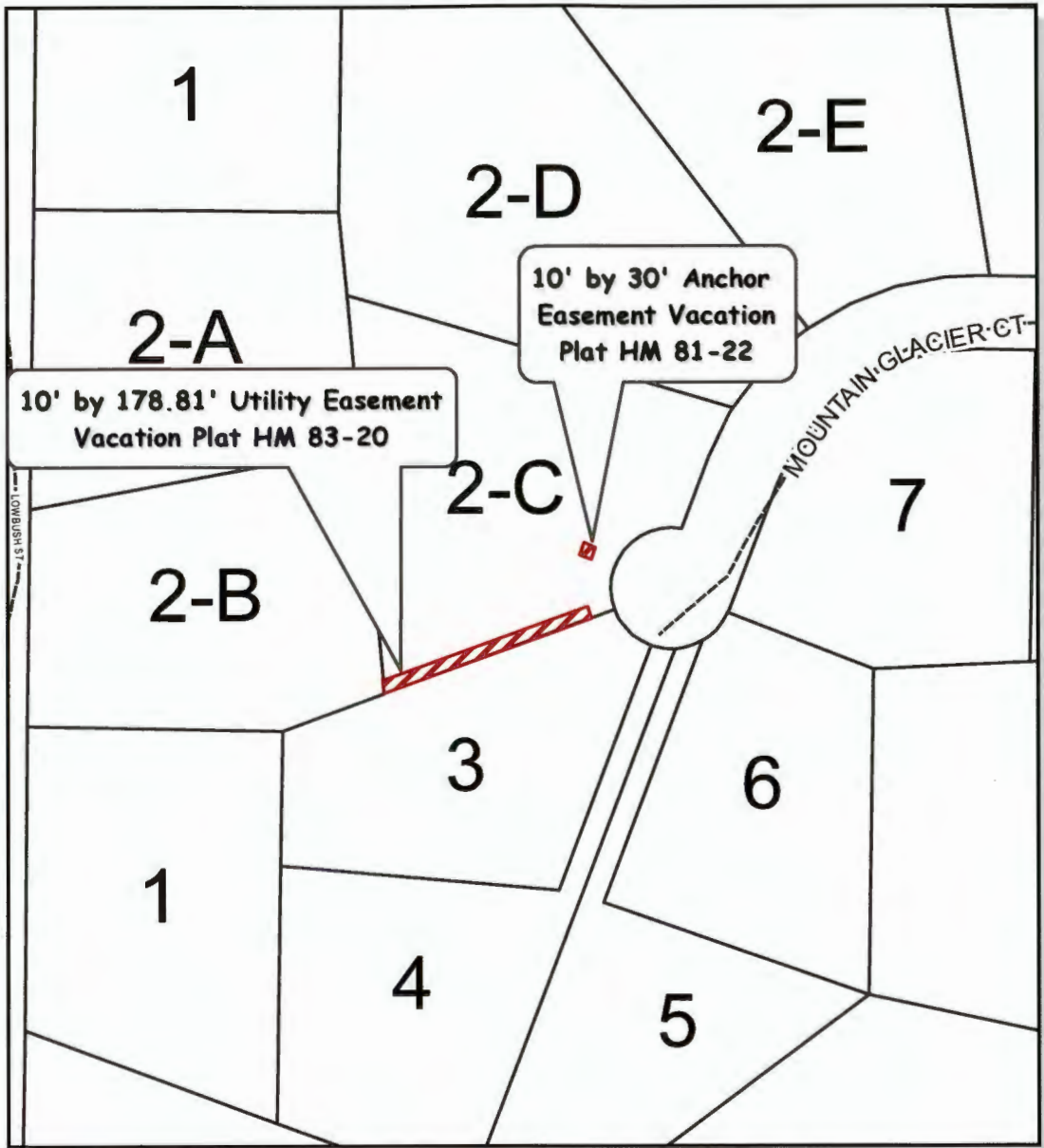
Name (printed):	Signature
e-mail:	Address:
Owner of:	

## **E. NEW BUSINESS**

### **5. Utility Easement & Anchor Easement Vacations**

**KPB File: 2021-026V; Petitioner: Mirimia Sanarov of  
Homer, AK**

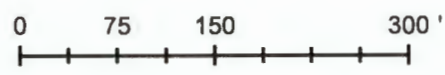
- a. Vacate a 10' utility easement adjoining the south boundary of Lot 2-C, Block 1, Mountain, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20**
- b. Vacate a 10' x 10' portion of a 10' X 30' anchor easement within Lot 2-C, Block 1, granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22**



**KPB 2021-026V**  
**S05 T05S R11W**  
**FRITZ CREEK**



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.



Date: 3/4/2021  
 PClements, KPB 2021-026V



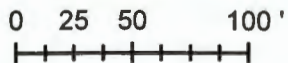



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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### Aerial View



 Utility Easement Vacation

PClements, KPB 2021-026V  
Date: 3/5/2021  
Imagery World

## AGENDA ITEM NEW BUSINESS

### 5. Utility Easement Vacations

- Vacate a 10' utility easement adjoining the south boundary of Lot 2-C Block 1, excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and
- Vacate a 10' by 30' anchor easement within the Lot 2-C Block 1 excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22;

Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V.

### STAFF REPORT

PC Meeting: April 12, 2021

Purpose as stated in petition: My husband and I are planning to begin construction on our property this upcoming 2021 Spring. Our property has three utility easements, two of which we would like to have vacated. As you will see in my highlighted attachment, "a 20' utility easement exists along each side of all dedicated rights of way, and a 10' on each side of existing power lines." There is also a 10' by 30' anchor easement clearly marked. We would like to vacate the 10' utility easement on the south boundary of our lot, as well as the 10' by 30' anchor easement. Our plan is to put our driveway where these two easements are currently sitting.

Petitioners: Mirimia Sanarov of Homer, Alaska

### Notification:

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### Comments Received:

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ENSTAR Natural Gas: ENSTAR Natural Gas Company has no objection to the ten foot utility easement vacation along the south side of Lot 2-C, or the ten foot by thirty foot (10 FT x 30 FT) anchor easement vacation within the same lot, all within Mountain Glacier Estates part Four, according to Plat No. 83-20, Records of the Homer Recording District, Third Judicial District, State of Alaska.

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Homer Electric Association: HEA has no objection to the requested vacation. HEA requests to retain the 20' utility easement adjacent to the Mountain Glacier Court dedicated right of way (Per Plat HM 83-20, plat note 4) since there is an existing HEA transformer within the easement and also to accommodate future electrical service to the subject property, if required.

KPB Roads Department: No objection at this time.

Three comments were received from nearby landowners. The commenters objected to the vacation of the utility easement as they use this area for access between Mountain Glacier Ct. and Lowbush Street.

### **Findings:**

1. Per the petition, the easements are not in use.
2. All utility companies have provided written non-objection to the vacations.

3. Homer Electric Association requested to retain the 20' utility easement adjacent to the Mountain Glacier Court dedicated right of way.
4. KPB Roads Department provided a written statement of non-objection to the vacations.
5. No surrounding properties will be denied utilities.
6. Location of platted easement may conflict with suitable building location and with constructing a driveway.
7. A 20 foot utility easement, adjoining Mountain Glacier Court will remain,
8. A 10 foot utility easement will remain on the south boundary of Lot 2-B, located to the west of the vacation.

Based upon the above findings, **staff recommends** vacating the 10' utility easement adjoining the south boundary of Lot 2-C excluding the 20 feet adjoining Mountain Glacier Court and a 10' by 30' anchor easement vacation, excluding the 20 feet adjoining Mountain Glacier Court, as petitioned, subject to:

1. Consent by KPB Assembly
2. Finalize the approval of the vacation by either
  - a. 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).  
OR
  - b. Recording of a resolution within 90 days of adoption of the resolution by the Planning Commission, with the following requirements
    - i. Provide an exhibit drawing, prepared by a licensed land surveyor, clearly indicating the portion of the utility easement being vacated to be recorded with KPB Planning Commission Resolution 2020-18, becoming Page 2 of 2.
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**NOTE: Action after denial of vacation (KPB 20.70.120)**

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- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

**KPB 20.70.130**

**The final plat must be recorded within one year of vacation approval.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
RESOLUTION 2021-08  
HOMER RECORDING DISTRICT**

Vacate a 10' utility easement adjoining the south boundary of Lot 2-C Block 1, excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20 and

Vacate a 10' by 30' anchor easement within the Lot 2-C Block 1 excluding the 20 feet adjoining Mountain Vista Court, granted by Mountain Glacier Estates Sub Part 2, Plat HM 81-22;

Located within Section 5, Township 5 South, Range 11 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2021-026V.

WHEREAS, a request has been received from Mirimia Sanarov of Homer, AK to vacate a 10' utility easement running east to west adjacent to the south boundary of Lot 2-C Block 1, granted by Mountain Glacier Estates Sub Part 4 Amended, (Plat HM 83-20) and to vacates a 10' by 10' portion of a 10' by 30' anchor easement within the Lot 2-C Block 1, granted by Mountain Glacier Estates Sub Part 2, (Plat HM 81-22); and

WHEREAS, affected utility companies have provided written non-objection to the proposed vacation; and

WHEREAS, Homer Electric Association requested that the 20 foot utility easement adjoining Mountain Vista Court remain to accommodate future electrical service; and

WHEREAS, the Kenai Peninsula Borough Roads Department provided written non-objection to the proposed vacation; and

WHEREAS, the easement is not in use by the utility companies; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on April 12, 2021, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easements will not be detrimental to the public interest; and

WHEREAS, 20.70.140 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

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

Section 1. That the above described utility easements are hereby vacated.

Section 2. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 120 days of adoption.

Section 3. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Blair Martin, Chairperson  
Planning Commission

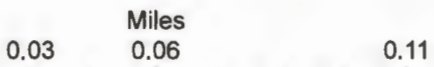
ATTEST:

\_\_\_\_\_  
Ann Shirnberg, Administrative Assistant

Return to:  
Planning Department  
Kenai Peninsula Borough  
144 N. Binkley Street  
Soldotna, Alaska 99669



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

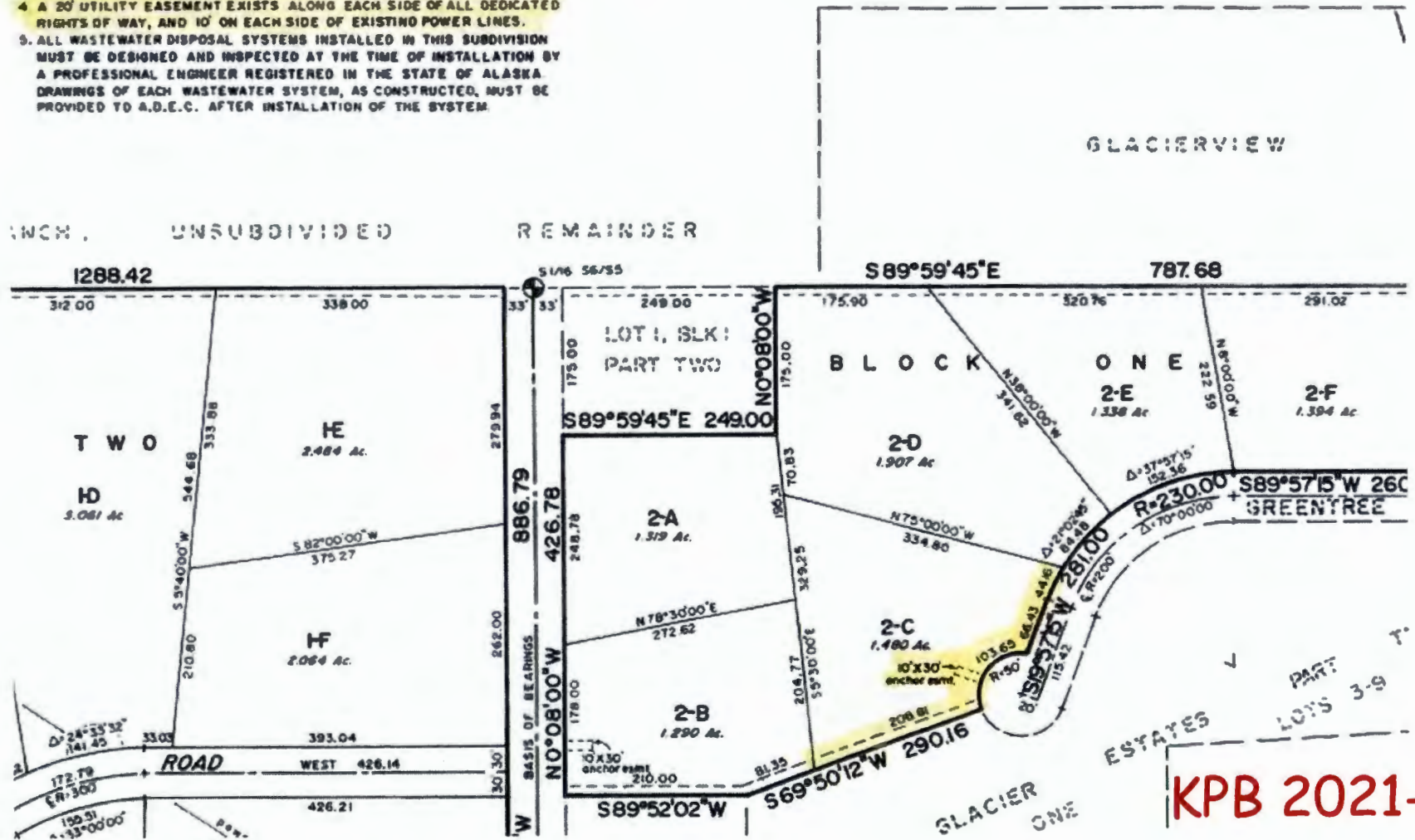
Date: 3/11/2021  
 10:52 AM  
 Scott Huff,  
 Platting Manager,

**NOTES**

- 1 THE 1982 RESURVEY AND SUBDIVISION OF SEC 6, AS SHOWN HEREON, SUPERCEDES AND CORRECTS THE SUBDIVISION OF SEC 6 AS SHOWN ON THE RECORDED PLATS OF "MOUNTAIN GLACIER ESTATES, PART TWO" AND "MOUNTAIN GLACIER ESTATES, PART THREE", BY HANSON & CO. AFFECTED MONUMENT POSITIONS HAVE BEEN CORRECTED AND STAMPED 1982. NO OTHER KNOWN BOUNDARY SURVEYS WHICH COULD BE AFFECTED HAVE BEEN PERFORMED WITHIN SEC 6.
- 2 ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS AT THE TIME OF CONSTRUCTION. A PERCOLATION TEST AND APPROVAL OF A D.E.C. IS REQUIRED ON EACH LOT IN BLOCK ONE PRIOR TO INSTALLATION OF ANY SOIL ABSORPTION SYSTEM.
- 3 A BUILDING SETBACK OF 20' EXISTS ALONG EACH SIDE OF ALL DEDICATED RIGHTS OF WAY, UNLESS A LESSER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION.
- 4 A 20' UTILITY EASEMENT EXISTS ALONG EACH SIDE OF ALL DEDICATED RIGHTS OF WAY, AND 10' ON EACH SIDE OF EXISTING POWER LINES.
5. ALL WASTEWATER DISPOSAL SYSTEMS INSTALLED IN THIS SUBDIVISION MUST BE DESIGNED AND INSPECTED AT THE TIME OF INSTALLATION BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF ALASKA. DRAWINGS OF EACH WASTEWATER SYSTEM, AS CONSTRUCTED, MUST BE PROVIDED TO A.D.E.C. AFTER INSTALLATION OF THE SYSTEM.

**LEGEND**

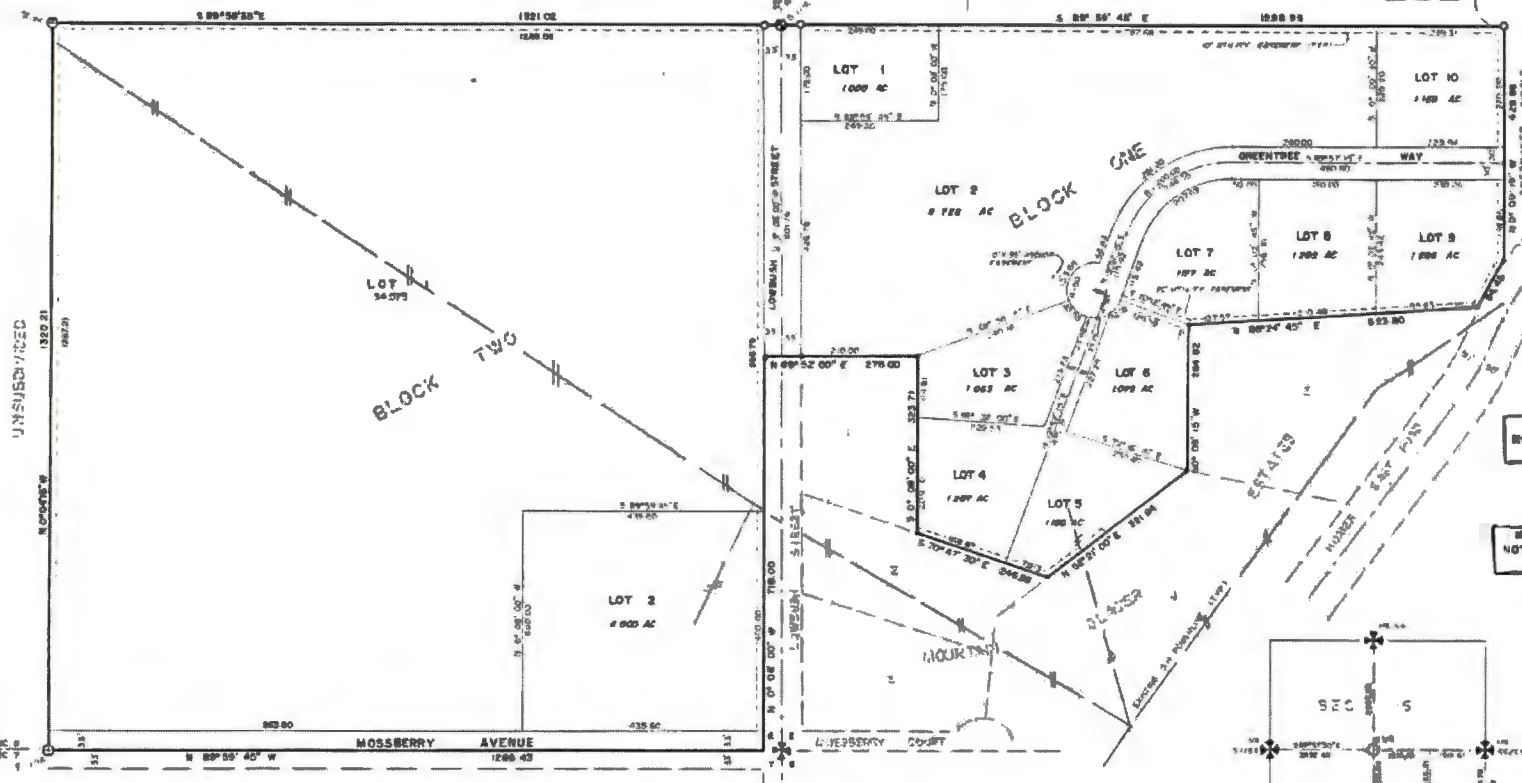
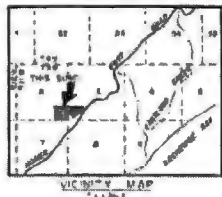
- ✚ G.L.O. OR B.L.M. B.C. RECOVERED THIS SURVEY
- RECOVERED B.C. THIS SURVEY, 3815-S
- ⊕ 3/4" AL. MONUMENT WITH MAGNET, 3815-S, 1982 SET THIS SURVEY
- ⊥ 1/2" x 30" REBAR, SET ALL OTHER CORNERS, P.C.'s & P.T.'s
- 10' UTILITY EASEMENTS (ALSO SEE NOTE NO 4)
- 30' Radius ANCHOR EASEMENT



**KPB 2021-026V**

GLACIERVIEW RANCH UNSUBDIVIDED REMAINDER

GLACIERVIEW RANCH NO 2



**NOTARIAL STATEMENT**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY AUTHORIZE THIS PLAN TO SUBSCRIBE AND SIGNATURE OF SURVEYOR, ENGINEER, AND OTHERS ARE HEREBY TO BE IN FULL FORCE AND EFFECT TO THE END OF THE TERM SPECIFIED IN THE INSTRUMENT.  
 SIGNED AND DELIVERED BY ME THIS 25th DAY OF MARCH 1983.  
 [Signature]

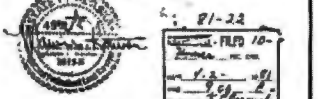
**ROBERT L. HANSON**  
 NOTARY PUBLIC  
 11-7-83

**ROBERT L. HANSON**  
 NOTARY PUBLIC  
 11-7-83

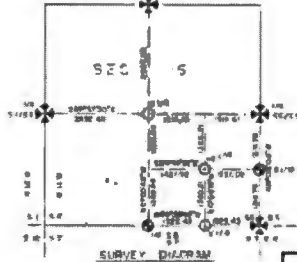
**NOTARIAL STATEMENT**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY AUTHORIZE THIS PLAN TO SUBSCRIBE AND SIGNATURE OF SURVEYOR, ENGINEER, AND OTHERS ARE HEREBY TO BE IN FULL FORCE AND EFFECT TO THE END OF THE TERM SPECIFIED IN THE INSTRUMENT.  
 SIGNED AND DELIVERED BY ME THIS 25th DAY OF MARCH 1983.  
 [Signature]

**NOTARIAL STATEMENT**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY AUTHORIZE THIS PLAN TO SUBSCRIBE AND SIGNATURE OF SURVEYOR, ENGINEER, AND OTHERS ARE HEREBY TO BE IN FULL FORCE AND EFFECT TO THE END OF THE TERM SPECIFIED IN THE INSTRUMENT.  
 SIGNED AND DELIVERED BY ME THIS 25th DAY OF MARCH 1983.  
 [Signature]

**NOTARIAL STATEMENT**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT I HEREBY AUTHORIZE THIS PLAN TO SUBSCRIBE AND SIGNATURE OF SURVEYOR, ENGINEER, AND OTHERS ARE HEREBY TO BE IN FULL FORCE AND EFFECT TO THE END OF THE TERM SPECIFIED IN THE INSTRUMENT.  
 SIGNED AND DELIVERED BY ME THIS 25th DAY OF MARCH 1983.  
 [Signature]



FILED 10-  
 11-7-83



**SURVEY DIAGRAM**  
 SEE 5, 7 & 8, P. 10, 11, 12  
 SCALE 1"=100'

- LEGEND**
- ① 1/4 AC OF B.L.M. DC RECOVERED THIS SURVEY
  - ② RECOVERED BY THIS SURVEY, 200' x 100'
  - ③ 1/4 AC CAP RECOVERED THIS SURVEY, 200' x 100'
  - ④ 1/4 AC RECOVERED THIS SURVEY
  - ⑤ 1/4 AC RECOVERED WITH MOUNTAIN GLACIER ESTATES, 200' x 100'
  - ⑥ 1/4 AC RECOVERED BY ALL OTHER OWNERS, 200' x 100'

- NOTES**
1. A RECORD OF 36 FEET x 60 FEET ALL RIGHTS OF WAY AND EASES HEREBY IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
  2. A COMMON ACCESS EASEMENT FOR THE PURPOSE OF CLEARING AND ROAD CONSTRUCTION, LIMITED TO THE USE OF EQUIPMENT OF LOT 2, 3, 4 & 5, BLOCK ONE, SHALL CROSS THE BOUNDARY LINE BETWEEN TO LOTS 4 & 5, AND EXTEND 20 FEET FROM EACH SIDE.
  3. DIRECT ACCESS FROM LOT 6, BLOCK 1 TO HIGHWAY 100 SHALL BE PROVIDED.

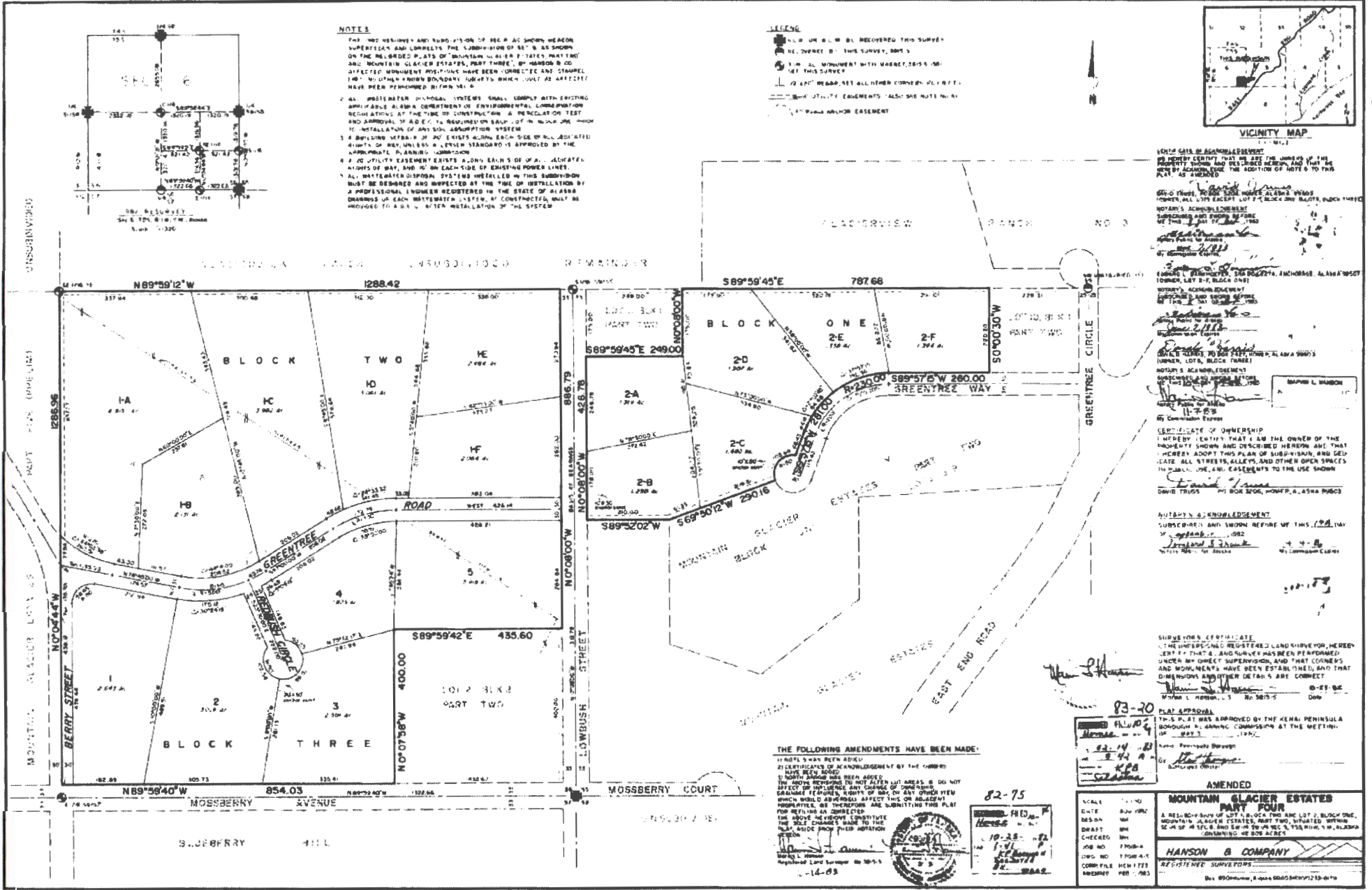
All WATERWAY DISCHARGE SYSTEMS SHALL COMPLY WITH FACTING APPLICABLE AS PART OF TRANSMISSION, CONSTRUCTION REGULATIONS BY THE TIME OF CONSTRUCTION. A PERIODIC TEST AND APPROVAL BY A.D.C. IS REQUIRED ON EACH LOT IN BLOCK ONE PRIOR TO INSTALLATION OF ANY GAS DISPOSITION SYSTEM.

MP 27-44

VEALS	17500
MAPS	10000
BOOKS	100
BLANKS	100
INDEXES	100
JOB NO.	10000
FORM NO.	10000

**MOUNTAIN GLACIER ESTATES PART TWO**  
 SEE 5, 7 & 8, P. 10, 11, 12  
 CONTAINING 107 LOTS

**HANSON & COMPANY**  
 REGISTERED SURVEYORS  
 1000 10th Street, Helena, Montana 59601

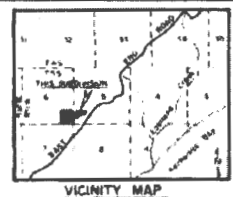


**NOTES**

1. THE BOUNDARY AND LOCATION OF EACH AS SHOWN HEREON SUPERSEDES AND CORRECTS THE SUBDIVISION OF 1971 AS SHOWN ON THE RECORDED PLATS OF MOUNTAIN GLACIER ESTATES, PART TWO AND MOUNTAIN GLACIER ESTATES, PART THREE, BY HANSON & COMPANY. ALL MONUMENTS SHOWN HAVE BEEN CORRECTED AND STAKED. THERE IS NO OTHER KNOWN BOUNDARY SURVEY WHICH COULD BE AFFECTED BY THIS SURVEY.
2. ALL WATERWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING APPLICABLE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION REGULATIONS AT THE TIME OF CONSTRUCTION. A PERCOLATION TEST AND APPROVAL OF ADEQUATE RECEPTION BASIN OF A BLOCK ARE PRIOR TO INSTALLATION OF ANY SUCH DISPOSAL SYSTEM.
3. A 5' BOLLARD WITH A 2' X 2' CROSS ALONG EACH SIDE OF ALL DESIGNATED RIGHTS OF WAY, UNLESS A LOWER STANDARD IS APPROVED BY THE APPROPRIATE PLANNING COMMISSION.
4. IF A UTILITY EASEMENT EXISTS ALONG EACH OF THE DESIGNATED RIGHTS OF WAY, AND IS ON EACH SIDE OF EXISTING POWER LINES.
5. ALL WATERWATER DISPOSAL SYSTEMS INSTALLED IN THIS SUBDIVISION MUST BE DESIGNED AND INSPECTED AT THE TIME OF INSTALLATION BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF ALASKA. DRAWINGS OF EACH WATERWATER SYSTEM, AS CONSTRUCTED, MUST BE PROVIDED TO ADEQUATE INSTALLATION OF THE SYSTEM.

**LEGEND**

- 1. ALL UNRECORDED SURVEYS RECOVERED THIS SURVEY.
- 2. ALL UNRECORDED SURVEYS RECOVERED THIS SURVEY, 1981.
- 3. ALL MONUMENTS WITH MARKET VALUE SET THIS SURVEY.
- 4. ALL OTHER CORNER PLATS SET.
- 5. ALL UTILITY EASEMENTS (SEE NOTE NO. 1).
- 6. EASEMENT



**AUTHORITY'S ACKNOWLEDGEMENT**  
 I, HANSON & COMPANY, REGISTERED SURVEYORS, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE HAVE BEEN ADVISED OF THE LOCATION OF ALL OTHER PLATS AS SHOWN.

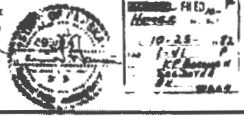
**NOTARY'S ACKNOWLEDGEMENT**  
 I, [Signature], Notary Public for the State of Alaska, do hereby certify that the foregoing is a true and correct copy of the original as shown to me by [Signature] on this 11th day of [Month], 1982.

**MAPPER'S ACKNOWLEDGEMENT**  
 I, [Signature], do hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all streets, alleys, and other open spaces to public use, and easements to the use shown hereon.

**DEEDS FOR EASEMENTS**  
 I, [Signature], do hereby certify that I am the owner of the property shown and described hereon and that I hereby adopt this plan of subdivision, and dedicate all streets, alleys, and other open spaces to public use, and easements to the use shown hereon.

**THE FOLLOWING AMENDMENTS HAVE BEEN MADE:**

1. NOTE 1 HAS BEEN ADDED.
2. CERTIFICATE OF ACKNOWLEDGEMENT BY THE OWNER HAS BEEN ADDED.
3. THE ABOVE REVISIONS TO THE PLAT ARE NOT AFFECTED BY THE ABOVE REVISIONS TO THE PLAT, AS THE ABOVE REVISIONS TO THE PLAT ARE NOT AFFECTED BY THE ABOVE REVISIONS TO THE PLAT.



**83-20**  
 HANSON & COMPANY  
 10-25-82  
 10-25-82

**82-75**  
 HANSON & COMPANY  
 10-25-82  
 10-25-82

**SURVEYOR'S CERTIFICATE**  
 I, THE UNDERSIGNED REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT A SURVEY HAS BEEN PERFORMED UNDER MY CORRECT SUPERVISION, AND THAT CORNERS AND MONUMENTS HAVE BEEN ESTABLISHED, AND THAT DIMENSIONS AND OTHER DETAILS ARE CORRECT.

**AMENDED**  
**MOUNTAIN GLACIER ESTATES PART FOUR**  
 A RESUBDIVISION OF LOT 1, BLOCK TWO AND LOT 1, BLOCK ONE, MOUNTAIN GLACIER ESTATES, PART TWO, SITUATED WITHIN SECTION 4 OF T14N, R10E AND SECTION 2, T14N, R10E, ALASKA, CONTAINING 42.806 ACRES.

**HANSON & COMPANY**  
 REGISTERED SURVEYORS



Mirimia Sanarov  
PO Box 1519  
Homer, AK 99603  
[mirimiasanarov@outlook.com](mailto:mirimiasanarov@outlook.com)  
907-299-3102

RE: Petition to vacate utility easement

Parcel ID: 17227025

Dear Kenai Peninsula Borough Planning Department:

My husband and I are planning to begin construction on our property this upcoming 2021 Spring. Our property has three utility easements, two of which we would like to have vacated. As you will see in my highlighted attachment, "a 20' utility easement exists along each side of all dedicated rights of way, and 10' on each side of existing power lines." There is also a 10' x 30' anchor easement clearly marked. We would like to vacate the 10' utility easement on the S boundary of our lot, as well as the 10' by 30' anchor easement. Our plan is to put our driveway where these two easements are currently sitting.

I have attached comments from HEA, ENSTAR, ACS, GCI, as well as the KPB Roads Department stating that they have no objection. I have also attached a copy of our Plat.

Please let me know if there is anything else you need before we can move forward.

Thank you for your time.

Sincerely,

A handwritten signature in black ink, appearing to read "Mirimia Sanarov". The signature is fluid and cursive, with a large loop at the end.

Mirimia Sanarov

Owner of: Lot 2-C

March 29, 2021

TO: Kenai Peninsula Borough Planning Department

ATT: Peggy Clements - PClements@kpb.us

RE: KPB 2021-026V  
S05 T05S R11W  
Fritz Creek

In reference to above property I have no problem with having the easements on vacation for it will not affect any utilities in this area.

However, the existing trail (showing shaded) and Part 2B has ben notoriously used for many years by me, and our neighbors. We are a close knit neighborhood and ourselves plus neighbors have family on Mt. Glacier Rd and also on Lowbush Street. The area which this vacation asks for, connects these two streets and families. There are children and parents that like to walk back and forth to Grandma's house and that is a perfect trail to do this. The only other road near is East End Road and our wishes are not to have our families with children to walk East End Road or travel a mile by vehicle to go 200 feet.

I homesteaded this land in 1959 and this trail has been used for many years. We are not asking for a super highway – just a family orientated trail as is.

Sincerely Submitted,

William (Bill) Sheldon  
Darlene L Sheldon

**From:** [Garret Brooks](#)  
**To:** [Clements, Peggy](#)  
**Subject:** <EXTERNAL-SENDER> proposed utility vacation at 15 mile east end road Homer Alaska  
**Date:** Monday, March 29, 2021 12:43:02 PM

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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.

Hello, My name is Garret Brooks and I am writing to you to vote not in favor of the proposed easement vacation. The trail/road has been used for generations to act as a safe passage from the lower half of mountain glacier subdivision, to the upper half. As well as access to the caribou hill and pretty much all the hunting grounds that are accessed via the "Lowbush st trail". Since living here 4 years I have seen mothers with strollers, families with multiple children summer and winter on foot or wheelers etc, people on horseback, even young children alone by themselves use this safe corridor. My wife and I own the upper half of the trail/road and during the summer and winter the close and not so close neighbors all use this to safely get from point a to point b, the only other means of access, is on East End road. If this vacation of easement passes it will force people to use East End road (which has no safe place for foot traffic) therefore endangering pedestrians lives. My wife's Grandparents (Who homesteaded this area back in the day) are in their late 80's and we are the closest family to them, we need to be able to get to them a.s.a.p in case something happens to them in a state of emergency every minute counts between life and death.

Thank you. Garret Brooks

ps. The link is a map from google showing that it is considered a road already and we have been treating it as such. <https://goo.gl/maps/NMTNuG6g36K5Dqw86>

**From:** [Cassie Sheldon](#)  
**To:** [Clements, Peggy](#)  
**Cc:** [Planning Dept.](#)  
**Subject:** <EXTERNAL-SENDER>Regarding Marimba Safarova's request for easement vacation  
**Date:** Sunday, March 28, 2021 10:56:38 AM

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**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.

My concern with the purposed easement vacation is that it is on a community trail. For as long as I can remember (at least 25 years) the Sheldon family has been using that easement as a trail to get into the back country and on to caribou hills. There is a trail at the end of Lowbush Street that takes you out to the Mcneil canyon trails and beyond. The community of Green Tree and Mountain Glacier court has been using the easement adjoining the south boundary of lot 2-c Block 1 to access the trail at the end of Lowbush Street. In 2017 my husband and I bought lots 2-A and 2-B. 2-B is the second half of the easement trail we have all been using. We graciously allow all the neighbors to use this trail. This easement trail is the only passage between the 2 street communities, making us one. My grandparents being at the end of Mountain Glacier court are getting older and I need quick access to them. I am worried that this purposed easement vacation will cut off my quick access to my elderly grandparents making me have to go all the way around east end road to get there. This is not only ridiculous but dangerous. If you have ever tried to pull out at Lowbush street and east end road you would realize there is minimal visibility making it dangerous to make a left hand turn. For this same reason the school bus will not stop at Lowbush street. All the kids on Lowbush and Mossberry streets come down through the easement there next to lot 2-c block 1 to go to the end of green tree to get safely on the bus. This easement has been a part of our community for many years. We use it for recreation and for necessary foot travel. Please do not take away our trail. I am currently in the process of trying to make this an official trail since HEA has no use for it any more.

Sincerely,

Cassie Brooks  
P.O. Box 585  
34848 Lowbush Street  
Homer, AK  
907-299-4143

**From:** [Cassie Sheldon](#)  
**To:** [Clements, Peggy](#)  
**Cc:** [Planning Dept.](#)  
**Subject:** <EXTERNAL-SENDER>Written comment revised 04/08/2021 for Cassie Brooks  
**Date:** Thursday, April 8, 2021 7:23:22 AM

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**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.

**Regarding the notice of proposed utility easement vacation for Mirimia Sanarov**

My concern with the purposed easement vacation is that it is on a community trail. For as long as I can remember (at least 25 years) the Sheldon family has been using that easement as a trail to get into the back country and on to caribou hills. There is a trail at the end of Lowbush Street that takes you out to the Mcneil canyon trails and beyond. The community of Green Tree and Mountain Glacier court has been using the easement adjoining the south boundary of lot 2-c Block 1 to access the trail at the end of Lowbush Street. This provides access to all kinds of recreation: subsistence hunting, berry picking, hiking, skiing, all you can imagine! In 2017 my husband and I bought lots 2-A and 2-B. 2-B this is the second half of the easement trail we have all been using. We graciously allow all the neighbors to use this trail. This easement trail is the only passage between the 2 street communities, making us one. My grandparents being at the end of Mountain Glacier court are getting older and I need quick access to them. I am worried that this purposed easement vacation will cut off my quick access to my elderly grandparents making me have to go all the way around east end road to get there. This is not only ridiculous but dangerous. If you have ever tried to pull out at Lowbush street and east end road you would realize there is minimal visibility making it dangerous to make a left hand turn. This easement has been a part of our community for many years. We use it for recreation and for necessary foot travel. Please do not take away our trail. I urge the Sanarov's to consider changing this easement into recreational easement, this would protect us as landlords with liability. All the while providing great easy access to all the recreation Caribou hills and beyond can provide, for the Sanarov's and all the community.

Sincerely,

Cassie Brooks  
P.O. Box 585  
34848 Lowbush Street  
Homer, AK  
907-299-4143

## Hindman, Julie

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**From:** Garrett Yager <garrettyager@gmail.com>  
**Sent:** Thursday, April 8, 2021 9:52 PM  
**To:** Clements, Peggy  
**Cc:** Hindman, Julie  
**Subject:** <EXTERNAL-SENDER>Comments on Utility Easement Vacation - Lot2-C Block 1 Mountain Glacier Estates Sub Part 4

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.

Dear Peggy Clements,

I am writing in response to the proposal to vacate a 10' utility easement adjoining the south boundary of Lot2-C Block 1, granted by Mountain Glacier Estates Sub Part 4 Amended, Plat HM 83-20.

We did not see any comments of non-objection from appropriate utility providers on the submission as required by Borough Code of Ordinances 20.65.070. We assume this means there are no utilities in the easement; however, this does not account for future needs. We feel it is short sighted to vacate a utility easement when water/sewer utilities have not been developed. For instance, there are many small public water systems in Alaska that use similar utility easements to connect households. To vacate the easement assuming a small public water system will never be developed in this subdivision is not in the best interest of surrounding property owners. In addition, if the roads were ever paved in this area, the easement may become necessary for proper drainage.

This easement also serves as an important walking path between Mountain Glacier Court and Lowbush Street. Families have used this path for many years which provides a safe corridor for children to visit grandparents and for safe walking access from Mountain Glacier Court to the backroads and DNR access off Lowbush St. Severing this easement would force people to walk out on to East End Road and an extra mile to connect the same neighborhoods and households. This is a major safety concern as East End Road has no shoulder and many blind curves in this stretch. We are opposed to any development in the easement that would prohibit accessing this safe walking corridor.

Thank you,  
Garrett Yager