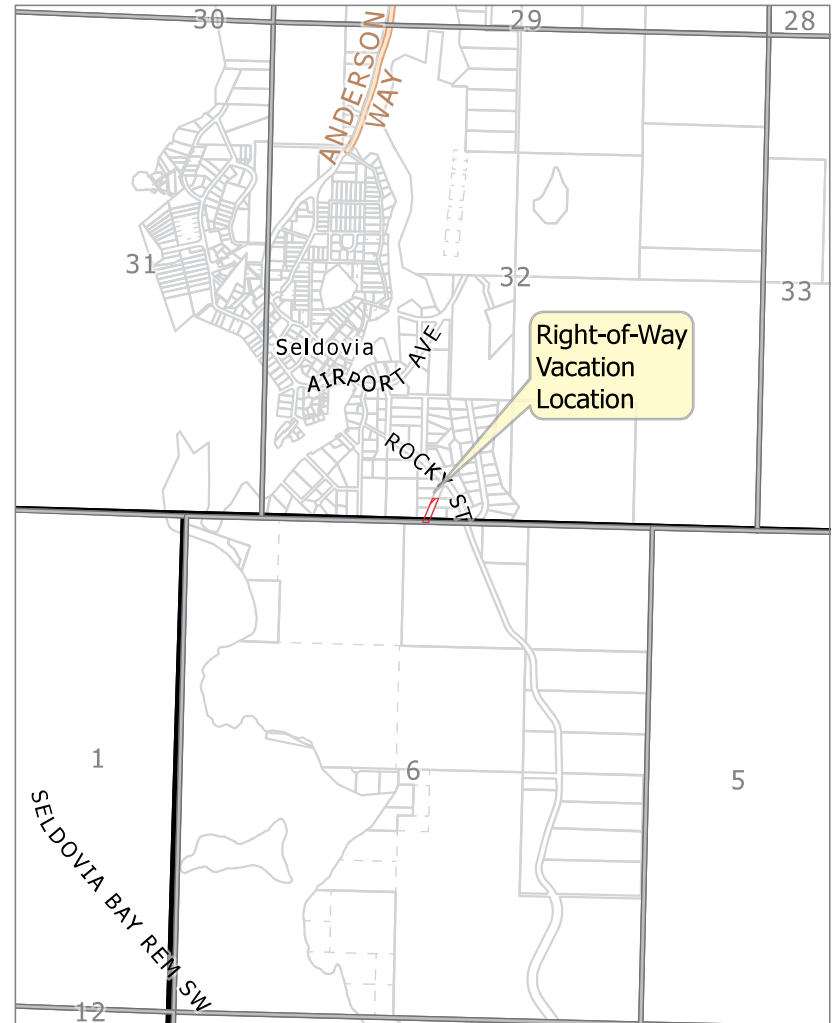
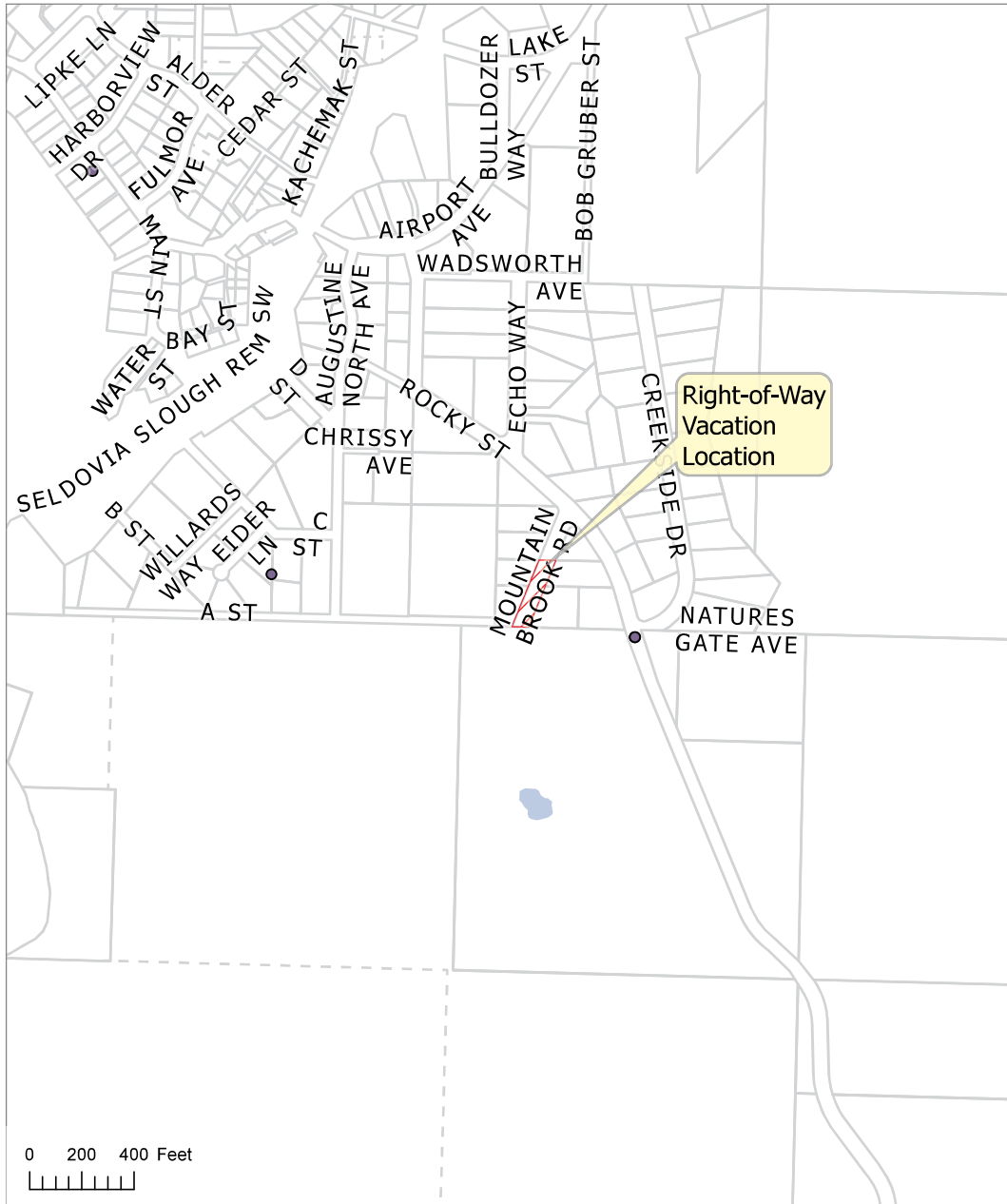


E. NEW BUSINESS

- 4. Right-Of-Way Vacation; KPB File 2026-038V
Seabright Survey & Design / Hopkins, Hedgecoth
Request: Vacates a 16,857 sq ft portion of the 60' wide Mountain
Brook Road ROW & associated utility easements abutting Lots 43-
45, Lot 47, Mountain Brook Heights, Plat SL 92-004 and Deed
Parcel (BK 23 PG 985)
Seldovia Area**



KPB File 2026-038V
T08S R14W SEC32 & T09S R14W SEC06
Remote

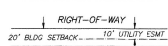
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



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.

LINE #	LENGTH	BEARING
L1	5.22'	N89°49'56"E
L2	3.08'	S0°35'00"E
L3	3.86'	S89°54'37"W
L4	30.00'	S20°56'32"W
L5	30.00'	N20°56'32"E
L6	5.00'	S89°54'37"W
L7	5.00'	N20°56'32"E
L8	60.00'	S89°54'37"W
L9	6.91'	S20°56'32"W
L10	64.29'	S89°54'37"W
L11	123.97'	N20°56'32"E

R/W TYPICAL DETAIL



CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	50.95'	25.00'	116°46'08"	N78°18'00"E	42.57'
C2	298.84'	670.00'	29°33'20"	S29°33'43"E	296.44'
C3	178.68'	325.00'	31°30'00"	S39°22'00"E	176.44'
C4	64.83'	275.00'	13°30'23"	S48°22'08"E	64.68'
C7	39.27'	25.00'	89°00'00"	N89°56'32"E	35.36'

CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LENGTH
C1	50.95'	25.00'	116°46'08"	N78°18'00"E	42.57'
C2	298.84'	670.00'	29°33'20"	S29°33'43"E	296.44'

- NOTES**
- A setback of 20' is required from all street right-of-ways unless a lesser standard is approved by resolution of the planning commission. The front setback adjacent to rights-of-way is a utility easement granted this plat. No permanent structures shall be constructed on placed within a utility easement which would interfere with the ability of a utility to use said easement.
 - PROPERTY OWNER SHOULD CONTACT THE ARMY CORPS OF ENGINEERS PRIOR TO ANY ON-SITE DEVELOPMENT OR CONSTRUCTION ACTIVITY TO OBTAIN THE MOST CURRENT WETLAND DESIGNATION (IF ANY). PROPERTY OWNERS ARE RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS.
 - 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 (RMP 14.06).
 - THE EXISTING OVERHEAD POWERLINE IS THE CENTERLINE OF A 30' WIDE ELECTRICAL EASEMENT, INCLUDING GUS AND ANCHORS, GRANTED THIS PLAT.
 - THERE IS A 20' EASEMENT CENTERED ALONG ALL EXISTING POWERLINES PER SL92-04.
 - SUBJECT TO A RIGHT OF WAY EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF GRANTED TO HOMER ELECTRIC ASSOCIATION, INC. AND ITS ASSIGNS AND/OR SUCCESSORS IN INTEREST; TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC TRANSMISSION AND/OR TELEPHONE DISTRIBUTION LINE OR SYSTEM BY INSTRUMENT RECORDED SEPTEMBER 06, 1997 IN BOOK 35 PAGE 971, SELDOVIA RECORDING DISTRICT, WITH NO DEFINITE LOCATION.
 - FORMER LOTS 43-48 MUST BE CONNECTED TO AND SERVED BY A COMMUNITY WASTEWATER SYSTEM APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PER SL92-04.
 - THERE IS A 20' EASEMENT CENTERED ALONG ALL EXISTING POWERLINES PER SL92-04.
 - SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF GOVERNMENTAL BODIES IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING BELOW THE HIGH WATER MARK OF UNIMMEDIATE WATER.
 - SUBJECT TO ANY PROHIBITION OR LIMITATION ON THE USE, OCCUPANCY OR IMPROVEMENTS OF THE LAND RESULTING FROM THE RIGHT OF THE PUBLIC OR HUMAN OWNERS TO USE ANY WATERS WHICH MAY COVER THE LAND OR TO USE ANY PORTION OF THE LAND WHICH IS NOW OR MAY FORMERLY HAVE BEEN COVERED BY WATER.
 - SUBJECT TO THE RIGHTS OF THE PUBLIC AND/OR GOVERNMENTAL AGENCIES IN AND TO ANY PORTION OF THE ABOVE DESCRIBED REAL PROPERTY LYING WITHIN ANY WATERS IN PUBLIC DOMAINS AROUND THE CENTERLINE OF ROCKY ST. SOUTH OF THE SECTION LINE. THIS SECTION LINE WAS UNDERSIGNED AS CONTAINED ON WARRANTY DEED PER BOOK 23 PAGE 885 RECORDED JULY 14, 1980, SELDOVIA RECORDING DISTRICT, AND NOTATED TO THE BASIS OF BEARING AND FOUND MONUMENTS.
 - SUBJECT TO THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "CLASSIFICATION OF PRIOR-EXISTING USE MATERIAL SITE" RECORDED JUNE 26, 2023 BY DOCUMENT SERIAL NUMBER 2025-02006-0, SELDOVIA RECORDING DISTRICT.
 - FLOOD HAZARD NOTICE: THIS SUBDIVISION IS NOT IN A FEMA FLOOD HAZARD AREA.

GPS CONTROL DATA

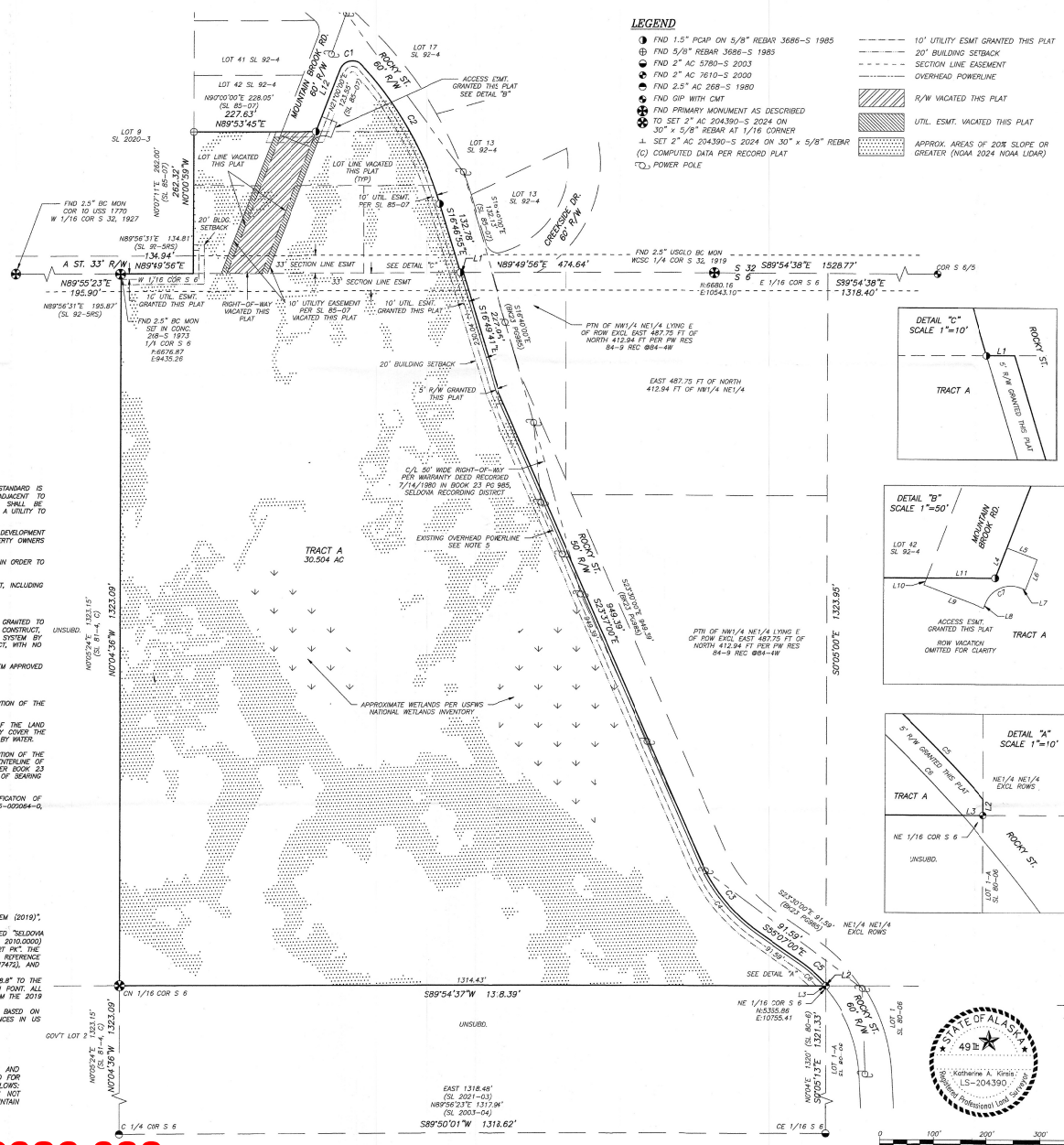
HORIZONTAL CONTROL - SELDOVIA LOCAL COORDINATE SYSTEM (2019), NAD83(2011)
 COORDINATES ARE ON A LOCAL COORDINATE SYSTEM "SELDOVIA LOCAL COORDINATE SYSTEM (2019)", NAD83(2011) IN U.S. SURVEY FEET.
 2. THE BASIS OF COORDINATES FOR THIS SURVEY IS A P.K. NAIL SET IN AN 18 CMP DESIGNATED "SELDOVIA AIRPORT PK" THE NAD83(2011) COORDINATES ARE BASED ON AN INS OPUS SOLUTION (EPOCH 2010.0000) DERIVED FROM A 4-HOUR STATIC ON-SITE SESSION PERFORMED ON 10/01/2019 FOR "SELDOVIA AIRPORT PK". THE COORDINATES WERE CONTRASTED TO THE NATIONAL SPATIAL REFERENCE SYSTEM USING THE CORE REFERENCE STATION: NEW KENAI (NAD83), ACCESS CHARACTERISTICS: CORE APP (PD 04945), AND AC43 SEAL-ROCK2007 CORE APP (PD 04986).
 3. ALL BEARINGS SHOWN WERE COMPUTED BY APPLYING A COUNTERCLOCKWISE ROTATION OF "273.68" TO THE NAD83 ALASKA STATE PLAIN ZONE 4 (SP) BEARINGS USING "SELDOVIA AIRPORT PK" AS A ROTATION POINT. ALL GROUND DISTANCES WERE COMPUTED BY APPLYING A SCALE FACTOR OF 1.00001151, EXTRACTED FROM THE 2019 OPUS SOLUTION REPORT AT "SELDOVIA AIRPORT PK".
 4. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON "SELDOVIA AIRPORT PK" IN 10,000 1/10,000 ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN US FEET ORIENTED TO TRUE NORTH.

CERTIFICATE OF ACCEPTANCE

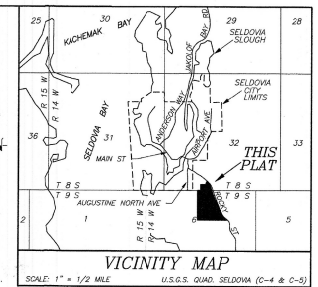
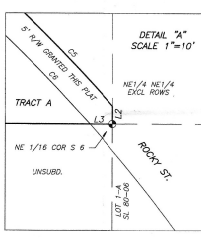
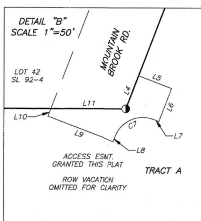
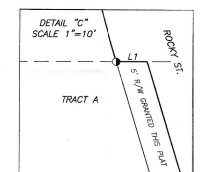
THE UNDERSIGNED OFFICIAL, IDENTIFIED BY NAME AND TITLE IS AUTHORIZED TO ACCEPT AND HEREBY ACCEPTS ON BEHALF OF THE KENAI PENINSULA BOROUGH FOR PUBLIC USES AND FOR PUBLIC PURPOSES THE REAL PROPERTY DEICATED BY THIS PLAT IDENTIFIED AS FOLLOWS: ROCKY ST. THE ACCEPTANCE OF LANDS FOR PUBLIC USE OR PUBLIC PURPOSES DOES NOT OBLIGATE THE PUBLIC OR ANY GOVERNING BODY TO CONSTRUCT, OPERATE OR MAINTAIN IMPROVEMENTS.

AUTHORIZED OFFICIAL _____ DATE _____
 KENAI PENINSULA BOROUGH

KPB 2026-038



- LEGEND**
- 1. FIND 1.5" PCAP ON 5/8" REBAR 3686-S 1985
 - 2. FIND 5/8" REBAR 3686-S 1985
 - 3. FIND 2" AC 7610-S 2003
 - 4. FIND 2.5" AC 288-S 1980
 - 5. FIND GIP WITH CMT
 - 6. FIND PRIMARY MONUMENT AS DESCRIBED
 - 7. TO SET 2" AC 204390-S 2024 ON 30" x 5/8" REBAR AT 1/16 CORNER
 - 8. SET 2" AC 204390-S 2024 ON 30" x 5/8" REBAR
 - 9. COMPUTED DATA PER RECORD PLAT
 - 10. POWER POLE
- 10' UTILITY ESMT GRANTED THIS PLAT
 - 20' BUILDING SETBACK
 - SECTION LINE EASEMENT
 - OVERHEAD POWERLINE
 - R/W VACATED THIS PLAT
 - UTIL. ESMT. VACATED THIS PLAT
 - APPROX. AREAS OF 20% SLOPE OR GREATER (NOAA 2024 NOAA LIDAR)



CERTIFICATE OF OWNERSHIP & DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, AND THAT WE HEREBY ADOP THIS PLAN OF SUBDIVISION, AND BY GIP FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

JAMES O. HOPKINS, OWNER ALL LOTS
 AKA JAMES HOPKINS
 P.O. BOX K
 SELDOVIA, AK 99663

LINDA J. HEDGECOOTH, OWNER PTN NW1/4 NE1/4
 P.O. BOX K
 SELDOVIA, AK 99663

NOTARY'S ACKNOWLEDGMENT

FOR: JAMES O. HOPKINS, AKA JAMES HOPKINS
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 2026.

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGMENT

FOR: LINDA J. HEDGECOOTH
 ACKNOWLEDGED BEFORE ME THIS
 DAY OF _____, 2026.

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES _____

WASTEWATER DISPOSAL

LOTS WHICH ARE AT LEAST 20,000 SQUARE FEET IN SIZE MAY NOT BE SUBJECT TO ON-SITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF CONSERVATION.

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF MM/00/YYYY.

BY: _____ DATE _____
 AUTHORIZED OFFICIAL
 KENAI PENINSULA BOROUGH

SELDOVIA RECORDING DISTRICT R/W FILE NO. 2026-038

**MOUNTAIN BROOK HEIGHTS
 HOPKINS 2026 REPLAT**

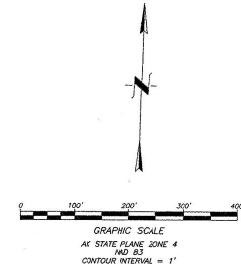
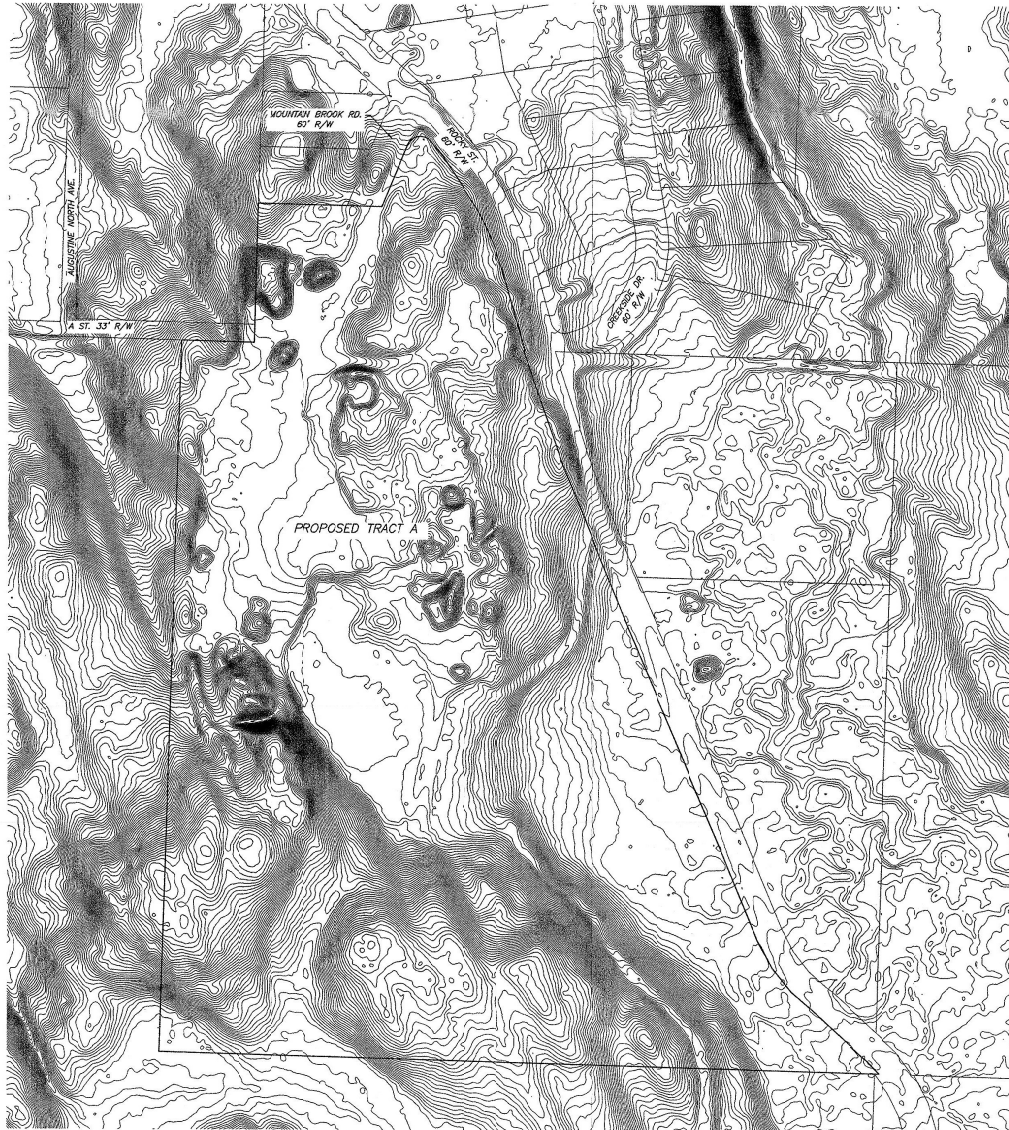
A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32, T. 9 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 885, MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

CONTAINING 30.504 ACRES

SEABRIGHT SURVEY + DESIGN
 KATHERINE A. KIRSIS, P.L.S.
 1044 EAST END ROAD, SUITE A
 HOMER, ALASKA 99603
 (907) 209-1880
 SEABRIGHTSURVEY@GMAIL.COM

CLIENTS: JAMES O. HOPKINS, AKA JAMES HOPKINS LINDA J. HEDGECOOTH
 P.O. BOX K SELDOVIA, AK 99663

DRAWN BY: B1 CHKD BY: KB JOB #2025-97
 DATE: 04/2025 SCALE: 1"=100' SHEET #1 OF 1



NOTES

1. THIS MAP SHOWS THE CONTOUR DATA DERIVED FROM THE 2024 NOAA LIDAR AK COSTAL COMMUNITIES (KACHEMAK BAY) ACQUIRED FROM NOAA DATA ACCESS VIEWER, 11/20/2025.
2. THE CONTOURS SHOW STEEP SLOPES ALONG THE WEST AND SOUTH BOUNDARY OF THE PROPOSED REPLAT WOULD BE UNSUITABLE FOR CONSTRUCTION.

MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT
CONTOUR MAP

SEABRIGHT SURVEY + DESIGN
KATHERINE A. KIRSIS, P.L.S.
1044 EAST END ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580

CLIENTS: JAMES D. HOPKINS, ANA, JAMES HOPKINS LINDA J. HEDGECOCK
P.O. BOX 4 SELDOWA, AK 99661 P.O. BOX 4 SELDOWA, AK 99663

DRAWN BY: BT	CHKD BY: KB	JOB #2025-07
DATE: 12/2025	SCALE: 1"=100'	SHEET #1 OF 1

AGENDA ITEM E. NEW BUSINESS

ITEM #4 - RIGHT OF WAY VACATION

VACATES AN APPROXIMATELY 16,857 SQUARE FOOT PORTION OF MOUNTAIN BROOK ROAD, INCLUDING ASSOCIATED UTILITY EASEMENTS, ADJACENT TO LOTS 43-45, LOT 47, AS DEDICATED BY MOUNTAIN BROOK HEIGHTS (SL 85-7) AND AMENDED BY (SL 92-4)

KPB File No.	2026-038V
Planning Commission Meeting:	June 8, 2026
Applicant / Owner:	James O. Hopkins and Linda J. Hedgecoth of Seldovia, Alaska
Surveyor:	Katherine A. Kirsis; Seabright Survey + Design
General Location:	Remote, Seldovia
Legal Description:	Mountain Brook Road 191-130-65: T 9S R 14W SEC 6 Seward Meridian SL PTN OF NW1/4 NE1/4 LYING WEST OF ROW PER PW RES 84-9 REC @84-4W 191-123-43; 191-123-44; 191-123-45; 191-123-47; 191-123-48: T 8S R 14W SEC 32 Seward Meridian SL 0920004 MOUNTAIN BROOK HEIGHTS SUB AMENDED LOT 43; 44; 45; 47; 48

STAFF REPORT

Specific Request / Purpose as stated in the petition:

Request to vacate a portion of Mountain Brook Road, including associated utility easements.

Notification: The public hearing notice was published in the June 5th issue of the Peninsula Clarion and the June 4th issue of the Homer News as part of the Commission’s tentative agenda.

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.

Ten certified mailings were sent to owners of property within 300 feet of the proposed vacation. 7 receipts had been returned when the staff report was prepared.

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

State of Alaska Dept. of Fish and 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)
Western Emergency Services Area	

Legal Access (existing and proposed):

Legal access to the subject area is provided by Rocky Street, Mountain Brook Road, and A Street.

Mountain Brook Road is a 60-foot right-of-way that connects to Rocky Street to the north. Available imagery indicates that only a portion of the right-of-way has been constructed. The southern approximately 16,857 square feet of Mountain Brook Road is proposed for vacation as depicted on the submitted diagram. This portion currently provides access to five parcels.

Rocky Street is a borough-maintained right-of-way located to the east, varying in width from 60 feet at the north to 50 feet at the south.

A Street is currently a 33-foot platted right-of-way located to the west.

A 66-foot section line easement is located to the south. The southernmost portion of Mountain Brook Road lies within the top 33 feet of the section line easement. Vacation of the right-of-way does not vacate any portion of the section line easement.

The block is loosely defined by Rocky Street, Mountain Brook Road and A Street. The large parcels to the south are unsubdivided and privately owned, with no dedicated rights-of-way, resulting in an open southern portion of the block. A material site is located on the unsubdivided parcel directly to the south.

A turn-around access easement is proposed to be granted by the plat at the northern end of the vacation area, as shown on the submitted diagram. **Staff recommends** the easement be labeled as a “public access easement” and included in the owner’s certification of dedication on the associated plat in accordance with KPB 20.60.160.

The design of the turn-around easement must meet KPB 20.30.100. and will require review and recommendation by EMS and KPB Road Service Area Board prior to Planning Commission review of the plat. **Staff recommends** the surveyor obtain these comments prior to submitting the Preliminary plat so to accommodate any suggestions to design.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

Site Investigation:

According to available data, Lots 43, 45 and 47 (SL 94-4) are vacant. Lot 44 has a gravel parking area on it according to KPB GIS data. The 27-acre parcel directly to the south contains a commercial material site occupying most of the parcel except for its southern third approximately.

A contours exhibit submitted with the application shows steep topography throughout the subject area, with slopes exceeding 20% shown. These steep areas are shown on the proposed preliminary plat.

The subject area is not located within a flood hazard area or a habitat protection district.

KPB River Center review	<p>A. Floodplain</p> <p>Reviewer: Hindman, Julie Floodplain Status: Not within flood hazard area Comments: No designated flood zone. No concerns with road vacation. No depictions or notes requested.</p> <p>B. Habitat Protection</p> <p>Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p>
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Staff Analysis:

The land was originally subdivided in 1985 by the Mountain Brook Heights plat (SL 85-7), creating Lots 43 through 47. In 1992, an amendment was filed to correct the placement of notes and labels filed as SL 92-4. Also in 1992, a Record of Survey (SL 92-5RS) was filed which included Lots 43-47. The southern parcel adjoining the right-of-way was created by KPB PC Plat Waiver Resolution 84-9 (SL 84-4W).

The Mountain Brook Heights Hopkins 2026 Replat is the associated plat that will finalize the right-of-way vacation, including the associated utility easements. This plat proposes to combine Lots 43-48 (SL 92-4) and the plat-waiver parcel to the south (PC 84-9) into one large parcel. **Staff recommends** that future subdivision of this parcel will include right-of-way dedication.

The parent plat (SL 85-7) granted a 10-foot utility easement along all rights-of-way. The 10-foot utility easement adjacent to the right-of-way vacation area is also petitioned for vacation, as shown on the submitted diagram.

HEA has indicated that an underground primary electric line is located within the proposed vacation area and requests that a utility easement be granted on the associated plat. **Staff recommends** the applicant comply with HEA's request. ACS commented that they have '*no objection to the vacation with the assumption that pre-existing facilities will not be affected*'. **Staff recommends** the surveyor get in contact with ACS to verify the location of any facilities in the area are safe and within a satisfactory easement.

The parcel abutting to the south is an active material site. Finalization of any subdivision action will require the applicant to obtain a Conditional Land Use Permit (CLUP) if continuation of the material site is intended. **Staff recommends** the applicant contact the KPB River Center LOZMS Planner, Ryan Raidmae, for additional information.

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;

Applicant comments: Mountain Brook Road, practically speaking, is utilized as a shared private driveway that provides access to the Kenley's (Lots 41 and 42), and to Hopkin's shop property/material site.

Staff comments: Available imagery indicate that only a portion of Mountain Brook Road has been constructed. The southern 16,857-square-foot segment proposed for vacation currently provides access to five parcels, including access to the adjoining material site.

2. A road is impossible or impractical to construct, and alternative access has been provided;

Applicant comments: There is no alternative access proposed, as Rocky Street is fully constructed and provides legal and physical access from north to south. A turnaround easement is being proposed in lieu of a cul-de-sac dedication. As dimensioned, the easement would provide "Adequate turning radii, width and depth must be provided for road maintenance and emergency vehicle access" as allowed by the code.

Staff comments: Rocky Street is a borough-maintained right-of-way that provides legal and physical access to the parcels on the east boundary. A 66-foot section line easement is located to the south. A Street is currently a 33-foot platted right-of-way located to the southwest.

3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;

Applicant comments: The larger parcel included in this replat is a material extraction and stockpiling site.

Staff comments: The surrounding area is not fully developed. Lots 43-47 are vacant, and the large parcel to the south is an active material site with no dedicated rights-of-way. While Rocky Street provides constructed access, Mountain Brook Road is only partially developed. An underground primary electric line identified by HEA exists within the right-of-way.

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;

Applicant comments:

Staff comments: The right-of-way does not provide access to a lake, river, or other public-interest natural feature. No public access to waterbodies or recreational areas is affected by the proposed vacation.

5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;

Applicant comments: Mountain Brook Road, practically speaking, is utilized as a shared private driveway that provides access to the Kenley's (Lots 41 and 42), and to Hopkin's shop property/material site. The right-of-way vacation will not affect access to adjacent properties, as Kenley and Hopkins will still have direct access from the shortened right-of-way.

Staff comments: The parcels to the south are unsubdivided and privately owned, with no dedicated rights-of-way. The steep terrain and existing material site operations further limit the feasibility of future interconnectivity. Future subdivision of the proposed large-acreage parcel will require right-of-way dedication.

6. Other public access, other than general road use, exist or are feasible for the right-of-way;

Applicant comments:

Staff comments: No additional forms of public access are associated with the right-of-way. The area serves primarily as vehicular access to adjacent parcels.

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.

Applicant comments:

Staff comments: The parent plat granted a 10-foot utility easement along all rights-of-way, and the adjacent utility easement is petitioned for vacation. HEA has identified an underground primary electric line within the vacation area and requests a utility easement to be granted.

8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Applicant comments: The larger parcel included in this replat is a material extraction and stockpiling site. There are explosives stored and utilized for rock extraction on site, which constitutes a safety hazard to the general public. It is in the owner's interest to vacate this portion of the Mountain Brook Road right-of-way to maintain safe operations and necessary expansion of the materials extraction site.

Staff comments: The southern parcel is an active material site. Finalization of the replat will require the owner to obtain a Conditional Land Use Permit (CLUP) if material extraction is to continue. Future subdivision of the combined parcels will require right-of-way dedication.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Assembly will hear the vacation at their scheduled June 16th or July 7th 2026 meeting.

If approved, Mountain Brook Heights Hopkins 2026 Replat will finalize the proposed right of way vacations.

KPB department / agency review:

Addressing	<p>Reviewer: Pace, Rhealyn Affected Addresses: 102 Mountain Brook Rd</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: Mountain Brook Rd, Rocky St</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: No comment</p>
Code Compliance	Vacant
LOZMS Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Prior Existing Use PEU Recognized Date: 1/10/2001 Material Site Comments: According to KPB 21.25.130, Prior-Existing Uses, it states, "Where a parcel subject to a pre-existing use is further subdivided after May 21, 1996, the use may not be expanded beyond the boundaries of the lots, tracks, or parcels it occupies on February 16, 1999, to new parcels created by the subdivision." Per KPB Code, after subdividing, only the parent parcel, which is legally described as T 9S R 14W SEC 6 SEWARD MERIDIAN SL PTN OF NW1/4 NE1/4 LYING WEST OF ROW PER PW RES 84-9 REC @84-4W, will retain the Prior Existing Use designation. All other parcels created by the subdivision must obtain a Conditional Land Use Permit if the parcel is intended for further material site operations.</p> <p>Furthermore, according to KPB 21.29.120(E), Prior-existing uses, it states, "PEU provisions are not applicable for Type IV Endorsement sites."</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>

Utility provider review:

HEA	See comment
ENSTAR	
ACS	No objections with the assumption that pre-existing facilities will not be affected.
GCI	

STAFF RECOMMENDATIONS
CORRECTIONS / EDITS

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) 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 including a submittal to and approval by the Plat Committee.
 3. Grant utility easements requested by 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 20.65.050(I)).
-

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.

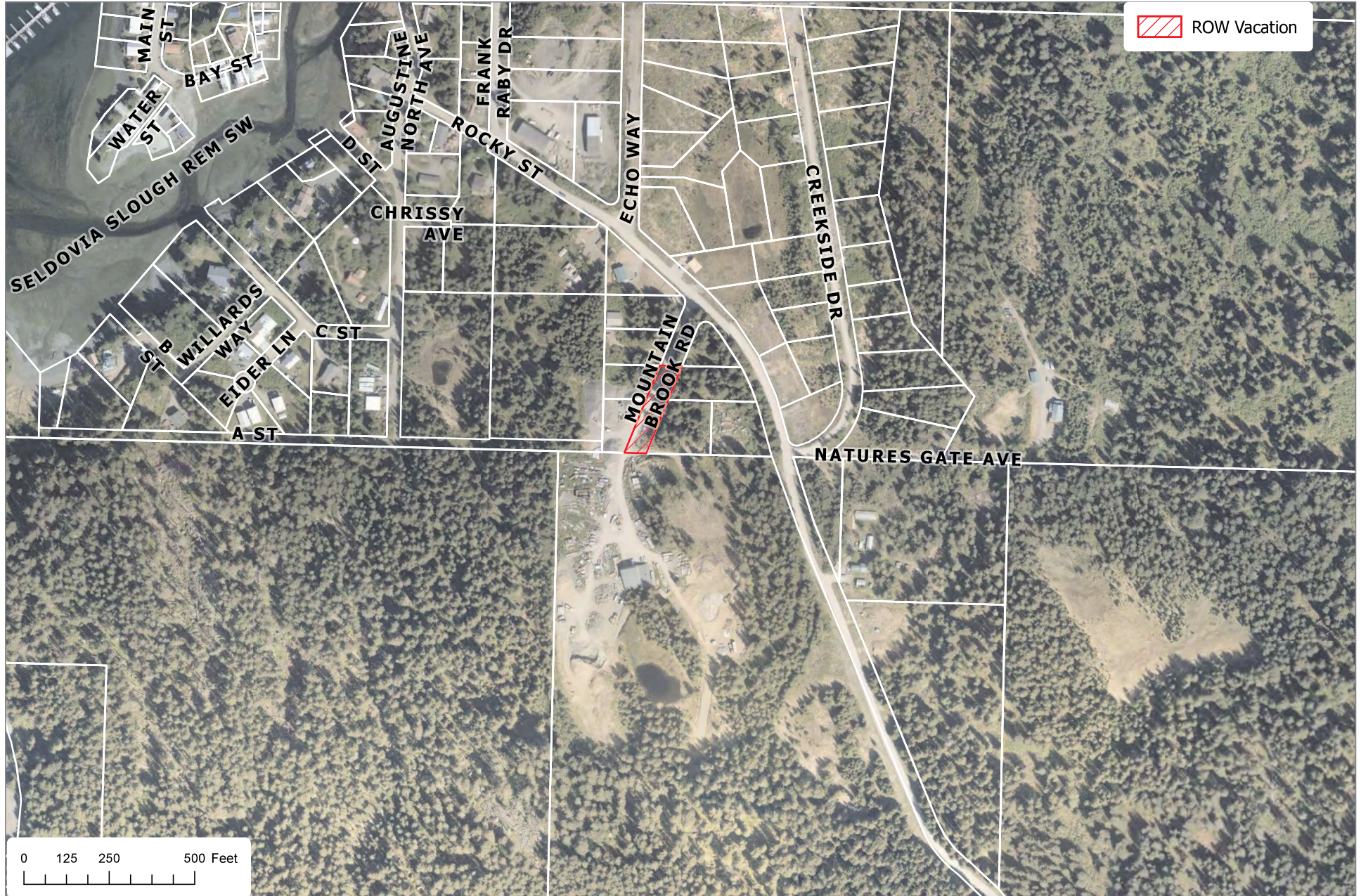
Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *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

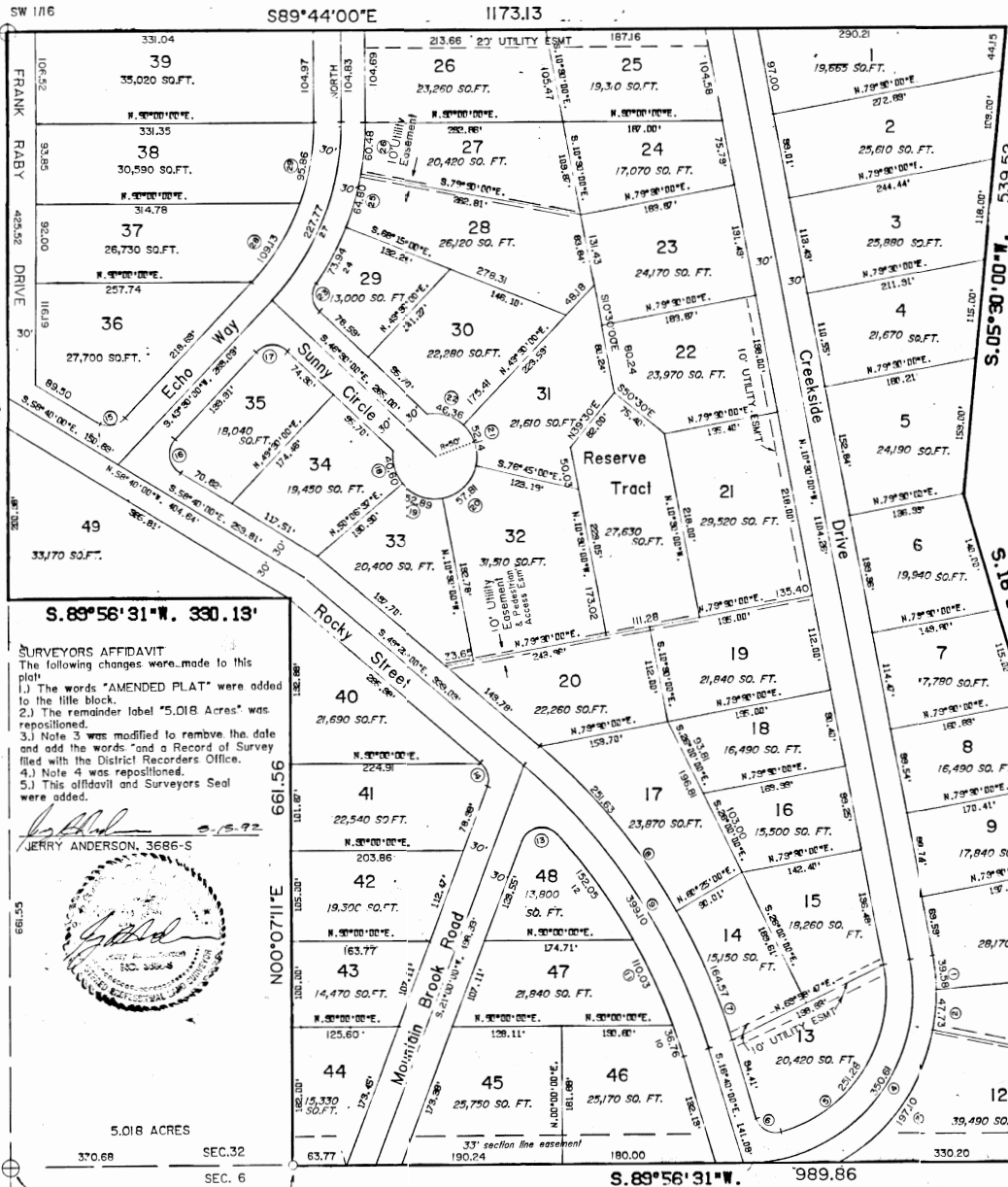
- *Focus Area: Transportation*
 - o *Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.*
 - *Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
 - *Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



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.

FOUND COR #9
USS #1770
B.C. MONUMENT, 1937
SW 1/16



CURVE DATA

NO.	DELTA	RADIUS	LENGTH
(1)	09°13'32"	230.00	39.58
(2)	11°53'28"	230.00	47.73
(3)	49°03'00"	230.00	197.10
(4)	100°26'31"	200.00	350.81
(5)	84°41'22"	170.00	281.78
(6)	89°08'38"	25.00	38.90
(7)	12°58'00"	730.00	164.62
(8)	19°44'34"	730.00	251.78
(9)	32°40'00"	700.00	389.10
(10)	03°09'38"	670.00	36.76
(11)	09°24'34"	670.00	110.03
(12)	13°00'11"	670.00	152.05
(13)	18°46'37"	25.00	33.96
(14)	70°20'00"	25.00	30.69
(15)	77°50'01"	25.00	33.96
(16)	102°09'59"	25.00	44.58
(17)	80°00'00"	25.00	39.27
(18)	46°31'12"	50.00	40.60
(19)	60°36'37"	50.00	52.89
(20)	66°15'00"	50.00	57.81
(21)	59°45'00"	50.00	52.14
(22)	53°07'48"	50.00	46.36
(23)	81°05'15"	25.00	35.38
(24)	12°50'14"	330.00	73.94
(25)	11°15'00"	330.00	64.79
(26)	10°30'00"	330.00	60.47

ENVIRONMENTAL NOTES
All lots must be connected to and served by a Community wastewater system approved by the Alaska Department of Environmental Conservation.

Lots 36, 37, 38, & 39 are reserved for community sewage facilities until such time that a suitable alternate sewage treatment facility is provided.

no lots in this subdivision may be sold until served by a community wastewater treatment and collection system approved by the Department of Environmental Conservation
12' water and sewer line separation shall be maintained.

- NOTES:
- 1.) All lots are subject to a 10' utility easement along all rights-of-way. And along all existing underground utilities, if any.
 - 2.) There is a 20' easement centered along all existing powerlines.
A setback of 20' is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate planning commission.
 - 3.) All lot corners will be marked by a 5/8" re-bar with an aluminum cap upon completion of utility construction and a Record of Survey filed with the District Recorders Office.
 - 4.) The property tax due on the reserve tract will be divided evenly between the lot owners.



92-4
FILED
Seldovia DIST.
DATE 6-15-92
TIME 1:35 P.M.
REGISTERED BY Ability Surveys
Address

FILED
SELDOVIA REC. DIST.
DATE 7-26-92
TIME 2:07 P.M.
REGISTERED BY KFB
ADDRESS S.E. 1/4

CERTIFICATE OF OWNERSHIP
I hereby certify that I am the owner of the property shown and described hereon. I hereby request approval of this plat showing such easements for public utilities and roadways dedicated by me for public use, or to the uses shown.
Jerry Anderson SALLY SMITH
BOX 155 SELDOVIA, ALASKA 99563

James A. Hoff Valerie Hopkins
VALERIE HOPKINS
STATE OF ALASKA
NOTARY PUBLIC
EVELYN HOFFERSON, R.O.
NOTARY'S ACKNOWLEDGMENT
Subscribed and sworn to before me this 24 day of July 1992
Richard P. Traeger 1-3-88
My Commission Expires 1-3-90

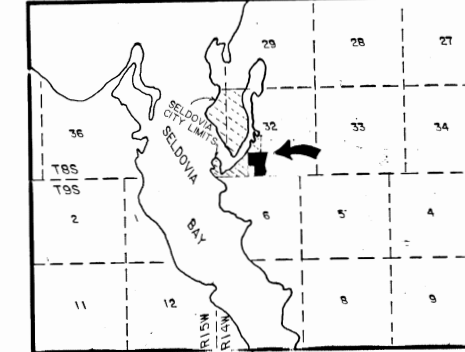
SURVEYOR'S CERTIFICATE
I, the undersigned registered surveyor, hereby certify that a land survey has been completed by me or under my direct supervision and that corners and monuments have been located and established and that dimensions shown hereon are true and correct.

Jerry Anderson 7-23-85
Person, RLS No. 3686-S DATE

PLAT APPROVAL
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of July 22, 1985.
Kenai Peninsula Borough

By *Richard P. Traeger*
Authorized Official

VICINITY MAP 1" = 1 MILE



DATE: MAY, 1984
SCALE: 1" = 100'
DRAWN BY: JAA
FLD BK NO.: 2 & 4
JOB NO.: 1626



MOUNTAIN BROOK HEIGHTS
AMENDED PLAT
Sited in the SE 1/4 SW 1/4, Sec. 32, T8S, R14W, Seward Meridian, Alaska.

Containing 31.787 Acres
ABILITY SURVEYS
JERRY ANDERSON, R.L.S. BOX 378 HOMER, ALASKA

SURVEYORS AFFIDAVIT
The following changes were made to this plat:
1.) The words "AMENDED PLAT" were added to the title block.
2.) The remainder label "5.018 Acres" was repositioned.
3.) Note 3 was modified to remove the date and add the words "and a Record of Survey filed with the District Recorders Office."
4.) Note 4 was repositioned.
5.) This affidavit and Surveyors Seal were added.

Jerry Anderson 5-15-92
JERRY ANDERSON, 3686-S



W 1/16th FOUND B.C. MONUMENT C.R. #10, USS #770, 1937
1/256th, SEC. 32 FOUND 1/2" I.P.

SPECIAL NOTE
Development and use of the portion of this subdivision within the Seldovia Watershed is subject to receipt of a permit from the City of Seldovia.

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been reviewed in accordance with 18AAC72.065 and is approved subject to any noted restrictions.
Paul D. Hewitt R.E.E. 7-25-85
SIGNATURE TITLE DATE

SL 92-04 SL 85-7

84-4W

KENAI PENINSULA BOROUGH
PLANNING COMMISSION

RESOLUTION 84-9

GRANTING A PLATTING EXCEPTION FOR LANDS COMING UNDER PROVISION OF AS 29.33.170A AND KPB 20.04.040B AS PETITIONED BY ROBERTSON & SONS.

WHEREAS, it has been determined that:

1. Each tract or parcel of land will have adequate access to a dedicated public highway or street by frontage upon a dedicated public highway or street;
2. Each parcel is 5 acres in size or larger and that the land is divided into 4 or fewer parcels;
3. The conveyance is not made for the purpose of, or in connection with, a present or projected subdivision development;
4. No dedication of a street, alley, thoroughfare or other public area is involved or required by Chapter 20.20 of this title.

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

Section 1. That the following parcel has been granted a platting waiver.

The Northwest one-quarter of the Northeast one-quarter (NW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section 6, Township 9 South, Range 14 West, Seward Meridian, in the Seldovia Recording District, Third Judicial District, State of Alaska, EXCEPTING THEREFROM that portion deeded to the Kenai Peninsula Borough by deed recorded July 14, 1980 in Book 23 at Page 985, (50-foot road right-of-way), AND FURTHER EXCEPTING THEREFROM the Easterly 487.75 feet of the Northerly 412.94 feet of the Northwest one-quarter of the Northeast one-quarter.

Section 2. That this resolution is automatically void if not recorded in the proper recording district within 20 working days of adoption. \$10 fee to be submitted to Planning Department by October 1, 1984.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH THIS 12th DAY OF September, 1984.

Kevin S. Campbell

Planning Commission Chairman

ATTEST:

Teressa Neely

Secretary

84-4W

RECORDED - FILED	10-1-84
Seldovia	REC. DIST.
DATE	10-1-1984
TIME	9:06 A.M.
Requested by	Ability Surveys
Address	for KPB Seldovia

St 84-318

RECORDED - FILED	10-1-84
Seldovia	REC. DIST.
DATE	10-1-1984
TIME	9:06 A.M.
Requested by	Ability Surveys
Address	for KPB Seldovia

**MOUNTAIN BROOK HEIGHTS
HOPKINS 2026 REPLAT**
RIGHT-OF-WAY VACATION DIAGRAM

A SUBDIVISION OF LOTS 43, 44, 45, 46, 47, AND 48, MOUNTAIN BROOK HEIGHTS SUBDIVISION, AMENDED (SL 92-4), LOCATED IN THE SE1/4 SW1/4 SEC. 32 T. 8 S., R. 14 W., & THE NORTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER (NW1/4 NE1/4), EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE KPB BY WARRANTY DEED RECORDED JULY 14, 1980 IN BK 23 PG 985, LOCATED IN THE NW1/4 NE1/4, SEC. 6 T. 9 S., R. 14 W., SEWARD MERIDIAN, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA

HEA REVIEWED - SEE COMMENTS

Scott Huff
Scott Huff 5/19/2026
Land Management Officer

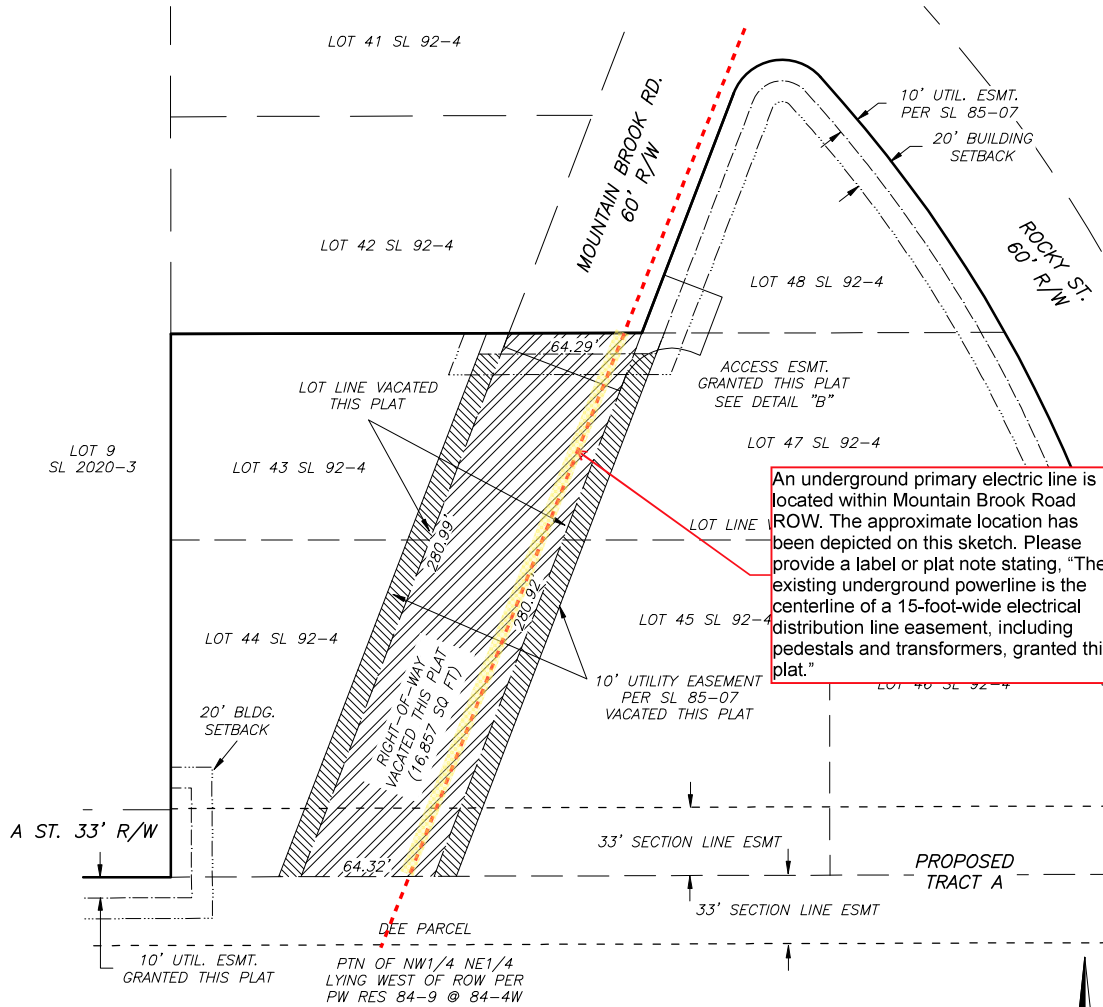
SEABRIGHT SURVEY + DESIGN

KATHERINE A. KIRSIS, P.L.S.

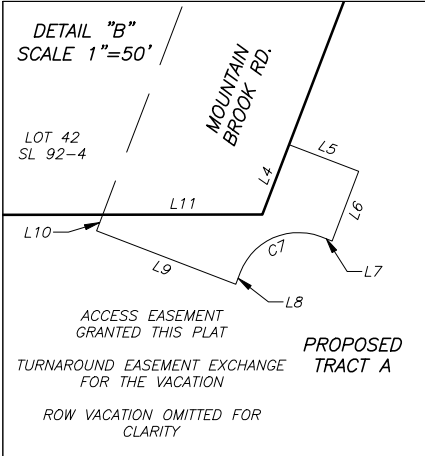
1044 EAST ROAD, SUITE A
HOMER, ALASKA 99603
(907) 299-1580
SEABRIGHTSURVEY@GMAIL.COM

DATE: 4/17/2026

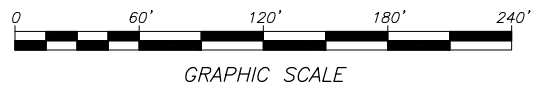
JOB #2025-97



An underground primary electric line is located within Mountain Brook Road ROW. The approximate location has been depicted on this sketch. Please provide a label or plat note stating, "The existing underground powerline is the centerline of a 15-foot-wide electrical distribution line easement, including pedestals and transformers, granted this plat."



LINE #	LENGTH	BEARING
L4	30.00'	S20°56'32"W
L5	30.00'	N69°03'28"W
L6	30.00'	N20°56'32"E
L7	5.00'	S69°03'28"E
L8	5.00'	N20°56'32"E
L9	60.00'	S69°03'28"E
L10	6.91'	S20°56'32"W
L11	64.29'	S89°53'45"W





May 26, 2026

Kenai Peninsula Borough
144 N. Binkley St.
Soldotna, AK 99669

SUBJECT: ROW VACATION REVIEW FOR June 8

Alaska Communications has reviewed the plats listed below and recommends the following:

Plat Prelim ROW Vacation Diagram KPB 2026-046V_Reduced
Alaska Communications has no objections.

Plat Prelim KPB 2026-038V 04172026_Reduced
Alaska Communications has no objections with the assumption that pre-existing facilities will not be affected.

Sincerely,

Andy Russell

Network Engineer I - OSP
Email: andrew.russell@acsalaska.com
Mobile: (907) 217-7477

