

May 5, 2022

Donald E. Gilman River Center
514 Funny River Road
Soldotna, Alaska 99669
Planning Commission:

In regards to: Kent Cushman's CUP fence permit

Lot 11, Block 5 objects to this Conditional Use Permit for 10' of fence on Lot 10, Block 5. We purchased our lot in December 1972 (Plat 72-62) and are original owners. Lot 11, Block 5's address is 34785 Sockeye Lane. Sockeye Lane extension (Plat 74-85) is not a drivable surface. The area of this fence is in dispute and has been our access to Sockeye Lane since 1972 when the Kenai River Keys subdivision was subdivided.

Attached are aerial photographs from Quantum Spatial, Inc. located in Anchorage, AK. These are professional aerial photographs. The first one is dated September 24, 1972, **Page 2**. The second one is dated May 14, 1996, **Page 3**. Note it is dated one day before the Habitat Protection District came into existence.

Please note the circled areas on both photographs. You will notice the vegetation lines are the same in both photographs. This is the way the Sockeye Lane was originally made to access Lot 11, Block 5 from Sockeye Lane.

Other attached photographs are on **Page 4**. The top photograph was taken in 1976. It shows the driveway into Lot 11, Block 5 from Sockeye Lane. The photograph on the bottom was taken in 1978. It shows Patsy Shaw's van in Lot 11, Block 5's driveway. In the foreground you can see the surveying stake common to Lot 11 and Lot 10. We have always used this driveway until Mr. Cushman acquired Lot 10, Block 5 on June 18, 2019. Note the vegetation lines on the western (left) side of the driveway. When the subdivision was subdivided, the last several hundred feet of Sockeye Lane was created on the western edge of the Sockeye Lane Road easement, not in the middle of the easement.

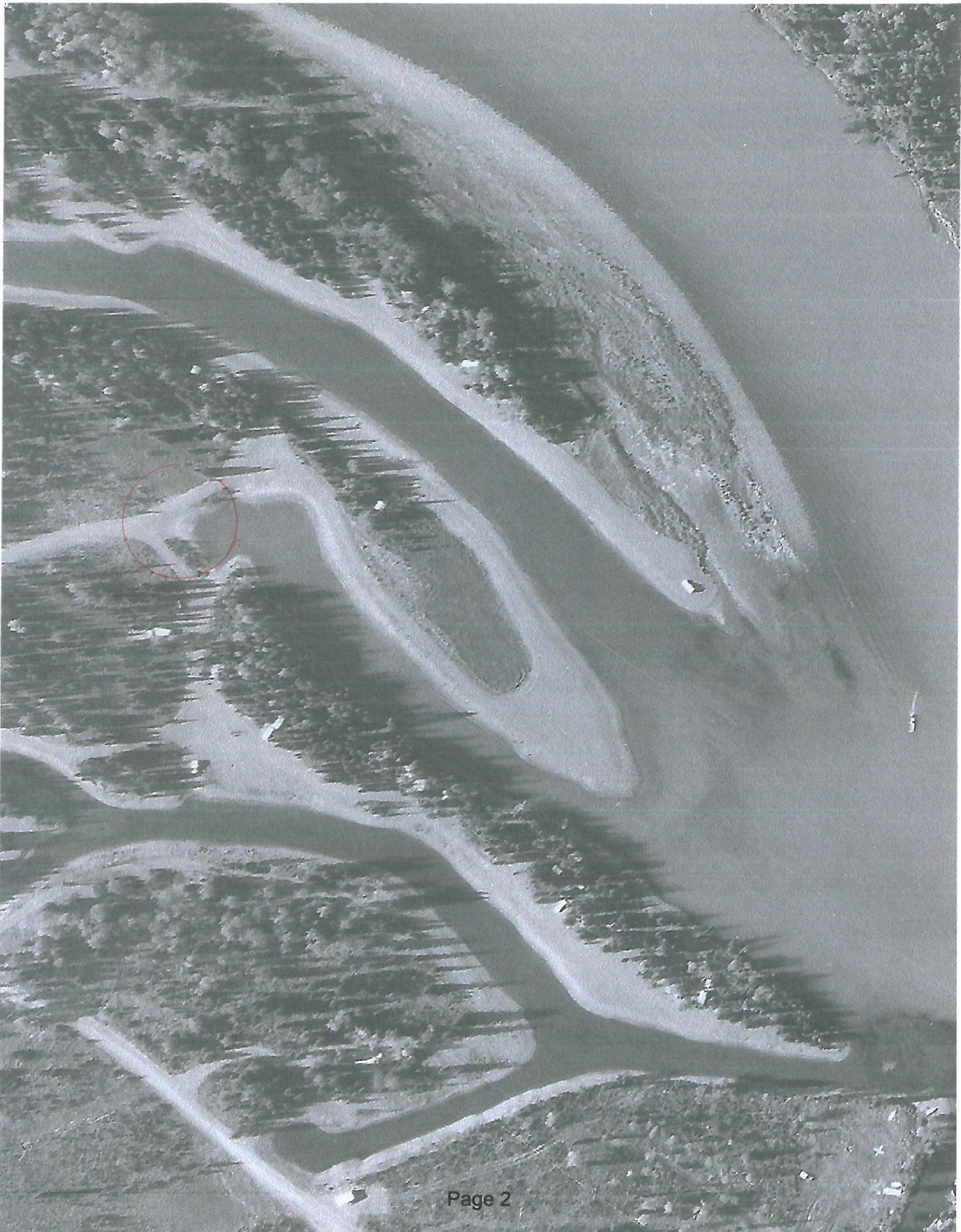
Finally, attached is the current As-Built of Lot 11, Block 5 dated December 19, 2018, **Page 5**. In the circled area you can see where our driveway was surveyed.

All of these documents taken together shows that Lot 11, Block 5 has used this as their driveway since 1972. Adverse possession laws in Alaska are quite clear. Blocking off this access is a huge liability for someone if we ever needed emergency services such as fire or ambulance.

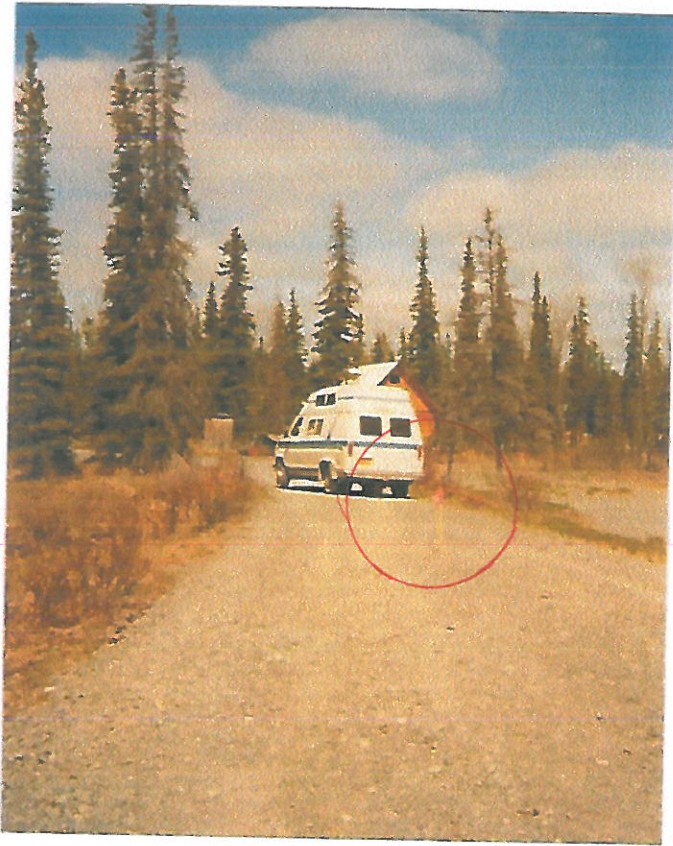
Respectfully,

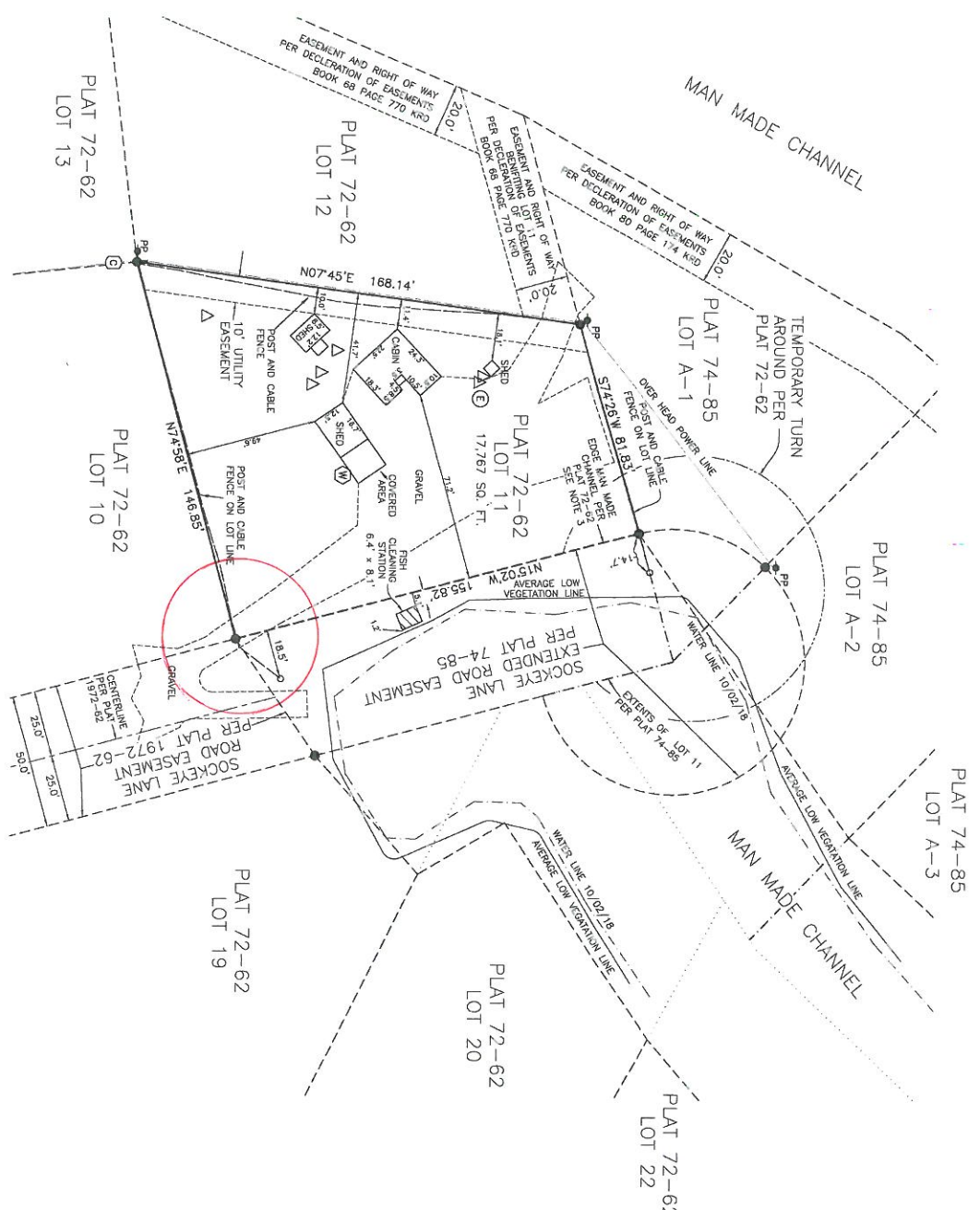
Robert Jeffries, Trustee, Shaw Trust
PO Box 214
Soldotna, AK 99669











NOTES:

1. THIS AS-BUILT SURVEY WAS PREPARED FOR MORTGAGE PURPOSES. RE-USE OF THIS DRAWING BY THE ORIGINAL CLIENT OR BY OTHERS, FOR ANY PURPOSE, WITHOUT THE EXPRESS CONSENT OF THE SURVEYOR, IS PROHIBITED. THE SURVEYOR'S LIABILITY IS LIMITED TO THE AMOUNT OF FEES COLLECTED FOR SERVICES IN PREPARATION OF THIS PRODUCT.
2. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION. THIS AS-BUILT SURVEY, UNDER NO CIRCUMSTANCES, SHALL BE USED FOR CONSTRUCTION OR BOUNDARY LOCATIONS.
3. PLAT 1972-82 CONTAINS THE FOLLOWING NOTE: LOT LINES EXTEND TO THE CENTER LINES OF ROAD EASEMENTS AND MAN MADE CHANNELS.
4. RECORD DATA SHOWN HEREON IS PER PLATS 72-62 AND 74-85 KENAI RECORDING DISTRICT.

SURVEYOR CERTIFICATE

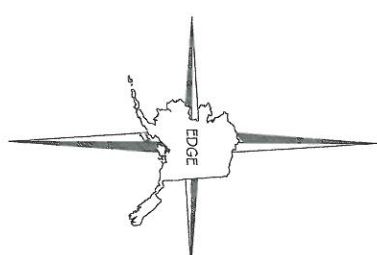
I HEREBY CERTIFY THAT I HAVE PERFORMED AN AS-BUILT SURVEY ON THE PROPERTY SHOWN HEREON AND THE IMPROVEMENTS EXIST AS SHOWN. FIELD SURVEY 10/02/18.

MARK AMONETTI 12/19/18
 PLS 13022-S



LEGEND:

- PROPERTY CORNER FOUND
- ⊙ WELL
- △ SEPTIC VENT PIPE
- ⊕ ELECTRIC METER BASE
- ⊕ UTILITY POLE
- ⊕ COMMUNICATION PEDESTAL
- PARCEL BOUNDARY
- ADJACENT PARCELS BOUNDARY
- EASEMENTS
- AVERAGE LOW VEGETATION LINE
- WATER LINE
- OVER HEAD POWER
- EDGE GRAVEL
- LOT LINE EXTENSIONS PER PLAT 72-62
- LOT LINE EXTENSIONS PER PLAT 74-85
- TEMPORARY TURN AROUND PER PLAT 72-62
- CENTERLINE PER PLAT 72-62



EDGE SURVEY AND DESIGN, LLC
 12501 OLD SEWARD, D ANCHORAGE, AK 99515
 Phone (907) 344-5990 Fax (907) 344-7794

AS-BUILT SURVEY			
LOT 11 BLOCK 5 KENAI RIVER KEYS SUBDIVISION			
PLAT 72-62 KENAI RECORDING DISTRICT			
DRAWN BY:	DATE:	FIELD BOOK:	
JY	12/19/18	18-10	
CHECKED BY:	SCALE:	SHEET:	
MA	1" = 30'	1 OF 1	