

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate Mills Pond Avenue right-of-way, a 60-foot wide by 1,060 foot in length right-of-way as dedicated by Davis-Mills Subdivision (Plat KN 2007-57) and Toombs Subdivision #3 (Plat KN 2006-105). Also vacate a portion of Toombs Ave., a 33-foot wide by 90 feet in length east to west spur (overlying a Section Line Easement) also dedicated by Toombs Subdivision #3 (Plat KN 2006-105). This action also proposes to vacate all 10 foot utility easements along each right-of-way proposed for vacation as created by plat note on each plat. The Toombs Avenue Spur is located within the SE ¼ of Section 3, and Mills Pond Avenue is located within NE ¼ of Section 10; both within Township 2 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2015-074.

Staff Report given by Max Best

PC Meeting: 8/10/15

Purpose as stated in petition: Applicant is moving the right-of-way from area that would be difficult to construct to adjacent areas where right-of-way is already constructed.

Petitioners: John & Pauline Mills of Kasilof, AK.

Notification: Public notice appeared in the July 30 and August 6, 2015 issues of the Peninsula Clarion.

Sixteen notices of public hearing were sent by certified mailing were sent to owners of property within 300 feet of the proposed vacation. Fourteen return receipts have been received to date. Notice of the public hearing was mailed to 23 owners within 600 feet of the proposed vacations by regular mail.

Notice of public hearing was sent by regular mail to two agencies. Notice of the public hearing was emailed to 13 agencies and interested parties. Notices were emailed to 11 KPB staff in various departments. Notices were mailed to the Kasilof Post Office and Kasilof Community Library and requested to be posted in public places. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Alaska Communications Systems: No objections.

Homer Electric Association: No comments or objections.

KPB Addressing Officer: No objection.

KPB Roads Department: The proposed dedicated ROW vacations and associated ROW dedications appear to make sense. No objections. Please note that Carol Road is RSA maintained but that both Toombs Avenue and Mills Pond Avenue are not.

River Center: No Habitat District concerns.

Staff Discussion:

The preliminary plat that will finalize the right-of-way and associated utility easement vacations is scheduled for the August 24, 2015 Plat Committee meeting.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
4. Per the submittal, the right-of-way proposed for vacation have not been constructed.
5. The rights-of-way do not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement

- requirements.
7. To date, two utility companies have provided written statements of non-objection.
 8. The associated plat that will finalize the vacation, if it is approved, provides an alternative right-of-way over an existing travel way.
 9. The proposed vacation of the existing Mills Pond Avenue moves a KPB right-of-way out of a low wet area.
 10. Vacation of the fee right-of-way will not vacate the underlying section line easement, which will be shown and labeled on the plat that will finalize the right-of-way vacations.
 11. KPB Roads Department provided a written statement of no objection to the proposed vacations.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

1. The proposed alternative right-of-way for Mills Pond Avenue to be dedicated by Davis-Mills Subdivision No. 2 be a minimum 60 feet wide per KPB 20.30.120.
2. Submittal of a final plat in accordance with Chapter 20 of the KPB within one year of vacation consent.

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.

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 THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment.

1. Jerry Johnson, Box 27, Clam Gulch
Mr. Johnson was the surveyor on the project and was available to answer questions.

Chairman Martin asked if there were questions for Mr. Johnson. Hearing none the public hearing continued.

Seeing and hearing no one else wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Ecklund moved; seconded by Commissioner Collins approval of the vacation of Mills Pond Avenue right-of-way, a 60-foot wide by 1,060 foot in length right-of-way as dedicated by Davis-Mills Subdivision and Toombs Subdivision #3 (Plat KN 2006-105). Also vacate a portion of Toombs Ave., a 33-foot wide by 90 feet in length east to west spur dedicated by Toombs Subdivision #3 and include staff recommendations.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.

2. No surrounding properties will be denied access.
3. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
4. Per the submittal, the right-of-way proposed for vacation have not been constructed.
5. The rights-of-way do not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, two utility companies have provided written statements of non-objection.
8. The associated plat that will finalize the vacation, if it is approved, provides an alternative right-of-way over an existing travel way.
9. The proposed vacation of the existing Mills Pond Avenue moves a KPB right-of-way out of a low wet area.
10. Vacation of the fee right-of-way will not vacate the underlying section line easement, which will be shown and labeled on the plat that will finalize the right-of-way vacations.
11. KPB Roads Department provided a written statement of no objection to the proposed vacations.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	COLLINS YES	ECKLUND YES	ERNST YES	FOSTER YES	GLENDENING ABSENT	HOLSTEN YES
ISHAM YES	LOCKWOOD ABSENT	MARTIN YES	RUFFNER ABSENT	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

1. Ordinance 2015-22, An Ordinance Amending KPB Chapter 14.40 Regarding the Use and Control of Borough Rights-of-Way and Enforcement of Right-of-Way Regulations

Staff Report given by Max Best

PC Meeting: July 13, 2015

Ordinance 2015-22 was postponed from the July 13, 2015 meeting so that the Advisory Planning Commissions and other interested parties could review the ordinance and so that the questions the Planning Commission had could be answered.

Mr. Best reviewed the following amendment memorandum that was submitted from Liz Leduc, Assistant Borough Attorney.

After the introduction of Ordinance 2015-22, amending KPB chapter 14.40, several needed changes came to light. We are requesting that the Planning Commission and the Road Service Area Board consider the amendments outlined below at your meetings on August 10 and August 11, respectively. New language is denoted by **bold** text.

- **Amend KPB 14.40.040(D).**

Encroachment permits. Encroachment permits [MAY BE] are issued by the RSA director for objects existing or to be constructed, installed or placed within a borough right-of-way by a private party or other non-borough entity.

Comment: The proposed amendment to 14.40.040 clarifies that encroachment permits are required for both existing and new encroachments.

- **Amend KPB 14.40.061(A)(2) and (5).**

...



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • **FAX:** (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2215

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

August 13, 2015

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF AUGUST 10, 2015

RE: Vacate Mills Pond Avenue right-of-way, a 60-foot wide by 1,060 foot in length right-of-way as dedicated by Davis-Mills Subdivision (Plat KN 2007-57) and Toombs Subdivision #3 (Plat KN 2006-105). Also vacate a portion of Toombs Ave., a 33-foot wide by 90 feet in length east to west spur (overlying a Section Line Easement) also dedicated by Toombs Subdivision #3 (Plat KN 2006-105). This action also proposes to vacate all 10 foot utility easements along each right-of-way proposed for vacation as created by plat note on each plat. The Toombs Avenue Spur is located within the SE ¼ of Section 3, and Mills Pond Avenue is located within NE ¼ of Section 10; both within Township 2 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2015-074.

During their regularly scheduled meeting of August 10, 2015 the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The rights-of-way do not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, two utility companies have provided written statements of non-objection.
8. The associated plat that will finalize the vacation, if it is approved, provides an alternative right-of-way over an existing travel way.
9. The proposed vacation of the existing Mills Pond Avenue moves a KPB right-of-way out of a low wet area.
10. Vacation of the fee right-of-way will not vacate the underlying section line easement, which will be shown and labeled on the plat that will finalize the right-of-way vacations.
11. KPB Roads Department provided a written statement of no objection to the proposed vacations.

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. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (August 10, 2015) in which to veto the Planning Commission decision. If the

Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent August 13, 2015 to:

John & Pauline Mills
PO Box 260
Kasilof, AK 99610-0260

Johnson Surveying
Box 27
Clam Gulch, AK 99568

AGENDA ITEM F. PUBLIC HEARINGS

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STAFF REPORT

PC Meeting: 8/10/15

Purpose as stated in petition: Applicant is moving the right-of-way from area that would be difficult to construct to adjacent areas where right-of-way is already constructed.

Petitioners: John & Pauline Mills of Kaslof, AK.

Notification: Public notice appeared in the July 30 and August 6, 2015 issues of the Peninsula Clarion.

Sixteen notices of public hearing were sent by certified mailing were sent to owners of property within 300 feet of the proposed vacation. Fourteen return receipts have been received to date. Notice of the public hearing was mailed to 23 owners within 600 feet of the proposed vacations by regular mail.

Notice of public hearing was sent by regular mail to two agencies. Notice of the public hearing was emailed to 13 agencies and interested parties. Notices were emailed to 11 KPB staff in various departments. Notices were mailed to the Kaslof Post Office and Kaslof Community Library and requested to be posted in public places. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Alaska Communications Systems: No objections.

Homer Electric Association: No comments or objections.

KPB Addressing Officer: No objection.

KPB Roads Department: The proposed dedicated ROW vacations and associated ROW dedications appear to make sense. No objections. Please note that Carol Road is RSA maintained but that both Toombs Avenue and Mills Pond Avenue are not.

River Center: No Habitat District concerns.

Staff Discussion:

The preliminary plat that will finalize the right-of-way and associated utility easement vacations is scheduled for the August 24, 2015 Plat Committee meeting.

Findings:

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
4. Per the submittal, the right-of-way proposed for vacation have not been constructed.
5. The rights-of-way do not appear to be in use for utilities.

6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, two utility companies have provided written statements of non-objection.
8. The associated plat that will finalize the vacation, if it is approved, provides an alternative right-of-way over an existing travel way.
9. The proposed vacation of the existing Mills Pond Avenue moves a KPB right-of-way out of a low wet area.
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11. KPB Roads Department provided a written statement of no objection to the proposed vacations.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacations as petitioned, subject to:

1. The proposed alternative right-of-way for Mills Pond Avenue to be dedicated by Davis-Mills Subdivision No. 2 be a minimum 60 feet wide per KPB 20.30.120.
2. Submittal of a final plat in accordance with Chapter 20 of the KPB within one year of vacation consent.

KPB 20.70.110:

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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 THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

DAVIS-MILLS SUBDIVISION #2 PRELIMINARY PLAT

A replat of Tract I Toombs Subd. #3 (KRD 2006-105), and Tract C Davis-Mills Subd., (KRD 2007-57), vacating Mills Pond Ave. and a portion of Toombs Ave and associated utility easements.

Located in the SE1/4 Section 3 and NE1/4 Section 10, T2N R12W, SM, Kenai Recording District Kenai Peninsula Borough

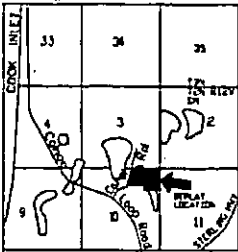
Prepared for
John & Pauline Mills
P.O. Box 260
Kasilof, AK 99610

Prepared by
Johnson Surveying
Box 27
Clam Gulch, AK 99568

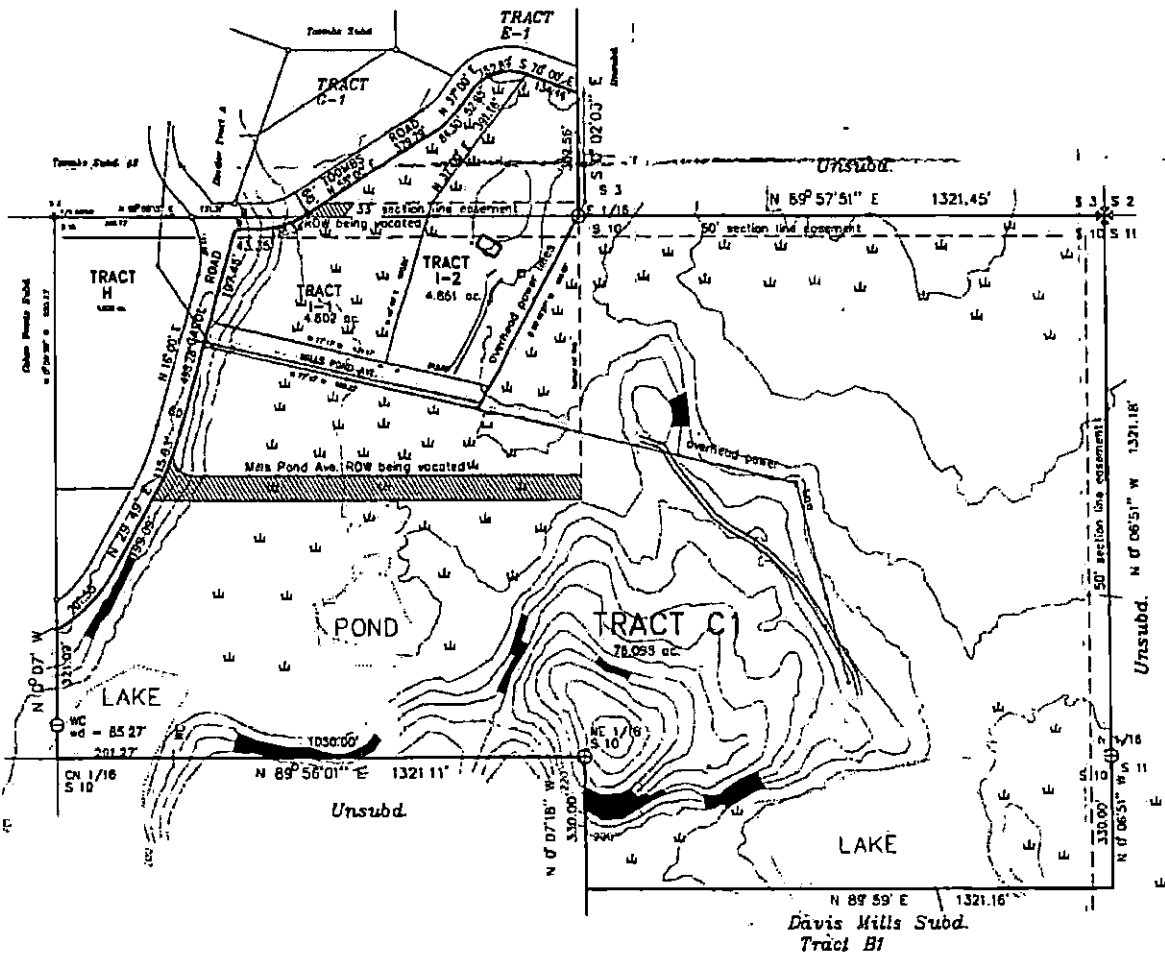
SCALE 1" = 200' AREA = 86.62 acres
7 May, 2015

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 15' of building setback is also a utility easement, as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. 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.
4. Contour interval 4'. Shaded areas indicate grades over 20%.



2015-074



DAVIS - MILLS SUBDIVISION

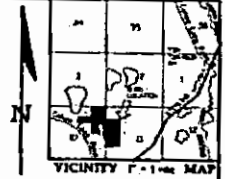
Located in the SW1/4 NW1/4 & NW1/4 SW1/4 Section 11, and SE1/4 NE1/4, NE1/4 NE1/4, and SW1/2 NW1/4 NE1/4 Section 10, T2N R22W, S1E Coho, Alaska. Including a reprint of Tracts A & B Blue Ribbon Estates #2, KR2 2002-62, and Parcel 2 of KPB Plat Vol 98-01. Kennel Recording District. Kennel Peninsula Borough File #2007-100

Prepared for
 John & Phyllis Davis
 P.O. Box 67
 Kotzebue, AK 99561
 John & Phyllis Davis
 P.O. Box 260
 Kotzebue, AK 99561

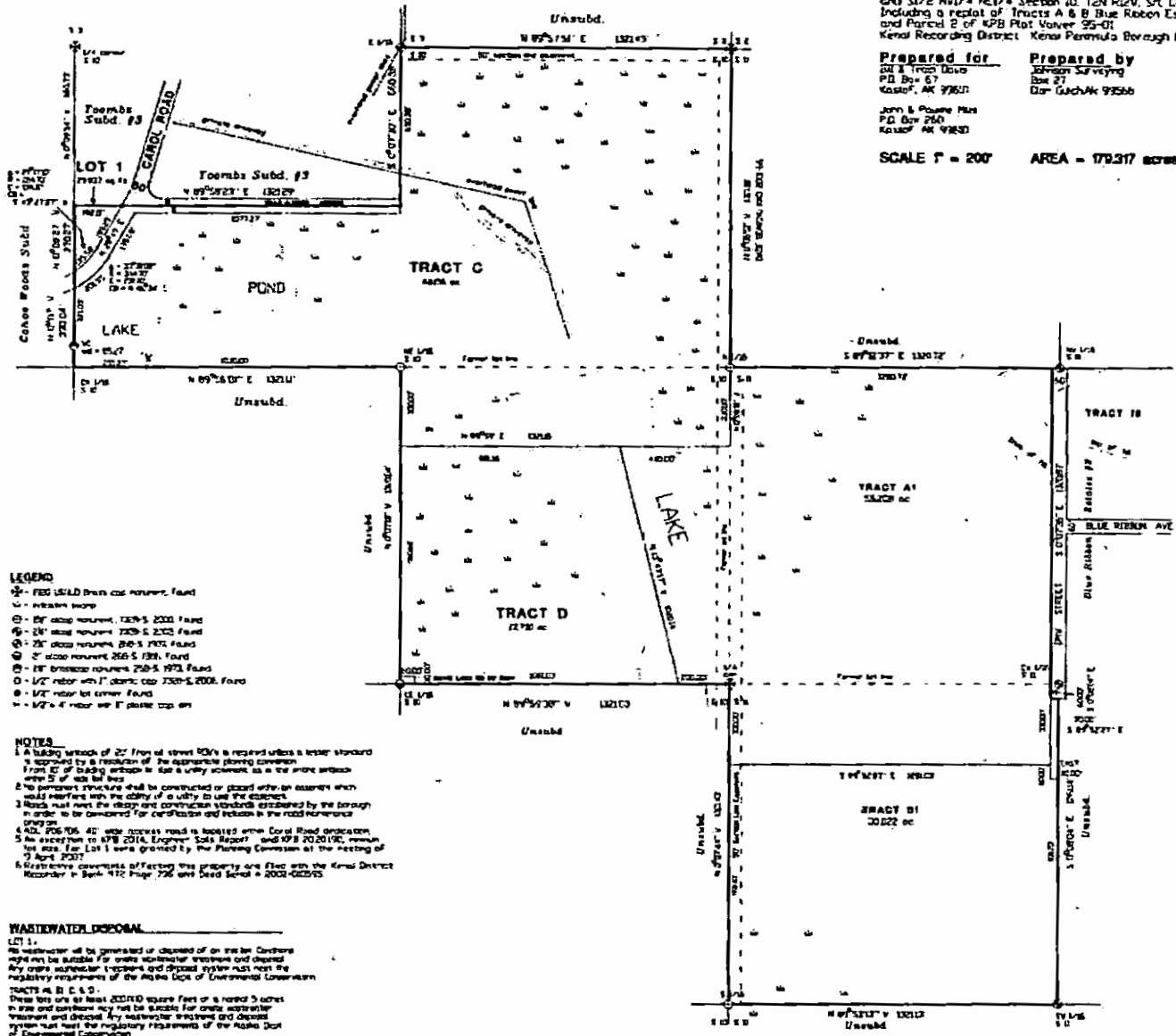
Prepared by
 Johnson Surveying
 Box 27
 Bar, Alaska 99566



SCALE 1" = 200' AREA = 179,317 square feet 10 March, 2007



2007-57
 RECORDED RECORD
 K.P.B. 111-2-2007
 DATE 11-2-2007
 FILE NUMBER 2-9
 Received by
 James Lawrence
 Bar 07
 Day 12th of 1968



- LEGEND**
- 150' (54.0) Drain cut return, found
 - 150' return
 - 20' (6.1) (200-5-2000) found
 - 20' (6.1) (200-5-2105) found
 - 20' (6.1) (200-5-1973) found
 - 20' (6.1) (200-5-1973) found
 - 18' (5.5) (200-5-1973) found
 - 1/2" (1.3) (200-5-2006) found
 - 1/2" (1.3) (200-5-2006) found
 - 1/2" (1.3) (200-5-2006) found

- NOTES**
1. A building setback of 25' from all street R.O.s is required unless a lesser standard is approved by a resolution of the appropriate planning commission.
 2. From 10' of building setback to 50' a utility setback as in the zoning ordinance shall be set back 10'.
 3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 4. Roads must meet the design and construction standards established by the borough in order to be considered for certification and inclusion in the road maintenance program.
 5. A.D.S. 206-06, 40' wide access road is located along Carol Road dedication.
 6. An exception to APB 2014, Engineer's Sales Report and KPB 202019C, remain for area for Lot 11 was granted by the Planning Commission at the meeting of 3 April 2007.
 7. Narrative comments affecting this property are filed with the Kennel District Recorder in Book 412 Page 736 and Deed Serial # 2002-022762.

WASTEWATER DISPOSAL

LOT 1:
 No wastewater will be generated or disposed of on the lot. Owners will be liable for onsite wastewater treatment and disposal. Any onsite wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept of Environmental Conservation.

TRACTS A, B, C & D:
 These lots are at least 20,000 square feet or a noted 3 acres in size and owners may be liable for onsite wastewater treatment and disposal. Any wastewater treatment and disposal system must meet the regulatory requirements of the Alaska Dept of Environmental Conservation.

PLAT APPROVAL
 This plat was approved by the Kennel Peninsula Borough Planning Commission at the meeting of 9 April 2007.

COM: PANGOLA REPOLIN
 By: *Mary Kay* 11/16/2007
 Authority: *Com*

OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby assign the plat of subdivision and by our true consent authorize the R.O.s to public use and grant of easements to the lot shown.

William L. Davis
 William L. Davis aka Tracy Lynn Davis P.O. Box 67 Kotzebue, AK 99561
 owner Tract A Blue Ribbon Est. & NE1/4 NE1/4 Section 10

Tracy L. Davis
 Tracy L. Davis aka Tracy Lynn Davis P.O. Box 67 Kotzebue, AK 99561
 owner Tract A Blue Ribbon Est. & NE1/4 NE1/4 Section 10

We further certify that each of these of Tract of the property is not corner properties which would prevent the subdivision of resale easement and approval of beneficiaries.

John B. Hill
 John B. Hill P.O. Box 350 Kotzebue, AK 99561
 owner Tract B Blue Ribbon Est. & NE1/4 NE1/4 & SW1/2 NW1/4 NE1/4 Section 10

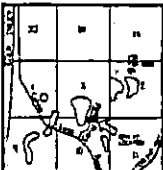
Phyllis B. Hill
 Phyllis B. Hill P.O. Box 350 Kotzebue, AK 99561
 owner Tract B Blue Ribbon Est. & NE1/4 NE1/4 & SW1/2 NW1/4 NE1/4 Section 10

NOTARY'S ACKNOWLEDGEMENT
 I, John B. Hill & Tracy L. Davis
 Subscribed and sworn to before me this 11th day of July 2007.

Victory F. Hill
 Victory F. Hill for Notary
 My commission expires 11/14/11

NOTARY'S ACKNOWLEDGEMENT
 I, John B. Hill & Phyllis B. Hill
 Subscribed and sworn to before me this 11th day of July 2007.

Victory F. Hill
 Victory F. Hill for Notary
 My commission expires 11/14/11



TOOMBS SUBDIVISION #3

A report of Tracts E & G Toombs Subd. 1 RD 87-109 I and Parcel I of RFB Plat Varter Resolution 95-1
Located in the SE 1/4 Section 3 and NE 1/4 Section 10 T24 R12W S14
Kenai Borough District 4PB File 2006-145

Prepared for
Ed L. Stone Toombs
2043 Cord Road
Don Lach AK 99568

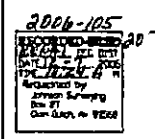
John & Patsie RKA
P.O. Box 250
Kaslof AK 99620

Prepared by
Johnson Surveying
Box 27
Don Lach AK 99568



VICINITY 7-1/4" MAP

SCALE 1" = 100'
27 May, 2008 AREA = 31.572 acres



LEGEND

- ⊙ - 24" LEGAL brass cap markers, 120' found
- ⊙ - 24" LEGAL markers, 200-1 100', found
- ⊙ - 24" LEGAL markers, 200-2 200', found
- - 1/2" metal lat corner, found
- ⊙ - 1/2" x 1/2" metal with T-plate cap, not
- ⊙ - replaced cap

NOTES

- A building setback of 20' from all street RDMs is required unless a lesser standard is approved by a resolution of the appropriate planning Commission. From 10' of building setback is one a utility easement as in the code setback within 5' of the lot line.
- No permanent structure shall be constructed or placed upon an easement, which would interfere with the ability of a utility to use the easement.
- Water overhead powerlines shown are the centerline of a 20' wide electrical distribution line easement.
- An exception to APB 20021023 re: curve radius for a RDM curve along Toombs Road was granted by the APB Planning Commission at the meeting of 26 June, 2006.
- Roads must meet the design and construction standards established by the Borough in order to be considered for certification and inclusion in the road improvement program.
- 6.A.L. 206700 40' wide access shall be located within Road Record dedication.

PLAT APPROVAL

The plat was approved at the Kenai Peninsula Borough Planning Commission meeting of 26 June, 2008.

City: POODOLA BRIDG

Approved Date

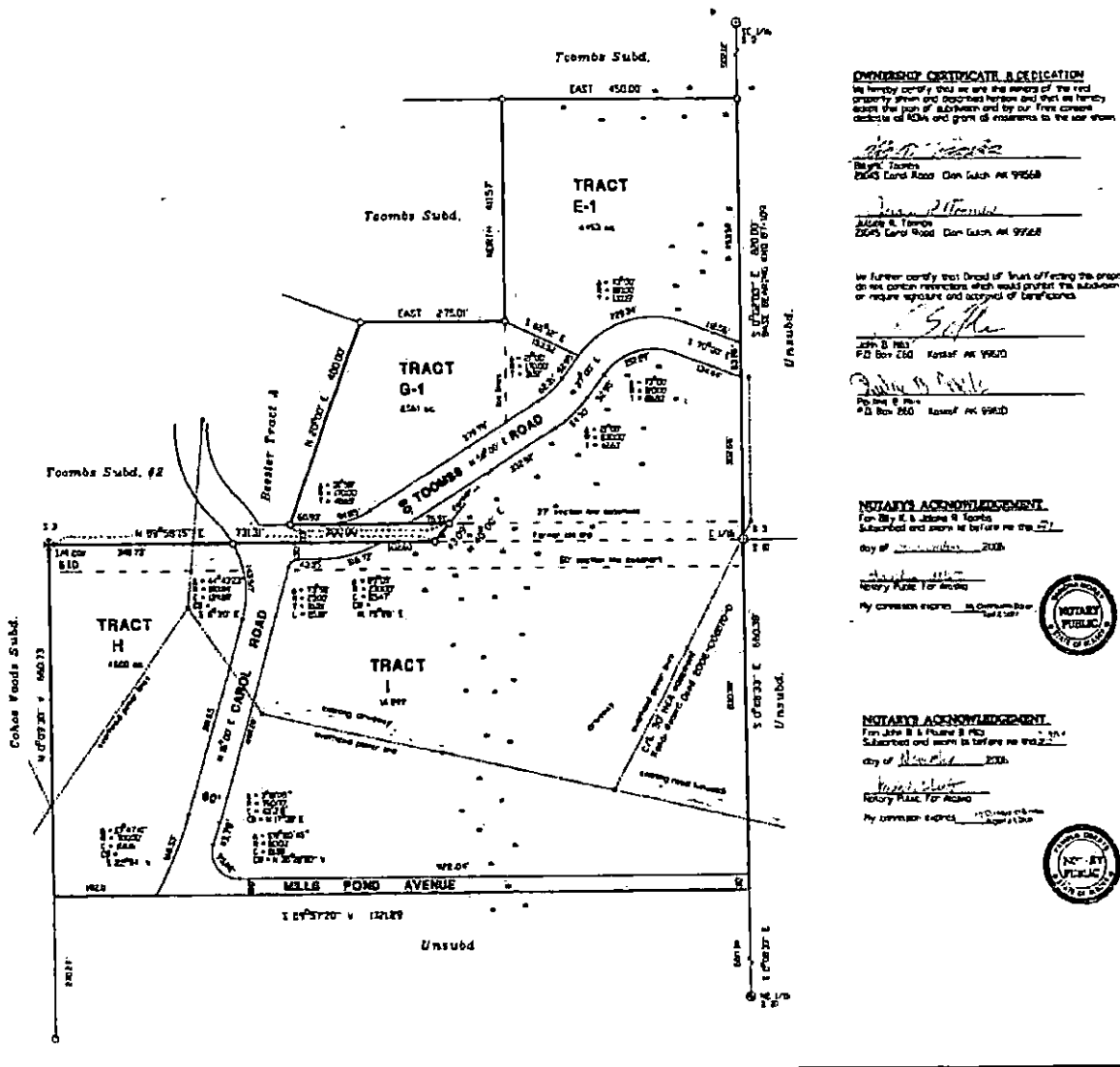
WASTEWATER DISPOSAL

TRACTS E & G:
These lots are at least 20000 square feet or 6 acres in size and therefore may not be parcel I for onsite wastewater treatment and disposal. Any wastewater treatment or disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

TRACTS E-1 & G-1

Set concrete in the sub area have been found suitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater disposal system for use on lots in this subdivision are included in the Engineering Subdivision and Lots Report and are available from the Local Potable Water Authority. All alternate onsite wastewater treatment and disposal systems must be designed by a professional engineer registered to practice in Alaska and the design must be approved by the Alaska Dept. of Environmental Conservation prior to construction.

Approved Date



OWNERSHIP CERTIFICATE & DEDICATION

We hereby certify that we are the owners of the real property shown and described herein and that we hereby accept the plat of subdivision and by our true consent dedicate all RDMs and grant all easements to the use shown.

Ed L. Stone Toombs
2043 Cord Road Don Lach AK 99568

John & Patsie RKA
2043 Cord Road Don Lach AK 99568

We further certify that Deed of Trust offering the property do not contain restrictions which would prevent this subdivision or require approval and approval of beneficiaries.

John B Hill
P.O. Box 250 Kaslof AK 99620

John B Hill
P.O. Box 250 Kaslof AK 99620

NOTARIES ACKNOWLEDGMENT

For Ed L. Stone & Patsie RKA
Subscribed and sworn to before me on the 27th day of May, 2008.

Notary Public for Alaska

My commission expires on 26 August 2010

NOTARIES ACKNOWLEDGMENT

For John B Hill & Patsie RKA
Subscribed and sworn to before me on the 27th day of May, 2008.

Notary Public for Alaska

My commission expires on 26 August 2010



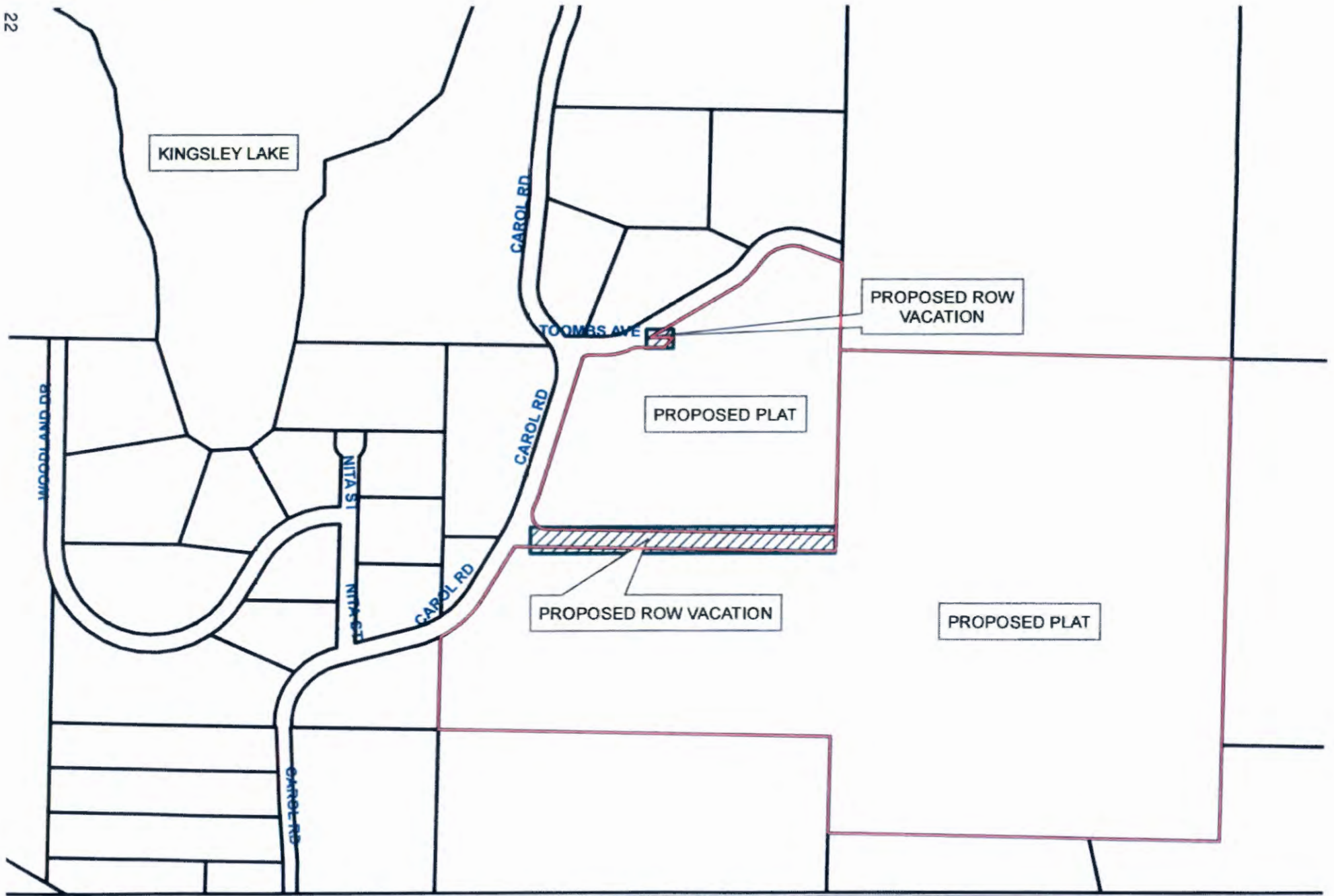
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



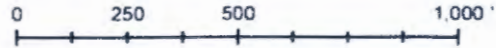
Vicinity Map



Date: 6/30/2015



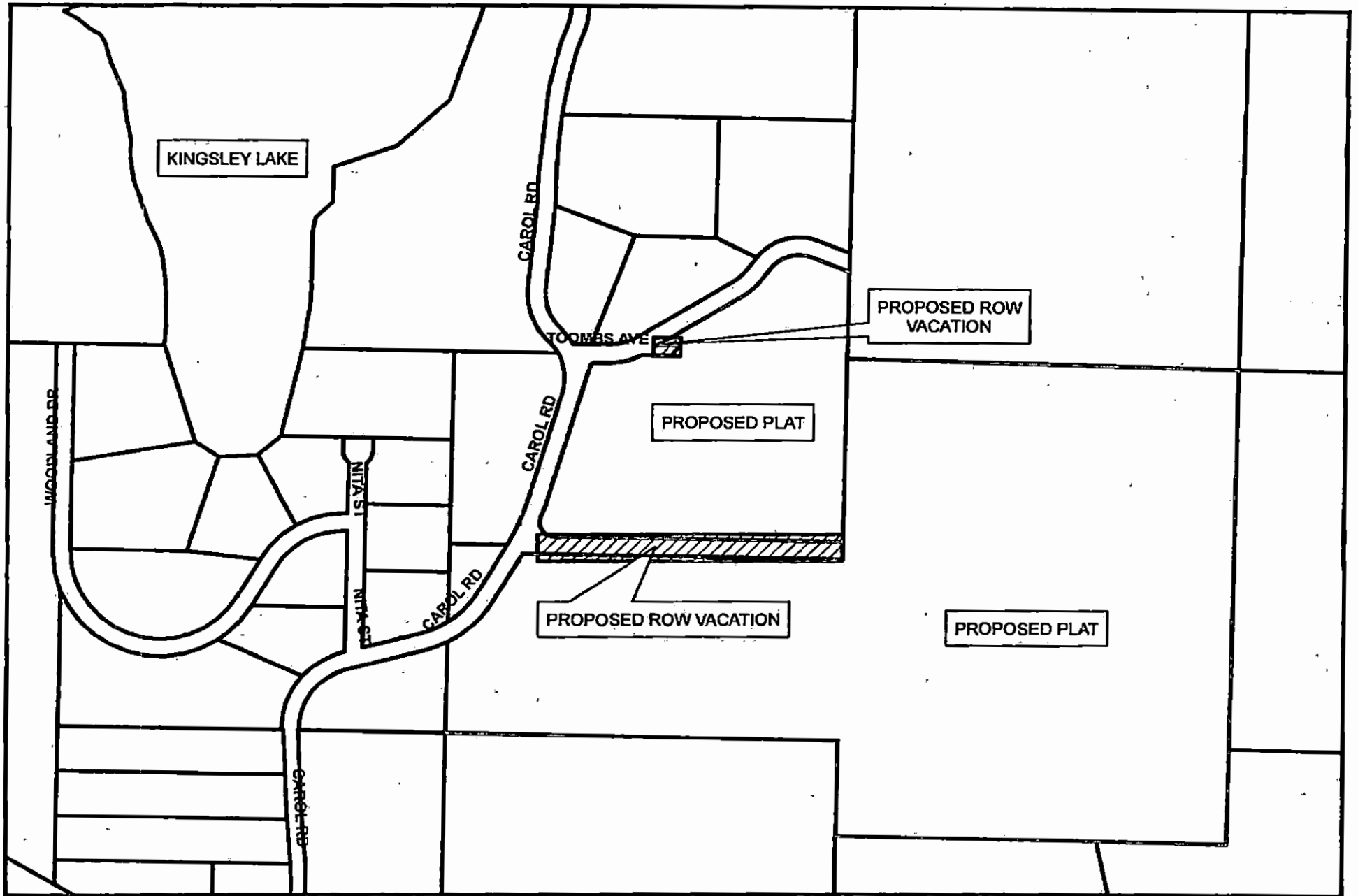
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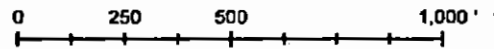
Vicinity Map



Date 6/30/2015



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



Vicinity Map



Date: 6/30/2015

Sweppy, Maria

From: Knackstedt, Henry
Sent: Tuesday, July 07, 2015 9:38 AM
To: Sweppy, Maria
Cc: Malone, Patrick
Subject: RE: notice of public hearing/Proposed Vacation of Mills Pond Avenue and Toombs Avenue

Maria

The proposed dedicated ROW vacations and associated ROW dedications appear to make sense. I have no objections. Please note that Carol Road is RSA-maintained but that both Toombs and Mills Pond are not.

Henry Knackstedt
RSA Engineer

From: Sweppy, Maria
Sent: Monday, July 06, 2015 3:18 PM
To: Henson, Carrie; Dearlove, Tom; Aldridge, Morgan; Curtis, Harmony; Carver, Nancy; Malone, Patrick; Knackstedt, Henry; Fuller, Karen; Mattson, Stacey; Russel, Pam - State Address; Wall, Bruce
Subject: notice of public hearing/Proposed Vacation of Mills Pond Avenue and Toombs Avenue

Good afternoon:

The attached petition to vacate Mills Pond Avenue, Toombs Avenue, and associated utility easements will be considered by the Planning Commission on August 10, 2015. Please note the proposed vacation will not eliminate the section line easement underlying Toombs Avenue.

If the vacation is approved by the Planning Commission and Assembly, the preliminary plat will be scheduled as soon as possible for Plat Committee review. The plat that will accomplish the vacation will provide an alternate right-of-way for Mills Pond Avenue over an existing travel way.

Comments for the proposed vacation are requested to be submitted to the Planning Department by Friday, August 7.

Maria Elena Sweppy
Platting Specialist

2015-74



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
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.

- Checkboxes for: \$500 non-refundable fee to help defray costs of advertising public hearing. City Advisory Planning Commission. Name of public right-of-way proposed to be vacated is dedicated by the plat of Davis Mills Subdivision, filed as Plat No. 2007-57 in Kenai Recording District. Are there associated utility easements to be vacated? Are easements in use by any utility company? Easement for public road or right-of-way as set out in (specify type of document) as recorded in Book Page of the Recording District. Submit three copies of plat or map showing area proposed to be vacated. Has right-of-way been fully or partially constructed? Is right-of-way used by vehicles / pedestrians / other? Is alternative right-of-way being provided?

The petitioner must provide reasonable justification for the vacation. Reason for vacating: Moving ROW from area that would be difficult to construct to adjacent area where ROW is already constructed

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Gerard Johnson, Johnson Surveying; Address: Box 27, Clam Gulch, AK 99588; Phone: 262-5772; Signature as: Representative

Petitioners: Signature, Name, Address, Owner of Tract I & Tract C for John Mills and Pamela Mills