


Kenai Peninsula Borough Planning Department

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director 

DATE: August 15, 2018

RE: Vacation of the 20-foot-wide non-motorized public access pedestrian easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The public access easement being vacated is unconstructed and located within the NW 1/4 of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-072V. Petitioners: Birch Acres, LLC, Eric Parsons, and Julie M. Fields of Anchorage, AK.

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 August 13, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed public access pedestrian easement vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings:

1. The two 20-foot wide public access easements proposed to be vacated are centered on creek beds that are seasonally inundated.
2. Two alternative 20-foot wide public access easements centered on lot lines are proposed to be granted by Saxton's Birch Acres 2018 Addition subdivision plat that will finalize the vacations if approved.
3. The two alternative public access easements being granted by Saxton's Birch Acres 2018 Addition are located on higher ground than the existing public access easements.
4. The two 20-foot wide alternative public access easements are straight, shorter, and more direct routes.
5. The two 20-foot wide alternative public access easements are approximately 150 to 200 feet from the creek beds.
6. Sufficient rights-of-way and public access easements exist or will be granted by plat to serve surrounding properties.
7. No surrounding properties will be denied access.
8. The public access easements proposed to be vacated have not been constructed.
9. Per the submittal, the public access easements proposed to be vacated are not in use by utility providers.

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate the 20-foot wide non-motorized public access pedestrian easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The public access easement being vacated is unconstructed and located within the NW 1/4 of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough.

Staff Report given by Scott Huff

PC Meeting: 8/13/18

Purpose as stated in petition: The current easement is located on a low lying seasonal creek bed, which is densely covered in vegetation and not practical for foot traffic. The proposed plat will dedicate and provide equal or better easement access in the same general location. The proposed easements provide a better layout for new subdivision design. The existing easements promote bank erosion on the creek bed, while the new easements will be dedicated on higher ground.

Petitioners: Birch Acres, LLC, Eric Parsons, and Julie M. Fields of Anchorage, Alaska.

Notification: Public notice appeared in the Peninsula Clarion on August 2, 2018 as a separate ad. The public hearing notice was advertised on August 9 as part of the Commission's tentative agenda in the Peninsula Clarion and Homer News.

Ten certified mailings were sent to owners of property within 300 feet of the public access easements proposed to be vacated. No receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to four owners within 600 feet of the proposed vacations.

The public hearing notice was emailed to 12 agencies, 6 utility providers, and Hope/Sunrise EMS.

Public hearing notices were made available to 8 KPB staff via a shared database.

The public hearing notice was emailed to the Hope/Sunrise Advisory Planning Commissioners.

Notices were mailed to the Hope Post Office and Hope Community Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Chugach Electric: Approved as shown.

KPB Code Compliance: No comments.

KPB Planner: No local option zone or material site issues.

KPB Roads Maintenance: No comments.

State Department of Fish & Game: ADF&G has no objection to this action as an alternative public access easement has been dedicated.

Staff Discussion: Saxton's Birch Acres 2018 Addition, the plat that will finalize the proposed vacations if approved, is scheduled for review by the Plat Committee on August 27, 2018.

Currently the 20-foot public access easements are centered on seasonal creek beds. The alternative public access easements being granted by the plat are 20 feet wide and located on dry ground using a straight, more direct route.

Findings:

1. The two 20-foot wide public access easements proposed to be vacated are centered on creek beds that are seasonally inundated.
2. Two alternative 20-foot wide public access easements centered on lot lines are proposed to be granted by Saxton's Birch Acres 2018 Addition subdivision plat that will finalize the vacations if approved.
3. The two alternative public access easements being granted by Saxton's Birch Acres 2018 Addition are located on higher ground than the existing public access easements.
4. The two 20-foot wide alternative public access easements are straight, shorter, and more direct routes.
5. The two 20-foot wide alternative public access easements are approximately 150 to 200 feet from the creek beds.
6. Sufficient rights-of-way and public access easements exist or will be granted by plat to serve surrounding properties.
7. No surrounding properties will be denied access.
8. The public access easements proposed to be vacated have not been constructed.
9. Per the submittal, the public access easements proposed to be vacated are not in use by utility providers.

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

1. Consent by the KPB Assembly.
2. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that recordation can take place 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. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

MOTION: Commissioner Bentz moved, seconded by Commissioner Morgan to approve the vacation of the 20-foot wide non-motorized public access pedestrian easement on Lots 5 and 6, Saxton's Birch Acres 2015 Addition based on the following findings of fact and per staff recommendations.

Findings:

1. The two 20-foot wide public access easements proposed to be vacated are centered on creek beds that are seasonally inundated.
2. Two alternative 20-foot wide public access easements centered on lot lines are proposed to be granted by Saxton's Birch Acres 2018 Addition subdivision plat that will finalize the vacations if approved.
3. The two alternative public access easements being granted by Saxton's Birch Acres 2018 Addition are located on higher ground than the existing public access easements.
4. The two 20-foot wide alternative public access easements are straight, shorter, and more direct routes.
5. The two 20-foot wide alternative public access easements are approximately 150 to 200 feet from the creek beds.
6. Sufficient rights-of-way and public access easements exist or will be granted by plat to serve surrounding properties.
7. No surrounding properties will be denied access.
8. The public access easements proposed to be vacated have not been constructed.
9. Per the submittal, the public access easements proposed to be vacated are not in use by utility providers.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES ABSENT	FOSTER YES	MARTIN YES
MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES			10 YES 1 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

3. ~~Vacation of the southernmost approximately 2,000 feet of the Dorothy Drive right-of-way as dedicated on Gruening Vista 1978 Addition, Plat HM 78-49, Gruening Vista 1986 Addition No.2, Plat HM 86-110, and Gruening Vista 1988 Addition, Plat HM 88-37. Vacation of the Lewis Place right-of-way as dedicated on Gruening Vista 1988 Addition, Plat HM 88-37, and Gruening Vista 1998 Addition Amended, Plat HM 99-12. The Dorothy Drive right-of-way being vacated is partially developed and the Lewis Place right-of-way is unconstructed. The rights-of-way being vacated are located within the SW ¼ of Section 2 and the SE ¼ of Section 3, Township 6 South, Range 13 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. File 2018-069V. Petitioners: Peter Zuyus, Kathleen Zuyus, and Richard Koskovich of Homer, AK and Spotty Merle, LLC of Peachtree City, GA. **PETITION WITHDRAWN BY APPLICANTS.**~~

~~The Dorothy Drive and Lewis Place right-of-way vacations petition was withdrawn by the applicants. No action was taken by the Planning Commission.~~

~~AGENDA ITEM F. PUBLIC HEARINGS~~

4. ~~State application for a marijuana establishment license; Kalifornsky Area~~

~~Staff Report given by Bruce Wall~~

~~PC MEETING: August 13, 2018~~

~~**Applicant:** Bigfoot Bud Company LLC~~

~~**Landowner:** Jerry Lopez~~

~~**Parcel ID#:** 055-050-19~~

~~**Legal Description:** Lot 3, Block 3, Ravenwood Subdivision Addition No. 1, according to Plat 72-10, Kenai~~



Planning Department

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

Charlie Pierce
Borough Mayor

August 15, 2018

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF AUGUST 13, 2018

RE: Vacation of the 20-foot-wide non-motorized public access pedestrian easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The public access easement being vacated is unconstructed and located within the NW 1/4 of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-072V. Petitioners: Birch Acres, LLC, Eric Parsons, and Julie M. Fields of Anchorage, AK.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 20-foot wide non-motorized public access pedestrian easement vacation during their regularly scheduled meeting of August 13, 2018 based on the following findings of fact.

Findings:

1. The two 20-foot wide public access easements proposed to be vacated are centered on creek beds that are seasonally inundated.
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7. No surrounding properties will be denied access.
8. The public access easements proposed to be vacated have not been constructed.
9. Per the submittal, the public access easements proposed to be vacated are not in use by utility providers.

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 13, 2018) 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 15, 2018 to:

Birch Acres LLC
1481 Northview Dr. #1
Anchorage, AK 99504-2869

Eric Parsons & Julie Fields
1510 Columbine St.
Anchorage, AK 99508-3050

Edge Survey and Design, LLC
43335 K-Beach Rd
Soldotna, AK 99669

Kathy Harrington
15055 E Kent St.
Palmer, AK 99645

Terri Marceron
USDA
161 East 1st Avenue
Anchorage, AK 99501-1639

Hope Sunrise Advisory Planning Commission
Attention: Jim Skogstad
PO Box 8
Hope, AK 99605

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STAFF REPORT

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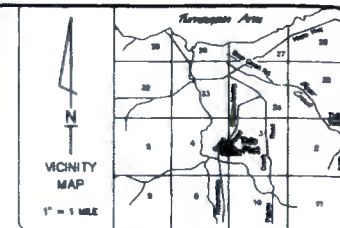
END OF STAFF REPORT



NORTH

LINE	BEARING	DISTANCE
L1	S89°23'12" W	24.82
L2	S89°23'12" W	24.82
L3	S89°23'12" W	24.82
L4	S89°23'12" W	24.82
L5	S89°23'12" W	24.82
L6	S89°23'12" W	24.82

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	250.00	38.10	48.97	S83°20'16" E	147°02'
C2	400.00	76.19	97.94	S83°20'16" E	294°04'
C3	600.00	114.29	146.91	S83°20'16" E	441°06'
C4	800.00	152.38	195.88	S83°20'16" E	588°08'
C5	1000.00	190.48	244.85	S83°20'16" E	735°10'
C6	1200.00	228.57	293.82	S83°20'16" E	882°12'
C7	1400.00	266.67	342.79	S83°20'16" E	1029°14'
C8	1600.00	304.76	391.76	S83°20'16" E	1176°16'
C9	1800.00	342.86	440.73	S83°20'16" E	1323°18'
C10	2000.00	380.95	489.70	S83°20'16" E	1470°20'
C11	2200.00	419.05	538.67	S83°20'16" E	1617°22'
C12	2400.00	457.14	587.64	S83°20'16" E	1764°24'
C13	2600.00	495.24	636.61	S83°20'16" E	1911°26'
C14	2800.00	533.33	685.58	S83°20'16" E	2058°28'
C15	3000.00	571.43	734.55	S83°20'16" E	2205°30'
C16	3200.00	609.52	783.52	S83°20'16" E	2352°32'
C17	3400.00	647.62	832.49	S83°20'16" E	2499°34'
C18	3600.00	685.71	881.46	S83°20'16" E	2646°36'
C19	3800.00	723.81	930.43	S83°20'16" E	2793°38'
C20	4000.00	761.90	979.40	S83°20'16" E	2940°40'
C21	4200.00	800.00	1028.37	S83°20'16" E	3087°42'
C22	4400.00	838.09	1077.34	S83°20'16" E	3234°44'
C23	4600.00	876.19	1126.31	S83°20'16" E	3381°46'
C24	4800.00	914.29	1175.28	S83°20'16" E	3528°48'
C25	5000.00	952.38	1224.25	S83°20'16" E	3675°50'
C26	5200.00	990.48	1273.22	S83°20'16" E	3822°52'
C27	5400.00	1028.57	1322.19	S83°20'16" E	3969°54'
C28	5600.00	1066.67	1371.16	S83°20'16" E	4116°56'
C29	5800.00	1104.76	1420.13	S83°20'16" E	4263°58'
C30	6000.00	1142.86	1469.10	S83°20'16" E	4410°00'
C31	6200.00	1180.95	1518.07	S83°20'16" E	4557°02'
C32	6400.00	1219.05	1567.04	S83°20'16" E	4704°04'
C33	6600.00	1257.14	1616.01	S83°20'16" E	4851°06'
C34	6800.00	1295.24	1664.98	S83°20'16" E	4998°08'
C35	7000.00	1333.33	1713.95	S83°20'16" E	5145°10'
C36	7200.00	1371.43	1762.92	S83°20'16" E	5292°12'
C37	7400.00	1409.52	1811.89	S83°20'16" E	5439°14'
C38	7600.00	1447.62	1860.86	S83°20'16" E	5586°16'
C39	7800.00	1485.71	1909.83	S83°20'16" E	5733°18'
C40	8000.00	1523.81	1958.80	S83°20'16" E	5880°20'



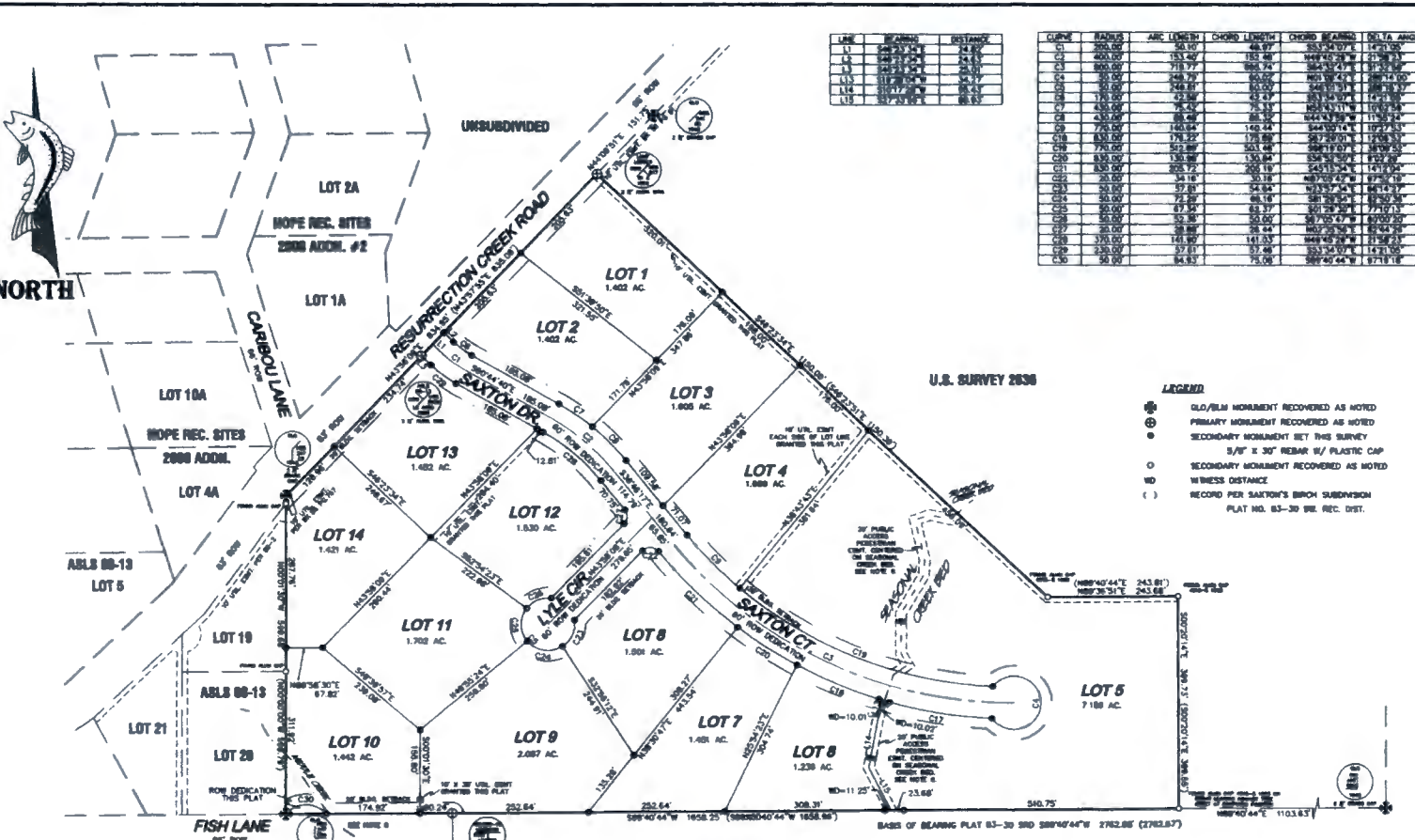
CERTIFICATE OF OWNERSHIP AND DEDICATION

I, THE UNDERSIGNED, HEREBY CERTIFY THAT BIRCH ACRES, LLC, IS THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND ON BEHALF OF BIRCH ACRES, LLC, I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY MY FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

KYLE M. SEXTON
1481 NORTHVIEW DR. UNIT 1
ANCHORAGE, AK 99504

NOTARY'S ACKNOWLEDGMENT

FOR KYLE M. SEXTON
I HEREBY ACKNOWLEDGE BEFORE ME THIS DAY OF [Date] 2015
NOTARY PUBLIC FOR THE STATE OF ALASKA
MY COMMISSION EXPIRES [Date]



- NOTES:**
- BUILDING SETBACK - A SETBACK OF 20 FEET IS REQUIRED FROM ALL STREET RIGHTS-OF-WAY UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
 - FRONT 15 FEET OF THE BUILDING SETBACK ADJACENT TO THE RIGHTS-OF-WAY IS ALSO A UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF A UTILITY TO USE THE EASEMENT.
 - 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.
 - AN EXCEPTION TO RPS 20.30.030, STREET LAYOUT AND RPS 20.30.100 CUL-DE-SAC DESIGN WAS GRANTED AT THE PLAT MEETING OF MAY 11, 2015. AN EXCEPTION TO RPS 20.30.110 BLOCK LENGTH WAS GRANTED AT THE MEETING OF JULY 13, 2015.
 - ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS RIVER AND WETLAND IF APPLICABLE. ANY IMPROVEMENTS TO CROSS WATERSHEDS WILL REQUIRE PERMITTING THROUGH THE DOY GULCH RIVER CENTER.

- A 20 FOOT NON-MOTORIZED PUBLIC ACCESS PEDESTRIAN EASEMENT IS CENTERED ON THE SEASONAL CREEK BED.
- WASTEWATER DISPOSAL:
LOT 1 THIS LOT IS AT LEAST 200,000 SQUARE FEET OR A NOMINAL 5 ACRES IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
LOTS 1-1 AND LOTS 6-14 SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR SIMILAR RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A PROFESSIONAL ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF SUBDIVISION
I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA. THIS PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION. THE MONUMENTS SHOWN HEREON ACTUALLY EXIST AS DESCRIBED, AND ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT TO THE NORMAL STANDARDS OF PRACTICE OF LAND SURVEYORS IN THE STATE OF ALASKA.



PLAT APPROVAL
THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF July 8, 2015.
KENAI PENINSULA BOROUGH
[Signature]
APPROVED OFFICIAL

KPB FILE NO. 2015-047

**SAXTON'S BIRCH ACRES
2015 ADDITION**

A SUBDIVISION OF TRACT A SAXTON'S BIRCH ACRES PLAT 63-30 SEWARD RECORDING DIST.

OWNER: BIRCH ACRES, LLC
1481 NORTHVIEW DR. #1
ANCHORAGE, AK 99504

LOCATED WITHIN THE E1/2 NE1/4 SECTION 4 AND NW1/4 SECTION 3 T18N, R09E, SEWARD MERIDIAN, SEWARD RECORDING DISTRICT, KENAI PENINSULA BOROUGH, ALASKA

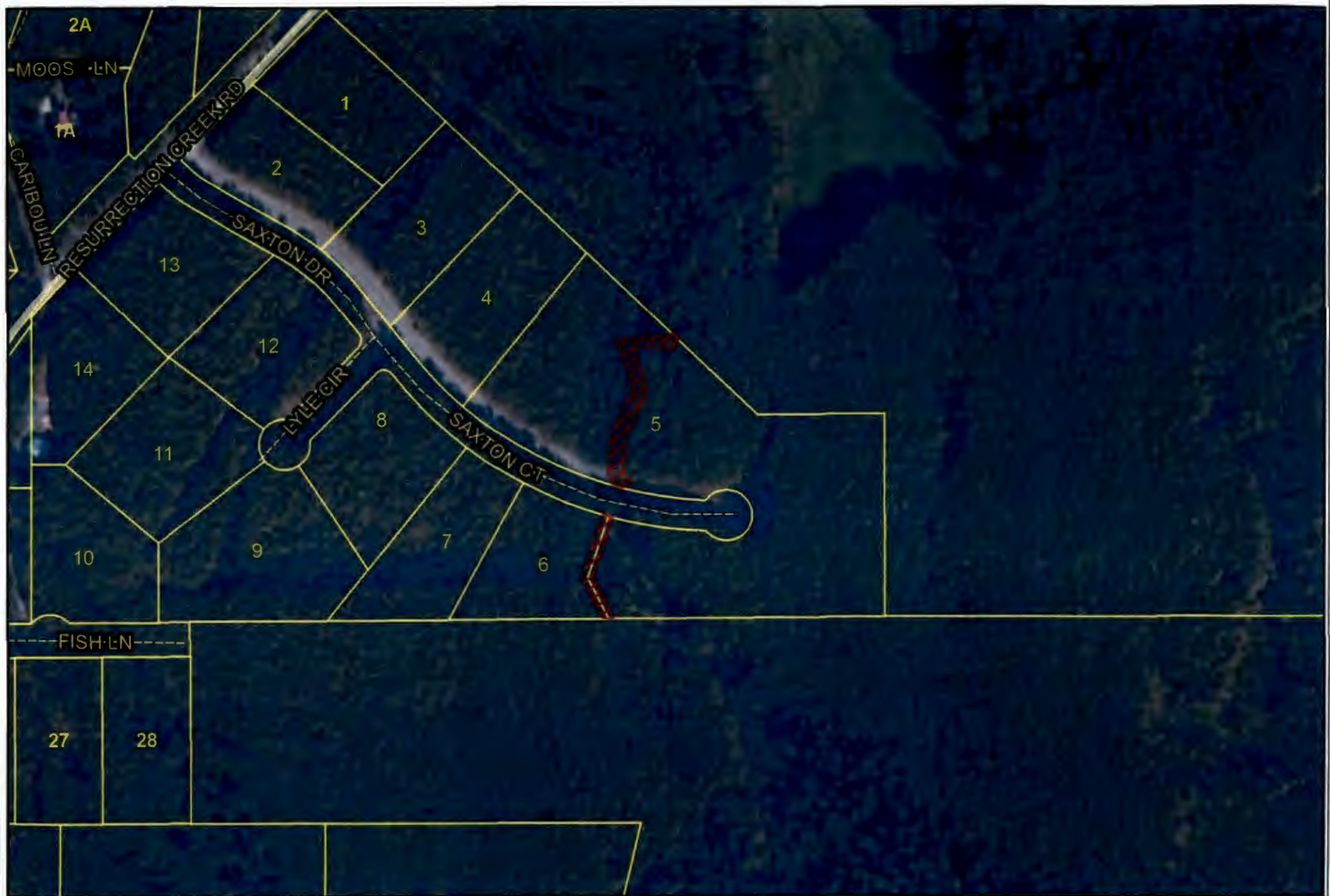
CONTAINING 28.465 ACRES

INTEGRITY SURVEYS INC.

820 SET NET DRIVE ISSAL, AK 99511
PHONE - (907) 284-6000
FAX - (907) 284-6001
SURVEYORS PLANNERS
http://www.integrity-surveys.com

JOB NO: 215017 DRAWN: OCT. 27, 2018 BH
SURVEYED: FEB - OCT 2015 SCALE: 1" = 100'
FIELD BR: 2015-1 PC 16-16 FILE: 215017 PP.DWG
2015-1 PC 28-31

2015-18
Plat #
4078
K-28-2015
Date: 1-17-18



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 View

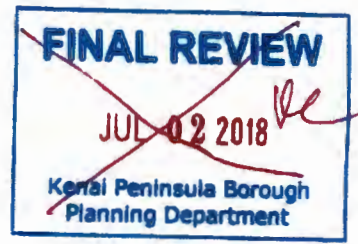


 **Public Access Easement**

JReif, KPB
Date: 7/23/2018



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.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
 - City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
 - Name of public right-of-way proposed to be vacated is dedicated by the plat of Saxton's Birch Acres 2015 Addition Subdivision, filed as Plat No. 2015-18 in Seward Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company No
 - Easement for public road or right-of-way as set out in (specify type of document) Plat 2015-18 SRD as recorded in Book _____ Page _____ of the Seward Recording District. (Copy of recorded document must be submitted with petition.)
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? Yes No
 Is right-of-way used by vehicles / pedestrians / other? Yes No
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
Current easement is located on a low lying seasonal creek bed, which is densely covered in vegetation and not practical for foot traffic.
Proposed plat will dedicate and provide equal or better easement access in same general location.
Proposed easements provide a better layout for new subdivision design.
Existing easements promote bank erosion on creek bed, new easements dedicated on higher ground.

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: Jason Young Signature as: Petitioner Representative
 Address: Edge Survey and Design
43335 K-Beach Rd. Soldotna, Ak 99669
jason@edgesurvey.net
 Phone: 907-283-9047

Petitioners:

Signature _____	Signature <u><i>Kyle M. Saxton</i></u>
Name _____	Name <u>Kyle Saxton, Birch Acres LLC</u>
Address _____	Address <u>1491 NORTHVIEW DRIVE #1</u>
_____	<u>ANCH AK 99504</u>
Owner of _____	Owner of _____
Signature _____	Signature _____
Name _____	Name _____
Address _____	Address _____
_____	_____
Owner of _____	Owner of _____

Planing Department Att: Jordan Reif

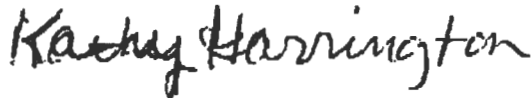
August 7,2018

Referance: Vacate/ dedicate public access on Saxton Birch Acres 2015

I, Kathy Harrington, trustee and 1/7 owner of land borrdering Saxton Birch Acres, have no problem with the vacate of a non motorized public access pedestrian easement on lots 5 and 6 of Birch Saxton Acres 2015, and to dedicate a new non motorized access pedestrian easement as shown on the map. As long as there is ABSOLUTELY NO encrochment or continuation of said easement on land refered to by the family as "King Family Homestead". Located in T 9N R 2W SEC 3 Seward Meridian SW 0002636 US Survey 2636.

Thank you,

Kathy Harrington Trustee

A handwritten signature in black ink that reads "Kathy Harrington". The signature is written in a cursive, flowing style.

King Family Homestead

The UPS Store[®]

1150 S. Colony Way, Ste 3
Palmer, AK 99645
(907)746-6245 Phone
(907)745-8787 Fax
Store Hours M-F 8-6:30pm Sat 10-5pm



FAX

To Jorden Reif
Company Kenai Peninsula Borough
Planning Commission
Fax number 907-714-2378
Date 8.8.18

From Kathy Harrington
Phone number 745-2898
Fax number _____
Total pages 1



United States
Department of
Agriculture

Forest
Service

Chugach National Forest

161 East 1st Avenue
Door 8
Anchorage, AK 99501-1639

File Code: 5400
Date: August 10, 2018

Jordan Reif
144 N. Binkley Street
Soldotna, AK 99669

Dear Mr. Reif:

This is in response to the petition received to vacate the following public easement in the Hope area:

Location and request: Vacate the 20 foot wide non-motorized public access pedestrian easement on Lots 5 and 6 Saxton's Birch Acres 2015 Addition as dedicated on Saxton's Birch Acres 2015 Addition, Plat SW 2015-18. The public access easement being vacated is unconstructed and located within the NW 1/4 of Section 3, Township 9 North, Range 2 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2018-072V.

We have reviewed the request and do not have any concerns with the relocation of the public access easement. Thank you for the opportunity to provide comments. If you have any questions, please contact April Dent, Realty Specialist, at (907) 743-9505 or aprilmdent@fs.fed.us.

Sincerely,

for TERRI MARCERON
Forest Supervisor

