

Kenai Peninsula Borough

Planning Department

MEMORANDUM

TO: Brent Johnson, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Robert Ruffner, Planning Director *RR*

DATE: December 12, 2023

RE: Vacate the easement running south from Triple Crown Road to Scott Road rights-of-ways crossing Lots 3, 4, 6, 7 & 8 Block 4 in Triple Crown Estates No 2 Phase 2 HM 2014-16. KPB File 2023-131V

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 December 11, 2023 the Kenai Peninsula Borough Planning Commission granted approval of the above proposed vacation by unanimous vote (8-Yes, 1-Absent) based on the means of evaluating public necessity established by KPB 20.70. This petition is being sent to you for your consideration and action.

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

December 11, 2023 Planning Commission Draft Meeting Minutes
December 11, 2023 Agenda Item E1 Meeting Packet Materials

- *5 **Plat Amendment Request**
 - a. Binkley Subdivision Back Replat; KPB File 2023-074
- *6. **Commissioner Excused Absences**
 - a. Troy Staggs, City of Seward
- *7. **Minutes**
 - a. November 13, 2023 Planning Commission meeting minutes.

Chair Brantley asked Ms. Shirnberg to read the consent agenda items into the record. Chair Brantley then asked if anyone wished to speak to any of the items on the consent agenda. Seeing and hearing no one wishing to comment, Chair Brantley brought it back to the commission for a motion.

MOTION: Commissioner Slaughter moved, seconded by Commissioner Gillham to approve the consent and regular agendas.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
Absent - 1	Staggs

AGENDA ITEM E. NEW BUSINESS

Chair Brantley asked Ms. Shirnberg to read the public hearing procedures into the record.

ITEM #1 - RIGHT OF WAY VACATION

VACATE THE 60' WIDE PUBLIC ACCESS EASEMENT RUNNING SOUTH APPROXIMATELY 1450 FEET FROM TRIPLE CROWN ROAD ROW TO SCOTT ROAD ROW IN LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16

KPB File No.	2023-131V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Andrew & Rosemary Von Ruden of Owatonna, MN Erik Bakke of Homer AK
Surveyor:	None to date
General Location:	Fritz Creek Area / Kachemak APC
Parcel No.:	172-035-35; 172-035-36; 172-035-38; 172-035-39; 72-035-40
Legal Description	LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16

Staff report given by Platting Manager Vince Piagentini.

Chair Brantley opened the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Epperheimer moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.70, based on staff recommendations and subject to the four conditions as set forth in the staff report.

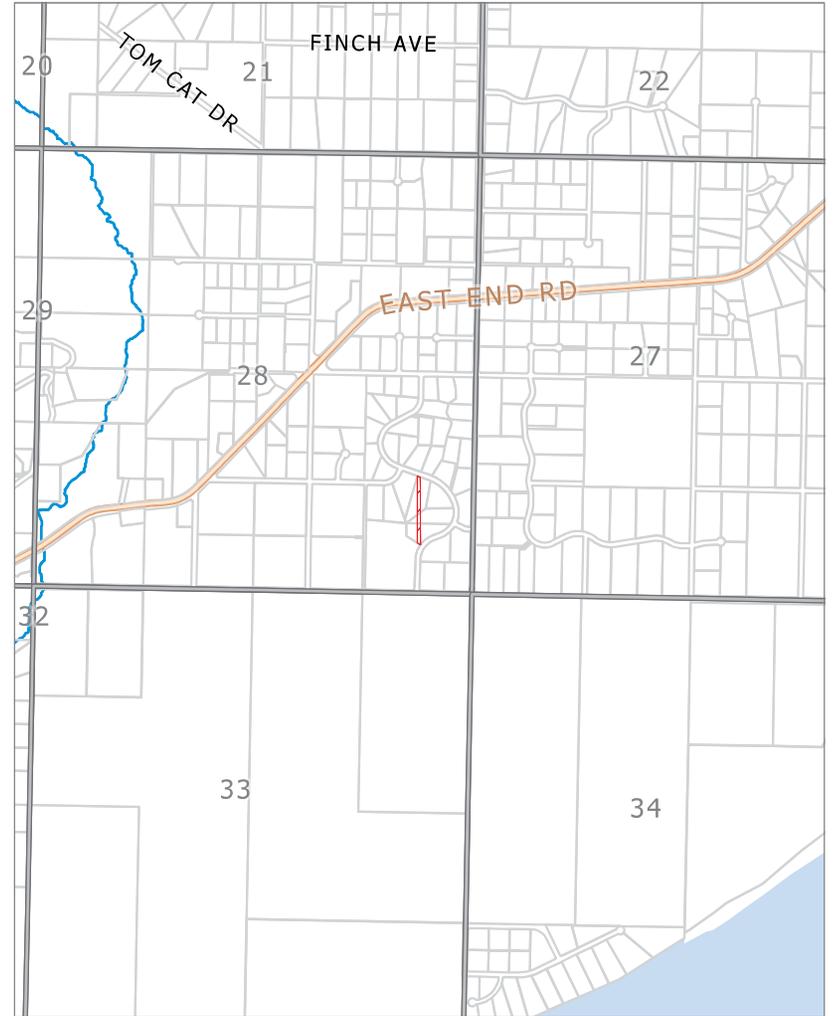
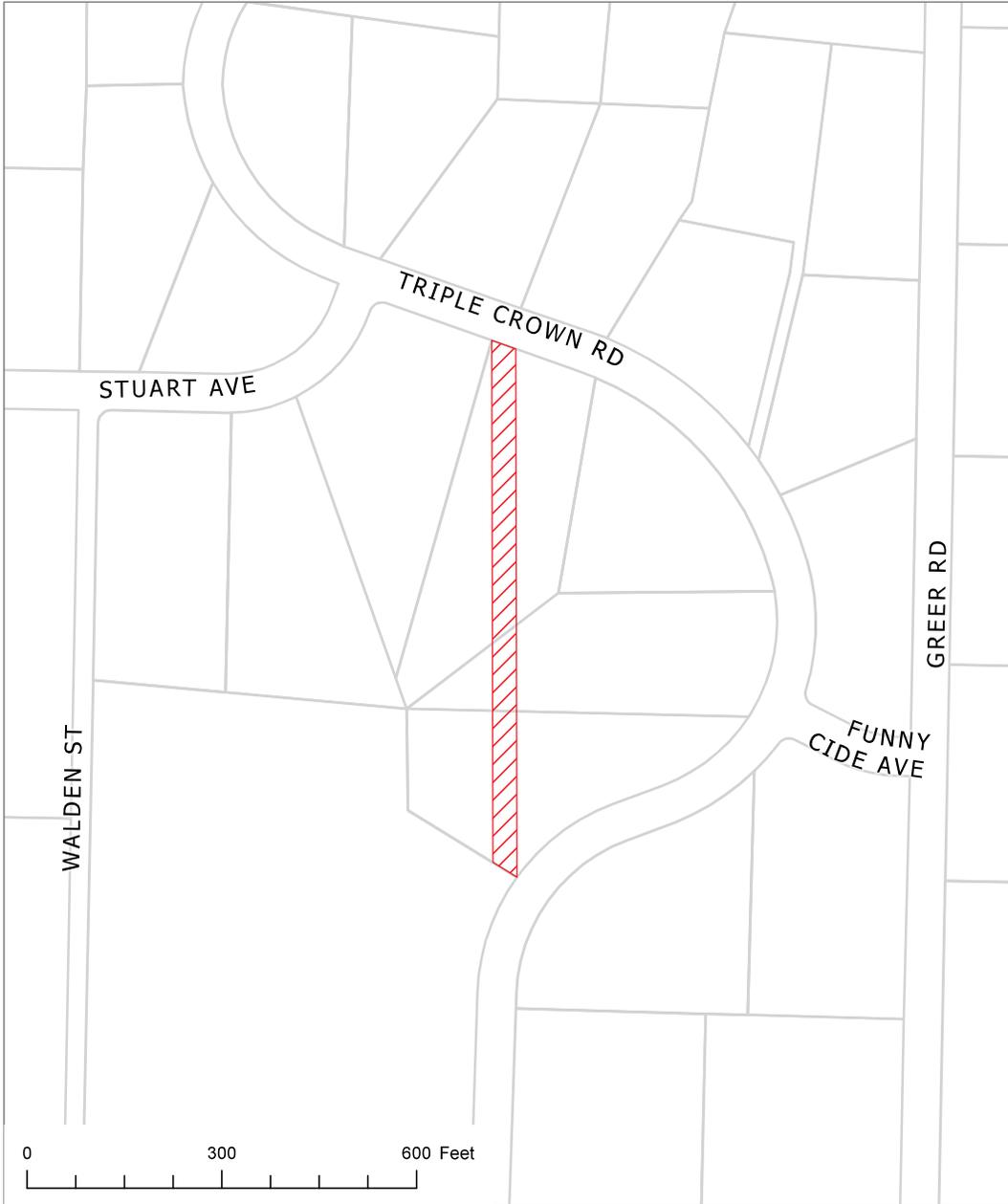
Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 9	Brantley, Epperheimer, Fikes, Gillham, Morgan, Slaughter, Tautfest, Venuti
Absent - 1	Staggs

E. NEW BUSINESS

- 1. Right-Of-Way Vacation; KPB File 2023-131V
Petitioner Von Ruden & Bakke
Fritz Creek Area / Kachemak Bay APC
Request: Vacate the 60' wide public access easement running south
approximately 1450' from Triple Crown Road ROW , the Scott Road
ROW, Plat HM 2014-16**

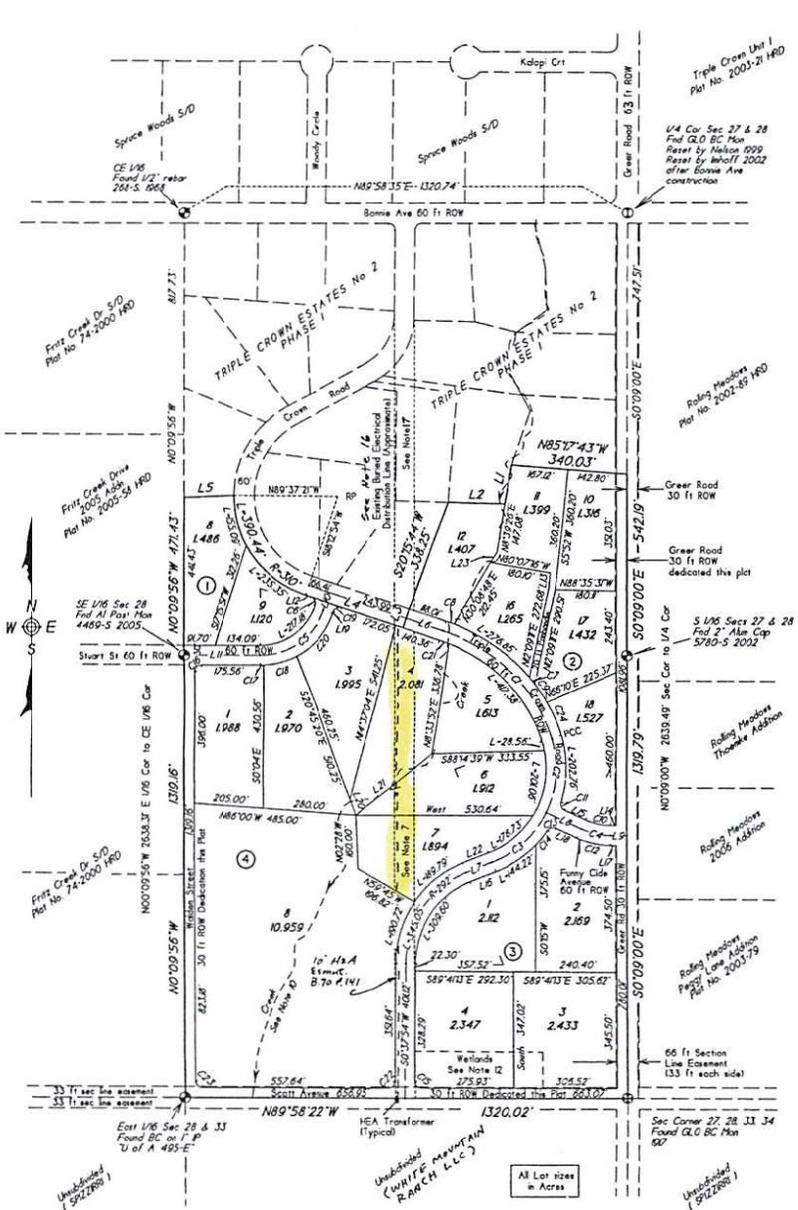


KPB File 2023-131V
T 05S R 12W SEC 28
Fritz Creek

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



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 L4 N71°47'08"W 310.40'
 L5 S87°48'00"W 148.75'

Funny Cide Ave Centerline Chart
 L8 S64°28'34"E 84.84'
 L9 E 8 1/2 Rods
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Triple Crown Road Centerline Chart
 L6 S37°47'08"E 88.07'
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Stuart St Centerline Chart
 L10 S18°37'05"W 55.10'
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C6 L-10.92' R-20'
 C7 L-26.08' R-535'
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 C10 L-75.23' R-400'
 C11 L-21.55' R-20'
 C12 L-40.246' R-230'
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 C24 L-04.05' R-535'

Notes

- All wastewater disposal system shall comply with existing applicable laws at the time of construction.
- The front 10 ft. and the entire building setback within 5 ft. of side lot lines is also a utility easement.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- General easements (no location given) in favor of Homer Electric Association have been recorded in B49, B104, and B70 P141.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- A 2" self-identifying aluminum cap on 5/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
- Existing Road is within 60 ft wide ROW easement in favor of the University of Alaska and the general public, recorded in B4 69 P420 HRD.
- Existing buried powerline is centerline of 15 ft wide electrical distribution easement.
- Basis of Bearing is Rolling Meadows Plat No. 2002-89 HRD.
- The existing stream bed is centerline of a 40 ft wide drainage and greenbelt easement. Conditions and restriction reference Serial No. 29114-02 HRD.
- Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the easement system.
- Wetlands shown within Lots 3 and 4 Block 3 according to the wetlands determination under Corps of Engineers P04-2005-150-S.
- WASTEWATER DISPOSAL: LOT 8 BLOCK 4
 These lots are at least 2000.00 square feet or 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.
- No permanent structures are permitted within the parkade portion of Lot 8 Block 2.

Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. 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 Department of Environmental Conservation prior to construction.

J. Spindler CE 2225 1/20/07
 Engineer License No. Date

Ownership Certificate

We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate of rights-of-way to public use and grant of easements to the use shown.

[Signature] 11-8-07
 Date
 Triple Crown Investments LLC
 5243 Kochanok Drive
 Homer AK 99603

Notary's Acknowledgment
 Subscribed and sworn to me before me this 8th day of November 2007.

For Sanford Beachy
[Signature]
 Notary Public for Alaska
 My Commission Expires 4-24-2008



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon are as described and that my measurements and other details are correct to the best of my knowledge.

[Signature] 11/9/07
 Date
 Roger W. Whorff LS 5780

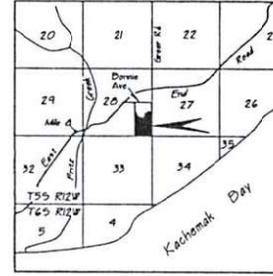


Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 24, 2008.

KENAI PENINSULA BOROUGH
 By *[Signature]*
 Authorized Official

Vicinity Map 1" = 1 Mile



Triple Crown Estates No. 2 - Phase 2

Being a subdivision of the E 1/2 SE 1/4 Section 28, T55, R20W, S4M, excepting therefrom Triple Crown Estates No. 2 - Phase 1 as shown on Plat No. 2007-26 within the Kenai Peninsula Borough
 Homer Recording District, Third Judicial District, Alaska
 Containing 50.957 Acres, more or less

Client: Triple Crown LLC 5243 Kochanok Dr Homer AK 99603	Surveyor: Roger W. Whorff, RLS P.O. Box 2588 Homer AK 99603	FB 06-2/07-2 Drawn RWI SCALE 1" = 200 ft.
Date of Survey June 2007	File: triplecrownphase2.rcd rwpjrcp	KPB File No. 2006-202 KPB File No. 2007-178

2014-16
 Plat #
 H0002
 Rec Dist
 7/27/14
 Date
 Time 9:57 AM

- The easterly 10 ft. of Lot 16 Block 2 is a utility easement.
- The buried electrical distribution line within Phase 1 was retired in 2007.
- 60 ft. wide ROW easement within Phase 1 vacated by KPB Planning Commission Resolution 2006-24.

KPB 2023-131V



AGENDA ITEM E. NEW BUSINESS

**ITEM #1 - RIGHT OF WAY VACATION
 VACATE THE 60' WIDE PUBLIC ACCESS EASEMENT RUNNING SOUTH
 APPROXIMATELY 1450 FROM TRIPLE CROWN ROAD ROW TO
 SCOTT ROAD ROW IN LOTS 3, 4, 6, 7 & 8 BLOCK 4 OF
 TRIPLE CROWN ESTATES NO. 2 PHASE 2 HM 2014-16**

KPB File No.	2023-131V
Planning Commission Meeting:	December 11, 2023
Applicant / Owner:	Andrew & Rosemary Von Ruden of Owatonna, MN Erik Bakke of Homer AK
Surveyor:	None to date
General Location:	Fritz Creek area / Kachemak APC
Parcel No.:	172-035-35, 172-035-36, 172-035-38, 172-035-39 & 172-035-40
Legal Description:	Road / Subdivision / Rec. Dist. / Section Township Range S.M.

STAFF REPORT

Specific Request / Purpose as stated in the petition: Vacate the easement running south from Triple Crown Road to Scott Road rights-of-ways crossing Lots 3, 4, 6, 7 & 8 Block 4 in Triple Crown Estates No 2 Phase 2 HM 2014-16.

Notification: The public hearing notice was published in the Homer News issue of the December 7, 2023 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.

Library of Homer

Post Office of Homer

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

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

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

- | | |
|---|------------------------------------|
| State of Alaska Dept. of Fish and Game | Emergency Services of Kachemak |
| State of Alaska DNR | Ninilchik Traditional Council |
| State of Alaska DOT | Alaska Communication Systems (ACS) |
| State of Alaska DNR Forestry | ENSTAR Natural Gas |
| Kachemak Bay Advisory Planning Commission | General Communications Inc, (GCI) |
| City of Homer | Homer Electric Association (HEA) |
| Emergency Services of Kachemak | Chugach Electric |
| Kenai Peninsula Borough Homer Office | |

Legal Access (existing and proposed):

Existing access is by Triple Crown Road a 60' Borough maintained road dedicated by the Triple Crown Estates No 2 subdivisions Phases 1 and 2. The Triple Crown Road goes between Bonnie Avenue and Scott Road.

No new access is being dedicated. An old access easement is proposed to be vacated for non-use.

There is a section line easement on the east side of the subdivision that is not developed and is unknown if used for easements.

Block length is compliant along Triple Crown Road.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Griebel, Scott Comments: ROW appears to have shifted from the granted easement with the 2006-07 subdivision, assuming to contend with grades. Access is provided. The RSA has no issue with the proposed vacation.
SOA DOT comments	

Site Investigation:

There are no steep areas throughout the subdivision as the terrain slopes gradually from the north to the south at a grade of 5%.

There is a stream that runs across the subdivision, following the north line of Lot 6 Block 4 having a 40 foot wide drainage and greenbelt easement. Conditions and restrictions are referenced in Serial 2014-002037 HRD per note 10 on Triple Crown Estates No. 2 – Phase 2 2014-16 HRD.

The entire area being considered for this action is a wetland designation with a label of discharge slope by the KPB GIS system.

KPB River Center review	A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Homer Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Comments:
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Staff Analysis:

The access easement was originally established in 1972 to cross the property to access the land to the south owned by the University of Alaska and was filed in Book 69 Page 420 HRD on May 21, 1972. At the time the land was described as the E1/2 of the SE1/4 of Section 28, T5S, R12W SW in the Kenai Peninsula Borough of the Third Judicial District, State of Alaska. In 2007 the first of two subdivisions were done as Triple Crown Estates No. 2 Phase 1 2007-26 HRD was recorded, dedicating a new 60 foot wide road named Triple Crown Road. The road did not follow the access easement. In 2014 Triple Crown Estates No. 2 Phase 2 2014-16 HRD was recorded, continuing the dedication of Triple Crown Road, not following the access easement.

To the west, north and east of this subdivision are other subdivided parcels ranging in size from 1.22 acres to 11.50 acres. To the south are large unsubdivided parcels that have access by section line easements. The parcel directly south of Lot 8 Block 4 will still be accessed by Triple Crown Road and will not be affected by this vacation.

The portion of the easement north of this requested vacation was vacated by Resolution 2008-24.

There are utilities in the area to be vacated. Easements have been recorded for some utilities.

No future development is proposed at this time. The vacation of the easement is being proposed to better utilize the owner's properties.

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;
Staff comments: Not currently as a roadway, only for utilities in place.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Not impractical, but a new road has been put in place and in use.
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: Areas west and east are developed
 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;
Staff comments: not applicable to this situation
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: no
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: yes, a road is in place for use and access to lots
 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.
Staff comments: easements have been supplied as requested or will be accommodated.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
Staff comments: the northern portion has been vacated for non-use previously. No surrounding properties will be denied access due this vacation.

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 January 2, 2024 meeting.

If approved, a vacation plat will need to be submitted to finalize the proposed right of way vacations. A subdivision plat will be accompanying this vacation and will be finalized under 20.10.080 – Vacation Plat.

KPB department / agency review:

Addressing	<p>Reviewer: Leavitt, Rhealyn Affected Addresses: NONE</p> <p>Existing Street Names are Correct: No</p> <p>List of Correct Street Names: TRIPLE CROWN RD, STUART AVE</p> <p>Existing Street Name Corrections Needed: STUART ST WAS CHANGED BY SN 2011-18 TO STUART AVE</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 other comments</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat.</p>
Assessing	<p>Reviewer: Windsor, Heather Comments: No comment</p>
Advisory Planning Commission	

Utility provider review:

HEA	No comment
ENSTAR	
ACS	No objections
GCI	

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.
3. Grant utility easements requested by the 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 20.70.130).

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*

- *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

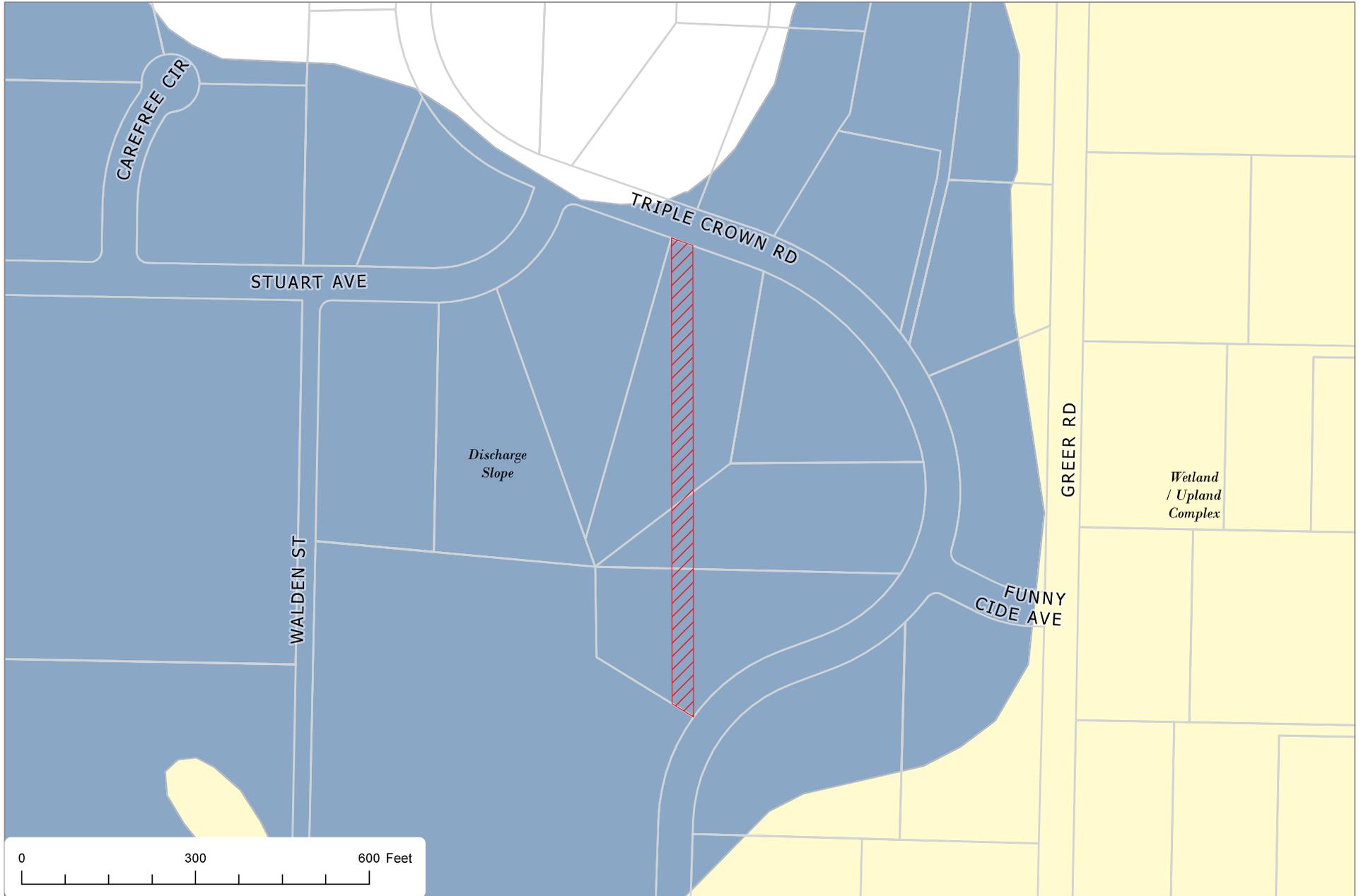
- Focus Area: Transportation

- *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



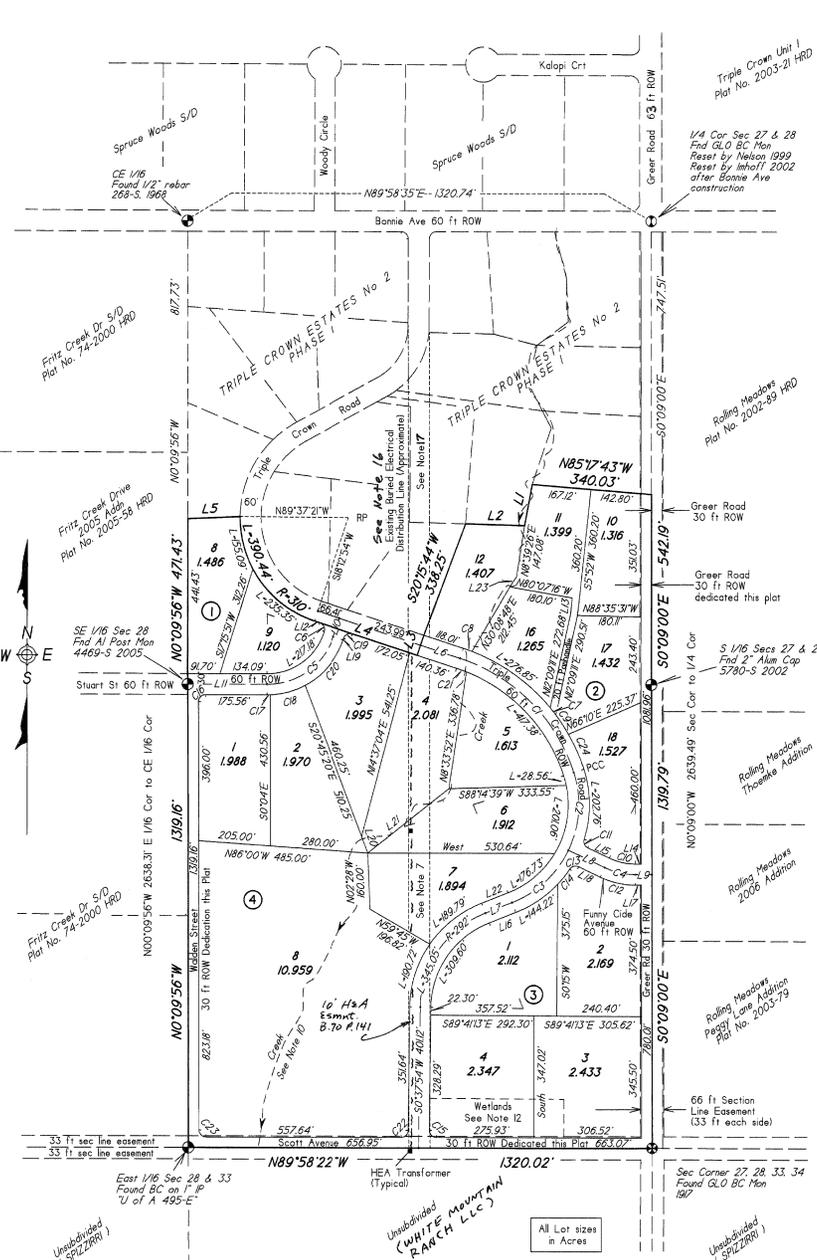
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Roger W. Inhoff
11-8-07
Date
Triple Crown Investments, LLC
by Sanford Beachy
5243 Kochanok Drive
Homer AK 99603

Notary's Acknowledgment
Subscribed and sworn to me before me this 8th day of November, 2007.

for Sanford Beachy
Donald S. Alonzo
Notary Public for Alaska
My Commission Expires 4-24-2010



Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Nov 7, 2007
Date Roger W. Inhoff LS 5780

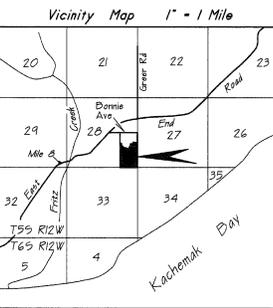


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 4. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
 5. A building setback of 20 ft. is required from all street rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 6. A 2" self identifying aluminum cap on 5/8" diameter x 36" long rebar set at all lot corners unless otherwise specified.
 7. Existing Road is within 60 ft wide ROW easement in favor of the University of Alaska and the general public, recorded in BK 69 P420 HRD.
 8. Existing buried powerline is centerline of 15 ft wide electrical distribution easement.
 9. Basis of Bearing is Rolling Meadows Plat No. 2002-89 HRD.
 10. The existing stream bed is centerline of a 40 ft wide drainage and greenbelt easement. Conditions and restrictions reference Serial No. 2014-02837.
 11. Roads must meet the design and construction standards established by the Kenai Peninsula Borough to be considered for acceptance into the maintenance system.
 12. Wetlands shown within Lots 3 and 4 Block 3 according to the wetlands determination under Corps of Engineers POA-2006-1519-9.
 13. WASTEWATER DISPOSAL: LOT 8 BLOCK 4
These lots are at least 200,000 square feet or 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.
 14. No permanent structures are permitted within the pashandle portion of Lot 1 Block 2.

Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of April 24, 2006.

Kenai Peninsula Borough
By: *Mark Burt*
Borough Official



Wastewater Disposal

Soil conditions in this subdivision have been found unsuitable for conventional onsite wastewater treatment and disposal systems. Plans for a typical alternate wastewater system for use on lots in this subdivision are included in the Engineer's Subdivision and Soils Report and are available from the Kenai Peninsula Borough. 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 Department of Environmental Conservation prior to construction.

J. Spauldard CE 2225 11/20/07
Engineer License No. Date

2014-16
Plat #
Homer
Rec Dist
7/25 2014
Date
Time 9:57 AM

Triple Crown Estates No. 2 - Phase 2

Being a Subdivision of the E 1/2 SE 1/4 Section 28, T35, R12W, S1M excepting therefrom Triple Crown Estates No. 2 - Phase 1 as shown on Plat No. 2007-26

within the Kenai Peninsula Borough
Homer Recording District, Third Judicial District, Alaska
Containing 50.957 Acres, more or less

Client: Triple Crown LLC 5243 Kochanok Dr Homer AK 99603	Surveyor: Roger W. Inhoff, RLS PO Box 2568 Homer AK 99603	FB 06-2/007-2 Drawn RWI SCALE 1" = 200.0'
Date of Survey June 2007	Files triplecrown2phase2.rwd raspbry.cgo	KPB File No. 2006-202 KPB File No. 2007-178

THIS INDENTURE, made and entered into this 25th day of April, 1972, by and between Eugene Julius Evancoe and Olive M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said Grantee, a perpetual, full and unrestricted easement in perpetuity and right-of-way, along, over and across the following described strip, tract or parcel of land and real estate lying, and being situated in the State of Alaska, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28, T.5 s., R.12W., Seward Meridian in the Kenai Peninsula Borough of the Third Judicial District, State of Alaska, being a 60.00 foot wide strip of land which is 30.00 feet on each side, parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way line of Homer East Road, Alaska Department of Highways Project #SAS-414.

Parcle "A" - Beginning at a point for the intersection of Homer East Road, Alaska Department of Highways Project #SAS-414, station 517 + 06L, and a driveway entering said highway right-of-way; Thence along a line bearing S45 degrees 04 minutes East, a distance of 657 more or less to a point for the intersection of said line with the East-West quarter section line of Section 28, T5s, R12W, S.M.: Thence easterly along the quarter section line of Section 28, a distance of 1,850 1190 feet more or less to the quarter-section corner common to ~~section 27 and section 28, T5S, R12W, S.M.~~ *centerline of parcel "B"*

*(Elevated 1190)
eye*

*660
eye*

Parcle "B" - Starting at the 1/4 corner common to Section 27 and Section 28 T.5 S., R.12W., Seward Meridian thence West a distance of 660.00 feet to the true point of beginning of said center line for Parcle "B" thence South and parallel to the East Section line of Section 28, T.5 S., R.12W, S.M. a distance of 2640.00 feet to the termination point of this parcle "B" center line.

The said right-of-way shall be used for the purpose of constructing and maintaining thereon a public roadway, and the Grantor covenants and agrees that the Grantee and the general public shall have full, free and uninterrupted use of said right-of-way for the purpose aforesaid, and for all other purposes deemed by Grantee to be beneficial, desirable or necessary in connection with the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises according to the plot attached hereto and made a part of this instrument.

Should the said right-of-way herein granted cease to be used as a public roadway

or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor Eugene Julius Evanroe
Eugene Julius Evanroe

Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF TAZEWELL

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

Leproy Shieff
Notary Public in and for Illinois
Commission Expires:

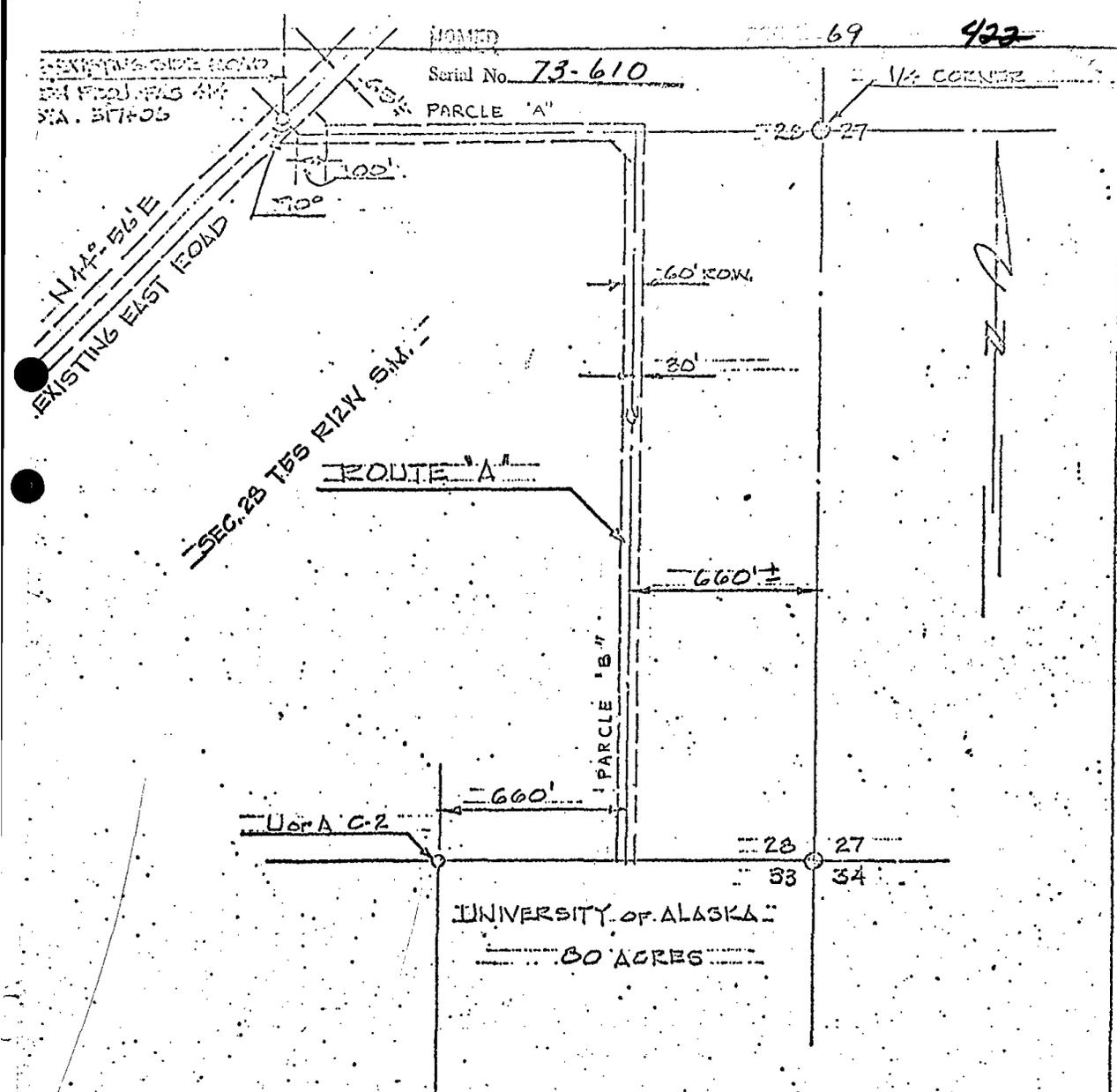
2-2-1973

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantee herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA
By Wm R. Wood
William R. Wood, President



RECORDED - FILED 7-2
 Homer REC. DIST.
 DATE 5-21-1973
 TIME 12:35 P.M.
 Requester Univ. of Alaska
 Address Fairbanks, AK

REVI	UP-DATED	DWR	5-1-72
LOCATION PLAN ACCESS ROAD TO THE UNIVERSITY OF ALASKA, HOMER RED MEAT RESEARCH CENTER EXHIBIT "A" - R-O-W EASEMENT			
ENGINEER	DRAWN	DATE	SCALE
WHI	JRC	4-12-72	1" = 500'
			3



Planning Department

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



PETITION TO VACATE PLATTED RIGHT OF WAY / PLATTED PUBLIC 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.

Initially, a sketch may be included with the vacation petition for review by the Planning Commission. After the Planning Commission takes action on the vacation, a Subdivision Plat must be prepared by a licensed land surveyor. The plat will be processed in accordance with KPB 20.10.080. Platting authority is vested in the Planning Director.

SUBMITTAL REQUIREMENTS

A platted right of way vacation (ROWV) application will be scheduled for the next available planning commission meeting after a complete application has been received.

- \$500 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to the vacation fees.
- City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- see exhibit _____ platted public right of way proposed to be vacated was dedicated by the plat of _____ Subdivision, filed as Plat No. HM 2014-16 in the Kenai Recording District. Kenai Borough
- 3 copies of the plat or map showing the platted right of way to be vacated. Must not exceed 11 x 17 inches in size. Area to be vacated must be clearly depicted. Proposed alternative public access to be shown and labeled on the sketch.
- REASON FOR VACATING The petitioner must attach a statement with reasonable justification for the vacation of the platted right of way / platted easement / platted public area. - see attached file # KPB2181

Has the platted right of way been fully or partially constructed?		Yes	<input checked="" type="checkbox"/>	No
Is the platted right of way used by vehicles / pedestrians / other?		Yes	<input checked="" type="checkbox"/>	No
Is alternative right-of-way being provided?	<input checked="" type="checkbox"/>	Yes		No
Are there utility easements associated with the right of way to be vacated?	<input checked="" type="checkbox"/>	Yes		No
Is the platted right of way and or associated utility easement in use by any utility company?	<input checked="" type="checkbox"/>	Yes		No
If so, which utility provider? <u>Telephone</u>				

see attached replacement easements

LEGAL DESCRIPTION ADJOINING LAND:

Lot, Block, Subd. or street address <u>See tax statement Lots 4, 6, and 7, and 8</u>	
Section, township, range	
City (if applicable)	General area

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

Submitted by:

Land Owner

Name (printed): <u>Andy Von Ruden</u>	Signature: <u>Andy Von Ruden</u>
e-mail: <u>avonruden@gmail.com</u>	Address: <u>1030 Roberts Pl. SW Owatonna MN 55060</u>
Owner of: <u>Lots 4, 5, 6, and 7</u>	

Land Owner:

Name (printed): <u>Erik Bakke</u>	Signature: <u>Erik Bakke</u>
e-mail: <u>eb99603@gmail.com</u>	Address: <u>55201 Stuart Ave</u>
Owner of: <u>Lot 8</u>	<u>Fritz Creek, AK 99603</u>

FOR OFFICE USE ONLY

RECEIVED BY _____

DATE SUBMITTED _____

KPB FILE # _____

**VACATION OF PLATTED RIGHT OF WAY /
PLATTED PUBLIC EASEMENT / PLATTED PUBLIC AREA**

20.65.010. Authority; Legislative intent; Scope.

This chapter is enacted under the authority of AS 29.40. A vacation decision is a discretionary legislative land use decision. The purpose of this chapter is to establish procedures for the vacation of a platted public right-of-way, public area, or other public easement dedicated on a borough approved plat, and to provide procedures for the alteration, including removal, of platted utility easements. This chapter does not apply to easements or property owned or held by a city or the borough in their proprietary capacity which may only be extinguished through the terms of the controlling document or applicable law. This chapter does not apply to private easements.

20.65.030. Vacation Criteria.

Vacation of a platted public right-of-way, access, area or other easement granted for public use or public benefit must conform to the requirements of this chapter and AS 29.40.120 through AS 29.40.160 as now enacted or as amended.

20.65.040. Vacation Application.

An informal pre-application conference by appointment with borough staff prior to the submittal of the application for vacation of a public right-of-way is encouraged. The application shall include the following items.

- A. A petition, provided by the borough planning department, signed by:
 1. The owners of the majority of the land abutting the area being vacated; or
 2. An official representative of the state, the borough, an affected utility, or a city when the area to be vacated is within the city.
- B. A sketch that depicts the area to be vacated, a preliminary vacation plat, or a copy of the existing plat showing the proposed alteration or replat. The format and number of copies of the sketch submittal shall be determined by the planning director;
- C. Written recommendations, comments, or meeting minutes from the planning and zoning commission of the affected city, if the area to be vacated is within a city. The sketch or submittal provided to an affected city must be the same submittal that is provided to the borough.
- D. The appropriate fee; and
- E. Applicant statement containing the reasons in support of the vacation.

20.65.050. Action on vacation application.

- A. Staff shall review the application and supporting materials for compliance. If the application is incomplete, staff will return it to the applicant with a written list of deficiencies to be satisfied for acceptance.
- B. After acceptance of the application, staff will:
 1. Send notice of the proposed vacation and the public hearing in accordance with KPB 20.10.100.
 2. Prepare a staff report that evaluates the merits of the proposed vacation. Revisions to the application submitted subsequent to the preparation of the staff report and after notice is sent will not be considered at the scheduled public hearing. Any such revisions will be treated as a revised application under this chapter.
- C. An accepted application shall be placed on the agenda of a regularly scheduled planning commission meeting. The public hearing on the vacation may not be more than 60 days after acceptance of the application, unless the applicant requests postponement.
- D. The planning commission shall consider the merits of each vacation request. A platted dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use and in all cases the planning commission shall deem the area being vacated to be of value 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;
 2. A road is impossible or impractical to construct, and alternative access has been provided;
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
 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;
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
 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.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.
- E. The planning commission may impose such conditions as it deems necessary to ensure compliance with the requirements and purpose of this title.



Kenai Peninsula Borough

144 North Binkley Street, Soldotna, Alaska 99669 - (907) 262-4441 - (907) 262-1892 Fax

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File #: KPB-2181 Version: 1 Name:
 Type: Petition to Vacate Status: New Business
 File created: 5/24/2019 In control: [Lands Committee](#)
 On agenda: 6/4/2019 Final action: 6/4/2019

Title: Petition to Vacate the 60-Foot-Wide Public Access Easement Running South Approximately 1,450 Feet from Triple Crown Road to Scott Avenue as Granted on the Right-of-Way Easement, Recorded at Book 69, Page 420, Homer Recording District. Said Public Access Easement is Within or Adjacent to the Triple Crown Road Right-of-way, the Scott Road Right-of-way, Lots 3, 4, 5, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek Area Within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska. [Clerk's Note: The Planning Commission approved the above referenced petition to vacate at its May 13, 2019 meeting by unanimous consent.]

Attachments: [1. Petition to Vacate](#)

[History \(1\)](#) [Text](#)

1 record [Group](#) [Export](#)

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
6/4/2019	1	Assembly	approved	Pass	Action details	Meeting details	Not available

Account Detail

[Search Results](#)[View Assessment](#)[Map It](#)[Print this Page](#)

KPB Tax Information

PIN	Property Type	Last Update
17203540	Real Property	10/25/2023 1:15:17 AM

Mailing Address:
BAKKE ERIK
55201 STUART ST
HOMER, AK 99603-9513

Location:
0

TAG
81 - KACHEMAK EMERGENCY SERVICES

[Change of Address](#)

Legal Description

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE CROWN ESTATES NO 2 PHASE 2 LOT 8 BLOCK 4

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203536**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084912 Bill Number: 2023067734
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203536



01182

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 4 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	41,000		

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203538**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084914 Bill Number: 2023067318
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203538



01184

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 6 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	51,400		

Taxation on aircraft and vessels: Aircraft that have been issued an N number by the Federal Aviation Administration ("FAA") by January 1 of the tax year shall be totally exempted from ad valorem taxes for the Borough portion and shall be taxed in accordance with the Borough flat tax based on the Manufacturers Gross Weight with an Internal Load ("MGWL").

2023 TAX BILL

Kenai Peninsula Borough
 44 N. Binkley Street
 Soldotna, AK 99669
 07-262-4441
 00-478-4441 - Toll Free Within Borough
www.kpb.us



Year: 2023 **PIN: 17203539**
TAG: 81 - KACHEMAK EMERGENCY SERVICES
 Revenue ID: 1084915 Bill Number: 2023067290
 Billing Date: 06/23/2023
 Balance good until: 10/16/2023

AUTO PIN: 17203539



01185

ROSEMARY VON RUDEN
 ANDREW VON RUDEN
 1030 ROBERT PL SW
 OWATONNA MN 55060-3850

LEGAL DESCRIPTION

T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE
 CROWN ESTATES NO 2 PHASE 2 LOT 7 BLOCK 4

Value Type	Value	Exemption Type	Amount
LAND	42,100		