


# Kenai Peninsula Borough Planning Department

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## MEMORANDUM

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

**FROM:** Marcus Mueller, Land Management Officer 

**DATE:** May 31, 2018

**RE:** Vacation of approximately 710 feet of Idaho Street between Breiby Court and Lopez Avenue and vacate the associated 10-foot-wide utility easements adjacent to the west and east sides of the Idaho Street right-of-way as granted by Heaven's View Subdivision. The right-of-way being vacated is unconstructed and located within the N1/2 SW1/4 of Section 25, Township 5 North, Range 10 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough.

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 May 29, 2018, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way and utility easement vacations by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

### *Findings*

1. KPB Roads Department submitted a statement of no comments.
2. Per the submittal, a pond and muskeg area is within close proximity to the right-of-way proposed to be vacated.
3. Per the submittal, a large boulder is partially in the right-of-way proposed to be vacated.
4. ACS submitted a statement of no objections.
5. Homer Electric Association submitted a statement of reviewed/no comments.
7. One of the petitioners owns 8-15, Block 2, KN 86-109 (Iyuptulla No. 2 Subdivision).
9. Tract A and Tract B, KN 2009-55, have been issued Lopez Avenue addresses.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. Per the submittal, the right-of-way proposed for vacation is not in use for access.
16. Per the submittal, the right-of-way proposed for vacation has not been constructed.

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

cc: petitioners' w/minutes only



## Planning Department

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

Charlie Pierce  
Borough Mayor

May 31, 2018

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF DECISION  
MEETING OF MAY 29, 2018**

RE: Vacate approximately 710 feet of Idaho Street between Breiby Court and Lopez Avenue and vacate the associated 10-foot-wide utility easements adjacent to the west and east sides of the Idaho Street right-of-way as granted by Heaven's View Subdivision, Plat KN 2009-55, and Iyuptulla No. 2 Subdivision, Plat KN 86-109. The right-of-way being vacated is unconstructed and located within the N1/2 SW1/4 of Section 25, Township 5 North, Range 10 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-044V.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed right-of-way and utility easement vacations during their regularly scheduled meeting of May 29, 2018 based on the following findings of fact and conditions.

*Findings*

1. KPB Roads Department submitted a statement of no comments.
2. Per the submittal, a pond and muskeg area is within close proximity to the right-of-way proposed to be vacated.
3. Per the submittal, a large boulder is partially in the right-of-way proposed to be vacated.
4. ACS submitted a statement of no objections.
5. Homer Electric Association submitted a statement of reviewed/no comments.
7. One of the petitioners owns 8-15, Block 2, KN 86-109 (Iyuptulla No. 2 Subdivision).
9. Tract A and Tract B, KN 2009-55, have been issued Lopez Avenue addresses.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. Per the submittal, the right-of-way proposed for vacation is not in use for access.
16. Per the submittal, the right-of-way proposed for vacation has not been constructed.

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 (May 29, 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 May 29, 2018 to:

Dean Robinson  
PO Box 1858  
Soldotna, AK 99669-1858

David & Carolyn Bradford  
40688 Lopez Ave  
Soldotna, AK 99669-8503

Randal Jensen  
40707 Lopez Ave  
Soldotna, AK 99669

AGENDA ITEM F. PUBLIC HEARING

2. Vacate approximately 710 feet of Idaho Street between Breiby Court and Lopez Avenue and vacate the associated 10-foot-wide utility easements adjacent to the west and east sides of the Idaho Street right-of-way as granted by Heaven's View Subdivision, Plat KN 2009-55, and Iyuptulla No. 2 Subdivision, Plat KN 86-109. The right-of-way being vacated is unconstructed and located within the N1/2 SW1/4 of Section 25, Township 5 North, Range 10 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough; KPB File 2018-044V.

Staff Report given by Scott Huff

PC Meeting: 5/29/18

Purpose as stated in petition: There are two serious challenges to building a proper road through this section of ROW. I am including photos as well as a view from the GIS Flex Viewer, which illustrates how much of the ROW is less than four feet, vertically, from the water of the encroaching muskeg.

Besides this wetland area, there is a boulder of significant size which straddles the ROW Line. It extends from (approx) 24 feet from the Centerline of the ROW to (approx) midway across the 10 feet utility easement. From what is visible, it would appear to be roughly 11 feet in diameter at the ground surface.

Petitioners: Dean R. Robinson, David C. Bradford, & Randal D. Jensen of Soldotna, AK.

Notification:

Public notice was published in the May 17, 2018 issue of the Peninsula Clarion as a separate ad. Public notice was published in the Seward Journal on May 16 and May 17 in the Homer News and Peninsula Clarion as part of the Commission's tentative agenda.

Five certified mailings were sent to owners of property within 300 feet of the proposed vacation. All receipts have been returned.

All owners within 600 feet of the proposed vacation were also in the 300-foot notification radius.

The public hearing notice was emailed to 15 agencies and interested parties. Public notice was made available to 11 KPB staff via a shared database.

Notices were mailed to the Sterling Post Office and Soldotna 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:

ACS: No objections.

Homer Electric Association: Reviewed/no objections.

Enstar: No comments, recommendations or objections.

KPB Code Compliance: No comments.

KPB GIS: Addresses will be checked during the preliminary plat review. Existing street names are correct.

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

KPB Roads Department: No comments.

River Center: The proposed vacation is not within a mapped flood hazard zone and is not affected by the Anadromous Habitat Protection District.

State Department of Fish & Game: No objections.

State Parks: No comments.

Staff Discussion:

To date, a preliminary plat has not been submitted for Plat Committee review.

It is not possible to re-locate Idaho Street to the west to avoid the boulder and swamp due to the barn on Tract A, KN 2009-55.

Per the submittal, the visible portion of the boulder is approximately 11 feet in diameter. Unless the boulder is excavated or drilled, the actual size is unknown.

Currently, the block is a platted looped access. The block is generally defined by Lopez Avenue, Idaho Street, McSmith Avenue, and Charles Street.

Vacating a portion of Idaho Street will change the boundary of the block to Lopez Avenue, Charles Street, McSmith Avenue, Isbell Street, and an 83-foot wide section line easement. A gap exists between the 83-foot section line easement and Lopez Avenue. The gap is approximately 800 feet long. KPB GIS 4-foot contours indicate two areas subject to slopes greater than 20 percent are between the 83-foot wide section line easement and Lopez Avenue.

Eliminating Idaho Street as a block boundary will make the block longer than allowed by KPB Code and will require an exception to KPB 20.30.170.

**Findings:**

1. KPB Roads Department submitted a statement of no comments.
2. Per the submittal, a pond and muskeg area is within close proximity to the right-of-way proposed to be vacated.
3. Per the submittal, a large boulder is partially in the right-of-way proposed to be vacated.
4. ACS submitted a statement of no objections.
5. Homer Electric Association submitted a statement of reviewed/no comments.
6. Lots 12-15, KN 86-109 (Iyuptulla No. 2 Subdivision) have been issued Idaho Street addresses.
7. One of the petitioners owns 8-15, Block 2, KN 86-109 (Iyuptulla No. 2 Subdivision).
8. KPB GIS 4-foot contours indicate terrain through the portion of Idaho Street proposed to be vacated is relatively flat.
9. Tract A and Tract B, KN 2009-55, have been issued Lopez Avenue addresses.
10. Eliminating Idaho Street as a block boundary will eliminate a platted looped access.
11. Eliminating Idaho Street as a block boundary will make the block longer than allowed by KPB Code and will require an exception to KPB 20.30.170.
12. No alternate equal or superior public easement or right-of-way in lieu of the vacated right-of-way is being offered by the petitioners.
13. Sufficient rights-of-way exist to serve surrounding properties.
14. No surrounding properties will be denied access.
15. Per the submittal, the right-of-way proposed for vacation is not in use for access.
16. Per the submittal, the right-of-way proposed for vacation has not been constructed.

**STAFF RECOMMENDATION:** Based on Findings 1-5, 7, 9, and 13-16, staff recommends approval of the vacation as petitioned, subject to:

1. Consent by the KPB Assembly.

2. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code.
3. Submittal of a final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that recordation of the plat can be accomplished 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 Foster moved, seconded by Commissioner Carluccio to approve the vacation of approximately 710 feet of Idaho Street between Breiby Court and Lopez Ave and the associated 10 foot wide utility easements citing the following findings of fact and per staff recommendations.

*Findings:*

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**VOTE:** The motion passed by unanimous consent.

BENTZ ABSENT	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER YES	ISHAM ABSENT
MARTIN YES	MORGAN ABSENT	RUFFNER YES	VENUTI YES	WHITNEY YES		9 YES 3 ABSENT

~~AGENDA ITEM E. PUBLIC HEARING~~

3. ~~Ordinance 2018-22; An ordinance authorizing a Community Trail Management Agreement with~~

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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

L-2A  
 LDOTNA EAST S/D  
 7D ADDN (Preliminary Plat)

(2)  
 L-3  
 KN 72-73

McSMITH AVE 60' RW (30' Dedicated This Plat)

McSMITH AVE 60' RW

N 90°00'00" E 724.20'

W.C.

130.00'

233.30'

1026.58'

IDAHO ST 60' RW (30' Dedicated This Plat)

BASIS OF BEARING N 00°00'04" W (1319.74) 1319.95'

BREIBYCT 50' RW

KN 66-100

**TR-A  
 12.005 AC**

OWNER: DEAN R. ROBINSON  
 (PETITIONER) PO Box 1858  
 SOLDOTNA, AK 99669

LEGAL: T5N R10W SEC 25  
 S.M. KN  
 2009055 HEAVEN'S VIEW  
 SUB  
 TRACT A

OWNER: DAVID C. BRADFORD  
 (PETITIONER) 40688 LOPEZ AVE  
 SOLDOTNA, AK 99669

LEGAL: T5N R10W SEC 26 S.M. KN  
 0860109 IYUPTULLA NO 2 SUB  
 KOTS 14 & 15

PROPOSED VACATION



Barn

LOPEZ AVE 60' RW (30' Dedicated This Plat)

LOPEZ AVE 60' RW

2 1/2" AL Mon  
 Solid (feaning South)

SW 1/16  
 S 25  
 237 S  
 1883

OWNER: (PETITIONER) LEGAL: T5N R10W S.M. KN  
 RANDAL D. JENSEN 2005118 BROWNS ACRES  
 40707 LOPEZ AVE SUB SIMS-JENSEN REPLAT  
 SOLDOTNA, AK 99669 KN 85-49  
 TRACT 5A1

KN 20015 112

1 TR 52

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

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 all rights-of-way and public areas to public use and grant all easements in the map shown.

Tara M. Taylor Vernel Schneider  
Tara M. Taylor Vernel Schneider

**NOTARY'S ACKNOWLEDGEMENT**

FOR Tara M. Taylor  
Subscribed and sworn before me this  
9 day of September 2008  
My commission expires 1-16-11  
Anna F. Johnson  
Notary Public for the State of Alaska

OFFICIAL SEAL  
STATE OF ALASKA  
ANNA F. JOHNSON  
NOTARY PUBLIC

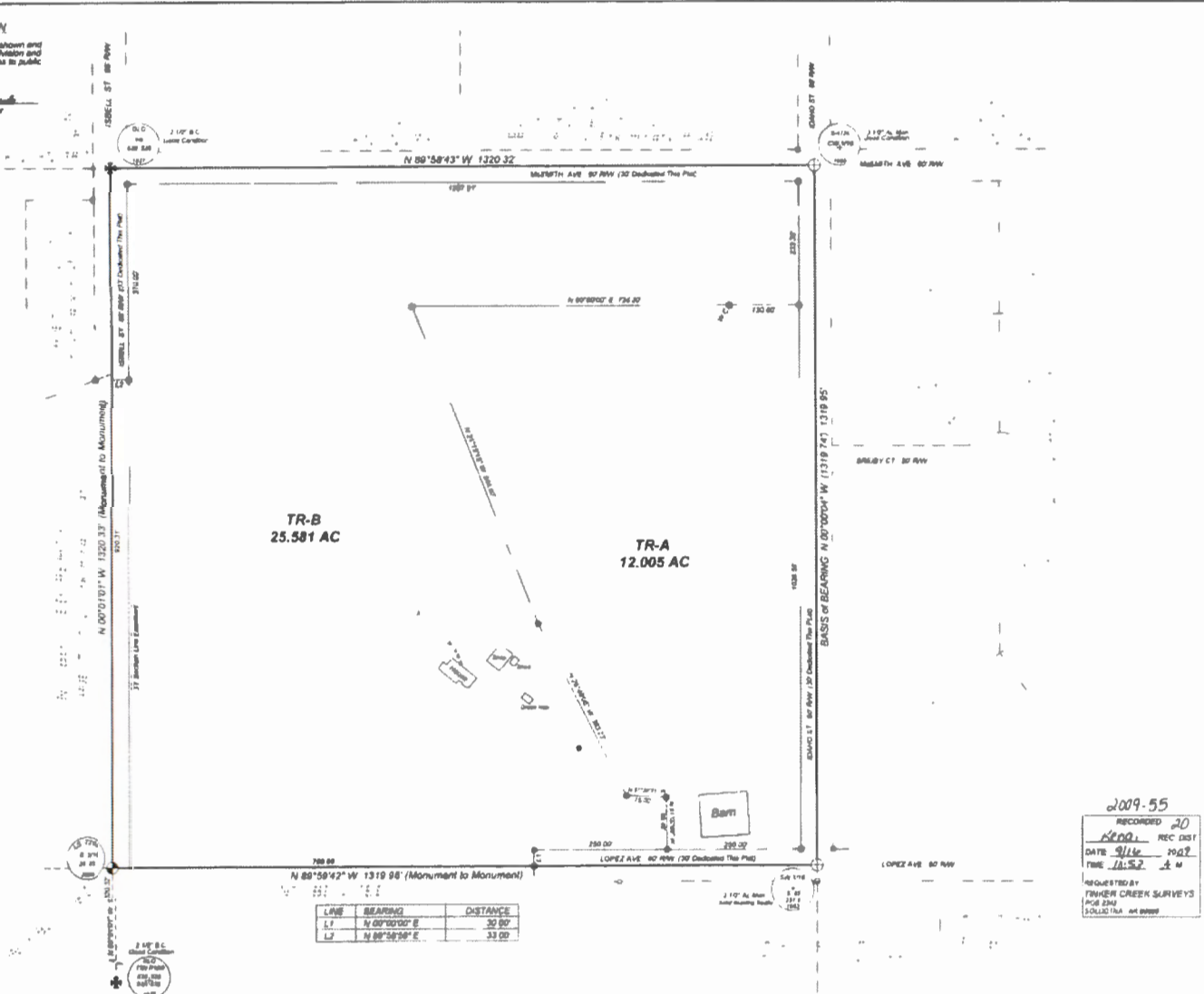
**NOTARY'S ACKNOWLEDGEMENT**

FOR Vernel Schneider  
Subscribed and sworn before me this  
9 day of September 2008  
My commission expires 1-16-11  
Anna F. Johnson  
Notary Public for the State of Alaska

OFFICIAL SEAL  
STATE OF ALASKA  
ANNA F. JOHNSON  
NOTARY PUBLIC

**PLAT APPROVAL**

This plat was approved by the KENAI PENINSULA  
BOROUGH PLANNING COMMISSION  
At the meeting of  
11/10/08 2008  
KENAI PENINSULA BOROUGH by  
Mark A. Galt  
Mayor



- LEGEND**
- Found GLO Brass Cap Monument
  - ⊕ Found Aluminum Monument as Described
  - ⊕ Set 3 (1") Aluminum Monument
  - Found Rubber w/Yellow Plastic Cap (R101)
  - Found Rubber w/Yellow Plastic Cap (R840 L3)
  - Found Rubber w/Yellow Plastic Cap (7328 S 2008)
  - Found 3/8" Rebar
  - Found 1/2" Rebar
  - Set 5/8" Rebar w Green "TCS" Plastic Collar (LS-F208)
  - △ Septic Vent
  - ▲ Well
  - ( ) Record Date Plat KN 08-108

- NOTES**
- 1) Basis of Bearing from 17UPTULLA No 2 S/D (KN 88-108)
  - 2) **Building Setback** - A building setback of 30 feet is required from all street Right-of-Way unless a lesser standard is approved by resolution of the appropriate Planning Commission
  - 3) All waste disposal systems shall comply with existing laws at the time of construction
  - 4) From 10' of the building setback and the entire setback within 5 feet of each lot line is a utility easement. No permanent structure shall be constructed or placed within a utility easement that would interfere with the ability of a utility to use the easement
  - 5) 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
  - 6) **WASTEWATER DISPOSAL** These lots are of 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 and disposal system must meet the regulatory requirements of the Alaska Department of Environmental Conservation

2009-55  
RECORDED 20  
DATE 9/16/08  
TIME 11:52 AM  
REQUESTED BY  
TINKER CREEK SURVEYS  
POB 234  
SOLDIER RD, ANCHORAGE



**HEAVEN'S VIEW SUBDIVISION**

LOCATION  
40.008 ACRES ML LOCATED IN THE NW 1/4 SW 1/4, SEC 28, T3N, R10W, S4 AK AND THE KENAI PENINSULA BOROUGH IN KENAI RECORDING DISTRICT

Drawn	Surveyed by
Tara Taylor	TINKER CREEK SURVEYS
Vernel Schneider	POB 234
	SOLDIER RD, ANCHORAGE, AK 99503
	360 887 (Office)
	292-1576 (Fax)
DATE 9-09-08	SCALE 1" = 100'
CHECKED BY gw	PLAT 08-022 F.dwg
	SHEET 1 of 1
	APP 643 No.
	2008-075

CERTIFICATE OF APPROVAL BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
 This subdivision has been reviewed in accordance with ASAACT 7.065 and is approved subject to any noted conditions.  
 Signature: P. D. H. ... Date: 5-2-96

- NOTES**
- A 20' BUILDING SETBACK EXISTS ALONG ALL R.O.W UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION
  - ALL WASTEWATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING LAWS AT THE TIME OF CONSTRUCTION
  - 5/8" X 30" REBAR SET AT ALL LOT CORNERS

**OWNERS**  
Wallace D. Charles Gladys C. Charles  
 WALLACE D. CHARLES GLADYS C. CHARLES  
 743 PAPA CIRCLE 743 PAPA CIRCLE  
 ANCHORAGE, ALASKA 99502 ANCHORAGE, ALASKA 99502

**NOTARY'S ACKNOWLEDGEMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF March 1986 THE FOLLOWING PERSONS APPEARED BEFORE ME: WALLACE D. CHARLES, GLADYS C. CHARLES  
Shirley Burgin March 11, 1987  
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

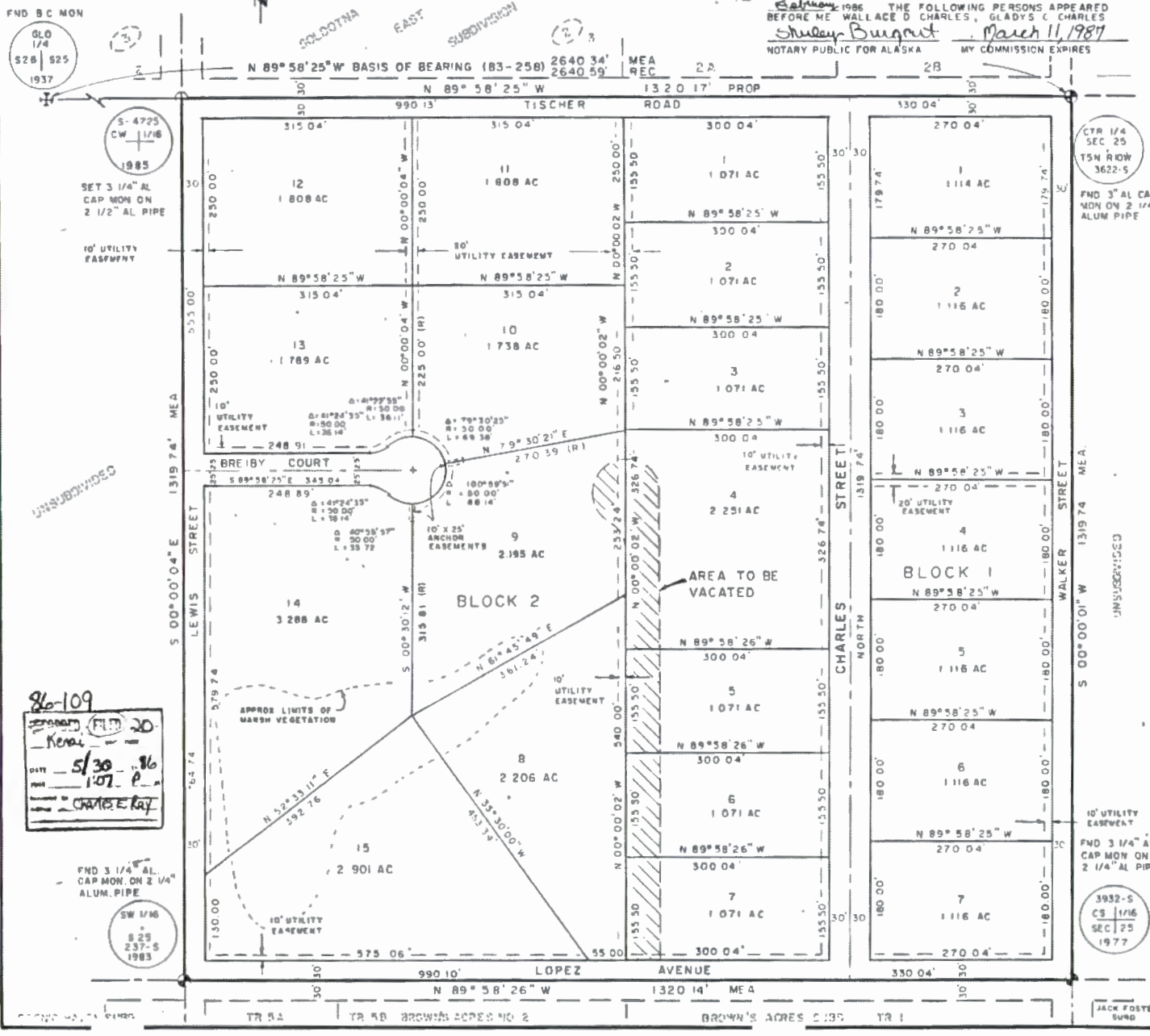
**CERTIFICATE OF OWNERSHIP**  
 I (WE) HEREBY CERTIFY THAT I (WE) ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND DEDICATE ALL RIGHTS OF WAYS AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN  
John C. Breiby Anecia L. Breiby  
 JOHN C. BREIBY ANECIA L. BREIBY  
 SR 3205-A SR 3205-A  
 WASILLA, ALASKA 99687 WASILLA, ALASKA 99687

**NOTARY'S ACKNOWLEDGEMENT**  
 SUBSCRIBED AND SWORN TO BEFORE ME THIS 13th DAY OF March 1986 THE FOLLOWING PERSONS APPEARED BEFORE ME: JOHN C. BREIBY, ANECIA L. BREIBY  
Shirley Burgin 10-7-88  
 NOTARY PUBLIC FOR ALASKA MY COMMISSION EXPIRES

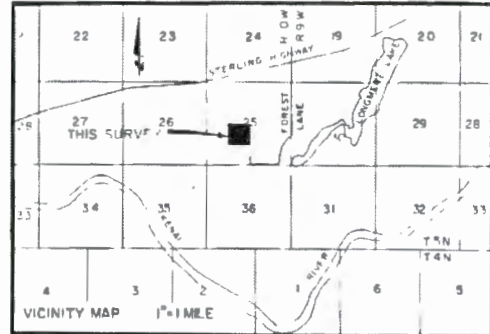
**SURVEYOR'S CERTIFICATE**  
 I, THE UNDERSIGNED REGISTERED SURVEYOR, HEREBY CERTIFY THAT A LAND SURVEY HAS BEEN COMPLETED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT CORNERS AND MONUMENTS HAVE BEEN LOCATED AND ESTABLISHED AND THAT DIMENSIONS SHOWN HEREON ARE TRUE AND CORRECT  
James A. Wilson 4-28-86  
 JAMES A. WILSON 4725-S DATE



**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA PLANNING COMMISSION AT THE MEETING OF April 8, 1986  
Richard P. Tange  
 KENAI PENINSULA BOROUGH AUTHORIZED OFFICIAL



86-109  
 KENAI  
 DATE: 5/30/86  
 FILE: 107 P  
 BY: CHARLES E. RAY



A PART OF  
**IYUPTULLA NO. 2 SUBDIVISION**  
 WHICH IS A RESUBDIVISION OF  
 IYUPTULLA SUBD TR A AND B (76-182)  
 AND VACATION OF BC CIRCLE  
 NE 1/4 SW 1/4 SEC. 25, T.5N, R.10W, S.M., AK

CONTAINING 39997 AC

TED FORSI & ASSOCIATES, INC.  
 80 EAST 9th, ANCHORAGE - P O BOX 2470, SOLDOTNA  
 ENGINEERING - PLANNING - SURVEYING



3RD SOLDOTNA	SCALE 1" = 100'	DATE FEB 1986	BOOK 62
DRAWN C.R.	FILE	WD	CHK'D T.W.



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**



	Right of Way Vacation
	Utility Easement Vacation

JReif, KP  
Date: 5/1/2018



Kenai Peninsula Borough GIS Division

 **DISCLAIMER** The data displayed herein is neither a legally recorded map nor survey and should only be used for general reference purposes. Kenai Peninsula Borough assumes no liability as to the accuracy of any data displayed herein. Original source documents should be consulted for accuracy verification.  
Printed Apr 30 2018

- 1) THE DASHED LINE, IN RED INK, INDICATES APPROXIMATE WHERE THERE IS 1 FT. OR LESS FROM TOP OF MUSKEG TO WATER TABLE.
- 2) THE RED-INK CIRCLE INDICATES THE APPROXIMATE LOCATION OF THE BOULDER.

WHERE THE RED LINE IS DRAWN AT THE END  
OF THE TAPE MEASURE - THIS IS THE  
APPROXIMATE EDGE-OF-ROW. THERE  
IS ABOUT 7 FT. FROM THERE TO  
OPEN WATER.

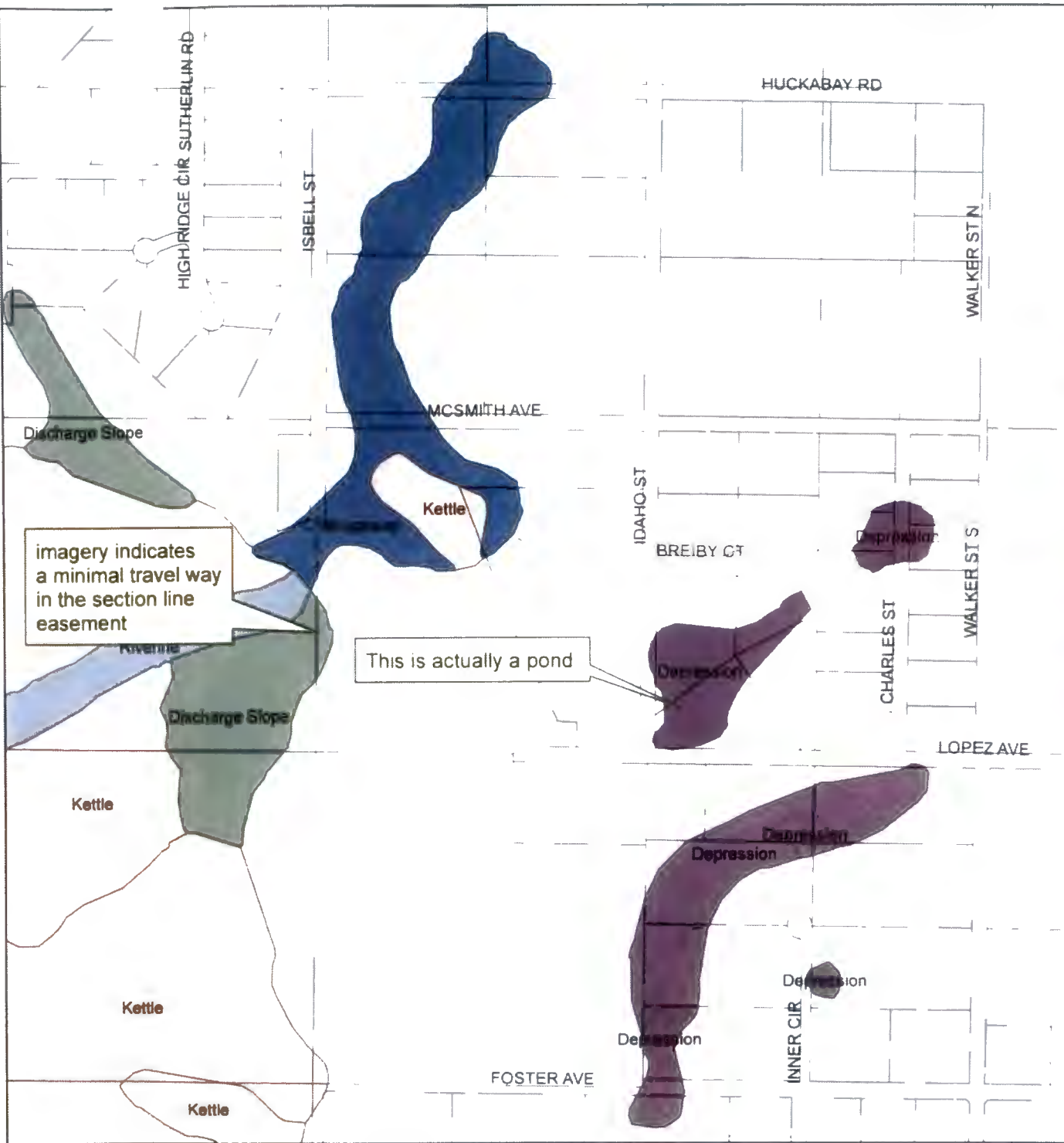




THE TAPE MEASURE IS LAID OUT TO INDICATE  
30 FT. OFF OF CENTERLINE OF R.D.W.



### Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping



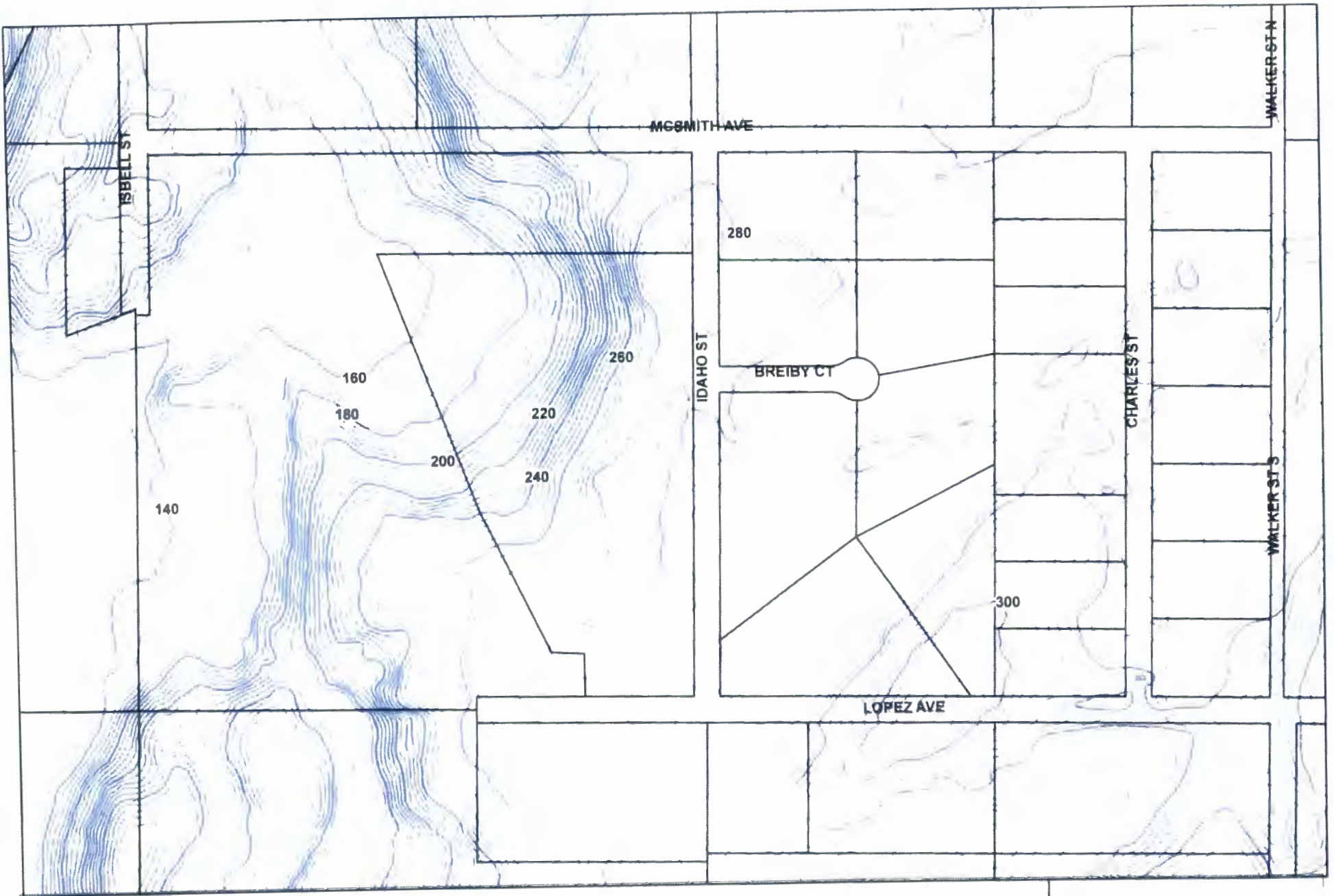
- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex



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Date: 5/17/2018





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Date: 5/17/2018

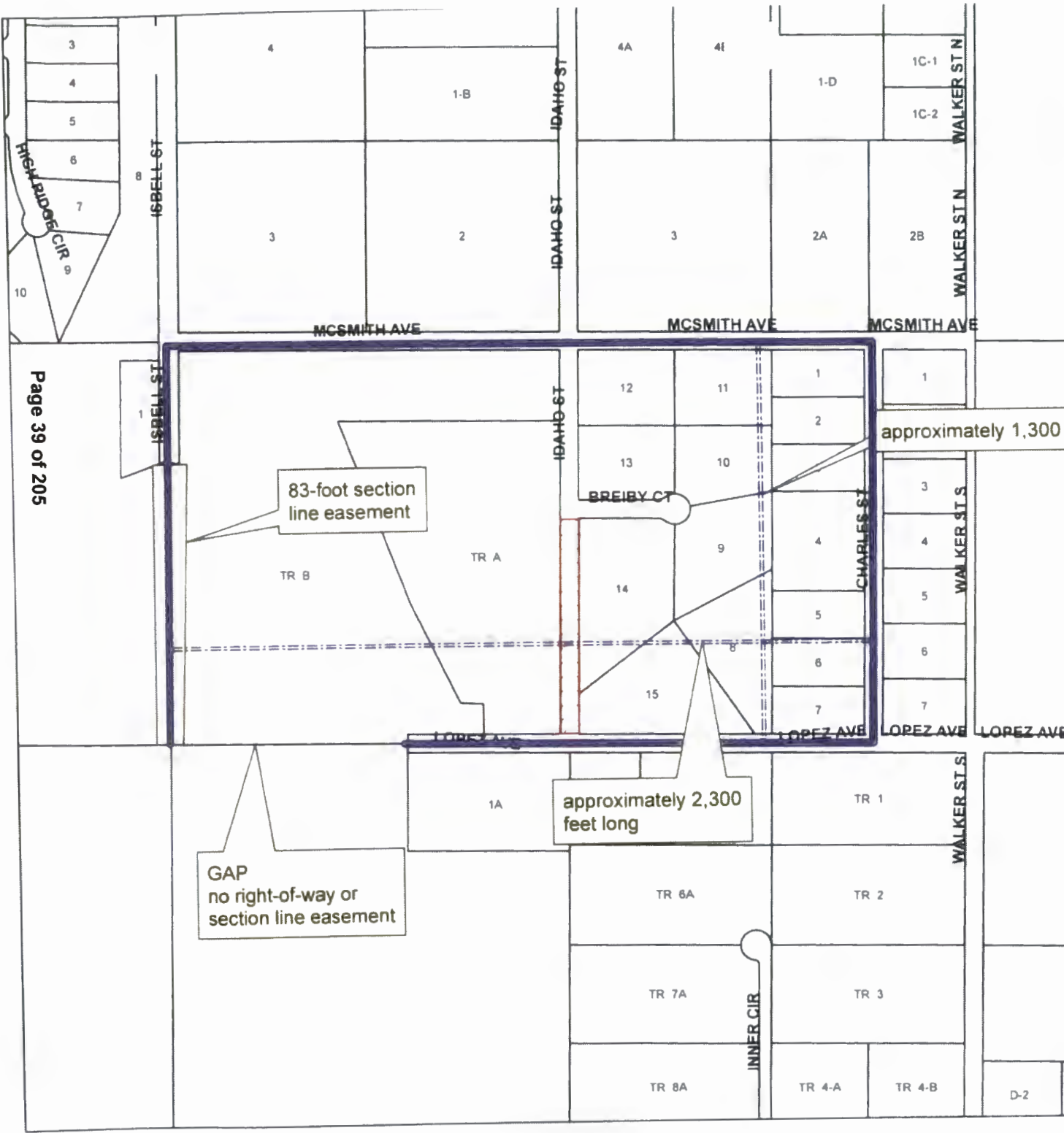
Kenai Peninsula Borough Planning Department

Four-foot Contours

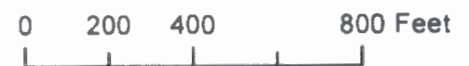


Block with Vacation of  
a Portion of Idaho Street

Charles Street, McSmith Avenue,  
Isbell Street, 83-foot section line easement,  
GAP IN RIGHT-OF-WAY, Lopez Avenue



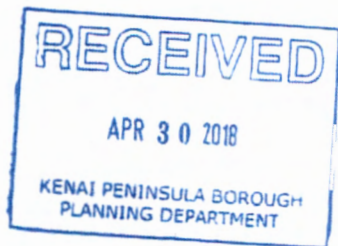
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Kenai Peninsula Borough Planning Department  
 144 North Binkley  
 Soldotna, Alaska 99669-7599  
 Toll free within the Borough 1-800-478-4441, extension 2200  
 (907) 714-2200



**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 Heaven's View Subdivision, filed as Plat No. 2009-55 in Kenai 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) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ 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:

There are two serious challenges to building a proper road through this section of ROW. I am including photos as well as a view from the GIS Flex Viewer, which illustrates how much of the ROW is less than four feet, vertically, from the water of the encroaching muskeg. Besides this Wetland area, there is a boulder of significant size which straddles the ROW Line. It extends from (approx) 24ft from the Centerline of the ROW to (approx) midway across the 10ft Utility Easement. From what is visible, it would appear to be roughly 11ft in diameter at the ground surface

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: Dean R. Robinson Signature as:  Petitioner  Representative  
 Name: Dean R. Robinson  
 Address: PO Box 1858  
Soldotna, Alaska 99669  
 Phone (907) 262-9042 CELL 907-398-1955  
**OWNER OF: T5N R10W SEC 25 SM KN 2009055 HEAVENS VIEW SUB TRACT A**

Petitioners:

Signature: [Signature]  
 Name: DAVID C. BRADFORD  
 Address: 40699 LOPEZ AVE  
SOLDOTNA, AK 99669

Signature: [Signature]  
 Name: RANDAL D. JENSEN  
 Address: 40707 LOPEZ AVE  
SOLDOTNA, AK 99669

Owner of: T5N R10W SEC 26 SM KN 0860109 LYPTULLA No 2 SUB LOTS 14 & 15  
 Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Owner of: \_\_\_\_\_

Owner of: T5N R10W SEC 25 SM KN 2009118 BRIDGES ACRES SUB SIMS-JENSEN REPLAT TRACT 5A1  
 Signature: \_\_\_\_\_  
 Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Owner of: \_\_\_\_\_