



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

MEMORANDUM

TO: Kelly Cooper, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Marcus Mueller, Land Management Officer *mm*

DATE: March 15, 2017

SUBJECT: Vacate public rights-of-way and associated utility easements in the Ridgeway area as follows:

- a. Vacate Loon Avenue, a 60-foot wide right of way and vacate the western 45 feet of Big D Road (60-foot width remaining as dedicated on Derk's Lake Subdivision Addition No. 1, KN 1979-09) as originally dedicated on Mallard Lake 1978, KN 1979-90.
- b. Vacate the 5-foot associated utility easements adjacent to the north boundary of Loon Avenue and the west boundary of Big D Road;
- c. Vacate the 10-foot utility easement along the north boundary of Lots 4, 5, and 6, Block 5 of said Mallard Lake 1978 have been petitioned for vacation.
- d. Vacate the 10-foot utility easement dedicated along the southern boundary of Tract D of said Derk's Lake Subdivision Addition No. 1 and as shown on Lots 1, 2, and 3, Block 6, Mallard Lake 1978.

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 March 13, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 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. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
3. Per 4-foot contours, the subject property is not subject to slopes greater than 20 percent.
4. The petitioners own the parcels to the north, west, southwest, and south of the proposed vacation.
5. The 40-acre privately owned parcel to the west has access off Cinnamon Street and Blue Ridge Avenue.
6. Sufficient rights-of-way exist to serve the surrounding properties.
7. No surrounding properties will be denied access.
8. Per the submittal, the rights-of-way proposed for vacation have not been constructed.
9. Per the submittal, the rights-of-way proposed for vacation are not in use for access.

10. Big D Road is 105 feet wide adjoining the subject property.
11. The minimum road width per KPB 20.30.120 is 60 feet.
12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

The Assembly has 30 days from March 13, 2017 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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 public rights-of-way and associated utility easements in the Ridgeway area as follows:
 - a. Vacate Loon Avenue, a 60-foot wide right of way and vacate the western 45 feet of Big D Road (60-foot width remaining as dedicated on Derk's Lake Subdivision Addition No. 1, KN 1979-09) as originally dedicated on Mallard Lake 1978, KN 1979-90.
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Staff Report given by Paul Voeller

PC Meeting: 3/13/17

The easements requested for vacation were granted by said plats, the right-of-ways requested to be vacated are unconstructed, and all are located within the NW1/4 of the SW1/4 of S13, T5N, R10W, SM, AK, within the Kenai Peninsula Borough; File 2017-014.

Purpose as stated in petition: The goal is to combine six lots, vacate Loon Avenue, and vacate a portion of Big D Road right of way, along with associated utility easements, so that one 9-acre tract will be created.

Petitioners: Linda Friendshuh & George Friendshuh of Soldotna, AK.

Notification: Public notice appeared in the March 2, 2017 issue of the Peninsula Clarion as a separate ad. The public notice was published in the Clarion on March 9, 2017 as part of the tentative agenda.

Three certified mailings were sent to owners of property within 300 feet of the proposed vacations. Two receipts have been returned to date.

One public hearing notice was sent by regular mail to an owner within 600 feet of the proposed vacations.

Twelve notices were emailed to agencies and interested parties. Eleven notices were emailed to KPB Departments.

Notices were mailed to the Soldotna 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:

KPB Roads Department: No concerns.

River Center: The property is not within a mapped flood hazard zone, and it is not subject to the 50-foot Habitat Protection District.

State Department of Transportation: No comments. It is not part of our road inventory.

State Parks: No comments.

Staff Discussion: The utility reviews were not available when the staff report was prepared.

The preliminary plat is scheduled for Plat Committee review on March 27, 2017.

If the vacation of Loon Avenue is approved, an exception to block length (KPB 20.30.170) will be required.

Findings:

1. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
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13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

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

1. Submittal of the final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that it will be recorded within one year of vacation approval.
2. Grant utility easements requested by the affected utility providers.
3. Approval of an exception to block length (KPB 20.30.170) by the Plat Committee.

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 city or 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 Carluccio moved, seconded by Commissioner Ecklund to vacate the following public rights-of-way and associated utility easements as requested, citing the 13 findings and conditions.

- a. Vacate Loon Avenue, a 60-foot wide right of way and vacate the western 45 feet of Big D Road (60-foot width remaining as dedicated on Derk's Lake Subdivision Addition No. 1, KN 1979-09) as originally dedicated on Mallard Lake 1978, KN 1979-90.
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- 12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
- 13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

Conditions

- 1. Submittal of the final plat in accordance with Chapter 20 of the KPB Code within a timeframe such that it will be recorded within one year of vacation approval.
- 2. Grant utility easements requested by the affected utility providers.
- 3. Approval of an exception to block length (KPB 20.30.170) by the Plat Committee.

Chairman Martin asked if there were comments or questions regarding these vacations.

Commissioner Ruffner understood that a block length exception was still needed if all the lots were combined. Mr. Voeller replied yes, that was correct.

VOTE: The motion passed by unanimous consent.

CARLUCCIO YES	ECKLUND YES	ERNST ABSENT	FOSTER YES	GLENDENING YES	ISHAM ABSENT	LOCKWOOD YES
MARTIN YES	MORGAN ABSENT	RUFFNER YES	VENUTI ABSENT	WHITNEY YES		8 YES 4 ABSENT

~~AGENDA ITEM F. PUBLIC HEARINGS~~

- 3. ~~Resolution 2017-023, Resolution authorizing the Borough on behalf of the South Kenai Peninsula Hospital Service Area, to amend the Homer Medical Business Office Lease Agreement for property at 309 W. Fairview Avenue to include terms regarding early termination.~~

Staff Report & Memorandum overview given by Marcus Mueller

PC Meeting: 3/13/17



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www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

March 15, 2017

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION MEETING OF MARCH 13, 2017

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2. Grant utility easements requested by the affected utility providers.
3. Approval of an exception to block length (KPB 20.30.170) by the Plat Committee.

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 (March 13, 2017) 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 March 15, 2017 to:

Integrity Surveys
820 Set Net Dr.
Kenai, AK 99611

George Friendshuh
Linda Friendshuh
35581 Kenai Spur Hwy
Soldotna, AK 99669

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STAFF REPORT

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State Department of Transportation: No comments. It is not part of our road inventory.

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KPB 20.70.120:

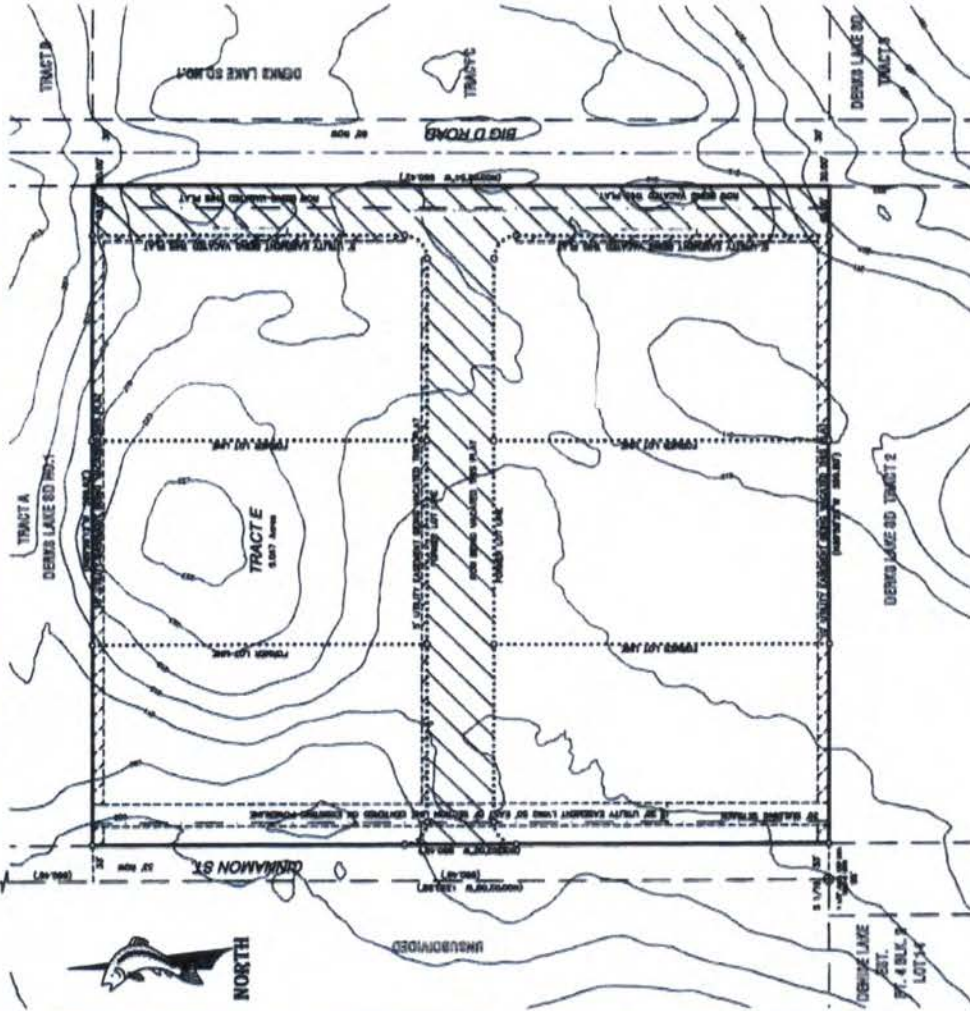
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KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT

PRELIMINARY PLAT



ACKNOWLEDGEMENT OF INTERESTS AND ENCUMBRANCES
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT AND THAT I AM AWARE OF ALL INTERESTS AND ENCUMBRANCES AFFECTING SAID LAND AND THAT I HAVE BEEN ADVISED BY ALL PERSONS WHOSE INTERESTS AND ENCUMBRANCES ARE AFFECTED BY THIS PLAT OF THE NATURE AND EXTENT OF SAID INTERESTS AND ENCUMBRANCES.

LEGAL DESCRIPTION
 THE LAND SHOWN ON THIS PLAT IS DESCRIBED AS FOLLOWS:

SECTION
 THE LAND SHOWN ON THIS PLAT IS LOCATED IN SECTION _____, TOWNSHIP _____, RANGE _____, ALASKA.

ACCORDANCE WITH THE STATE OF ALASKA
 THE LAND SHOWN ON THIS PLAT IS SUBJECT TO THE RIGHTS OF THE STATE OF ALASKA AS PROVIDED IN THE CONSTITUTION AND LAWS OF SAID STATE.

RECORDING
 THIS PLAT IS BEING RECORDED FOR THE PURPOSES OF THE ALASKA RECORDS ACT AND IS SUBJECT TO THE PROVISIONS OF SAID ACT.

ADDITIONAL INFORMATION
 THERE IS NO OTHER INFORMATION TO BE FURNISHED AT THIS TIME.

DATE
 THIS PLAT WAS PREPARED BY ME ON THE _____ DAY OF _____, 2017.

BY

PREPARED BY

APPROVED BY

NOTARIAL STATEMENT
 I, _____, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DO HEREBY CERTIFY THAT I AM AWARE OF THE CONTENTS OF THIS PLAT AND THAT I HAVE BEEN ADVISED BY ALL PERSONS WHOSE INTERESTS AND ENCUMBRANCES ARE AFFECTED BY THIS PLAT OF THE NATURE AND EXTENT OF SAID INTERESTS AND ENCUMBRANCES.

NOTARY PUBLIC

DATE

- LEGEND**
- 1) BOUNDARY LINE - A SECTION OF 20 FEET OR MORE OF A BOUNDARY LINE SHALL BE SHOWN BY A DASHED LINE UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.
 - 2) TRACTS - THE TRACTS SHOWN ON THIS PLAT ARE IDENTIFIED BY LETTERS A THROUGH Z AND ARE SUBJECT TO THE PROVISIONS OF THE ALASKA RECORDS ACT.
 - 3) ROAD - A ROAD SHOWN ON THIS PLAT IS SUBJECT TO THE PROVISIONS OF THE ALASKA RECORDS ACT AND IS NOT TO BE CONSIDERED AS A PUBLIC ROAD UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.
 - 4) WATER - WATER SHOWN ON THIS PLAT IS SUBJECT TO THE PROVISIONS OF THE ALASKA RECORDS ACT AND IS NOT TO BE CONSIDERED AS A PUBLIC WATERWAY UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.
 - 5) ADJACENT LANDS - ADJACENT LANDS ARE SHOWN ON THIS PLAT FOR INFORMATION ONLY AND ARE NOT TO BE CONSIDERED AS PART OF THIS PLAT UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.
 - 6) EASEMENTS - EASEMENTS SHOWN ON THIS PLAT ARE SUBJECT TO THE PROVISIONS OF THE ALASKA RECORDS ACT AND ARE NOT TO BE CONSIDERED AS PART OF THIS PLAT UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.
 - 7) ENCUMBRANCES - ENCUMBRANCES SHOWN ON THIS PLAT ARE SUBJECT TO THE PROVISIONS OF THE ALASKA RECORDS ACT AND ARE NOT TO BE CONSIDERED AS PART OF THIS PLAT UNLESS OTHERWISE INDICATED BY THE SURVEYOR'S NOTES.

MALLARD LAKE - 2017 REPLAT

A REPLAT OF LOTS 1-3 BLOCK 8 AND LOTS 4-6 BLOCK 9 MALLARD LAKE TRACT, SITING AND REPLATING SAID LOTS AND THE INTERESTS THEREIN TO THE ORIGINAL DONORS OF SAID LOTS AND THE INTERESTS THEREIN TO THE ORIGINAL DONORS OF SAID LOTS.

OWNER LANDS A CORPORATION AND
 LANDS B CORPORATION, REPRESENTATIVE OF
 LANDS C CORPORATION, REPRESENTATIVE OF
 LANDS D CORPORATION, REPRESENTATIVE OF
 LANDS E CORPORATION, REPRESENTATIVE OF
 LANDS F CORPORATION, REPRESENTATIVE OF
 LANDS G CORPORATION, REPRESENTATIVE OF
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 LANDS Q CORPORATION, REPRESENTATIVE OF
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 LANDS S CORPORATION, REPRESENTATIVE OF
 LANDS T CORPORATION, REPRESENTATIVE OF
 LANDS U CORPORATION, REPRESENTATIVE OF
 LANDS V CORPORATION, REPRESENTATIVE OF
 LANDS W CORPORATION, REPRESENTATIVE OF
 LANDS X CORPORATION, REPRESENTATIVE OF
 LANDS Y CORPORATION, REPRESENTATIVE OF
 LANDS Z CORPORATION, REPRESENTATIVE OF

PREPARED BY
 INTEGRITY SURVEYS, INC.
 800 857 8578
 1000 10TH AVENUE, SUITE 100
 ANCHORAGE, ALASKA 99501
 PHONE: 800 857 8578
 FAX: 907 562 1234
 WEBSITE: WWW.INTegritySURVEYS.COM

DATE FEB. 3, 2017
SCALE 1" = 80'

LEGEND

- 1) OLD BOUNDARY LINE - 74-80 AND 74-81
- 2) PRIMARY BOUNDARY LINE - 74-80 AND 74-81
- 3) SECONDARY BOUNDARY LINE - 74-80 AND 74-81
- 4) 1/2" = 20' SCALE - 1800-1 1/2"
- 5) 1/4" = 10' SCALE - 1800-1 1/2"

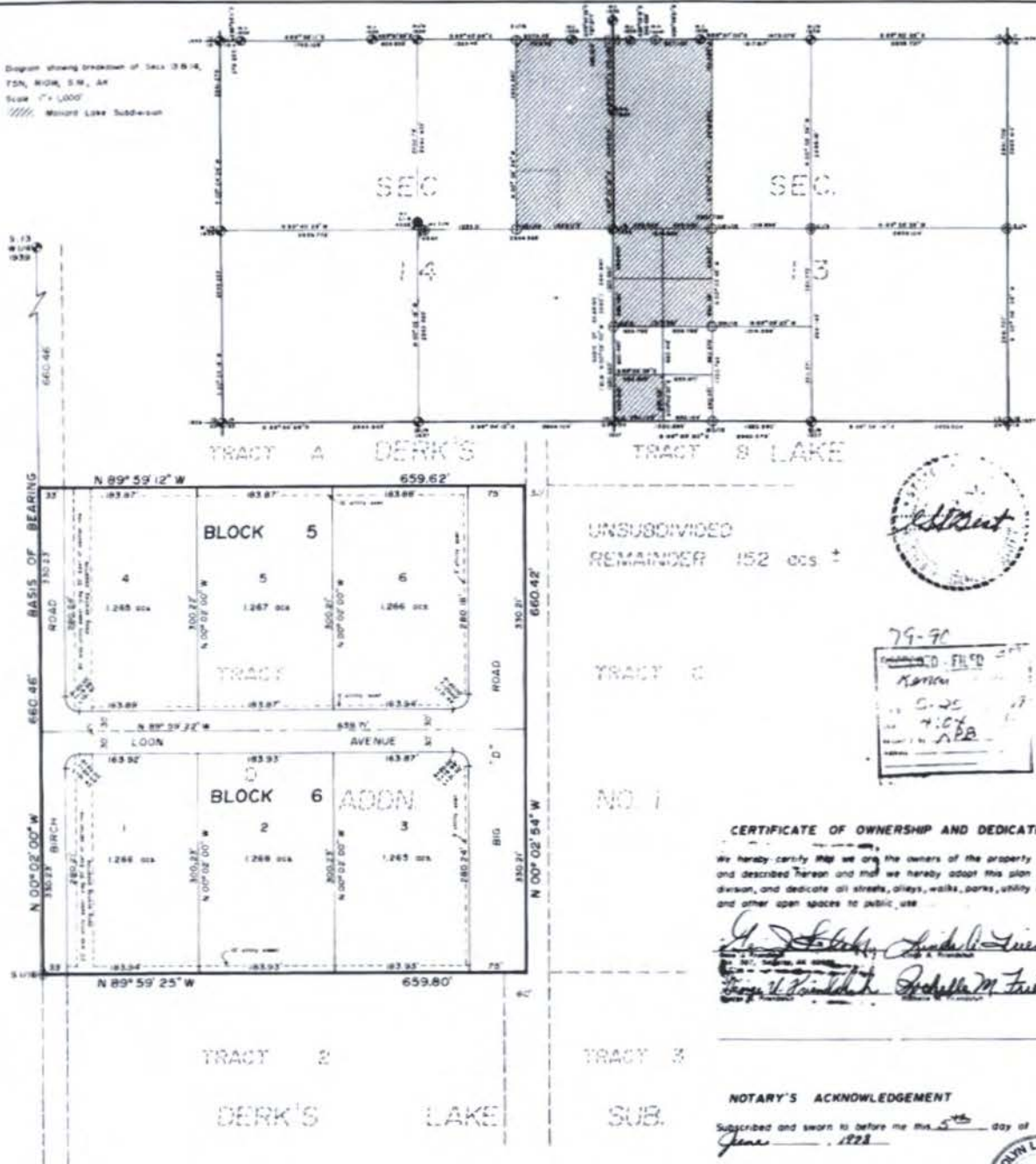
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NOTARY PUBLIC

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KPB File 2017-014

Diagram showing breakdown of T-13, T-14, T-15, R-16, S-17, A-18
 Scale 1" = 1000'
 Mallard Lake Subdivision



- LEGEND AND NOTES**
- ① Found G.L.O. Brass Cap monument
 - ② Set 1 1/2" Aluminum Cap monument (1300-S 1978)
 - ③ Set 3 1/4" Aluminum Cap monument (1300-S 1978)
 - ④ Set 1/2" x 24" steel rebar
 - ⑤ Found 2 1/2" Brass Cap monument (610-S 1974)

All bearings refer to the West line of Sec 13, T5N, R16W, S1M, AK as being N 00° 02' 00" W.

All datum of record shown thus (1).

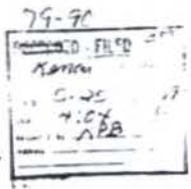
All lots are subject to a 20' flag setback along all dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

PLAT APPROVAL

This plat having been approved by the Kenai Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 19, 1978, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law pertaining thereto.

KENAI PENINSULA BOROUGH
 By *Phyllis Waring*



UNSUBDIVIDED
 REMAINDER 152 acs ±

TRACT C

NO. 1

CERTIFICATE OF OWNERSHIP AND DEDICATION

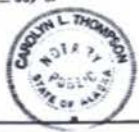
We hereby certify that we are the owners of the property shown and described herein and that we hereby adopt this plan of subdivision, and dedicate all streets, alleys, walks, parks, utility easements, and other open spaces to public use.

Gene Friendshuh
Joseph M. Friendshuh

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this 5th day of June, 1978.

Carolyn L. Thompson
 Notary Public for Alaska
 My Commission Expires 9-1-80



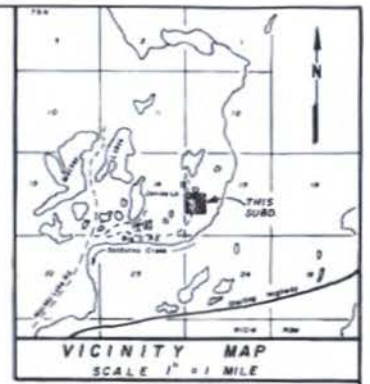
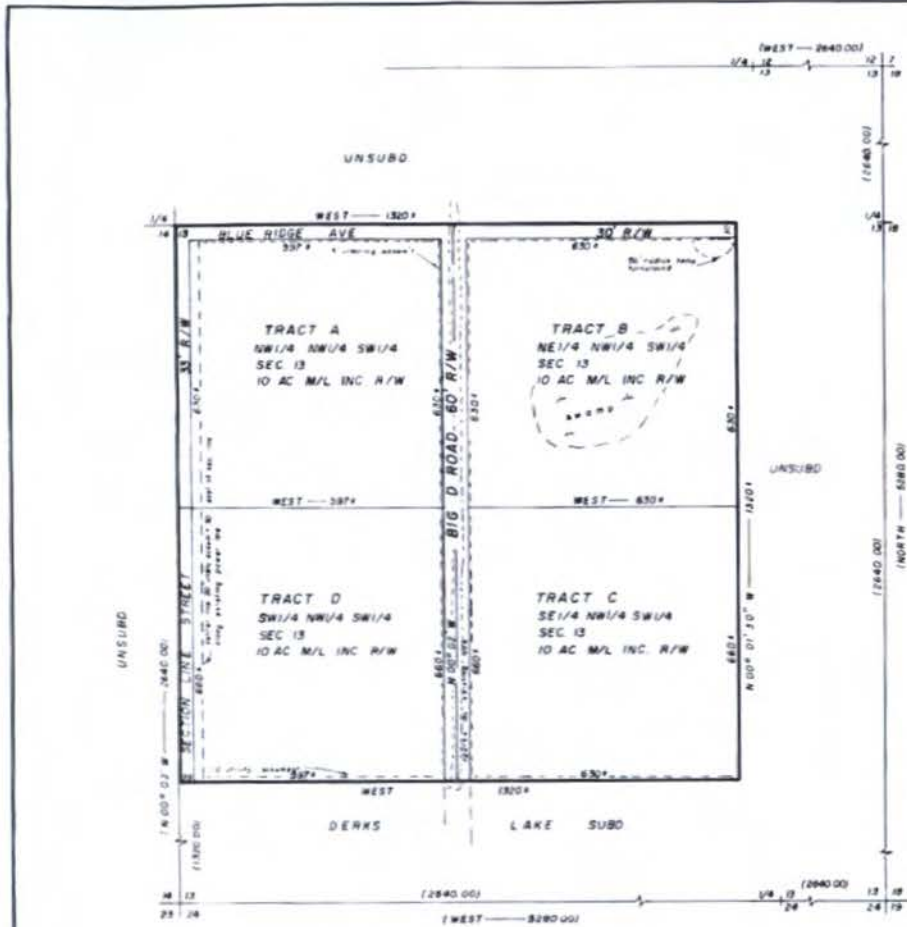
MALLARD LAKE 1978

DESCRIPTION: A resubdivision of Tract D, Derk's Lake Sub. Addn No. 1, plat 77-9, K.R.D., within the SW1/4NW1/4SW1/4, Section 13, T5N, R16W, S1M, AK and the Kenai Peninsula Borough containing 10.002 acres more or less.

OWNER: Gene Friendshuh et al
 Box 367
 Soldotna, AK 99669

File No. 470	Book 100	Page 77-3
Filed for Record	Registered	Land Surveyor
May 1978	1" = 100'	77-3

NW 7-10



NOTES

This is a paper plot of the NW1/4 SW1/4 Sec. 13, T5N, R10W SM AK, divided by aliquot parts as shown. No field survey was made nor were any stakes or monuments set.

All bearings and distances refer to the G.L.D datum of record shown ().

All lots subject to a 20' bidg setback along dedicated R/W's.

All wastewater disposal systems shall comply with existing law at time of construction.

Stanley L. Lawler
 Stanley L. Lawler — owner — Box 3914, Kenai, Ak 99611

Victoria L. Lawler
 Victoria L. Lawler — owner

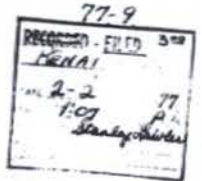
NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 30th day of December, 1976.

My commission expires July 1, 1978.



G.S. Best
 Notary Public for Alaska



Alfred Derksvoronian
 Alfred Derksvoronian — owner — Box 428, Soldotna, Ak 99669

Agnes Derksvoronian
 Agnes Derksvoronian — owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 6th day of January, 1978.

My commission expires July 1, 1978.

A. Best
 Notary Public for Alaska

PLAT APPROVAL

Plat approved by the Commission this 13th day of December, 1976.

Alfred D. Waits
 Planning Director

DERK'S LAKE SUBDIVISION
ADD NO. 1



Stanley L. Lawler — owner
 Box 3914, Kenai, Alaska 99611

DESCRIPTION
 40 ACRES SITUATED IN THE NW1/4 SW1/4 SEC. 13, T5N, R10W SM AK AND IN THE KENAI PENINSULA BORO.

Prepared by — McLane and Associates
 Soldotna, Alaska

Date of Preparation 10/22/76	Scale 1" = 200'
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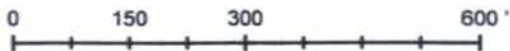
Approximate locations of proposed vacations

-  Right of Way Vacation
-  Utility Easement Vacation



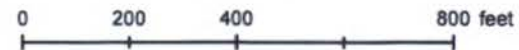
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping

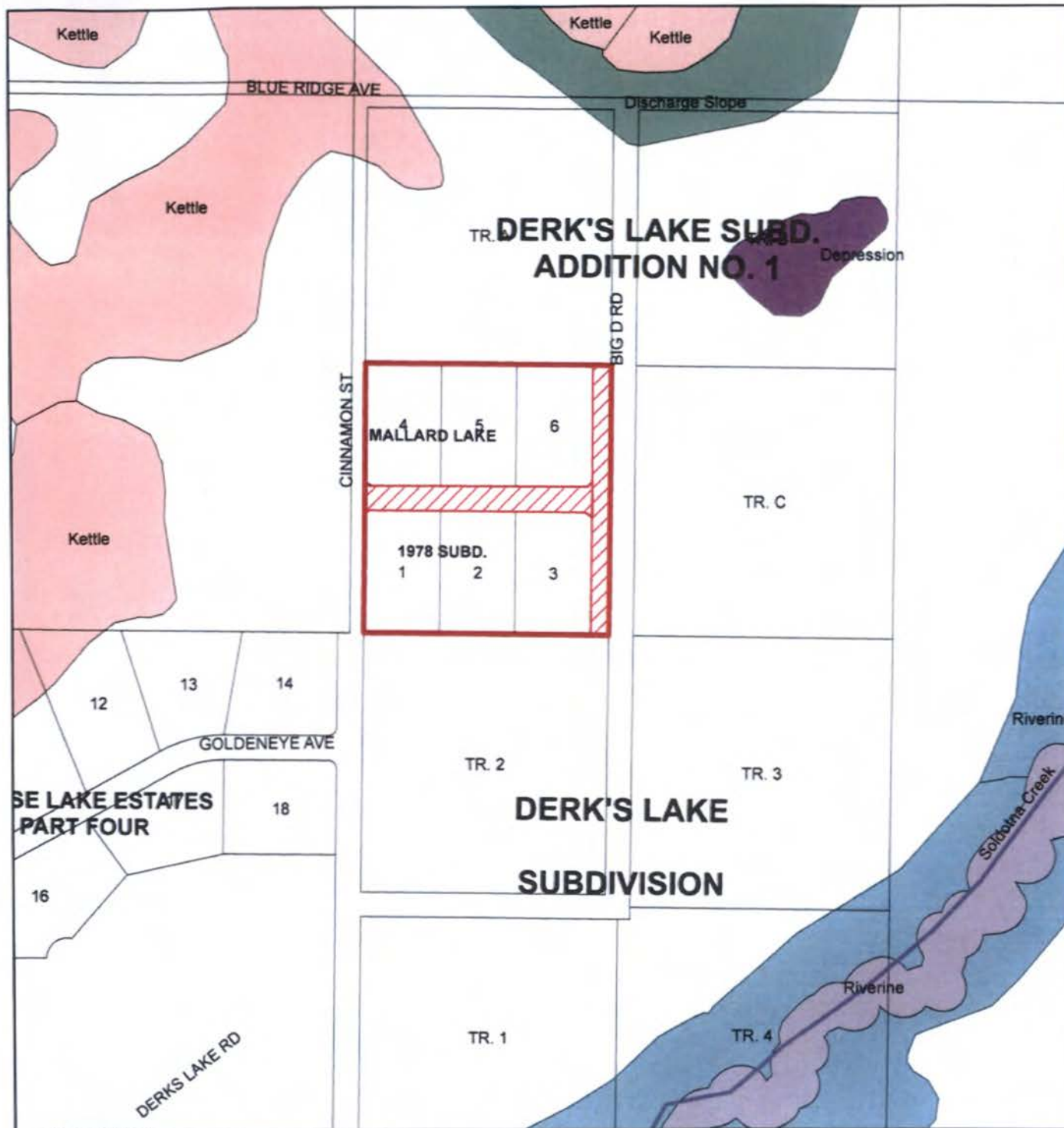
-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex
-  Anadromous Streams 2016
-  Habitat Protection District

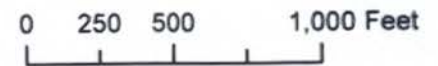
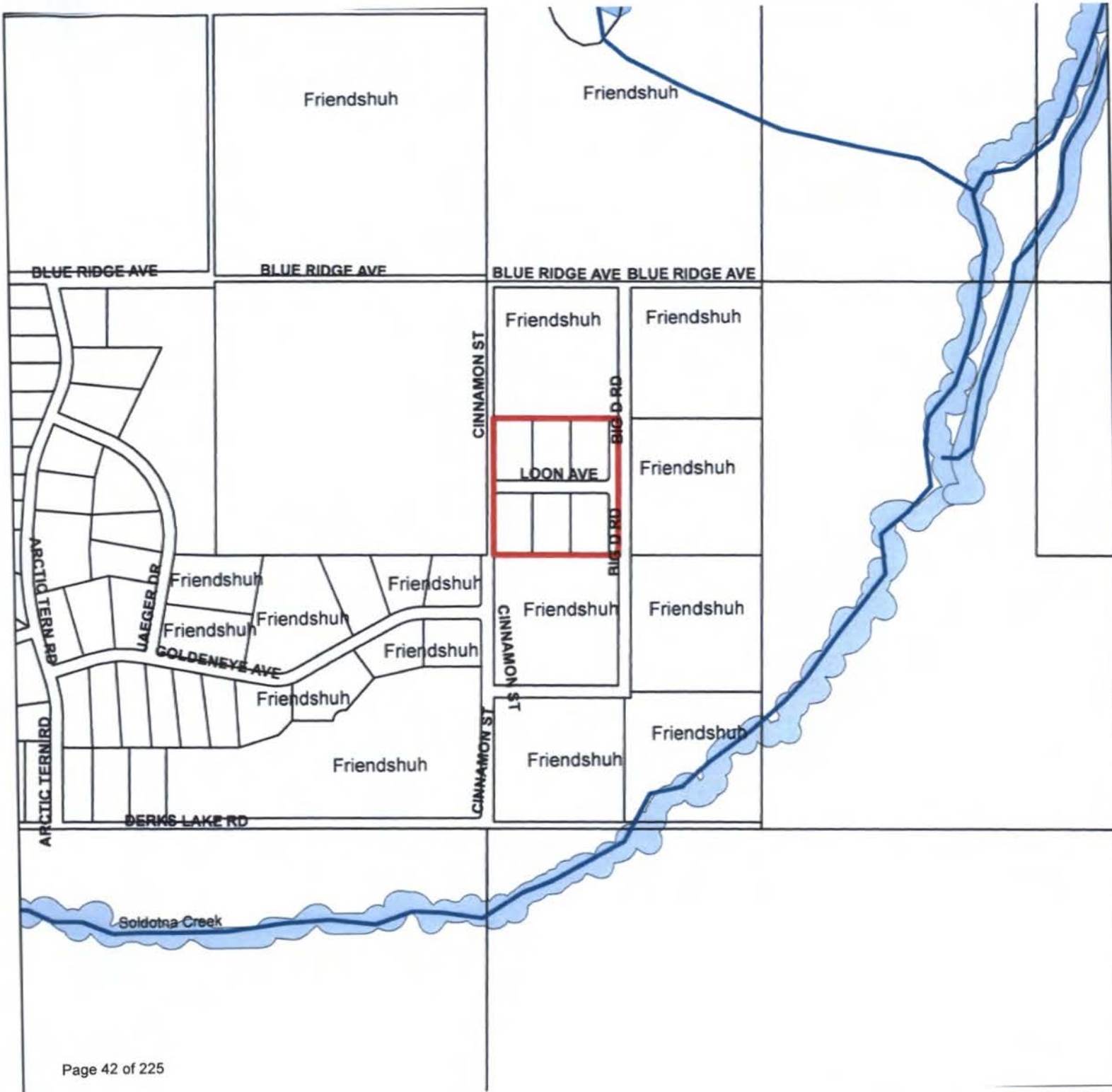


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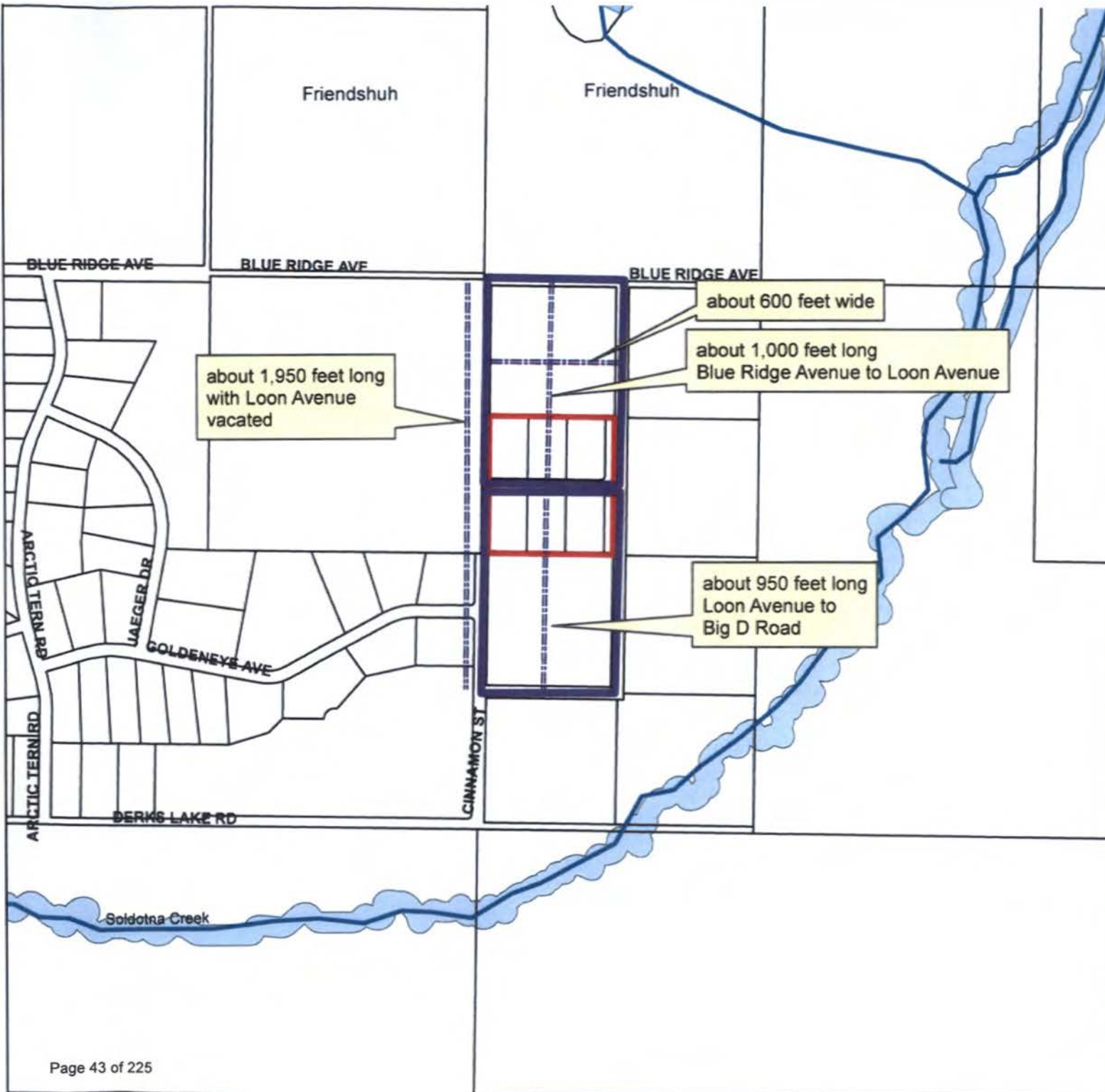
Date: 3/2/2017





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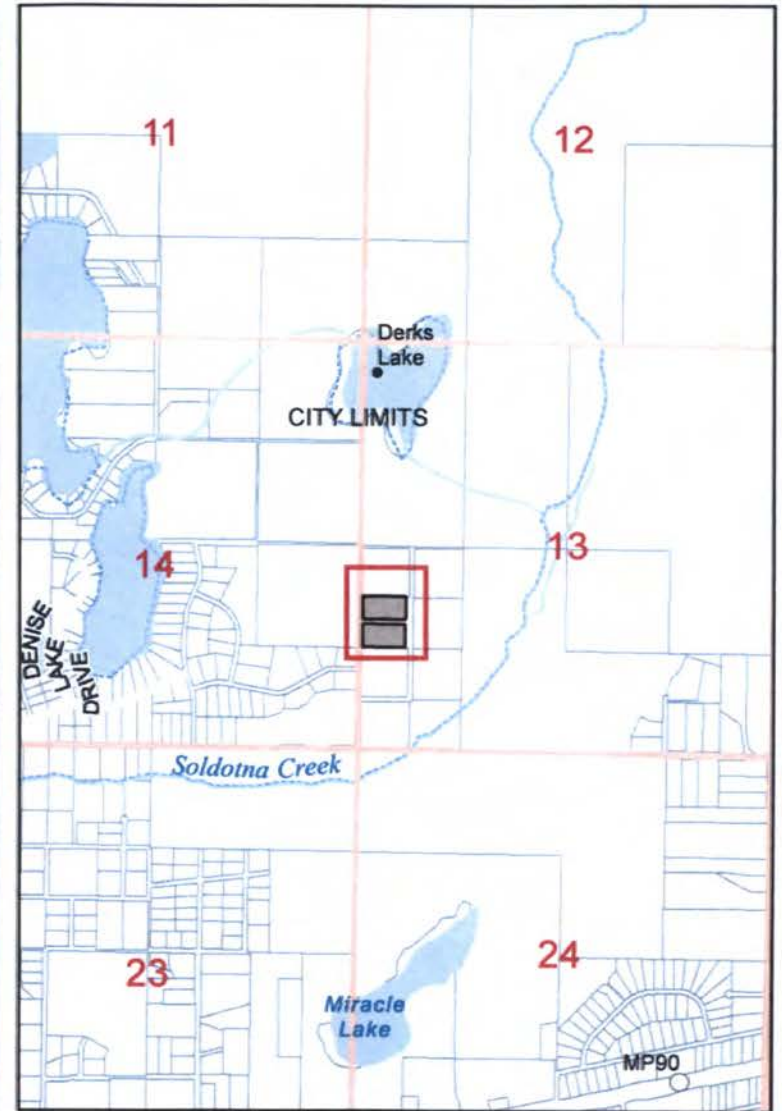
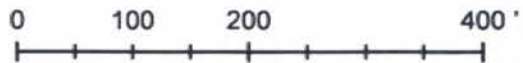
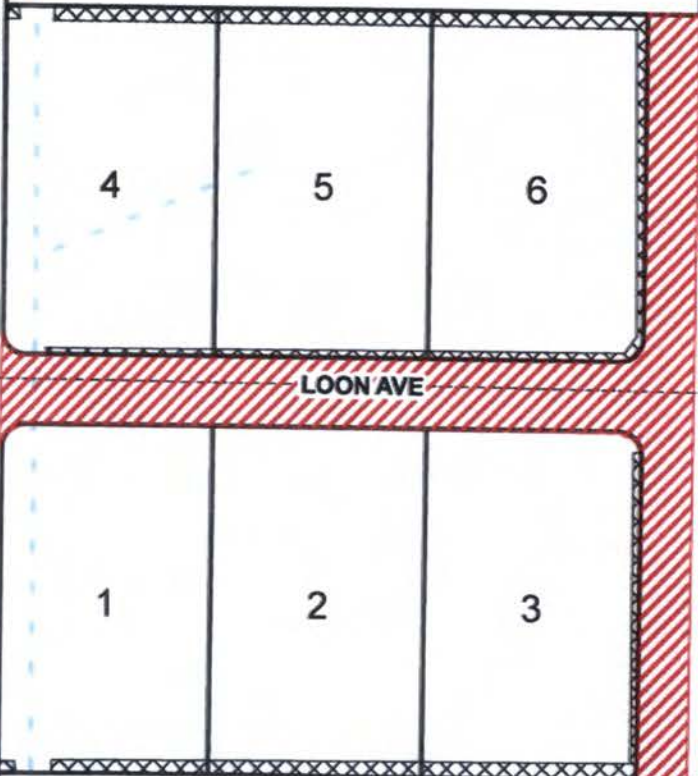
Approximate locations of proposed vacations

-  Right of Way Vacation
-  Utility Easement Vacation
-  Preliminary Plat

TR. A

CINNAMON ST

BIG D RD



KPB 2017-014
T05N R10W S13
RIDGEWAY



ESolomon, KPB
 Date: 2/8/2017

Solomon, Elizabeth

From: Horton, George C (DNR) <george.horton@alaska.gov>
Sent: Wednesday, March 08, 2017 4:00 PM
To: Solomon, Elizabeth
Subject: RE: RIGHT OF WAY VACATION FOR 3/13/17 MEETING: ROW Vacation Review, HEA, Enstar, GCI, ACS

If a section-line easement exists along the west boundary of the parent parcel it should be depicted and labeled and a note added to the plat stating "that portion of section-line easement underlying that portion of ROW being vacated on the west boundary is not being vacated by this action."

Thank you for the opportunity to comment.

George

George Horton, PLS, CFedS

Land Surveyor I

(907) 269-8610

george.horton@alaska.gov

<http://dnr.alaska.gov/mlw/survey/index.htm>

"Do not go where the path may lead; go instead where there is no path and leave a trail." (Ralph Waldo Emerson)

From: Solomon, Elizabeth [<mailto:ESolomon@kpb.us>]
Sent: Monday, February 13, 2017 12:55 PM
To: Cody Neuendorf (cneuendorf@homerelectric.com) <cneuendorf@homerelectric.com>; Byron Jackson <byron.jackson@acsalaska.com>; ENSTAR ROW <row@enstarnaturalgas.com>; Bradley Beck <bbeck@gci.com>; Perkins, Wes <WPerkins@kpb.us>; Aldridge, Morgan <MAldridge@kpb.us>; Eaton, Belinda L (DOT) <belinda.eaton@alaska.gov>; Biloan, Joselyn (DOT) <joselyn.biloan@alaska.gov>; Carver, Nancy <ncarver@kpb.us>; Simpson, Danika L (DOT) <danika.simpson@alaska.gov>; Dearlove, Tom <tdearlove@kpb.us>; Fuller, Karen <KFuller@kpb.us>; Horton, George C (DNR) <george.horton@alaska.gov>; Rinke, Hans J (DNR) <hans.rinke@alaska.gov>; Harris, Bryr <bharris@kpb.us>; Henson, Carrie <CHenson@kpb.us>; Zafian, Holly K (DFG) <holly.zafian@alaska.gov>; Knackstedt, Henry <HKKnackstedt@kpb.us>; Kastner, Lorraine S (DOT) <lorraine.kastner@alaska.gov>; Hooyer, Patricia (DOT) <louise.hooyer@alaska.gov>; Malone, Patrick <PMalone@kpb.us>; Fink, Mark J (DFG) <mark.fink@alaska.gov>; Russell, Pam <PRussell@kpb.us>; Shears, Jennifer <jshears@kpb.us>; Vinzant, Mistee R (DOT) <mistee.vinzant@alaska.gov>; Wall, Bruce <bwall@kpb.us>
Subject: RIGHT OF WAY VACATION FOR 3/13/17 MEETING: ROW Vacation Review, HEA, Enstar, GCI, ACS

Please find attached the notices for upcoming Right of Way vacations scheduled for the Planning Commission meeting on March 13, 2017. Please have comments turned in by **Tuesday, March 7, 2017**.

Mallard Lake 2017 Replat vacate portions of Big D Road, Loon Ave and associated utility easements 2017-014

Doc Isaak Sub Vacate Hospital Place, Leibrock Steet, West Vine Ave and associated utility easements 2017-016

Thank you,

Liz Solomon



2 February 2017

Paul Voeller, Platting Officer
Kenai Peninsula Borough
144 North Binkley St.
Soldotna, AK 99669

Re: MALLARD LAKE – 2017 REPLAT
Right of Way Vacation Submittal

Mr. Paul Voeller,

Please find attached the right of way vacation submittal for the above referenced replat and Right of Way vacation. The goal of this platting action is to combine six lots, and vacate Loon Ave and a portion of Big D Road right of way, so that one 9 acre tract will be created.

Loon Avenue has not been constructed and no utilities exist within the right of way. Bid D Road has an improved roadway constructed within the right of way boundary that provides access to neighboring parcels.

Within Mallard Lake Subdivision the width of Big D Road is 105 feet wide. From talking with my clients the plan was to create a north-south air strip within the Big D Road right of way. The airstrip was not constructed. Under current borough code airstrips are not allowed within a right of way. The vacation of the west 45 feet of Big D Road, within Mallard Lake Subdivision will leave a continuous 60 foot right of way for the entire length of Big D Road.

By vacating Loon Lake Road and a portion of Big D Road, the land owner will be creating one 9 acre parcel, Tract E. The land owners also own Tract A to the north and Tract 2 to the south. In the future, all three tracts could be part of a 30 acre subdivision. During this future subdivision, Right of Way dedications would be provided that meet KPB standards. The future subdivision would also use a different lot layout which would make more appealing parcels.

Should you have any questions, please feel free to call me. Thank you for your efforts on this project.

Sincerely,

Scott Huff, RLS
Integrity Surveys



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 Mallard Lake 1978 Subdivision, filed as Plat No. 79-90 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 _____
 - 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:
please see attached letter

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: Scott Huff - Integrity Surveys Signature as: Petitioner Representative
 Address: 820 Set Net Dr.
Kenai, AK 99611
 Phone: 283-9047

Petitioners:
 Signature: [Handwritten Signature] Signature: [Handwritten Signature]
 Name: LINDA FRIENDSHUH Name: GEORGE FRIENDSHUH, PERSONAL REPRESENTATIVE
 Address: 45180 COSMOVUE CT Address: PO BOX 897
SOLDOTNA, AK 99669 SOLDOTNA, AK 99669

Owner of _____ Signature _____
 Name _____ Name _____
 Address _____ Address _____

 Owner of _____ Signature _____
 Name _____ Name _____
 Address _____ Address _____

 Owner of _____ Signature _____
 Name _____ Name _____
 Address _____ Address _____

ROW Easement Vacation Petition & Procedures
 Revised 2/21/14