

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.

The Kenai Peninsula Borough is advisory to the State of Alaska Department of Natural Resources regarding Section Line Easement Vacations. The State of Alaska has the final authority regarding vacation of Section Line Easements.

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 Section Line Easement Vacation 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.

- \$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.
- Are there associated utility easements to be vacated? Yes No
- Are easements in use by any utility company? If so, which company _____
- Width of easement proposed to be vacated must be shown on the sketch.
- Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. Proposed alternative dedication is to be shown and labeled on the sketch.

Has the section line easement been fully or partially constructed? Yes No

Is the section line easement used by vehicles / pedestrians / other? Yes No

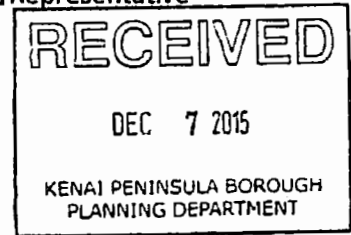
Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:

see attached submittal letter to DNR.

The petition must be signed (written signature) by owners of a majority of the land affected by the section line easement proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Signature [Signature] As: Petitioner Representative
 Name Lawrence J Dewo
 Address 17001 Belarde Ave
Anchorage, AK 99566
 Phone 907-223-0750



Petitioners:

Signature [Signature]
 Name Lance L Lindquist
 Address 10319 Colville St
Eagle River, AK 99577

Signature [Signature]
 Name Dale L Bagley
 Address 325 Endicott
Soldotna AK 99681

Owner of Cohoe Lot 4 BK 2

Owner of Cohoe L 2 B 2



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2215 • **FAX:** (907) 714-2378

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

www.kpb.us

**MIKE NAVARRE
BOROUGH MAYOR**

January 28, 2016

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF JANUARY 25, 2016

RE: Vacate the two 33-foot portions (approximately 215 feet) of the Section Line Easements between Cohoe Lake Drive and Lower Cohoe Lake that intersect Lots 2, 3, and 4, Block 2 of Cohoe Lakes Subdivision (Plat KN-1430). All portions of the requested vacation are located within Sections 22 & 27, Township 3 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough; KPB File 2016-005.

During their regularly scheduled meeting of January 25, 2016, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact.

Findings

1. Cohoe Lakes Subdivision (completed in 1965) granted a 50 foot right of way (ROW) dedication to Lower Cohoe Lake. The dedication to the lake is located 350 feet from the SLE.
2. The ROW dedication to the lake is perpendicular to the lake and provides a shorter length to access the lake. The ROW is a more direct access to the lake as opposed to the SLE which does not intersect the lake at a perpendicular angle.
3. The ROW dedication to Lower Cohoe Lake meets the DNR's requirement of being "a reasonably comparable, established alternate right-of-way that is sufficient to satisfy all present and reasonable foreseeable uses". The dedicated ROW provides "equal or better" access that is protected for public use and is adequately wide for the purpose it is to be used for.
4. The SLE has not been improved and is not being used by the public at this time.
5. There is public access to the west side of Lower Cohoe Lake along the SLE located on the north boundary of Section 27.
6. There is public access to northwestern side of Lower Cohoe Lake across the 83 acre parcel that is owned by Alaska Mental Health Trust. This 83 acre parcel has approximately 4,200 feet of lake frontage.
7. There is public access to southeastern side of Lower Cohoe Lake across the 37 acre parcel that is owned by Alaska Mental Health Trust. This 37 acre parcel has approximately 642 feet of lake frontage.
8. There is public access to the south side of Lower Cohoe Lake across the 221 acre parcel that is owned by the State of Alaska DNR. This 221 acre parcel has 3,482 feet of Lake Frontage. More than half of the lake frontage on Lower Cohoe Lake has public access at this time.
10. KN 1430 (Cohoe Lakes Subdivision) was approved by the KPB Assembly on December 7, 1965.
11. KN 1430 was recorded on January 10, 1966, which was prior to enactment of the subdivision ordinance.
12. KN 1430 did not depict the 66-foot section line easements.
13. KN 1430 dedicated two 50-foot rights-of-way approximately 350 feet northwest and northeast of the proposed vacation.
16. Lot 2 contains 13,939 square feet; Lot 3 contains 20,908 square feet, and Lot 4 contains 23,958 square feet.
17. No minimum lot size was in effect when KN 1430 was recorded.

The KPB Planning Commission approved the vacation and felt that equal or better alternative access has been provided by surrounding properties.

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 (January 25, 2016) 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 January 28, 2016 to:

Integrity Surveys
820 Set Net Dr.
Kenai, AK 99611

Dale & Debbie Bagley
325 Endicott Dr.
Soldotna, AK 99669-8201

Lawrence & Alisa Davis
17001 Belarde Ave.
Anchorage, AK 99516-5323

Laurel Lindquist
10319 Colville St.
Eagle River, AK 99577-7219

Paul & Rae Romanik
PO Box 431
Kasilof, AK 99610

Alaska Division of Mining, Land & Water
Attention: George Horton
550 W. 7th Ave #1260
Anchorage, AK 99501-3557

Alaska DOT & PF
Attention: Louise Hooyer
4111 Aviation Drive
Anchorage, AK 99502

Alaska Department of Fish & Game
Attention: Holly Zafian
333 Raspberry Rd.
Anchorage, AK 99518

Alaska Department of Natural Resources
Attention: Joe Poydack
550 W. 7th Avenue #650
Anchorage, AK 99501-3576

From: Zafian, Holly K (DFG)
To: Solomon, Elizabeth
Cc: Fink, Mark J (DFG); Poydack, Joseph L (DNR); Bealch, Robert N (DFG); Selinger, Jeff S (DFG); Breakfield, Jeffery A (DFG); Litchfield, Ginny
Subject: FW: SLE VACATION REVIEWS FOR JANUARY 25, 2016 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; ES CES; NTC
Date: Thursday, January 14, 2016 11:23:35 AM
Attachments: SLE PHN.pdf

Good morning,

The Alaska Department of Fish and Game (ADF&G) has reviewed the petition submitted to the Kenai Peninsula Borough (KPB) which requests to vacate a portion of the 33' section line easements (SLEs) located on Lots 2, 3, and 4, Cohoe Lakes Subdivision along the section line common to Sections 22 and 27, T. 3 N., R. 12 W., S.M., Alaska in order to allow for better use of the parcels, to improve the properties' values, and to alleviate constructed residential improvement encroachments. The SLEs provide legal public access from Cohoe Lake Drive to the public waters of Lower Cohoe Lake. Additional legal public access from Cohoe Lake Drive to Lower Cohoe Lake located less than 500' north of the subject easements was reserved in 1965 on the Cohoe Lake Subdivision plat (K-1430, Kenai Recording District) and provides a 50' wide public access right-of-way.

Lower Cohoe Lake supports stickleback. The lake is not catalogued by ADF&G in the Anadromous Waters Catalogue as important habitat for anadromous fish species and does not support sport fish species or meet required stocking standards for landlocked sport fish species due to poor habitat suitability.

SLEs are managed by the Alaska Department of Natural Resources (DNR) and require DNR approval to vacate. SLE vacations must comply AS 19.30.410 (1) that requires that a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses. ADF&G intends to provide comments regarding this proposed SLE vacation when the DNR, DML&W Survey Section, Easement Vacation Group reviews the proposal.

Thank you for the opportunity to review and comment on the proposed SLE vacation. If you have any questions or if you would like to discuss our comments, please feel free to call or email me.

Holly Zafian
Habitat Biologist
Access Defense Program
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518
Phone 907-267-2292
Fax 907-267-2859
Email holly.zafian@alaska.gov

From: Solomon, Elizabeth [<mailto:ESolomon@kpb.us>]

From: Horton, George C (DNR)
To: Solomon, Elizabeth; "Neuendorf, Cody"; Byron Jackson; Jennifer Diederich (Jennifer.Diederich@enstarnaturalgas.com); Bradley Beck; Perkins, Wes; Ivan Encelewski (ivan@ninilchiktribe-nsn.gov); Aldridge, Morgan; Anthony, Harmony; Eaton, Belinda L (DOT); Bilocon, Joselyn (DOT); Carver, Nancy; Simpson, Danika L (DOT); Dearlove, Tom; Fuller, Karen; Rinke, Hans J (DNR); Henson, Carrie; Zafian, Holly K (DFG); Knackstedt, Henry; Kastner, Lorraine S (DOT); Hoover, Patricia (DOT); Malone, Patrick; Fink, Mark J (DFG); Russell, Pam; Shears, Jennifer; Vinzant, Mistee R (DOT); Wall, Bruce
Cc: Brown, Stanley C (DNR); Povdack, Joseph L (DNR)
Subject: RE: SLE VACATION REVIEWS FOR JANUARY 25, 2016 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; ES CES; NTC
Date: Tuesday, December 29, 2015 9:09:08 AM

The DNR, DML&W Survey Section, Easement Vacation Group has assigned this case File # EV-3-253. Please refer to this file number for any and all correspondence directed to the Survey Section.

All comments we have regarding this proposed section-line easement vacation will be addressed in the Preliminary and Final Decisions for EV-3-253.

Thank you.

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, December 14, 2015 10:54 AM
To: 'Neuendorf, Cody'; Byron Jackson; Jennifer Diederich (Jennifer.Diederich@enstarnaturalgas.com); Bradley Beck; Perkins, Wes; Ivan Encelewski (ivan@ninilchiktribe-nsn.gov); Aldridge, Morgan; Anthony, Harmony; Eaton, Belinda L (DOT); Bilocon, Joselyn (DOT); Carver, Nancy; Simpson, Danika L (DOT); Dearlove, Tom; Fuller, Karen; Horton, George C (DNR); Rinke, Hans J (DNR); Henson, Carrie; Zafian, Holly K (DFG); Knackstedt, Henry; Kastner, Lorraine S (DOT); Hooyer, Patricia (DOT); Malone, Patrick; Fink, Mark J (DFG); Russell, Pam; Shears, Jennifer; Vinzant, Mistee R (DOT); Wall, Bruce
Subject: SLE VACATION REVIEWS FOR JANUARY 25, 2016 MEETING: ROW Review Group, HEA, ACS, ENSTAR, GCI; ES CES; NTC

Attached is a Section Line Easement Vacation to be reviewed for the **January 25, 2016** Planning Commission meeting. Please provide comments by **January 19, 2016**.

1. SECTION LINE EASEMENT VAC PLAT ASSOC. WITH LOT 2,3, AND 4, BLK 2 COHOE LAKES SUBDIVISION **KPB 2016-005 (Plat and as-built)**

Thank you,



Public Recreational Use

The public use of Trust land for hunting, fishing, and other recreational activities is allowed under the following conditions. All activities must be:

- Day use only
- Non-commercial
- Non-motorized
- In compliance with applicable state, federal, and local laws

All other activities may require written permission. The TLO reserves the right to close Trust land to public use at any time; all closed Trust land will be listed on this website. If you have any questions or need to report a problem that is occurring on Trust land, please call 907.269.8658.

Trust lands closed to public use:

Icy Cape

Land

Public Recreational Use

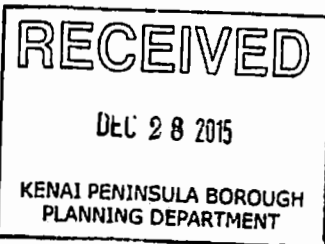
Land Use Application

Land Sales

2016 Spring Land Sale

Land Sale Procedures

© 2016 Trust Land Office 2600 Cordova Street, Suite 100 Anchorage, AK 99503 | Tel: (907) 269-8658 |
mhtlo@alaska.gov



Peninsula Clarion

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Public notice is hereby given that a petition has been received to vacate a portion of a Section Line Easement located on Lots 2, 3, and 4, Block 2 Cohoe Lakes Subdivision in the Cohoe area. Area under consideration is described as follows:

- A. Location and request: Vacate the two 33-foot portions (approximately 215 feet) of the Section Line Easements between Cohoe Lake Drive and Lower Cohoe Lake that intersect Lots 2, 3, and 4, Block 2 of Cohoe Lakes Subdivision (Plat KN-1430). All portions of the requested vacation are located within Sections 22 & 27, Township 03 North, Range 12 West, Seward Meridian, Alaska and within the Kenai Peninsula Borough. KPB File 2016-005.
- B. Purpose as stated in petition: The Section Line Easement (SLE) has not been improved and is not currently being used by the public as a form of access. Because the easement traverses over Lots 2, 3, and 4 (all private), it is impractical for public use, as well as detrimental to the property value. All lots within the Subdivision front on Cohoe Lake Drive, which is a dedicated ROW that has an improved roadway. All local traffic uses Cohoe Lake Drive to access the Subdivision, Lower Cohoe Lake and Upper Cohoe Lake. There is a 50-foot ROW dedicated to Lower Cohoe Lake (350 feet away), which provides a more direct access than the SLE. Previous landowners who were unaware of the SLE constructed residential improvements within the SLE. The vacation of the SLE will allow for a better use of these small parcels (especially Lot 3, much of which is unusable because it passes through the middle of the property and affects such a large portion of it).
- C. Petitioner(s): Lawrence E. Davis of Anchorage, AK, Laurel C. Lindquist of Eagle River, AK, and Dale L. Bagley of Soldotna, AK.

Public hearing will be held by the Kenai Peninsula Borough Planning Commission on **Monday, January 25, 2016** commencing at 7:30 p.m., or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the George A. Navarre Kenai Peninsula Borough Administration Building, 144 N. Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony or may submit a written statement to the attention of Liz Solomon, Kenai Peninsula Borough Planning Department, 144 N. Binkley Street, Soldotna, Alaska 99669. The Planning Department recommends that written comments be received by **Friday, January 22, 2016** [written comments may also be sent by Fax to 907-714-2378].

If the Planning Commission approves the vacation, the Borough Assembly has thirty days from that decision in which they may veto the Planning Commission approval. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.

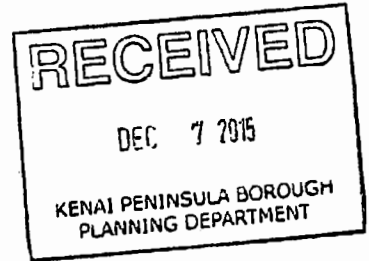
For additional information contact Liz Solomon or Maria Sweppy, Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Paul Voeller
Planning Officer
pvoeller@kpb.us
PUBLISH (Thursday, January 14 and 21, 2016)

We are very much in favor of vacating the section line easements on these properties
Paul & Rae Romaniuk
2015021201106



Joy Poydack
State of Alaska
Department of Natural Resources
Survey Section
550 W. 7th Avenue, Suite 650
Anchorage, AK 99501-3576



Re: Section Line Easement Vacation – Cohoe Lakes Subdivision
Lots 2, 3, 4 Block 2

Mr. Joe Poydack,

Please find attached the submittal package for the vacation of a section line easement (SLE) that is located on Lots 2, 3 and 4 Block 2 Cohoe Lakes Subdivision (plat K-1430). This submittal is requesting the vacation of two 33 foot SLE's located on the section line between Sections 22 and 27, between Cohoe Lake Drive and Lower Cohoe Lake.

Lots 2, 3 and 4 are privately owned. The northeast portion of Lower Cohoe Lake has been subdivided into parcels ranging in size from 1/3 of an acre to 1 acre. The parcels on the northeast area are privately owns. The remaining land on Lower Cohoe Lake is owned by State of Alaska DNR, University of Alaska and Alaska Mental Health Trust.

All lots within Cohoe Lakes Subdivision front on Cohoe Lake Drive. This is a dedicated ROW that has an improved roadway. All local traffic uses Cohoe Lake Drive to access the subdivision, Lower Cohoe Lake and Upper Cohoe Lake. This area, including the two lakes and the surrounding swamp areas, are used for recreation including float plane landings, dog sledding and snow machining.

The excising SLE (across Lots 2, 3, and 4) is not practical for public use and is not currently being used by the public as a form of access. The SLE traverses over the private property. Previous landowners, who were unaware of the SLE, have constructed improvements within the SLE. The SLE affects a large portion of Lot 3 Block 2 as well as portions of Lot 2 and Lot 4 Block 2. A large area of Lot 3 is unusable due to the fact that the SLE passes through the middle of the property. The vacation of the SLE will allow for better use of these parcels.

The following findings support the vacation of the SLE

- Cohoe Lakes Subdivision (completed in 1965) granted a 50 foot right of way (ROW) dedication to Lower Cohoe Lake. The dedication to the lake is located 350 feet from the SLE.
- The ROW dedication to the lake is perpendicular to the lake and provides a shorter length to access the lake. The ROW is a more direct access to the lake as opposed to the SLE which does not intersect the lake at a perpendicular angle.
- The ROW dedication to Lower Cohoe Lake meets the DNR's requirement of being "a reasonably comparable, established alternate right-of-way that is sufficient to satisfy all

present and reasonable foreseeable uses". **The dedicated ROW provides "equal or better" access that is protected for public use and is adequately wide for the purpose it is to be used for.**

- The SLE has not been improved and is not being used by the public at this time.
- There is public access to the west side of Lower Coho Lake along the SLE located on the north boundary of Section 27.
- There is public access to northwestern side of Lower Coho Lake across the 83 acre parcel that is owned by Alaska Mental Health Trust. This 83 acre parcel has approximately 4,200 feet of lake frontage.
- There is public access to southeastern side of Lower Coho Lake across the 37 acre parcel that is owned by Alaska Mental Health Trust. This 37 acre parcel has approximately 642 feet of lake frontage.
- There is public access to the south side of Lower Coho Lake across the 221 acre parcel that is owned by the State of Alaska DNR. This 221 acre parcel has 3,482 feet of Lake Frontage.
- More than half of the lake frontage on Lower Coho Lake has public access at this time.

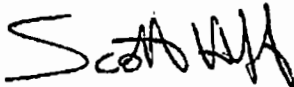
This submittal is requesting that no additional public access be granted across Lots 2, 3 or 4 for the approval of the SLE vacation. The following findings support this request.

- Lots 2, 3 and 4 are small lots, ranging in size from 0.32 acres to 0.55 acres. Additional area that is reserved to a public access easement will make the lots have less usable area than what is currently available.
- There is no need for additional access to the lake. There is a 50 foot ROW dedicated to the lake 350 away. As mentioned before the ROW dedication provides a better access point and a more usable access to the lake.
- Lots 2, 3 and 4 have residential structures on them. Allowing the public to access across the property will be detrimental to the value of the property.

The SLE vacation application and plat have been submitted to the Kenai Peninsula Borough for their review and approval. I have had meetings with the Platting Officer and the Planning Director and both talked favorably of approving the SLE vacation.

The required submittal documents are attached to this letter along with the application fee. 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

Attachments

- Application form
- Application fee
- SLEV Plat (reduced size)
- Aerial image of the area
- Parcel view showing the existing access
- Asbuilt survey of Lot 3 Block 2 Coho Lakes Subdivision