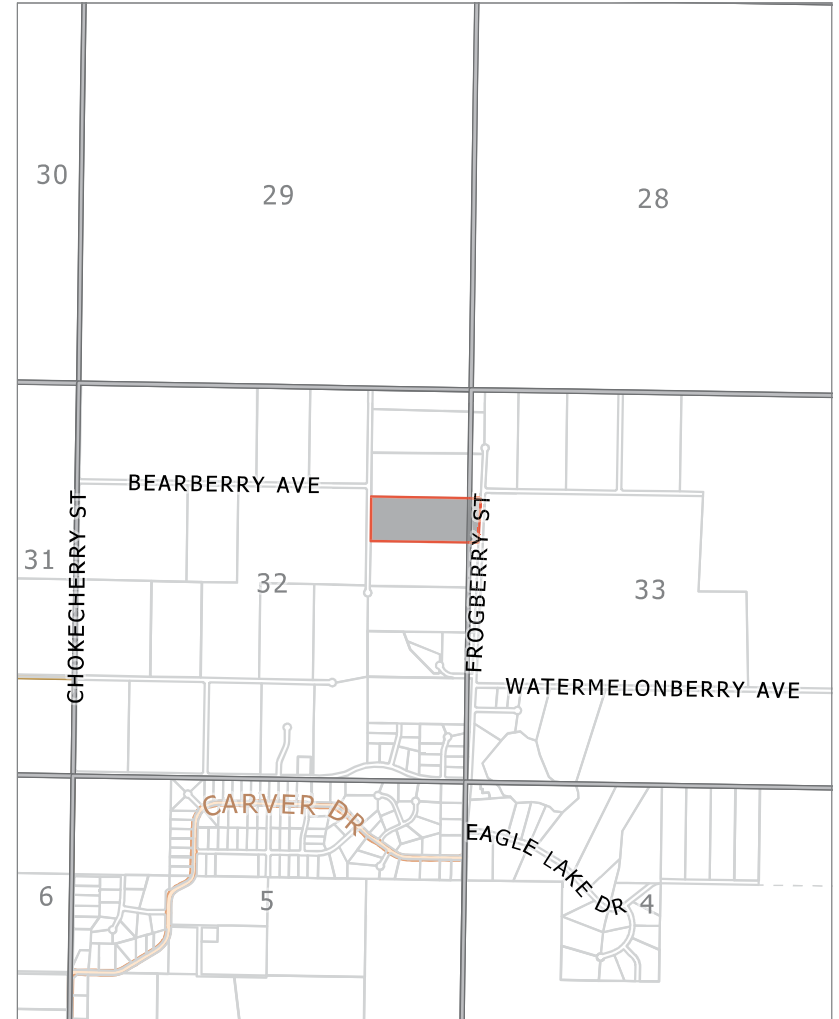


E. NEW BUISNESS

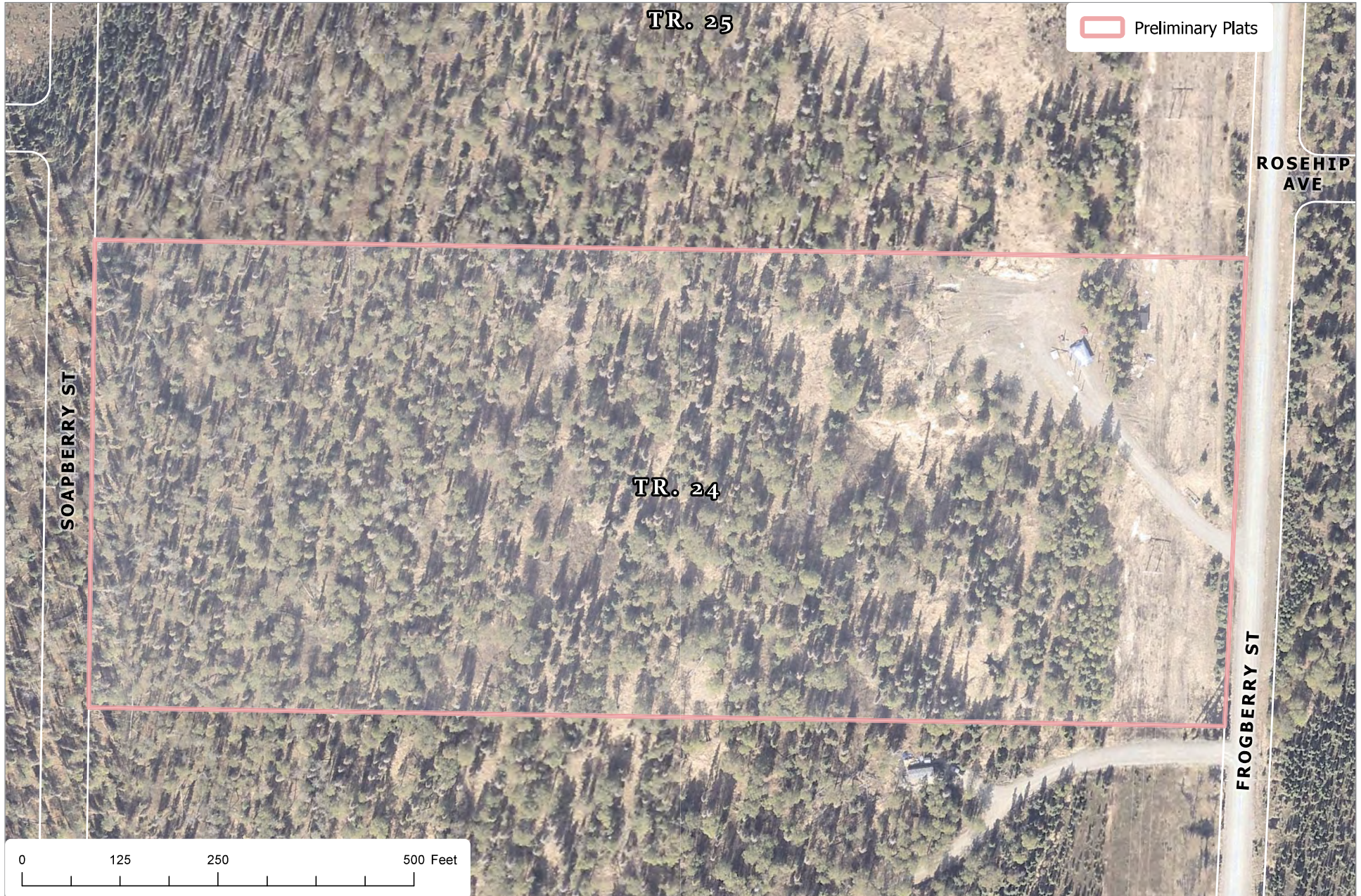
ITEM E9 – STRAWBERRY ACRES SUBDIVISION 2022 REPLAT



KPB File # 2022-025

Township 06N-Range 10W-Section 32 & 33

Kenai



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.

LEGEND:

- ⊗ 3 1/4" BLM MONUMENT AS SHOWN FOUND
- 5/8" REBAR FOUND
- 5/8" REBAR w/PLASTIC CAP LS8859 SET
- () RECORD DATUM PLAT 85-185 KRD



NOTES:

- 1) Basis of bearing taken from Strawberry Acres Subdivision, Plat 85-185, Kenai Recording District.
- 2) Building Setback-A setback of 20 feet is required from all street Rights-of-Way unless a lesser standard is approved by resolution by the appropriate Planning Commission.
- 3) An easement for electric lines or system and/or telephone lines granted to Homer Electric Association is recorded in Book 209 Page 369, Kenai Recording District. No definite location disclosed.
- 4) Front 10 feet adjacent to right-of-ways and 20 feet within 5 feet of the side lot lines is a utility easement. No permanent structure shall be constructed or placed within a utility easement which would interfere with the ability of a utility to use the easement.
- 5) WASTEWATER DISPOSAL: These lots are at least 200,000 square feet 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.

FLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF

KENAI PENINSULA BOROUGH

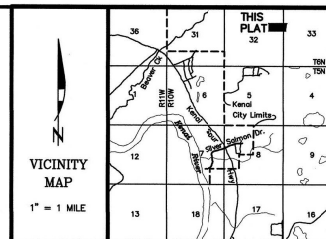
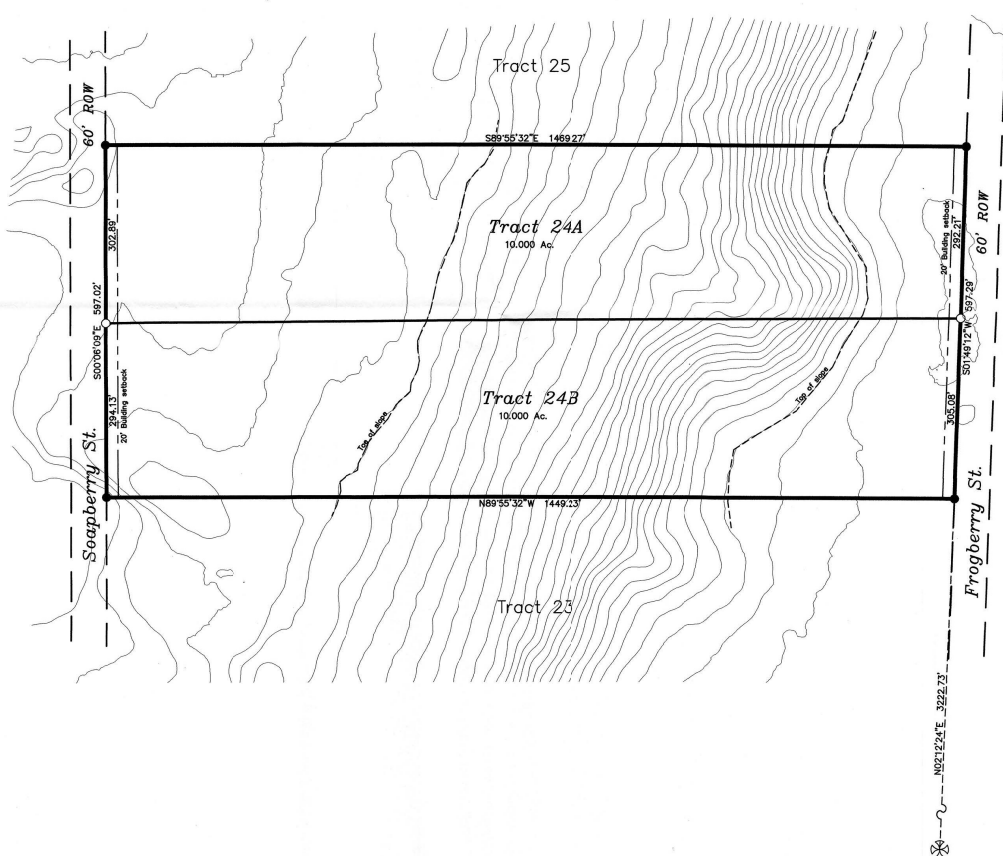
AUTHORIZED OFFICIAL



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, this plat represents a survey made by me or under my direct supervision, the monuments shown hereon actually exist as described, and all dimensions and other details are correct.

Date _____



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 TO THE USE SHOWN.

RUSSELL E. WILSON
P.O. BOX 1807
SOLDOTNA, ALASKA 99669

ANNA C. HALL
39185 DORI LYN STREET
KENAI, ALASKA 99611

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

NOTARY'S ACKNOWLEDGEMENT

FOR _____
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____ 20__

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES _____

KPB FILE No. _____

Strawberry Acres 2022 Replat

A resubdivision of Tract 24 Strawberry Acres Subdivision, Plat 85-185, Kenai Recording District.

Located within the NE1/4 NE1/4 Section 32 and the NW1/4 NW1/4 Section 33, T8N, R10W, S1M, Kenai Peninsula Borough, Alaska.

Containing 20.000 Ac.

Surveyor	Owners
Segesser Surveys 30485 Rosland St. Soldotna, AK 99669 (907) 262-3909	Russell E. Wilson Anna C. Hall P.O. BOX 1807 39185 Dori Lynn St Soldotna, AK 99669 Kenai, AK 99611
JOB NO. 21231	DRAWN: 2-25-22
SURVEYED:	SCALE: 1"=100'
FIELD BOOK:	SHEET: 1 of 1

KPB 2022-025

AGENDA ITEM E. NEW BUSINESS

ITEM 9 – STRAWBERRY ACRES SUBDIVISION 2022 REPLAT

KPB File No.	2022-025
Plat Committee Meeting:	April 11, 2022
Applicant / Owner:	Russell Wilson of Soldotna, Alaska and Anna Hall of Kenai, Alaska
Surveyor:	John Segesser / Segesser Surveys
General Location:	Frogberry Street, outside Kenai City limits.

Parent Parcel No.:	025-142-08
Legal Description:	Tract 24, Strawberry Acres Subdivision, Plat KN 85-185
Assessing Use:	Residential
Zoning:	Rural Unrestricted
Water / Wastewater	On Site

STAFF REPORT

Specific Request / Scope of Subdivision: The proposed plat will subdivide a 20 acre parcel into two tracts that will be 10 acres each.

Location and Legal Access (existing and proposed): The tracts will have frontage along Soapberry Street and Frogberry Street. Both right of ways are 60 feet wide and end with cul-de-sacs. The Soapberry Street dedication is not constructed and access is via various roads that go through low wet areas and steep terrain. The connections to Soapberry Street are not constructed. Frogberry Street is constructed to the bulb and appears a trail continues beyond the dedication. The Kenai Peninsula Borough road maintenance for Frogberry Street ends south of the subdivision nears the dedication for Overlook Court, an unmaintained right-of-way that ends in a cul-de-sac. Frogberry Street is accessed off Carver Drive, which is located at the end of N Strawberry Rd. Strawberry Road intersects the Kenai Spur Highway near mile 5. The portion of Strawberry Road to N Strawberry Road as well as a portion of Carver Drive is maintained by the State of Alaska. The Kenai Peninsula Borough maintains the eastern portion of Carver Drive.

The surveyor has asked for an exception for lot dimensions. While a different design would allow a lot to have frontage on Soapberry Street, it can currently not be accessed and future development will be difficult. The current design will result in both lots fronting on Soapberry Street and Frogberry Street but Frogberry Street will be the used access.

A driveway is present from Frogberry Street. Based on the design it appears the driveway may cross Tract 24B to provide access to Tract 24A. ***Staff recommends the location of the driveway be determined and if crossing both lots, a driveway easement may need to be recorded.***

The lots in the area are on the larger side and block lengths are not compliant. Frogberry Street and Soapberry Street were dedicated as cul-de-sacs. A continuation of Bearberry Avenue or Rosehip Avenue to provide a connection would be further north and outside of this subdivision. ***Staff recommends the plat committee concur that an exception is not required nor a dedication as there is steep terrain, the design of the cul-de-sacs will not create a complete block, and access to Soapberry Street currently does not exist.***

The certificate to plat notes the subdivision is subject to 33 foot section lines easements. KPB GIS data indicates there is not one present. Looking at the parent plat, Strawberry Acres Subdivision, Plat KN 85-185, there is reference that a section line easement vacation had been submitted to the state. Staff pulled the number listed and it is stated that a vacation was not recorded and the file was closed because “no section line easement to vacate”. No mention of a section line easement is required.

KPB Roads Dept. comments	Out of Jurisdiction: No Roads Director: Uhlin, Dil Comments: RSA has no objection at this time
SOA DOT comments	No comment

Site Investigation: KPB GIS does not have any wetland information for the area. Per KPB GIS imagery, there does not appear to be any low wet areas. **Staff recommends** any wet areas detected during the field survey they should be depicted on the plat and add the standard plat note to contact the U.S. Army Corps of Engineers.

The subdivision contains steep slopes that run through the middle of the proposed lots. The preliminary plat contains contour information. **Staff recommends** the contour lines can be removed but the toe and top of the slope remain as shown on the preliminary plat.

There is an improvement within the area that will be Tract 24A. The driveway appears to possible cross proposed Tract 24B for access.

The lot to the south contains an improvement but there does not appear to be any encroachment issues. The lot to the north is vacant.

KPB River Center review	A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Not within flood hazard area Comments: No comments B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments C. State Parks Reviewer: Russell, Pam Comments: No Comments
State of Alaska Fish and Game	No objections

Staff Analysis The proposed plat will divide a 20 acre tract into two 10 acre lots. Strawberry Acres Subdivision, Plat KN 85-185, a subdivision of sections 32 and 33 in Township 6 North, Range 10 West, created the parent lot. This was a subdivision done by the Salamatof Native Association. The parent plat created multiple large acreage tracts with the smallest being 10 acres and the largest being 187 acres. The roads that provide access were dedicated at that time. Numerous cul-de-sacs were granted and during that time, feasibility of right of way construction was not always reviewed.

KPB GIS data shows the property within the boundary of the Kenai National Wildlife Refuge. This is common and is considered a private inholding and the laws and regulations within the Kenai National Wildlife Refuge do not apply to the property.

A soils report will not be required. The lots will be over 200,000 square feet. The parent subdivision was signed by Department of Environmental Conservation. The appropriate wastewater disposal note is present.

Per the preliminary Certificate to Plat, beneficial interest holders do not affect the proposed plat. Notification per KPB 20.25.090 will not be required unless the final Certificate to Plat states the property is affected by beneficial interest holders.

Utility Easements The parent plat designated the 20 foot building setback as a utility easement with clearing limited to the front 10 feet. The existing plat note states the front 10 feet adjacent to the right of ways and increasing to 20 feet within 5 feet of the side lots lines will be a utility easement. **Staff recommends the plat note for the utility easement be updated to reflect what was previously granted and the building setback label either include “and utility easement” or refer to the plat note number.**

The parent plat did indicate an electric transmission line and natural gas easement ran along Frogberry Street. **Staff recommends the easement along the eastern boundary of this subdivision must be depicted and labeled.**

An additional easement is noted on the Certificate to Plat as being granted in Book 209 Page 369. The certificate to plat indicates no definite location is disclosed and it is noted in plat note 3. However, the document contains descriptions and states there is a 200 foot easement along the eastern boundary of this subdivision. This easement may coincide with the one depicted on the parent plat. **Staff recommends the plat note be revised to remove “No definite location disclosed”, update the depictions and plat notes to include the existing easements and if needed provide labels to plat notes to explain the easements and how they were granted.**

The widths and location of the utility easements along with the steep terrain will reduce the buildable areas on the eastern portion of the lots. **Staff recommends the owners work with the utility providers to determine if the widths of the easements can be reduced.**

The affected utility providers were emailed the subdivision plat public hearing notice as part of the routine notification process. **Staff recommends to grant utility easements requested by the utility providers or work with the utility providers to obtain approval.**

Utility provider review:

HEA	<p>Depict and label the utility easements of record as sketched on this review or provide documentation if the easements of record have been altered or vacated.</p> <ul style="list-style-type: none"> - Depict and label the 200 foot Electric Easement per Book 209 Page 369 KRD described as the east 115 feet of Sec. 32 and the west 85 feet of Sec. 33. - 140 foot electric transmission & natural gas easement adjoining ROW per KN 85-185.
ENSTAR	<p>ENSTAR Natural Gas company has reviewed the preliminary plat and advised that there is an existing 200 feet (200 FT) Right of Way granted to Alaska Pipeline Company (APC) under US Fish and Wildlife Service Permit No. GP-1-77. Said APC Right of Way is located along the eastern 140 feet (140 FT) of proposed Tracts 24A and 24B, adjacent and parallel to the Right of Way line of Frogberry Street. ENSTAR objects to this plat unless the following condition is met: Add a plat note, which says, “There is a 140 feet (140 FT) wide Natural Gas Easement granted to Alaska Pipeline Company (APC)” and draw in the location of the easement on the map.</p>
ACS	No objections
GCI	Approved as shown

KPB department / agency review:

Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 40735 FROGBERRY ST</p> <p>Existing Street Names are Correct: Yes List of Correct Street Names: SOAPBERRY ST FROGBERRY ST</p> <p>Existing Street Name Corrections Needed: All New Street Names are Approved: No List of Approved Street Names: List of Street Names Denied:</p>
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	Comments: 40735 FROGBERRY ST will remain with Lot 24A.
Code Compliance	Reviewer: Ogren, Eric Comments: No comments
Planner	Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat. Material Site Comments: There are not any material site issues with this proposed plat.
Assessing	Reviewer: Wilcox, Adeena Comments: No comment

The subdivision plat has been reviewed and generally complies with the 2019 Kenai Peninsula Borough Comprehensive plan.

STAFF RECOMMENDATIONS **CORRECTIONS / EDITS**

KPB 20.25.070 – Form and contents required

Staff recommendation: final plat submittals must comply with 20.25.070. Additional information, revisions, and/or corrections are required as noted below.

- A. Within the Title Block
1. Name of the subdivision which shall not be the same as an existing city, town, tract, or subdivision of land in the borough, of which a plat has been previously recorded, or so nearly the same as to mislead the public or cause confusion. The parent plat's name shall be the primary name of the preliminary plat.
 2. Legal description, location, date, and total area in acres of the proposed subdivision;
 3. Name and address of owner(s), as shown on the KPB records and the certificate to plat, and registered land surveyor.
- Staff recommendation:** Carry over "Subdivision" within the name. Simplify the description of the location by using "NE1/4 Section 32 and the NW1/4 Section 33".
- D. A vicinity map, drawn to scale showing location of proposed subdivision, north arrow if different from plat orientation, township and range, section lines, roads, political boundaries, and prominent natural and manmade features, such as shorelines or streams;
- Staff recommendation:** Note the Kenai National Wildlife Boundary. Continue the City Limits boundary.
- G. The status of adjacent lands within 100 feet of the proposed subdivision boundary or the land status across from any dedicated rights-of-way that adjoin the propose subdivision boundary, including names of subdivisions, lot lines, block numbers, lot numbers, rights-of-way; or an indication that the adjacent land is not subdivided;
- Staff recommendation:** Provide a tract label and subdivision recording number for the tract west of Soapberry Street. Provide a tract label and subdivision recording number for the tract east of Frogberry Street. Depending on the surrounding area shown to include those tracts, Rosehip Avenue and Bearberry Avenue may need to be shown and include right of way widths.
- H. Approximate locations of low wet areas, areas subject to inundation, areas subject to flooding or storm water overflow, and the line of ordinary high water. This information may be provided on an additional sheet if showing these areas causes the preliminary plat to appear cluttered and/or difficult to read;

Staff recommendation: KPB GIS data does not include wetland information within this area. Per KPB GIS imagery, there does not appear to be any low wet areas. If areas are detected during the field survey, it should be noted on the plat.

KPB 20.30 – Subdivision Design Requirements

Staff recommendation: final plat submittals must comply with 20.30. Additional information, revisions, and/or corrections are required as noted below.

KPB 20.40 – Wastewater Disposal

Staff recommendation: final plat submittals must comply with 20.40. Additional information, revisions, and/or corrections are required as noted below.

20.40.010 Wastewater disposal.

Platting Staff Comments: Lots are proposed to be over 200,000 square feet. The parent plat was approved and signed by Department of Environmental Conservation on October 4, 1985. The plat note present complies.

Staff recommendation: comply with 20.40.

KPB 20.60 – Final Plat

Staff recommendation: final plat submittals must comply with 20.60. Additional information, revisions, and/or corrections are required as noted below.

20.60.180. Plat notes.

A. Plat notes shall not be placed on a final plat unless required by borough code or by the planning commission in order to promote or protect the public health, safety, and welfare consistent with borough and state law.

B. Revision of, or not carrying forward, an existing plat note from the parent plat will adhere to KPB 20.50.010. Separate advertising of the plat note removal is not required. Notification of the requested change will be sent by regular mail to all owners within the subdivision (parent plat and subsequent replats) as shown on the borough tax rolls. Upon approval by the planning commission, the revision or removal of the record plat note shall be finalized by recording a planning commission resolution or subdivision plat.

Staff recommendation: Place the following notes on the plat.

- Terms, covenants, conditions and provisions, including rights of way and easements as contained in the Alaska Native Claims Settlement Act, dated December 18, 1971, U.S. Public Law 92-203, 85 Stat. 688, U.S.C. 1601 et seq.
- The borough will not enforce private covenants, easements, or deed restrictions per KPB 20.60.170.
- Add note for any exceptions granted.

Update the following notes.

- Plat note 3 state no definite location, as does the certificate to plat, however the easement does contain exhibits that show the locations. Update the plat note to remove “no definite location” and depict the easement with a reference to the plat note.
- Plat note 4 should carry over the easement as granted by the parent plat. “The 20 foot building setback shall also serve as a utility easement with clearing restricted to front 10 feet of the setback as granted by Plat KN 85-185.”

20.60.200. Survey and monumentation.

Staff recommendation: Comply with 20.60.200

EXCEPTIONS REQUESTED:

KPB 20.30.190 – Lots-Dimensions (3:1 depth to width ratio)

Surveyor's Discussion: We would like to request an exception to KPB 20.30.190, depth to width ratio, for Strawberry Acres 2022 Replat. The owners are splitting the property equally. Access to the lower portion of the property is hampered by the steep slope and that Soapberry Street has no buildable legal access to it. The extreme eastern portion of Tract 24 is at the top of the bluff with a view and the owners would both like to have a portion of the property.

Staff Discussion: Per KPB 20.30.190, the average depth of lots shall be no greater than three times the average width (3:1). The lots as proposed will be 4.9:1. The distance needed to try to access the western portion of the property by Soapberry Street is long with some construction feasibility concerns. If Soapberry Street is ever constructed in the future, the lots are large enough to be further subdivided with access present along Soapberry Street.

If the exception is denied, a redesign will be required.

Findings:

1. Code requires a depth to width ratio of 3:1 or better.
2. The configuration is for 4.9:1.
3. Existing utility easements may affect the development along Frogberry Street.
4. Both lots will have frontage on constructed but not maintained Frogberry Street.
5. Both lots will have frontage on unconstructed Soapberry Street.
6. The access along Soapberry Street is at this time unusable due to the terrain and distance required for developing an access.
7. A driveway is in place off Frogberry Street.
8. Steep terrain limits access to the western portion of the lots.
9. The lots are large enough that they could be subdivided in the future.

Staff reviewed the exception request and recommends granting approval.

Staff recommends the Committee select the findings they determine are applicable, make additional findings if needed, tie the findings to the following standards, and vote on the exception in a separate motion.

Unless prohibited under this title, the commission (committee) may authorize exceptions to any of the requirements set forth in this title. Application for an exception shall present the commission (committee) with substantial evidence, justifying the requested waiver or exception stating fully the grounds for the application and the facts relied upon. All exceptions must be requested and granted at the time of preliminary plat approval. Exceptions may not be requested with a final plat submittal.

The commission (committee) shall make findings of fact meeting the following standards before granting any exception:

1. That special circumstances or conditions affecting the property have been shown by application;
Findings 4-9 appear to support this standard.
2. That the exception is necessary for the preservation and enjoyment of a substantial property right and is the most practical manner of complying with the intent of this title;
Findings 4-9 appear to support this standard.
3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which said property is situated.
Findings 4-9 appear to support this standard.

Staff recommendation: place notes on the final plat indicating any exceptions granted by the Plat Committee with

the meeting date.

RECOMMENDATION:

SUBJECT TO EXCEPTION(S) GRANTED, STAFF RECOMMENDS:

- GRANT APPROVAL OF THE PRELIMINARY PLAT SUBJECT TO STAFF RECOMMENDATIONS, AND
- COMPLIANCE WITH KPB 20.25.070 (FORM AND CONTENTS), KPB 20.25.080 (PETITION REQUIRED), KPB 20.30 (DESIGN REQUIREMENTS); AND KPB 20.40 (WASTEWATER DISPOSAL), AND
- COMPLIANCE WITH KPB 20.60 TO ENSURE ADMINISTRATIVE APPROVAL OF THE FINAL PLAT.

NOTE: 20.25.120. - REVIEW AND APPEAL.

A PARTY OF RECORD MAY REQUEST THAT A DECISION OF THE PLAT COMMITTEE BE REVIEWED BY THE PLANNING COMMISSION BY FILING A WRITTEN REQUEST WITHIN 15 DAYS OF NOTIFICATION OF THE DECISION IN ACCORDANCE WITH KPB 2.40.080.

A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.

END OF STAFF REPORT

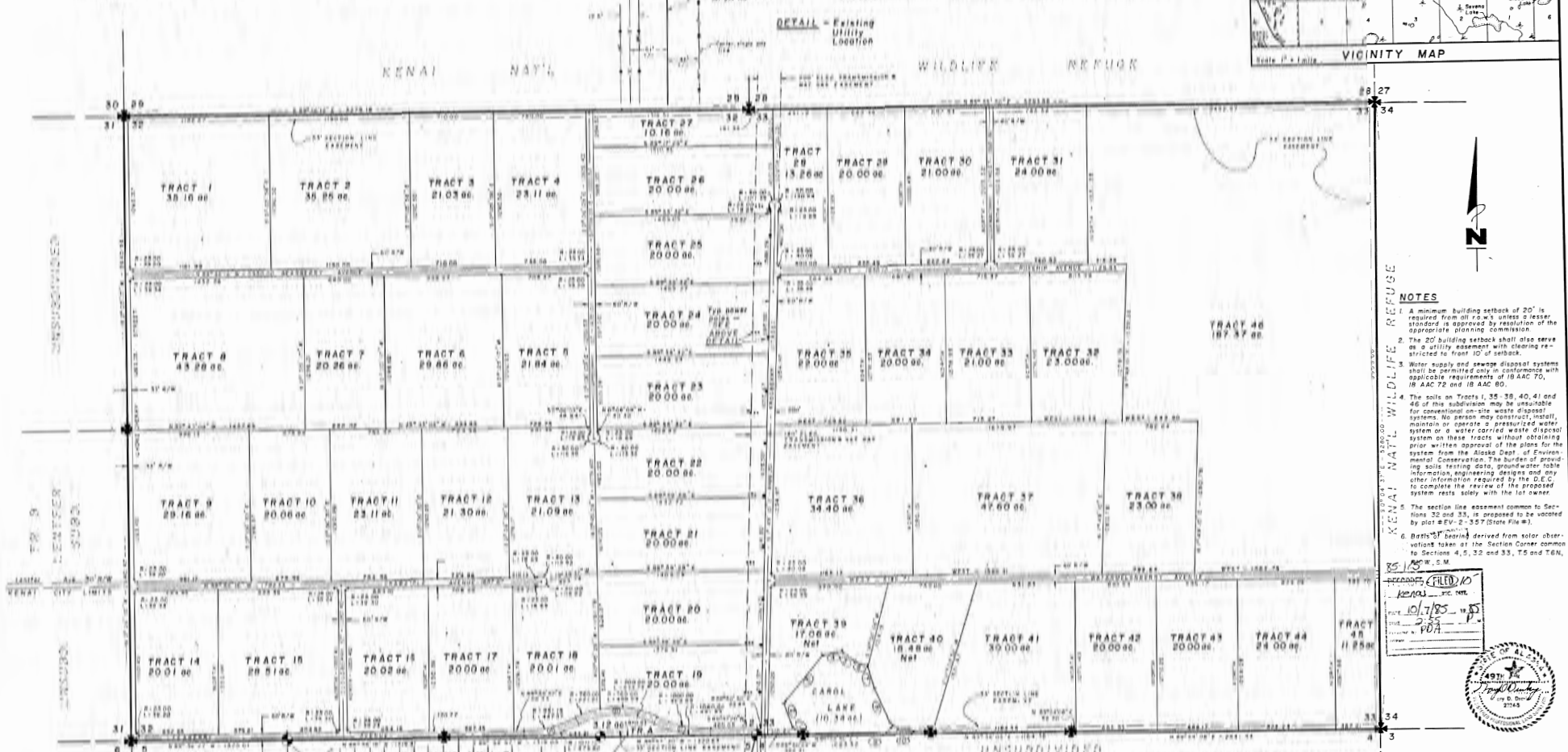
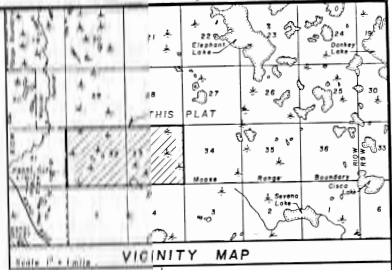


IN WITNESS WHEREOF, BY THE ALASKA
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
This subdivision has been submitted in accordance with
the provisions of the Alaska Statutes, Chapter 25, Section 14, and
has been approved by the Department of Environmental Conservation
on this 11th day of October, 1985.

Plat Approval
This plat was approved by the Alaska Department of Environmental Conservation
Commissioner of the Interior of June 24, 1985
Plat previously recorded
By: [Signature]
Authorized Official

Notary's Acknowledgment
For: Ralph A. Johnson & James O. Bayne
Subscribed and sworn before me this 2nd day of October, 1985
By: [Signature]
Notary Public for the State of Alaska
My Comm. Exp. 11/15/87

Certificate of Ownership and Dedication
We, hereby certify that RAJBA, the owner(s) of the property shown
and described herein and that RAJBA hereby submit this plat of subdivi-
sion and dedicate all right of work to public use and grant all
easements to the use shown



- NOTES**
1. A minimum building setback of 20' is required from all 1/4, 1/2, 3/4, and corner standard is approved by resolution of the appropriate planning commission.
 2. The 20' building setback shall also serve as a utility easement with clearing restricted to front 10' of setback.
 3. Water supply and sewage disposal systems shall be permitted only in accordance with applicable requirements of 18 AAC 70, 18 AAC 72 and 18 AAC 80.
 4. The lots on Tracts 1, 35, 39, 40, 41 and 46 of this subdivision may be unsuitable for conventional on-site waste disposal systems. No person may construct, install, maintain or operate a pressurized water system or a water-carried waste disposal system on these tracts without obtaining prior written approval of the plans for the system from the Alaska Dept. of Environmental Conservation. The burden of providing soils testing data, groundwater table information, engineering designs and any other information required by the D.E.C. to complete the review of the proposed system rests solely with the lot owner.
 5. The section line easement common to Sections 32 and 33, is proposed to be vacated by plat #157-2-357 (State File #).
 6. Bette's Survey derived from solar observation taken at the Section Corner common to Sections 4, 5, 32 and 33, T6N and T6N.

- LEGEND**
- Found 2 1/2" Brass Top Mark, 610 S 1985
 - Found 2 1/2" Brass Cap Mark, 610 S 1937 or 1909
 - 50' 5/8" x 10" Mark with yellow plastic cap, 1934 S

LAKE MEANDERS

Station	Bearing	Distance
1	N 56° 24' 00" W	112.94
2	N 50° 15' 40" W	211.78
3	N 59° 00' 23" E	516.92
4	N 60° 15' 12" E	176.80
5	S 60° 26' 16" E	132.09
6	S 21° 05' 17" E	116.14
7	S 19° 26' 10" E	159.01
8	S 39° 15' 10" E	371.98
9	S 89° 51' 04" E	92.98
10	S 87° 30' 12" E	264.08

CURVE DATA

Station	Radius	Delta	Length	Chord
1	981.18	73.00	1030.00	343.74
2	225.20	360.00	343.74	343.74
3	451.60	360.00	377.91	377.91
4	457.24	360.00	375.63	375.63

Surveyor's Certificate
I, Gary Danks, certify that I am a Registered Land Surveyor, that this plat is a true and correct representation of lands surveyed by me as under my direct supervision, that the distances and bearings are shown correctly and the area of closure has been properly calculated and shown and that I have examined all permanent boundary control monuments, all other monuments and lot corners have been properly located.

[Signature]
October 3, 1985

STRAWBERRY ACRES SUBD.
located within
Sections 32 and 33, T6N, R10W, S18, Alaska
consisting of 46 tracts - containing 1280.37 +/- acres (approx)
Resurveyed for: Salmon River Native Assoc.
By: RAJBA
Date: 10/3/85
Checked: G.D.
Professional Design Associates
P.O. Box 4405, Kenai, AK 99611
Date: Oct 2, 1985 Scale: 1" = 400'
Checked: G.D. KPB File # 95-143