

E. NEW BUSINESS




1. Ordinance 2022-XX: Authorizing the release of a commercial deed restriction on a parcel of land located in Cooper Landing originally conveyed by the Kenai Peninsula Borough.


Kenai Peninsula Borough

Planning Department – Land Management Division

MEMORANDUM

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

THRU: Charlie Pierce, Borough Mayor 
Robert Ruffner, Planning Director 
Marcus A Mueller, Land Management Officer 

FROM: Aaron Hughes, Land Management Agent 

DATE: July 28, 2022

RE: Ordinance 2022-___, Authorizing the Release of a Commercial Deed Restriction on a Parcel of Land Located in Cooper Landing Originally Conveyed by the Kenai Peninsula Borough (Mayor)

Parcel D, Quartz Creek Subdivision, according to Plat No. 94-11, was conveyed by KPB as part of the 2000 KPB General Land Sale pursuant to Ordinance 99-55. The conveyance deed contained the following language required at the time under KPB 17.10.130(D) creating a deed restriction on the subject parcel: "FURTHER SUBJECT TO restrictive covenant pursuant to KPB 17.10.130(D). The real property described in this conveyance instrument shall be used primarily for commercial purposes, and any other uses shall be compatible with commercial uses. The use of the land for any other purpose, incompatible with commercial use, is prohibited".

KPB 17.10.130(D) was later amended by Ordinance 2003-23 to read: "Land shall be conveyed without deed restrictions unless otherwise provided by the assembly by ordinance", removing the requirement for deed restrictions to be included in conveyances from the borough.

The applicants, Shirley Ann Kuznicki (property owner) and Onie Ray Wilkes (interested party), have submitted a Petition for Modification of Conveyance Instrument Restrictions and related fees to remove the commercial deed restriction of public record. Mr. Wilkes has entered into an agreement to purchase that portion of the original Parcel D currently described as Tract D-2 from Ms. Kuznicki. As a result of the commercial deed restriction, Mr. Wilkes is not able to close on the purchase due to lender requirements to obtain a residential mortgage.

Your consideration of the ordinance is appreciated.

Introduced by:	Mayor
Date:	08/09/22
Hearing:	08/23/22
Action:	
Vote:	

**KENAI PENINSULA BOROUGH
ORDINANCE 2022-**

**AN ORDINANCE AUTHORIZING THE RELEASE OF A COMMERCIAL DEED
RESTRICTION ON A PARCEL OF LAND LOCATED IN COOPER LANDING
ORIGINALLY CONVEYED BY THE KENAI PENINSULA BOROUGH**

WHEREAS, Parcel D, Quartz Creek Subdivision, according to Plat No. 94-1, Seward Recording District, was conveyed by quitclaim deed from the Kenai Peninsula Borough (Borough) to Jon James as part of the 2000 General Land Sale authorized by Ordinance 99-55; and

WHEREAS, as required under then-existing KPB code, a “commercial use” deed restriction was placed on the deed at the time of that conveyance provided, “The real property described in this conveyance instrument shall be used primarily for commercial purposes, and any other uses shall be compatible with commercial uses. The use of the land for any other purpose, incompatible with commercial use, is prohibited”; and

WHEREAS, the original Parcel D of Quartz Creek Subdivision has been further subdivided into two parcels now known as Tract D-1 and Tract D-2, Quartz Creek Subdivision James Addition; and

WHEREAS, Tract D-2 currently is under contract for sale from Shirley Ann Kuznicki as seller to Onie Ray Wilkes as buyer with the intention of obtaining residential financing; and

WHEREAS, on the date of the conveyance, KPB Code 17.10.130(D) stated “All lands or interests in lands shall be conveyed by an instrument containing restrictions that restrict the use of the land to that classification and prohibit the use of the land for any other purpose”; and

WHEREAS, KPB Code 17.10.130(D) was amended by Ordinance 2003-23 to read “Land shall be conveyed without deed restriction unless otherwise provided by the assembly by ordinance”; and

WHEREAS, the Cooper Landing Land Use Plan identifies the intended classification for parcels in the Quartz Creek Subdivision as Commercial; and

WHEREAS, the proposed purchaser, Onie Ray Wilkes, has submitted a written petition to modify the deed restriction and deposited the non-refundable fee per 17.10.130(F); and

WHEREAS, Mr. Wilkes has stated that he is unable to obtain a residential mortgage because the property is restricted to commercial use in an otherwise unrestricted area and the best use for the property is a single-family residence; and

WHEREAS, public notice has been published per KPB 17.10.130(F)(2); and

WHEREAS, the Cooper Landing Advisory Planning Commission at its regularly scheduled meeting of August 3, 2022, recommended _____; and

WHEREAS, the KPB Planning Commission at its regularly scheduled meeting of August 8, 2022, recommended _____;

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That pursuant to KPB 17.10.130 (F)(4), the mayor is hereby authorized to release the commercial deed restriction pertaining to Tract D-2, Quartz Creek Subdivision James Addition, according to the official plat thereof, filed under Plat Number 2005-14, Records of the Seward Recording District, Third Judicial District, State of Alaska, as created in that Quitclaim Deed Recorded August 21, 2000 as Book 102, Page 68, Seward Recording District based on the following findings of fact:

- a. The original parcel (Parcel D) was conveyed with a commercial deed restriction to satisfy then KPB 17.10.130(D). KPB Code 17.10.130(D) was later amended by Ordinance 2003-23 to remove deed restrictions from conveyances.
- b. The subject parcel is otherwise unrestricted.
- c. The applicant is unable to proceed with closing of the purchase of the property because the commercial deed restriction impacts his ability to obtain a residential mortgage.
- d. Public notice of the proposed actions was delivered and published in accordance with KPB 17.10.130(F)(2).

SECTION 2. The mayor is authorized to sign a *Release of Deed Restriction*, respective to Tract D-2, Quartz Creek Subdivision James Addition, and any other documents necessary to effectuate the intent and purpose of this ordinance.

SECTION 3. That this ordinance is effective immediately upon enactment.

**ENACTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS
DAY OF _____, 2022.**

Brent Johnson, Assembly President

ATTEST:

Johni Blankenship, MMC, Borough Clerk

Kuznicki / Wilkes Petition for Release of Commercial Deed Restriction (Tract D-2)



 Tract D-2
 Tax Parcels

0 175 350 700 Feet

RELEASE OF DEED RESTRICTION

WHEREAS, the Kenai Peninsula Borough conveyed real property to Jon James by quitclaim deed recorded on August 21, 2000 as **Book 102, Page 68 in the Seward Recording District**, pursuant to KPB Ordinance 99-55 which contained a deed restriction.

WHEREAS, the real property described in that initial conveyance has been further subdivided into two Tracts described as Tract D-1 and D-2, Quartz Creek James Addition.

WHEREAS, Shirley Ann Kuznicki, the current owner of Tract D-2, has petitioned the Kenai Peninsula Borough to release the above commercial deed restriction on the real property.

WHEREAS, on _____, 2022 the Kenai Peninsula Borough Assembly enacted Ordinance 2022-XX authorizing the release of said deed restriction specific to Tract D-2.

NOW, THEREFORE, the **GRANTOR, THE KENAI PENINSULA BOROUGH**, an Alaska municipal corporation, whose address is 144 North Binkley Street, Soldotna, Alaska 99669, for the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, and pursuant to Assembly Ordinance 2022-XX, enacted _____, 2022, releases forever unto the successor in interest and **GRANTEE, Shirley Ann Kuznicki**, whose address is 3160 Admiralty Bay Dr., Anchorage, AK 99515, her successors and assigns, the following restriction created in that quitclaim deed recorded as Book 102, Page 68 in the Seward Recording District:

“FURTHER SUBJECT TO The real property described in this conveyance instrument shall be used primarily for commercial purposes, and any other uses shall be compatible with commercial uses. The use of the land for any other purpose, incompatible with commercial use, is prohibited”.

As to the real property legally described as:

Tract D-2, Quartz Creek Subdivision James Addition, according to the official plat thereof, filed under Plat Number 2005-14, Records of the Seward Recording District, Third Judicial District, State of Alaska.

Dated this ____ day of _____, 2022.

KENAI PENINSULA BOROUGH:

Charlie Pierce, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY

Johni Blankenship
Borough Clerk

A. Walker Steinhage
Deputy Borough Attorney

NOTARY ACKNOWLEDGMENT

STATE OF ALASKA)
)ss.
THIRD JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this _____ day of _____, 2022 by Charlie Pierce, Mayor of the Kenai Peninsula Borough, an Alaska municipal corporation, for on behalf of the corporation.

Notary Public in and for Alaska
My commission expires: _____

Record in the Seward Recording District

Please return to: Kenai Peninsula Borough
Planning Department
144 North Binkley Street
Soldotna, Alaska 99669

DRAFT

**PETITION FOR MODIFICATION OF CONVEYANCE INSTRUMENT
RESTRICTIONS
KENAI PENINSULA BOROUGH
LAND MANAGEMENT DIVISION
KPB 17.10.130(F)**

144 N. Binkley Street
Soldotna, AK 99669-7599
lmweb@kpb.us

Phone: 907-714-2205
Fax: 907-714-2378

(Must be accompanied with a \$500.00 non-refundable fee)

Parcel Identification Number (PIN – 8 digits): 119-124-21

Legal Description: Tract D-2 Quartz Creek James Addition

Conveying document recording number & recording district:
102-69 Seward District
(i.e. 2018-000000-0 Kenai or Book 398, Page 204 Seward)

The restriction(s) petitioned for modification is/are (please list below):
See Wilkes petition

The justification(s) for the modification of the restriction is/are *(please list below)*:
~~My request is made on behalf of Mr Ray wilkes intention of occupying the home as soon as possible as his family residence. The home has been my residence and bed and breakfast or vacation rental home since 2006. Currently KPB has already begun future intentions and preliminary planning stages of the adjoining parcels, to include the development of Tract B and C designed to be subdivided into one acre lots each of residential or commercial lots. Thank you, Shirley Kuznicki~~

Name of Petitioner: Shirley Ann Kuznicki

Mailing Address: 3160 Admiralty Bay Dr., Anchorage, AK 99515

Phone: 907-440-1923 Email: shirleyannkuznicki@yahoo.com

Petitioner's Representative/Agent: _____

Mailing Address: _____

Phone: _____ Email: _____



Signature

6/25/2022

Date

***IF YOU HAVE ANY QUESTIONS REGARDING THIS APPLICATION
PLEASE CONTACT THE LAND MANAGEMENT DIVISION***

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376

For Official Use Only

Reason for Certificate:		For Department:	
Business Name:			
Business Type:	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other:		
Owner Name(s):	Shirley Ann Kuznicki		
Business Mailing Address:	3160 Admiralty Bay Dr., Anchorage AK 99515		
Business Telephone:	907-440-1923	Business Fax:	
Email:	shirleyannkuznicki@yahoo.com		

☐ Yes ☐ No Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.140, requires that businesses/individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

CERTIFICATION: I, Shirley Ann Kuznicki the Owner, hereby certify that, to the
(Name of Applicant) (Title)
best of my knowledge, the above information is correct as of 6/25/2022.
(Date)

IF ANY BUSINESS IS CONDUCTED OR IS AWARDED A BID WITHIN THE KENAI PENINSULA BOROUGH YOU MUST BE REGISTERED TO COLLECT SALES TAX. THE SALES TAX DEPARTMENT CAN BE REACHED AT (907) 714-2175.

**PETITION FOR MODIFICATION OF CONVEYANCE INSTRUMENT
RESTRICTIONS
KENAI PENINSULA BOROUGH
LAND MANAGEMENT DIVISION
KPB 17.10.130(F)**

144 N. Binkley Street
Soldotna, AK 99669-7599
lmweb@kpb.us

Phone: 907-714-2205
Fax: 907-714-2378

(Must be accompanied with a \$500.00 non-refundable fee)

Parcel Identification Number (PIN – 8 digits): 119-124-21

Legal Description: TRACT D-2 Quartz Creek Sub
JAMES ADDN.

Conveying document recording number & recording district: 102 PAGE 68 SEWARD.
(i.e. 2018-000000-0 Kenai or Book 398, Page 204 Seward)

The restriction(s) petitioned for modification is/are (please list below):

Deed Restriction AS SHOWN ON DEED.

The justification(s) for the modification of the restriction is/are (please list below):

THIS property was restricted to commercial use in Cooper Landing,
which is a non-zoning area. This Deed restriction has halted the
progress of my mortgage financing, which is time sensitive. The property's
highest and best use is determined to be it current use. single family residence.

Name of Petitioner: ONIE RAY WILKES

Mailing Address: P.O. Box 871 Cooper Landing AK 99572

Phone: 907-302-1220 Email: beancreeker@yahoo.com

Petitioner's Representative/Agent: Don Onie Ray Wilkes

Mailing Address: P.O. Box 871 Cooper Landing AK 99572

Phone: 907-302-1220 Email: beancreeker@yahoo.com

Don Onie Ray Wilkes
Signature

6/10/22
Date

**IF YOU HAVE ANY QUESTIONS REGARDING THIS APPLICATION
PLEASE CONTACT THE LAND MANAGEMENT DIVISION**

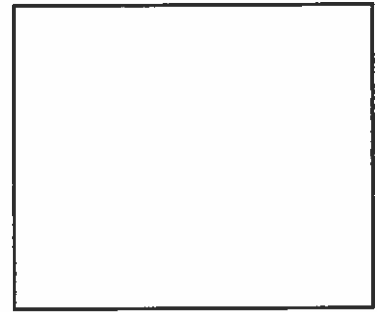
Tax Compliance Certification

Kenai Peninsula Borough

Finance Department

144 N. Binkley Street
Soldotna, Alaska 99669-7599
www.kpb.us

Phone: (907) 714-2197
or: (907) 714-2175
Fax: (907) 714-2376



Fill in all information requested. Sign and date, and submit with bid or proposal.

For Official Use Only

Reason for Certificate:	Petition for Modification			For Department:	LAND MANAGEMENT.	
Business Name:	N/A					
Business Type:	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other:					
Owner Name(s):						
Business Mailing Address:						
Business Telephone:			Business Fax:			
Email:						

As a business or individual, have you ever conducted business or owned real or personal property within the Kenai Peninsula Borough? (If yes, please supply the following account numbers and sign below. If no, please sign below.)

☒ Yes ☐ No Kenai Peninsula Borough Code of Ordinances, Chapter 5.28.140, requires that businesses/individuals contracting to do business with the Kenai Peninsula Borough be in compliance with Borough tax provisions. No contract will be awarded to any individual or business who is found to be in violation of the Borough Code of Ordinances in the several areas of taxation.

REAL/PERSONAL/BUSINESS PROPERTY ACCOUNTS	
ACCT. NO.	ACCT. NAME

KPB Finance Department (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

Date ☐ In Compliance ☐ Not in Compliance

SALES TAX ACCOUNTS	
ACCT. NO.	ACCT. NAME

KPB Sales Tax Division (signature required)

TAX ACCOUNTS/STATUS (TO BE COMPLETED BY KPB)	
YEAR LAST PAID	BALANCE DUE

Date ☐ In Compliance ☐ Not in Compliance

CERTIFICATION: I, Onie Ray Wilkes the _____, hereby certify that, to the
(Name of Applicant) (Title)

best of my knowledge, the above information is correct as of 6/10/22
(Date)

Onie Ray Wilkes
Signature of Applicant (Required)

IF ANY BUSINESS IS CONDUCTED OR IS AWARDED A BID WITHIN THE KENAI PENINSULA BOROUGH YOU MUST BE REGISTERED TO COLLECT SALES TAX. THE SALES TAX DEPARTMENT CAN BE REACHED AT (907) 714-2175.



APPRAISAL OF REAL PROPERTY

LOCATED AT:

21899 Sterling Hwy
Tract D-2 Quartz Creek Sub James Addn
Cooper Landing, AK 99572

FOR:

First National Bank Alaska
11408 Kenai Spur Hwy
Kenai, AK 99611

AS OF:

05/20/2022

BY:

Russell Farrington
Farrington's Appraisal Services, LLC
PO Box 220865
Anchorage, AK 99522

Uniform Residential Appraisal Report

File # Loan# 0102093043

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property

Property Address **21899 Sterling Hwy** City **Cooper Landing** State **AK** Zip Code **99572**
 Borrower **Onie Ray Wilkes** Owner of Public Record **Shirley Ann Kuznicki** County **Kenai Peninsula Borough**
 Legal Description **Tract D-2 Quartz Creek Sub James Addn**
 Assessor's Parcel # **119-124-21** Tax Year **2021** R.E. Taxes \$ **4,789**
 Neighborhood Name **Cooper Landing** Map Reference **See Attached** Census Tract **0003 00**
 Occupant ☒ Owner ☐ Tenant ☐ Vacant Special Assessments \$ **0** ☐ PUD HOA \$ **0** ☐ per year ☐ per month
 Property Rights Appraised ☒ Fee Simple ☐ Leasehold ☐ Other (describe)
 Assignment Type ☒ Purchase Transaction ☐ Refinance Transaction ☐ Other (describe)
 Lender/Client **First National Bank Alaska** Address **11408 Kenai Spur Hwy, Kenai, AK 99611**
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal? ☒ Yes ☐ No
 Report data source(s) used, offering price(s), and date(s) **DOM Q, The current purchase is a FSBO deal. There is a 4 page purchase contract dated, 04/23/2022, for the contract price of \$755K. There is a cancelled MLS Listing #21-5498 listed 04/22/21, cancelled 02/15/22 (OLP\$859K reduced to \$755K. DOM=301)**
 I ☒ did ☐ did not analyze the contract for sale for the subject property transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. **Arms length sale; Basic purchase contract (4 pages total), 4pg contract dated & signed 04/23/22 for \$755K. No adverse conditions/clauses noted. No addendums/counters or home inspection reports have been provided to me along w/this assignment**
 Contract Price \$ **755,000** Date of Contract **04/23/2022** Is the property seller the owner of public record? ☒ Yes ☐ No Data Source(s) **Tax rcrds, contract**
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower? ☐ Yes ☒ No
 If yes, report the total dollar amount and describe the items to be paid **\$0**

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics			One-Unit Housing Trends			One-Unit Housing		Present Land Use %	
Location <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural	Property Values <input type="checkbox"/> Increasing <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Declining		PRICE	AGE	One-Unit	50 %			
Built-Up <input type="checkbox"/> Over 75% <input checked="" type="checkbox"/> 25-75% <input type="checkbox"/> Under 25%	Demand/Supply <input type="checkbox"/> Shortage <input checked="" type="checkbox"/> In Balance <input type="checkbox"/> Over Supply		\$ (000)	(yrs)	2-4 Unit	2 %			
Growth <input type="checkbox"/> Rapid <input type="checkbox"/> Stable <input checked="" type="checkbox"/> Slow	Marketing Time <input checked="" type="checkbox"/> Under 3 mths <input type="checkbox"/> 3-6 mths <input type="checkbox"/> Over 6 mths		550	Low	Multi-Family	1 %			
Neighborhood Boundaries Hope to the north, Moose Pass to the east, Harding Icefield/Chugach Mtns to the south, Sterling to the west.			795	High	Commercial	5 %			
			680	Pred.	Other	42 %			

Neighborhood Description **Cooper Landing is located on the eastern Kenai Peninsula, approximately 130 miles south of Anchorage. Cooper Landing is a small community w/approximately 360 residents located at the headwaters of the world famous Kenai River. The population nearly doubles in the summer to support tourist businesses & activities. The area is known for it's world class trout fishing & sockeye salmon runs. The Kenai Princess Lodge is the largest single employer in the area. Cooper Landing has a K-8 school & high school students require busing to Soldotna, which is approximately 40 miles southwest. The Cooper Landing general area has somewhat of a vacation home/resort feel.**
Market Conditions (including support for the above conclusions) **The Cooper Landing market is considered stable w/good overall demand. Market activity is limited due to the small size of the community & comps are diverse (market as a whole ranges from small cabin type properties to upper end water front properties). Financing options are available from a variety of sources. Interest rates remain at favorable levels (5%-5.5%+) which has been keeping demand strong. Marketing times are typically 0-90 days +/- for reasonably priced properties.**

Dimensions **Irregular/No As-built provided** Area **5.0 ac** Shape **Rectangular** View **B Mtn, Woods**
Specific Zoning Classification **No Zoning** Zoning Description **No Zoning**
Zoning Compliance ☐ Legal ☐ Legal Nonconforming (Grandfathered Use) ☒ No Zoning ☐ Illegal (describe)
Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? ☒ Yes ☐ No **If No, describe** **Highest and best use analysis was performed and the highest and best use is determined to be its' current use (SFR).**
Utilities Public ☒ Other (describe) ☐ Public ☐ Other (describe) ☐ Off-site Improvements - Type ☐ Public ☐ Private
Electricity ☒ ☐ Water ☐ ☒ Private Well ☐ Street Paved ☒ ☐
Gas ☐ ☒ Oil, Propane ☐ Sanitary Sewer ☐ ☒ Private Septic ☐ Alley None ☐ ☐
FEMA Special Flood Hazard Area ☐ Yes ☒ No **FEMA Flood Zone** **D** **FEMA Map #** **0200122150B** **FEMA Map Date** **10/20/2016**
Are the utilities and off-site improvements typical for the market area? ☒ Yes ☐ No **If No, describe**
Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? ☐ Yes ☒ No **If Yes, describe**
No as-built survey provided. Heating oil, propane, electric & wood are the primary heat sources for this market. Above grade oil/propane tanks are common. Natural gas is not in area. Well/septic systems are common in this market. Public water/sewer are unavailable. 42% in present land use above is for vacant lands (mostly refuge & parklands). At time of my inspection, all utilities were turned on & observed to be operational. No zoning is common for this market area.

General Description		Foundation		Exterior Description		Materials/condition		Interior		Materials/condition	
Units <input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab <input checked="" type="checkbox"/> Crawl Space	<input type="checkbox"/> Full Basement <input type="checkbox"/> Partial Basement	<input type="checkbox"/> Foundation Walls	<input type="checkbox"/> Exterior Walls	<input type="checkbox"/> Poured C/C/Avg	<input type="checkbox"/> Floors	<input type="checkbox"/> W/mnt crpt tile/Good				
# of Stories 1	<input type="checkbox"/> Basement Area 0 sq ft	<input type="checkbox"/> Basement Finish 0 %	<input type="checkbox"/> Gutters & Downspouts	<input type="checkbox"/> Roof Surface	<input type="checkbox"/> Metal/Avg	<input type="checkbox"/> Trim/Finish	<input type="checkbox"/> Wood/Good				
Type <input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	<input type="checkbox"/> Outside Entry/Exit <input type="checkbox"/> Sump Pump	<input type="checkbox"/> Evidence of <input type="checkbox"/> Infestation	<input type="checkbox"/> Window Type	<input type="checkbox"/> Storm Sash/Insulated	<input type="checkbox"/> TriplePane/Avg+	<input type="checkbox"/> Bath Floor	<input type="checkbox"/> Tile, Vinyl/Good				
Design (Style) Ranch	<input type="checkbox"/> Dampness <input type="checkbox"/> Settlement	<input type="checkbox"/> Heating <input type="checkbox"/> FWA <input type="checkbox"/> HWB <input checked="" type="checkbox"/> Radiant	<input type="checkbox"/> Screens	<input type="checkbox"/> Amenities	<input checked="" type="checkbox"/> Woodstove(s) # 1	<input type="checkbox"/> Bath Wainscot	<input type="checkbox"/> Tile, Vinyl/Good				
Year Built 2006	<input type="checkbox"/> Heating <input type="checkbox"/> FWA <input type="checkbox"/> HWB <input checked="" type="checkbox"/> Radiant	<input type="checkbox"/> Fireplace(s) # 0	<input type="checkbox"/> Fence	<input type="checkbox"/> None	<input type="checkbox"/> Carport	<input type="checkbox"/> # of Cars 0					
Effective Age (Yrs) 8	<input type="checkbox"/> Individual <input checked="" type="checkbox"/> Other HRV	<input type="checkbox"/> Pool	<input type="checkbox"/> None	<input type="checkbox"/> Other	<input type="checkbox"/> None	<input type="checkbox"/> Att.	<input type="checkbox"/> Det.	<input checked="" type="checkbox"/> Built-in			
Attic <input type="checkbox"/> None <input type="checkbox"/> Drop Stair <input type="checkbox"/> Stairs <input type="checkbox"/> Floor <input checked="" type="checkbox"/> Scuttle <input type="checkbox"/> Finished <input type="checkbox"/> Heated	<input type="checkbox"/> Dishwasher <input type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input checked="" type="checkbox"/> Washer/Dryer <input checked="" type="checkbox"/> Other (describe)	<input type="checkbox"/> Fridge	<input type="checkbox"/> W/D=Personal Property								

Additional features (special energy efficient items, etc.): **Energy efficiency appears to be good (no rating provided). Subject has oil fired, in-floor radiant heat+HRV system & triple pane windows. Addn't quartz counters, soft-close cabinets, kitchen bar, vaulted ceilings, T&G, cast iron stove, mirrored closet doors, jetted tub, trex decks, generator switch**
Describe the condition of the property (including needed repairs, deterioration, renovations, remodeling, etc.): **C3, Kitchen-updated-eleven to fifteen years ago; Bathrooms-updated-eleven to fifteen years ago; The subject improvements are considered to be in good, marketable condition which corresponds w/ the estimate of effective age. Kitchen features quartz counters, soft close cabinets, custom "retro" appliances, kitchen bar & breakfast nook. Primary bedroom suite has sliding glass door access to the rear covered trex deck, the primary suite bath features travertine tile floors & jetted tub+extra shower stall. The other 3 BR's all feature private vessel style sinks built-in. This home was observed to have good quality finishes throughout w/good overall appeal.**
Are there any physical deficiencies or adverse conditions that affect the livability, soundness, or structural integrity of the property? ☐ Yes ☒ No **If Yes, describe**
The scope of work for this appraisal included an interior & exterior inspection of the subject property. The scope of the inspection included observation of readily observable conditions, the scope of the inspection was not equivalent to an inspection performed by a professional home inspector. The appraiser does not guarantee the Property is free from defects. The appraisal establishes the value of the Property for mortgage purposes only.
Does the property generally conform to the neighborhood (functional utility, style, condition, use, construction, etc.)? ☒ Yes ☐ No **If No, describe**

Public Notice of Proposed Release of a Deed Restriction

Pursuant to Kenai Peninsula Borough (KPB) Code of Ordinances, Chapter 17.10.130(f), the Kenai Peninsula Borough is considering release of a deed restriction on the use of a parcel of land owned by the Shirley Ann Kuznicki described as Tract D-2, Quartz Creek Subdivision James Addition.

The Borough encourages you to review the proposed ordinance and submit written comments. Written comments must be received no later than close of business August 3, 2022, to be included in the Planning Commission packet for its public hearing. Written comments may be sent to the following address: Kenai Peninsula Borough, Land Management Division 144 N. Binkley Street, Soldotna, AK 99669-7599

Description of Property: 21899 Sterling Highway, Cooper Landing, AK 99572 and being legally described as:

Tract D-2, Quartz Creek Subdivision James Addition, according to the official plat thereof, filed under Plat Number 2005-14, Records of the Seward Recording District, Third Judicial District, State of Alaska. (KPB Parcel ID: 119-124-21)

Basis For Proposed Action: Parcel No. 119-124-21 was deeded from the Kenai Peninsula Borough on August 21, 2000 as Book 102, Page 68 in the Seward Recording District, pursuant to KPB Ordinance 99-55, subject to the following Commercial Deed Restriction:

"FURTHER SUBJECT TO The real property described in this conveyance instrument shall be used primarily for commercial purposes, and any other uses shall be compatible with commercial uses. The use of the land for any other purpose, incompatible with commercial use, is prohibited."

Shirley Ann Kuznicki, the current owner of Tract D-2, and Onie Ray Wilkes, an interested party, have petitioned the Kenai Peninsula Borough to release the above commercial deed restriction in order to provide for residential use and lending.

The proposed action by would remove the commercial use deed restriction on Tract D-2, allowing the petitioner unrestricted use.

The public is invited to give testimony at the following meetings. Public meetings will be held as shown unless otherwise advertised.

Cooper Landing Advisory Planning Commission Public Hearing: August 3, 2022, 6:00 p.m. at the Cooper Landing Community Hall or Via Zoom <https://us06web.zoom.us/j/2045581076>

KPB Planning Commission Public Hearing: August 8, 2022, 7:30 p.m. at the KPB Administration Building, 144 N. Binkley Street, Soldotna, AK 99669 or via Zoom <https://kpb.legistar.com/Calendar.aspx>

KPB Assembly Meeting: August 23, 2022, 6:00 p.m. at the KPB Administration Building, 144 N. Binkley Street, Soldotna, AK 99669. <https://kpb.legistar.com/Calendar.aspx>

Additional Information: For further information contact Aaron Hughes, Land Management Division at 907-714-2205, or toll free within the Borough 1-800-478-4441, ext. 2205.

The Kenai Peninsula Borough reserves the right to waive technical defects in this publication.

Kuznicki / Wilkes Petition for Release of Commercial Deed Restriction (Tract D-2)

