

## **E. NEW BUSINESS**

- 1. Bidarki Creek No. 5; KPB File 2022-160R1  
Orion Surveys / Lamb & Reilly  
Location: Just Past MP 171 Sterling Highway  
City of Homer**



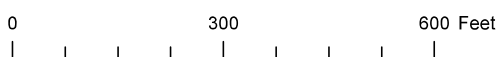
# Kenai Peninsula Borough Planning Department

## Vicinity Map



KPB File 2022-160R1  
T 06S R 14W SEC 24  
Homer

08/07/2023







# NOTES:

1. This subdivision is subject to Homer City Code.
2. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
3. 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.
4. This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept. and the Army Corps of Engineers prior to any development activity.
5. Per Plat HM2007-106 a 50' wide drainage easement is on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
6. No access to state maintained rights-of-way permitted unless approved by the State of Alaska, Department of Transportation.
7. Covenants, conditions and restrictions which may affect portions of this subdivision are recorded in 96, 66, Pg. 145 H.R.D.
8. The location of the northern edge of the Sterling Highway is shown per Bidarki Creek No. 4 HM2012-27. Per HM2012-27 the ROW was determined from calculations made using surveyed locations of sound monuments and record data from Plats HM73-81, HM73-531, DOT&PF Right of Way maps from Alaska Project II, F 922-1(13) Homer Hill, and the corresponding ROW "take" as shown in Book 251 Page 324.
9. There is a 15' Utility and Drainage easement benefitting the City of Homer recorded per Serial No. 1003-1950, H.R.D.
10. Bidarki Creek is subject to periodic flooding.
11. The Borough will not enforce private covenants, easement, or deed restrictions per KPB 20.60.170.

## LEGEND

- Found Survey Monument
- Set 2" Alap on 5/8"x30" rebar
- Fire Hydrant
- Abandoned CMP Well
- Utility Pole with anchor
- Wetland areas per KWF Wetland Assessment
- Approximate Slopes 20% or greater

Line Bearing	Distance
1. S 76°09'24" W	118.00'
2. N 73°54'39" W	72.52'
3. S 73°55'17" W	118.66'
4. S 69°39'39" W	133.50'

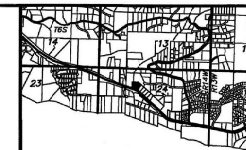
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	766.20'	151.63'	151.59'	S 89°14'01" E	117°17'52"
C2	766.20'	71.00'	70.89'	N 63°17'41" W	57°58'35"
C3	766.20'	50.84'	50.83'	N 69°46'02" W	3°48'07"
C4	766.20'	26.99'	26.98'	N 72°47'22" W	2°14'33"

## PLAT APPROVAL:

This plat was approved by the Homer Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_, 20\_\_.

Homer Peninsula Borough

By: \_\_\_\_\_  
Authorized Official



VICINITY MAP 1" = 1/2 Mile

## Ownership Certificate:

We hereby certify that we are the owners of the real property shown and described herein and that we hereby adopt this plan of subdivision and by our free consent dedicate all right-of-way to public use and grant all easements to the use shown.

McNennen Lamb, for former Tract 2  
2345 Timpleview Dr.  
Primo, UT 84604

Notary's Acknowledgement:

For: \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Rachael Lamb, for former Tract 2  
2345 Timpleview Dr.  
Primo, UT 84604

Notary's Acknowledgement:

For: \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

Kristen Lamb Realty, for former Tract 1  
2755 Rolling Hills Dr.  
Primo, UT 84604

Notary's Acknowledgement:

For: \_\_\_\_\_  
Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Notary Public for Alaska  
My commission expires: \_\_\_\_\_

## WASTEWATER CERTIFICATE:

Plans for wastewater disposal that meet regulatory requirements are on file at the Department of Environmental Conservation.

Engineer: \_\_\_\_\_ License #: \_\_\_\_\_ Date: \_\_\_\_\_

0 30 60 90

## BIDARKI CREEK No. 5

A subdivision of Tracts 1 and 2  
Bidarki Creek No. 4 HM2012-27  
Within NW1/4, Sec. 14, T8S, R14W, S4M,  
in the City of Homer, Homer Peninsula Borough,  
Homer Recording District,  
Third Judicial District, Alaska  
Containing 3.114 Acres

Prepared for:  
McNennen and Rachael  
Lamb  
2585 Timpleview Dr.  
Primo, Utah 84604 and  
Kristen Lamb Realty  
2755 Rolling Hills Dr.  
Primo, Utah 84604

Prepared by:  
Orion Surveys  
PO Box 15015  
35370 Marie Road,  
Primo, Alaska 99603  
(907) 359-3038  
tom@orionsurveys.com

Scale: 1" = 30'  
Date: 8/1/2023  
FBI: 24 Job# 965 KPB File No. 2022-160

KPB 2022-160R1



AGENDA ITEM E. NEW BUSINESS

**ITEM #1 – PRELIMINARY PLAT  
BIDARKI CREEK NO. 5**

<b>KPB File No.</b>	2022-160R1
<b>Plat Committee Meeting:</b>	August 28, 2023
<b>Applicant / Owner:</b>	McKennen and Rachael Lamb and Kristen Lamb Reilly all of Provo, Utah
<b>Surveyor:</b>	Tom Latimer / Orion Surveys
<b>General Location:</b>	Near mile 171 Sterling Highway, City of Homer

<b>Parent Parcel No.:</b>	175-250-12 and 175-250-13
<b>Assessor Description:</b>	T 6S R 14W SEC 24 SEWARD MERIDIAN HM 2012027 BIDARKI CREEK NO 4 TRACT 1 & 2
<b>Assessing Use:</b>	Residential
<b>Zoning:</b>	Rural Residential District
<b>Water / Wastewater</b>	City
<b>Exception Requested</b>	

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**STAFF REPORT**

**Specific Request / Scope of Subdivision:** The proposed plat will subdivide two tracts into four lots ranging in size from 31,440 sq. ft to 39,448 sq. ft.

This preliminary plat is a revised plat previously submitted with a different design, heard and approved by the KPB Plat Committee on November 14, 2022. It is being resubmitted as a major revision needing to be approved by the Plat Committee again.

**Location and Legal Access (existing and proposed):** The proposed plat is located just south of mile 171 of state maintained Sterling Highway. The proposed lots will have access from Sterling Highway. There is currently a driveway giving access to lots 2 and 3. The owners have provided a Mutual Access Easement Agreement to be recorded concurrently with the plat. Draft copy is for old edition of preliminary plat with ten lots, new easement agreement will need to be updated for current preliminary plat.

Hunter Street, Coyote Way, section line easements, West Hill Road, and the Sterling Highway define the block. The block exceeds allowable limits. The other dedications within the block are incomplete or end with cul-de-sacs. There is steep terrain to the north and a creek within the western portion of the subdivision. Due to previous road designs, terrain, and exiting improvements, ***staff recommends the plat committee concur that this plat cannot improve the block length.***

***PER DOT:*** The platting action voids any previous issued permits. You need to reapply for driveway access permits to state ROW.

KPB Roads Dept. comments	
SOA DOT comments	The ROW for Sterling Highway appears to be shown correctly. – Engineering

**Site Investigation:** Wetlands have been determined to be within the western and southern portions of the subdivision. The western wetlands are around the existing creek that meanders through a portion of the western area. The southern wetlands are considered discharge slope as are the neighboring portions of the right-of-way. The preliminary plat contains the wetland areas. Plat note 4 contains the required wetland determination note. ***Staff recommends the wetlands remain on the final plat as the southern wetlands may impact access and development.***

The terrain may limit some of the developable areas. There is an existing structure contained within some of the steep slopes.

Bidarki Creek No. 3, Plat HM 2007-106, granted a 50-foot-wide drainage easement on each side of Bidarki Creek. The easement is shown, but not labeled. Surveyor should label the easement and reference to Plat Note #5.

KPB River Center review	<p>A. Floodplain Reviewer: Hindman, Julie Floodplain Status: Within City of Homer Comments: No comments</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: VACANT Comments:</p>
State of Alaska Fish and Game	

**Staff Analysis** This is a replat of property that has been replatted numerous times. The first plat was Bidarki Creek Subdivision, HM 73-81. The most recent plat is Bidarki Creek No. 4, HM 2012-27.

The lots are all proposed under an acre, but above 31,000 sq. ft. Per KPB Code 20.30.200, if lots will be served by public wastewater disposal and water systems they must be at least 6,000 square feet.

The lots will be served by City of Homer water and sewer. A soils report will not be required but an installation agreement or documentation that one is not required must be provided.

Notice of the proposed plat was mailed to the beneficial interest holder on August 7, 2023. The beneficial interest holder will be given 30 days from the date of the mailing of the notification to respond. They are given the opportunity to notify staff if their beneficial interest prohibits or restricts subdivision or requires their signature on the final plat. If no response is received within 30 days, staff will assume they have no requirements regarding the subdivision and it may be finalized.

The proposed plat is within the City of Homer. It is scheduled to be on the August 16, 2023 City of Homer Planning Commission meeting.

The new plat layout has created a long narrow lot in Lot 3 and an exception 20.30.190 Lot- Dimensions 3:1 has been requested. Staff computed the ratio of the average depth of the lots to the three times the average width of Lot 3 and obtained 1.1:1. **Staff recommends that the Committee concur that an exception is not needed for KPB 20.30.190.**

**Utility Easements** A 10-foot-wide utility easement was granted along the northern boundary of the subdivision on Bidarki Creek Subdivision, Plat HM 73-81. Bidarki Creek No. 4, Plat HM 2012-27, granted a 10-foot water main easement along the eastern boundary

Bidarki Creek No. 3, Plat HM 2007-106, granted 15-foot utility easements that increased to 20 feet within 5 feet of the side lot lines adjacent to rights-of-way.

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	No comment
ENSTAR	Comments received, comments in packet, Surveyor comply recommendations
ACS	
GCI	

**KPB department / agency review:**

Addressing	<p>Reviewer: Leavitt, Rhealyn  Affected Addresses:  1762 STERLING HWY, 1742 STERLING HWY</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names:  STERLING HWY</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments:  CITY OF HOMER WILL ADVISE ON ADDRESSES</p>
Code Compliance	<p>Reviewer: Ogren, Eric  Comments: No comments</p>
Planner	<p>Reviewer: Raidmae, Ryan  There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments:  There are not any material site issues with this proposed plat.  Review Not Required</p>
Assessing	<p>Reviewer: Windsor, Heather  Comments: No comment</p>

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

**STAFF RECOMMENDATIONS**  
**CORRECTIONS / EDITS**

*Correct Plat Note #9 to read the entire serial number of the document as listed in the certificate to plat.*

**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:** *Change KPB file number to 2022-160R1. Change section number in legal to 24. Update owners address.*
- 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:** *Label Kachemak Bay. Add road names to vicinity map. Flag in 'this plat' on site location.*

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#### **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.*

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#### **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.*

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20.40.010 Wastewater disposal.

*Platting Staff Comments:*

**Staff recommendation:** *comply with 20.40.*

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#### **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.*

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20.60.080. Improvements-Installation agreement required. A final plat of a subdivision located within city limits shall not be recorded with the district recorder prior to compliance with any city ordinances concerning the installation of improvements. Evidence of compliance shall be provided by the subdivider in the form of a written statement from the appropriate city official that improvements required by city ordinance are or will be installed. Evidence of compliance shall be a part of the final plat submission and the time for action required by KPB 20.60.210 shall not commence until evidence of compliance is submitted.

**Staff recommendation:** *an installation agreement or documentation one is not required will need to be submitted to staff.*

20.60.200. Survey and monumentation.

**Staff recommendation:** *comply with 20.60.200*

F. Bearings and distances between the nearest subdivision property lines and official GLO or BLM monuments shall be accurately described and delineated on the plat and the basis of bearings shall be indicated.

**RECOMMENDATION:**

**SUBJECT TO, 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.**

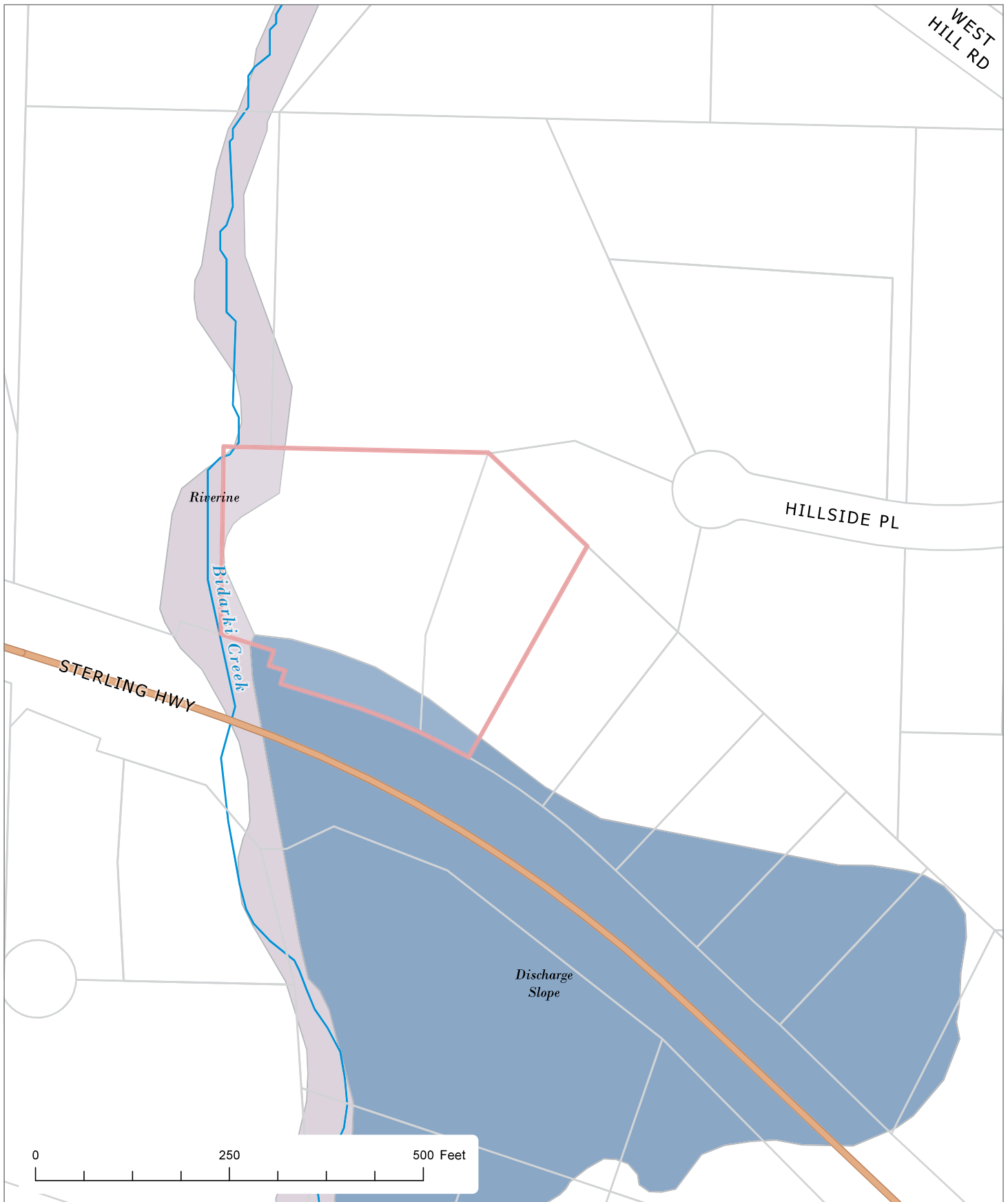
**A DECISION OF THE PLANNING COMMISSION MAY BE APPEALED TO THE HEARING OFFICER BY A PARTY OF RECORD WITHIN 15 DAYS OF THE DATE OF NOTICE OF DECISION IN ACCORDANCE WITH KPB 21.20.250.**

**END OF STAFF REPORT**









### MUTUAL ACCESS EASEMENT AGREEMENT

**THIS MUTUAL ACCESS EASEMENT AGREEMENT** (this "Agreement"), by and between **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTORS**", and **MCKENNEN LAMB** and **RACHAEL LAMB**, of 2585 Timpview Dr., Provo, Utah 84604, and **KRISTEN LAMB REILLY**, of 2795 Rolling Knolls Dr., Provo, Utah 84604, hereinafter referred to as "**GRANTEES**", in connection with adjacent properties in Homer Recording District, Kenai Peninsula Borough, Alaska, owned by Grantors and Grantees.

#### **RECITALS**

A. **WHEREAS**, Grantors are the owners of real property legally described as:

**LOTS 7 THROUGH 10, BIDARKI CREEK NO. 5**, according to Plat No. \_\_\_\_\_, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantor Tracts".

B. **WHEREAS**, Grantees are the owners of real property legally described as:

**LOTS 6 THROUGH 11, BIDARKI CREEK NO. 5**, according to Plat No. \_\_\_\_\_, Homer Recording District, Third Judicial District, State of Alaska.

which are known as the "Grantee Tracts".

C. **WHEREAS**, \_\_\_\_\_ (road name), a public road, does not continue onto the Grantee Tracts. A shared private driveway runs from \_\_\_\_\_ (road) through the boundaries between the Grantor Tracts and the Grantee Tracts.

D. **WHEREAS**, Grantees wish to obtain pedestrian and vehicle access to the Grantee Tracts from \_\_\_\_\_ (road) over the shared private driveway on Grantor Tracts.

E. **WHEREAS**, Grantors and Grantees wish to enter into this Agreement to allow Grantees to access the Grantee Tracts over the shared private driveway on the Grantor Tracts for residential purposes. Grantors and Grantees also wish to set out the terms and conditions that will govern use of the shared private driveway for the benefit of the Grantee Tracts, and to provide for the maintenance and repair of the shared private driveway.

**WHEREAS**, it is the intent of the parties hereto that Grantors shall grant and convey unto Grantees a Mutual Access Easement across that certain shared private driveway which is presently in existence and set forth in "Exhibit A" which is attached hereto and incorporated herein by reference for all purposes.

**NOW, THEREFORE**, the parties agree as follows:

1. **GRANT OF EASEMENT.** For good consideration, Grantors hereby grant to Grantees for the benefit of, and appurtenant to, the Grantee Tracts, a non-exclusive, perpetual easement for pedestrian and vehicle ingress and egress between \_\_\_\_\_ (road) and the Grantee Tracts over and across the shared private driveway (the "Easement Area") that is located in approximately the location depicted on the attached **Exhibit A**. The easement is limited to the purpose of access for residential use of the Grantee Tracts.

2. **AS IS.** Grantees accept the use of the Easement Area in its present condition, AS IS, with all defects, apparent or latent, without any representation or warranty by Grantors or any representative of Grantors, expressed or implied. Grantees hereby assume all risk of Grantees' use of the Easement Area.

3. **MAINTENANCE AND REPAIR.** Grantees shall maintain the Easement Area to be reasonably flat and readily passable by pedestrians and Class \_\_\_\_ vehicles. Grantees shall divide the expense of maintenance of the shared private driveway in proportion to the use made of the easement by each holder of an interest in the easement. OR PROPORTION? Ex. Lot 11: 1/10; Lot 10: 2/10; etc.

4. **BINDING EFFECT.** This Agreement, and the rights and obligations herein, run with the land and bind and benefit the future owners of the Grantor Tract and the Grantee Tract. This Agreement is intended to create a covenant running with the land.

5. **NO DEDICATION.** This Agreement shall not be interpreted or



construed to create any third-party beneficiary rights in any person other than the Grantors, the Grantees, and their respective successors and assigns with respect to the fee ownership of the Grantor Tracts and the Grantee Tracts, and any subdivision or parcel thereof. This Agreement shall not be deemed a gift or dedication of the Easement Area or any other portion of any property to any governmental agency, to any private third party, or to the general public whatsoever.

6. **EMERGENCY VEHICLE ACCESS AND TURN AROUND.** Grantors and Grantees agree that no party shall utilize the Easement Area in a manner that may impede use of Easement Area by emergency vehicles, or emergency vehicle use of the Emergency Vehicle Turn Around Area marked in **Exhibit A**.

7. **ATTORNEYS' FEES.** In the event suit or action is instituted to interpret, enforce, or rescind this Agreement, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge as attorneys' fees.

8. **MODIFICATIONS.** Any modifications to this Agreement must be in writing and signed by the parties, or by their respective heirs, successors, or assigns.

9. **GOVERNING LAW.** This Agreement is made under Alaska law.

10. **SEVERABILITY.** Any provision of this Agreement which is found to be invalid or in violation of any statute, rule, regulation, or common law shall be considered null and void, with the remaining provisions remaining in effect.

11. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement of the Parties with respect to the Easement Area. This Agreement supersedes any written and oral agreements previously made or existing between the Parties with respect to the Easement Area.

**IN WITNESS WHEREOF,** the parties have executed this agreement on the \_\_\_\_ day of \_\_\_\_\_, 2022.

**SIGNATURE OF GRANTORS:**

\_\_\_\_\_  
**MCKENNEN LAMB**

\_\_\_\_\_  
**RACHAEL LAMB**

\_\_\_\_\_  
KRISTEN LAMB REILLY

SIGNATURE OF GRANTEEES:

\_\_\_\_\_  
MCKENNEN LAMB

\_\_\_\_\_  
RACHAEL LAMB

\_\_\_\_\_  
KRISTEN LAMB REILLY

STATE OF UTAH            )  
                                  : ss.  
\_\_\_\_\_  
COUNTY )

THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared MCKENNEN LAMB and RACHAEL LAMB known to me to be the persons named in the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

\_\_\_\_\_  
NOTARY PUBLIC, State of Utah  
My Commission Expires: \_\_\_\_\_

STATE OF UTAH            )  
                                  : ss.  
\_\_\_\_\_  
COUNTY )

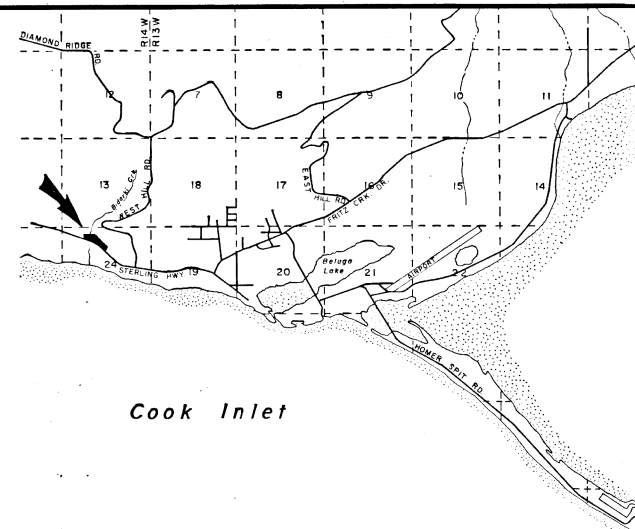
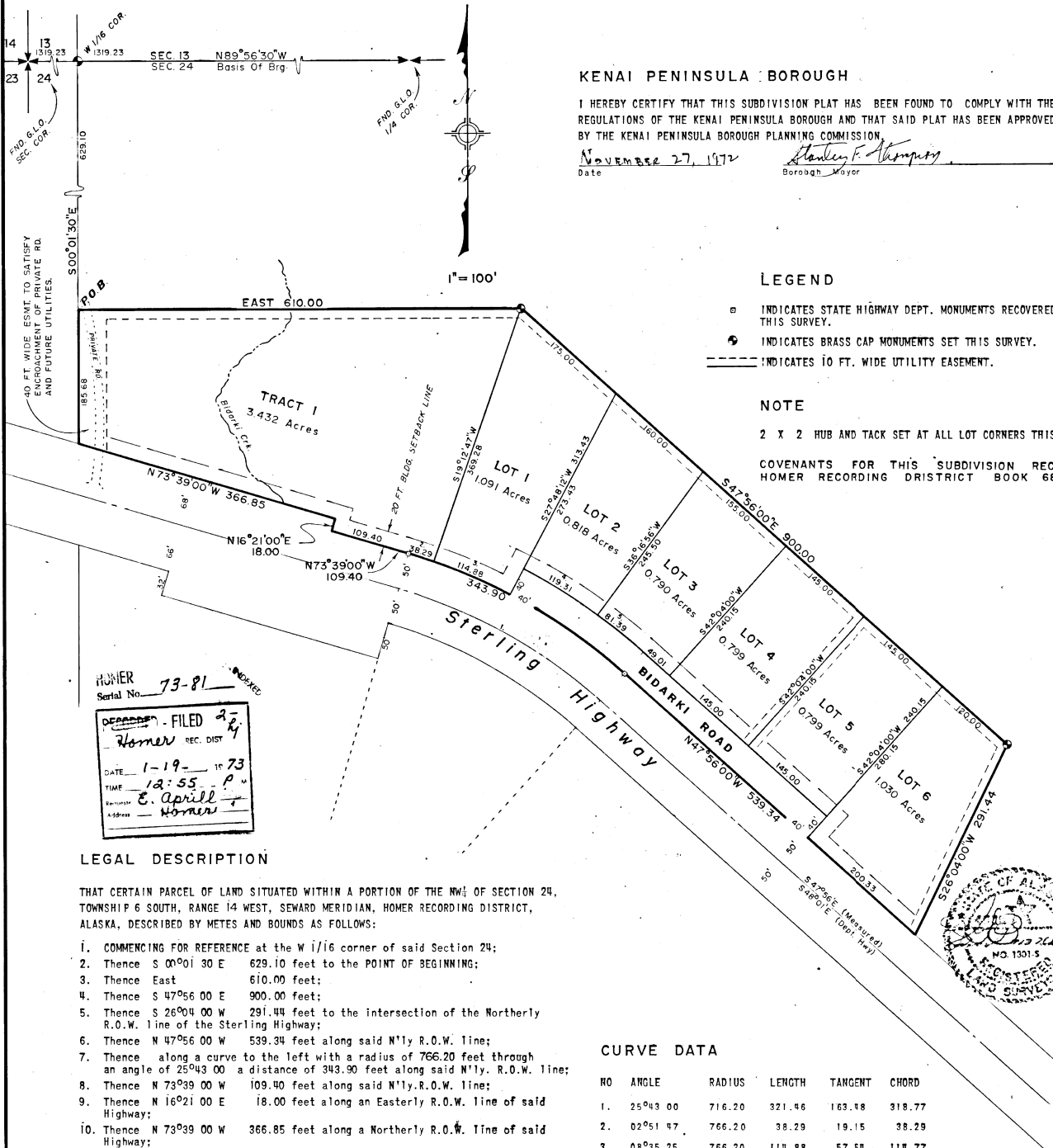
THIS IS TO CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me the undersigned Notary Public in and for the State of Utah, personally appeared KRISTEN LAMB REILLY known to me to be the person named in the foregoing instrument, and acknowledged to me that she executed the same freely and voluntarily for the uses and purposes therein contained.

IN WITNESS HEREOF, I have hereunto set my hand and seal the day and year first hereinabove written.

\_\_\_\_\_  
NOTARY PUBLIC, State of Utah  
My Commission Expires: \_\_\_\_\_

RETURN TO:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Cook Inlet

VICINITY MAP  
1"=1 MILE

**CERTIFICATE OF OWNERSHIP**

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, EASEMENTS AND OTHER OPEN SPACES TO PUBLIC USE.

December 27, 1972  
Date  
Homer, Alaska  
Elisabeth D. Aprill

**NOTARY'S ACKNOWLEDGMENT**

CERTIFICATE OF OWNERSHIP SUBSCRIBED AND SWORN TO BEFORE ME THIS 27 DAY OF December 1972.  
Margaret Sullivan Date  
Notary In and for the State of Alaska. My Commission Expires 7/28/73

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR AND THAT THIS PLAT REPRESENTS A SURVEY MADE UNDER MY DIRECT SUPERVISION AND THAT MONUMENTS ACTUALLY EXIST AS LOCATED AND THAT DIMENSIONAL AND OTHER DETAILS ARE CORRECT.

12/13/72  
Date  
R. G. Branch, R.L.S.

**BIDARKI CREEK SUBDIVISION**

SITUATED IN

A PORTION OF THE NW 1/4 OF SECTION 24, TOWNSHIP 6 SOUTH, RANGE 14 WEST, S.M., HOMER RECORDING DISTRICT, ALASKA.  
9.251 ACRES

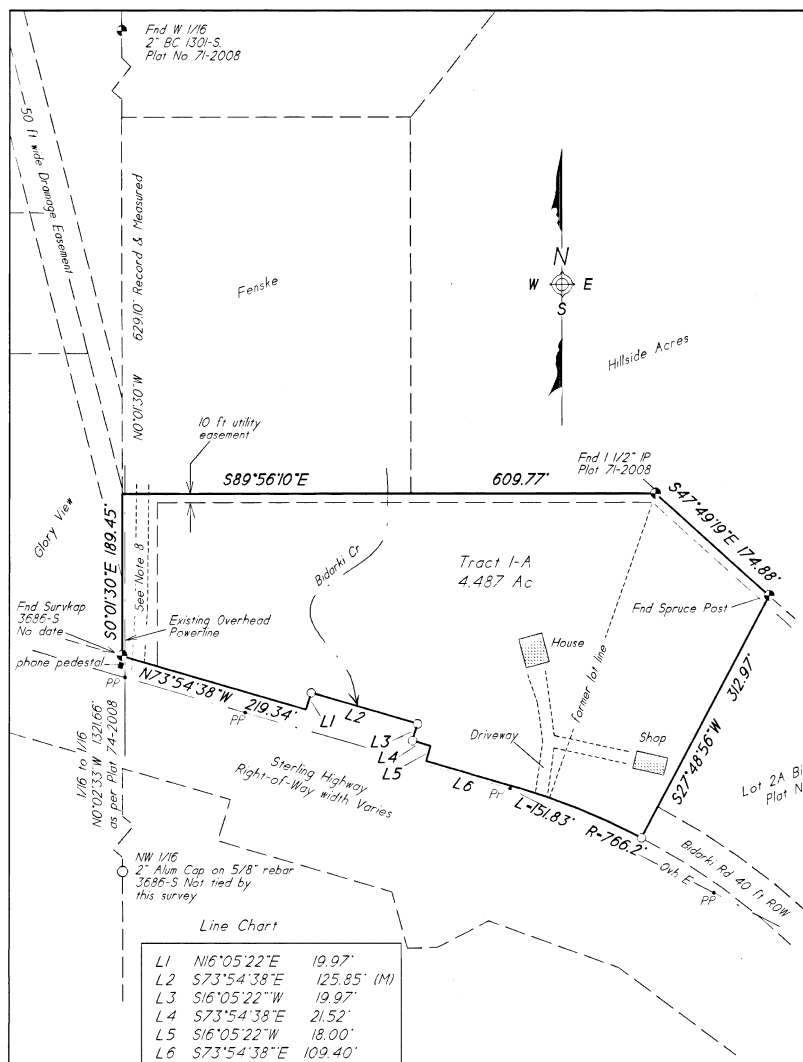
PREPARED FOR  
MRS. ELISABETH D. APRILL  
C/O "TOTEM REALTY"  
HOMER, ALASKA

PREPARED BY  
KEN BRANCH, R.L.S.  
746 "F" STREET  
ANCHORAGE, ALASKA

DATE  
OCTOBER 20, 1972  
SCALE  
1"=100'



HM  
2000-56



# NOTES

1. All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
2. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
4. Set a 2" self identifying Aluminum Cap on 5/8" x 36" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
5. Basis of Bearing for this survey is Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District. The record inverse from the NW 1/16 to the SW cor of Tract I: S0°0'30"E 84.78' (R) 818.55' (M).
6. Covenants, conditions, and restrictions affecting this lot are recorded in Bk 68 Page 145, HRD.
7. State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
8. 40 ft wide easement to satisfy encroachment of private road and future utilities (as per Parent Plat).
9. Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of Tract I-A.
10. The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81 Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F-021-1371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
11. This subdivision is subject to the zoning regulations of the City of Homer.

## PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of  
March 27, 2000

KENAI PENINSULA BOROUGH  
By: Roger W. Imhoff  
Authorized Official

## SURVEYOR'S CERTIFICATE

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

Date: April 20, 2000 RLS  
Roger W. Imhoff LS 5780



2000-56 7080  
Home REC DIST + 20  
Date: 12/14 20 00  
Time: 2:53 P.M.  
Requested by: Imhoff  
Address: \_\_\_\_\_

## OWNERSHIP CERTIFICATE

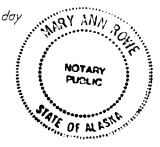
We hereby certify that we are the owners of the real property shown and described hereon and that we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

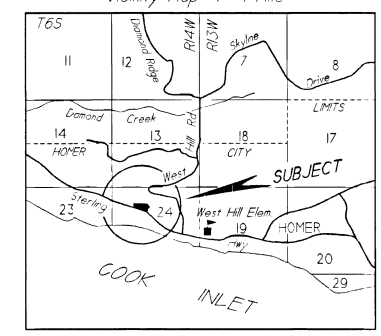
Earl Lee Breckenridge Pamela Kae Ackling 9/19/00  
Earl Lee Breckenridge Date  
PO Box 455  
Homer Ak 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 19 day  
of September 19 2000  
for Earl Lee Breckenridge and Pamela Kae Ackling

Mary Ann Rowe  
Notary Public for Alaska  
My Commission Expires 7-30-02



Vicinity Map 1" = 1 Mile



## Bidarki Creek No. 2

Being a Replat of Tract I and Lot 1 according to Bidarki Creek Subdivision Plat No. 73-81

Located within the NW 1/4 Section 24 T6S, R14W, SM, in the City of Homer

Homer Recording District  
Third Judicial District, Alaska

Contains 4.487 Acres, more or less

Clients: Breckenridge & Ackling PO Box 455 Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWH	Date: 1-17-2000
Scale 1" = 100 ft	KPB File No. 2000-044

Files bidarki.vcd  
bidarki.cgo

## WASTEWATER DISPOSAL

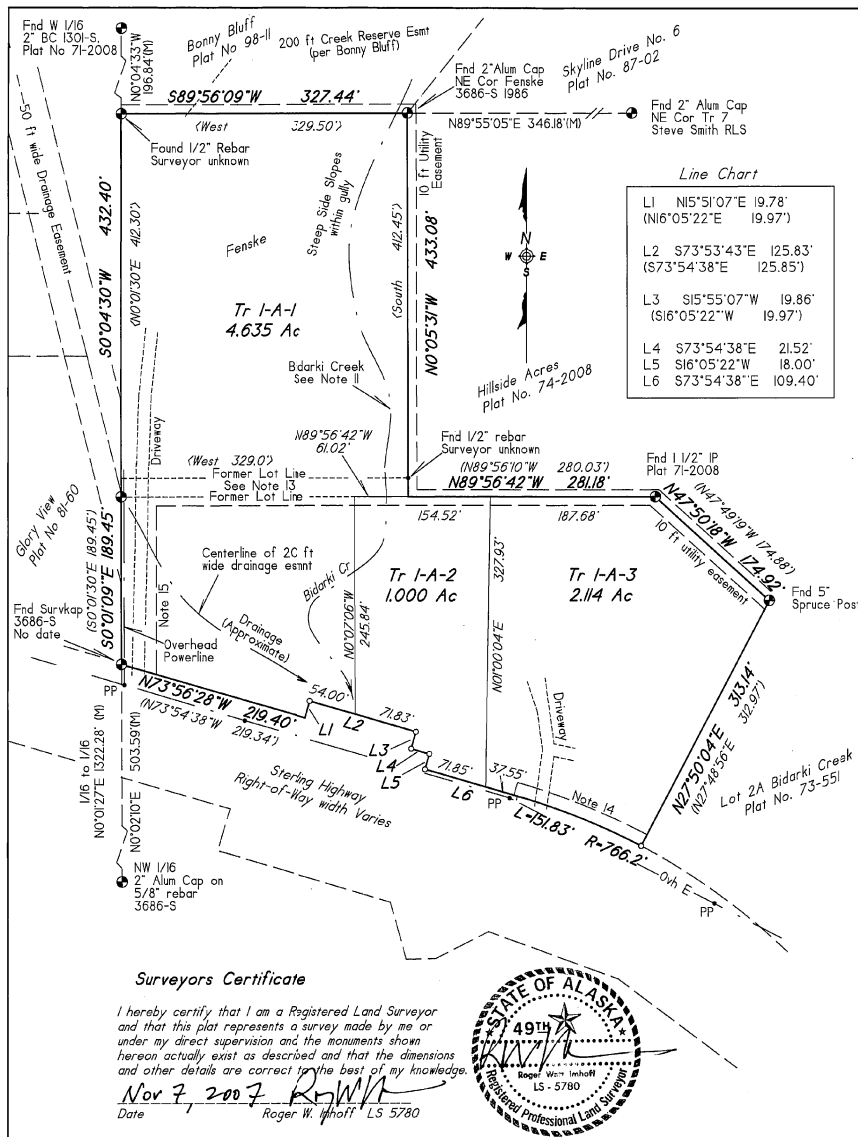
Soil conditions may be unsuitable for onsite wastewater treatment and disposal systems. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.

The purpose of this platting action is to vacate a lot line, which may provide greater available wastewater disposal area as described by 20.14.020(Ala).

Roger W. Imhoff April 20, 2000  
Roger W. Imhoff LS-5780 Date

## LEGEND

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates



#### Legend

- Found Monument as described
- Found 2" Alum Cap Lonsbury and Associates
- < > Dimension of Record Metes and Bounds Description Book 102 Page 4, HRD
- ( ) Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56

#### Wastewater Disposal

Tract I-A-1: These lots is at least 200,000 square feet or nominal 5 acres in size 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.

Tract I-A-2 and Tract I-A-3: Plans for wastewater that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

#### Ownership Certificate

I hereby certify that I am the owners of the real property shown and described hereon and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

Pamela Kae Breckenridge  
Owner of former Tract I-A Bidarki Creek No. 2  
Pamela Kae Ackling aka Pamela Kae Breckenridge Date 11/9/07  
PO Box 455  
Homer Ak 99603

#### Notes

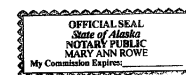
- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a 2" self identifying Aluminum Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing was GPS RTK best fit of found monumentation in Bidarki Creek Subdivision Plat No. 73-81 Homer Recording District.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 143, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- Existing overhead powerline is located within a 10 ft wide electrical distribution line easement which adjoins the west line of former Tract I-A.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-1371 Homer Hill, and the corresponding ROW "Take" as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- This plat grants a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- This strip of land approximately 21 ft wide is effected by that "Default Judgement" per Case No 340-06-274CI recorded Serial No. 2007-3720.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- 40 ft wide easement to satisfy encroachment of private road and future utilities per Plat No. 73-81 HRD.

2007-106  
HOMER REC DIST  
Date 11/29 2007  
Time 2:29 PM  
Requested By Amber St  
Address \_\_\_\_\_

Sheet 1 of 2  
Sheet 2 is a Signature  
Sheet Only

Files  
bidarkino3.vcd  
bidarki.cgo  
FB 2006-7

Notary's Acknowledgment  
Subscribed and sworn to me before me this 9 day  
of November 2007  
for Pamela Kae Breckenridge  
Notary Public for Alaska  
My Commission Expires 7-30-10



#### Plat Approval

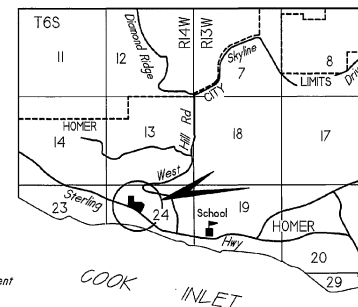
This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

October 9, 2006

KENAI PENINSULA BOROUGH

By: May J. Best  
Authorized Official

#### Vicinity Map 1" = 1 Mile



#### Bidarki Creek No. 3

Being a subdivision of Tract I-A Bidarki Creek No. 2 as shown on Plat No. 2000-56 and those parcels described in Book 102 Page 4 and Serial No. 2007-3720, HRD

Located within the NW 1/4 Section 24, T6S, R14W, S1M, in the City of Homer Kenai Peninsula Borough

Homer Recording District  
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients:  
Breckenridge & Fenske  
Homer Ak 99603

Surveyor:  
Roger W. Imhoff, RLS  
PO Box 2588  
Homer Ak 99603

Drawn: RWI  
Scale 1" = 100 ft

Date: Sept 2007  
KPB File No. 2006-191

**Signature Sheet**  
**Sheet 2 of 2**

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 to public use and grant all easements to the use shown.

We further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision; or require signature and approval of the beneficiary.

*[Signature]* 11/03/2007 *[Signature]* 11/03/07  
Owner of former M/B Parcel Portion of W 1/2 NW 1/4 NE 1/4 NW 1/4  
Section 24  
John E. Fenske Date Donna M. Fenske Date  
PO Box 2112  
Homer Ak 99603

Notary's Acknowledgement  
Subscribed and sworn to me before me this 8th day  
of November, 2007

for John E. Fenske and Donna M. Fenske

*[Signature]*  
Notary Public for Alaska  
My Commission Expires 12-3-07



**Bidarki Creek No. 3**

Being a subdivision of Tract I-A Bidarki Creek No. 2  
as shown on Plat No. 2000-56 and that parcel described in  
Book 102 Page 4. HRD and Serial No. 2007-3720

Located within the NW 1/4 Section 24,  
T6S, R14W, SM. in the City of Homer  
Kenai Peninsula Borough

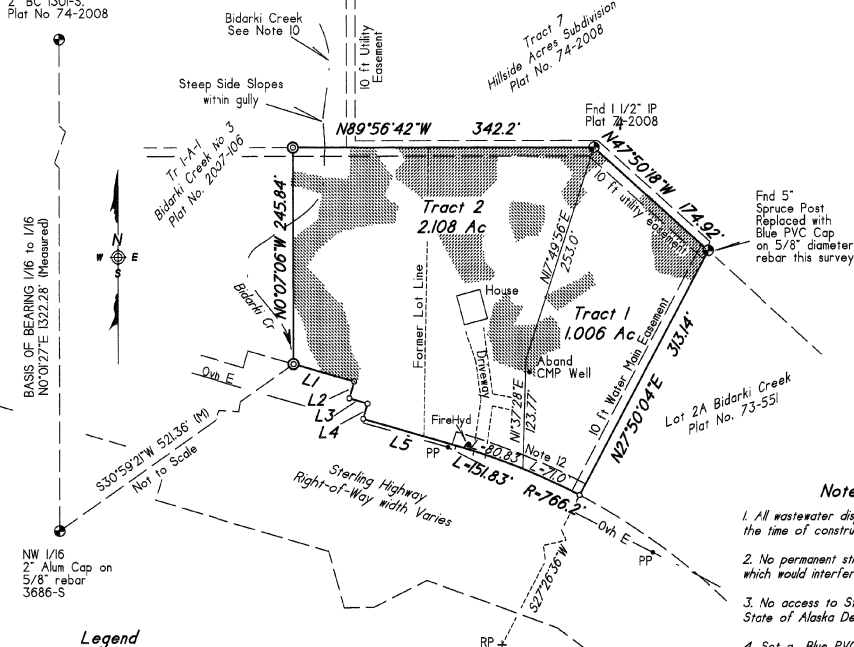
Homer Recording District  
Third Judicial District, Alaska

Contains 7.748 Acres, more or less

Clients: Breckenridge & Fenske Homer Ak 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603
Drawn: RWI	Date: Sept 2007
Scale 1" = 100 ft	KPB File No. 2006-191

Homer 2007-106

Find W 1/16  
2" BC 1301-S  
Plat No 74-2008



### Legend

- Found Monument as described
- Found 2" Alum Cap Lounsbury and Associates
- Found 2" Alum Cap on 5/8" Rebar 5780-S per Plat No. 2007-106
- ( ) Dimension of Record Metes and Bounds Description Book 102 Page 4 HRD
- ( ) Dimension of Record Bidarki Creek No. 2 Plat No. 2000-56
- Approximate Slopes 20% or greater

### Line Chart

L1	S73°53'43"E	71.83'
	(S73°54'38"E	71.83')
L2	S15°55'07"W	19.86'
	(S16°05'22"W	19.97')
L3	S73°54'38"E	21.52'
L4	S16°05'22"W	18.00'
L5	S73°54'38"E	109.40'

### Wastewater Disposal

Plans for wastewater disposal that meet regulatory requirements are on file at the State of Alaska Department of Environmental Conservation.

### Surveyors Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a survey made by me or under my direct supervision and the monuments shown hereon actually exist as described and that the dimensions and other details are correct to the best of my knowledge.

7-17-2012  
Date Roger W. Imhoff LS 5780



### Plat Approval

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of

June 11, 2012

KENAI PENINSULA BOROUGH

By: *[Signature]*  
Authorized Official

### Ownership Certificate

I hereby certify that I am the owner of the real property shown and described herein and that I hereby adopt this plan of subdivision and by my free consent dedicate all rights-of-way to public use and grant all easements to the use shown.

I further certify that the Deed of Trust affecting this property does not contain restrictions which would prohibit this subdivision or require signature and approval of the beneficiary.

*[Signature]* 7/19/2012  
Date  
Pamela Breckenridge  
PO Box 455  
Homer AK 99603

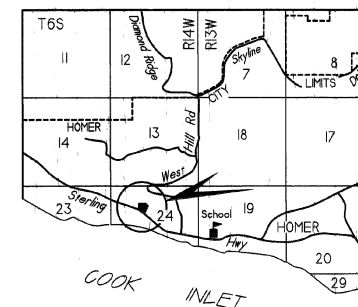
Notary's Acknowledgment  
Subscribed and sworn to me before me this 19th day of July 2012  
for Pamela Breckenridge  
*[Signature]*  
Notary Public for Alaska  
My Commission Expires 7-6-13



### Notes

- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
- No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
- Set a Blue PVC Cap on 5/8" x 33" long steel rebar at all lot corners and ROW points of curvature for this survey (unless noted otherwise).
- Basis of Bearing between the NW 1/16 Corner and the W 1/16 Corner as shown.
- Covenants, conditions, and restrictions which may effect portions of this subdivision are recorded in Bk 68 Page 145, HRD.
- State of Alaska Permit and Certificate of Appropriation of Water recorded in Bk 102 Page 290, HRD.
- The location of the Northerly edge of the ROW of the Sterling Highway was determined from calculations made using surveyed locations of found monuments and record data from Plat No. 73-81, Plat No. 73-551, DOT&PF Right-of-Way Maps from Alaska Project No. F 021-11371 Homer Hill and the corresponding ROW Take as shown in Book 251 Page 324.
- This subdivision is subject to the zoning regulations of the City of Homer. Portions of this subdivision may contain wetlands. Owners should consult with the City of Homer Planning Dept and the Army Corps of Engineers prior to any development activity.
- Per Plat No. 2007-106 HRD, a 50 ft wide drainage easement on each side of the centerline of Bidarki Creek for maintenance purposes regarding drainage for the Sterling Highway.
- The 15 ft fronting the edge of right-of-way and the 20 ft fronting the edge of right-of-way within 5 ft of each side of any side lot line is a utility easement. No permanent structure shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
- A 15 ft Utility & Drainage Easement benefitting the City of Homer per Serial No. 2003-1950.
- Bidarki Creek is subject to periodic flooding.

### Vicinity Map 1" = 1 Mile



### Bidarki Creek No. 4

Being a subdivision of Tract 1-A-2 and 1-A-3 Bidarki Creek No. 3 as shown on Plat No. 2007-106

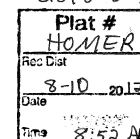
Located within the NW 1/4 Section 24, T6S, R14W, S1M, in the City of Homer Kenai Peninsula Borough

Homer Recording District Third Judicial District, Alaska

Contains 3.114 Acres, more or less

Clients: Breckenridge PO Box 455 Homer AK 99603	Surveyor: Roger W. Imhoff, RLS PO Box 2588 Homer AK 99603
Drawn: RWI	Date: April 2012
Scale 1" = 100 ft	KPB File No. 2012-066

Files  
bidarkino3.vcd  
bidarki.cgo  
FB 2006-7







## City of Homer

[www.cityofhomer-ak.gov](http://www.cityofhomer-ak.gov)

### Planning

491 East Pioneer Avenue  
Homer, Alaska 99603

[Planning@ci.homer.ak.us](mailto:Planning@ci.homer.ak.us)

(p) 907-235-3106

(f) 907-235-3118

Kenai Peninsula Borough Planning Department, Platting Division

The City of Homer Planning Department has received a revised Bidarki Creek No 5 preliminary plat and the Homer Planning Commission will consider the plat at their regular meeting on August 16, 2023. It is anticipated that any comments of the Homer Planning Commission will be provided to the applicant on August 17, 2023, with the understanding that the applicant is seeking to schedule their application for consideration by the Kenai Peninsula Borough Planning Commission on August 28, 2023. Please let me know if you need any additional information.

Sincerely,

Ryan Foster, AICP, City Planner