



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.borough.kenai.ak.us

MIKE NAVARRE
BOROUGH MAYOR

M E M O R A N D U M

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

FROM: Marcus Mueller, Land Management Officer *mm*

DATE: March 15, 2017

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

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

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly.

During their regularly scheduled meeting of March 13, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation by unanimous consent based on the following findings of fact. This petition is being sent to you for your consideration and action.

Findings

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

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

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

Draft, unapproved minutes of the pertinent portion of the meeting and other related materials are attached.

cc: petitioners' w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

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

Staff Report given by Paul Voeller

PC Meeting: 3/13/17

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

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

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

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

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

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

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

Notices were mailed to the Soldotna Post Office and Soldotna Community Library with a request to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

KPB Roads Department: No concerns.

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

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

State Parks: No comments.

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

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

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

Findings:

1. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
3. Per 4-foot contours, the subject property is not subject to slopes greater than 20 percent.
4. The petitioners own the parcels to the north, west, southwest, and south of the proposed vacation.
5. The 40-acre privately owned parcel to the west has access off Cinnamon Street and Blue Ridge Avenue.
6. Sufficient rights-of-way exist to serve the surrounding properties.
7. No surrounding properties will be denied access.
8. Per the submittal, the rights-of-way proposed for vacation have not been constructed.
9. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
10. Big D Road is 105 feet wide adjoining the subject property.
11. The minimum road width per KPB 20.30.120 is 60 feet.
12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

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

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

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

KPB 20.70.120:

- A. **Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. **Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**

KPB 20.70.130:

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

END OF STAFF REPORT

Chairman Martin opened the meeting for public comment. Seeing and hearing no one wishing to speak Chairman Martin closed the public comment period and opened discussion among the Commission.

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

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

Findings

1. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
3. Per 4-foot contours, the subject property is not subject to slopes greater than 20 percent.
4. The petitioners own the parcels to the north, west, southwest, and south of the proposed vacation.
5. The 40-acre privately owned parcel to the west has access off Cinnamon Street and Blue Ridge Avenue.
6. Sufficient rights-of-way exist to serve the surrounding properties.
7. No surrounding properties will be denied access.
8. Per the submittal, the rights-of-way proposed for vacation have not been constructed.
9. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
10. Big D Road is 105 feet wide adjoining the subject property.
11. The minimum road width per KPB 20.30.120 is 60 feet.
12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

Conditions

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

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

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

VOTE: The motion passed by unanimous consent.

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

AGENDA ITEM F. PUBLIC HEARINGS

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

Staff Report & Memorandum overview given by Marcus Mueller

PC Meeting: 3/13/17



KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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

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

www.kpb.us

MIKE NAVARRE
BOROUGH MAYOR

March 15, 2017

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

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

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

During their regularly scheduled meeting of March 13, 2017, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation based on the following findings of fact and conditions.

Findings

1. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
3. Per 4-foot contours, the subject property is not subject to slopes greater than 20 percent.
4. The petitioners own the parcels to the north, west, southwest, and south of the proposed vacation.
5. The 40-acre privately owned parcel to the west has access off Cinnamon Street and Blue Ridge Avenue.
6. Sufficient rights-of-way exist to serve the surrounding properties.
7. No surrounding properties will be denied access.
8. Per the submittal, the rights-of-way proposed for vacation have not been constructed.
9. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
10. Big D Road is 105 feet wide adjoining the subject property.
11. The minimum road width per KPB 20.30.120 is 60 feet.
12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

Conditions

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

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (March 13, 2017) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

Please contact the Borough Clerk's office (907-714-2160 or 1-800-478-4441 toll-free within the borough) for additional information.

This notice and unapproved minutes of the subject portion of the meeting were sent March 15, 2017 to:

Integrity Surveys
820 Set Net Dr.
Kenai, AK 99611

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

AGENDA ITEM F. PUBLIC HEARINGS

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

STAFF REPORT

PC Meeting: 3/13/17

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

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

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

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

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

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

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

Notices were mailed to the Soldotna Post Office and Soldotna Community Library with a request to be posted in public locations. The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

KPB Roads Department: No concerns.

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

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

State Parks: No comments.

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

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

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

Findings:

1. Per Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping, the subject parcels are not affected by low wet areas.
2. Four-foot contours have been provided.
3. Per 4-foot contours, the subject property is not subject to slopes greater than 20 percent.
4. The petitioners own the parcels to the north, west, southwest, and south of the proposed vacation.
5. The 40-acre privately owned parcel to the west has access off Cinnamon Street and Blue Ridge Avenue.
6. Sufficient rights-of-way exist to serve the surrounding properties.
7. No surrounding properties will be denied access.
8. Per the submittal, the rights-of-way proposed for vacation have not been constructed.
9. Per the submittal, the rights-of-way proposed for vacation are not in use for access.
10. Big D Road is 105 feet wide adjoining the subject property.
11. The minimum road width per KPB 20.30.120 is 60 feet.
12. If the proposed vacation of Big D Road is approved, the remaining right-of-way width for Big D Road will be 60 feet.
13. KPB Roads Department submitted a statement of no concern regarding the proposed vacations.

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

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

KPB 20.70.110:

A vacation of a street right-of-way, public area, or public easement within the borough outside of the limits of cities may not be made without the consent of the borough assembly. The assembly shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

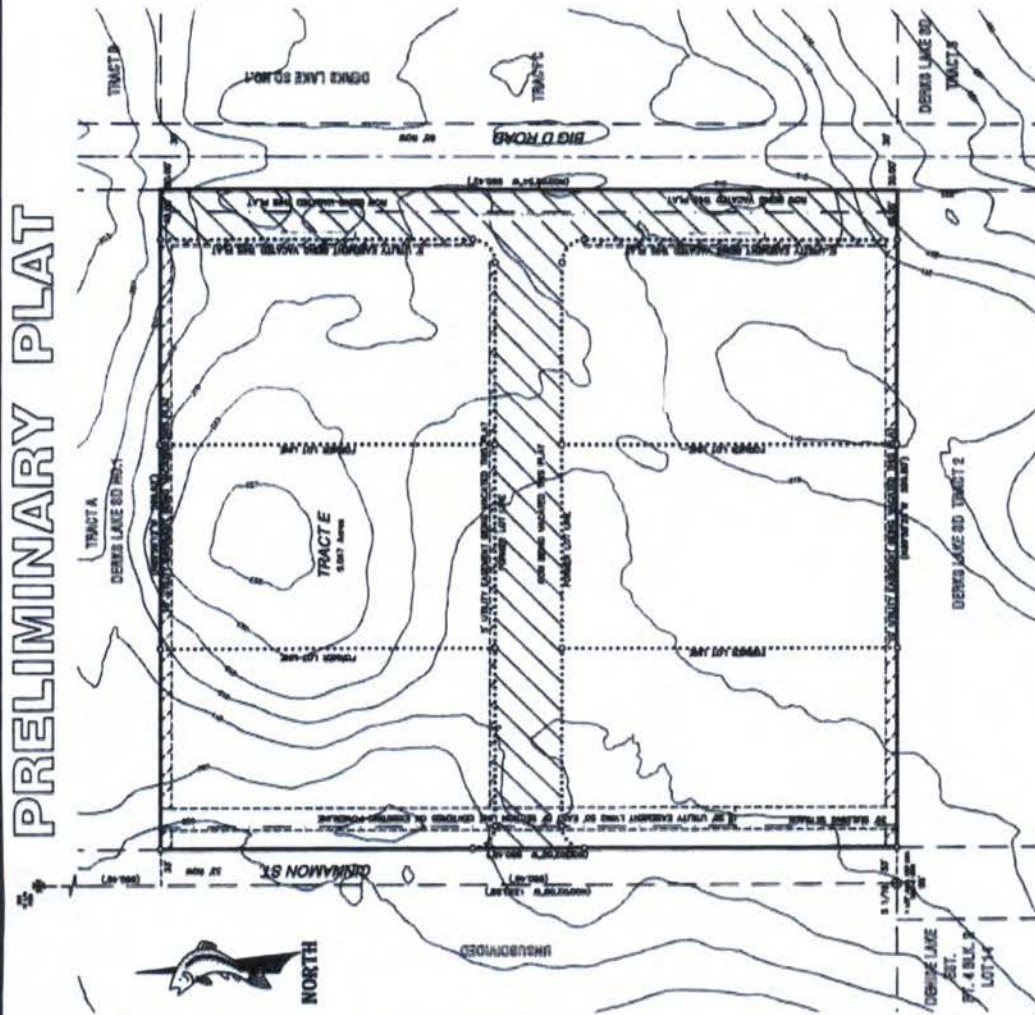
KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.
- B. Upon denial by the planning commission, no reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.

KPB 20.70.130:

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

END OF STAFF REPORT



CERTIFICATE OF ADEQUATE
LAND SURVEY



KPB File 2017-014

10/01/2015

- [illegible]

CERTIFICATE OF ADOPTION AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN AND THAT WE HEREBY ADAPT THIS PLAN OF SUBDIVISION AND BY OUR PRESENT DECLARATION ALL RIGHTS-OF-WAY AND PUBLIC AREAS TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STAND YOUR GROUND
LAW
INFLUENCING
LEGISLATION

BOONE PRESTON
ATTORNEY, REPRESENTING FOR THE ESTATE OF MICHAEL FREEDMAN
3308 KANE SPUR HIGHWAY
SEASIDE, ALABAMA 36588

1. HERTZ CERTIFY THAT (S) (NE) HAVE AN EQUITY INTEREST AS EMPLOYEES OR OFFICERS IN ANY OF THE REAL PROPERTY OWNED OR CONTROLLED BY HERTZ AND THAT HE HERETOFOR ACKNOWLEDGED THE PLAN OF EXPANDED HERTZ AND THAT HE HERETOFOR ACKNOWLEDGED THE PLAN OF

NAME AND ADDRESS

INTERVIEW QUESTIONS

FOR
ACKNOWLEDGMENT SEE PAGE ____ DATE OF ____ 22

**INDUSTRY PUBLIC WORKS BOARD
ST. COLUMBEN SERVICE**

NOTES & REFERENCES

FOR INFORMATION REPORT OF THE DAY OF

WORLDWIDE POLYMER LETTERS

DATE RECEIVED

ALL FORMULA NOTATION
OF THESE TWO TV STATIONS
CONCERNING THE 17TH EPI
NARRATIVE REPORT ATTACHED WITH THE 18 CHOCOLATE BAR 17TH EPI

1

WFO FILE NO

MALLARD LAKE - 2017 REPEAT

A DISPLAY OF LOTS 1-3 BLOCK 8 AND LOTS 4-8 BLOCK 9 MILLING LANE
HWN. 75-90 KNO ALSO SHOWING THE VEGATION OF LOON ANGLE NORTH OF
WAY AND UTILITY EASEMENTS AS SHOWN

ALL THIS FROM THE
ATTORNEY AT LAW IN
RECORDING YOUR NAME

LOADED WITH THE BP/4 SECTION 13, THE SHIP SANK AGAIN,
NEAR KETCHIKAN DISTRICT, KODIAK PENINSULA DISTRICT, ALASKA

Other (1981) Investments

INTEGRITY SURVEYS INC.

**THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATIONS**

1

三

| ED | SCALE | $r^2 = 0.7$ |
|-----|-------|-------------|
| N/A | N/A | |

1000

5. 4. 20
10. 4. 20
15. 4. 20



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

All bearings refer to the West line of Sec. 13, T5N, R10W, S.M., AX as being N 00° 02' 00" W.

All datum of record shown thus ()

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

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

This plat having been approved by the Keno Peninsula Borough Planning Commission as recorded in the official minutes of the meeting of June 19, 1972, is hereby acknowledged and accepted as the official plat, subject to any and all conditions and requirements of ordinances and law appertaining thereto.

KENAI PENINSULA BOROUGH

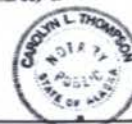
By Thelma Waring

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

J. L. [Signature] Linda D. Friendshuh
 J. L. [Signature] Linda D. Friendshuh
 J. L. [Signature] Linda D. Friendshuh

Subscribed and sworn to before me this 5th day of June, 1928

Carlyle S. Thompson
Notary Public for Alaska
My Commission Expires 9-21-20

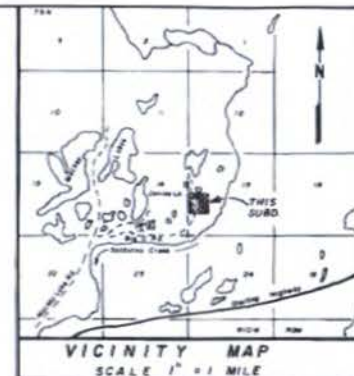
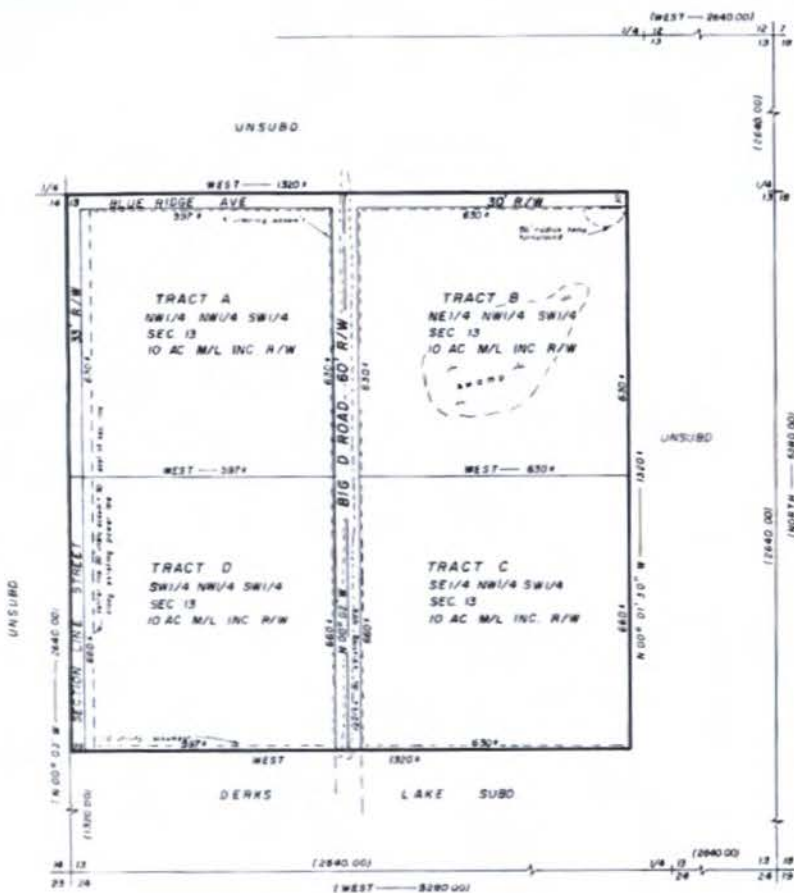


DESCRIPTION: A resubdivision of Tract D, Derk's Lake Sub. Addn. No.1, plat 77-9, K.R.D., within the SW1/4NW1/4SW1/4, Section 13, T5N, R10W, S.M., AK and the Kandahar Peninsula Borough containing 10.002 acres more or less.

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

Geological, Registered Land Surveyor

| | | |
|--------------|-----------|-------|
| Date Surveyl | Scale | Bx No |
| May 1978 | 1" = 100' | 77-3 |



NOTES

This is a paper plot of the NW 1/4 SW 1/4 Sec. 13, T5N, R10W SM AK, divided by aliquot parts as shown. No field survey was made nor were any stakes or monuments set.

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

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

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

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

Victoria L. Lawler
Victoria L. Lawler — owner

NOTARY'S ACKNOWLEDGEMENT

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

My commission expires July 1, 1978



Ed But
Notary Public for Alaska



Alfred Derkavorkian
Alfred Derkavorkian — owner — Box 428, Soldotna, AK 99689

Agnes Derkavorkian
Agnes Derkavorkian — owner

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn before me this 6th day of January, 1977.

My commission expires July 1, 1978

Ed But
Notary Public for Alaska

PLAT APPROVAL

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

Alfred D. Waits
Planning Director

DERK'S LAKE SUBDIVISION

ADD NO. 1

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



DESCRIPTION
40 ACRES SITUATED IN THE NW 1/4 SW 1/4 SEC. 13, T5N, R10W SM AK AND IN THE KENAI PENINSULA BORO.

Prepared by — McLane and Associates
Soldotna, Alaska

Date of Preparation
10/22/76

Scale
1" = 200'

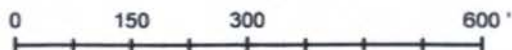
Approximate locations of proposed vacations

-  Right of Way Vacation
-  Utility Easement Vacation



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

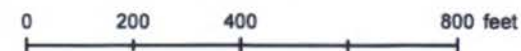
Aerial View



ESolomon, KPB
Date: 2/8/2017

Kenai Watershed Forum 2013 Cook Inlet Wetlands Mapping

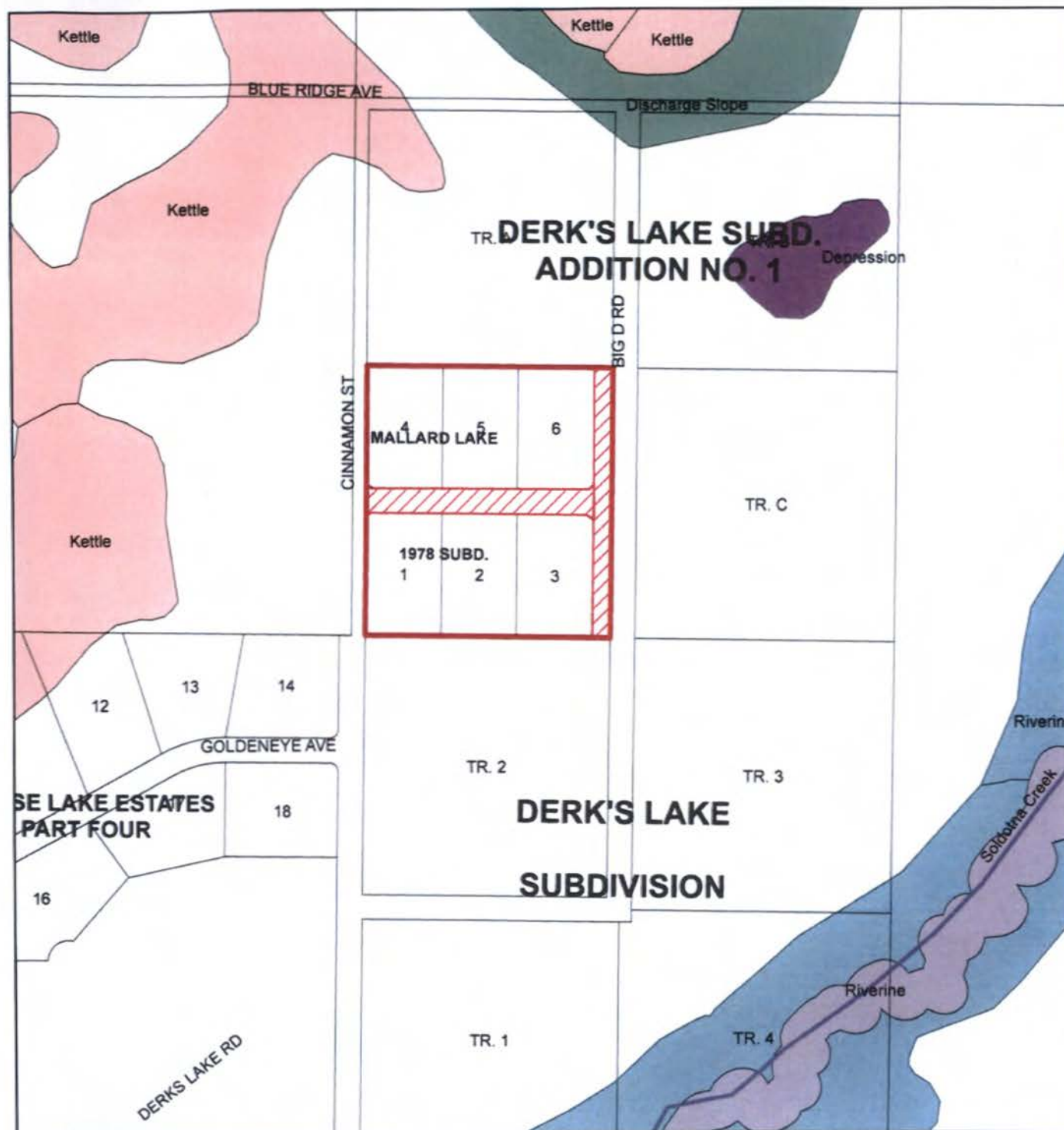
-  DISTURB
-  Depression
-  Discharge Slope
-  Drainageway
-  Floating Island
-  Headwater Fen
-  Kettle
-  LAKE
-  Lakebed
-  Late Snow Plateau
-  Riverine
-  Tidal
-  Wetland / Upland Complex
-  Anadromous Streams 2016
-  Habitat Protection District

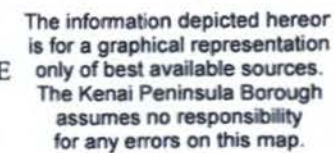


The information depicted hereon
is for a graphical representation
only of best available sources.
The Kenai Peninsula Borough
assumes no responsibility
for any errors on this map

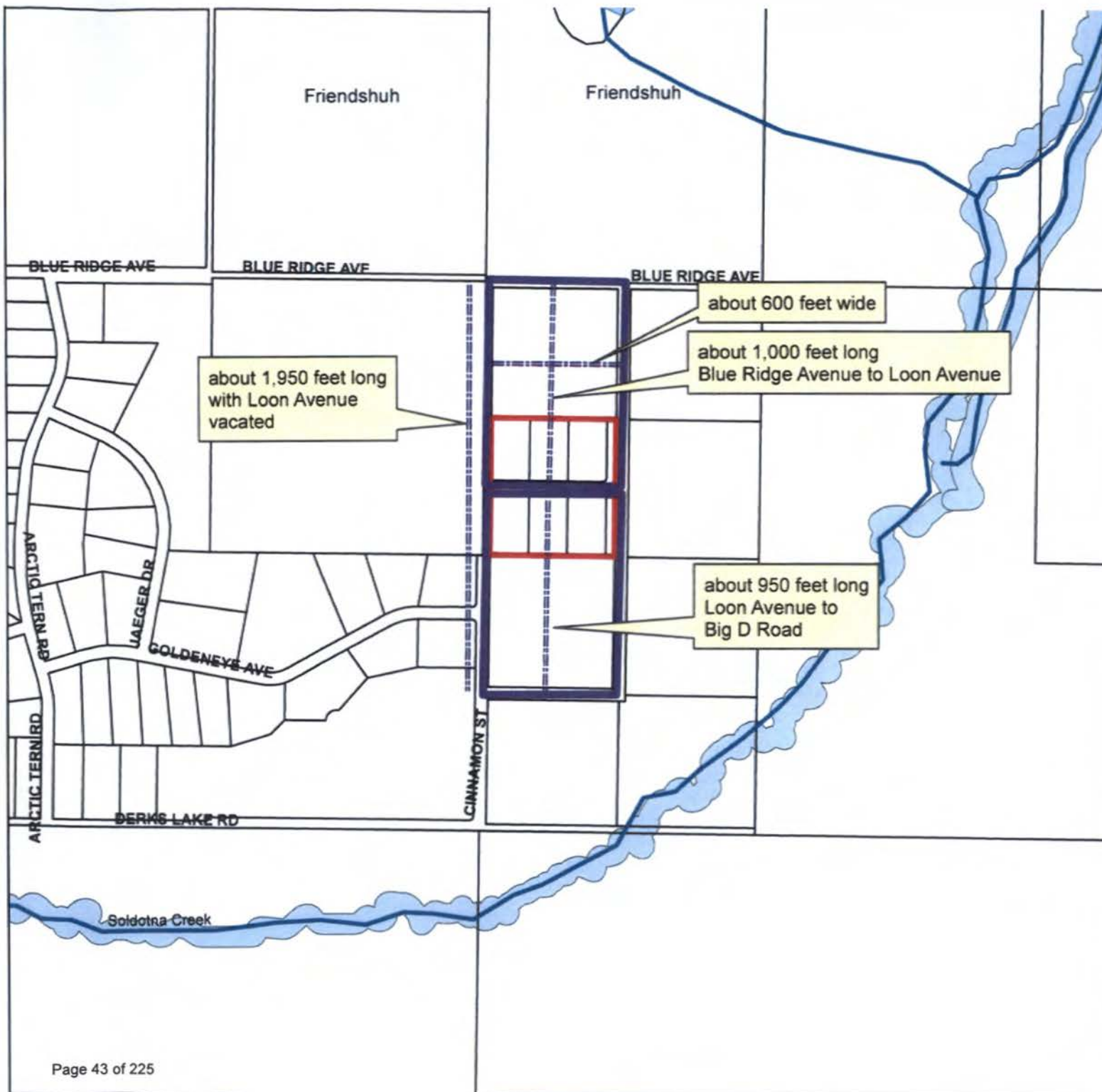


Date: 3/2/2017





created by: msweppy
Date: 3/2/2017






0 250 500 1,000 Feet



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.



**Approximate
locations of
proposed vacations**

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

TR. A

CINNAMON ST

BIG D RD

4

5

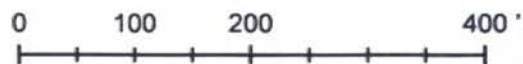
6

LOON AVE

1

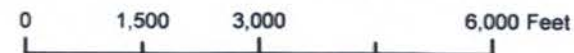
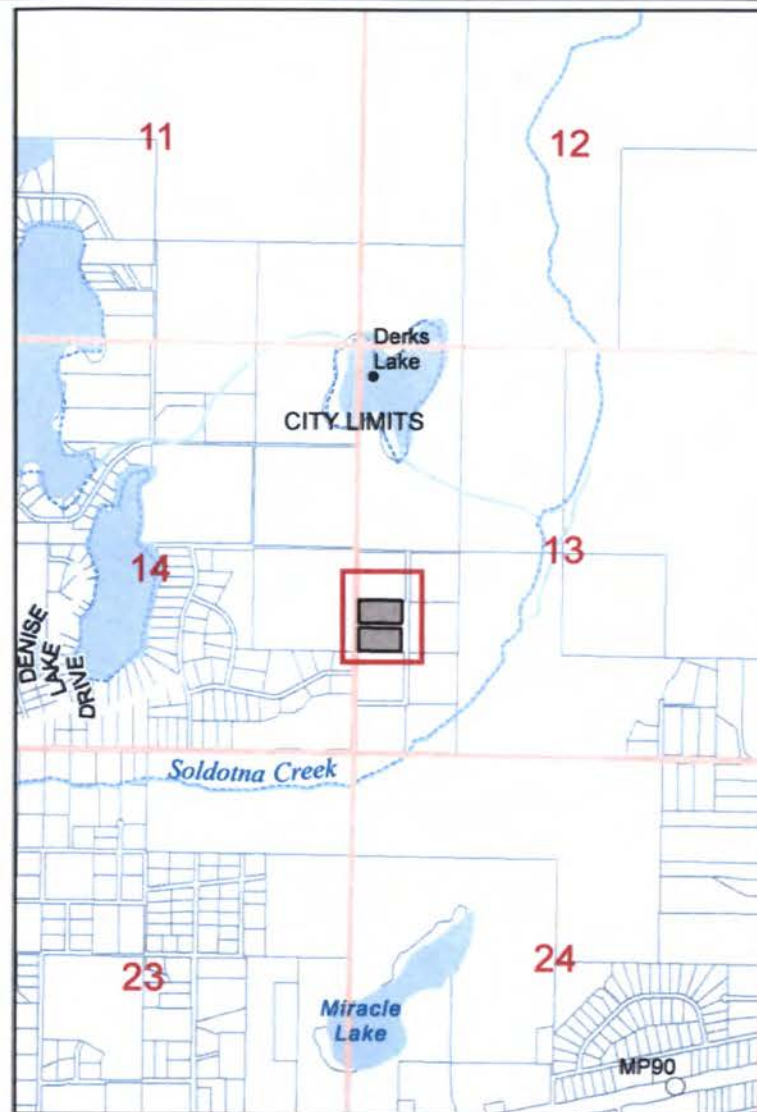
2

3



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

14



**KPB 2017-014
T05N R10W S13
RIDGEWAY**



ESolomon, KPB
Date: 2/8/2017

Solomon, Elizabeth

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

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

Thank you for the opportunity to comment.

George

George Horton, PLS, CFedS

Land Surveyor I

(907) 269-8610

george.horton@alaska.gov

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

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

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

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

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

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

Thank you,

Liz Solomon



2 February 2017

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

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

Mr. Paul Voeller,

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

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

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

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

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

Sincerely,

Scott Huff, RLS
Integrity Surveys



Kenai Peninsula Borough Planning Department
144 North Binkley
Soldotna, Alaska 99669-7599
Toll free within the Borough 1-800-478-4441, extension 2200
(907) 714-2200

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
Public Hearing Required

Upon receipt of complete application with fees and all required attachments, a public hearing before the Planning Commission will be scheduled. The petition with all required information and attachments must be in the Planning Department at least 30 days prior to the preferred hearing date. By State Statute and Borough Code, the public hearing must be scheduled within 60 days of receipt of complete application.

- ☒ \$500 non-refundable fee to help defray costs of advertising public hearing.
- ☐ City Advisory Planning Commission. Copy of minutes at which this item was acted on, along with a copy of City Staff Report.
- ☒ Name of public right-of-way proposed to be vacated is dedicated by the plat of Mallard Lake 1978 Subdivision, filed as Plat No. 79-90 in Kenai Recording District.
- ☒ Are there associated utility easements to be vacated? ☐ Yes ☒ No
- ☒ Are easements in use by any utility company? If so, which company _____
- ☐ Easement for public road or right-of-way as set out in (specify type of document) _____ as recorded in Book _____ Page _____ of the _____ Recording District. (Copy of recorded document must be submitted with petition.)
- ☒ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 inches in size. In the case of public right-of-way, the submittal must include a sketch showing which parcels the vacated area will be attached to. Proposed alternative dedication is to be shown and labeled on the sketch.
- Has right-of-way been fully or partially constructed? ☐ Yes ☒ No
- Is right-of-way used by vehicles / pedestrians / other? ☐ Yes ☒ No
- Is alternative right-of-way being provided? ☐ Yes ☒ No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
please see attached letter

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By:

Name: Scott Huff - Integrity Surveys
Address 820 Set Net Dr.
Kenai, AK 99611

Signature as:

☐ Petitioner ☒ Representative

Phone 283-9047

Petitioners:

Signature [Signature]
Name LINDA FRIENDSHUH
Address 45180 COSMOVUE CT
SOLDOTNA, AK 99669

Signature [Signature]
Name GEORGE FRIENDSHUH, PERSONAL REPRESENTATIVE
Address PO BOX 897
SOLDOTNA, AK 99669

Owner of _____

Owner of _____

Signature _____

Signature _____

Name _____

Name _____

Address _____

Address _____

Owner of _____

Owner of _____