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

CHARLIE PIERCE
BOROUGH MAYOR

MEMORANDUM

TO: Wayne Ogle, Assembly President
Kenai Peninsula Borough Assembly Members

FROM: Max Best, Planning Director

DATE: January 11, 2018

SUBJECT: Vacation of a portion of the Willy Avenue right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition, Plat HM 2004-74, as dedicated on Kinrod 1998 Addition, Plat HM 99-8. The right-of-way being vacated is unconstructed and located within the SW1/4 of S31, T01S, R13W, SM, AK, within the KPB; KPB File 2017-166V.

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 January 8, 2018, 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. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
12. KPB Roads Department submitted a written statement of no comments.
13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
14. KPB GIS mapping shows the parcels affected by the proposed vacation are subject to slopes greater than 20 percent, riverine, kettle, discharge slopes, drainage ways, and the Ninilchik River.
15. The Ninilchik River is protected by KPB 21.18.

16. KPB GIS mapping shows slopes greater than 20 percent, low wet areas, and the Ninilchik River limit areas for practical right-of-way dedications.

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

4. Vacation of a portion of the Willy Avenue right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition, Plat HM 2004-74, as dedicated on Kinrod 1998 Addition, Plat HM 99-8. The right-of-way being vacated is unconstructed and located within the SW1/4 of S31, T01S, R13W, SM, AK, within the KPB; KPB File 2017-166V.

Staff Report given by Max Best PC Meeting: 1/8/18

Purpose as stated in petition: The existing right-of-way to be vacated only serves as access to the deed parcel dedicated in BK 99 PG 719, HRD. The lot lines of this property are going to be removed and the owners don't want an unnecessary right-of-way extending across their property.

Petitioners: Steven A. Tilbury, Patricia E. Tilbury, George Lindholm of Ninilchik, AK.

Notification:

Public notice appeared in the December 28, 2017 issue of the Homer News as a separate ad. The public hearing notice was published in the January 4, 2018 issues of the Peninsula Clarion, Homer News, and Seward Journal as part of the Commission's tentative agenda.

Seven public hearing notices were sent by certified mail to owners of property within 300 feet of the proposed vacation. Five receipts had been returned when the staff report was prepared. Four public hearing notices were sent by regular mail to owners of property within 600 feet of the proposed vacation.

Public hearing notices were emailed to 15 agencies and interested parties. One notice was emailed to a KPB Department. The public hearing notice was distributed to 10 KPB Departments and 1 agency by a shared database.

Notices were mailed to the Ninilchik Post Office and Ninilchik 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:

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association: No comments or objections.

KPB Addressing Office: No objection.

ACS: Requested the front 15 feet of the Building setback area be a utility easement.

KPB Code Compliance Office: No comments.

KPB Planning: Not affected by a local option zone or material site.

KPB River Center: The property is not within a mapped flood hazard zone. The property is affected by the Anadromous Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Staff Discussion:

If the proposed vacation is approved, it will be finalized by recording the plat McCorison Subdivision. McCorison Subdivision is scheduled for review by the Plat Committee on January 22.

Comments from GCI were not available when the staff report was prepared.

Willy Avenue does not adjoin the 160-acre Ninilchik Native Association (NNA) or 80-acre Cook Inlet Region, Inc. (CIRI) parcels to the east; however, it is aligned for future extension to the NNA parcel and CIRI parcels.

The CIRI parcel fronts a 100-foot wide section line easement, and the existing travel way extended off Brody Road crosses the CIRI parcel.

The NNA parcel fronts a section line easement on its southern boundary, but the Ninilchik River separates the northwestern portion of the NNA parcel from the rest of the property. The northwestern portion of the NNA parcel does not front a section line easement or constructed road.

Staff prepared a 4-foot contour map of the subject property and the adjoining parcels to the north and east. Contours indicate the northwestern portion of the NNA parcel is significantly affected by slopes greater than 20 percent. It appears part of the NW1/4 of the NNA parcel may be developable; however, KPB GIS mapping indicates it isolated from the rest of the parcel by slopes greater than 20 percent and the Ninilchik River.

Findings:

1. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
12. KPB Roads Department submitted a written statement of no comments.
13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
14. KPB GIS mapping shows the parcels affected by the proposed vacation are subject to slopes greater than 20 percent, riverine, kettle, discharge slopes, drainage ways, and the Ninilchik River.
15. The Ninilchik River is protected by KPB 21.18.
16. KPB GIS mapping shows slopes greater than 20 percent, low wet areas, and the Ninilchik River limit areas for practical right-of-way dedications.

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

1. Consent of the proposed vacation by the KPB Assembly.
2. No written objection to the proposed vacation from Cook Inlet Region, Inc.
3. No written objection to the proposed vacation from Ninilchik Native Association.
4. No objection from the utility providers.
5. Grant the utility easements requested by the utility providers.
6. Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation

of the plat within one year of vacation consent.

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, 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 Venuti moved, seconded by Commissioner Ruffner to approve the vacation of a portion of Willy Ave right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition based on the following findings of fact and the six conditions.

Findings
1. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
12. KPB Roads Department submitted a written statement of no comments.
13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
14. KPB GIS mapping shows the parcels affected by the proposed vacation are subject to slopes greater than 20 percent, riverine, kettle, discharge slopes, drainage ways, and the Ninilchik River.
15. The Ninilchik River is protected by KPB 21.18.
16. KPB GIS mapping shows slopes greater than 20 percent, low wet areas, and the Ninilchik River limit areas for practical right-of-way dedications.

Conditions

1. Consent of the proposed vacation by the KPB Assembly.
2. No written objection to the proposed vacation from Cook Inlet Region, Inc.
3. No written objection to the proposed vacation from Ninilchik Native Association.
4. No objection from the utility providers.
5. Grant the utility easements requested by the utility providers.
6. Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation of the plat within one year of vacation consent.

VOTE: The motion passed by unanimous consent.

BENTZ YES	CARLUCCIO YES	ECKLUND YES	ERNST YES	FIKES YES	FOSTER ABSENT	ISHAM ABSENT
LOCKWOOD ABSENT	MARTIN YES	MORGAN YES	RUFFNER YES	VENUTI YES	WHITNEY YES	10 YES 3 ABSENT

AGENDA ITEM F. PUBLIC HEARING

5. State application for a marijuana establishment license; Kalifornsky Area

Staff Report given by Max Best PC MEETING: January 8, 2018

Applicant: Henley's Happy Harvest

Landowner: Harold J. Henley

Parcel ID#: 055-300-13

Legal Description: Lot L-4-C, Kingswood Estates Subdivision, Resubdivision of Tract - 4, according to Plat 77-27, Kenai Recording District.

Location: 35633 Baranof St, Kenai

BACKGROUND INFORMATION: On April 10, 2017 the applicant notified the borough that he/she had submitted an application to the state for a Limited Marijuana Cultivation Facility license. On May 9, 2017 the applicant supplied the borough with a signed acknowledgement form and a site plan on December 14, 2017 of the proposed Limited Marijuana Cultivation Facility on the above described parcel. The Alcohol and Marijuana Control Office notified the borough that the application was complete on December 5, 2017.

Staff has reviewed the completed license that has been submitted to the state and the site plan submitted to the borough and has found the following concerning the standards contained in KPB 7.30.020:

1. The Borough finance department has been notified of the complete application and they report that the applicant is in compliance with the borough tax regulations.

2. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 1,000 feet from any school.

3. Borough planning department staff has evaluated the application and has determined that the proposed facility will be located greater than 500 feet from all recreation or youth centers, and all buildings in which religious services are regularly conducted, and all correctional facilities.

4. The proposed facility is not located within a local option zoning district.

5. The proposed facility is located where there is sufficient ingress and egress for traffic to the parcel.

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CHARLIE PIERCE
BOROUGH MAYOR

January 11, 2018

KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION

MEETING OF JANUARY 8, 2018

RE: Vacation of a portion of the Willy Avenue right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition, Plat HM 2004-74, as dedicated on Kinrod 1998 Addition, Plat HM 99-8. The right-of-way being vacated is unconstructed and located within the SW1/4 of S31, T01S, R13W, SM, AK, within the KPB; KPB File 2017-166V.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed vacation during their regularly scheduled meeting of January 8, 2018 based on the following findings of fact and conditions.

Findings

1. If the proposed vacation is approved, it will be accomplished by recording the plat McCorison Subdivision.
2. McCorison Subdivision combines two tracts and a deed parcel into one tract containing approximately 107 acres.
3. The 112-acre privately owned parcel to the north fronts Willy Avenue west of Brody Road and Brody Road and has been issued a Brody Road address.
4. The owner of the 112-acre privately owned parcel to the north signed the vacation petition.
5. The 80-acre Cook Inlet Region, Inc. (CIRI) parcel to the northeast fronts 100-foot wide section line easements and the existing travel way that extends off Brody Road.
6. The 160-acre Ninilchik Native Association (NNA) parcel adjoins another NNA parcel that contains 385 acres.
7. The 385-acre NNA parcel fronts River View Drive and Bishop Street.
8. The NNA property fronts dedicated right-of-way and 66-foot wide section line easements.
9. Per the submittal, the right-of-way proposed for vacation is not in use for access.
10. Per the submittal, the right-of-way proposed for vacation has not been constructed.
11. ENSTAR and Homer Electric Association submitted written statements of no comments or objections.
12. KPB Roads Department submitted a written statement of no comments.
13. Parcels affected by the proposed vacation range in size from 80 to 160 acres.
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Conditions

1. Consent of the proposed vacation by the KPB Assembly.
2. No written objection to the proposed vacation from Cook Inlet Region, Inc.
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5. Grant the utility easements requested by the utility providers.
6. Submittal of a final plat in accordance with KPB Title 20 within a timeframe that will allow recordation of the plat within one year of vacation consent.

In accordance with AS 29.40.140, no vacation of a Borough right-of-way and/or easement may be made without the consent of the Borough Assembly. The proposed vacation will be forwarded to the Borough Assembly. The Assembly shall have 30 calendar days from the date of approval (January 8, 2018) in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Assembly shall be considered to have given consent to the vacation.

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

This notice and unapproved minutes of the subject portion of the meeting were sent January 11, 2018 to:

Peninsula Surveying, LLC
10535 Karina Blvd.
Ninilchik, AK 99639

Steven & Patricia Tilbury
PO Box 39061
Ninilchik, AK 99639-0061

George Lindholm
PO Box 39570
Ninilchik, AK 99639-0570

AGENDA ITEM F. PUBLIC HEARINGS

4. Vacation of a portion of the Willy Avenue right-of-way east of Brody Road adjoining the northernmost portion of the northern boundary of Tract B1A Kinrod 2003 Addition, Plat HM 2004-74, as dedicated on Kinrod 1998 Addition, Plat HM 99-8. The right-of-way being vacated is unconstructed and located within the SW1/4 of S31, T01S, R13W, SM, AK, within the KPB; KPB File 2017-166V.

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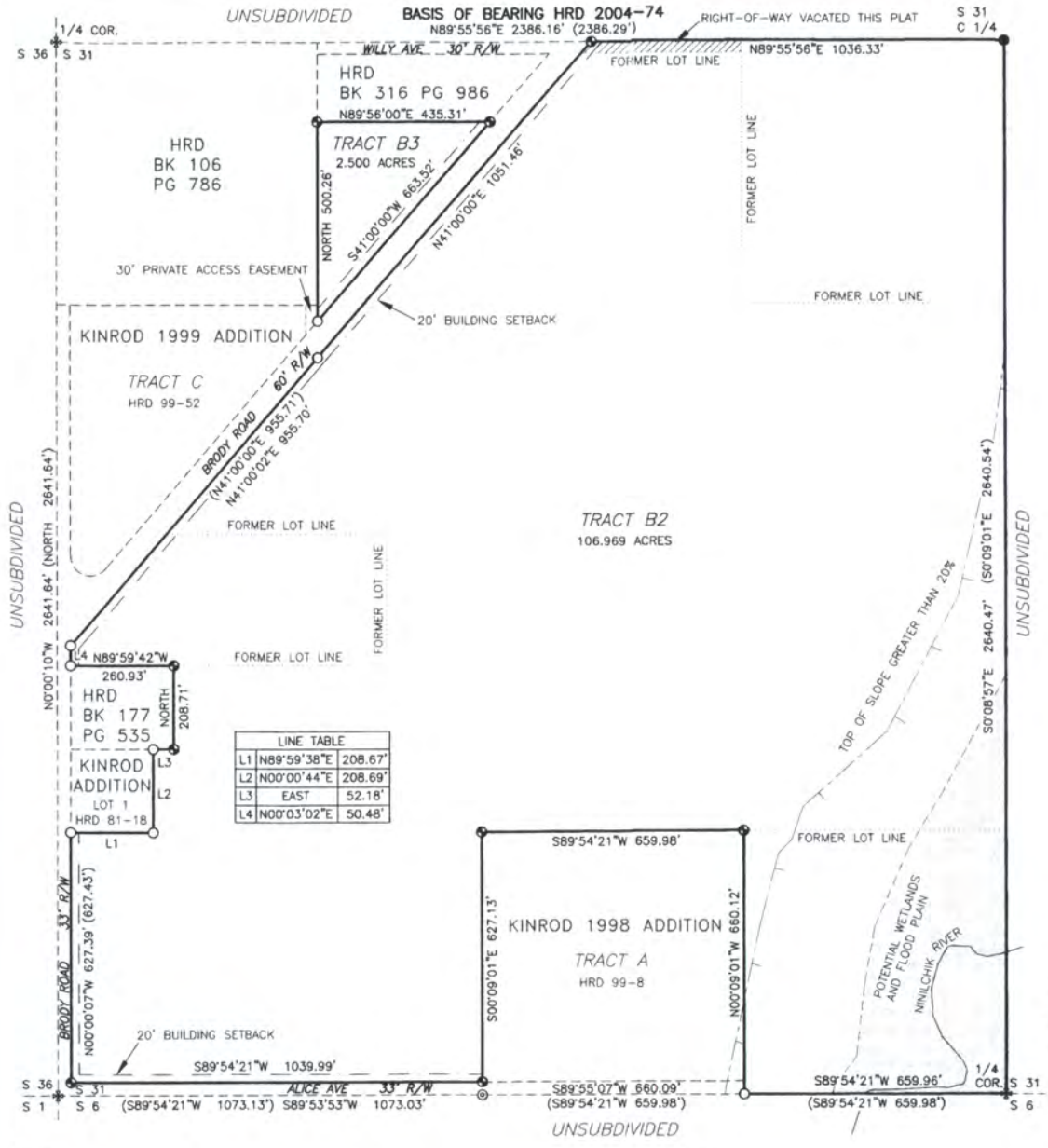
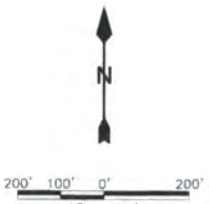
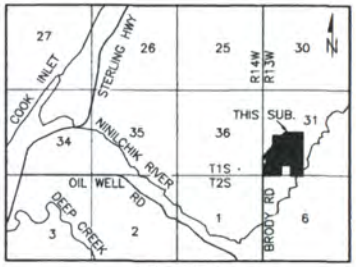
END OF STAFF REPORT







CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS-OF-WAY AND GRANT ALL EASEMENTS TO THE USE SHOWN.

STEVEN A. TILBURY
PO BOX 39061, NINILCHIK, AK 99639

PATRICIA E. TILBURY
PO BOX 39061, NINILCHIK, AK 99639

NOTARY ACKNOWLEDGMENT

FOR: STEVEN A. TILBURY
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2018

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

NOTARY ACKNOWLEDGMENT

FOR: PATRICIA E. TILBURY
ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2018

NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES: _____

WASTEWATER DISPOSAL TRACT B2

LOTS WHICH ARE AT LEAST 200,000 SQUARE FEET OR NOMINAL FIVE ACRES IN SIZE 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.

WASTEWATER DISPOSAL TRACT B3

SOIL CONDITIONS, WATER TABLE LEVELS, AND SOIL SLOPES IN THIS SUBDIVISION HAVE BEEN FOUND SUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS SERVING SINGLE-FAMILY OR DUPLEX RESIDENCES AND MEETING THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY OTHER TYPE OF ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEM MUST BE DESIGNED BY A QUALIFIED ENGINEER, REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

ENGINEER _____ LICENSE # _____ DATE _____

PLAT APPROVAL

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

KENAI PENINSULA BOROUGH

BY: _____
AUTHORIZED OFFICIAL

NOTES

1. A BUILDING SETBACK OF 20' IS REQUIRED FROM ALL STREET RIGHT-OF-WAYS UNLESS A LESSER STANDARD IS APPROVED BY RESOLUTION OF THE APPROPRIATE PLANNING COMMISSION.
2. 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.
3. ANY PERSON DEVELOPING THIS PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.

LEGEND

- ○ FOUND 1/2" REBAR
- ● FOUND 2.5" ALUMINUM MONUMENT, 7328-S, 2003
- ◎ FOUND 2.5" ALUMINUM MONUMENT, 7328-S, 1999
- ✣ FOUND USGLO BRASS CAP MONUMENT, 1919
- ⊕ SET 5/8" X 36" REBAR WITH 2.5" ALUMINUM CAP, 14488-S, 2018
- ( ) RECORD DATA HRD 2004-74

KPB FILE NUMBER

PENINSULA SURVEYING, LLC
10535 KATRINA BOULEVARD
NINILCHIK, AK 99639

PLAT OF
MCCORISON SUBDIVISION

A SUBDIVISION OF
TRACT B1A AND TRACT D KINROD 2003 ADDITION, HRD 2004-74 AND THE SE1/4 SE1/4 SW1/4 OF SECTION 31 AND THE NE1/4 NE1/4 SW1/4 OF SECTION 31

LOCATED WITHIN
SW1/4 SEC. 31, T.1S., R.13W., S.M.
HOMER RECORDING DISTRICT
KENAI PENINSULA BOROUGH

CONTAINING 106.969 ACRES

OWNERS: STEVEN A. TILBURY AND PATRICIA E. TILBURY
PO BOX 39061, NINILCHIK, AK 99639

SCALE: 1" = 200'	DATE: 11/12/2017
DRAWN: JLS	SHEET: 1 OF 1

KPB 2017-166V

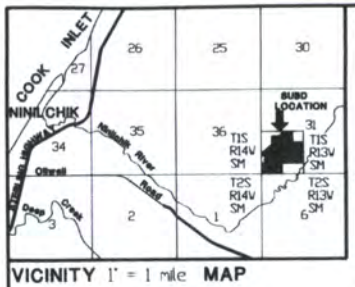
KPB NOTE: See PC Resolution 2010-15

KINROD 2003 ADDITION

A subdivision of Tract B1 Kinrod 1999 Addition (HRD 99-52)
Located in the SW1/4 Section 31, T1S R13W, SM, Ninilchik, Alaska.

Homer Recording District KPB File 2003-262

SCALE 1" = 200' AREA = 90.509 acres
30 October, 2003



VICINITY 1" = 1 mile MAP

2004-74
RECORDED-FILED
HOMER Rec. District
DATE 9/29 2004
TIME 9:59 A.M.
Requested by:
Johnson Surveying
Box 27
Clam Gulch, Ak 99568

Prepared for

Ted Thorson
P.O. Box 620130
Woodside, CA 94062

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568

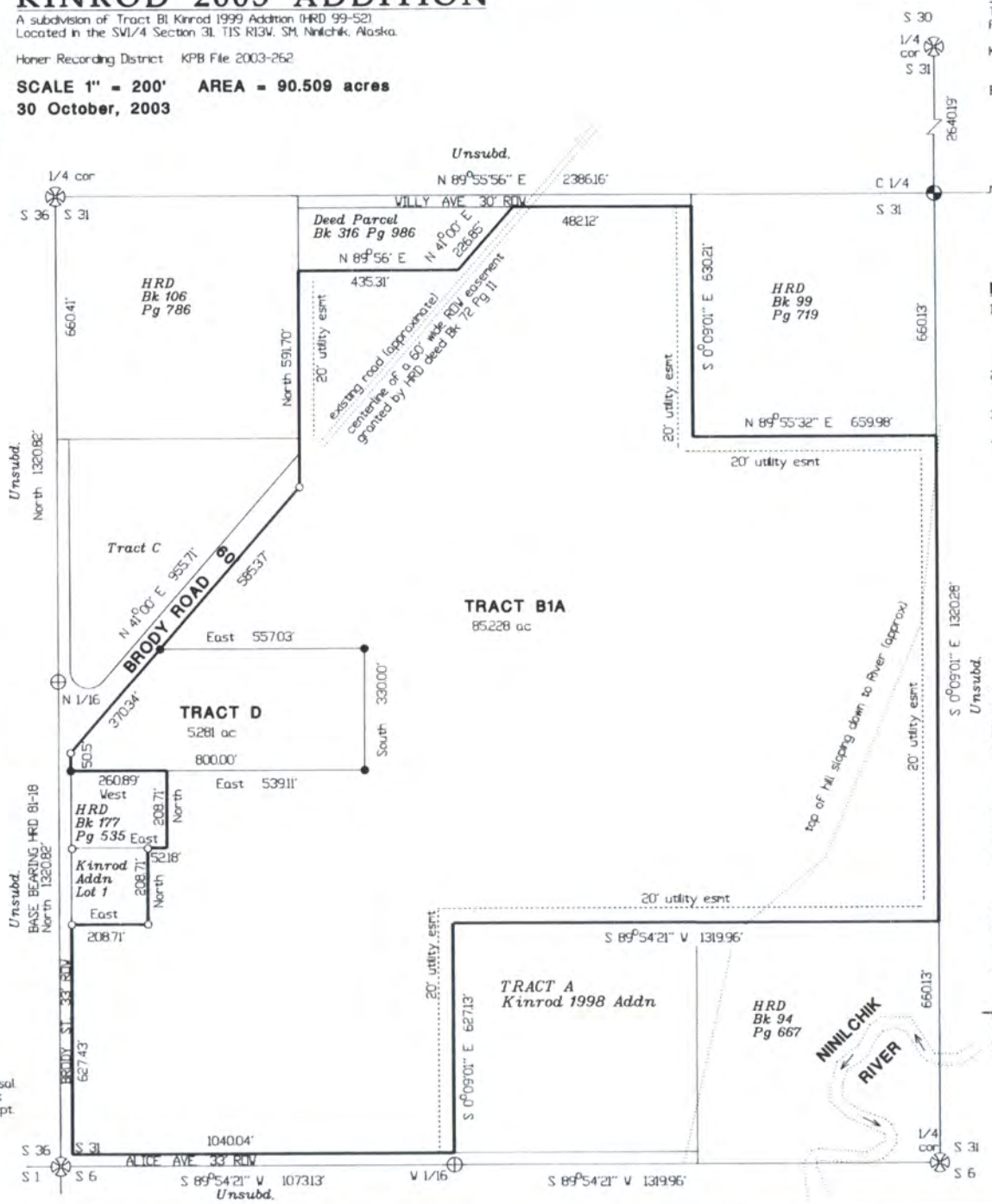
STATE OF ALASKA 49TH Edward L. Johnson 7328-S LICENSED PROFESSIONAL LAND SURVEYOR

LEGEND

- ⊗ - 1919 USGLO brass cap monument, Found
- ⊕ - 2½" alcap monument, 7328-S, 1999, Found
- o - 1/2" rebar lot corner, Found
- ◔ - 2½" alcap on 5/8"x 6' rebar, set
- ● - 1/2"x 4' rebar with 1" plastic cap, set
- ⊢ - Lot corner position, not set

WASTEWATER DISPOSAL

These lots are 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 systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 24 November, 2003.

KENAI PENINSULA BOROUGH

BY: Mary Toll 9/17/2004
Authorized Official Date

NOTES

1. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
2. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
3. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.
4. KPB Planning Commission granted an exception to the extension of Brody Road and a partial survey & monumentation exception at the meeting of 24 Nov., 2003.

OWNERSHIP CERTIFICATE

I hereby certify that I am the owner of the real property shown and described hereon and that I hereby adopt this plan of subdivision, and by my Free consent grant all easements to the use shown.

Doris Brody (by Ricky Thompson), Acting in Fact
Doris Brody P.O. Box 12 Ninilchik, Ak 99639
By: Ricky J. Thompson, Attorney-In-Fact
POA recorded Kenai Records Serial # 2004-005249-0

NOTARY'S ACKNOWLEDGEMENT

For: Ricky J. Thompson
Subscribed and sworn to before me this 25th day of August 2004.

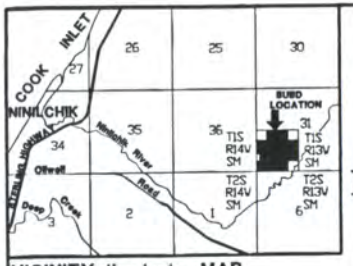
Notary Public For Alaska
My commission expires 2/20/2007

KPB NOTE: See PC Resolution 2010-15

KINROD 1998 ADDITION

A subdivision of the SW1/4 Section 31, T1S R13W, SM, Ninilchik, Alaska.
Excluding Lot 1 Kinrod Addn (HR 81-18) and deed parcels HRD Bk 94 Pg 667, Bk 99 pg 719, Bk 106 pg 786, and Bk 177 pg 535.
Homer Recording District KPB File 98-281

SCALE 1" = 200' **AREA = 112.51 acres +/-** **7 Nov,1998**



VICINITY 1" = 1 mile MAP

99-8 Roce

RECORDED ~~FILED~~
HOMER RECORDING DIST.
DATE 3/16 1999
TIME 1:17 P.M
Requested by:
Johnson Surveying
Box 27
Clam Gulch,Ak 99568

Prepared for

Brian Tibbs
P.O. Box 452
Kenai, Ak 99611

Prepared by

Johnson Surveying
Box 27
Clam Gulch, Ak 99568

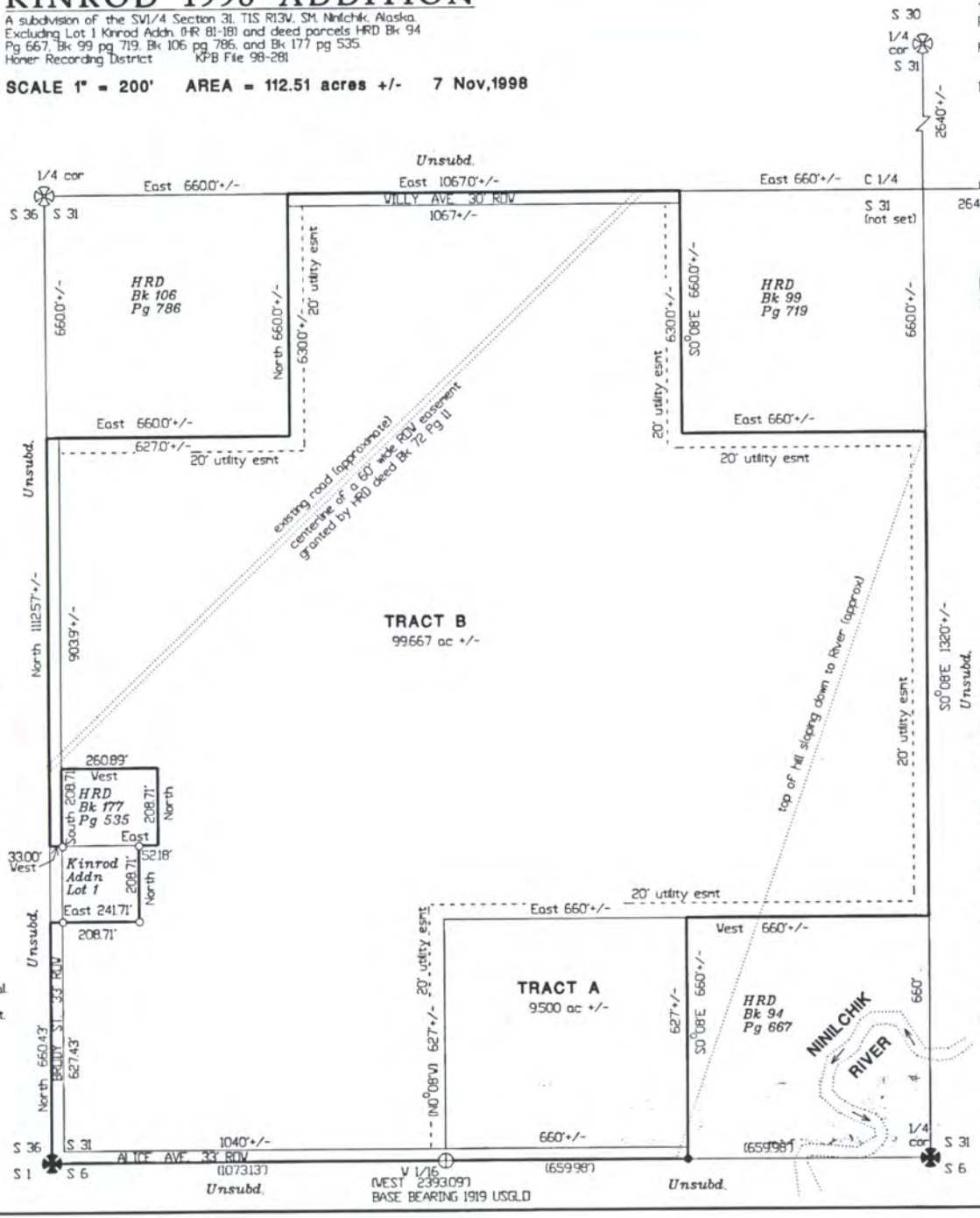
STATE OF ALASKA — Howard S. Johnson — 7238 — LICENSED LAND SURVEYOR

LEGEND

- ✠ - 1919 USGLO brass cap monument, found.
- ⊕ - USGLO brass cap monument, record, 1919 USGLO.
- o - 1/2" rebar lot corner, record, plat HRD 81-18.
- ⊕ - 2½"x 30" alcap monument, set.
- ⊤ - Lot corner position, not set.
- ● - 1/2"x 4' rebar with 1" plastic cap, set.
- ( ) - Indicates measurement made this survey.
- +/- - Indicates information derived from USGLO 1919.

WASTEWATER DISPOSAL

These lots are 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 systems must meet the regulatory requirements of the Alaska Dept. of Environmental Conservation.



PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of 14 December 1998.

KENAI PENINSULA BOROUGH

BY: Max Best March 15 1999
Authorized Official Date

NOTES

1. This is a paper plat compiled from information shown on USGLO 1919 Township Plat, HRD Plat 81-18, and HR Deeds Bk 94 pg 667, Bk 99 pg 719, Bk 106 pg 786, & Bk 177 pg 535, and a field survey of the south section line of section 31. A partial survey & monumentation waiver was granted by the KPB Planning Commission on 14 Dec. 1998.
2. A building setback of 20' from all street ROW's is required unless a lesser standard is approved by a resolution of the appropriate planning commission. Front 10' of building setback is also a utility easement as is the entire setback within 5' of side lot lines.
3. No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. Building setback to be 50' from unsurveyed lot lines until such time as the lot is fully surveyed and monumented.

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 ROW's to public use and grant all easements to the use shown.

William Brody
William Brody P.O. Box 12 Ninilchik, Ak 99639

Doris Brody
Doris Brody P.O. Box 12 Ninilchik, Ak 99639

NOTARY'S ACKNOWLEDGEMENT

For: Willian & Doris Brody
Subscribed and sworn to before me this 9th day of Jan. 1999.

Notary Public for Alaska
My commission expires 11/15/2001

ALASKA

2010-002806-0

Recording Dist: 309 - Homer
9/3/2010 10:33 AM Pages: 1 of 2

KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2010-15
HOMER RECORDING DISTRICT

Vacate the 20-foot utility easements along the east, portions of the north and south boundaries connecting the eastern boundary, and a portion of the west boundary of Tract B, granted by Kinrod 1998 Addition (Plat HM 99-8); also shown within Tract B1 of Kinrod 1999 Addition (Plat HM 99-52) and Tract B1A of Kinrod 2003 Addition (Plat HM 2004-74); within Section 31, Township 1 South, Range 13 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File No. 2010-127

WHEREAS, a request has been received from Steven A. and Patricia E. Tilbury of Ninilchik, Alaska to vacate utility easements granted by Kinrod 1998 Addition (Plat HM 99-8); and

WHEREAS, affected utility companies have provided written non-objection to the vacation; and

WHEREAS, the easements are not in use by a utility company; and

WHEREAS, no surrounding properties will be denied utilities; and

WHEREAS, on August 23, 2010, the Kenai Peninsula Borough Planning Commission addressed all concerns about the proposed vacation; and

WHEREAS, the Planning Commission has found that vacating the utility easement will not be detrimental to the public interest; and

WHEREAS, 20.28.120 of the Kenai Peninsula Borough Code of Ordinances authorizes the Planning Commission to accomplish vacations by Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH:

Section 1. That the above described utility easement is hereby vacated.

Section 2. That a survey plat showing the vacation will be recorded as Page 2 of this resolution.

Section 3. That this resolution is eligible for recording upon being signed by the Planning Commission chairperson and will be deemed void if not recorded within 90 days of adoption.

Section 4. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

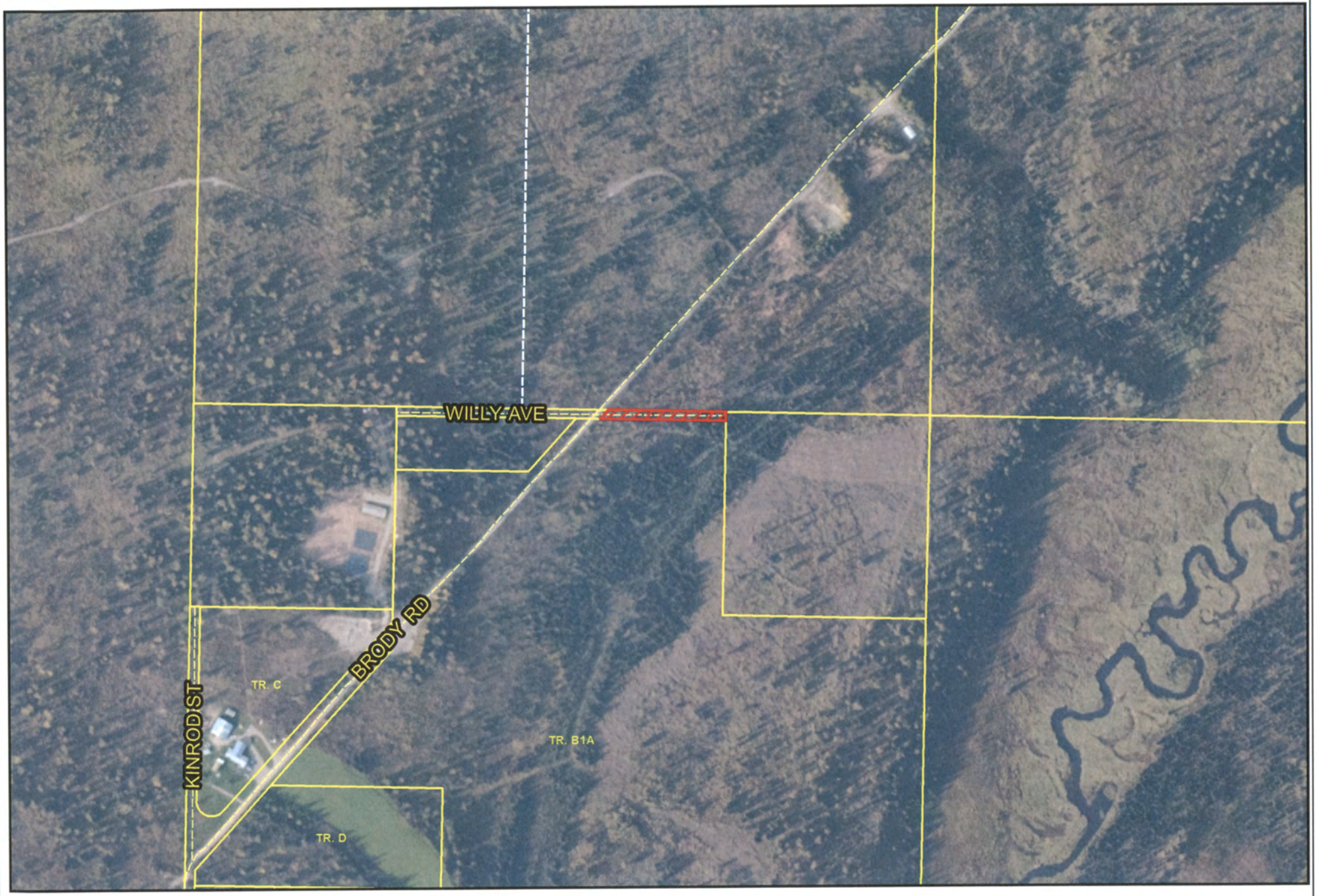
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23 DAY OF August, 2010.

Philip Bryson, Chairperson
Planning Commission

ATTEST:

Patti Hartley
Administrative Assistant

Return to:
Kenai Peninsula Borough Planning Department
144 N. Binkley Street
Soldotna, Alaska 99669



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

0 250 500 1,000 '

N

Right-of-Way Vacation

JReif, KPB
Date: 12/12/2017

Kenai Peninsula Borough

Vicinity Map

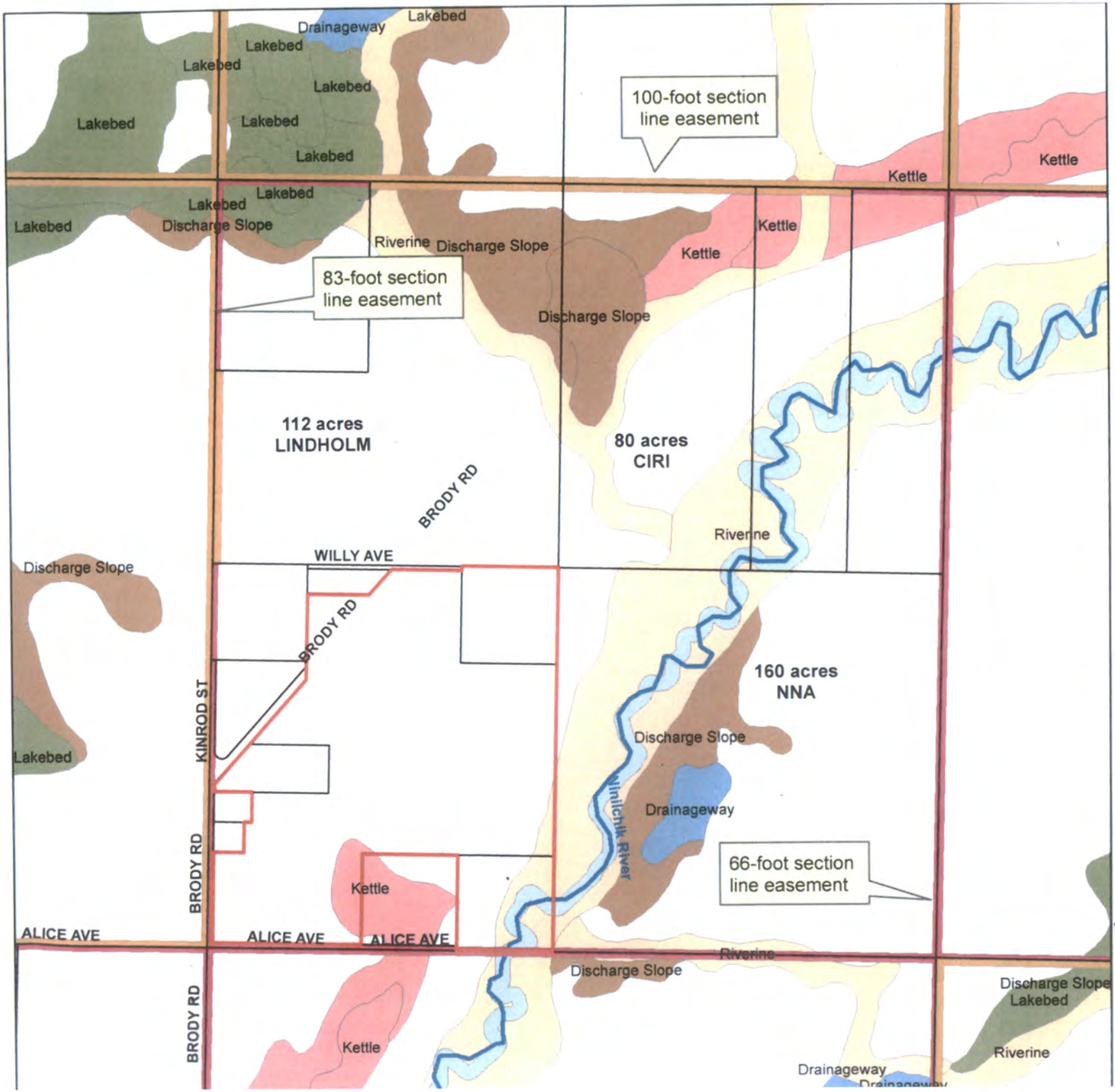
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

0 600 1,200 2,400 Feet

Date: 1/2/2018

Author: MSweppy

N
W E
S



Kenai Peninsula Borough
Planning Department

McCorison Subdivision

Legend

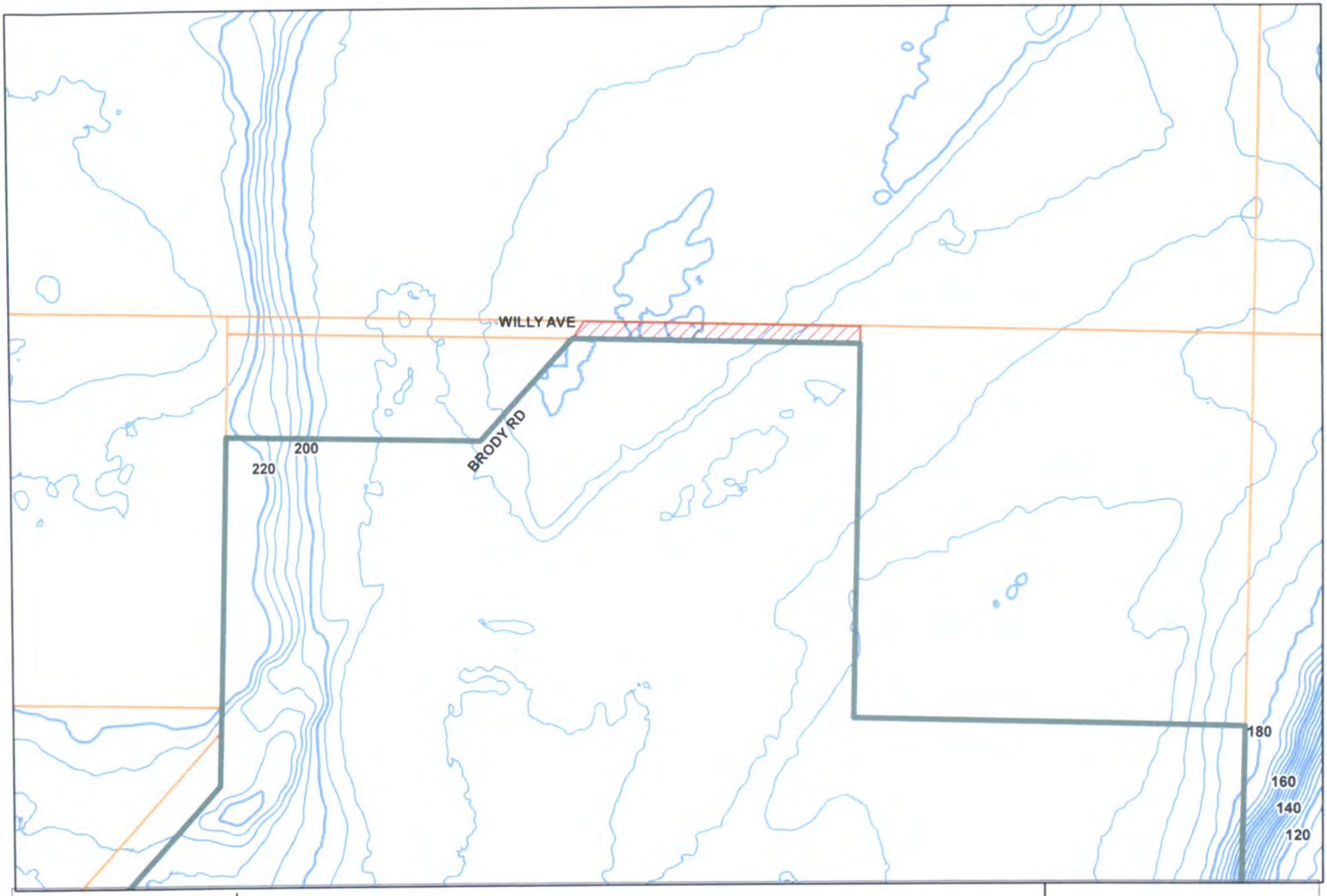
- DISTURB
- Depression
- Discharge Slope
- Drainageway
- Floating Island
- Headwater Fen
- Kettle
- LAKE
- Lakebed
- Late Snow Plateau
- Riverine
- Tidal
- Wetland / Upland Complex
- Habitat Protection District
- Anadromous Streams 2016

0 250 500 1,000 Feet

N
W E
S

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.

created by: msweppy
Date: 1/2/2018



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: 1/2/2018

Kenai Peninsula Borough Planning Department

Four-foot Contours

0 150 300 600 Feet

N W E S

HOMER
Serial No. 73-1249

BOOK 72 PAGE 11
Homer Recording District

INDEXED

GRANT OF RIGHT OF WAY EASEMENT

This indenture made and entered into this 12 day of July 1973, by and between WILLIAM BRODY AND DORIS B. BRODY of Ninilchik, Alaska, hereinafter referred to as Grantor and the STATE OF ALASKA, acting by and through its Department of Natural Resources and ALASKA-KENAI OILS, INC., Denver Center Building, 1776 Lincoln Street, Denver, Colorado, hereinafter referred to as the Grantee.

WITNESSETH, that the Grantor, for and in consideration of the sum of ten dollars ($10.00), lawful money of the United States of America and other good and valuable consideration, in hand paid by said Grantee, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presence does grant, bargain, sell and convey unto said Grantee and its assigns, a perpetual full and unrestricted easement and right-of-way, sixty (60) feet in width, along, over and across the following described strip, tract or parcel of land and real estate lying, and being situated in the State of Alaska in the Homer Recording District, Third Judicial District and more particularly described as follows, to wit:

The SW/4 of Section 31, Township 1 South, Range 13 West, Seward Meridian.

Said right-of-way to be situated thirty (30) feet on each side of the center-line of the Continental Oil Company seismic trail across said tract, as such seismic trail exists on the date hereof.

for the purpose of access to State land and use as a public way, and the said Grantee and its assigns may construct trails, haul roads, roads, highways, or other type of way, within the aforementioned easement and right-of-way.

And the Grantor hereby covenants with the Grantee and its assigns that the Grantor had good title to the afore described premises; that the Grantor is in lawful possession of said premises and covenants the Grantee and its assigns shall have quiet and peaceful possession thereof.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand this 12 day of July, 1973.

William Brody
William Brody

NINILCHIK, AK
JUL
12
1973
99639

Doris B. Brody
Doris B. Brody

Ninilchik, Alaska

ACKNOWLEDGEMENT OF GRANTOR

STATE OF ALASKA)
)ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 12 day of July, 1973, before the undersigned, a Notary Publis in and for the State of Alaska, personally appeared WILLIAM BRODY, who upon his oath stated that he executed the foregoing instrument as his own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

BOOK 72 PAGE 12
Homer Recording District

UNSURVEYED

HOMER
Serial No. 73-1249

STATE OF ALASKA)
) ss
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on this 12 day of July, 1973, before the undersigned, a Notary Public in and for the State of Alaska, personally appeared DORIS B. BRODY, who upon her oath stated that she executed the foregoing instrument as her own free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

JUL 12 1973

Notary Public in and for Alaska
My Commission Expires: [illegible]

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the STATE OF ALASKA, Grantee herein, acting by and through its Commissioner of Natural Resources, hereby accepts the easement and right-of-way described in this instrument and consents to the recordation thereof:

IN WITNESS WHEREOF, I have hereunto set my hand this 19 day of Sept., 1973.

DEPARTMENT OF NATURAL RESOURCES

By [signature]
For the Commissioner

RECORDED - ~~FILED~~ NC 4j
Homer REC. DIST.
DATE 9-24- 1973
TIME 405 P.M.
State of Alaska
Address 323 E 4th
Anchorage

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

RECEIVED
DEC 1 2 2017
KENAI PENINSULA BOROUGH
PLANNING DEPARTMENT

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.

- [x] $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.
- [x] Name of public right-of-way proposed to be vacated is dedicated by the plat of KINROD 1998 ADDITION Subdivision, filed as Plat No. 99-8 in HOMER Recording District.
- [x] 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.)
- [x] 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:
The existing right-of-way to be vacated only serves as access to the deed parcel dedicated in BK 99 PG 719, HRD. The lot lines of this property are going to be removed and the owners don't want an unnecessary right-of-way extending across their property.

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: Jason Schollenberg
Address 10535 Katrina Blvd
Ninilchik, AK 99639

Phone (907)306-7065

Signature as: ☐ Petitioner ☑ Representative

Petitioners:

Signature Steven A Tilbury
Name Steven A Tilbury
Address PO Box 39061
Ninilchik, AK 99639
Owner of T 1S R 13W SEC 31 Seward Meridian HM 2004074 KINROD 2003 ADDN TRACT B1A

Signature Patricia E. Tilbury
Name Patricia E Tilbury
Address PO Box 39061
Ninilchik, AK 99639
Owner of T 1S R 13W SEC 31 Seward Meridian HM 2004074 KINROD 2003 ADDN TRACT B1A

Signature George A Lindholm
Name George Lindholm
Address PO Box 39570
Ninilchik, AK 99639
Owner of T 1S R 13W SEC 31 Seward Meridian HM E1/2 NW1/4 & GOVT LOT 2

Signature _____
Name _____
Address _____
Owner of _____