

Tax Year 2021
Real Property Assessment Valuation Appeal
Kenai Peninsula Borough
Office of the Borough Clerk

144 N. Binkley Street
Soldotna, Alaska 99669-7599

Phone: (907) 714-2160
Toll Free: 1-800-478-4441

Applications must be postmarked or received at the Office of the Borough Clerk or authorized office in Homer or Seward by: **5:00 p.m. on March 31, 2021.**

Filing Fee: Must be included with this appeal form.

For Commercial Property: Please include Attachment A

RECEIVED

MAR 2 5 2021

Borough Clerk's Office
Kenai Peninsula Borough

For Official Use Only

Fees Received: \$ 30 (08)

☐ Cash

☒ Check # 13075
payable to Kenai Peninsula Borough

CREDIT CARDS NOT ACCEPTED FOR FILING FEES

FILING FEE BASED ON TOTAL ASSESSED VALUE PER PARCEL (Each parcel/account appealed must be accompanied by a separate filing fee and form)	
Assessed Value from Assessment Notice	Filing Fee
Less than \$100,000	\$30
\$100,000 to \$499,999	\$100
\$500,000 to \$1,999,999	\$200
\$2,000,000 and higher	\$1,000

Per KPB 5.12.050(B), if the appeal is withdrawn before evidence is due, or if the appellant or agent of the appellant is present for the appellant's hearing before the BOE or participates telephonically pursuant to KPB 5.12.060(T) then the filing fee shall be fully refunded within 30 days after the hearing date.

Account / Parcel Number:	17203536	NOTE: A SEPARATE FORM IS REQUIRED FOR EACH PARCEL.
Property Owner:	Andrew & Rosemary Von Ruden	
Legal Description:	T 5S R 10W SEC 28 SEWARD MERIDIAN HM 2014016 TRIPLE CROWN ESTATES NO 2 PHASE 2 LOT 4 BLOCK 4	
Physical Address of Property:	Triple Crown Road	

Contact information for all correspondence relating to this appeal:

Mailing Address:	1030 Robert PI SW		
Phone (daytime):	(507) 213-3758	Phone (evening):	(507) 213-3758
Email Address:	avonruden@gmail.com		<input checked="" type="checkbox"/> I AGREE TO BE SERVED VIA EMAIL

Value from Assessment Notice: \$ 48,300.00 Appellant's Opinion of Value: \$ 5,000.00

Year Property was Purchased: 2020 Price Paid: \$ _____

Has the property been appraised by a private fee appraiser within the past 3-years? Yes ☐ No ☒

Has property been advertised FOR SALE within the past 3-years? Yes ☐ No ☒

Comparable Sales:

PARCEL NO.	ADDRESS	DATE OF SALE	SALE PRICE

Appellant's Exhibits

APP 1

THE ONLY GROUNDS FOR APPEAL ARE: **UNEQUAL, EXCESSIVE, IMPROPER, OR UNDER VALUATION OF THE PROPERTY** (KPB 5.12.050 (E)). Mark reason for appeal and provide a detailed explanation below for your appeal to be valid. (Attach additional sheets as necessary)

- ☒ My property value is excessive. (Overvalued)
- ☐ My property was valued incorrectly. (Improperly)
- ☐ My property has been undervalued.
- ☐ My property value is unequal to similar properties.

The following are NOT grounds for appeal:

- The taxes are too high.
- The value changed too much in one year.
- You cannot afford the taxes.

You must provide specific reasons and provide evidence supporting the item checked above.

No view, and no view potential due to greenbelt easement. Little/no land or building development potential due to greenbelt easement & public access easement that runs runs down center of property, easements consume large portion of lot. See supporting docs.

**** THE APPELLANT BEARS THE BURDEN OF PROOF (AS 29.45.210(b)) ****

Check the following statement that applies to your intentions:

- ☐ I intend to submit additional evidence within the required time limit of 15 days prior to the hearing date.
- ☒ My appeal is complete. I have provided all the evidence that I intend to submit, and request that my appeal be reviewed based on the evidence submitted.

Check the following statement that applies to who is filing this appeal:

- ☒ I am the **owner of record** for the account/parcel number appealed.
- ☐ I am the **attorney for the owner of record** for the account/parcel number appealed.
- ☐ The owner of record for this account is a business, trust or other entity for which I am an **owner or officer, trustee, or otherwise authorized** to act on behalf of the entity. I have attached written proof of my authority to act on behalf of this entity (i.e., copy of articles of incorporation or resolution which designates you as an officer, written authorization from an officer of the company, or copy from trust document identifying you as trustee). If you are not *listed by name as the owner of record for this account*, this is **REQUIRED** for confirmation of your right to appeal this account.
- ☐ The owner of record is deceased and I am **the personal representative of the estate**. I have attached written proof of my authority to act on behalf of this individual and/or his/her estate (i.e., copy of recorded personal representative documentation). If you are not *listed by name as the owner of record for this account*, this is **REQUIRED** for confirmation of your right to appeal this account.
- ☐ I am **not the owner of record** for this account, but I wish to appeal on behalf of the owner. I have attached a notarized Power of Attorney document signed by the owner of record. If you are not *listed by name as the owner of record for this account*, this is **REQUIRED** for confirmation of your right to appeal this account.

Oath of Appellant: I hereby affirm that the foregoing information and any additional information that I submit is true and correct.

Andrew Von Ruden
Signature of Appellant / Agent / Representative

3-23-21
Date

Andrew Von Ruden
Printed Name of Appellant / Agent / Representative

Serial No. 73-610

THIS INDENTURE, made and entered into this 25th day
of April, 1972, by and between Eugene Julius Evancoe and Olive
M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred
to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter
referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND
NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by
said Grantee, the receipt whereof is hereby acknowledged, has granted, bar-
gained, sold and conveyed, and by these presents does grant, bargain, sell
and convey unto said Grantee, a perpetual, full and unrestricted easement
in perpetuity and right-of-way, 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, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28,
T.5 S., R.12W., Seward Meridian in the Kenai Peninsula Borough
of the Third Judicial District, State of Alaska, being a 60.00
foot wide strip of land which is 30.00 feet on each side,
parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way
line of Homer East Road, Alaska Department of Highways Project
#SAS-414.

Parcle "A" - Beginning at a point for the intersection
of Homer East Road, Alaska Department of Highways Project
#SAS-414, station 517 + 06L, and a driveway entering said
highway right-of-way; Thence along a line bearing S45 degrees
04 minutes East, a distance of 657' more or less to a point
for the intersection of said line with the East-West quarter
section line of Section 28, T.5 S., R.12W., S.M.: Thence easterly
along the quarter section line of Section 28, a distance of 1,850
feet more or less to the quarter-section corner common to
~~Section 27 and Section 28, T.5 S., R.12W., S.M. (relative of parcel "B")~~ (Elevated point) 1190
SJE

Parcle "B" - Starting at the 1/4 corner common to Section
27 and Section 28 T.5 S., R.12W., Seward Meridian thence West
a distance of 660.00 feet to the true point of beginning of
said center line for Parcle "B" thence South and parallel to
the East Section line of Section 28, T.5 S., R.12W., S.M. a distance
of 2640.00 feet to the termination point of this parcle "B"
center line.

The said right-of-way shall be used for the purpose of constructing
and maintaining thereon a public roadway, and the Grantor covenants and agrees
that the Grantee and the general public shall have full, free and uninterrupted
use of said right-of-way for the purpose aforesaid, and for all other purposes
deemed by Grantee to be beneficial, desirable or necessary in connection with
the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises

according to the plot attached hereto and made a part of this instrument.

Should the said right-of-way herein granted cease to be used as a public roadway

73-610 69 421
or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor

Eugene Julius Evanroe
Eugene Julius Evanroe

Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF TAZEWELL

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

Lepore, Linnell
Notary Public in and for
Illinois
Commission Expires:

2-2-1973

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantee herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA

By W. R. Wood
William R. Wood, President

CC



DRAINAGE and GREENBELT EASEMENT
FOR
TRIPLE CROWN ESTATES NO. 2 – PHASE 2

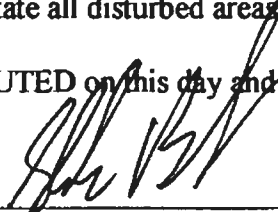
THIS EASEMENT is made this 2nd day of July, 2014, by the undersigned tract owners. The undersigned tract owners do hereby declare this document to be binding upon all lots within Triple Crown Estates No. 2 – Phase 2, according to the official plat thereof, filed under Plat No. 2014-16 Homer Recording District, Third Judicial District, State of Alaska.

EFFECTIVE DATE. This easement shall become effective on the date of recording, and shall remain in effect for a period of Fifty (50) years from the date of recording.

PURPOSE: The purpose of this Easement is to ensure the protection of the stream and vegetation in accordance with accepted conservation and stormwater runoff practices. The location of the stream is shown on Exhibit "A", which is made a part of this document.

EASEMENT: The stream and a vegetative buffer 20 ft on each side of the centerline of the stream shall remain in its natural state, so as to provide for maximum drainage of ground water and rainwater through the subdivision. No permanent structure shall be constructed within the greenbelt easement. No Diversion of water from these ditches shall be allowed unless the diverting party applies for and receives a Certificate of Appropriation of Water from the State of Alaska, and only if there is adequate protection ensuring that diverted water does not drain onto another lot. Should there be a dispute concerning diverted water draining on to another lot, subject to the Certificate of Appropriation of Water, then the diverter shall immediately restore the stream and vegetative buffer to its pre-diverted condition, and the diverter shall renounce all of their rights under the Certificate of Appropriation of Water. Driveway access into Lot 8 Block 4 will require two crossings at points not yet determined. Constructor shall follow best management practices and revegetate all disturbed areas (if any) outside of the driveway boundary.

EXECUTED on this day and year first above written.



Triple Crown Investments, LLC
By Sheldon Beachy, President
5243 Kachemak Drive
Homer, AK 99603

Page 2 of 3
DRAINAGE and GREENBELT EASEMENT
FOR
TRIPLE CROWN ESTATES NO. 2 – PHASE 2

Notary's Acknowledgement

Subscribed and sworn to me before this 2nd day of July ~~April~~, 2014

For Sheldon Beachy, President

Julie Woodard

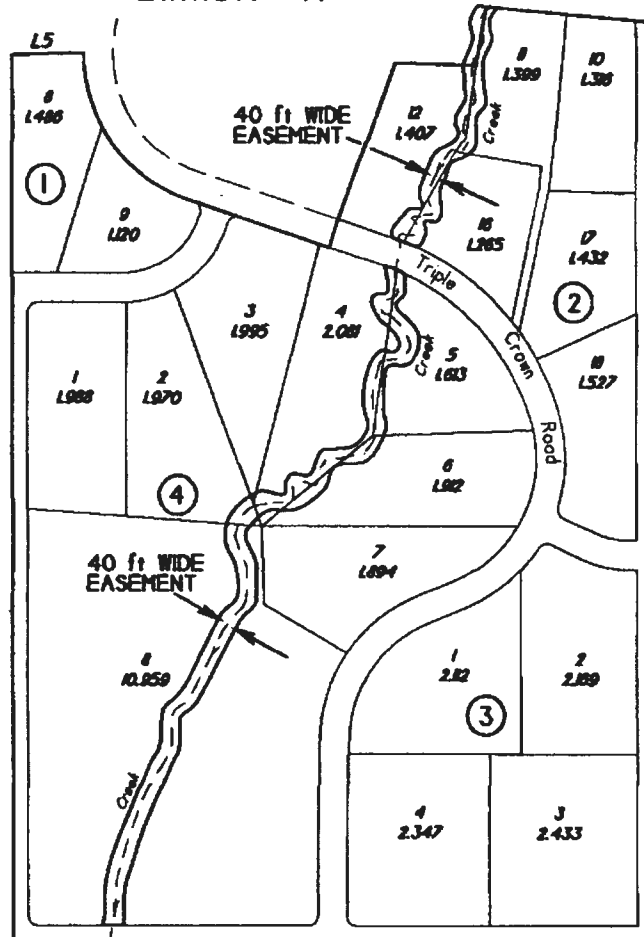
Notary Public for Alaska

My Commission Expires 11-28-15



Exhibit "A"

Page 3 of 3



① Typical Block Number

REDUCED SCALE

Clients:
Triple Crown LLC
5243 Kachemak Dr
Homer Ak 99603

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

DRAINAGE & GREENBELT EASEMENT

Triple Crown Estates No. 2
Phase 2

Located in a portion of the
E 1/2 SE 1/4 Section 28.
T5S, R12W, S1M

Drawn RWI 11-07-07

Homer Recording District,
Third Judicial District, Alaska

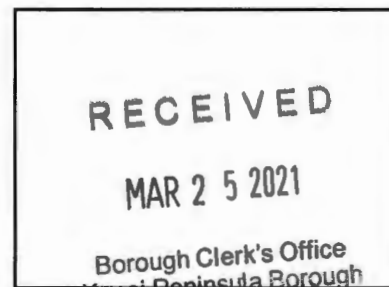
Scale 1" = 300 ft



Tax Year 2021
Real Property Assessment Valuation Appeal
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Office of the Borough Clerk

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Phone: (907) 714-2160
Toll Free: 1-800-478-4441



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Fees Received: \$ 30.00 (AS)

☐ Cash

☒ Check # 13073
payable to Kenai Peninsula Borough

CREDIT CARDS NOT ACCEPTED FOR FILING FEES

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Assessed Value from Assessment Notice	Filing Fee
Less than \$100,000	\$30
\$100,000 to \$499,999	\$100
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\$2,000,000 and higher	\$1,000

Per KPB 5.12.050(B), if the appeal is withdrawn before evidence is due, or if the appellant or agent of the appellant is present for the appellant's hearing before the BOE or participates telephonically pursuant to KPB 5.12.060(T) then the filing fee shall be fully refunded within 30 days after the hearing date.

Account / Parcel Number:	17203538	NOTE: A SEPARATE FORM IS REQUIRED FOR EACH PARCEL.
Property Owner:	Andrew & Rosemary Von Ruden	
Legal Description:	T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE CROWN ESTATES NO 2 PHASE 2 LOT 6 BLOCK 4	
Physical Address of Property:	Triple Crown Road	

Contact information for all correspondence relating to this appeal:

Mailing Address:	1030 Robert PI SW		
Phone (daytime):	(507) 213-3758	Phone (evening):	(507) 213-3758
Email Address:	avonruden@gmail.com		<input checked="" type="checkbox"/> I AGREE TO BE SERVED VIA EMAIL

Value from Assessment Notice: \$ 46300 Appellant's Opinion of Value: \$ 20,000.00
Year Property was Purchased: 2020 Price Paid: \$ _____

Has the property been appraised by a private fee appraiser within the past 3-years? Yes ☐ No ☒

Has property been advertised FOR SALE within the past 3-years? Yes ☐ No ☒

Comparable Sales:

PARCEL NO.	ADDRESS	DATE OF SALE	SALE PRICE

Appellant's Exhibits

APP 10

THE ONLY GROUNDS FOR APPEAL ARE: **UNEQUAL, EXCESSIVE, IMPROPER, OR UNDER VALUATION OF THE PROPERTY** (KPB 5.12.050 (E)). Mark reason for appeal and provide a detailed explanation below for your appeal to be valid. (Attach additional sheets as necessary)

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The following are NOT grounds for appeal:

- ↳ The taxes are too high.
- ↳ The value changed too much in one year.
- ↳ You cannot afford the taxes.

You must provide specific reasons and provide evidence supporting the item checked above.

Limited view & view potential. Greenbelt and public access ROW easements reduce usable lot size and impact clearing potential. Public access ROW cuts through lot.

See supporting docs.

**** THE APPELLANT BEARS THE BURDEN OF PROOF (AS 29.45.210(b)) ****

Check the following statement that applies to your intentions:

- ☐ I intend to submit additional evidence within the required time limit of 15 days prior to the hearing date.
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- ☐ The owner of record for this account is a business, trust or other entity for which I am an **owner or officer, trustee, or otherwise authorized** to act on behalf of the entity. I have attached written proof of my authority to act on behalf of this entity (i.e., copy of articles of incorporation or resolution which designates you as an officer, written authorization from an officer of the company, or copy from trust document identifying you as trustee). If you are not listed by name as the owner of record for this account, this is **REQUIRED** for confirmation of your right to appeal this account.
- ☐ The owner of record is deceased and I am **the personal representative of the estate**. I have attached written proof of my authority to act on behalf of this individual and/or his/her estate (i.e., copy of recorded personal representative documentation). If you are not listed by name as the owner of record for this account, this is **REQUIRED** for confirmation of your right to appeal this account.
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Oath of Appellant: I hereby affirm that the foregoing information and any additional information that I submit is true and correct.

Andrew Von Ruden
Signature of Appellant / Agent / Representative

3-23-21
Date

Andrew Von Ruden
Printed Name of Appellant / Agent / Representative

15. Eastern 10 cc. of Lor 16 Black 2 is a
No. 1 cement.
16. The buried electrical distribution line
within Phase 1 was refined in 2007.
17. 60 ft. wide ROW easement within Phase 1
vacated by KPB Planning Commission
Resolution 2008-24.

Serial No. 73-610

THIS INDENTURE, made and entered into this 25th day
of April, 1972, by and between Eugene Julius Evancoe and Olive
M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred
to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter
referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND
NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by
said Grantee, the receipt whereof is hereby acknowledged, has granted, bar-
gained, sold and conveyed, and by these presents does grant, bargain, sell
and convey unto said Grantee, a perpetual, full and unrestricted easement
in perpetuity and right-of-way, 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, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28,
T.5 S., R.12W., Seward Meridian in the Kenai Peninsula Borough
of the Third Judicial District, State of Alaska, being a 60.00
foot wide strip of land which is 30.00 feet on each side,
parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way
line of Homer East Road, Alaska Department of Highways Project
#SAS-414.

Parcels "A" - Beginning at a point for the intersection
of Homer East Road, Alaska Department of Highways Project
#SAS-414, station 517 + 06L, and a driveway entering said
highway right-of-way; Thence along a line bearing S45 degrees
04 minutes East, a distance of 657' more or less to a point
for the intersection of said line with the East-West quarter
section line of Section 28, T.5s, R.12W, S.M.: Thence easterly
along the quarter section line of Section 28, a distance of 1,850
feet more or less to the quarter-section corner common to
~~Section 27 and Section 28, T.5S, R.12W, S.M. Centerline of Parcel "B"~~ (Elev. hundred ninety)
660
EJE

Parcel "B" - Starting at the 1/4 corner common to Section
27 and Section 28 T.5 S., R.12W., Seward Meridian thence West
a distance of 660.00 feet to the true point of beginning of
said center line for Parcel "B" thence South and parallel to
the East Section line of Section 28, T.5 S., R.12W, S.M. a distance
of 2640.00 feet to the termination point of this parcel "B"
center line.

The said right-of-way shall be used for the purpose of constructing
and maintaining thereon a public roadway, and the Grantor covenants and agrees
that the Grantee and the general public shall have full, free and unobstructed
use of said right-of-way for the purpose aforesaid, and for all other purposes
deemed by Grantee to be beneficial, desirable or necessary in connection with
the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises

according to the plot attached hereto and made a part of this instrument.

Should the said right-of-way herein granted cease to be used as a public roadway

73-610 69 421
or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor

Eugene Julius Evanroe
Eugene Julius Evanroe

Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF JAZZ

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

Leroy Sligell
Notary Public in and for
Illinois
Commission Expires:

2-2-1973

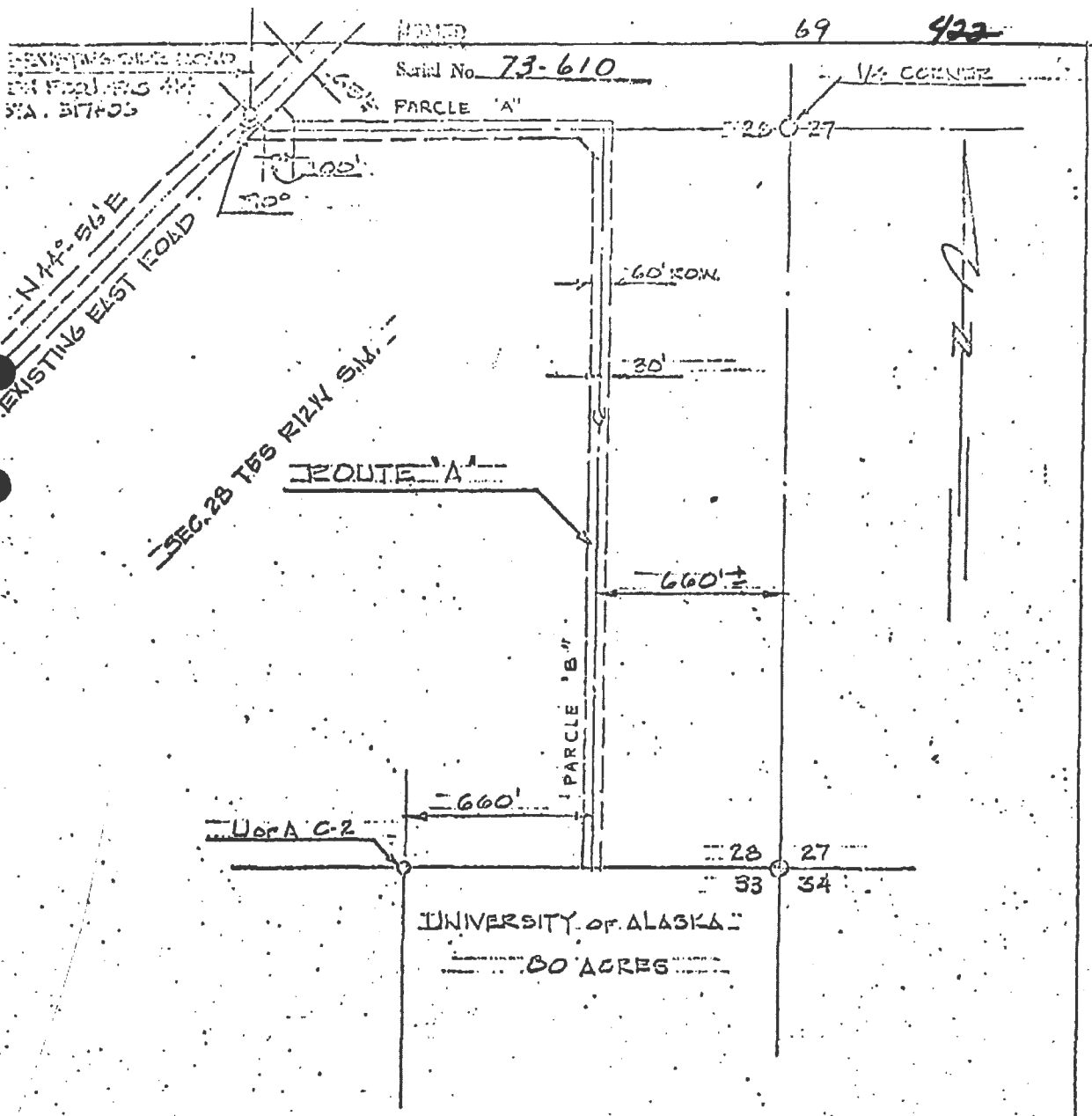
CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantee herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA

By W. R. Wood
William R. Wood, President



RECORDED - FILED 73
Homer REC. DIST.
 DATE 5-21- 1973
 TIME 12:35 P.M.
 Received by Univ of Alaska
 Address Fairbanks, AK

REVI	UP-DATED	DWR	5-1-72
LOCATION PLAN ACCESS ROAD TO THE UNIVERSITY OF ALASKA, HOMER RESEARCH CENTER EXHIBIT "A" - R-O-W EASEMENT			
SURVEYED	DRAWN	DATE	SCALE
WHI	JEC	4-12-72	1" = 500'
			3



**DRAINAGE and GREENBELT EASEMENT
FOR
TRIPLE CROWN ESTATES NO. 2 – PHASE 2**

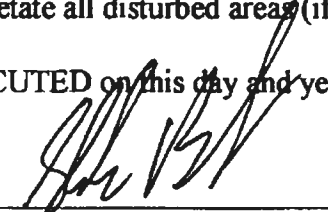
cc
THIS EASEMENT is made this 2nd day of July, 2014, by the undersigned tract owners. The undersigned tract owners do hereby declare this document to be binding upon all lots within Triple Crown Estates No. 2 – Phase 2, according to the official plat thereof, filed under Plat No. 2014-16 Homer Recording District, Third Judicial District, State of Alaska.

EFFECTIVE DATE. This easement shall become effective on the date of recording, and shall remain in effect for a period of Fifty (50) years from the date of recording.

PURPOSE: The purpose of this Easement is to ensure the protection of the stream and vegetation in accordance with accepted conservation and stormwater runoff practices. The location of the stream is shown on Exhibit "A", which is made a part of this document.

EASEMENT: The stream and a vegetative buffer 20 ft on each side of the centerline of the stream shall remain in its natural state, so as to provide for maximum drainage of ground water and rainwater through the subdivision. No permanent structure shall be constructed within the greenbelt easement. No Diversion of water from these ditches shall be allowed unless the diverting party applies for and receives a Certificate of Appropriation of Water from the State of Alaska, and only if there is adequate protection ensuring that diverted water does not drain onto another lot. Should there be a dispute concerning diverted water draining on to another lot, subject to the Certificate of Appropriation of Water, then the diverter shall immediately restore the stream and vegetative buffer to its pre-diverted condition, and the diverter shall renounce all of their rights under the Certificate of Appropriation of Water. Driveway access into Lot 8 Block 4 will require two crossings at points not yet determined. Constructor shall follow best management practices and revegetate all disturbed areas (if any) outside of the driveway boundary.

EXECUTED on this day and year first above written.



Triple Crown Investments, LLC
By Sheldon Beachy, President
5243 Kachemak Drive
Homer, AK 99603

Page 2 of 3
DRAINAGE and GREENBELT EASEMENT
FOR
TRIPLE CROWN ESTATES NO. 2 – PHASE 2

Notary's Acknowledgement

Subscribed and sworn to me before this 2nd day of July ^Q~~April~~, 2014

For Sheldon Beachy, President

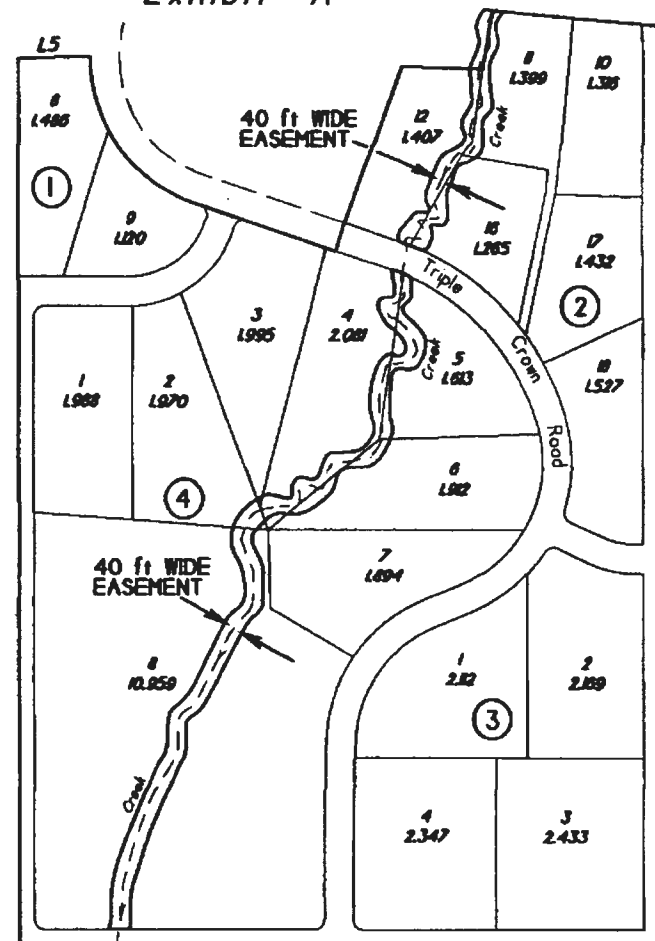
Julie Woodard

Notary Public for Alaska

My Commission Expires 11-28-15



Exhibit "A"



① Typical Block Number

REDUCED SCALE

Clients: Triple Crown LLC 5243 Kachemok Dr Homer Ak 99603	Surveyed By: Roger W. Imhoff, RLS PO Box 2588 Homer Ak 99603	DRAINAGE & GREENBELT EASEMENT
Drawn RWI 11-07-07		Triple Crown Estates No. 2 Phase 2 Located in a portion of the E 1/2 SE 1/4 Section 28. T5S, R12W, S1M
	Scale 1" = 300 ft	Homer Recording District, Third Judicial District, Alaska



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Real Property Assessment Valuation Appeal
Kenai Peninsula Borough
Office of the Borough Clerk

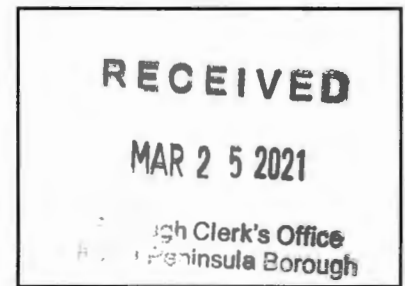
144 N. Binkley Street
Soldotna, Alaska 99669-7599

Phone: (907) 714-2160
Toll Free: 1-800-478-4441

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Filing Fee: Must be included with this appeal form.

For Commercial Property: Please include Attachment A



For Official Use Only

Fees Received: \$ 30 ⁽⁴⁵⁾

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☒ Check # 13074
payable to Kenai Peninsula Borough

CREDIT CARDS NOT ACCEPTED FOR FILING FEES

FILING FEE BASED ON TOTAL ASSESSED VALUE PER PARCEL (Each parcel/account appealed must be accompanied by a separate filing fee and form)	
Assessed Value from Assessment Notice	Filing Fee
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Per KPB 5.12.050(B), if the appeal is withdrawn before evidence is due, or if the appellant or agent of the appellant is present for the appellant's hearing before the BOE or participates telephonically pursuant to KPB 5.12.060(T) then the filing fee shall be fully refunded within 30 days after the hearing date.

Account / Parcel Number:	17203539	NOTE: A SEPARATE FORM IS REQUIRED FOR EACH PARCEL.
Property Owner:	Andrew & Rosemary Von Ruden	
Legal Description:	T 5S R 10W SEC 28 Seward Meridian HM 2014016 TRIPLE CROWN ESTATES NO 2 PHASE 2 LOT 7 BLOCK 4	
Physical Address of Property:	Triple Crown Road	

Contact information for all correspondence relating to this appeal:

Mailing Address:	1030 Robert PI SW		
Phone (daytime):	(507) 213-3758	Phone (evening):	(507) 213-3758
Email Address:	avonruden@gmail.com		<input checked="" type="checkbox"/> I AGREE TO BE SERVED VIA EMAIL

Value from Assessment Notice: \$ 46,100.00 Appellant's Opinion of Value: \$ 20,000.00

Year Property was Purchased: 2020 Price Paid: \$ _____

Has the property been appraised by a private fee appraiser within the past 3-years? Yes ☐ No ☒

Has property been advertised FOR SALE within the past 3-years? Yes ☐ No ☒

Comparable Sales:	PARCEL NO.	ADDRESS	DATE OF SALE	SALE PRICE

THE ONLY GROUNDS FOR APPEAL ARE: **UNEQUAL, EXCESSIVE, IMPROPER, OR UNDER VALUATION OF THE PROPERTY** (KPB 5.12.050 (E)). Mark reason for appeal and provide a detailed explanation below for your appeal to be valid. (Attach additional sheets as necessary)

- ☒ My property value is excessive. (Overvalued)
- ☐ My property was valued incorrectly. (Improperly)
- ☐ My property has been undervalued.
- ☐ My property value is unequal to similar properties.

The following are **NOT** grounds for appeal:

- The taxes are too high.
- The value changed too much in one year.
- You cannot afford the taxes.

You must provide specific reasons and provide evidence supporting the item checked above.

Limited view, w/limited view potential. Public Access ROW runs through middle of lot.

See supporting docs.

**** THE APPELLANT BEARS THE BURDEN OF PROOF (AS 29.45.210(b)) ****

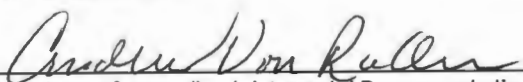
Check the following statement that applies to your intentions:

- ☐ I intend to submit additional evidence within the required time limit of 15 days prior to the hearing date.
- ☒ My appeal is complete. I have provided all the evidence that I intend to submit, and request that my appeal be reviewed based on the evidence submitted.

Check the following statement that applies to who is filing this appeal:

- ☒ I am the **owner of record** for the account/parcel number appealed.
- ☐ I am the **attorney for the owner of record** for the account/parcel number appealed.
- ☐ The owner of record for this account is a business, trust or other entity for which I am an **owner or officer, trustee, or otherwise authorized** to act on behalf of the entity. I have attached written proof of my authority to act on behalf of this entity (i.e., copy of articles of incorporation or resolution which designates you as an officer, written authorization from an officer of the company, or copy from trust document identifying you as trustee). If you are not listed by name as the owner of record for this account, this is **REQUIRED** for confirmation of your right to appeal this account.
- ☐ The owner of record is deceased and I am **the personal representative of the estate**. I have attached written proof of my authority to act on behalf of this individual and/or his/her estate (i.e., copy of recorded personal representative documentation). If you are not listed by name as the owner of record for this account, this is **REQUIRED** for confirmation of your right to appeal this account.
- ☐ I am **not the owner of record** for this account, but I wish to appeal on behalf of the owner. I have attached a notarized Power of Attorney document signed by the owner of record. If you are not listed by name as the owner of record for this account, this is **REQUIRED** for confirmation of your right to appeal this account.

Oath of Appellant: I hereby affirm that the foregoing information and any additional information that I submit is true and correct.


Signature of Appellant / Agent / Representative

3-23-21
Date

Andrew Von Rueden
Printed Name of Appellant / Agent / Representative

From: [Erik Bakke](#)
To: [Blankenship, Johni](#)
Cc: [Andy Von Ruden](#)
Subject: Re: <EXTERNAL-SENDER>Re: Notice of Appeal Hearing Date
Date: Thursday, May 13, 2021 3:43:15 PM
Attachments: [image001.png](#)
[2019 Petition to Vacate.pdf](#)

CAUTION:This email originated from outside of the KPB system. Please use caution when responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Johni,

The only thing I'd like to add is the previous petition to vacate that ROW in May of 2019. There's presently an ACS cable in the ROW. A suitable replacement easement for that cable was never filed, and so the petition ultimately expired and the ROW is still in place. I've attached the previous petition here. There is some overlapping content.

We've spent the past two years on-and-off, trying to convince ACS to release their objection to the vacation petition so that it may be refiled. We successfully reached a verbal agreement, but have since been unable to make any progress getting something in writing. But even if the 60 ROW is vacated (and that is by no means certain at this point) it will be replaced by a 10 or 15' wide utility easement as no one is willing to put forth the enormous pile of cash required to relocate that cable.

Regards,
Erik
715.222.4147

Also - just so we have it in writing here. Andy has granted me power of attorney for this matter, and I'll be handling it on his behalf.

On Thu, May 13, 2021 at 1:44 PM Blankenship, Johni <JBlankenship@kpb.us> wrote:

Erik, the original submissions are attached for your ready reference.

Thank you, Johni

From: Erik Bakke <bakkeerik@gmail.com>
Sent: Thursday, May 13, 2021 1:00 PM
To: Blankenship, Johni <JBlankenship@kpb.us>
Subject: <EXTERNAL-SENDER>Re: Notice of Appeal Hearing Date

CAUTION:This email originated from outside of the KPB system. Please use caution when

responding or providing information. Do not click on links or open attachments unless you recognize the sender, know the content is safe and were expecting the communication.

Johni,

Do you happen to have a digital copy of his original submission?

Erik

On Thu, Apr 29, 2021 at 4:13 AM Andy Von Ruden <avonruden@gmail.com> wrote:

----- Forwarded message -----

From: **Blankenship, Johni** <JBlankenship@kpb.us>

Date: Wed, Apr 28, 2021 at 9:10 PM

Subject: Notice of Appeal Hearing Date

To: avonruden@gmail.com <avonruden@gmail.com>

Cc: Wilcox, Adeena <AWilcox@kpb.us>

Good evening, see the attached notice of real property valuation appeal hearing date and related deadlines. Please let me know if you have any questions or concerns.

Thank you,

Johni Blankenship, MMC

Borough Clerk

(907) 714-2162 direct

KENAI PENINSULA BOROUGH
144 North Binkley Street
Soldotna, Alaska 99669




PUBLIC RECORDS LAW DISCLOSURE: This email and responses to this email may be subject to provisions of Alaska Statutes and may be made available to the public upon request.

Kenai Peninsula Borough

Planning Department

MEMORANDUM

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

FROM: Marcus Mueller, Land Management Officer 

DATE: May 15, 2019

RE: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V. Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska.

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 May 13, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the proposed public access easement 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. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

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

cc: petitioners' w/minutes only



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

May 15, 2019

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF DECISION

MEETING OF MAY 13, 2019

RE: Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District. Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); Location: off Triple Crown Road, Fritz Creek area within the SE $\frac{1}{4}$ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

By unanimous consent, the Kenai Peninsula Borough Planning Commission granted approval of the proposed 60-foot wide public access easement vacation during their regularly scheduled meeting of May 13, 2019 based on the following findings of fact and conditions.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

Conditions:

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
 - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
 - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

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 (May 13, 2019) 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 May 15, 2019 to:

Triple Crown Investments LLC
5243 Kachemak Dr., Ste A
Homer, AK 99603-9478

Erik and Amanda Bakke
PO Box 15375
Fritz Creek, AK 99603-6375

PUBLIC COMMENT / PRESENTATIONS / COMMISSIONERS

Vice Chairman Ruffner opened the meeting for public comment for items not on the agenda. Seeing and hearing no one public comment was closed and meeting continued.

PUBLIC HEARINGS**AGENDA ITEM F. PUBLIC HEARINGS**

1. Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District.
Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16);
Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

Staff Report given by Scott Huff

PC Meeting: 5/13/19

Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska

Notification: Public notice appeared in the May 2, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the May 9 issue of the Homer News as part of the Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation. One receipt was returned when the staff report was prepared.

Public hearing notices were sent by regular mail to five owners within 600 feet of the proposed vacation.

Sixteen public hearing notices were emailed to agencies and interested parties.

Public hearing notices were emailed or made available to nine KPB staff/Departments via a shared database.

Notices were mailed to the Homer Post Office and Homer 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:

Homer Electric Association: HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.

KPB Addressing: No addresses have been assigned. Existing street names are correct.

KPB Planner: No local option zone or material site issues.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Statement of Objection:

ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

Staff Discussion:

Triple Crown Road has been dedicated atop the southern portion of the right-of-way easement proposed to be vacated. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

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

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
 - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
 - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to

- and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

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 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.

END OF STAFF REPORT

Vice Chairman Ruffner opened public comment. Seeing and hearing no one wishing to comment, Vice Chairman Ruffner closed public comment and discussion was opened among the Commission.

MOTION: Commissioner Ecklund moved, seconded by Commissioner Whitney to approve the vacation of a 60 foot wide public access easement running south approximately 1, 450 feet from Triple Crown Road to Scott Avenue.

MOTION AMENDMENT: Commissioner Ecklund moved, seconded by Commissioner Whitney to amend the motion to add per staff recommendations and compliance with borough code.

MOTION PASSED: Seeing and hearing no discussion or objection the motion passed by unanimous consent.

F. PUBLIC HEARINGS

- 1. Vacate a 60 foot wide public access easement running south from Triple Crown Road to Scott Avenue.**

KPB File 2019-044V

Petitioner: Triple Crown Investments, LLC

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate the 60-foot-wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District.
Said public access easement is within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16);
Location: off Triple Crown Road, Fritz Creek area within the SE ¼ of Section 28, Township 5 South, Range 10 West, Seward Meridian, Kenai Peninsula Borough, Alaska. KPB File 2019-044V.

STAFF REPORT

PC Meeting: 5/13/19

Purpose as stated in petition: An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 Phase 1 (HM 2007-26) and Triple Crown Estates No. 2 Phase 2 (HM 2014-16). The portion of the easement through Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

Petitioners: Triple Crown Investments, LLC of Homer, Alaska and Erik Bakke of Fritz Creek, Alaska

Notification: Public notice appeared in the May 2, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the May 9 issue of the Homer News as part of the Commission's tentative agenda.

Seven certified mailings were sent to owners of property within 300 feet of the proposed vacation. One receipt was returned when the staff report was prepared.

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The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

Homer Electric Association: HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.

KPB Addressing: No addresses have been assigned. Existing street names are correct.

KPB Planner: No local option zone or material site issues.

KPB River Center: The proposed vacation is not within a mapped flood hazard zone, and it is not affected by the Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Statement of Objection:

ACS objects to the proposed vacation. ACS has buried cable within the right-of-way easement. A Public Utility Easement will need to be granted to cover our existing cable.

Staff Discussion:

Triple Crown Road has been dedicated atop the southern portion of the right-of-way easement proposed to be vacated. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.

Findings:

1. Triple Crown Road, a 60-foot wide fee right-of-way, serves the block in lieu of the right-of-way easement proposed to be vacated.
2. Lots 4, 6, and 7 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, all front KPB maintained Triple Crown Road.
3. Lot 8 (HM 2014-46), through which the right-of-way easement proposed to be vacated crosses, fronts Triple Crown Road and Scott Avenue.
4. Sufficient rights-of-way exist to serve surrounding properties.
5. No surrounding properties will be denied access.
6. Per KPB imagery (2016) an improved roadway has been constructed wholly within Triple Crown Road right of way.
7. Per KPB imagery, the right-of-way easement proposed to be vacated appears to have been abandoned within Lots 4, 6, and 7.
8. Triple Crown Road was dedicated atop the southern portion of the right-of-way easement proposed to be vacated.
9. Vacation of the right-of-way easement will not affect the existing fee right-of-way Triple Crown Road.
10. HEA has no objection to the proposed vacation of the public access easement so long as the 10-foot easement at Book 70 Page 141 HRD is retained.
11. ACS objects to the proposed vacation due to an existing buried cable within the right-of-way easement.
12. ACS requests that a public access easement be granted to cover the existing cable.

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

1. Consent by the KPB Assembly
2. Provide documentation the utility easements requested by the utility providers have been granted, and the easements are acceptable to the utility providers.
 - a. Retain the 10-foot utility easement per Book 70 Page 141 HRD as requested by Homer Electric Association.
 - b. Work with ACS to grant a public utility easement sufficient to encompass the existing buried ACS cable.
3. The Planning Department is responsible for recording Planning Commission Resolution 2019-16, which will finalize the proposed right-of-way easement vacation.
4. Provide a sketch clearly depicting the right-of-way easement to be vacated to be attached to and become part of Planning Commission Resolution 2019-16.
5. The petitioners will provide the recording fee for the Planning Commission Resolution and the sketch to the Planning Department.

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 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.**

END OF STAFF REPORT

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2019-16
HOMER RECORDING DISTRICT**

Vacate the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16); within the SE1/4 of Section 28, T5S, R10W, S.M., Alaska, Fritz Creek, within the Kenai Peninsula Borough; KPB File 2019-044V

WHEREAS, Triple Crown Investments, LLC of Homer, Alaska requested the vacation of the 60 foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16).

WHEREAS, the north portion of the easement within Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26) was vacated by KPB Planning Commission Resolution 2008-24 on June 23, 2008; and

WHEREAS, no surrounding properties will be denied access; and

WHEREAS, requests for utility easements have been submitted by Homer Electric Association and ACS; and

WHEREAS, on May 13, 2019, the Kenai Peninsula Borough Planning Commission considered the background information, all comments received, and recommendations from KPB Planning Department staff regarding the proposed vacation; and

WHEREAS, the easement was granted by recorded document, without the underlying transfer of ownership as in a platted right-of-way dedication; and

WHEREAS, 20.70.140 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 documentation from ACS and Homer Electric Association confirming utility easements required to protect each company's existing facilities have been granted has been provided to the Planning Department.

Section 2. That the 60-foot wide public access easement running south approximately 1,450 feet from Triple Crown Road to Scott Avenue as granted on the Right-of-Way Easement, recorded at Book 69, Page 420, Homer Recording District, located within or adjacent to the Triple Crown Road right-of-way, the Scott Road right-of-way, Lots 3, 4, 6, 7, and 8, Block 4 and Lots 1 and 4, Block 3, Triple Crown Estates No. 2 Phase 2 (Plat HM 2014-16), is hereby vacated.

Section 3. That a sketch showing the location of the portion of the public access easement being vacated be attached to, and made a part of this resolution, becoming Page 2 of 2.

Section 4. 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.

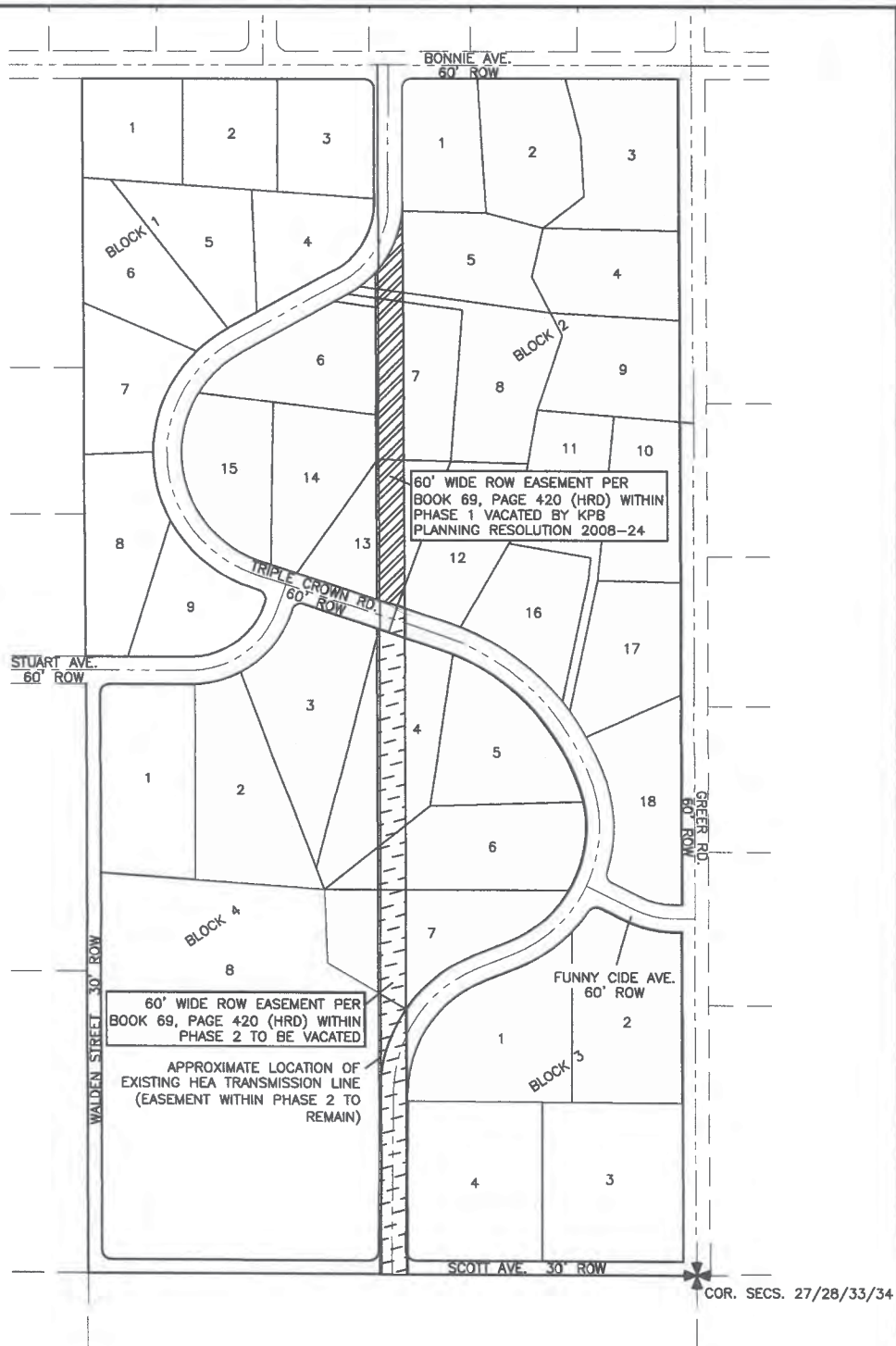
Section 5. That this Resolution becomes effective upon being properly recorded with petitioner being responsible for payment of recording fee.

ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 13th DAY OF MAY, 2019.

Blair J. Martin, Chairperson
Planning Commission

ATTEST:

Julie Hindman, Administrative Assistant
Return to:
Kenai Peninsula Borough Planning Department
144 North Binkley Street
Soldotna, Alaska 99669



ROW EASEMENT VACATION
 TRIPLE CROWN ESTATES NO. 2 - PHASE 2
 LOT 12, BLOCK 2, LOT 4, BLOCK 3 AND LOTS 3, 4, 6, 7 & 8, BLOCK 4
 PLAT NO. 2014-16 (HRD)

LOCATED WITHIN
 E1/2 SE1/4 SECTION 28, T. 5 S., R. 12 W., S.M.
 KENAI PENINSULA BOROUGH
 HOMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, ALASKA

KPB 2019-044V



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 _____ Subdivision, filed as Plat No. _____ in _____ 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) _____ Grant of Right-of-Way Easement as recorded in Book 69 Page 420 of the _____ Homer _____ 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:

An alternative functional access was dedicated by the plats of Triple Crown Estates No. 2 - Phase 1 (2007-26 HRD) and Triple Crown Estates No. 2 - Phase 2 (2014-16 HRD). The portion of the Easement through the Phase 1 plat was vacated by KPB Planning Commission Resolution 2008-24. This petition asks to vacate the portion of the easement through the Phase 2 plat. An existing HEA buried transmission line through Phase 2 is still active and will remain in place until the transmission line is relocated.

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: Sanford Beachy
Address 5243 Kachemak Drive, Suite A
Homer, Alaska 99603

Signature as:

☒ Petitioner ☐ Representative

Phone (907) 235-8876

Petitioners:

Signature _____
Name Sanford Beachy
Address 5243 Kachemak Drive, Suite A
Homer, Alaska 99603

Signature _____
Name Sheldon Beachy
Address 5243 Kachemak Drive A
Homer Alaska 99603

Owner of Lots 4, 6 & 7 Blk 4 and Lot 4 Blk 3

Owner of Lots 4, 6 & 7, Blk 4 and Lot 4 Blk 3

Signature _____
Name Erik Bakke
Address PO Box 15375
Fritz Creek, Alaska 99603

Signature _____
Name _____
Address _____

Owner of Lots 3 & 8, Blk 4

Owner of _____

Serial No. 73-610

THIS INDENTURE, made and entered into this 25th day of April, 1972, by and between Eugene Julius Evancoe and Olive M. Evancoe, husband and wife of Washington, Illinois, hereinafter referred to as GRANTOR, and the UNIVERSITY OF ALASKA, a public corporation hereinafter referred to as the GRANTOR.

WITNESSETH:

That the Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable consideration in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto said Grantee, a perpetual, full and unrestricted easement in perpetuity and right-of-way, 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, as follows, to-wit:

That portion of the E 1/2 of the SE 1/4 of Section 28, T.5 S., R.12W., Seward Meridian in the Kenai Peninsula Borough of the Third Judicial District, State of Alaska, being a 60.00 foot wide strip of land which is 30.00 feet on each side, parallel with and adjacent to the following described centerlines:

The right-of-way begins at the southerly right-of-way line of Homer East Road, Alaska Department of Highways Project #SAS-414.

Parcel "A" - Beginning at a point for the intersection of Homer East Road, Alaska Department of Highways Project #SAS-414, station 517 + 06L, and a driveway entering said highway right-of-way; Thence along a line bearing S45 degrees 04 minutes East, a distance of 654' more or less to a point for the intersection of said line with the East-West quarter section line of Section 28, T.5s, R.12W, S.M.: Thence easterly along the quarter section line of Section 28, a distance of 1,850 1190 feet more or less to the quarter-section corner common to ~~section 27 and section 28, T.5S, R.12W, S.M. centerline of parcel "B"~~ (Elevated Point) *eye*

Parcel "B" - Starting at the 1/4 corner common to Section 27 and Section 28 T.5 S., R.12W., Seward Meridian thence West a distance of 610.00 feet to the true point of beginning of said center line for Parcel "B" thence South and parallel to the East Section line of Section 28, T.5 S., R.12W, S.M. a distance of 2640.00 feet to the termination point of this parcel "B" center line. *660 eye*

The said right-of-way shall be used for the purpose of constructing and maintaining thereon a public roadway, and the Grantor covenants and agrees that the Grantee and the general public shall have full, free and uninterrupted use of said right-of-way for the purpose aforesaid, and for all other purposes deemed by Grantee to be beneficial, desirable or necessary in connection with the use of said right-of-way as a roadway.

The said right-of-way shall traverse the above described premises

according to the plot attached hereto and made a part of this instrument.

or the general public, then and in that event this easement shall cease and all rights granted herein shall revert to the owner of the fee as soon as the said use thereof shall be abandoned and discontinued.

IN WITNESS WHEREOF, the said Grantor has hereupon set his hand and seal on the day and year hereinabove written.

Grantor Eugene Julius Evanroe
Eugene Julius Evanroe
Olive M. Evanroe
Olive M. Evanroe

UNITED STATES OF AMERICA)
STATE OF ILLINOIS) ss.
COUNTY OF TAZEWELL

THIS IS TO CERTIFY that on the 20th day of April, 1972, before the undersigned notary public, personally appeared EUGENE JULIUS EVANROE and OLIVE M. EVANROE, of Washington, Illinois, who are known to me to be the persons named in and executing the foregoing Warranty Deed and they acknowledged the same to be their act.

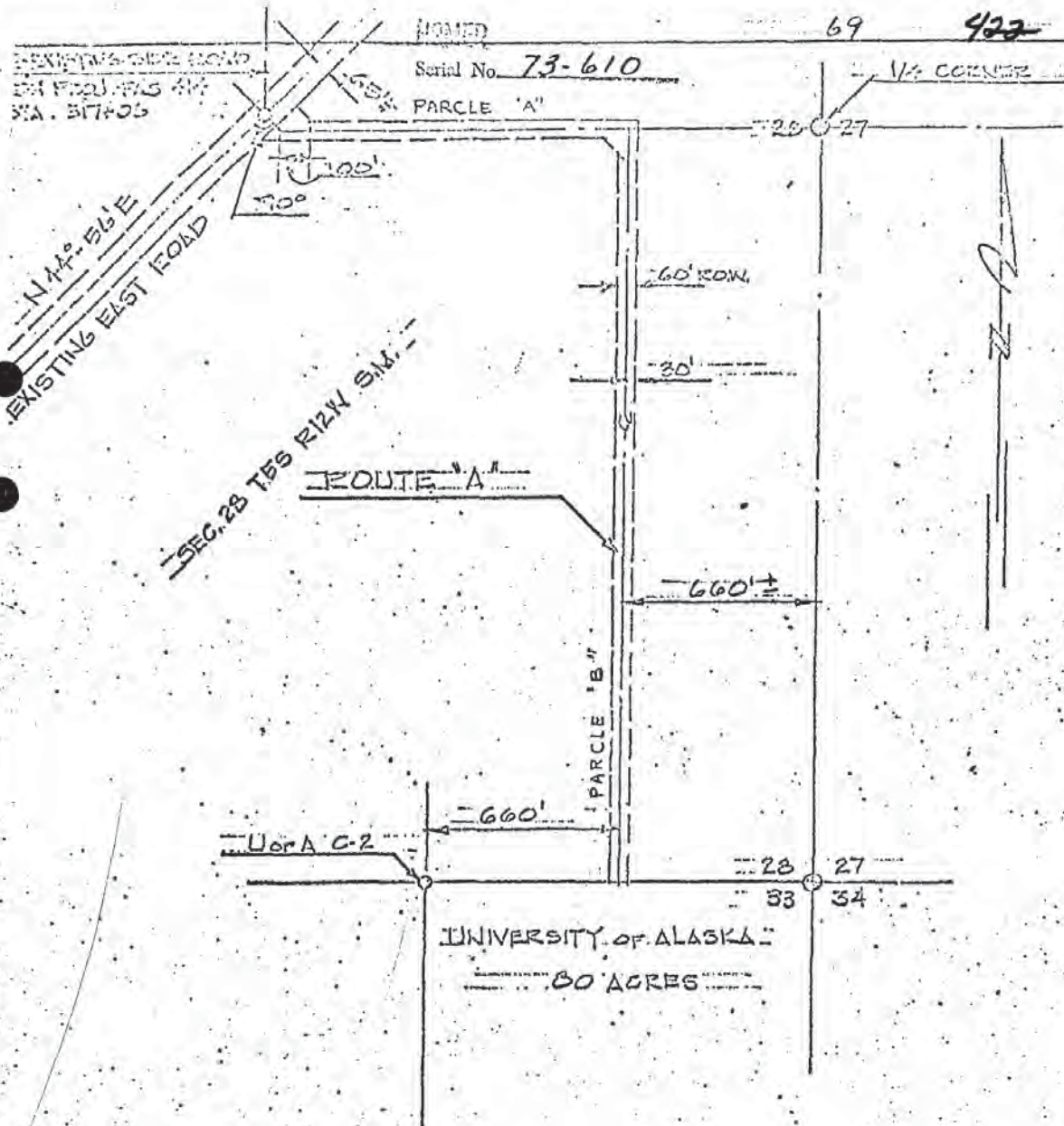
Lepore Shinnell
Notary Public in and for
Illinois
Commission Expires:
2-2-1973

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the University of Alaska, Grantec herein, acting by and through its President William R. Wood, hereby accepts for public purposes the real property easement or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of May, 1972.

UNIVERSITY OF ALASKA
By Wm R. Wood
William R. Wood, President



RECORDED - FILED	7-2
Homer REC. DIST.	
DATE	5-21-1973
TIME	12:35 P.M.
Requester	Univ. of Alaska
Address	Fairbanks, AK

REVI	UP-DATED	DWR	5-1-72
LOCATION PLAN			
ACCESS ROAD			
TO THE			
UNIVERSITY OF ALASKA, HOMER			
RED MEAT RESEARCH CENTER			
EXHIBIT "A" - R-O-W EASEMENT			
SURVEYED	DRAWN	DATE	SCALE
WHI	JEC	4-12-72	1" = 500'
			3



The easterly 10 ft. of Lot 16 Block 2 is a utility easement. The buried electrical distribution line within Phase 1 was retired in 2007. The 60 ft. wide ROW easement within Phase 1 vacated by KPB Planning Commission Resolution 2008-24.

Subdivision Boundary Line Chart

L1 S079°57'W 88.73'
L2 N68°24'38"W 167.74'
L3 S079°57'W 88.73'
L4 N07°42'05"W 50.60'
L5 S87°48'00"W 148.75'

Empty One Acre Easement Chart

Block 1, 2, 3 and 4
Line and Curve Chart

Triple Crown Road Centerline Chart

L1 S079°57'W 88.73'
L2 N68°24'38"W 167.74'
L3 S079°57'W 88.73'
L4 N07°42'05"W 50.60'
L5 S87°48'00"W 148.75'

Notes

1. All easement depicted systems shall comply with existing applicable laws at the time of construction.
2. The front 10 ft. and the entire building setback within 5 ft. of side lot lines is also a utility easement.
3. No permanent structures shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
4. No access to State maintained rights-of-way permitted unless approved by State of Alaska Department of Transportation.
5. A building setback of 20 ft. is required from all street frontage.
6. A 3" self-identifying aluminum cap on 3/8" diameter x 36" long rebar set at 10 ft. intervals shall be installed at the intersection of the appropriate Planning Commission.
7. Existing Road is within 20 ft. wide ROW easement in favor of the University of Alaska and the general public recorded in 84-65-1420 H&D.
8. Existing buried powerline in easement of 15 ft. wide electrical distribution easement.
9. Basis of Survey is Reeling Measured Plot No. 2002-49 H&D.
10. The existing stream bed is centerline of a 40 ft. wide drainage easement and shall be maintained in accordance with the Alaska Department of Environmental Conservation.
11. Wetlands shown within Lots 3 and 4 Block 3, according to the National Wetlands Inventory shall be maintained in accordance with the Alaska Department of Environmental Conservation.
12. WASTEWATER DISPOSAL: LOT 8 BLOCK 4. These lots are at least 200,000 square feet or more acres in size. The lots are subject to the Alaska Department of Environmental Conservation's regulatory requirements for wastewater disposal in Alaska, and the disposal shall be approved by the Alaska Department of Environmental Conservation prior to construction.
13. No permanent structures are permitted within the public-use portion of Lot 8 Block 2.

Plat Approval

The plat was approved by the KPB Planning Commission at the meeting of April 24, 2008.

KENAI PENINSULA BOROUGH
By: *[Signature]*
Planning 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 in accordance with the laws of the State of Alaska and the rules and regulations of the Board of Land Surveyors.

NOV 9, 2007
Tina
Registered Professional Land Surveyor No. 5780

Ownership Certificate

We hereby certify that we are the owners of the land property shown and described herein and that we have the right to convey the same and that we have no interest in the same other than the interest shown and described herein.

Triple Crown Investments LLC
By: *[Signature]*
Owner

Plat #

2014-16
Hawker
11-5-07
Date

Triple Crown Estates No. 2 - Phase 2

Being a Subdivision of the
E 1/2 SE 1/4 Section 26, T5S, R2W, S1Y
as shown on Plat No. 2007-526
within the Kenai Peninsula Borough
Containing 50.55 Acres, more or less

Surveyor:
Glen L. Cooper, LLC
5743 Kenai Road
Kenai, Alaska 99503

Drawn By:
Glen L. Cooper, LLC
5743 Kenai Road
Kenai, Alaska 99503

Scale:
1" = 200' H
1" = 200' V

APB File No:
2008-002

APB File No:
2007-171

Surveyor:
Glen L. Cooper, LLC
5743 Kenai Road
Kenai, Alaska 99503

Drawn By:
Glen L. Cooper, LLC
5743 Kenai Road
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Scale:
1" = 200' H
1" = 200' V

APB File No:
2008-002

APB File No:
2007-171



KENAI PENINSULA BOROUGH PLANNING COMMISSION
RESOLUTION 2008-24
HOMER RECORDING DISTRICT

Vacate a portion of a 60-foot right-of-way easement granted in Book 69 Page 420, within or adjacent to Lots 5, 6, 7, 13 and 14, Block Two, Triple Crown Estates No. 2 Phase 1 (Plat HM 2007-26); within Section 28, Township 5 South, Range 12 West; all within the Seward Meridian and Kenai Peninsula Borough, Alaska; KPB File 2008-070; Location: South of East End Road in Homer

WHEREAS, Sanford Beachy of Triple Crown Investments of Homer, Alaska, petitioned for vacation of a portion of a 60-foot right-of-way easement granted in Book 69 Page 420 Homer Recording District; and

WHEREAS, KPB 20.28 provides for the vacation of public rights-of-way and other public areas; and

WHEREAS, it was been determined by the Planning Commission on April 14, 2008 that all requirements had been met, supporting approval of the vacation; and

WHEREAS, the Borough Assembly concurred with the Planning Commission's approval of the vacation on May 6, 2008; and

WHEREAS, the vacation of the easement does not require replatting of any vacated area, allowing it to be finalized by a resolution;

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

Section 1: That the portion of the 60-foot right-of-way easement described above is hereby vacated.

Section 2: That a copy of the sketch clearly depicting the easement being vacated shall be recorded with this resolution.

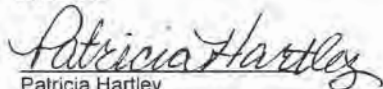
Section 3: That this resolution is void if not recorded in the appropriate Recording District within thirty days of adoption.

Section 4: That this resolution becomes effective upon being properly recorded.

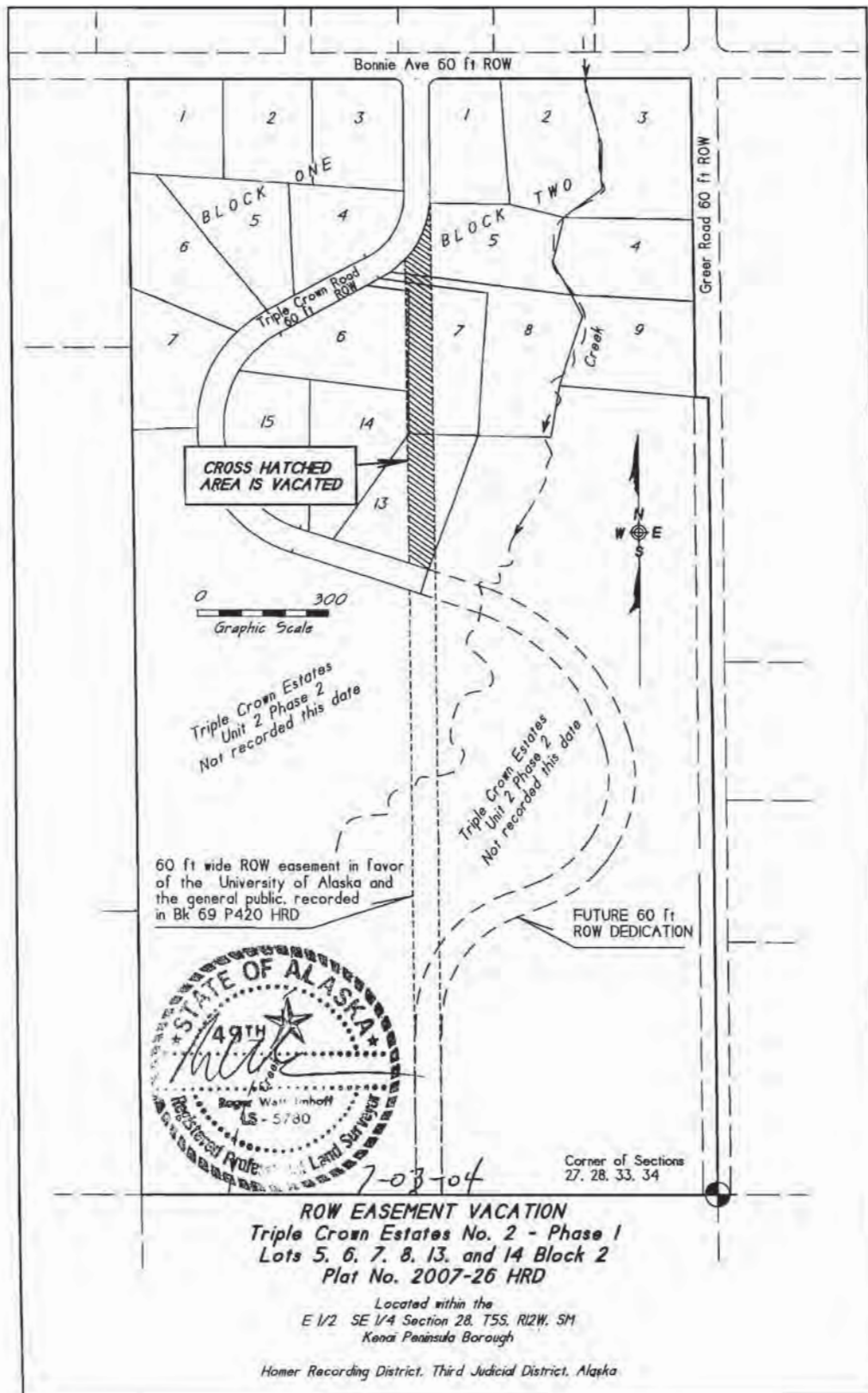
ADOPTED BY THE PLANNING COMMISSION OF THE KENAI PENINSULA BOROUGH ON THIS 23
DAY OF June, 2008.

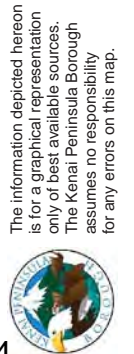
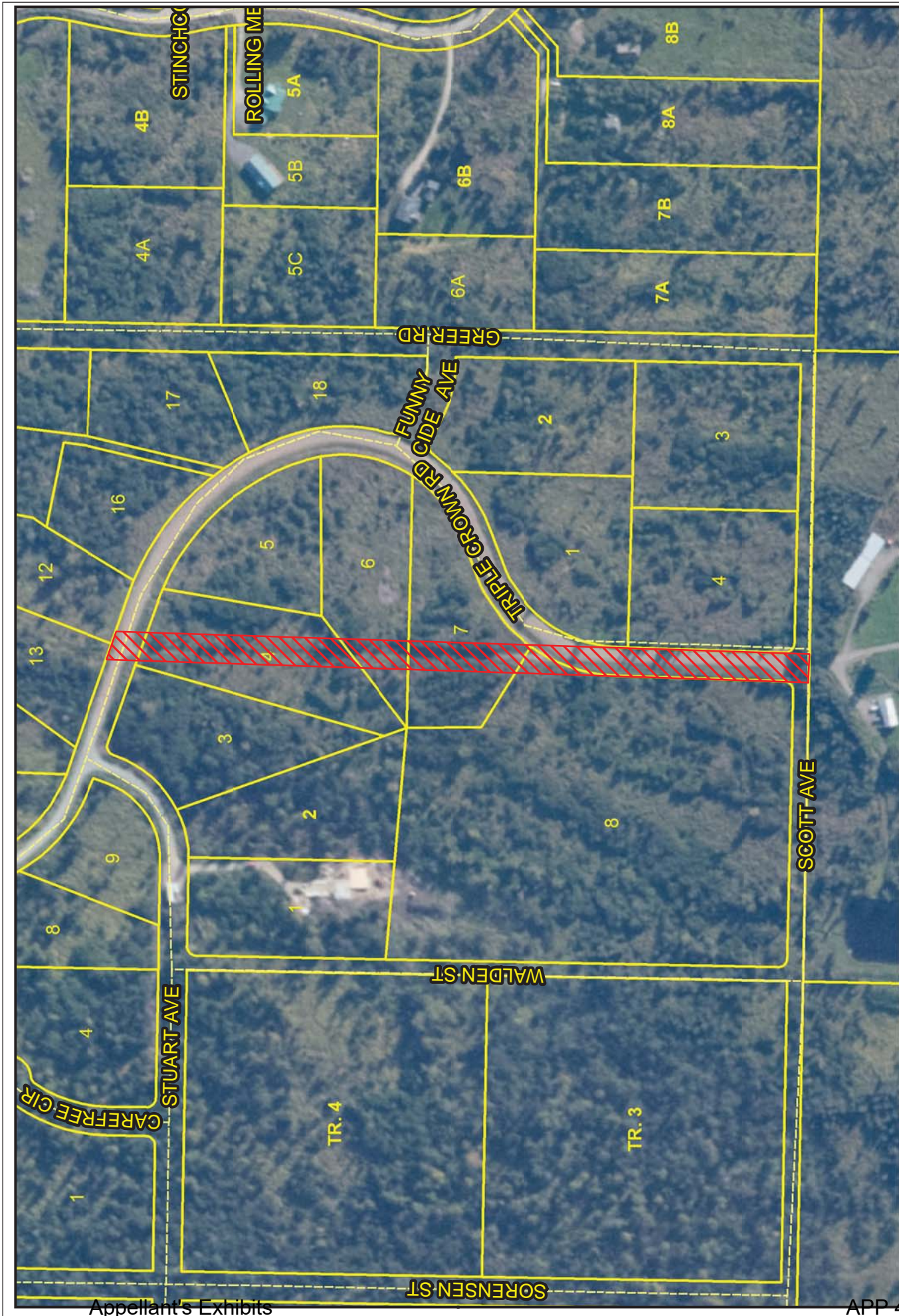

Philip Bryson, Chairperson
Planning Commission

ATTEST:


Patricia Hartley
Administrative Assistant

Please return to:
Planning Department
Kenai Peninsula Borough
144 N. Binkley Street
Soldotna, Alaska 99669-7599





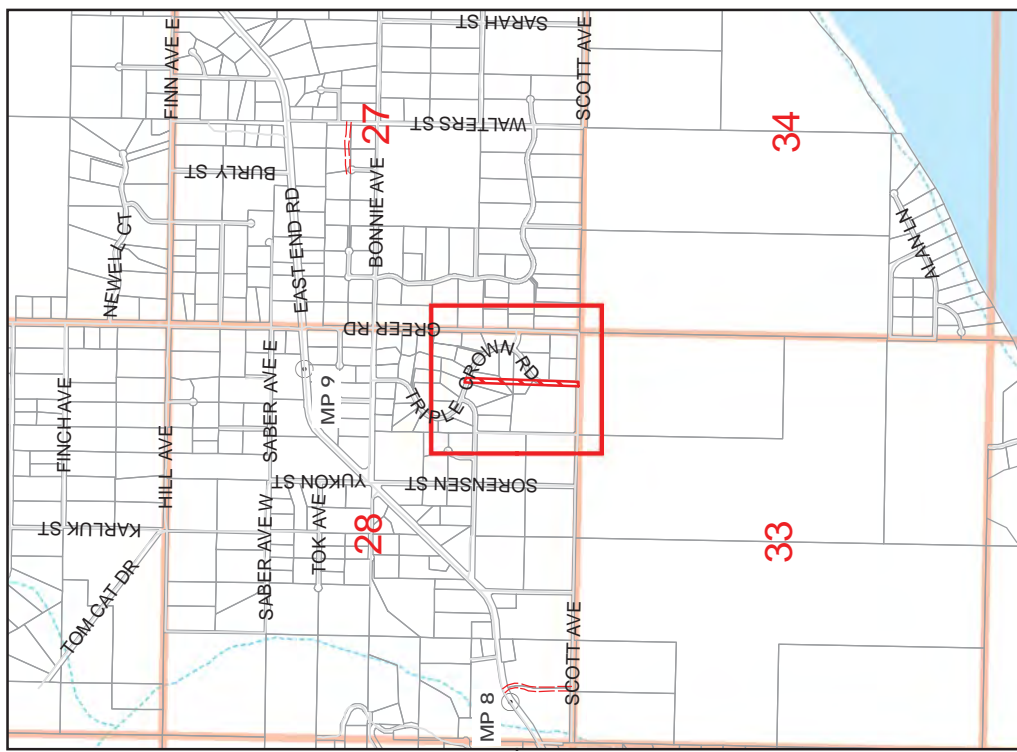
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.

Aerial View



 Public Access Easement Vacation

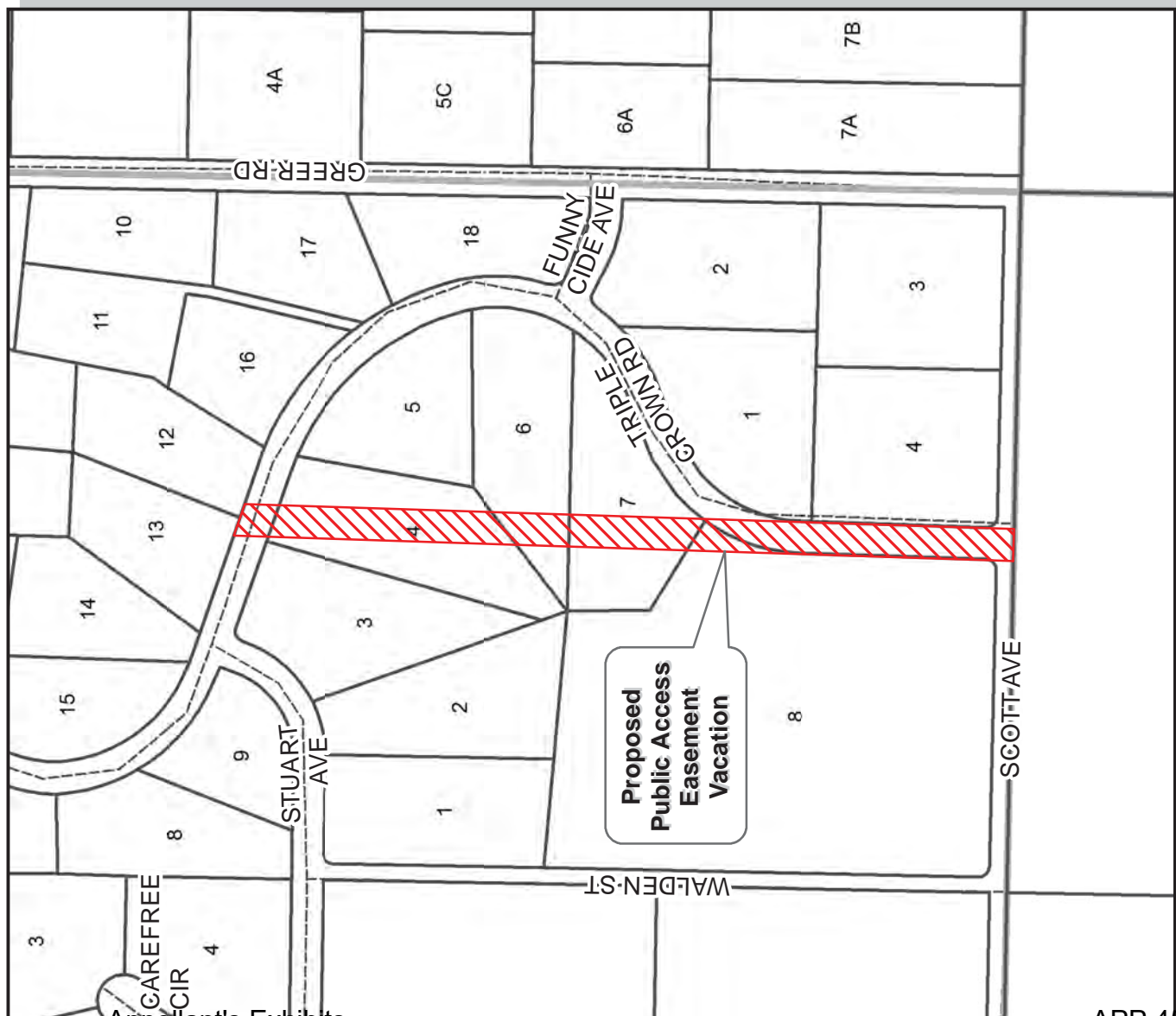
JReif, KPB
Date: 4/19/2019
Imagery: 2016



**KPB 2019-044V
T05S R10W S28
FRITZ CREEK**



JReif, KPB
Date: 4/19/2019



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