

## Reif, Jordan

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**From:** Benjamin Mohr <bmohr@ciri.com>  
**Sent:** Friday, October 20, 2017 3:55 PM  
**To:** Reif, Jordan  
**Subject:** Bostwick Subdivision, KPB File 2017-149

Mr. Reif –

Thank you for the opportunity to present comments to the Kenai Peninsula Borough (Borough). Cook Inlet Region, Inc. (CIRI) has concerns relating to the Borough's deliberations of the Bostwick Subdivision, KPB File 2017-149. These concerns are not with the subdivision itself, a matter which CIRI offers no opinion, but rather on the access to the property under consideration.

As the Borough is aware, KPB 20.30.050 defines legal access to exist "where an unrestricted, public right-of-way connects the subdivision to the state highway system..." and where one of a number of additional requirements are met. While the application notes valid section line easements fronting the property under consideration, these easements are not conducted over an "unrestricted, public right-of-way connect[ing] the subdivision to the state highway system."

Initial review of both CIRI's records and public records support the position that the constructed roads known as Brody Road and Michael and Zoya's Road are not public rights-of-way. They are in fact private roads, crossing private CIRI property. While KPB 20.30.050(B) offers waivers to the provisions of KPB 20.30.050(A), which the applicant may be erroneously relying upon, as the property owner of the roads CIRI is hereby informing the Borough that CIRI has not dedicated, and is not considering dedicating, either of these roads as public rights-of-way.

CIRI does not offer opposition to, or support for, the subdivision under consideration. CIRI must however, make the Borough aware that these constructed roads are private where they cross CIRI's private property. CIRI does not support any action by the Borough to establish these or any other roads as de-facto public rights-of-way absent legal easements or other devices agreed to by CIRI.

Thank you again for the opportunity to comment on this matter.

Best Regards,  
Cook Inlet Region, Inc.

Ben Mohr  
Manager, Surface Estate

**Cook Inlet Region, Inc. (CIRI)**  
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