




## KENAI PENINSULA BOROUGH

144 N. BINKLEY SOLDOTNA, ALASKA 99669-7520  
BUSINESS (907) 262-4441 FAX (907) 262-1892

JOHN J. WILLIAMS  
MAYOR

### MEMORANDUM

**TO:** Ron Long, Assembly President  
Kenai Peninsula Borough Assembly Members

**FROM:**  Max Best, Planning Director

**DATE:** July 19, 2006

**SUBJECT:** Vacate a portion of Moose Hollow Road right-of-way and associated public utility easement adjacent to Lot 2 Block 1, dedicated by Lake Vista Estates Part 2 (Plat KN 95-13); within Section 12, Township 6 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough. KPB File 2006-143; Location: North Kenai area

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 Planning Commission approved the referenced vacation during their regularly scheduled July 17, 2006 meeting.

A motion to grant the vacation as petitioned and adopting the nine findings passed by unanimous consent. This petition is being sent to you for your consideration and action.

The Assembly has 30 days from July 17, 2006 in which to veto the decision of the Planning Commission. If the Commission receives no veto within the 30-day period, the decision of the Commission will stand.

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

cc: petitioners w/minutes only

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate a portion of Moose Hollow Road right-of-way and associated public utility easement adjacent to Lot 2 Block 1, dedicated by Lake Vista Estates Part 2 (Plat KN 95-13); within Section 12, Township 6 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough. KPB File 2006-143; Location: North Kenai area

Staff Report reviewed by Max Best

PC Meeting 7/17/2006

Purpose as stated in petition: Redesign of R/W to create larger view lots

Petitioners: Lynn R. and Rosanne L. Carlson of Kenai, Alaska

Public notice appeared in the June 29 and July 6, 2006 issues of the Peninsula Clarion.

All surrounding property owners were notified by certified mailings as required by the code. Three (3) certified mailings were sent; two receipts have been returned.

Thirteen (13) regular mailings and ten (10) departmental mailings were sent to agencies, interested parties, and KPB Departments. Notices were mailed to the Nikiski Post Office and Kenai Community Library to post in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement of objection

No statements of objection have been received.

**Findings:**

1. The plat showing the vacation received preliminary approval on June 12, 2006.
2. Alternate, superior access was provided on the plat.
3. No lots will be denied access.
4. No lots will be denied utilities.
5. All plats are sent to the utility companies for review.
6. The right-of-way is not in use for access.
7. The utility easements are not in use for utilities.
8. A very small portion of the right-of-way will be vacated.
9. The vacation will allow the road to be moved further from the lake, creating larger lots.

**STAFF RECOMMENDATION:** Based on the above findings, staff recommends granting the vacation as approved, subject to:

1. Submittal of a final plat within one year of vacation approval.

**If the vacation is approved, the Assembly has thirty days in which they may veto Planning Commission approval of the vacation.**

**DENIAL OF A VACATION PETITION IS A FINAL ACT FOR WHICH NO FURTHER CONSIDERATION SHALL BE GIVEN BY THE KENAI PENINSULA BOROUGH. APPEALS TO PLANNING COMMISSION DENIAL OF A VACATION MUST BE TAKEN WITHIN THIRTY (30) DAYS TO SUPERIOR COURT AT KENAI, ALASKA PURSUANT TO PART VI OF THE ALASKA RULES OF APPELLATE PROCEDURES. [20.28.110 AS AMENDED BY KENAI PENINSULA BOROUGH ORDINANCE 99-43].**

END OF STAFF REPORT

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

**MOTION:** Commissioner Clark moved, seconded by Commissioner Martin to grant the vacation as petitioned citing the 9 findings.

Commissioner Heimbuch asked where the new and better view was located and who gets the view. Mr. Best referred to Page 102 in the packet where it showed the overall outline of the subdivision and the new subdivision. The existing subdivision is just one lot with a portion of a right of way extension that would extend through four lots, Lots 10-13. With the rerouting of the road it will now go down below the extension of what the road use to be which will provide a better view for these lots.

**VOTE:** The motion passed by unanimous consent.

BRYSON YES	CLARK YES	FOSTER YES	GROSS YES	HEIMBUCH YES	HOHL ABSENT	HUTCHINSON YES
ISHAM YES	JOHNSON ABSENT	MARTIN YES	MASSION ABSENT	PETERSEN YES	TAURIINEN ABSENT	9 YES 4 ABSENT

Mr. Best read the appeal process.

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#### AGENDA ITEM F. PUBLIC HEARINGS

3. Vacate the 25 foot ingress-egress easement along the south lot line of lot 28-A and the 25 foot ingress-egress easement along the north lot line of lot 27-A and the 20 foot utility easement centered along the common east-west lot line of lots 27-A2A and 28-A-1 granted by Bunnell's Subdivision Replat of Lots 27 & 28 (Plat HM 78-44); and the 10 foot utility easement along the north lot line of lot 28-A-1 and the 10 foot utility easement along the east lot line of lot 27-A2A granted by Bunnell's Subdivision No 17 (Plat HM 86-44); within Section 19, Township 6 South, Range 13 West, Seward Meridian, Alaska; KPB File 2006-150; Location: City of Homer

Staff Report reviewed by Max Best

PC Meeting 7/17/2006

Purpose as stated in petition: The ingress-egress easements are not being used and have never been used since their creation in 1978. They encumber a lot of area including over half of lot 27-A1A. The same person owns lot 27-B and 28-B, who conveyed lots 27-A1A, 27-A2A and 28-A-1 to the current owner and reserved the driveway easement shown per document 2004-04823 HRD.

Petitioners: Lana Arlene Fortin and Lillian Laughlin of Homer, Alaska

Public notice appeared in the June 29 and July 6, 2006 issues of the Homer News.

All surrounding property owners were notified by certified mailings as required by the code. Eighteen (18) certified mailings were sent; all receipts have been returned.

Seventeen (17) regular mailings and nine (9) departmental mailings were sent to agencies, interested parties, and KPB Departments. Three (3) notices were posted in public locations. The notice and maps were posted on the Borough web site.

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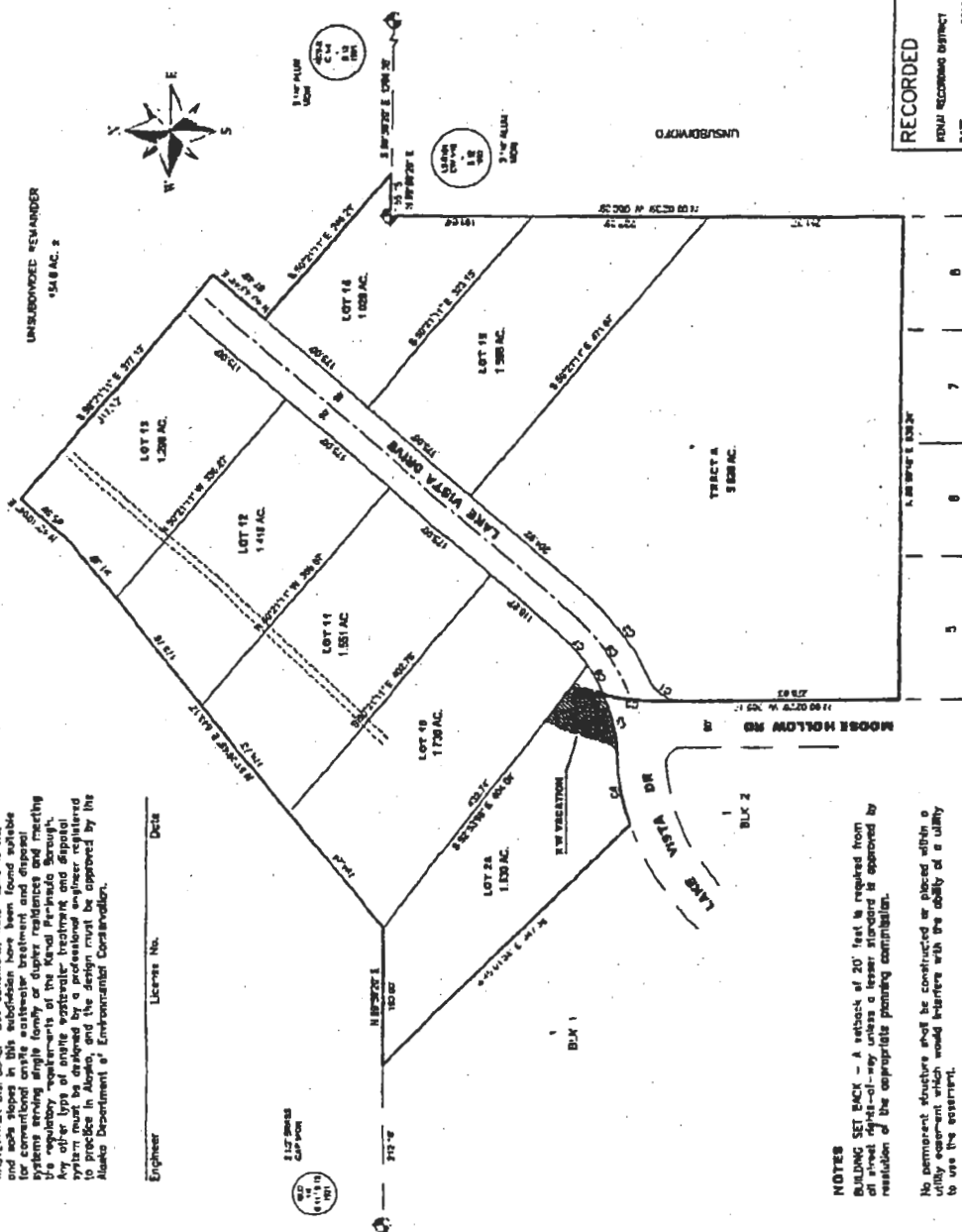
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END OF STAFF REPORT

Engineer	License No.	Date
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UNSUBSIDIZED REMAINDER  
 540 AC. 2



**NOTES**

**BUILDING SET BACK** - A setback of 20' feet is required from all street rights-of-way unless a lesser standard is approved by resolution of the copyright planning commission.

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.

RECORDED

**BULK 4 - LAKE VISTA ESTATES PHASE THREE**

CURVE	WDLA	ARC	DELTA	YAMBERT	CHORD	CHORD PER MILE
C1	20.00	51.67	65.7911°	33.32	30.24	11.22 1/2 ft
C2	25.00	128.88	78.281°	65.98	137.98	15.55 3/4 ft
C3	30.00	225.00	84.289°	100.00	217.19	18.05 1/2 ft
C4	35.00	333.33	86.311°	133.33	333.33	19.77 1/2 ft
C5	40.00	400.00	87.532°	160.00	400.00	20.97 1/2 ft
C6	45.00	450.00	88.183°	181.82	450.00	21.80 3/4 ft
C7	50.00	500.00	88.666°	200.00	500.00	22.37 1/2 ft
C8	55.00	550.00	89.024°	218.18	550.00	22.75 1/2 ft

**CERTIFICATE OF OWNERSHIP AND DEDICATION**

We hereby certify that we are the owners of the real property herein described and that we hereby adopt this Declaration of Subdivision and by our first covenants, conditions and restrictions set forth in the Declaration of Subdivision and by our first covenants, conditions and restrictions set forth in the Declaration of Subdivision and by our first covenants, conditions and restrictions set forth in the Declaration of Subdivision.

Mr. Lynn Carlson  
PO Box 240 Rapid AK 99781  
Renee L. Carlson

## NOTARYS ACKNOWLEDGEMENT

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Lottery Public for Alaska  
by Commission Expires

### PLAT APPROVAL

This plot was approved by the Kenai Peninsula Borough Planning Commission at the meeting of \_\_\_\_\_

**KENAI PENINSULA BOROUGH**

by. \_\_\_\_\_  
Authorized Official

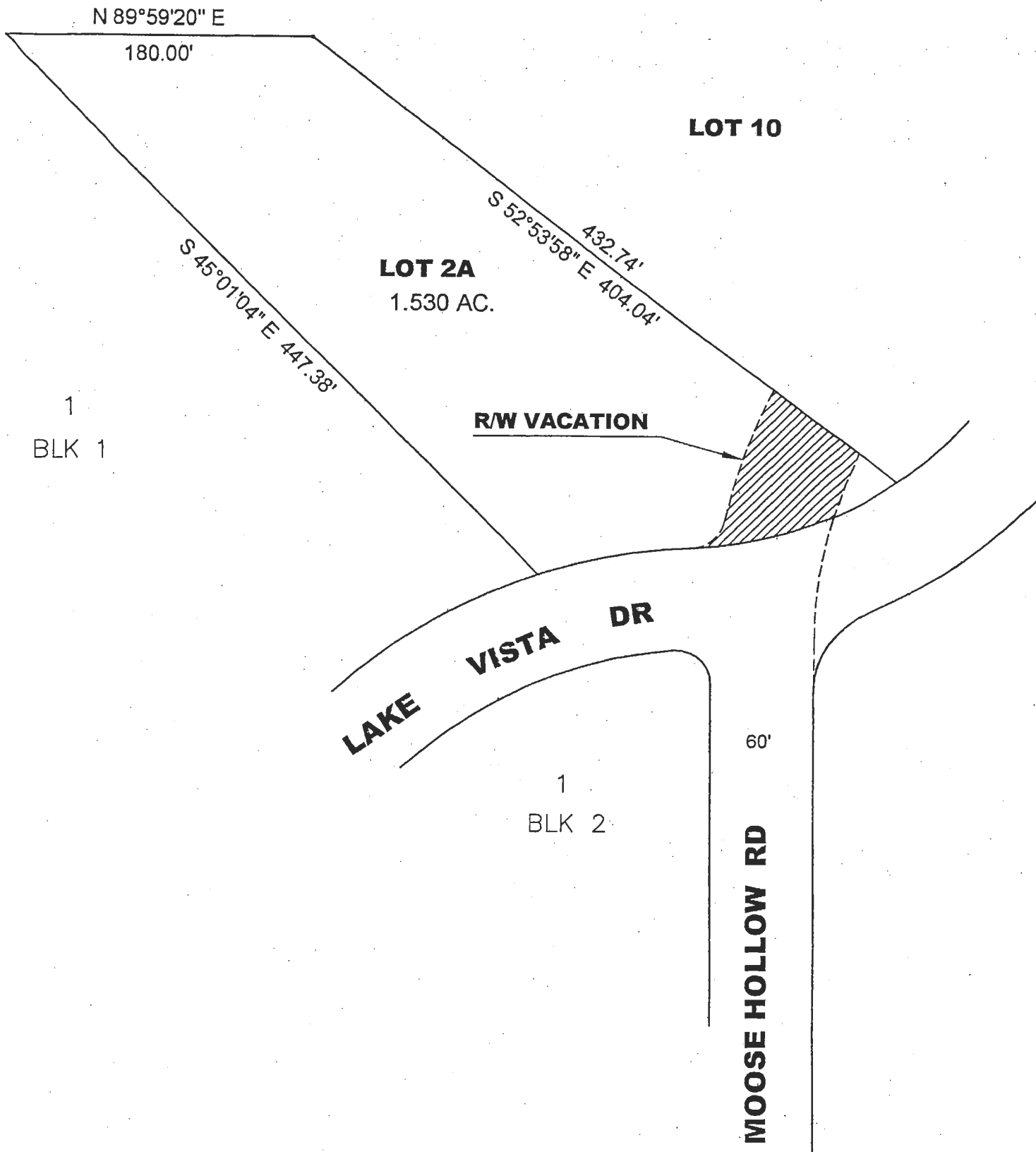
2006-137

**LAKE VISTA ESTATES  
PART 4**

A RE-SUBDIVISION OF LOT 2 BLK 1, THE UNRESERVED REMAINDER OF LAKE VISTA ESTATES PART THREE, A PORTION OF THE NW 1/4 SECTION 12 T8N R12W S41 AX and a portion of a portion of the

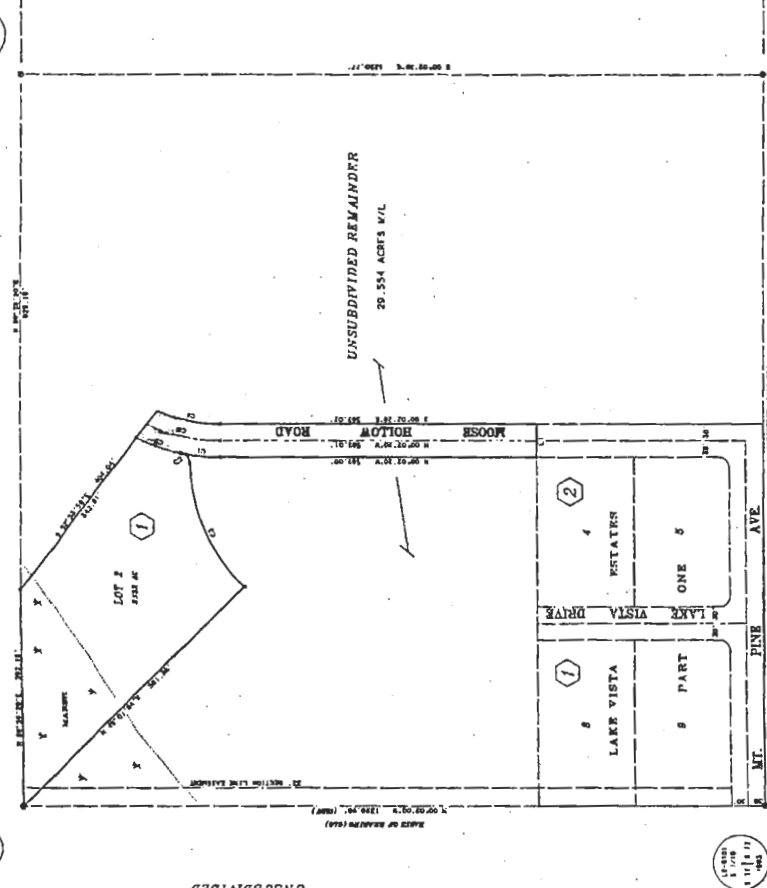
**WHITFORD SURVEYING**

DATE: 9/20/88	SCALE: 1" = 100'
FILE NO:	FILE: LRVETA.dwg



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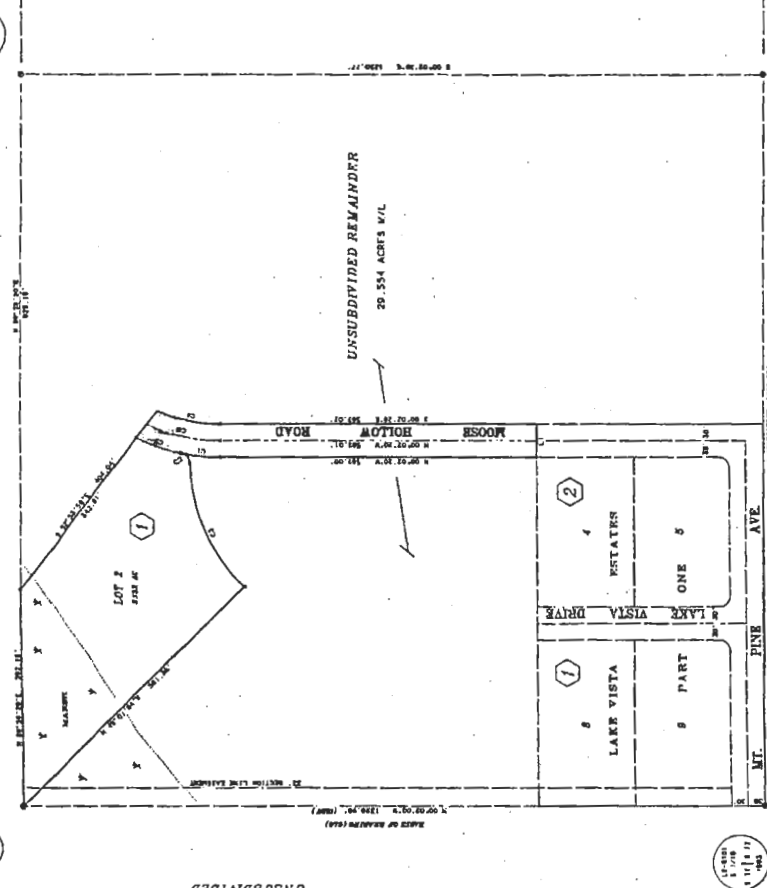
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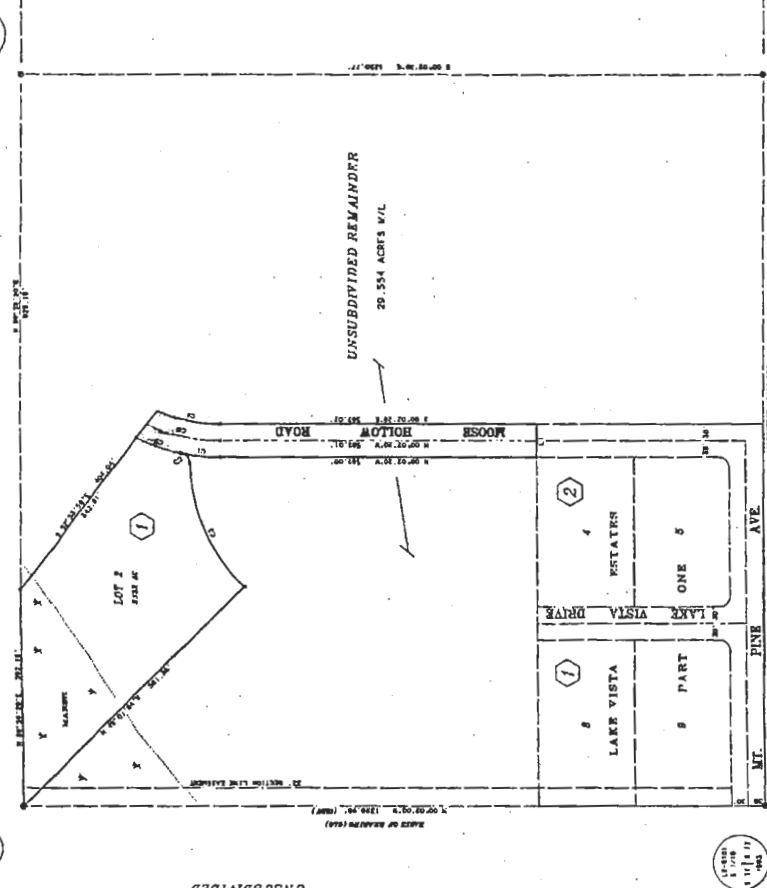
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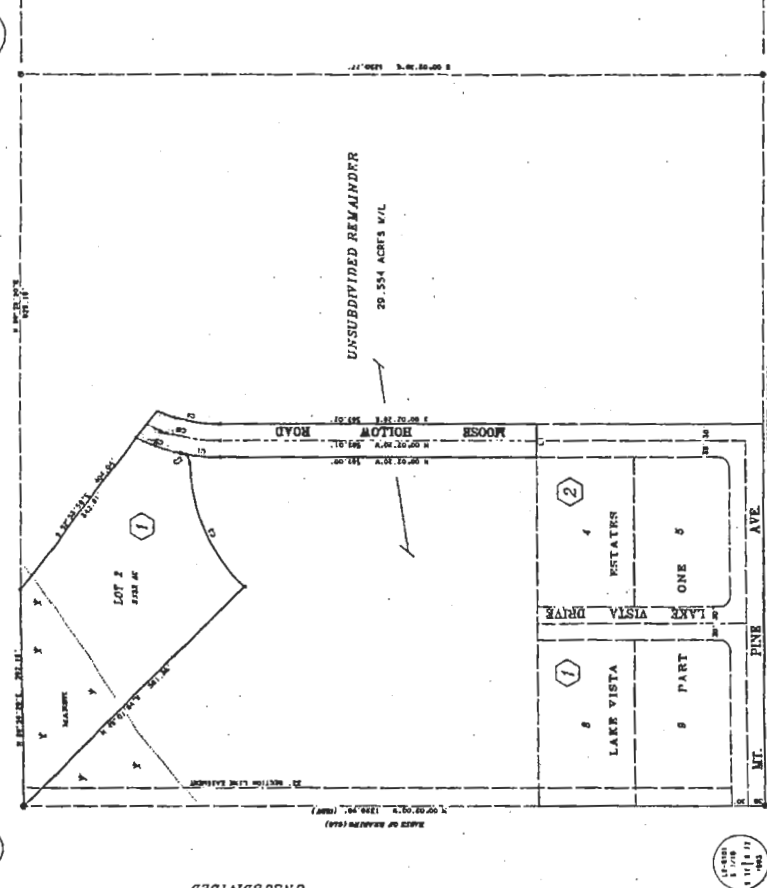
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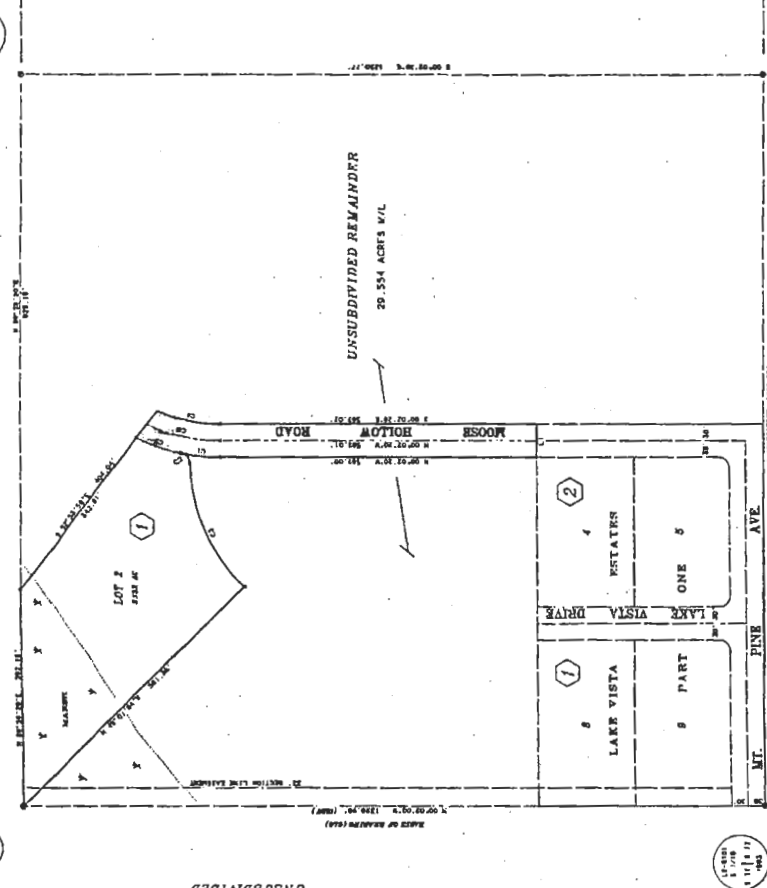
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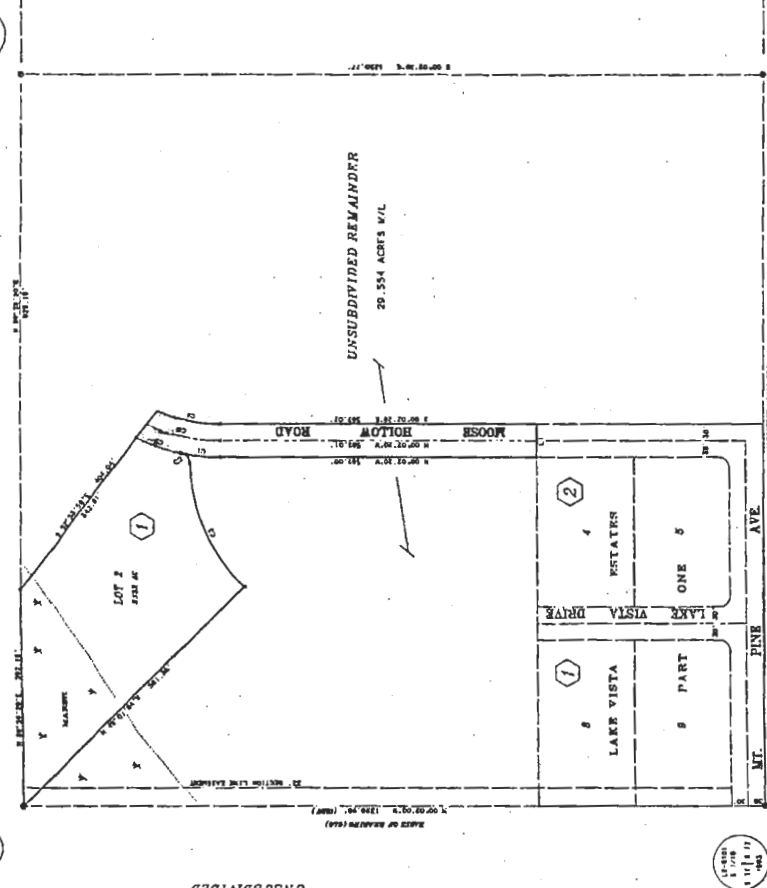
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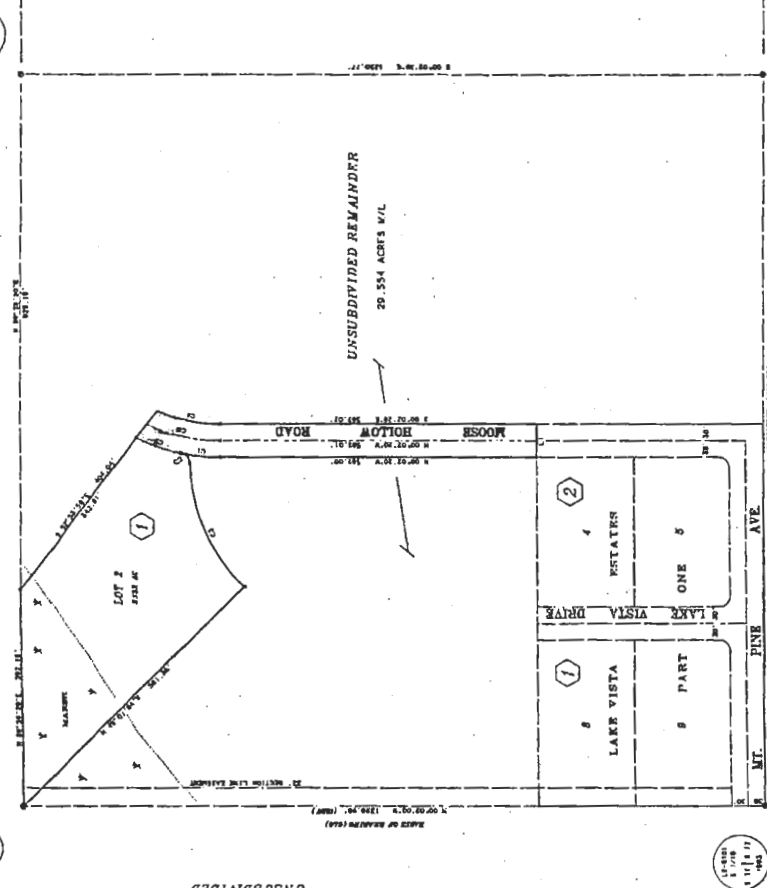
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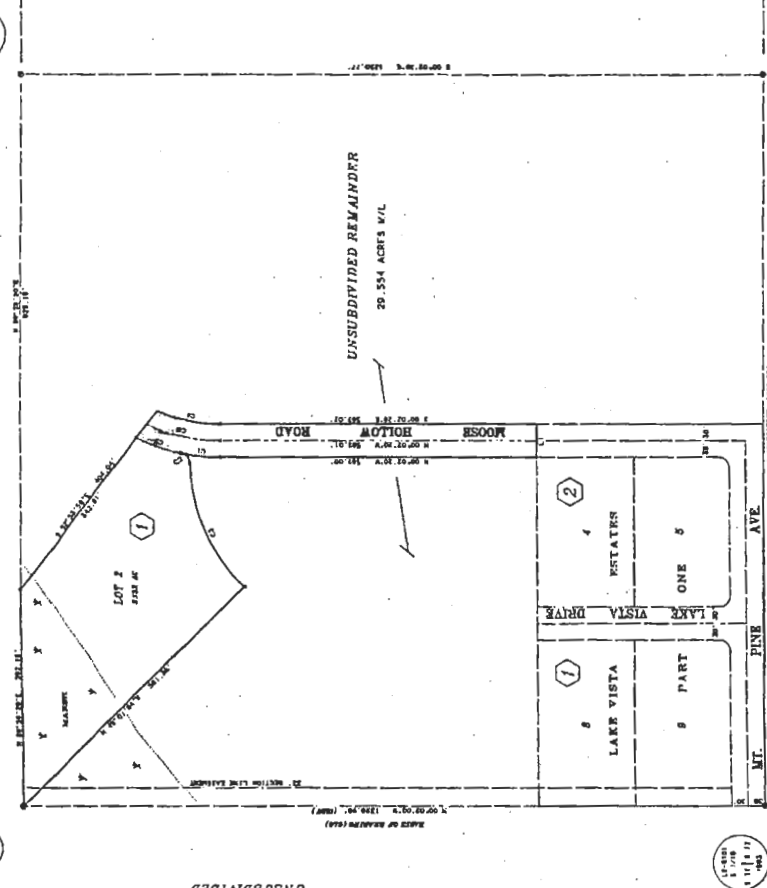
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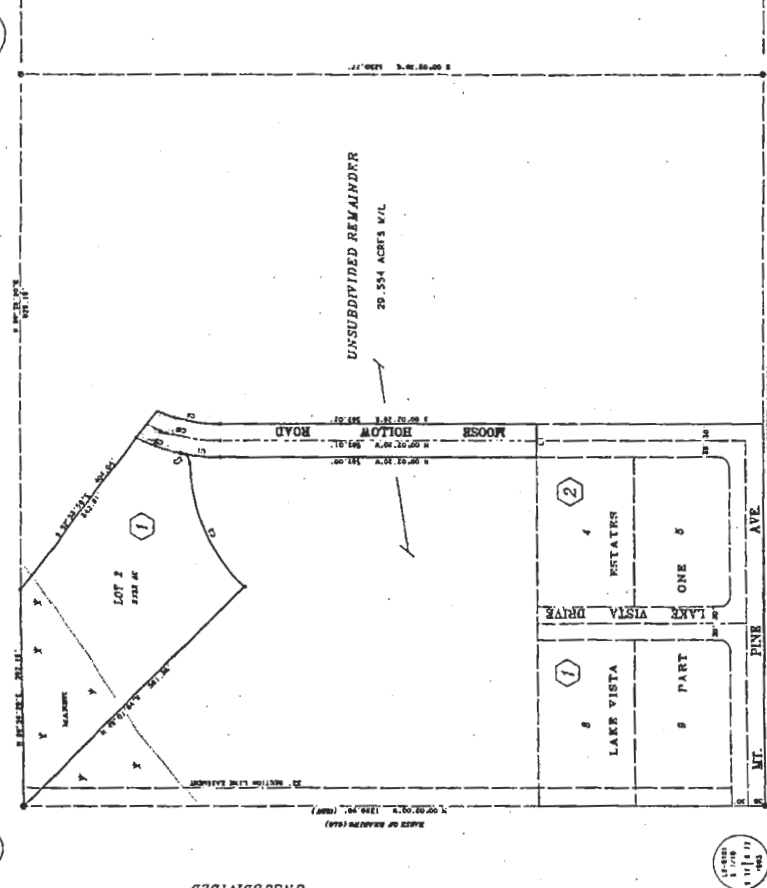
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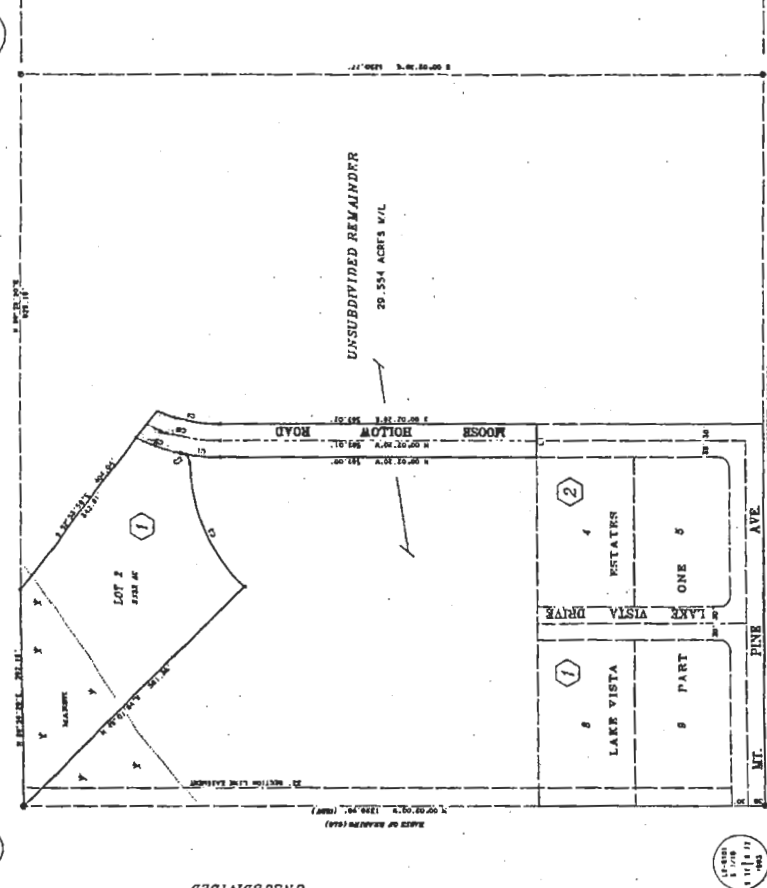
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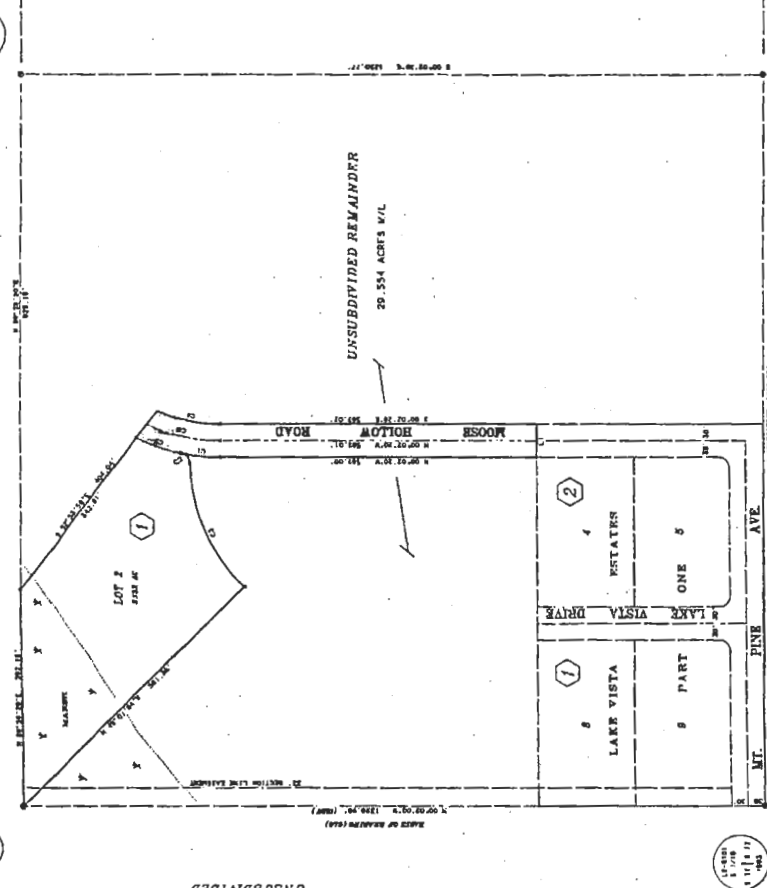
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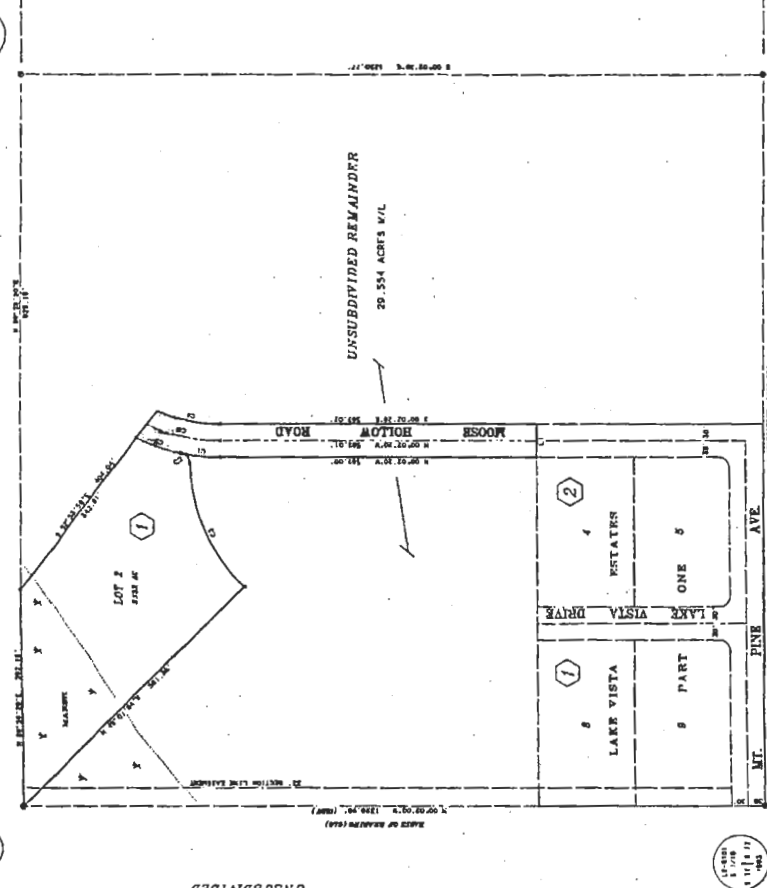
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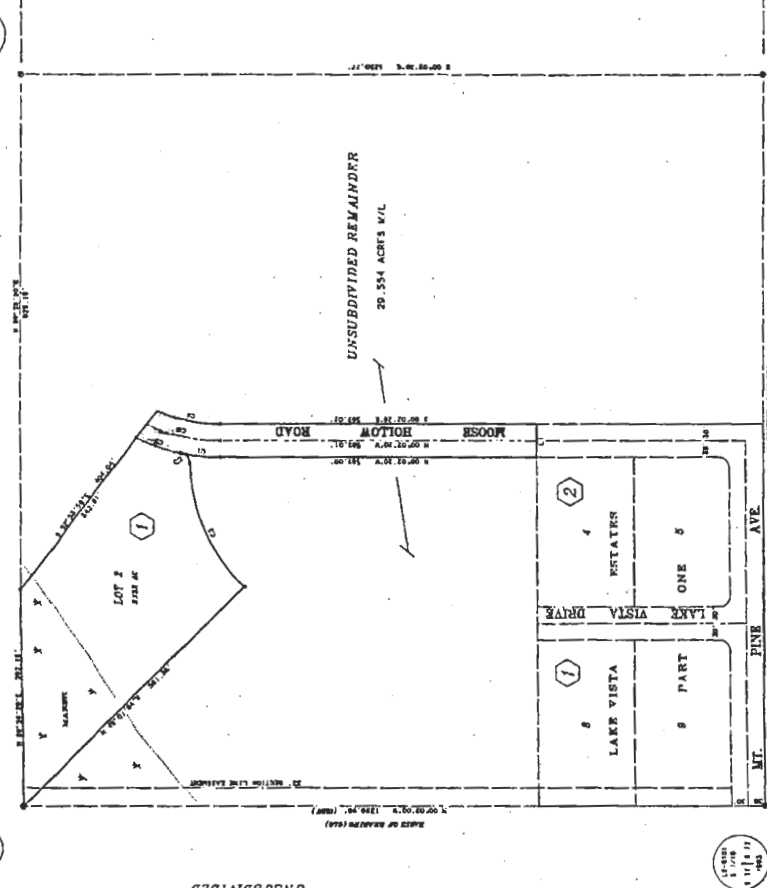
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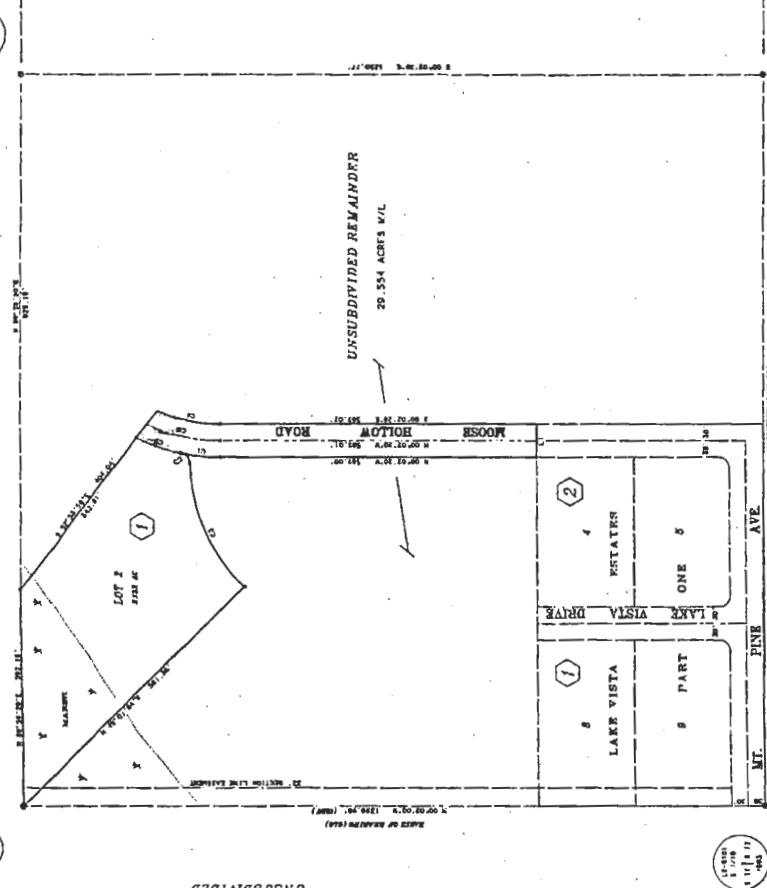
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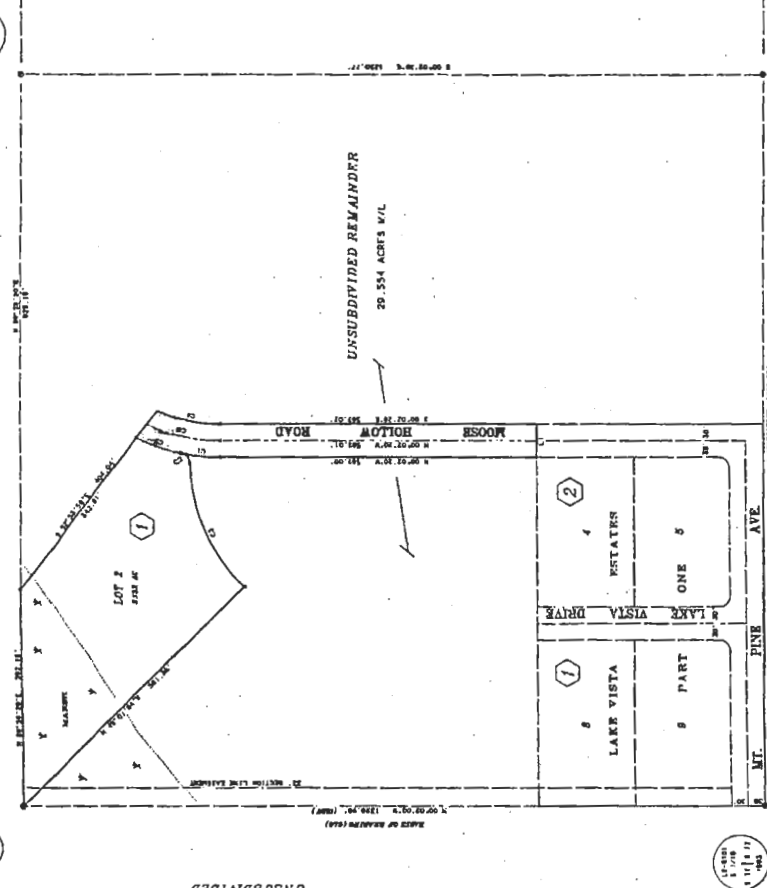
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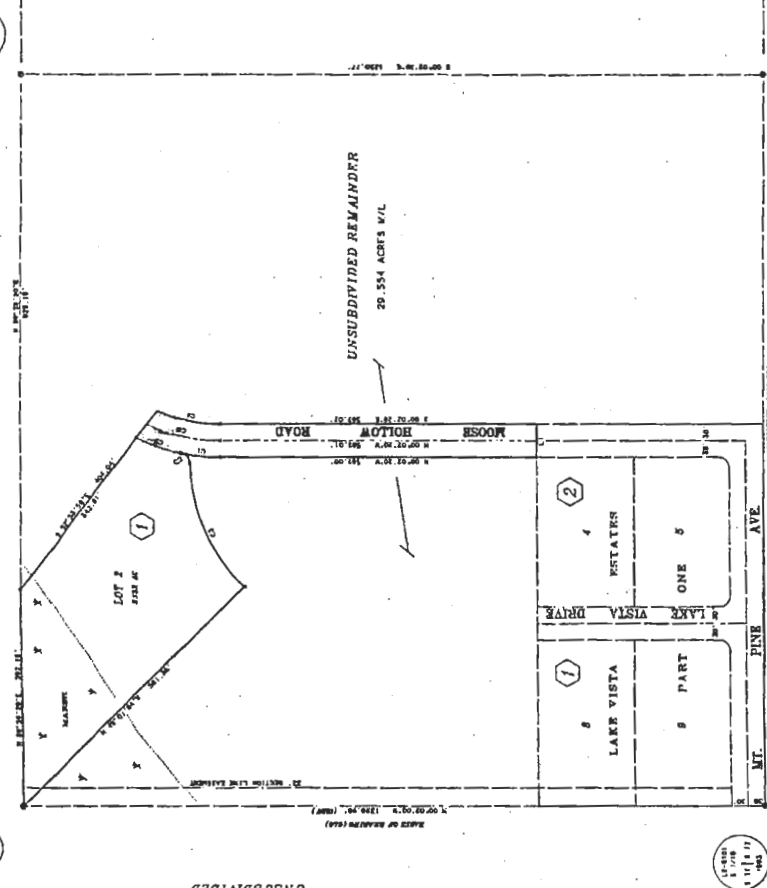
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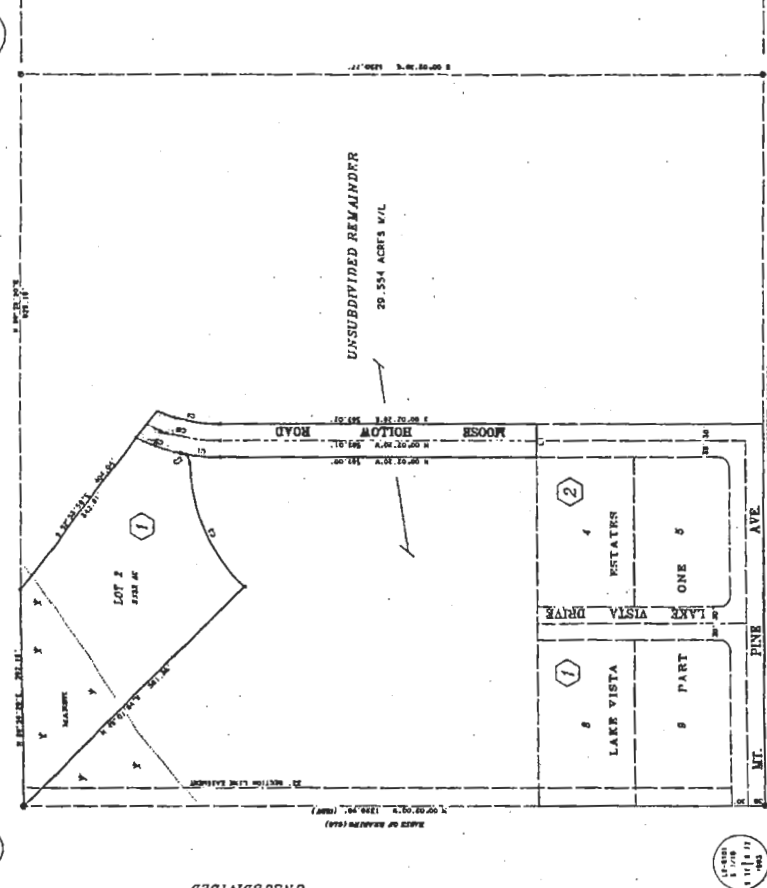
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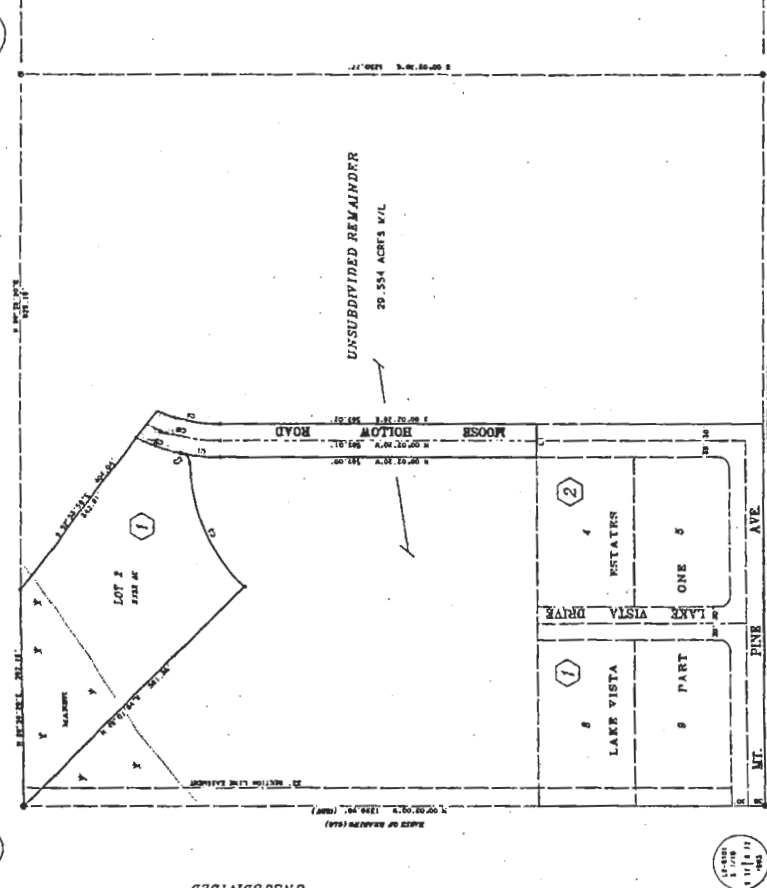
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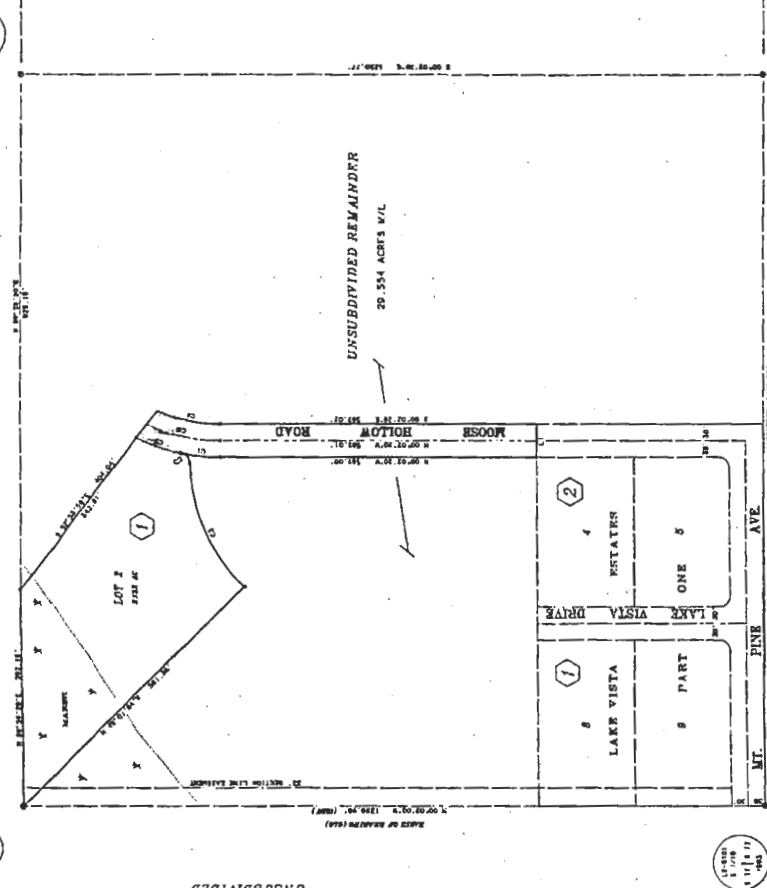
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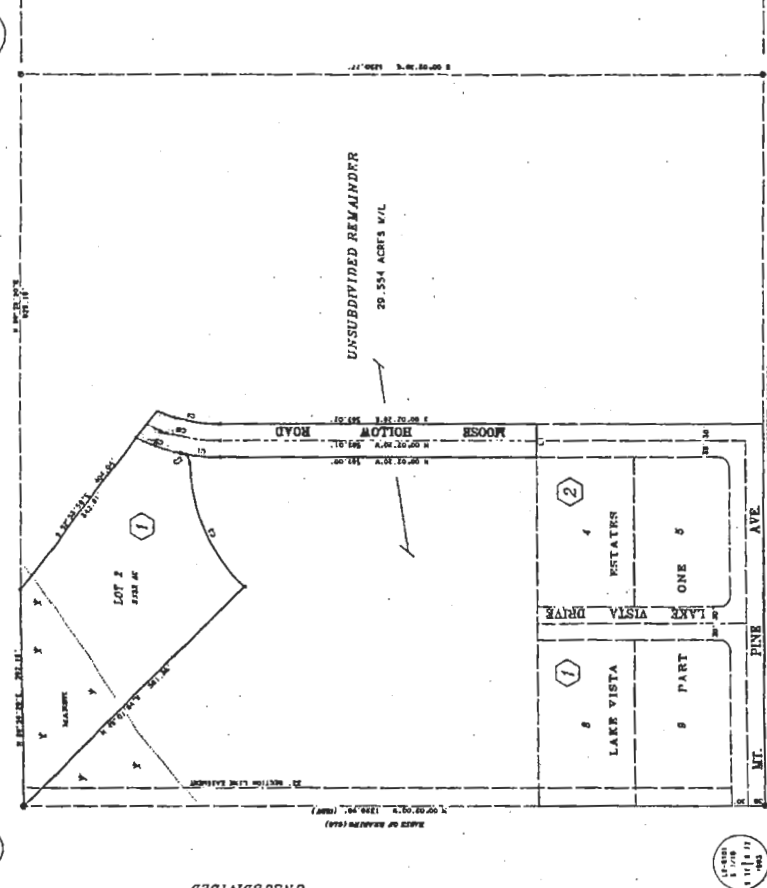
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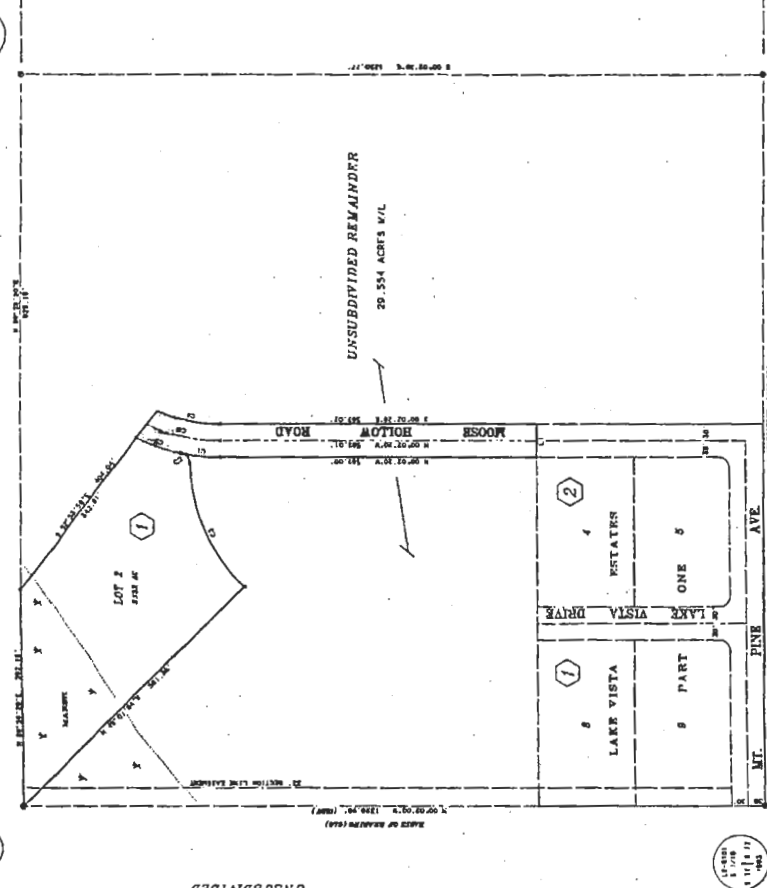
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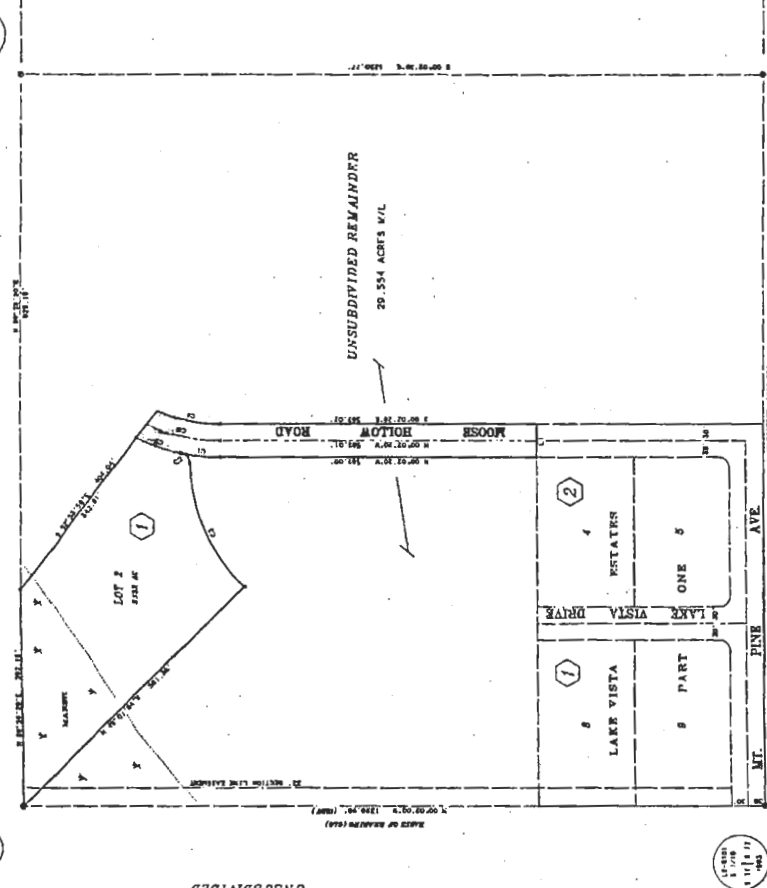
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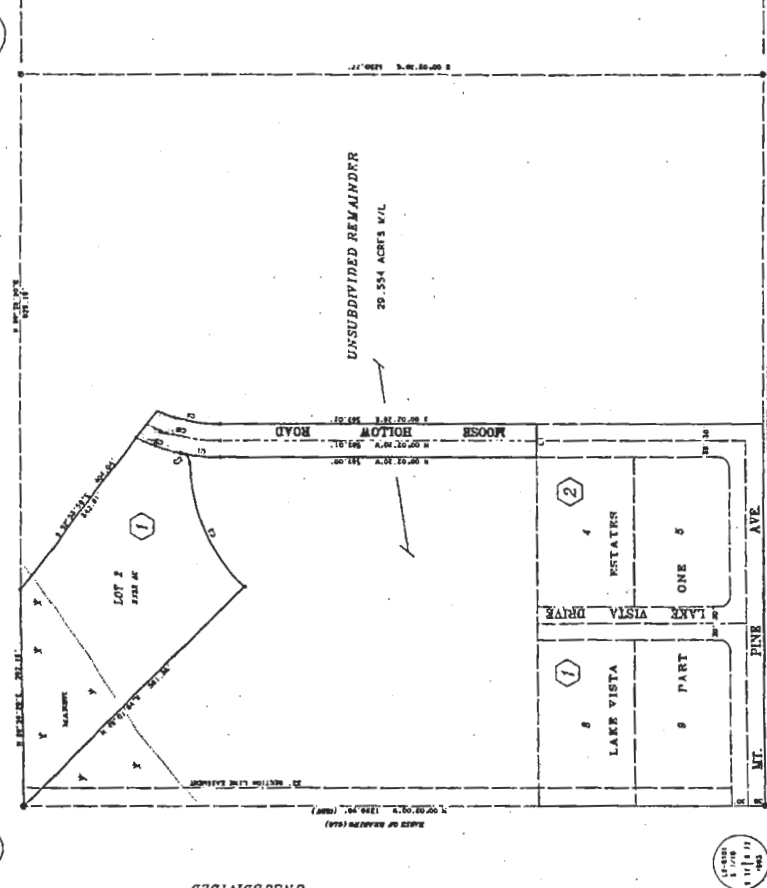
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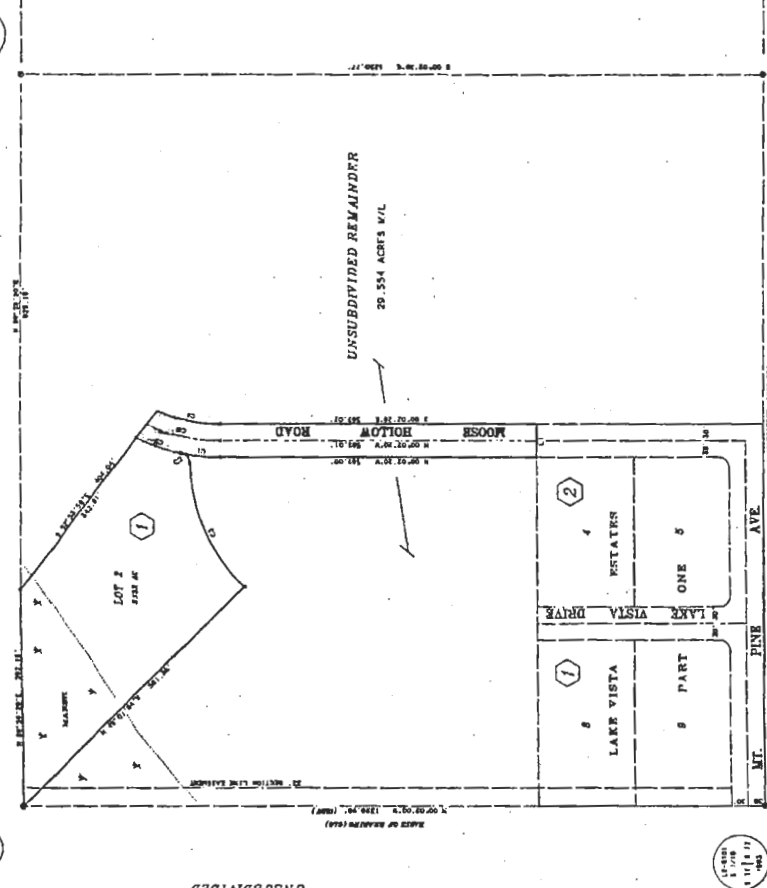
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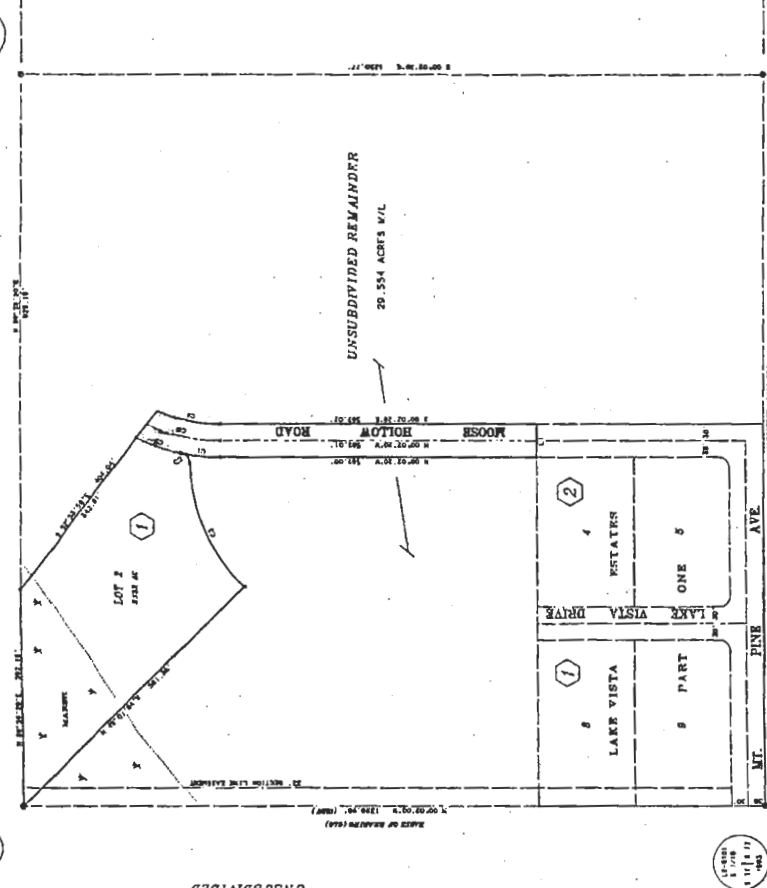
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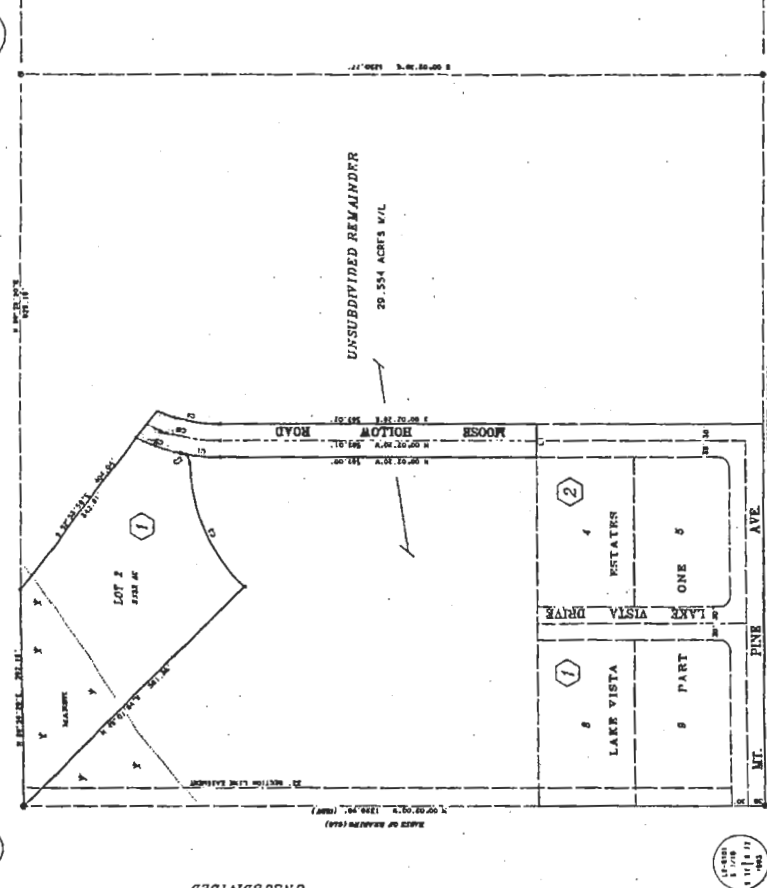
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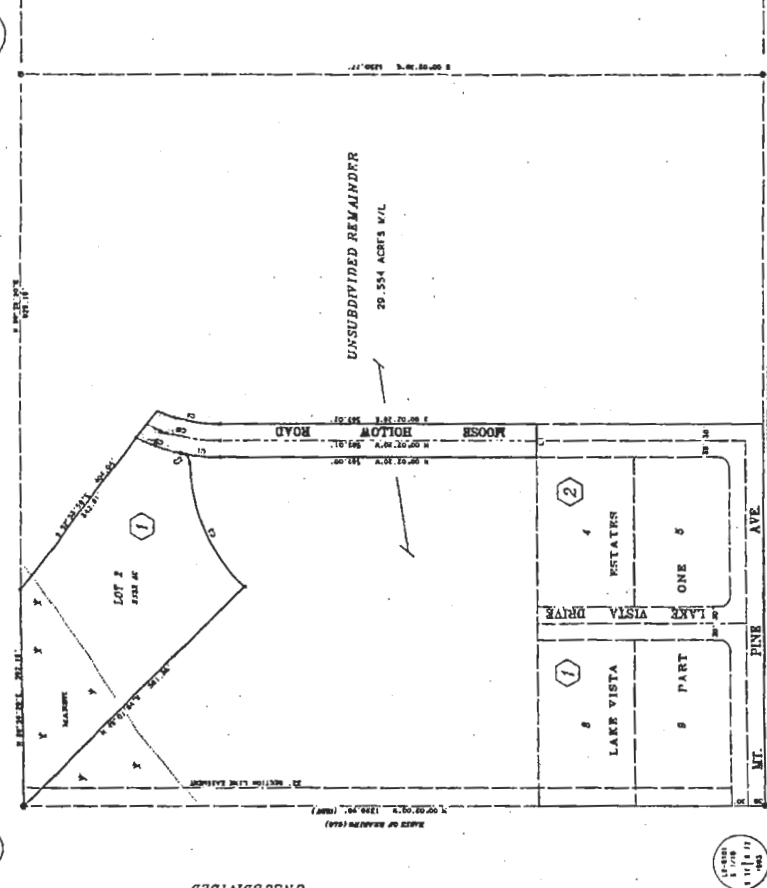
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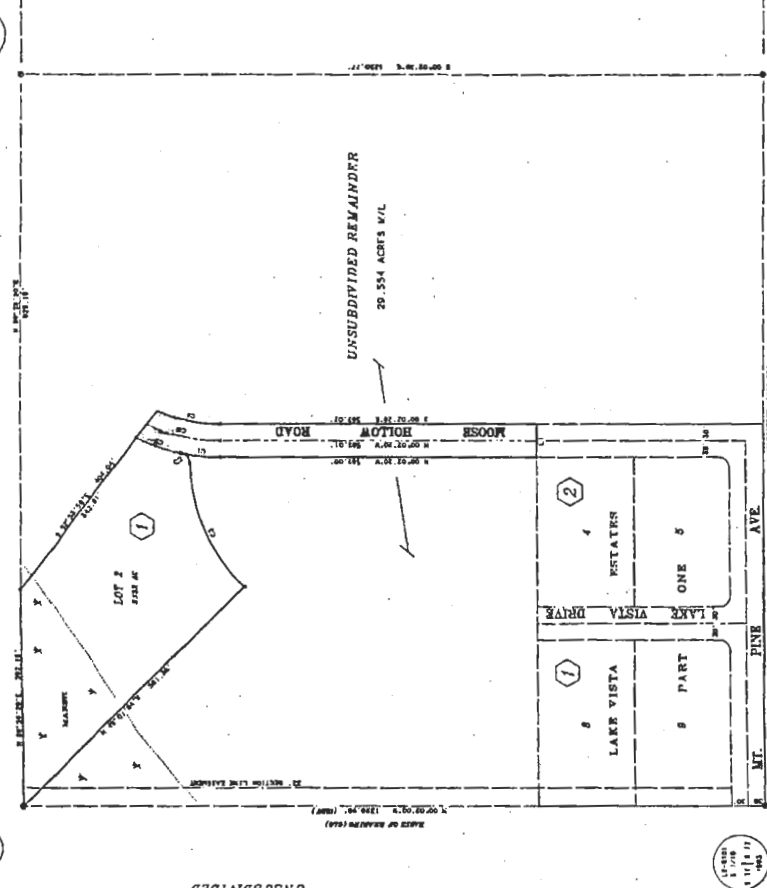
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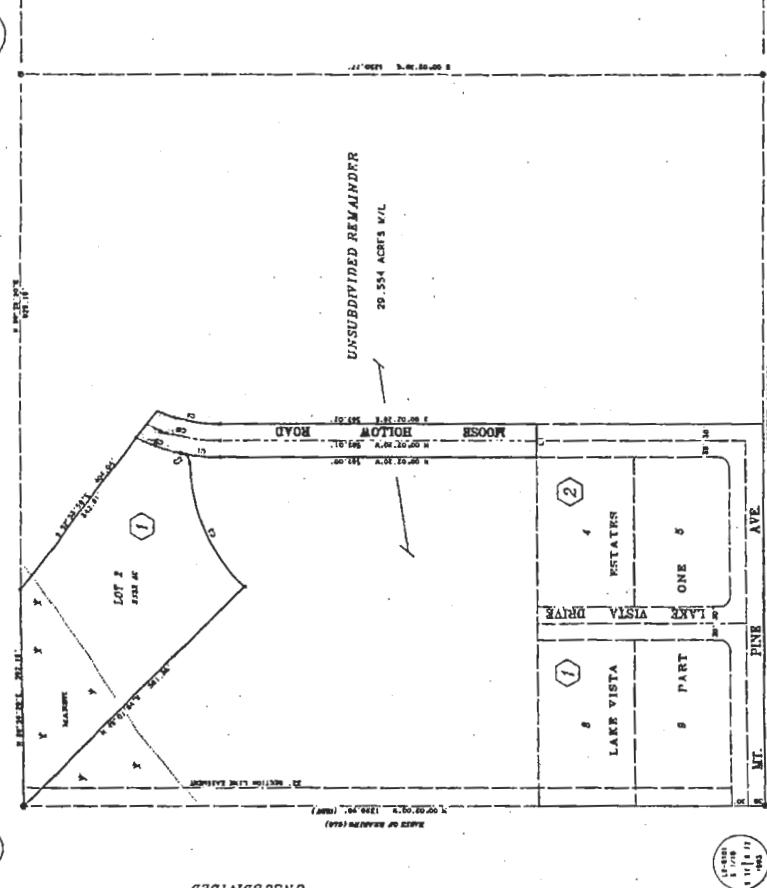
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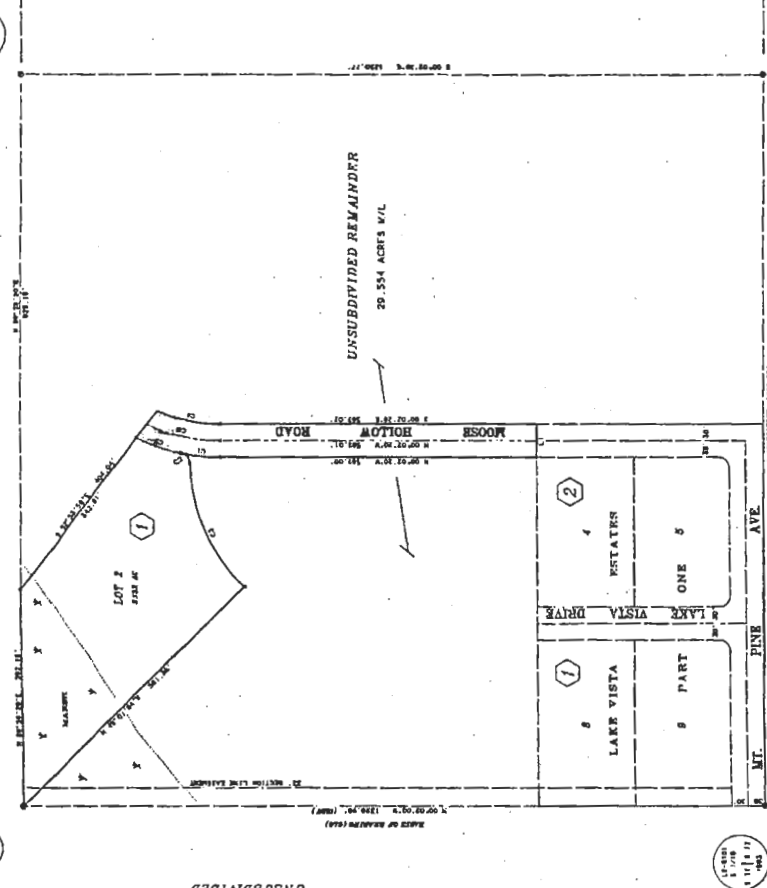
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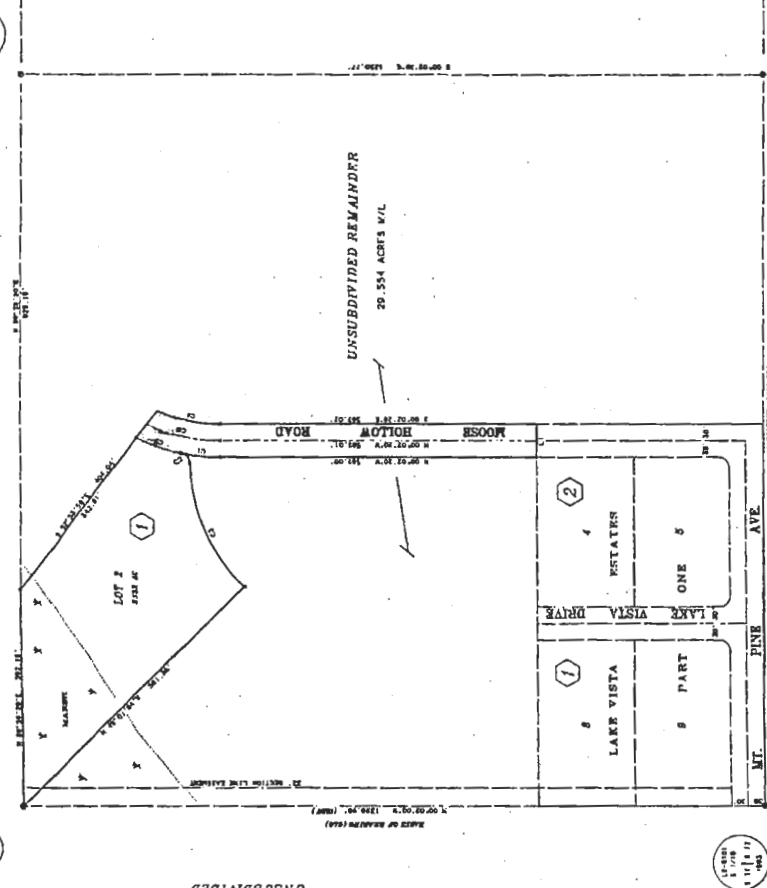
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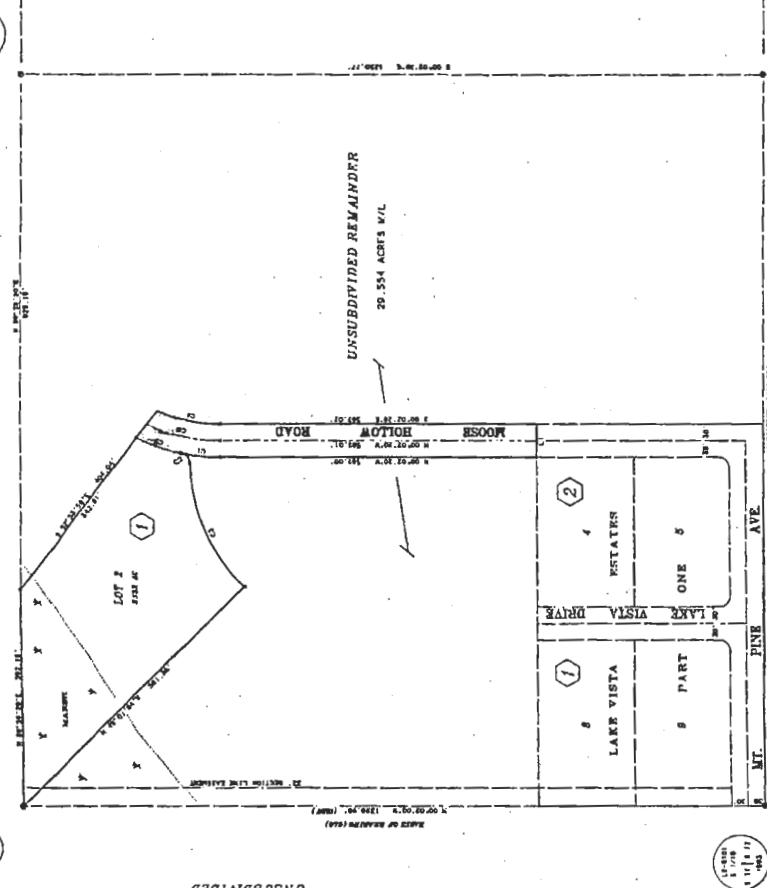
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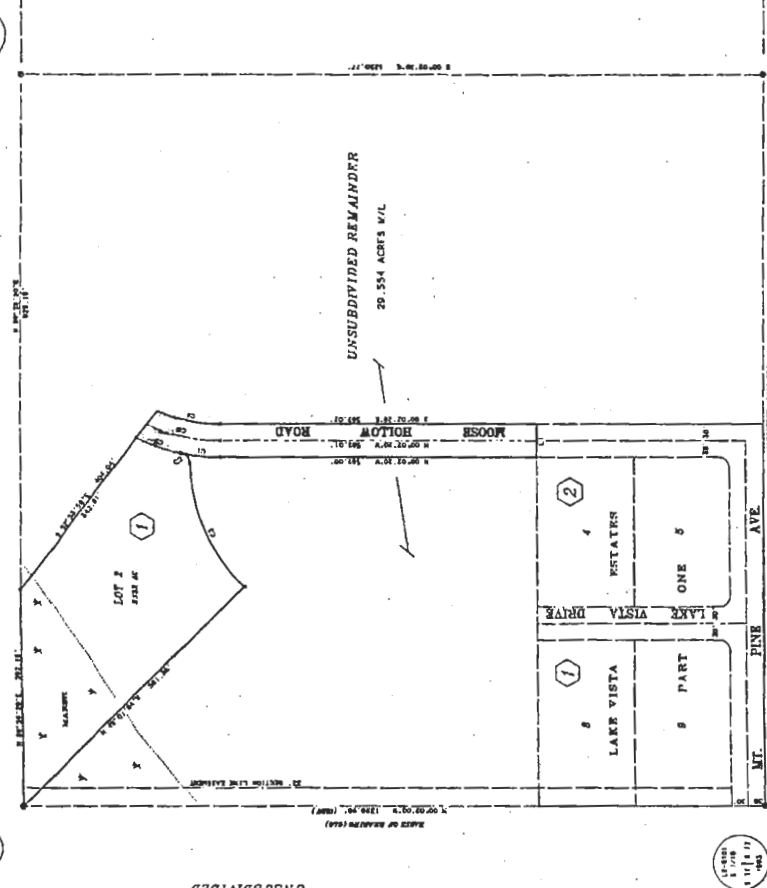
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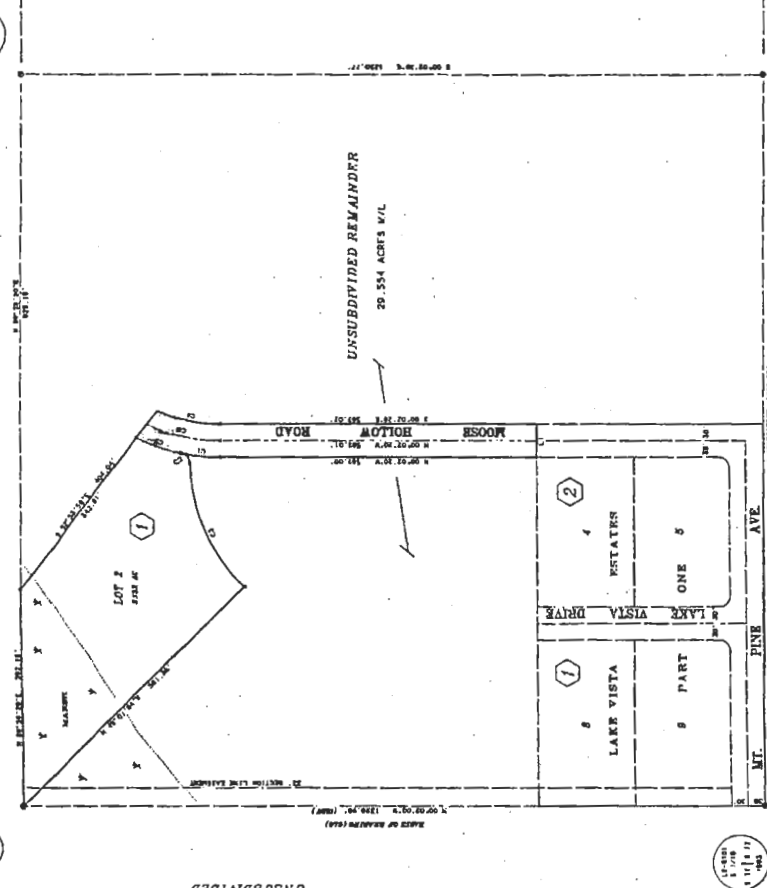
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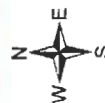
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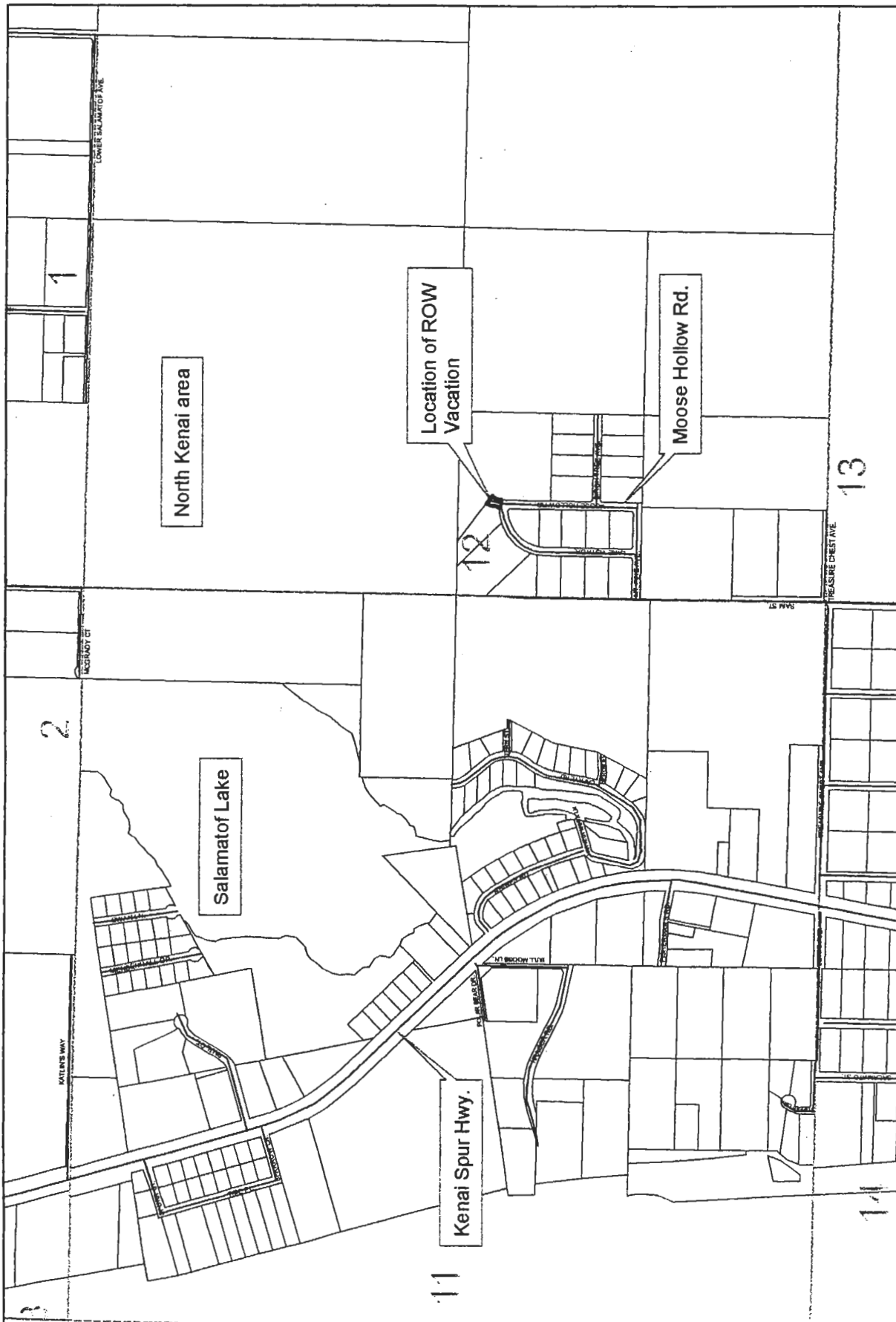
Kenai Peninsula Borough Planning Department

6/16/06

Vicinity Map







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5/30/2006



# KENAI PENINSULA BOROUGH PLANNING DEPARTMENT

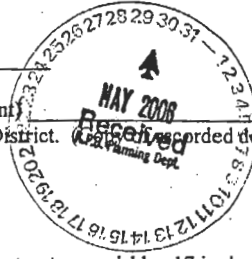
## PETITION TO VACATE

### PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT

#### PUBLIC HEARING REQUIRED

Upon receipt of complete application with fees and all required attachments; a public hearing before the Planning Commission be scheduled. The petition with all required information and attachments must be in the Planning Department at least 15 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.

- ☒ Fees - \$300 non-refundable fee to help defray costs of advertising public hearing. Plat fees will be in addition to vacation fees.
- ☐ 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 MOOSE HOLLOW ROAD; dedicated by plat of LAKE VISTA E. Part Subdivision, filed as Plat No. 9513 in Kenai Recording District. Two
- ☐ Are there associated utility easements to be vacated? ☒ Yes ☐ No  
Are easements in use by any utility company; if so which? \_\_\_\_\_
- ☐ 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. (\_\_\_\_\_ recorded document must be submitted with petition)
- ☐ Section Line Easement. Width of easement must be shown on sketch.
- ☐ Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11 x 17 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
- Has section line easement been constructed? ☐ Yes ☐ No
- Is section line easement being used? ☐ Yes ☐ No
- Is alternative right-of-way being provided? ☐ Yes ☐ No

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MAY 22 2006

KENAI PENINSULA BOROUGH  
PLANNING DEPARTMENT

petitioner must provide reasonable justification for the vacation.

Reason for vacating Re-design of R/W to create  
larger view lots

The petition must be signed (written signature) by owners of majority of the front feet of land fronting part of right-of-way or section line easement proposed to be vacated. Each must include mailing address and legal description of his/her property.

Submitted by: Signature Roy Whitson  
Name Roy Whitson as ☒ representative ☐ petitioner  
Address Bx 4032  
Soldotna AK  
Phone 260-8092

Petitioners:

Signature Rosanne Carlson  
Name Rosanne Carlson  
Address PO Box 240  
Kenai AK 99611  
Owner of 283-6450

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Owner of \_\_\_\_\_

Signature [Signature]  
Name Rosanne Carlson  
Address PO Box 240  
Kenai, AK 99611  
Owner of \_\_\_\_\_

Signature \_\_\_\_\_  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
Owner of \_\_\_\_\_



**Kenai Peninsula Borough  
Planning Department  
144 North Binkley  
Soldotna, Alaska 99669-7599  
907-714-2200**

**toll free within the Borough 1-800-478-4441, extension 2200**

**FAX 907-262-8618**

**email: [planning@borough.kenai.ak.us](mailto:planning@borough.kenai.ak.us)**

July 19, 2006

**KENAI PENINSULA BOROUGH PLANNING COMMISSION  
NOTICE OF DECISION**

**MEETING OF JULY 17, 2006**

**RE:** Vacate a portion of Moose Hollow Road right-of-way and associated public utility easement adjacent to Lot 2 Block 1, dedicated by Lake Vista Estates Part 2 (Plat KN 95-13); within Section 12, Township 6 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough. KPB File 2006-143; Location: North Kenai area

The Kenai Peninsula Borough Planning Commission approved the proposed vacation during their regularly scheduled meeting of July 17, 2006.

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 in which to veto the Planning Commission decision. If the Planning Director receives no veto within the specified period, the Borough 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) to verify the date the subject vacation will be reviewed by the Assembly.

This notice and unapproved minutes of the subject portion of the meeting were sent July 19, 2006 to:

Roy Whitford  
Box 4032  
Soldotna, AK 99669

Lynn & Rosanne Carlson  
PO Box 240  
Kenai, AK 99611