




## 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:** September 26, 2006

**SUBJECT:** Vacate a portion of Byrd Drive (changed to Bird Street Resolution SN 2005-05) a 33-foot right-of-way and associated public utility easement on the east boundary of Tracts 4A, 4B and 4C dedicated by Heistand Subdivision Resubdivision of Tract 4 (Plat KN 77-25); within Section 28, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-206; Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska; Location: Southeast of Funny River Road

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 September 25, 2006 meeting.

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

The Assembly has 30 days from September 25, 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

1. Vacate a portion of Byrd Drive (changed to Bird Street Resolution SN 2005-05) a 33-foot right-of-way and associated public utility easement on the east boundary of Tracts 4A, 4B and 4C dedicated by Heistand Subdivision Resubdivision of Tract 4 (Plat KN 77-25); within Section 28, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-206; Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska; Location: Southeast of Funny River Road

Staff Report reviewed by Max Best

PC Meeting: 9/25/06

Purpose as stated in petition: To eliminate the hazard of people on the golf course. There is adequate access to all of the property near this right of way. The clubhouse sits on the south side of the right of way. Parking is on the north side and thru traffic would be an extreme hazard.

Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska.

Public notice appeared in the September 7 and September 14, 2006 issues of the Peninsula Clarion.

Ten (10) certified mailings were sent to owners of property within 300 feet of the parcels; two (2) receipts have been returned. Six notices were returned due to incorrect mailing addresses. Planning staff attempted to re-deliver three returned notices.

Eleven (11) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection or no comment

Homer Electric Association

Statement of objection

State of Alaska Department of Transportation (DOT) objects to the vacation as presented. The vacation would force two driveways onto Funny River Road. DOT suggested vacating the portion between Tracts 4B and 4C and dedicate a cul-de-sac at the north end of Tract 4B in addition to the proposed cul-de-sac at the south end of 4C.

**Findings:**

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, one utility company has provided a letter of non-objection.
8. Per the submittal, the proposed vacation will eliminate the hazard of people on the golf course.
9. Per the submittal, traffic would present an extreme hazard.
10. Satellite imagery shows Lot 1, Tract 4B, and 4C already have existing driveways off Funny River Road.
11. As proposed, the vacation would not require additional access of Funny River Road, the basis of State DOT's objection.
12. Bird Street is a section line easement.
13. If the vacation as petitioned is approved, the section line easement will remain in place for access and will be shown on the final plat.
14. The section line easement vacation would have to go through a separate process with a separate plat.
15. The State of Alaska must sign the section line easement vacation plat.

STAFF RECOMMENDATION: Based on Findings 1-14, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code (submittal of a final plat within

one year of vacation approval).

If the vacation is approved, the Kenai Peninsula Borough 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 read the rules by which public hearings are conducted.

Chairman Bryson opened the meeting for public comment.

1. Patsy Bird, 37020 Funny River Road

Ms. Bird stated she has lived at this location for the past 48 years. She stated they submitted the vacation petition for two reasons. One was because the right of way goes over to the area that they would like to use for parking at the clubhouse. The other reason was because Ms. Bird felt that it could become a race tract if that was made to go completely through. She referred to the aerial photo showing that it doesn't affect anything on Funny River Road. Ms. Bird commented that all the properties on Funny River Road that are affected by this already have driveways that have been in for over 30 years. She asked that this petition be approved.

Chairman Bryson asked if there were questions for Ms. Bird. Hearing none, the public hearing continued.

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

**MOTION:** Commissioner Clark moved, seconded by Commissioner Hutchinson to grant the vacation as requested.

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

BRYSON YES	CARLUCCIO YES	CLARK YES	FOSTER YES	GROSS ABSENT	HEIMBUCH YES	HOHL YES
HUTCHINSON YES	ISHAM YES	JOHNSON YES	MARTIN YES	PETERSEN YES	TAURIAINEN YES	12 YES 1 ABSENT

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacate a portion of Hank Lane (name changed from Bonnie Street Resolution SN 2004-10) centered between Tracts D and E dedicated by Coyote Hill 1985 Subdivision (Plat HM 85-70) AND vacate Hank Lane north of Tract C dedicated by Coyote Hill Subdivision Unit 4 (Plat HM 83-133) AND vacate Hank Lane north of Tract A dedicated by Coyote Hill Subdivision Unit 3 (Plat HM 82-93); within Section 28 and 29, Township 5 South, Range 12 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough; KPB File 2006-225; **Note:** Alternate Right of Way is proposed to be dedicated; Location: North of East End Road in Homer

Staff Report reviewed by Mary Toll

PC Meeting: 9/25/06

Purpose as stated in petition: Existing ROW interferes with proposed new home site. The preliminary plat Coyote Hill 2006 Addition dedicates new ROW over existing roads and provides equal access to adjoiners.

Petitioner: Robin R. Connolly of Anchorage, Alaska.

Public notice appeared in the September 7 and September 14, 2006 issues of the Homer News.

Ten (10) certified mailings were sent to owners of property within 300 feet of the parcels; eight (8) receipts have been



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

toll free within the Borough 1-800-478-4441, ext. 2200

FAX 907-714-2378

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

September 26, 2006

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

**MEETING OF SEPTEMBER 25, 2006**

RE: Vacate a portion of Byrd Drive (changed to Bird Street Resolution SN 2005-05) a 33-foot right-of-way and associated public utility easement on the east boundary of Tracts 4A, 4B and 4C dedicated by Heistand Subdivision Resubdivision of Tract 4 (Plat KN 77-25); within Section 28, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-206; Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska; Location: Southeast of Funny River Road

The Kenai Peninsula Borough Planning Commission approved the proposed vacation during their regularly scheduled meeting of September 25, 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 September 26, 2006 to:

Elmer & Patsy Bird  
37020 Funny River Road  
Soldotna, AK 99669-8733

Patsy Dinnebeck-Bailey  
36535 Carbou Circle  
Soldotna, AK 99669

John Winters  
PO Box 4306  
Soldotna, AK 99669-4306

AGENDA ITEM F. PUBLIC HEARINGS

1. Vacate a portion of Byrd Drive (changed to Bird Street Resolution SN 2005-05) a 33-foot right-of-way and associated public utility easement on the east boundary of Tracts 4A, 4B and 4C dedicated by Heistand Subdivision Resubdivision of Tract 4 (Plat KN 77-25); within Section 28, Township 5 North, Range 9 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-206; Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska; Location: Southeast of Funny River Road

STAFF REPORT

PC Meeting: 9/25/06

Purpose as stated in petition: To eliminate the hazard of people on the golf course. There is adequate access to all of the property near this right of way. The clubhouse sits on the south side of the right of way. Parking is on the north side and thru traffic would be an extreme hazard.

Petitioners: Patsy and Elmer Bird, Patsy Dinnebeck and John Winters of Soldotna, Alaska.

Public notice appeared in the September 7 and September 14, 2006 issues of the Peninsula Clarion.

Ten (10) certified mailings were sent to owners of property within 300 feet of the parcels; two (2) receipts have been returned. Six notices were returned due to incorrect mailing addresses. Planning staff attempted to re-deliver three returned notices.

Eleven (11) regular mailings were sent to agencies and interested parties. Six (6) notices were sent to KPB Departments. Notices were mailed to the Soldotna Post Office and Soldotna Community Library to be posted in public locations. The notice and maps were posted on the Borough web site and bulletin board.

Statement(s) of non-objection or no comment

Homer Electric Association

Statement of objection

State of Alaska Department of Transportation (DOT) objects to the vacation as presented. The vacation would force two driveways onto Funny River Road. DOT suggested vacating the portion between Tracts 4B and 4C and dedicate a cul-de-sac at the north end of Tract 4B in addition to the proposed cul-de-sac at the south end of 4C.

**Findings:**

1. Sufficient rights-of-way exist to serve surrounding properties.
2. No surrounding properties will be denied access.
3. Per the submittal, the right-of-way proposed for vacation is not in use for access.
4. Per the submittal, the right-of-way proposed for vacation has not been constructed.
5. The right-of-way does not appear to be in use for utilities.
6. All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
7. To date, one utility company has provided a letter of non-objection.
8. Per the submittal, the proposed vacation will eliminate the hazard of people on the golf course.
9. Per the submittal, traffic would present an extreme hazard.
10. Satellite imagery shows Lot 1, Tract 4B, and 4C already have existing driveways off Funny River Road.
11. As proposed, the vacation would not require additional access of Funny River Road, the basis of State DOT's objection.
12. Bird Street is a section line easement.
13. If the vacation as petitioned is approved, the section line easement will remain in place for access and will be shown on the final plat.
14. The section line easement vacation would have to go through a separate process with a separate plat.

15. The State of Alaska must sign the section line easement vacation plat.

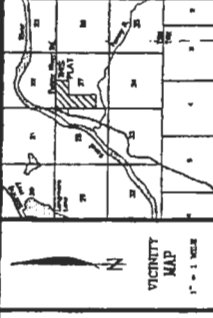
**STAFF RECOMMENDATION:** Based on Findings 1-14, staff recommends approval of the vacations as petitioned, subject to:

1. Submittal of a preliminary plat in accordance with Chapter 20 of the KPB Code (submittal of a final plat within one year of vacation approval).

**If the vacation is approved, the Kenai Peninsula Borough 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



**CERTIFICATE OF OWNERSHIP  
and DEDICATION**

I, HERETOFORE HAVING BEEN THE OWNER OF THE REAL PROPERTY DESCRIBED IN THE ABOVE INSTRUMENT, HEREBY AFFIRM AND DECLARE THAT SAID REAL PROPERTY IS NOT SUBJECT TO ANY PUBLIC USE OR PUBLIC AREA TO PUBLIC USE AND THAT ALL ENCUMBRANCES AND RESTRICTIONS WHICH WOULD AFFECT THE ENJOYMENT OF SAID REAL PROPERTY HAVE BEEN RELEASED BY ME TO THE EXTENT OF MY OWN POWER. I HEREBY CERTIFY THAT THE ODD OF TRUST AFFECTING THE PROPERTY DESCRIBED IN THE ABOVE INSTRUMENT IS NOT SUBJECT TO ANY PUBLIC USE OR PUBLIC AREA TO PUBLIC USE AND THAT ALL ENCUMBRANCES AND RESTRICTIONS WHICH WOULD AFFECT THE ENJOYMENT OF SAID REAL PROPERTY HAVE BEEN RELEASED BY ME TO THE EXTENT OF MY OWN POWER. I HEREBY CERTIFY THAT THE ODD OF TRUST AFFECTING THE PROPERTY DESCRIBED IN THE ABOVE INSTRUMENT IS NOT SUBJECT TO ANY PUBLIC USE OR PUBLIC AREA TO PUBLIC USE AND THAT ALL ENCUMBRANCES AND RESTRICTIONS WHICH WOULD AFFECT THE ENJOYMENT OF SAID REAL PROPERTY HAVE BEEN RELEASED BY ME TO THE EXTENT OF MY OWN POWER.

**NOTARY'S ACKNOWLEDGEMENT**  
 SUBSCRIBED AND SIGNED BEFORE ME this 29 day of April, 2000  
 for Elmest R. Berts  
 My Comm. Expires 1-16-03  
 Notary Public for Alaska  
 My Comm. Expires 1-16-03

**NOTARY'S ACKNOWLEDGEMENT**  
 SUBSCRIBED AND SIGNED BEFORE ME this 29 day of April, 2000  
 for Ruby J. Bird  
 My Comm. Expires 1-16-03  
 Notary Public for Alaska  
 My Comm. Expires 1-16-03

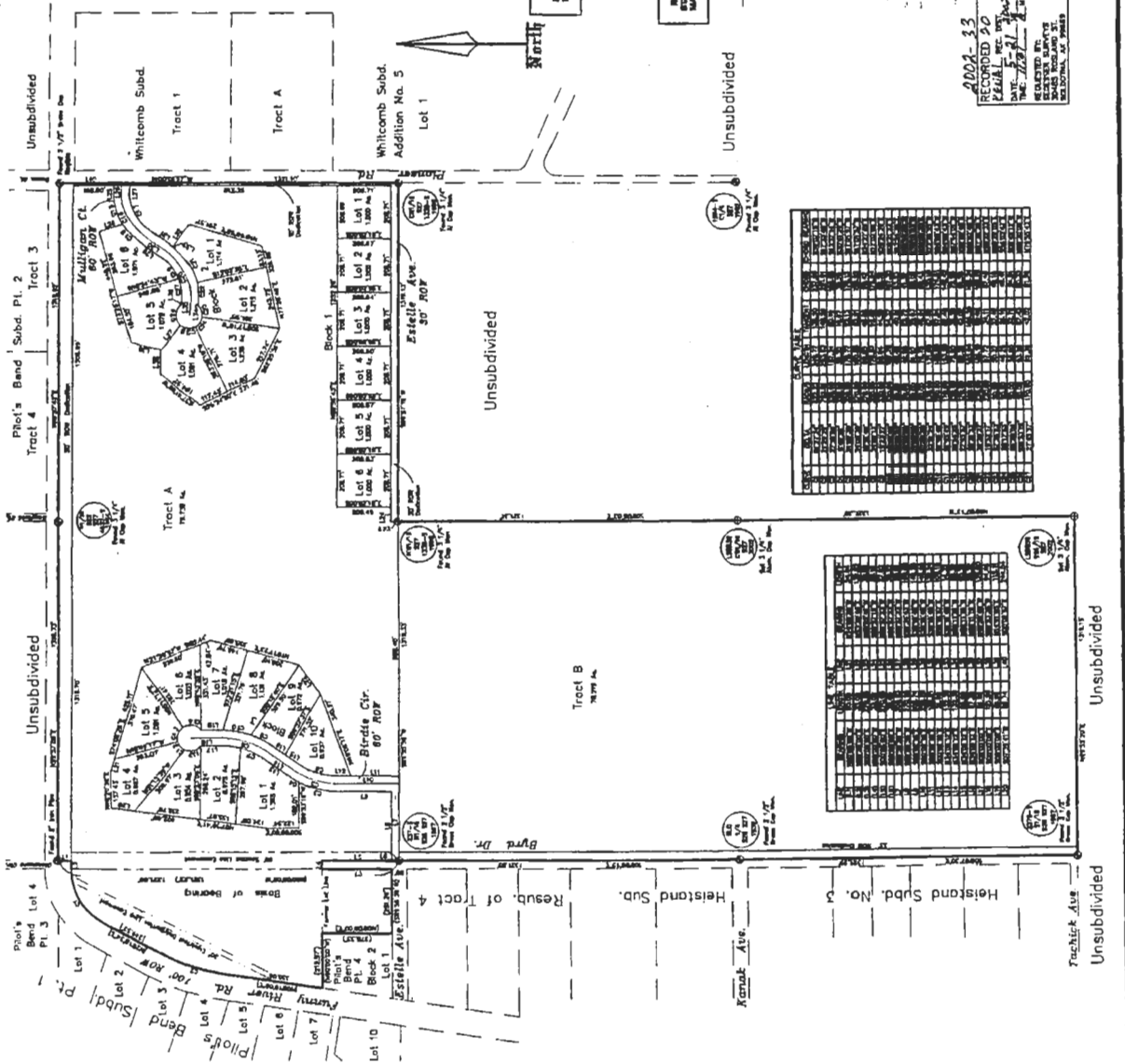
**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE LOCAL JURISDICTIONAL AUTHORITY FOR PLANNED DEVELOPMENT AT THE MEETING OF 8 JULY 2000.  
 CONVI JURISDICTIONAL AUTHORITY  
 SUPERVISOR/PLANNING

**KPB FILE No. 200-114**  
**Bird Homestead Subdivision**

Location: 1/4 Sec. 27, T. 101 N., R. 151 W., S. 10  
 Porcupine Township, Alaska

**SEGESSER SURVEYS**  
 50465 Rowland St.  
 Soldotna, AK 99669

DATE: 5-21-00  
 SCALE: 1" = 200'  
 SHEET: 1 of 1



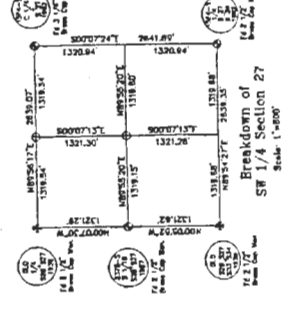
- LEGEND:**
- ⊗ MONUMENT (found this survey)
  - ⊕ MONUMENT (found this survey)
  - ⊙ MONUMENT (not this survey)
  - ⊖ MONUMENT (not this survey)
  - ⊔ 3/4" BEAR (set of all corners, PCs & PFCs)
  - ( ) RECORD DATE PLAT 88-50 600
  - ( ) RECORD DATE PLAT 84-213 500

- NOTES:**
- 1) Proposed land area are recreational, residential, agricultural, and... (rest of text is obscured)
  - 2) Each of bearing taken from their Band Subdivision Plat No. 4...
  - 3) Building Subplot-A includes a 20' lot, as required then all other...
  - 4) All rights reserved rights shall remain with existing owners at the...
  - 5) The plat is shown to show an approximation of the proposed...
  - 6) The plat is shown to show an approximation of the proposed...
  - 7) Front 10' left of the building setback of the entire block within...
  - 8) The plat is shown to show an approximation of the proposed...

**SURVEYOR'S CERTIFICATE**

I, the undersigned, being duly sworn, depose and declare that I am a duly licensed Surveyor in the State of Alaska, that I have personally supervised and checked the making of this survey, that the bearings and distances are true to the best of my knowledge and belief, and that the same are correct.

Date: 5-21-00

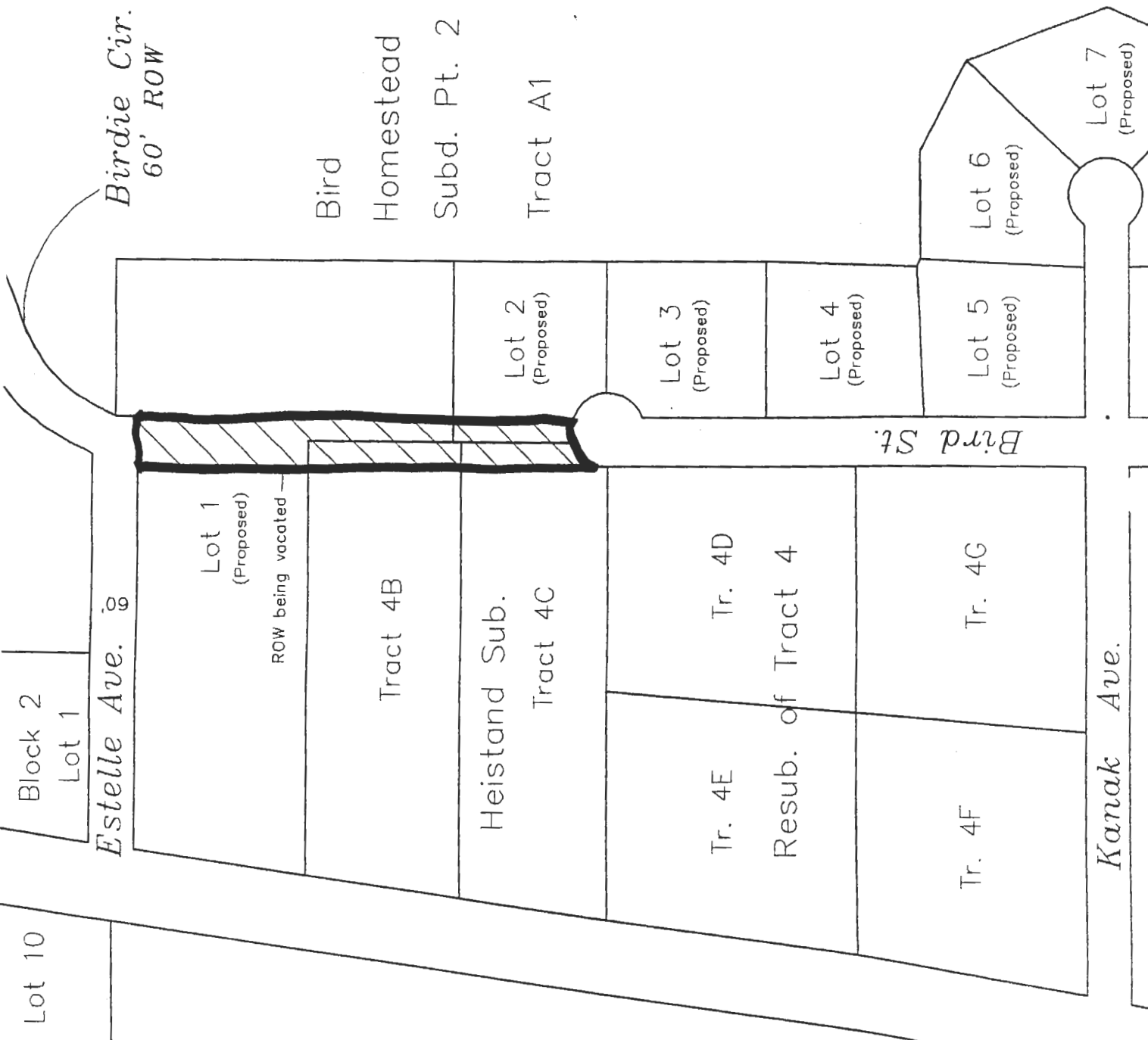


**RECORDED 20**  
 REC. DATE: 5-21-00  
 REC. NO.: 200-114

**NOTARIES:**

Elmest R. Berts  
 Notary Public for Alaska  
 My Comm. Expires 1-16-03

Ruby J. Bird  
 Notary Public for Alaska  
 My Comm. Expires 1-16-03



Block 2  
Lot 1

Estelle Ave.

Lot 10

Lot 1  
(Proposed)

ROW being vacated

Tract 4B

Heistand Sub.  
Tract 4C

Tr. 4E

Tr. 4D

Resub. of Tract 4

Tr. 4F

Tr. 4G

Lot 2  
(Proposed)

Lot 3  
(Proposed)

Lot 4  
(Proposed)

Lot 5  
(Proposed)

Lot 6  
(Proposed)

Lot 7  
(Proposed)

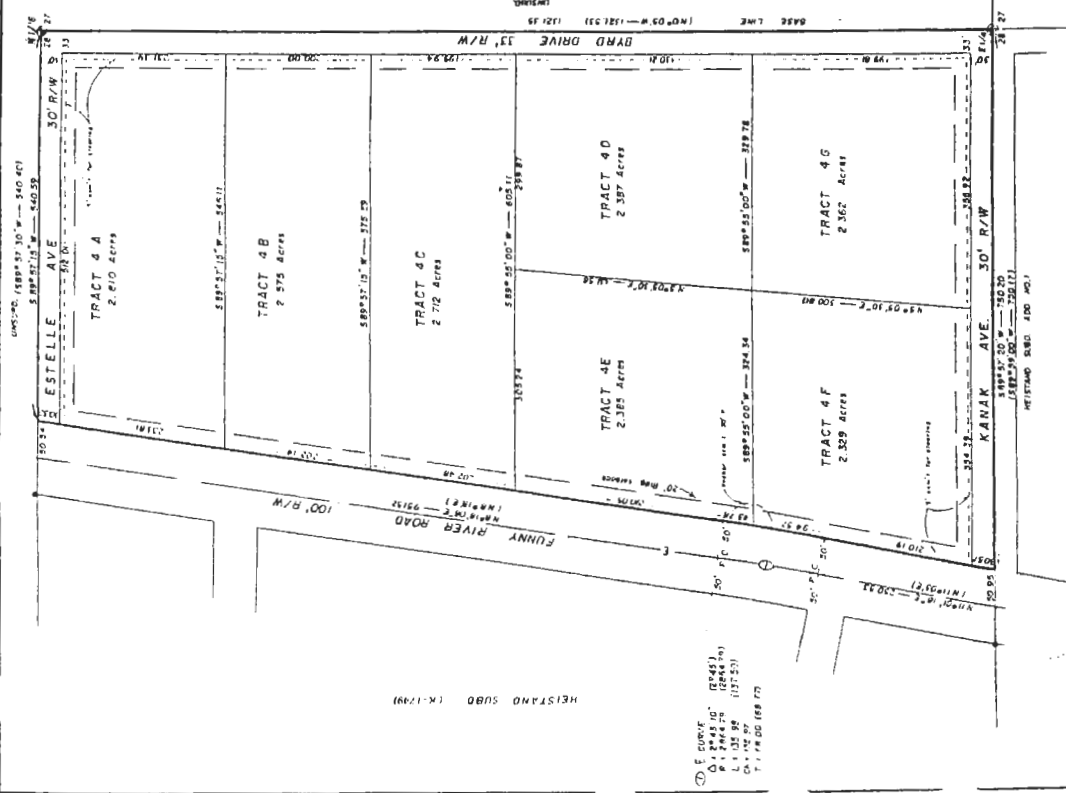
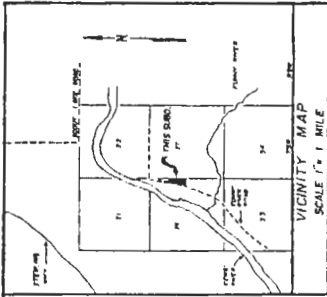
Bird St.

Kanak Ave.

Birdie Cir.  
60' ROW

Bird  
Homestead  
Subd. Pt. 2  
Tract A1





**LEGEND AND NOTES:**

- Found USGLO brass cap monument 1937
- Found official survey brass cap (237.5)
- Found 1/2" x 24" steel rebar.
- 1.54 1/2" x 24" steel rebar at an old corner and P.C.'s

**PLAT APPROVAL**  
 Plat approved by the Commission this  
 13th day of September 1976  
 [Signature]  
 Mining Director

**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 We hereby certify that we are the owners of said property, and request the approval of this plat  
 showing such easements for public utilities, roads, and streets situated thereon for public use  
 [Signature]  
 Major C. Wilson - owner - Box 2, Seward, Alaska 99689

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**RESUBDIVISION OF TRACT 4 HEISTAND SUBDIVISION**  
 Major C. Wilson and Robert D. Heistand, owners  
 Box 2, Seward, Alaska 99689

**DESCRIPTION**  
 19.403 ACRES SITUATED IN THE EAST PORTION  
 OF GOV'T LOT 4 SEC. 28, T5N, R9W, S.M. 4K.  
 AND KENAI PENINSULA BOROUGH.

**DATE OF SURVEY**  
 Aug. 12, 1976  
**SCALE**  
 1" = 100'

**Submitted by:** McGraw and Associates  
 Seward, Alaska

**BK. NO.**  
 76-09

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

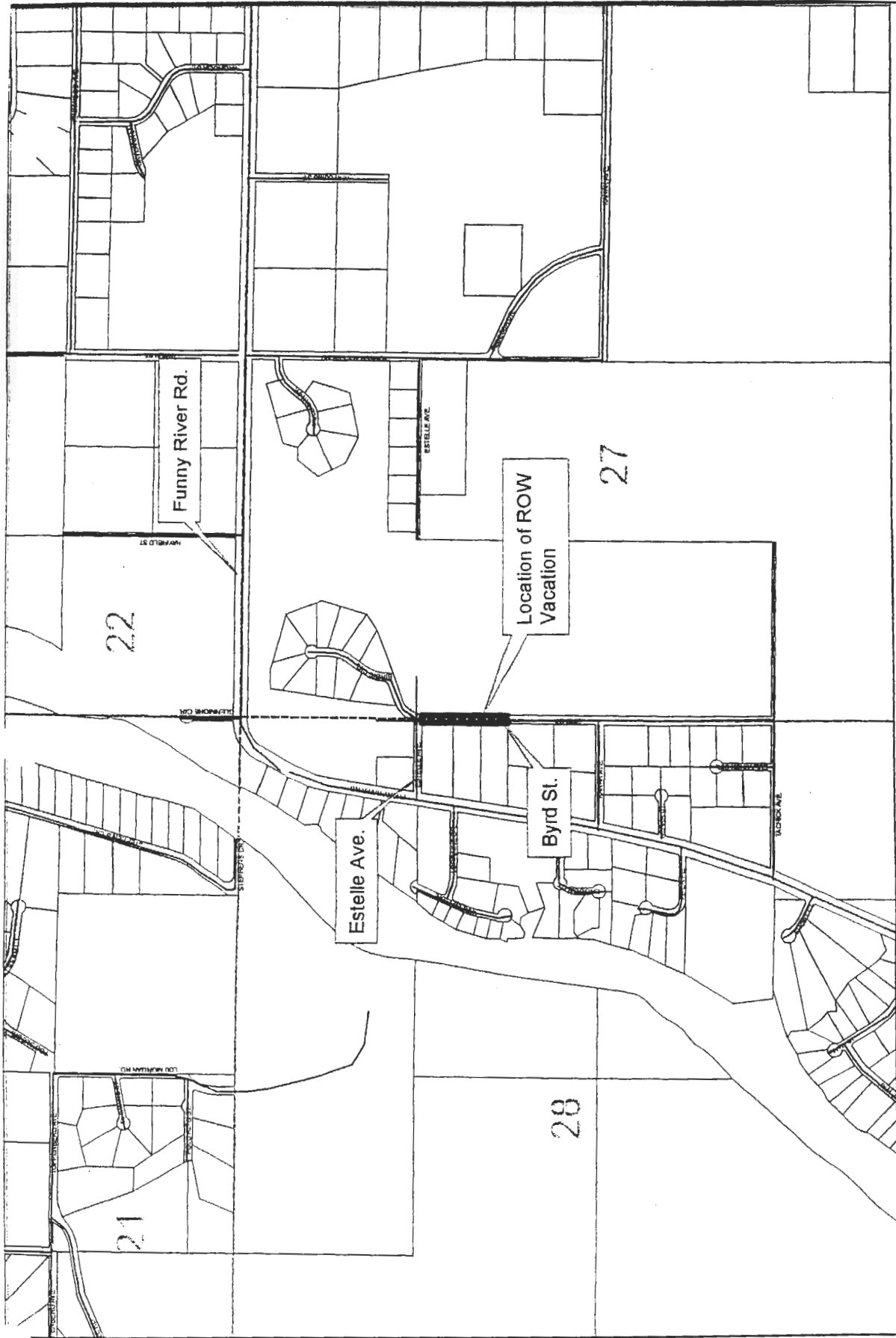
**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska

**NOTARY'S ACKNOWLEDGEMENT**  
 Subscribed and sworn before me this 26th day of September 1976  
 My commission expires August 5, 1979  
 [Signature]  
 Notary Public for Alaska



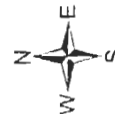
**Proposed Vacation**  
**PART 2**



7/26/2006

0.2 Miles

0.1 0 0.2



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

**Toll, Mary**

---

**From:** Johann Mueller [johann\_mueller@dot.state.ak.us]  
**Sent:** Monday, September 11, 2006 10:10 AM  
**To:** mtoll@borough.kenai.ak.us  
**Subject:** Heistand Subdivision (Vacation of Bird St)

Mary, The State of Alaska Department of Transportation and Public Facilities objects to the vacation of Bird Street as presented. Vacating would force two driveways onto Funny River Road. Our suggestion would be to vacate the portion between Tracts 4B and 4C and dedicate a cul-de-sac at the North end of Tract 4B in addition to the proposed cul-de-sac at the South end of 4C. If you have any questions please contact me at 269-0702.

Johann Mueller  
Right of Way Agent

**STATE OF ALASKA  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND & WATER  
REALTY SERVICES/SURVEY SECTION**

**550 WEST 7<sup>th</sup> AVENUE, SUITE 650  
ANCHORAGE, ALASKA 99501-3576  
PHONE # (907) 269-8523 FAX # (907) 269-8914**

TO: Mary Toll  
Kenai Peninsula Borough

FAX: (907) 262-8618

FROM: George Horton (907) 269-8610

NUMBER OF PAGES: 2 (Including Coversheet)

KPB FILE No. 2006-206

***My only concern is that if there is an underlying section-line easement...(I have not done the research to verify whether there is or isn't-but a 33-foot wide platted ROW along a section line indicates that there may be),...so just vacating the platted right-of-way will not completely eliminate a potential hazard of people on the golf course. If you haven't already done so, the petitioner's should be notified of the possibility of a SLE just in case they need to petition the State also.***

George Horton



**IF FAX DID NOT TRANSMIT PROPERLY PLEASE CALL  
(907) 269-8523**



PETITION TO VACATE  
PUBLIC RIGHT-OF-WAY/SECTION LINE EASEMENT  
PUBLIC HEARING REQUIRED

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.

- 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 Estelle Ave. & Byrd Dr.; dedicated by plat of Resubd. of Tr. 4 Heistand Subdivision, filed as Plat No. 77-25 in Kenai Recording District.
- Are there associated utility easements to be vacated?  Yes  No  
Are easements in use by any utility company; if so which? none
- Easement for public road or right-of-way as set out in (specify type of document) \_\_\_\_\_ as recorded in Book \_\_\_\_\_ Page \_\_\_\_\_ of the \_\_\_\_\_ Recording District. (Copy of recorded document must be submitted with petition)
- 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
- Alternative right-of-way being provided?  Yes  No cul-de-sac

Reason for vacating petitioner must provide reasonable justification for the vacation.  
To Eliminate The Hazard of people on the Golf Course - There is adequate access to all of the property near this right of way. The Club House sits on south side of Row - parking is on north side thru Traffic would be an Extreme Hazard

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 Patsy Dinnereck  
Name Kathy Bird as  representative  petitioner  
Address 37020 Furry River Rd  
Soldotna AK 99669  
Phone 907-262-4703 or 252-9819

Petitioners:

Signature <u>Chore Bird</u>	Signature <u>Patsy Dinnereck-Bailey</u>
Name <u>Elmer Bird</u>	Name <u>PATSY DINNREBECK</u>
Address <u>37020 Furry River Rd</u>	Address <u>36535 CARIBOU CIRCLE</u>
<u>Soldotna AK 99669</u>	<u>Soldotna, AK 99669</u>
Owner of <u>Tract A &amp; B Bird Homestead 6C</u>	Owner of _____
Signature <u>John M. Winters</u>	Signature _____
Name <u>John Winters</u>	Name _____
Address <u>37110 KANAK AVENUE</u>	Address _____
Owner of <u>37110 KANAK AVE.</u>	Owner of _____