




## 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 English Court (changed to English Avenue Resolution SN 97-05) a 50-foot public right-of-way and associated public utility easement dedicated by English Estates (Plat KN 76-178); within Section 11, Township 7 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-214; Petitioners: James R. and Nora Satathite of Nikiski, Jim and Nancy Lethcoe of Arizona and Judy A. Miller of Kenai, Alaska; Location: West of Island Lake Road in Nikiski

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

3. Vacate English Court (changed to English Avenue Resolution SN 97-05) a 50-foot public right-of-way and associated public utility easement dedicated by English Estates (Plat KN 76-178); within Section 11, Township 7 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-214; Petitioners: James R. and Nora Satathite of Nikiski, Jim and Nancy Lethcoe of Arizona and Judy A. Miller of Kenai, Alaska; Location: West of Island Lake Road in Nikiski

Staff Report reviewed by Max Best

PC Meeting: 9/25/06

Purpose as stated in petition: The right-of-way (English Court) has never been constructed, never been usable or used, and since a dedicated road (English Avenue 60-foot right-of-way) dedicated by Plat (KN 83-200) runs adjacent and parallel to it, it is not necessary.

Petitioners: James R. & Nora Satathite of Nikiski, Jim and Nancy Lethcoe of Arizona and Judy A. Miller of Kenai, Alaska.

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

Fourteen (14) certified mailings were sent to owners of property within 300 feet of the parcels; twelve (12) receipts have been returned. One notice was returned due to an inaccurate address.

Ten (10) regular mailings were sent to agencies and interested parties. Seven (7) notices were sent to KPB Departments. Notices were mailed to the Nikiski Post Office and Kenai 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

**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 no comment.
8. English Avenue, a constructed 60-foot right-of-way, provides access to surrounding acreage parcels (KPB 20.20.030).
9. The Kenai Peninsula Borough maintains English Avenue.
10. The preliminary plat has been prepared but not yet submitted for Plat Committee review.

STAFF RECOMMENDATION: Based on the above findings, staff recommends approval of the vacation 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 opened the meeting for public comment. Seeing and hearing no one wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

**MOTION:** Commissioner Tauriainen moved, seconded by Commissioner Martin to approve the vacation as petitioned.

Commissioner Foster asked if the northern boundary still existed if English Court was vacated. Mr. Best replied yes, that was correct.

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

BRYSON YES	CARLUCCIO YES	CLARK YES	FOSTER YES	GROSS GROSS	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

- Vacate a portion of East Hill Road right of way adjacent to Lot 21 dedicated by Bayview Gardens Addition No. 3 and Vacation of a portion of Larkspur Court (Plat HM 80-74); within Section 16, Township 6 South, Range 13 West, Seward Meridian, Alaska; within the City of Homer and the Kenai Peninsula Borough; KPB File 2006-226; **Note:** A 20' road easement will be retained; Location: City of Homer

Staff Report reviewed by Max Best

PC Meeting: 9/25/06

Purpose as stated in petition: The road has been relocated. The portion to be vacated is part of the old alignment and is no longer needed for public transportation. The Alaska DOT & PF has agreed to sell the vacated portion to the petitioner, Peter Fefelov.

Petitioner: Peter Fefelov of Homer, Alaska

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

Fourteen (14) certified mailings were sent to owners of property within 300 feet of the parcels; eleven (11) of the receipts have been returned. Three notices were returned due to inaccurate addresses.

Seventeen (17) regular mailings were sent to agencies and interested parties. Seven (7) notices were sent to KPB Departments. Notices were mailed to the Homer Post Office and Homer 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

**Findings:**

- Sufficient rights-of-way exist to serve the surrounding properties.
- No surrounding properties will be denied access.
- Per the submittal, the right-of-way proposed for vacation is not in use for access.
- Per the submittal, the right-of-way proposed for vacation has not been constructed.
- The right-of-way does not appear to be in use for utilities.
- All subdivision plats finalizing vacations are sent to utility companies for review and easement requirements.
- To date, one utility company has provided a letter of no comment.
- Homer Advisory Planning Commission reviewed and granted conditional approval to the proposed vacation on June 21, 2006.
- The Borough Plat Committee granted conditional approval to the preliminary plat on July 17, 2006.
- The State Department of Transportation signed a relinquishment agreement to sell the vacated portion to the petitioner.



**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 English Court (changed to English Avenue Resolution SN 97-05) a 50-foot public right-of-way and associated public utility easement dedicated by English Estates (Plat KN 76-178); within Section 11, Township 7 North, Range 12 West, Seward Meridian, Alaska; and within the Kenai Peninsula Borough; KPB File 2006-214; Petitioners: James R. and Nora Satathite of Nikiski, Jim and Nancy Lethcoe of Arizona and Judy A. Miller of Kenai, Alaska; Location: West of Island Lake Road in Nikiski

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:

Jesse Lobdell, Surveyor  
PO Box 1386  
Kenai, AK 99611

Judy Miller  
53291 English Avenue  
Kenai, AK 99611-9247

Nora Satathite  
PO Box 7308  
Nikiski, AK 99635

James & Nancy Lethcoe  
PO Box 1313  
Valdez, AK 99686-1313

James & Nancy Lethcoe  
6270 Old Woodruff Road  
Woodruff, AZ 85942

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**STAFF RECOMMENDATION:** Based on the above findings, staff recommends approval of the vacation 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).

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**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

# English Estates

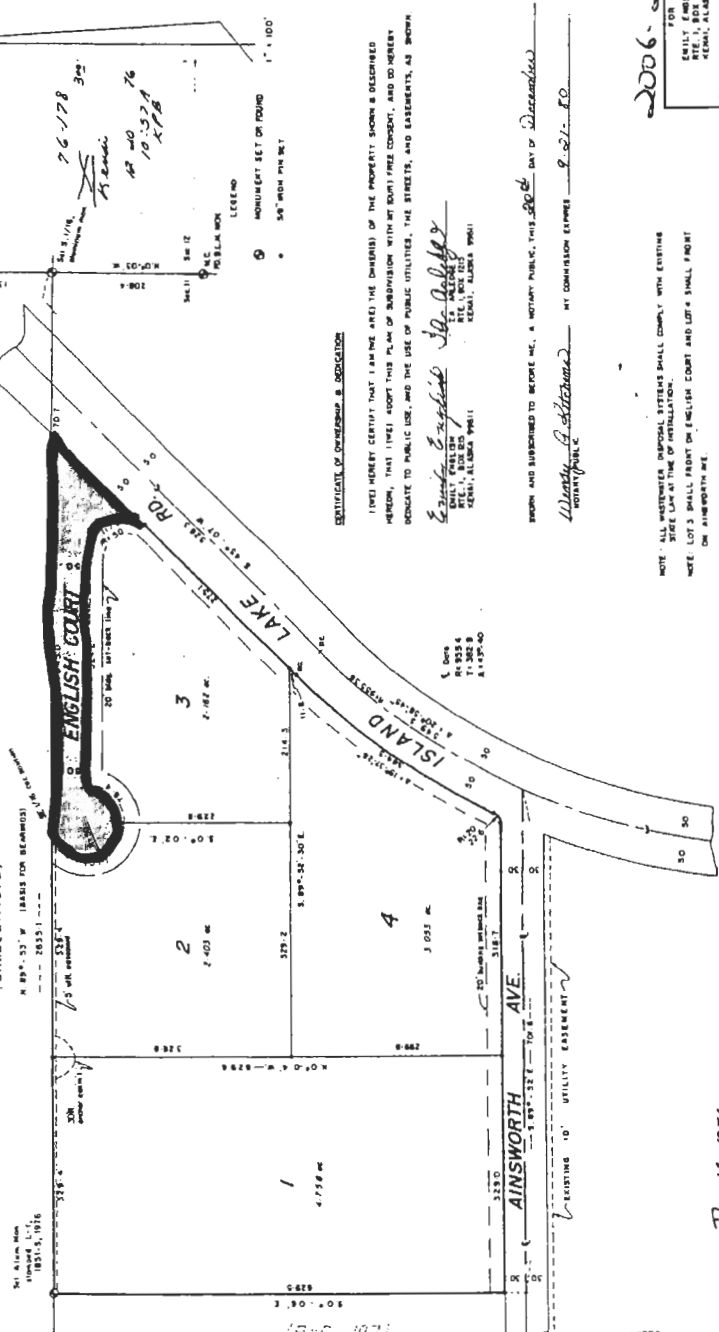
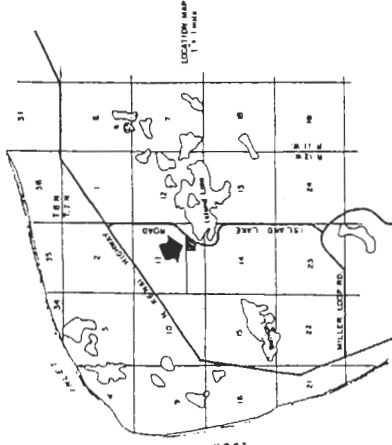
A SUBDIVISION OF LOT 6, AINSWORTH ACRES,  
 PLAT 74-72, K.R.D., AND THAT PORTION OF  
 GOV'T. LOT 5, lying west of ISLAND LAKE ROAD,  
 SEC. 11, T.7N., R.12 W., S.M., Kenai Peninsula Borough, AK.

TOTAL AREA = 13.1806C.  
 LAND USE - RESIDENTIAL

SEAL PENINSULA BOROUGH APPROVAL  
 PLAT APPROVED BY THE PLANNING COMMISSION THIS 14<sup>th</sup> DAY OF December, 1976.  
*R.D. White*  
 PLANNING DIRECTOR

(unsubstantiated)

City of Kenai  
 Planning Commission  
 1081 S. 5<sup>th</sup> St.  
 Kenai, Alaska 99541



CERTIFICATE OF OWNERSHIP & DEDICATION  
 I HEREBY CERTIFY THAT I AM THE APTD (THE DIMENSIONS) OF THE PROPERTY SHOWN & DESCRIBED  
 HEREON, THAT I HAVE ADOPTED THIS PLAN OF SUBDIVISION WITH EARLY FIRE CORRIDOR, AND TO HEREBY  
 DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN.

*Wendy C. White*  
 REAL ESTATE BROKER  
 1081 S. 5<sup>th</sup> ST.  
 KENAI, ALASKA 99541

SHOWN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, THIS 20<sup>th</sup> DAY OF December, 1976.  
*Wendy C. White* NOTARY PUBLIC  
 MY COMMISSION EXPIRES 9-21-80



DATE Feb 16, 1976

2006-214

NOTE: ALL WATERWAY DEPOSITION SYSTEMS SHALL COMPLY WITH EXISTING  
 STATE LAW AT TIME OF INSTALLATION.  
 NOTE: LOT 3 SHALL FRONT ON ENGLISH COURT AND LOT 4 SHALL FRONT  
 ON AINSWORTH AVE.

FOR	WALDOE SURVEYING
EARLY EMBLEM	BOX ONE
KENAI, ALASKA 99541	KENAI, ALASKA 99541

# English Estates

A SUBDIVISION OF LOT 6, AINSWORTH ACRES,  
 PLAT 74-72, K.R.D., AND THAT PORTION OF  
 GOV'T. LOT 5, lying west of ISLAND LAKE ROAD,  
 SEC. 11, T.7 N., R.12 W., S.M., Kenai Peninsula Borough, Ak.

TOTAL AREA = 13.180 ac  
 LAND USE - RESIDENTIAL

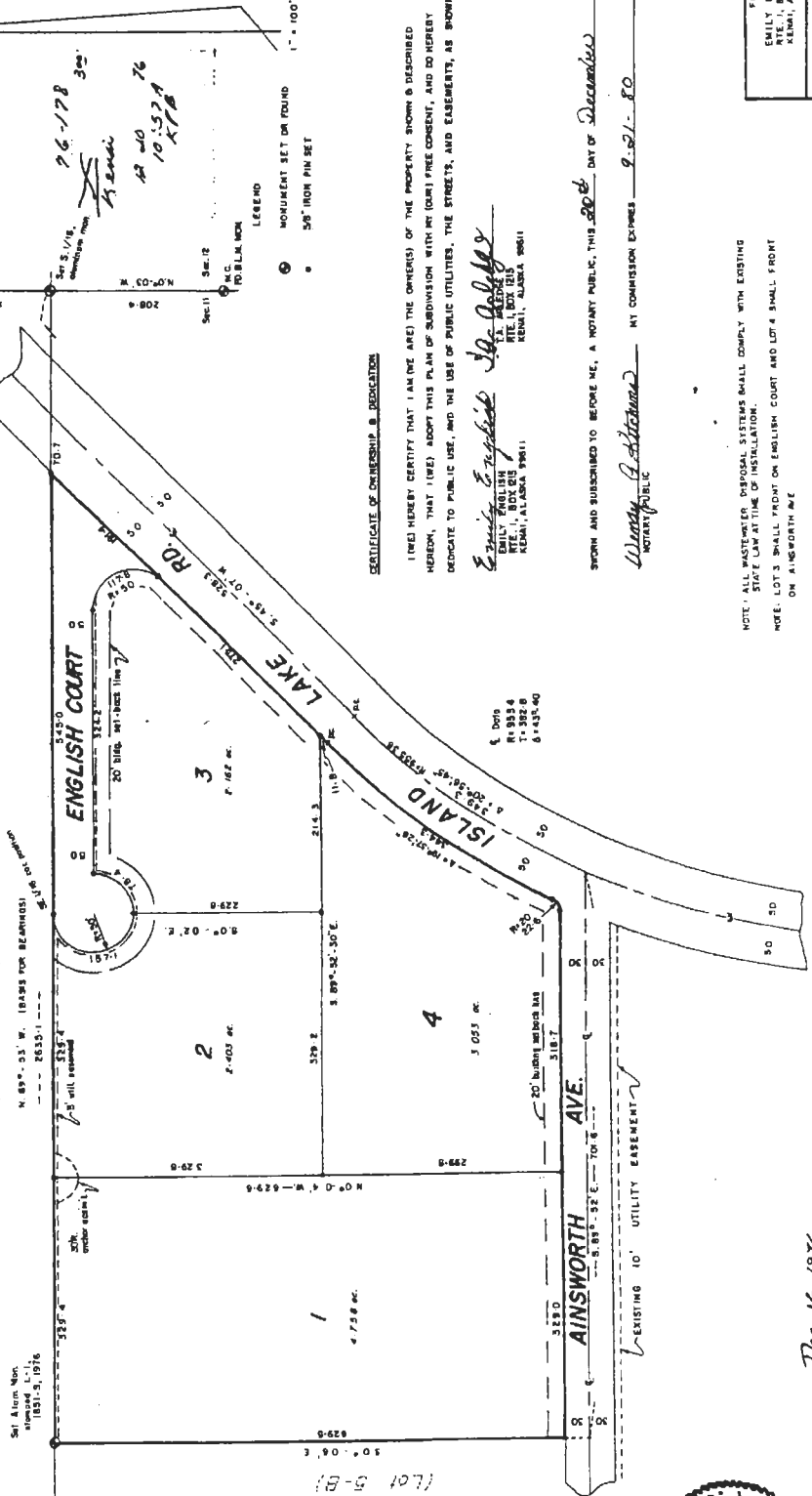
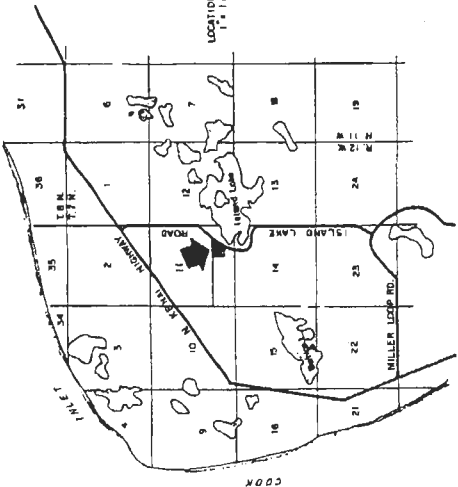
PLAT APPROVED BY THE PLANNING COMMISSION THIS 13th DAY OF December, 1976.

*Richard G. Smith*  
 PLANNING DIRECTOR

SEMI-PENINSULA BOROUGH APPROVAL

(unsubdivided)

N. 89°-53' W. 18.855' (BASIS FOR BEARINGS)  
 --- 263.0' ---  
 10' will remain



### CERTIFICATE OF OWNERSHIP & RESOLUTION

I (WE) HEREBY CERTIFY THAT I (AM WE ARE) THE OWNER(S) OF THE PROPERTY SHOWN & DESCRIBED HEREON, THAT I (WE) ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT, AND DO HEREBY DEDICATE TO PUBLIC USE, AND THE USE OF PUBLIC UTILITIES, THE STREETS, AND EASEMENTS, AS SHOWN.

*Emily English*  
 EMILY ENGLISH  
 1715 1/2 RD  
 KENAI, ALASKA 99511

SHOWN AND SUBSCRIBED TO BEFORE ME, A NOTARY PUBLIC, THIS 20th DAY OF December, 1976.

*Wesley A. Atkinson*  
 NOTARY PUBLIC  
 MY COMMISSION EXPIRES 9-21-80

NOTE: ALL WASTE-WATER DISPOSAL SYSTEMS SHALL COMPLY WITH EXISTING STATE LAW AT TIME OF INSTALLATION.  
 NOTE: LOT 3 SHALL FRONT ON ENGLISH COURT AND LOT 4 SHALL FRONT ON AINSWORTH AVE

DATE Dec 16, 1976



FOR EMILY ENGLISH 1715 1/2 RD KENAI, ALASKA 99511
MALONE SURVEYING BOX 388 KENAI, ALASKA 99511





**CERTIFICATE OF OWNERSHIP AND DEDICATION**  
 I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION AND DEDICATE ALL PORTIONS OF WAY TO PUBLIC USE AND GRANT ALL EASEMENTS TO THE USE SHOWN

*Harry Drew*  
 Harry Drew  
 PO Box 253  
 Anchorage, Alaska

*Rozella Drew*  
 Rozella Drew  
 PO Box 253  
 Anchorage, Alaska

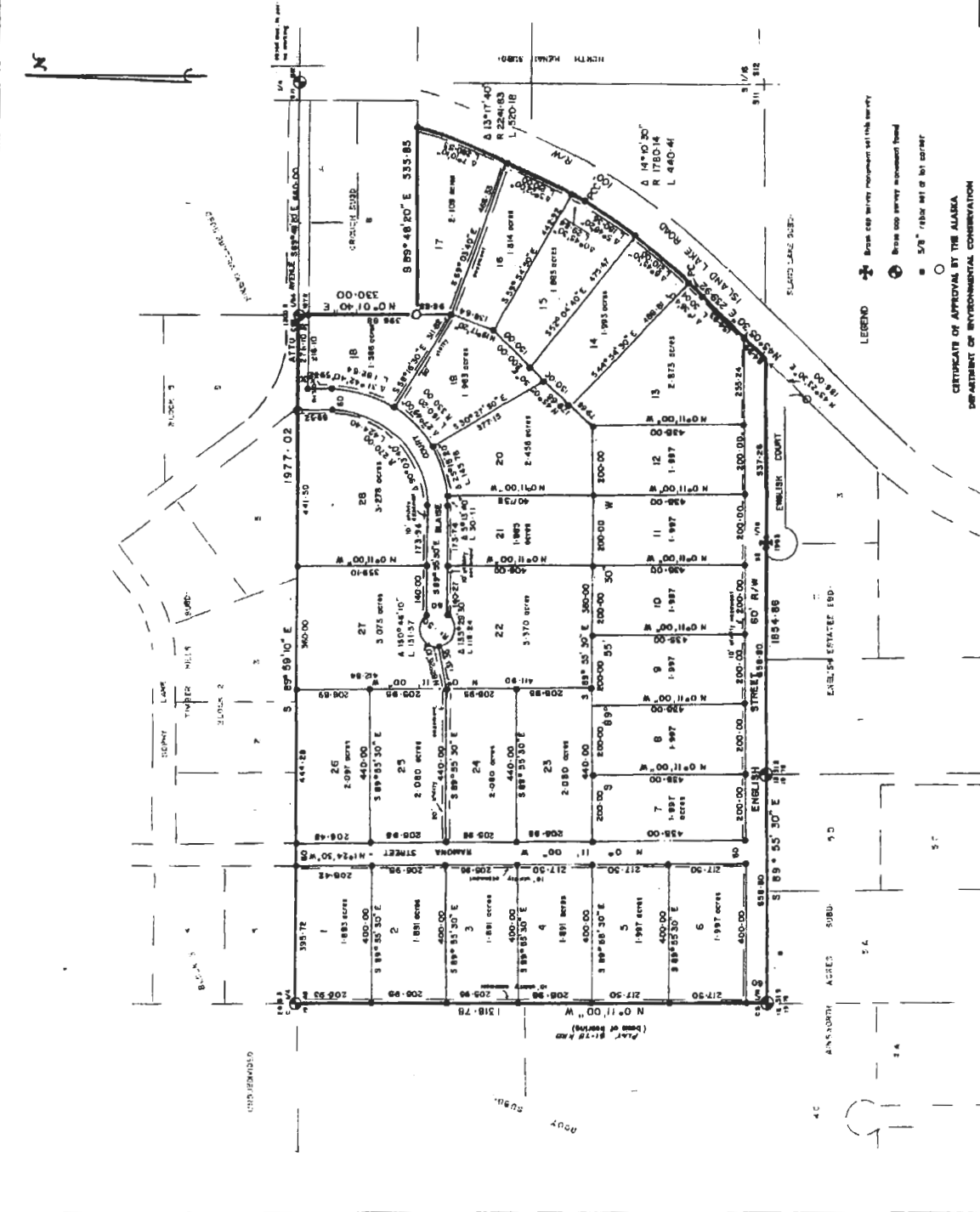
**NOTARY'S ACKNOWLEDGMENT AND RECEIPT**  
 FOR *Harry Drew* AND *Rozella Drew*  
 SUBSCRIBED AND SHOWN TO BEFORE ME THIS 11<sup>th</sup> DAY OF August, 1983

*Jesse L. Orbell*  
 JESSE L. ORBELL  
 NOTARY PUBLIC FOR ALASKA  
 MY COMMISSION EXPIRES 8/15/84

**PLAT APPROVAL**  
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF *Aug 9, 1983*

KENAI PENINSULA BOROUGH  
 BY *[Signature]*  
 AUTHORIZED OFFICIAL

<b>DREUX ESTATES SUBDIVISION</b> REGISTRATION NUMBER, SEAL AND SIGNATURE 3808 3 <i>[Signature]</i>	
Scale 1" = 200' 82-817 scale	Date of Survey July - September, 1983
Proposed lots and easements 82-817 scale	Registered JESSE L. ORBELL P O Box 1388 Anchorage, Alaska
Owners HARRY & ROZELLA DREW P O Box 253 Anchorage, Alaska	Developer JESSE L. ORBELL-SURVEYOR P O Box 1388 Anchorage, Alaska



82-200  
 10  
 9-9  
 12-4-83  
 P  
 83



**Proposed Vacation**

**DREUX ESTATES**

**ENGLISH ESTATES**

**ISLAND LAKE**

**ALASTAH AVENUE**

**CROUCH SUBD.**

**ISLAND LAKE SUBD.**

**ISLAND LAKE MOORE ADD'N.**

**NORTH KEWAH SUBD.  
NORTH SHORE REPLAT #2**

BLAISE CT

TAKODA ST

ENGLISH AVE

AINSWORTH AVE

ISLAND LAKE RD

ALASKAN WAY

MONIQUE AVE

SUNNY HARRISON ST

DEE CT

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.

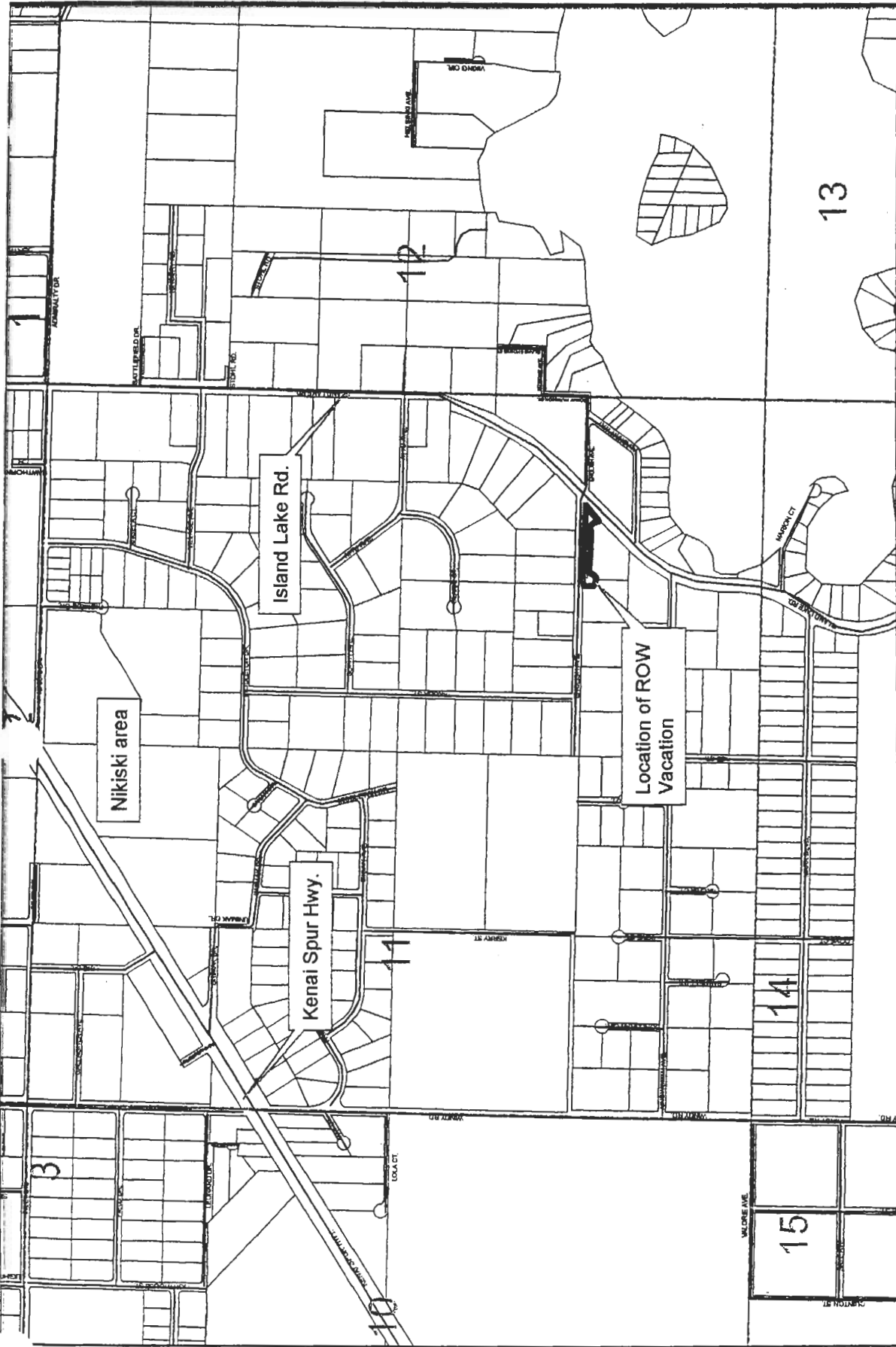


**Kenai Peninsula Borough Planning Department**

8/24/06

Vicinity Map





7/31/2006

0.1 0.05 0 0.1 Miles



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

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 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 English Court; dedicated by plat of English Estates Subdivision, filed as Plat No. 76-178 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? No
- 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
- Is alternative right-of-way being provided?  Yes  No

**The petitioner must provide reasonable justification for the vacation.**

Reason for vacating The right of way (English Court) has never been constructed, never been used, and since a dedicated Road (English Avenue) runs adjacent and parallel to it, is not necessary.

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 James R. Satathite  
 Name James R. Satathite  representative  petitioner  
 Address P.O. Box 7308  
Nikiski, AK 99635  
 Phone 907-776-5433

Petitioners:  
 Signature Nora C. Satathite  
 Name NORA C. SATATHITE  
 Address P.O. Box 7308  
NIKISKI, AK 99635  
 Owner of English Estates, SUB LOT 3  
 Signature   
 Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Owner of English Estates  
Sub lot 2

Signature Judy A. Miller  
 Name JUDY A. MILLER  
 Address 53291 ENGLISH AVE  
KENAI, AK 99611  
 Owner of ENGLISH ESTATES  
SUB LOT 2  
 Signature   
 Name JAMES LETHCOC  
 Address 6270 Old Woodruff Rd  
Woodruff, AK 99592  
 Owner of English Estates

Interview 2  
James R. Lettore  
 VAC PET HEARING REQ REV 06/02 07/06/99  
NANCY H. LETHCOC  
6270 Old Woodruff Rd  
Woodruff, AK 99592