



City of Homer

www.cityofhomer-ak.gov

Office of the City Clerk

491 East Pioneer Avenue
Homer, Alaska 99603

clerk@cityofhomer-ak.gov

(p) 907-235-3130

(f) 907-235-3143

Memorandum 21-090

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: MELISSA JACOBSEN, MMC, CITY CLERK
DATE: JUNE 3, 2021
SUBJECT: DEDICATION OF A PORTION OF EASY STREET

Included with this memorandum is information from the City Planner regarding dedication of a portion of Easy Street between two lots owned by the City.

Recommendation: Approve the filing of the Roadway Dedication for the city lots on Easy Street, Lots 6 and 7 as shown on Record of Survey 2008-53.

Attachments:

- Memorandum PL 21-05 from City Planner
- City Roadway Dedication 2020 Attachment A
- Area Map
- City Roadway Dedication Lots 6 & 7 Record Survey 2008-53
- Memo PL 21-04 Easy Street Dedication
- Planning Commission Minutes Excerpt



City of Homer

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Planning

491 East Pioneer Avenue
Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum Pl 21-05

TO: MAYOR CASTNER AND HOMER CITY COUNCIL
FROM: RICK ABOUD, AICP, CITY PLANNER
DATE: MAY 27, 2021
SUBJECT: Easy Street dedication

In 2009, the city purchased two lots adjacent and adjoining Bridge Creek for water source protection purposes. The lots are located outside of city boundaries in the Bridge Creek Watershed Protection District (BCWP). The lots have provided exclusive roadway access to several properties in the BCWP District for over 70 years. The last owner filed documents to dedicate the roadway but it was never accepted, as the properties constituted a Native Allotment that required the Bureau of Indian Affairs (BIA) approval that was not gained prior to sale.

The goal of this action is to establish the dedication as proposed by the previous owner. The dedication provides a 30' roadway access, based on the established roadbed. The Planning Office feels that it is in the City's interest to preserve this access and creek crossing to avoid the creation of addition crossings to access properties north of the creek. We propose to use the same record of survey and a similar dedication document filed by the previous owner to accomplish the dedication.

This item was passed on the Planning Commission's consent agenda on May 19, 2021. I have recommended and the Planning Commission has concurred that it is in the best interests of the City to dedicate the long standing roadway that has existed on the properties since the 1940's.

Attachments:

Memo Pl 21-04

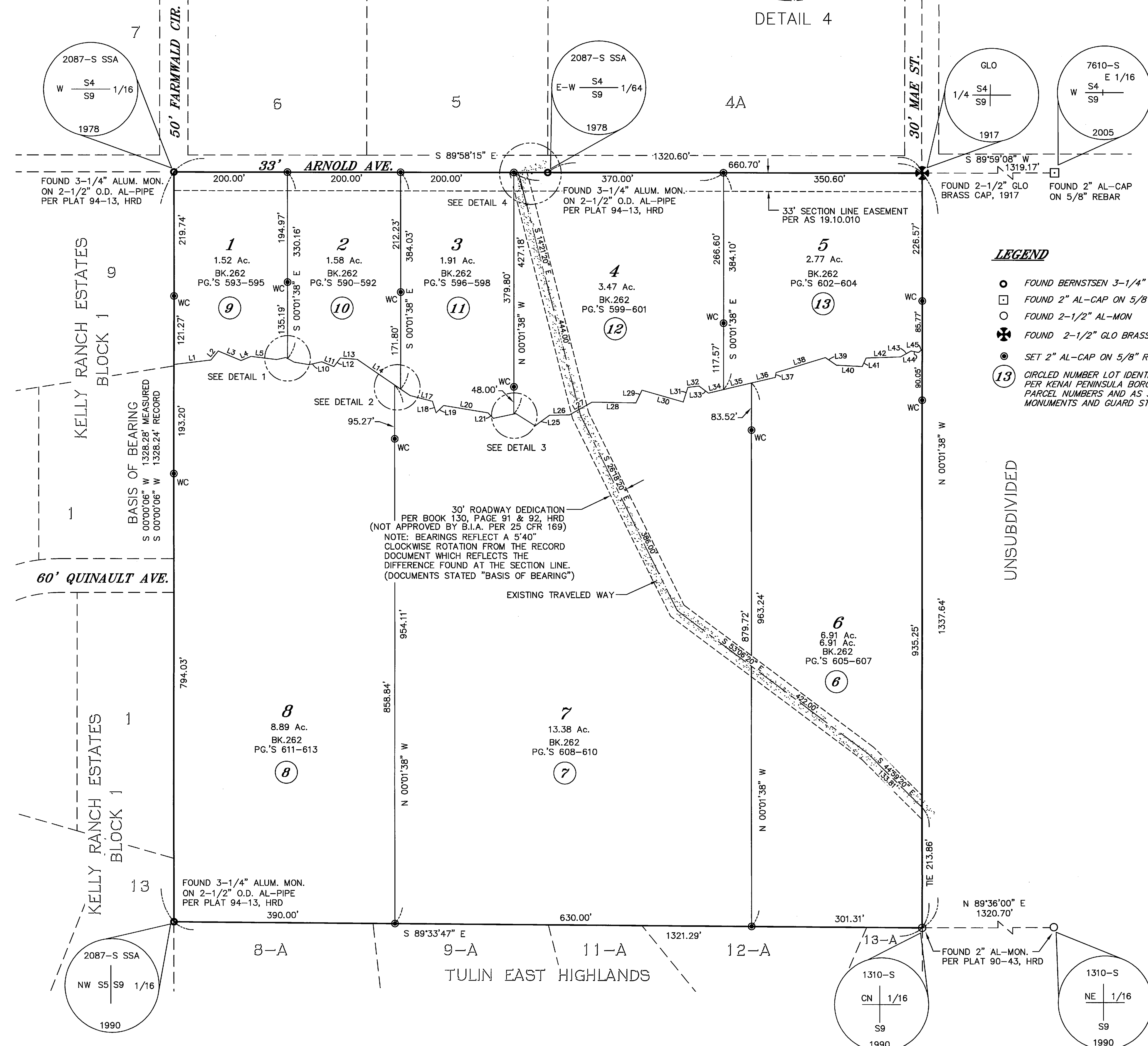
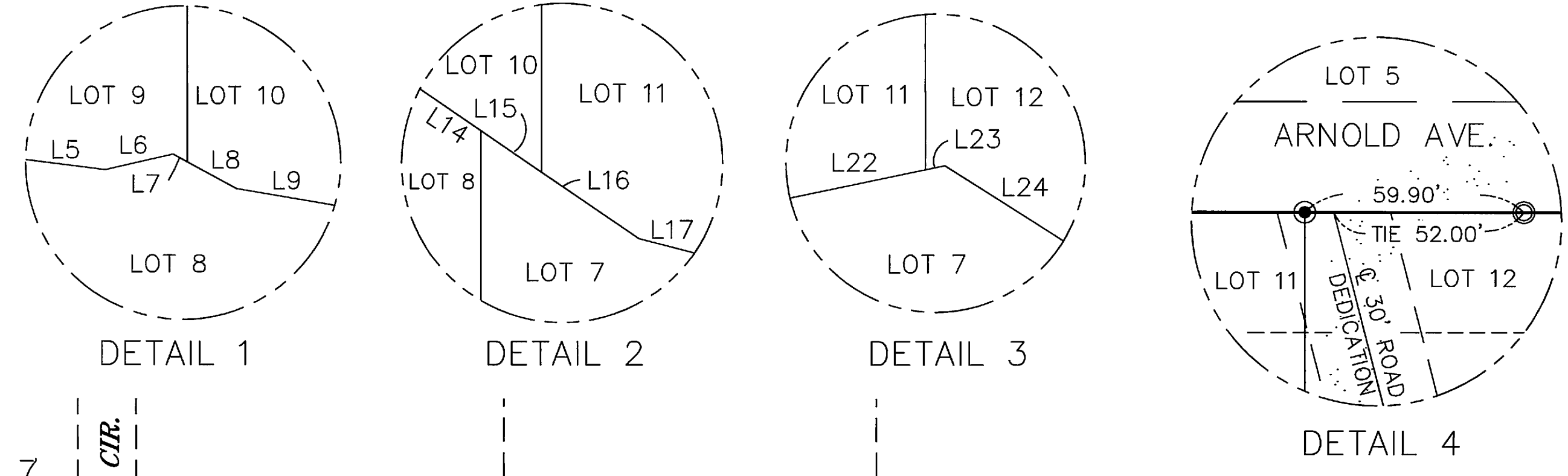
Roadway dedication & Attachment A

Area Map

RECORDED
 TITLE
 SERVICES CENTER
 08 JUL 30 PM 3:24
 BUREAU OF INDIAN AFFAIRS
 ALASKA REGIONAL OFFICE
 975 985

Attachment A to City of Homer Roadway Dedication

THREAD OF BRIDGE CREEK MEANDER TABLE		
LINE	LENGTH	BEARING
L1	65.71	N82°54'23"E
L2	20.33	N39°03'13"E
L3	43.72	S67°19'03"E
L4	19.05	N66°42'34"E
L5	45.47	S82°45'00"E
L6	16.34	N76°52'37"E
L7	3.76	S61°19'15"E
L8	13.19	S61°19'15"E
L9	27.03	S80°19'03"E
L10	22.60	N76°37'38"E
L11	23.35	S68°01'05"E
L12	19.19	N36°50'31"E
L13	29.81	S85°30'38"E
L14	80.36	S55°32'14"E
L15	12.60	S55°32'14"E
L16	19.82	S55°32'14"E
L17	40.81	S75°37'33"E
L18	21.36	S17°30'40"E
L19	18.38	N45°34'55"E
L20	79.44	S80°45'19"E
L21	13.73	S44°53'38"E
L22	37.30	N78°08'34"E
L23	3.12	N78°08'34"E
L24	40.36	S57°33'58"E
L25	31.74	N53°39'44"E
L26	35.27	N89°09'07"E
L27	45.80	N60°14'10"E
L28	77.60	S89°09'59"E
L29	24.84	N25°43'13"E
L30	75.71	S74°01'28"E
L31	27.10	N17°29'32"E
L32	19.92	N82°58'15"E
L33	20.83	S52°46'59"E
L34	27.35	N76°31'06"E
L35	50.69	N76°31'06"E
L36	43.21	N76°31'06"E
L37	8.45	N08°41'24"E
L38	91.00	N72°51'46"E
L39	23.96	S55°32'18"E
L40	45.68	S87°06'36"E
L41	16.72	N24°46'28"E
L42	60.50	N88°08'53"E
L43	21.32	N60°33'57"E
L44	13.40	S78°52'56"E
L45	8.37	N50°16'55"E



LEGEND

- FOUND BERNSTSEN 3-1/4" AL-MON
- FOUND 2" AL-CAP ON 5/8" REBAR
- FOUND 2-1/2" AL-MON
- ⊗ FOUND 2-1/2" GLO BRASS CAP, 1917
- SET 2" AL-CAP ON 5/8" REBAR
- ⑬ CIRCLED NUMBER LOT IDENTIFIERS ARE PER KENAI PENINSULA BOROUGH TAX PARCEL NUMBERS AND AS STAMPED ON MONUMENTS AND GUARD STAKES

NOTES

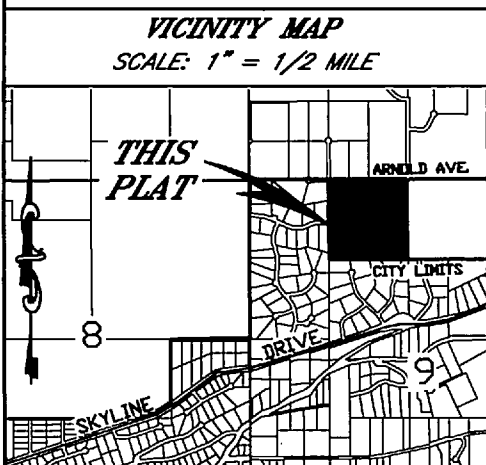
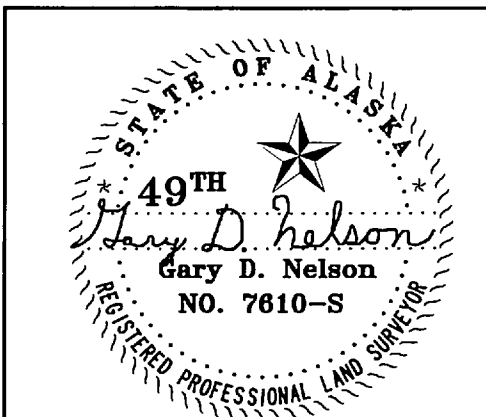
1. THIS SURVEY DOES NOT CONSTITUTE A SUBDIVISION AS DEFINED BY AS 40.15.190 (2).
 2. PARCELS SHOWN HEREON WERE CREATED BY DEEDS. THE PARCEL'S NUMERAL IDENTIFIERS ARE THE NUMBERS ASSIGNED BY THE BUREAU OF INDIAN AFFAIRS AT CONVEYANCE. THE RECORDING INFORMATION (HOMER RECORDING DISTRICT BOOK AND PAGE) OF THE CONVEYANCE DEED FOR EACH PARCEL IS SHOWN WITHIN THE BOUNDS OF THAT PARCEL. THE CITED DEED OF CONVEYANCE CONTAINS THE AREAS AND BOUNDS LEGAL DESCRIPTION OF THE PARCEL. THIS RECORD OF SURVEY SHOWS THE DIMENSIONS AND MONUMENTATION OF THE PARCELS.
 3. THE THREAD OF BRIDGE CREEK IS CALLED OUT AS A BOUNDARY OF THE PARCELS. THE BRIDGE CREEK BOUNDARY IS RIPARIAN. THE BRIDGE CREEK MEANDERS AS SHOWN WERE USED TO QUANTIFY THE AREAS SHOWN. THE ACTUAL THREAD OF BRIDGE CREEK IS THE BOUNDARY, AND CHANGES AS THE THREAD CHANGES.
 4. NO TITLE OPINION OR ABSTRACT OF MATTERS AFFECTING TITLE TO THE SUBJECT PROPERTY HAS BEEN PROVIDED. IT IS POSSIBLE THAT THERE ARE DEEDS, EASEMENTS OR OTHER INSTRUMENTS COULD WHICH COULD AFFECT THE PROPERTY DEPICTED HEREON.
 5. SNOW DEPTHS WERE 4.5± FEET AT THE TIME OF THE FIELD WORK.
 6. THIS RECORD OF SURVEY AMENDS AND SUPERSEDES THE RECORD OF SURVEY RECORDED AS PLAT NO. 2008-18 IN THE HOMER RECORDING DISTRICT.
- PLAT CORRECTIONS ARE:
- 6A. RANGE 12 WEST CORRECTED TO RANGE 13 WEST IN TITLE BLOCK.
 - 6B. DESCRIPTION OF 1/4 CORNER OF SECTIONS 4 AND 9 CORRECTED TO FOUND GLO MONUMENT.
 - 6C. BIA PARCEL NUMBERS WERE ADDED (SEE NOTE 2).
 - 6D. KENAI PENINSULA BOROUGH TAX PARCEL NUMBERS ADDED IN CIRCLES.
 - 6E. BRIDGE CREEK MEANDERS L39 THROUGH L45 CHANGED.
 - 6F. 30' ROADWAY DEDICATION BEARING AND ASSOCIATED TIE TO EASTERLY BOUNDARY MONUMENTS CORRECTED.
 - 6G. BOUNDARY COMMON TO LOTS 3 AND 4, BEARING CORRECTED

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, THAT THE MONUMENTS SHOWN HEREON EXIST AS DESCRIBED, THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

06-20-2008
 DATE
 Gary D. Nelson
 REGISTERED LAND SURVEYOR NO. 7610-S

2008-53
 HOMER REC DIST
 Date 8/14 2008
 Time 1:27 P.M.
 Requested By Agency
 Address _____



DATE 06-20-2008
 SCALE 1"=100'
 JOB No. 4298
 DRAWING: 4298
ROEHL PARCELS RECORD OF SURVEY (AMENDED)
 SHOWING RETRACEMENT AND MONUMENTATION OF THE NE 1/4, NW 1/4, SEC 9, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 40.43 ACRES

ABILITY SURVEYS
 GARY D. NELSON, P.L.S.
 (907)235-8440
 152 DEHEL AVE., HOMER, ALASKA

ROADWAY DEDICATION

KNOW ALL MEN BY THESE PRESENTS, that the City of Homer, of 491 East Pioneer Avenue, Homer, Alaska 99603, hereinafter called the GRANTOR, does hereby grant a public easement and right of way over the following described real property:

Lots 6 and 7 as shown on Record of Survey 2008-53
Recorded on 14 August 2008 in the Homer Recording District

for the use and maintenance of an existing thirty (30) foot wide Traveled Way as aligned and shown on Record of Survey 2008-53 attached as Exhibit A. This right shall be a covenant running with the land and shall be binding on the GRANTOR, its heirs, executors, administrators, and assigns.

DATED _____

AUTHORIZED REPRESENTATIVE OF GRANTOR

STATE OF ALASKA)
) SS.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the _____ day of _____, 2021, before me, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____ to me known to be the person who executed the foregoing instrument and acknowledged said instrument to be his/her free and voluntary act and deed for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2021.

Notary Public in and for Alaska

My Commission expires _____



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Planning

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Homer, Alaska 99603

Planning@ci.homer.ak.us

(p) 907-235-3106

(f) 907-235-3118

Memorandum Pl 21-04

TO: HOMER PLANNING COMMISSION
FROM: RICK ABBODD, AICP, CITY PLANNER
DATE: May 19, 2021
SUBJECT: Dedication of roadway easement for Easy Street

Introduction: We have received requests from property owners in the Bridge Creek Watershed to dedicate the existing traveled way that originates from Easy Street and crosses two City-owned lots, 6 and 7, as displayed on the attached Record of Survey.

History: The current access was created and used continuously since the 1940's and is located outside of city boundaries in the Bridge Creek Watershed Protection District. The City purchased lots 6 and 7 in 2009 to enhance protection of the watershed. At the time of the Record of Survey, the lots constituted a Native Allotment that was administered by the Bureau of Indian Affairs (BIA) per federal regulations. While the owner of the allotment commissioned a roadway easement, as described in the Record of Survey, it was never approved by the BIA.

Current status: The Borough has been providing maintenance to the traveled way which provides the only practical access to several developed properties in the watershed.

Analysis: The route has established long-time access to watershed properties across Bridge Creek to the north. We find that it is in the interest of the City to maintain the access and avoid the need for additional creek crossings that could impact the City's water source.

Finding: It is in the best interest of the City to dedicate a public easement over the long established access across Bridge Creek located on city owned lots 6 & 7 in order to discourage the creation of additional creek crossings.

Attachments:

Roadway Dedication & Attachment A
Area Map

ROADWAY DEDICATION

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DATED _____

AUTHORIZED REPRESENTATIVE OF GRANTOR

STATE OF ALASKA)
) SS.
THIRD JUDICIAL DISTRICT)

THIS IS TO CERTIFY that on the _____ day of _____, 2020, before me, a Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally appeared _____ to me known to be the person who executed the foregoing instrument and acknowledged said instrument to be his/her free and voluntary act and deed for the uses and purposes therein mentioned.

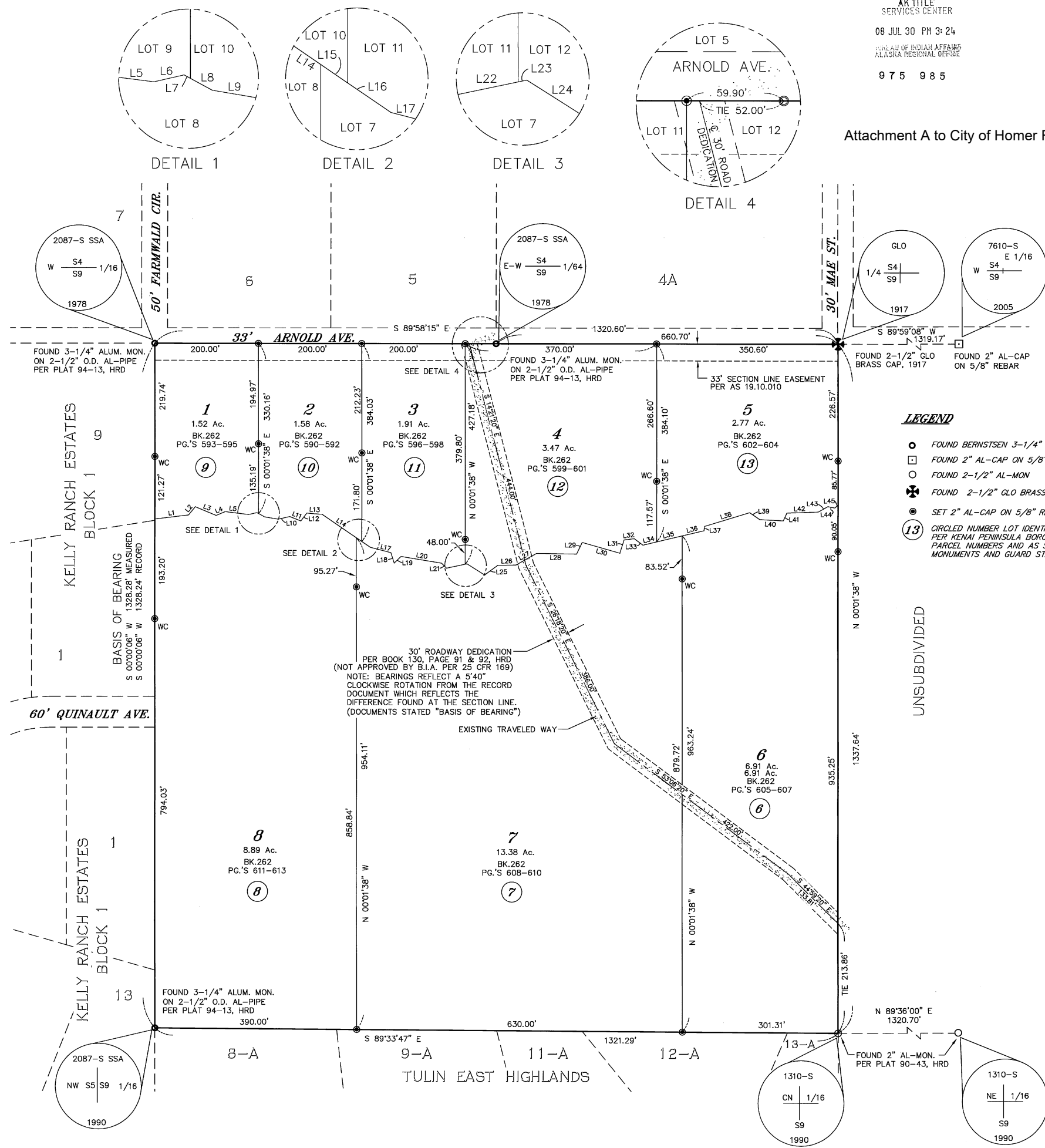
IN WITNESS WHEREOF, I have hereunto set my hand and seal this _____ day of _____, 2020.

Notary Public in and for Alaska

My Commission expires _____

Attachment A to City of Homer Roadway Dedication

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LINE	LENGTH	BEARING
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- LEGEND**
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 - ⊕ FOUND 2-1/2" GLO BRASS CAP, 1917
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06-20-2008
DATE
Gary D. Nelson
REGISTERED LAND SURVEYOR NO. 7610-S

2008-53
Homer REC DIST
Date 8/14 2008
Time 1:27 P.M.
Requested By Abney
Address _____

STATE OF ALASKA
49TH
Gary D. Nelson
NO. 7610-S
REGISTERED PROFESSIONAL LAND SURVEYOR

VICINITY MAP
SCALE: 1" = 1/2 MILE

THIS PLAT



DATE 06-20-2008
SCALE 1"=100'
JOB No. 4298
DRAWING: 4298

ROEHL PARCELS RECORD OF SURVEY (AMENDED)
SHOWING RETRACEMENT AND MONUMENTATION OF THE NE 1/4, NW 1/4, SEC 9, T6S, R13W, S.M., KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, STATE OF ALASKA, HOMER RECORDING DISTRICT, CONTAINING 40.43 ACRES

ABILITY SURVEYS
GARY D. NELSON, P.L.S.
(907)235-8440
152 DEHEL AVE., HOMER, ALASKA



Legend

-  City Limits
-  Watershed Boundary

Area Map

Creek crossing

City

City

Lot 6
City

Lot 7

Top of East Hill Rd, Skyline Drive
and Easy Street intersection

Easy Street



Session 21-12, a Regular Meeting of the Planning Commission was called to order by Chair Scott Smith at 6:35 p.m. on May 19, 2021 at Cowles Council Chambers in City Hall located at 491 E. Pioneer Avenue, Homer, Alaska, via Zoom Webinar. There is one vacancy due to a resignation on the Commission.

PRESENT: COMMISSIONERS VENUTI, HIGHLAND, BENTZ, BARNWELL AND SMITH

ABSENT: COMMISSIONER CONLEY (EXCUSED)

STAFF: CITY PLANNER ABBOUD
DEPUTY CITY CLERK KRAUSE

APPROVAL OF THE AGENDA

Chair Smith requested a motion to approve the agenda.

VENUTI/BARNWELL – MOVED TO APPROVE THE AGENDA.

There was no discussion.

VOTE. NON-OBJECTION. UNANIMOUS CONSENT.

Motion carried.

Commissioner Highland joined the meeting at 6:39 p.m. after a brief technical issue was resolved.

PUBLIC COMMENTS ON ITEMS ALREADY ON THE AGENDA

RECONSIDERATION

CONSENT AGENDA

- A. Planning Commission Regular Meeting Minutes of May 5, 2021
- B. Decisions and Findings for Conditional Use Permit CUP 21-04 to expand the Safeway grocery store at 90 Sterling Highway
- C. Dedication of Roadway easement for Easy Street on City Properties

Chair Smith requested a motion to approve the Consent Agenda.

VENUTI/BENTZ – MOVED TO ADOPT THE CONSENT AGENDA AS PRESENTED.



There was no discussion.

VOTE. NON- OBJECTION. UNANIMOUS CONSENT.

Motion carried.

PRESENTATIONS / VISITORS

REPORTS

A. Staff Report 21-29, City Planner's Report

Chair Smith introduced the item by reading of the title and requested City Planner Abboud to present his report to the Commission.

City Planner Abboud provided a summary of Staff Report 21-29 for the Commission. He commented on the Ordinance 21-27 waiving connection to city sewer noting that he requested to see a map of the properties that this would affect. He reported that it was nice to hear from a visiting company compliment to city of their signage and to know that they are doing right with the sign code.

Chair Smith offered to write a written report as he was not sure that he would be able to provide a verbal report.

Commissioner Bentz asked about the discussion on trees and shrubbery as replacement and including those species that can assist with erosion and drainage issues that are non-native species since there are so few native species, then developing a list that can be distributed to developers as a preferred recommendation.

A brief discussion ensued on landscaping requirements in or near parking lots and easements next to roadways.

B. Public Works Campus Task Force Report – Commissioner Barnwell

Commissioner Barnwell provided an update on the Task Force progress noting the following:

- Two council members opposed the use of funds
- Task Force members agreed that there is a risk but that risk cannot be quantify
- Some Council members felt that they are under the same risk and nothing has happened
- Reviewing potential sites since the opportunity may not be available in the near future
- The Public Works Facility is a critical infrastructure and provides essential services to all departments within the city
- The existing facility is old and really needs to be updated even outside of the risk of tsunami