



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 22-122

TO: MAYOR CASTNER AND HOMER CITY COUNCIL

FROM: MELISSA JACOBSEN, MMC, CITY CLERK

DATE: JULY 15, 2022

SUBJECT: VACATION OF A PORTION OF HOUGH ROAD AND ASSOCIATED UTILITY EASEMENTS. KPB FILE 2022-076V.

At their June 27, 2022 regular meeting, the Kenai Peninsula Borough Planning Commission approved the vacation of a portion of Hough Road and associated utility easements. KPB File 2022-076V.

Per AS 29.40.140, no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from June 27, 2022 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Planning Commission forwarded a recommendation for approval and Council voiced non-objection regarding this matter in 2010 with Memorandum 10-60 on April 26, 2010. The applicant has requested time extensions through the Kenia Peninsula Borough since that action took place.

RECOMMENDATION:

Voice non objection and consent to the vacation of a portion of Hough Road and associated utility easements. KPB File 2022-076V.



Planning Department

144 N. Binkley Street, Soldotna, Alaska 99669 • (907) 714-2200 • (907) 714-2378 Fax

Charlie Pierce
Borough Mayor

June 30, 2022

Homer City Council
491 E. Pioneer Avenue
Homer, AK 99603

RE: Vacation of a Portion of Hough Road & Associated Utility Easements

Dear Homer City Council Members:

In accordance with AS 29.40.140, no vacation of a city right-of-way and/or easement may be made without the consent of the city council. The KPB Planning Commission approved the referenced right-of-way vacation during their regularly scheduled meeting of June 27, 2022. This petition is being sent to you for your consideration and action.

The City Council has 30 days from June 27, 2022 in which to veto the decision of the Planning Commission. If no veto is received from the Council within the 30-day period, the decision of the Planning Commission will stand.

Attached are draft, unapproved minutes of the pertinent portion of the meeting and other related material.

Sincerely,

Robert Ruffner
Planning Director
Kenai Peninsula Borough

Attachments:
Unapproved 6/27/22 PC Meeting Minutes
E2 - Meeting Packet Materials

E. NEW BUSINESS

2. ROW Vacation: KPB File 2022-076V

Request: Vacate a portion of Hough Road, a 60' right-of-way and associated utility easement

**Petitioners/Landowners: Michael & Shila Hough
City of Homer**

**ITEM E2 - RIGHT OF WAY VACATION
VACATE A PORTION OF HOUGH ROAD AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-076V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	C. Michael and Shila A. Hough of Homer Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	East End Road, Hough Road, City of Homer
Legal Description:	Hough Road, Tract F of Stream Hill Park Unit 2, HM 2008-048 and Tract 1 of Christensen Tracts 2009 Addition, HM 2006-44, Section 16, Township 6 South, Range 13 West.

Staff report was given by Platting Specialist Julie Hindman.

Chair Martin open the item for public comment. Seeing and hearing no one wishing to comment, public comment was closed and discussion was opened among the commission.

MOTION: Commissioner Horton moved, seconded by Commissioner Fikes to approve the vacation as petitioned based on the means of evaluating public necessity established by KPB 20.65, subject to staff recommendations and compliance with borough code.

Hearing no objection or further discussion, the motion was carried by the following vote:

MOTION PASSED BY UNANIMOUS VOTE:

Yes - 11	Bentz, Brantley, Fikes, Hooper, Horton, Martin, Morgan, Staggs, Stutzer, Taufest, Venuti
Absent - 1	Gillham

**ITEM E3 - RIGHT OF WAY VACATION
VACATE PORTION OF HANKS MILL ROAD (FORMALLY OLD STERLING HIGHWAY)**

KPB File No.	2022-077V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	Rosemary Johnson of Anchor Point, Alaska and Cliff and Jana Johnson of Mesa, Arizona
Surveyor:	Jason Young, Mark Aimonetti / Edge Survey and Design, LLC
General Location:	Hanks Mill Road, Natascha Avenue, Sterling Highway / Happy Valley, Anchor Point, APC
Legal Description:	Hanks Mill Road, formally known as Old Sterling Highway, within Section 7, Township 3 South, Range 14 West.

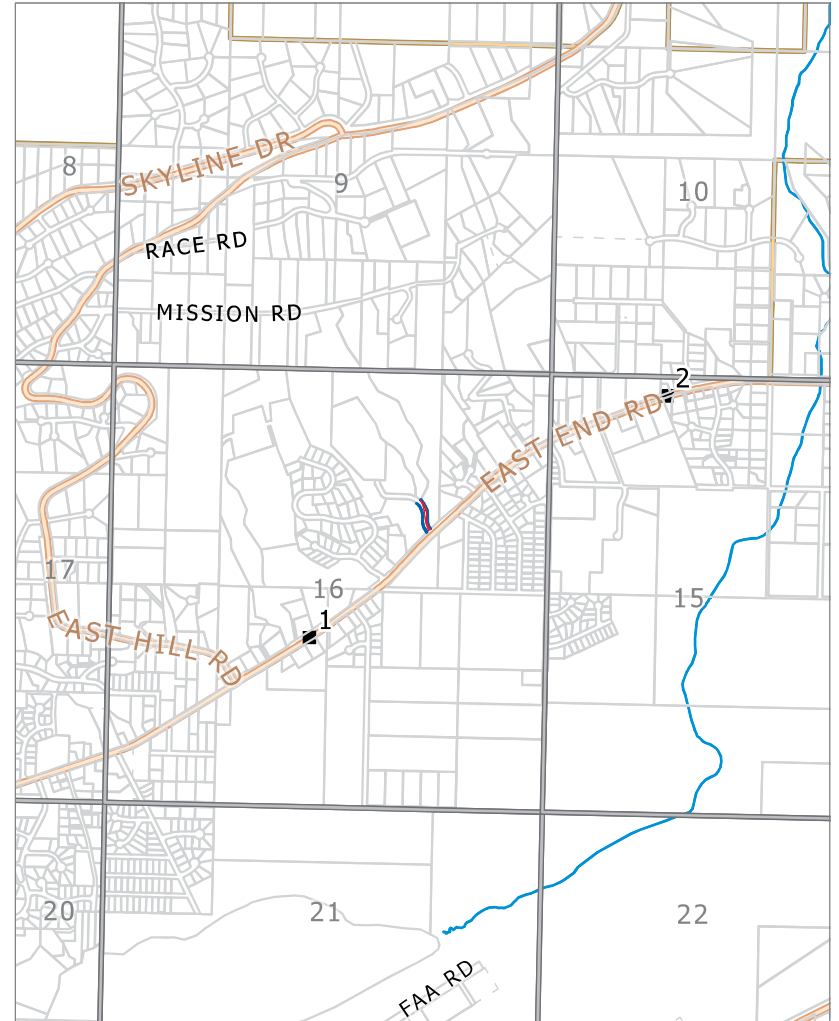
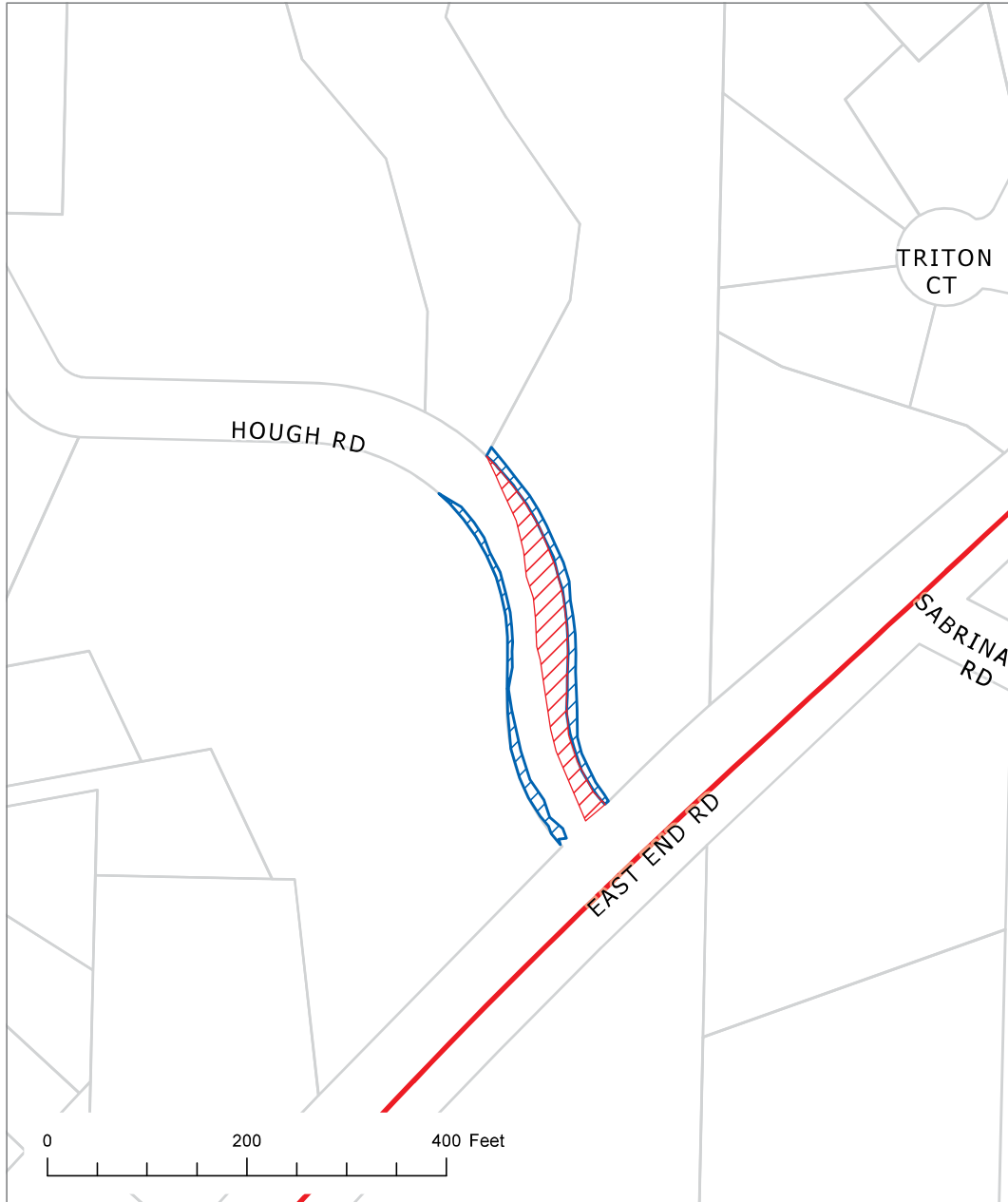
Staff report was given by Platting Specialist Julie Hindman.

Chair Martin open the item for public comment.

Jason Young, Edge Survey & Design; P.O. Box 208, Kasilof, AK 99610: Mr. Young is the surveyor for this project. He noted this section is part of an old historic right-of-way (ROW) and is not used any more. The culverts are washed out. It drops over 50' down to the creek and is basically not safe to use. This section of Hanks Mill Road dead ends onto his client's property. There is a history of trespass related to this road. There is a waterfall on Happy Creek. The public will park on this section of road and trespass across the owner's property to get to the falls. His clients wish to vacate this section of the ROW to reduce the amount of trespass occurring on their property.

Chair Martin asked Mr. Young if he knew what year the new section of the Sterling Highway, which replaced this old section, was constructed. Mr. Young replied he thought it was sometime in the 1950s. He again noted that no one has used this section of ROW for many years.

Seeing and hearing no one else wishing to comment, public comment was closed and discussion was opened among the commission.

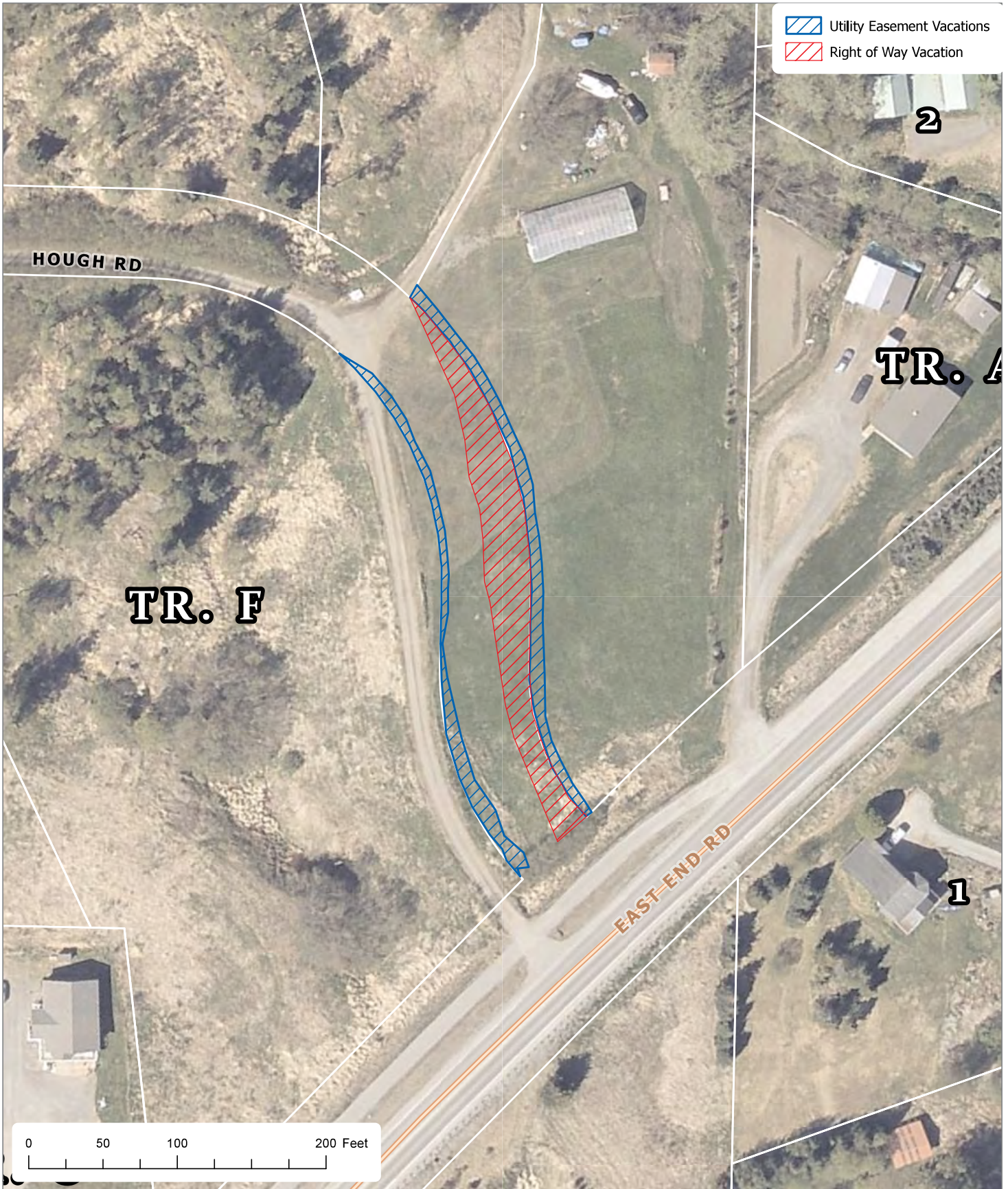


KPB File # 2022-076V
S16 T06S R13W
Homer

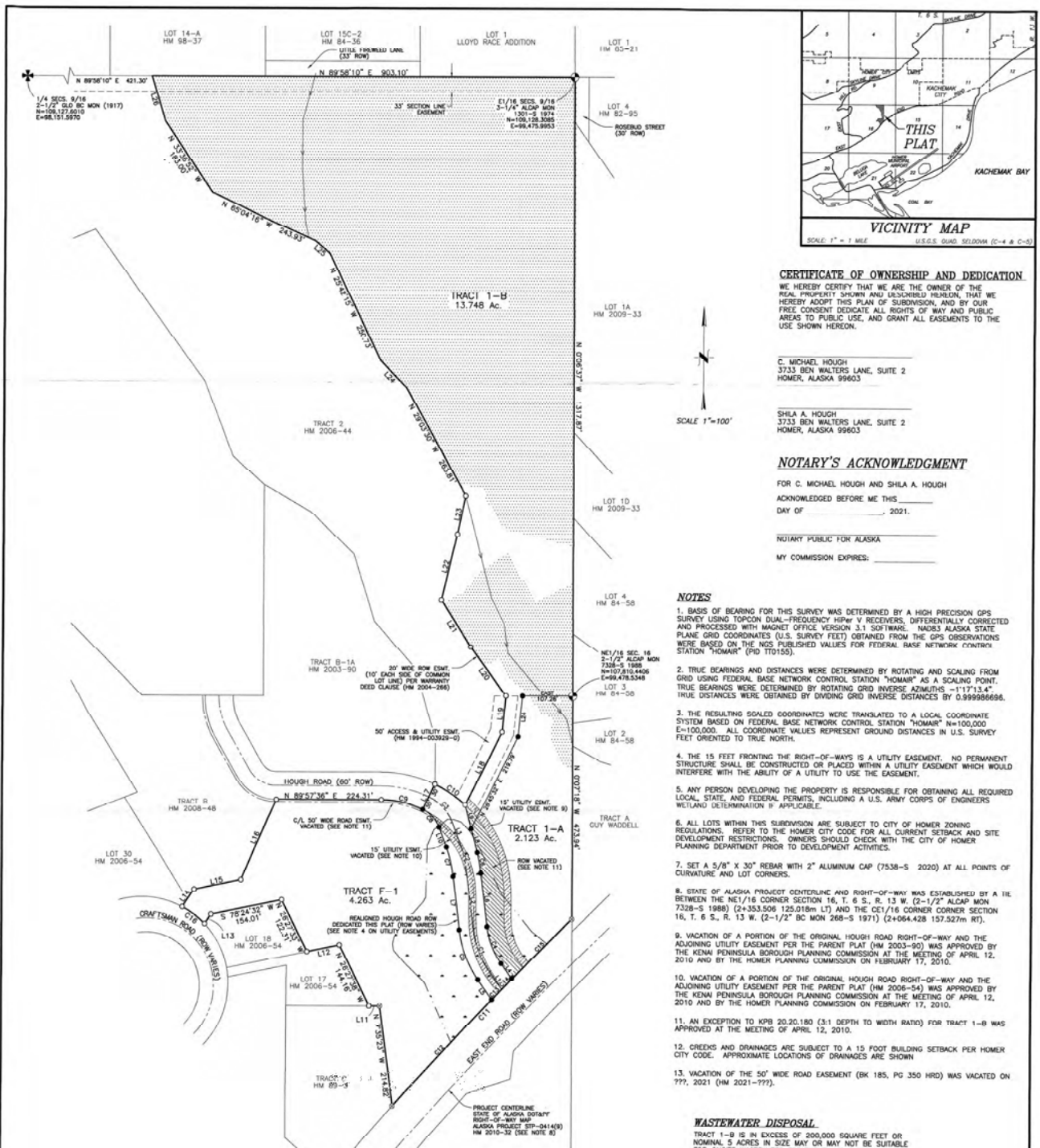
The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for any errors on this map.



Aerial View



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.



CERTIFICATE OF OWNERSHIP AND DEDICATION
 WE HEREBY CERTIFY THAT WE ARE THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION, AND BY OUR FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

C. MICHAEL HOUGH
 3733 BEN WALTERS LANE, SUITE 2
 HOMER, ALASKA 99603

SHILA A. HOUGH
 3733 BEN WALTERS LANE, SUITE 2
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FOR C. MICHAEL HOUGH AND SHILA A. HOUGH
 ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2021.

NOTARY PUBLIC FOR ALASKA
 MY COMMISSION EXPIRES: _____

NOTES

1. BASIS OF BEARING FOR THIS SURVEY WAS DETERMINED BY A HIGH PRECISION GPS SURVEY USING TOPCON DUAL-FREQUENCY GPS RECEIVERS, DIFFERENTIALLY CORRECTED AND PROCESSED WITH MAGNET OFFICE VERSION 3.01 SOFTWARE. NADE3 ALASKA STATE PLANE GRID COORDINATES (U.S. SURVEY FEET) OBTAINED FROM THE GPS OBSERVATIONS WERE BASED ON THE NAD83 PUBLISHED VALUES FOR FEDERAL BASE NETWORK CONTROL STATION "HOMER" (710 17055).
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY ROTATING AND SCALING FROM GRID USING FEDERAL BASE NETWORK CONTROL STATION "HOMER" AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY ROTATING GRID INVERSE AZIMUTHS -117°13.4'. TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.999986668.
3. THE RESULTING SCALED COORDINATES WERE TRANSLATED TO A LOCAL COORDINATE SYSTEM BASED ON FEDERAL BASE NETWORK CONTROL STATION "HOMER" N=100,000 E=100,000. ALL COORDINATE VALUES REPRESENT GROUND DISTANCES IN U.S. SURVEY FEET TO TRUE NORTH.
4. THE 15 FEET FRONTING THE RIGHT-OF-WAYS IS A UTILITY EASEMENT. 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.
5. ANY PERSON DEVELOPING THE PROPERTY IS RESPONSIBLE FOR OBTAINING ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS, INCLUDING A U.S. ARMY CORPS OF ENGINEERS WETLAND DETERMINATION IF APPLICABLE.
6. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER ZONING REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SITE DEVELOPMENT RESTRICTIONS. OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
7. SET A 5/8" X 30" REBAR WITH 2" ALUMINUM CAP (7538-S 2020) AT ALL POINTS OF CURVATURE AND LOT CORNERS.
8. STATE OF ALASKA PROJECT CENTERLINE AND RIGHT-OF-WAY WAS ESTABLISHED BY A 1:6 BETWEEN THE NE1/4 CORNER SECTION 16, T. 6 S., R. 13 W., (2-1/2" ALCAP MON 7328-S 1988) (2+333.506 125.016m LT) AND THE CE1/16 CORNER SECTION 16, T. 6 S., R. 13 W., (2-1/2" BC MON 268-S 1971) (2+064.428 157.527m RT).
9. VACATION OF A PORTION OF THE ORIGINAL HOUGH ROAD RIGHT-OF-WAY AND THE ADJOINING UTILITY EASEMENT FOR THE PARENT PLAT (HM 2003-90) WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2010 AND BY THE HOMER PLANNING COMMISSION ON FEBRUARY 17, 2010.
10. VACATION OF A PORTION OF THE ORIGINAL HOUGH ROAD RIGHT-OF-WAY AND THE ADJOINING UTILITY EASEMENT FOR THE PARENT PLAT (HM 2006-54) WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2010 AND BY THE HOMER PLANNING COMMISSION ON FEBRUARY 17, 2010.
11. AN EXCEPTION TO KPB 20.20.180 (3:1 DEPTH TO WIDTH RATIO) FOR TRACT 1-B WAS APPROVED AT THE MEETING OF APRIL 12, 2010.
12. CREEKS AND DRAINAGES ARE SUBJECT TO A 15 FOOT BUILDING SETBACK PER HOMER CITY CODE. APPROXIMATE LOCATIONS OF DRAINAGES ARE SHOWN.
13. VACATION OF THE 50' WIDE ROAD EASEMENT (BK 185, PG 350 HRD) WAS VACATED ON ???, 2021 (HM 2021-???)

WASTEWATER DISPOSAL

TRACT 1-B IS IN EXCESS OF 200,000 SQUARE FEET OR NOMINAL 5 ACRES IN SIZE MAY OR MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY FUTURE SUBDIVISION OF THIS LOT INTO LESS THAN 200,000 SQUARE FEET MUST MEET THE REGULATORY REQUIREMENTS OF THE KENAI PENINSULA BOROUGH. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

TRACT 1-A AND TRACT F-1 HAVE SOIL CONDITIONS THAT HAVE BEEN FOUND UNSUITABLE FOR CONVENTIONAL ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. PLANS SHOWING A SUITABLE ALTERNATE WASTEWATER DISPOSAL SYSTEM THAT COULD BE USED ON TRACTS IN THIS SUBDIVISION ARE INCLUDED IN THE ENGINEER'S SUBDIVISION AND SOIL REPORT AND ARE AVAILABLE FROM THE KENAI PENINSULA BOROUGH. ALL ALTERNATE ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS MUST BE DESIGNED FOR THE SPECIFIC INSTALLATION BY A QUALIFIED ENGINEER REGISTERED TO PRACTICE IN ALASKA, AND THE DESIGN MUST BE APPROVED BY THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION PRIOR TO CONSTRUCTION.

CURVE TABLE

CURVE	DELTA	RADIUS	LENGTH	CHORD BRNG	CHORD DIST
C1	28°30'44"	200.00'	99.53'	N 21°07'27" W	98.56'
C2	13°27'12"	300.00'	70.44'	N 13°35'41" W	70.29'
C3	4°30'00"	1000.00'	25.00'	N 08°00'00" W	25.00'
C4	28°30'44"	170.00'	84.60'	N 21°07'27" W	83.73'
C5	28°30'44"	170.00'	84.60'	N 21°07'27" W	83.73'
C6	28°30'44"	170.00'	84.60'	N 21°07'27" W	83.73'
C7	28°30'44"	170.00'	84.60'	N 21°07'27" W	83.73'
C8	13°27'12"	300.00'	70.44'	N 13°35'41" W	70.29'
C9	28°30'44"	170.00'	84.60'	N 21°07'27" W	83.73'
C10	17°08'18"	203.78'	91.51'	N 17°10'30" W	90.74'
C11	3°28'40"	8254.60'	592.18'	N 3°28'27" W	592.05'
C12	0°12'18"	8524.60'	30.50'	N 00°12'18" W	30.50'
C13	0°12'18"	8524.60'	30.50'	N 00°12'18" W	30.50'
C14	0°12'18"	8524.60'	30.50'	N 00°12'18" W	30.50'
C15	1°12'30"	8524.60'	180.60'	N 01°12'30" W	180.60'
C16	18°41'42"	185.00'	60.36'	N 52°59'12" W	60.10'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 82°29'49" W	45.67'
L2	N 82°29'49" W	45.67'
L3	N 82°29'49" W	45.67'
L4	N 82°29'49" W	45.67'
L5	N 82°29'49" W	45.67'
L6	N 82°29'49" W	45.67'
L7	N 82°29'49" W	45.67'
L8	N 82°29'49" W	45.67'
L9	N 82°29'49" W	45.67'
L10	N 82°29'49" W	45.67'
L11	N 82°29'49" W	45.67'
L12	N 82°29'49" W	45.67'
L13	N 82°29'49" W	45.67'
L14	N 82°29'49" W	45.67'
L15	N 82°29'49" W	45.67'
L16	N 82°29'49" W	45.67'
L17	N 82°29'49" W	45.67'
L18	N 82°29'49" W	45.67'
L19	N 82°29'49" W	45.67'
L20	N 82°29'49" W	45.67'
L21	N 82°29'49" W	45.67'
L22	N 82°29'49" W	45.67'
L23	N 82°29'49" W	45.67'
L24	N 82°29'49" W	45.67'
L25	N 82°29'49" W	45.67'
L26	N 82°29'49" W	45.67'

- LEGEND**
- INDICATES 1917 2-1/2" BC GLO PRIMARY MONUMENT RECOVERED THIS SURVEY
 - INDICATES PRIMARY MONUMENT RECOVERED OR SET AS SHOWN
 - INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (5780-S, 2006) RECOVERED THIS SURVEY
 - INDICATES 1/2" REBAR RECOVERED THIS SURVEY
 - INDICATES 5/8" X 30" REBAR WITH 2" ALCAP (7538-S, 2021) SET THIS SURVEY
 - INDICATES DISCHARGE SLOPE PER KENAI WATERSHED FORUM 2013 COOK INLET WETLANDS MAPPING
 - INDICATES CENTERLINE OF DRAINAGE
 - INDICATES AREAS WITH SLOPES GREATER THAN 20%

PLAT APPROVAL
 THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF APRIL 12, 2010



HOMER RECORDING DISTRICT KPB FILE NO. 2010-024

CHRISTENSEN TRACTS 2009 ADDITION

THE SUBDIVISION OF
 TRACT 1, CHRISTENSEN TRACT NO. 4 (HM 2006-44)
 AND TRACT F, STREAM HILL PARK UNIT 2 (HM 2006-48)
 AND
 THE VACATION OF A PORTION OF THE HOUGH ROAD RIGHT-OF-WAY INCLUDING ASSOCIATED ADJOINING UTILITY EASEMENTS
 LOCATED WITHIN THE NE1/4, NE1/4 SECTION 16, T. 6 S., R. 13 W., SEWARD MERIDIAN, CITY OF HOMER, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA
 CONTAINING 20.775 ACRES

OWNERS:
 C. MICHAEL HOUGH AND SHILA A. HOUGH
 3733 BEN WALTERS LANE, SUITE 2, HOMER, ALASKA 99603

GEOVERA, LLC
 PO BOX 3235
 HOMER ALASKA 99603
 (907) 399-4345
 EMAIL: scsmth@gci.net

DRAWN BY: SC5 DATE: MARCH 2021 SCALE: 1" = 100'
 CHK BY: SC5 JOB #2021-10 SHEET 1 OF 1

KPB 2022-076V

AGENDA ITEM E. NEW BUSINESS

**ITEM 2 - RIGHT OF WAY VACATION
VACATE A PORTION OF HOUGH ROAD AND ASSOCIATED UTILITY EASEMENTS**

KPB File No.	2022-076V
Planning Commission Meeting:	June 27, 2022
Applicant / Owner:	C. Michael and Shila A. Hough of Homer Alaska
Surveyor:	Stephen Smith / Geovera, LLC
General Location:	East End Road, Hough Road, City of Homer
Legal Description:	Hough Road, Tract F of Stream Hill Park Unit 2, HM 2008-048 and Tract 1 of Christensen Tracts 2009 Addition, HM 2006-44, Section 16, Township 6 South, Range 13 West.

STAFF REPORT

Specific Request / Purpose as stated in the petition: The existing road was not constructed within the existing ROW. The ROW is being re-aligned so that it is centered on the existing road. Only a portion of the existing ROW is being vacated, along with the adjoining 15 foot utility easements. New 15 foot utility easements are being dedicated adjoining both sides of the re-aligned ROW.

Notification: Public notice appeared in the June 16, 2022 issue of the Homer News as a separate ad. The public hearing notice was published in the June 23, 2022 issue of the Homer News as part of the Commission’s tentative agenda.

The public notice was posted on the Planning Commission bulletin board at the Kenai Peninsula Borough George A. Navarre Administration building. Additional notices were mailed to the following with the request to be posted for public viewing.

Library of Homer

Post Office of Homer

Thirty-nine certified mailings were sent to owners of property within 300 feet of the proposed vacation. Twenty-three receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to twenty-three owners within 600 feet of the proposed vacation.

Fifteen public hearing notices were emailed to agencies and interested parties as shown below;

State of Alaska Dept. of Fish and Game
 State of Alaska DNR
 State of Alaska DOT
 State of Alaska DNR Forestry
 City of Homer
 Emergency Services of Homer

Ninilchik Traditional Council
 Alaska Communication Systems (ACS)
 ENSTAR Natural Gas
 General Communications Inc, (GCI)
 Homer Electric Association (HEA)

Legal Access (existing and proposed): The access will remain as Hough Road. The right-of-way is not constructed within the dedication. The owners are proposing to vacate portions of the right-of-way and then dedicate new portions to provide a realignment that will allow the existing right-of-way to be within the dedication.

KPB Roads Dept. comments	Out of Jurisdiction: Yes Roads Director: Uhlin, Dil Comments: No comments
SOA DOT comments	

Site Investigation: There are some wetlands associated with the right-of-way. The roadway is already constructed and has been for some time. There is sloping terrain in the area but the portion to be vacated is consistent with the slopes for the proposed realignment.

KPB River Center review	<p>A. Floodplain Reviewer: Carver, Nancy Floodplain Status: Within City of Homer Comments: Located in an unregulated D Zone</p> <p>B. Habitat Protection Reviewer: Aldridge, Morgan Habitat Protection District Status: Is NOT within HPD Comments: No comments</p> <p>C. State Parks Reviewer: Russell, Pam Comments: No Comments</p>
-------------------------	--

Staff Analysis: The proposed vacation is to remedy the alignment issues of Hough Road, a 60 foot right-of-way. The proposal is to vacate approximately a half width of Hough Road for 390 feet including the adjoining 15 foot utility easements. If approved, a dedication of additional right-of-way atop the constructed road, including 15 foot utility easements along each side of the new dedication, will be completed by recording a new plat.

The original access is depicted on Christensen Tracts Amended, HM 89-3 as a 50 foot private access easement (HRD Book 185 Page 349). The access easement was also shown on plat Christensen Tracts No. 4, HM 2006-44.

Christensen Tract No. 3, HM 2003-90, dedicated the eastern 30 foot of Hough Road right-of-way. Stream Hill Park Unit 1, HM 2006-54, dedicated the western 30 feet of Hough Road right-of-way.

Vacation of the dedicated right-of-way will not remove the private access easement. If they owners wish to remove the private access easement it will need to be done by separate documents and recorded with the Homer Recording District. If this is completed prior to the recording of the plat, add a plat note with the recording information that terminated the private access easement.

There are some gas lines within the associated utility easements. The final plat has been reviewed and an agreement from ENSTAR is required to make sure all their easement needs are being met.

This vacation and the associated plat were originally heard under KPB old code in 2010. The KPB Planning Commission heard the vacation on April 12, 2010. The Planning Commission approved the vacation by unanimous consent. The Homer City Council upheld the Planning Commission decision at their April 26, 2010 meeting. The plat finalizing the vacation was not recorded within one year.

The KPB Plat Committee approved the preliminary plat on April 12, 2010. Various time extensions have been granted for the preliminary plat. The last time extension was granted in 2020, with the consent of the City of Homer Planning Commission. The time extension was granted through June 8, 2022, subject to the plat being recorded prior to April 13, 2021 to be reviewed under old code. The original surveyor retired and a new surveyor has been hired.

Due to design changes, and the requirement to comply with current subdivision standards, the plat was brought back before the Plat Committee to receive new approval including exceptions requests. The Plat Committee heard the plat at the May 10, 2021 meeting and granted approval. The right-of-way vacation was heard and approved by the Planning Commission on April 26, 2021. The Homer City Council consented to the vacation on May 10, 2021. The right-of-way vacation must have been finalized by May 10, 2022. The owners were still working out other

details of the project and did not finalize in time. They have submitted a new petition and are requesting approval of the vacation.

If approved, plat Christensen Tract 2021 Addition will finalize the proposed right of way vacations. The plat received its approval on May 10, 2021 and the approval is valid until May 10, 2023. No time extensions have been required at this time but may be issued in accordance with KPB 20.25.110. A final was submitted for review on January 31, 2022 with a review letter being sent to the owner and surveyor on February 9, 2022. If the vacation is approved, there will need to be some revisions to plat notes to include new meeting dates.

The other petitions and applications had been reviewed by the City of Homer Planning and Zoning Commission. The surveyor was notified that we would require documentation from the City of Homer that was either minutes from the P&Z Commission or a memo stating that a new hearing was not required. Staff had not received any communication when the staff report was prepared. If information is provided to staff it will be included in the desk packet. Staff will not finalize the vacation until a letter of consent from the City of Homer Planning Department has been received that shows all their concerns have been addressed. The approval will require consent from the City of Homer City Council.

20.65.050 – Action on vacation application

- D. The planning commission shall consider the merits of each vacation request and in all cases the planning commission shall deem the area being vacated to be of value to the public. It shall be incumbent upon the applicant to show that the area proposed for vacation is no longer practical for the uses or purposes authorized, or that other provisions have been made which are more beneficial to the public. In evaluating the merits of the proposed vacation, the planning commission shall consider whether:
1. The right-of-way or public easement to be vacated is being used;
Staff comments: The right-of-way is in use but not constructed in the dedication.
 2. A road is impossible or impractical to construct, and alternative access has been provided;
Staff comments: Already constructed
 3. The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed;
Staff comments: New easements will be granted along the new dedication
 4. The vacation of a public right-of-way provides access to a lake, river, or other area with public interest or value, and if so, whether equal or superior access is provided;
Staff comments: N/A
 5. The proposed vacation would limit opportunities for interconnectivity with adjacent parcels, whether developed or undeveloped;
Staff comments: Will not limit, will only realign with constructed right-of-way
 6. Other public access, other than general road use, exist or are feasible for the right-of-way;
Staff comments: None of been requested or appear needed
 7. All existing and future utility requirements are met. Rights-of-way which are utilized by a utility, or which logically would be required by a utility, shall not be vacated, unless it can be demonstrated that equal or superior access is or will be available. Where an easement would satisfactorily serve the utility interests, and no other public need for the right-of-way exists, the commission may approve the vacation and require that a utility easement be granted in place of the right-of-way.
Staff comments: If any utility easements are requested by providers shall be reviewed and unless the owner works out a resolution shall be granted.
 8. Any other factors that are relevant to the vacation application or the area proposed to be vacated.

Staff comments: This is a road realignment.

A KPB Planning Commission decision denying a vacation application is final. A KPB Planning Commission decision to approve the vacation application is subject to consent or veto by the KPB Assembly, or City Council if located within City boundaries. The KPB Assembly, or City Council must hear the vacation within thirty days of the Planning Commission decision.

The Homer City Council will hear the vacation within 30 days.

KPB department / agency review:

Planner	<p>Reviewer: Raidmae, Ryan There are not any Local Option Zoning District issues with this proposed plat.</p> <p>Material Site Comments: There are not any material site issues with this proposed plat. Review Not Required</p>
Code Compliance	<p>Reviewer: Ogren, Eric Comments: No comments</p>
Addressing	<p>Reviewer: Haws, Derek Affected Addresses: 4580 CRAFTSMAN RD 4630 HOUGH RD</p> <p>Existing Street Names are Correct: Yes</p> <p>List of Correct Street Names: CRAFTSMAN RD HOUGH RD EAST END RD</p> <p>Existing Street Name Corrections Needed:</p> <p>All New Street Names are Approved: No</p> <p>List of Approved Street Names:</p> <p>List of Street Names Denied:</p> <p>Comments: City of Homer will advise on affected addresses.</p>
Assessing	<p>Reviewer: Wilcox, Adeena Comments: No comment</p>

Utility provider review:

HEA	No comments
ENSTAR	
ACS	No objections
GCI	

RECOMMENDATION:

Based on consideration of the merits as per KPB 20.65.050(D) as outlined by Staff comments, Staff recommends APPROVAL as petitioned, subject to:

1. Consent by Homer City Council.
 2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
 3. Grant utility easements requested by the Homer City Council and utility providers.
 4. Submittal of a final plat within a timeframe such that the plat can be recorded within one year of vacation consent (KPB 20.70.130).
-

KPB 20.65.050 – Action on vacation application

- H. A planning commission decision to approve a vacation is not effective without the consent of the city council, if the vacated area to be vacated is within a city, or by the assembly in all other cases. The council or assembly shall have 30 days from the date of the planning commission approval to either consent to or veto the vacation. Notice of veto of the vacation shall be immediately given to the planning commission. Failure to act on the vacation within 30 days shall be considered to be consent to the vacation. This provision does not apply to alterations of utility easements under KPB 20.65.070 which do not require the consent of the assembly or city council unless city code specifically provides otherwise.**
- I. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, where applicable, the applicant shall have a surveyor prepare and submit a plat including the entire area approved for vacation in conformance with KPB 20.10.080. Only the area approved for vacation by the assembly or council may be included on the plat. The final plat must be recorded within one year of the vacation consent.**
- J. A planning commission decision denying a vacation application is final. No reapplication or petition concerning the same vacation may be filed within one calendar year of the date of the final denial action except in the case where new evidence or circumstances exist that were not available or present when the original petition was filed.**
- K. An appeal of the planning commission, city council or assembly vacation action under this chapter must be filed in the superior court in accordance with the Alaska Rules of Appellate Procedure.**

The 2019 Kenai Peninsula Borough Comprehensive Plan adopted November, 2019 by Ordinance No. 2019-25. The relevant objectives are listed.

Goal 3. Preserve and improve quality of life on the Kenai Peninsula Borough through increased access to local and regional facilities, activities, programs and services.

- *Focus Area: Energy and Utilities*
 - o *Objective A - Encourage coordination or residential, commercial, and industrial development with extension of utilities and other infrastructure.*
 - *Strategy 1. Near – Term: Maintain existing easements (especially section line easements) in addition to establishing adequate utility rights of way or easements to serve existing and future utility needs.*
 - *Strategy 2. Near – Term: Maintain regular contact with utility operators to coordinate and review utility easement requests that are part of subdivision plat approval.*
 - *Strategy 3. Near – Term: Identify potential utility routes on Borough lands.*
- *Housing*
 - o *Objective D. Encourage efficient use of land, infrastructure and services outside incorporated cities by prioritizing future growth in the most suitable areas.*
 - *Strategy 1. Near – Term: Collaborate with the AK Department of Transportation, incorporated cities within the borough, utility providers, other agencies overseeing local services, and existing communities located adjacent to the undeveloped areas*

that are appropriate for future growth, to align plans for future expansion of services to serve future residential development and manage growth.

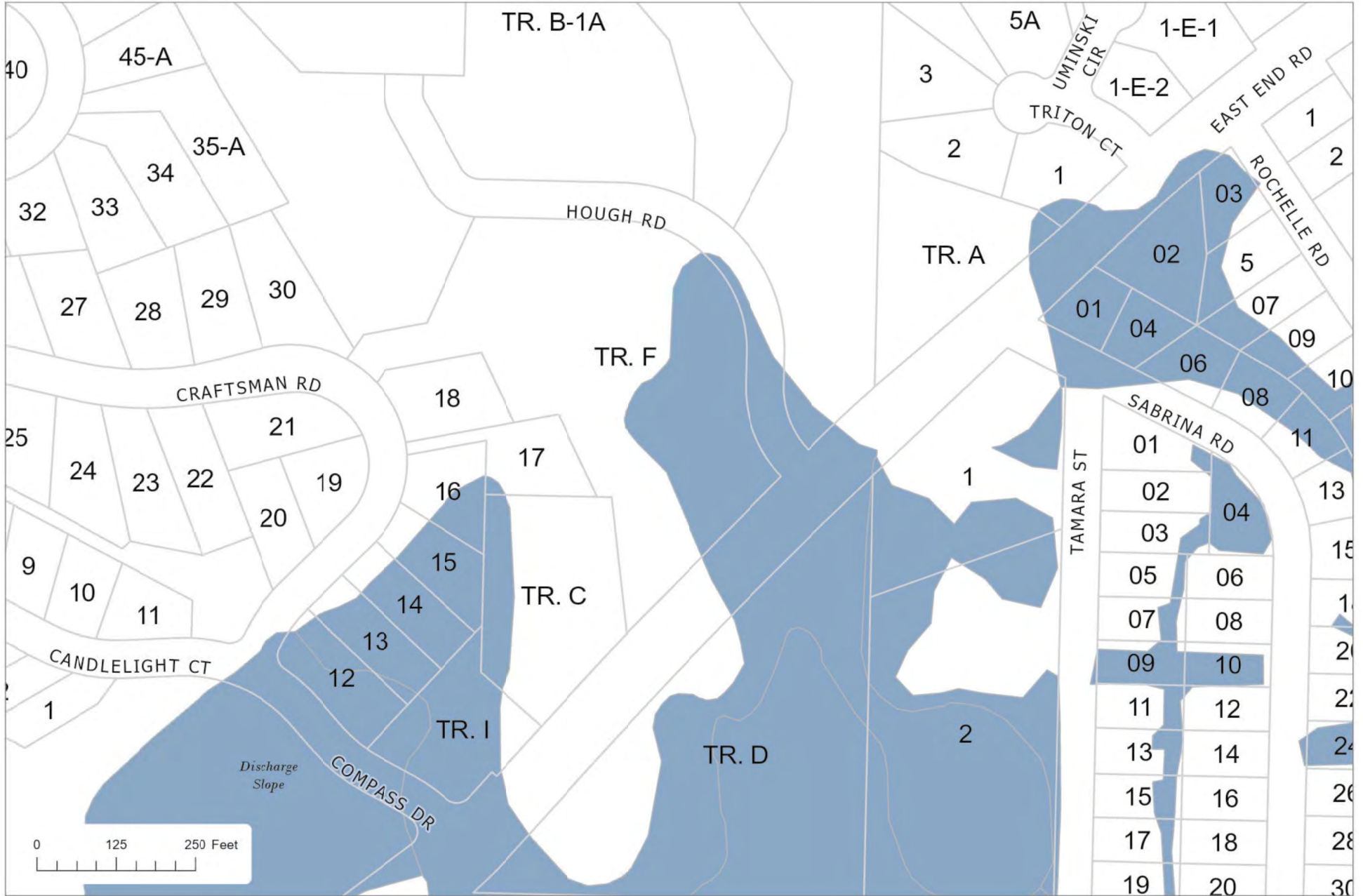
Goal 4. Improve access to, from and connectivity within the Kenai Peninsula Borough

- Focus Area: Transportation

o Objective B. Ensure new roads are developed in alignment with existing and planned growth and development.

- Strategy 2. Near – Term: Establish subdivision codes that dictate road construction standards to accommodate future interconnectivity and/or public safety.*
- Strategy 3. Near – Term: Identify areas of anticipated growth to determine future access needs.*

END OF STAFF REPORT



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.



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.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 282° 23' 00" W	(L 2782.7)
L2	N 282° 23' 00" W	(L 2222.2)
L3	N 279° 01' 30" W	(L 1922.2)
L4	N 285° 11' 15" E	(L 2822.2)
L5	S 285° 59' 04" E	(L 3000.0)
L6	N 89° 52' 25" E	(L 1622.2)
L7	S 102° 23' 00" W	(L 2222.2)
L8	N 70° 21' 17" W	(L 2700.0)
L9	S 65° 39' 21" W	(L 2622.2)
L10	N 262° 23' 00" W	(L 2622.2)
L11	S 262° 23' 00" W	(L 2622.2)
L12	N 262° 23' 00" W	(L 2622.2)
L13	S 262° 23' 00" W	(L 2622.2)
L14	N 262° 23' 00" W	(L 2622.2)
L15	N 382° 27' 00" E	(L 3322.2)
L16	N 382° 27' 00" E	(L 3322.2)
L17	S 84° 44' 40" W	(L 2822.2)
L18	N 210° 01' 17" W	(L 2100.0)
L19	S 84° 44' 40" W	(L 2822.2)
L20	S 205° 51' 14" E	(L 2100.0)
L21	S 102° 23' 00" W	(L 2222.2)
L22	S 102° 23' 00" W	(L 2222.2)
L23	S 64° 04' 13" E	(L 6400.0)
L24	S 64° 04' 13" E	(L 6400.0)
L25	N 48° 31' 41" E	(L 4822.2)
L26	S 89° 04' 01" E	(L 8900.0)
L27	N 48° 31' 41" E	(L 4822.2)
L28	S 215° 59' 59" E	(L 2150.0)
L29	N 61° 13' 19" E	(L 6110.0)
L30	N 61° 13' 19" E	(L 6110.0)

NOTES

1. BASIS OF BEARING FOR THIS SURVEY IS FROM UPS STATE OBSERVATIONS TAKEN ON THE MONUMENT SYSTEM AT STATIONS ON THIS PLAT. MOST ALASKA STATE PLANS (OR COORDINATES) OBTAINED FROM THE GPS OBSERVATIONS WERE TAKEN ON THE PUBLISHED VALUES FOR USCGS TRIMETRIC TOWER #
2. TRUE BEARINGS AND DISTANCES WERE DETERMINED BY INITIATING AND SCALING FROM GRID USING USGS TRIMETRIC TOWER # AS A SCALING POINT. TRUE BEARINGS WERE DETERMINED BY INITIATING GRID INVERSE AZIMUTHS -117°13". TRUE DISTANCES WERE OBTAINED BY DIVIDING GRID INVERSE DISTANCES BY 0.9999999
3. THE RESULTING SCALED COORDINATES WERE TRANSFORMED TO A LOCAL COORDINATE SYSTEM BASED ON USGS'S "INITIATION TOWER # N=100,000 E=100,000". ALL COORDINATE VALUES REPRESENT GROUND DISTANCES ORIENTED TO TRUE NORTH
4. ALL WASTEWATER DISPOSAL SYSTEM SHALL COMPLY WITH EXISTING APPLICABLE LAWS AT THE TIME OF CONSTRUCTION
5. THE 15' FRONTING INTERIOR RIGHT-OF-WAY IS SUBJECT TO AN UNDERGROUND UTILITY EASEMENT. NO PERMANENT STRUCTURE SHALL BE CONSTRUCTED OR PLACED WITHIN A UTILITY EASEMENT WHICH WOULD INTERFERE WITH THE ABILITY OF THE UTILITY TO USE THE EASEMENT.
6. ALL LOTS WITHIN THIS SUBDIVISION ARE SUBJECT TO CITY OF HOMER CURRENT REGULATIONS. REFER TO THE HOMER CITY CODE FOR ALL CURRENT SETBACK AND SIGN REGULATIONS. INTERESTED OWNERS SHOULD CHECK WITH THE CITY OF HOMER PLANNING DEPARTMENT PRIOR TO DEVELOPMENT ACTIVITIES.
7. THE DASHED LINE ADJACENT TO THE EXISTING 80' WIDE BRIDGE ROAD RIGHT-OF-WAY IS THE CENTERLINE OF A 140' WIDE PRIVATE ROAD EASEMENT RECORDED IN BOOK 118, PAGE 303 AND ALSO REFERENCED ON PLAT 89-3 (HRD).
8. NO NEW DIRECT ACCESS TO EAST ROAD IS PERMITTED WITHOUT APPROVAL OF THE STATE OF ALASKA (EXEMPTED IN TRANSPORTATION AND PUBLIC FACILITIES).
9. AS PER PLAT 89-3 (HRD) THERE IS A 10' UTILITY EASEMENT ALONG THE RIGHT-OF-WAY AND A 20' UTILITY EASEMENT CENTERED ON EXISTING POWER LINES.
10. RESPONSIBILITY FOR THE BANK MAINTENANCE EQUIVALENT AS DESCRIBED IN HRD 89-03 IS BEING ASSUMED BY THE CITY OF HOMER. A 20' BANK MAINTENANCE EASEMENT IS DELINEATED ON THE DRAINAGES SHOWN ON THIS PLAT.
11. SEWER AND WATER EASEMENTS ARE CENTERED ON THE MAIN
12. DEVELOPMENT WITHIN THIS SUBDIVISION IS SUBJECT TO THE CONDITIONS CONTAINED WITHIN US ARMY CORPS OF ENGINEERS PERMIT NO. FGA 2006-219.
13. STATE RIGHT-OF-WAY IS FROM THE STATE OF ALASKA (NOTIFY RIGHT-OF-WAY MAP ALASKA PROJECT) (NO 091-04149).
14. NO STRUCTURES ARE PERMITTED WITHIN THE BANHANDLE PORTION OF TRACT 'G', AND LOTS 35 AND 36.
15. WASTEWATER DISPOSAL: TRACTS B, C, E, F, G, H, I & K ARE AT LEAST 200,000 SQUARE FEET OF RAINFALL AREA IN SIZE AND CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
16. WASTEWATER DISPOSAL: TRACTS D & J. NO WASTEWATER WILL BE GENERATED OR DISPOSED OF ON THESE LOTS. CONDITIONS MAY NOT BE SUITABLE FOR ONSITE WASTEWATER TREATMENT AND DISPOSAL SYSTEMS. ANY WASTEWATER TREATMENT OR DISPOSAL SYSTEM MUST MEET THE REGULATORY REQUIREMENTS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION.
17. MASTER DECLARATION AND OTHER GOVERNING DOCUMENTS RECORDED AS 2006-050565-D STREAM HILL PARK SUBDIVISION 309-NMR.

- LEGEND**
- 2-1/2" GLO BRASS CAP ON 1" IRON PIPE (1917) RECOVERED THIS SURVEY
 - INDICATES PRIMARY MONUMENT OF RECORD RECOVERED THIS SURVEY AS SHOWN
 - INDICATES 5/8" X 30" REBAR WITH 8" ALCAP (3780-S, 1996) RECOVERED THIS SURVEY
 - INDICATES 5/8" X 30" REBAR WITH 8" ALCAP (3780-S, 2006) RECOVERED THIS SURVEY
 - INDICATES PROPERTY OWNER OF RECORD RECOVERED THIS SURVEY AS SHOWN
 - INDICATES 5/8" X 30" REBAR WITH 8" ALCAP (3780-S, 2006) SET THIS SURVEY
 - INDICATES EXISTING DRAINAGE

DRAINAGE EASEMENTS

OWNER AND BANK MAINTENANCE EQUIVALENT OBTAINED BY CITY OF HOMER 100' FLAT AND BARRIERS UNIFORM BY THE CITY OF HOMER

APPROVED BY THE CITY OF HOMER

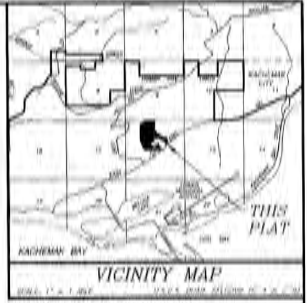


CURVE TABLE

CURVE	DATA	TANGENT	LENGTH	CHORD	CHORD BEAT
1	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
2	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
3	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
4	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
5	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
6	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
7	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
8	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
9	210° 01' 17"	1110.00	1110.00	1110.00	1110.00
10	210° 01' 17"	1110.00	1110.00	1110.00	1110.00

LINK TABLE

LINK	PLAT	LINE	BEARING	DISTANCE
1	210	L1	N 282° 23' 00" W	2782.7
2	210	L2	N 282° 23' 00" W	2222.2
3	210	L3	N 279° 01' 30" W	1922.2
4	210	L4	N 285° 11' 15" E	2822.2
5	210	L5	S 285° 59' 04" E	3000.0



CERTIFICATE OF OWNERSHIP

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREIN, THAT WE HAVE FULL AND COMPLETE TITLE TO SAID PROPERTY, AND BY OUR FREE CONSENT GRANT ALL RIGHTS OF WAY AND PUBLIC RIGHTS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE LAND SHOWN HEREON.

George J. L...
 George J. L...
 170 1ST AVENUE
 HOMER, ALASKA 99603

Thomas M. Tapp...
 Thomas M. Tapp...
 170 1ST AVENUE
 HOMER, ALASKA 99603

NOTARY'S ACKNOWLEDGMENT

FORWARDED AND SHOWN TO BEFORE ME THIS 2ND DAY OF July, 2008.

FOR: George J. L...
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-8-2009

NOTARY'S ACKNOWLEDGMENT

FORWARDED AND SHOWN TO BEFORE ME THIS 2ND DAY OF July, 2008.

FOR: Thomas M. Tapp...
 NOTARY PUBLIC FOR ALASKA

MY COMMISSION EXPIRES 10-8-2009

PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE HOMER PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF October 01, 2006 FROM PENINSULA BOROUGH

BY: Thomas M. Tapp...
 AUTHORIZED OFFICIAL

HOMER RECORDING DISTRICT RPD FILE NO. 2008-048

STREAM HILL PARK UNIT 2

4 REPLAT OF TRACT B-2-A, STREAM HILL PARK UNIT 1 (2006-84-400)

LOCATED BETWEEN THE NW 1/4 AND NE 1/4, SEC. 16, T. 10 S., R. 11 W., (SPRING METRICAN, CITY OF HOMER PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, ALASKA) CONTAINING 89.883 ACRES

SEABRIGHT SURVEY & DESIGN
 1044 EAST ROAD, SUITE A
 HOMER ALASKA 99603
 (907) 235-4242
 EMAIL: seabright@alaska.net

ISSUED BY: NSR DATE: JUNE 2008 SCALE: 1" = 100'
 DRAWN BY: RLR JOB: 07-02 SHEET: 1 OF 2

HOMER RECORDING DISTRICT 2008-48 CASE 1012

CURVE TABLE

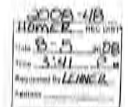
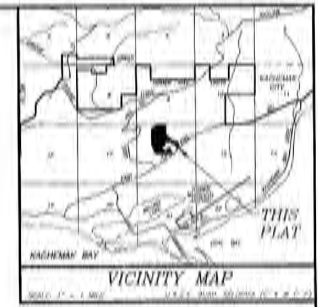
CURVE	DELTA	RADIUS	LENGTH	CHORD	CHORD DIST
C1	3°36'09"	500'			
C2	1°29'05"	150'			
C3	159°45'01"	150'			
C4	14°38'00"	200'			
C5	2°27'19"	475'			
C6	180°1'31"	180'			
C7	32°19'50"	180'			
C8	3°36'09"	450'			
C9	1°29'05"	120'			
C10	35°19'14"	180'			
C11	30°34'13"	180'			
C12	16°06'49"	180'			
C13	3°11'09"	180'			
C14	40°43'54"	180'			
C15	17°55'01"	180'			
C16	11°29'26"	180'			
C17	10°03'17"	180'			
C18	24°09'20"	180'			
C19	27°50'14"	180'			
C20	29°51'23"	180'			
C21	1°50'17"	180'			
C22	21°08'31"	120'			
C23	128°49'04"	120'			
C24	6°42'24"	120'			
C25	2°33'06"	230'			
C26	11°44'54"	230'			

LINE TABLE

LINE	BEARING	LENGTH
L1	N 83°47'36" E	100.00
L2	S 21°05'01" E	100.00
L3	S 2°27'39" E	100.00
L4	S 3°18'47" E	100.00
L5	S 22°51'01" E	100.00
L6	S 63°02'51" W	100.00
L7	S 3°21'58" E	100.00
L8	S 0°38'43" E	100.00
L9	S 24°17'57" E	100.00

LEGEND

- INDICATES 5/8" x 30" REBAR WITH 3" CLEAR (5700-S, 20MM) RECOVERED THIS SURVEY
- INDICATES PROPERTY CORNER OF RECORD RECOVERED THIS SURVEY AS SHOWN
- INDICATES 5/8" x 30" REBAR WITH 3" CLEAR (7060-S, 20MM) SET THIS SURVEY
- ↘ INDICATES EXISTING DRAINAGE



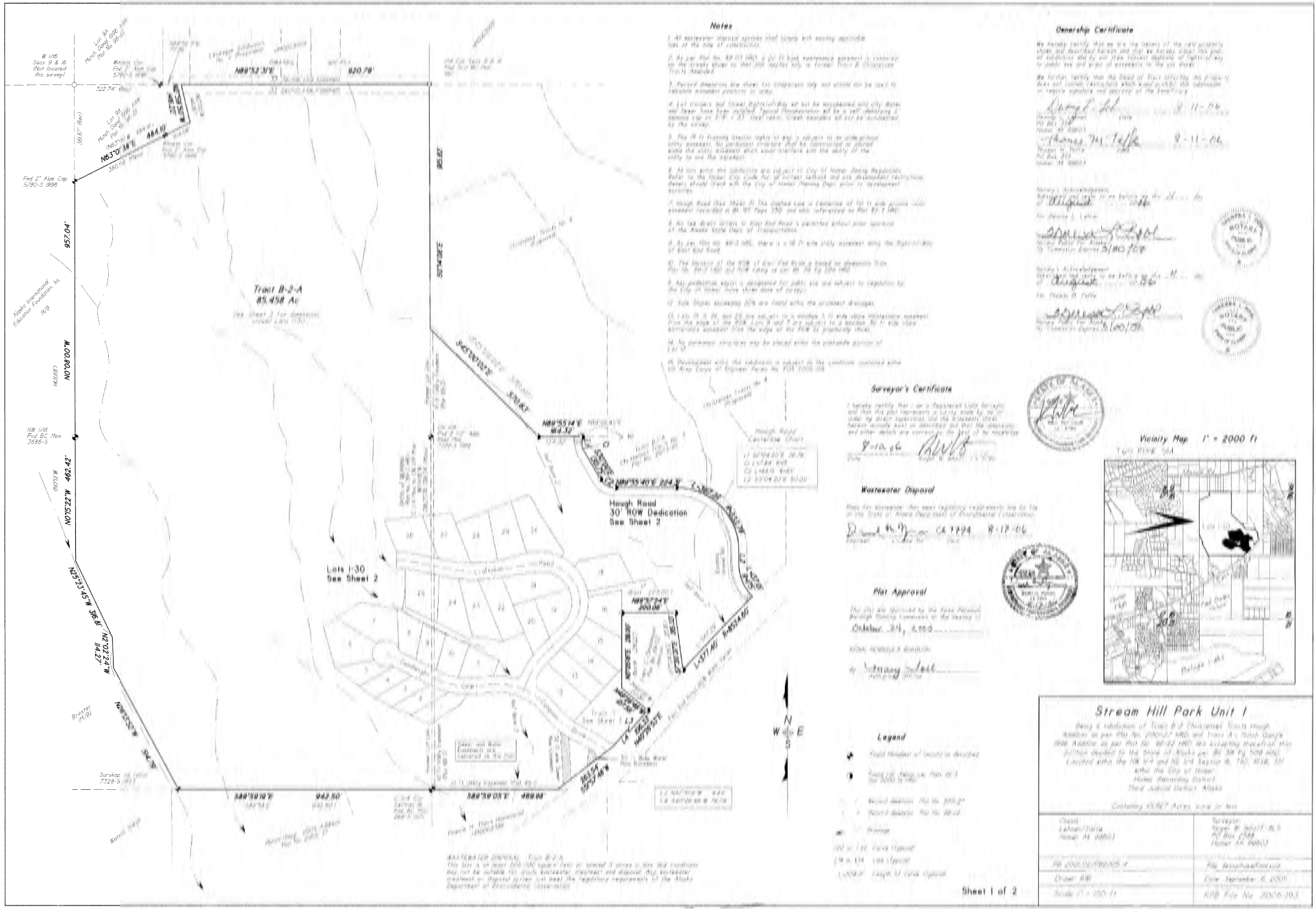
HOMER RECORDING DISTRICT RFD FILE No. 2008-043

STREAM HILL PARK UNIT 2
 A REPLAT OF TRACT B-2-A, STREAM HILL PARK UNIT 1
 (2006-54 NHD)

LOCATED WITHIN THE NW 1/4 AND DE 1/4, SEC 16,
 T 5 S, R. 11 W, SEWARD MERIDIAN, CITY OF HOMER, BEAVER
 PENINSULA BOROUGH, THIRD CENSUS DISTRICT, ALASKA
 CONTAINING 80,323 ACRES

SEABRIGHT SURVEY & DESIGN
 1044 EAST ROAD, SUITE A
 HOMER ALASKA 99603
 (907) 235-4247
 EMAIL: seabright@alaska.net

DATE: FEBRUARY 2008 SCALE: 1" = 80'
 SHEET 2 OF 3



- ### Notes
- All wastewater disposal systems shall comply with existing applicable laws at the time of construction.
 - As per Plat No. 89-03 (MS) a 20 ft wide easement easement is contained on the streets shown on this plat and applies only to Hough Road & Hough Road Tract A.
 - Partial easements are shown on this plan and shall not be used to relocate easement positions at any time.
 - All easements and (small) right-of-way lines are to be maintained with city departments have been installed. Typical easement lines are to be maintained at all times.
 - The 20 ft wide easement right-of-way is subject to all applicable utility easements. No permanent structures shall be constructed or placed within the utility easement which would interfere with the utility of the utility or use the easement.
 - All lots within this subdivision are subject to City of Homer zoning regulations. Refer to the Homer City Code for all zoning setbacks and all development restrictions. Owners should check with the City of Homer Planning Dept. prior to development activities.
 - Hough Road (See Sheet 2) The distance from a traverse of 10 ft wide points (see easement recorded at 84-05 Page 250 and also reference to Plat 82-1 MS).
 - All lots shall comply with all other rules and regulations of the Alaska State Dept. of Transportation.
 - As per 105-40-040 ADL there is a 10 ft wide utility easement along the right-of-way of Hough Road.
 - The location of the ROW of Hough Road is based on information from Plat No. 89-03 (MS) and Hough Road is 20 ft wide.
 - All easements shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.
 - All lots shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.
 - All easements shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.
 - All easements shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.
 - All easements shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.
 - All easements shown on this plan are subject to all applicable regulations by the City of Homer, Alaska State Dept. of Transportation.

Ownership Certificate

We hereby certify that we are the owners of the two property shown and described herein and that we hereby grant this plat of subdivision and all other final values appearing on this plat to the public and give of ourselves to the public.

We further certify that the State of Alaska affecting this property does not contain any restrictions which would prohibit the subdivision or create restrictions on the operation of the subdivision.

Donald M. Jaffe 8-11-06
Anthony M. Jaffe 8-11-06
 Mayor of Homer
 Mayor of Homer

Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that this plat represents a true and correct survey of the land shown on this plat and that the bearings and distances are correct to the best of my knowledge and belief.

Donald M. Jaffe 8-11-06
 Date: 8-11-06
 Surveyor's Seal

Wastewater Disposal

This plat complies with all regulatory requirements for the City of Homer, Alaska State Dept. of Environmental Conservation.

Donald M. Jaffe CA 1294 8-17-06
 Date: 8-17-06
 Surveyor's Seal

Plat Approval

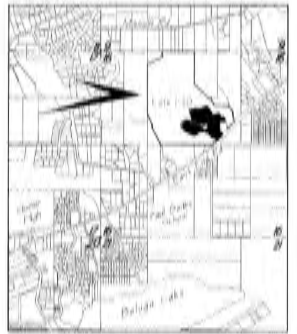
This plat was approved by the State of Alaska through the Planning Commission of the City of Homer, Alaska on October 31st, 2006.

Anthony M. Jaffe
 Mayor of Homer

- ### Legend
- Symbol: Road Number of County to be depicted
 - Symbol: Road Line (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)
 - Symbol: Road Section (Not to Scale)



Neighborhood Map 1" = 2000 ft



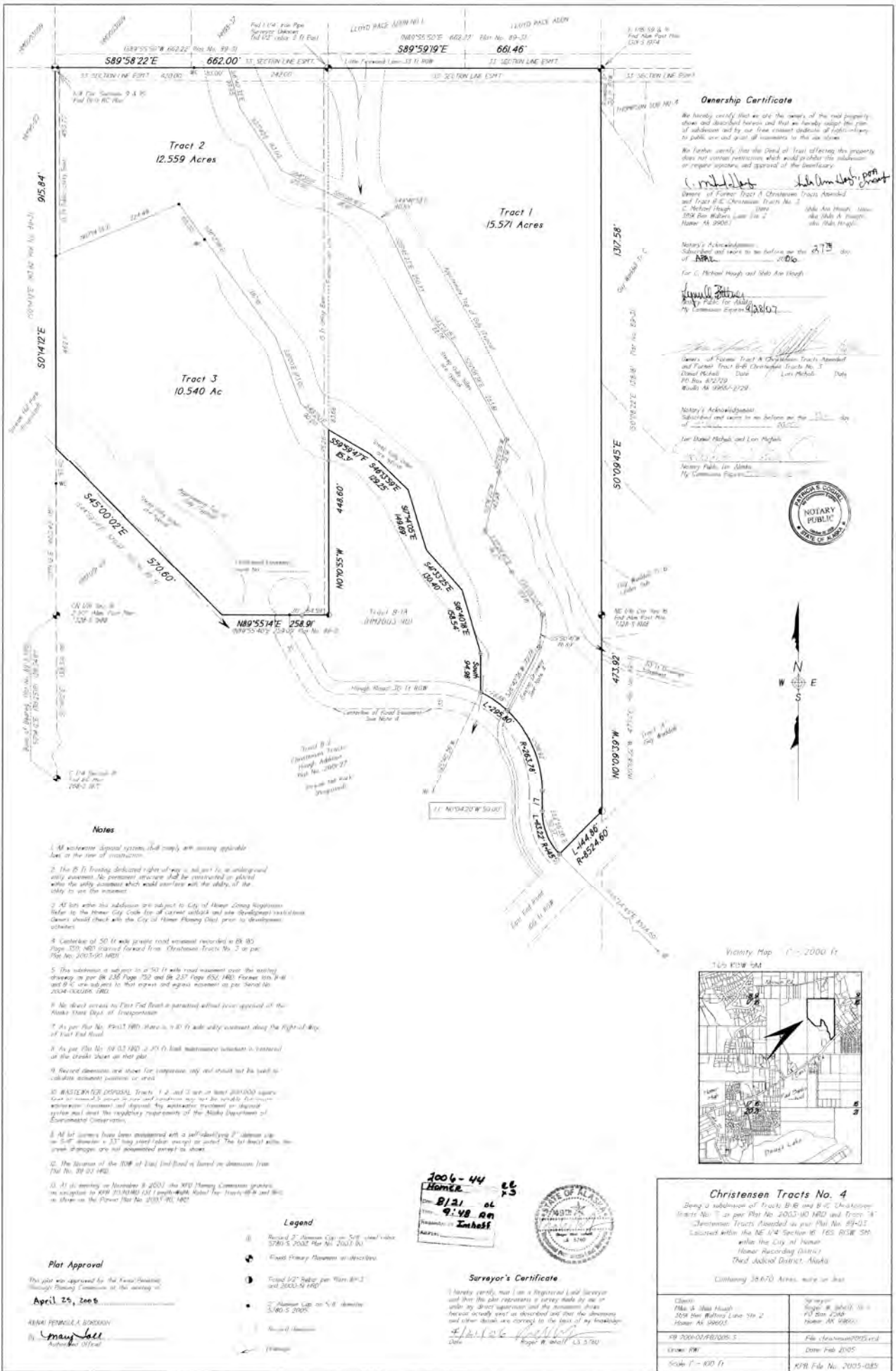
Stream Hill Park Unit 1

Being a subdivision of Tract B-2 of Chisikof Hills Subdivision (Plat No. 200-027 MS) and Tract A, Subdivision (Plat No. 200-028 MS) and including tract of land (Plat No. 200-029 MS) and (Plat No. 200-030 MS) located within the NW 1/4 and NE 1/4 Section 6, T. 14N, R. 10E, 1st Meridian, Alaska.

State of Alaska Department of Natural Resources Division of Geomatics 1400 W. 11th Avenue Anchorage, Alaska 99518	Surveyor Donald M. Jaffe No. 1294 Homer, Alaska 99603
Plat No. 200-029 MS Date: 8-17-06 Scale: 1" = 100 ft	Plat No. 200-030 MS Date: September 6, 2006 RRB File No. 2006-103

WASTEWATER DISPOSAL - Tract B-2-A
 This lot is at least 200 ft wide and is subject to all applicable regulations by the City of Homer, Alaska State Dept. of Environmental Conservation.

Homer Sheet 1 of 2 2006-54



Ownership Certificate

We hereby certify that we are the owners of the real property shown and described herein and that we hereby release the claim of subdivision and by our true consent declare all rights relating to public use and grant of easements to the abutments.

No further action by the Clerk of Court offering this property does not constitute permission which would prohibit the subdivision or require approval and approval of the boundary.

[Signatures]

Owners of Former Tract A Christensen Tracts Assessed and Former Tract B Christensen Tracts No. 2
 C. Michael Hough 2004 Shilo Ann Hough, owner
 3524 Ben Walker Lane Str 2 Shilo Ann Hough
 Homer AK 99603 Shilo Ann Hough

Notary's Acknowledgment
 Subscribed and sworn to me before me on the 21st day of April 2010
 For C. Michael Hough and Shilo Ann Hough
[Signature]
 Notary Public for Alaska
 My Commission Expires 4/30/07

Owners of Former Tract A Christensen Tracts Assessed and Former Tract B Christensen Tracts No. 2
 Daniel McNeil Date Lori McNeil Date
 PO Box 452729
 Omaha NE 68146-2729

Notary's Acknowledgment
 Subscribed and sworn to me before me on the 21st day of April 2010
 For Daniel McNeil and Lori McNeil
[Signature]
 Notary Public for Alaska
 My Commission Expires 4/30/07



- Notes**
- All waterways disposal systems shall comply with existing applicable laws at the time of construction.
 - The B.F. existing dedicated right-of-way is subject to an underlying utility easement. No permanent structures shall be constructed or placed within the utility easement which would interfere with the ability of the utility to use the easement.
 - All lots within the subdivision are subject to City of Homer Zoning Regulations Refer to the Homer City Code for all current setbacks and site development regulations. Owners should check with the City of Homer Planning Dept prior to development activities.
 - Centerline of SD 14 wide private road easement recorded in ER 80, Page 150, N60°00'00"E 570.00' (see plat No. 2003-001 MHD).
 - The subdivision is subject to a 50 ft wide road easement over the existing driveway as per SR 236 Page 750 and SR 237 Page 652, 1403. Former lots B-1 and B-2 are subject to that right-of-way and easement as per Serial No. 2004-000208, 1403.
 - No street access to Fair Field Beach is permitted without prior approval of the Alaska State Dept. of Transportation.
 - As per Plat No. 19413 MHD there is a 30 ft wide utility easement along the right-of-way of Fair Field Road.
 - As per Plat No. 19413 MHD a 20 ft wide easement easement is reserved at the creek drain on that plat.
 - Revised dimensions and notes for easements only and should not be used to calculate easement positions or areas.
 - WASTEWATER DISPOSAL Tracts 1, 2 and 3 are in total 200,000 square feet or more 2.5 acres in area and easement may be available for water treatment treatment and disposal by wastewater treatment or disposal system that meet the regulatory requirements of the Alaska Department of Environmental Conservation.
 - All lot corners have been monumented with a galvanized pipe 2" diameter x 36" long steel pipe except as noted. The lot lines with the creek easements are not monumented except as shown.
 - The location of the 100 ft wide road is based on dimensions from Plat No. 19413 MHD.
 - All lots were approved by the NFD Planning Commission (previously Homer Planning Commission) at the meeting of April 25, 2005.

Plot Approval

This plot was approved by the NFD Planning Commission (previously Homer Planning Commission) at the meeting of April 25, 2005.

REAR: PENNELLA A. BODENSON
 Notary Public Official

- Legend**
- Boundary of adjacent lots with bearings and distances
 - Fixed Primary Easements or Structures
 - Fixed 1/2" Right-of-Way from SR 2 and 2000-01 MHD
 - 3" Diameter Gas or Oil Easement 5,760 S 2025
 - Proposed Easement
 - Proposed

1006-44
 Home
 8/21 at
 9:18 AM
 Zachary



Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that the plan represents a survey made by me or under my direct supervision and the dimensions thereon are correct and approved and that the dimensions and other data are correct to the best of my knowledge.

[Signature]
 Date: 4/21/10
 Roger W. Howell LS 5760

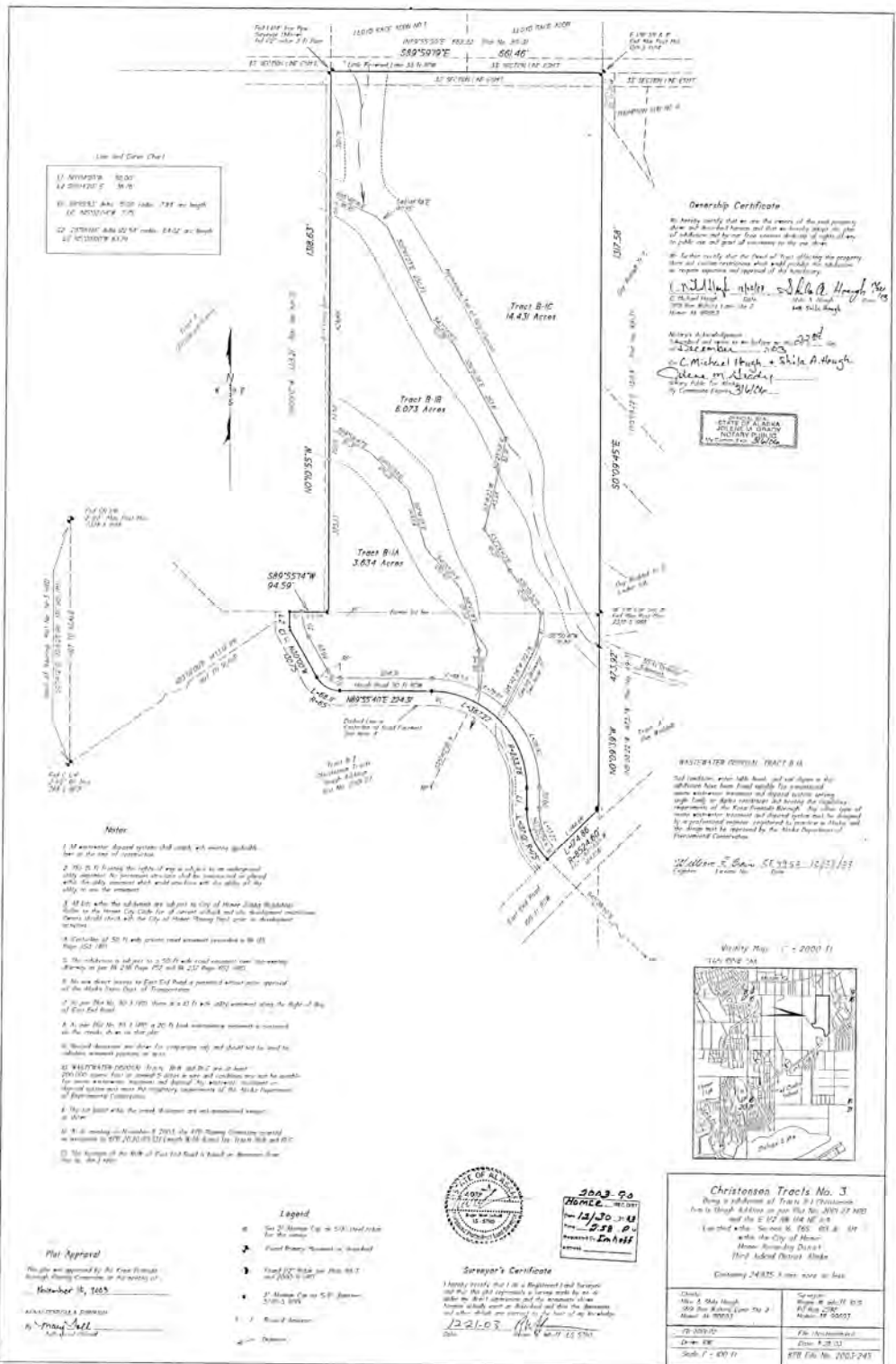


Christensen Tracts No. 4

Being a subdivision of Tracts B-16 and B-17 Christensen Tracts No. 2 as per Plat No. 2003-001 MHD and Tracts A Christensen Tracts Assessed as per Plat No. 19413 Located within the NE 1/4 Section 05 T6S R56W S04 within the City of Homer Homer Recording District Third Judicial District Alaska

Containing 35,670 Acres, more or less

Client: Mike & Shilo Hough 3524 Ben Walker Lane Str 2 Homer AK 99603	Surveyor: Roger W. Howell LS 5760
FB 2003-01/19/05-5	File: chrstnsn005.rvt
Owner: HW	Date: Feb 2005
Scale: 1" = 600 ft	KPR File No. 2005-085



- Site and Data Chart**
1. APPROXIMATE TOPO
 2. SURFACE E. M. S.
 3. ELEVATION AND TOPO DATA FOR THE HEIGHT OF ADJUSTMENT
 4. ELEVATION AND TOPO DATA FOR THE HEIGHT OF ADJUSTMENT

Ownership Certificate

I hereby certify that in the name of the said property owner and beneficial parties and that the same being in full of addition and to the said owners and to the public use and good of the community in the city of...

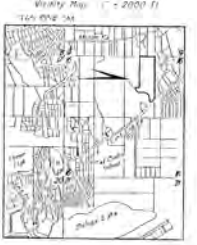
I, William E. San William E. San
 City Clerk
 2000 11th Street
 June 15, 2011

WASTEWATER POTENTIAL TRACT B-A

This condition, which shall be read and shall apply to the adjacent area from the right of way to the wastewater treatment and disposal system serving the City of Homer, Alaska, shall be subject to the requirements of the State Department of Environmental Conservation.

William E. San William E. San
 City Clerk
 2000 11th Street
 June 15, 2011

- Notes:**
1. If wastewater disposal system shall comply with various guidelines...
 2. This is to certify the right of way to be established...
 3. All lots within the adjacent area are subject to City of Homer Zoning Ordinance...
 4. The lot is 50 ft wide...
 5. The adjacent area is subject to a 20 ft wide easement...
 6. No new sewer lines to Front End Road...
 7. In case the lot is 50 ft wide...
 8. A lot 50 ft wide...
 9. Should be shown on the map...
 10. WASTEWATER POTENTIAL...
 11. The lot is subject to the zoning ordinance...
 12. In a meeting on November 8, 2011...
 13. The lot is subject to the 100 ft wide Right-of-Way...



2011-2012

Homeless

11/13/11

11/13/11

11/13/11

Surveyor's Certificate

I hereby certify that I am a Registered Land Surveyor and that the plan represents a survey made by me or under my direct supervision and that the boundaries and other data shown are correct to the best of my knowledge.

12.16.11
 Date: 6/15/11

Christenson Tracts No. 3

Being a subdivision of Tract B-A (Christenson) as shown on plan filed with the State Department of Natural Resources on June 15, 2011, and the E 102' 00" NE 1/4 of Section 16, Township 16N, Range 12E, Alaska Range District, Homer, Alaska.

Containing 24.875 Acres more or less.

Check:	Surveyor:
Name: <u>William E. San</u>	Name: <u>William E. San</u>
Address: <u>2000 11th Street, June 15, 2011</u>	Address: <u>2000 11th Street, June 15, 2011</u>
Phone: <u>907-451-1111</u>	Phone: <u>907-451-1111</u>
City: <u>Homer, Alaska</u>	City: <u>Homer, Alaska</u>
State: <u>AK</u>	State: <u>AK</u>
Scale: <u>1" = 400'</u>	Scale: <u>1" = 400'</u>

Plan Approved

Approved by the City Council on June 15, 2011.

William E. San
 City Clerk

KPB NOTE: See PC Resolution 2006-52

AMENDED

Christensen Tracts

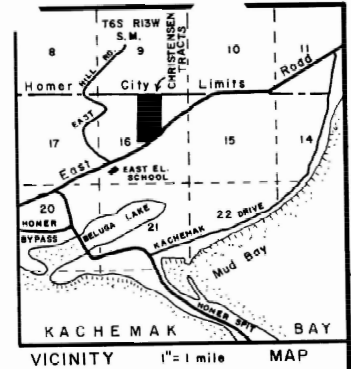
LOCATED IN W1/2 NE1/4 SEC 16 T6S R13W S.M.; HOMER RECORDING DISTRICT IN HOMER CITY, ALASKA

SCALE: 1"=150'

AREA: 52.265 AC.

AUGUST 25, 1988

BY: WALTER AND BEVERLY CHRISTENSEN STAR RTE. BOX 1572 NINILCHIK, AK. 99639
LLOYD RACE ADD. 1954



BOX 27 CLAM GULCH, AK. 99568

LEGEND

- ✦ - 1917 G.L.O. Mon. found.
- ⊙ - Brass Cap Mon. by 1301-S, 1974, found.
- ⊙ - ALUMINUM Mon. set.
- ⊙ - 1971 Brass Cap Mon. by 268-S, found.
- - 1/2" X 4' Rebar set.

PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission on SEPT 12, 1988.

KENAI PENINSULA BOROUGH

BY: Richard P. Trough 10-10-88
authorized official date

OWNER'S CERTIFICATE

We hereby certify that we are the owners of the property shown and described hereon, and that we hereby adopt this plan of subdivision, and grant all easements to uses shown.

Walter Christensen Beverly Christensen
Clifford Jensen Pearl Jensen

NOTARY'S ACKNOWLEDGEMENT

Subscribed and sworn to before me this ___ day of _____, 1988.

NOTARY PUBLIC FOR ALASKA
For Walter and Beverly Christensen
Clifford and Pearl Jensen

My commission expires 10-10-88

NOTES

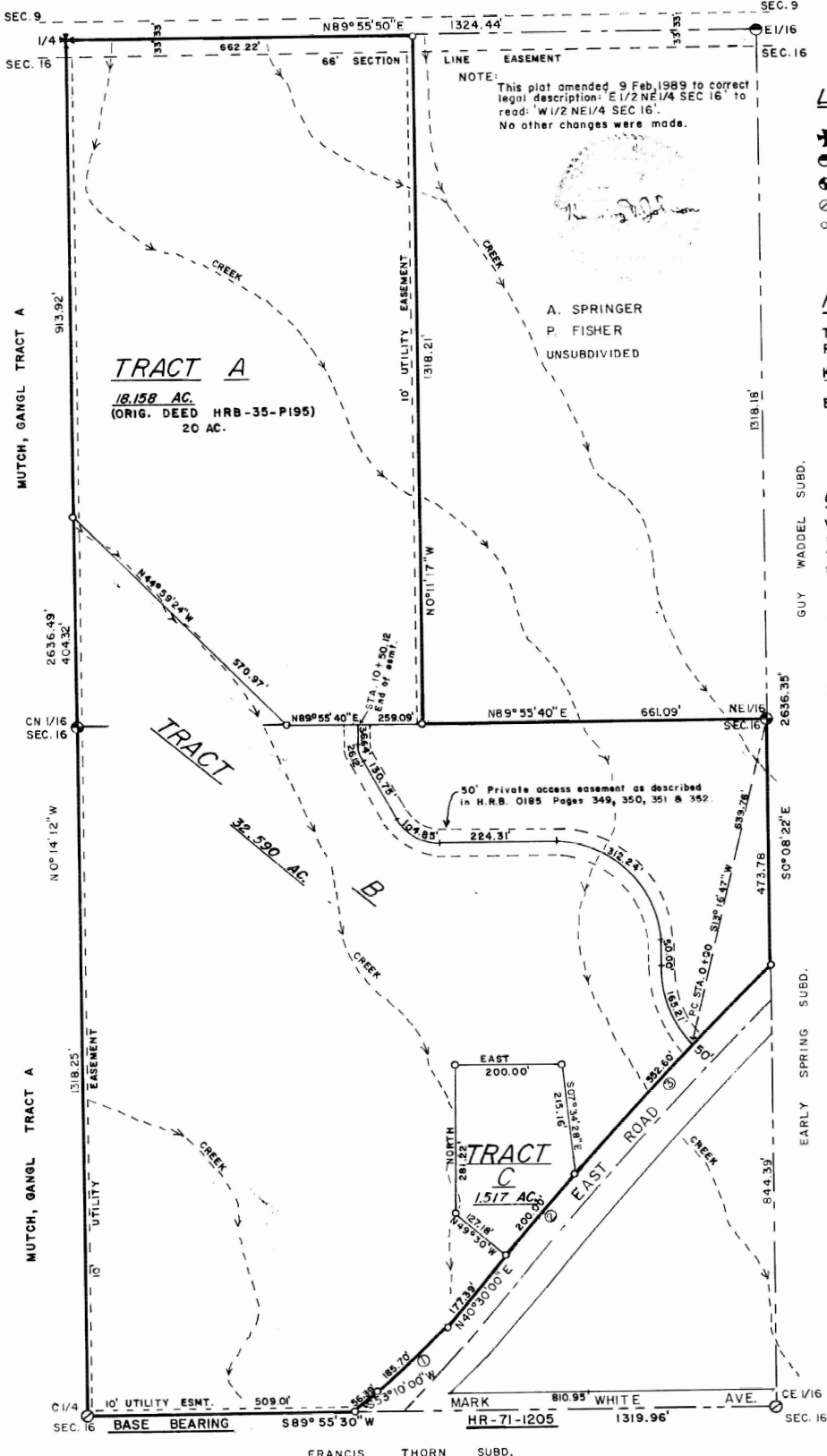
1. A 20' bank maintenance easement is centered on all creeks shown on this plat.
2. A 10' utility easement runs along all R.O.W.s, and a 20' utility easement is centered on existing power lines.
3. No direct access to State maintained R.O.W.s unless approved by Alaska D.O.T.
4. Shaded areas indicate grades of 20% or greater.

CURVES

- | | | |
|--------------------|---------------------|---------------------|
| 1. A - 12° 40' 00" | 2. A - 01° 20' 39" | 3. A - 03° 42' 51" |
| R - 840.00' | R - 8,524.60' | R - 8,524.60' |
| C - 185.33' | C - 199.98' | C - 552.52' |
| T - 93.23' | T - 100.00' | T - 276.40' |
| L - 185.70' | L - 200.00' | L - 552.60' |
| BC - use tan. brg. | BC - S41° 10' 19" W | BC - S43° 42' 05" W |

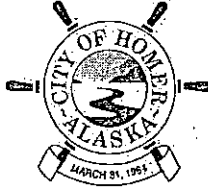
89-3
HOMER 20-
2-17-89
1118 A
H. Johnson
Clam Gulch

88-41
FILED 20-
HOMER
10-14-88
846 A
KPB
Saldana



Office of the City Clerk


Jo Johnson, CMC, City Clerk
Melissa Jacobsen, CMC, Deputy City Clerk II
Renee Krause, Deputy City Clerk I



491 E. Pioneer Avenue
Homer, Alaska 99603
(907) 235-3130
(907) 235-8121
ext: 2224, 2226, or 2227
Fax: (907) 235-3143
Email: clerk@ci.homer.ak.us

MEMORANDUM 10-60

TO: MAYOR AND CITY COUNCIL

FROM: JO JOHNSON, CMC, CITY CLERK 

DATE: APRIL 19, 2010

SUBJECT: VACATE A PORTION OF HOUGH ROAD AND ASSOCIATED UTILITY EASEMENT ADJACENT TO TRACT B-1C, DEDICATED BY CHRISTENSEN TRACTS NO. 3 (PLAT HM 2003-90); AND VACATE A PORTION OF HOUGH ROAD ADJACENT TO TRACT B-2-A, DEDICATED BY STREAM HILL PARK UNIT 1 (PLAT HM 2006-54); WITHIN SECTION 16, TOWNSHIP 6 SOUTH, RANGE 13 WEST; SEWARD MERIDIAN, ALASKA, WITHIN THE CITY OF HOMER AND THE KENAI PENINSULA BOROUGH; KPB FILE NO. 2010-025.

At their April 12, 2010 meeting the Kenai Peninsula Borough Planning Commission approved the vacation of a portion of Hough Road and associated utility easement adjacent to Tract B-1C, dedicated by Christensen Tracts No. 3 (Plat HM 2003-90); and vacate a Portion of Hough Road adjacent to Tract B-2-A, dedicated by Stream Hill Park Unit 1 (Plat HM 2006-54); within Section 16, Township 6 South, Range 13 West; Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2010-025.

Notice of vacation was received on April 16, 2010 by mail. Per AS 29.40.140 no vacation of a City right-of-way and/or easement may be made without the consent of the City Council.

The City Council has thirty days from April 12, 2010 in which to veto the decision of the Kenai Peninsula Borough Planning Commission.

The Homer Advisory Planning Commission has no objection to granting this vacation as is reflected in the minutes of February 17, 2010, Staff Report PL 10-18, Christensen Tracts 2009 Addition Preliminary Plat Petition to vacate an easement.

RECOMMENDATION:

Voice non objection and consent to the vacation of a portion of Hough Road and associated utility easement adjacent to Tract B-1C, dedicated by Christensen Tracts No. 3 (Plat HM 2003-90); and vacate a Portion of Hough Road adjacent to Tract B-2-A, dedicated by Stream Hill Park Unit 1 (Plat HM 2006-54); within Section 16, Township 6 South, Range 13 West; Seward Meridian, Alaska, within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2010-025.

Fiscal Note: N/A

City Mgrs
Report

which is mostly public land to include Borough, City, and University land. The Borough is proposing to complete logging in the fall and winter for the least impact. In the past the Nordic Ski Club was opposed to mitigation work; they are now favorable to the idea. A heavy snow load was cause for the collapse of the roof on the old water treatment plant. It was the building that we had been thinking about turning into the Skyline Drive fire station. The cave-in caused significant damage, but the shop is still in good shape. Other parts of the building may have to be knocked down. City Manager Wrede will draft a letter to the Governor in support of Homer's projects. Projects that were not mentioned earlier in Representative Seaton's report include Pratt Museum, Community Schools, and re-appropriation of money for City Hall. Additionally, there was \$1M for Tutka Bay Hatchery. Council passed a resolution authorizing the appropriation of \$163,000 in stimulus funds to three projects: \$75,000 to the Fire Hall, \$55 to the Fishing Hole, and the remainder to Jack Gist Park. There are immediate needs for dredging at the Fishing Hole, which is an important economic engine for the city. Mr. Wrede suggested that some of the money be shifted from the Fire Hall to Karen Hornaday Park. It will provide more for a match for the Land and Water Conservation Fund Grant for Karen Hornaday Park. This will provide for Phase I improvements to include: ballfields, drainage, parking areas, and for the engineering and design phase for road removal and trails along Woodard Creek, a later project. He suggested \$55,000 for the Fishing Hole, take \$55 from the Fire Hall and move to Karen Hornaday Park, and take the remainder from the Fire Hall and move to Jack Gist Park for the ballfields. In the State Capital budget \$50M is included in the alternative energy program. It will fund the City's tidal power feasibility study.

Asked by Councilmember Hogan if he was able to advocate for the Maritime Academy, Mr. Wrede answered was not, but he hopes to follow up in the Anchorage office with the Governor.

COMMITTEE REPORT

- Committee
Reports
- A. Public Arts Committee
 - B. Transportation Advisory Committee
 - C. Permanent Fund Committee
 - D. Lease Committee

PENDING BUSINESS

NEW BUSINESS

- Pending
Business
- Memo
10-60
Vacate
Easement
- A. **Memorandum 10-60**, from City Clerk, Re: Vacate a Portion of Hough Road and Associated Utility Easement Adjacent to Tract B-1C, Dedicated by Christensen Tracts No. 3 (Plat HM 2003-90); and Vacate a Portion of Hough Road Adjacent to Tract B-2-A, Dedicated by Stream Hill Park Unit 1 (Plat HM 2006-54); Within Section 16, Township 6 South, Range 13 West; Seward Meridian, Alaska, Within the City of Homer and the Kenai Peninsula Borough; KPB File No. 2010-025.

Councilmember Hogan declared a conflict of interest as the owner of abutting property to the easement. He does not believe it would affect the value of his property.

Pending
Business
Memo
10-60
Vacate
Easement
Hough Rd.

Mayor Pro Tempore Wythe ruled Councilmember Hogan had no conflict of interest.

There was no objection from the City Council or staff.

Mayor Pro Tempore Wythe called for a motion for the approval of the recommendations of Memorandum 10-60.

ROBERTS/LEWIS - SO MOVED.

There was no discussion.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

RESOLUTIONS

A. **Resolution 10-37**, A Resolution of the City Council of Homer, Alaska, Approving the Amendments to the Cooperative Participation Agreement and Bylaws of the Alaska Municipal League Joint Insurance Association, Inc. Effective July 1, 2010. City Manager.

Reso
10-37
Bylaws
Amend
AML JIA

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-37 by reading of title only.

LEWIS/ROBERTS - SO MOVED.

Asked by Councilmember Hogan if the City Attorney had reviewed the agreement, City Manager Wrede answered it had not, but all the municipalities in the state need to vote on it.

VOTE: YES. NON OBJECTION. UNANIMOUS CONSENT.

Motion carried.

B. **Resolution 10-38**, A Resolution of the City Council of Homer, Alaska, Awarding the Contract for Investment of the Permanent Fund to the Firm of U.S. Bank of Seattle, Washington, at the Rate of .75 percent (3/4 of 1%) on the Total Market Value of Assets Managed and Authorizing the City Manager to Execute the Appropriate Documents. City Clerk.

Reso 10-38
Award PFfund
to US Bank

Mayor Pro Tempore Wythe called for a motion for the adoption of Resolution 10-38 by reading of title only.

HOWARD/ROBERTS - SO MOVED.