

Approved	Denied
Public Hearing:	10/28/2019
Date Action Taken:	10/28/2019
Attest:	<i>Heidi Geagel</i>

**CITY OF SELDOVIA
ACTION MEMORANDUM 20-04**

Title: Consent to the approval of the Vacation of the 30-foot wide Backer's Island Lane right-of-way.

Agenda of: October 28, 2019

Originator: Heidi Geagel, City Clerk

Date: 10/23/2019

Route to:	Department Head	Signature	Date
X	City Clerk	<i>Heidi Geagel</i>	10/23/2019
X	City Manager		
X	Public Works	<i>John</i>	10/23/2019

Attachment(s):

- Letter to the City of Seldovia- Re: Seldovia Island showing the vacation of Backer's Island Lane
- KPB File 2019-109V Public Hearing Packet
- KPB Planning Commission Notice of Decision

Summary Statement:

During their regularly scheduled meeting of October 14, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the Backer's Island Lane vacation based on the findings of facts and conditions.

During their regularly scheduled meeting of September 04, 2019 the Seldovia Planning Commission approved the vacation of the Backer's Island Lane and the replat of Seldovia Island 2019.

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 City Council has 30 days from October 14, 2019 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.

ABILITY SURVEYS

MEASURING MAPPING & REPORTING ON ALASKA'S INFRASTRUCTURE SINCE 1978

152 DEHEL AVE., HOMER, AK 99603 PH. 907-235-8440

email; gary@abilitysurveys.com

October 18, 2019

Seldovia City Council
C/o City Clerk
P.O. Drawer B
Seldovia, AK 99663

Re: Seldovia Island 2019 showing the vacation of Backer's Island Lane.

Please schedule and take action to approve the vacation of Backer's Island Lane right-of-way as shown on the enclosed plats. I have enclosed 1 full sized copy of the plat and 7 reduced copies for the City Council members. The City Council's approval is required by Kenai Peninsula Borough ordinance to complete the plat/vacation action. I hope it can be scheduled for the next City Council meeting.

The Seldovia Planning Commission and Kenai Peninsula Borough Planning Commission have already approved of the right-of-way vacation.

I thank you all for your volunteer service.

Sincerely,



Gary Nelson, PLS

F. PUBLIC HEARINGS

- 2. Vacate Backer's Island Lane, a public right-of-way, and associated utility easements located in the City of Seldovia.**

KPB File 2019-109V

Petitioner: Precious Earth, Inc.

AGENDA ITEM F. PUBLIC HEARINGS

2. Vacating Backer's Island Lane a 30 foot Public Right of Way containing 0.311 acres dedicated by plat Seldovia Island, SL 2007-4 and vacate the associated utility easement described as the front 10 feet of the 20 foot setback and the full 20 feet within 5 feet of the side lot lines adjoining Backer's Island Lane as dedicated by plat Seldovia Island, SL 2007-4. The right-of-way being vacated is unconstructed and located within the S/E 1/4 of Section 31, Township 8 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-109V.

STAFF REPORT

PC Meeting: 10/14/19

Purpose as stated in petition: Application to constructors to right-of-way has been denied by City, Corps of Engineers, & DNR. Therefore, owner feels the right-of-way and lots it serves are no longer feasible or desired. Surrounding water and tidelands are the only real and actual means of access to the land except for two adjoining private lands. Owner desires privacy and there is no longer a need for public access onto property. The right-of-way does not serve any other properties or the public for any sort of through fare, and as such does not provide access to public waters.

Petitioner: Precious Earth, Inc.

Notification: Public notice appeared in the October 3, 2019 issue of the Homer News as a separate ad. The public hearing notice was published in the October 10, 2019 issue of the Homer News as part of the Commission's tentative agenda.

3 certified mailings were sent to owners of property within 300 feet of the proposed vacation. 0 receipts had been returned when the staff report was prepared.

Public hearing notices were sent by regular mail to 3 owners within 600 feet of the proposed vacation.

11 public hearing notices were emailed to agencies and interested parties.

Public hearing notices were made available to 6 KPB staff/Departments via a shared database.

Notices were mailed to the Seldovia Post Office and Seldovia Public Library with a request to be posted in public locations.

The notice and maps were posted on the Borough bulletin board and Planning Department public hearing notice web site.

Comments Received:

ACS: No objections.

ENSTAR: No comments, recommendations, or objections.

Homer Electric Association:

KPB Addressing: 222 Backer's Island Ln will be removed from the system. Lot 1A will need a new remote address.

KPB Planning: No material site or local option zone issues. A review is not required for property inside city limits.

KPB River Center: This subdivision is located within a flood hazard area. Flood Zone A per FIRM map panel 020012-5045A. This subdivision is not located within a Habitat Protection District.

KPB Roads Department: No comments.

State Parks: No comments.

Seldovia Planning Commission: The Seldovia Planning Commission recommended approval of the vacations on September 4, 2019.

Staff Discussion: Lots 1-5, SL 2007-4, are located on a peninsula in Seldovia Bay. A narrow strip of land connects the peninsula to the mainland. Each lot has waterfront access to Seldovia Bay or the Seldovia Slough. Backers Island Lane is a 30' wide right-of-way that extends northwest from the east side of the peninsula's waterfront to provide land access to Lots 1-5, SL 2007-4. The petition proposes to combine Lots 1-5, SL 2007-4, into one 7.289 acre lot. Backers Island Lane would then extend into the end of peninsula and be surrounded by one lot. Backers Island Lane would no longer provide land access to any lots.

Per the Seldovia Planning Commission, the right-of-way is no longer needed.

KPB 20.70 – Vacation Requirements.

Platting staff comments: *Staff reviewed the vacation and all the items required by 20.70 were met, unless otherwise noted below:*

20.70.050. Petition—Information required.

- B. Persons listed on the borough assessor's tax roll shall be deemed the legal owners for purposes of the vacation petition. **The petition shall include a statement containing the reasons in support of the vacation** and be accompanied by a minimum of three copies of a sketch clearly indicating the proposed vacation, submitted to the planning department at least 30 calendar days in advance of the meeting at which it will be considered. In cases where encroachments on public rights-of-way are in question, an as-built survey, sealed by a surveyor, is required showing the improvements, existing travel ways, amount of encroachment, and any other submittal as requested by the planning commission. **The burden of proof shall lie with the petitioner to support the vacation.**

Petitioner Comments: Application to constructors to right-of-way has been denied by City, Corps of Engineers, & DNR. Therefore, owner feels the right-of-way and lots it serves are no longer feasible or desired. Surrounding water and tidelands are the only real and actual means of access to the land except for two adjoining private lands. Owner desires privacy and there is no longer a need for public access onto property. The right-of-way does not serve any other properties or the public for any sort of through fare, and as such does not provide access to public waters.

- C. In areas where right-of-way is being vacated due to excessive topographic features, a contour map or centerline profile and/or right-of-way cross sectional view may be required by the commission to substantiate the unusable right-of-way and show alternate and dedicated routes to insure ingress and egress to adjacent lands.

Platting Staff Comments: The petition included a plat with shading for areas with slopes steeper than 20%. The portion of the right-of-way extending west from the Seldovia Slough is affected by slopes steeper than 20%. KPB Four Foot Contours are not available for the affected area.

- D. If the proposed vacation lies within the boundaries of an incorporated city, comments from the city advisory planning commission must be submitted with the petition.

Platting Staff Comments: The Seldovia Planning Commission recommended approval of the vacation on September 4, 2019.

20.70.130. Vacation plat—Preparation, approval and recording. Upon approval of the vacation request by the planning commission and no veto by the city council or assembly, 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 in KPB 20.70.110.

Platting Staff Comments: If approved, Seldovia Island 2019 (KPB 2019-109), will finalize the proposed right-of-way and associated utility easement vacations, while combining five lots into one lot. The Plat Committee is tentatively scheduled to review Seldovia Island 2019 on October 28, 2019.

20.70.170. Vehicular Access. The planning commission shall not approve the vacation of a right-of-way unless an equal or superior right-of-way for vehicular access exists or will be provided in exchange. Where two or more access points are necessary for large vacant or semi-vacant areas of land, the commission shall consider density, use, projected development, and maintain sufficient rights-of-way to serve potential use.

Platting Staff Comments: No equal or superior right-of-way for vehicular access is provided. In addition, no equal or superior alternative vehicular access exists. No rights-of-way leads to the peninsula and the thin strip of land connecting the peninsula to the mainland is unlikely to support construction of a road for vehicular access.

However, per the petition and aerial imagery, the right-of-way is not used for vehicular access. Per the petition, applications to construct the right-of-way were denied by the City, the Corps of Engineers, and DNR.

In addition, the 30' half right-of-way is unlikely to support vehicular access. While Kenai Watershed Forum Wetlands mapping is not available for the affected area, National Wetlands Inventory mapping indicates the eastern portion of Backers Island Lane is affected by estuarine and marine wetlands. The northernmost portion of the right-of-way is within Floodplain Zone A and affected by a Flood Hazard Area Zone A per FEMA FIRM panel #020012-5045A. Also, per the petition, the portion of the right-of-way extending west from the Seldovia Slough is affected by slopes steeper than 20%.

Lastly, the petition proposes to combine Lots 1-5, SL 2007-4, into one lot. Backers Island Lane would then extend into the end of a peninsula and be surrounded by one lot. Backers Island Lane would no longer provide land access to any lots.

Per the Seldovia Planning Commission, the right-of-way is no longer needed.

Staff recommendation: *The Planning Commission concur that, because vehicular access to the parcels fronting Backers Island Lane and adjacent parcels does not currently exist, equal vehicular access will exist if Backers Island Lane is vacated.*

20.70.180. Other access. Other lawful uses that exist or are feasible for the right-of-way shall be considered when evaluating a vacation request. When such uses exist or could exist within rights-of-way which are not suited for general road use, the commission shall not approve the vacation request, unless it can be demonstrated that equal or superior access is or will be available. The planning commission shall consider whether alternate uses present public safety issues which support approval of the vacation.

Platting Staff Comments: Per the petition, the right-of-way is not used by pedestrians or for other uses.

However, SL 2007-4 notes that a private access trail extends into Backers Island Lane for use of Lots 1-4. This would indicate that pedestrian and other uses are feasible within the proposed vacation. In addition, the wetlands, floodplain and flood hazard area, and steep slopes affecting the right-of-way, along with its substandard 30' width, indicate that the right-of-way is not suited for general road use. Therefore, equal or superior access must exist or be provided.

Pedestrian or other uses could currently occur within the right-of-way. For example, the public could dock a boat from the Seldovia Slough and hike to the interior of the peninsula. The right of way is surrounded by private lands and there is no public destination that the right of way provides access for. The petition does not propose equal or superior alternative access.

However, per the proposed replat, the existing access would only provide access to the interior of one private parcel. Equal alternate access to the parcel by water is available. In addition, the alternate uses within a right-of-way extending into the interior of this single parcel raise public safety issues that may result from potential trespasses, flood hazards, and the steep slopes located within the right-of-way. Lastly, the Seldovia Planning Commission determined that the right-of-way is no longer needed.

Staff recommendation: *The Planning Commission concur that equal access to the proposed replat exists by water and concur that public safety issues resulting from potential trespass, flood hazards, and the steep slopes within the right-of-way support approval of the vacation.*

20.70.190. Utility provisions. All existing and future utility requirements shall be considered when evaluating a vacation request. Rights-of-way which are utilized by a public utility or which logically would be required by a public 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 public utility easement be granted in place of the right-of-way.

Platting Staff Comments: The petition proposes to vacate the 10' wide utility easements adjoining the right-of-way that extend to 20' within 5' of side lot lines. Per the petition, the utility easements are not in use by any utility company.

The utility easement provided utility access to Lots 1-5, SL 2007-4. The replat renders the utility easements moot.

The existing 30 foot utility easement, centered on the existing overhead electric lines, will remain.

The affected utility providers were emailed the vacation public hearing notice as part of the routine notification process.

Staff recommendation: *Grant any utility easements requested by utility providers.*

20.70.200. Waterfront access provisions. A right-of-way which serves to provide access to public waters shall not be vacated unless such a right-of-way is wholly impractical to all modes of transport including pedestrian or the use of such right-of-way causes damage to the right-of-way, adjacent properties, the waterbody or the watercourse, or threatens public safety which cannot otherwise be corrected and where such continued damage or threat would be contrary to the public interest.

Platting Staff Comments: Backers Island Lane provides access to the public waters of the Seldovia Slough to Lots 1-5, SL 2007-4. These are the only parcels that Backers Island Lane provides water access to. However, each lot also fronts and has access to the Seldovia Slough. The proposed replat would result in a right-of-way that does not provide access to public waters to any lots.

Staff recommendation: *The Planning Commission concur that the proposed replat will result in a right-of-way which does not serve to provide access to public waters and would comply with KPB 20.70.200.*

STAFF RECOMMENDATION: Based on the above means of evaluating public necessity established by KPB 20.70, the merits of the proposed vacations, and staff comments, **staff recommends** approval of the vacations as petitioned, subject to:

1. Consent by Seldovia City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Seldovia 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 20.70.110:

A vacation of a city street, public right-of-way, public area, or public easement located within an incorporated city may not be approved without the consent of the city council.

The Seldovia City Council shall have 30 calendar days from the date of approval in which to veto the planning commission decision. If no veto is received by the planning director within the specified period, the city or borough shall be considered to have given consent to the vacation.

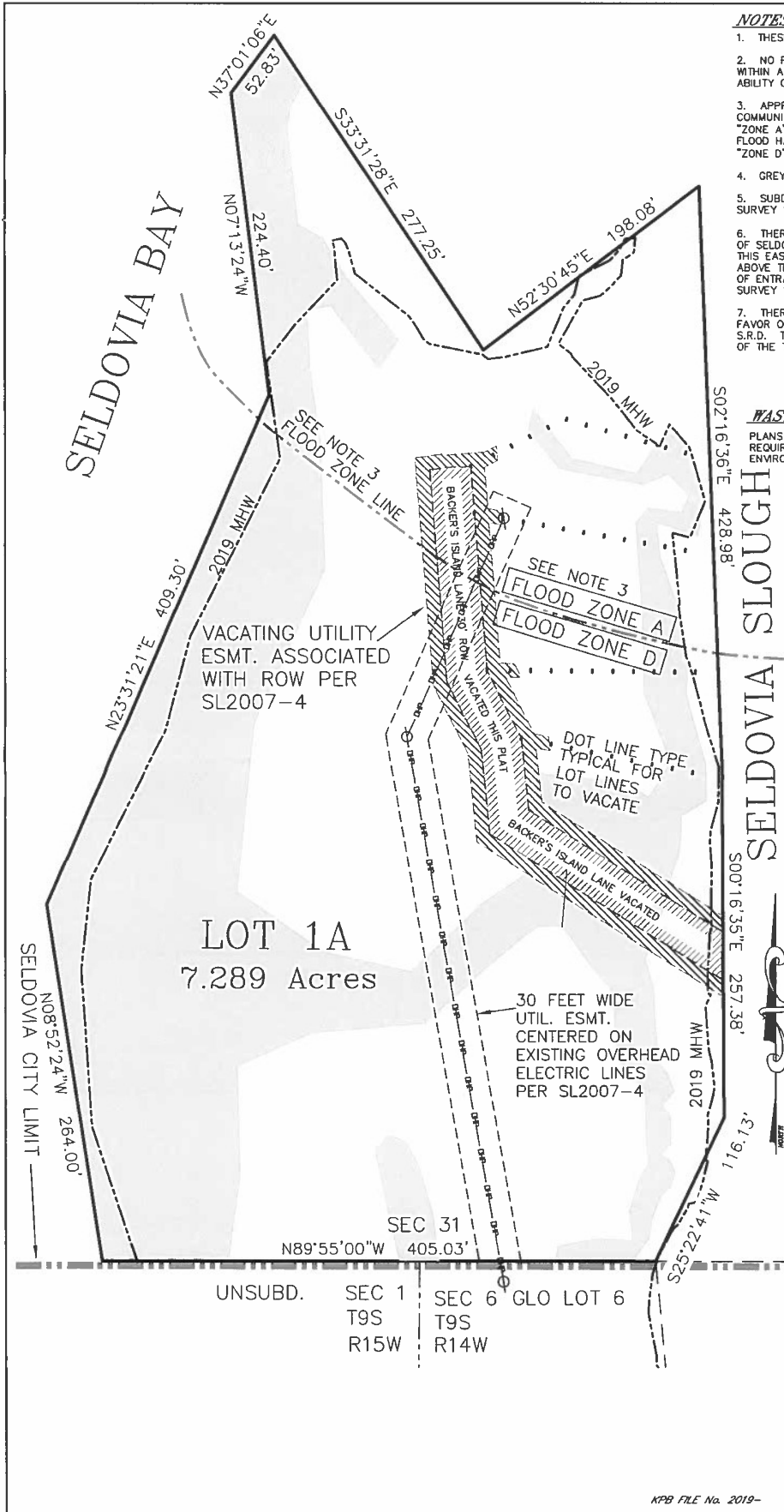
KPB 20.70.120:

- A. Denial of a vacation petition is a final act for which no further consideration shall be given by the Kenai Peninsula Borough.**
- B. Upon denial by the planning commission, 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.**

KPB 20.70.130:

THE FINAL PLAT MUST BE RECORDED WITHIN ONE YEAR OF THE VACATION CONSENT IN KPB 20.70.110.

END OF STAFF REPORT



NOTES

1. THESE LOTS ARE SUBJECT TO SELDOVA CITY CODE.
2. 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.
3. APPROXIMATE FLOOD ZONE DEFINITION FROM FEMA F.I.R.M. COMMUNITY PANEL #020012-5045A MAY 19, 1981.
"ZONE A": AREA OF 100-YEAR FLOOD. BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED.
"ZONE D": AREA OF UNDETERMINED, BUT POSSIBLE FLOOD HAZARDS.
4. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20%.
5. SUBDIVISION BOUNDARY IS PER SL2007-4, ATS 219, AND U.S. SURVEY 1771, FIXED BY 1964 EARTHQUAKE.
6. THERE IS AN INGRESS/EGRESS EASEMENT IN FAVOR OF THE CITY OF SELDOVA RECORDED IN BOOK 6, PAGE 90 AND PAGE 94 S.R.D. THIS EASEMENT IS DESCRIBED AS HAVING A WIDTH OF 20 FEET ABOVE THE HIGHEST TIDE LEVEL AT A SUITABLE PLACE FOR MEANS OF ENTRANCE AND EGRESS FROM THE LAND SIDE OF TRACT C, U.S. SURVEY 1771.
7. THERE IS AN EASEMENT FOR A BREAKWATER AND MATERIALS IN FAVOR OF THE CITY OF SELDOVA RECORDED IN BOOK 6, PAGE 89, S.R.D. THIS EASEMENT IS DESCRIBED AS BEING LOCATED ON EITHER OF THE TWO NORTHERN POINTS OF TRACT C, U.S. SURVEY 1771.

WASTEWATER NOTE

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

CERTIFICATE OF OWNERSHIP

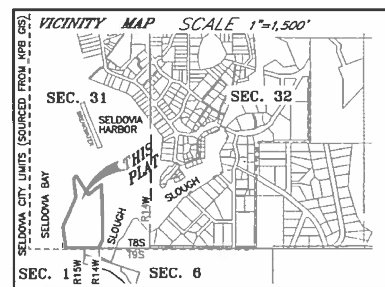
I hereby certify that Precious Earth Inc. is the owner of the real property shown and described hereon, and that Precious Earth Inc. does hereby adopt this plan of subdivision, and by its free consent dedicate all public rights-of-way and grant all easements and public areas to the use shown.

Gregory W. Davis, President and Chairman
PRECIOUS EARTH INC.
P.O. BOX 10808
BAKERSFIELD, CA 93389

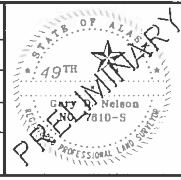
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____ KENAI PENINSULA BOROUGH

BY _____
Authorized Official



DATE	7/31/2019
SCALE	1"=100'
JOB No.	5144
DRAWING:	5144PLAT.dwg



SELDOVA ISLAND 2019
VACATING BAKER'S ISLAND LANE AND REVERTING TO ACREAGE BY VACATING LOTS 1 THROUGH 5 OF SELDOVA ISLAND (SL2007-4), WITHIN THE SE1/4 SECTION 31, T8S, R14W, S4, CITY OF SELDOVA, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, SELDOVA RECORDING DISTRICT, ALASKA CONTAINING 7.289 ACRES MORE OR LESS

OWNER:
PRECIOUS EARTH INC,
P.O. BOX 10808,
BAKERSFIELD, CA 93389

ARILIPPY SURVEYS
GARY NELSON, PLS
(907) 235-8440
152 DEHEL AVE., HOMER ALASKA 99603

KPB FILE No. 2019-

NOTES

1. THE BASIS OF BEARING IS BETWEEN THE SW W.C.M.C. AND THE SE W.C.M.C., TRACT C, U.S. SURVEY NO. 1770.
2. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES 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.
3. HEA HAS BLANKET EASEMENT ACROSS TRACT C, U.S. SURVEY NO. 1770.
4. LOTS WITHIN THIS SUBDIVISION ARE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY MAY BE REQUIRED TO DETERMINE THE ELEVATION OF THE PROPERTY PRIOR TO CONSTRUCTION.
5. THERE IS AN INGRESS/EGRESS EASEMENT IN FAVOR OF THE CITY OF SELDOVIA RECORDED IN BK 6 PAGE 90 AND PAGE 94 S.R.D. THIS EASEMENT IS DESCRIBED AS HAVING A WIDTH OF 20 FEET ABOVE THE HIGHEST TIDE LEVEL AT A SUITABLE PLACE FOR MEANS OF ENTRANCE AND EGRESS FROM THE LAND SIDE OF TRACT C.
6. THERE IS AN EASEMENT FOR A BREAKWATER AND MATERIALS IN FAVOR OF THE CITY OF SELDOVIA RECORDED IN BK 6 PAGE 89 S.R.D. THIS EASEMENT IS DESCRIBED AS BEING LOCATED ON EITHER OF THE TWO NORTHERN POINTS OF TRACT C.
7. THE SELDOVIA CITY COUNCIL APPROVED A VARIANCE TO THE SETBACK REQUIREMENTS FOR THE 3' WIDE BOARDWALK DURING THEIR DECEMBER 13, 2006 MEETING.

WASTEWATER DISPOSAL:

PLANS FOR THE WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

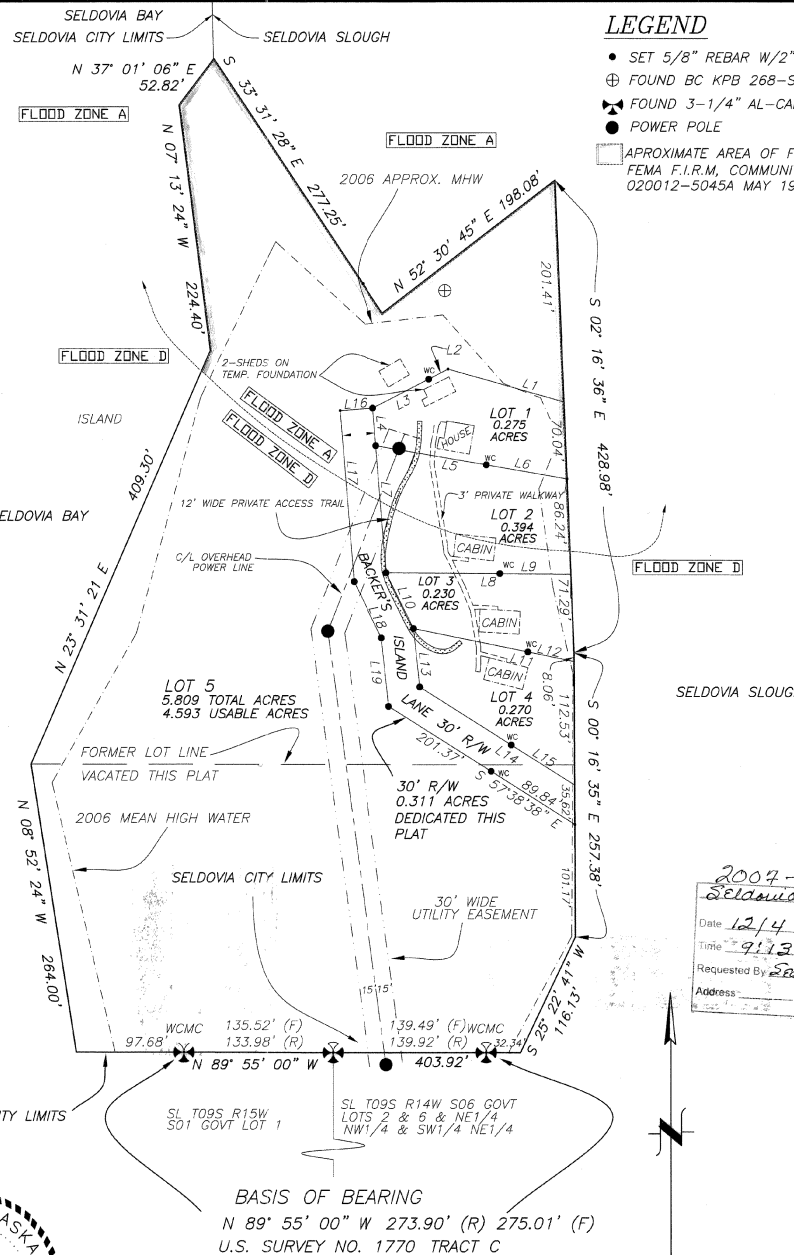
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF November 27, 2006

KENAI PENINSULA BOROUGH

BY: *Maury Bond*
AUTHORIZED OFFICIAL

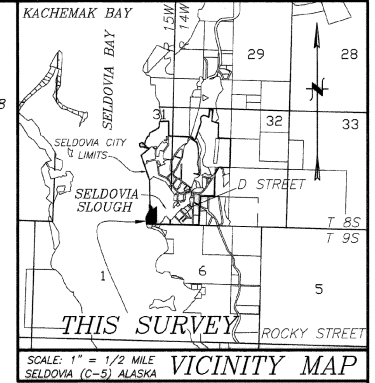
LINE	BEARING	LENGTH
L1	N 74°08'56" W	110.17'
L2	S 62°40'09" W	19.77'
L3	S 62°40'09" W	57.32'
L4	S 04°35'53" E	90.19'
L5	S 80°05'32" E	177.14'
L6	S 80°05'32" E	74.42'
L7	S 04°35'53" E	53.28'
L8	S 89°31'30" E	168.66'
L9	S 89°31'30" E	64.41'
L10	S 26°17'44" E	56.37'
L11	S 78°22'22" E	149.62'
L12	S 78°22'22" E	43.65'
L13	S 05°56'52" E	53.28'
L14	S 57°38'38" E	167.59'
L15	S 57°38'38" E	69.16'
L16	S 85°24'07" W	30.00'
L17	S 04°35'53" E	155.69'
L18	S 26°17'44" E	56.73'
L19	S 05°56'52" E	62.43'



BASIS OF BEARING
N 89° 55' 00" W 273.90' (R) 275.01' (F)
U.S. SURVEY NO. 1770 TRACT C

LEGEND

- SET 5/8" REBAR W/2" AL-CAP 7968-S 2006
- ⊕ FOUND BC KPB 268-S 1984
- ⊕ FOUND 3-1/4" AL-CAP ON 2" PIPE BLM 1988
- POWER POLE
- APPROXIMATE AREA OF FLOOD HAZARD ZONE A FEMA F.I.R.M. COMMUNITY PANEL # 020012-5045A MAY 19, 1981



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

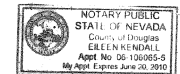
Robert Whear
ROBERT WHEAR, SIGNER FOR
SNUG HARBOR RESORT LLC
PO BOX 1707
GARDNERVILLE, NV 89410

NOTARY'S ACKNOWLEDGMENT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 11/2, 2007.
FOR: *Robert whear*

NOTARY PUBLIC FOR ALASKA *Douglas C. Nevada*
MY COMMISSION EXPIRES 6/20/2010

2007-4
Seldevia REC DIST
Date 12/14 2007
Title 913 A.M.
Requested By Seabright
Address:



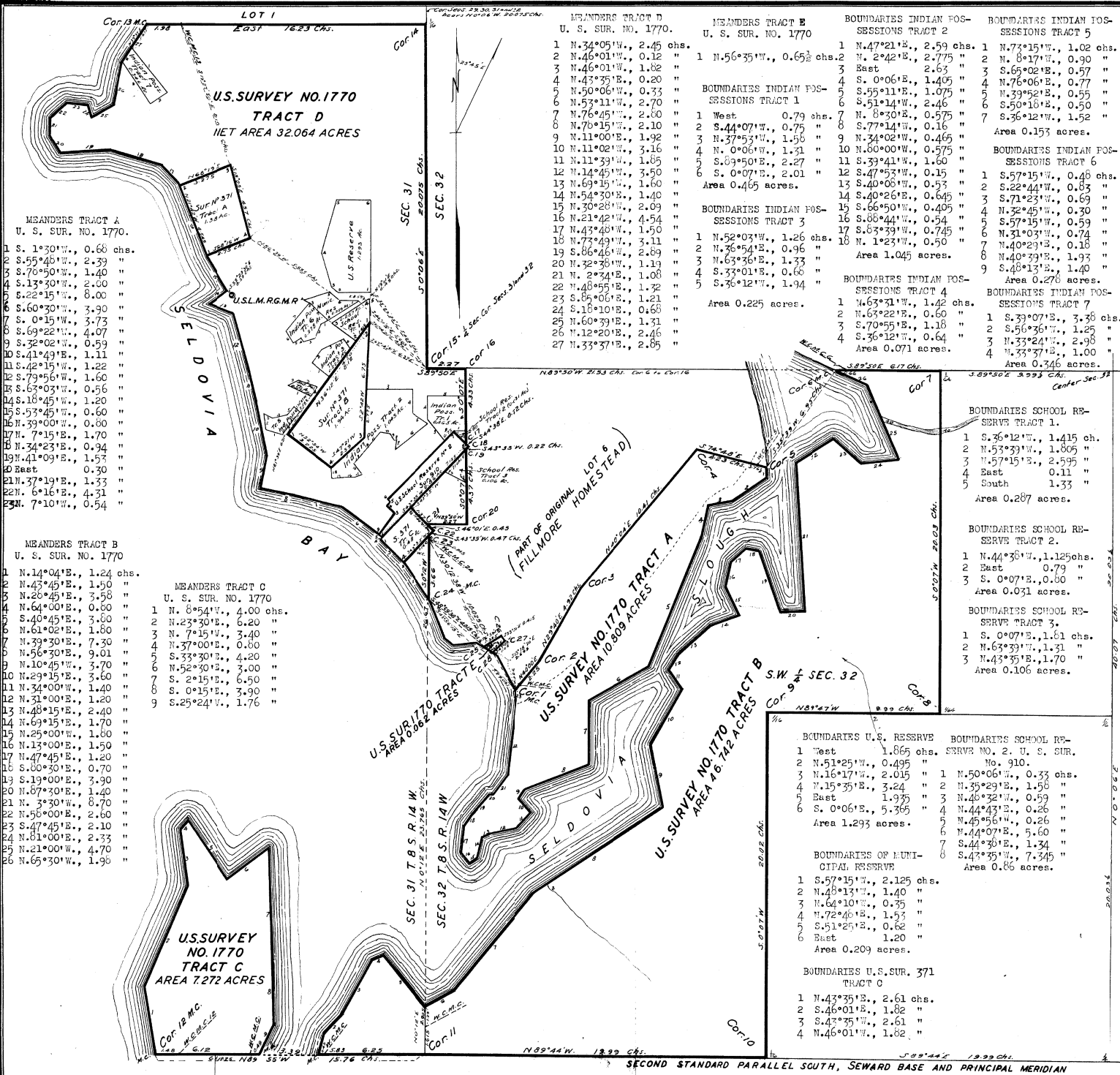
SELDOVIA RECORDING DISTRICT KPB FILE No. 2006-330

SELDOVIA ISLAND
A SUBDIVISION OF TRACT C, U.S. SURVEY NO. 1770 LYING WITHIN SELDOVIA BAY IN THE CITY OF SELDOVIA LYING WITHIN THE KENAI PENINSULA BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 7.289 ACRES MORE OR LESS

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

DRAWN BY: J.S.	DATE: 10/26/07	SCALE: 1" = 80'
CHK BY: K.B.	JOB #06-48	SHEET 1 OF 1

SCALE 1" = 80'



P L A T

of

EXTERIOR BOUNDARIES

of

U. S. SURVEY NO. 1770.

Made under Sections 11, 12, 13, 14 and 15 of an act of Congress entitled "An Act to repeal timber cultural laws" approved March 3, 1891 and the regulations thereunder for a tract of Public Land, known as

SELDOVIA TOWNSITE

Situate

On Seldovia Bay, Cook Inlet, in Sections 31 and 32, T. 6 S., R. 14 W., Seward Base and Principal Meridian

TERRITORY OF ALASKA

Net area, 96.943 acres
Declination, 25°45' E.
Scale, 4 chains to the inch.

Latitude 59°26'04" N., Longitude 151°43'04" W.

as surveyed by

FRED DAHLQUIST
U. S. CADASTRAL ENGINEER,
May 19 - July 5, 1927

U. S. SUPERVISOR OF SURVEYS CERTIFICATE,
Denver, Colorado,
August 5, 1929.

The original field notes of Survey No. 1770, of the Exterior Boundaries of Seldovia Townsite, situate on Seldovia Bay, Cook Inlet, Alaska, from which this plat has been made, have been examined and approved, and I hereby certify that they furnish such an accurate description of said claim as will, if incorporated into a patent, serve fully to identify the premises, and that such reference is made therein to natural objects and permanent monuments, as will perpetuate and fix the Locus thereof.

And I further certify that this is a correct plat of said claim, made in conformity with said original field notes of the survey thereof, and the same is hereby approved.

Samuel P. Johnson
U. S. Supervisor of Surveys.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
Washington, D. C., November 26, 1929.

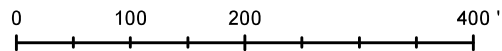
The survey represented by this plat having been correctly executed in accordance with the requirements of law and the regulations of this office, is hereby accepted.

Walter Stewart
Assistant Commissioner.



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

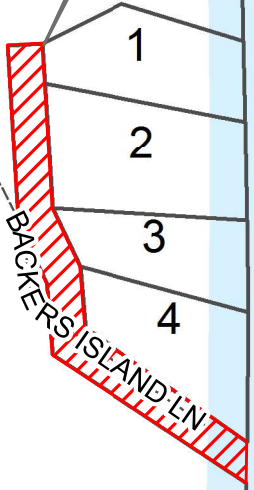


Right of Way Vacation

PClements, KPB
 Date: 9/19/2019
 Imagery: FixedWing 2012-2013

Seldovia Bay

30' Right of Way Vacation
& 10' Utility Easement
Vacation



0 450 900 1,800 Feet

KPB 2019-109V
T08S R14W S32
SELDOVIA



PClements, KPB
Date: 9/19/2019



The information depicted hereon is for a graphical representation only of best available sources. The Kenai Peninsula Borough assumes no responsibility for the accuracy of this information.
Page 81 of 130.

0 100 200 400'

**MINUTES FROM THE SELDOVIA PLANNING COMMISSION
REGULAR MEETING
MULTI-PURPOSE ROOM
Wednesday
September 4, 2019
6:00PM**

BATES FORSBERG CARLUCCIO GRUBER
--

- A. Call to order; MEETING CALLED TO ORDER 6:05PM BY COMMISSIONER CARLUCCIO
- B. Roll Call: IN ATTENDANCE; BATES, FORSBERG, CARLUCCIO, and GRUBER
- C. Approval of the Agenda;
BATES/GRUBER MOVED TO APPROVE THE AGENDA
NO OBJECTION/ MOTION CARRIED
- D. Approval of Minutes from August 07, 2019
GRUBER/BATES MOVED TO APPROVE THE MINUTES
NO OBJECTION/ MOTION CARRIED
- E. Public Comments Regarding Items Not on the Agenda; None
- F. Public Hearings, Prior Notice; None
- G. Consideration of Site Plans;
 - 1. Consideration of Replat Seldovia Island 2019 and Vacation of Backer's Island Lane
 - A. Presentation by Staff or Commission
CLERK GEAGEL- Presented correspondence with the surveyor, a response from the borough, the replat, the petition to vacate, and the current plat in the packet.
 - B. Public Presentation or Hearing
None
 - C. Commission Discussion
GRUBER- Spoke in support of moving forward and in appreciation for Mr. Huffs comments.
CARLUCCIO- Discussed that Mr. Huffs role in the borough and that he had answered their questions.
FORSBERG- Inquired if the delay had caused any problems.
 - D. Action/Disposition

MAIN MOTION- CARLUCCIO CALLED FOR A MOTION TO RECOMMEND APPROVAL OF THE REPLAT AND THE VACATION OF BACKER'S ISLAND LANE
BATES/FORSBERG SO MOVED

FINDINGS-

- 1. Questions were answered by Mr. Huff.
- 2. Since the owner is removing the lot lanes and making it one parcel again the lane is no longer needed.

AMENDMENT MOTION- BATES/FORSBERG MOVED TO ATTACH THE FINDINGS
NO OBJECTION/ MOTION CARRIED

MAIN MOTION- NO OBJECTION/ MOTION CARRIED

H. Commission Business:

She discussed that the right-of-way that the deck was near was to Watch Point Island that visitors frequented and where the Coast Guard monitored a beacon.

GRUBER- Inquired about the length of time the deck was not there and spoke in support of recommending the applicant apply for a variance.

FORSBERG- Inquired if the neighbors were in support or opposition of the deck.

D. Action/Disposition

BATES/FORSBERG MOVED TO GRANT MR. COLES REQUEST FOR A BUILDING PERMIT
ROLL CALL VOTE/ FORSBERG- N, CARLUCCIO- N, GRUBER-N, BATES-N/ MOTION FAILED

THE SELDOVIA PLANNING COMMISSION RECOMMENDED THAT THE APPLICANT
APPLY FOR A VARIANCE.

2. Consideration of Replat Seldovia Island 2019 and Vacation of Backer's Island Lane

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented the replat and petition to vacate of Backer's Island Lane. The clerk noted that note two on the current plat addresses the city utility easements.

B. Public Presentation or Hearing

WALT SONEN- Inquired if there was an advantages or disadvantage to the replat and vacation.

VIVIAN ROJAS- Inquired about access to Backer's Island without the lane and if they city needed to provide access to the lot.

CM CAMERON- Discussed that the replat was an advantage for the property owner to decrease property taxes, and that monetary evaluation of the lots were not a consideration for the city. She differed to the chair whether access needed to be provided through the right-of-way and discussed that the applicant did indicate that an alternate right-of-way was being provided for, though it was unable to be determined what that access was. She discussed the utility easement, that the water and sewer came under the slough and up on the eastern side of the island and the two easements on the north and south side of the island in notes 5 and 6 of current plat which were put in place for breakwater materials and for a means of entrance and egress.

C. Commission Discussion

CARLUCCIO- Discussed the history of the replat and the utility easement down the middle and inquired if the city needed a water and sewer utility easement. She spoke in support of retaining the easements for the city. She spoke to the history of the island and that if the lots became one lot there would not seem to be a need for a road. The borough would request an alternative access on paper if the vacated road needed an alternative access, but the replat was eliminating that need. She spoke to the precedence in town of replatting lots and discussed that the application looked a little incomplete, the notes on the current plat were not on the new plat. The city would want to retain notes five and six and she inquired if the variance was being relinquished. She spoke in support of the replat and vacating the lane because it was not connecting point a to a point b and recommended approval as long as notes 2, 5, 6, and 7 were carried forward. If note 7 was being eliminated then the city would need to receive a letter of relinquishment for the variance.

GRUBER- Inquired about the effects of the replat and vacation on the city and the property owner and inquired if utilities were not in use as the application stated. She discussed that she would like to see the language from note 3 of the current plat for a blanket easement for HEA on the new plat.

BATES- Discussed that with the vacation of the lot lines there would no longer need to be a platted access only water access, and that the HEA line dropped down the pole to other side of bay and then to Nanwaleek. He discussed wanting further information about the current notes and if they would carry over to the new plat.

FORSBERG- Inquired about the utility easement and the current status of the water and sewer utility.

D. Action/Disposition

GRUBER/BATES MOVED TO POSTPONE UNTIL THE NEXT MEETING
NO OBJECTION/ MOTION CARRIED

~~3. Consideration of Rezoning Lots 2, 3, and 4 of Block 13 Waterfront Resubdivison No 1~~

~~A. Presentation by Staff or Commission~~

~~CLERK GEAGEL- Presented a request from a property owner to consider rezoning lots 2, 3, and 4 of Block 13 from Commercial Marine to Waterfront Commercial Residential.~~

~~B. Public Presentation or Hearing~~

~~ROJAS- Spoke in support of an application needing to be turned in before the commission would be able to act on the request and in opposition of it the lots in question being rezoned.~~

~~WALT SONEN- Spoke to the history of the creation of the zones and their properties not living up to the requirements. He spoke in opposition of the lots in question being rezoned.~~

~~C. Commission Discussion~~

~~CARLUCCIO- Discussed that there was a procedure to be rezoned in contract zoning and she read those procedures and their intent. It has to be shown as beneficial to the city to do this, before they can recommend approval to city council and ask them to change it by ordinance. She spoke to an application being needed before it could be considered.~~

~~FORSBERG- Inquired about the change of the zones and if the change would allow those properties to still be a business if wanted.~~

~~GRUBER- Spoke in opposition of the consideration to rezone the lots in question without an application.~~

~~BATES- Discussed spot zoning.~~

~~D. Action/Disposition~~

~~NO ACTION WAS TAKEN AT THIS TIME~~

4. Building Application Permit- Update and Review

A. Presentation by Staff or Commission

CLERK GEAGEL- Presented the updated draft ordinance and building permit with the language of a two-year completion date included. She discussed that it was in the code that it was required that a property within 200' feet of the public system being hooked into the system before having a building be occupied.

B. Public Presentation or Hearing

ROJAS- Asked about the water and sewer being required within 200' feet of the public system.

C. Commission Discussion

CARLUCCIO- Spoke in support of the building permit reformat and discussed that federal and state building codes required and mentioned on the building application.

FORSBERG- Spoke in support of the building permit reformat.

D. Action/Disposition

CARLUCCIO- asked for a motion to recommend approving the ordinance of the city council of Seldovia amending section 17.04.020 building permits.

BATES/KATHLEEN SO MOVED

NO OBJECTION/ MOTION CARRIED

H. Commission Business: None

I. Staff Reports:

From: Huff, Scott <shuff@kpb.us>
Sent: Friday, August 16, 2019 3:34 PM
To: Gary Nelson (gary@abilitysurveys.com)
Cc: Best, Max
Subject: FW: Seldovia Island 2019 Preliminary Plat

Gary,

Per borough code the city shall review the plat and prepare written comments which shall be included with the submittal of the plat to the borough. It also states that the City has 49 days to complete the review. If you submit to the City, and they do not act or approve the plat within 49 days, then you can submit the preliminary plat to the borough for review and approval.

As far as the notes on the parent plat,

- Plat note 2 will no longer be valid after the right of way and associate easements are vacated.
- Plat note 5 will still be valid, and will need to be carried forward, as the ingress/egress easement in favor of the city of Seldovia will still exist.
- Plat note 6 will still be valid, and will need to be carried forward.
- Plat note 7 will no longer be relevant after the right of way and building setback are vacated. Plat note 7 will not be carried forward.

Hope that his answers your questions. Please feel free to give me a call if you wish to discuss further.

Thanks,

Scott

From: gary@abilitysurveys.com
To: [Heidi Geagel](#)
Cc: edenkiwi@aol.com
Subject: RE: Seldovia Island 2019 Preliminary Plat
Date: Friday, August 16, 2019 5:50:44 PM
Attachments: [image001.png](#)
[5144_s_huff_prelim_reply.pdf](#)

Madam Clerk;

Please forward to the Seldovia Advisory Planning Commission, the attached pdf email comments from the borough plat manager regarding the Seldovia Island Preliminary Plat.

My comments to the Seldovia Advisory Planning Commission follow;

I recommend Seldovia initiate new Planning Commissioners with an Orientation of powers and the how and why of Planning Commission actions. Preliminary Plats are reviewed for CONCEPT. Is what is being proposed good, bad, or otherwise in harmony with City code and reasonable planning concepts of the City?

The borough has the platting powers, and will generally adopt City recommendations, and will make sure the FINAL plat complies with legalities of code.

I was very disappointed in the way the Seldovia Advisory Planning Commission delayed action on the subject plat because notes were not carried forward from the parent plat. Plats are **typically recommended for approval with conditions or recommendations**, at least by Seward, Kenai, Homer, and Kenai Peninsula Borough Planning Commissions. According to the Borough's Plat Manager, not all of the Seldovia Planning Commission's note "requests" would be valid or upheld by the borough. Another reason to keep them requests and not requirements, with unnecessary delays.

You have the parent plat and so know of the noted easements and such. You also now have comments from a review by the Borough Plat Manager. Notes will be carried forward on the final plat to the Borough and possibly on the preliminary plat to the borough subject to my review and consult with Borough Plat Manager.

I understand your positions are voluntary and unpaid. **Thank You for your service.** A service that is all too often a thankless service to say the least.

Appreciative of your time and effort,

Gary Nelson, PLS

From: Heidi Geagel <cityclerk@cityofseldovia.com>

Sent: Tuesday, August 13, 2019 9:55 AM
To: 'gary@abilitysurveys.com' <gary@abilitysurveys.com>
Cc: 'edenkiwi@aol.com' <edenkiwi@aol.com>
Subject: RE: Seldovia Island 2019 Preliminary Plat

Mr. Nelson,

The Seldovia Island 2019 Preliminary Plat and the vacation of Backer's Island Lane was discussed at the Seldovia Planning Commission on Wednesday, August 7th, 2019.

The planning commission members spoke in support of the replat and vacation, but postponed approval until the next planning commission meeting so that notes 2, 5, 6, and 7 of the current plat could be addressed in the new preliminary plat. It was stated that the city would need a letter of relinquishment for the variance discussed in note 7 should the owner wish to relinquish the variance.

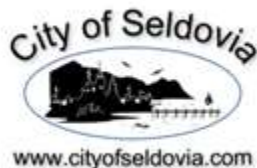
I have attached the current 2006 plat with the notes mentioned above for your reference. The next Seldovia Planning Commission will be September 4th, 2019 at 6:00pm.

Please let me know if you have any questions.

Thank you,

Heidi Geagel

City Clerk
City of Seldovia
(907)234.7643 (office)
(907)234.7430 (fax)



Public Records Law Disclosure: This e-mail may be considered public record and be subject to public disclosure.
Confidentiality Notice: This e-mail may contain confidential or privileged information. It is intended only for the use of the recipient named above. If you believe you have received this message in error, please notify me immediately by reply email, delete the message from your computer, and destroy any paper copies.

From: gary@abilitysurveys.com <gary@abilitysurveys.com>
Sent: Thursday, August 1, 2019 12:12 PM
To: Heidi Geagel <cityclerk@cityofseldovia.com>
Cc: edenkiwi@aol.com
Subject: Seldovia Island 2019 Preliminary Plat

Madam Clerk;

Attached is a pdf of the preliminary plat being submitted to City of Seldovia today for Planning

Commission consideration at next Wednesday's meeting.

A courier will deliver it shortly this afternoon. Five reduced 11"X 17 copies and 1 full sized 18" X 24" copy are being submitted.

Thank You for your assistance.

Gary Nelson, PLS
907-235-8440
Ability Surveys

CERTIFICATE OF OWNERSHIP

I hereby certify that Precious Earth Inc. is the owner of the real property shown and described hereon, and that Precious Earth Inc. does hereby adopt this plan of subdivision, and by its free consent dedicate all public rights-of-way and grant all easements and public areas to the use shown.

Gregory W. Davis, President and Chairman
 PRECIOUS EARTH INC.
 P.O. BOX 10808
 BAKERSFIELD, CA 93389

NOTES

1. THESE LOTS ARE SUBJECT TO SELDOVIA CITY CODE.
2. 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.
3. APPROXIMATE FLOOD ZONE DEFINITION FROM FEMA F.I.R.M COMMUNITY PANEL #020012-5045A MAY 19, 1981. "ZONE A"; AREA OF 100-YEAR FLOOD, BASE FLOOD ELEVATIONS AND FLOOD HAZARD FACTORS NOT DETERMINED. "ZONE D"; AREA OF UNDETERMINED, BUT POSSIBLE FLOOD HAZARDS.
4. GREY SHADING REPRESENTS SLOPES STEEPER THAN 20%.
5. SUBDIVISION BOUNDARY IS PER SL2007-4, ATS 219, AND U.S. SURVEY 1771, FIXED BY 1964 EARTHQUAKE.

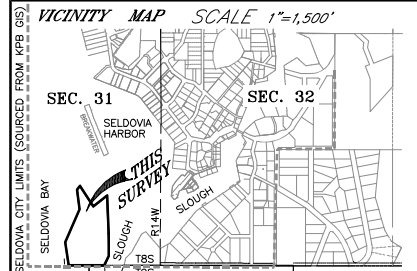
WASTEWATER NOTE

PLANS FOR WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS, ARE ON FILE AT THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION.

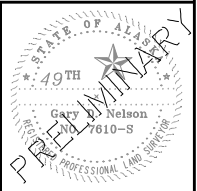
PLAT APPROVAL

This plat was approved by the Kenai Peninsula Borough Planning Commission at the meeting of _____

BY _____
 Authorized Official



DATE	7/31/2019
SCALE	1"=100'
JOB No.	5144
DRAWING:	5144PLAT.dwg



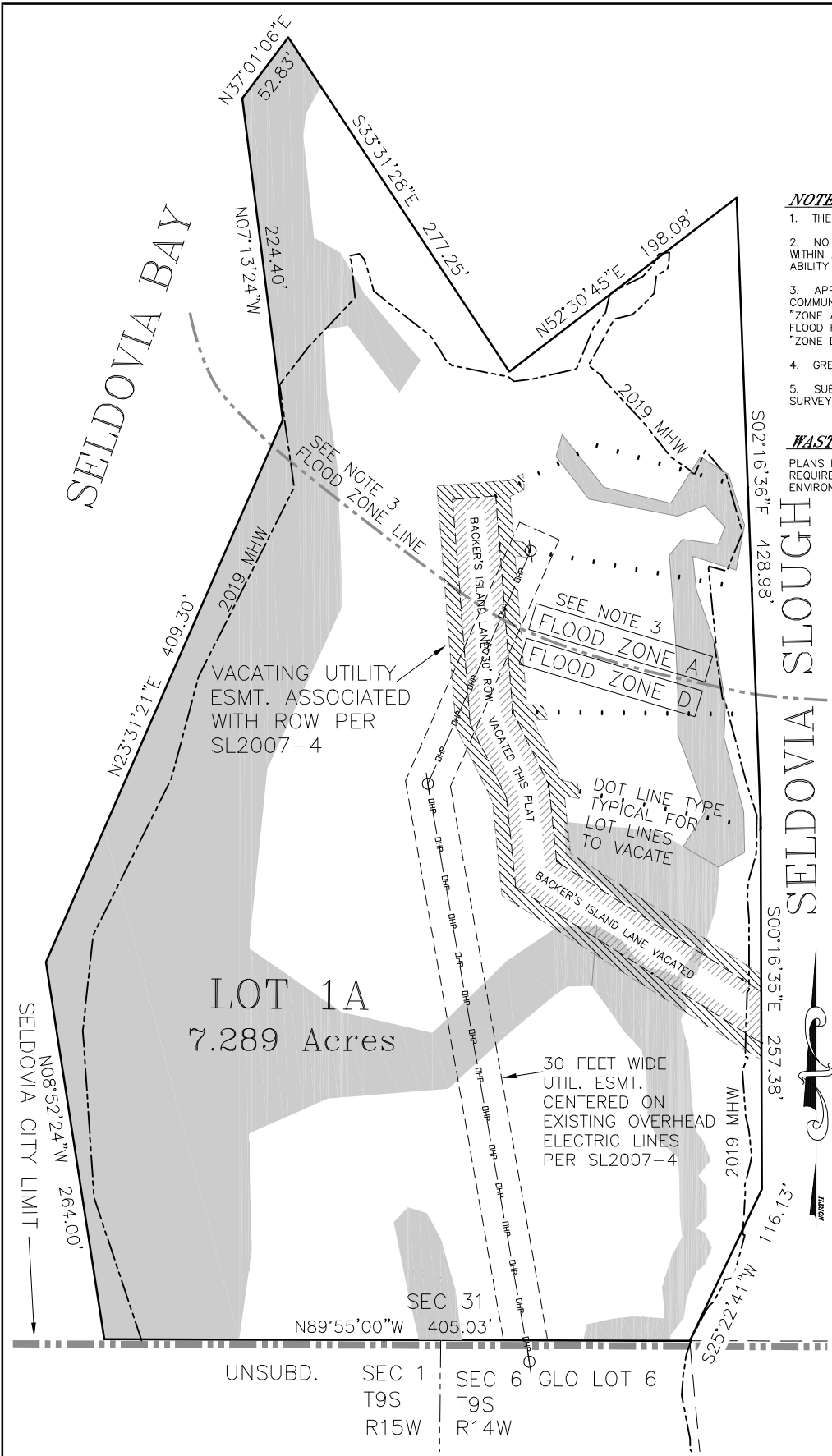
SELDOVIA ISLAND 2019

VACATING BACKER'S ISLAND LANE AND REVERTING TO ACREAGE BY VACATING LOTS 1 THROUGH 5 OF SELDOVIA ISLAND (SL2007-4), WITHIN THE SE1/4 SECTION 31, T8S, R14W, SM, CITY OF SELDOVIA, KENAI PENINSULA BOROUGH, THIRD JUDICIAL DISTRICT, SELDOVIA RECORDING DISTRICT, ALASKA CONTAINING 7.289 ACRES MORE OR LESS

OWNER:
 PRECIOUS EARTH INC.
 P.O. BOX 10808,
 BAKERSFIELD, CA 93389

ABILITY SURVEYS

GARY NELSON, PLS
 (907) 238-8440
 152 DEHEL AVE., HOMER ALASKA 99603





Kenai Peninsula Borough Planning Department
 144 North Binkley
 Soldotna, Alaska 99669-7599
 Toll free within the Borough 1-800-478-4441, extension 2200
 (907) 714-2200

Petition to Vacate Public Right-of-Way/Easement/Platted Public Area
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.

- \$500 non-refundable fee to help defray costs of advertising public hearing.
 - 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 dedicated by the plat of SELDONIA ISLAND Subdivision, filed as Plat No. 2007-4 in SELDONIA Recording District.
 - Are there associated utility easements to be vacated? Yes No
 - Are easements in use by any utility company? If so, which company NOT USED
 - 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.)
 - Submit three copies of plat or map showing area proposed to be vacated. Must not exceed 11x17 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
 Is alternative right-of-way being provided? Yes No

The petitioner must provide reasonable justification for the vacation. Reason for vacating:
Application to construct road to the right-of-way has been denied by City, Corps of Engineers, & DNR. Therefore owner feels the right-of-way and Lots it serves are no longer feasible or desired. Surrounding water and tidelands are the only real and actual means of access to the land except for two adjoining private lands. Owner desires privacy and there is no longer a need for public access onto property.
The right-of-way does not serve any other properties, or the public for any sort of through fare, and as such does not provide access to public waters.

The petition must be signed (written signature) by owners of the majority of land fronting the right-of-way, easement, or platted public area proposed to be vacated. Each petitioner must include address and legal description of his/her property.

Submitted By: Name: Gary Nelson Signature as: Petitioner Representative
 Address: 152 Debel Ave
Homer, AK 99603
 Phone: 907-235-8440

Petitioners:
 Signature: [Signature] Signature: _____
 Name: Gregory W. Davis Reckless Earth Inc. Name: _____
 Address: P.O. Box 10808 Address: _____
Bakersfield, CA 93308
 Owner of: Lots 1 through 5, Seldonia Island Owner of: _____
 Signature: _____ Signature: _____
 Name: _____ Name: _____
 Address: _____ Address: _____
 Owner of: _____ Owner of: _____

ROW Easement Vacation Petition & Procedures
 Revised 2/21/14

NOTES

1. THE BASIS OF BEARING IS BETWEEN THE SW W.C.M.C. AND THE SE W.C.M.C., TRACT C, U.S. SURVEY NO. 1770.
2. THE FRONT 10' OF THE BUILDING SETBACK AND THE ENTIRE SETBACK WITHIN 5' OF SIDE LOT LINES 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.
3. HEA HAS BLANKET EASEMENT ACROSS TRACT C, U.S. SURVEY NO. 1770.
4. LOTS WITHIN THIS SUBDIVISION ARE LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA. DEVELOPMENT MUST COMPLY WITH CHAPTER 21.06 OF THE KENAI PENINSULA BOROUGH CODE OF ORDINANCES. A SURVEY MAY BE REQUIRED TO DETERMINE THE ELEVATION OF THE PROPERTY PRIOR TO CONSTRUCTION.
5. THERE IS AN INGRESS/EGRESS EASEMENT IN FAVOR OF THE CITY OF SELDOVIA RECORDED IN BK 6 PAGE 90 AND PAGE 94 S.R.D. THIS EASEMENT IS DESCRIBED AS HAVING A WIDTH OF 20 FEET ABOVE THE HIGHEST TIDE LEVEL AT A SUITABLE PLACE FOR MEANS OF ENTRANCE AND EGRESS FROM THE LAND SIDE OF TRACT C.
6. THERE IS AN EASEMENT FOR A BREAKWATER AND MATERIALS IN FAVOR OF THE CITY OF SELDOVIA RECORDED IN BK 6 PAGE 89 S.R.D. THIS EASEMENT IS DESCRIBED AS BEING LOCATED ON EITHER OF THE TWO NORTHERN POINTS OF TRACT C.
7. THE SELDOVIA CITY COUNCIL APPROVED A VARIANCE TO THE SETBACK REQUIREMENTS FOR THE 3' WIDE BOARDWALK DURING THEIR DECEMBER 13, 2006 MEETING.

WASTEWATER DISPOSAL:

PLANS FOR THE WASTEWATER DISPOSAL, THAT MEET REGULATORY REQUIREMENTS ARE ON FILE AT THE DEPT. OF ENVIRONMENTAL CONSERVATION.

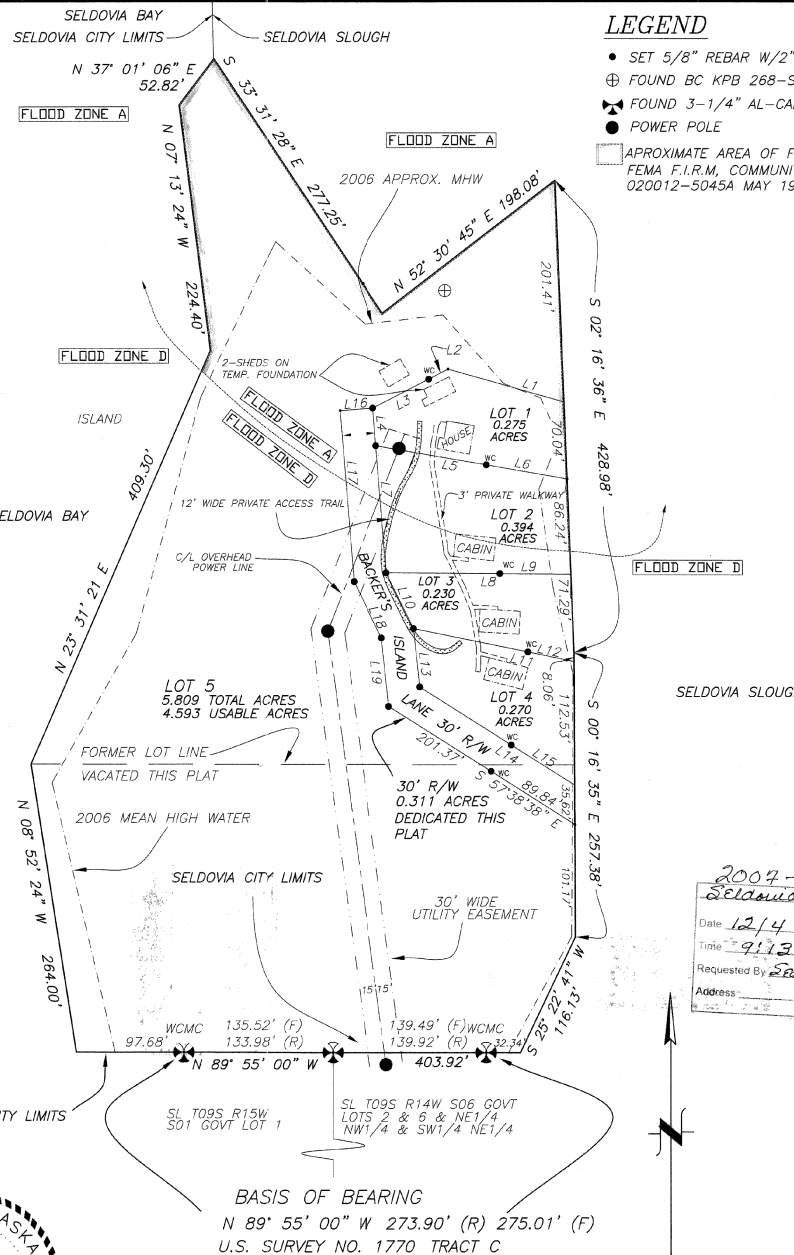
PLAT APPROVAL

THIS PLAT WAS APPROVED BY THE KENAI PENINSULA BOROUGH PLANNING COMMISSION AT THE MEETING OF November 27, 2006

KENAI PENINSULA BOROUGH

BY: *Maury Bond*
AUTHORIZED OFFICIAL

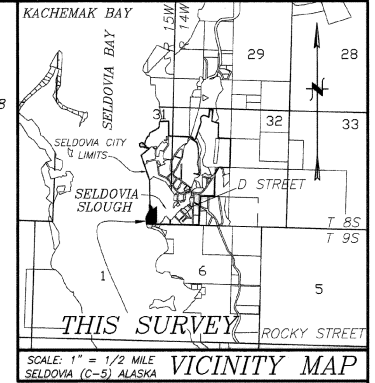
LINE	BEARING	LENGTH
L1	N 74°08'56" W	110.17'
L2	S 62°40'09" W	19.77'
L3	S 62°40'09" W	57.32'
L4	S 04°35'53" E	90.19'
L5	S 80°05'32" E	177.14'
L6	S 80°05'32" E	74.42'
L7	S 04°35'53" E	53.28'
L8	S 89°31'30" E	168.66'
L9	S 89°31'30" E	64.41'
L10	S 26°17'44" E	56.37'
L11	S 78°22'22" E	149.62'
L12	S 78°22'22" E	43.65'
L13	S 05°56'52" E	53.28'
L14	S 57°38'38" E	167.59'
L15	S 57°38'38" E	69.16'
L16	S 85°24'07" W	30.00'
L17	S 04°35'53" E	155.69'
L18	S 26°17'44" E	56.73'
L19	S 05°56'52" E	62.43'



BASIS OF BEARING
N 89° 55' 00" W 273.90' (R) 275.01' (F)
U.S. SURVEY NO. 1770 TRACT C

LEGEND

- SET 5/8" REBAR W/2" AL-CAP 7968-S 2006
- ⊕ FOUND BC KPB 268-S 1984
- ⊕ FOUND 3-1/4" AL-CAP ON 2" PIPE BLM 1988
- POWER POLE
- APPROXIMATE AREA OF FLOOD HAZARD ZONE A FEMA F.I.R.M., COMMUNITY PANEL # 020012-5045A MAY 19, 1981



CERTIFICATE OF OWNERSHIP

I HEREBY CERTIFY THAT I AM THE OWNER OF THE REAL PROPERTY SHOWN AND DESCRIBED HEREON, THAT I HEREBY ADOPT THIS PLAT OF SUBDIVISION, AND BY MY FREE CONSENT DEDICATE ALL RIGHTS OF WAY AND PUBLIC AREAS TO PUBLIC USE, AND GRANT ALL EASEMENTS TO THE USE SHOWN HEREON.

Robert Whear
ROBERT WHEAR, SIGNER FOR
SNUG HARBOR RESORT LLC
PO BOX 1707
GARDNERVILLE, NV 89410

NOTARY'S ACKNOWLEDGMENT

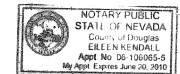
SUBSCRIBED AND SWORN TO BEFORE ME THIS DAY OF 11/2, 2007.

FOR: *Robert whear*

NOTARY PUBLIC FOR ALASKA *Douglas C. Nevada*

MY COMMISSION EXPIRES 6/20/2010

2007-4
Seldevia REC DIST
Date 12/4 2007
Title 913 A.M.
Requested By Seabright
Address



SELDOVIA RECORDING DISTRICT KPB FILE No. 2006-330

SELDOVIA ISLAND

A SUBDIVISION OF TRACT C, U.S. SURVEY NO. 1770 LYING WITHIN SELDOVIA BAY IN THE CITY OF SELDOVIA LYING WITHIN THE KENAI PENINSULA BOROUGH THIRD JUDICIAL DISTRICT, STATE OF ALASKA CONTAINING 7.289 ACRES MORE OR LESS

SEABRIGHT SURVEY+DESIGN

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

DRAWN BY: J.S.	DATE: 10/26/07	SCALE: 1" = 80'
CHK BY: K.B.	JOB #06-48	SHEET 1 OF 1



Planning Department

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

Charlie Pierce
Borough Mayor

October 15, 2019

**KENAI PENINSULA BOROUGH PLANNING COMMISSION
NOTICE OF DECISION
MEETING OF OCTOBER 14, 2019**

RE: Vacating Backer's Island Lane a 30 foot Public Right of Way containing 0.311 acres dedicated by plat Seldovia Island, SL 2007-4 and vacate the associated utility easement described as the front 10 feet of the 20 foot setback and the full 20 feet within 5 feet of the side lot lines adjoining Backer's Island Lane as dedicated by plat Seldovia Island, SL 2007-4. The right-of-way being vacated is unconstructed and located within the S/E 1/4 of Section 31, Township 8 South, Range 14 West, Seward Meridian, Alaska, within the Kenai Peninsula Borough. KPB File 2019-109V.

During their regularly scheduled meeting of October 14, 2019, the Kenai Peninsula Borough Planning Commission granted approval of the above right-of-way vacation subject to:

1. Consent by Seldovia City Council.
2. Compliance with the requirements for preliminary plats per Chapter 20 of the KPB Code.
3. Grant utility easements requested by the Seldovia 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).

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 proposed vacation has been forwarded to the Seldovia City Council. The City Council has 30 days from October 14, 2019 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 Commission will stand.

Please contact the Seldovia City Office to verify the date the subject vacation will be reviewed by the Council.