

**PETITION BY THE CITY OF SOLDOTNA, A CITY WITHIN THE KENAI PENINSULA
BOROUGH, FOR ANNEXATION OF APPROXIMATELY 1.722 ACRES
UPON UNANIMOUS CONSENT OF ALL PROPERTY OWNERS
AND ALL RESIDENT REGISTERED VOTERS**

The Petitioner hereby requests the Alaska Local Boundary Commission to grant this Petition for Annexation under Article X, section 12 of the Constitution of the State of Alaska, AS 29.06.040(a), and AS 29.06.040(c)(3). All Exhibits attached to this Petition are incorporated by reference.

Pursuant to the Local Boundary Commission decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements in 3 AAC 110.400 – 3 AAC 110.660, this petition has been modified from the regular procedural requirements as follows: 3 AAC 11.420(b)(6) has been relaxed to require only legal descriptions and maps, but not plats; and 3 AAC 110.420(b)(18) has also been relaxed to allow a summary brief in lieu of a detailed brief. The following requirements were suspended for purposes of this petition for annexation: the requirements in 3 AAC 110.420(b)(11) regarding tax data; the requirements in 3 AAC 110.420(b)(12) regarding three-year revenue, operating and capital budgets; the requirements in 3 AAC 110.420(b)(13) regarding existing long-term municipal debt; and the requirements in 3 AAC 110.420(b)(14) regarding the powers and functions of the city. In addition, the remaining requirements of 3 AAC 110.400 – 3 AAC 110.660 are relaxed or suspended to the extent that this Petition complies only with the requirements set forth in the December 13, 2006 proposed revisions to 3 AAC 110.590. A copy of the letter is attached as Exhibit K.

SECTION 1. NAME OF THE PETITIONER.

The name of the Petitioner is the City of Soldotna (hereafter "Petitioner"¹).

SECTION 2. PETITIONER'S REPRESENTATIVE.

The Petitioner designates the following individual to serve as its representative in all matters concerning this annexation proposal:

Name:	Thomas R. Boedeker
Physical Address:	177 N. Birch Soldotna, AK 99669
Mailing Address:	(same as physical)
Telephone Number:	(907) 262-9107
Facsimile Number:	(907) 262-1245
E-mail address:	<u>tboedeker@ci.soldotna.ak.us</u>

¹Since the "Petitioner" and "City" are the same in this proceeding, the terms are used interchangeably in this Petition.

SECTION 3. NAME AND CLASS OF THE CITY GOVERNMENT THAT IS THE SUBJECT OF THE PROPOSED ANNEXATION.

The name and class of the city to which annexation is proposed is the City of Soldotna ("City"), a first class city in the State of Alaska.

SECTION 4. GENERAL DESCRIPTION OF THE NATURE OF THE PROPOSED ANNEXATION.

The Petitioner requests the Alaska Local Boundary Commission to grant this Petition for annexation upon unanimous consent of the owner of the property proposed for annexation² upon which there are no other registered resident voters residing on that property.

SECTION 5. GENERAL DESCRIPTION OF THE TERRITORY PROPOSED FOR ANNEXATION.

The territory proposed for annexation is generally described as: Derkevorkian Subdivision, Wackler Addition, Soldotna, Alaska.

SECTION 6. STATEMENT OF REASONS FOR THE PROPOSED BOUNDARY CHANGE.

The Petitioner seeks annexation of the territory generally described in Section 5 for the following reasons:

The City of Soldotna is petitioning the LBC to annex 1.722 acres of property on behalf of the property owner. On December 27, 2006, the City received a signed and notarized "Petition by Property Owner for Annexation to the City of Soldotna" dated December 27, 2006, from the property owner, Joseph Wackler. Mr. Wackler is the sole owner of record of the 1.6-acre parcel and operates a seasonal lodge with six rental cabins on the property. There are no other registered resident voters residing on the property. The subject property adjoins the city limits and is located in an unincorporated area of the Kenai Peninsula Borough. The additional 0.127 acres is comprised of a right-of-way adjoining the 1.6 acre parcel and is identified in Exhibit C.

Mr. Wackler submitted his petition following a request he made to the Soldotna Planning and Zoning Commission to combine the 1.6-acre parcel with an adjoining lot that he owns that is located inside city limits to create one large parcel of property. In order to combine his two lots, a condition of the replat is that the property be annexed to the City in order to prevent the situation where one portion of the lot would lie inside the city while the other half of the lot is outside the city, which presents challenges in administering city regulations to a parcel that is not fully within the jurisdiction of the City or the Kenai Peninsula Borough.

²In 3 AAC 110.990(12) "property owner" is defined to mean "a legal person holding a vested fee simple interest in the surface estate of any real property including submerged lands; "property owner" does not include lienholders, mortgagees, deed of trust beneficiaries, remaindermen, lessees, or holders of unvested interests in land."

Annexation of this parcel will create very little impact on the City based on the small size of the lot, the fact that the lot bordering the parcel proposed for annexation is inside city limits, and the fact that there are no other resident registered voters on the parcel.

SECTION 7. LEGAL DESCRIPTIONS, MAPS, AND PLATS.

A. Legal Description of the Territory Proposed for Annexation. A written metes and bounds legal description of the territory proposed for annexation is presented as **Exhibit A**.

B. Legal Description of Proposed Post-Annexation Boundaries. A written metes and bounds legal description of the proposed post-annexation boundaries of the City is presented as **Exhibit B**.

C. Maps and Plats. A map showing the existing boundaries of the City and the boundaries of the territory proposed for annexation are presented as **Exhibit C**. Pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), plats are not required for purposes of this petition.

SECTION 8. SIZE OF THE TERRITORY.

The territory proposed for annexation is estimated to encompass approximately 1.722 acres of land.

SECTION 9. POPULATION DATA.

The population of the territory proposed for annexation is estimated to be: one (1). The population within the current boundaries of the City is estimated to be: 3869, based 2005 State Demographer estimates as stated on the DCCED website, Alaska Division of Community Advocacy, Community Database Online, http://www.commerce.state.ak.us/dca/commdb/CF_BLOCK.cfm.

SECTION 10. INFORMATION RELATING TO PUBLIC NOTICE AND SERVICE OF THE PETITION.

Exhibit D provides information relevant to public notice of this annexation proceeding, including a copy of the 30-day Pre-Ordinance Notice published pursuant to the January 11, 2007 decision of the LBC granting the City's request to follow the requirements of the December 13, 2006 proposed draft revision of 3 AAC 110.590 in lieu of the regular notice procedures in 3 AAC 110.450; and a copy of the publisher's affidavit for the notice. The information in Exhibit D also includes specifics about local media; adjacent municipal governments; places for posting notices; location(s) where the Petition may be viewed; and parties who, because of their interest in this matter, may warrant the courtesy of individual notice of the annexation proceedings.

SECTION 11. TAX DATA.

Pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), this information is not required for purposes of this petition.

SECTION 12. THREE-YEAR BUDGET PROJECTIONS.

Pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), this information is not required for purposes of this petition.

SECTION 13. EXISTING LONG-TERM CITY DEBT.

Pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), this information is not required for purposes of this petition.

SECTION 14. CITY POWERS AND FUNCTIONS.

Pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax and suspend certain procedural requirements of 3 AAC 110.420(b), this information is not required for purposes of this petition.

SECTION 15. TRANSITION PLAN.

Exhibit E presents the transition plan required under 3 AAC 110.900.

SECTION 16. COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL.

Exhibit F presents information about the current composition and apportionment of the City Council. It also describes any change to the composition and apportionment of the City Council contemplated following annexation.

SECTION 17. FEDERAL VOTING RIGHTS ACT INFORMATION.

Exhibit G provides information regarding any effects of the proposed annexation upon civil and political rights for purposes of the federal Voting Rights Act.

SECTION 18. SUPPORTING BRIEF.

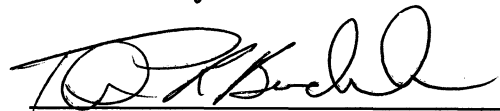
Exhibit H consists of a summary brief in lieu of detailed supporting brief pursuant to the LBC Decision of January 12, 2007, granting Petitioner's request to relax the procedural requirements of 3 AAC 110.420(b)(18), that explains how the proposed annexation satisfies the constitutional, statutory, and regulatory standards relevant to the proposed annexation.

SECTION 19. AUTHORIZATION TO FILE THE PETITION. A certified copy of the ordinance enacted by the City Council to authorize the filing of this Petition is provided as **Exhibit I**. Also included in Exhibit I is a certified copy of the petition received from the property owner (there are no other resident registered voters) consenting to annexation.

SECTION 20. PETITIONER'S AFFIDAVIT. **Exhibit J** consists of an affidavit of the Petitioner's Representative swearing or affirming that, to the best of the Representative's knowledge, information, and belief, formed after reasonable inquiry, the information in the Petition is true and accurate.

SECTION 21. ADDITIONAL RELEVANT INFORMATION. **Exhibit K** consists of additional relevant information that the Petitioner feels is necessary to assist with the evaluation of this petition by the Local Boundary Commission. The information included consists of the meeting minutes of the Soldotna Planning & Zoning Commission addressing the property owner's request; information received from the Kenai Peninsula Borough Planning Commission; and correspondence received from concerned residents regarding the Notice of Intent to File the petition for annexation.

DATED this 12th day of April, 2007.



Thomas R. Boedeker,
Petitioner's Representative

EXHIBIT A
LEGAL DESCRIPTION OF THE TERRITORY PROPOSED FOR ANNEXATION.

Oehler Subdivision Lot L-1, Resubdivision of Lots J, K, L and Record of Survey of Lots E, F, G, H, & I, located in Gov. Lot 3 NW 1/4, Sec. 32, T5N R10W, S.M., Kenai Recording District, Soldotna, Alaska.

EXHIBIT B
LEGAL DESCRIPTION OF THE PROPOSED POST-ANNEXATION BOUNDARIES OF
THE CITY

This Exhibit provides information on the legal description for the City of Soldotna boundaries following approval of this annexation petition. The attached legal description has been prepared by a professional license surveyor at the request of the Petitioner.

CITY OF SOLDOTNA

BOUNDARY LEGAL DESCRIPTION

POST ANNEXATION OF WACKLER PARCEL

The boundaries described include approximately 1.722 acres to be annexed within the corporate limits of the City including 0.127 acres of right of way (Oehler Road) and 1.595 of uplands (Lot L-1 Oehler Subdivision according to plat filed as KN 90-33).

The post-annexation corporate boundaries of the City of Soldotna are described as follows:

Commencing at the Southwest Comer of Section 36, T5N, R11W, Seward Meridian, Alaska, being the Point of Beginning; thence, East 11,218.5 feet more or less along the south township line of T5N, Basis of Bearing for this description according to BLM datum of record to the centerline of the Ski Hill Road (Old Sterling Highway); thence N 09° 41' W 497.32 feet more or less along said centerline to the point of intersection with the centerline of the Funny River Road; thence S 80° 04' E 555.00 feet more or less along the Funny River Road centerline to the point of intersection with the southerly extension of the eastern boundary of Tachick Subdivision Part Three; thence N 00° 10' 55" W 699.45 feet more or less along said eastern boundary extended to the centerline of the Kenai River, thence upstream along the centerline of the Kenai River as follows; S 75° 01' 22 E 477.37 feet more or less; thence N 69° 17' 59" E 453.99 feet more or less; thence N 59° 29' 36" E 299.87 feet more or less to the intersection with the southwest boundary of Derkvorkian Subdivision Number Two Amended; thence S 45° 08' 30" E 492.61 feet more or less along said southwest boundary to the northern right-of-way line of the Funny River Road; thence N 44° 51' 30" E 379.65 feet more or less along said R/W line to the point of beginning for a tangent curve; thence northeasterly along a curve whose center bears southeast having a central angle 20° 41' 29", a radius 557.46 feet and a curve length of 201.32 feet more or less to a point of intersection with the South 1 /16 line of Section 32, T5N, R10W, Seward Meridian, Alaska; thence N 89° 59' 30" E 913.31 feet more or less along said South 1/16 line to the Southeast 1/16 Corner of Section 32, T5N, R10W, Seward Meridian, Alaska, identical to the centerline intersection of Funny River Road and Oehler Road; thence N 00° 07' W 1320.02 feet along the centerline of Oehler Road to the Center East 1/16 Corner of Section 32, T5N, R10W, Seward Meridian, Alaska; thence N 89° 59' 30" E 155.03 feet more or less along the east-west centerline of said Section 32, identical to the centerline of Oehler Road to the point of intersection with the southerly extension of the common boundary between Lot L-1 and Lot K-1 Oehler Subdivision; thence N 00°03'33" W 293.58 feet more or less along common boundary between Lot L-1 and Lot K-1 Oehler Subdivision to the point of intersection with the ordinary high waterline of the Kenai River; thence along the southerly bank of the Kenai River following the downstream meanders of the ordinary high water as follows; S 62°00'27" W 38.47 feet more or less;

S 54°00'27"W 477.25 feet more or less; S 54°00'27" W 42.55 feet more or less to the point of intersection of said meanders and the east-west centerline of said Section 32; thence S 89°59'30" W 250.00 feet more or less across submerged lands to the point of intersection with the centerline of the Kenai River; thence along said centerline river meanders as follows: N 48°59'30"W 800.00 feet more or less; thence N 73° 52' 47 E 665.61 feet more or less, thence N 85° 33' 59" E 1485.94 feet more or less; thence S 85° 55' 22" E 701.78 feet more or less; thence S 73° 24' 56" E 1136.99 feet more or less to the north-south centerline of Section 33, T5N, R10W, Seward Meridian, Alaska; thence S 00° 02' 13" E 1369.70 feet more or less along said centerline to the point of curvature of the western R/W Line of Funny River Road; thence along a curve to the right having a central angle of 90° 02' 10", a radius of 400.00 feet, a curve length of 565.86 feet more or less and having a point of intersection identical to the Center South 1/16 Corner of Section 33, T5N, R10W, Seward Meridian, Alaska to a point of tangency situated along the northern edge of the Funny River Road and identical to the south 1/16 line to the Section 33, T5N, R10W, Seward Meridian, Alaska; thence S 89° 59' 57" W 2242.53 feet more or less along said 1/16 line to the South 1/16 Corner common with Section 33 and Section 32, T5N, R10W, Seward Meridian, Alaska; thence S 00° 07' E 1319.90 feet more or less to the Section Corner common to Section 33 and Section 32 and the township line between T5N and T4N, R10W, Seward Meridian, Alaska; thence East 10,561.87 feet more or less along the south township line of T5N to the Section Corner common to Section 34 and Section 35 of said south township line, R10W, Seward Meridian, Alaska; thence N 00° 03' 00" W 1320.06 feet more or less along the section line common to Section 34 and Section 35 to the South 1/16 Corner common to said sections; thence N 89° 58' 15" W 2637.90 feet more or less along the South 1 /16 line of Section 34, T5N, R10W, Seward Meridian, Alaska to the Center South 1/16 position; thence N 00° 03' 07" W 2409.30 feet more or less along the north-south centerline of said Section 34 to the center of the Kenai River; thence along said river centerline meanders as follows: N 60° 03' 01" E 719.96 feet more or less; thence N 67° 12' 47" E 505.28 feet more or less; thence S 76° 00' 59" E 513.27 feet more or less; thence S 68° 45' 29" E 1122.10 feet more or less to a point of intersection of the centerline of said river and the section line common with Section 34 and Section 35, T5N, R10W, Seward Meridian, Alaska; thence N 00° 03' W 6807.55 feet more or less along the section line to the Northeast Corner of Section 27, T5N, R10W, Seward Meridian, Alaska; thence N 89° 58' W 5280.38 feet more or less along the section line common to Section 27 and Section 22 to the Northwest Corner of Section 27, T5N, R10W, Seward Meridian, Alaska; thence S 00° 05' E 1318.78 feet more or less along the section line common to Section 27 and Section 28, T5N, R10W, Seward Meridian, Alaska to the North 1/16 Corner of said sections, thence N 89° 59' 30" W 5280.21 feet more or less along the North 1/16 line of Section 28 to the North 1/16 Corner common to Section 28 and Section 29, T5N, R10W, Seward Meridian, Alaska; thence S 89° 59' 30" W 5281.44 feet more or less along the North 1 /16 line of Section 29 to the North 1 / 16 Corner common to Section 29 and Section 30, T5N, R10W, Seward Meridian,

Alaska; thence N 89° 59' 30" W 3400.00 feet more or less along the north 1/16 line of Section 30 to the center of the Kenai River; thence along the centerline of the Kenai River meanders as follows: S 00° 00' 30" W 1300.00 feet more or less; thence S 26° 54' 32" W 518.61 feet more or less, thence S 46° 34' 53" W 1000.05 feet more or less; thence S 57° 11' 14" W 1054.95 feet more or less; thence S 54° 09' 03" W 1614.32 feet more or less to a point on the east-west section line common to Section 25 and Section 36, T5N, R11W, Seward Meridian, Alaska; thence N 89° 59' W 4000.00 feet more or less along said section line to the Northwest Corner of Section 36, T5N, R11W, Seward Meridian, Alaska; thence S 00° 02' E 5281.35 feet more or less along the section line common to Section 35 and Section 36 to the Southwest Corner of Section 36, T5N, R11W, Seward Meridian, Alaska thus embracing 7.383 square miles, more or less.

SURVEYOR'S CERTIFICATE

I, M. Scott McLane, hereby certify that I am licensed to practice land surveying in the State of Alaska, and that this metes and bounds description of the City of Soldotna boundaries was prepared by me or under my supervision and that all dimensional data was compiled from either survey information of record or computed therefrom, is correct to the normal standards of practice.

April 10, 2007

Date

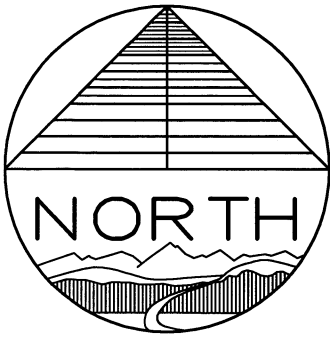


M. Scott McLane

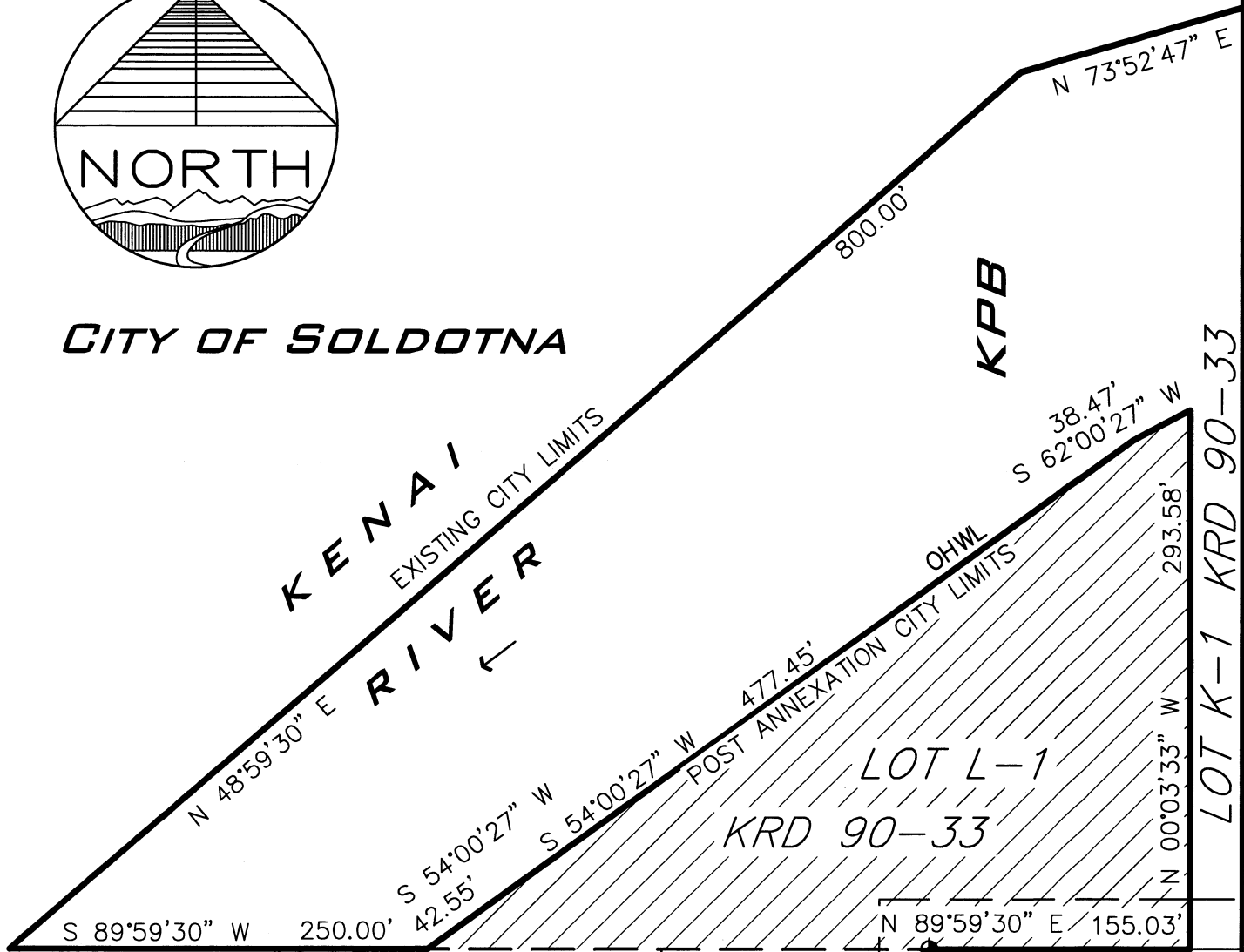
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Reg. Number

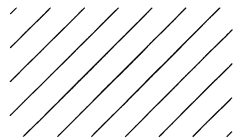




CITY OF SOLDOTNA



**CITY OF SOLDOTNA
LEGEND**



ANNEXATION AREA

KRD 77-52

LOT 3

LOT 1

CE 1/16
SEC 32

60' R/W

**DEHLER
ROAD**

KPB



PROJECT				WACKLER ANNEXATION EXHIBIT		REVISION		REV-1	
LOCATION				CITY OF SOLDOTNA		PROJECT/DRWG.		073029	
DRAWN BY	DATE	CHECKED BY	DATE	SCALE	SHEET NO.		OF		
msm	04/10/07			1" = 100'	1		1		

**EXHIBIT C
MAPS AND PLATS**

A map showing the existing boundaries of the City and the boundaries of the territory proposed for annexation are presented in this Exhibit.

Also attached is a copy of the preliminary plat received from the Kenai Peninsula Borough Planning Commission regarding the subject territory proposed for annexation.

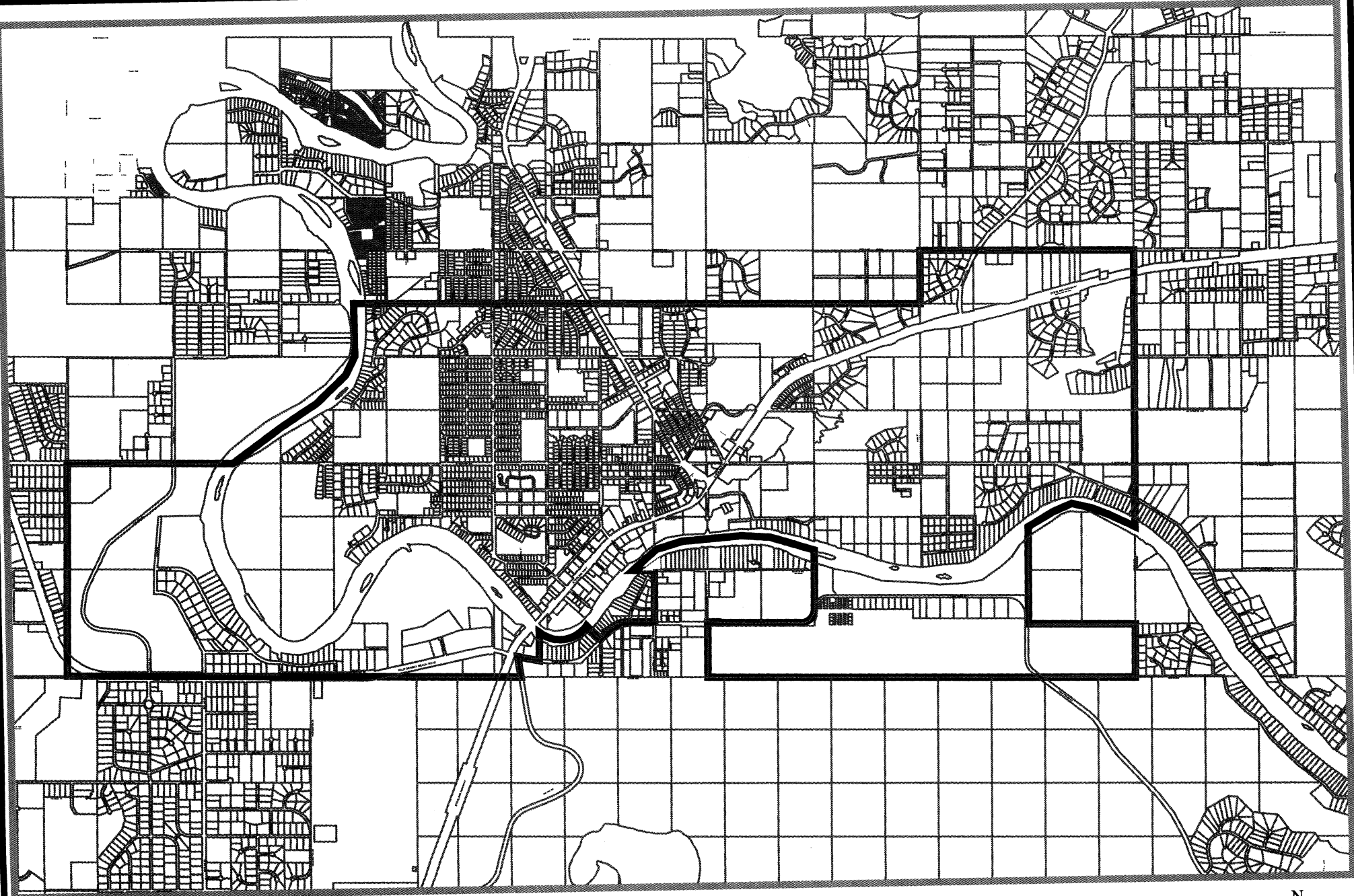


EXHIBIT C:
EXISTING BOUNDARIES OF CITY OF SOLDOTNA
AND BOUNDARIES OF TERRITORY FOR ANNEXATION

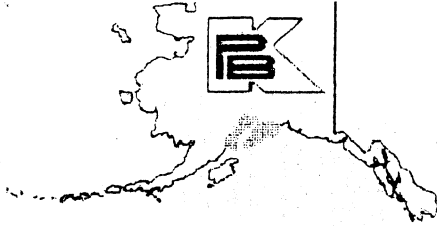
Legend



CITY LIMITS

PROPOSED BOUNDARIES OF ANNEXATION





KENAI PENINSULA BOROUGH

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

PHONE: (907) 714-2200 • FAX: (907) 714-2378

Toll-free within the Borough: 1-800-478-4441, Ext. 2200

www.borough.kenai.ak.us

JOHN J. WILLIAMS
BOROUGH MAYOR

KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within the parent subdivision or within 600 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided.*

Proposed subdivision under consideration is described as follows:

Derkevorkian Subdivision Wackler Addn.

KPB 2007-013

[McLane/Wackler]

Location: City of Soldotna

Please Turn Over For Map

The location of the proposed subdivision is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, January 22, 2007**, commencing at **5:30**, or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the Kenai Peninsula Borough, 144 North Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, January 19, 2007**. [Written comments may also be sent by Fax to 907-714-2378]

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Resource Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll
Platting Officer

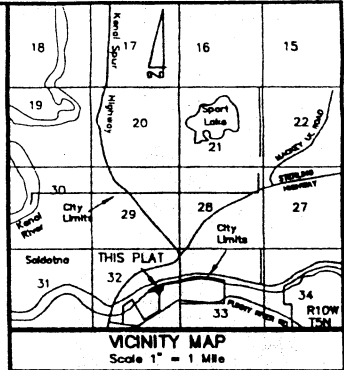
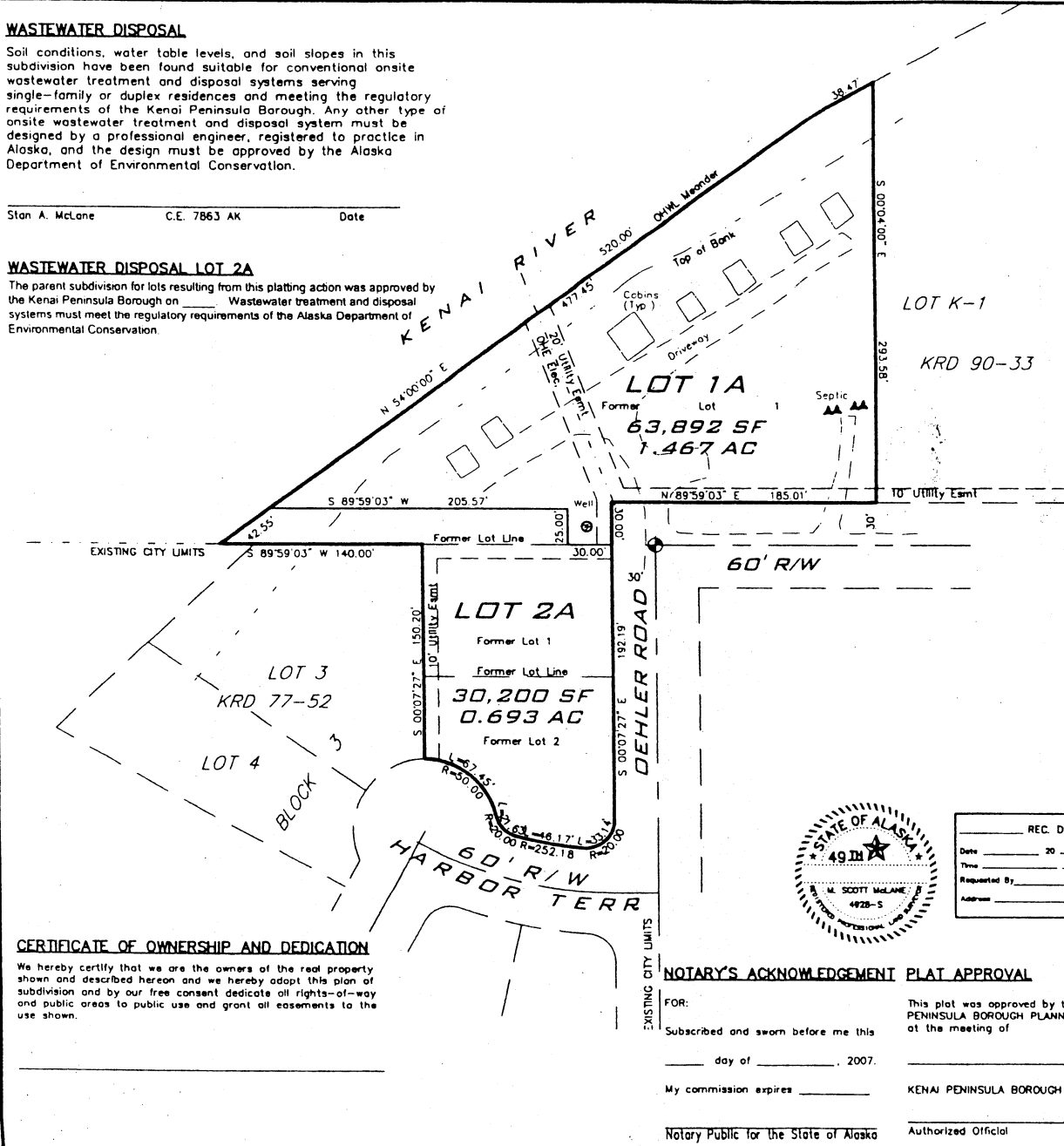
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date _____

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____ Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



- NOTES**
- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
 - 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
 - 3) Lots within this subdivision may be located within a designated flood hazards area. If such is the case, development must comply with Title 21, Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
 - 4) The natural meanders of the ordinary high water of the Kanal River form the true bounds of Tract 1A and 2A. The meander line shown hereon is for survey computations only.
 - 5) **BUILDING SET BACK.** A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
 - 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 Borough Code of Ordinances.
 - 7) In accordance with KPB Chapter 20.080 050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
 - 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
 - 9) No buildings allowed within the parhandle portion of Lot 2A.
 - 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.



REC. DIST.
 Date: _____ 20____
 Time: _____
 Requested By: _____
 Address: _____

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____ This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ 2007.

Subscribed and sworn before me this _____ day of _____, 2007.

My commission expires _____ KENAI PENINSULA BOROUGH by _____

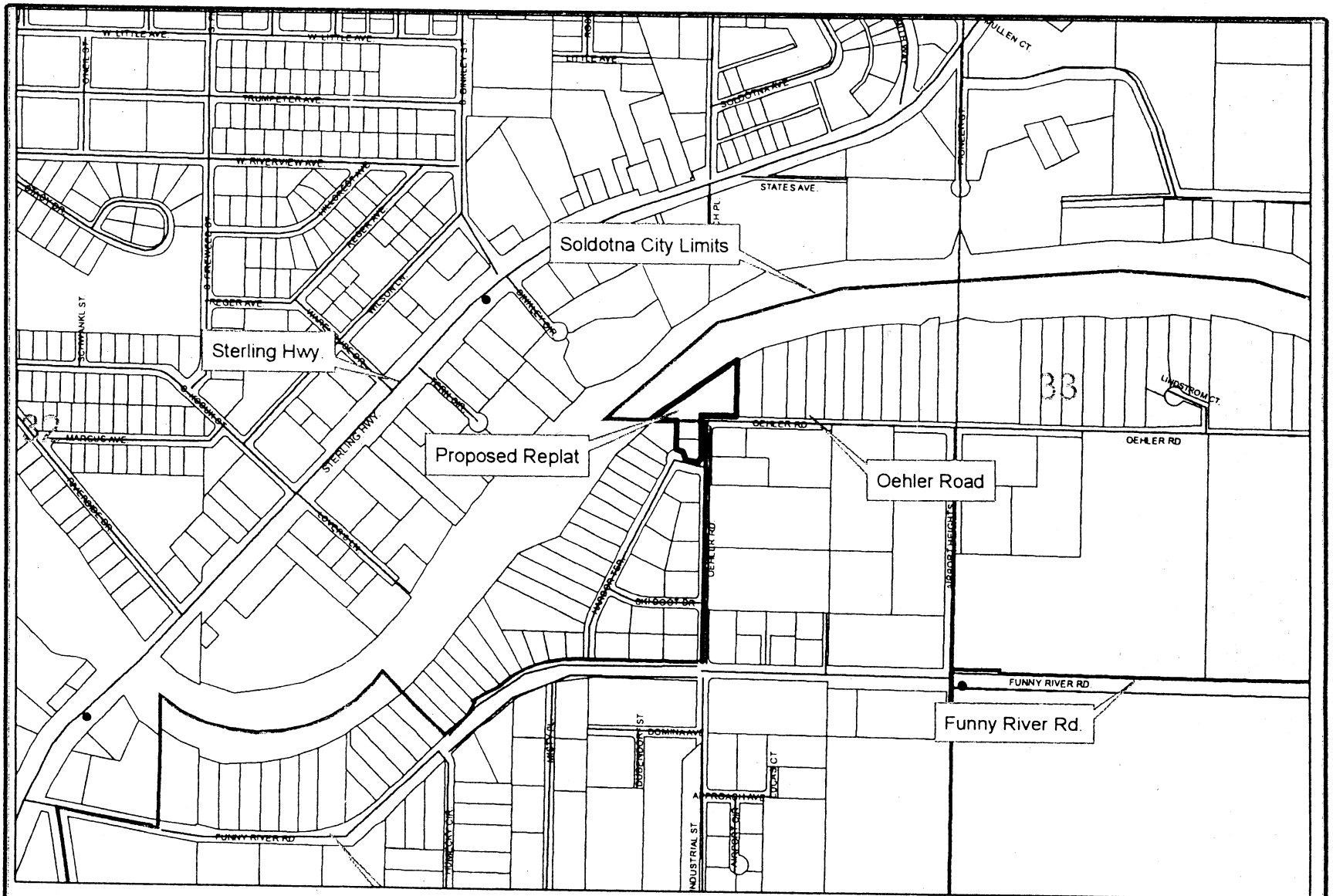
Notary Public for the State of Alaska Authorized Official _____

3007-013

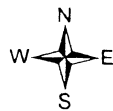
DERKEVORKIAN SUBDIVISION WACKLER ADDITION
 A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Oehler Subd.

Joe Wackler, owner
 P.O. Box 4563
 Soldotna, AK 99669 LOCATION
 2.166 AC. W/A SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.5N., R.10W., S.M., AK, THE CITY OF SELDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

	KPB FILE NO. 2007-____
	PROJECT NO. 062028
TEL 907 282 4318 FAX 907 283 3285	
SCALE 1" = 50'	DATE: DEC 2006
BOOK NO.: 06-	DRAWN BY: NSM



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



1 inch equals 731 feet

12/28/2006



**EXHIBIT D
INFORMATION RELATING TO PUBLIC NOTICE
AND SERVICE OF THE PETITION**

This Exhibit provides information relevant to public notice of this annexation proceeding. The information includes specifics about local media; adjacent municipal governments; places recommended for posting notices; location(s) where the Petition may be viewed; and parties who, because of their interest in this matter, may warrant the courtesy of individual notice of the annexation proceedings.

LOCAL MEDIA

The following is a list of the principal news media serving the territory within the current and proposed boundaries of the City:

Newspaper(s)

Peninsula Clarion
P.O. Box 3009
Kenai, AK 99611
Phone: 907-283-7551

Radio station(s)

KSRM 920 AM
40960 Kalifornsky Beach Road
Kenai, Alaska 99611
Business Office: 907-283-8700
Fax: 907-283-9177
Toll free: 1-888-872-KSRM (5776)

KWHQ 100.1 FM
40960 Kalifornsky Beach Road
Kenai, Alaska 99611
907-283-9430

KKIS 96.5 FM
40960 Kalifornsky Beach Road
Kenai, Alaska 99611
907-283-5821

KSLD 1140 AM
40960 Kalifornsky Beach Road
Kenai, Alaska 99611
907-283-9183

ADJACENT MUNICIPAL GOVERNMENTS

The following is a list of city governments and organized boroughs whose boundaries extend within 20 miles of the current or proposed boundaries of the City.

Kenai Peninsula Borough
144 N. Binkley
Soldotna, AK 99669

City of Kenai
210 Fidalgo Avenue
Kenai, AK 99611

PLACES RECOMMENDED FOR POSTING OF OFFICIAL NOTICES RELATING TO ANNEXATION

The following three or more public and prominent places within the current boundaries of the City are recommended for posting of notices concerning this annexation proposal.

- 1) Soldotna City Hall, 177 N. Birch, Soldotna, AK 99669
- 2) Soldotna Public Library, 235 N. Binkley St., Soldotna, AK 99669
- 3) United States Post Office, Soldotna Branch, 175 N. Binkley St., Soldotna, AK 99669

LOCATION(S) WHERE THE PETITION MATERIALS WILL BE AVAILABLE FOR PUBLIC REVIEW

The Petitioner proposes to comply with 3 AAC 110.460(b) by providing a full set of Petition documents for public review at the location(s) listed below which are open to the public on the days and times listed below.

- 1) Soldotna City Hall, 177 N. Birch, Soldotna, AK 99669,
Monday – Friday, 8 a.m. to 5 p.m.
- 2) Soldotna Public Library, 235 N. Binkley St., Soldotna, AK 99669
Monday - Thursday: 9:00 a.m. to 8:00p.m.
Friday: 12 :00 p.m. to 6:00 p.m.
Saturday: 9:00 a.m. to 6:00 p.m.

INDIVIDUALS AND ORGANIZATIONS THAT MAY WARRANT THE COURTESY OF INDIVIDUAL NOTICE OF THE FILING OF THE ANNEXATION PETITION

The following is a list of names and addresses of individuals and organizations whose potential interest in the annexation proceedings may warrant the courtesy of individual notice of the filing of the petition because they are listed as the record owner of properties adjoining the territory proposed for annexation.

- 1) Beall, Dixie R
P.O. Box 229
Soldotna, AK 99669
- 2) Carrol, Royce A & Sandra K
Trustees of the Carroll Family Trust

2311 Marconi Ct
San Diego, CA 92154

- 3) City Freight Lines, Inc.
C/o Val Early
P.O. Box 753
Soldotna, AK 99669
- 4) Early, Gary B. & Valarie L.
P.O. Box 753
Soldotna, AK 99669
- 5) Gibbons, Irene L.
P.O. Box 2148
Soldotna, AK 99669
- 6) Hansen, Rebecca Marie
P.O. Box 283
Soldotna, AK 99669

EXHIBIT E TRANSITION PLAN

This Exhibit presents the transition plan of the City required under 3 AAC 110.900. The transition plan includes the following:

- A. *a practical plan that demonstrates the capability of the City to extend essential city services (as determined under 3 AAC 110.970) into the territory proposed for annexation in the shortest practical time after the effective date of annexation (not to exceed two years);*
- B. *a practical plan for the assumption of all relevant and appropriate powers, duties, rights, and functions presently exercised by an existing borough, city, unorganized borough service area, or other appropriate entity in the territory proposed for annexation;*
- C. *a practical plan for the transfer and integration of all relevant and appropriate assets and liabilities of an existing borough, city, unorganized borough service area, and other entity located in the territory proposed for annexation. As required by 3 AAC 110.900, the plan for transfer and integration of all relevant and appropriate assets and liabilities has been prepared in consultation with the officials of each existing borough, city, and unorganized borough service area wholly or partially included in the territory proposed for annexation. The plan has also been designed to effect an orderly, efficient, and economical transfer within the shortest practicable time, not to exceed two years after annexation. The plan specifically addresses procedures that ensure that the transfer and integration occur without loss of value in assets, loss of credit reputation, or a reduced bond rating for liabilities.*

Additionally, this Exhibit lists the individuals consulted by the City in the development of the transition plan and notes the dates on which such consultations occurred.

Transition Plan:

The territory proposed for annexation is directly adjacent to the current boundaries of the City and lies within the unincorporated area of the Kenai Peninsula Borough. Currently, the area inside the city adjacent to the territory proposed for annexation receives the following city services: road maintenance in summer and winter, city police protection, land use regulation, building code regulations. Due to the small size of the territory proposed for annexation, the transition and extension of city services to this area will have a very small impact on both the territory and the City and extension of current city services to this area will not be difficult. All City departments and all necessary agencies, both state and borough, will be notified of the new property to the city limits.

Planning/Land Use/Zoning: The area inside city limits is adjacent to the territory proposed for annexation is currently zoned as a limited commercial district. The territory proposed for annexation is compatible with the limited commercial zone which allows low volume business, mixed residential, and other compatible uses intended to provide a transition areas between commercial and residential districts. Once annexed, a recommendation will be made to the Soldotna Planning and Zoning Commission to zone

the territory similar to the surrounding properties within thirty days following the effective date of annexation. Soldotna Municipal Code, section 17.10.215, requires that the Soldotna Planning and Zoning Commission recommend a zoning plan for any annexed lands to the City Council within 30 days after the effective date of annexation. Therefore, once annexed, the territory will be zoned in accordance with the zoning plan of the Soldotna Planning Commission shortly following the effective date of annexation.

City officials will also investigate to determine if any structures or uses presently existing on the territory proposed for annexation will be nonconforming with provisions of the Soldotna Municipal Code. If nonconformities do exist, city officials will take the appropriate steps to inform the owner of the nonconformity and what rights are afforded to the owner of a nonconformity which prior to annexation, was a legally existing use or structure, and/or provide the proper zoning and building permits to allow the use to continue. At this time, there are no known nonconformities on the subject property.

The Kenai Peninsula Borough currently holds the platting authority for the entire borough, including the incorporated cities within the borough boundaries. This authority shall remain with the KPB Planning Department.

Road Maintenance: City road maintenance will be extended without difficulty due to the close proximity and small size of the territory to be annexed. The territory is currently approximately 280 feet from the end of the City of Soldotna road maintenance area. City maintenance crews will be informed of the new area to be serviced once annexation of the area is effective. The Kenai Peninsula Borough will continue servicing the rest of the road lying in the KPB road service area pursuant to discussions with KPB Roads Director, Gary Davis.

Water/ Sewer Utilities: The territory proposed for annexation lies approximately 1300 feet from City of Soldotna water and sewer utilities. These City utilities end approximately at the intersection of Funny River Road and the west end of Oehler Road. The Kenai Peninsula Borough does not provide these utilities to borough residents and the subject property is serviced by its own water well and septic system. The City of Soldotna currently does not provide city water and sewer utilities to the area inside city limits adjacent to the territory proposed for annexation. These properties use private well and septic systems. At the present time, the City recently extended the utility connection lines in this area and has begun to serve and make these services available to this area outside city limits.

Property Tax: The Kenai Peninsula Borough currently assesses and collects property taxes for properties inside and outside organized cities in the borough. This system will not change; however, the KPB Assessing Department will be notified of the new property in the city to make sure that the property receives the proper assessment because property tax rates differ depending on whether the property is located in the borough or within city limits. A process is in place to transition the parcel to the correct tax code area so that it is within the proper tax code area for Soldotna, which will begin at the beginning of the next calendar year following the effective date of annexation.

Sales Tax: The Kenai Peninsula Borough currently has a 2% sales tax throughout the borough. The City of Soldotna has a sales tax in the amount of 3%. Once annexed, the subject property will be under a combined 5% sales tax. Because the property owner

requesting annexation operates a lodge on the property, the lodge will be subject to the additional City of Soldotna sales tax rate of 3%.

Law Enforcement: The territory proposed for annexation lies within the law enforcement protection area of the Alaska State Troopers and the Kenai Peninsula Borough Central Emergency Services (CES) area for fire and paramedic response. Once annexation becomes final, the City will notify the Alaska State Troopers and the Soldotna Police Department that the subject property lays inside city jurisdiction. Central Emergency Services currently serves the City of Soldotna as well as borough areas outside the City. This service arrangement will not change and the territory will continue to lie within the CES service area.

The City will assume no assets or liabilities as a result of annexation. The territory proposed for annexation is privately-owned and contains no public infrastructure for which Petitioner may gain as either an asset or liability.

The following individuals were consulted with regarding the transition needs for the territory proposed for annexation: Max Best, Kenai Peninsula Borough Planning Director, consulted regarding planning, platting, legal descriptions, and land use needs; Gary Davis, Kenai Peninsula Roads Department Director, regarding borough road service area and transfer of service area to the City; Shane Horan, Kenai Peninsula Borough Assessing Department; Sherry Biggs, Kenai Peninsula Borough Clerk; and Chris Clough, GIS Department. These consultations occurred during January, February, and March, 2007.

This transition process is estimated to be complete with a few months of the effective date of annexation and following preclearance by the U.S. Department of Justice. It is estimated that the City will at the most, no longer than January 1st of the next year following annexation for taxing and property assessment purposes. Once annexation is effective, the City will work with the Kenai Peninsula Borough to ensure that all affected departments are made aware of the boundary change. This includes the Borough Assessing Department, Planning Department, GIS Department, Borough Roads Department, the Borough Clerk's Office, and others as necessary.

EXHIBIT F
COMPOSITION AND APPORTIONMENT OF THE CITY COUNCIL

This Exhibit presents information about the current composition and apportionment of the City Council. It also describes any change to the composition and apportionment of the City Council contemplated following annexation.

The Soldotna City Council is the legislative body of the City of Soldotna, and is comprised of six members, all of whom are elected at-large to designated seats. A council member's term is three years. The following is a list of the current composition of the Soldotna City Council.

Council Members	Seat	Current Term Ends
Council Member Jim A. Stogsdill (Vice-Mayor)	A	2009
Council Member Shane Horan	B	2008
Council Member Betty Obendorf	C	2009
Council Member Jane M. Stein	D	2007
Council Member Ed G. Sleater	E	2007
Council Member M. Scott McLane	F	2008

There are no changes to the composition or apportionment of the City Council contemplated following this annexation based upon the size of the annexation both in area and population.

EXHIBIT G
FEDERAL VOTING RIGHTS ACT INFORMATION

This Exhibit provides Information regarding any effects of the proposed annexation upon civil and political rights for purposes of the federal Voting Rights Act. This information includes the following:

- A. *the purpose and effect of annexation as it pertains to voting;*
- B. *the extent to which the annexation excludes minorities while including other similarly situated persons;*
- C. *the extent to which annexation reduces the City's minority population percentage;*
- D. *whether the electoral system of the City fails fairly to reflect minority-voting strength;*
- E. *participation by minorities in the development of the annexation proposal;*
- F. *designation of an Alaska Native for U.S. Department of Justice contact regarding the proposed annexation;*
- G. *statement concerning the understanding of English in written and spoken forms among minority residents of the City and the territory proposed for annexation.*

Explanation:

This annexation is anticipated to have little impact, if any, on voting and voting rights within the City of Soldotna because there are no other resident registered voters besides the property owner in the territory proposed for annexation. No minorities will be excluded because it is only the property owner who will be added to the voting population of the City and the property owner does not have minority status. There are no other resident registered voters in the territory proposed for annexation. Therefore, the City's minority population percentage shall not be significantly affected by this annexation.

EXHIBIT H SUPPORTING BRIEF

This Exhibit consists of a supporting brief that provides a summarized explanation of how the proposed annexation satisfies each constitutional, statutory, and regulatory standards that are relevant to the proposed annexation pursuant to the decision of the LBC dated January 12, 2007, relaxing the requirements of 3 AAC 110.420(b)(18) to allow a summary brief in lieu of a detailed analysis.

SUMMARY BRIEF:

Reasonable Need: The area proposed for annexation is currently in the process of being replatted/re-subdivided with adjacent property that is inside the current City of Soldotna corporate boundaries to create one larger parcel of property. See Exhibit K. If the territory is not annexed, there will result a parcel of land that lays half-inside and half-outside the city boundaries. This may create difficulties and inconsistencies in the ability to regulate the property because of this division. For instance, the City of Soldotna engages in land use zoning and regulation whereas the Kenai Peninsula Borough does not. This alone can present issues for a property owner wishing to develop property. It also presents enforcement issues for the separate governments having jurisdiction over part of a property and not the whole because a portion of the lot, once replatted, will be subject to regulations of the City of Soldotna. Furthermore, the property owner initiated this process and agrees to the annexation to facilitate the full development of his property. These factors demonstrate a reasonable need for city government exists pursuant to 3 AAC 110.090. Annexation of the proposed territory will create consistency in the provision of government services and reduce confusion in regulation issues by placing the territory under the jurisdiction of one local government.

Character: As stated in the transition plan (see Exhibit E), the territory proposed for annexation is compatible in character with the annexing city. Specifically, the city property adjacent to the territory proposed for annexation is zoned "limited commercial." The limited commercial zone allows low-volume business, mixed residential, and other compatible uses intended to provide a transition areas between commercial and residential districts. The property owner currently resides upon and operates a fishing lodge on the territory proposed for annexation. There is one main lodge, which doubles as a residence, and six small rental cabins that house clients during the summer fishing months. This use is compatible with the limited commercial zone, which allows this type of activity and therefore is compatible with the character of the City of Soldotna pursuant to 3 AAC 110.100.

Resources, Population, & Boundaries: Pursuant to 3 AAC 110.110, the territory proposed for annexation contains the human and financial resources necessary to provide essential city services on an efficient cost-effective level. As stated above, the property owner operates a lodge on the subject property, which is only 1.6 acres in size. This will generate sufficient revenue through property and sales taxes to provide necessary city services to the area once annexation becomes effective. Based upon this current use, there is also sufficient population to support extension of city government to this territory pursuant to 3 AAC 110.120. Furthermore, pursuant to 3 AAC 110.130, the 1.6 acres of territory proposed for annexation includes all land and

water necessary to provide the full development of essential city services to the area. This territory proposed for annexation is adjacent to the Petitioner and is already developed to support a residence and seasonal fishing lodge. The subject property does not include large, unpopulated, geographical regions pursuant to 3 AAC 110.130(d). The area proposed for annexation is contiguous to the city boundaries as shown in Exhibits C and K, and will not create enclaves in the expanded boundaries of the City pursuant to 3 AAC 110.130(b).

Unanimous Consent of the Property Owner: In accordance with AS 29.06.040 and 3 AAC 110.150(2), the annexation of the proposed territory is with unanimous consent of the property owners proposed for annexation and all registered voters residing on the property and approval by the Soldotna City Council, see Exhibit I.

Civil Rights: The proposed annexation will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin. As stated previously in this petition, the proposed area of annexation does not contain any other registered resident voters except for the property owner, who has consented to this annexation. Should the population of the area increase to include more resident registered voters following annexation, then those individuals will receive the benefit of participating in city elections, nor will they be denied the enjoyment of any other civil or political right because of race, color, creed, sex, or national origin.

Best Interests: This annexation is in the best interests of the state pursuant to Article 10 of the Alaska Constitution and AS 29.06.040(a) by promoting a minimum number of local government units on the property and maximizes local self-government based on the reasons stated throughout this petition and summary brief. As discussed above, the territory proposed for annexation is in the process of being replatted with property which is currently within city boundaries. If annexation is not approved, then the property will be divided between the City of Soldotna and the Kenai Peninsula Borough, which will increase the number of local government units regulating the territory proposed for annexation.

EXHIBIT I AUTHORIZATION

Attached to this Exhibit I are the documents providing necessary authorization for this petition for annexation; including a certified copy of the ordinance enacted by the City Council to authorize the filing of this Petition, and a certified copy of each petition received from all property owners and resident registered voters consenting to annexation.

- 1) Certified Copy of Ordinance 2007-06 – Authorizing a Proposal for Annexation of 1.722 Acres of Territory to the City of Soldotna (*as amended*); approved by Soldotna City Council on at the regularly scheduled meeting held on April 11, 2007 and effective immediately. (Attached hereto.)

- 2) Certified Copy of Petition Received from Property Owner Consenting to Annexation entitled “Petition by Property Owner for Annexation to the City of Soldotna.”

The undersigned hereby certifies that this document entitled Ordinance 2007-06 is a True and Correct Copy of the Official Record of the City of Soldotna on file in the City Clerk's Office.

12th Signed at Soldotna, Alaska this day of April, 2007.
Teresa Fahning
City Clerk

Introduced By:	City Manager
First Reading:	February 28, 2007
Second Reading:	March 14, 2007
Action:	Postponed to April 11, 2007
Vote:	5 Yes, 0 No, 1 Absent
Date:	April 11, 2007
Action:	Amended, Enacted as Amended
Vote:	5 Yes, 1 Abstention, 0 No

CITY OF SOLDOTNA
ORDINANCE 2007-06

AN ORDINANCE AUTHORIZING A PROPOSAL FOR ANNEXATION OF
APPROXIMATELY 1.722 ACRES OF
TERRITORY TO THE CITY OF SOLDOTNA

WHEREAS, the owner of the territory proposed for annexation recently petitioned the City of Soldotna to annex his property generally known as Lot L-1, Derkevorkian Subdivision Wackler Addition, consisting of approximately 1.722 acres, to the City of Soldotna; and

WHEREAS, the territory proposed for annexation exhibits a reasonable need for city government; and

WHEREAS, services determined to be essential city services under 3 AAC 110.970 can be provided more efficiently and more effectively by the City (Petitioner) than by another existing city or by an organized borough on an area-wide basis or non-area-wide basis, or through an existing borough service area; and

WHEREAS, the territory proposed for annexation is compatible in character with the annexing city; and

WHEREAS, the economy within the proposed expanded boundaries of the City include the human and financial resources necessary to provide services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level; and

WHEREAS, the population within the proposed expanded boundaries of the City are sufficiently large and stable to support the extension of city government; and

WHEREAS, the proposed expanded boundaries of the City include all land and water necessary to provide the full development of services determined to be essential city services under 3 AAC 110.970 on an efficient, cost-effective level; and

WHEREAS, the territory proposed for annexation is contiguous to the existing boundaries of the City and would not create enclaves in the expanded boundaries of the City; and

WHEREAS, the proposed expanded boundaries of the City include only that territory comprising an existing local community, plus reasonably predictable growth, development, and public safety needs during the 10 years following the effective date of annexation; and

WHEREAS, the proposed expanded boundaries of the City do not include entire geographical regions or large unpopulated areas, except where justified by the application of the standards in 3 AAC 110.090 - 3 AAC 110.135; and

WHEREAS, if the Petition describes boundaries overlapping the boundaries of an existing organized borough, it will address the procedures and the standards for either annexation of the

enlarged city to the existing organized borough or detachment of the enlarged city from the existing organized borough; and

WHEREAS, annexation to the City is in the best interests of the state under AS 29.06.040(a) and 3 AAC 110.980; and

WHEREAS, the territory proposed for annexation meets the annexation standards specified in 3 AAC 110.090 - 3 AAC 110.135; and

WHEREAS, all property owners in the territory proposed for annexation, as defined by 3 AAC 110.990(12), and all registered voters residing on that property have petitioned the City Council for annexation in accordance with AS 29.06.040(c); and

WHEREAS, the proposed annexation to the City will not deny any person the enjoyment of any civil or political right, including voting rights, because of race, color, creed, sex, or national origin; and

WHEREAS, the Petitioner has prepared a proper transition plan under 3 AAC 110.900; and

WHEREAS, other constitutional principles are served by the annexation proposal, such as the equal-protection clause and the equal-responsibility clause of Article I, section 1 of the Constitution of the State of Alaska and the maximum local self-government clause and minimum of local government units clause of Article X, section 1 of the Constitution of the State of Alaska;

NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY OF SOLDOTNA, ALASKA:

Section 1. Authorization. That the City Manager is authorized to file a petition with the Alaska Local Boundary Commission for annexation using the method of annexation set out in AS 29.06.040(c)(4). The petition shall propose the annexation of the territory generally described as Derkevorkian Subdivision Wackler Addition, Lot L-1, as shown on the map attached hereto as "Attachment A", incorporated herein by this reference.


The legal boundary description of the territory proposed to be annexed is: Oehler Subdivision Lot L-1, Resubdivision of Lots J, K, L and Record of Survey of Lots E, F, G, H, & I, located in Gov. Lot 3 NW 1/4, Sec. 32, T5N R10W, S.M., Kenai Recording District, Soldotna, Alaska.

Section 2. Petitioner's Representative. That the City Manager is designated as the representative of the City for all matters relating to the annexation proceeding.

Section 3. Terms and Conditions. That the annexation will be on the terms and conditions contained in the City of Soldotna's annexation petition as recommended by the Local Boundary Commission.

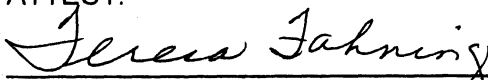
Section 4. Effective Date. That this ordinance shall become effective immediately.

ENACTED BY THE CITY COUNCIL THIS 11th DAY OF APRIL, 2007.



David R. Carey, Mayor

ATTEST:



Teresa Fahning, CMC, City Clerk

**PETITION BY PROPERTY OWNER FOR ANNEXATION
TO THE CITY OF SOLDOTNA**

Subject to approval by the Local Boundary Commission of a petition from a city government, AS 29.06.040(c)(3) allows territory adjoining the petitioning city government to be annexed to that city if all owners of the property proposed for annexation¹ and all registered voters residing on that property first petition the governing body of that city for annexation.

Petitioner, Joseph S. Wackler, hereby petitions the City of Soldotna for annexation of the property described below to the City of Soldotna.

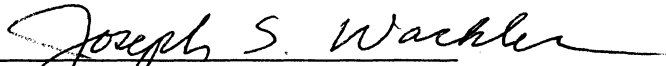
1. Legal description of the property:

Oehler Subdivision Lot L-1, Resubdivision of Lots J, K, L and Record of Survey of Lots E, F, G, H, & I, located in Gov. Lot 3 NW 1/4, Sec. 32, T5N R10W, S.M., Kenai Recording District, Soldotna, Alaska.

2. Petitioner is the sole owner of record and there are no resident registered voters currently living on the property which adjoins the corporate limits of the City of Soldotna.

PETITIONER RESPECTFULLY REQUESTS that the above described property be annexed to the City of Soldotna.

Dated this 27th day of December, 2006.

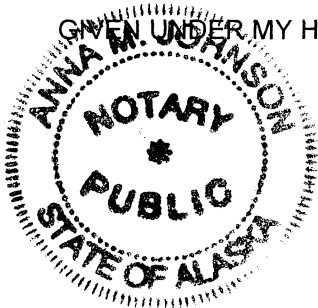



Joseph S. Wackler,
Petitioner

State of Alaska)
) ss.
Third Judicial District)

THIS IS TO CERTIFY that on 27 day of December, 2006, Joseph S. Wackler, Petitioner, personally appeared before me, known to me to be the individual described in and who executed said instrument freely and voluntarily for the uses and purposes therein mentioned.


GIVEN UNDER MY HAND and official seal the day and year last written above.





Notary Public in and for the State of Alaska
My Commission Expires: 6-3-2009

¹In 3 AAC 110.990(12) "property owner" is defined to mean "a legal person holding a vested fee simple interest in the surface estate of any real property including submerged lands; "property owner" does not include lienholders, mortgagees, deed of trust beneficiaries, remaindermen, lessees, or holders of invested interests in land."

The undersigned hereby certifies that this document is a True and Correct Copy of the Official Record of the City of Soldotna on file in the City Clerk's Office.
Signed at Soldotna, Alaska this 4th day of April, 2007.


City Clerk

**EXHIBIT J
AFFIDAVIT CONCERNING THE SOURCE
AND ACCURACY OF THE INFORMATION IN THE PETITION**

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

I, THOMAS R. BOEDEKER, representative of the Petitioner for annexation, being sworn, state the following:

The legal descriptions, maps, and plats in Section 7 of the Petition were prepared by: Scott McLane, Professional Licensed Surveyor in the State of Alaska, of McLane Consulting Group, who prepared the post-annexation legal boundary description for the City of Soldotna; information provided by the property owner to the City and Kenai Peninsula Borough; Anna M. Johnson, Planning & Zoning Administrative Officer for the City of Soldotna.

The size of the territory proposed for annexation stated in Section 8 of the Petition was estimated by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna, based upon information provided in the parcel information from the Borough Assessor's Office and information provided on the maps provided by the property owner to the City and Kenai Peninsula Borough.

The population of the territory proposed for annexation stated in Section 9 of the Petition was estimated by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna. The population within the current boundaries of the City was estimated by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna, based on information received from the property owner.

Information relating to public notice and service of the petition in Exhibit D was provided by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna.

The transition plan presented in Exhibit E was prepared by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna.

Information in Section 16 of the Petition concerning composition and apportionment of the City Council was prepared by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna.

Information in Section 17 of the Petition concerning the federal Voting Rights Act was prepared by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna.

The supporting brief in Exhibit H of the Petition was prepared by: Leila Kimbrell, Special Projects & Research Assistant to the City Manager for the City of Soldotna.

All property owners in the territory proposed for annexation, as defined by 3 AAC 110.990(12), and all registered voters residing on that property have petitioned the City Council for annexation in accordance with AS 29.06.040(c).

To the best of my knowledge, information, and belief, formed after reasonable inquiry, the information in the Petition is true and accurate.

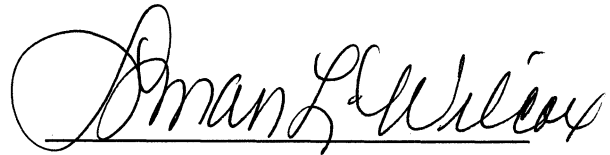
DATED this 12th day of April, 2007.



Thomas R. Boedeker,
Petitioner's Representative

SUBSCRIBED AND SWORN TO before me on this 12th day of April, 2007.

[notary seal]



Notary Public in and for Alaska

My Commission expires: 12/8/2010

EXHIBIT K
MISCELLANEOUS EXHIBITS

The following documents are included with this petition, in addition to the other documents attached hereto, that the Department of Commerce, Community, and Economic Development and Local Boundary Commission may find useful in the evaluation of this annexation petition.

- 1) Letter dated December 29, 2006, from the City of Soldotna to the Local Boundary Commission requesting relaxation and suspension of procedural requirements set forth in 3 AAC 110.400 – 3 AAC 110.660. *(This request was approved orally on the record following a vote of the Commissioners at the LBC meeting held January 12, 2007.)*
- 2) Public Notice of Intent to File Petition for Annexation of 1.6 Acres to the City of Soldotna Upon Unanimous Consent of Property Owner
- 3) Notices Sent to Property Owners Abutting Boundaries Proposed for Annexation dated January 31, 2007, required by proposed draft revision of 3 AAC 110.590 (as proposed by LBC on December 13, 2006).
- 4) Correspondence dated January 31, 2007, received from a concerned citizen in response to the annexation proposal.
- 5) Copy of "Notice of Subdivision/Replat" and the preliminary plat received from the Kenai Peninsula Borough Planning Commission regarding the subject territory proposed for annexation.
- 6) Certified Copy of the Minutes from Soldotna Planning & Zoning Commission Meeting of November 1, 2006.

EXHIBIT K
DOCUMENT 1



December 29, 2006

VIA FAX: 907-269-4539 & 1ST CLASS MAIL

Local Boundary Commission
c/o Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, Alaska 99501-3510

Re: Request to relax or suspend procedural requirements set forth
in 3 AAC 110.400 – 3 AAC 110.660.

Dear Local Boundary Commissioners:

The City of Soldotna requests the Local Boundary Commission relax or suspend certain procedural requirements of 3 AAC 110.400 – 3 AAC 110.660 for annexation by unanimous consent of a 1.6 acre parcel of land adjoining city boundaries as set forth below.

Recently, the City of Soldotna received a signed petition for annexation of a 1.6-acre parcel of land adjoining Soldotna's corporate limits. The petitioner is the sole owner of record of the property and there are no registered voters residing on the property. The owner wants to combine two of his lots, one lot lies inside city limits and one lot lies outside city limits and borders the lot inside city limits. In order to combine the two lots, the property owner has petitioned the City of Soldotna to annex the lot lying outside city limits so that the both lots, once combined, will lie inside city limits (rather than creating a single lot that, once replatted, will be one-half inside the city and one-half outside the city).

Annexation of this parcel will create very little impact on the City based on the small size of the lot, the fact that the lot bordering the parcel proposed for annexation is inside city limits, and the fact that there are no resident registered voters on the parcel. 3 AAC 110.660 allows the LBC to relax or suspend the procedural requirements in 3 AAC 110.400 – 3 AAC 110.660 if it "determines that a strict adherence to the regulations would work injustice, would result in a substantially uninformed decision, or would not serve relevant constitutional principles in the broad public interest."

For these reasons, the City of Soldotna requests that the following procedural requirements of 3 AAC 110.420(b) (Petition Form and Content) be relaxed or suspended in order to "facilitate the reasonable, speedy, and inexpensive determination" of this annexation request pursuant to 3 AAC 110.660:

- 1) Relax provisions in 3 AAC 110.420(b)(6) to require only legal descriptions and maps, but not plats;
- 2) Suspend the requirements in 3 AAC 110.420(b)(11) regarding tax data;
- 3) Suspend the requirements in 3 AAC 110.420(b)(12) regarding three-year revenue, operating and capital budgets;
- 4) Suspend the requirements in 3 AAC 110.420(b)(13) regarding existing long-term municipal debt;
- 5) Suspend the requirements in 3 AAC 110.420(b)(14) regarding the powers and functions of the city; and
- 6) Relax the requirements in 3 AAC 110.420(b)(18) to allow a summary brief in lieu of a detailed brief.

In addition to the above request, the City of Soldotna also requests the Commission relax or suspend the existing procedural requirements in 3 AAC 110.400 – 3 AAC 110.660 for a local action annexation by unanimous consent to the extent that the City of Soldotna would comply only with the requirements set forth in the December 13, 2006 proposed revisions to 3 AAC 110.590.

Approval of this request will ensure a reasonable, timely, and inexpensive determination by the Local Boundary Commission pursuant to 3 AAC 110.660.

Respectfully,



Thomas R. Boedeker,
City Manager for the City of Soldotna

TM/lk

EXHIBIT K
DOCUMENT 2



Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

Information and documents related to this proposal, including detailed maps and laws applicable to this process are available for review at Soldotna City Hall, 177 N. Birch, Soldotna, AK, Monday – Friday, 8 a.m. – 5 p.m.; and at the Soldotna Public Library, 235 N. Binkley, Soldotna, AK, Monday - Thursday: 9 a.m. – 8 p.m., Friday 12 p.m. – 6 p.m., Saturday 9 a.m. – 6 p.m.

Any interested person or legal entity may file with the LBC written comments or a responsive brief supporting or opposing the annexation petition. Responsive briefs must be filed in accordance with 3 AAC 110.480, except that **the deadline for filing responsive briefs and written comments with the LBC is 4:30 p.m. of the fourteenth (14th) day following adoption of the ordinance authorizing filing of the petition by the Soldotna City Council. Adoption of the authorizing ordinance shall occur no sooner than thirty (30) days from the date of this notice.**

Responsive briefs and comments must be received in the office below by this deadline:

**Local Boundary Commission
Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us**

*Teresa Fahning, City Clerk
Publish: 1/31/07, display*

PUBLISHER'S AFFIDAVIT

UNITED STATES OF AMERICA, }
STATE OF ALASKA } ss:

Denise Reece being first duly sworn, on oath deposes and says:

That I am and was at all times here in this affidavit mentions, Supervisor of Legals of the Peninsula Clarion, a newspaper of general circulation and published at Kenai, Alaska, that the

Notice of Intent to File

a printed copy of which is hereto annexed was published in said paper one each and every day for one successive and consecutive day in the issues on the following dates:

January 31, 2007

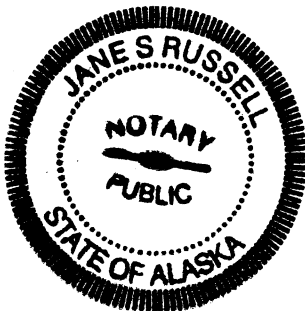
X Denise Reece

SUBSCRIBED AND SWORN to me before this 1st day of February, 2007

Jane S. Russell

NOTARY PUBLIC in favor for the State of Alaska.

My Commission expires 26-Aug-08



CITY OF SOLDOTNA PUBLIC NOTICE

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 - 3 AAC 110.150 and 3 AAC 110.900 - 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 - 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

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Responsive briefs and comments must be received in the office below by this deadline:

Local Boundary Commission
Department of Commerce, Community, and Economic
Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Teresa Fahning, City Clerk

D398/319

EXHIBIT K
DOCUMENT 3



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

Beall, Dixie R
P.O. Box 229
Soldotna, AK 99669

Physical Address: 44243 Oehler Road, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0001678 Hansen Sub Lot 2 Blk 1

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

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Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

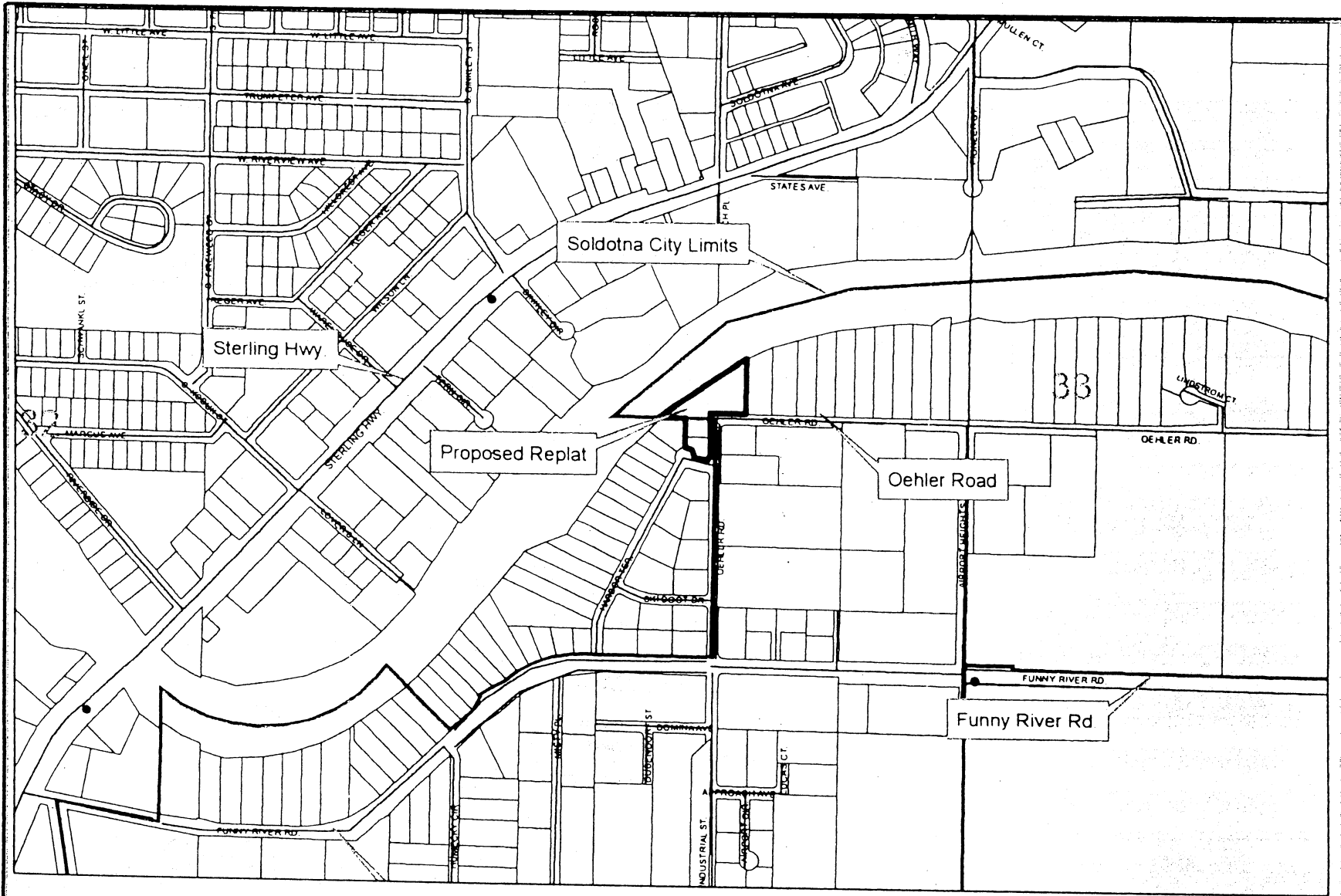
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Any interested person or legal entity may file with the LBC written comments or a responsive brief supporting or opposing the annexation petition. Responsive briefs must be filed in accordance with 3 AAC 110.480, except that **the deadline for filing responsive briefs and written comments with the LBC is 4:30 p.m. of the fourteenth (14th) day following adoption of the ordinance authorizing filing of the petition by the Soldotna City Council. Adoption of the authorizing ordinance shall occur no sooner than thirty (30) days from the date of this notice.**

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Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Date of Notice: January, 31, 2007



The information depicted hereon
 is for a graphical representation
 only of best available sources.
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1 inch equals 731 feet

12/28/2006



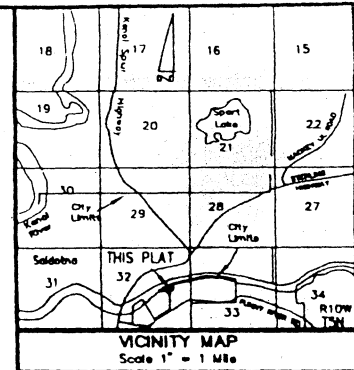
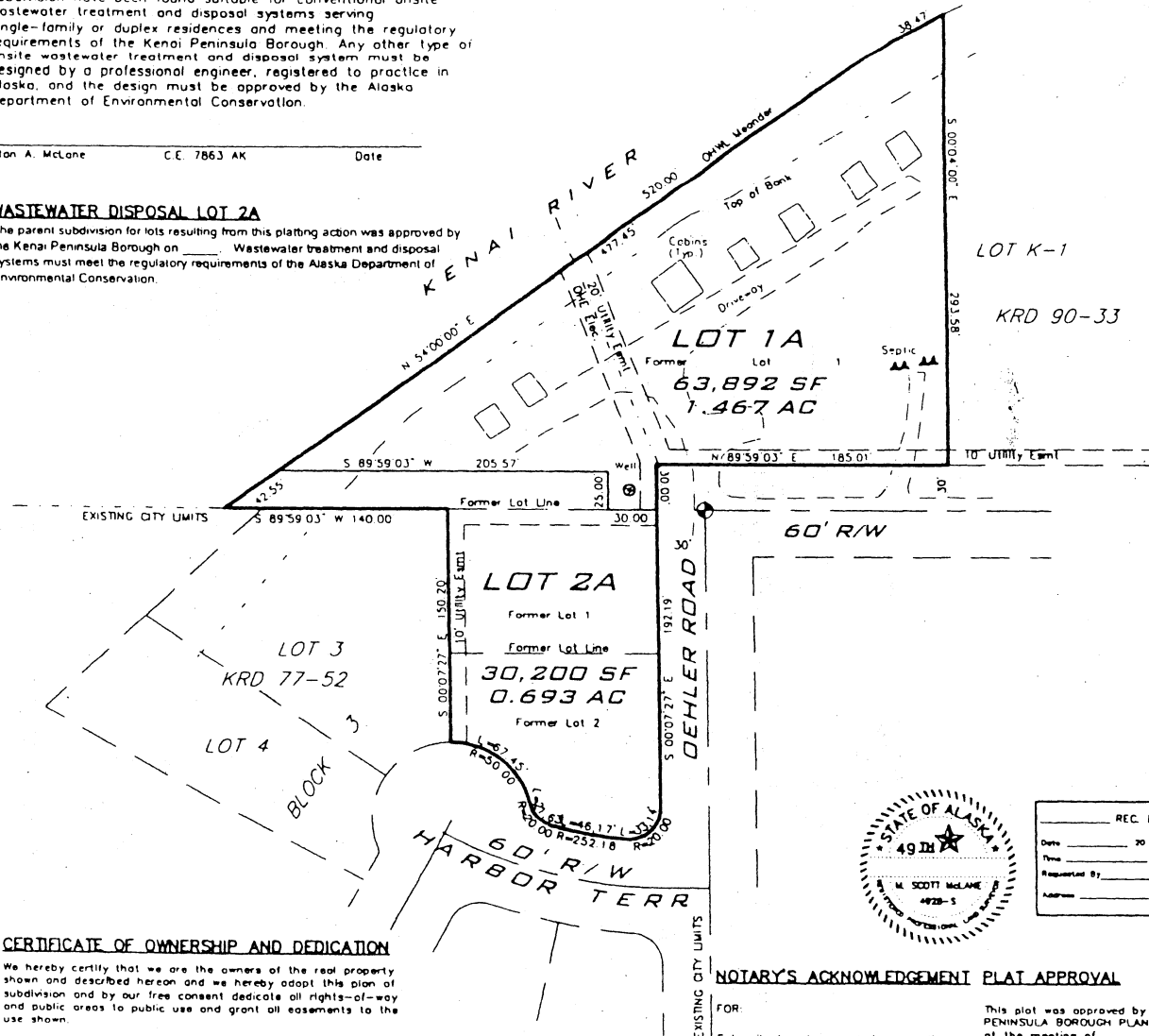
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date _____

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazard area. If such is the case, development must comply with Title 21, Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- 4) The natural meanders of the ordinary high water of the Kenai River form the true bounds of Tract 1A and 2A. The meander line shown hereon is for survey computations only.
- 5) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-foot Amphibious Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotcha.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.



REC. DIST. _____
 Date: _____ 20____
 Requested By: _____
 Address: _____

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____ This plot was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ day of _____, 2007. _____ 2007.
 My commission expires _____ KENAI PENINSULA BOROUGH by _____
 Notary Public for the State of Alaska Authorized Official _____

2007-013

DERKEVORKIAN SUBDIVISION WACKLER ADDITION
 A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.

Joe Wackler, owner
 P.O. Box 4563
 Soldotcha, AK 99689 LOCATION
 2.168 AC. W/L SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.5N., R.10W., S.W. 1/4, THE CITY OF SOLDOTHA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

P.B. No. 2007-013

	KPB FILE NO. 2007-_____
	PROJECT NO. 062028

SCALE 1" = 50' DATE: DEC 2004 BOOK NO.: 08 DRAWING NO.: 154



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

Carrol, Royce A & Sandra K
Trustees of the Carroll Family Trust
2311 Marconi Ct
San Diego, CA 92154

Physical Address: 44220 Oehler Road, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0900033 Oehler Sub and Record of Survey Lot K1

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

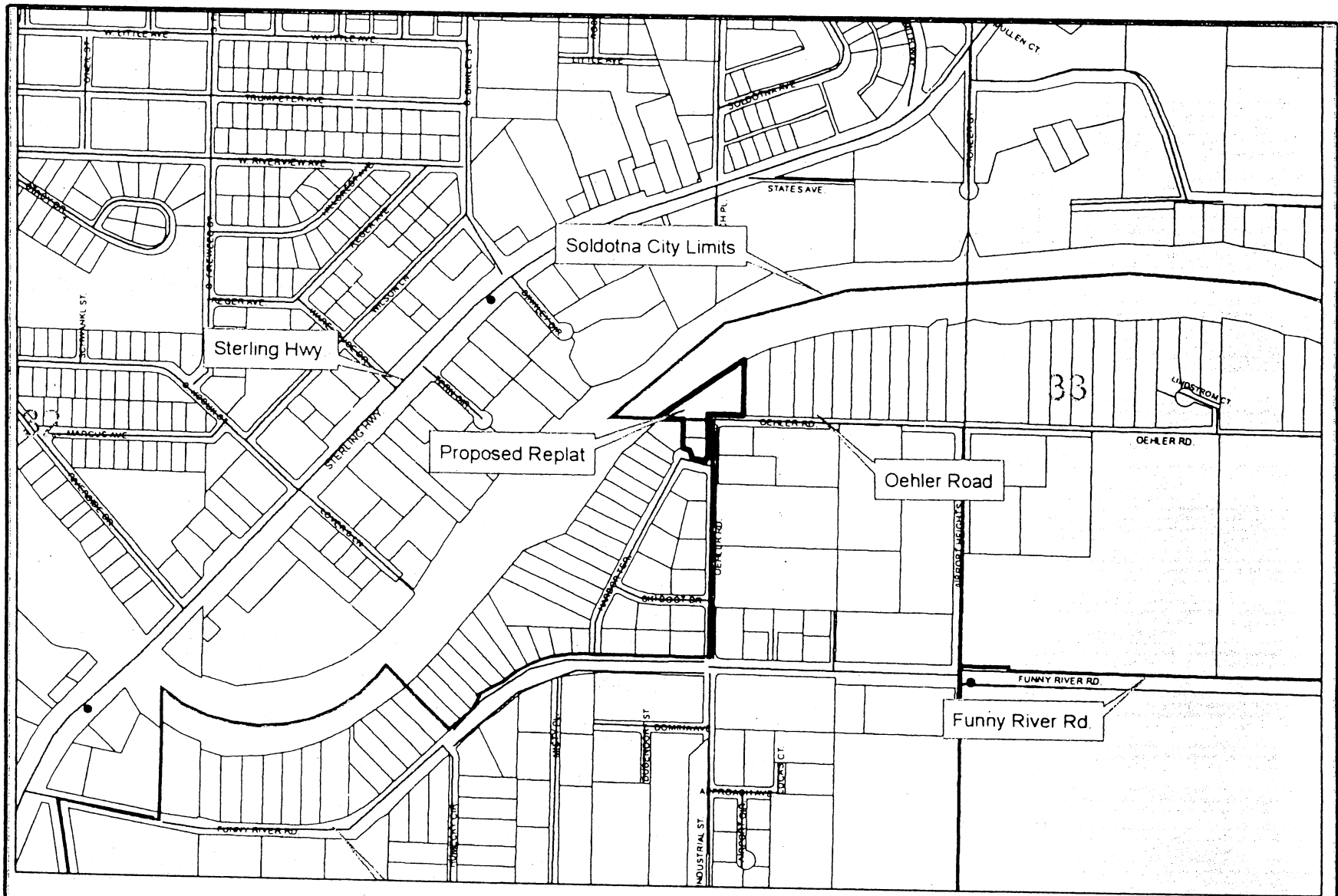
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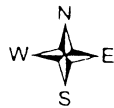
Responsive briefs and comments must be received in the office below by this deadline:

Local Boundary Commission
Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Date of Notice: January, 31, 2007



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1 inch equals 731 feet

12/28/2006



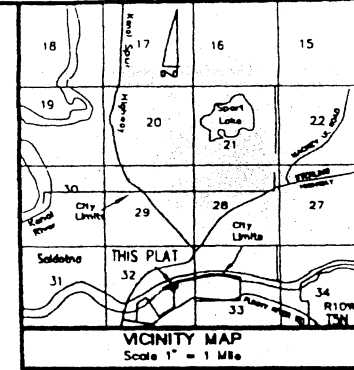
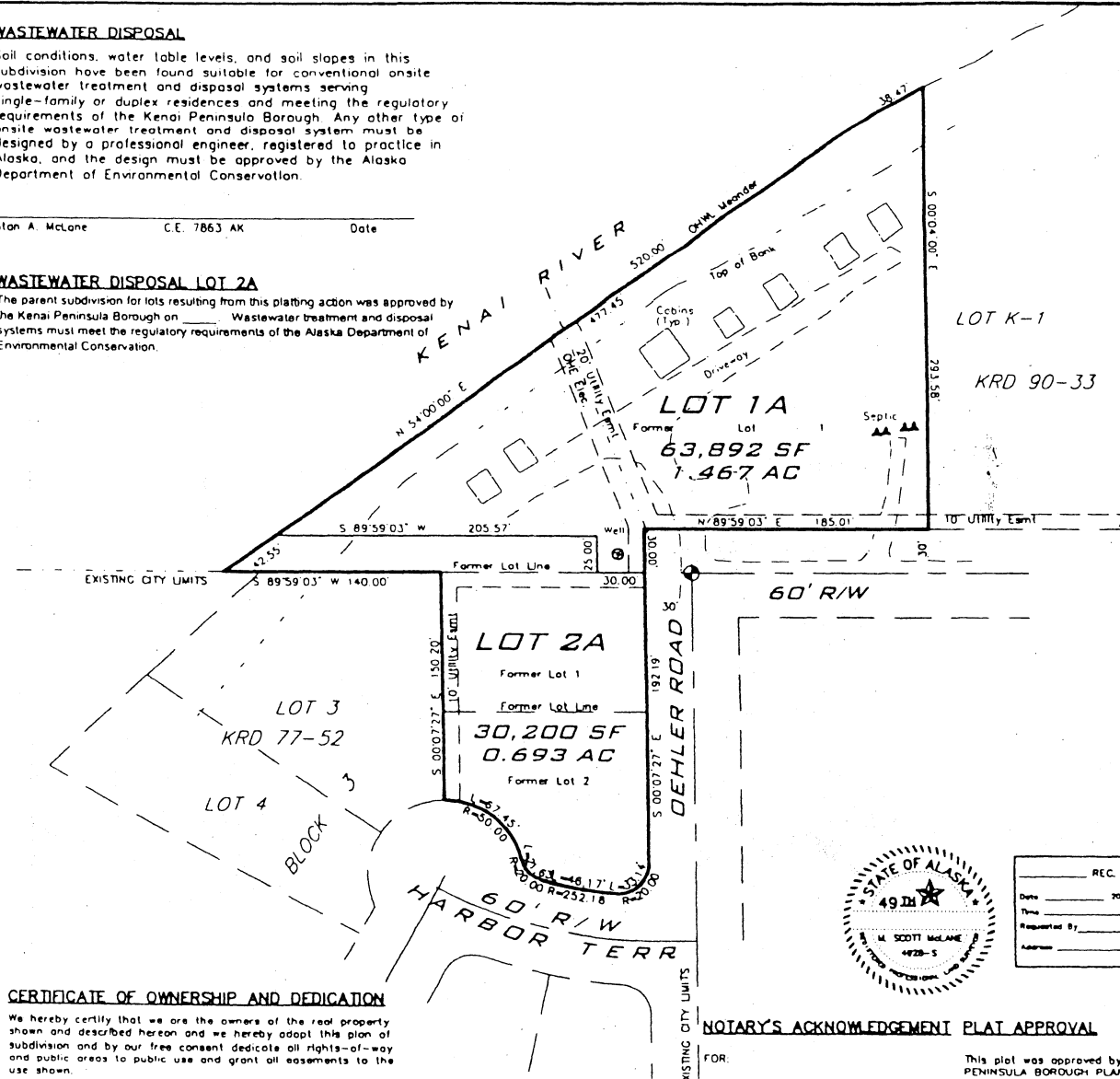
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date _____

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____ Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazards area. If such is the case, development must comply with Title 21, Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- 4) The natural meanders of the ordinary high water of the Kenai River form the true bounds of Tract 1A and 2A. The meander line shown hereon is for survey computations only.
- 5) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX 2007.



REC. DIST.
 Date _____ 20____
 Time _____
 Requested By _____
 Address _____

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____
 Subscribed and sworn before me this _____ day of _____, 2007.
 My commission expires _____
 Notary Public for the State of Alaska

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ 2007.
 KENAI PENINSULA BOROUGH by _____
 Authorized Official

2007-013

DERKEVORKIAN SUBDIVISION WACKLER ADDITION
 A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.

Joe Wackler owner
 P.O. Box 4563
 Soldotna, AK 99669 LOCATION
 2.168 AC. W/L SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.3N., R.10W., S.W., AK., THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

KPB File No. 2007-_____
 PROJECT NO. 062028
 SCALE 1" = 50' DATE: DEC 2006



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

City Freight Lines Inc.
C/O Val Early
P.O. Box 753
Soldotna, AK 99669

Physical Address: 311 Harbor Terrace, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0770052 Derkevorkian Sub. No. 2 Am. Lot 4 Blk 3

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

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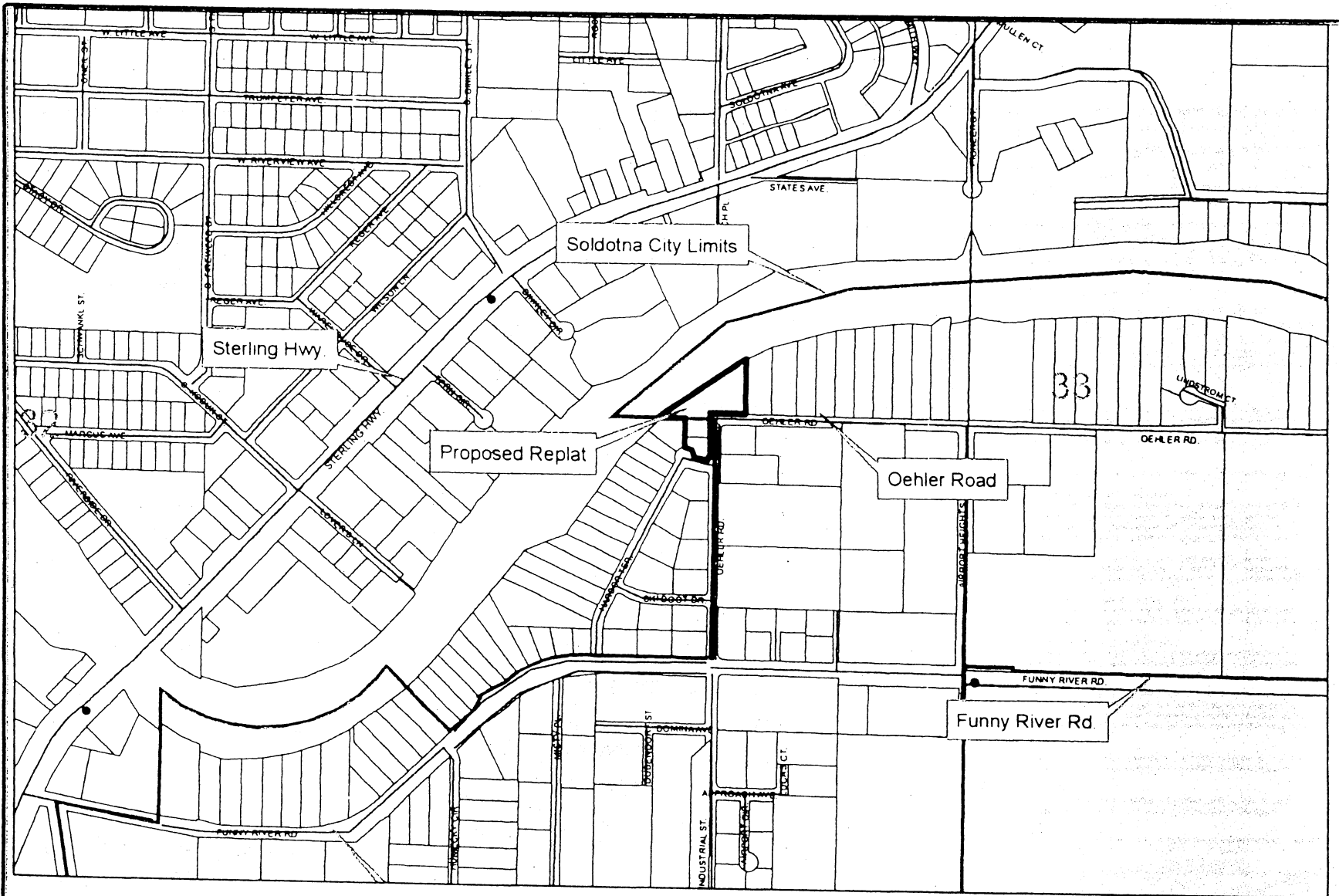
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Date of Notice: January, 31, 2007



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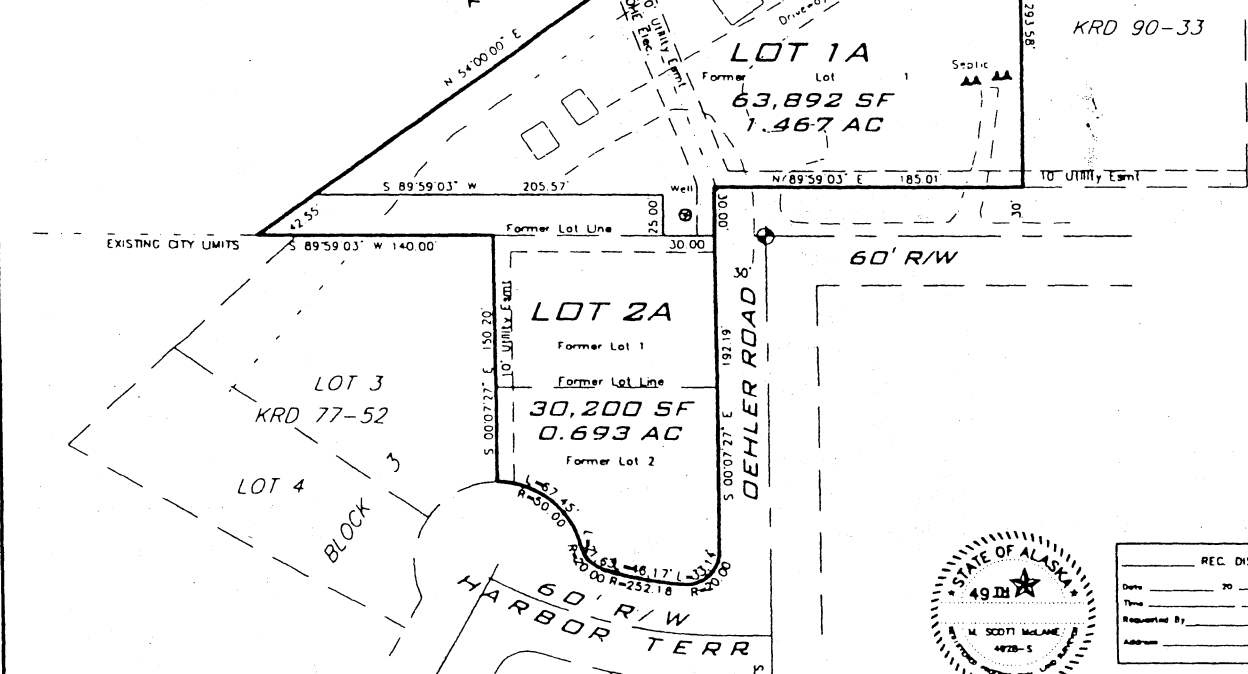
WASTEWATER DISPOSAL

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Stan A. McLane C.E. 7863 AK Date

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



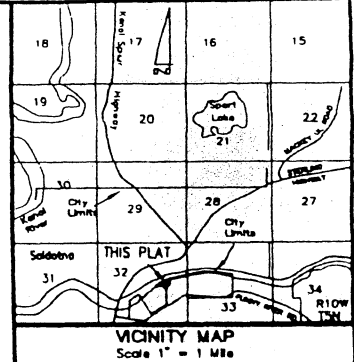
CERTIFICATE OF OWNERSHIP AND DEDICATION
 We hereby certify that we are the owners of the real property shown and described herein and we hereby adopt this plan of subdivision and by our free consent dedicate all rights-of-way and public areas to public use and grant all easements to the use shown.



NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____
 Subscribed and sworn before me this _____ day of _____, 2007.
 My commission expires _____
 Notary Public for the State of Alaska

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ 2007.
 KENAI PENINSULA BOROUGH by _____
 Authorized Official



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazards area. If such is the case, development must comply with Title 21, Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- 4) The natural meanders of the ordinary high water of the Kenai River form the true bounds of Tract 1A and 2A. The remainder shown herein is for survey computations only.
- 5) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Portions of the subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.

REC. DIST.
 Date _____ 20____
 Time _____
 Requested By _____
 Address _____

DERKEVORKIAN SUBDIVISION WACKLER ADDITION

A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.
 Joe Wackler, owner
 P.O. Box 4563
 Soldotna, AK, 99669 LOCATION
 2.166 AC. M/L SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.5N., R.10W., S.M., AK., THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

2007-013
 KPB FILE NO. 2007-_____
 PROJECT NO. 062028
 SCALE 1" = 50'
 DATE DEC 2006
 SHEET NO. 06
 DRAWN BY: MCM



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

Early, Gary B. & Valarie L.
P.O. Box 753
Soldotna, AK 99669

Physical Address: 307 Harbor Terrace, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0770052 Derkevorkian Sub. No. 2 Am. Lot 3 Blk 3

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

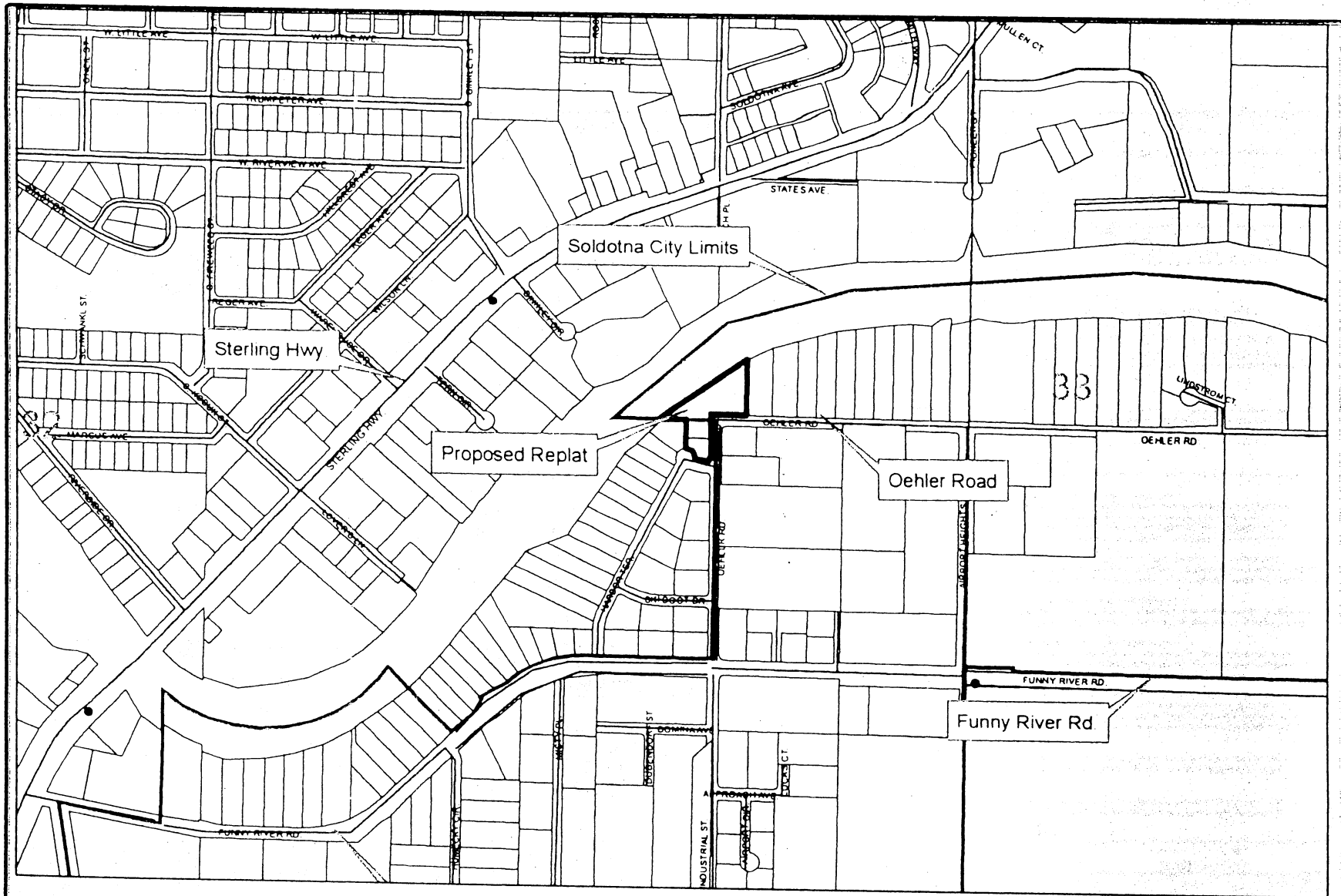
Information and documents related to this proposal, including detailed maps and laws applicable to this process are available for review at Soldotna City Hall, 177 N. Birch, Soldotna, AK, Monday – Friday, 8 a.m. – 5 p.m.; and at the Soldotna Public Library, 235 N. Binkley, Soldotna, AK, Monday - Thursday: 9 a.m. – 8 p.m., Friday 12 p.m. – 6 p.m., Saturday 9 a.m. – 6 p.m.

Any interested person or legal entity may file with the LBC written comments or a responsive brief supporting or opposing the annexation petition. Responsive briefs must be filed in accordance with 3 AAC 110.480, except that **the deadline for filing responsive briefs and written comments with the LBC is 4:30 p.m. of the fourteenth (14th) day following adoption of the ordinance authorizing filing of the petition by the Soldotna City Council. Adoption of the authorizing ordinance shall occur no sooner than thirty (30) days from the date of this notice.**

Responsive briefs and comments must be received in the office below by this deadline:

Local Boundary Commission
Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Date of Notice: January, 31, 2007



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



1 inch equals 731 feet

12/28/2006



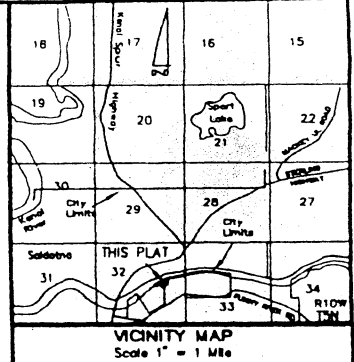
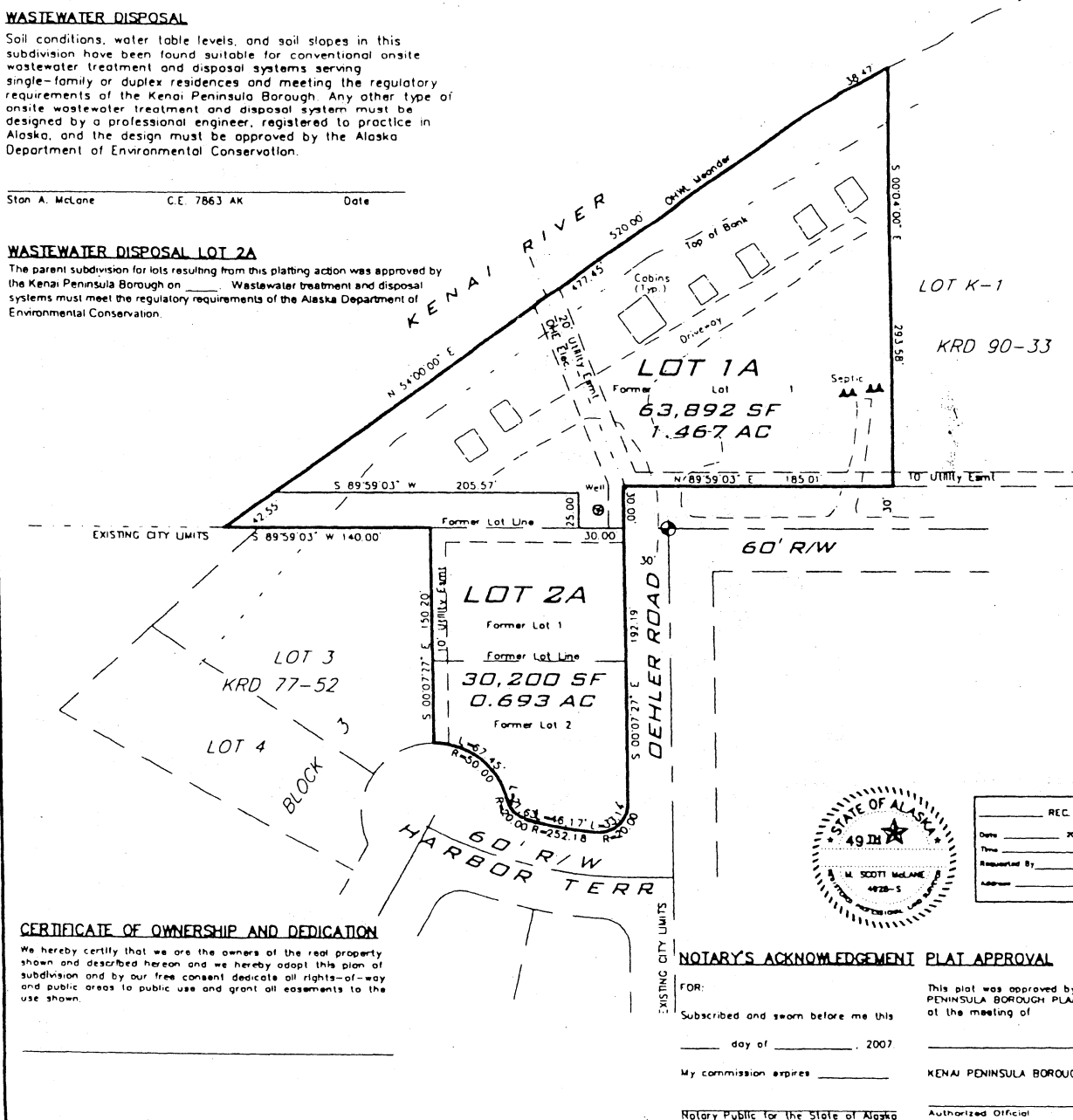
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Ston A. McLane C.E. 7863 AK Date

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____. Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazard area. If such is the case, development must comply with Title 21, Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
- 4) The natural meanders of the ordinary high water of the Kenai River form the true bounds of Tract 1A and 2A. The meander line shown herein is for survey computations only.
- 5) BUILDING SET BACK: A building set back of 20 ft. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21.18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX 2007.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.



NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____ day of _____, 2007.
My commission expires _____
Notary Public for the State of Alaska

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____, 2007.
KENAI PENINSULA BOROUGH by _____
Authorized Official

REC. DIST.
Date: _____ 20____
Time: _____
Recorded By: _____
Address: _____

DERKEVORKIAN SUBDIVISION WACKLER ADDITION

A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.

Joe Wackler, owner
P.O. Box 4563
Soldotna, AK 99669 LOCATION
2.166 AC. M/L SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.5N., R.10W., S.M., AK., THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

KPB FILE NO. 2007-____	
PROJECT NO. 002028	
SCALE: 1" = 30'	DATE: DEC 2006
PLAT NO. 00	DATE: _____



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

Gibbons, Irene L.
P.O. Box 2148
Soldotna, AK 99669

Physical Address: 320 Harbor Terrace, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0810027 Lori-Lisa Sub Amended Lot 1 Blk 2

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

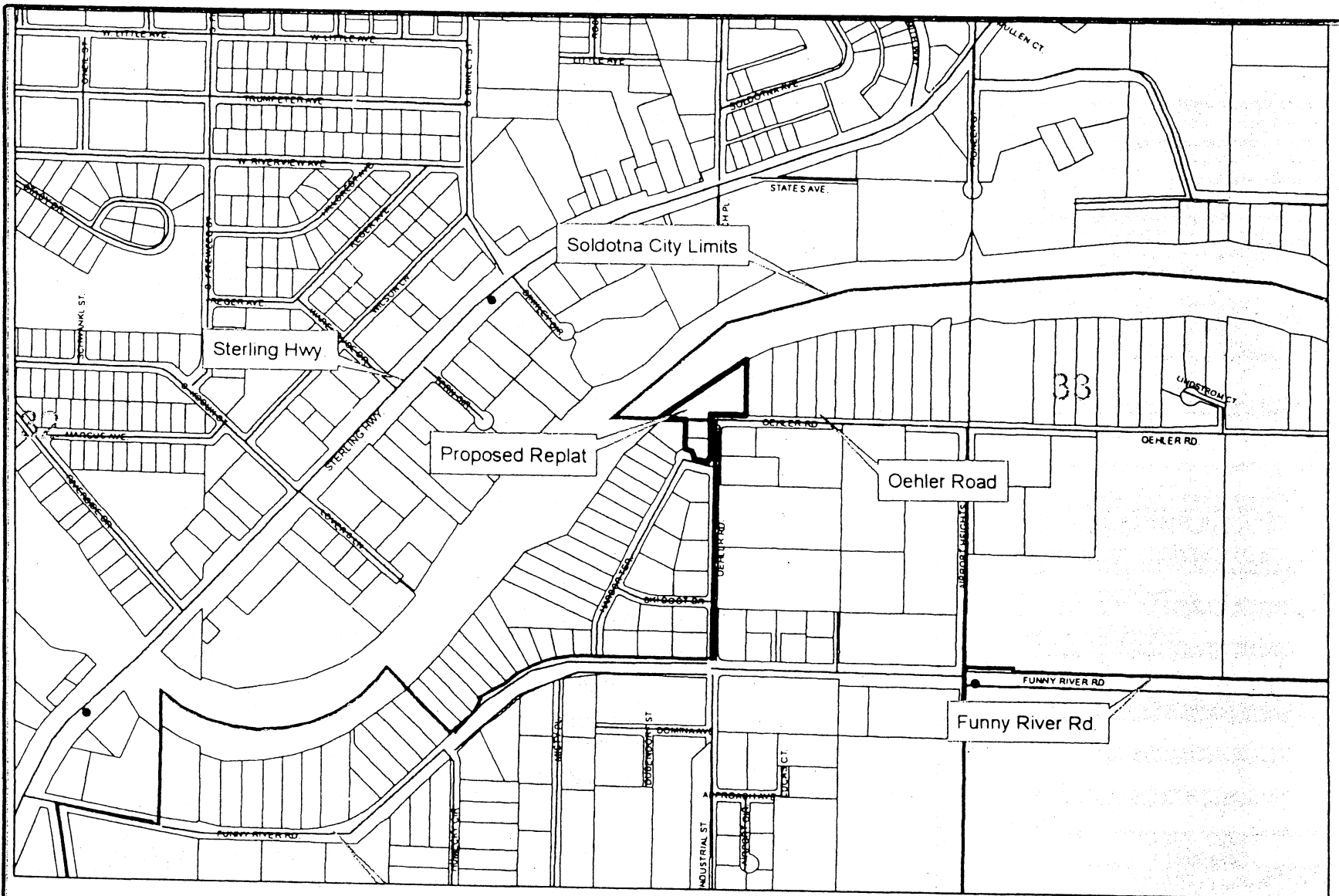
Information and documents related to this proposal, including detailed maps and laws applicable to this process are available for review at Soldotna City Hall, 177 N. Birch, Soldotna, AK, Monday – Friday, 8 a.m. – 5 p.m.; and at the Soldotna Public Library, 235 N. Binkley, Soldotna, AK, Monday - Thursday: 9 a.m. – 8 p.m., Friday 12 p.m. – 6 p.m., Saturday 9 a.m. – 6 p.m.

Any interested person or legal entity may file with the LBC written comments or a responsive brief supporting or opposing the annexation petition. Responsive briefs must be filed in accordance with 3 AAC 110.480, except that **the deadline for filing responsive briefs and written comments with the LBC is 4:30 p.m. of the fourteenth (14th) day following adoption of the ordinance authorizing filing of the petition by the Soldotna City Council. Adoption of the authorizing ordinance shall occur no sooner than thirty (30) days from the date of this notice.**

Responsive briefs and comments must be received in the office below by this deadline:

Local Boundary Commission
Department of Commerce, Community, and Economic Development
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Date of Notice: January, 31, 2007



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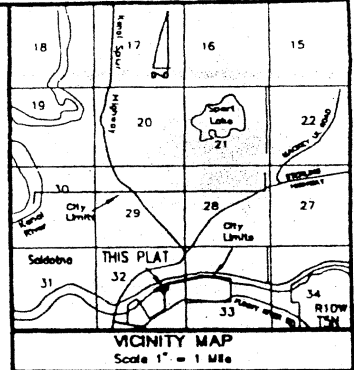
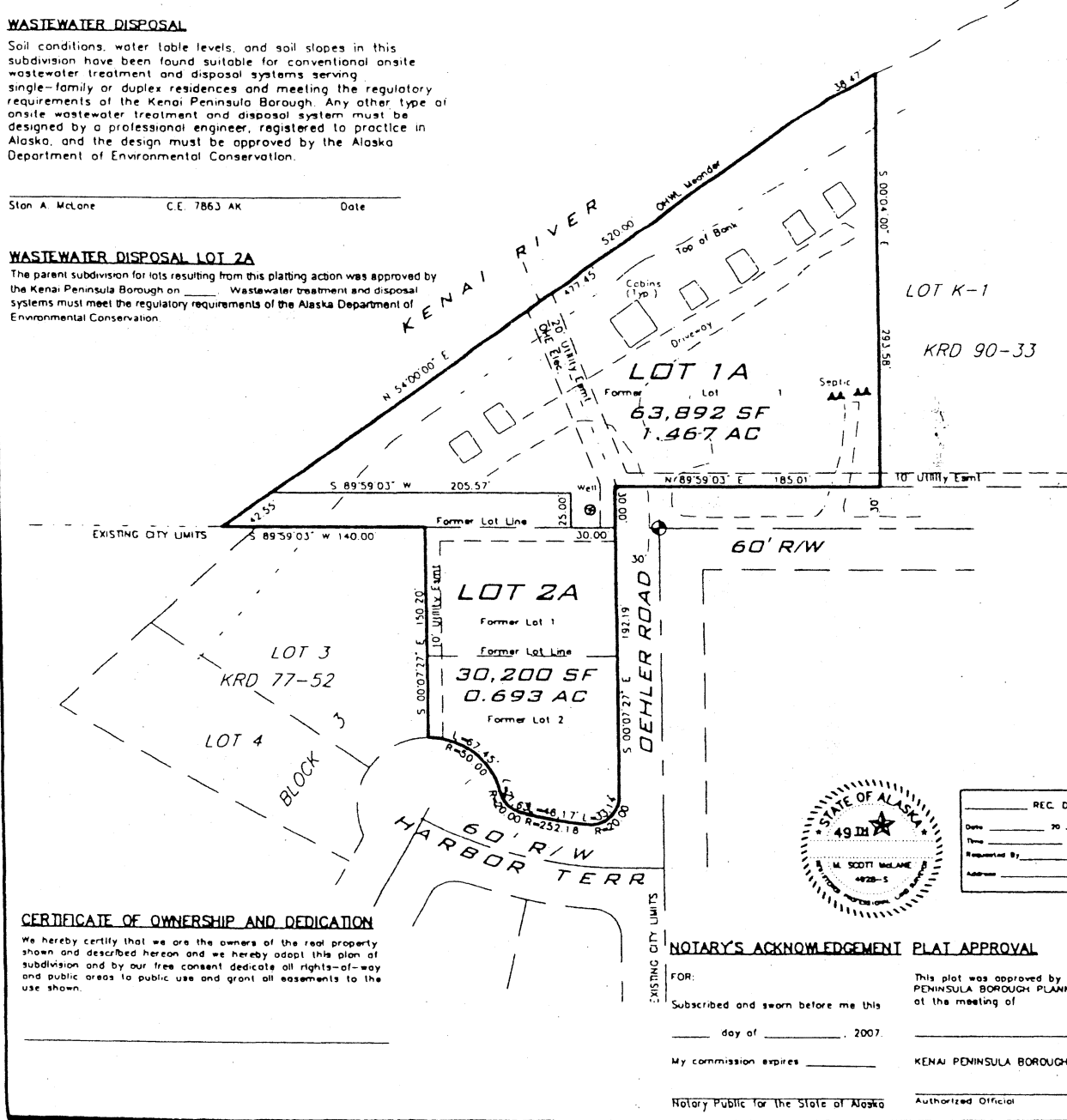
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date _____

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____ Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazard area. If such is the case, development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
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- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.



REC. DIST.	_____
Date	_____ 20__
Time	_____
Requested By	_____
Address	_____

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____
 Subscribed and sworn before me this _____ day of _____, 2007.
 My commission expires _____
 Notary Public for the State of Alaska

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____, 2007.
 KENAI PENINSULA BOROUGH by _____
 Authorized Official _____

2007-013

**DERKEVORKIAN SUBDIVISION
 WACKLER ADDITION**
 A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.
 Joe Wackler, owner
 P.O. Box 4563
 Soldotna, AK, 99669 LOCATION
 2.166 AC. M/L SITUATED IN THE NW 1/4 AND SW 1/4 SEC. 32, T.15N., R.10W., S.M., AK., THE CITY OF SOLDOTNA AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.
 P.O. Box 222 Soldotna, AK 99669

	KPB FILE NO. 2007-_____
	PROJECT NO. 062028
TEL: 907-263-0218 FAX: 907-263-2365 SCALE 1" = 30' DATE: DEC 2006	SHEET NO.: 06 OF 06



City of Soldotna

177 North Birch Street ▶ Soldotna, Alaska ▶ Phone (907) 262-9107

Notice of Intent to File Petition for Annexation of 1.6 acres to the City of Soldotna upon Unanimous Consent of Property Owner

Hansen, Rebecca Marie
P.O. Box 283
Soldotna, AK 99669

Physical Address: 44265 Oehler Road, Soldotna, Alaska
Legal Address: T5N R10W S32 Seward Meridian KN 0001678 Hansen Sub Lot 1 Blk 1

Dear Property Owner:

You are receiving this notice because you are an owner abutting the boundaries proposed for annexation of the below referenced property pursuant to the notice requirements set forth in the procedures referenced below.

The City of Soldotna hereby gives notice of its intent to petition the Alaska Local Boundary Commission (LBC) for annexation of territory adjoining city boundaries upon unanimous consent of the property owner. The property owner has formally requested the City to annex his property. There are no registered voters residing on the parcel.

The territory proposed for annexation comprises approximately 1.6 acres of land generally located at Harbor Terrace and Oehler Road and generally known as Lot L-1, Oehler Subdivision, to be re-subdivided as L-1A, Derkevorkian Subdivision, Wackler Addition.

Standards governing the annexation to city governments are established in Art. X, sec. 12 of the Alaska Constitution, AS 29.06.040, 3 AAC 110.090 – 3 AAC 110.150 and 3 AAC 110.900 – 3 AAC 110.980. Procedures governing the type of annexation intended are set out in AS 29.06.040(c)(3) and 3 AAC 110.400 – 3 AAC 110.660. Pursuant to relaxed or suspended procedural requirements approved at a January 12, 2007, meeting of the LBC, this is a 30-day pre-ordinance notice to give public notice of the annexation proposal prior to filing the petition in accordance with the proposed draft revision of 3 AAC 110.590, dated December 13, 2006. Copies of the proposed revised draft of 3 AAC 110.590 are available by contacting LBC Staff at the address below.

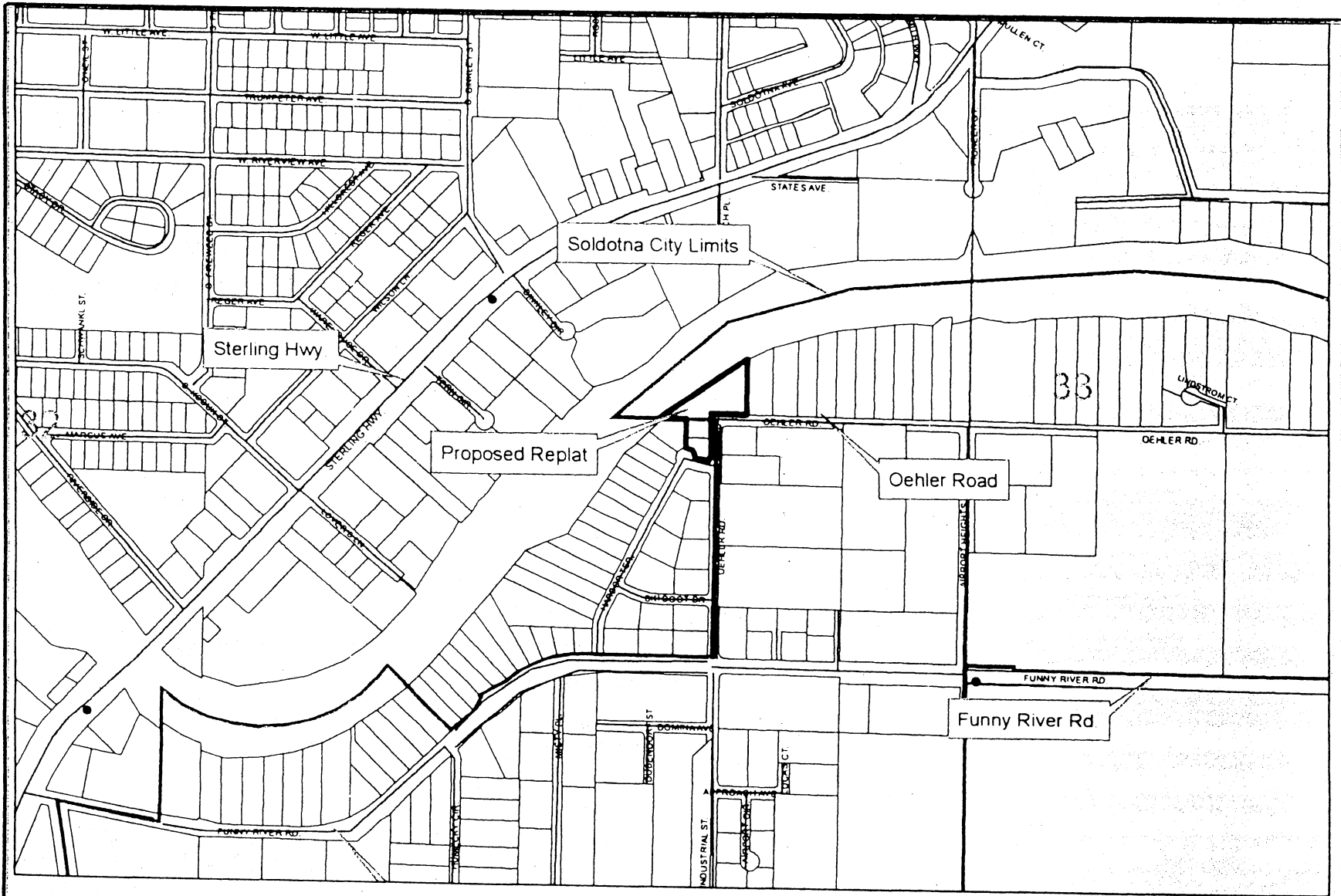
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550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510
Fax: 907-269-4539
Email: LBC@commerce.state.ak.us

Date of Notice: January 31, 2007



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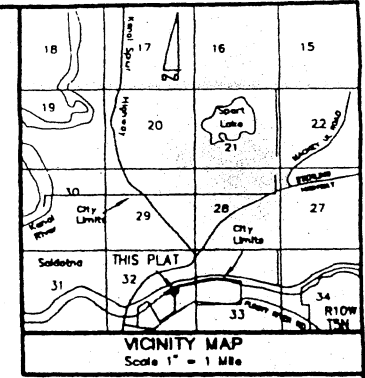
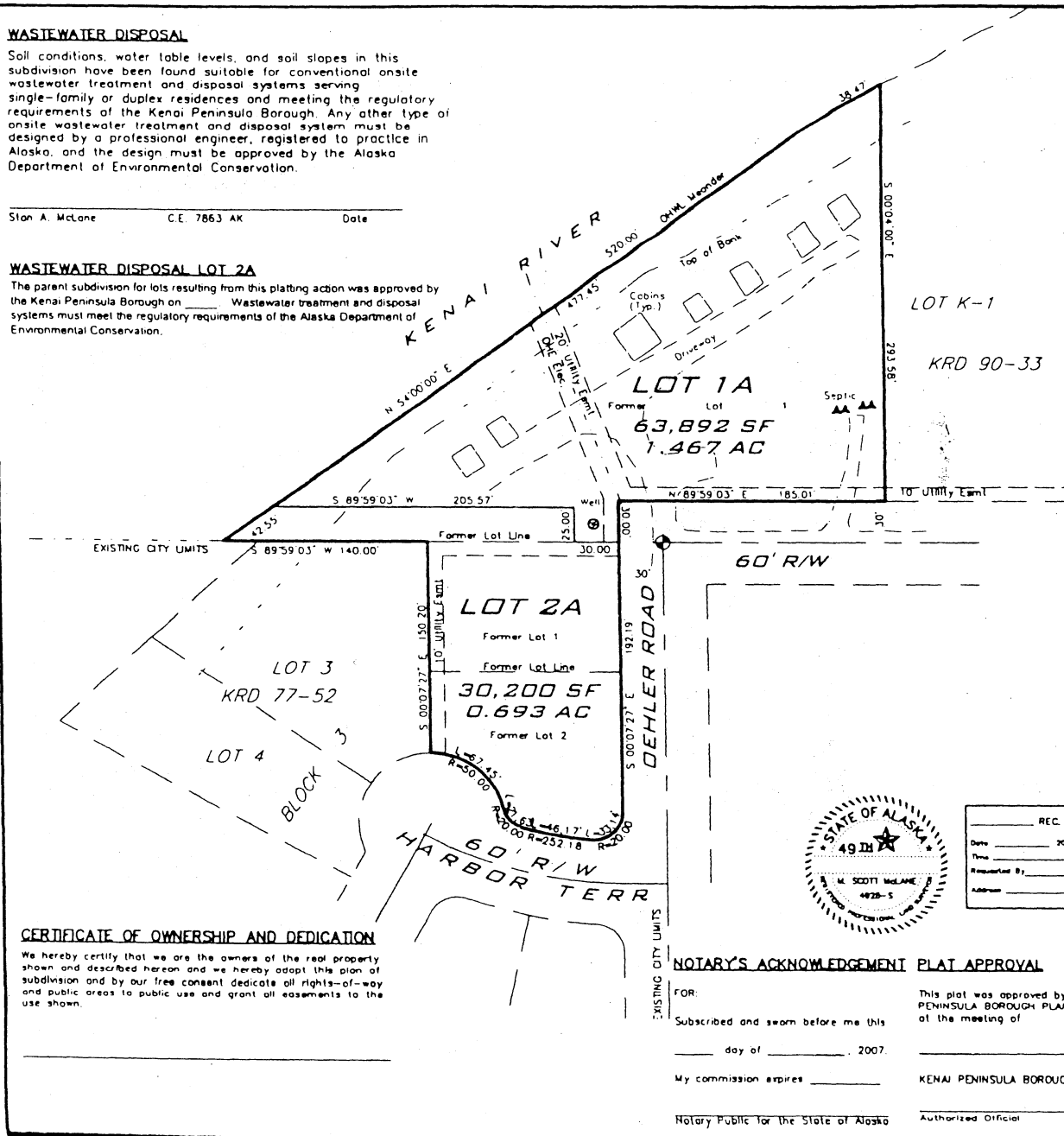
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Ston A. McLane C.E. 7863 AK Date _____

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____ Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazards area. If such is the case, development must comply with Title 21, Chapter 6 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior to construction.
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- 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development may be restricted under Chapter 21, 18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C), development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of this subdivision to the City of Soldotna.
- 9) No buildings allowed within the parhandle portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and we hereby accept 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.



REC. DIST.
Date _____ 20__
Time _____
Requested By _____
Address _____

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____
Subscribed and sworn before me this _____ day of _____, 2007.
My commission expires _____
Notary Public for the State of Alaska

This plot was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____, 2007.
KENAI PENINSULA BOROUGH by _____
Authorized Official _____

30007-013

DERKEVORKIAN SUBDIVISION WACKLER ADDITION
A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.

Joe Wackler, owner
P.O. Box 4563
Soldotna, AK 99669 LOCATION
2.166 AC +/- SITUATED IN THE NW 1/4 AND SW 1/4
SEC. 32, T.5N., R.10W., S.M., AK., THE CITY OF SOLDOTNA
AND THE KENAI PENINSULA BOROUGH IN THE KENAI RECORDING DISTRICT.

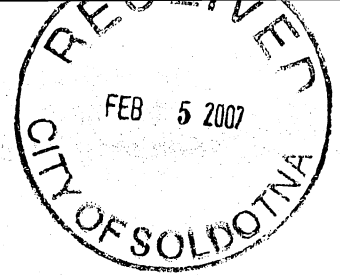
P.O. Box 228 Soldotna, AK 99669

	KPB FILE NO. 2007-_____
	PROJECT NO. 052028
McLane Consulting Inc Tel: 907.282.4218 Fax: 907.282.3255	SCALE: 1" = 30'
DATE: DEC 2006	DATE: DEC 2006

EXHIBIT K

DOCUMENT 4

Dan and Gail Brittingham
34480 Airport Heights St.
P.O. Box 3241
Soldotna, Alaska 99669



Mayor Dave Cary
177 Birch St.
Soldotna, Alaska 99669

January 31, 2007

Honorable Mayor Dave Cary,

We respectfully submit this letter of opposition with regards to the proposed annexation of Area 1 Funny River Road, into the city limits.

We just recently became property owners in this area and a major key factor in the purchase of this property was the fact that it was not in the city limits. We respect and value the rural attributes of our property and therefore, have no desire to be annexed into the city. Because we are so new to the area, it would be with great appreciation if your office could please send us all past and current information and documentation about the proposal, including any dates of future meetings on the issue. This is a matter of great importance to us, please include with your submission to us all the proper officials and offices necessary to notify with regards to our opposition. Your prompt attention to this matter is greatly appreciated.

Sincerely,

Handwritten signature of Dan Brittingham in cursive script.

Handwritten signature of Gail Brittingham in cursive script.
Dan Brittingham
Gail Brittingham

Dan and Gail Brittingham
34480 Airport Heights St.
Soldotna, Alaska 99669



Leila R. Kimbrell
Project Assistant
177 N. Birch St.
Soldotna, Alaska 99669

January 31, 2007

Dear Leila,

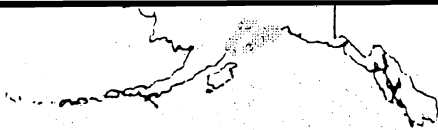
Enclosed please find our letter of opposition submitted to Mayor Dave Cary. Upon further review of information via the city website, a copy of this letter has been forwarded to the LBC in Anchorage with further opposition pertaining to the City of Soldotna Notice of Intent to File Petition for Annexation of 1.6 Acres in the Oehler Subdivision.

Sincerely,

Handwritten signatures of Dan Brittingham and Gail Brittingham. The signature of Dan Brittingham is written in cursive and is positioned above the signature of Gail Brittingham, which is also in cursive.

Dan Brittingham
Gail Brittingham

EXHIBIT K
DOCUMENT 5



KENAI PENINSULA BOROUGH PLANNING COMMISSION NOTICE OF SUBDIVISION/REPLAT

Public notice is hereby given that a preliminary plat has been received proposing to subdivide or replat property. You are being sent this notice because you are an affected property owner within the parent subdivision or within 600 feet of the proposed subdivision, or a beneficial interest holder, and are invited to comment. *If you are an owner adjacent to a half right-of-way being dedicated, please be aware that you may be required to match the dedication if your property is subdivided.*

Proposed subdivision under consideration is described as follows:

Derkevorkian Subdivision Wackler Addn.
KPB 2007-013
[McLane/Wackler]
Location: City of Soldotna

Please Turn Over For Map

The location of the proposed subdivision is provided on the attached map. A preliminary plat showing the proposed subdivision may be viewed at the Planning Department. Subdivision reviews are conducted in accordance with KPB Subdivision Ordinance. A copy of the Ordinance is available from the Planning Department. ***Comments should be guided by the requirements of that Ordinance.***

Public hearing will be held by the Kenai Peninsula Borough Plat Committee or Planning Commission on **Monday, January 22, 2007**, commencing at **5:30**, or as soon thereafter as business permits. Meeting to be held in the Assembly Chambers of the Kenai Peninsula Borough, 144 North Binkley Street, Soldotna, Alaska.

Anyone wishing to testify may come to the above meeting to give testimony; or may submit a written statement to the attention of Sylvia Vinson-Miller or Maria Sweppy Kenai Peninsula Borough Planning Department - 144 N. Binkley Street - Soldotna, Alaska 99669. Please provide written testimony to the Planning Department by **Friday, January 19, 2007**. [Written comments may also be sent by Fax to 907-714-2378]

For additional information contact Sylvia Vinson-Miller or Maria Sweppy, Resource Planning Department, 714-2200 (1-800-478-4441 toll free within Kenai Peninsula Borough).

Mary Toll
Platting Officer

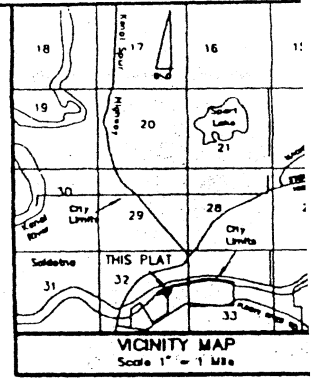
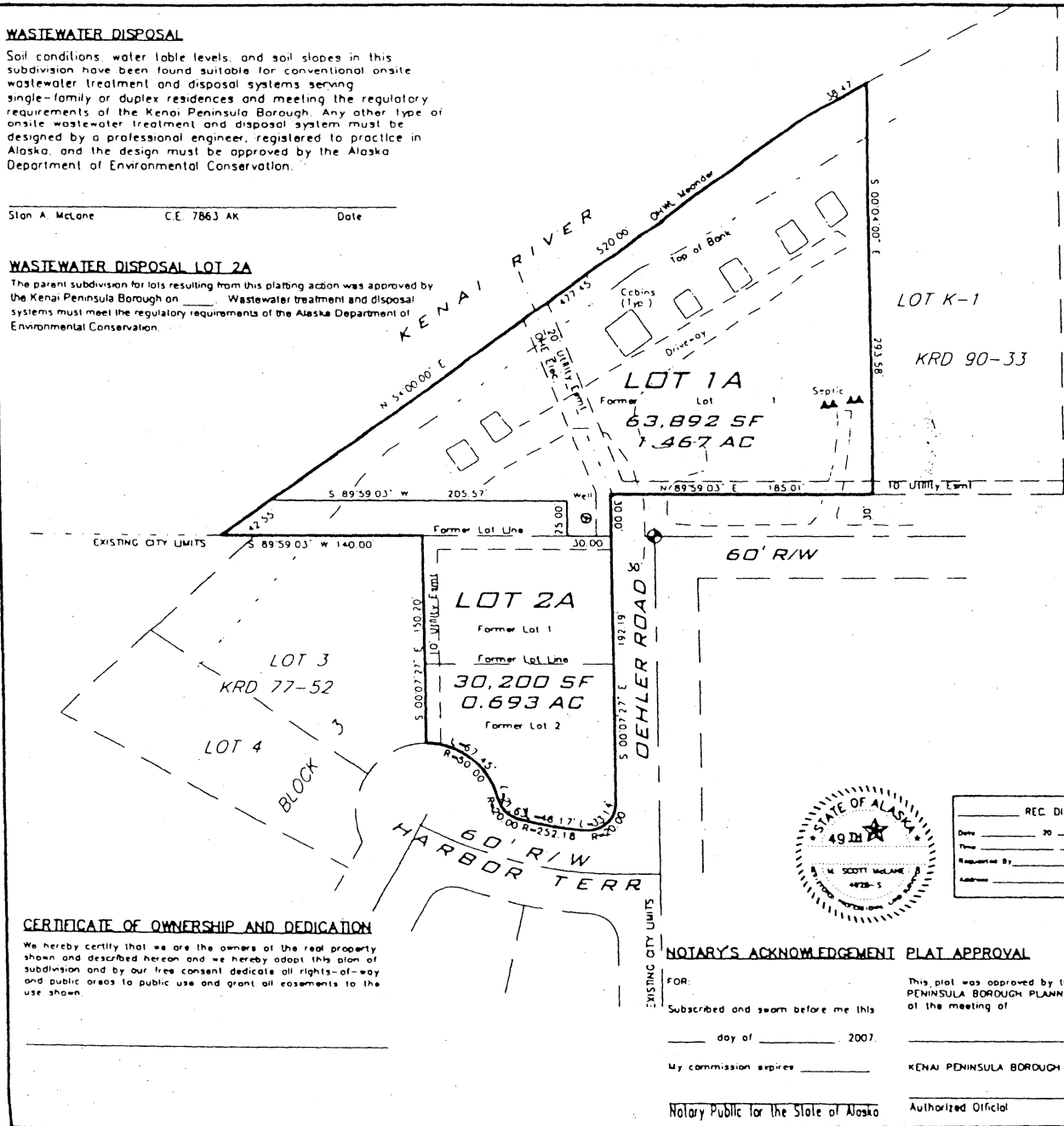
WASTEWATER DISPOSAL

Soil conditions, water table levels, and soil slopes in this subdivision have been found suitable for conventional onsite wastewater treatment and disposal systems serving single-family or duplex residences and meeting the regulatory requirements of the Kenai Peninsula Borough. Any other type of onsite wastewater treatment and disposal system must be designed by a professional engineer, registered to practice in Alaska, and the design must be approved by the Alaska Department of Environmental Conservation.

Stan A. McLane C.E. 7863 AK Date

WASTEWATER DISPOSAL LOT 2A

The parent subdivision for lots resulting from this platting action was approved by the Kenai Peninsula Borough on _____ Wastewater treatment and disposal systems must meet the regulatory requirements of the Alaska Department of Environmental Conservation.



NOTES

- 1) Water supply and sewage disposal systems shall be permitted only in conformance with applicable requirements of 18 AAC 72 and 18 AAC 80.
- 2) No permanent structure shall be constructed or placed within an easement which would interfere with the ability of a utility to use the easement.
- 3) Lots within this subdivision may be located within a designated flood hazard area. If such is the case, development must comply with Title 21 Chapter 8 of the Kenai Peninsula Borough Code of Ordinances. A survey to determine the elevation of the property may be required prior construction.
- 4) The natural meanders of the ordinary high water of the Kenai River form the true bounds of Tract 1A and 2A. The meander line shown hereon is for survey computations only.
- 5) BUILDING SET BACK: A building set back of 20 R. is required from all streets rights-of-way unless a lesser standard is approved by resolution of the appropriate Planning Commission.
- 6) Portions of this subdivision area within the Kenai Peninsula Borough 50-Foot Anadromous Stream Habitat Protection Area. Development must be restricted under Chapter 21.18 Borough Code of Ordinances.
- 7) In accordance with KPB Chapter 20.080.050 (C) development (including fill) in the floodway is prohibited unless certification by a professional engineer or architect is provided demonstrating that encroachments shall not result in any increase flood levels during the occurrence of the base flood discharge.
- 8) The owner has consented to annexation of the subdivision to the City of Soldotna.
- 9) No buildings allowed within the peninsula portion of Lot 2A.
- 10) The Kenai Peninsula Borough Planning Commission granted an exception to KPB 20.190 Lots Minimum Size for Lot 2A at the meeting XXXX, 2007.

CERTIFICATE OF OWNERSHIP AND DEDICATION

We hereby certify that we are the owners of the real property shown and described hereon and 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.

NOTARY'S ACKNOWLEDGEMENT PLAT APPROVAL

FOR: _____
 Subscribed and sworn before me this _____ day of _____ 2007.
 My commission expires _____
 Notary Public for the State of Alaska

This plat was approved by the KENAI PENINSULA BOROUGH PLANNING COMMISSION at the meeting of _____ 2007.
 KENAI PENINSULA BOROUGH by _____
 Authorized Official

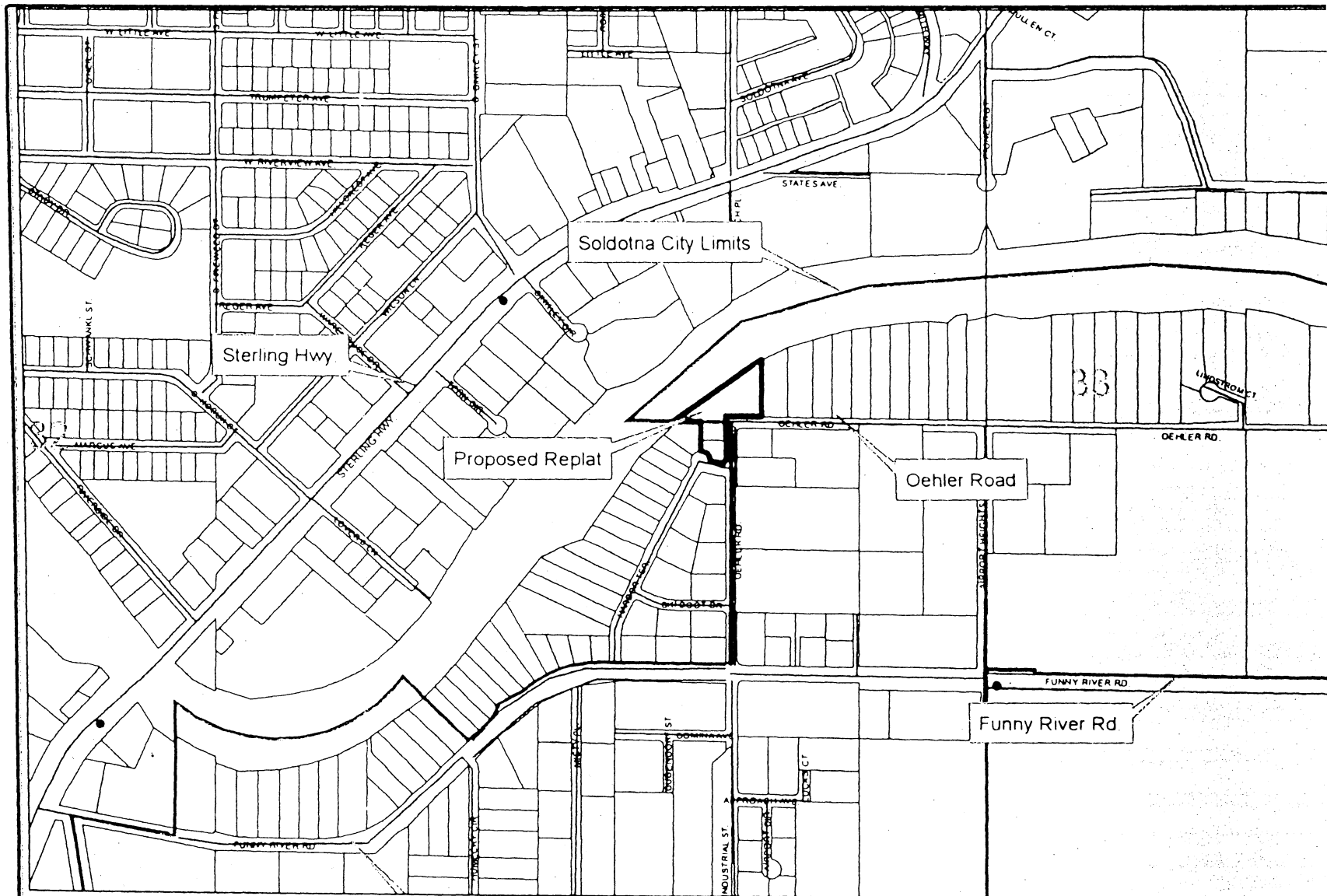


REC. DIST.	_____
Date	_____ 20__
Time	_____
Requested By	_____
Address	_____

DERKEVORKIAN SUBDIVISION WACKLER ADDITION

A Resubdivision of Lots 1 & 2 Block 3 Derkevorkian Subd. Amended and Lot 1 Dehler Subd.
 Joe Wackler, owner
 P.O. Box 4563
 Soldotna, AK 99889 LOCATION
 2.168 AC N/A SITUATED IN THE NW 1/4 AND SW 1/4
 SEC. 32, 1 S.W. R. 10 W., S.W. AK., THE CITY OF SOLDOTNA
 AND THE KENAI PENINSULA BOROUGH IN THE KENAI
 RECORDING DISTRICT

	KPB FILE NO. 2007
McLane Consulting Inc.	PROJECT NO. 003
TEL 907.383.4218 FAX 907.383.3323	
SCALE 1" = 50'	DATE: DEC 2004
	BOROUGH NO. 08



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



1 inch equals 731 feet

12/28/2006



EXHIBIT K
DOCUMENT 6

Commissioners Present: Richardson, Heimbuch, Kebschull,
Denbrock
 Commissioners Absent: Czarneski, O'Neill
 Staff Present: Johnson, Sleater

Council Present: None
 Others: City Manager, Tom Boedeker

1. Call to Order

The meeting of November 1, 2006 was called to order at 6:00 p.m. by Chairperson, Commissioner Denbrock.

2. Approval of Agenda

The Agenda for the November 1, 2006 meeting was approved as amended, to remove items A & C under number 8. Consideration of Plats of the agenda, by unanimous consent.

3. Approval of Minutes

The Minutes from the October 4, 2006 Planning & Zoning Commission Meeting were approved by unanimous consent, as submitted.

4. Public Comments and Presentations - None

5. Unfinished Business - None

6. Special Consideration - None

7. Public Hearings –

A. A Conditional Use Application submitted by the Kenai Peninsula Borough for the relocation of a 60-foot high antenna tower to provide emergency communications located at 253 Wilson Street, more commonly known as the Emergency Response Center, (Lot 1, Airport Subdivision Emergency Response Center Replat.)

Commission Denbrock opened the subject for public comment. With no one wishing to speak, public hearing on this subject was closed.

***MOTION:** Commissioner Heimbuch moved to approve the recommendation for the tower to be moved, subject to staff recommendations, seconded by Commissioner Richardson.*

Commissioner Denbrock called for the vote:

VOTE:

Richardson	Yes	McLane	Absent
Kebschull	Yes	O'Neill	Absent
Heimbuck	Yes		
Denbrock	Yes		

Motion passed: 4 Yes, 0 No, 2 Absent

Commissioner Denbrock called for a finding of fact: Commissioner Kebschull submitted for the finding of facts, the Staff Comments be used, since it covers all the areas of the code. Commissioner Denbrock asked for approval to use the Staff Comments for the Finding of Facts, it was agreed by unanimous consent.

Finding of Facts as follows:

Section 17.10.265 Commercial District allows an antenna tower through the Conditional Use process, provided a setback equal to the height of the tower or structure is maintained on all sides of the structure and no approach or other airspace zones of an airport are penetrated.

The subject tower is 60-feet in height and meets the setback requirement as shown below:

115-feet to the north
120-feet to the south
69-feet to the west
210-feet to the east

Title 17.10.400 General Standards

1) *The use and the development scheme for the use is in harmony with the intent of the zoning district in which it is to be located and with any specific standards associated with that conditional use within the district;* The subject 60-foot antenna tower appears to be in harmony with the Commercial District which is an allowed use through the Conditional Use process, and the setback requirements associated with the subject conditional use have been met.

2) *The use is in harmony with the general standards of this zoning code, the Comprehensive Plan, and surrounding land uses;* The 60-foot antenna tower is in harmony with the general standards, the Comprehensive Plan and the surrounding emergency service uses.

3) *The use shall be so located and arranged on the site to avoid significant noise, glare, odor or other nuisances and danger.* The subject 60-foot antenna tower is located adjacent to the structure outside of the parking area, meets the setback requirements, and will not create a nuisance.

4) *The development of the use shall not significantly impair the value of the adjoining property;* The subject 60-foot antenna has been located in the same area for several years, and has not impaired the value of the adjoining properties, and staff does not feel relocating the antenna slightly west would impair the value of adjoining properties either.

5) *The size and scale of the use is such that it shall be adequately served by existing public services and facilities.* The subject antenna tower placement is to serve the public and public facilities.

6) *Granting of the conditional use shall not be harmful to the public safety, health, or welfare.* The subject antenna will benefit the public safety, health and welfare.

Title 17 Review

Section 17.10.265 (Commercial District C). Allows for a transmission tower through the Conditional Use process.

Section 17.10.265 C (Conditional Uses and Structures) A Conditional Use Permit is required to allow a transmission tower in this District with certain conditions in place. The required conditional use application has been submitted, and the items required are addressed separately in this report.

Section 17.10.415 (Site Plan Review) A Site Plan has been submitted meeting the intent of the Code.

Section 17.10.425 (Public Hearings) A legal ad was published in the Peninsula Clarion on October 20, and 25, 2006 advertising the date of public hearing as November 1, 2005. Notices to property owners within 300 feet of the proposed use were mailed on October 17, 2006. A copy of this staff report was faxed to Kevin Lyons, Kenai Peninsula Borough prior to the public hearing date. As of today's date, no objections have been received. The rules of order of the Planning & Zoning Commission will be adhered to during the public hearing.

Section 17.10.455 (Fees) The subject tower and communication systems benefits all emergency personal within the City including the Soldotna Police Department, therefore the fees were waived.

Title 12 and Title 13 Review

Not apply.

- B. A Variance Application submitted by Charles Forbes, Lanmark, Inc., to the set back requirements associated with the placement of a 80-foot high antenna tower associated with Cellular One, located at 44280 Sterling Highway, more commonly known as the Peninsula Center Mall area, (Peninsula Center Subdivision, Gardner Addition, Tract 1-A.) **(Continuation is at the request of the applicant for postponement until the November 15, 2006 Commission Meeting.)**

Commission Denbrock opened the subject for public comment. With no one wishing to speak, public hearing on this subject was closed.

MOTION: *Commissioner Kechsull moved to postpone the variance application for continuation until the November 15, 2006 meeting, at the request of the applicant seconded by Commissioner Richardson.*

Commissioner Denbrock called for the vote:

VOTE:

Richardson	Yes	McLane	Absent
Kechsull	Yes	O'Neill	Absent
Heimbuck	Yes		
Denbrock	Yes		

Motion passed: 4 Yes, 0 No, 2 Absent

- C. A Conditional Use Application submitted by Charles Forbes, Lanmark, Inc., for the placement of a 80-foot high antenna tower associated with Cellular One, located at 44280 Sterling Highway, more commonly known as the Peninsula Center Mall area, (Peninsula Center Subdivision, Gardner Addition, Tract 1-A.) **(Continuation is at the request of the applicant for postponement until the November 15, 2006 Commission Meeting.)**

Commission Denbrock opened the subject for public comment. With no one wishing to speak, public hearing on this subject was closed.

MOTION: *Commissioner Kebschull moved to postpone the Conditional Use Application for continuation until the November 15, 2006 meeting, at the request of the applicant, seconded by Commissioner Richardson.*

Commissioner Denbrock called for the vote:

VOTE:

Richardson	Yes	McLane	Absent
Kebschull	Yes	O'Neill	Absent
Heimbuck	Yes		
Denbrock	Yes		

Motion passed: 4 Yes, 0 No, 2 Absent

8. Consideration of Plats - None

- B. Derkevorkian Subdivision Wackler Addition

Staff Recommendation

Staff recommends approval of Derkevorkian Subdivision Wackler Addition Preliminary Plat, subject to the following:

1. Prior recording of the subject preliminary plat, the property owner will sign a letter of agreement to annexation, Lot L1, Oehler Subdivision and Record Survey. (Plat Number KN-90-33)
2. Subject to KPB approval to exception to 20.10.020 Wastewater Review Not Required.
3. Compliance with all Local, State, and Federal Regulations.

MOTION: *Commissioner Kebschull moved to recommend approval of the Plat for Derkevorkian Subdivision Wackler Addition, as submitted, subject to staff recommendations. Commissioner Heimbuch seconded.*

Discussion by the Commissioners.

Commissioner Denbrock called for the vote:

VOTE:

Richardson	Yes	McLane	Absent
Kebschull	Yes	O'Neill	Absent
Heimbuck	Yes		
Denbrock	Yes		

Motion passed: 4 Yes, 0 No, 2 Absent

9. **Consideration of Site Plans - None**

10. **Pending Issues**

A. Annexation (pending)

11. **Other Business – None**

12. **Mayor Comments – None**

13. **Council Comments - None**

14. **City Manager/Staff Report**

City Manager Tom Boedeker stated there is a contract going in front of Council to enter into an agreement with Leila Kimbrell, to be hired specifically to work on annexation. She will be working on the proposals for changes and the petition for changes to Council.

We are also working with the Maxi-Storage owners, regarding two lots along the highway. We are looking at a joint owner annexation.

A large parcel of land around the airport is being considered for purchase. This will close in the area around the airport.

We are looking at a land sale on the Sterling Highway for the Fire Department. They would like this for extra parking to expand the Fire Station.

15. **Commissioner Comments –**

Commissioner Heimbuch provided an update on the KPB Planning Commission. There was discussion about what this planning commission would like to see from the KPB Planning Meeting. It was noted that only information regarding to Soldotna be reported back to this committee.

The Commissioners asked for an update regarding the cemetery. Part of the reason for selling the property near the Fire Station is to create funds for the cemetery. There are some locations in mind, but they are still under review. There are some land use restrictions from the State. The deed restriction says the land has to remain open for public access. Council will have to decide if they want to make that property available.

Commission Richardson has requested an excused absence for the next two meetings.

Commissioner Kebschull stated that Lowe's is submitting plans for the store in Kenai and is expected to break ground in May 2007. The Courthouse is expanding its public parking area. She discussed platting authority issues. She discussed the Wal-Mart project. The Kenai Native Association would like to build a new facility and is working with the City to acquire property in the City of Kenai, particularly land off of Marathon Road.

16. **Informational Items**

A. Article: Telecommunications, The Wireless Personal Communications Services (PCS) Industry.

B. Site plan permit for a change in usage located at 35240 Kenai Spur Highway the relocation of Gammas Design.

17. Adjournment

The next regular meeting of the Soldotna Planning & Zoning Commission will be held on November 15, 2006, at 6:00 p.m., at City Hall in the Council Chambers, Soldotna, Alaska.

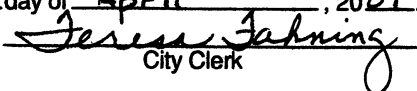


Commissioner Colleen Denbrock

ATTEST:

Sharen Sleater

The undersigned hereby certifies that this document entitled Planning & Zoning Commission Minutes is a True and Correct Copy of the Official Record of the City of Soldotna on file in the City Clerk's Office.

Signed at Soldotna, Alaska this 11th day of April, 2007.


City Clerk