



# **KENAI PENINSULA BOROUGH**

PLANNING DEPARTMENT

144 North Binkley Street • Soldotna, Alaska 99669-7520

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**JOHN J. WILLIAMS**  
**BOROUGH MAYOR**

## **MEMORANDUM**

**TO:** Grace Merkes, Assembly President  
Kenai Peninsula Borough Assembly Members

**THRU:** John J. Williams, Borough Mayor

**FROM:** *MB* Max J. Best, Planning Director

**DATE:** August 14, 2008

**SUBJECT:** Ordinance 2008-25, authorizing the negotiated sale at fair market value of approximately 2,010 square feet of Tract A Moose Pass School Site according to Plat No. 74-483 to Vern Kingsford

The Planning Commission reviewed the subject ordinance during their regularly scheduled August 11, 2008 meeting. A motion to recommend enactment of the ordinance failed by unanimous consent.

Draft, unapproved minutes of the subject portion of the meeting are attached.

**AGENDA ITEM F. PUBLIC HEARINGS**

6. Ordinance 2008-25, authorizing the negotiated sale at fair market value of approximately 2,010 square feet of Tract A Moose Pass School Site according to Plat No. 74-483 to Vern Kingsford

Memorandum reviewed by Marcus Mueller

PC Meeting: August 11, 2008

The Kenai Peninsula Borough School District discovered an encroachment on the Moose Pass School Site. As detailed in the included as-built, the encroachment consists of a covered deck, plastic storage sheds, fuel tank, wood box, a 9-foot shed encroachment, a 7.6-foot encroachment, a 4.9-foot cabin encroachment, and a 3.1-foot cabin encroachment. Vern Kingsford operates a business and utilizes the encroaching structures as part of that business. There is also a driveway accessing Trail Lake, which Kingsford uses for his business on the borough parcel. When Kingsford was informed of the encroachments, he offered to purchase the portion of the property upon which the encroachments lie.

By conveying approximately 2,010 square feet of the borough property to Vern and Lura Ann Kingsford, the majority of the encroachments can be resolved. KPB 17.10.220(C) and 17.10.100(I) authorize resolving a trespass through sale of the smallest practical piece of land. Kingsford has agreed to pay the survey costs. Kingsford has agreed to remove an encroaching fuel tank prior to the start of school. He will further pay for a fence securing separation of his operations from the Moose Pass School. A clear separation of Kingsford's operations from school operations is in the best interest of the school children's and public's welfare. It is further beneficial to Kingsford's private interests as it affords protection of his operations when he is absent from the premises.

It is necessary to hear this ordinance on shortened time as the school district would like the fence constructed and encroachments resolved before school starts or as near thereafter as possible.

The Moose Pass Advisory Planning Commission voted unanimously against approving the land sale.

**END OF MEMORANDUM**

Chairman Bryson opened the meeting for public comment.

1. Erin Knotek, Mile 36 Seward Highway, Moose Pass  
Ms. Knotek asked for additional time to state her comments. Chairman Bryson granted her request.

Ms. Knotek has lived in Moose Pass for nearly 17 years and spoke against Ordinance 2008-25, the sale of approximately 2,010 square feet of Tract A of the Moose Pass School site. She heard about this last week with a rumor going around town that the School District sued Mr. Kingsford. Moose Pass is a small town but covers a large geographic area going from mile 17.5 of the Seward Highway to Mile 45.5 at Summit Lake Lodge that covers a total of 28 miles.

Ms. Knotek stated there was no form of mass communication because there was no one radio station, the Clarion does not circulate in their area and the Seward Phoenix Log is no longer delivered by the paper carriers nor does their local store carry them. She felt the best form of communication was posting signs at the post office, school and the store as well as using email.

Ms. Knotek called Mr. Spence to follow up on the facts of this issue. While she waited for two days for him to return her call she did some research on her own.

Ms. Knotek gave the following history of education in Alaska. Her 12-year daughter had a school assignment entitled, "Early Alaskan Education". In doing so she learned about early champions of Alaskan education including Sheldon Jackson. It was at that time that her daughter came across an article by Mary Parker that told of yet another early education pioneer, Leora Roycroft, a name known in Moose Pass and who was the mother of now deceased Alaskan Ed Estes. In 1928, Ms. Roycroft wanted desperately to have a school so she gathered her four children and a child she borrowed from the Hunter Railroad section house because they had to have a minimum of 5 children to start a school. The first school was in a tent and was moved from place to place including the use of the tent. It was

not until 1935, 24 years before Alaska statehood, a one-room school building was erected with the cost of \$5,000. Moose Pass School was part of the local history. Ms. Knotek felt Ms. Roycroft wouldn't have thought that her 800 square foot school would be the size that it was today. She knew that Ms. Roycroft expected it to grow but would not have expected the school parcel to decrease by 2,000 square feet.

Ms. Knotek addressed the issue of trespassing. Moose Pass was a small town but had some very big personalities. It is very important that they eliminate the names Vern and Lura Ann Kingsford from the discussion. She referred to them as trespassers and stated those were not her words but words set forth by the Borough in the Ordinance, which refers to them as trespassers. According to her random house dictionary, to trespass means "to enter unlawfully or without permission upon the land of another; to intrude or encroachment; or to commit offense or sin." Ms. Knotek was sure no sin was committed but was sure the trespasser built upon the land without permission from the Borough.

Ms. Knotek referred to the as built that showed 8 buildings encroaching onto the school property. She asked at what point does someone say, "enough already". Last Friday, there was a meeting in Moose Pass with the Moose Pass Advisory Planning Commission. Mr. Navarre was present who spoke about the Borough. She got the sense that the Borough was just being made aware of this situation. There was lots of gossip and rumors going around. Mr. Spence did return her phone call last week. Mr. Spence explained that Mr. Navarre, Mr. Best, Tom Barrett and Dave Spence visited with Mr. Kingsford in an attempt to resolve DEC issues which was when they discovered the encroachment. Ms. Knotek gathered that the Borough and School District did not know their own property lines, which was so hard to believe. Her husband showed her a plat he obtained from the Borough. The plat showed Lot 4 was the Methodist Church, Tract A was the Moose Pass School and sandwiched in-between was Lot 3 labeled as Vern Kingsford. Furthermore, in large bold letters it stated, "Encroachment". She felt the Borough was aware of the encroachments and by choosing to do nothing had them in the situation they were in today.

Ms. Knotek stated she was an employee of the Moose Pass School and the Kenai Peninsula Borough School District from February 2005 until May 2007. She made aware to her superiors including two principals as well as the Assistant Superintendent, Glenn Symoniak and Mr. Spence to be aware of their neighbors actions.

Ms. Knotek was against selling off one inch of the school parcel. The Moose Pass School, every square inch of it belongs to the children of Moose Pass, the residents of Moose Pass and the citizens of the Borough. She felt it should not be sold off in any way.

Chairman Bryson asked if there were questions for Ms. Knotek. Hearing none the public hearing continued.

2. Vern Kingsford

Mr. Kingsford appreciated the opportunity to address the Commission on this very special piece of land. He also thanked the staff; Mr. Navarre, Mr. Best and Mr. Spence who took the time to come out to look at the actual situation on his lot. About 18 years ago, Mr. Kingsford bought this piece of land that had been for sale for two years. They have had people visiting from Australia, Puerto Rico, and Switzerland. Mr. Kingsford was spending his 69<sup>th</sup> birthday at this meeting. He appreciated staff giving him the opportunity to correct a wrong that had been going on for many years.

Mr. Kingsford felt it would be interesting to look at the property, which was a tiny piece of sliver that was being sold. It appeared the tree line belonged to the lot he lives on. In 1992, the young man visited him and told him how his father built the house. The 20-foot piece of driveway was used to haul the commercial fishing boats to / from Trail Lake. Over the years, he assumed the tree line, which was perpendicular to the street was his property line and he never knew anything else.

Mr. Kingsford brought in a double walled tank and placed it up along the school fence thinking that the school fence was his property line. It wasn't until this spring that they discovered this special place was encroaching onto school property. When he discovered it, he called Mr. Petersen to see what could be done. Mr. Petersen gave him staff's names and they immediately started to go through the procedure to try to resolve this encroachment.

Mr. Kingsford asked how he could explain to the Commission how special this piece of land has become. He asked if he should talk about the 6 or 8 employees that he puts to work every year, does he talk about the 25 people that he took flying to share the beautiful ice fields. Or does he talk about Kim who was given the opportunity to go to any place in the world but she chose Moose Pass.

Mr. Kingsford stated they were dealing with a very special place, a tiny sliver of land that was separated from the school by a tree line, by propane tanks, by a generator shack, etc. For all of these years he thought this piece of land belonged to his lot. He asked the Commission to approve this sale as staff recommended and suggested.

Mr. Kingsford apologized to the ladies since there was some acrimony in the district. He wished it could get behind him and asked that the big picture be looked at. Mr. Kingsford felt there was no reason to go to Moose Pass before he came to Moose Past. He stated they have people making Moose Pass their destination. Mr. Kingsford asked again that the sale be approved as recommended.

Chairman Bryson asked if there were questions for Mr. Kingsford.

Commissioner McClure asked if the property was surveyed when he bought the property. Mr. Kingsford replied no.

Commissioner Johnson asked how much he was paying for the land. Mr. Kingsford replied a price has not been set yet but he was willing to pay market value. One of the 12 conditions stated in the Ordinance was that the property would be bought at fair market value. He stated it was important to understand that this was a brushy shoreline that was separated from the main schoolyard by propane tanks and tree lines.

Commissioner McClure asked if his business would be in jeopardy if he had to move back to his property line. Mr. Kingsford replied yes. He stated they have been using the property for the last 18 years.

There being no further questions, the public hearing continued.

3. Dawn Campbell

Ms. Campbell has been in Moose Pass since 1979 and lives at mile 20 on the Seward Highway. She was currently the secretary of the Moose Pass Sportsman Club. In the past Ms. Campbell has been the President of the Moose Pass Parent Advisory Council (PAC), the President and volunteer of the Moose Pass Fire Company, the secretary and treasurer for a local church, and a secretary for the Moose Pass Library. Both of her children have attended the Moose Pass School and have chosen to live in the area.

Ms. Campbell stated that Moose Pass was one of the smallest schools in the district. In traveling to competitions throughout the school district she had not seen any smaller school parcels anywhere else in the district. They are cramped for storage space and parking. The school is small and is a core to the community. She would like the property to be retained for the school.

Chairman Bryson asked if there were questions for Ms. Campbell. Hearing none the public hearing continued.

4. Julie Lindquist, 31087 Seward Highway

Ms. Lindquist felt it seemed reasonable for someone to look down a row of trees and think that could be the property line. She asked if it was reasonable to put eight encroachments along the property line and not know where the property line was located. Ms. Lindquist thought it was not reasonable to have a businessman buy property and not know where his property lines were located.

Ms. Lindquist was a member of the Moose Pass United Methodist Church. The church property adjoins the other side of the Kingsford's property. She stated they have had their share of encroachments and trespasses and consequently have taken different actions because of those. One of those actions they took was to have a survey done on the church property in 2004. It was a pretty simple process to take the two property corners, take a tape measure with the dimensions of the parcel and run it across to figure out approximately where the corners and property lines were located.

Ms. Lindquist referred to the information in the packet where it states that the trespass was an unintentional trespass. She presented extensive trespass issues the church and Mr. Kingsford had, which would support that the trespass by Mr. Kingsford could be very intentional.

Ms. Lindquist felt Mr. Kingsford did not have regard to the law and the rights of others and felt all the things he has done was done intentionally. She believed he trespassed on school property with the intent of gaining free property.

Chairman Bryson asked if there were questions for Ms. Lindquist.

Commissioner Tauriainen asked if the trespass just included vehicles not buildings. Ms. Lindquist replied that the two buildings on their land were in trespass. Mr. Kingsford was given permission to park on the side of the fence that borders their property.

There being no further questions, the public hearing continued.

5. Heather Lindquist, Mile 34, Seward Highway

Ms. Lindquist has lived in Moose Pass for 16 years and was a member of the Moose Pass School Site Based Management Council. She spoke in opposition of Ordinance 2008-25.

Ms. Lindquist and her husband felt there was not compelling enough reasons for the Borough to sale a parcel of land from the Moose Pass School site but there was a list of compelling reasons for not selling the property.

Ms. Lindquist spoke to the unintentional trespass issue. If the Borough was going to use the wording unintentional trespass then the people have the right to refute that. As has been explained there has been an encroachment issue on an adjacent piece of property. She vigorously disputes the fact that it was unintentional. Ms. Lindquist stated the landowner has established a history of encroachment. If the Borough was basing the Ordinance that it was intentional then it should be struck down.

Ms. Lindquist referenced the Kenai Peninsula Comprehensive Plan for Moose Pass. Under the Education heading states, *"The community favors expansion of the school when necessary. The current building is paid for but may not meet future needs as enrollment increases."* Under the Land Ownership and Land Use heading of the Kenai Peninsula Comprehensive Plan for Moose Pass states, *"Moose Pass requests that the Borough solicit extensive community input well before any land transfers occur locally."* She stated that both of these quotes demonstrate that this ordinance and process was not in compliance with the Comprehensive Plan.

Ms. Lindquist felt that rewarding a property owner for illegal behavior was wrong. She felt the rushed time line of this process was also not right. Even the members of the Moose Pass Advisory Planning Commission did not find out about this until one week ago. The Moose Pass Advisory Planning Commission voted unanimously to recommend to the Borough Planning Commission and to the Borough Assembly to vote no on the land sale.

Ms. Lindquist stated all the small buildings on the encroaching property were on temporary foundations with the cabins on skids. It seems that a lot of time could have been saved if the Borough asked the landowner to move the buildings. She stated he was not in compliance with DEC. Ms. Lindquist stated a future gymnasium expansion has been discussed for many years, which can only be done, on the west side of the property. The Borough was setting a dangerous precedent in allowing this property owner to encroach and subsequently purchase part of a school site. The school should have a special category and should be protected. This was a special piece of land that belongs to Moose Pass School.

Chairman Bryson asked if there were questions for Ms. Lindquist.

Commissioner Johnson asked if the lake was Trail Lake to the north. Ms. Lindquist replied yes.

There being no further questions, the public hearing continued.

6. Mark Kromrey, Mile 34, Seward Highway

Mr. Kromrey has lived in Moose Pass for 25 years and was the President of the School Site Base Management Council. He has had kids in the school for the past eight years and was also a member of the church, which is west of the Kingsford property.

Mr. Kromrey expressed opposition to the Kenai Peninsula Borough Ordinance 2008-25. He took exception to Section 3 in the ordinance where it stated that the trespass was done unintentionally. There have been lots of improvements that have been made by Scenic Mountain Air and Mr. Kingsford on the north, west and east side of the property. Mr. Kromrey stated that all of the improvements encroach on other landowners' property. He rented the house on the Kingsford property from 1986 through 1990. When he lived there he knew there were survey caps at the property corners. There are eight encroachments on the Kenai Peninsula Borough school property with two other buildings that sit on other landowners' property. One building sits on Mr. Kingsford's property, the church property and the State of Alaska property.

Mr. Kromrey stated this area is a beautiful and wonderful place that has lakeshore property. Of all the improvements made, it was not until he was told by DEC that the landowner needed to upgrade his septic. The septic is another encroachment on the Class A well for the school.

Mr. Kromrey questioned why the timeline was so quick and why this Ordinance had to be approved prior to a DEC approved septic system. He felt this does impact the school. The value of the property has not been established yet. He asked how the lakefront property would be determined when there was no other for sale land available on the lake in this area.

Mr. Kromrey stated all of the structures are on peer posts and could be moved. He submitted pictures to the Commission that showed petroleum discharges and stated the disposal of the petroleum products has been inadequate. Mr. Kromrey thanked the commission for the opportunity to address his concerns.

Chairman Bryson asked if there were questions for Mr. Kromrey.

Commissioner Foster asked if the school would use the access to the lake for science classes. Mr. Kromrey replied no, not at this time but no one knows what the future holds.

Hearing no further questions, the public hearing continued.

7. Deanna Thomas, Mile 32 Seward Highway

Ms. Thomas thanked the Commission for allowing her to come to the meeting and stated she has lived in the Borough for 37 years. Ms. Thomas felt the small sliver of land looks bigger on a piece of paper but felt it was not that big. Out the back door of the school there was a generator area, and propane tanks that has some leakage issues. She would not want her child walking by those things going to the beach and would rather have her child use the other access that is on the other side of that area. The teachers have taken the children to the lakefront from that access.

Ms. Thomas stated that piece of property was only significant to Mr. Kingsford. It helps him to be able to do various simple repairs to his aircrafts without having to take them to Anchorage. When he was done at the end of the season, which is usually the end of September, the planes are flown off the lake not to return again until May. Mr. Kingsford is a businessman who operates a business from May to September. She stated his business brings in anywhere from 50 to 150 students that come to learn how to fly floatplanes and those students stay in local B&B's, eat at the local grocery store and at the lodge.

Ms. Thomas stated there are some people that don't like it that she is testifying because she is an employee of Mr. Kingsford. She was not at the meeting because she was an employee of Mr. Kingsford but because she loves to hear the floatplanes flying over her house. Ms. Thomas has lived in remote Alaska where the only way in and out was by a floatplane. She pushes the business

because she loves to see the smiles on people's faces since they have gotten to take the ride of their life.

Some people think the small sliver of property would impact the education of their children but Ms. Thomas felt it wouldn't. She did not want the school to be shut down because of a lack of revenue. Any revenue that Mr. Kingsford's businesses can bring in helps the tax base as well as keeping the school alive.

Ms. Thomas hoped the Commission recommended approval of KPB Ordinance 2008-25.

Chairman Bryson asked if there were questions for Ms. Thomas. Hearing none the public hearing continued.

8. Bruce Jaffa

Mr. Jaffa has lived in Moose Pass for 35 years. He was a past two-time president of the Moose Pass Sportsman Club, a past two-time president of the Fire Department, and was currently on the Moose Pass Advisory Planning Commission.

Mr. Jaffa fought for this school for many years and had three children who went through the school system. His daughter represented the State of Alaska in the Battle of the Books and went on to get a Masters Degree in Library Science; his older son just graduated from Law School and his younger son has an Associates Degree who teaches Olympic Athletes in snowboarding. They all came out of essentially a two-room schoolhouse. Mr. Jaffa felt that the Moose Pass School was the heart and soul of Moose Pass. It is families and voters that drive Moose Pass and not tax revenues that influence Borough policies. He stated Moose Pass has one of the highest voting percentages of any community in the Borough.

This issue has come up very quickly and has generated a lot of enthusiasm and excitement. The Moose Pass APC meeting had both pros and cons on the sale of the property. There are some passionate feelings involved.

Mr. Jaffa found a 1948 plat that hangs in the local post office. It clearly shows the Moose Pass townsite, which was originally a railroad camp. The property lines were clearly shown and were not at right angles to Depot Road. He felt there was no way in the world someone could misconstrue the property lines since a survey would have disclosed the lines. In 1974, a survey was performed to consolidate Moose Pass tracts of land to make the school parcel larger prior to the building of a half gymnasium. Throughout history this property has grown because the community felt it was important.

Mr. Jaffa also felt the school needed a fixed buffer from a business. His daughter told him that the principal told the students that the back area by the Kingsford property was not an area they were to be in which showed there was a buffer between the school and neighboring properties.

Mr. Jaffa stated there was discussion regarding the fence and property lines. There is a small cyclone fence that does not follow the property line. He understood that building a new fence would be built and paid for by Mr. Kingsford. Mr. Jaffa stated that if it were a matter of funding then Moose Pass could do a fundraiser to raise money to build a fence. He asked that a decision not be made based on the cost of a fence.

Mr. Jaffa objected to the process and suggested that the process be slowed down. He urged the Commission to vote against this action of transferring land and believed all the buildings could be moved. Mr. Jaffa felt this whole issue would not have happened if Mr. Kingsford exercised due diligence.

Chairman Bryson asked if there were questions for Mr. Jaffa.

Commissioner Foster asked what the Moose Pass APC vote was on this issue. Mr. Jaffa replied there were four commissioners who all voted no on the ordinance. Commissioner Foster understood that Moose Pass APC did not support the transfer. Mr. Jaffa replied that was correct.

Seeing and hearing no one else wishing to speak, Chairman Bryson closed the public comment period and opened discussion among the Commission.

**Motion:** Commissioner Martin moved, seconded by Commissioner Tauriainen to postpone their recommendation on Ordinance 2008-25 due to the fact that they don't have enough of the information.

Commissioner Murphy expressed concern regarding the motion to postpone since this was on the Assembly agenda for shortened hearing and would be heard by them on August 19. She stated she would be voting no on the motion to postpone.

Commissioner Peterson recused himself from discussion and voting due to him voting on this at the Moose Pass Advisory Planning Commission meeting.

Commissioner Johnson had the same concerns as Commissioner Murphy and felt the Assembly would listen to this at their next meeting. He stated he had enough information to make a decision to pass on to the Assembly and would be voting against the motion to postpone.

Commissioner McClure also agreed she had enough information and would be voting against the motion to postpone.

There being no further discussion, Chairman Bryson called for a roll call vote.

**VOTE:** The motion failed by majority consent.

BRYSON NO	CARLUCCIO NO	COLLINS NO	FOSTER NO	GROSS NO	ISHAM NO	JOHNSON NO
LOCKWOOD ABSENT	MARTIN YES	MCCLURE NO	MURPHY NO	PETERSEN RECUSED	TAURIAINEN NO	1 YES 10 NO 1 RECUSED 1 ABSENT

Chairman Bryson stated they were looking at a relatively significant portion even though it was a small area. It represented approximately 5% of the lake frontage of this parcel.

**MOTION:** Commissioner Johnson moved, seconded by Commissioner Isham to recommend enactment of Ordinance 2008-25; authorizing the negotiated sale at fair market value of approximately 2,010 square feet of Tract A Moose Pass School Site according to Plat No. 74-483 to Vern Kingsford

Commissioner Johnson spoke against the motion because the Moose Pass Advisory Planning Commission unanimously voted against the land transfer. Also he felt they were the people who were most familiar with this and had the best interest of the school at heart. Commissioner Johnson stated he learned a significant thing in that this property was an access to Upper Trail Lake that was better than any other spot on Mr. Kingsford property. He felt these buildings were not the primary interest but the driveway to the lake.

Commissioner Carluccio found it difficult because they did not receive any aeriels or overall map of the area. She had no idea where this property was in relationship to anything else in Moose Pass. Commissioner Carluccio also expressed concern that there was no value placed on the property at this time. She would hate to vote for this and find out later that the Borough was short changed.

Commissioner Foster stated he would vote against the motion. He appreciated the testimony given on the Comprehensive Plan because a lot of time and effort was placed in developing the Comprehensive Plans for the communities and Borough. Commissioner Foster felt the wishes of the Comprehensive Plan were being ignored.

Commissioner Carluccio stated this has been going on for quite sometime and asked what the urgency was in getting this approved prior to the school year beginning.

Commissioner Martin stated his intent to postpone was because there was not enough information received by the Planning Commission. He felt he was forced to vote no because he didn't have enough information to vote



yes.

Chairman Bryson stated it appeared there was documented history of trespass relative to this parcel. That issue was important whether it was intentional or unintentional. He stated that approving this would be significantly detrimental to the school property in losing lake frontage. Chairman Bryson expressed opposition to the motion.

Commissioner Murphy expressed concern regarding the lack of notice to people in the Moose Pass area. She stated the courts have ruled that notice has to be significantly longer if there was an action to be taken that would significantly affect a community. Commissioner Murphy didn't understand why the Borough had to rush this transfer of this land.

Commissioner Collins stated she would be voting against the motion for all the reasons stated. The reasons she gave were the lack of time, the advisory planning commission's decision as well as the citizens' strong feelings on this issue. Commissioner Collins also doesn't like to give away school property even for a price.

Commissioner McClure also stated she would be voting against the motion for all the reasons stated and for the overwhelming testimony against this from the citizens with the exception of Mr. Kingsford and his employees. She stated it was school property and should be sacred.

There being no further discussion, Chairman Bryson called for a roll call vote.

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

BRYSON NO	CARLUCCIO NO	COLLINS NO	FOSTER NO	GROSS NO	ISHAM NO	JOHNSON NO
LOCKWOOD ABSENT	MARTIN NO	MCCLURE NO	MURPHY NO	PETERSEN RECUSED	TAURIAINEN NO	0 YES 11 NO 1 RECUSED 1 ABSENT

Chairman Bryson stated this action would go before the Borough Assembly as a recommendation.

**AGENDA ITEM G.** ANADROMOUS STREAM HABITAT PROTECTION (KPB 21.18) - None

**AGENDA ITEM H.** VACATIONS NOT REQUIRING A PUBLIC HEARING

1. Vacate the 15' x 200' utility easement centered on the line common to Lots 9 and 10, Block One granted by South Bend Bluff Estates (Plat KN 2002-42); within Section 14, Township 5 North, Range 11 West, Seward Meridian, Alaska; within the Kenai Peninsula Borough. KPB File 2008-171; KPB PC Resolution 2008-30

Staff Report reviewed by Max Best

PC Meeting: 8/11/2008

Purpose as stated in petition: We are combining Lots 8, 9, and 10 Block One into 1 parcel and would like to remove the easement along the lot line between 9 and 10.

Petitioner: George O'Guinn of Soldotna, Alaska

Notification:

Five notices of vacation mailings were sent by regular mail to owners of property within 300 feet. Notices were mailed to five interested parties and agencies. Notices were mailed to the Kenai Community Library and Kenai Post Office to post in public places. The notice was posted on the Borough web site and on the Borough bulletin board in Soldotna.

Statement(s) of non-objection

Homer Electric Association

**Hartley, Patricia**

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**From:** Best, Max  
**Sent:** Monday, August 11, 2008 9:30 AM  
**To:** Mueller, Marcus; Hartley, Patricia  
**Subject:** FW: moose pass school

This will need to be put in the packet.

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**From:** john gaule [mailto:alpenglowcottage@arctic.net]  
**Sent:** Monday, August 11, 2008 9:27 AM  
**To:** Best, Max  
**Subject:** moose pass school

Dear Max,

In reference to the Moose Pass School land being sold it would be nice to see the school keep the land for future development or just as a buffer zone. The Lake side floods, the only ball field and playground in the community is on the east side and the front of the school is the road, which leaves that 25' of land to the west all that's left for any possibly developments. Thanks for taking the time to resolve this issue.

Sincerely,  
Ann Gaule

**Attn: Planning Commissioner Max Best**

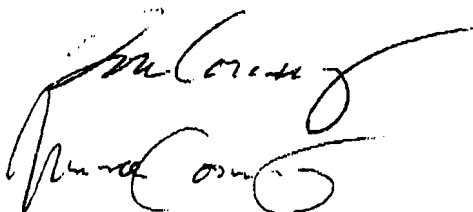
**Re: Ordinance 2008-25 Encroachment/Kingsford**

**Fax: 907-714-2378**

**We are strongly opposed to the passing of ordinance number 2008-25 regarding the sale of Kenai Peninsula Borough Moose Pass School Property.**

**Michael D. Cooney  
Iva Cooney  
P.O. Box 169  
[mcooney@arctic.net](mailto:mcooney@arctic.net)  
[ivacooney@arctic.net](mailto:ivacooney@arctic.net)**

**(907) 288- 5022**

Handwritten signatures of Michael D. Cooney and Iva Cooney. The signature of Michael D. Cooney is written above the signature of Iva Cooney.

## Hartley, Patricia

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**From:** Best, Max  
**Sent:** Monday, August 11, 2008 12:12 PM  
**To:** Hartley, Patricia; Mueller, Marcus  
**Subject:** FW: Ordinance 2008-25 and hearing...

For the packet.

-----Original Message-----

**From:** bm silva [mailto:butterfly@mac-email.com]  
**Sent:** Monday, August 11, 2008 10:43 AM  
**Cc:** Best, Max; Williams, John  
**Subject:** Ordinance 2008-25 and hearing...

**To:** Max Best, mbest@borough.kenai.ak.us  
John Williams, jwilliams@borough.kenai.ak.us

**From:** Bernadine Shaffer-Silva, resident since 1960.  
(and Boyd Shaffer, current owner of residence)

**Date:** August 11th, 2008

**Subject:** ORDINANCE 2008-25 -and- Shortened Hearing  
08/19/08 (Land Committee.)

We oppose the sale of the 2,010 approximate square feet of Tract A, Moose Pass School Site, Plat No. 74-483, more particularly described in Section 2, to Vern and Lura Ann Kingsford; or to anyone, and strongly believe, as does the Moose Pass Planning and Advisory Committee's vote, of NO to this sale -- along with an apparent majority of local people here that this property should remain as an integral part of the Moose Pass School's original land tract (as dating from before Statehood, in the Moose Pass Townsite) for the safety and progressive future educational use and needs of the students and members of the community, as a whole.

Also, from past knowledge, dealings and experiences, among other members of our community and larger society, in various areas we have come to believe Vern Kingsford's actions on the matter of continued encroachment over time on to the School property in question was more of pure intent and is a matter of trespass and theft of use, of this property; and as such should not be rewarded through 'making deals' to be rid of the issue in a short order or fast manner. And this should (have) be(en) in a more public and open information hearing in the community affected; as to do otherwise was an affront and insult to our community of Moose Pass.

Thank you for your time and interest in this matter.

Sincerely,  
Bernadine Shaffer-Silva  
Boyd Shaffer  
PO Box 47  
Moose Pass AK  
(907) 288-3146

**MOOSE PASS ADVISORY PLANNING COMMISSION  
MEETING  
AUGUST 8, 2008 7:00 PM  
MOOSE PASS COMMUNITY HALL  
UNAPPROVED MINUTES**

**Call to Order:**

Meeting called to order at 7:00 PM

**Roll Call:**

Todd Peterson, Bruce Jaffa, Ruth D'Amico, Jeff Hetrick, (Jennifer Trudeau excused)

**Approval of Minutes: No minutes available**

**Approval of Agenda:** by consent

**Old Business: None**

Todd Introduces Tim Navarre (TN) to comment on ongoing transfer site review. Two public meetings by the Borough mayor planned for the fall. One at Crown Point, One at the MPSC Hall. Current conceptual plan of the Crown Point site is available. Drawing shows fencing, potential video monitoring, bear proofing, recycling area in the summer. Q. How will notice be made? A. (TN) normal local business, area papers, "word of mouth". Q. Has the current site always been where it is now? A. Various sites including a historic site near the proposed site at Crown Point.

**Correspondence: None**

**New Business:**

Application to transfer property from school lot to owner lot 3 to resolve encroachments: Tim Navarre (TN) presents brief history. KPB 1<sup>st</sup> aware of trespass in 1-08. School District (SD) work in 6-07 and survey in 11-14-07. Discussion between parties to resolve encroachments. Waivers for mandated space separation by DEC are made by different parties including, the SD and possibly the owner of Lot 3, Vern Kingsford (VK). These waivers will allow a new SD well to be legal after A legal septic and well required by Alaska DEC are constructed on Lot 3. VK offered to buy the land subject to this transfer that was being used by his business Scenic Mountain Air, as housing, storage and lake access.

The Borough considered the eight structures as un-intentional encroachment and negotiated a solution to minimize impact and find the best interest for all parties. Members of the KPB, SD and others meet with VK at the site and prioritized goals. Minimize or simplify solution, maintain a tree buffer between lot School & lot 3, avoid legal action, provide fence to define property in perpetuity. TN recited 3 previous VK & Boro property line interactions from 1997 to present that had no continuing impact on this issue.

TN took question from the attendees.

Q. How could this encroachment have been a surprise to the KPB?

A. KPB owns the school property but the SD deals with most issues.

Q. How will the KPB determine a fair price for land that it sells?

A. Appraisal will be contracted

Discussion between TN and the Chair regarding the Planning Commission meeting on 8-11 and that meeting will forward a recommendation to the KPB Assembly for action on 8-19.

Chair opens the floor for comments to be given within standard meeting rules.

Erin Knotek, MP 17 yr MP resident former School employee opposed to transfer. States that school principal and administration was aware of the encroachment for many years and had no ability correct trespass.

Karen Kromrey, MP opposed to transfer. 25' foot buffer inadequate, believes trespass is intentional based on personal observation, Private house and property inadequate to contain a business of this size, Value of land is enhanced as one of very few private landholdings on Trail Lake, VK has not demonstrated himself to be a reasonable neighbor to adjacent parcel owner and is currently involved in a similar property encroachment.

Mark Kromrey, MP 25 years, opposed to transfer, former renter of house on Lot 3 opposed to transfer. Believes the trespass is willful, septic and water system on Lot 3 inadequate and illegal for current use. DEC compliance should be a part of any transfer as the current system jeopardizes SD "Class A" well, Value of lake front property should be high and a minimum of 3 times appraisal due to the willful trespass.

Julie Lindquist, M, Q Has KPB ever sold SD property? TN unsure but not in his memory of service. States that KPB will build a property line fence either way with or without transfer. Also stated Septic system on Lot 3 is planned to be brought up to DEC requirements regardless of transfer. Q from board (BJ) are issues coupled? A. by TN The issues of transfer and DEC and fence are not coupled.

Dwayne Hollman, Anchorage & Scenic Mtn. Air employee support transfer, Thought fence line was property line. Property is worth nothing and of no use to the school. Transfer and improvements are a good deal for the KPB.

Heather Lindquist MP, opposes transfer, states that KPB memo states "unintentional" therefore this description is a valid point to argue. She believes that adequate examples of past activity support an intentional encroachment. States that current use of Lt 3 is out of compliance with DEC, Kenai Coastal plan, and MP comprehensive plan. Fair market price should be "real" market value. TN states appraisal will define value.

Jeanne Follet MP, Q. What is the status of the Septic? A. by TN Lot 3 is out of compliance with DEC but will comply by building a new system and seeking waivers of distance regulations.

Bernie Silva Q. Can community buy the property? A. Property in question is already owned by KPB

Deanne Thomas MP & Scenic Mtn. Air employee supports transfer, all building currently planned to move with transfer have been moved including, fuel tank that is a double wall fire safe approved gas tank. Believes that encroachment trespass was unintentional. Transfer would relieve the KPB from having to "monitor" lot 3 behavior. Feels that VK is reasonable person and approachable to any "one on one" discussions. States that this property is worthless to SD or KPB. Feels that other encroaching buildings would be moved is transfer is denied.

Dawn Campbell, MP opposed to sale. School property is already recognized as small and should not suffer any further loss.

Mark Stauble, MP opposed to transfer; Buffer zone should be kept a large as possible. Business is active and growing. Fence along current property line is a must. Notes potential conflict with business and school activities. Must consider the future impacts.

Deanne Thomas, states that business activity declines about the time school starts in the fall. States dates that overlap about 2-3 weeks Aug & Sept.

Heather Lindquist, Buildings that are described in plat as encroaching are easily movable.

Melissa Guernsey, Doubts encroachments were accidental, buildings are movable and should be moved, this is not an issue of personality, and school property is “sacred”

Erin Knotek, No school property should be transferred.

Mark Thomas MP Tree line is a reasonable location of a property line. Expressed no opinion on transfer

Jack Harris, Cooper Landing & Scenic Mtn. Air employee, supports transfer, Fence currently on school property appears to be a definition of the property line therefore a reasonable conclusion would be that Legally, Logically and subjectively one may assume Lot 3 structures were on Lot 3. Believes encroachment trespass unintentional.

Carole Jaffa, opposes transfer, is the issue the cost of a new fence. Issue of the cost of the fence and who pays for it, should not motivate the decision to transfer.

Julie Lindquist, Fence on current property line serves all interests. Building said fence is the best use of KPB dollars. KPB should also defend against the transfer.

Tim Navarre, Fence needs to be built. KPB “probably” cannot ignore the need for a fence. The team that proposed this transfer made a reasoned decision. Previous plots show evidence of earlier trespass. (TN has a survey, not distributed, that shows drive way to the lake crossing property line.

End of public comments

MMSC Jeff/ Ruth to approve the transfer.

Discussion

Jeff speaks against the transfer. This is a small but important piece of land. Fence that will be built anyway is a non issue to motivate transfer, Objects to pace of the decision, Notes that Planning commission meets Monday 8-11.

Ruth, Q. How would this transfer benefit the school or the KPB? A. TN, Sale money goes to general fund; also the negotiation puts cost of fence to VK thus removing this expense from the KPB

Bruce, I personally have fought for the school for years. The school is the heart and center of the community. It deserves protection. Does not believe this is in the best interest of local or borough residents, Encroaching building are movable and should be moved.

Todd, Q. Did the KPB explore lease instead of sale A. TN lease open a “buy-in” to liability issues. Feels fast track process timeline is inappropriate.

Vote

Jeff Hetrick No  
Bruce Jaffa No  
Ruth D'Amico No  
Todd Peterson No

**Announcements:**

The next scheduled meeting not scheduled

**Commissioners Comments:**

Chairman, several commissioners are due to reapply and several seats remain open. Remember the Planning Commission meets in the Borough building Monday 8-11 and assembly on 8-19. All information available on KPB website.

**Adjournment:**

MMSC Jeff/ Ruth Meeting adjourned at 9:30

Bruce Jaffa  
Recording Secretary



**gary baker**

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**From:** "gary baker" <gbaker2@arctic.net>  
**To:** <jblankenship@borough.kenai.ak.us>  
**Sent:** Monday, August 11, 2008 2:17 PM  
**Subject:** Ordinance 2008-25

I wish to go on record as objecting to Ordinance 2008-25 authorizing the sale of approximately 2,010 square feet of Tract A Moose Pass School Site according to Plat No 74-483 to Vern and Lura Kingsford for the following reasons:

- 1. Considering Mr. Kingsford's history of "unintentional" trespass, it is difficult to believe that this was, indeed, unintentional.
- 2. This sale was negotiated without any public discussion beforehand.
- 3. The buffer between the Kingsford property and Moose Pass School should be larger, not smaller.
- 4. There are other alternatives. The buildings in question are not on permanent foundations and therefore can be easily moved.

Joyce Baker  
35391 Seward Highway  
P.O. Box 144  
Moose Pass, Ak 99631

8/11/2008

**Kenai Peninsula Planning Commission**

**Max Best, Planning Director**

**RE: Ordinance 2800-25 , Moose Pass School Encroachment**

**Objection:**

I object to the sale of one square inch of Kenai Peninsula Borough property used by the Moose Pass School to anyone, at anytime for any price.

One characteristic of the United States which has made it into a great country is indisputably its pledge and follow through to educate all of its children. All children...irregardless of race, economic means or population size where they live are entitled to an education. It is a sad day when the integrity of the small property set aside to educate the children of Moose Pass is dismissed.

The reasons against the sale of this property are infinite. A few are as follows:

**Fire:**

From the Borough web site <http://www.borough.kenai.ak.us/sbb/pages/faq.html> . "The WUI is commonly described as the zone where structures and other features of human development meet and intermix with undeveloped wildland or vegetative fuels. Wildland fire within the WUI is one of the most dangerous and complicated situations firefighters face." Would it be reasonable to say the Moose Pass school would be characterized as WUI and need all the fire buffer space possible to protect the property, students and staff. Would selling part of that buffer zone which has already been utilized to store fuel and firewood be a prudent decision?

From the Borough web site <http://www.borough.kenai.ak.us/sbb/pages/assistance.html> , there is a diagram indicating that firewood and fuel should be stored at least thirty feet away from a residence. Is this firewood shed encroachment thirty feet from the school building? Is the reasonable distance for this type of storage greater than thirty feet since the occupants of the building are minor children and may require assistance to evacuate the building in the case of an emergency?

Looking at the ASBuilt Certification, the layout and configuration of fuel storage tanks could change in the future at the discretion of the current landowners or future landowners if the 2,000 square feet is sold. The Kenai Peninsula Borough would not have the same enforcement power to require a private landowner to move the fuel storage containers and firewood sheds as it does now as the legal owner of the 2000 square feet.

**Evacuation:**

The Moose Pass School gym has three emergency exits. The exit through the kitchen is not immediately visible unless you enter the kitchen. The exit at the side/back of the gym next to the boys restroom faces these encroaching cabins. Does the outside area of this exit meet the requirements of the school evacuation plan? Would it still meet them if the property were sold? Even if the square footage requirements are met, is it reasonable to leave some extra space to further ensure a safe evacuation of the Moose Pass School Students, Staff and Visitors?

Leaving the emergency door at the back of the Moose Pass School gym and turning left toward Depot Street, there are no building obstructions. Leaving the emergency door at the back of the Moose Pass School gym and turning right toward the lake, the encroaching buildings are blocking the path. Is it reasonable to assume that Kindergarten students as young as five who often forget the difference between left and right will be able to be directed safely toward the street and not toward a building blocked path? Is it reasonable to assume those with learning disabilities such as dyslexia will be directed toward the street and not toward the blocked lake path? Is it reasonable to assume that the safest direction out of the gym will always be toward the street and not toward the lake? Is it reasonable to assume given the winter conditions of Moose Pass that snow, trees or debris will not be blocking the path toward the street?

#### **Current Use:**

It has been said, it is only 2000 square feet at issue in this proposal...it is insignificant. If it is indeed insignificant, perhaps the property owner who is encroaching would consider trading 2000 square feet of their street front property to add to the front of the Moose Pass School property to use for parking or as added buffer around the school well. Land swaps are often used to "remedy" property issues in Alaska. Since the lake front property is arguably more desirable than the street front property a larger portion of street front property might be in order.

Studying the ASBuilt Certification copy provided at the Moose Pass Advisory Meeting, a current use for this 2000 square feet could be moving the Moose Pass School storage sheds to the same 2000 square feet and using the space they are occupying for the Moose Pass School Dumpster. This would keep bears attracted to the dumpster at the back of the building where the school children are not usually entering and exiting the school building. It would also add to the aesthetic appearance of the school not to have the dumpster in the front. It might also aid in snow removal for this parking lot.

Another current use for the 2000 square feet would be to reconfigure the back of the school property utilizing this space so that some staff parking could be added. Even without the large school bus parked in front of the school, failure to arrive early for a school event quickly demonstrates how inadequate the parking lot is.

#### **Future Use:**

Again, it is only 2000 square feet which is not currently being used is a poor argument for selling the property. The Moose Pass School is already shortchanged in property square footage in comparison to other schools in Alaska. Twenty years ago, it is doubtful, anyone could have predicted the need for individual computers and the accompanying phone lines and electrical outlets in elementary schools. Who can say with certainty, that the next twenty years will not reveal a compelling need for this 2000 square feet of space?

The Moose Pass School already faces a huge challenge in terms of water. Most people cannot recall when the water was in compliance. A detailed explanation of the DEC requirements and importance of compliance to the minimum standards for separation of waste and well water could be a huge factor in the decision not to sell this parcel. The well and source of sewage for the Moose Pass School are only 89 feet apart requiring a waiver from the DEC which is currently still unresolved. Future water problems may require relocation of the well, sewer or both, making this 2000 square feet of property not only desirable but necessary for safe water for the school. It was not apparent from the Moose

Pass Advisory Meeting why the Moose Pass School does not have to meet the higher minimum requirements for commercial property. Also, as lake front property, future federal and state requirements could be more stringent for disposal of waste, again making the argument greater for retaining the 2,000 square feet.

One comment at the Moose Pass Advisory Meeting, stated that 2,000 square feet is the size of a personal residence and therefore insignificant. Currently, entities within twenty miles of the Moose Pass School such as Trail Lake Hatchery, Alaska State Troopers and the Chugach National Forest Service offer housing as compensation for employees. The lack of property in this area is well documented. Perhaps, in the future, the Kenai Peninsula School District could utilize some of this space for a residence with a view of Trail Lake and surrounding mountains to attract or retain a highly qualified principal, coach or teacher for the Moose Pass School.

The Moose Pass School does not have a Music Program, Art Program or Cafeteria comparable to other schools in the Kenai Peninsula School District. The Library is very small. Perhaps, part of this 2,000 square feet could house one of those functions in the future.

The Moose Pass School does not have a full size gym. Looking at the ASBuilt, it would be "reasonable" to assume that the best placement for a full size gym would be parallel to the property line at issue and would necessitate the retention of the 2,000 square feet.

Given the record tax collection by the State of Alaska due to high oil prices, it is possible one of these projects could find funding in the near future.

#### **Undue Haste:**

At the Moose Pass Advisory Meeting, it was stated that since the Garbage Disposal Project will be in place for fifty years the Mayor would like to proceed with more public meetings and comments. The Garbage Disposal Project has been given adequate public comment and notification, along with a survey mailed to residences, etc. and it will be given even more time. This proposed action will have consequences reaching beyond fifty years, yet has not received adequate time for public notification and comment. A special meeting for the Moose Pass Advisory Council was hastily called and advertised so that a few could be given an opportunity to comment. The reason for this undue haste for one action versus another is not apparent.

It was stated that the notice of this sale was advertised in the Seward Phoenix Log and Peninsula Clarion newspapers. These newspapers are not sold or delivered in Moose Pass, the area most impacted by this decision.

The Moose Pass Sportsmen Club was not contacted about the proposed sale which historically in recent times has been a source of information for the community.

#### **Unintentional:**

What basis has the Borough used to establish that this is "unintentional" vs "intentional" land use? Are the procedures different for "unintentional" vs "intentional"? Someone suggested at the Moose Pass Advisory Meeting that tree lines have been historically used as property lines. The gentlemen would be correct if this were 17<sup>th</sup> Century England. In current times, would not a "reasonable" business land owner verify a property line before constructing a series of buildings?

If memory serves, the Moose Pass School has been paying for snow removal and snow storage all the way to the correct property line past the well on the corner of the front parking lot next to Depot Street. Would it not occur to a "reasonable" business person that the Moose Pass School was trespassing by removal or storage of the snow if indeed the property line was the location suggested by the private land owner?

The fence which is not on the property line was suggested as a possible reason for this encroachment. If the entire school property were enclosed by fencing with the exception of the 2,000 square feet perhaps this could be a viable argument. Looking at the ASBuilt, a "reasonable" person would assume the Borough chose to pay only for the amount of fencing deemed necessary due to initial cost and maintenance costs. Is it "reasonable" for adjoining property owners to assume that any area not enclosed by fencing is not owned by the neighbor?

**"Remedy":**

The "remedy" for this encroachment should be the prompt and complete removal of the encroachments at the trespassers expense. This proposed "remedy", Ordinance 2800-25, deprives the Moose Pass School of safety, defense of its legal boundaries, current and future use of the 2,000 square feet.

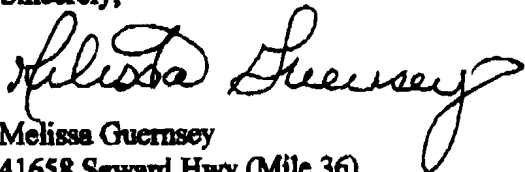
Mr Navarre and Mr Peterson both commented at the Moose Pass Advisory Meeting that the Borough often negotiates sales of Borough Property in this manner to "remedy" these types of encroachments. If this were truly 2,000 square feet of land without a current use, perhaps it would be "reasonable" to proceed in this manner. Given that this is school property which is currently being used as a school, this argument seems invalid. Given that education is a fundamental right of children in the United States this seems akin to selling a birthright.

**Conclusion:**

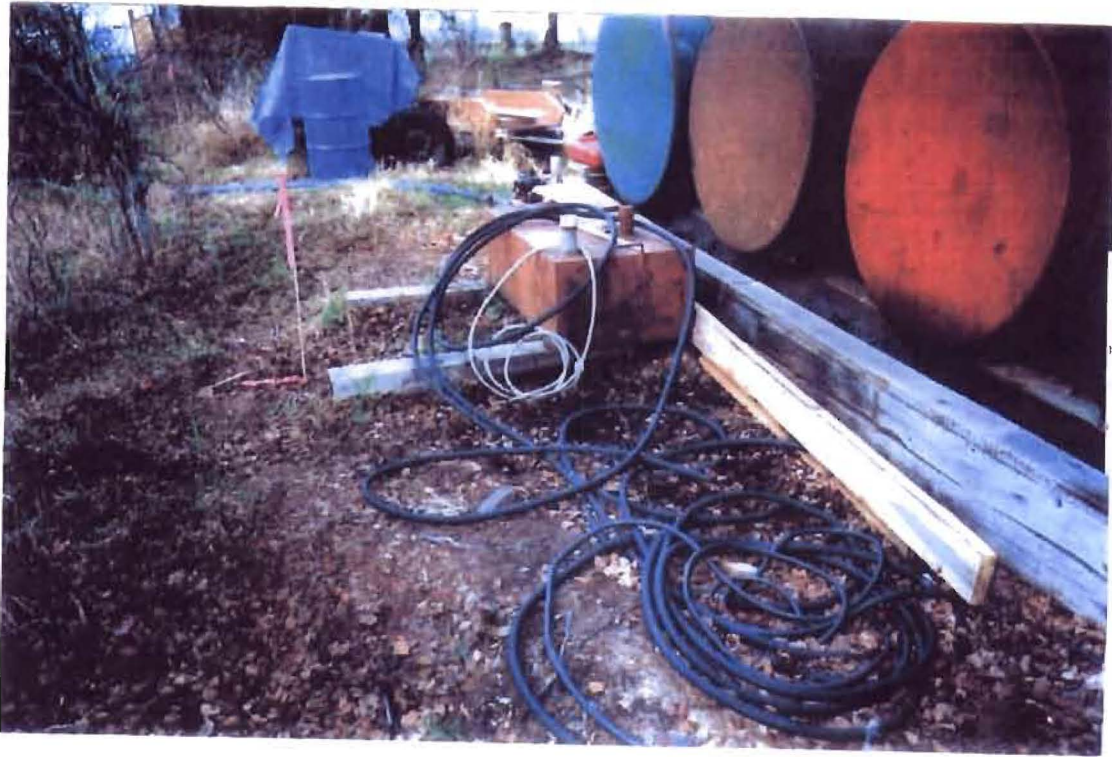
Please weigh the negative impact of this proposal to exchange this land set aside for education for a survey, fence and a few thousand dollars carefully. The current and future generations of Moose Pass children are counting on you.

Thank you for taking the time to read and consider this letter.

Sincerely,



Melissa Guernsey  
41658 Seward Hwy (Mile 36)  
Moose Pass, Alaska



oil storage  
west boundary



Cedar  
Sauna  
(Trespass  
on 2 adjoining  
land owners)  
Church and  
State of Alaska

WAS HANDLED BY AT THE  
ANNEX COMMUNITY MEETING

insfer





Blue hose pumping  
oily waste onto  
adjoining property to  
the West.



Oily waste  
in lower left  
across the  
property line.

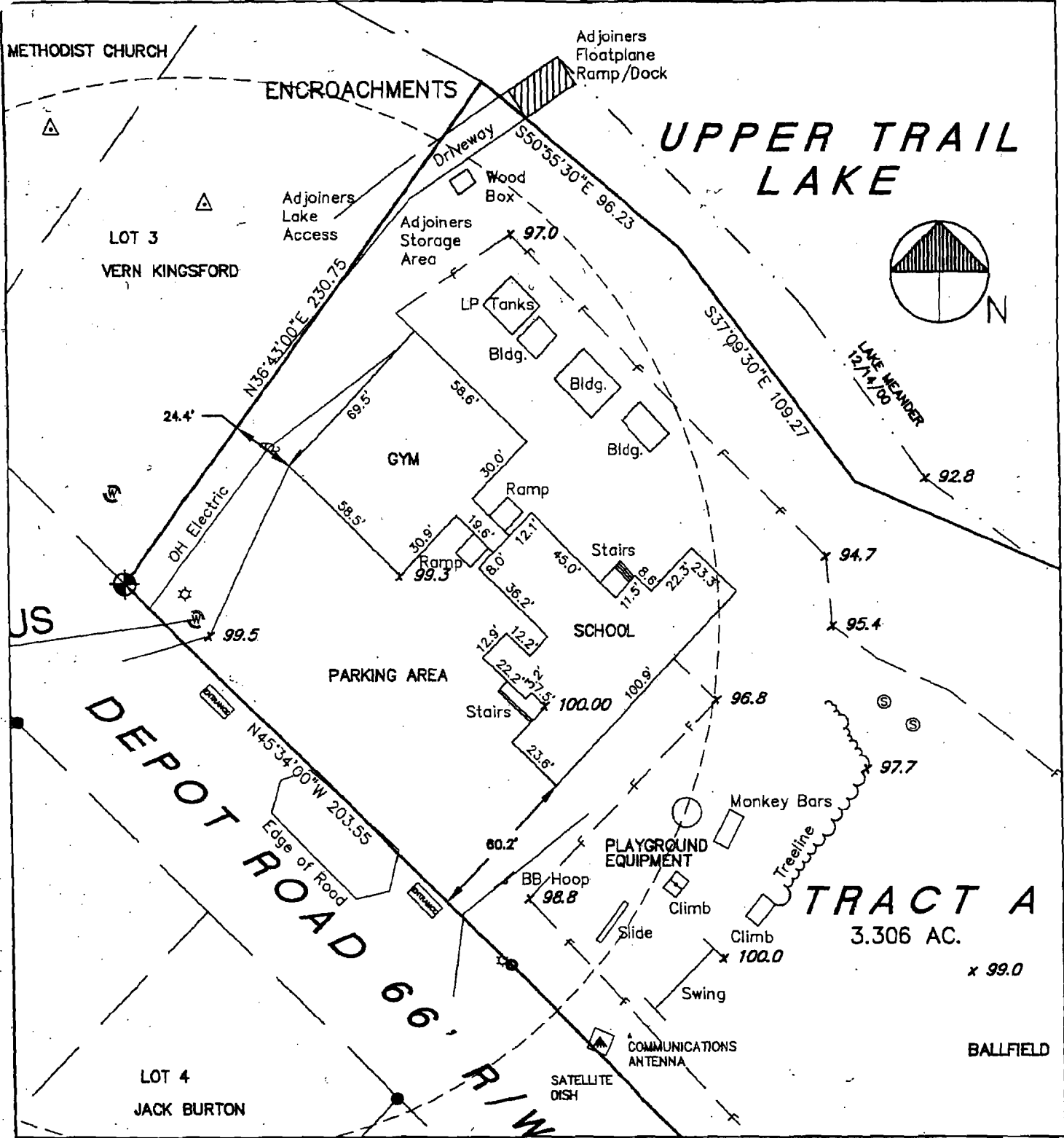




oil discharge  
center left of  
photo.







**Legend**

- Found Property Corner (Rebar)
- ⊙ Septic Manhole
- ⚡ Chain Link Fence
- x 99.0 Typical Spot Elevation
- ⊙ Found Survey Monument
- ⚠ Septic Vent or Monitor Tube
- ☆ Light Pole
- ⊕ Water Well
- ⚡ Power Pole

**MOOSE PASS  
SCHOOL SITE**  
1" = 50'

**Hartley, Patricia**

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**From:** Best, Max  
**Sent:** Monday, August 11, 2008 4:57 PM  
**To:** Hartley, Patricia  
**Subject:** FW: Ordinance 2008-25: Moose Pass School land sale

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**From:** Tom and Heather [mailto:thjj@arctic.net]  
**Sent:** Monday, August 11, 2008 4:54 PM  
**To:** Williams, John; Best, Max  
**Subject:** Ordinance 2008-25: Moose Pass School land sale

Dear Mayor Williams and Mr. Best:

I would like to go on record as opposed to Ordinance 2008-25, the Moose Pass School land sale, for the following reasons:

- All of the small buildings are on temporary foundations (skids) and can be moved off of the school property.
- A future gymnasium expansion, which has been discussed locally for many years, can only be on the west side of the school property.
- The Borough is setting a dangerous precedent in allowing an adjacent property owner to encroach on, and subsequently purchase, part of a school site.
- The rushed timeline of this process with little public notice and opportunity for public input.
- The property owner involved has also encroached on the adjacent land to the west of his property, therefore demonstrating a pattern of behavior that is hard to dismiss as unintentional.

I appreciate the opportunity to comment on this issue. Thank you for your time and attention.

Sincerely,  
Thomas Lindquist  
Mile 34.7 Seward Highway  
37114 Hannisford Drive  
Moose Pass 99631

137-13

8/11/2008

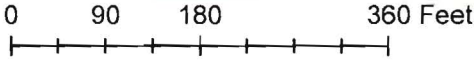


AREA OF TRESPASS

MOOSE PASS  
SCHOOL  
SITE



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



Printed on Aug 15, 2008

# Moose Pass School Site



**Hartley, Patricia**

**From:** Lura Kingsford [sma@seward.net]  
**Sent:** Monday, August 11, 2008 5:21 PM  
**To:** Planning Dept,  
**Subject:** Ordinance 2008-25

Hello,

I wish to comment on the sale of property to Vern Kingsford. I am for this sale.

The following reasons are why I support this sale:

The small piece of property that is in question is insignificant as to the use by the school or anyone else other than Vern Kingsford. The students would not use it since the school has their propane tanks in that area.

There has always been a tree line between the school and the Kingsford property. This was believed to be the property line. The buildings were setup the correct distance from the trees like you would a house from the property line.

Vern Kingsford is a local business owner that brings a great deal of revenue to Moose Pass. To have to move all the buildings would be a hardship and he would have to evaluate whether to remain in business.

The operation of his business has never been at a detriment to the students. This business is seasonal so doesn't have a lot of impact on the school while it is in session.

Please vote to approve the ordinance.

Thank you,

Deanna Thomas  
PO Box 212  
Moose Pass AK 99631