

**SUBJECT:** VACATE A 20' WIDE DRAINAGE EASEMENT AS FIRST SHOWN ON PLAT 2004-157 AND CURRENTLY WITHIN LOTS 5A & 5B, LUCKY LINDY 2016, PLAT 2017-12, AND REPLACE IT WITH A DRAINAGE EASEMENT OVER THE ACTUAL DRAINAGE LOCATION AND PROVIDE MORE BUILDABLE AREA ON THE PROPOSED LOTS. LOCATED IN THE NORTHWEST 1/4 SECTION 21, TOWNSHIP 18 NORTH, RANGE 1 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 6: JESSE SUMNER

**AGENDA:** NOVEMBER 27, 2018

**ASSEMBLY ACTION:**

*Approved under the Consent agenda 11.27.18*

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>JS</i>	
	Borough Clerk	<i>JAM</i>	11/19/18

**ATTACHMENT (S) :** Fiscal Note: Yes \_\_\_\_\_ No X

Draft Minutes (2 pages)  
 Notification of Action (3 pages)  
 Vicinity Map (2 pages)

**REASON FOR REQUEST:** The request is to vacate a 20' wide drainage easement as first shown on plat# 2004-157 and currently on Lots 5A & 5B, Lucky Lindy 2016, plat# 2017-12, and replace it with a drainage easement where the drainage actually exists and provide more suitable building area on the proposed lots.

**SUMMARY STATEMENT:** On November 1, 2018 (written decision November 7, 2018), the Platting Board approved the resubdivision of Lots 5A & 5B, Lucky Lindy 2016 and a modification of the 20' wide drainage easement as first shown on plat# 2004-157 to shift the northern portion to the east over the actual location of the drainage. This was as evidenced by the location of an existing culvert at the northern end of the drainage, which was outside of the easement and pictures provided by the petitioner's surveyor. This modification to the easement will place the protective drainage easement over the existing drainage area and will provide more suitable building area on the proposed lots.

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.032, Elimination or Modification of Utility, Drainage, Sanitation, Slope, Snow Storage, Buffer, and Screening Easements. The existing drainage flows outside of the current easement at the northern end. The replacement easement will overlay the existing drainage. The vacation is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.032.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on November 1, 2018, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The Meeting was called to order at 1:01 p.m. by the Chair Jay Van Diest.

**1. CALL TO ORDER**

**A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)**

Platting Board members present and establishing a quorum:

Mr. Jay Van Diest, District #1 (Chair)  
Mr. LaMarr Anderson, District #2  
Mr. Gregory Pugh, District #3  
Mr. Jordan Rausa, District #4 (Vice Chair) - Late  
Mr. Dennis Vau Dell, District #5  
Mr. Patrick Johnson, District #6 - Late  
Mr. George Thompson, District #7

Platting Board member excused or absent:

Mr. John Shadrach, Alternate #2

Staff in attendance:

Mr. Fred Wagner, Platting Officer  
Ms. Sloan Von Gunten, Administrative Specialist  
Mr. Peggy Horton, Platting Technician

**B. THE PLEDGE OF ALLEGIANCE**

- The pledge of allegiance was led by Mr. LaMarr Anderson.

**C. APPROVAL OF THE AGENDA**

Chair Jay Van Diest inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objections.

**2. APPROVAL OF MINUTES**

Chair Jay Van Diest inquired if there were any changes to the minutes for October 4, 2018.

GENERAL CONSENT: The minutes for October 4, 2018 was approved without changes.

**3. UNFINISHED BUSINESS**

- None

**4. PUBLIC HEARINGS**

**A. LUCKY LINDY 2018 ADDITION**

Chair Jay Van Diest read the case description into the record.



Mr. Johnson arrived at the platting board meeting at 1:06 p.m.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 197 public hearing notices were mailed out on October 11, 2018.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, #2018-123 & 124/2018-T23.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Mr. Rausa arrived at the platting board meeting at 1:12 p.m.

Joy Cypra(Petitioner)

- Agrees with all the recommendations.

MOTION:

- Pugh moved to approve the preliminary plat for Lucky Lindy 2018 Addition and modification to the drainage easement, with 8 recommendations. The motion was seconded by Thompson.

VOTE:

- The motion passed with all in favor. There are 9 findings.

TIME: 1:13 P.M.

CD: 0:09:55

#### B. HAYDEN HIDEAWAY

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 5 public hearing notices were mailed out on October 11, 2018.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, #2018-125/2018-T29.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Joy Cypra (Petitioner)

- Agrees with all the recommendations.



## MATANUSKA-SUSITNA BOROUGH

### Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

### NOTIFICATION OF ACTION

November 7, 2018

Dale & Beverly Tallman  
4853 N. Huey Lane  
Wasilla, AK 99654

Case #: 2018-123/124

Case Name: LUCKY LINDY 2018 ADDITION & DRAINAGE EASEMENT  
MODIFICATIONS

Action taken by the Platting Board on November 1, 2018 is as follows:

THE PRELIMINARY PLAT FOR LUCKY LINDY 2018 ADDITION AND MODIFICATION  
TO THE DRAINAGE EASEMENT WAS APPROVED AND WILL EXPIRE ON  
NOVEMBER 7, 2024 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS  
(see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,

  
Mr. Jay Van Diest  
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

Farmer Surveying, LLC  
9131 E. Frontage Road, Ste. 21  
Palmer, AK 99645  
Additional Plat Reviews After 2<sup>nd</sup> Final are \$100.00 Each

AM 18-099

**CONDITIONS of APPROVAL:**

The Platting Board approved the preliminary plat for Lucky Lindy 2018 Addition and modification to the drainage easement, contingent upon the following:

1. Submit the mailing and advertising fee.
2. Obtain approval of the drainage easement modification from the borough assembly.
3. Place a graphic representation of the easement modification on the final plat per MSB 43.15.032(A)(3).
4. Provide updated Certificate to Plat executed within 7 days, prior to recording the plat per MSB 43.15.053(E).
5. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
6. Submit recording fee, payable to the State of Alaska, DNR.
7. Taxes and special assessments must be paid in full through the year of recording, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
8. Submit final plat in full compliance with Title 43.

**FINDINGS:**

1. The plat of Lucky Lindy 2018 Addition is consistent with AS 29.40.070, *Platting Regulations*; and MSB 43.15.016, *Preliminary Plat Submittal and Approval*.
2. The modification to the drainage easement is consistent with MSB 43.15.032, *Elimination or Modification of Utility, Drainage, Sanitation, Slope, Snow Storage, Buffer, and Screening Easements*.
3. The northeastern portion of the platted 20' drainage easement is being shifted to the east so as to more accurately create the easement over the actual location of the drainage.
4. The placement of the culvert at the northern end of the drainage is more evidence that the drainage occurs outside of the existing drainage easement and the easement needs to be moved.
5. The engineer explained that this drainage is not a stream or spring but rather a ditch meant to carry intermittent spring runoff and appears to be dry the remainder of the year.
6. A professional engineer stated useable area is available for wastewater disposal and building on the new lots in compliance with MSB 43.20.281.
7. Lot sizes and block lengths are consistent MSB 43.20.300(A), *Lot and Block Design*.

8. Frontage to all lots are consistent with MSB 43.20. 320, *Frontage*.
9. There were no borough department, outside agency or public objections to this platting action.



TRACT 1  
ONE, FIRST ADDITION TO  
WOLF LAKE, PLAT No. 85-203

