

SUBJECT: REQUEST TO VACATE THE 60' WIDE RIGHT-OF-WAY OF N. HAL'S CIRCLE, DEDICATED BY ASLS 72-26, PLAT NO. 86-163 LOCATED WITHIN NW 1/4 NW 1/4 SECTION 16, TOWNSHIP 18 NORTH, RANGE 01 WEST, SEWARD MERIDIAN, ALASKA.

AGENDA: JANUARY 18, 2022

ASSEMBLY ACTION:

Approved under the consent agenda 1-18-22

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>PK</i>	
	Finance Director	<i>OV</i>	
	Borough Attorney	<i>AS</i>	
	Borough Clerk	<i>Jan 1/10/22</i>	

ATTACHMENT (S): Fiscal Note: Yes ☐ No ☒

Platting Board Minutes, 12/16/2021 (5 pages)

Plating Board Action Letter, 12/24/21 (3 pages)

Vicinity Map (4 pages)

REASON FOR REQUEST: *The request is to vacate the 60' wide right-of-way of N. Hal's Circle, created by ASLS 72-26, Plat No. 86-163, to provide access to Lots #3A-3D. Petitioner is eliminating the common lot lines to create one large lot and the right-of-way is no longer needed for access, since the lot will have legal and physical access from W. Schrock Road. N. Hal's Circle does not provide access to any other parcels.*

SUMMARY STATEMENT: On December 16, 2021 (written decision December 24, 2021), the Platting Board approved the vacation of the right-of-way of N. Hal's Circle. Alternate access is provided by W. Schrock Road. Petitioner has demonstrated that alternate equal or better access exists. N. Hal's Circle does not provide access to any other parcels.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a), as equal or better access exists. Vacation is pursuant MSB 43.15.035.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on December 16, 2021, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The Meeting was called to order at 1:00 p.m. by Chair LaMarr Anderson.

1. CALL TO ORDER

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

Platting Board members present and establishing a quorum:

Mr. Pio Cottini, District Seat #1
Mr. LaMarr Anderson, District Seat #2, Chair
Mr. Dan Bush, District Seat #4
Mr. Dennis Vau Dell, District Seat #5
Mr. Wilfred Fernandez, District Seat #6, Vice Chair
Mr. Alan Leonard, District Seat #7

Platting Board members absent and excused were:

Mr. John Shadrach, District Seat #3
Ms. Amanda Salmon, Alternate
Ms. Barbara Doty, Alternate

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Sloan Von Gunten, Platting Administrative Specialist
Ms. Amy Otto-Buchanan, Platting Technician
Mr. Mathew Goddard, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Mr. Dan Bush.

C. APPROVAL OF THE AGENDA

Chair Anderson inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objections.

2. APPROVAL OF MINUTES

Chair Anderson inquired if there were any changes to the minutes for November 18, 2021.

GENERAL CONSENT: The minutes for November 18, 2021 were approved without objections.

3. AUDIENCE PARTICIPATION & PRESENTATIONS *(Three minutes per person, for items not scheduled for public hearing)*

4. UNFINISHED BUSINESS: Quasi-Judicial Matters
(There is no Unfinished Business)

5. RECONSIDERATIONS/APPEALS
(There are no Reconsiderations/Appeals)

AM 22-001

Discussion by the board on the driveway & roadway with modify recommendation #2.

TIME: 1:41 P.M.

CD: 0:41:23

BREAK

TIME: 1:47 P.M.

CD: 0:46:52

Amended

MOTION: Platting Member Vau Dell moved to amend the motion to modify recommendation #2. The amended motion was seconded by Platting Member Fernandez.

RECOMMENDATIONS:

- Modify #2: Construct W. Concord Street and cul-de-sac to residential standard. Provide engineer's final inspection report along with verification from a RLS that the constructed roadways are located with the proposed right-of-way per msb 43.20.140. Provide road sign off from public works.
- Add #10: Remove the shed on proposed lot 3 out of the setback and surveyor to provide proof the shed has been moved.

Amended

VOTE: The amended motion for modifying recommendation #2 passed with all in favor by general consent.

Main

VOTE: The main motion passed with all in favor by general consent. There are 7 findings of fact.

C. LABRADOR ESTATES: The request is to create one lot from Lots 3A-3D, Block 4, ASLS 72-26, Plat No. 86-163, to be known as Labrador Estates, containing 3.68 acres +/-.
Petitioner is proposing to vacate all but 60' of Hal's Circle. The plat is located north of W. Schrock Road, west of N. Sushana Drive and south of Little Susitna River (Tax IDs #3269B04L003A-L003D); located within the NW ¼ SE ¼ Section 16, Township 18 North, Range 01 West, Seward Meridian, Alaska. In the Tanaina Community Council and in Assembly District #6. (*Owner/Petitioner: Cale Cucullu; Surveyor: Shadrach; Staff: Amy Otto-Buchanan*)

Chair Anderson:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record; there was no objection noted by the platting board.

Ms. Von Gunten provided the mailing report:

- Stating that 32 public hearing notices were mailed out on November 24, 2021.

4m 22-001

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-175/177.
- Staff recommends approval of the case with findings of fact and conditions.
- The board has the option of vacating all of Hal's Circle as this will help both the borough and the petitioner.
- Answered questions from the platting board.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

Mr. Chuck Cucullu, the petitioner's son, passed on giving an overview.

Chair Anderson:

- Opened the public hearing for public testimony.
- There being no one to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Chuck Cucullu, the petitioner's son, let the board know that they are working with Enstar on the easements. Agrees with all the recommendations.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Cottini moved to approve the preliminary plat for Labrador Estates and the vacation of all of N. Hal's Circle with 9 recommendations. The motion was seconded by Platting Member Leonard.

Discussion ensued by the board on the vacation of Hal's Circle.

VOTE: The motion passed with all in favor. There are 9 findings of fact.

D. RESOLUTION 2021-137: Platting Policy and Procedure Manual Revision.

Ms. Sloan Von Gunten:

- Gave an overview of Resolution 2021-137.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Vau Dell moved to approve resolution 2021-137. The motion was seconded by Platting Member Leonard.

VOTE: The motion passed with all in favor by general consent.

7. ITEMS OF BUSINESS & MISCELLANEOUS

A. Special Meeting Session on Title 43 White Board List and Title 43 Resolutions.

- Fred Wagner, The Platting Officer, presented the White Board List packet and changes that the board has made.

Discussion by the Platting Board on the changes.

New Item: Mr. Wagner went over MSB 43.15.032 (E).

Discussion ensued by the platting board on MSB 43.15.032(E). Law is the one who thought is should be in the Packet.

MOTION: Platting Member Vau Dell moved to remove MSB 43.15.032(E) from the Title 43 White Board Packet. The motion was seconded by Platting Member Fernandez.

VOTE: The motion passed with all in favor by general consent.

New Item: Mr. Wagner went over MSB 43.120.281(E)(1)(d).

MOTION: Platting Member Cottini moved to add MSB 43.120.281(E)(1)(d) to the Title 43 White Board Packet. The motion was seconded by Platting Member Vau Dell.

VOTE: The motion passed with all in favor by general consent.

8. PLATTING STAFF & OFFICER COMMENTS

- A. Adjudicatory (*if needed*)
- B. Upcoming Platting Board Agenda Items

Mr. Wagner provided a brief update on the Platting Board schedule. The next meeting will be January 6, 2022. Will have the Resolution for the title 43 white board list packet at the next meeting.

Ms. Von Gunten thanked Platting Member Anderson and Vau Dell in serving, and has certificates for their service for the other members to sign before they leave.

9. BOARD COMMENTS

- Platting Member Bush had no comments.
- Platting Member Vau Dell had no comments.
- Platting Member Leonard thanked board members for serving.
- Platting Member Cottini thanked Mr. Anderson and Mr. Vau Dell for their work.
- Platting Member Fernandez thanked Mr. Anderson and Mr. Vau Dell.
- Platting Member Anderson thanked everyone for their time and work.

Am 22-001

10. ADJOURNMENT

With no further business to come before the Platting Board, Chair Anderson adjourned the meeting at 2:50 p.m. (CD: 01:52:10)

LAMARR ANDERSON,
Platting Board Chair

ATTEST:

SLOAN VON GUNTEN,
Platting Board Clerk

Minutes approved: _____

DRAFT



MATANUSKA-SUSITNA BOROUGH

Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Email: platting@matsugov.us

PLATTING BOARD ACTION LETTER

December 24, 2021

Cale Cucullu
189 E. Nelson Ave.
Wasilla, AK 99654

Case #: **2021-175/177**

Case Name: **LABRADOR ESTATES & VACATION OF HAL'S CIRCLE**

Action taken by the Platting Board on December 16, 2021 is as follows:

THE PRELIMINARY PLAT FOR LABRADOR ESTATES AND THE VACATION OF HAL'S CIRCLE WAS APPROVED AND WILL EXPIRE ON DECEMBER 24, 2027 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISION ARE ALSO INCLUDED.

ALL DECISIONS OF APPROVAL OR DISAPPROVAL BY THE PLATTING AUTHORITY 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. Fred Wagner, PLS
Platting Officer

sv

cc: DPW – Jamie Taylor

Bull Moose Surveying
200 Hygrade Lane
Wasilla, AK 99654

Additional Plat Reviews After 2nd Final are \$100.00 Each

Charles Leonard, 460 W. Schrock Rd., Wasilla, AK 99654

Am 22-001

FINDINGS of FACT:

1. The plat of Labrador Estates is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The vacation is consistent with MSB 43.15.035(B).
3. A soils report was not required, as this is essentially an elimination of common lot lines, pursuant to MSB 43.15.025(4)(1).
4. The lot has the required frontage pursuant to MSB 43.20.320 and MSB 43.20.300(E).
5. A posting affidavit of vacation notice was provided to Platting staff.
6. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers, Community Council Tanaina; Fire Service Area #136 West Lakes; Road Service Area #28 Gold Trail; MSB Emergency Services, Community Development, Assessments, Planning, Pre-Design Division or Development Services; or MEA.
7. There were no objections from any federal or state agencies, or Borough departments.
8. There were no objections from the public in response to the Notice of Public Hearing.
9. Enstar objected, unless the issue of an easement for the gas main was resolved.

CONDITIONS of APPROVAL:

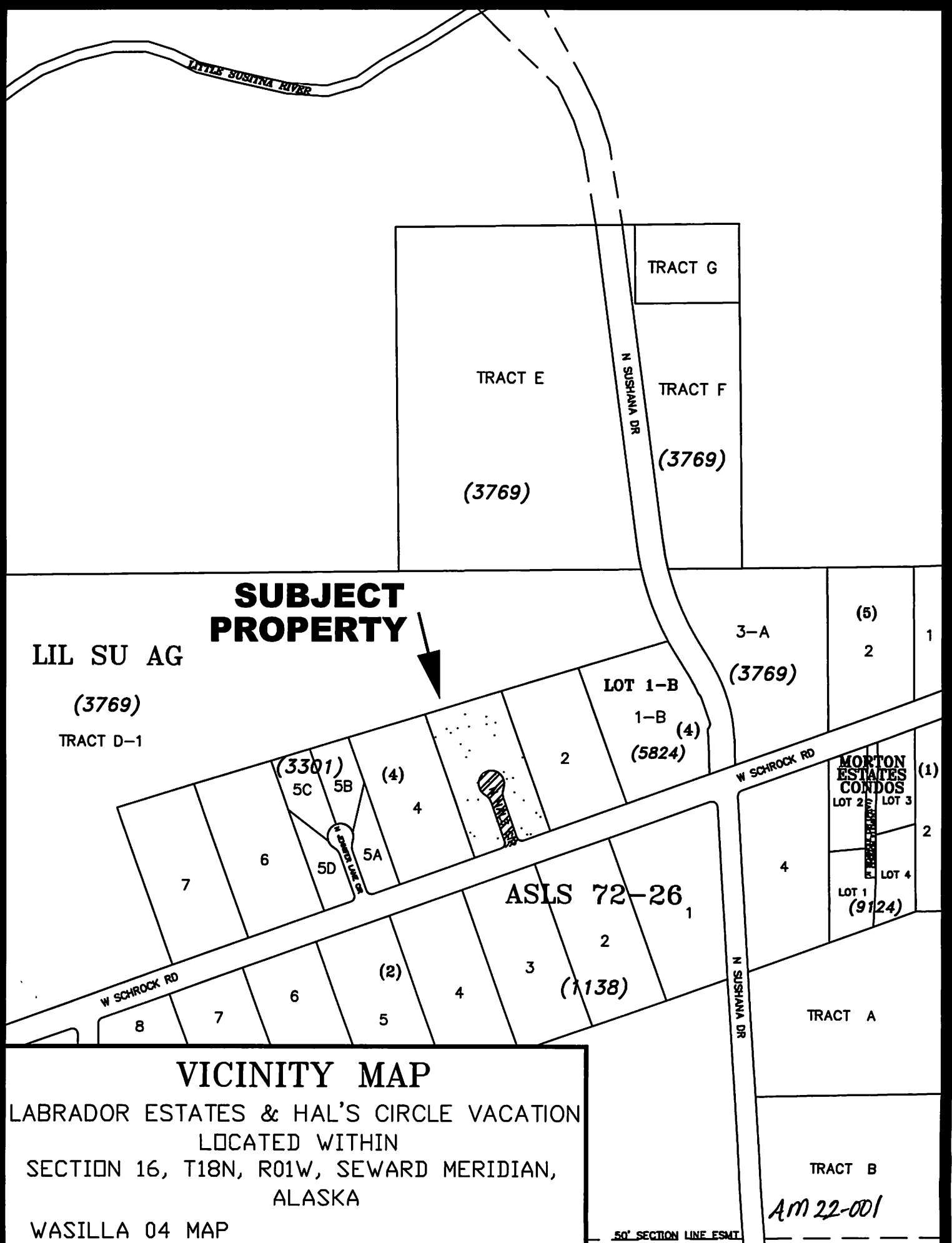
The Platting Board approved the preliminary plat for Labrador Estates and the vacation of Hal's Circle, contingent upon the following:

1. Obtain approval of the vacation from the Assembly within 30 days of the written decision.
2. Taxes and special assessments must be paid in full for the year of recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs), by CERTIFIED FUNDS OR CASH.
3. Provide updated Certificate to Plat executed within seven (7) days of recording of plat and submit Beneficiary Affidavit for any holders of a beneficial interest.
4. Pay postage and advertising fees.
5. Show all easements of record on final plat.
6. Coordinate with Department of Public Works Operations & Maintenance Division on the removal of N. Hal's Circle from maintenance and provide information to Platting staff.
7. Resolve the issue of the 15' wide easement with Enstar and notify Platting staff. Either show the easement as requested or provide proof to Platting Staff of the removal of the gas main.

AM 22-001

8. Submit recording fees, payable to Department of Natural Resources (DNR).
9. Submit final plat in full compliance with Title 43.

Am 22-001



**SUBJECT
PROPERTY**

LIL SU AG

(3769)

TRACT D-1

TRACT E

(3769)

TRACT G

TRACT F

(3769)

3-A

(3769)

LOT 1-B

1-B (4)
(5824)

(5)

2

1

MORTON
ESTATES
CONDOS
LOT 2 LOT 3

(1)

2

LOT 1
(9124)
LOT 4

ASLS 72-26₁

2

(1138)

(2)

4

3

5

6

7

8

TRACT A

TRACT B

Am 22-001

VICINITY MAP

LABRADOR ESTATES & HAL'S CIRCLE VACATION
LOCATED WITHIN
SECTION 16, T18N, R01W, SEWARD MERIDIAN,
ALASKA

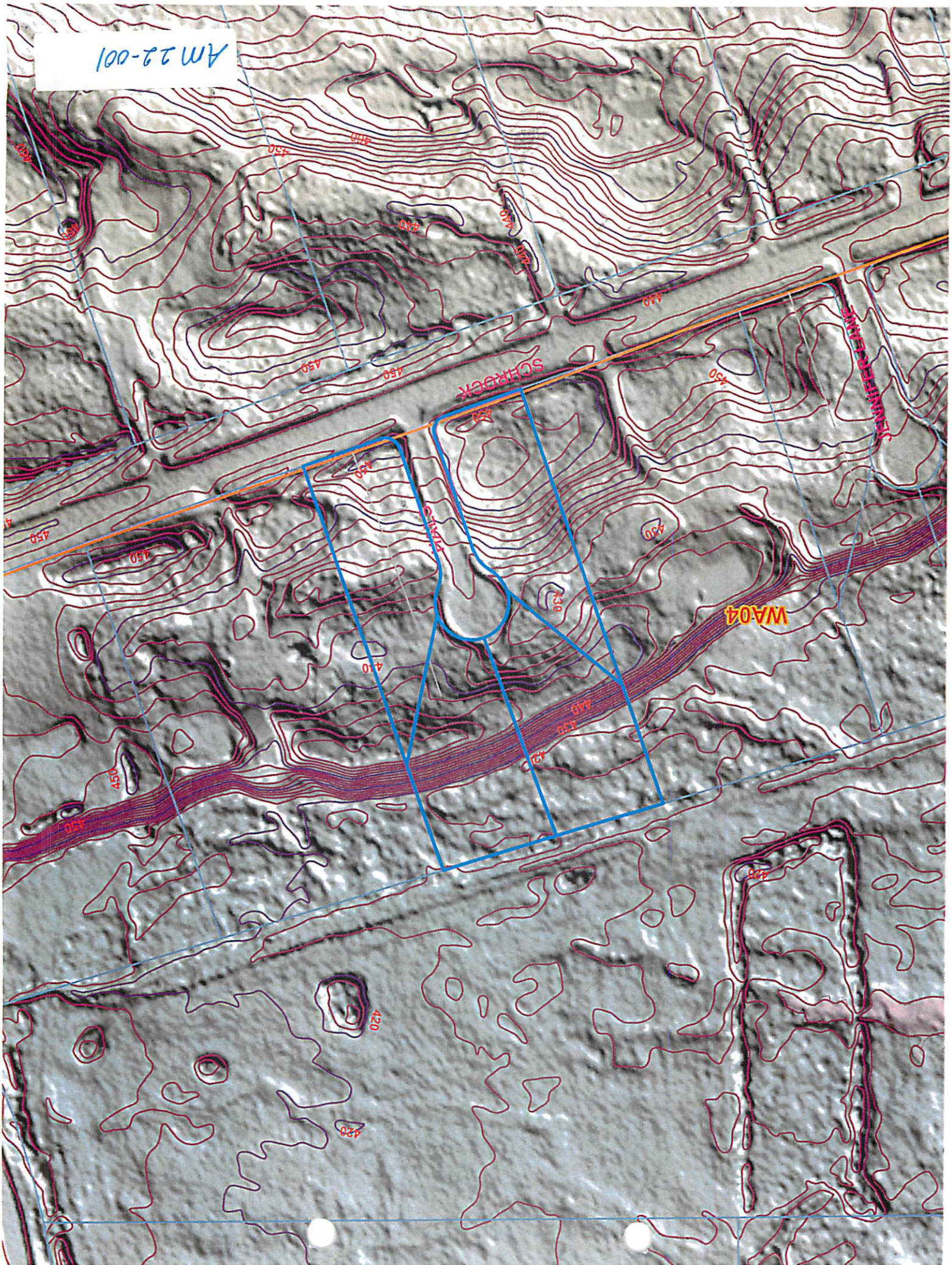
WASILLA 04 MAP

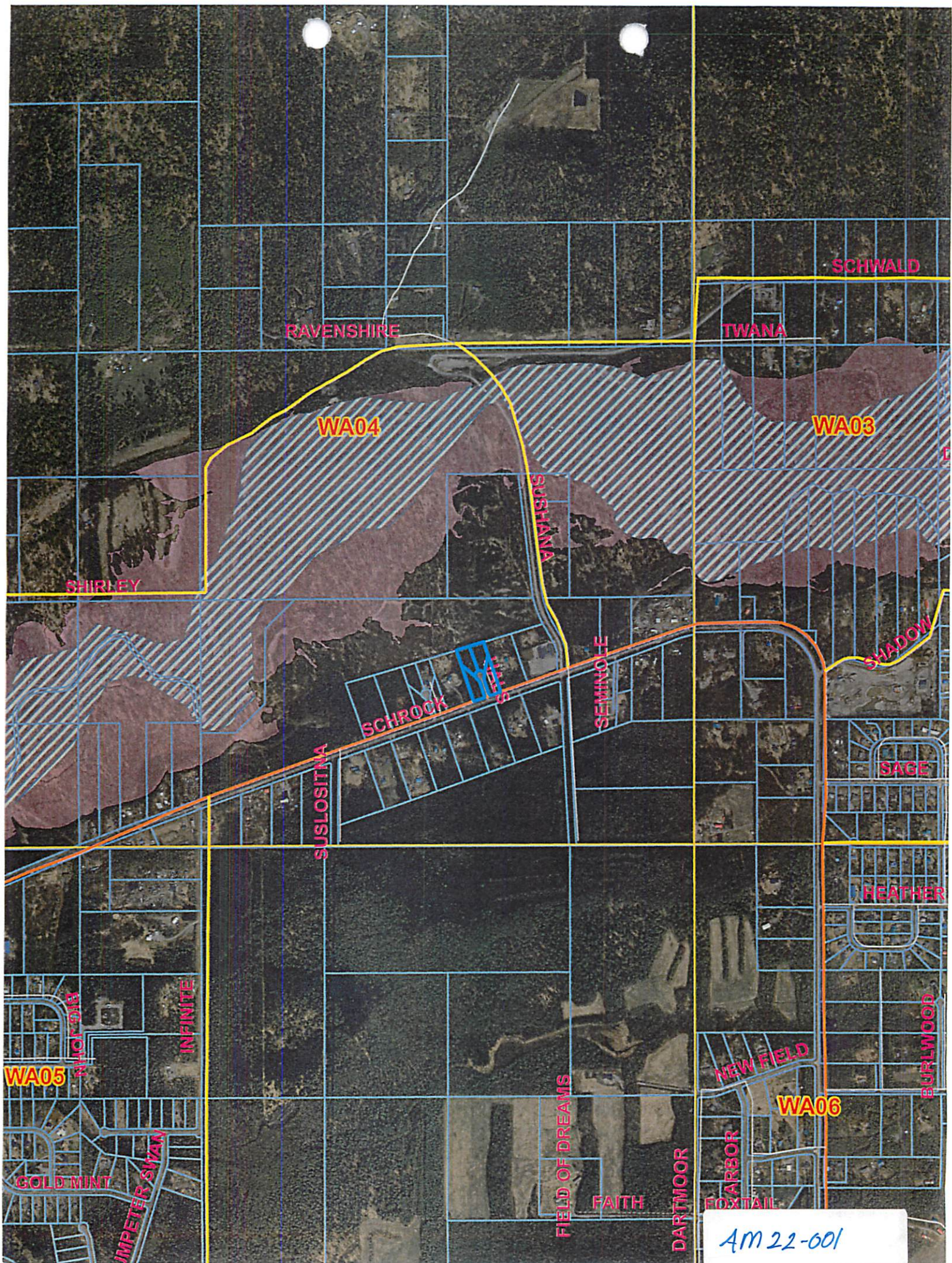
50' SECTION LINE ESMT



Am 22-001

AM 22-001





SCHWALD

RAVENSHIRE

TWANA

WA04

WA03

SHIRLEY

SUSHANA

SCHROCK

SEMINOLE

SHADOW

SAGE

SUSLOSITNA

HEATHER

WA05

WOLF DEN

INFINITE

GOLD MINT

IMPETER SWAN

FIELD OF DREAMS

FAITH

DARTMOOR

NEW FIELD

WA06

FOARBOR

FOXTAIL

BURLWOOD

Am 22-001