

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING TRANSFER OF INTEREST OF THE SUSITNA HEIGHTS SUBDIVISION PARK TO THE CITY OF HOUSTON FOR THE PURPOSE OF DEDICATION FOR A PUBLIC PARK. (MSB008039)

AGENDA OF: December 19, 2023

ASSEMBLY ACTION: Adopted without objection 01/02/24 - BJH

AGENDA ACTION REQUESTED: Introduce and set for public hearing.

Route To	Signatures
Originator	11/20/2023 X Lisa Gray Signed by: Lisa Gray
Department Director	11/20/2023 X Eric Phillip 2 Signed by: Eric Phillip 2
Finance Director	11/21/2023 X Cheyenne Heindel Signed by: Cheyenne Heindel
Borough Attorney	11/21/2023 X Nicholas Spiropoulos Signed by: Nicholas Spiropoulos
Borough Manager	11/21/2023 X Michael Brown Signed by: Michael Brown
Borough Clerk	11/28/2023 X Brenda J. Henry for Signed by: Brenda Henry

**ATTACHMENT (S) :** Fiscal Note: YES X NO \_\_\_\_\_  
 Vicinity Map (1 pp)  
 City of Houston Resolution 23-21 (2 pp)  
 Exhibit A: Best Interest Finding (2 pp)  
 Exhibit B: Public Comment (4 pp)  
 Exhibit C: MSB Development Services Comments (2 pp)  
 Ordinance Serial No. 24-002 (2 pp)

**SUMMARY STATEMENT:**

The City of Houston has submitted a request to the Borough Manager asking for the Borough to transfer any interest the Borough has in the Susitna Heights Subdivision Park to the City of Houston. The park is located within the city limits. The City of Houston proposes to dedicate the park for a public purpose. The park is

1.75 acres, has frontage on the Little Susitna River, and the property is vacant. The property was dedicated to public or private use as shown on plat 72-107. The plat did not designate the park as public or private and the Borough never claimed ownership of the property. The Borough never received a deed to the property and never managed the property. Therefore, a quitclaim deed will be recorded transferring any interest the Borough may have, if any, to the City of Houston. The city will be responsible for any future development, management, costs and resolving any claims of interest that may arise in the future.

Public notice was initiated pursuant to MSB 23.05.025 with two objections received (Exhibit B). Some of the concerns were increased traffic into the subdivision, salmon habitat, disruption of peaceful and scenic nature of a designated recreational river.

An inter-department review was conducted, and the Planning Department, Development Services noted the property is located within a special flood hazard area and any development requires a permit before work is done (Exhibit C). There were no objections from any Borough departments.

**RECOMMENDATION OF ADMINISTRATION:**

Assembly approval of transfer of any Borough interest in the Susitna Heights Subdivision Park by quitclaim deed to the City of Houston.

**MATANUSKA-SUSITNA BOROUGH  
FISCAL NOTE**

Agenda Date: December 19, 2023

**SUBJECT:** AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING TRANSFER OF INTEREST OF THE SUSITNA HEIGHTS SUBDIVISION PARK TO THE CITY OF HOUSTON FOR THE PURPOSE OF DEDICATION FOR A PUBLIC PARK. (MSB008039)

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES <b>NO</b>
AMOUNT REQUESTED N/A	FUNDING SOURCE
FROM ACCOUNT #	PROJECT
TO ACCOUNT :	PROJECT #
VERIFIED BY: _____ _____ X _____ Signed by: _____	CERTIFIED BY:
DATE: 11/21/2023	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>						

CAPITAL						
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REVENUE						
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FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other						
<b>TOTAL</b>						

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) The Borough did not own this land and it appears there were no other owners on record. No fiscal impact.

PREPARED BY: \_\_\_\_\_ PHONE: \_\_\_\_\_

DEPARTMENT: \_\_\_\_\_ DATE: \_\_\_\_\_

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APPROVED BY:

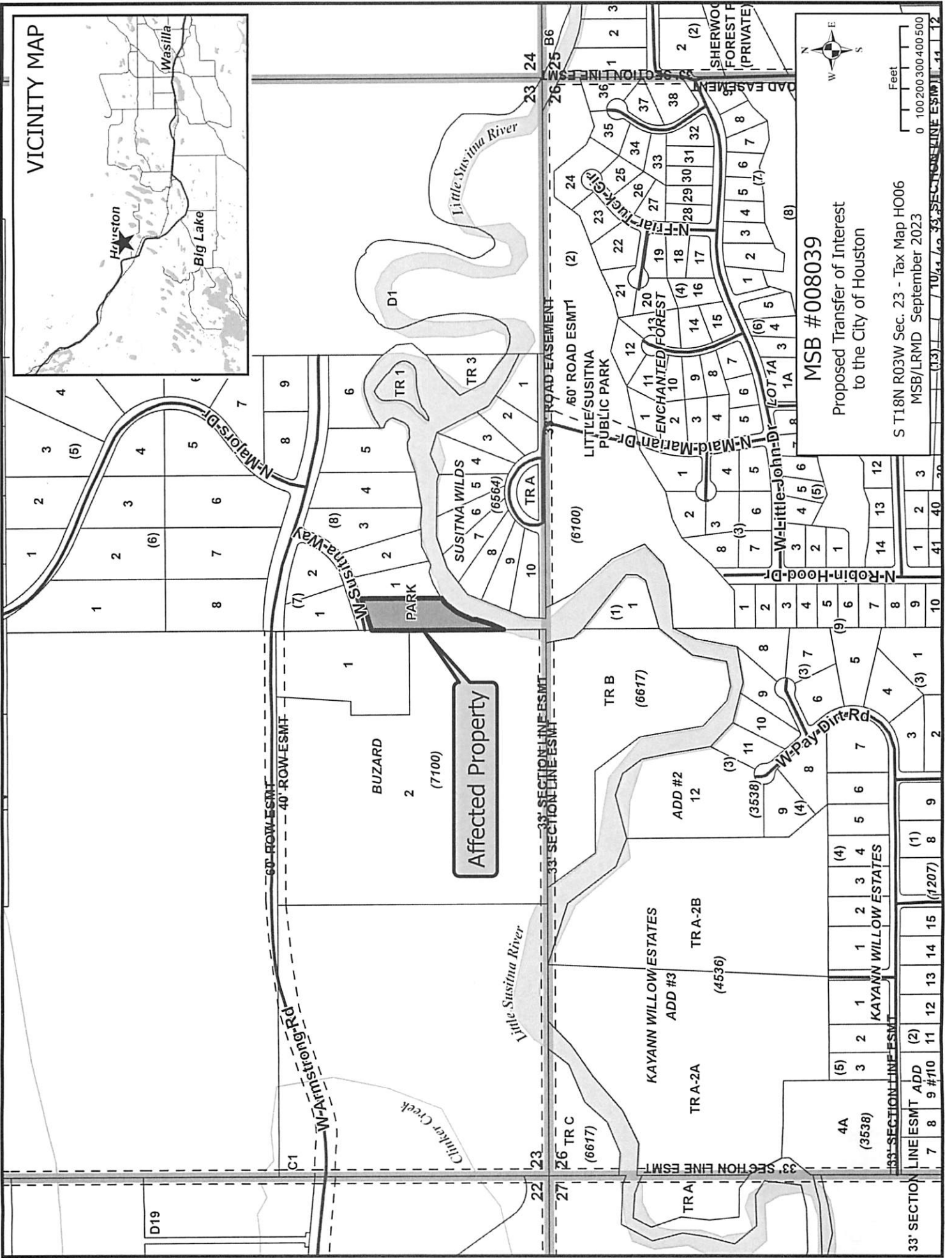
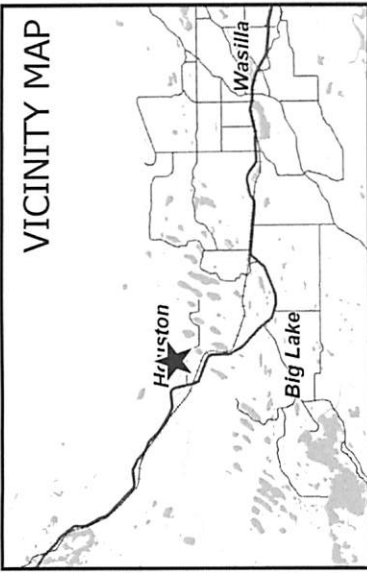
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C h e y e n n e H e i n d e l

DATE:

S i g n e d b y : C h e y e n n e H e i n d e l

VICINITY MAP



Affected Property

MSB #008039

Proposed Transfer of Interest to the City of Houston

S T18N R03W Sec. 23 - Tax Map H006 MSB/LRMD September 2023



IM 24-003 OR 24-002

Introduced by: Mayor Cole

Action: Approved

Date:9/14/2023

Vote: YES: Brasel, Childs, Cole, Duren, Lowenstein, McDonald (6)

NO: None (0)

Absent: Adams (1)

**CITY OF HOUSTON, ALASKA  
RESOLUTION 23-21**

**A RESOLUTION OF THE HOUSTON CITY COUNCIL REQUESTING CONVEYANCE OF OWNERSHIP OF PARK PROPERTY ON PLAT 72-107 WITHIN THE CITY LIMITS OF HOUSTON FROM THE MATANUSKA-SUSITNA BOROUGH TO THE CITY OF HOUSTON FOR THE PURPOSE OF DEDICATION TO PUBLIC PURPOSE LANDS**

**WHEREAS**, in January of 2023 Mayor Cole asked the Matanuska Susitna Borough to list which Borough owned lands within the City limits of Houston were transferrable to the City of Houston to be dedicated to a public purpose; and

**WHEREAS**, on Monday January 17<sup>th</sup>, the Community Development Director of the Matanuska-Susitna Borough sent an email detailing such; and

**WHEREAS**, the Mayor identified properties the City would like to hold ownership of to dedicate to a public purpose and the Houston City Council passed Resolution 23-07 on February 16<sup>th</sup>, 2023, and the MSB Assembly passed Ordinance 23-066 conveying nine properties to the City for public purpose; and

**WHEREAS**, the Mayor and the Houston Parks and Recreation Commission have identified another property requested for conveyance, and

**WHEREAS**, the property is the park property located in the Susitna Heights Subdivision, Plat 72-107, detailed in the attached title report; and

**WHEREAS**, the conveyance would be contingent upon Borough Assembly approval by ordinance; and

**WHEREAS**, the request is to convey the parcel at less than fair market value at \$1 per parcel; and

**WHEREAS**, the city would be responsible for any costs associated with the conveyance; and

**WHEREAS**, the conveyance will include a covenant that the parcel shall be used for a public purpose and will be zoned accordingly as PLI for the purpose of public parks or it shall revert back to the Borough.

**NOW, THEREFORE, BE IT RESOLVED**, the Houston City Council hereby requests conveyance of ownership of this parcel and authorizes Mayor Cole to sign the conveyance paperwork from the Matanuska-Susitna Borough.

Introduced by: Mayor Cole

Action: Approved

Date: 9/14/2023

Vote: YES: Brasel, Childs, Cole, Duren, Lowenstein, McDonald (6)

NO: None (0)

Absent: Adams (1)

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**PASSED AND APPROVED** by the Houston City Council on September 14, 2023.

**THE CITY OF HOUSTON, ALASKA**

  
\_\_\_\_\_  
Carter Cole, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Rebecca Rein, City Clerk

**BEST INTEREST FINDING**  
**For the**  
**Transfer of Borough Interest to the City of Houston**

**I. Summary of Proposed Action**

The City of Houston has submitted a request to the Borough asking the Borough to convey any interest the Borough has in the Susitna Heights Subdivision Park. The City of Houston purposes to dedicate the park for a public purpose. The park is 1.75 acres and was dedicated on plat 72-96 to public or private use as shown on the plat. The plat did not designate the park as public or private and the Borough never claimed ownership of the property. However, the Borough is willing to give a quitclaim deed to the city which transfers any interest the Borough may have, if any to the City of Houston.

**II. Property Site Factors**

- A. Location:** The subject parcels are located within the Houston city limits in the Susitna Heights Subdivision
- B. Tax IDs:** This property does not have a tax ID.
- C. Legal Descriptions:** Park in the Susitna Heights Subdivision, according to plat 72-96, recorded in the Palmer Recording District, Third Judicial District, State of Alaska.
- D. Land Status:** The park is 1.75 acres and was dedicated on plat 72-96 to public or private use as shown on the plat. The plat did not designate the park as public or private and the Borough never claimed ownership of the property.
- E. Restrictions:**
  - 1. Land Use Plans –The property is within Houston city limits.
  - 2. Title Restrictions – Covenants, conditions and restrictions and plat notes and easements of record.
  - 3. Covenants – Susitna Heights Subdivision, covenants, conditions, and restrictions recorded February 2, 1973, in Book 69 at Page 442.
- F. Current Land Use:** Dedicated as a park on the recorded plat.
- G. Surrounding Land Use:** Other properties in this area are currently undeveloped or being used for residential purposes.
- H. Existing Infrastructure:** None
- I. Assessment:** This property has not been assessed by the Borough.



### III. Review and Public Notice

In accordance with Title 23 and the Land Management Policy and Procedure Manual, landowners within 600 feet of the proposed property have been notified of the proposed land transfer. A total of 466 public notices were mailed to landowners and two comments were received objecting to the land transfer to the City of Houston. Additionally, notices were published in the Frontiersman and posted in the Houston Post Office and on the Borough website. The City of Houston, Parks, Recreation & Trails Advisory Board, Fish & Wildlife Commission, and Alaska Department of Fish & Game Sportfish Division boards were also asked to comment.

An interdepartmental review was done and there were no objections from Borough Departments.

There were no other comments received.

### IV. Analysis & Discussion

The City of Houston requested the Borough convey and interest the Borough has in the Susitna Heights Subdivision Park. The City of Houston plans to retain the property for the purpose of a public park.

The city approved a Resolution 23-21 in support of the conveyance.

### V. Authorization

MSB 23.05.030. The manager may with assembly approval sell borough-owned real property to a government entity when making borough property available for specific benefit to the public.

MSB 23.10.230. The manager may with assembly approval sell borough-owned real property to a public agency for facilities serving the general public.

### VI. Recommendation

Assembly approval for the Borough to convey any interest it has in the Susitna Heights Subdivision Park to the City of Houston.

**Lisa Gray**

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**Subject:** MSB008039 Land Transfer to the City of Houston

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

From: christian setera <chrissetera@hotmail.com>  
Sent: Monday, November 6, 2023 1:30 PM  
To: Land Management <Land.Management@matsugov.us>  
Subject: MSB008039 Land Transfer to the City of Houston

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

I strongly disagree of the land transfer from The Mat-Su Borough Land Resource Management Division to The City of Houston (Plat 72-107) for use as a park for public or private use. This would create an increase in human and vehicular traffic into a very small and private residential subdivision as well as an increase in physical and auditory pollution. There are no fences defining property lines and unwanted and unwarranted trespass could lead to unforeseen circumstances. The property in question is a mile down a gravel road at the end of a dead end street in a very private neighborhood and is not a location for a city park. There is public access available both east and west of the Parks [https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fhwy.as&c=E,1,cKb-i4QThg7C1ZV83yhSEhn1cLKKLQDiUoC-jDMamYMGEP5yVK5t12f0TiaAqmaRxO5rl6qeC14lc7TZ7l8mntGX\\_awsVdXca6k2Leg8KnHXjDopXfAp&typo=1](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fhwy.as&c=E,1,cKb-i4QThg7C1ZV83yhSEhn1cLKKLQDiUoC-jDMamYMGEP5yVK5t12f0TiaAqmaRxO5rl6qeC14lc7TZ7l8mntGX_awsVdXca6k2Leg8KnHXjDopXfAp&typo=1) well as the Houston Campground and City Park. These are areas that should be considered for development. As a resident and property owner in Susitna Heights Subdivision I vehemently disapprove of this land transfer.

Christian Setera  
Sent from my iPhone

**Lisa Gray**

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**Subject:** FW: MSB008039 Land Transfer to the City of Houston  
**Attachments:** DSCN3619.JPG; DSCN3620.JPG

**From:** [lwilson@mtaonline.net](mailto:lwilson@mtaonline.net) <[lwilson@mtaonline.net](mailto:lwilson@mtaonline.net)>  
**Sent:** Friday, November 3, 2023 4:33 PM  
**To:** Land Management <[Land.Management@matsugov.us](mailto:Land.Management@matsugov.us)>  
**Cc:** [micboy4@live.com](mailto:micboy4@live.com)  
**Subject:** MSB008039 Land Transfer to the City of Houston

[EXTERNAL EMAIL - CAUTION: Do not open unexpected attachments or links.]

MSB008039 Land Transfer to the City of Houston

We own two of the three lots directly across the Little Susitna River from the affected property, and are strongly opposed to the Borough transferring any interest it has in this property located in the Susitna Heights Subdivision. The City of Houston cannot be trusted to responsibly develop this property without causing irreparable harm to critical salmon habitat, to the peaceful and scenic nature of a designated recreational river or to the serene quality of life currently enjoyed by nearby and adjacent property owners.

With no clear title to the land, lacking any professional assessment of site suitability and in complete disregard for the rights of adjacent property owners, the City of Houston has already prematurely declared its intent to construct a public motorized and non-motorized boat launch on the property you are now being asked to relinquish interest in. City of Houston Resolution 23-11 was adopted on May 11, 2023, to "Create a new public boat launch on public lands accessed on Susitna Drive from Armstrong Road" and "An upriver boat launch sited at Susitna Drive would allow boaters to access the river." The construction of a public boat launch on this site, two river miles upstream of the Parks Highway Bridge in an area closed to salmon fishing to protect anadromous habitat, would be an insanely inappropriate action.

The City of Houston is fast-tracking an ill (un)-researched proposal, to construct a motorized and non-motorized boat launch facility on the Little Susitna River, a waterbody afforded special protections by law to preserve fragile fish habitat designated by the State of Alaska as being important for spawning, rearing, or migration of anadromous fishes and special management as a named recreational river. **There is a salmon spawning ground on the gravel bar at the proposed launch site that is active June-November**, exactly when boaters would attempt to access the river at this point. A boat launch facility at this location will destroy anadromous fish and fish habitat.

In their haste to designate a motorized and non-motorized boat launch facility the City of Houston has failed to consider the negative impacts the proposed project will have on already precarious and depleted wild salmon runs, has failed to

consider the river, riverbank and riverbed conditions at the proposed location, and has failed to assess the safety impact increased motorized boat traffic will have on recreational (mostly non-motorized) users.

The river at this location is extremely shallow and narrow, with a very constricted channel (approximately only 20 yards bank-to-bank). The water level drops in early summer and late fall to sometimes partially expose the gravel bar, making this site unsuitable for a boat launch. I've been told by the Susitna Rotary point of contact for the proposed boat launch that a floating dock may be employed. This would only serve as an obstruction to navigation and flood-borne debris and would be quickly destroyed and swept downstream.

The site location, on an outside bend in the river, is subject to frequent severe flooding with significant bank erosion. There have been floods here in 2005, 2006, 2012, 2015, 2018, three times in 2022, and twice in 2023.

A public boat launch at this location will cause conflict between power boaters and non-motorized river users to increase, possibly leading to collisions, injury, death and inevitable lawsuits.

Increased power boat traffic will cause increased bank erosion and a decline in the quality of life of river residents and non-motorized river users. Increased power boat traffic upstream of the Parks Highway Bridge should not be encouraged.

The Matanuska-Susitna Borough has a responsibility to protect critical habitat along the scenic Little Susitna Recreational River and needs to retain some degree of interest in this property to ensure this happens. The reckless and irresponsible conduct of the City of Houston needs closer scrutiny by competent authorities before irreparable harm occurs. Please do not turn your backs and wash your hands of this responsibility.

Thank you for your consideration.

Sincerely,

Lance and Bitten Wilson

12519 and 12511 W. Wilderness Court

Houston, AK 99694

(907) 892-3103





**EXHIBIT B**

IM 24-003 OR 24-002

**Lisa Gray**

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**From:** Taunie Boothby  
**Sent:** Thursday, October 5, 2023 5:04 PM  
**To:** Karol Riese; Rick Antonio; Lisa Gray  
**Subject:** RE: RFC - Susitna Heights Subdivision Park - 18N03W23

A Special Flood Hazard Area (SFHA) including a higher hazard floodway is mapped on Susitna Heights Subdivision Park - 18N03W23. If any development is desired within the mapped SFHA (see definition of development in MSB 17.29), including grading, excavating, filling, and storage of material or equipment, you will need a permit before the beginning of any work, and It must comply with MSB 17.29.

Thank you,

Taunie L. Boothby, CFM, Planner II, Floodplain Administrator  
Matanuska-Susitna Borough  
Planning Department – Northern Office/Willow Library  
(907) 861-8526  
[taunie.boothby@matsugov.us](mailto:taunie.boothby@matsugov.us)

-----Original Appointment-----

**From:** Karol Riese <Karol.Riese@matsugov.us>  
**Sent:** Thursday, September 21, 2023 3:57 PM  
**To:** Karol Riese; Rick Antonio; Taunie Boothby  
**Subject:** RFC - Susitna Heights Subdivision Park - 18N03W23  
**When:** Monday, October 2, 2023 12:00 AM to Tuesday, October 3, 2023 12:00 AM (UTC-09:00) Alaska.  
**Where:**



## Lisa Gray

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**From:** Corinne Lindfors  
**Sent:** Tuesday, September 26, 2023 12:26 PM  
**To:** Lisa Gray  
**Subject:** FW: Department Review Request / Transfer of Borough Interest / Susitna Heights Subdivision Park

Hi Lisa,  
I am unsure if Taunnie has reached out to you, so I am forwarding this your way.  
Thank you,

Corinne Lindfors  
Matanuska-Susitna Borough  
Development Services  
Administrative Specialist  
350 E. Dahlia Avenue  
Palmer, Alaska 99645  
[Corinne.lindfors@matsugov.us](mailto:Corinne.lindfors@matsugov.us)  
PH: (907)861-8574

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**From:** Taunnie Boothby <[Taunnie.Boothby@matsugov.us](mailto:Taunnie.Boothby@matsugov.us)>  
**Sent:** Tuesday, September 26, 2023 12:23 PM  
**To:** Corinne Lindfors <[Corinne.Lindfors@matsugov.us](mailto:Corinne.Lindfors@matsugov.us)>; Peggy Horton <[Peggy.Horton@matsugov.us](mailto:Peggy.Horton@matsugov.us)>; Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>; Michelle Olsen <[Michelle.Olsen@matsugov.us](mailto:Michelle.Olsen@matsugov.us)>  
**Subject:** RE: Department Review Request / Transfer of Borough Interest / Susitna Heights Subdivision Park

This parcel has approximately ½ or more of the property is designated within the Special Flood Hazard Area (SFHA) on the regulatory maps, and any development will need to be in accordance with MSB 17.29 requirements.

A park should be a perfect use of the floodplain; please remember that any man-made change to improved or unimproved ground in the SFHA requires a permit before work begins.  
Thank you,

Taunnie L. Boothby, CFM, Planner II, Floodplain Administrator  
Matanuska-Susitna Borough  
Planning Department – Northern Office/Willow Library  
(907) 861-8526  
[taunnie.boothby@matsugov.us](mailto:taunnie.boothby@matsugov.us)

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**From:** Corinne Lindfors <[Corinne.Lindfors@matsugov.us](mailto:Corinne.Lindfors@matsugov.us)>  
**Sent:** Tuesday, September 26, 2023 10:38 AM  
**To:** Peggy Horton <[Peggy.Horton@matsugov.us](mailto:Peggy.Horton@matsugov.us)>; Rick Benedict <[Rick.Benedict@matsugov.us](mailto:Rick.Benedict@matsugov.us)>; Taunnie Boothby <[Taunnie.Boothby@matsugov.us](mailto:Taunnie.Boothby@matsugov.us)>; Michelle Olsen <[Michelle.Olsen@matsugov.us](mailto:Michelle.Olsen@matsugov.us)>  
**Subject:** FW: Department Review Request / Transfer of Borough Interest / Susitna Heights Subdivision Park

Good morning,  
Do any of you have any comments on this? If you have already made comments, please disregard this email.  
Thank you,