

SUBJECT: VACATE THAT PORTION OF THE PLATTED N. BUROKER CIRCLE AND ALL THAT PORTION OF THE PUBLIC USE EASEMENT RECORDED AT BOOK 198, PAGE 431, LYING WITHIN THE BOUNDARIES OF LOT 2, C & R ACRES, PLAT 2010-21, PALMER RECORDING DISTRICT, ALASKA. REPLACEMENT RIGHT-OF-WAY WILL BE CONSTRUCTED AND DEDICATED TO PROVIDE EQUAL OR BETTER ACCESS TO ALL AREAS AFFECTED. LOCATED IN SECTION 19, TOWNSHIP 18 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 2 STEPHANIE NOWERS

AGENDA: JUNE 16, 2020

ASSEMBLY ACTION:

Approved under the Consent agenda 6-16-20

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>KAS</i>	<i>For Fred</i>
	Planning Director	<i>KAS</i>	<i>For Eileen</i>
	Borough Finance Director	<i>CS</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>John 6/8/20</i>	

ATTACHMENT(S): Fiscal Note: Yes _____ No X

Minutes	(2 pages)
Notification of Action	(3 pages)
Vicinity Map	(1 page)
Graphic Depiction of Vacation	(1 page)

SUMMARY STATEMENT: On May 13, 2020 (written decision May 22, 2020), the Platting Board approved the plat of C & R Acres 2020 Master Plan along with the vacation and replacement of a portion of the existing right-of-way (ROW) for N. Buroker Circle. In accordance with MSB 43.15.035(B)(1)(a), the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation. There are two parts to the vacation. The phase 1 plat will vacate and replace the southern section; the phase 3 plat will vacate and replace the northern section. This will ensure the public has continuous public legal access through this property to other properties to the north.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of N. Buroker Circle ROW within Lot 2, C & R Acres, Plat 2010-21.

FINDINGS:

- ~~Modify #14: There were no borough department objections to this plat.~~
- ~~Add #15: There were several objections to the connection to Bemis Road. MSB 43.20.060(D) requires dedication to adjacent stub roads because the applicant has not shown that connection is unnecessary for future development or public safety.~~

~~VOTE: The main motion passed with 4 in favor (Anderson, Thompson, Hatley, Cottini) and 3 against (Vau Dell, Rausa, Fernandez). There are 15 findings of fact.~~

~~TIME: 5:58 P.M.~~

~~CD: 04:49:34~~

F. **C & R ACRES 2020** : The request is to divide Lots 1 & 2, C & R Acres, Plat 2010-21, into a 3-Phase Master Plan containing 22 lots within 38.36 acres, to be known as **C & R Acres 2020**. The petitioner is also requesting to vacate that portion N. Buroker Circle lying within this property and replace it with a dedicated right-of-way. Located north of N. Palmer-Fishhook Road and west of N. Farm Loop (Tax ID #6963000L001 6963000L002); within the SW ¼ Section 19, Township 18 North, Range 02 East and SE ¼ Section 24, Township 18 North, Range 01 East, Seward Meridian, Alaska. Community Council: Farm Loop and in Assembly District #1 Tim Hale (*Owner/Petitioner: Leonard & Mary Schultz; Surveyor: Keystone; Staff: Peggy Horton*)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection from the platting board members.

Chair Rausa read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 89 public hearing notices were mailed out on April 22, 2020

Ms. Peggy Horton provided a staff report

- Gave an overview of the case, #2019-181/182.
- Staff recommend approval of the case with findings of fact and conditions.

Chair Rausa invited the petitioner for a brief overview.

Mr. Gary LoRusso, the petitioner's representative, gave a brief overview.

Chair Rausa opened the public hearing for public testimony.

The following person thanked the petitioner on redesigning the development: Ms. Dawn Brettrager

There being no one else to be heard, Chair Rausa closed the public hearing.

Chair Rausa invited the petitioner or their representative to provide their comments.

Mr. Gary LoRusso, the petitioner's representative, answered questions from the platting board and agrees with all the recommendations.

Chair Rausa closed the petitioner's comments and discussion moved to the Platting Board.

MOTION: Platting Member Thompson moved to approve the Master Plan for C & R Acres 2020 and ROW Vacation of N. Buroker Circle. With 10 recommendations. The motion was seconded by Platting Member Cottini.

VOTE: The main motion passed with general consent with all in favor. There are 11 findings of fact.

TIME: 6:08 P.M.

CD: 05:07:05

G. NEW HOPE ESTATES MSP: The request is create a 2-phase master plan of 22 lots from Lot 1, Block 1, Hatcher View Estates, Plat 77-7, and Tax Parcels C17 in Section 3 and B6 & B7 in Section 10 to be known as **New Hope Estates Master Plan**, containing 120 acres +/- . Private roads will provide access to the majority of the lots. A 60' wide public use easement extends from N. New Hope Farm Road within Hatcher View Estates to the private road. Owners are requesting to vacate a 33' road easement on Lot 1, Block 1, Hatcher View Est and include that lot in this subdivision to create a 1-acre lot and satisfy a 1985 Platting Board Resolution. The property is located directly south of mile 9.5 N. Wasilla-Fishhook Road (Tax ID #18N01E03C017, 18N01E10B006, 18N01E10B007); within the SW ¼ SW ¼ Section 03 and N ½ NW ¼ Section 10, Township 18 North, Range 01 East, Seward Meridian. In Community Council: Fishhook and Assembly District #6 Jesse Sumner. Continued from March 5, 2020 Platting Board Hearing. (Owner/Petitioner: Merle & Patricia Sikes and John & Monica James; Surveyor: Denali North; Staff: Peggy Horton)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection noted.



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

NOTIFICATION OF ACTION

May 22, 2020

Leonard & Mary Schultz
PO Box 4324
Palmer, AK 99645

Case #: **2019-181/182**

Case Name: **C & R ACRES 2020 MASTER PLAN W/ROW VACATION OF N. BUROKER CIRCLE**

Action taken by the Platting Board on May 13, 2020 is as follows:

THE MASTER PLAN FOR C & R ACRES 2020 AND ROW VACATION OF N. BUROKER CIRCLE WAS APPROVED AND WILL EXPIRE ON MAY 22, 2026 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
Gary LoRusso
Keystone Surveying
PO Box 2216
Palmer, AK 99645

Additional Plat Reviews After 2nd Final are \$100.00 Each
Dawn Brettrager, 8800 E. Mile 6 Rd., Palmer, AK 99645

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FINDINGS of FACT:

1. The C & R Acres 2020 Master Plan is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016 Preliminary Plat Submittal and Approval
2. The requested vacation is consistent with MSB 43.20.035, Vacations. The vacated right-of-way will be replaced with a platted road built to residential standards providing better access to all areas affected by the vacation.
3. The petitioner requested a vacation of all that portion of the platted N. Buroker Circle and all that portion of the Public Use Easement recorded at Book 198, Page 431 lying within the boundaries of Lot 2, C & R Acres, Plat 2010-21, Palmer Recording District, Alaska. There is no portion of N. Buroker Circle right-of-way lying outside of this proposed subdivision being vacated.
4. The existing road does not follow the proposed right-of-way dedication. For that reason, the right-of-way vacation will be completed in two parts. The phase 1 plat will vacate the southern section; the phase 3 plat will vacate the northern portion. This will ensure the public has continuous public legal access through this property to other properties to the north.
5. A professional engineer stated useable area is available for wastewater disposal and building in compliance with MSB 43.20.281 on all but two lots, which will require additional fill or alternately, the lots can be absorbed into an adjoining lot.
6. Lot sizes and block lengths are consistent MSB 43.20.300(A), *Lot and Block Design*.
7. Frontage to all lots are consistent with MSB 43.20.320, *Frontage*.
8. There are 15' utility easements shown on the plat along both sides of the proposed right-of-ways consistent with the SCM standards for utilities.
9. ADOT&PF manages access onto N. Palmer-Fishhook. They stated no direct access to lots will be allowed.
10. Enstar objected to the plat unless their existing facilities were overlaid with easements. The surveyor responded with "When the subdivision is developed a main gas line will be installed in the roadways as is the case in all subdivisions where Enstar installs. They put their mains in the ROW. When the main line is installed then the service line that now goes cross-country to their house will be abandoned and a new service line run from the new main line that is now in the ROW. This is standard stuff."
11. There were no borough department or public objections to this plat.

CONDITIONS of APPROVAL:

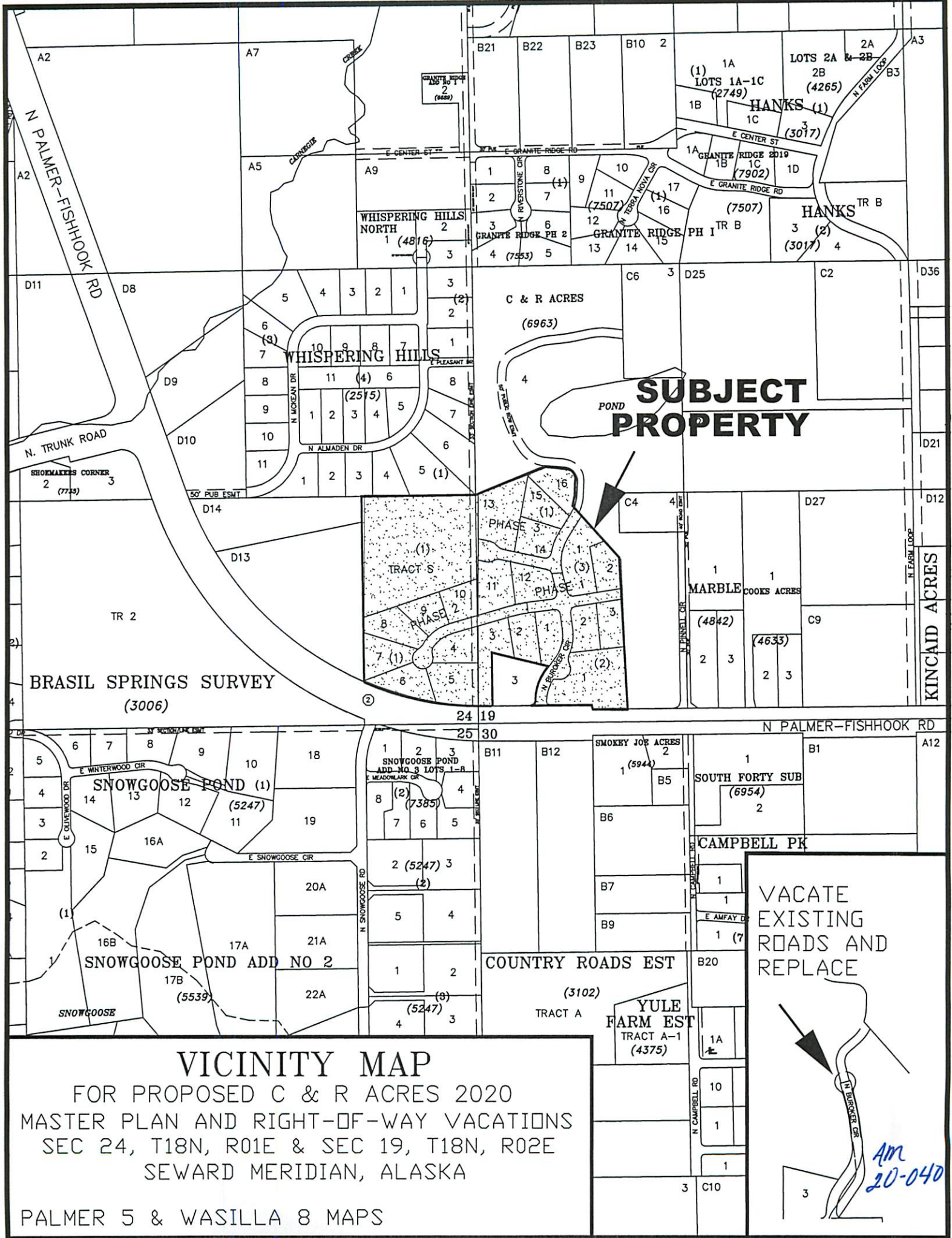
The Platting Board approved the master plan for C & R Acres 2020 and ROW Vacation of N. Buroker Circle, contingent upon the following:

1. Submit the mailing and advertising fee.

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2. Obtain Assembly approval for the vacation within 30 days of the written notification of Platting Board decision in accordance with MSB 43.10.065(F).
3. Submit construction cost estimate, schedule pre-construction meeting with Public Works Engineer, pay inspection fee, and obtain Notice to Proceed prior to any road or drainage construction in compliance with SCM, Section E.
4. Construct the interior roads to minimum residential standards. Provide engineer's final inspection report along with verification from an RLS that the constructed roadways are located within the proposed right-of-way per MSB 43.20.140 and obtain Public Works Engineer signoff.
5. Provide updated soils report for Lots 10 & 11, Block 1 to show compliance with MSB 43.20.281 or absorb those lots into adjacent lot(s).
6. Provide updated Certificate to Plat executed within 7 days, prior to recording the plat per MSB 43.15.053(E) for each phase.
7. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the phase plats.
8. Submit recording fee, payable to the State of Alaska, DNR for each phase.
9. 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.
10. Submit final phase plats in full compliance with Title 43.

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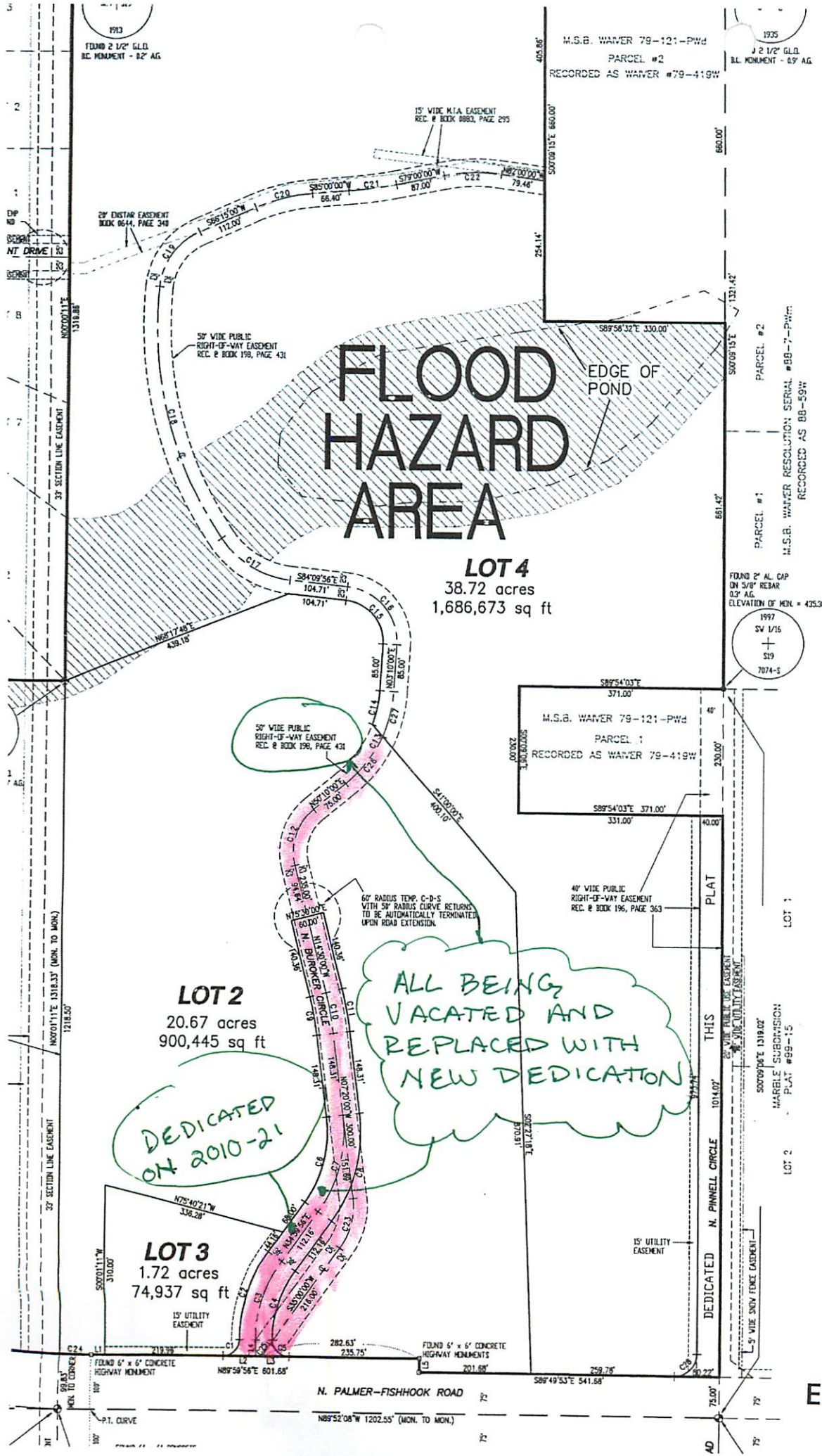
VICINITY MAP

FOR PROPOSED C & R ACRES 2020
MASTER PLAN AND RIGHT-OF-WAY VACATIONS
SEC 24, T18N, R01E & SEC 19, T18N, R02E
SEWARD MERIDIAN, ALASKA

PALMER 5 & WASILLA 8 MAPS

VACATE
EXISTING
ROADS AND
REPLACE

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RECEIVED
DEC - 9 2019
PLATTING

EXHIBIT C-3
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