

SUBJECT: VACATE THE 50' WIDE SECTION LINE EASEMENT ALONG THE NORTH BOUNDARY OF PROPOSED LOT 2, BUG LAKE. PROPERTY LOCATED JUST EAST OF MILE 111, W. GLENN HWY., WITHIN SECTION 25, TOWNSHIP 20 NORTH, RANGE 10 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1; TIM HALE

AGENDA: FEBRUARY 16, 2021

ASSEMBLY ACTION:

Approved under the current agenda. 2.16.21 KBJ

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ZL</i>	
	Planning Director	<i>(S)</i>	
	Borough Attorney	<i>BS</i>	
	Borough Clerk	<i>MB 2/16/21</i>	<i>KBJ</i>

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

Minutes	(2 pages)
Notification of Action	(3 pages)
Vicinity Map	(1 page)
As-Built	(1 page)

SUMMARY STATEMENT: On January 21, 2021 (written decision January 31, 2021) the Platting Board approved the plat of Bug Lake which will create two lots, vacate the Section Line Easement (SLE) along the north side of proposed Lot 2 and dedicate 300' of right-of-way (ROW) for W. Glenn Hwy. A structure lies within the SLE that has a borough encroachment permit; if approved, that permit would no longer be necessary. The Platting Board's approval of the SLE vacation is consistent with MSB 43.15.035(B)(1)(a) as 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. The Glenn Hwy provides access to adjoining lands and access to Bug Lake is still available via the remaining SLE and the Glenn Highway. The SLE vacation is also consistent with MSB 43.15.035(B)(1)(c) as the ROW is not being used and is impractical to construct as it crosses a small lake. State of Alaska Department of Natural Resources provided a preliminary approval decision noting that the subject SLE is no longer needed to access adjacent & adjoining lands.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the Section Line Easement along the north boundary of proposed Lot 2, Bug Lake.

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.
- Read the case title and description into the record.

Ms. Von Gunten provided the mailing report:

- Stating that 37 public hearing notices were mailed out on December 30, 2020.

Ms. Peggy Horton:

- Gave an overview of the case, #2020-181/182.
- Staff recommends approval of the case with findings of fact and conditions.

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

The Petitioner and/or the petitioner's representative was not present at the platting board hearing.

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.

The Petitioner and/or the petitioner's representative was not present at the platting board hearing.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Cottini moved to approve the preliminary plat for Kellard Family and relocation of the 15' utility easement reserved on quitclaim deeds recorded at Book 75 Pages 225 and 228, with 16 recommendations. The motion was seconded by Platting Member Bush.

VOTE: The motion passed with all in favor by roll call vote. (Vau Dell, Cottini, Shadrach, Fernandez, Anderson, Bush). There are 10 findings of fact.

TIME: 5:01 P.M.

CD: 04:00:46

- E. **BUG LAKE & SLEV:** The request is to divide Lot 1, Treeline, Plat 2014-35, into two lots, vacate the section line easement along the north side of proposed Lot 2 and dedicate 300' of right-of-way for W. Glenn Hwy. State of Alaska has provided preliminary approval for the Section Line Easement vacation. This subdivision is to be known as **Bug Lake**, containing 14.64 acres +/- . The property is bisected by W. Glenn Highway, just east of mile 111 (Tax ID #7284000L001); lying within the NE ¼ Section 25, Township 20 North, Range 10 East, Seward Meridian, Alaska. In Community Council: Glacier View and in Assembly District #1 Tim Hale. (Owner/Petitioner: Richard Wood; Surveyor: Hanson; Staff: Peggy Horton)

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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.
- Read the case title and description into the record.

Ms. Von Gunten provided the mailing report:

- Stating that 11 public hearing notices were mailed out on December 30, 2020.

Ms. Peggy Horton:

- Gave an overview of the case, #2020-186/187.
- Staff recommends approval of the case with findings of fact and conditions.
- Answered questions from the platting board.

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

Mr. Richard Wood, the petitioner, gave brief overview of the case.

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. Richard Wood, the petitioner, agrees with all the recommendations and has no comments.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Shadrach moved to approve the preliminary plat for Bug Lake and vacation of the 33-foot Section Line Easement along the north boundary, with 8 recommendations. The motion was seconded by Platting Member Fernandez.

VOTE: The motion passed with all in favor by roll call vote. (Bush, Cottini, Fernandez, Anderson, Shadrach, Vau Dell). There are 13 findings of fact.

TIME: 5:13 P.M.

CD: 4:12:13

7. ITEMS OF BUSINESS & MISCELLANEOUS

8. PLATTING STAFF & OFFICER COMMENTS

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

Mr. Wagner provided a brief update on cases that will be coming before the Platting Board on February 4, 2021. Updated the board on Title 43 White Board List and will put on the February 18, 2021 agenda.

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MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

January 31, 2021

Richard Wood
20405 Glenn Hwy
Sutton, AK 99674

Case #: 2020-186/187

Case Name: BUG LAKE & SLEV

Action taken by the Platting Board on January 21, 2021 is as follows:

THE PRELIMINARY PLAT FOR BUG LAKE AND VACATION OF THE 33-FOOT SECTION LINE EASEMENT ALONG THE NORTH BOUNDARY WAS APPROVED AND WILL EXPIRE ON JANUARY 31, 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

Hanson Land Solutions
305 E. Fireweed Avenue
Palmer, AK 99645

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

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FINDINGS of FACT:

1. The plat of Bug Lake is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016 Preliminary Plat.
2. The petition to vacate the Section Line Easement is consistent with MSB 43.15.040, *Section Line and State Recognized RS-2477 Easement Vacations*.
3. The vacation is consistent with MSB 43.15.035(B)(1)(a) & 43.15.035(B)(2)(b) as 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 and alternate or better access to adjacent and adjoining lands exists. The vacation is consistent with MSB 43.15.035(B)(1)(b) as the right-of-way is not being used and a road is impossible or impractical to construct as it crosses a small lake (Bug Lake) and alternate access exists via the Glenn Highway.
4. SOA DNR has issued a preliminary decision approving the vacation of the section line easements (EV-3-269). A final finding and decision from DOT & DNR is necessary to finalize the case.
5. DOT&PF are able to vacate ROW by Commissioner's Deed of Vacation per A.S. 19.05.070 *Vacating And Disposing Of Land And Rights In Land* and so the ROW vacation for this shift does not have to be approved by the Platting Board or the Assembly.
6. A professional engineer stated useable area is available for wastewater disposal and building in compliance with MSB 43.20.281. Test hole contained SP-SM soils. The engineer provided a sieve analysis of the soils found and his reasoning that a sieve analysis is a suitable way of determining useable septic area for this type of soils.
7. Lot sizes and block lengths are consistent MSB 43.20.300(A), *Lot and Block Design*.
8. This property lies within the Glacier View Special Land Use District, Sheep Mountain Subdistrict where the minimum lot area is 4.75 acres, with exceptions for where a public roadway splits a parcel. During the preapplication process, comments from Borough Planning Division stated proposed Lot 2 (1.88 acres), north of the Glenn Highway, meets the subdistrict's standards as the public roadway splits the parcel.
9. Frontage to all lots are consistent with MSB 43.20.320, *Frontage*.
10. The plat of Treeline has a plat note that states if any of the lots or parcels are further subdivided which would create more than the 4 original lots created, a road must be constructed to pioneer standards and until accepted by the borough, no borough maintenance will be provide d nor any borough funds shall be spent on upgrades. Developed access to Lot 1 is from W. Glenn Hwy.; no road construction is required.
11. There is a cabin deck that appears to encroach into proposed Lot 1. The surveyor commented that the deck is less than 18 inches above average grade; therefore there is not setback violation per MSB 17.55.

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12. ADOT&PF manages access onto W. Glenn Hwy; they did not object to the current access points.
13. There were no borough department, outside agency or public objections to this plat.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Bug Lake and vacation of the 33-foot Section Line Easement along the north boundary, contingent upon the following:

1. Submit the mailing and advertising fee.
2. Obtain the Borough Assembly approval of the Section Line Easement Vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
3. Obtain DOT&PF and DNR Final Decision of Approval for the Section Line Easement Vacation.
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 section line easement vacation plat, signed by the State and those with legal and beneficial interest in full compliance with Title 43.

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**PROPOSED SLE
VACATION**

W GLENN HWY

BUG LAKE

111

Lot 2

A8

A9

A7

A6

24

25

B1

**SUBJECT
PROPERTY**

Lot 1

WOOD CIR

TREELINE

2

(7284)

MONTAGNE
MOUTONS

(7526)

3

1A

2A

MONTAGNE
MOUNTONS
L/1A & 2A

(7640)

VAGABOND'S
RELIEF SUBD

TRACT 2

TRACT 1

(3337)

3

4

2

D1

1

3

D2

4

C1

VICINITY MAP

FOR PROPOSED BUG LAKE and
SECTION LINE EASEMENT VACATION
SECTION 25, T20N, R10E
SEWARD MERIDIAN, ALASKA

MATANUSKA GLACIER 08 MAP

MATANUSKA RIVER

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FIELD BOOKS:
DESIGN:
STARTING:
AS-BUILT

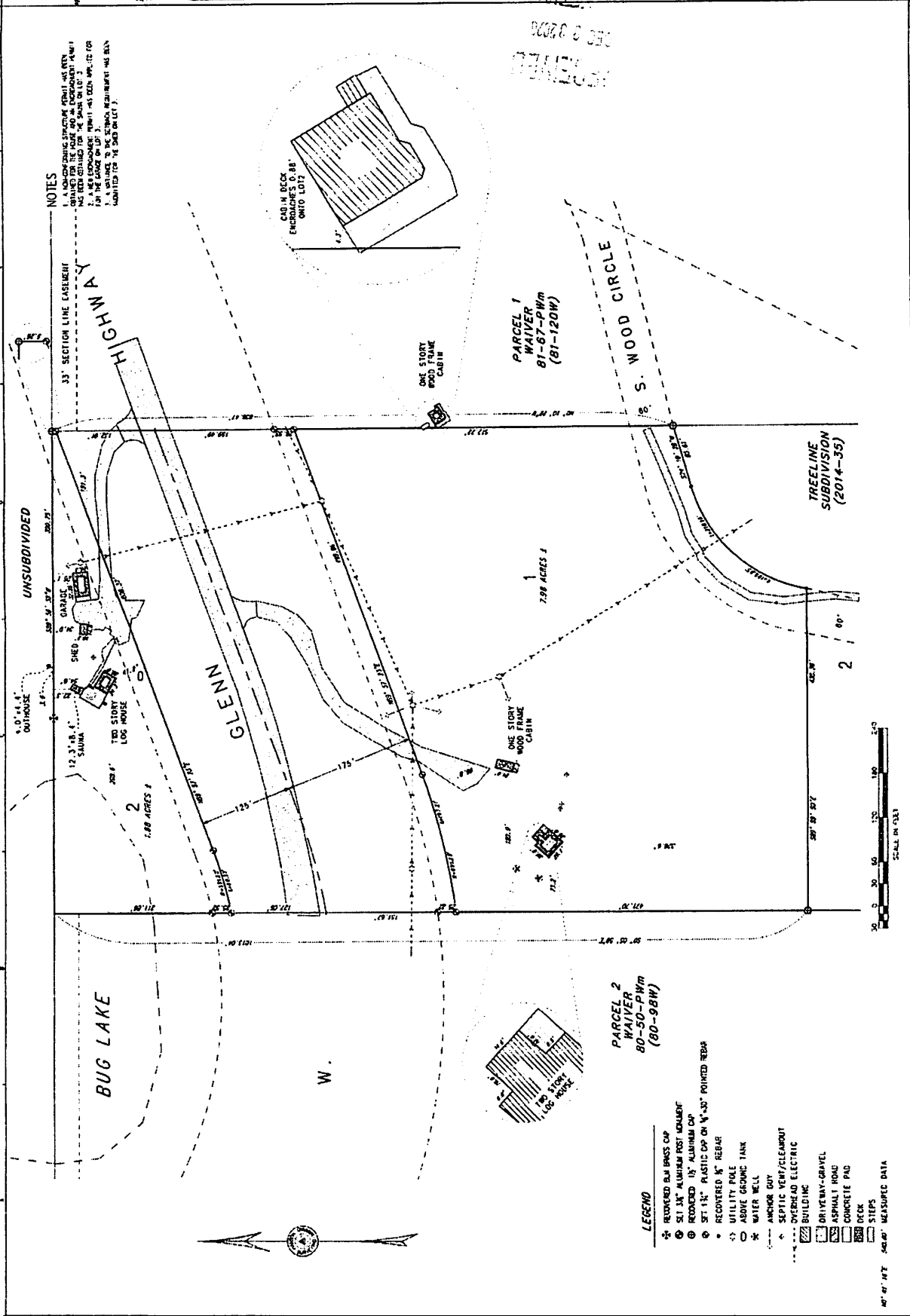
SCALE:
HORIZONTAL: 1"=60'
VERTICAL: 1"=10'
LOCATION:
720042.702.5.1250

REV	REVISION	DATE BY

SHEEP MOUNTAIN, ALASKA
BUG LAKE
SUBDIVISION
AS-BUILT

FILE: 19-10
DESIGN: CEN
DRAWN BY: SDN
CHECKED: CEN
DATE: 08-09-10

WATERMARK
NUMBER
PRELIM-2
SHEET 2 OF 3



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