

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SALE OF BOROUGH-OWNED LAND IDENTIFIED AS LOT 4 & 5, BLOCK 4, MATANUSKA TOWNSITE, US SURVEY 1169, TO THE ADJACENT PROPERTY OWNER, KENNETH AND MYRA OLSON, AND REPEALING THE PUBLIC PURPOSE DEDICATION PLACED ON THE BOROUGH LOT (MSB007891).

AGENDA OF: June 7, 2022

ASSEMBLY ACTION:

Adopted without objection

7-19-22

(Signature)

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER:

MB

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>JS</i>	
	Community Development Director	<i>EX</i>	
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	
	Borough Clerk	<i>BMA for Jean</i>	

ATTACHMENT (S) : Fiscal Note: YES X NO _____

Vicinity Map (1 pp)

Best Interest Finding (4 pp)

Ordinance Serial No. 22-068 (3 pp)

SUMMARY STATEMENT:

The Matanuska-Susitna Borough Land & Resource Management received application from Kenneth and Myra Olson to purchase borough owned Lot 4 & Lot 5, Block 4, Matanuska Townsite, US Survey 1169, which lies adjacent to their property. The sale is allowed under MSB 23.10.230.

DISCUSSION:

The borough parcels lie within the Matanuska Townsite (USS 1169) which was platted in 1916. Access to the subdivision is via S. East Matanuska Spur Road just off the Glenn Highway at MP 36, across from Matanuska and Kepler Lakes.

The Borough received the property in 1976 through tax foreclosure for non-payment of taxes for years 1972 and earlier. Matanuska-Susitna Borough Ordinance Serial No. 84-008 retained these lots and classified them as "public purpose" due to the sub-standard size of .11 acres and its inability to be developed as stand-alone parcels. The public purpose adopted in Ordinance Serial No. 84-008 was defined as "Resource Management Lands due to high water table and inclusion within the Palmer Hay Flats Game Refuge." The borough has never developed or otherwise carried out the "public purpose" for the lots, which have sat vacant for 46 years. The Matanuska Townsite is located outside of the Palmer Hay Flats State Game Refuge boundary. Additionally, in accordance with Land and Resource Management policy and procedures, tax foreclosed properties held over ten years do not require classification prior to sale; therefore, it is appropriate to repeal the public purpose dedication placed on the lots and re-classification is not required.

Inter department review was obtained with no objection from borough departments. Public notice was provided in accordance with MSB 23.05.25 with two objections received.

Pursuant to MSB 23.10.230 (A) (1) (d), the Manager may, with Assembly approval by ordinance, approve a sale of borough owned real property by application if the purchase is for an adjacent property owner to address a substandard or unusable lot condition. Mr. and Mrs. Olson has submitted an application and qualifies to purchase the property in accordance with MSB Title 23 and Land and Resource Management policy and procedures.

RECOMMENDATION OF ADMINISTRATION:

Matanuska-Susitna Borough Assembly repeal the public purpose dedication placed on Lots 4 & 5, Block 4, Matanuska Townsite, US Survey 1169, and approve conveyance of said lots to the adjacent landowner, Kenneth and Myra Olson, pursuant to MSB 23.10.230 (A) (1) (d).

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: June 7, 2022

SUBJECT: An Ordinance of the Matanuska-Susitna Borough Assembly approving the sale of borough-owned land identified as Lot 4 & 5, Block 4, Matanuska Townsite, US Survey 1169, to the adjacent property owner, Kenneth and Myra Olson and repealing the public purpose dedication placed on the borough lots (MSB007891).

ORIGINATOR: Community Development

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED <u>\$200</u>	FUNDING SOURCE <u>Lot Sale</u>
FROM ACCOUNT #	PROJECT
TO ACCOUNT: <u>203.00.00 3xx-xxx</u>	PROJECT #
VERIFIED BY: <u>Kim Ueland</u>	CERTIFIED BY:
DATE: <u>5-11-22</u>	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2021	FY2022	FY2023	FY2024	FY2025	FY2026
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
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REVENUE		<u>0.2</u>				
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FUNDING:

(Thousands of Dollars)

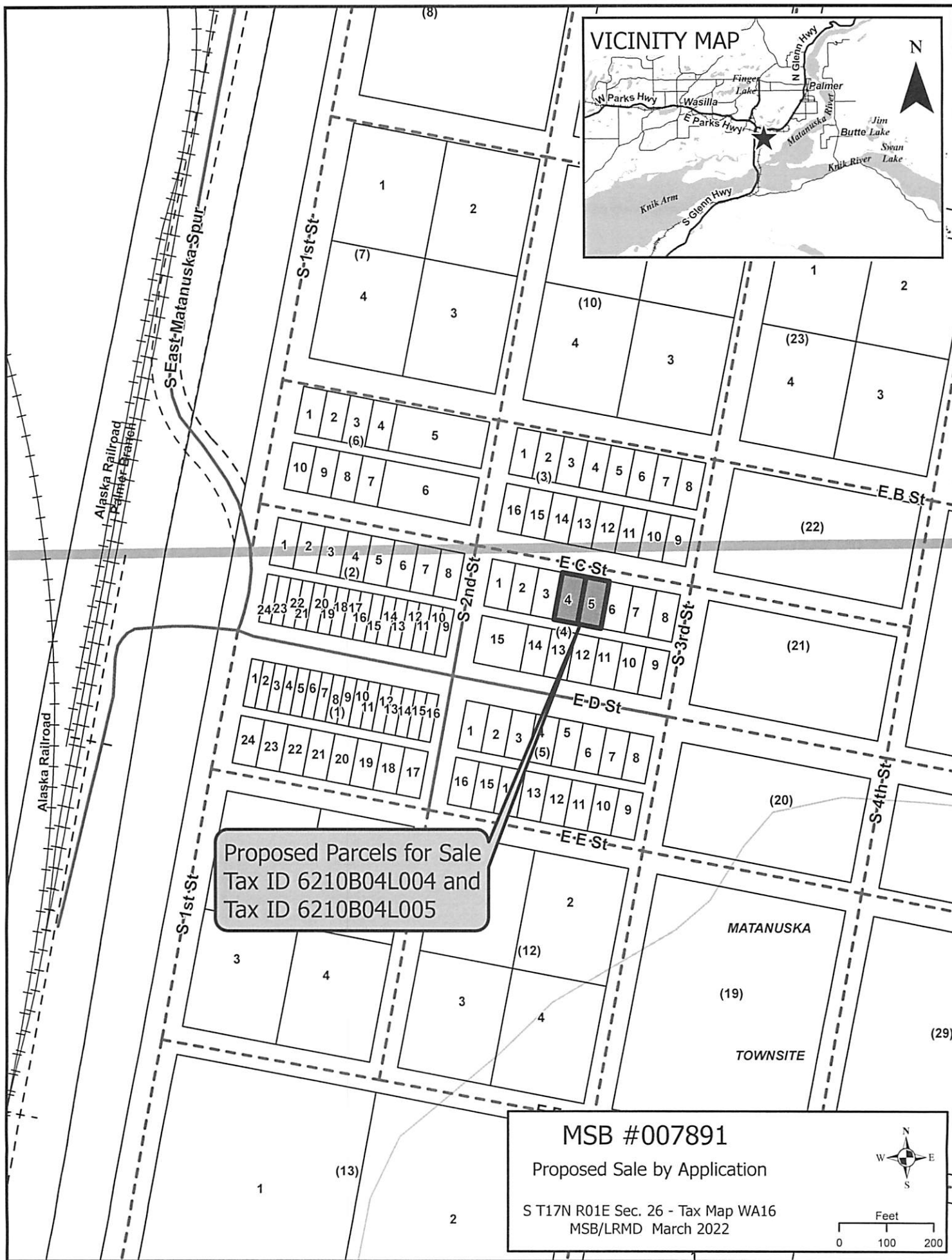
General Fund						
State/Federal Funds						
Other		<u>0.2</u>				
TOTAL		<u>0.2</u>				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: Cheryl Ueland DATE: _____
 APPROVED BY: _____ DATE: 5/12/2022



MSB #007891

Proposed Sale by Application

S T17N R01E Sec. 26 - Tax Map WA16
MSB/LRMD March 2022

Feet
0 100 200

IM 22-126
OR 22-068

PRELIMINARY BEST INTEREST FINDING
For the
Disposition of Borough-owned Land

I. Summary of Proposed Action

MSB Land & Resource Management received a request from Kenneth and Myra Olson to purchase adjacent borough land by application, pursuant to MSB 23.10.230 Agreements By Application. The code provides under subsection (A)(1)(d) that the Manager may, with Assembly approval by ordinance, approve a sale of borough-owned real property by application if the purchase is for an adjacent property owner to address a substandard or unusable lot condition.

II. Property Site Factors

A. Location: The subject land is located in the Matanuska Townsite, US Survey 1169, which is off S. East Matanuska Spur at MP36 Glenn Highway (across from Matanuska and Kepler Lakes).

B. Legal: Lots 4 & 5, Block 4, US Survey No. 1169, plat of Matanuska Townsite, Palmer Recording District, Third Judicial District, State of Alaska. (Tax ID# 6210B04L004 & 6210B04L005)

C. Land Status: The borough received the property through tax foreclosure for non-payment of taxes for the year 1972 and earlier. Due to the substandard size, the parcel was subsequently retained for public purpose in 1984 for "public parks and recreation areas not otherwise provided" and classified as "Resource Management Lands due to high water table and inclusion within the Palmer Hay Flats Game Refuge."

D. Restrictions: Notice of Public Dedication recorded on June 6, 1985 in book 420 at page 13 in the Palmer Recording District.

E. Current Land Use: None. Property is vacant.

F. Surrounding Land Use: Residential.

G. Resources: The property is in a designated flood zone with no compensable resources.

H. Value of Each Lot: \$100.00 based on the 2022 tax assessment roll.

I. Lots are located outside of the Palmer Hay Flats State Game Refuge boundary.

III. Public Comments

In accordance with Title 23 and the Land & Resource Management Policy and Procedures Manual, 30-day public notice was initiated and sent to landowners within 600 feet of the subject property, Gateway Community Council, South Colony RSA 016, MSB Assembly members, MSB Department of Emergency Services, and ADF&G. Notice was published in the

Frontiersman, posted at the Post Office, and provided on the Borough website. Two comments received in opposition and is attached hereto.

IV. MSB Department Review

Borough inter-departmental review was completed in March 2022 with no objections received.

V. Analysis & Discussion

The adjacent property owner, Kenneth and Myra Olson (Lot 3, Block 4), who submitted an application to Land & Resource Management to purchase Lots 4 & 5, Block 4 under MSB 23.10.230, Agreements By Application, subsection (A)(1)(d). As stated in the Summary section above, the Manager may through Assembly approved Ordinance, sell borough property to an adjacent property owner to address a substandard or unusable lot condition. The majority of lots within Matanuska Townsite are substandard in size. Mr. and Mrs. Olson's adjacent lot is .11 acres and qualifies as a sub-standard size lot in accordance with borough standards under Title 43.

The borough parcels were received through tax foreclosure in 1976 and has remained vacant since that time. The former record owner was provided notice as statutorily required when the borough was going through foreclosure proceedings. In 1984, Mat-Su Borough Ordinance Serial No. 84-008 retained this parcel and classified it for public purpose. At that time, borough policy was to retain for "public purpose" those lots that were substandard in size and undevelopable as stand-alone lots. The borough has since revised their policy and only retains parcels when it is in the best interest of the public and makes sense to hold onto the property for public use and/or public facilities. In accordance with Land and Resource Management policy and procedures, tax foreclosed properties held over ten years do not require classification prior to sale; therefore, the subject parcels will not be re-classified for purpose of this sale.

The public purpose adopted under Ordinance Serial No. 84-008 was for "public parks and recreation areas not otherwise provided" and the lots were classified as "Resource Management Lands due to high water table and inclusion within the Palmer Hay Flats Game Refuge." Such purpose is unrealistic for these .11 acre parcels and no public use has been determined or invoked for over 40 years with regard to these parcels. The parcel cannot be expanded into the Palmer Hay Flats Game Refuge due to its location and distance from the Refuge. The public purpose dedication will be repealed on the subject lots. The borough parcel will be conveyed by quitclaim in "as-is, where-is" condition and without warranty.

VI. Preliminary Recommendation

The Community Development Department recommends the Matanuska-Susitna Borough Assembly repeal the public purpose dedication of Lots 4 & 5, Block 4, Matanuska Townsite, US Survey 1169, and approve conveyance of the parcel to the adjacent landowner, Kenneth and Myra Olson, for the 2021 tax-assessed value of \$100 for each lot.



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

RECEIVED

APR 11 2022

Community Development

7 56210B02L006
GULLEDGE CHRISTINA E
MEDDERS KENNY A
3642 2ND ST
PALMER, AK 99645

MATANUSKA-SUSITNA BOROUGH
PUBLIC NOTICE

Type: Sale (MSB007891)

Tax ID: 6210B04L004 and 6210B04L005

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division has received a request to purchase adjacent Borough land by application. The subject parcel is located in Matanuska Townsite (USS 1169) off Matanuska Road/Glenn Highway. The applicant owns the adjacent property. Due to the Borough lots' substandard size of .11 acres, it is not eligible for sale on the open market. Pursuant to MSB 23.10.230 (A)(1)(d) the lot may be sold by application with Assembly approval if the sale is to address a sub-standard lot condition. The application and the real property meets code requirements for sale by application.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division, or visit the Public Notice Section on the Borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the Borough offices at 350 E. Dahlia Ave., Palmer, AK, no later than **April 30, 2022**. If you have questions about this request: call Lisa Gray at 861-7866 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (please refer to "Olson, MSB007891" when submitting comments).

Comments: This property should not be sold or touched
there is only 12 feet to the waterline it should not
be filled turned into a dumping ground for woodships
and destroy what natural land that we have left
down here my niece owns lot 15 I have spent thousands
of my money on man has cleaning this place up to this point
these people want to buy this property I have to rent
a dozer this summer and clean the woodships up that they
have put down in the right ways they have not spent one
not one dollar down here doing nothing I would like come
to the meeting be four you vote on this I got pictures

Signature: Nemth Medders

(If you need more space for comments please attach a separate sheet of paper.)
*This public notice & request for comments is in compliance with MSB Code 23.05.025

IM 22-126
OR 22-068

RECEIVED

APR 11 2022

Community Development

Done

6 of 6

To Whom it Concerns:

My name is Christina Gullledge and I am contacting you about someone that want to buy the property next to my property . I am concern that their intentions my not be for the best for the land or the water. I do not wish for them to get the property. Again I do not wish for this person to buy this property for the safety of the land and water. We need to protect the land and water for the animals and the next generation

Kenneth Medders is my uncle and will be speaking on my behalf of this. The reason why is because I am in Alabama and can not make it up there and he looks out for my property. So I gave him permission to talk on my behalf.

Christina Gullledge 04-10-2022

Christina Gullledge
Lot 15