
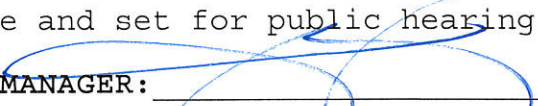



**SUBJECT:** ASSEMBLY AUTHORIZATION FOR THE MANAGER TO REALIGN AN EASEMENT ON BOROUGH OWNED LAND FOR PRIVATE PROEPRTY ACCESS.

**AGENDA OF:** September 5, 2017

**ASSEMBLY ACTION:**  
*adopted without objection 9-19-17*  


**MANAGER RECOMMENDATION:** Introduce and set for public hearing.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** 

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ER</i>	
	Finance Director	<i>CF</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	<i>8/28/17</i> 

**ATTACHMENT (S) :**

- Fiscal Note \_\_\_yes X no
- Easement Realignment Map (1pp)
- Talkeetna Community Council Letter of Support (2 pp)
- Assembly Resolution Serial No. 75-109 (2 pp)
- Assembly Memorandum 83-164 (2 pp)
- Assembly Resolution Serial No. 82-42(1 pp)
- Easement MSB00345 (3 pp)
- Assembly Ordinance Serial No. 17-116 (3 pp)

**SUMMARY**

The Borough Assembly dedicated an easement by resolution in 1975 to grant access across borough owned land to a parcel the borough sold into private ownership. The easement was amended in 1983 to adjust the dimensions to provide continuous access. The land is located north of Fish Lake in Township 25 North Range 4 West Sections 17 and 20 as shown on enclosed map.

The Borough Assembly adopted the Fish and Numbered Lakes Recreation Management Plan in 2007. This plan includes guidance on how to realign the currently unconstructed easement to take advantage of the site topography and minimize the amount of cut and fill needed for a road.

The Borough has worked with the Talkeetna Community and the affected private property owners to comply with the guidance in the Plan and to identify a new alignment for the easement.

The Borough Manager must be authorized by the Assembly to vacate the existing easement and to dedicate a new easement along the identified route.

**RECOMMENDATION:**

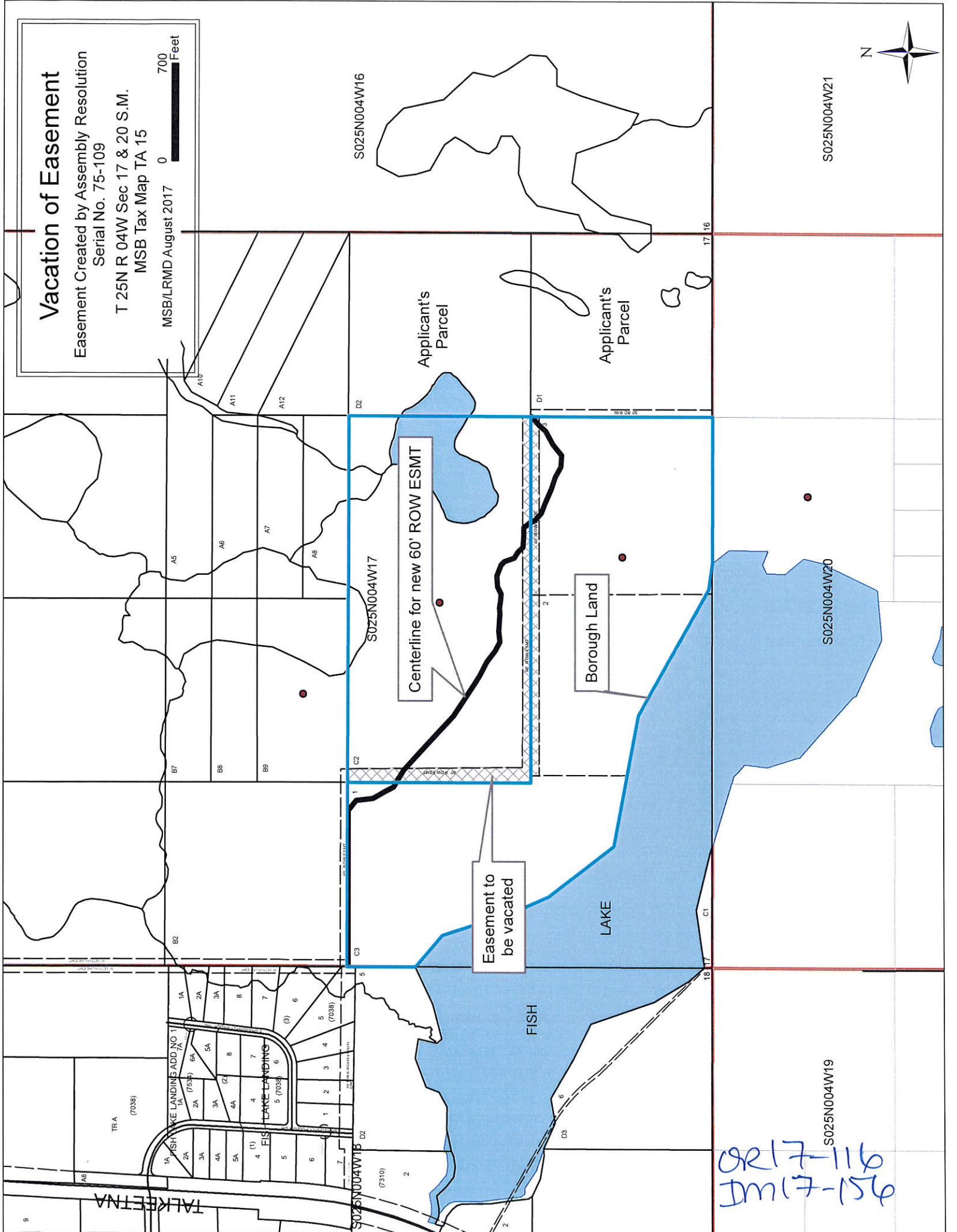
Assembly adoption of the ordinance authorizing the manager to vacate the existing easement across borough property and to dedicate a new easement along the route supported by the community and affected property owners.

# Vacation of Easement

Easement Created by Assembly Resolution  
Serial No. 75-109

T 25N R 04W Sec 17 & 20 S.M.  
MSB Tax Map TA 15

MSB/LRMD August 2017 0 700 Feet



Centerline for new 60' ROW ESMT

Borough Land

Easement to be vacated

0217-116  
IM17-156

S025N004W21

S025N004W20

S025N004W19

S025N004W16

S025N004W17

S025N004W18



*Talkeetna Community  
Council, Inc.*

A non-profit, community service organization

August 7, 2017

From: Ed O'Connor Member, Board of Directors, Talkeetna Community Council, Inc.

Re: Realignment of access easements to the Fish Lake Recreation Area

Dear Emerson,

The Talkeetna Community Council passed the following motions concerning the Realignment of access easements to the Fish Lake Recreation Area at its monthly meeting on August 7, 2017.

The Council recommends to the MSB Parks, Recreation & Trails Advisory Board the adoption of Talkeetna Parks Advisory Committee recommendation of option 2 to vacate the old easement in the Fish Lake Recreation Area while simultaneously adopting the new easement as represented in the attached map.

The Council recommends that a temporary personal access 15' wide trail easement be granted for Brad Smith to continue using his lake access trail until such time as the northern route is developed into an all season trail or he no longer owns the property as recommended by TPAC.

Thank you for all your help.

*Talkeetna Community Council, Inc.  
P.O. Box 608, Talkeetna AK 99676*

0817-116  
Im 17-156

Sincerely,  
Ed O'Connor  
Member, Board of Directors  
Talkeetna Community Council, Inc.

CC: Randall Kowalke - MSB, Eric Phillips



*Talkeetna Community Council, Inc.*  
*P.O. Box 608, Talkeetna AK 99676*

OR 17-116  
#M17-150

*Revised 12-12*  
*J Marshall*

MATANUSKA-SUSITNA BOROUGH  
RESOLUTION SERIAL NO. 75-109

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH APPROVING APPLICATION MSB 00345, AND AUTHORIZING THE BOROUGH MANAGER TO EXECUTE AN EASEMENT FOR RIGHT-OF-WAY OVER BOROUGH LAND IN SECTION 17, TOWNSHIP 25 NORTH, RANGE 4 WEST, AS SHOWN BELOW.

WHEREAS, the Easement is needed for access to property to which the Borough has recently sold, and

WHEREAS, development of this right-of-way will benefit adjacent Borough land,

NOW THEREFORE, BE IT RESOLVED that the Assembly of the Matanuska-Susitna Borough does hereby approve application MSB 00345 and authorizes the Borough Manager to execute an Easement for right-of-way to Richard W. Halford and to the public in general over Borough land in Section 17, Township 25 North, Range 4 West, Seward Meridian Alaska. The Easement is to be conditional until the Borough receives patent to the land involved. Such right-of-way over said land being described as follows:

The east 60 feet of the west 70 feet of the NE $\frac{1}{4}$ SW $\frac{1}{4}$  and the south 60 feet of the north 70 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$  of said Section 17, Township 25 North, Range 4 West, Seward Meridian Alaska.

PASSED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 22<sup>d</sup> day of December, 1975.

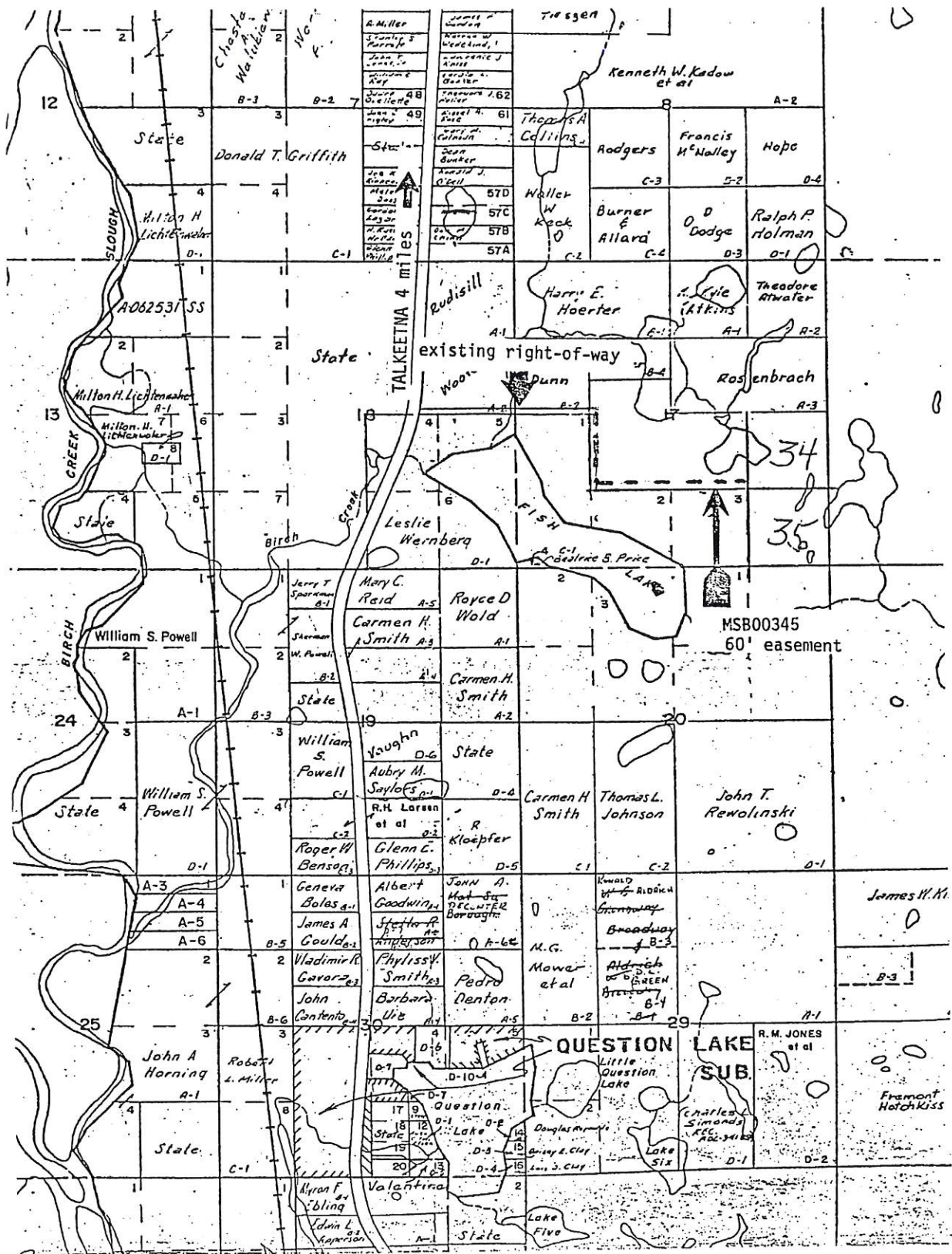
*Ronald L. Larson*  
\_\_\_\_\_  
Ronald L. Larson  
Borough Mayor

ATTEST:

*Evelyn Thompson*  
\_\_\_\_\_  
Evelyn Thompson  
Borough Clerk

(SEAL)

OR 17-114  
Im 17-156



OR 17-116  
 JM 17-156

# Matanuska-Susitna Borough

## assembly memorandum

no. AM 83-164

from: Director of Assessments and Land Management      date: 4/28/83  
subject: Right-of-Way Easement in Section 17, Township 25 North, Range 4 West

The Matanuska-Susitna Borough Assembly approved a right-of-way easement in Section 17, Township 25 North, Range 4 West by Resolution 75-109. The intent of the granted easement was to provide access to property which had been sold by the Borough. However, the legal description used fails to provide continuous access. The legal description should read:

The West 70 feet of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the North 70 feet of the SE $\frac{1}{4}$  SW $\frac{1}{4}$ , SW $\frac{1}{4}$  SE $\frac{1}{4}$  of Section 17, Township 25 North, Range 4 West, Seward Meridian, Alaska.

Land Management recommends the approval of the corrected legal description in order to create a functional easement as originally intended.

Respectfully submitted,



Steve Van Sant  
Director of Assessments  
and Land Management

APPROVED:

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Gary Thurlow, Borough Manager

OR 17-116  
IM 17-156

B 6

A 1

A 2

B 7

A 3

LAKE ACCESS

B 8

B 9

M.S.B

F.S.A. 2

SMT

C 2

D 2

M.S.B

NO DOCUMENTATION

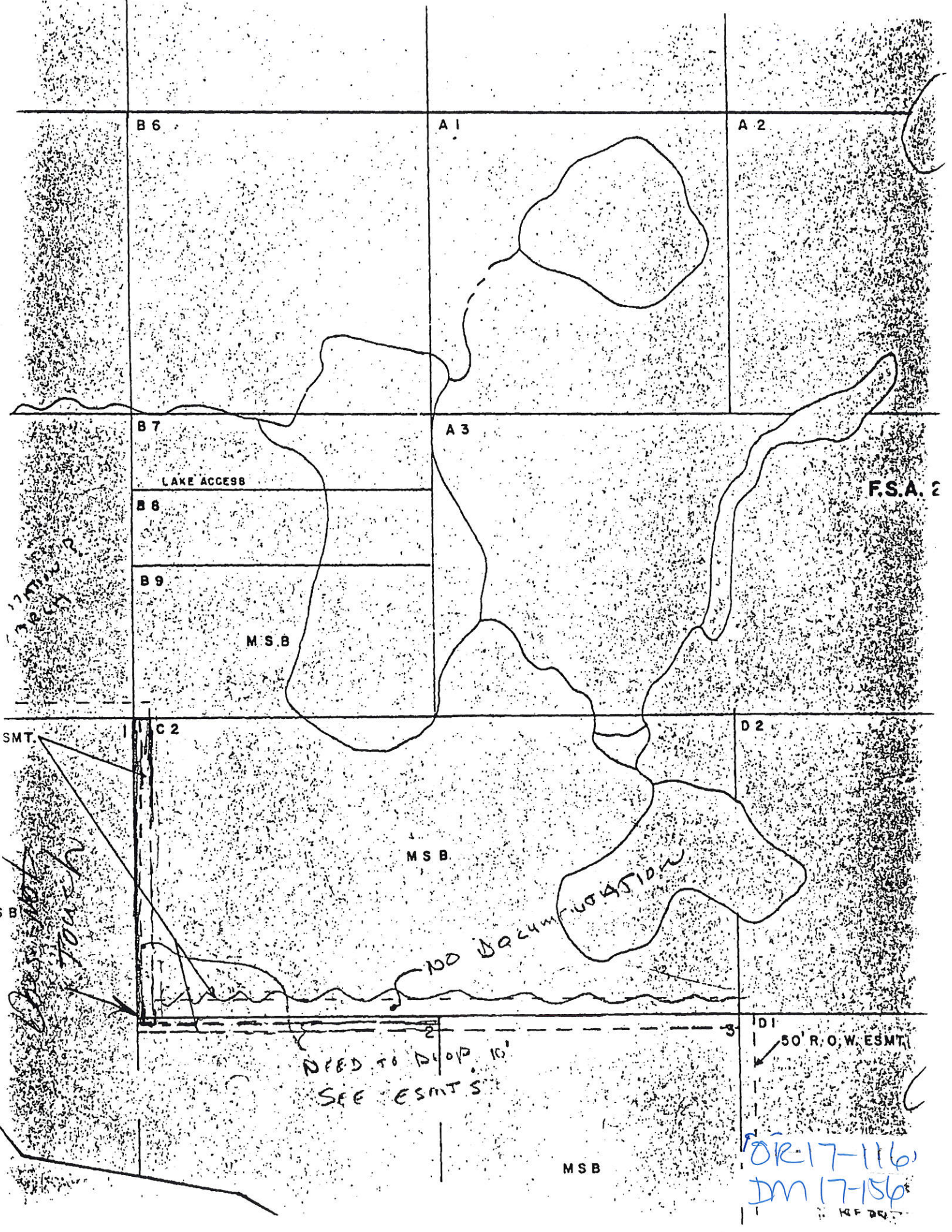
NEED TO DROP 10'  
SEE ESMT'S

50' R.O.W. ESMT

M.S.B

17-116  
17-156

50' R.O.W. ESMT  
Touch



*Land  
Mgmt*



MATANUSKA-SUSITNA BOROUGH

RESOLUTION SERIAL NO. 83-42

A RESOLUTION OF THE ASSEMBLY OF THE MATANUSKA-SUSITNA BOROUGH TO CORRECT THE LEGAL DESCRIPTION OF RESOLUTION 75-109 TO PROVIDE FOR CONTINUOUS ACCESS LOCATED IN SECTION 17, TOWNSHIP 25 NORTH, RANGE 4 WEST, S.M.

WHEREAS, the Borough Assembly approved an easement to provide access to private property, by Resolution 75-109: and

WHEREAS, the legal description as written in Resolution 75-109 failed to provide continuous access; and

WHEREAS, the land has been patented to the Borough by Patent numbers 2414 and 5281; and


WHEREAS, the right-of-way is still necessary for access to the subject parcel.

NOW THEREFORE, BE IT RESOLVED that the legal description as shown in Resolution 75-109 be corrected to read:


The West 70 feet of the NE $\frac{1}{4}$  SW $\frac{1}{4}$  and the North 70 feet of the SE $\frac{1}{4}$  SW $\frac{1}{4}$  and SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 17, Township 25 North, Range 4 West, S. M., Alaska.

and that the corrected right-of-way be publicly dedicated.

PASSED AND APPROVED by the Assembly of the Matanuska-Susitna Borough this 11<sup>th</sup> day of May, 1983.

  
Edna Armstrong  
Borough Mayor

ATTEST:

  
Evelyn Thompson  
Borough Clerk

OR 17-116  
DM 17-156

MATANUSKA-SUSITNA BOROUGH

EASEMENT

MSB 00345

MSB to  
Halford

WHEREAS, MATANUSKA-SUSITNA BOROUGH, hereinafter called the Grantor, is the owner of certain property located in the TALKEETNA Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

The E $\frac{1}{2}$ SW $\frac{1}{4}$  and the SW $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17, Township 25 North, Range 4 West.

and

WHEREAS, the Grantor wishes to grant access for ingress and egress over and through the above-described land for the benefit of all owners of property adjacent to said right-of-way hereinafter described, and to the public generally, without limitation,

NOW THEREFORE, the Grantor does hereby convey to the owners of property adjacent to and adjoining said below-described right-of-way, and to the public in general, for unlimited public use, a right-of-way over and through the above described land. Such right-of-way over said land being described as follows:

The East 60 feet of the West 70 feet of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ , and the South 60 feet of the North 70 feet of the SE $\frac{1}{4}$ SW $\frac{1}{4}$  and SW $\frac{1}{4}$ SE $\frac{1}{4}$ , of Section 17, Township 25 North, Range 4 West.

This Easement is granted subject to the following provision:

That the ground in question has been selected by the Borough as a part of its selection under AS Sec. 29.18.190 and that such selection has been approved by the State Division of Lands, but the ground has not yet been patented to the Borough. It is expressly provided that the Borough shall not be liable for any loss of whatever kind, real or construed, that may arise to anyone from this lack of patent to the Borough.

OK 17-116  
DM 17-154

FURTHERMORE, this Easement shall run with the land, regardless of how such may be subdivided and shall be binding upon and inure to the benefit of the heirs, representatives, successors and assigns of the Grantee and the Grantor; and by virtue of this Easement, the Grantee and its successors, at its election, may commence construction of a road and maintenance of same along and within said right-of-way.

IN WITNESS WHEREOF, the said Grantor has executed this instrument on this 4th day of December, 1975,

MATANUSKA-SUSITNA BOROUGH

Wesley M. Howe  
Wesley M. Howe  
Borough Manager

UNITED STATES OF AMERICA)  
State of Alaska ) ss

THIS IS TO CERTIFY that on the 4th day of December 1975, before me, the undersigned Notary Public, in and for Alaska, duly commissioned and sworn as such, personally appeared Wesley M. Howe known to me and to me known to be the BOROUGH MANAGER of the MATANUSKA-SUSITNA BOROUGH, who executed the above EASEMENT, and acknowledged to me the execution thereof as his free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certificate first above written.

Ernest J. Thompson  
Notary Public for Alaska  
My commission expires 8-29-76

Recording District, Third Judicial District State of Alaska, more particularly described as follows:

The E $\frac{1}{2}$ SW $\frac{1}{4}$  and the SW $\frac{1}{2}$ SE $\frac{1}{4}$  of Section 17, Township 25 North, Range 4 West.

and

WHEREAS, the Grantor wishes to grant access for ingress and egress over and through the above-described land for the benefit of all owners of property adjacent to said right-of-way hereinafter described, and to the public generally without limitation,

NOW THEREFORE, the Grantor does hereby convey to the owners of property adjacent to and adjoining said below-described right-of-way, and to the public in general, for unlimited public use, a right-of-way over and through the above-described land. Such right-of-way over said land being described as follows:

2 ~~The East 60 feet of~~ The West 70 feet of the NE $\frac{1}{2}$ SW $\frac{1}{4}$ , and the ~~South 60 feet of~~ the North 70 feet of the SE $\frac{1}{2}$ SW $\frac{1}{4}$  and SW $\frac{1}{2}$ SE $\frac{1}{4}$ , of Section 17, Township 25 North, Range 4 West, Seward Meridian, State of ALASKA

This Easement is granted subject to the following provision:

That the ground in question has been selected by the Borough as a part of its selection under AS Sec. 29.18.190 and that such selection has been approved by the State Division of Lands, but the ground has not yet been patented to the Borough. It is expressly provided that the Borough shall not be liable for any loss of whatever kind, real or construed, that may arise to anyone from this lack of patent to the Borough.

OR 17-116  
IM 17-156