

SUBJECT: ELIMINATE THE 15' WIDE UTILITY EASEMENT ALONG THE SOUTH BOUNDARY OF PROPOSED KELLARD FAMILY SUBDIVISION AND RELOCATE THE EASEMENT ADJOINING NEW PUBLIC RIGHT-OF-WAYS TO BE DEDICATED ON THE SUBDIVISION PLAT. LOCATED IN SECTION 6, TOWNSHIP 25 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 7: TAM BOEVE

AGENDA: FEBRUARY 16, 2021

ASSEMBLY ACTION:

Approved under the consent 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>FW</i>	
	Planning Director	<i>MB</i>	
	Borough Attorney	<i>MB</i>	
	Borough Clerk	<i>JMB 2/8/21</i>	<i>KBJ</i>

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

Minutes (2 pages)
Notification of Action (3 pages)
Vacation Exhibit (1 page)

SUMMARY STATEMENT: On January 21, 2021 (written decision January 31, 2021) the Platting Board approved a subdivision plat of Kellard Family Subdivision and elimination and relocation of a 15' wide utility easement that runs along the south boundary of the proposed subdivision. The borough reserved the subject easement in a quitclaim deed in 1980. The petitioners wish to relocate the easement to run along the new public right-of-ways dedicated on the subdivision plat. This includes the east-west proposed right-of-way and the north-south existing public use easement. The Platting Board's decision is consistent with MSB 43.15.032(A)(1), Matanuska Electric Association and Matanuska Telephone Association, the servicing utility companies, both agreed with the relocation; and MSB 43.15.032(A)(1)(i) there are currently no existing improvements within the subject easement and a substitute easement is being provided where existing utilities are present.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the elimination and relocation of the 15' wide utility easement on the southern boundary of the proposed Kellard Family Subdivision plat as shown on the vacation exhibit and approved by the Platting Board.

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. Gary DeRusso, the petitioner's representative, Mr. Steve Kidle and Mr. Don Patterson, the petitioner's, and Mr. Holler, the Engineer, explained the case action and agrees with all the recommendations and answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Fernandez moved to approve the preliminary plat of Paradise Ridge Master Plan, with 16 recommendations, modifying recommendation #8, and Findings #4 and #12. The motion was seconded by Platting Member Shadrach.

FINDINGS:

- Modify #4: "with MSB 43.20.281 and fill, regrading, reconfiguring, or absorption of lots ..."
- Modify #12: There were no objections received to this plat from any borough department or outside agencies. One concern was received from fire Code and one non-objection, three concerns, and three objections were received from the public regarding additional traffic safety and development in relation to the creek and the lake to the south.

RECOMMENDATIONS:

- Modify #8: "pursuant to MSB 43.20.281. Reconfigure lots as needed or eliminate the lots lines to absorb the adjacent conforming lots and show on the final plat.

VOTE: The motion passed with all in favor by roll call vote. (Fernandez, Vau Dell, Bush, Shadrach, Cottini, Anderson). There are 12 findings of fact.

TIME: 4:55 P.M.

CD: 03:54:20

D. **KELLARD FAMILY**: The request is to divide Lots 21 and 38, Paper Subdivision, Plat 66-3, into 6 lots to be known as **Kellard Family Subdivision**, containing 15.03 acres +/- . The petitioner also requests to vacate the 15' wide utility easement along the south boundary and replace it with a 15' wide utility easement adjacent to the proposed right-of-way. The property is located west of S. Talkeetna Spur and north of E. Woodpecker Road, (Tax ID #2888000L021 & 2888000L038); lying within the SE ¼ Section 06, Township 25 North, Range 04 West, Seward Meridian, Alaska. In Community Council: Talkeetna and in Assembly District #7 Tam Boeve. (Owner/Petitioner: James & Susan Kellard; Surveyor: R & K; 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 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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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

James & Susan Kellard
PO Box 101
Talkeetna, AK 99676

Case #: 2020-181/182

Case Name: KELLARD FAMILY

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

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 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

R & K Land Surveying, LLC
PO Box 606
Willow, AK 99688

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

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FINDINGS of FACT:

1. The plat of Kellard Family Subdivision is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plat.
2. Mr. Kellard submitted a petition to eliminate the 15' wide utility easement that the borough reserved on the quitclaim deed to the Kellard's in 1980 along the south boundary of their parcels and grant a 15' utility easement alongside the proposed right-of-way.
3. A professional engineer stated useable area is available for wastewater disposal and building in compliance with MSB 43.20.281.
4. Lot sizes and block lengths are consistent MSB 43.20.300(A), *Lot and Block Design*.
5. Frontage to all lots are consistent with MSB 43.20.320, *Frontage*.
6. There are three structures shown on the as built that do not meet the requirements of MSB 17.55.
7. ADOT&PF manages access onto Talkeetna Spur; they stated all lots must take access from the internal road.
8. The proposed road up to the middle of the cul-de-sac is longer than 1000 feet. Residential Subcollector road construction will be required for the internal road.
9. Proposed Lots 1 & 2, Block 1 are fully within the Spur Road South Subdistrict of the Talkeetna Special Land Use District.
10. There were no borough department, outside agency or public objections to this plat.

CONDITIONS of APPROVAL:

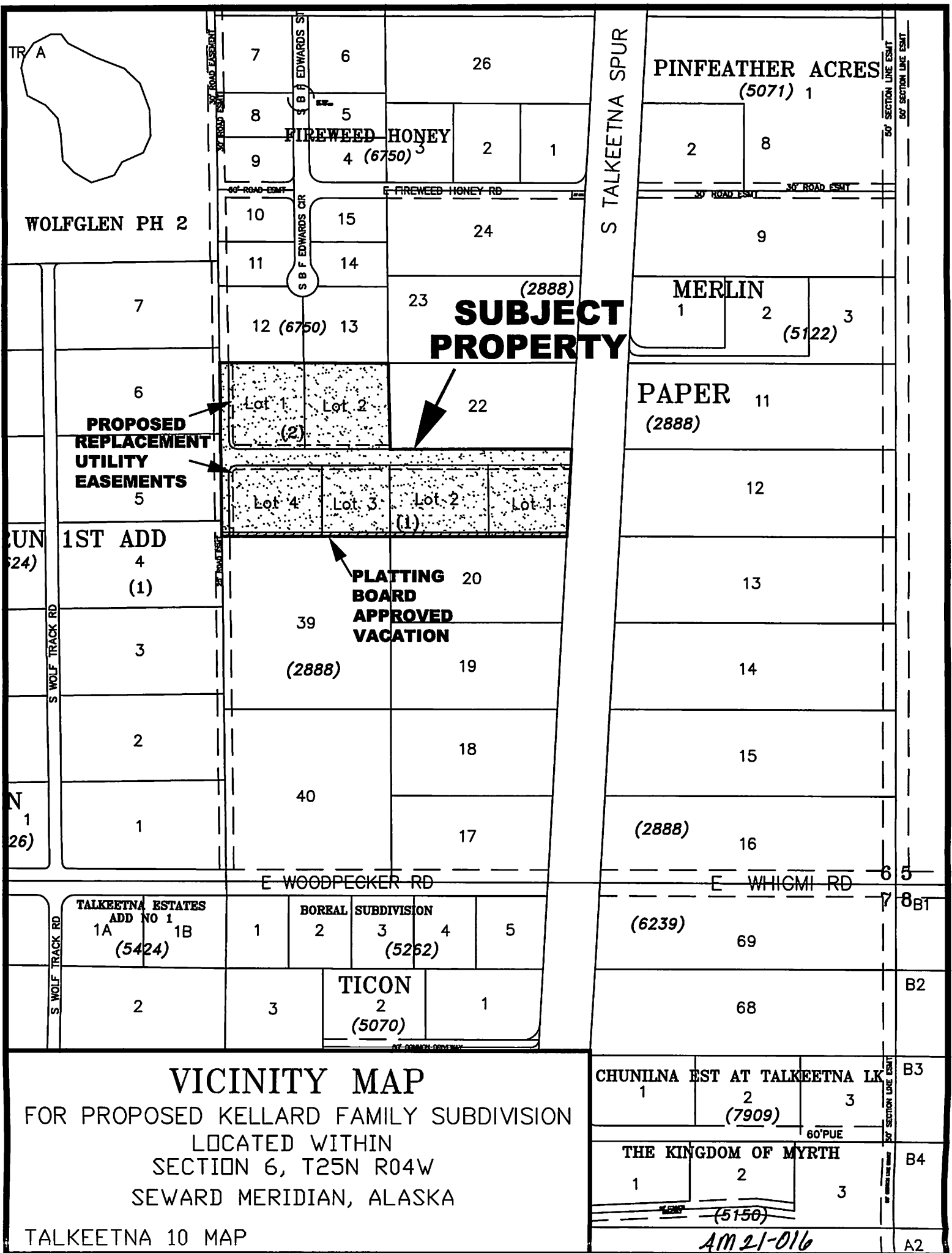
The Platting Board approved the preliminary plat for Kellard Family and relocation of the 15' utility easement reserved on quitclaim deeds recorded at Book 75 Pages 225 and 228, contingent upon the following:

1. Submit the mailing and advertising fee.
2. Move or remove all structures from the borough setbacks of 10 feet from lot lines and 25 feet from all public rights-rights-of-way or obtain legal nonconforming status determination from Development Services Division. Provide surveyor letter or as-built as proof.
3. Obtain the Borough Assembly approval of the 15' utility easement elimination 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.
4. Show the utility easement elimination and replacement easements on the final plat.
5. Submit construction cost estimate, schedule pre-construction meeting with Public Works Engineer, pay inspection fee in compliance with SCM, Section E.

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6. Construct the interior road to minimum Residential Subcollector standards. Provide engineer's final inspection report along with verification from an RLS that the constructed roadways are located within proposed rights-of-way per MSB 43.20.140 and obtain Public Works Engineer signoff.
7. If necessary, increase the size of the temporary cul-de-sac right-of-way to comply with the Subdivision Construction Manual.
8. Remove third party rights underlying proposed public easements prior to recordation.
9. If necessary, obtain a Nonstandard Design Placement Approval for the utility poles as required by MSB ROW Coordinator.
10. Relocate the utility pole at the intersection of Kellard Circle and Talkeetna Spur so that it is more than 40 feet from the intersection per the Standard Utility Facility Installation Agreement.
11. Provide plat note that all lots will take access from the internal road, no direct access to the Talkeetna Spur without prior approval from the managing authority.
12. Provide updated Certificate to Plat executed within 7 days, prior to recording the plat per MSB 43.15.053(E).
13. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
14. Submit recording fee, payable to the State of Alaska, DNR.
15. 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.
16. Submit final plat in full compliance with Title 43.

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VICINITY MAP

FOR PROPOSED KELLARD FAMILY SUBDIVISION
LOCATED WITHIN
SECTION 6, T25N R04W
SEWARD MERIDIAN, ALASKA

TALKEETNA 10 MAP

CHUNILNA EST AT TALKEETNA LK

1 2 3
(7909)

THE KINGDOM OF MYRTH

1 2 3
(5150)

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A2