

SUBJECT: VACATE THE 50-FOOT WIDE SECTION LINE EASEMENTS LYING WITHIN LOTS 5, 6, & 7, US SURVEY 4591. LOCATED ON THE NORTHEAST SHORE OF SUSITNA LAKE WITHIN SECTIONS 13, 14, & 24, TOWNSHIP 8 NORTH, RANGE 8 WEST, COPPER RIVER MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1: JIM SYKES

AGENDA: DECEMBER 5, 2017

ASSEMBLY ACTION:

Approved under the consent agenda 12-5-17

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED ^{for} BY JOHN MOOSEY, BOROUGH MANAGER: *George [Signature]*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	<i>11/27/17</i>

ATTACHMENT (S) : Fiscal Note: Yes No X

Minutes (2 pages)

Notification of Action (4 pages)

Vicinity Map (1 page)

Preliminary Vacation Plat (1 page)

REASON FOR REQUEST: The request is to vacate the 50-foot wide Section Line Easements lying within Lots 5, 6, & 7, US Survey 4591 to unencumber the potential building sites and allow for better, more efficient use of the property. Alternate public access and utility easements exist and are also being reserved on the vacation plat along property lines.

SUMMARY STATEMENT: On November 2, 2017 (written decision November 9, 2017), the Platting Board approved the vacation of the 50-foot wide Section Line Easements, contingent on Assembly approval. Alternate public access routes consist of a 50-foot wide public access easement to be dedicated along the southeastern boundary of Lot 7, abutting an existing 50-foot wide right-of-way on Lot 8; and a 100-foot wide public access easement to be dedicated outside of, and along the northeast boundaries of Lots 6, 7, & 8 US Survey 4591 to the Section Line on State property. Additional 15 and 20-foot wide public utility easements will be dedicated along property boundaries within Lots 5, 6, & 7. The alternate access easements are equal or better as they provide public access from Susitna Lake to the section line on state property. Existing public access is also shown along the shoreline on Lots 5, 6, 7, & 14.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a) and (B)(2)(b) and 43.15.040(B)(8) as equal or better access to all areas affected by the vacation and to Susitna Lake is provided and a preliminary finding of approval was obtained from the State of Alaska, Department of Natural Resources. Vacation is pursuant to AS 29.40.120 through 29.40.160 and to MSB 43.15.035 and MSB 43.15.040.

TIME: 1:53 P.M.

CD: 0:49:10

BREAK

TIME: 2:08 P.M.

CD: 0:49:12

MOTION TO WITHDRAW:

- Pugh withdrew his motion to amend on adding recommendation #7, Johnson agreed.

MOTION TO AMEND:

- Pugh moved to amend the motion to modify recommendation #4 and modify finding #16. The motion was seconded by Thompson.

RECOMMENDATIONS:

- Modify #4: Show the replacement public access and utility easements on the section line easement vacation plat as shown on the preliminary plat, excepting that within Lot 6, the east side of the 50' public access easement will begin 15' west of the meander point of lots 6 & 7 on Lake Susitna thence continue northwest to the point of intersection with the 50' access & utility easement on the north side of Lot 7.

FINDINGS:

- Modify #16 in adding the wordage: . . . The State provided information that Lots 6, 13, 14, 15, & 16 within US Survey 4590 "were removed" from consideration for sale . . .

VOTE ON AMENDED MOTION:

- The motion passed with all in favor.

VOTE ON MAIN MOTION:

- The motion passed with all in favor. There are 19 findings.

TIME: 2:15 P.M.

CD: 0:52:30

B. US SURVEY 4591

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 21 public hearing notices were mailed out on September 13, 2017.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, #2017-104.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Clay Dial

- Would like more clarification on the trail between Lot 4 & 5 and the easement going in on Lot 7 & 8.

Chair Jay Van Diest

- Closed the public hearing.

Cliff Baker, SOA (Petitioner)

- Gave more information on the placement of the easement and the trail.

MOTION:

- Rausa moved to approve the vacation of Section Line Easement within Lots 5, 6, and 7 US Survey 4591 with replacement public access and utility easements as shown on the preliminary section line easement vacation plat. The motion was seconded by Pugh.

DISCUSSION:

- Discussion on the trail.

MOTION TO AMEND:

- Johnson moved to amend the motion to add finding #17. The motion was seconded by Pugh.

FINDINGS:

- Add #17: State recommends the users of the existing well used trail on Lot 4, US Survey 4591, through the Department of Natural Resources apply for an easement to protect that access.

VOTE ON AMENDED MOTION:

- The motion passed with all in favor.

VOTE ON MAIN MOTION:

- The motion passed with all in favor. There are 17 findings.

TIME: 2:50 P.M.

CD: 1:27:50

~~**C. S. COLE CIRCLE PUE (PARTIAL)**~~

~~Chair Jay Van Diest read the case description into the record.~~

~~Sloan Von Gunten, Administrative Specialist, provided the mailing report.~~

- ~~• Stated that 27 public hearing notices were mailed out on October 11, 2017.~~

~~Cheryl Scott, Platting Technician, provided a staff report:~~

- ~~• Gave an overview of the case, #2017-118.~~
- ~~• The Petitioner would like to continue the case to December 7, 2017, to allow time to post the notification of the vacation for 30 days per MSB code.~~



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

NOTIFICATION OF ACTION

November 9, 2017

State of Alaska
Dept of Natural Resources
Att: Cliff Baker
550 W. 7th Ave, Ste. 650
Anchorage, AK 99501

Case #: 2017-104

Case Name: US SURVEY 4591

Action taken by the Platting Board on November 2, 2017 is as follows:

THE VACATION OF SECTION LINE EASEMENT WITHIN LOTS 5, 6, AND 7 US SURVEY 4591 WITH REPLACEMENT PUBLIC ACCESS AND UTILITY EASEMENTS AS SHOWN ON THE PRELIMINARY SECTION LINE EASEMENT VACATION PLAT, WAS APPROVED AND WILL EXPIRE ON NOVEMBER 9, 2023 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached),

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER 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. Jay Van Diest
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

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

Anchorage Snowmobile Club
PO Box 232196
Anchorage, AK 99523

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Eileen Probasco

Clay Dial
6700 Pickwick Place
Anchorage, AK 99504

Randall Arndt
2474 N. Willow Drive
Wasilla, AK 99654

Majerle Family Tr
% Rosemary Day
1337 W. 12th Street
Port Angeles, WA 98363

Robert Beach
1260 Colonial Drive
College Place, WA 99324

Wayne Christiansen
HC 01 Box 1737B
Glennallen, AK 99588

Karen & Mark Miller
22300 Glacier View Drive
Eagle River, AK 99577

Lake Louise Snowmachine Club
1940 N Finger Cove Drive
Palmer, AK 99645

Eric Carlson
524 Gold Key Ln
Palmer, AK 99645

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CONDITIONS of APPROVAL:

The Platting Board approved the vacation of section line easements within lots 5, 6, and 7 for US Survey 4591 with replacement public access and utility easements as shown on the preliminary section line easement vacation plat, contingent upon the following:

1. Pay Postage and Advertising fee.
2. Obtain the Borough Assembly approval of the 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. Submit final section line easement vacation plat, signed by the State and those with a legal and beneficial interest in full compliance with Title 43.
4. Show the replacement public access and utility easements on the section line easement vacation plat as shown on the preliminary plat.
5. Obtain DNR Final Decision of Approval for the Section Line Easement Vacation.
6. Provide updated Certificate to Plat executed within 90 days prior to recording and provide beneficiary affidavits from holders of legal and equitable interest, if any.

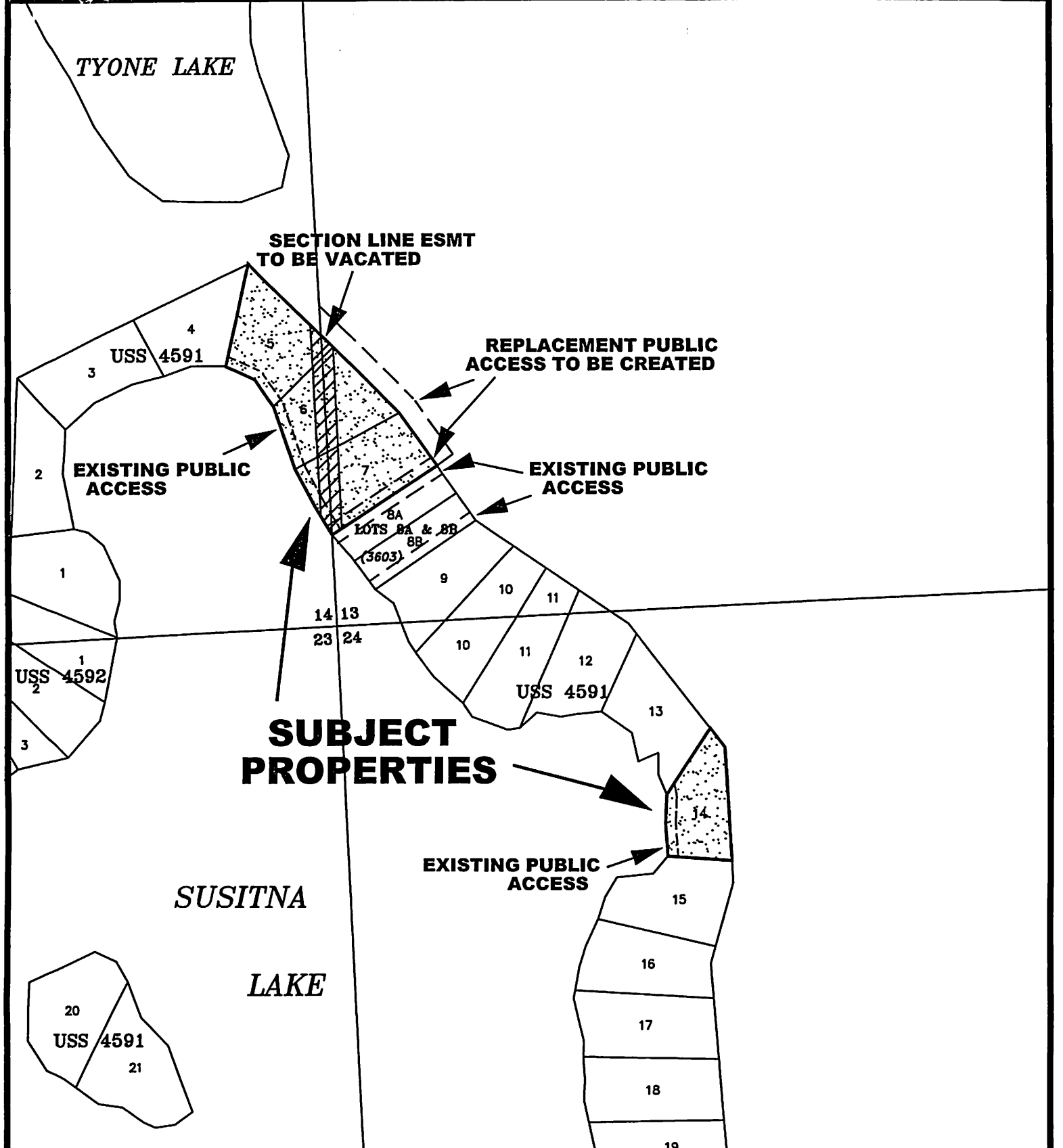
FINDINGS:

1. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 *Vacations*.
2. The vacation meets the requirements of 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 the lake is being provided or exists as shown on the plat.
4. SOA DNR has issued a preliminary decision approving the vacation of the section line easements (EV-3-267).
5. The vacations are requested to unencumber the potential building sites and allow for better, more efficient use of the property.
6. Public notice was posted for the section line easement vacation notifying the public of the date, time, and place of the public hearing.
7. The properties are undeveloped at this time. DMLW, Survey Section has no known information that vehicles, pedestrians or other public interests have been or are using those portions of the SLE proposed to be vacated. A field inspection was not conducted.

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8. Petitioners' surveyor of record has provided documentation of the existence of the section line easements within the area to be vacated and adjoining section lines as required by MSB 43.15.040(B)(2).
9. A 50-foot wide public access easement upland of and contiguous with the ordinary high water line of Susitna Lake, will also be shown on the plat within state owned lands.
10. The public access and utility easements being granted on the plat provide for equal or better access to Susitna Lake and adjacent lands.
11. The existing section line easements are not constructed. No construction of the replacement public access easement is required.
12. The petitioner is dedicating 50-foot wide public access easements along the southern boundary of Lot 7 and 100-foot wide public access easement outside of and along the northeast boundaries of a portion of US Survey 4591. Also dedicating 15 & 20-foot wide public utility easements within Lots 5, 6, & 7 consistent with MSB 43.15.040(B)(8) and MSB 43.15.035(B)(2)(b).
13. The petitioner is required to provide connectivity between the end points of the vacated portion. Therefore, they are required to provide another access route from Susitna Lake to the section line exiting the back property line of Lot 5.
14. Public notices were sent to the Glennallen Postmaster, Copper Valley Community Library, Lake Louise Lodge, and Eureka Lodge for posting on the community bulletin boards. Notices were also mailed to the Lake Louise Snowmachine Club (also known as The Wolf Pack) and Anchorage Snowmobile Club. The state also has a posting requirement which included posting to the State Online Notices site, Newspaper ads, and copying the decision to various state and local agencies.
15. There were several objections and concerns received as a result of the public noticing. Many of them regarding the existing public use trail through Lot 4, USS 4591 that connects Susitna Lake to Tyone Lake. The DNR Representative stated the State is not proposing to close the existing well-used trail on Lot 4 and have removed Lot 4 from potential sale to accommodate the public's use of the existing trail. Lot 4 is not part of this action and no changes to Lot 4 were proposed.
16. The alternate access proposed along the southern property line of Lot 7 matches an existing public access on Lot 8. This provides some separation between potential trails, allowing access to a different location for recreational use on State land.
17. State recommends the users of the existing well used trail on Lot 4, US Survey 4591, through the Department of Natural Recourses apply for an easement to protect that access.

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SUBJECT PROPERTIES

VICINITY MAP

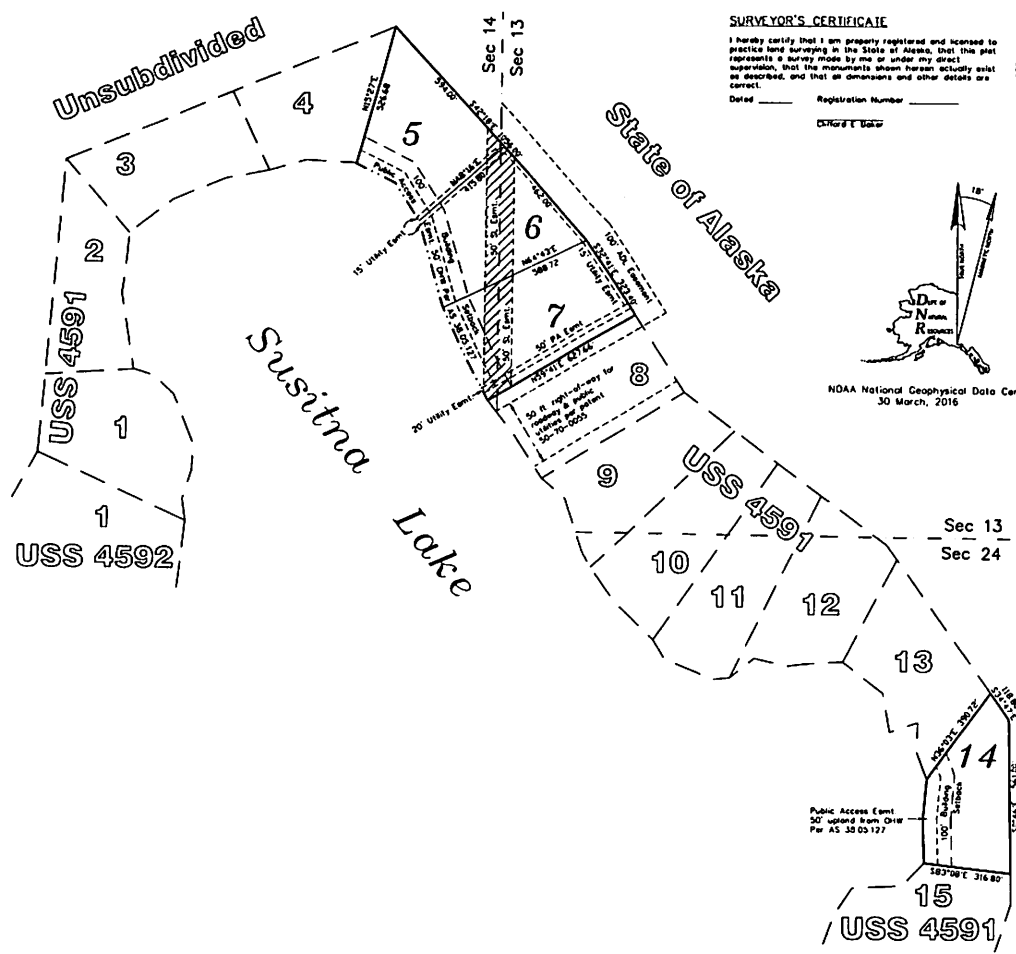
for PROPOSED USS 4591 SECTION LINE EASEMENT VACATION WITHIN SECTIONS 13 & 14, T8N, R8W COPPER RIVER MERIDIAN, ALASKA

TYONE LAKE 11 & 14 MAPS

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NOTES:

- Diagonally hatched area indicates portions of the section line easements being vacated within Sections 13 & 14 T4N, R8W CRU. It is not the intent of this plat to vacate any other dedicated public rights-of-way or easements.
- No field survey has been conducted in relation to the preparation of this section line vacation plat. All dimensions and other details as shown hereon are from US Survey 4591 accepted 6 March, 1969.
- This section line easement vacation is in compliance with the final decision EV-3-777 approved 11/11/11, 2011.
- The Alternate Route in accordance with 11 AAC 51.065 is via the Utility Easements being dedicated in Lots 5-7, 50 ft wide Public Access Easements being dedicated in Lot 7, existing right-of-way granted by federal patent #50-70-0055 for Lot 8 and by the public waters of Susitna Lake.
- 100 ft. building setback created by the ADL 231196 Final Finding Decision, effective date 21 November, 2012.
- All parcels of land owned by the State of Alaska, located within 50 ft. of, or bisected by, a surveyed or protracted section line, are subject to a fifty ft. (50') easement, each side of the section line, which is reserved to the State of Alaska for public highways under A.S. 19.10.010.



STANDARD LEGEND:

- ⊕ 3-1/4" Alum. Cap Monument (set)
- ⊕ 3-1/4" Alum. Cap Monument (found)
- Primary Monument of Record
- PA Public Access
- SI Section Line
- - - Un-Surveyed Section Line
- ▨ Section Line Easement Vacated this Plat

SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL RECOMMENDATIONS

STATE OF ALASKA DEPT. OF TRANSPORTATION & PUBLIC FACILITIES

The vacation statement, as shown hereon, has been reviewed by the Northern Region office and is hereby recommended for approval by the commissioner.

Recommended by _____ Date _____
Title: Chief, Planning and Administration

STATE OF ALASKA DIV. OF MINING, LAND & WATER

The vacation statement, as shown hereon, has been reviewed by the Division of Mining, Land & Water and is hereby recommended for approval by the commissioner.

Recommended by _____ Date _____
Title: Director, Division of Mining, Land & Water

The State of Alaska, acting by and through the commissioner of the Department of Natural Resources and the Commissioner of Department of Transportation & Public Facilities, does hereby state and declare that the State of Alaska vacates and releases all rights and title to any and all portions of section line easements for the public highways reserved to it under A.S. 19.10.010 (Specific area delineated by diagonal hatching on this plat).

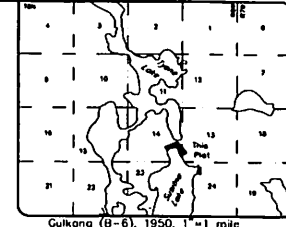
Date _____ Approved: _____
Commissioner
Department of Transportation & Public Facilities

Date _____ Approved: _____
Commissioner
Department of Natural Resources

SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and licensed to practice land surveying in the State of Alaska, that this plat represents a survey made by me or under my direct supervision, that the monuments shown hereon actually exist as described, and that all dimensions and other details are correct.

Date _____ Registration Number _____
Surveyor's Name _____



Gulkona (8-6), 1950, 1"=1 mile

CERTIFICATE OF OWNERSHIP & DEDICATION:

I, the undersigned, certify that I am the Director, Div. of Mining, Land & Water, and that the State of Alaska is the owner of Lots 5-7 and 14 of U. S. Survey 4591, as shown on this plat. I hereby approve this section line easement vacation plat for the State of Alaska and dedicate or reserve for public or private use, as noted, all easements, public utility areas, and rights-of-way as shown and described hereon.

Date _____ Director, Division of Mining Land & Water

NOTARY'S ACKNOWLEDGMENT

Subscribed and sworn to before me this _____ day of _____, 20____

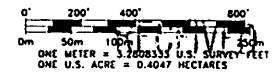
By: _____

Notary for the State of Alaska
My commission expires _____

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that current taxes and special assessments, through _____, 20____ against the property, included in the section line easement vacation plat, hereon have been paid _____, 20____

Tax Collection Official _____



Agenda Copy AUG 22 2017

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE

I certify that this section line easement vacation plat has been found to comply with the land subdivision regulations of the Matanuska-Susitna Borough, and that the plat has been approved by the platting authority by plat resolution number _____, dated _____, 20____, and that this plat has been approved for recording in the office of the recorder in the Taseetna Recording District, Third Judicial District, State of Alaska in which this plat is located.

Planning & Land Use Director _____

Attest: _____
Platting Clerk

DATE OF SURVEY: 8/2/2016	NO. OF PLOTS: 15	SECTION: 13, 14	TOWNSHIP: T4N	RANGE: R8W	COUNTY: SUSITNA
DEPARTMENT OF NATURAL RESOURCES DIVISION OF MINING, LAND, AND WATER ANCHORAGE, ALASKA					
SECTION-LINE EASEMENT VACATION PLAT Associated with Lots 5-7, US Survey 4591					
With Dedication of Public Access & Utility Easements in Lots 5-7 & 14 US Survey 4591					
Located within Protracted Sections 13, 14 & 24 T. 4 N., R. 8 W., Copper River Meridian, Alaska Taseetna Recording District					
DRAWN BY: CD	DATE: 8 June, 17	APPROVAL RECOMMENDED			
SCALE: 1" = 200'	CHECKED: CD	DATE: 8 June, 17	STATEWIDE PLATTING SUPERVISOR	DATE:	FEE NO: EV-3-767

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