

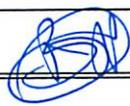
**SUBJECT:** VACATE THE 50-FOOT WIDE SECTION LINE EASEMENTS LYING WITHIN LOTS 6 & 7, US SURVEY 4594. LOCATED ON THE NORTHWEST SHORE OF SUSITNA LAKE WITHIN SECTIONS 10 & 15, TOWNSHIP 8 NORTH, RANGE 8 WEST, COPPER RIVER MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1: JIM SYKES

**AGENDA:** NOVEMBER 7, 2017

**ASSEMBLY ACTION:** *Approved under Consent agenda 11-7-17* 

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

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

| Route To: | Department/Individual | Initials   | Remarks  |
|-----------|-----------------------|------------|--|
|           | Originator            | <i>JW</i>  |  |
|           | Planning Director     | <i>EP</i>  |  |
|           | Borough Attorney      | <i>NS</i>  |  |
|           | Borough Clerk         | <i>JMM</i> | 10/30/17  |

**ATTACHMENT (S) :** Fiscal Note: Yes  No  X  
 Minutes (2 pages)  
 Notification of Action (3 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 6 & 7, US Survey 4594 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 October 5, 2017 (written decision October 12, 2017), the Platting Board approved the vacation of the 50-foot wide section line easements, contingent on Assembly approval. Alternate access routes consist of a 100-foot wide public access easement within Lot 6 and 50-foot wide public access easements each side of the common lot line between Lots 6 & 7, both to be dedicated on the vacation plat. The alternate access easements are equal or better as they provide public access from Susitna Lake to the section line and to state property. Additional 15 and 20-foot wide public utility easements will be dedicated along property boundaries of Lots 2 through 9.

**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 is provided and alternate or better access 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.

#### 4. PUBLIC HEARINGS

##### A. TOFSON AVE PUE

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

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

- Stated that 12 public hearing notices were mailed out on September 13, 2017.

Cheryl Scott, Platting Technician, provided a staff report:

- Gave an overview of the case, #2017-096.

Chair Jay Van Diest

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

Carrielee Dunphy

- Concerned on the roadway and where the PUE is located at.
- Concerned on roaming dogs and the increased population in the area.

Chair Jay Van Diest

- Closed the public hearing.

The Petitioner and/or the Petitioner's Representative are not present at the meeting.

##### MOTION:

- Anderson moved to approve the public use easement of Tofson Avenue. The motion was seconded by Johnson.

##### DISCUSSION:

- Discussion on the roadway and different questions regarding the Tofson preliminary plat.

##### VOTE:

- The motion passed with all in favor. There are 7 findings.

TIME: 1:15 P.M.

CD: 0:14:15

##### B. US SURVEY 4594

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

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

- Stated that 7 public hearing notices were mailed out on September 13, 2017.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, #2017-105.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Dan Beutel, State of Alaska DNR (Petitioner's Representative)

- Clarified the access on the easements.

MOTION:

- Anderson moved to approve the vacation of Section Line Easements within Lots 6 & 7, US Survey 4594 with replacement public access and utility easements. The motion was seconded by Johnson. Modify finding #14 and add findings #15 and #16.

FINDINGS:

- Modify #14: There are no objections from borough departments and outside agencies.
- Add #15: Anchorage snowmobile club objects to the extinguishment of the section line easement. This action is a limitation on access and they are concerned about losing access to the state's public lands.
- Add #16: The vacation meets the standard of MSB 43.15.035(B)(4).

VOTE:

- The motion passed with all in favor. There are 16 findings.

TIME: 1:45 P.M.

CD: 0:43:25

**C. 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.
- The Petitioner would like to continue the case to November 2, 2017, to investigate options for alternate access.

Chair Jay Van Diest

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

Jason Dial

- Opposes the easement changes to the lots.

Chair Jay Van Diest

- Kept the public hearing open.



# 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

October 11, 2017

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

Case #: 2017-105

Case Name: US SURVEY 4594

Action taken by the Platting Board on October 5, 2017 is as follows:

THE VACATION OF SECTION LINE EASEMENTS WITHIN LOTS 6 & 7, US SURVEY 4594 WITH REPLACEMENT PUBLIC ACCESS AND UTILITY EASEMENTS WAS APPROVED 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 2<sup>nd</sup> Final are \$100.00 Each**

Anchorage Snowmobile Club  
PO Box 232196  
Anchorage, AK 99523

**CONDITIONS of APPROVAL:**

The Platting Board approved the vacation of section line easements within Lots 6 & 7, US Survey 4594 with replacement public access and utility easements, 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.

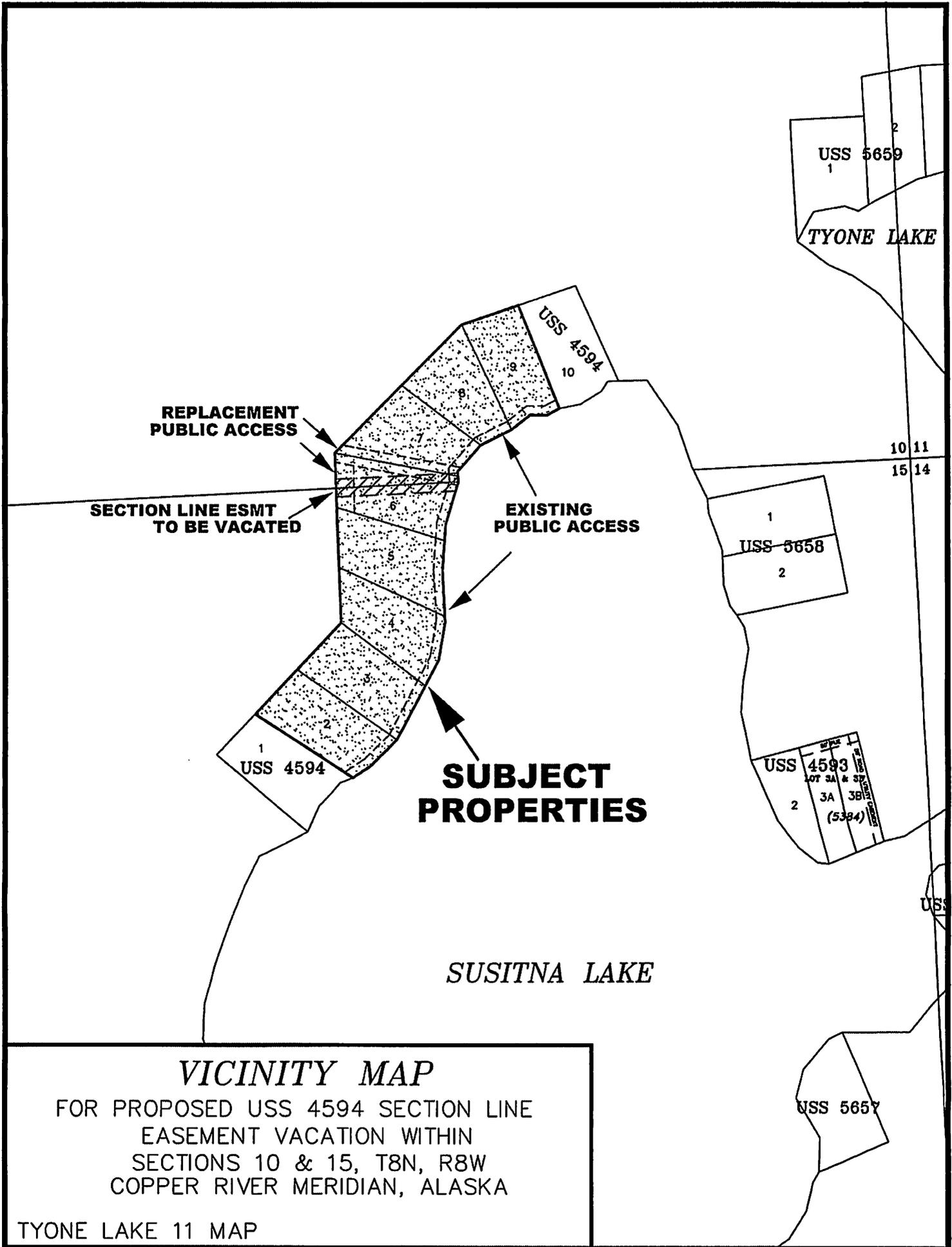
**FINDINGS:**

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.

Am 17-099

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. The petitioner is dedicating alternate public access routes consisting of a 100-foot centered on the common property line for Lots 6 & 7 and 100' adjoining the west property line of Lot 6, both to be dedicated on the plat. Additional 15 and 20-foot wide public utility easements will be dedicated within Lots 2-9. All consistent with MSB 43.15.040(B)(8) and MSB 43.15.035(B)(2)(b).
10. 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 per AS 38.05.127.
11. The public access and utility easements being granted on the plat provide for equal or better access to Susitna Lake and adjacent lands.
12. The existing section line easements are not constructed. No construction of the replacement public access easement is required.
13. 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.
14. There are no objections from borough departments and outside agencies.
15. Anchorage snowmobile club objects to the extinguishment of the section line easement. This action is a limitation on access and they are concerned about losing access to the state's public lands.
16. The vacation meets the standard of MSB 43.15.035(B)(4).

*AM 17-099*



**VICINITY MAP**

FOR PROPOSED USS 4594 SECTION LINE  
EASEMENT VACATION WITHIN  
SECTIONS 10 & 15, T8N, R8W  
COPPER RIVER MERIDIAN, ALASKA

TYONE LAKE 11 MAP

Am 17-099

NOTES:

- 1) Ownership interest over indicated portions of the section the comments being located within Sections 10 & 15 T9N, 42W C9E, is not the limit of this plat to locate any other dedicated public right-of-way or easement.
- 2) The field survey was conducted in relation to the preparation of the section plat. All dimensions and other details on the section hereon are from US Survey 4591 accepted 6 March, 1959.
- 3) The section plat is in compliance with the final decision E7-2-777 approved 17777, 2011.
- 4) The Alutskian Route in accordance with 11 AAC 51.005 is the Access Easement being dedicated in Lots 6 & 7, 100 ft wide Public Right-of-Way.
- 5) 100 ft. building setback created by the ADL 231186 Final Finding Access Easement within Lot 6 and by the public waters of Sustinna Lake.
- 6) All parcels of land owned by the State of Alaska, located within 50 feet to a 277y ft (267') 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" Min. Cop Monument (set)
- ⊕ 3-1/4" Min. Cop Monument (found)
- Primary Monument of Record
- PA Public Access
- SL Section Line
- - - Un-Surveyed Section Line
- ▨ Section Line Easement Vested This Plat

**RECOMMENDATIONS**

**STATE OF ALASKA DEPT. OF TRANSPORTATION & PUBLIC FACILITIES**  
 The location 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 location 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 vests and releases all rights and title to any and all portions of section one easements for the public highways reserved to it under A.S. 19.10.010. (Specific areas delineated by diagonal hatching on this plat).

Approved: \_\_\_\_\_  
 Commissioner  
 Department of Transportation & Public Facilities

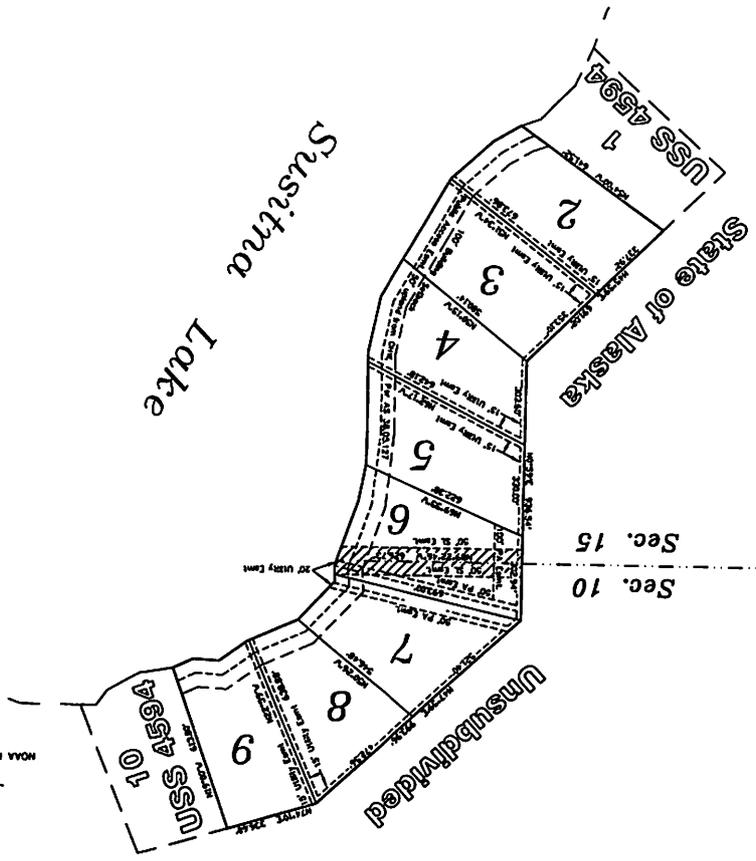
Approved: \_\_\_\_\_  
 Commissioner  
 Department of Natural Resources



**SURVEYOR'S CERTIFICATE**

I hereby certify that I am a duly qualified and licensed Professional Surveyor in the State of Alaska, and that the plat process hereon complying with the State of Alaska, and that the plat represents a survey made by me or under my direct supervision, and that the measurements shown herein comply with the laws of the State of Alaska and that all dimensions and other details are correct.

Registration Number \_\_\_\_\_  
 District & Block \_\_\_\_\_



I certify that this section that easement location plat has been found to comply with the land acquisition regulations of the Subdivision-Planning Board, and that the plat has been approved by the platting authority by plat registration number \_\_\_\_\_ dated \_\_\_\_\_, 20\_\_\_\_, and that this plat has been approved for recording in the office of the recorder in the Planning & Land Use Director, Third Judicial District, State of Alaska in which this plat is located.

Planning & Land Use Director \_\_\_\_\_  
 Attest: \_\_\_\_\_  
 Notary Public \_\_\_\_\_  
 20\_\_\_\_

**Agenda Copy**

SECTION-LINE EASEMENT VACATION PLAT  
 DIVISION OF MINING, LAND, AND WATER  
 DEPARTMENT OF NATURAL RESOURCES  
 STATE OF ALASKA  
 Anchorage, AK 99501

DATE OF SURVEY: \_\_\_\_\_  
 PLAT NUMBER: No. 10  
 DISTRICT: 100 W. 7th, S. 6th  
 COUNTY: Chitina, AK 99501

SECTION: 10 & 15  
 T9N, R. 42W, S. 6E  
 Copper River Meridian, Alaska  
 Tolovane Recording District

DATE: 17 Aug. 17  
 SCALE: AS FILED  
 DATE: 17 Aug. 17  
 FILE NO.: EV-3-270

**SECTION-LINE EASEMENT VACATION PLAT**

Section 10 & 15, T9N, R. 42W, S. 6E, Copper River Meridian, Alaska, Tolovane Recording District, State of Alaska, is hereby vacated, and the public waters of Sustinna Lake are hereby recommended for approval by the Commissioner.

I hereby certify that current losses and special assessments, through \_\_\_\_\_, 20\_\_\_\_, against the property included in this section the easement location plat, hereon have been paid.

FOR COLLECTION OFFICIAL \_\_\_\_\_  
 20\_\_\_\_

**DETERMINATION OF PAYMENT OF TAXES**

I hereby certify that current losses and special assessments, through \_\_\_\_\_, 20\_\_\_\_, against the property included in this section the easement location plat, hereon have been paid.

By \_\_\_\_\_  
 Director, Division of Mining Land & Water

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary for the State of Alaska  
 By commission expires \_\_\_\_\_

**CERTIFICATE OF COMPLETION & RECORDED:**

1. The undersigned, certify that I, on the Director, Division of Mining, Land & Water, and that the State of Alaska, as the owner of Lots 2-9 of U.S. Survey 4594, as shown on this plat, I hereby approve the section line easement location plat for the State of Alaska and dedicate or reserve for public or private use, as noted, dedicated or reserved public utility easement, and right-of-way, as shown and described hereon.

Director, Division of Mining Land & Water

**NOTARY'S ACKNOWLEDGEMENT**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By \_\_\_\_\_  
 Notary for the State of Alaska  
 By commission expires \_\_\_\_\_

FOR COLLECTION OFFICIAL \_\_\_\_\_  
 20\_\_\_\_

ONE U.S. ACRES = 2,471.056 SQ. METERS  
 ONE U.S. ACRES = 2,471.056 SQ. METERS  
 1:50,000 SCALE  
 1" = 400'

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF MINING, LAND, AND WATER  
 ANCHORAGE, ALASKA

SECTION-LINE EASEMENT VACATION PLAT  
 DIVISION OF MINING, LAND, AND WATER  
 DEPARTMENT OF NATURAL RESOURCES  
 STATE OF ALASKA  
 Anchorage, AK 99501

DATE OF SURVEY: \_\_\_\_\_  
 PLAT NUMBER: No. 10  
 DISTRICT: 100 W. 7th, S. 6th  
 COUNTY: Chitina, AK 99501

SECTION: 10 & 15  
 T9N, R. 42W, S. 6E  
 Copper River Meridian, Alaska  
 Tolovane Recording District

DATE: 17 Aug. 17  
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