


SUBJECT: THE REQUEST IS TO VACATE EXISTING RIGHT-OF-WAYS AND UTILITY EASEMENTS WITHIN GOVERNMENT LOTS 12 & 22 AND RAINBOW SHORES NO 2, PROVIDING REPLACEMENT RIGHTS-OF-WAY AND UTILITY EASEMENTS TO SERVE THE NEWLY PROPOSED LOTS AND TRACTS.

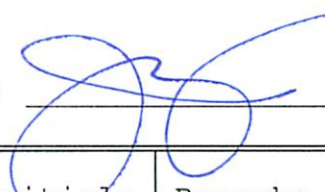
AGENDA OF: AUGUST 20, 2019

ASSEMBLY ACTION:

Adopted without objection 8-20-19


MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:



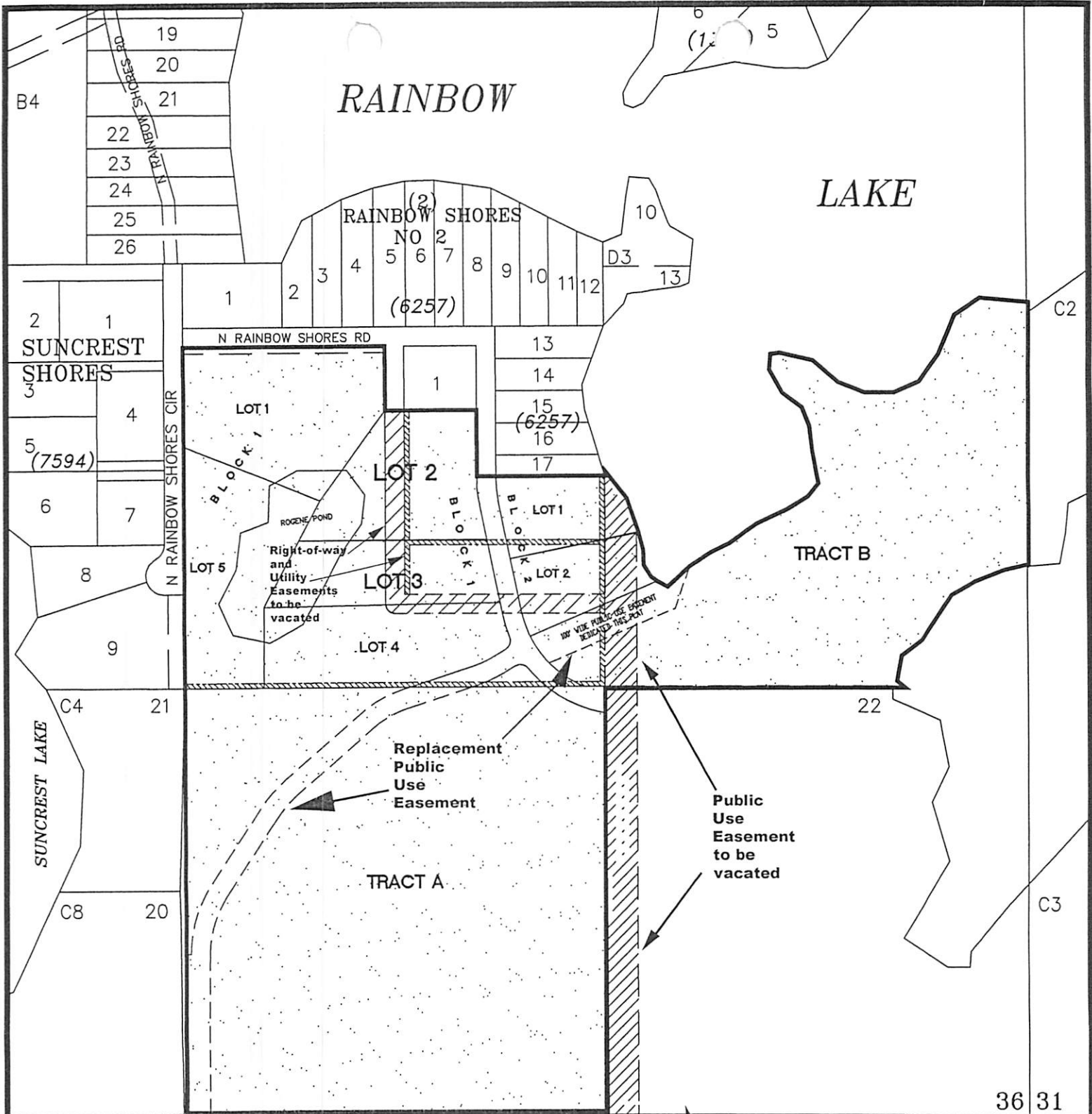
Route To:	Department/Individual	Initials	Remarks
	Originator	PH	
	Planning and Land Use Director	SP	
	Finance Director	Blair	
	Borough Attorney	Sign for NIS	
	Borough Clerk	BGA for JM. 8-12-19	

ATTACHMENT(S): Fiscal Note: Yes _____ No x
 Vicinity Maps (2 Pages)
 Notification of Action (4 Pages)
 Minutes (2 pages)

SUMMARY STATEMENT: On August 1, 2019, the Platting Board approved the a preliminary plat with a vacation of a 100' wide unconstructed public use easement within Government Lots 12 & 22 and portions of the unconstructed rights-of-way within Rainbow Shores No. 2, plat #67-9 & #73-30. The Platting Board also approved the elimination of several platted utility easements. The petitioner will reconfigure the area into 7 larger lots and 2 remainder tracts, dedicate new right-of-ways and utility easements to serve the proposed lots.

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)(1)(c) as equal or better access is provided to all areas affected by the vacation, the right-of-ways are not currently being used, a road is impractical to construct, and alternative access is provided on the plat. Access to Rainbow Lake is protected with a replacement 100' wide public use easement consistent with MSB 43.15.035(B)(2)(b). Utility easement elimination is consistent with MSB 43.15. 032, as the servicing utility companies agreed, there are no utility facilities within the easements currently, and new utility easements are provided on the plat.



VICINITY MAP

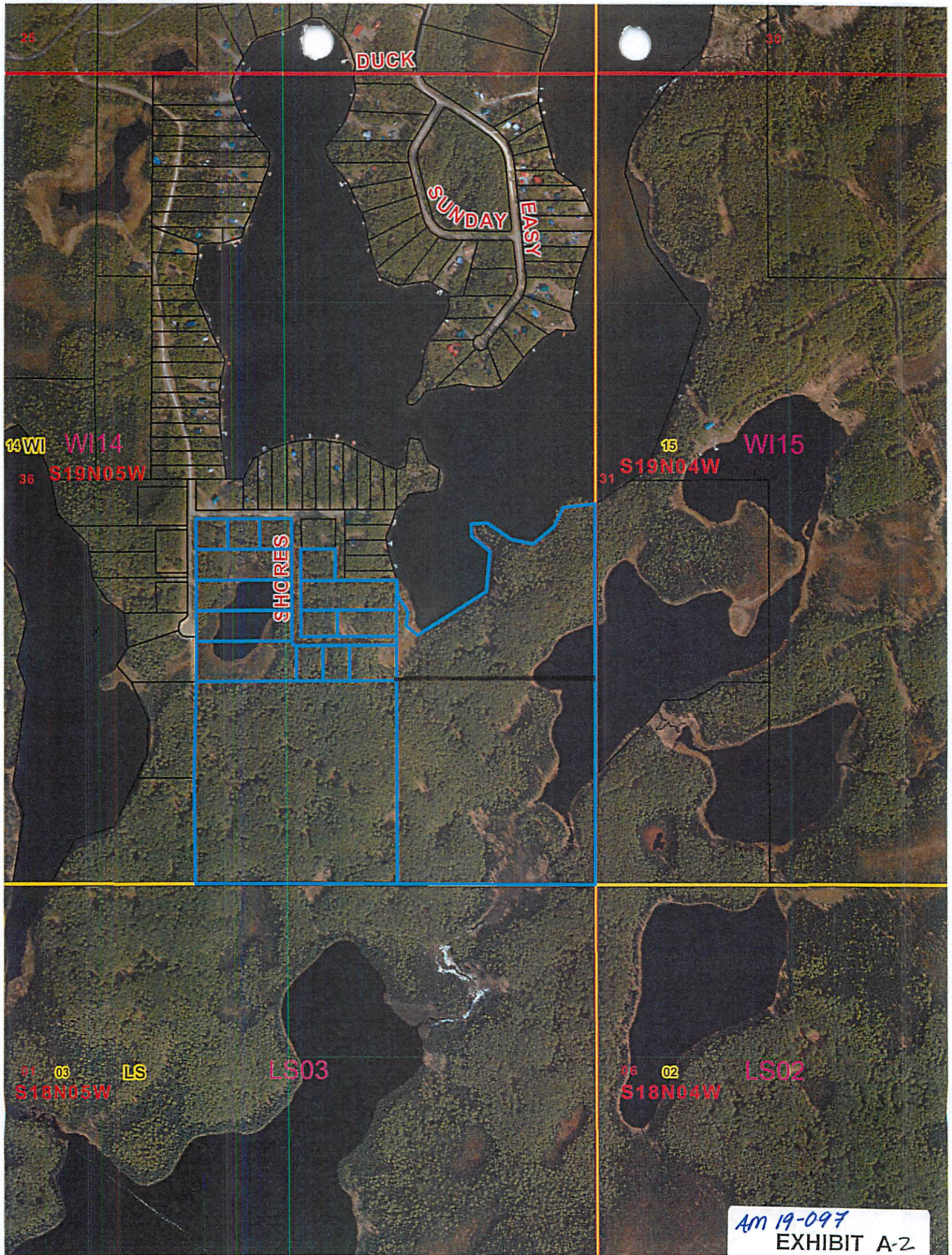
FOR PROPOSED NORDIC PARK
LOCATED WITHIN
SECTION 36, T19N, R5W, SEWARD MERIDIAN,
ALASKA

WILLOW 14 MAP

**SUBJECT
PROPERTY**

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EXHIBIT A-1



DUCK

SUNDAY
EASY

SHORES

14 WI WI14
36 S19N05W

15 WI15
31 S19N04W

01 03 LS
S18N05W LS03

06 02 LS02
S18N04W

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EXHIBIT A-2



MATANUSKA-SUSITNA BOROUGH

Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Email: platting@matsugov.us

NOTIFICATION OF ACTION

August 8, 2019

William Royce
PO Box 50
Willow, AK 99688

Case #: **2019-085, 086, 087, 088**

Case Name: **NORDIC PK (N SHORES CIRC) (PUE) (UE)**

Action taken by the Platting Board on August 1, 2019 is as follows:

THE PRELIMINARY PLAT FOR NORDIC PARK AND THE VACATION OF RIGHT-OF-WAY AND UTILITY EASEMENTS WAS APPROVED AND WILL EXPIRE ON AUGUST 8, 2025 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISIONS 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,

Jordan Rausa

Mr. Jordan Rausa
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

Keystone Surveying
Gary LoRusso
PO Box 2216
Palmer, AK 99645

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

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Larry Soule
15100 Longbow Dr.
Anchorage, AK 99516

May Alesander
15100 Longbow Dr.
Anchorage, AK 99516

John Ketchum
John.ketchum@bp.com

Kevin Kozicz
9201 Nordic St.
Anchorage, AK 99507

Brent Eaton
638 Orchid Circle
Anchorage, AK 99515

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FINDINGS of FACT

1. The plat of Nordic Park and the vacation of right-of-ways and utility easements is consistent with AS 29.40.070 *Platting Regulations*, MSB 43.15.016 *Preliminary Plats*, MSB 43.15.035 *Vacations* and MSB 43.15.032 *Elimination or Modification of Utility Easements*.
2. The requirements for MSB 43.20.281 *Area* are met with all lots containing 10,000 sq. ft. of useable building area and 10,000 sq. ft. of contiguous useable septic area with the removal and abandonment of the well on Lot 2, Block 2.
3. Road frontage and lake frontage requirements have been met consistent with MSB 43.20.320 and MSB 43.20.340.
4. Legal and physical access will be provided to the proposed lots from N. Rainbow Shores Road and the interior streets, consistent with MSB 43.20.100 *Access Required*, MSB 43.20.120 *Legal Access*, and MSB 43.20.140 *Physical Access*.
5. Lot & Block Design requirements are consistent with MSB 43.20.300 including 4:1 depth to width ratio.
6. This platting action meets the requirements of the Subdivision Construction Manual.
7. Elimination of Utility Easement requirements per MSB 43.15.032 will be met with the non-objection letter from MEA and the granting of an easement over existing MTA facilities.
8. All vacation requirements per MSB 43.15.035 have been met with the replacement right-of-ways being provided to adjacent property and the lake.
9. Streets named on subdivision plats are subject to MSB 11.20, *Street Names and Address Numbers*. Road names and Subdivision name require approval from the Platting Assistant.
10. All setback requirements appear to be met pursuant to MSB 17.55.
11. There were no objections to the plat from any outside agencies, borough departments or the public.
12. Mary Alexander, Larry Soule, John Ketchum, Kevin Kozicz, and Brent Eaton submitted objections to this platting action.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Nordic Park and the vacation of right-of-ways and utility easements, contingent upon the following:

1. Pay postage and advertising fees.
2. Taxes and special assessments must be paid in full through the year of recording prior to recording the plat, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.

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3. Provide updated Certificate to Plat executed within 7 days of recording and submit Beneficiary Acknowledgement for any holder of a beneficial interest.
4. Obtain Platting Assistant's approval of road names and subdivision name.
5. Show or list all easements of record including the 50' public access easement upland of the ordinary high water marks of both lakes.
6. Provide proof the well has been removed and properly abandoned on Lot 2, Block 2.
7. Provide vacation resolution for public use easement located in Government Lot 22, Section 36, T19N, R5W, to be recorded prior to the plat and show recording information on final plat.
8. Obtain approval from the Assembly for the elimination of utility easements and the vacation of right-of-ways.
9. Obtain a non-objection letter from MEA for the elimination of utility easements prior to plat recordation.
10. Adjust width of public use easement to the lake to be a consistent 100 feet.
11. Apply for driveway permits for any existing driveways and provide acknowledgement of application to Platting.
12. Provide a utility easement for existing MTA facilities in area to be vacated or obtain MTA sign-off prior to final plat recordation
13. Construct N. Rainbow Shores Road from N. Rainbow Shores Circle and Nordic Lane south to Royce Drive including a T-turnaround providing required frontage for furthest served lots to borough street standards as determined by the Department of Public Works. Submit cost estimate, arrange a pre-construction meeting with Department of Public Works (DPW), pay inspection fee and obtain a Notice to Proceed from Platting staff for each phase. Submit the No Engineer Left Behind for final road inspection.
 - a. Provide verification of roadways per MSB 43.20.140(A)(2)(a) & (b).
 - b. Provide DPW acceptance of the roads to Platting staff.
 - c. Provide updated drainage plan as DPW deems necessary.
14. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
15. Submit final plat in full compliance with Title 43.

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4. UNFINISHED BUSINESS: Quasi-Judicial Matters

Platting Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

(There were no Unfinished Business)

5. RECONSIDERATIONS/APPEALS

(There were no Reconsiderations/Appeals)

6. PUBLIC HEARINGS: Quasi-Judicial Matters

Platting Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

- A. NORDIC PARK:** The request is to reconfigure Tax Parcels D1 & D2, Lots 2, 3, 6-9, Block 3, Lots 4A, 4B, 5A-5C, 10A-10C, Block 3, Rainbow Shores #2, Plat #67-9 and Plat # 73-30 into 7 lots and 2 tracts to be known as Nordic Park, containing 88.26 acres +/- . The petitioner is also vacating existing right-of-ways and utility easements, dedicating new right-of-ways and utility easements and constructing portions of the new right-of-ways. The Plat is located east of N. Rainbow Shores Circle and south of N. Rainbow Shores Road (Tax ID #19N05W36D001-D002); within the SE ¼ Section 36, Township 19 North, Range 05 West, Seward Meridian. Community Council: Willow, Assembly District #7 Tam Boeve (*Owner/Petitioner: William Royce, Jeff & Jeanne Friedman, Christopher & Cheryl Herman, Daryl Royce & Kelly Fehrman-Royce; Surveyor: Keystone, Staff: Cheryl Scott*)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection noted.

Chair Rausa read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 42 public hearing notices were mailed out on July 10, 2019.

Ms. Scott provided a staff report

- Gave an overview of the case, #2019-085.

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- Staff recommended approval of the case with findings of fact & conditions.
- Would like to add finding #12.

Chair Rausa invited the petitioner for a brief overview.

Gary LoRusso, the petitioner's representative gave a brief overview.

Chair Rausa opened the public hearing for public testimony.

There being no one else to be heard, Chair Rausa closed the public hearing.

Chair Rausa invited the petitioner or their representative to provide their comments.

Mr. Bill Royce, the petitioner, and Gary LoRusso, the petitioner's representative, provided a brief description of the platting action.

Chair Rausa closed the petitioner's comments and discussion moved to the Platting Board.

MOTION: Platting Member Shadrach moved to approve the preliminary plat of Nordic Park and the vacation of right-of-ways and utility easements, with 15 recommendations. Add finding #12. The motion was seconded by Platting Member Vau Dell.

FINDINGS: Add #12: Mary Alexander, Larry Soule, John Ketchum, Kevin Kozicz, and Brent Eaton submitted objections to this platting action.

VOTE: The main motion passed with all in favor. There are 12 findings of fact.

TIME: 1:26 P.M.

CD: 0:26:30

~~**B. PITTMAN FLATS:** The request is to create eight lots and two tracts from Tax Parcel A2 and Tax Parcel B2, to be known as Pittman Flats, containing 80 acres +/- . The Plat is located north and south of N. Pittman Road. (Tax ID #18N02W23A002 & B002); within the NE ¼ NW ¼ and NW ¼ NE ¼ of Section 23, Township 18 North, Range 02 West, Seward Meridian. Community Council: Meadow Lakes, Assembly District #7 Tam Boeve (Owner/Petitioner: Foremost Construction, LLC & Irinia Filyuk; Surveyor: Bull Moose; Staff: Amy Otto-Buchanan)~~

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

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