

SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE DISPOSAL OF BOROUGH-OWNED EASEMENT LOTS AND PUBLICLY DEDICATED LOTS IN WINDSONG SUBDIVISION TO ADJACENT OWNERS (MSB007346).

AGENDA OF: NOVEMBER 7, 2017

ASSEMBLY ACTION:

ORD 17-143 - Public Hearing held & Adopted w/o objection at 11/20/17 RM

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	NSC	
	Community Development Director	Φ	
	Finance Director	Φ	
	Borough Attorney	NS	
	Borough Clerk	JRM	10/30/17

ATTACHMENT (S) : Fiscal Note: YES NO
 Subdivision Map (1 pp)
 Ordinance Serial No. 17-143 (4 pp)

SUMMARY STATEMENT:

The Windsong Subdivision was approved in 1976 with 255 sub-standard lots (lots containing less than 22,000 s/f area) to be served by public sewer and water systems. Subsequent failure and abandonment of these two utility systems and bankruptcy of the developer, combined with high water tables and flood hazards, caused 141 lots to go into tax foreclosure and ultimate transfer of ownership to the borough.

The Matanuska-Susitna Borough enacted Ordinance No. 95-045 to dedicate for a public purpose certain tax foreclosed properties situated in the Windsong Subdivision for health and safety reasons. Public water and sewer is not economically feasible for the subdivision and most owners required more than one lot to meet health and safety requirements for an acceptable onsite

well and sewer system. Eventually, the borough assembly adopted Ordinance No. 01-012 authorizing the conveyance of water and sewer easements on some of these publicly dedicated lots in an effort to mitigate public health, safety and welfare issues created by defunct utility systems. Adjacent lot owners could apply for, and receive use of, the borough easement lots to serve their private properties. Of the 141 lots received through foreclosure, 57 have recorded easements created by the borough.

In addition to dedicating the easement lots, a platting action was approved removing the original plat note requirement that individual lot development be tied to the public system. The old plat note was replaced with new language to read "No individual septic system shall be permitted on any lot unless such system is located, constructed, and equipped in accordance with the requirements, standards, and recommendations of the Alaska Department of Environmental Conservation. Approval of said system as installed shall be obtained from said authority."

Land & Resource Management is seeking assembly approval to allow the sale of borough lots to adjacent property owners, whether the lots are an easement lot or a publicly dedicated lot. Such conveyance will put the borough lots back into private ownership which is ultimately the goal with tax foreclosed properties. Numerous Windsong property owners have requested such conveyance and support this effort by the borough; however, in order to mitigate and provide some assurance that public health, safety, and welfare is protected, certain conditions will be required prior to conveyance.

The conditions of disposal will include:

(A) Only current property owners of record are eligible to purchase borough lots under this sale and will be notified by certified mail with the offer to participate. Owners must be qualified applicants pursuant to MSB 23.10.090.

(B) The purchase price shall be the current borough assessed value based on the certified tax roll. The lots shall be sold for cash only and are not eligible for borough financing. Purchasers will submit and pay Land & Resource Management application fee, recording fee, and flood development permit fee required under Title 17.29, if any.

(C) If two adjacent property owners submit applications for the same lot, an owner with an improvement on their lot will have priority over an owner with an unimproved lot. In other circumstance, the earliest time and date of application will determine which owner has priority. An owner may request to purchase more than one lot if there is no conflict with another owner's request. The borough manager is authorized to resolve conflicting applications and his decision is final. Easement

lots can only be purchased by those record owners served by the easement appurtenant.

(D) Prior to transfer of ownership, the lots will require the borough and purchasing owner to be co-applicants in a re-plat to combine the lots into a single lot which shall meet borough platting regulations and the requirements of Alaska Department of Environmental Conservation. A restriction shall be invoked in the form of a plat note, and shall also be held within the deed of conveyance stating that no lot can be re-subdivided to less than 40,000 square feet of total area.

(E) Sewer easements shall be vacated by document after plat recordation and prior to conveyance of deed. Borough properties will be sold "as is-where is" and conveyance shall be by quitclaim deed.

Land & Resource Management's future goal is to combine remaining borough lots within the subdivision through the platting process and eventually offer these other re-platted lots for sale under a competitive sealed bid land sale. Platting approval, planning commission land classification recommendation, and assembly approval will be required to complete this goal.

MSB 23.05.030 provides the authority for disposal.

RECOMMENDATION OF ADMINISTRATION:

An ordinance of the Matanuska-Susitna Borough Assembly approving the sale of borough-owned easement lots and publicly dedicated lots in Windsong Subdivision to adjacent property owners.

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: November 7, 2017

SUBJECT: An ordinance of the Matanuska-Susitna Borough Assembly approving the disposal of borough-owned easement lots and publicly dedicated lots in Windsong Subdivision to adjacent owners (MSB007346).

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <u>YES</u> NO
AMOUNT REQUESTED *	FUNDING SOURCE <i>Land Sale Revenue</i>
FROM ACCOUNT #	PROJECT #
TO ACCOUNT: <i>203.000.000.3XX.XXX</i>	PROJECT #
VERIFIED BY: <i>Melissa Fickett</i>	CERTIFIED BY:
DATE: <i>10/25/17</i>	DATE:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
---------	--------	--------	--------	--------	--------	--------

REVENUE	*					
---------	---	--	--	--	--	--

FUNDING: (Thousands of Dollars)

General Fund						
State/Federal Funds						
Other	*					
TOTAL	*					

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary) ** Revenue based on current borough assessed value from certified tax roll.*

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: _____ DATE: _____
 APPROVED BY: *Cheryl M. Stenlund* DATE: *10/26/17*

Windsong Subdivision

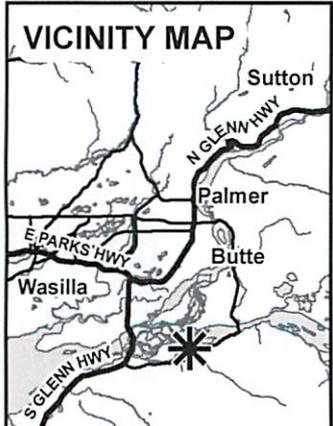
S T16N R02E Secs. 8, 9, 17
 Tax Map GC 02
 MSB/LRMD October, 2017



Feet

0 500

Knik River



Legend

- STRUCTURES
- BOROUGH OWNED PROPERTY
- BOROUGH OWNED PROPERTY WITH EASEMENT

1M 17-192 OR 17-143