

SUBJECT: TO VACATE THE 50 FOOT PUBLIC USE EASEMENT FROM TRACT 1A, SOUTH BIG LAKE ALASKA SUBDIVIION, PLAT # 66-4. LOCATED WITHIN NW 1/4 SECTION 36, TOWNSHIP 17 NORTH, RANGE 04 WEST, SEWARD MERIDIAN, ALASKA.

AGENDA OF: November 21, 2023

ASSEMBLY ACTION: Adopted without objection. 11/21/23 - BJH

AGENDA ACTION REQUESTED: Present to the Assembly for consideration.

Route To:	Signature
Originator	<div>10/12/2023</div> <div>X Fred Wagner</div> <div>Signed by: Fred Eric W Wagner</div>
Department Director	<div>10/12/2023</div> <div>X Alex Strawn</div> <div>Signed by: Alex</div>
Finance Director	<div>10/19/2023</div> <div>X Cheyenne Heindel</div> <div>Signed by: Cheyenne Heindel</div>
Borough Attorney	<div>10/20/2023</div> <div>X Nicholas Spiropoulos</div> <div>Signed by: Nicholas Spiropoulos</div>
Borough Manager	<div>10/20/2023</div> <div>X Michael Brown</div> <div>Signed by: Michael Brown</div>
Borough Clerk	<div>10/23/2023</div> <div>X Lonnie McKechnie</div> <div>Signed by: Lonnie McKechnie</div>

ATTACHMENT (S) : Fiscal Note (1 Page)
 Platting Board minutes (10 Pages)
 Notification of Action (2 Pages)
 Vicinity Map (1 Page)

SUMMARY STATEMENT: On October 5, 2023 (written decision October 6, 2023) the Platting Board approved the vacation of the 50' wide Public Use Easement running the length of the western boundary of Tract 1A. This easement was created by the Matanuska-Susitna Borough prior to sale of the property. The Platting Board's decision to vacate the easement is consistent with MSB 43.20.035(B) (1) (C) Vacations.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the public use easement.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: 11/21/2023

SUBJECT: VACTION OF THE 50' PUBLIC USE EASEMENT FROM TRACT 1A, SOUTH BIG LAKE ALASKA
SUBDIVISION, PLAT #66-4. LOCATED WITHIN THE NW ¼ SECTION 36, TOWNSHIP 17 NORTH,
RANGE 04 WEST, SEWARD MERIDIAN, ALASKA.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED	FUNDING SOURCE
FROM ACCOUNT # \$0	PROJECT
TO ACCOUNT :	PROJECT #
VERIFIED BY: X L i e s e l W e i l a n d S i g n e d b y : L i e s e l W e i l a n d	CERTIFIED BY:
DATE: 10/16/2023	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2023	FY2024	FY2025	FY2026	FY2027	FY2028
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

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)

PREPARED BY: _____ PHONE: _____

DEPARTMENT: _____ DATE: _____

10/19/2023

APPROVED BY: X C h e y e n n e H e i n d e l _____ DATE: _____

Signed by: C h e y e n n e H e i n d e l

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on OCTOBER 5, 2023, at the Matanuska-Susitna Borough 350 E Dahlia Ave, Palmer, Alaska. Chair Leonard called the Meeting to order at 1:00 p.m.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)

Platting Board members present and establishing a quorum:

Mr. Ron Johnson, District Seat #1
Mr. Eric Koan, District Seat #3
Ms. Michelle Traxler, District #5
Mr. Alan Leonard, District Seat #7, Chair
Ms. Amanda Salmon, Alternate A - Arrived at 1:06 PM

Platting Board members absent and excused were:

Mr. Dan Bush, District Seat #4
Mr. Sandra Kreger, District Seat #6
Mr. Robert Hallford, Alternate B

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Theresa Taranto, Platting Clerk
Mr. Matthew Goddard, Platting Technician
Mr. Chris Curlin, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

Platting member Koan led the pledge of allegiance.

C. APPROVAL OF THE AGENDA

Chair Leonard inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved unanimously.

2. APPROVAL OF MINUTES

- September 7, 2023, Minutes were approved unanimously.

3. AUDIENCE PARTICIPATION & PRESENTATIONS *(Three minutes per person, for items not scheduled for public hearing)*
(There is no Audience Participation & Presentations)

4. UNFINISHED BUSINESS

(None)

5. RECONSIDERATIONS/APPEALS

(No Reconsiderations/Appeals)

6. PUBLIC HEARINGS

- A. **KNIK RIVER PLACE**: The request is to create nine lots from Tract A, The Cedars, Plat No. 2014-7, to be known as **Knik River Place**, containing 11.31 acres +/- (Tax ID# 7275000T00A). A Public Use Easement recorded on September 28, 2017, at Reception No. 2017-040154-0 and the adjoining 15' wide utility easement will be vacated to allow for the creation of a new access street. Access is from S. Nystrom Way, lying within the NW ¼ Section 30, Township 16 North, Range 04 East, Seward Meridian, Alaska. In the South Knik Community Council and in Assembly District #1. (*Petitioner/Owner: Chia Hsi Chiavetta, Staff: Amy Otto-Buchanan, Case # 2023-096*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 52 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.

Chair Leonard asked Platting Member Salmon about Ex-Parte & Interest in the current case being heard. Platting Member Salmon said she did not.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

Christopher Chiavetta, the Petitioner gave a brief overview of the case.

Chair Leonard opened the public hearing for public testimony.

The following persons spoke:

- Julie Nystrom
- Ann Houseal
- John Nystrom
- Raymond Phillips
- Chris Mobley
- Elvina Meyer

There being no one else to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

Gary LoRusso, the petitioner's representative gave an overview of the case.

- This plan is consistent with code. Mr. LoRusso is here for any questions from the board.
- Curt Holler, the Engineer was present.

MOTION: Platting Member Johnson made a motion to approve with 8 findings of fact and 9 conditions. Platting Member Traxler seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- B. SOUTH SHORE WATERFRONT:** The request is to create 38 lots from Tax Parcels C9 (a portion of Government Lot 37), by a four-phase Master Plan to be known as **South Shore Waterfront**, containing 34 acres +/- . Proposed Lots 25 & 26 and Lots 33-35 are side-by-side flag lots with 30' wide poles; a Common Access Easement will be granted over the pole portions. Lots 1-23 (Phase 3 and Phase 4) will be served by a community well and are less than 40,000 sf. Parcels are located south of Big Lake and north of W. Susitna Parkway. Access will be from dedicated interior streets from W. Susitna Parkway and S. Corkey Boulevard (Tax ID# 17N04W35C009), lying within the SW ¼ Section 35, Township 17 North, Range 04 West, Seward Meridian, Alaska. In the Big Lake Community Council and in Assembly District #5. (*Petitioner/Owner: Seth Kroenke, Staff: Amy Otto-Buchanan, Case # 2023-098*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 54 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.

Platting member Traxler had questions for staff.

Chair Leonard had questions for staff.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative Craig Hanson was present and chose not to speak at this time.

Chair Leonard opened the public hearing for public testimony.

The following persons spoke:

- Jeanne Mee
- Greg Bland
- Don Seidler

Chair Leonard had questions for Mr. Seidler.

The following persons spoke telephonically:

- Terry Smith
- Robbie Muir

There being no one else to be heard Chair Leonard closed the public hearing and

invited the petitioner and/or the petitioner's representative to give a brief overview.

Craig Hanson, petitioner's representative gave an overview of the case.

- They will address water well with DEC.
- The well should not have been put where it was shown on this drawing.
- Jeanette Street is not wide enough to use.
- Agrees with conditions.

Platting Member. Johnson had questions for Mr. Hanson.

MOTION: Platting Member Koan made a motion to approve with 7 findings of fact and 9 conditions. Platting Member Salmon seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

BREAK 2:16 PM

RECONVENE: 2:27 PM

- C. **SCULPIN MASTER PLAN:** The request is to create 23 lots by a two-phase Master Plan, from Lot 1, Durham Subdivision, Plat No. 2014-13, to be known as **Sculpin Master Plan**, containing 31.61 acres +/- . Parcels are located west of S. Talkeetna Spur and east of the Susitna River (Tax ID# 7365000L001). Access is from E. Leila Lane. Petitioner will be replacing the existing 15' wide utility easement adjoining the new right-of-way for the extension of E. Leila Lane, lying within the NW ¼ Section 07, Township 25 North, Range 04 West, Seward Meridian, Alaska. In the Talkeetna Community Council and in Assembly District #7. *(Petitioner/Owner: All Aspects Construction LLC, Staff: Amy Otto-Buchanan, Case # 2023-078)*

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 54 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.
- Using Section Line Easement but cannot dedicate it.

Platting member Salmon had a question for staff.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

The Petitioner/petitioner's representative was not present.

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

The Petitioner/petitioner's representative was not present.

MOTION: Platting Member Johnson made a motion to approve with 6 findings of fact and 8 conditions. Platting Member Traxler seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- D. **KELTON'S CIRCLE:** The request is to create seven lots from Tax Parcel C7 (Parcel #3, MSB Waiver 76-4, recorded 79-245w) and create a 60' X 60' Public Use Easement on Tract 6, Kelton's Knob Hill, Plat No. 2006-98, to be known as **Kelton's Circle**, containing 15.82 acres +/- . Petitioner is applying for a variance from MSB 43.20.120(A)(1) Legal Access and MSB 43.20.140(A)(1) Physical Access. Parcels are located east and south of N. Wasilla-Fishhook Road. Access is from N. Kelton Knob Circle, which is currently unconstructed (Tax ID#s 18N01W35C007/1384000T006) lying within the SW ¼ Section 35, Township 18 North, Range 01 West, Seward Meridian, Alaska. In the Tanaina Community Council and in Assembly District #6. (*Petitioner/Owner: Precision Homes LLC & Bennett J. & Rhonda A. Durgeloh, Staff: Amy Otto-Buchanan, Case # 2023-061*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 175 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.
- Variance request for Legal and Physical Access was submitted, standards of approval.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

The petitioner's representative chose not to give a brief overview of the case at this time.

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

Craig Hanson petitioner's representative gave an overview of the case.

MOTION: Platting Member Johnson made a motion to approve with 8 findings of fact and 7 conditions. Platting Member Salmon seconded the motion.

Discussion ensued.

VARIANCE

MOTION: Platting Member Johnson to approve the variance application legal access and physical access. Seconded by Platting Member Salmon.

VOTE: The motion passed without objection.

VOTE

MAIN MOTION: The motion passed without objection.

- E. HOUSTON WYE:** The request is to create four tracts from S1/2 NW1/4 & W1/2 SW1/4 Section 27; N ½ SE ¼, SW ¼ SE ¼, SE ¼ SE ¼ , & NE ¼ Section 28, to be known as **Houston Wye** containing 261.1 acres +/- . The property is located directly north of W. Miller's Reach Road, West of W. Railside Drive and south of the Alaska Railroad (Tax ID # 18N03W28D002, D003, & D004); within the E ½ Section 28, and SE ¼ Section 27, Township 18 North, Range 03 West, Seward Meridian, Alaska. In the City of Houston and Assembly District # 7. (*Petitioner/Owner: MSB Department of Public Works, Staff: Chris Curlin, Case # 2023-088*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 8 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

Sheila Armstrong, petitioner's representative gave a brief overview of the case.

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

The petitioner's representative chose not to give another overview of the case.

MOTION: Platting Member Koan made a motion to approve with 7 findings of fact and 6 conditions. Platting Member Johnson seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- F. **ALLIANCE RIDGE ESTATES:** The request is to create 26 lots from Tax Parcel B8 (NW ¼, SW ¼, 40 Acre Exemption #1996-12-EXM) and create internal roads for access, to be known as **Alliance Ridge Estates**, containing 40.00 acres +/- . The property is located north of S. Knik Goose Bay Road, south and east of S. Clapp Street, and southwest of Lucille Lake (Tax ID # 17N01W17B008); within the SW ¼ Section 17, Township 17 North, Range 01 West, Seward Meridian, Alaska. In the City of Wasilla and in Assembly District #4. (*Petitioner/Owner: Alliance Construction, Staff: Matthew Goddard, Case # 2023-089*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 88 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.
- Finding #7 should read: There was one objection received from the public in response to the notice of public hearing.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

Ellery Gibbs, petitioner's representative gave a brief overview of the case.

- Objects to recommendation #5

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

Ellery Gibbs, petitioner's representative gave a further overview of the case.

- Asked the board to remove condition # 5 requiring the movement of the cul-de-sac.

Platting member Johnson had questions for Mr. Gibbs.

Chair Leonard had questions for Mr. Gibbs.

MOTION: Platting Member Johnson made a motion to approve with 7 findings of fact and 8 conditions, Platting Member Traxler seconded the motion.

Discussion ensued.

AMENDED

MOTION: Platting Member Johnson made a motion removing recommendation #5. Platting Member Salmon seconded that motion.

Discussion ensued.

BREAK: 3:45 PM

RECONVENE: 3:48 PM

Discussion ensued.

VOTE

AMENDED MOTION: Motion failed. Platting Members, Salmon, Johnson and Koan in favor of removing recommendation #5 and Platting Members Traxler and Leonard not in favor. Majority vote of 4 members is needed.

Discussion ensued.

VOTE

MAIN MOTION: The motion passed without objection.

G. LUITEN - VACATION OF PUBLIC USE EASEMENT: The request is to vacate the 50' Public Use Easement on **Tract 1A, South Big Lake Alaska Subdivision**, Plat #66-4 (Tax ID#6285000T001A), containing 13,939 sf (.32 acres +/-). The property is located north of S. Big Lake Road and west of S. Dottie Lou Lane; located within the NW ¼ Section 36, Township 17 North, Range 04 West, Seward Meridian, Alaska. In the Big Lake Community Council and in Assembly District #5. (*Petitioner/Owner: Tony & Jennifer Luiten, Staff: Chris Curlin, Case #2023-085*)

Chair Leonard read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record; there was no objection noted by the platting board.

Theresa Taranto provided the mailing report:

- Stating that 57 public hearing notices were mailed out on September 13, 2023.

Staff gave an overview of the case:

- Staff recommends approval of the case with findings of fact and conditions of approval.

Chair Leonard had questions for staff.

Platting Member Johnson had questions for staff.

Platting Member Traxler had questions for staff.

Platting Member Salmon had comments.

Chair Leonard invited the petitioner/petitioner's representative to give an overview.

Dayna Rumfelt, the petitioner's representative gave a brief overview of the case.

Chair Leonard opened the public hearing for public testimony.

There being no one to be heard Chair Leonard closed the public hearing and invited the petitioner and/or the petitioner's representative to give a brief overview.

Dayna Rumfelt the petitioner's representative gave a further overview of the case and handed out documents to all board members.

- These documents are the history of the Public Use Easement.
- Documents consisted of: Release of Non-Development Covenant Book 0692 Page 081 & 082 from the State of Alaska Recording Office.

MOTION: Platting Member Koan made a motion to approve with 6 findings of fact and 6 conditions. Platting Member Salmon seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

7. ITEMS OF BUSINESS & MISCELLANEOUS

(None)

8. PLATTING STAFF & OFFICER COMMENTS

- A. Adjudicatory *(if needed)*
- B. Upcoming Platting Board Agenda Items

Platting Officer, Fred Wagener informed the board of upcoming items:

- Next meeting October 19, 2023. We have two cases on the agenda.
 - Angus Acres
 - Old Business – Riddleburg Station
- MSB Presentation on Borough Wide Comprehensive Plan – Kelsey Anderson, Planner.

BOARD COMMENTS.

- Platting member Traxler – None
- Platting member Koan – None
- Platting member Salmon – None
- Platting member Johnson – None
- Chair Leonard – None

9. ADJOURNMENT

With no further business to come before the Platting Board, Chair Leonard adjourned the meeting at 4:27 PM.

ALAN LEONARD
Platting Board Chair

ATTEST:

THERESA TARANTO
Platting Board Clerk



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

October 6, 2023

Tony and Jennifer Luiten
11211 Tulin Park Loop
Anchorage, AK 99516

Case #: **2023-085**

Case Name: **LUITEN PUBLIC USE EASEMENT VACATION**

Action taken by the Platting Board on October 5, 2023, is as follows:

THE PRELIMINARY PLAT FOR LUITEN PUBLIC USE EASEMENT VACATION WAS APPROVED AND WILL EXPIRE ON OCTOBER 6, 2029, 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

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cc: Lavender Survey & Mapping
750 N Yeti Street
Palmer, AK 99645

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

FINDINGS OF FACT for PRELIMINARY PLAT

1. The vacation of portions of the Easement is consistent with MSB 43.15.035 Vacations.
2. Pursuant to MSB 43.10.065(G), petitioner has provided an Affidavit of Posting of the Public Notice of Vacation of the Easement.
3. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(D).
4. At the time of staff report write-up, there were no responses to the Request for Comments from Community Council Big Lake; U.S. Army Corps of Engineers; Fire Service Area #136 West Lakes; Road Service Area # 21 Big Lake; MSB Community Development, Capital Projects, Assessments, Development Services; or MTA or MEA.
5. There were no objections from any federal or state agencies, or Borough departments.
6. There were no objections from the public in response to the Notice of Public Hearing.

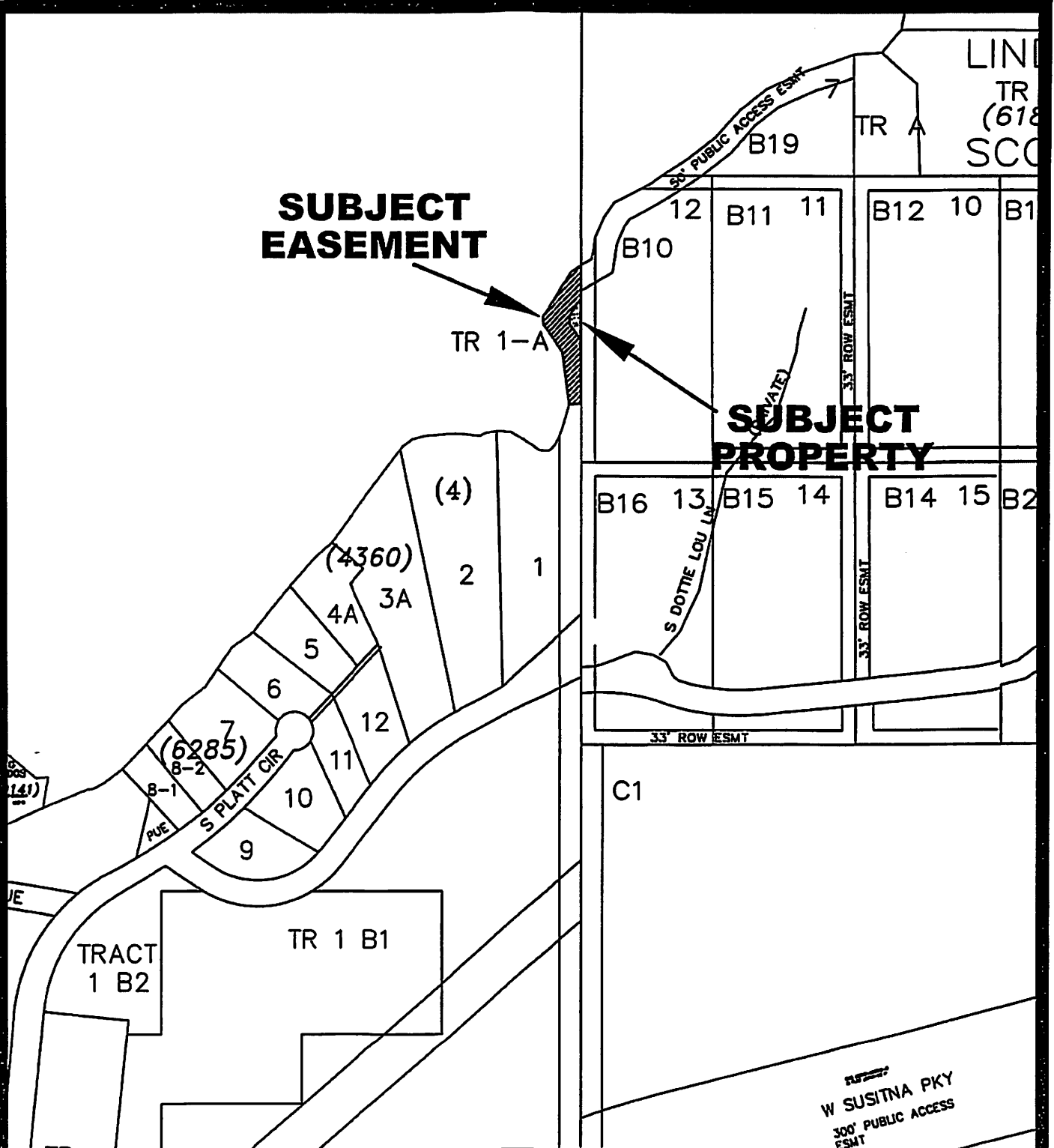
RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT

1. Obtain approval from the Assembly for the elimination of the easement.
2. Taxes and special assessments must be paid in full for the year of recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs), by CERTIFIED FUNDS OR CASH.
3. Provide updated Certificate to Plat executed within seven (7) days of recording of plat and submit Beneficiary Affidavit for any holders of a beneficial interest.
4. Pay postage and advertising fees.
5. Submit recording fees, payable to Department of Natural Resources (DNR).
6. Submit final plat in full compliance with Title 43 and State of Alaska requirements.

**SUBJECT
EASEMENT**

TR 1-A

**SUBJECT
PROPERTY**



VICINITY MAP

FOR PROPOSED LUITEN 50' PUE VAC
LOCATED WITHIN
SECTION 36, T17N, R04W, SEWARD MERIDIAN
ALASKA

LS16 MAP