

SUBJECT: VACATE THE 50' WIDE RIGHT-OF-WAY TO INCLUDE THE TEMPORARY TURNAROUND SHOWN AS S. DERBY DRIVE RECORDED ON MEADOWLAND PARK ESTATES PLAT NO. 83-88. LOCATED IN SECTION 34, TOWNSHIP 17 NORTH, RANGE 02 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1.

AGENDA: JULY 19, 2022

ASSEMBLY ACTION:

*Approved under the Consent agenda
7-19-22* *(Signature)*

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED *for* **MICHAEL BROWN, BOROUGH MANAGER:** *(Signature)*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FL</i>	
	Planning Director	<i>(Signature)</i>	
	Finance	<i>W</i>	<i>For CM</i>
	Borough Attorney	<i>AS</i>	
	Borough Clerk	<i>BSA for firm</i>	

ATTACHMENT(S): Fiscal Note: Yes _____ No X

Platting Board Minutes (3 pages)
Platting Board Action Letter (2 pages)
Vicinity Map *S* (3 pages)

SUMMARY STATEMENT: On June 16, 2022 (written decision June 27, 2022) the Platting Board approved the plat of Chipman Acres along with the vacation of the 50' wide right-of-way of S. Derby Drive recorded on Meadowland Park Estates Plat No. 83-88 located on the north side and perpendicular to E. Republican Way. All lots in the subdivision are owned by the same owner. The proposed plat will combine all lots in the subdivision into one large lot, and dedicate additional right-of-way in the southwest corner that will allow access around the utility poles that currently encumber the existing section line easement, blocking the ability to construct a Borough standard road within the section line easement. The Platting Board's decision to vacate the 50' wide right-of-way of S. Derby Drive is consistent with MSB 43.15.035(B)(1)(c), as the right-of-way is not being used and not constructed to residential standards. The proposed lot has access from E. Republican Way.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the right-of-way of S. Derby Drive, recorded on Meadowland Park Estates Plat No. 83-88.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on June 16, 2022, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The Meeting was called to order at 1:00 p.m. by Chair Wilfred Fernandez.

1. CALL TO ORDER

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

Platting Board members present and establishing a quorum:

Mr. Pio Cottini, District Seat #1
Mr. Emmett Leffel, District Seat #2
Mr. John Shadrach, District Seat #3
Ms. Linn McCabe, District Seat #5
Mr. Wilfred Fernandez, District Seat #6, Chair
Mr. Alan Leonard, District Seat #7, Vice Chair
Eric Koan, Alternate B

Platting Board members absent and excused were:

Dan Bush, District Seat #4
Ms. Amanda Salmon, Alternate A

Staff in attendance:

Mr. Alex Strawn, Acting Platting Clerk
Mr. Fred Wagner, Platting Officer
Ms. Kimberly McClure, Platting Technician
Ms. Amy Otto-Buchanan, Platting Technician
Mr. Matthew Goddard, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

Mr. Fernandez led the pledge of allegiance.

C. APPROVAL OF THE AGENDA

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

GENERAL CONSENT: The agenda was approved without objection.

2. APPROVAL OF MINUTES

- None

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

4. UNFINISHED BUSINESS: Quasi-Judicial Matters

A. RECONSIDERATIONS/APPEALS

(There are no Reconsiderations/Appeals)

1 OF 3

Am 22-0915

B. 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. RESOLUTION 2022-039

Mr. Strawn gave a staff report.

There were no questions from the Board.

Chair Fernandez opened the public hearing for public testimony.

There being no one to be heard, the chair closed the public hearing.

MOTION: Board member Shadrach made a motion to approve. The motion was seconded.

VOTE: Passed without objection.

B. CHIPMAN ACRES: The request is to create one lot from Lots 1-4, Block 1 and Lots 1-4, Block 2, Meadowland Park Estates, Plat No. 83-88 and vacate the right-of-way of S. Derby Drive to include the temporary turnaround, to be known as CHIPMAN ACRES, containing 9.5 acres more or less. The petitioner is dedicating additional right-of-way in the southwest corner to facilitate further construction to the west of E. Republican Way which is currently encumbered by multiple power poles. The property is located directly north of E. Republican Way, east of S. Bodenburg Spur and south of S. Bodenburg Loop; within the SE ¼ Section 34, Township 17 North, Range 2 East, Seward Meridian, Alaska. This case was continued from the April 21, 2022 Platting Board meeting

Chair Fernandez:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record; there was no objection noted by the platting board.

Alex Strawn provided the mailing report:

- Stating that 17 public hearing notices were mailed out on March 30, 2022.

Ms. Kimberly McClure:

- Gave an overview of the case, #2022-026 & 027.
- Staff recommends approval of the case with findings of fact and conditions.

Question was asked about 15 foot Utility Easement.

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

- The Petitioner Mr. Chipman Spoke

Chair Fernandez opened the public hearing for public testimony.

The following people spoke on the matter: James Stocker and Mark Girmcheid

Vice Chair Fernandez invited the petitioner or their representative to provide their comments.

There being no one to be heard, the chair closed the public hearing.

Chair Fernandez moved to the Platting Board for a motion.

MOTION: Board Member Cottini moved to approve the preliminary plat of Chipman Acres and vacation of right-of-way with 10 Findings and 8 Conditions. The motion was seconded.

VOTE: The board approved without objection.

C. BEAVER FLATS MASTER PLAN: The request is to divide Tax Parcels A11 and A12 (Government Lots 1 and 2) into 40 lots, by a three phase Master Plan, to be known as BEAVER FLATS MASTER PLAN, containing 79.96 acres +/- . Petitioner will construct Borough standard streets within the existing Section Line Easement, the right-of-way of N. Duley Road and within the subdivision. The streets within the subdivision will be private roads. Petitioner is also proposing to vacate a 50' wide Public Use Easement, recorded at 2004-021138-0. Parcel is located north of Big Beaver Lake, north of N. Beaver Lake Road and northwest of W. Hawk Lane; lying within the NE ¼ Section 04, Township 17 North, Range 03 West, Seward Meridian, Alaska.

Chair Fernandez:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

Mr. Strawn provided the mailing report:

- Stating that 11 public hearing notices were mailed out on February 23, 2022.

Ms. Amy Otto-Buchanan gave an overview of the case, #2022-013 & 050.

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

Board member Cottini asked questions about access.

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

The petitioner passed on giving a brief overview.

Chair Fernandez opened the public hearing for public testimony.

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Am 22-015



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

June 27, 2022

Laurie Chipman
PO Box 2543
Palmer, AK 99645

Case #: 2022-026 & 027

Case Name: Chipman Acres & S. Derby Drive Right-of-Way Vacation

Action taken by the Platting Board on June 16, 2022 is as follows:

THE PRELIMINARY PLAT FOR CHIPMAN ACRES & S.DERBY DRIVE RIGHT-OF-WAY VACATION WAS APPROVED AND WILL EXPIRE ON JUNE 27, 2028 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

tt

cc: DPW – Jamie Taylor

Max A. Schillinger
All Points North
PO Box 4207
Palmer, AK 9964

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

Jim Stocker 6088 S Annette Cir Palmer, AK 99645

AM 22-095

FINDINGS OF FACT

- 1) The preliminary plat of Chipman Acres is consistent with AS 29.40.070 *Platting Regulations* and MSB 43.15.016 *Preliminary Plats*.
- 2) The vacation of the right-of-way to include the temporary turnaroud of S. Derby Drive is consistent with AS 29.40.120 through AS 29.40.160 and MSB 43.15.035 Vacations.
- 3) The vacation of the right-of-way is consistent with MSB 43.15.035(B)(1)(b) *Vacations*.
(B) A dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future use. The platting board shall review the applications for vacation as follows:
 - (1) The platting board shall ordinarily approve vacations of public rights-of-way if:
 - (a) 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; or
 - (b) the surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed; or
 - (c) the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided.
- 4) The vacation of the right-of-way to include the temporary turnaround of S. Derby Drive was posted in accordance with MSB 43.10.065(G).
- 5) A soils report was not required per MSB 43.20.281(A)(1)(i)(i).
- 6) Frontage for the subdivision will exist pursuant to MSB 43.20.320 Frontage.
- 7) Legal and physical access will be provided to the proposed lot consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access and MSB 43.20.140 Physical Access.
- 8) At the time of staff report write-up, there were no objections from any federal or state agencies.
- 9) At the time of staff report write-up, there were no responses to the Request for Comments from USACE; US Postmaster; Butte Community Council; Road Service Area #26 Greater Butte; MSB Emergency Services, Community Development, Assessments, Development Services, Pre-Design Division; or MEA.
- 10) At the time of staff report write-up, there were no objections from the public in response to the Notice of Public Hearing.

CONDITIONS of APPROVAL:

The Platting Board approved the Preliminary Plat for Chipman Acres & ROW Vacation of S. Derby Drive, contingent upon the following:

1. 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.
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.
4. Provide beneficiary affidavits from holders of legal and equitable interest, if any.
5. Show all easements of record on final plat.
6. Pay postage and advertising fees.
7. Submit recording fees payable to Department of Natural Resources.
8. Submit final plat in full compliance with Title 43.

Am 22-0915

COLONIAL FIELDS PH 2

TR A-2
(8020)

D2

D7

**SUBJECT
PROPERTY**

**Right-of-Way
Vacated**

**Right-of-Way
Dedicated**

LOT 1

D6

34

E REPUBLICAN WAY

3

A2

A6

A7

2

A11

A15

A16

A12

A13

A14

3

2

1

15

RIVER VIEW

2

13

ESTATES

3

4 (3)

(2) 11

5

(6676) 10

6

7

9

8

E RIVERSIDE DR

1

2

(4) 3

S ANNETTE CIR

A9

A8

6

7

8

KNIK

RIVER

VICINITY MAP

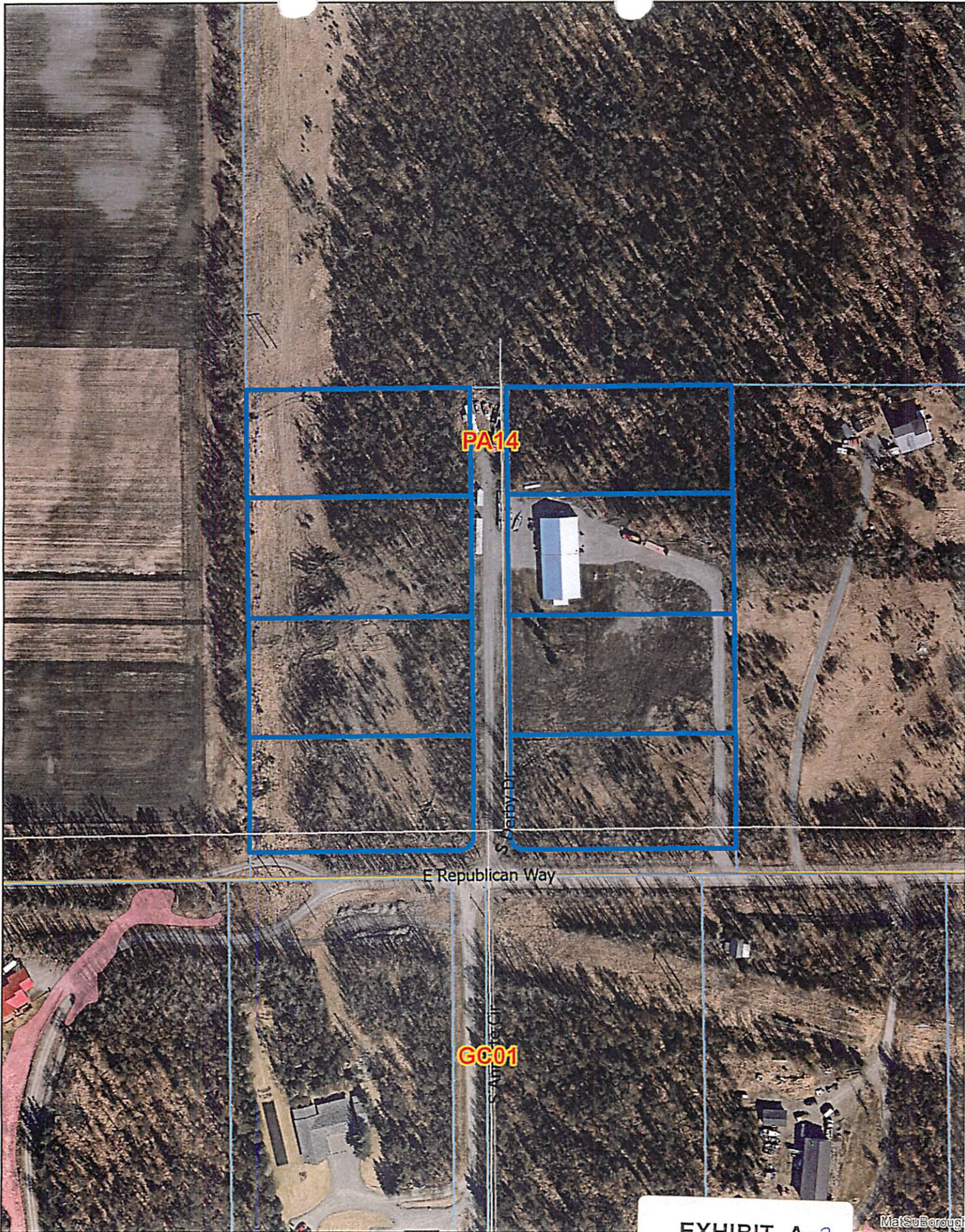
FOR PROPOSED CHIPMAN ACRES

LOCATED WITHIN

SECTION 34, T17N, R02E, SEWARD MERIDIAN,
ALASKA

PALMER 14 MAP

AM 22-095



PA14

E Republican Way

GC01

160 80 0 160 Feet

EXHIBIT A-2

Apr 22-09

MatSu Borough



