

SUBJECT: VACATE THE 50' WIDE PUBLIC USE EASEMENT, RECORDED AT BOOK/PAGE 488/223 AND 337/45, CREATED FOR LEGAL ACCESS FOR PARCELS #1, #2 AND #3, MSB WAIVER 86-36-PWm, RECORDED AS 86-142w, LOCATED IN SECTION 12, TOWNSHIP 18 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT #6 BARBARA DOTY.

AGENDA: AUGUST 21, 2018

ASSEMBLY ACTION:

*Approved Under Consent agenda 8-21-18*

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ZW</i>	
	Planning Director	<i>SP</i>	
	Borough Attorney	<i>NS</i>	<i>Form Only - SLE created MSB counsel</i>
	Borough Clerk	<i>anm</i>	<i>8/13/18</i>

ATTACHMENTS(S): Fiscal Note: Yes \_\_\_\_\_ No X

Minutes

Notification of Action

Vicinity Map

(4) pages)

(3) pages)

(3) pages)

REASON FOR REQUEST: The request is to vacate the 50' wide Public Use Easement, recorded at Book/Page 488/223 and 337/45, created for legal access for Parcels #1-#3, MSB Waiver 86-36-PWm, recorded as 86-142w. The right-of-way will no longer be necessary, as the dedication of the southern Section Line Easement, the creation of interior streets in Archangel Ridge Master Plan, will replace the Public Use Easement.

SUMMARY STATEMENT: On August 2, 2018 (written decision August 9, 2018), the Platting Board approved the vacation of the 50' wide Public Use Easement.

RECOMMENDATION OF ADMINISTRATION: Staff recommend the Assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a) which notes: "a 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." The dedication of the new rights-of-way and the construction of the streets create equal or better access and satisfies the section of code.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on August 2, 2018, 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 the Chair Jay Van Diest.

## **1. CALL TO ORDER**

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

Platting Board members present and establishing a quorum:

Mr. Jay Van Diest, District #1 (Chair)  
Mr. LaMarr Anderson, District #2  
Mr. Gregory Pugh, District #3  
Mr. Jordan Rausa, District #4 (Vice Chair)  
Mr. Dennis Vau Dell, District #5  
Mr. George Thompson, District #7

Platting Board members excused or absent:

Mr. Patrick Johnson, District #6  
Mr. John Shadrach, Alternate #2

Staff in attendance:

Mr. Fred Wagner, Platting Officer  
Ms. Sloan Von Gunten, Administrative Specialist  
Ms. Cheryl Scott, Platting Technician  
Ms. Amy Otto-Buchanan, Platting Technician

### **B. THE PLEDGE OF ALLEGIANCE**

- The pledge of allegiance was led by Dennis Vau Dell.

### **C. APPROVAL OF THE AGENDA**

Chair Jay Van Diest inquired if there were any changes to the agenda.

- There will not be a presentation by Alex Strawn on the new computers today.

GENERAL CONSENT: The agenda was approved with changes, without objections.

## **2. APPROVAL OF MINUTES**

Chair Jay Van Diest inquired if there were any changes to the minutes for June 21, 2018.

GENERAL CONSENT: The minutes for June 21, 2018 were approved without objection.

### 3. UNFINISHED BUSINESS

- None

### 4. PUBLIC HEARINGS

#### **A. ARCHANGEL RIDGE MASTER PLAN & 50' ROW**

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

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

- Stated that 43 public hearing notices were mailed out on July 11, 2018.

Amy Otto-Buchanan, Platting Technician, provided a staff report:

- Gave an overview of the case, #2018-071/072.

Chair Jay Van Diest

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

Zac Hupp (block 2, Lot 3, Tabernash Subdivision)

- Concerned about E. Falk Road being developed down to his property.

Dave Steadman

- Concerned regarding the wetlands on the property site that needs to be preserved.

Chair Jay Van Diest

- Closed the public hearing.

Gary LoRusso (Petitioner's Representative)

- Would like to change recommendation #1 and #8d.
- All T-Turnaround's will be labeled on the plat.
- There is no development on the wetlands.
- Is working closely with DPW on the roadways.
- Answered the platting board's questions.

Robert Kennerson (New property Owner)

- Answered questions regarding wetlands.

#### MAIN MOTION:

- Rausa moved to approve the preliminary plat for Archangel Ridge Master Plan and the vacation of the 50' wide Public Use Easement, with 10 recommendations. Modify recommendation #1 and #8d and Add finding #12. The motion was seconded by Pugh.

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FINDINGS:

- Add #12: Any future development in the wetlands complex may require a permit from the US Army Corps of Engineers.

RECOMMENDATIONS:

- Modify #1: The Vacation of the Public Use Easement will be recorded with the Phase 1 plat.
- Modify #8d: Provide plat note to state common access for Lots 6-7, Block 4, will be from the Common Access Easement.

AMENDED MOTION:

- Vau Dell moved to amend the motion to add a finding stating: The Cul-de-sac's and the T-turn a-rounds in this subdivision meet the requirements of the international fire code. The motion was seconded by Anderson.

DISCUSSION:

- Discussion on the road construction and fire code.

VOTE OF AMENDMENT:

- The motion failed with 4 against (Pugh, Anderson, Thompson, and Van Diest), 1 in favor (Vau Dell) and 1 abstained (Rausa).

DISCUSSION:

- Discussion on if a finding for a temporary T-turnaround should be made.

VOTE ON MAIN MOTION:

- The motion passed with 5 in favor (Pugh, Anderson, Rausa, Thompson, Van Diest) and 1 abstained (Vau Dell). There are 12 findings.

**B. JEWEL ESATES RSB L/14-17**

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

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

- Stated that 69 public hearing notices were mailed out on July 11, 2018.

Cheryl Scott, Platting Technician, provided a staff report:

- Gave an overview of the case, #2018-073/074.

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.

Amber Crawford (Petitioner)

- Agrees with all the recommendations.

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**MAIN MOTION:**

- Rausa moved to approve the preliminary plat for Jewel Estates RSB L/14-17 and the vacation of the cul-de-sac on N. Bloodstone Circle, with 8 recommendations. The motion was seconded by Vau Dell.

**VOTE:**

- The motion passed with all in favor. There are 14 findings.

**TIME: 2:08 P.M.**

**CD: 01:08:00**

**AUDIENCE PARTICIPATION** (Three minutes per person, for items not scheduled for public hearing)

**5. ITEMS OF BUSINESS AND MISCELLANEOUS**

**6. RECONSIDERATIONS/APPEALS**

**7. PLATTING STAFF & OFFICER COMMENTS**

- There are 2 cases to be heard at the August 16, 2018 platting board meeting.
- Mr. Wagner gave the board an update on the borough's situation in the office.
- The Clerk updated the board on the Chrome Computers

**8. BOARD COMMENTS**

- Rausa asked staff about future reference on the fire code appendix D.
- No other Comments

**9. ADJOURNMENT**

- With no further business to come before the Platting Board, Chair Jay Van Diest adjourned the meeting at 2:16 p.m. (CD: 01:16:00)

\_\_\_\_\_  
Jay Van Diest, Chair

Attest:

\_\_\_\_\_  
Sloan Von Gunten,  
Administrative Specialist

AW 18-079

**MATANUSKA-SUSITNA BOROUGH**  
**Platting Division**  
350 E. Dahlia Avenue, Palmer, AK 99645  
Phone (907) 861-7874 – Email: [platting@matsugov.us](mailto:platting@matsugov.us)

**NOTIFICATION OF ACTION**

August 8, 2018

Jerome Vanover  
440 N. Bailey Street  
Palmer, AK 99645

John Vanover  
1350 W. Bodenburg Loop  
Palmer, AK 99645

Robert Kennerson  
PO Box 1161  
Palmer, AK 99645

Case #: 2018-071/072

Case Name: ARCHANGEL RIDGE MASTER PLAN & 50' WIDE PUE

Action taken by the Platting Board on August 2, 2018 is as follows:

THE PRELIMINARY PLAT FOR ARCHANGEL RIDGE MASTER PLAN AND THE VACATION OF THE 50' WIDE PUBLIC USE EASEMENT WAS APPROVED AND WILL EXPIRE ON AUGUST 8, 2024 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

Keystone Surveying  
Gary LoRusso  
PO Box 2216  
Palmer, AK 99645

AK Diversified Elec  
PO Box 3104  
Palmer, AK 99645

Zac Hupp  
PO Box 1992  
Palmer, AK 99645

Dave Steadman  
PO Box 3752  
Palmer, AK 99645

Additional Plat Reviews After 2<sup>nd</sup> Final are \$100.00 Each.

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### CONDITIONS OF APPROVAL:

The Platting Board approved the Preliminary Plat for Archangel Ridge Master Plan and the vacation of the 50' wide Public Use Easement, contingent upon the following:

1. The vacation of the Public Use Easement will be recorded with the Phase 1 plat.
2. Obtain approval from the Assembly for the vacation of the Public Use Easement.
3. Taxes and special assessments must be paid in full for the year of recording, prior to recording of each phase plat, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
4. Pay mailing and advertising fees.
5. Provide updated Certificate to Plat, for each phase plat, executed within seven (7) days of recording and submit Beneficiary Acknowledgement for any holder of a beneficial interest.
6. Show or list all easements of record.
7. Provide updated soils report after fill has been accomplished for Lot 7, Block 6, or provide updated Master Plan, showing the lot has been combined with an adjoining lot.
8. Construct interior streets and cul-de-sacs to residential street standards; construct N. Gabriel's Drive and E. Falk road to residential sub-collector standards, for each phase plat:
  - a. 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. Submit the No Engineer Left Behind for final road inspection.
  - b. Provide DPW acceptance of the roads to Platting staff.
  - c. Names of streets to be approved by Platting Assistant.
  - d. Provide plat note to state common access for Lots 6-7, Block 4, will be from the Common Access Easement.
9. Submit recording fee payable to Department of Natural Resources (DNR).
10. Submit final plat in full compliance with Title 43.

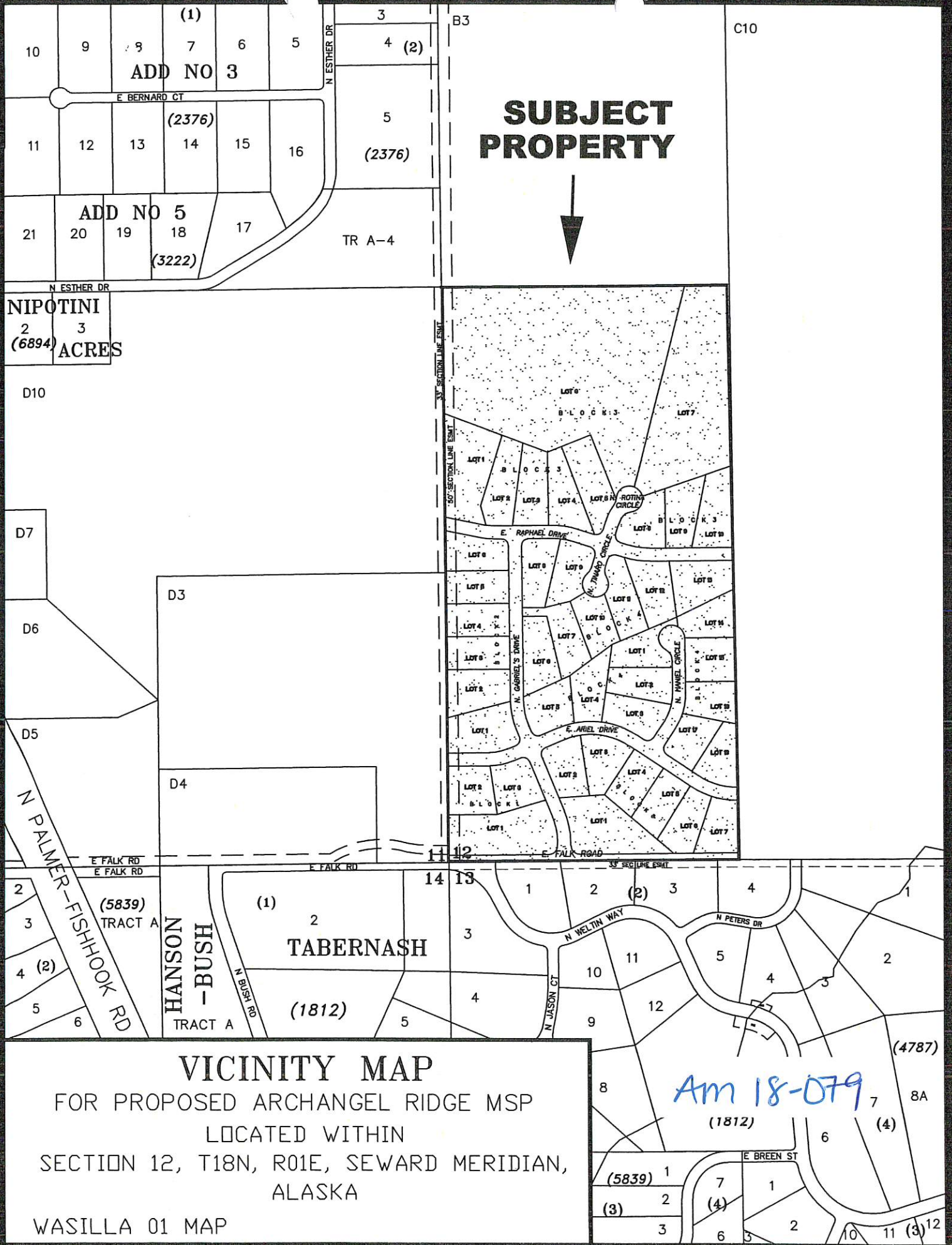
### FINDINGS:

1. The plat of Archangel ridge Master Plan is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The Vacation of the 50' wide Public Use Easement is consistent with MSB 43.15.035 Vacations.
3. Petitioner has provided the Affidavit of Posting for vacation.
4. There were no objections to the plat from any federal or state agencies, Borough departments, or utilities.

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5. There were no objections from the general public in response to the Notice of Public Hearing.
6. At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Fishhook Community Council; Fire Service Area #132 Greater Palmer Consolidated; road Service Area #16 S. Colony; MSB land and Resource Management, Assessments and Pre-Design Division; and MEA.
7. Lot sizes and useable area are consistent with MSB 43.20.281(A)(2) Area. Petitioners' engineer of record submitted an engineering statement pursuant to MSB 43.20.281(A) Area, verifying all but one of the proposed lots have 10,000 sq ft of contiguous useable septic area and 10,000 sq ft of buildable area.
8. Frontage for the subdivision will exist pursuant to MSB 43.20.320 Frontage.
9. Legal and physical access will be provided to the proposed lots, consistent with MSB 43.20.100 Access Required, MSB 43.20.120 Legal Access, and MSB 43.20.140 Physical Access.
10. The flag lot is pursuant to MSB 43.20.300(E). A common access easement will be granted on the plat to provide common access easement for Lots 6-8, Block 4.
11. Petitioner is dedicating the southern boundary Section Line Easement.
12. Any future development in the wetlands complex may require a permit from the US Army Corps of Engineers.

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**SUBJECT  
PROPERTY**



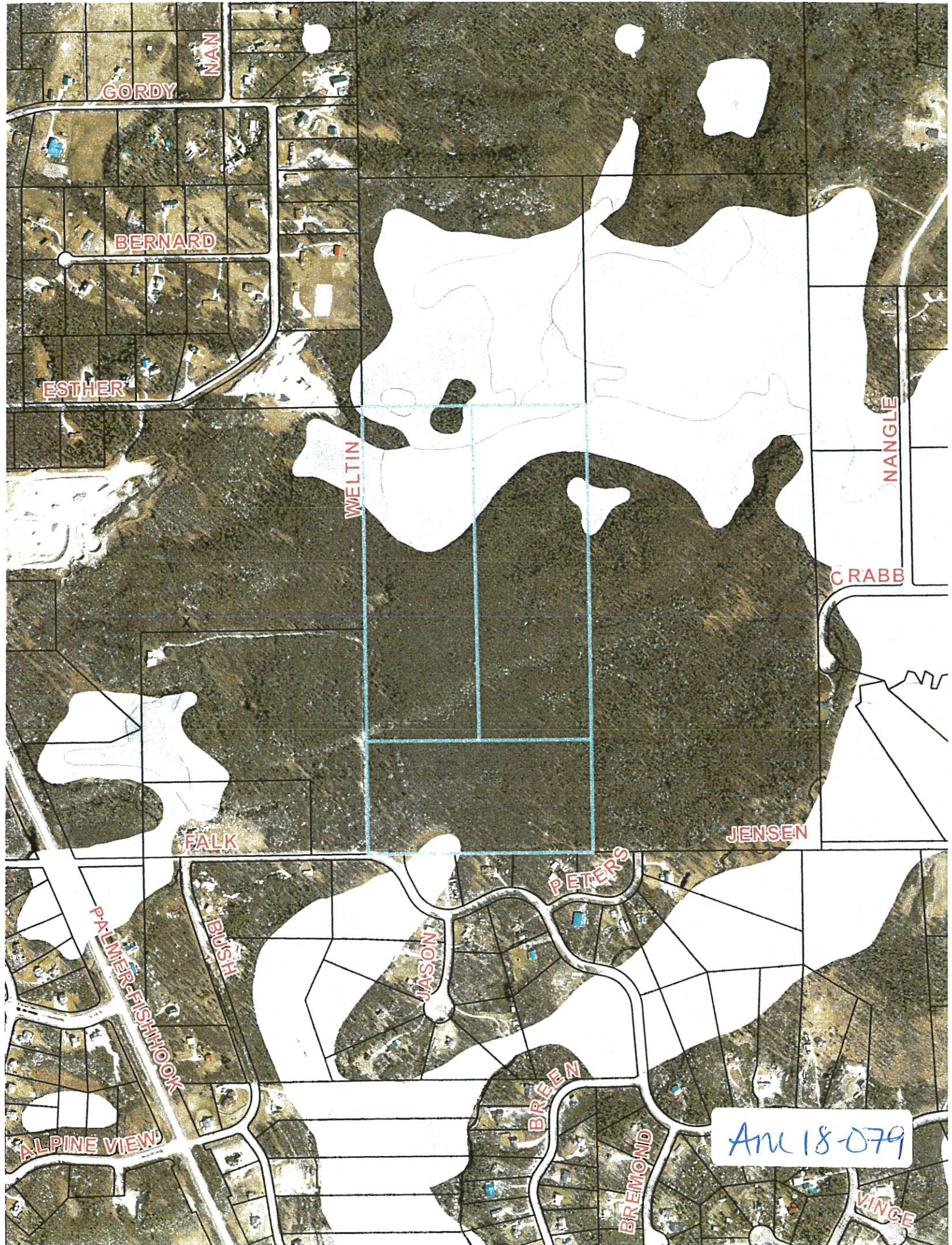
**VICINITY MAP**

FOR PROPOSED ARCHANGEL RIDGE MSP  
LOCATED WITHIN

SECTION 12, T18N, R01E, SEWARD MERIDIAN,  
ALASKA

WASILLA 01 MAP

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GORDY

NAN

BERNARD

ESTHER

WELTIN

NANGLE

CRABB

FALK

JENSEN

PETERS

JASON

BUSH

PALMER-FISHHOOK

ALPINE VIEW

BREEN

BREMOND

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VINCE

