

SUBJECT: VACATE A PORTION OF W. FAIRVIEW LOOP AS PART OF THE NEW FAIRVIEW LOOP AND KNIK-GOOSE BAY ROAD INTERSECTION PROJECT LOCATED WITHIN SECTION 19, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 3: GEORGE MCKEE

AGENDA: SEPTEMBER 19, 2017

ASSEMBLY ACTION:

Approved under the consent agenda 9-19-17

MANAGER RECOMMENDATION: Present to the assembly for consideration.

(Signature)

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

(Signature)

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ZW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JMM</i>	<i>9/11/17</i>

(Signature)

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

- Minutes (1 page)
- Notification of Action (3 pages)
- Vicinity Map (1 page)
- Preliminary Plat (1 page)

REASON FOR REQUEST: The request is to vacate a portion of W. Fairview Loop as part of the new Knik-Goose Bay Road and Fairview Loop Intersection Project. This vacation is part of the right-of-way acquisition project to adjust existing lot lines as negotiated with the adjoining property owners and create right-of-way to move the Fairview Loop - Knik-Goose Bay Road intersection to line up with Clapp Street. Construction of the intersection will be complete prior to the final right-of-way vacation with plat recordation.

SUMMARY STATEMENT: On August 17, 2017, (written decision August 23, 2017), the Platting Board approved the vacation of a portion of W. Fairview Loop. The vacation is pursuant to MSB 43.15.035(B)(1)(a) where 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. The alternate equal or better access will exist as construction of the intersection is required prior to plat recordation. The vacated portion will attach to the lots bordering on the vacated area, adhering to original boundary lines as they were platted. All adjoining properties have adequate road frontage on the remaining rights-of-way.

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) as equal or better access will exist prior to the final right-of-way vacation with plat recordation. The vacation is pursuant to AS 29.40.120 through 29.40.160 and MSB 43.15.035.

~~3. UNFINISHED BUSINESS~~

~~None~~

~~4. PUBLIC HEARINGS~~

A. OLD KNIK FOREST ADDITION 1

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

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

- Stated that 118 public hearing notices were mailed out on July 27, 2017.

Fred Wagner, Platting Officer, provided a staff report:

- Gave an overview of the case, # 2016-091/093/094.

Chair Jay Van Diest

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

Gary LoRusso

- Asked the platting staff who owns the right-of-way on Fairview Loop.

Chair Jay Van Diest

- Closed the public hearing.

Casey Witt, HDL (Petitioner's Representative)

- Explained the connections for the right-of-way and the roads.
- Agrees with all the recommendations.

MOTION:

- Johnson moved to approve the vacation of a portion of W. Fairview Loop, the elimination of a 15' utility easement, and the preliminary plat for Old Knik Forest Addition 1. The motion was seconded by Marty Van Diest.

DISCUSSION:

- The board asked the platting officer if he is in agreement on all information.

VOTE:

- The motion passed with all in favor. There are 11 findings.

TIME: 1:28 P.M.

CD: 0:28:58

~~B. HATCHER PASS LIVING MSP~~

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

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Fax (907) 861-8407

NOTIFICATION OF ACTION

August 23, 2017

City of Wasilla
290 E. Herning Ave.
Wasilla, AK 99654

Case #: 2016-091/093/094

Case Name: OLD KNIK FOREST ADDITION 1

Action taken by the Platting Board on August 17, 2017 is as follows:

THE PRELIMINARY PLAT, THE VACATION OF A PORTION OF W. FAIRVIEW LOOP, AND THE ELIMINATION OF A 15' UTILITY EASEMENT FOR OLD KNIK FOREST ADDITION 1 WAS APPROVED AND WILL EXPIRE ON AUGUST 23, 2023 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
HDL Engineering
3335 Arctic Blvd. Ste. 100
Anchorage, AK 99503

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

Dan Kennedy
4701 E. Shoreline Cir.
Wasilla, AK 99654

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CONDITIONS of APPROVAL:

The Platting Board approved the Preliminary Plat, the Vacation of a portion of W. Fairview Loop, and the Elimination of a 15' utility easement for Old Knik Forest Addition 1, contingent upon the following:

1. Pay the mailing and advertising fee.
2. Obtain the Borough Assembly approval of the ROW Vacation and the elimination of the utility easement within 30 days of Platting Board's written Notification of Action.
3. Provide utility easements as requested by MTA, Enstar and GCI, or provide utility signoff from those utility companies on the final review plat.
4. Construct the intersection of Fairview Loop and Knik-Goose Bay Road and obtain road construction signoff from State of Alaska prior to final plat approval.
5. Graphically depict the right-of-way vacation and utility easement elimination on the final plat.
6. Provide updated Certificate to Plat executed within 90 days, prior to recording the plat per MSB 43.15.053(E).
7. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat per MSB 43.15.053(A).
8. Submit recording fee, payable to the State of Alaska, DNR.
9. Taxes and special assessments must be current prior to recording the plat, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
10. Submit final plat in full compliance with Title 43.

FINDINGS:

1. The preliminary plat for Old Knik Forest Addition 1 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.015 Preliminary Plat.
2. The ROW vacation is pursuant to AS 29.40.120 through AS 29.40.140 and consistent with MSB 43.15.035 *Vacations* as 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.
3. The utility easement elimination is pursuant to MSB 43.15.032(A)(1), there are no objections from utility companies.
4. This plat will facilitate the construction of the new intersection of W. Fairview Loop and S. Knik-Goose Bay Road. The plat will not record until the construction is complete.

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5. The ROW vacation area contains utilities. HDL has agreed to place easements as needed for the project and will work with the utility companies to protect those facilities.
6. The vacation is consistent with MSB 43.15.035(B)(1)(a) as 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. The proposed lots and tracts will have sufficient frontage on the remaining ROW of Fairview Loop and Old Knik Road.
7. Tract A of Old Knik Forest, plat #2017-58 will be dedicated as public right-of-way on this plat.
8. Lots 2A & 3A soils were approved by the borough during the platting of Old Knik Forest, plat 2017-58, and the lots are gaining area with the vacation of W. Fairview Loop; Tract 1 is over 400,000 sq ft; therefore a useable area report was not necessary.
9. Title to the ROW area being vacated will attach to the lots bordering on the vacated area. 60' of ROW was dedicated on plat #70-8 and 20 additional feet was dedicated on the plat to resubdivide Tract B, plat #79-493. Therefore 30 feet \pm will transfer to property on the west side and 50 feet \pm will transfer to property on the east side.
10. There are no objections to the plat, the ROW vacation, or the easement elimination from borough departments or the City of Wasilla.
11. Dan Kennedy submitted a non-objection as a result of the public noticing for the original design.

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