

**SUBJECT:** THE REQUEST IS TO VACATE PORTIONS OF THE 50' WIDE SECTION LINE EASEMENT IN HATCHER PASS VILLAGE ON THE NORTH SIDE AND EAST SIDE OF SECTION 33. LOCATED IN THE NE ¼ SECTION 33, TOWNSHIP 19 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, ALASKA, LYING NORTH OF E. EDGERTON-PARKS ROAD AND EAST AND WEST OF N. MOUNTAIN TRAILS DRIVE. ASSEMBLY DISTRICT: 6 JESSE SUMNER

**AGENDA:** OCTOBER 1 2019

**ASSEMBLY ACTION:**

*Adopted without objection 10-1-19 (BSM)*

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>JW</i>	
	Planning Director	<i>(initials)</i>	
	Finance Director	<i>CS</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>Sam</i>	9/23/19 <i>(BSM)</i>

**ATTACHMENT (S) :** Fiscal Note: Yes \_\_\_\_\_ No X

Minutes (5 pages)  
 Notification of Action (3 pages)  
 Vicinity Map (2 pages)

**REASON FOR REQUEST:** *The request is to vacate portions of the 50' wide Section Line Easement on the north boundary and east boundary of Section 33. Section Line Easement is no longer needed for access to upland properties with the creation of N. Mountain Trails Drive.*

**SUMMARY STATEMENT:** On September 5, 2019 (written decision September 13, 2019), the Platting Board approved the vacation of portions of the Section Line Easement, contingent on Assembly approval. The easement is no longer needed for access to upland properties and petitioner has obtained preliminary approval from the State of Alaska, Department of Natural Resources, Division of Mining Land and Water.

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the Assembly approve the vacation of the Section Line Easement as the Platting Board's decision is consistent with MSB 43.15.140 and MSB 43.15.035. Petitioner has met all conditions of MSB 43.15.140(B) Section Line and State Recognized Easement Vacations.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on September 5, 2019, 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 Jordan Rausa.

**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, Assembly District #1  
Mr. LaMarr Anderson, Assembly District #2  
Mr. Jordan Rausa, Assembly District #4, Chair  
Mr. Dennis Vau Dell, Assembly District #5  
Mr. Wilfred Fernandez, Assembly District #6

Platting Board members absent and excused were:

Mr. George Thompson, Assembly District #7  
Mr. John Shadrach, Alternate  
VACANT, District #3  
VACANT, Alternate

Staff in attendance:

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

**B. THE PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Platting Board Member Dennis Vau Dell

**C. APPROVAL OF THE AGENDA**

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

GENERAL CONSENT: The agenda was approved without objection.

**2. APPROVAL OF MINUTES**

Chair Rausa inquired if there were any changes to the minutes for August 1, 2019.

- Changes listed by Mr. Cottini to be corrected.

GENERAL CONSENT: The minutes for August 1, 2019 were approved with changes without objection.

Exhibit 1



- Gave an overview of the case, #2019-079.
- The Petitioner is withdrawing their request. No case to be heard.

Chair Rausa closed the case as Hart Lake was dismissed from the hearing.

**TIME: 1:36 P.M.**

**CD: 0:33:26**

## **5. RECONSIDERATIONS/APPEALS**

*(There were no Reconsiderations/Appeals)*

## **6. 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. HATCHER PASS VILLAGE SLEV:** The request is vacate portions of the Section Line Easement, to be known as **Hatcher Pass Village Section Line Easement Vacation**, containing 146.08 acres +/- . The Plat is located north and south of E. Edgerton-Parks Road (Tax ID # 57793000L001/5-7/L12-17/TrA/TrB-2); within the NE ¼ Section 33, Township 19 North, Range 01, Seward Meridian. Community Council: Fishhook, Assembly District #6 Jesse Sumner (*Owner/Petitioner: Hatcher Pass Village Inc.; Surveyor: Hanson; Staff: Amy Otto-Buchanan*)

Chair Rausa:

- read the memorandum regarding quasi-judicial actions into the record;
- queried platting board members to determine if any of them have a financial interest in the proposed case;
- have had any ex parte contact with the applicant, members of the public, or interested parties in the proposed case; and
- if all platting board members are able to be impartial in a decision.

There was no objection noted.

Chair Rausa read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 19 public hearing notices were mailed out on August 14, 2019.

Ms. Otto-Buchanan provided a staff report

- Gave an overview of the case, #2019-111.
- Staff recommended approval of the case with findings of fact & conditions.

Chair Rausa invited the petitioner for a brief overview.

Mr. Craig Hanson, the petitioner's representative, gave a brief overview.

Chair Rausa opened the public hearing for public testimony.

The following person spoke regarding concerns about the easement for access to her lot. Would like to keep the access to North Mountain Trails Drive: Anna Lee Koruna.

The following person spoke regarding concerns about access to their property and the easement lines on what portion is being vacated on Lot B19: Degen Kasper.

There being no one else to be heard, Chair Rausa closed the public hearing.

Chair Rausa invited the petitioner or their representative to provide their comments.

Mr. Craig Hanson, the petitioner's representative, provided a brief description of the platting action and answered questions regarding the easements.

Chair Rausa closed the petitioner's comments and discussion moved to the Platting Board.

**MAIN**

**MOTION:** Platting Member Cottini moved to approve the vacation of a portion of Section Line Easements for Hatcher Pass Village, with 10 recommendations. The motion was seconded by Platting Member Anderson.

The Platting Board discussed the vacation of the section line easement.

**TIME: 2:10 P.M.**

**CD: 01:07:33**

**BREAK**

**TIME: 2:18 P.M.**

**CD: 01:07:35**

**PRIMARY MOTION**

**TO AMEND:** Platting Member Vau Dell moved to add recommendation #11: Provide engineer documentation of constructability of a borough residential standard road within the 83" wide Section Line Easement. The motion was seconded by Platting Member Fernandez.

More discussion ensued between the platting board on the section line easement.

**SECONDARY MOTION**

**TO AMEND:** Platting Member Anderson moved to modify the amendment on recommendation #11 to state: Provide engineer documentation of constructability of a borough residential standard road within the 83' wide section line easement, with



authorization for lesser adjustment or the elimination of the 17' easement vacation.

There was no second for the secondary amended motion. The motion died.

Platting Member Vau Dell withdrew his primary amendment.

The platting board discussed the different options that would be best for the vacation.

**PRIMARY MOTION**

TO AMEND: Platting Member Anderson moved to modify the amendment on recommendation #11 to state: Provide engineer documentation of constructability of a borough residential standard road within the 83' wide section line easement, with authorization for lesser adjustment or the elimination of the 17' easement vacation, west of North Mountain Trails Drive as necessary. The motion was seconded by Platting Member Vau Dell.

**RECOMMENDATIONS:**

- Removed #8.
- Add #11: Provide engineer documentation of constructability of a borough residential standard road within the 83' wide section line easement, with authorization for lesser adjustment or the elimination of the 17' easement vacation, west of North Mountain Trails Drive as necessary

VOTE: The main motion passed with all in favor. There are 9 findings of fact.

**TIME: 2:54 P.M.**

**CD: 01:38:04**

**B. Resolution for Platting Board Policies & Procedures Manual.**

Mr. Wagner provided an overview of the Policies & Procedures Manual:

- Recommended approval of the resolution.

Discussion followed on the subject on the Policies & Procedures Manual.

Platting Board Member Cottini asked about the oath of office.

Platting Board Member Vau Dell shared a list of concerns and ideas to list in the policy & procedures. Will send his ideas in sentence structure to staff so the board can look at them as a whole for the next upcoming meeting.

Chair Rausa closed the discussion and moved to open the public hearing.

The following person spoke in regards to the duties of the alternate: Justin Hatley.

Ms. Von Gunten updated the board members on the new alternate, Mr. Justin Hatley and the meeting for October 3 will be at the Animal Shelter.

## **9. BOARD COMMENTS**

Platting Board Member Cottini - Would like to see more support information on the more difficult cases that come before them.

Platting Board Member Anderson – Commented on Item #11 Title 43 white board list

Platting Board Member Vau Dell – would like to see more support information given on cases.

Platting Board Member Fernandez – No Comment.

Platting Board Member Rausa – No Comments.

## **10. ADJOURNMENT**

With no further business to come before the Platting Board, Chair Jordan Rausa adjourned the meeting at 4:17 p.m. (CD: 2:51:11)

\_\_\_\_\_  
JORDAN RAUSA, Platting Board Chair

ATTEST:

\_\_\_\_\_  
SLOAN VON GUNTEN,  
Platting Board Clerk

*Minutes approved:* \_\_\_\_\_



# MATANUSKA-SUSITNA BOROUGH

## Platting Division

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

### NOTIFICATION OF ACTION

September 13, 2019

Hatcher Pass Village Inc.  
8260 E. Duchess Drive  
Palmer, AK 99645

Case #: **2019-111**

Case Name: **HATCHER PASS VILLAGE SLE**

Action taken by the Platting Board on September 5, 2019 is as follows:

THE VACATION OF A PORTION OF SECTION LINE EASEMENTS FOR HATCHER PASS VILLAGE WAS APPROVED AND WILL EXPIRE ON SEPTEMBER 13, 2025 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISIONS ARE ALSO INCLUDED.

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,

*Jordan Rausa*

Mr. Jordan Rausa  
Platting Board Chairman

SV

cc: DPW – Jamie Taylor

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

Hanson Surveying, 305 E. Fireweed Ave., Palmer, AK 99645  
Anna Lee Koruna, 4532 N. Three Bees Road, Wasilla, AK 99623  
Degen Kasper, 1120 Huffman Road, Ste. 24 PMB 705, Anchorage, AK 99515

Exhibit 2



### **FINDINGS of FACT:**

1. The vacation of portions of the Section Line Easement is consistent with MSB 43.15.040 Section Line Easement Vacations and MSB 43.15.035 Vacations.
2. A soils report was not required, pursuant to MSB 43.15.032.
3. Petitioner has provided information required pursuant to MSB 43.15.140.
4. Petitioner has obtained preliminary approval from State of Alaska, pursuant to MSB 43.15.040(B)(1). Final approval from the State will be required prior to recording.
5. Pursuant to MSB 43.15.035(E) and MSB 43.10.065(G), petitioner will provide an Affidavit of Posting of the Public Notice of Vacation of the Section Line Easement.
6. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(F).
7. At the time of staff report write-up, there were no responses to the Request for Comments from ADF&G, Community Council Fishhook; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Community Development, Capital Projects, Assessments, Planning, Development Services; or GCI.
8. There were no objections from any federal or state agencies, or Borough departments.
9. There was one objection from the public in response to the Notice of Public Hearing.
10. USACE notes that any development done in the areas that are determined to be navigable waters of the US, which include tidal waters, rivers, both perennial and intermittent, streams and wetlands, may require a Department of Army permit.

### **CONDITIONS of APPROVAL:**

The Platting Board approved the vacation of a portion of Section Line Easements for Hatcher Pass Village, contingent upon the following:

1. Obtain approval from the Assembly for the elimination of the utility 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. Provide final approval from State of Alaska for Section Line Easement Vacation.



6. Provide a 15' wide utility easement within the vacated Section Line Easement, as requested by MEA.
7. Provide a remainder of the Section Line Easement extending north past the intersection with E. Forgiven Drive to accommodate a full T intersection as requested by Department of Public Works.
8. Submit recording fees, payable to Department of Natural Resources (DNR).
9. Submit final plat in full compliance with Title 43 and State of Alaska requirements.
10. Provide engineer documentation of constructability of a borough residential standard road within the 83' wide section line easement, with authorization for lesser adjustment or the elimination of the 17' easement vacation, west of North Mountain Trails Drive as necessary

**SECTION LINE  
EASEMENT  
TO BE VACATED**

A2

B19

28 | 27

REMAINING 33' SECTION LINE ESMT

50' SECTION LINE ESMT

HATCHER PASS VILLAGE PH I

23A

TR A

(7793)

N MOUNTAIN TRAIL DR

E TUMNUS CR

TR B-1

B16

C5

D1

C1

**SECTION LINE  
EASEMENT  
TO BE VACATED**

Am 19-106

## Exhibit Three

VICINITY MAP

FOR SECTION LINE EASEMENT VACATION  
LOCATED WITHIN

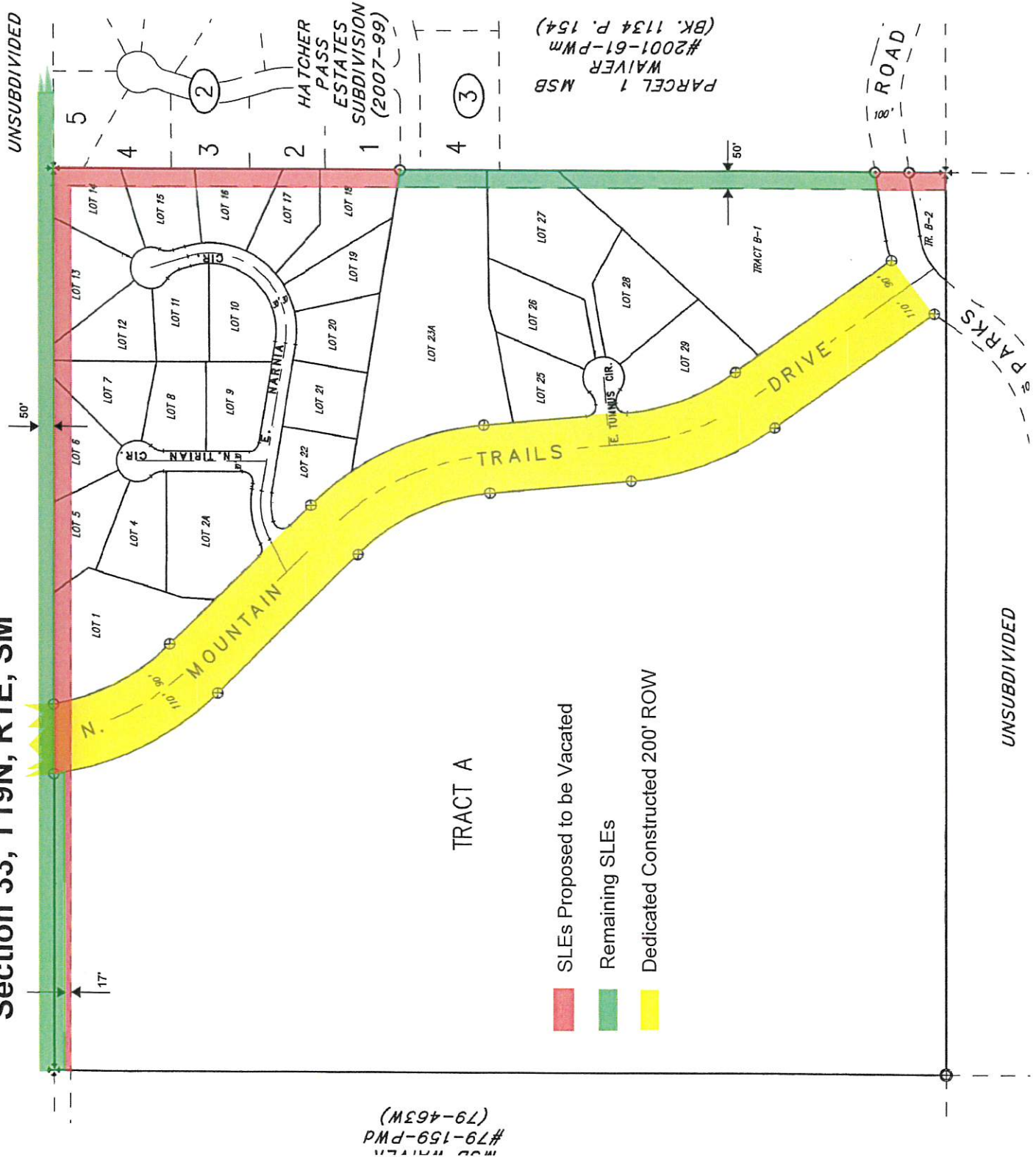
SECTION 33, T19N, R01E, SEWARD MERIDIAN,  
ALASKA

INDEPENDENCE 13 MAP

**AMENDED**

**EV 3-296 Attachment A  
Section 33, T19N, R1E, SM**

Government Peak Recreational Area



Am 19-106