

SUBJECT: To vacate the 30' Public Use Easement on the western boundary of Government Lot 6, near the north shore of Big Lake. The easement contains 23,940 square feet (.55 acres +/-), The property is located directly west of S. About Time Street and directly north of S. West Judy Avenue; within the NW ¼ Section 26, Township 17 North, Range 04 West, Seward Meridian, Alaska.

AGENDA OF: May 7, 2024

ASSEMBLY ACTION:

AGENDA ACTION REQUESTED: Present to the Assembly for consideration.

Route To:	Signature
Originator	<div>4 / 2 5 / 2 0 2 4</div> <div>X Fred W ag n e r</div> <div>S i g n e d b y : F r e d e r i c W . W a g n e r</div>
Planning Director	<div>4 / 2 5 / 2 0 2 4</div> <div>X A l e x S t r a w n</div> <div>S i g n e d b y : A l e x</div>
Finance Director	<div>4 / 2 5 / 2 0 2 4</div> <div>X C h e y e n n e H e i n d e l</div> <div>S i g n e d b y : C h e y e n n e H e i n d e l</div>
Borough Attorney	<div>4 / 2 5 / 2 0 2 4</div> <div>X N i c h o l a s S p i r o p o u l o s</div> <div>S i g n e d b y : N i c h o l a s S p i r o p o u l o s</div>
Borough Manager	<div>4 / 2 5 / 2 0 2 4</div> <div>X M i c h a e l B r o w n</div> <div>S i g n e d b y : M i c h a e l B r o w n</div>
Borough Clerk	<div>4 / 2 5 / 2 0 2 4</div> <div>X L o n n i e M c K e c h n i e</div> <div>S i g n e d b y : L o n n i e M c K e c h n i e</div>

ATTACHMENT (S) : Platting Board Minutes (7 pp)
 Platting Authority Action Letter (2 pp)
 Vicinity Map (1 p)
 Fiscal Note Yes
 DNR Preliminary Decision (5 pp)

SUMMARY STATEMENT: The Platting Board approved the vacation of the 30' wide public use easement running the length of the western boundary of the parcel. The vacation of the public use easement is consistent with MSB 43.20.035 Vacations.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the 30' wide public use easement.

MATANUSKA-SUSITNA BOROUGH

FISCAL NOTE

Agenda Date: May 7, 2024

SUBJECT: To vacate the 30' Public Use Easement on the western boundary of Government Lot 6, easement contains 23,940 sf (.55 acres +/-), located within the NW ¼ Section 26, Township 17 North, Range 04 West, Seward Meridian, Alaska.

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT YES NO
AMOUNT REQUESTED NO FISCAL IMPACT	FUNDING SOURCE
FROM ACCOUNT #	PROJECT
TO ACCOUNT:	PROJECT #
VERIFIED BY: X <u>L i e s e l W e i l a n d</u> S i g n e d b y : L i e s e l W e i l a n d	

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2024	FY2025	FY2026	FY2027	FY2028	FY2029
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)

APPROVED BY:	 X <u>C h e y e n n e H e i n d e l</u> S i g n e d b y : C h e y e n n e H e i n d e l
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Signed by: Cheyenne Heindel

AM No. 24-055

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on April 18, 2024, at the Matanuska-Susitna Borough 350 E Dahlia Ave, Palmer, Alaska. Alaska. Chair Johnson called the Meeting to order at 1:00 p.m.

1. CALL TO ORDER

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

Platting Board members present and establishing a quorum:

Mr. Ron Johnson, District Seat #1, Chair
Mr. Dan Bush, District Seat #4
Ms. Michelle Traxler, District Seat#5
Mr. Sandra Kreger, District Seat #6
Mr. Sidney Bertz, District Seat #7
Mr. Robert Hallford, Alternate B

Platting Board members absent and excused were:

Mr. Brian Goodman, District Seat #2
Mr. Eric Koan, District Seat #3, Vice Chair

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Amy Otto-Buchanan, Platting Specialist
Ms. Kayla Kinneen, Platting Board Clerk
Mr. Matthew Goddard, Platting Technician
Mr. Chris Curlin, Platting Technician
Ms. Natasha Heindel, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

Platting member Bush led the pledge of allegiance.

C. APPROVAL OF THE AGENDA

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

GENERAL CONSENT: The agenda was approved unanimously.

2. APPROVAL OF MINUTES

- April 4, 2024, Minutes were approved unanimously.

3. AUDIENCE PARTICIPATION & PRESENTATIONS

(None)

4. UNFINISHED BUSINESS

(None)

5. RECONSIDERATIONS/APPEALS

(No Reconsiderations/Appeals)

6. PUBLIC HEARINGS

- A. **30' PUE VAC GOVT LOT 6:** The request is to vacate the 30' Public Use Easement on the western boundary of **Government Lot 6** (Tax ID#17N04W26B009), containing 23,940 sf (.55 acres +/-). The property is located directly west of S. About Time Street and directly north of S. West Judy Avenue; located within the NW ¼ Section 26, Township 17 North, Range 04 West, Seward Meridian, Alaska. In the Big Lake Community Council and in Assembly District #5. **This case was continued from the January 4, 2024, Public Hearing.** *(Petitioner/Owner: Samuel Dickinson, Staff: Chris Curlin, Case #2023-138)*

Chair Johnson read the statement regarding Ex-Parte & Interest on quasi-judicial action into the record.

- Member Bush recused himself at 1:04 pm

Kayla Kinneen provided the mailing report:

- Stating that 26 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 7 conditions and 7 finding of facts.

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

The petitioner's representative, Scott Holm, gave a brief overview of the case.

Chair Johnson opened the public hearing for public testimony.

The following persons spoke

- Peter Johanknecht
- Bill Heairet

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

The petitioner's representative gave a brief overview of the case.

Discussion ensued.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat, 30' PUE/VAC Govt Lot 6. Platting Member Bertz seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

Member Bush returned at 1:29 pm

- B. **TWO LAKES**: The request is to create 11 lots and one tract from Tax Parcels C5 (Government Lot 26), C6 (Government Lot 29), C8 (Government Lot 28), D2 (Government Lots 23 & 24) & D3 (Government Lot 25), Section 14, and vacate Public Use Easements and Patent Reservations, to be known as **TWO LAKES**, containing 86.3 acres +/- . Parcels are located north of W. Lakes Boulevard, east and west of S. Horseshoe Lake Road, south of Hourglass Lake and west of Horseshoe Lake (Tax IDs# 17N04W14C005/C006/C008/D002/D003); lying within the S ½ N ½ SE ¼ and the NE ¼ NW ¼ SE ¼ of Section 14, Township 17 North, Range 04 West, Seward Meridian, Alaska. In the Big Lake Community Council and in Assembly District #5. (*Petitioner/Owner: Wythe Lee Renfrew & Ronald K. Williams, Staff: Amy Otto-Buchanan, Case #2024-020*)

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

Kayla Kinneen provided the mailing report:

- Stating that 31 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 10 conditions and 8 finding of facts.

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

The petitioner's representative, Gary LoRusso, gave a brief overview of the case.

Chair Johnson opened the public hearing for public testimony.

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

The petitioner's representative gave a brief overview of the case.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat, Two Lakes. Platting Member Bush seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- C. **COLONY COMMERCIAL PARK**: The request is to create three lots from Tax Parcel C24, MSB Waiver 71-107, (Tax ID#18N02E32C024), containing 4.45 acres +/-, to be known as **COLONY COMMERCIAL PARK**. The proposed lots are located east of N. Hemmer Road, west of S. Felton Street, and directly north of E. Palmer-Wasilla Highway; located within the SE ¼ SW ¼ Section 32, Township 18 North, Range 02 E, Seward

Meridian, Alaska. In the Greater Palmer Community Council and in Assembly District #2.
(*Petitioner/Owner: Midway, LLC, Staff: Chris Curlin, Case #2024-025*)

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

Kayla Kinneen provided the mailing report:

- Stating that 64 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 7 conditions and 6 finding of facts.

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

The petitioner's representative, Gary LoRusso, gave a brief overview of the case.

Chair Johnson opened the public hearing for public testimony.

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

The petitioner/petitioner's representative gave a brief overview of the case.

Discussion ensued.

MOTION: Platting Member Kreger made a motion to approve the preliminary plat, Colony Commercial Park. Platting Member Traxler seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- D. **NORDIC PARK 2:** The request is to create four tracts from Tracts A & B, Nordic Park, Plat No. 2021-44 and Government Lot 22 (Tax Parcel D4), Section 36, and vacate a portion of the right-of-way of N. Nordic Lane, to be known as **NORDIC PARK 2**, containing 96.65 acres +/- . Parcels are located north of N. Nancy Lake Parkway, east of Suncrest Lake, south of Rainbow Lake, southeast of N. Rainbow Shore Drive and accessed by N. Nordic Lane (Tax IDs# 8123000T00A/T00B and 19N05W36D002); lying within Section 36, Township 19 North, Range 05 West, Seward Meridian, Alaska. In the Willow Area Community Council and in Assembly District #7 Ron Bernier. (*Petitioner/Owner: William G. Royce; Jeff & Jeanne Friedman Living Trust; Gail C. Green, Staff: Amy Otto-Buchanan, Case #2024-026*)

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

Kayla Kinneen provided the mailing report:

- Stating that 36 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends a continuation to May 2, 2024

Chair Johnson opened the public hearing for public testimony.

MOTION: Platting Member Bush made a motion to continue the preliminary plat, Nordic Park 2. Platting Member Traxler seconded the motion.

VOTE: The motion passed without objection.

- E. **POWDER RIDGE**: The request is to create four tracts from Tract F, Alaska Division of Land Supplemental Cadastral Survey, recorded as Plat 79-74 (Tax Parcel D2), to be known as **POWDER RIDGE**, containing 107.03 acres +/- . Parcels are located east of Peters Creek and south of W. Petersville Road (Tax ID# 26N08W03D002); lying within Section 03, Township 26 North, Range 08 West, Seward Meridian, Alaska. In the Petersville Community Council and in Assembly District #7 Ron Bernier. (*Petitioner/Owner: Powder Ridge Investments LLC, Staff: Amy Otto-Buchanan, Case #2024-030*)

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

Kayla Kinneen provided the mailing report:

- Stating that 11 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 11 conditions and 6 finding of facts.

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

The petitioner's representative, Gary LoRusso, gave a brief overview of the case.

Chair Johnson opened the public hearing for public testimony.

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

The petitioner/petitioner's representative gave a brief overview of the case.

Discussion ensued.

MOTION: Platting Member Kreger made a motion to approve the preliminary plat, Powder Ridge. Platting Member Hallford seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

- F. **STRUBHAR ESTATES**: The request is to create 5 lots from Government Lot 5 and the NE ¼ SW1/4, Section 31, Township 16 North, Range 3 West, to be known as **STRUBHAR ESTATES**, containing 60.71 acres +/- . The property is southeast of Sevenmile Lake, north and west of Goose Creek, and north of W. Point MacKenzie Road. (Tax ID #16N03W31C002); within the SE ¼ Section 31, Township 16 North, Range 03 West, Seward Meridian, Alaska. In the Point Mackenzie Community Council and in Assembly District #5. (*Petitioner/Owner: Strubhar Estates, Staff: Matthew Goddard, Case #2024-033*)

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

Kayla Kinneen provided the mailing report:

- Stating that 23 public hearing notices were mailed out on March 28, 2024.

Staff gave an overview of the case:

- Staff recommends approval with 7 conditions and 6 finding of facts.

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

The petitioner's representative, Wayne Whaley, gave a brief overview of the case.

Chair Johnson opened the public hearing for public testimony.

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

The petitioner's representative gave a brief overview of the case.

MOTION: Platting Member Traxler made a motion to approve the preliminary plat, Strubhar Estates. Platting Member Bush seconded the motion.

Discussion ensued.

VOTE: The motion passed without objection.

7. PLATTING STAFF & OFFICER COMMENTS

A. Adjudicatory (*if needed*)

B. Upcoming Platting Board Agenda Items

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

- Next meeting May 2, 2024. We have five cases on the agenda.

- Misty Meadow
- Bogard Colonial MSP
- Nordic Park 2
- Hidden Jewel
- Wisteria Meadows ADD 1

Platting Officer Fred Wagner made comment on time frame for the May 2, 2024 meeting, thanked Amy for her hard work, and welcomed Natasha.

BOARD COMMENTS.

- Platting member Bush- Thanked Amy and welcome Natasha
- Chair Johnson – Farewell to A,y and welcome aboard Natasha

8. ADJOURNMENT

With no further business to come before the Platting Board, Chair Johnson adjourned the meeting at 2:29 PM.

RON JOHNSON
Platting Board Chair

ATTEST:

KAYLA KINNEEN
Platting Board Clerk

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER**

**Preliminary Decision
Petitioners: Samuel Dickinson and Heather Dickinson
Public Access and Utility Easement Vacation**

EV-3-360

Petitioned Action:

The proposed action consists of vacating the 30-foot-wide public access and utility easement on the west 30' of Government Lot 6 of Section 26, Township 17 North, Range 4 West, Seward Meridian, Alaska, located in the Palmer Recording District, as depicted on Attachment A.

The reasons for the easement vacation cited by the applicant:

- "Maximize the uplands area for usable acreage."
- Conform to MSB code 17.55 (Setback code for structures)

Legal Authority:

AS 38.05.035(e), AS 38.05.945 and 11 AAC 51.065.

Administrative Record:

The DNR Survey Case File EV-3-360 constitutes the administrative record used for the basis of this decision.

Borough:

The proposed action is located within the Matanuska-Susitna Borough.

State Easement Interest:

The Contact for the Sale of Real Property for Government Lot 6 of Section 26, T17N, R4W, S.M., Alaska was issued subject to "a public access and utility easement on the west 30 feet" of Lot 6 (see Discussion 1). The State has an interest in the Public Access and Utility Easement, thus the State is proceeding with the Preliminary Decision to clear title for Government Lot 6.

Underlying Interest:

The petitioners own the estate underlying the 30-foot easement proposed for vacation.

Alternate Route:

The proposed alternate access is via S. About Time Street, a dedicated 66-foot Public Use Easement located on the west sixty-six feet of Government Lot 5 (five), which abuts the east boundary of Government Lot 6, Section 26, T17N, R4W, S.M., Alaska. The Public Use Easement was dedicated and recorded in the Palmer Recording District on February 4, 2005 as document number 2005-002805-0.

Land Management Policies:

1) Pursuant to 11 AAC 51.065, before any vacation, modification, or relocation of a public easement, the petitioner must demonstrate to the satisfaction of the department that equal or better access is available. Equal or better access must be access that is:

- protected by an easement of record that is adequately wide for the purpose; if the easement of record is new, the petitioner must arrange for a note in the vacation document to be recorded that identifies the new easement as a replacement for the vacated easement; and,
- at least equally usable, considering length, type of terrain, and level of improvement, as the easement to be vacated; if development or improvement is needed to make the replacement easement at least equally usable, the petitioner must arrange for the development or improvement to be completed before the vacation takes effect.
- the department will determine if the vacation is in the State's best interest.

Public Use Patterns:

A field inspection was conducted on Monday August 29, 2022. Based on the site visit, the public is not currently using the easement proposed for vacation to access neighboring properties nor to travel north-south through Government Lot 6.

Practicality of Use:

Since the alternate route, S. About Time Street shares the east boundary of Government Lot 6, access within the vicinity is essentially the same, if not improved. The subject easement area within the given lot is not cleared, nor was a foot or ATV trail visible within the easement area of Government Lot 6 during the site inspection on August 29, 2022. The 66-foot-wide alternate route Public Use Easement has been cleared and is clearly being used by the local residents. The area of the easement vacation will not adversely affect land in other ownership nor will it negatively impact public access in this area.

Agency Review:

Initial Agency review of the proposed action began on September 9, 2022 and concluded January 18, 2023. Agencies notified included Department of Transportation & Public Facilities (DOT&PF) Central Region, Alaska Department of Fish and Game (ADFG), DNR Division of Mining, Land and Water – Southcentral Regional Land Office (SCRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks and Outdoor Recreation (DPOR).

Agency Comments:

1. The following Agencies submitted comments of non-objection: DPOR, MHTLO, DOT&PF, ADFG, SCRO.
2. No other comments or objections on the proposed action were received.

Discussion:

1. Determination of the existence of the public access and utility easements:

- a. Patent Number 50-65-0234 was issued by the Bureau of Land Management conveying Government Lot 6 of Section 26, Township 17 North, Range 4 West, Seward Meridian, (the subject property), to the State of Alaska on October 9, 1964.
- b. Quitclaim Deed No. 8000051 was issued, conveying Government Lot 6 of Section 26, Township 17 North, Range 4 West, Seward Meridian, containing 6.250 acres, more or less,

according to the Survey Plat Accepted by the United States Department of the Interior, Bureau of Land Management in Washington, D.C. on March 27, 1952, from the State of Alaska, Department of Natural Resources, to the Alaska Mental Health Trust Authority. This QCD was recorded on September 25, 1996, in the Palmer Recording District on Book 0866 Page 594-Page 624.

- c. A Contract for the Sale of Real Property was issued by Alaska Division of Forest, Land and Water Management (Seller) serialized under Alaska Division of Lands (ADL) number 205041 effective March 6, 1981. Said Contract between the Department of Natural Resources and Cassie Irene Framstad (Purchaser) for Lot 6 of Section 26, Township 26 North, Range 4 West, Seward Meridian, Alaska. This contract was recorded in the Palmer Recording District on March 6, 1989 as document number: 1989-003397-0. This contract was issued subject to:
 - "Platted Easements and Reservations.
 - A Public Access and Utility Easement on the West 30 Feet."
 - d. An Affidavit of Foreclosure terminating the Contract with Cassie Irene Framstad was approved on January 26, 1989. This document was recorded in the Palmer Recording District on March 6, 1989, as document number: 1989-003398-0.
 - e. A subsequent Contract for the Sale of Real Property was issued by the Alaska Mental Health Trust Authority (AMHTA), Trust Land Office (Seller) serialized under Mental Health Trust (MHT) number 9200161. Said Contract was issued to Thomas Henry Knox and Juanita Collins Knox (Purchasers) for Lot 6 of Section 26, Township 26 North, Range 4 West, Seward Meridian, Alaska. The contract was approved on October 26, 2009. This contract was recorded in the Palmer Recording District on October 29, 2009, as document number: 2009-024030-0.
 - f. Quitclaim Deed No. 1021 was issued by the State of Alaska, Alaska Mental Health Trust Authority to Thomas H. Knox for the subject parcel. The QCD was recorded in the Palmer Recording District on July 27, 2021, as document number: 2021-022287.
 - g. A Deed of Personal Representative was issued transferring ownership of the subject property from the Estate of Thomas Henry Knox (a/k/a Thomas H. Knox) to Samuel Dickinson and Heather Dickinson. This document was recorded in the Palmer Recording District on March 3, 2022, as document number 2022-004883-0.
2. Pursuant to 11 AAC 51.065(e)(1), the department will give consideration to the recommendations of the MSB Platting Board regarding this action when a copy of the Approved Minutes are received at DNR.

Approval of the proposed action is contingent upon the following conditions:

1. Pursuant to AS 38.05.945, a Public Notice must be completed. The Department of Natural Resources may modify the decision after analyzing public comments.
2. Comply with Matanuska-Susitna Borough's conditions of approval unless waived by the Director, DMLW.
3. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of the Final Finding and Decision unless extended by DMLW, Survey Section.
4. Submittal of a Certificate to Plat, current within 90-days, with the final plat.

Recommendation:

Based on our findings, the applicant meets DNR's requirements to vacate the 30 foot public access and utility easement. The proposed vacation may be in the state's best interest. Therefore, the Division of Mining, Land and Water, Survey Section recommends approval of this action and may proceed with adjudication and public notice in accordance with AS 38.05.945.

Prepared by:

Victoria Braun

Victoria Braun, Adjudicator
Natural Resource Specialist 2

March 7, 2023

Date

Approved by:

Gwen M. Gervelis

Gwen M. Gervelis, PLS
Chief, Survey Section

3/8/2023

Date

Enclosures: Attachment A

PUBLIC NOTICE:

**Notice of Preliminary Decision
Public Access and Utility Easement Vacation
EV-3-360**

Per 11 AAC 51.065, the Department of Natural Resources, Division of Mining, Land and Water has made a Preliminary Decision (PD) giving contingent approval to a petition to vacate the 30-foot-wide public access and utility easement on the west boundary within Government Lot 6 of Section 26, Township 17 North, Range 4 West, Seward Meridian, Alaska, located in the Palmer Recording District, Third Judicial District. It should be noted that the SW corner of Government Lot 6 will retain a 30'x30' public access and utility easement.

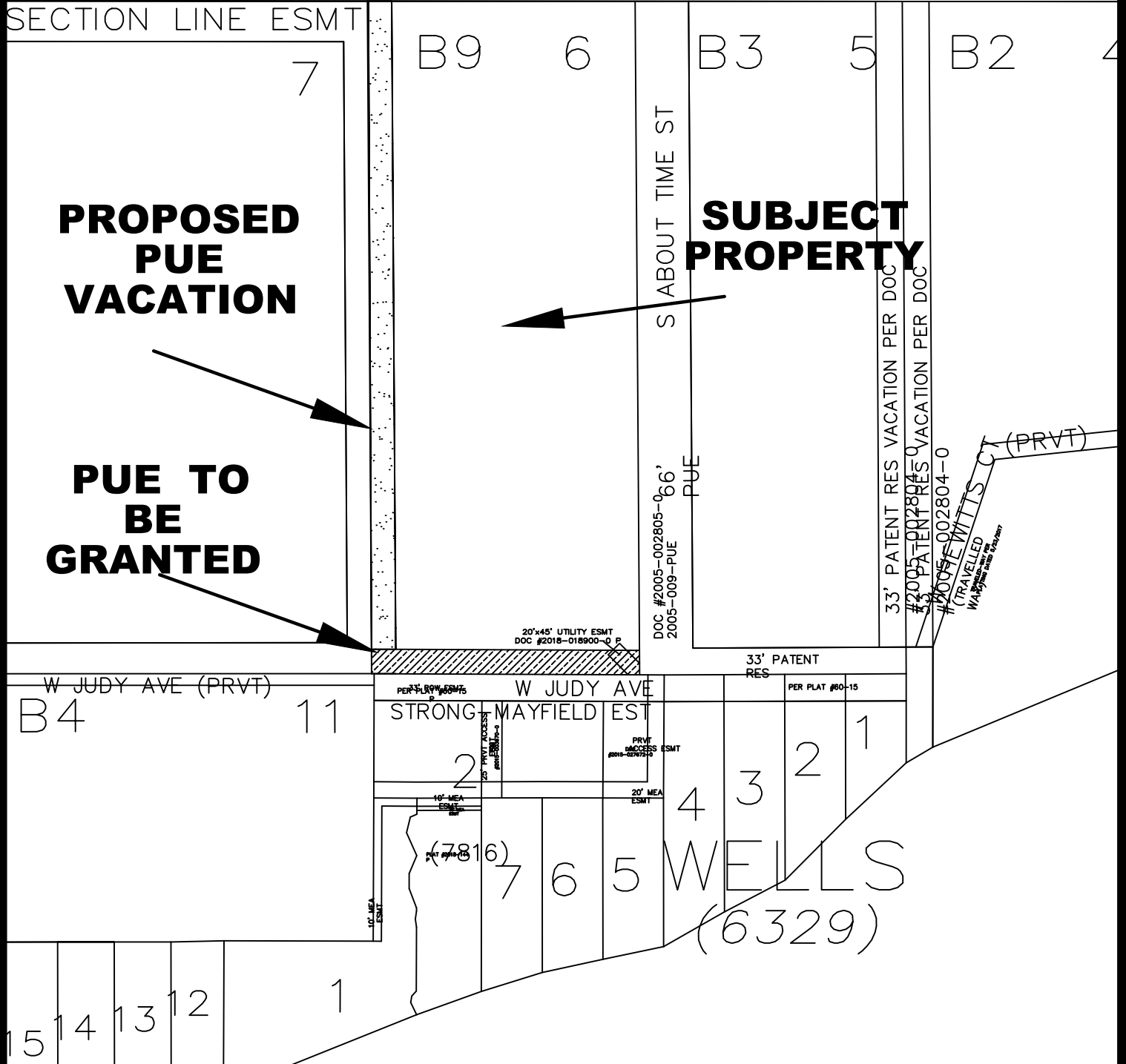
The public is invited to comment on the PD. Copies are available from DMLW, 550 W. 7th Avenue, Suite 650, Anchorage, AK 99501-3576 or <https://aws.state.ak.us/OnlinePublicNotices/>. Persons wanting to provide comments to this proposed easement vacation can **submit their comments in writing or by e-mail. To be eligible to appeal under AS 38.05.035(i)(j), one must respond in writing during the comment period. All comments must be received in writing at DMLW on or before April 10, 2023.** Correspondence or questions should be addressed to DNR, DMLW, Survey Section, Attn: Victoria Braun, 550 W. 7th Ave., Suite 650, Anchorage, Alaska 99501. Comments may also be submitted via e-mail at victoria.braun@alaska.gov. Please reference EV 3-360 in your correspondence, include the date, your name, telephone number, mailing and e-mail address to ensure you receive copies of all subsequent decisions.

If public comment in response to this notice indicates the need for significant changes to the Preliminary Decision, additional public notice will be given. If no significant change is required, the PD, including any minor changes, will be issued as a Final Finding & Decision.

DMLW reserves the right to waive technical defects in this publication.

Those with audio impairments may call Anchorage DNR Public Information Center, 10-5, M-F, TDD#269-8411.

SECTION LINE ESMT
SECTION LINE ESMT



VICINITY MAP

FOR PROPOSED 30' PUE VACATION GOVT LOT 6
LOCATED WITHIN
SECTION 26, T17N, R04W, SEWARD MERIDIAN
ALASKA

AM 24-055



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

April 19, 2024

Samuel & Heather Dickinson
8551 Mentra Circle
Anchorage, AK 99518

Case #: **2023-138**

Case Name: **30' PUE VAC OF GOVT LOT 6**

Action taken by the Platting Board on April 18, 2024 is as follows:

THE PRELIMINARY PLAT FOR 30' PUE VAC OF GOVT LOT 6 WAS APPROVED AND WILL EXPIRE ON APRIL 19, 2030 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

kk
cc:

Bush Construction Surveys
3167 Cottle Loop
Wasilla, AK 99654

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

AM 25-055

FINDINGS of FACT:

1. The Vacation of the 30' wide Public Use Easement is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.021 Public Use Easement Acceptance Procedures.
2. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(D).
3. At the time of staff report write-up, there were no responses to the Request for Comments from ADF&G; Big Lake Community Council; Road Service Area #21 Big Lake; MSB Community Development, or Assessments; MEA, GCI, or MTA
4. There were no objections from any federal or state agencies, or utilities.
5. There were no objections from the public in response to the Notice of Public Hearing.
6. Petitioner has supplied a Preliminary Decision from DNR
7. MSB DPW Pre-design and Engineering agrees to the vacation with dedication of the south 30 feet.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for 30' PUE VAC of Govt Lot 6 contingent upon the following:

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 and submit Beneficiary Affidavit for any holders of a beneficial interest for each phase plat.
4. Pay postage and advertising fees.
5. Submit recording fees, payable to Department of Natural Resources (DNR).
6. Dedicate the south 30 feet of Government Lot 6 as Fee Simple right-of-way, or grant the south 30 feet of Government Lot 6 as a Public Use Easement.
7. Submit final plat in full compliance with Title 43 and State of Alaska requirements.