


SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AUTHORIZING THE BOROUGH MANAGER TO SIGN ALL DOCUMENTS NECESSARY TO TRANSFER ANY AND ALL INTEREST THE BOROUGH HAS FOR PLATTED RIGHT-OF-WAY (ROW) LOCATED WITHIN SECTION 19, TOWNSHIP 26 NORTH, RANGE 4 WEST, SEWARD MERIDIAN, IDENTIFIED AS TRACTS VIII, VIIIA, XII-A, AND XII-B TO THE STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES (ADOT&PF) TO MEET FEDERAL AVIATION ADMINISTRATION (FAA) GRANT ASSURANCES IN ACCORDANCE WITH ADOT&PF-FAA GRANT AGREEMENT FOR TALKEETNA AIRPORT ROW ACQUISITION PROJECT NO. CFAPT00730 (CPD#402).

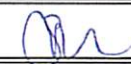


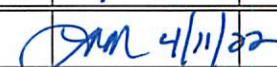

AGENDA OF: April 19, 2022

ASSEMBLY ACTION:

Adopted without objection 5-3-22


MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator - S. Armstrong		3/30/2022
	Public Works, Pre-Design and Engineering Division Manager - B. Sworts	Brad Sworts	Digitally signed by Brad Sworts Date: 2022.03.30 16:03:26 -08'00'
	Public Works Director	Terry Dolan	Digitally signed by Terry Dolan Date: 2022.04.05 16:38:30 -08'00'
	Finance Director		
	Borough Attorney		
	Borough Clerk		

ATTACHMENT (S): Fiscal Note: YES ☐ NO ☒ X
 Ordinance Serial No. 22-052 (2 pp)
 Vicinity Map (1 pp)
 Record of Survey of the Talkeetna Airport (2 pp)
 Parcel Drawing (3 pp)
 Manager's Deed of Relinquishment (Draft) (5 pp)

SUMMARY STATEMENT: Alaska Department of Transportation and Public Facilities (ADOT&PF) has submitted an application requesting transfer of platted right of way (ROW) controlled by the Borough needed for expansion of Talkeetna Airport. ADOT&PF acquired the needed private property under Talkeetna Airport Project 60045 in

1995-1996 with the exception of Borough ROW identified as Tracts VIII, and VIIIA, Tract XII-A (a portion of Second Street in Talkeetna, dedicated by Plat T-1), and Tract XII-B (a portion of Denali Street dedicated by Plat 69-6). ADOT&PF is requesting transfer only for the ROW identified on the attached Parcel Drawing signed 9-17-2020 in order to meet grant assurances with the Federal Aviation Administration (FAA) under Grant Agreement No. 3-02-0287-005-2016.

Under the Grant Assurances, "holding good title" (fee ownership) of the landing area of the airport or the site thereof to the satisfaction of the Federal Secretary is required; therefore, acquiring the Borough ROW is needed within the Talkeetna Airport boundary. Without the transfer of ownership, FAA Grant funding for this airport could be jeopardized.

The ROW needed from the Borough contains a total of .816 acres and is to be transferred via Manager's Deed of Relinquishment wherein all interest shall be conveyed to ADOT&PF without exception. No compensation shall be paid as the Borough parcels have no assigned value as dedicated public ROW. The existing Talkeetna Airport location and use will not be affected through this transfer of ownership to ADOT&PF.

ROW conveyance of Borough land falls under the authority of Title 23. Said authority being: MSB 23.05.030 states the Manager may, with the consent of the Assembly, convey real property to the United States of America, the State of Alaska, or other entity where it is in the best interest of the Borough to do so which may include making Borough real property available for a purpose of specific benefit to the public.

A best interest finding provides greater detail as follows:

I. Summary of Proposed Action

The Matanuska-Susitna Borough, Public Works Department, Pre-Design and Engineering Division (Borough), at the request of the State of Alaska, Department of Transportation and Public Facilities (ADOT&PF), proposes to transfer portions of platted rights of way (ROW) to the north and west of the Talkeetna Airport to ADOT&PF. The ROW requested contains a total of .816 acres +/- and is included in the Record of Survey titled "Talkeetna Airport" Recorded at 2002-12, Talkeetna Recording District.

II. Property Site Factors

A. Location: The subject ROW is located to the north and west of the Talkeetna Airport located in Section 19, Township 26 North, Range 4 West, Seward Meridian.

B. Legal Descriptions: ROW Tract #s VIII, VIIIA, XII-A, and XII-B as shown on the ADOT&PF Acquisition Drawing signed on 9-17-2020 and attached here for reference, and containing approximately

0.816 acres, more or less.

C. Land Status: Platted ROW adjacent to the Talkeetna Airport; shown on Plat #s T-1, 64-1, and 69-6, Talkeetna Recording District, Third Judicial District, State of Alaska.

D. Restrictions:

1. Land Classification - Road rights-of-way dedicated to the public.
2. Land Use Plans - The property lies within the boundaries of the Record of Survey of the Talkeetna Airport.
3. Title Restrictions - None
4. Covenants - None
5. Zoning - None
6. Easements & Other Reservations - None

E. Current Land Use: Tracts VIII, VIIIA, and XII-A contain portions of East Second Street and an airport frontage and access road.

F. Surrounding Land Use: Properties to the South and East of this area are Talkeetna Airport lands and commercial flight related businesses. The properties to the North and West of these parcels are a mixture of residential, commercial, and undeveloped parcels.

G. Existing Infrastructure: East Second Street and the airport frontage and access road.

H. Soils & Terrain: According to the United States Department of Agriculture (USDA), Natural Resources Conservation Service's SoilWeb web site application, hosted by UC Davis California, the subject property contains mostly Susitna silt loam with 0-2% slopes which is well drained and typically forested.

I. Coastal Management: Located within Federally Designated Flood Hazard Zone AE, Firm map # 02170C2803E.

J. Resources: There is no specific data on resources for this parcel.

K. Assessment: No assessed value assigned for dedicated rights-of-way.

III. Public Comments

In accordance with MSB 23.05.025 and the Land and Resource

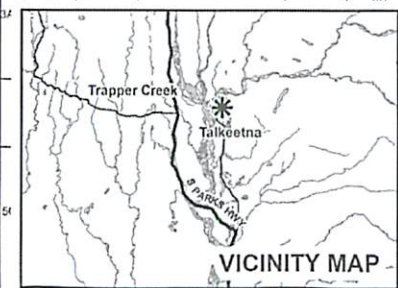
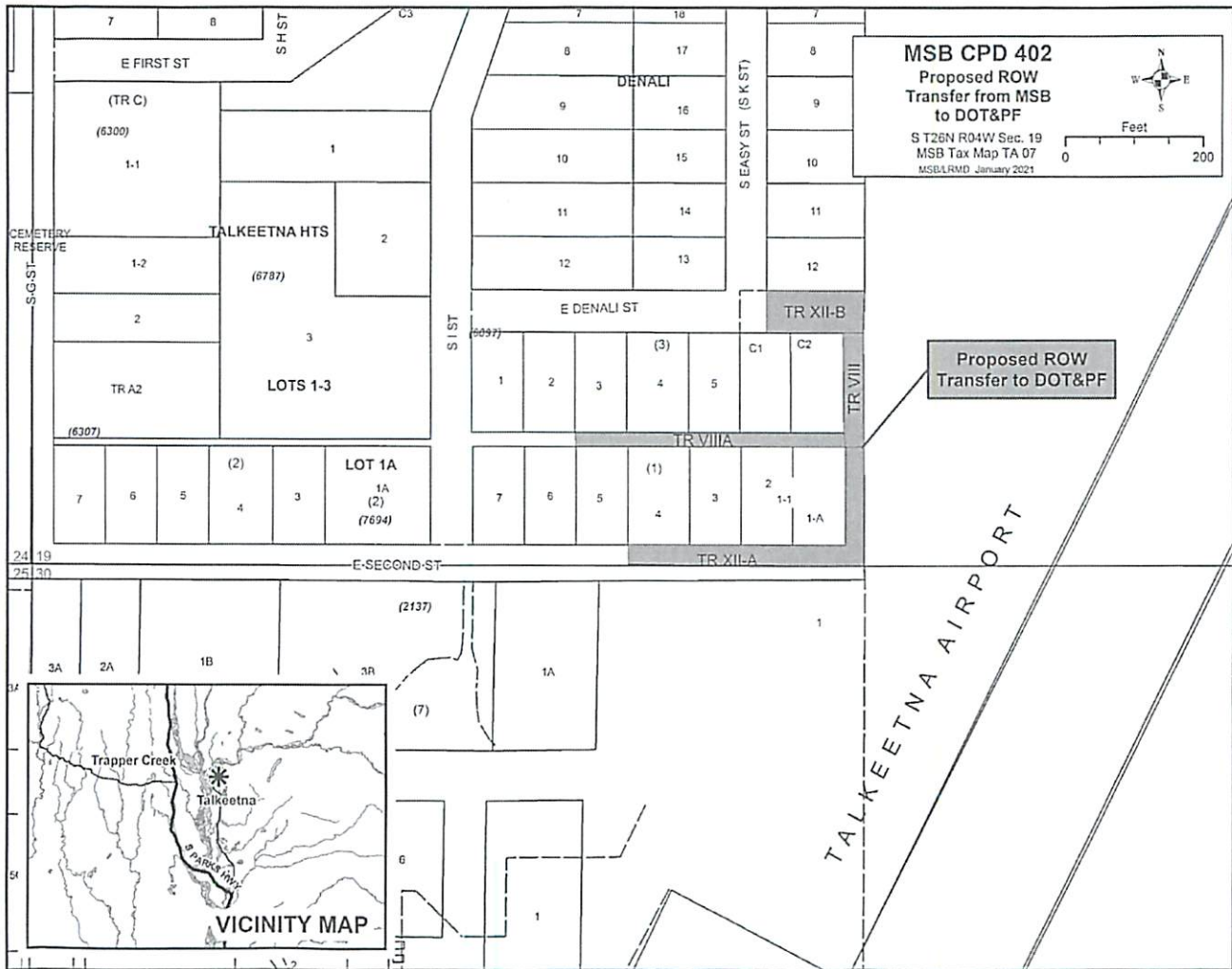
Management Policy and Procedures Manual, landowners within 600 feet of the proposed property have been notified of the proposed land transfer to ADOT&PF. Additionally, notices were published in the Frontiersman, posted in the Talkeetna Post Office, on the bulletin board at Cubby's Marketplace in Talkeetna, and on the Borough's website. The Talkeetna Community Council, Talkeetna Chamber of Commerce, the Upper Susitna Soil and Water Conservation District, and the local Road Service Area and Fire Service Area boards were also asked to comment. Emails were sent to the Mayor, Assembly, Borough Attorney, and Borough Manager.

There was one response asking if ADOT&PF was interested in purchasing privately-owned parcels in the area, and one regarding the outline of the ROW being requested for transfer, but there were no objections or other comments received.

IV. Analysis

The Grant Agreement between ADOT&PF and the FAA requires ADOT&PF secure title to all property within the Talkeetna Airport boundary. The attached Record of Survey of the Talkeetna Airport, recorded as Plat # 2002-12, June 7, 2002, Talkeetna Recording District, includes the ROW area being requested for transfer. The transfer of the ROW will allow ADOT&PF to comply with this FAA Grant requirement. The request is related to the development and upgrade of the Talkeetna Airport which will be a benefit to Borough residents.

RECOMMENDATION OF ADMINISTRATION: Approve this legislation.

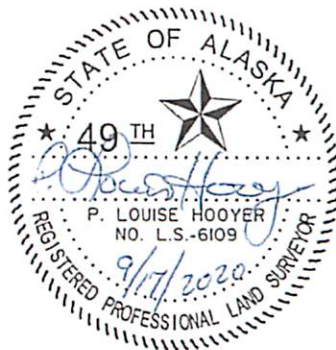


OR 22-052
IM 22-095

OK 22-052
Im 22-095

THIS PLAT MAY BE USED FOR THE ESTABLISHMENT OF
THE RIGHT-OF-WAY BOUNDARY ONLY, AND SHOULD NOT
BE USED AS A BASIS FOR ESTABLISHING ADJOINING
PROPERTY LINES AND CORNERS.

THIS SEAL IS FOR ALL WORK CONTAINED ON PLATS 1 & 2 OF 3.



ALASKA DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

4111 AVIATION AVENUE
ANCHORAGE, AK 99502
PHONE (907) 269-0700

PLAT 3 OF 3 CFAPT00730 TRACT NOs. XII-A XII-B VIIIA VIII

PAGE ____ OF ____

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Im 22-095



MATANUSKA-SUSITNA
BOROUGH
PUBLIC WORKS DEPARTMENT

MANAGER'S
DEED OF RELINQUISHMENT

PROJECT NAME: TALKEETNA AIRPORT
RIGHT OF WAY TRANSFER

MSB PROJECT #: N/A

MSB FILE #: CPD 402

The GRANTOR, MATANUSKA-SUSITNA BOROUGH, whose mailing address is 350 East Dahlia Avenue, Palmer, Alaska 99645, acting by and through its Manager, under the authority of MSB 23.05.030(D), for and in consideration of Ten Dollars (\$10.00) and good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, subject to the following-described interest and conditions, does hereby relinquish and quitclaim unto the GRANTEE, STATE OF ALASKA, DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES, whose mailing address is Post Office Box 196900, Anchorage, Alaska, 99519, the Grantee's successors and assigns forever, all right, title and interest, if any, not herein reserved unto the Matanuska-Susitna Borough, in and to that real property situated in the Palmer Recording District, Third Judicial District, State of Alaska, more particularly described as follows:

Those portions of right of way adjacent to the Talkeetna Airport, lying within Section 19, Township 26 North, Range 4 West, Seward Meridian, Third Judicial District, State of Alaska, shown as Tracts XII-A, XII-B, VIII, and VIIIA, consisting of 0.816 acres more or less, on the attached Exhibit A consisting of three pages.

In consideration of this conveyance, the State of Alaska agrees as follows:

1. The State of Alaska is familiar with the property described above, including all rights of way, improvements, and structures located thereon, hereafter referred to as the "right of way".
2. The State of Alaska represents that it has inspected the right of way and is familiar with its design and quality of construction and has had sufficient opportunity to perform an environmental assessment of the property described above for the purpose of determining whether any hazardous substance contaminates the property. For purposes of these covenants, a "hazardous substance" is any chemical, metal, petroleum product, or other material (or any combination of materials) that is regulated by any government agency in any quantity as a contaminant, hazardous material, or threat to health or safety.
3. The State of Alaska shall hold the Matanuska-Susitna Borough, its officers, employees, and agents (collectively, "The Matanuska-Susitna Borough") harmless from and defend and indemnify the Matanuska-Susitna Borough for liability, claims, or causes of action arising out of the Deed and Assignment or relating to the property and facilities being deeded and the obligations being assigned.
 - a. Notwithstanding the foregoing, the State of Alaska shall have no obligation to hold harmless and indemnify the Matanuska-Susitna Borough to the extent the Matanuska-Susitna Borough is determined to be liable for its own acts or omissions, except that to the maximum extent allowed by law, the State of Alaska shall hold the Matanuska-Susitna Borough harmless from and indemnify the Matanuska-Susitna Borough for liability, claims, or causes of action arising from an alleged defect in the design or construction of facilities existing on the premises at the date of this Deed, regardless of negligence or other fault, if such liability, claim, or cause of action arises out of an incident that occurs more than two years after the State of Alaska assumes maintenance responsibilities for the right of way.
 - b. The State of Alaska's duty to defend shall apply regardless of whether it is also alleged that the Matanuska-Susitna Borough's acts or omissions contributed to the injury (including injury to personal property, real property or persons, including fatal injury).
 - c. Neither liability, claims or causes of action arising from injuries that occurred prior to the date of this Deed, nor liabilities imposed by, or claims or causes of action arising from or asserted under AS 46.03.822 shall be governed by this paragraph.
4. Upon acceptance of this Deed by the State of Alaska, the Matanuska-Susitna Borough shall cease ownership, maintenance, and operation of the right of way and the State of Alaska shall be solely responsible for its ownership, maintenance, and operation of the right of way.
5. If the premises cease to be dedicated to public use, the Matanuska-Susitna Borough may, upon reasonable notice, reenter and reoccupy the premises without compensation, for any public purpose.

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Jm 22-095

ASSIGNMENT

In addition to the conveyance described above, and relating to the property and property interests therein conveyed to the State of Alaska, the Matanuska-Susitna Borough hereby assigns to the State of Alaska, for all events occurring after the date of this assignment, all its rights, powers, interests, and privileges in or arising from each and every one of the utility permits listed below:

<u>Permit Number</u>	<u>Permittee</u>	<u>Facility</u>
N/A		

Dated this _____ day of _____, 2022.

MATANUSKA-SUSITNA BOROUGH

BY: _____
Borough Manager

ACKNOWLEDGMENT

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

ON THIS _____ day of _____, 2022, before me, the undersigned, a notary public in and for the State of Alaska, personally appeared Michael Brown, the Manager of the Matanuska-Susitna Borough, known to me to be the identical person who executed the foregoing instrument and who acknowledged to me that he signed the same freely and voluntarily, with full knowledge of its contents, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year above written.

(SEAL)

Notary Public in and for the State of Alaska
My Commission Expires: _____

CERTIFICATE OF ACCEPTANCE

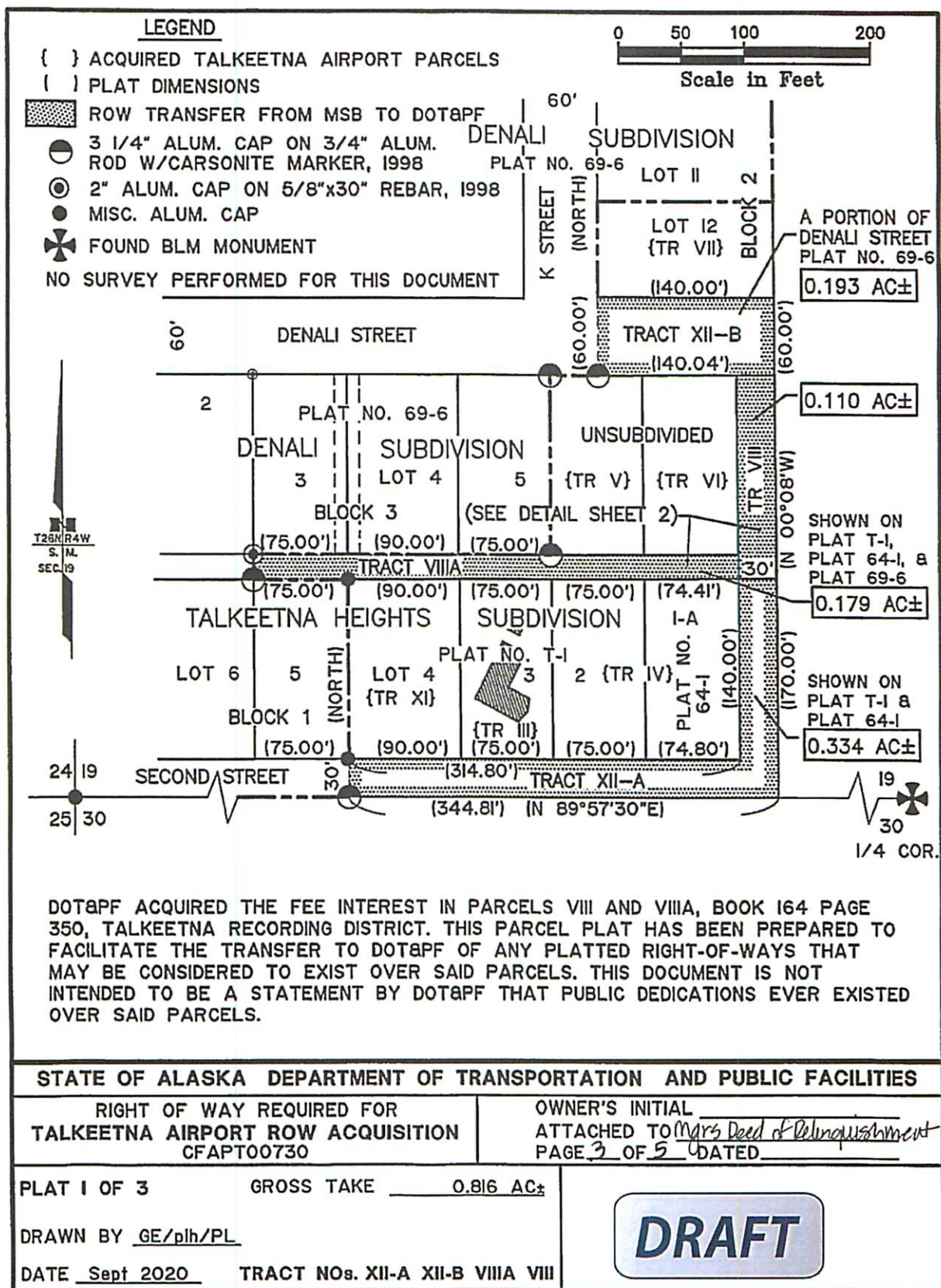
THIS IS TO CERTIFY that the State of Alaska, Grantee herein, hereby accepts the conveyance of real property, or interest therein, described in this instrument and consents to the recordation thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2022.

By: _____
XXXXXXX






Return to:
Matanuska Susitna Borough
Public Works Department, Right of Way
350 East Dahlia Avenue
Palmer, Alaska 99645

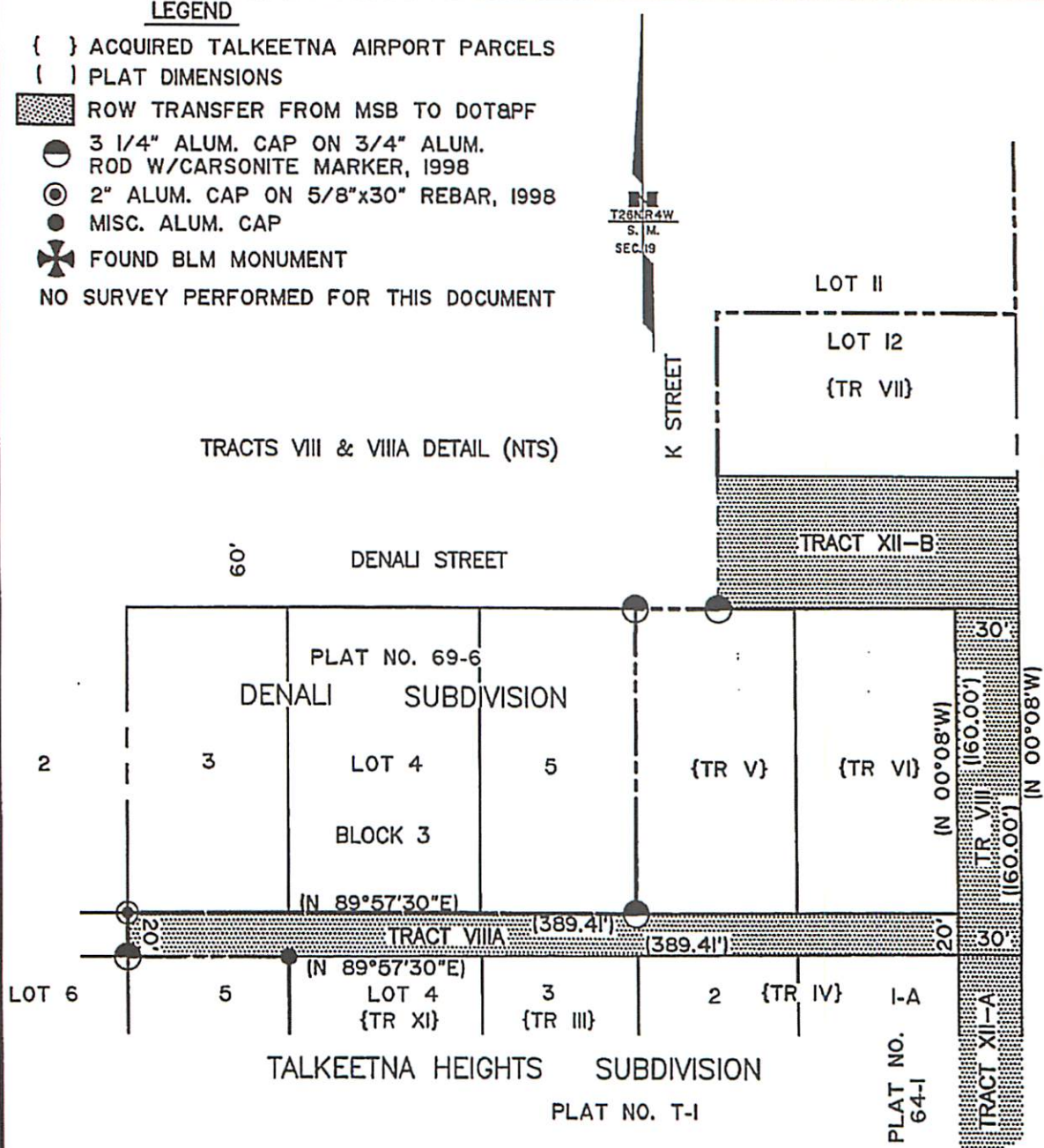
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Im 22-095


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{ } ACQUIRED TALKEETNA AIRPORT PARCELS
{ } PLAT DIMENSIONS
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-  ROW TRANSFER FROM MSB TO DOT&PF
 3 1/4" ALUM. CAP ON 3/4" ALUM.
 ROD W/CARSONITE MARKER, 1998
 2" ALUM. CAP ON 5/8"x30" REBAR, 1998
 MISC. ALUM. CAP
 FOUND BLM MONUMENT
 NO SURVEY PERFORMED FOR THIS DOCUMENT



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
TALKEETNA AIRPORT ROW ACQUISITION
CFAPT00730

OWNER'S INITIAL _____
ATTACHED TO Mrs Reed of Belingwood
PAGE 4 OF 5 DATED _____

PLAT 2 OF 3 GROSS TAKE 0.816 AC±

DRAWN BY GE/plh/PL

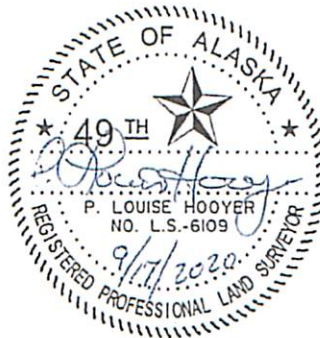
DATE Sept 2020 TRACT NOs. XII-A XII-B VIIIA VIII

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PAGE 5 OF 5

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