

**SUBJECT:** THE REQUEST IS TO VACATE AN ERRONEOUSLY PLATTED 66' WIDE SECTION LINE EASEMENT SHOWN ON THE PLAT OF SCOTT LAKE SUBDIVISION, PLAT No. 71-88; THE PUBLIC USE EASEMENT RECORDED AT BOOK/PAGE 434/559; AND THE PUBLIC USE EASEMENT RECORDED AT RECEPTION No. 2011-007390-0, LOCATED WITHIN THE S  $\frac{1}{2}$  SE  $\frac{1}{4}$  SECTION 28 AND N  $\frac{1}{2}$  NE  $\frac{1}{4}$  SECTION 33, TOWNSHIP 18 NORTH, RANGE 02 WEST, SEWARD MERIDIAN, ALASKA, LYING NORTH AND SOUTH OF N. MEADOW LAKES LOOP AND WEST OF N. PHILLIPS DRIVE. ASSEMBLY DISTRICT: 7 TAM BOEVE

**AGENDA:** September 1, 2020

**ASSEMBLY ACTION:**

*Approved Under the Consent Agenda 9-1-20*

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

**APPROVED BY GEORGE HAYS, ACTING BOROUGH MANAGER:**

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>(Signature)</i>	
	Finance Director	<i>(Signature)</i>	
	Borough Attorney	<i>(Signature)</i>	
	Borough Clerk	<i>AM 8/24/20</i>	<i>(Signature)</i>

**ATTACHMENT (S):** Fiscal Note: Yes \_\_\_\_\_ No X  
 Platting Board Minutes, 08/06/2020 (5 pages)  
 Notification of Action (4 pages)  
 Vicinity Map (3 pages)

**REASON FOR REQUEST:** The request is to vacate an erroneously platted 66' wide Section Line Easement; 33' on the south boundary of Section 28 and 33' on the north boundary of Section 33. Request to vacate existing Public Use Easements recorded at Book/Page 434/559 and at Reception No. 2011-007390-0. These easements are within the S  $\frac{1}{2}$  SE  $\frac{1}{4}$  Section 28 and the N  $\frac{1}{2}$  NE  $\frac{1}{4}$  of Section 33, Township 18 North, Range 02 West, Seward Meridian, Alaska, lying north and south of N. Meadow Lakes Loop and west of N. Phillips Drive. The 66' wide Section Line Easement is not constructed and was not created by the State of Alaska, it was created erroneously on a plat. The Public Use Easements do not mathematically close and do not fit the existing road of N. Meadow Lakes Loop. Right-of-way will be dedicated to encompass N. Meadow Lakes Loop. All properties in the vicinity have legal and physical access.

**SUMMARY STATEMENT:** On August 6, 2020 (written decision August 12, 2020), the Platting Board approved the vacation of the 66' wide erroneously platted Section Line Easement and the two Public Use Easements.

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the Assembly approve the vacation of the 66' Section Line Easement and the two Public Use Easements as the Platting Board's decision is consistent with MSB 43.15.035(B). MSB 43.15.035(B) allows for the vacation of right-of-way as equal or better access to all areas affected by the vacation is provided.

**MATANUSKA-SUSITNA BOROUGH  
PLATTING BOARD MINUTES**

**REGULAR MEETING  
AUGUST 6, 2020**

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on August 6, 2020, 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 Vice Chair Wilfred Fernandez.

**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. Dennis Vau Dell, Assembly District #5  
Mr. Wilfred Fernandez, Assembly District #6, Vice Chair  
Mr. Justin Hatley, Alternate

Platting Board members absent and excused were:

Mr. Jordan Rausa, Assembly District #4, Chair  
Mr. George Thompson, Assembly District #7  
Mr. John Shadrach, Alternate  
VACANT, District #3

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

**B. THE PLEDGE OF ALLEGIANCE**

The pledge of allegiance was led by Platting Board Member Justin Hatley.

**C. APPROVAL OF THE AGENDA**

Vice Chair Fernandez inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objections.

**2. APPROVAL OF MINUTES**

Vice Chair Fernandez inquired if there were any changes to the minutes for July 2, 2020.

- Correct the adjournment name on page 3.

GENERAL CONSENT: The minutes for July 2, 2020 were approved with changes without objections.

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

**A. Persons to Be Heard**

The following person thanked the platting staff for their work and spoke in regards to dead end cul-de-sac's and interconnectivity access for a subdivision: Mr. Bill Folsom.

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The petitioner and/or the petitioner's representative was not present at the Hearing.

Vice Chair Fernandez kept the petitioner's comments open and discussion moved to the Platting Board.

**MOTION:** Platting Member Anderson moved to continue the preliminary plat for Bauer Estates to September 3, 2020. The motion was seconded by Platting Member Vau Dell.

**VOTE:** The motion passed with all in favor by general consent.

**B. GARRISON RIDGE:** The request is to create 11 lots and 1 tract, by a three phase Master Plan, from Tax Parcels A18 and D14, to be known as **Garrison Ridge**, containing 39.9 acres +/- . Petitioner is vacating a portion of the Public Use Easement of N. Prospect Drive; the Section Line Easements on the north; dedicating the Public Use Easement of N. Meadow Lakes Loop and additional right-of-way to straighten N. Meadow Lakes Loop. Two cul-de-sac will be created for access. The property is located north and south of N. Meadow Lakes Loop, and west of N. Phillips Drive (Tax ID #s 218N02W28D014 and 218N02W33A018); within the S ½ SE ¼ Section 28 and N ½ NE ¼ Section 33, Township 18 North, Range 02 West, Seward Meridian, Alaska. In Community Council: Meadow Lakes and in Assembly District #7 Tam Boeve (*Owner/Petitioner: Silk LLC; Surveyor: Keystone; Staff: Amy Otto-Buchanan*)

Vice Chair Fernandez:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record; There was no objection noted by the platting board.
- Read the case title and description into the record.

Ms. Von Gunten provided the mailing report.

- Stating that 76 public hearing notices were mailed out on July 15, 2020.

Ms. Amy Otto-Buchanan

- Gave an overview of the case, #2020-092/093.
- The platting board will need to decide on Recommendation #7 on the main motion to either removing or keep for the final decision.
- Staff recommends approval of the case with findings of fact and conditions.

Vice Chair Fernandez invited the petitioner or/and the petitioner's representative for a brief overview.

Mr. Gary LoRusso, the petitioner's representative, gave a brief overview.

Vice Chair Fernandez opened the public hearing for public testimony.

There being no one to be heard, Vice Chair Fernandez closed the public hearing.

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Vice Chair Fernandez invited the petitioner or their representative to provide their comments.

Gary LoRusso, the petitioner's representative gave an explanation on the actions being taken on the case and answered questions from the platting board.

TIME: 1:44 p.m.

CD: 0:42:45

BREAK

TIME: 1:54 P.M.

CD: 0:25:49

Gary LoRusso, the petitioner's representative, continued his briefing and answered questions from the platting board.

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

**MASTER PLAN & PUE MAIN**

**MOTION:** Platting Member Anderson moved to approve the preliminary plat for Garrison Ridge Master Plan and the vacation of the Public Use Easement, with 9 recommendations. The motion was seconded by Platting Member Cottini.

The platting board discussed adding a recommendation.

**AMENDED**

**MOTION:** Platting Member Vau Dell moved to amend the preliminary plat to add a recommendation to the Section Line Easement. There was no second.

- Discussion on the process for the making the motions and amendments for this case.
- Platting Member Vau Dell withdrew his motion.

**AMENDED**

**MOTION:** Platting Member Anderson moved to amend the main motion to add a recommendation on access for Garrison Ridge Master Plan and the vacation of the Public Use Easement. The motion was seconded by Platting Member Vau Dell.

**VOTE:** The amended motion to add a recommendation on access passed with all in favor by general consent.

**AMENDED**

**MOTION:** Platting Member Cottini moved to amend the main motion to remove recommendation #7 for Garrison Ridge Master Plan and the vacation of the Public Use Easement. The motion was seconded by Platting Member Hatley.

**VOTE:** The amended motion to remove recommendation #7 passed with all in favor by general consent.

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**AMENDED**

**MOTION:** Platting Member Vau Dell moved to amend the main motion to add finding #12 for Garrison Ridge Master Plan and the vacation of the Public Use Easement. The motion was seconded by Platting Member Anderson.

TIME: 2:32 p.m.

CD: 01:30:28

BREAK

TIME: 2:39 P.M.

CD: 01:37:11

Vice Chair Fernandez had the clerk read the wording by Platting Member Vau Dell and asked staff also for their wording on adding finding #12.

**AMENDED**

**VOTE:** The amended motion to add finding #12 passed with all in favor by general consent.

**FINDINGS:**

- Add #12: Mr. Holler, engineer of record, provided documentation supporting the removal of the condition of approval proving that Lot 4, Block 1 has sufficient contiguous useable septic area.

**RECOMMENDATIONS:**

- Remove recommendation #7.
- Add #9: Vacation of Prospect Drive conditioned on the following either:
  - a) A second access being constructed into the area.
  - b) N. Meadow Lakes Road has been constructed and approved in the new alignment shown on the preliminary plat.

**MAIN MOTION**

**VOTE:** The main motion with the addition of finding #12, removal of recommendation #7 and addition of #9 passed with all in favor by general consent. There are 12 findings of facts and 9 recommendations.

**SECTION LINE EASEMENT MAIN**

**MOTION:** Platting Member Cottini moved to approve the Section Line Easement for Garrison Ridge, with 6 recommendations. The motion was seconded by Platting Member Hatley.

**SECTION LINE EASEMENT**

**VOTE:** The Section Line Easement motion passed with all in favor by general consent. There are 5 findings of facts.

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**7. ITEMS OF BUSINESS & MISCELLANEOUS**

*(There is no Items of Business & Miscellaneous)*

**8. PLATTING STAFF & OFFICER COMMENTS**

- A. Adjudicatory *(if needed)*
- B. Upcoming Platting Board Agenda Items

Mr. Wagner provided a brief update on cases that will be coming before the Platting Board on August 20, 2020. Gave an update on the construction manual, Title 43 white board list, the resolution on fire code, and the street & highway plan maps.

Ms. Von Gunten reminded the board to let the office know if they cannot attend the next meeting.

**9. BOARD COMMENTS**

- Platting Member Vau Dell had no comments.
- Platting Member Hatley had no comments
- Platting Member Anderson thankful to have a contractor looking at the street & highway plan.
- Platting Member Cottini commented on the upcoming hunting season.
- Platting Member Fernandez thanked staff and the board for their time and work today.

**10. ADJOURNMENT**

With no further business to come before the Platting Board, Vice Chair Wilfred Fernandez adjourned the meeting at 3:09 p.m. (CD: 02:07:32)

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WILFRED FERNANDEZ,  
Platting Board Vice Chair

ATTEST:

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SLOAN VON GUNTEN,  
Platting Board Clerk

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

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# 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

August 12, 2020

Silk LLC  
PO Box 190727  
Anchorage, AK 99519

Case #: **2020-092 / 093**

Case Name: **GARRISON RIDGE**

Action taken by the Platting Board on August 6, 2020 is as follows:

1. THE PRELIMINARY PLAT FOR GARRISON RIDGE MASTER PLAN AND THE VACATION OF THE PUBLIC USE EASEMENT WAS APPROVED AND WILL EXPIRE ON AUGUST 12, 2026 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISION ARE ALSO INCLUDED.
2. THE SECTION LINE EASEMENT FOR FOR GARRISON RIDGE WAS APPROVED AND WILL EXPIRE ON AUGUST 12, 2026 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

SV

cc: DPW – Jamie Taylor  
Keystone Surveying, PO Box 2216, Palmer, AK 99645  
**Additional Plat Reviews After 2<sup>nd</sup> Final are \$100.00 Each**

*AM 20-091*

**FINDINGS of FACT:**

**FOR THE MASTER PLAN AND VACATIONS OF PUBLIC USE EASEMENTS**

1. The plat of Garrison Ridge is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
2. The vacations of the Public Use Easements, recorded at Book/Page 434/559 and Reception # 2011-007390-0, are consistent with MSB 43.15.036(B).
3. The vacations were posted in accordance with MSB 43.10.065(G).
4. A soils report was submitted, pursuant to MSB 43.20.281(A). Each lot has the required contiguous useable septic area and useable building area.
5. Frontage for the subdivision will exist pursuant to MSB 43.20.320 Frontage.
6. 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.
7. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers, ADF&G; Meadow Lakes Community Council; Fire Service Area #136 West Lakes; MSB Community Development, Capital Projects, Assessments, Pre-Design Division or Code Compliance; or GCI.
8. There were no objections from any federal or state agencies.
9. Enstar utility objected unless a 10' wide natural gas easement over an existing service line is granted.
10. There were two objections from the Planning Division and Department of Emergency Services on the vacation of the unconstructed portion of the Public Use Easement of N. Prospect Drive.
11. There were no objections from the public in response to the Notice of Public Hearing.
12. Mr. Holler, engineer of record, provided documentation supporting the removal of the condition of approval proving that Lot 4, Block 1 has sufficient contiguous useable septic area.

**CONDITIONS of APPROVAL:**

The Platting Board approved the preliminary plat for Garrison Ridge and the vacation of the Public Use Easement, contingent upon the following:

1. Obtain Assembly approval of the vacations within 30 days of the written approval of the Platting Board.
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.

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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. Construct interior streets and cul-de-sacs to residential street standards;
  - 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.
6. Show all easements of record on final plat.
7. Submit recording fees, payable to Department of Natural Resources (DNR).
8. Submit plat in full compliance with Title 43.
9. Vacation of Prospect Drive conditioned on the following either:
  - a. A second access being constructed into the area.
  - b. N. Meadow Lakes Road has been constructed and approved in the new alignment shown on the preliminary plat.

**FINDINGS of FACT:**

**FINDINGS OF FACT FOR VACATION OF THE SECTION LINE EASEMENT**

1. The vacation of the Section Line Easement is consistent with MSB 43.15.036(B).
2. The vacation was posted in accordance with MSB 43.10.065(G).
3. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers, ADF&G; Meadow Lakes Community Council; Fire Service Area #136 West Lakes; MSB Community Development, Capital Projects, Assessments, Pre-Design Division or Code Compliance; or GCI.
4. There were no objections from any federal or state agencies, Borough departments, or utilities.
5. There were no objections from the public in response to the Notice of Public Hearing.

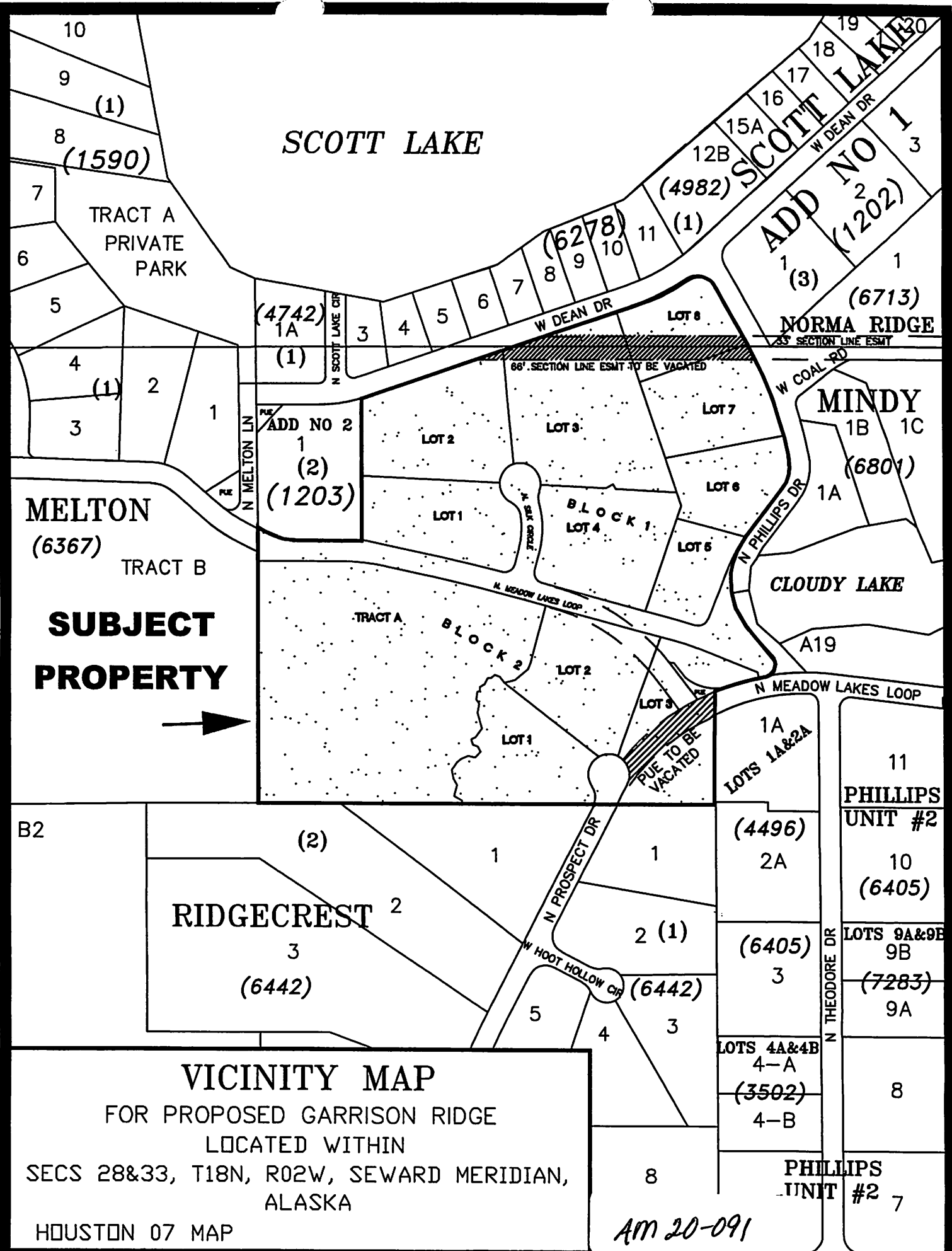
**CONDITIONS of APPROVAL:**

The Platting Board approved the vacation of the Section Line Easement for Garrison Ridge, contingent upon the following:

1. Obtain Assembly approval of the vacations within 30 days of the written approval of the Platting Board.

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. Submit recording fees, payable to Department of Natural Resources (DNR).
6. Submit plat in full compliance with Title 43.



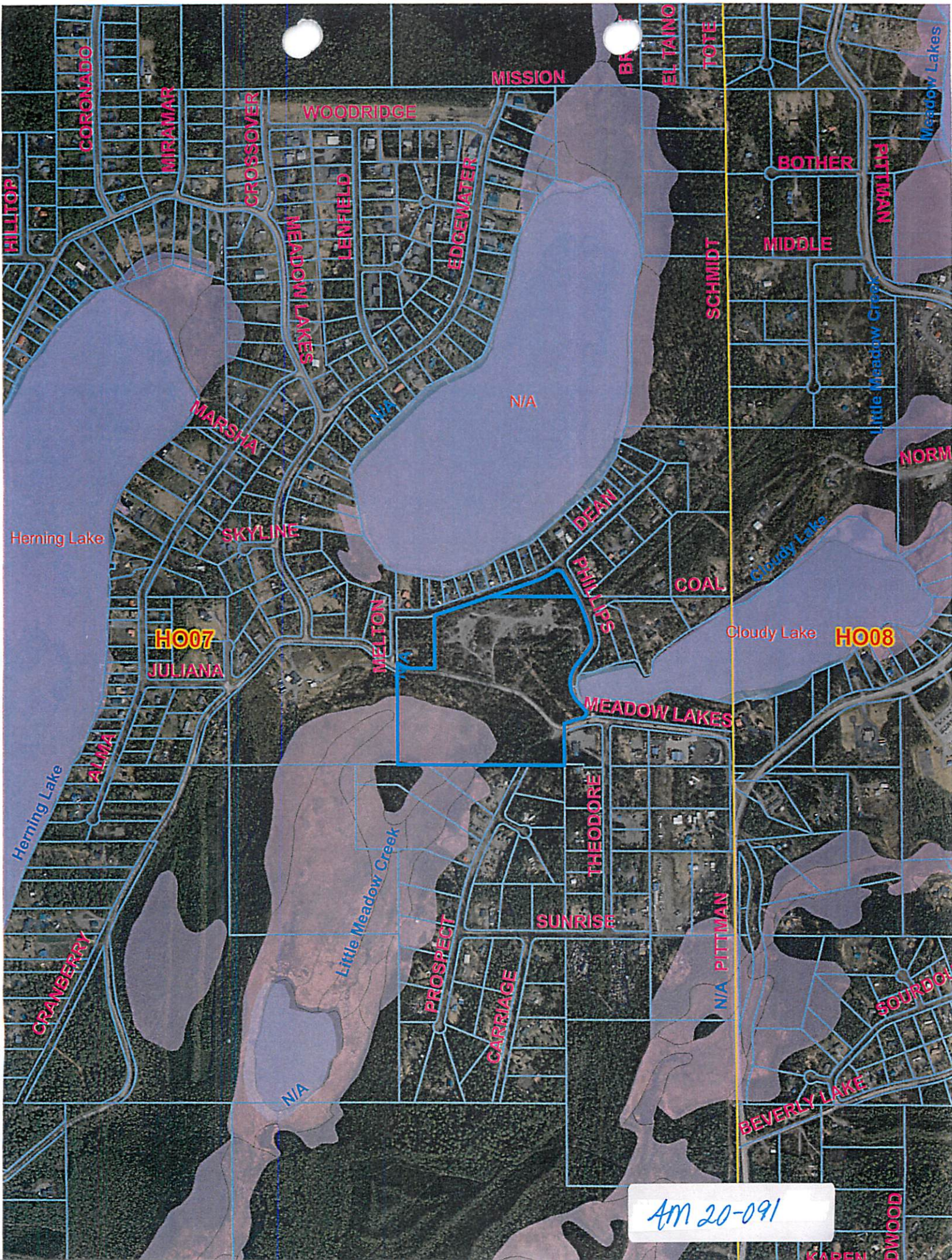






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