

SUBJECT: REQUEST TO VACATE A 90' X 140' PORTION OF S. BIRCH BARK DRIVE PUBLIC USE EASEMENT, LYING WITHIN LOT 5, BLOCK 3 OF HI-450 SUBDIVISION PHASE III, PLAT NO. 2002-134; LOCATED WITHIN SECTION 07, TOWNSHIP 23 NORTH, RANGE 03 WEST, SEWARD MERIDIAN, ALASKA, LYING NORTH OF S. HI-450 ROAD, NORTH OF SHEEP CREEK AND EAST OF S. PARKS HIGHWAY.

AGENDA: AUGUST 3, 2021

ASSEMBLY ACTION:

Approved under the consent agenda. 08.03.21 KBJ

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY MIKE BROWN, BOROUGH MANAGER: *WB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>[Signature]</i>	7/13/2021
	Finance Director	<i>[Signature]</i>	
	Borough Attorney	<i>[Signature]</i>	Term only
	Borough Clerk	<i>[Signature]</i>	7/26/21 KBJ

ATTACHMENT (S): Fiscal Note: Yes ☐ No ☒ X
 Platting Board Minutes, 07/01/2021 (6 pages)
 Notification of Action (3 pages)
 Vicinity Map (4 pages)

REASON FOR REQUEST: The request is to vacate a 40' X 140' portion of S. Birch Bark Drive Public Use Easement, lying within Lot 5, Block 3 of HI-450 Subdivision Phase III, Plat No. 2002-134; located within Section 07, Township 23 North, Range 03 West, Seward Meridian, Alaska, lying north of S. HI-450 Road, north of Sheep Creek and east of S. Parks Highway. Vacation of this portion allows for additional building area on Lot 5, Block 3, HI-450 Phase III, and leaves a remaining 90' wide Public Use Easement.

SUMMARY STATEMENT: On July 1, 2021 (written decision July 9, 2021), the Platting Board approved the vacation of a 90' x 140' portion of S. Birch Bark Drive Public Use Easement.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the vacation of the 90' X 140' portion of S. Birch Bark Drive Public Use Easement, 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.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on July 1, 2021, 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 LaMarr Anderson.

1. CALL TO ORDER

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

Platting Board members present and establishing a quorum:

Mr. LaMarr Anderson, District Seat #2, Chair
Mr. Dan Bush, District Seat #4
Mr. Dennis Vau Dell, District Seat #5
Mr. Wilfred Fernandez, District Seat #6, Vice Chair
Mr. Alan Leonard, District Seat #7 (by Teams)

Platting Board members absent and excused were:

Mr. Pio Cottini, District Seat #1
Mr. John Shadrach, District Seat #3
Ms. Amanda Salmon, Alternate
Ms. Barbara Doty, Alternate

Staff in attendance:

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

B. THE PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Platting Officer Fred Wagner.

C. APPROVAL OF THE AGENDA

Chair Anderson inquired if there were any changes to the agenda

GENERAL CONSENT: The agenda was approved without objections.

2. APPROVAL OF MINUTES

Chair Anderson inquired if there were any changes to the minutes for June 3, 2021.

GENERAL CONSENT: The minutes for June 3, 2021 were approved without objections.

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

A. Persons to Be Heard *(There are no persons to be heard)*

4. UNFINISHED BUSINESS: Quasi-Judicial Matters
(There is no Unfinished Business)

5. RECONSIDERATIONS/APPEALS
(There are no Reconsiderations/Appeals)

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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. ALLIANCE COUNTRY ESTATES: The request is to create 27 lots from Tax Parcel D2 (Parcel #2, MSB 40-Acre Exemption 2016-30-EXM, recorded as 2017-003166-0), to be known as Alliance Country Estates, containing 40 acres +/- . The plat is located south of N. Pittman Road and south of N. Edenfield Road (Tax ID# 18N02W24D002); within Section 24, Township 18 North, Range 02 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly District #7. (*Owner/Petitioner: Alliance Construction LLC; Surveyor: Bull Moose; Staff: Amy Otto-Buchanan*)

Chair Anderson:

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

Ms. Von Gunten provided the mailing report:

- Stating that 39 public hearing notices were mailed out on June 9, 2021.

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-069.
- Staff recommends approval of the case with findings of fact and conditions.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

Mr. Ellery Gibbs, the petitioner's representative, gave a brief overview of the case.

Chair Anderson:

- Opened the public hearing for public testimony.

The following person spoke regarding their concerns on the temporary cul-de-sac with safety concerns for children playing in the street: Mr. Randy Harford.

Chair Anderson:

- There being no one else to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Ellery Gibbs, the petitioner's representative, presented the case and will be talking with DPW on the subject of the cul-de-sac and the road design during the construction meeting. Answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

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MOTION: Platting Member Fernandez moved to approve the preliminary plat for Alliance Country Estates, with 8 recommendations. The motion was seconded by Platting Member Bush. There are 7 findings of facts.

VOTE: The motion passed with 4 in favor (Fernandez, Anderson, Bush, Leonard) and 1 against (Vau Dell).

TIME: 1:31 P.M.

CD: 0:30:29

B. S. BIRCH BARK DRIVE PUE VACATION: The request is to vacate a 90' X 230' portion of the Public Use Easement of S. Birch Bark Drive, within Lot 5, Block 3, containing 11.19 acres, Hi-450 Phase III, Plat No. 2002-134, to be known as S. Birch Bark Drive Public Use Easement Vacation. The vacation is located north of S. Hi-450 Road, north of Sheep Creek and east of S. Parks Highway (Tax ID# 5288B03L005); within Section 07, Township 23 North, Range 03 West, Seward Meridian, Alaska. In the Susitna Community Council and in Assembly District #7. (*Owner/Petitioner: Patrick Sinnott & Bonnie Harris-Sinnott; Surveyor: R & K Surveyors; Staff: Amy Otto-Buchanan*)

Chair Anderson:

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

Ms. Von Gunten provided the mailing report:

- Stating that 28 public hearing notices were mailed out on June 9, 2021.

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-070.
- Staff recommends approval of the case with findings of fact and conditions.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

Mr. Bob Barnett, the petitioner's representative, gave a brief overview.

Chair Anderson:

- Opened the public hearing for public testimony.
- There being no one to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Bob Barnett, the petitioner's representative, gave an explanation & summary on why the need to vacate a portion of the PUE. Agrees with all the recommendations and answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

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MOTION: Platting Member Fernandez moved to approve the vacation of a 90' X 230' portion of S. Birch Bark Drive Public Use Easement, with 7 recommendations. The motion was seconded by Platting Member Bush. There are 6 findings of facts.

Amended

MOTION: Platting Member Vau Dell moved to amend the motion to modify finding #6. The motion was seconded by Platting Member Bush.

FINDING:

- Modify #6: There were 4 objections from the public in response to the Notice Public Hearing.

Amended

VOTE: The amended motion passed in favor by general consent.

Discussion on the dimensions for the vacation.

Amended

MOTION: Platting Member Bush moved to amend the motion to change the dimension of the vacation of 90' to 140' portion of the PUE. The motion was seconded by Platting Member Vau Dell.

More Discussion on the vacation portion of the public use easement.

Amended

VOTE: The amended motion to change the vacation dimensions passed with 4 in favor (Anderson, Bush, Leonard, Fernandez) and 1 against (Vau Dell).

Main Motion

VOTE: The amended motion to change the vacation dimensions passed with 4 in favor (Vau Dell, Anderson, Bush, Fernandez) and 1 against (Leonard).

TIME: 2:08 P.M.

CD: 01:08:10

C. WOLF ESTATES MASTER PLAN: The request is to create 14 lots, by three phases, from Tax Parcels D4 and D5, to be known as Wolf Estates Master Plan, containing 40 acres +/- . The plat is located south of E. Tex-Al Drive and west of N. Engstrom Road (Tax ID # 18N01E16D004/D005); located within the NE ¼ SE ¼ Section 16, Township 18 North, Range 01 East, Seward Meridian, Alaska. In the Fishhook Community Council and in Assembly District #6. (*Owner/Petitioner: WM Construction, LLC; Surveyor: HLS; Staff: Amy Otto-Buchanan*)

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Chair Anderson:

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

Ms. Von Gunten provided the mailing report:

- Stating that 74 public hearing notices were mailed out on June 9, 2021.

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-077.
- Staff recommends approval of the case with findings of fact and conditions.
- Would like to correct finding #8 wordage stating: There were no objections from the public in response to the Notice of Public Hearing.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

The Petitioner and/or the petitioner's representative passed on giving a brief overview.

Chair Anderson:

- Opened the public hearing for public testimony.
- There being no one to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Craig Hanson, the petitioner's representative, explained the development of the subdivision and the traffic count. Agrees with all the recommendations and answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Leonard moved to approve the preliminary plat for Wolf Estates Master Plan, with 7 recommendations. The motion was seconded by Platting Member Vau Dell. There are 8 findings of facts.

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

TIME: 2:28 P.M.

CD: 01:28:11

7. ITEMS OF BUSINESS & MISCELLANEOUS

(There are no Items of Business & Miscellaneous)

8. PLATTING STAFF & OFFICER COMMENTS

A. Adjudicatory *(if needed)*

B. Upcoming Platting Board Agenda Items

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Mr. Wagner provided a brief update on cases that will be coming before the Platting Board on July 15, 2021. Gave an update of hiring a full time technician and also a part time tech position.

Ms. Von Gunten had no announcements.

9. BOARD COMMENTS

- Platting Member Leonard had no comments.
- Platting Member Bush thanked staff for their work.
- Platting Member Vau Dell said happy independence day to everyone.
- Platting Member Fernandez asked staff if the board can help in any way due to being short staffed.
- Platting Member Anderson thanked staff and the board for their work.

10. ADJOURNMENT

With no further business to come before the Platting Board, Chair Anderson adjourned the meeting at 2:33 p.m. (CD: 01:33:38)

LAMARR ANDERSON,
Platting Board Chair

ATTEST:

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

PLATTING BOARD ACTION LETTER

July 9, 2021

Patrick Sinnett
Bonnie Harris-Sinnett
9330 Strathmore Drive
Anchorage, AK 99502

Case #: **2021-070**

Case Name: **S BIRCH BARK DRIVE PUE VACATION**

Action taken by the Platting Board on July 1, 2021 is as follows:

THE VACATION OF 90' X 140' PORTION OF S. BIRCH BARK DRIVE PUBLIC USE EASEMENT WAS APPROVED AND WILL EXPIRE ON JULY 9, 2027 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

R & K Land Surveying, LLC
PO Box 606
Willow, AK 9688

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

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Phillip Schoffstall
6770 Sherwood Avenue
Anchorage, AK 99504

Travis O'Brien
11823 Rainbow Ave.
Anchorage, AK 99516

Beatric Campbell
8101 E 3rd
Anchorage, AK 99504

Chad & Fauna Reynvaan
11621 Ellen Ave.
Anchorage, AK 99515

Patricia Pichany
HC 89 Box 622
Willow, AK 99688

Stephen Rafuse
1922 Toklat Street
Anchorage, AK 99508

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FINDINGS of FACT:

1. The vacation is consistent with MSB 43.15.035(B).
2. A soils report was not required, as this is a vacation plat.
3. A posting affidavit of vacation notice was provided to Platting staff.
4. 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; Community Council Susitna; Road Service Area #16 Caswell; MSB Community Development, Assessments, Planning, Pre-Design Division or Development Services; or MEA
5. There were no objections from any federal or state agencies, or Borough departments.
6. There were 4 objections from the public in response to the Notice of Public Hearing.

CONDITIONS of APPROVAL:

The Platting Board approved the vacation of a 90' X 140' portion of S. Birch Bark Drive Public Use Easement, contingent upon the following:

1. Obtain approval of the vacation from the Assembly within 30 days of the written decision.
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. Show all easements of record on final plat.
6. Submit recording fees, payable to Department of Natural Resources (DNR).
7. Submit final plat in full compliance with Title 43.

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FI 450

BIRCH BARK

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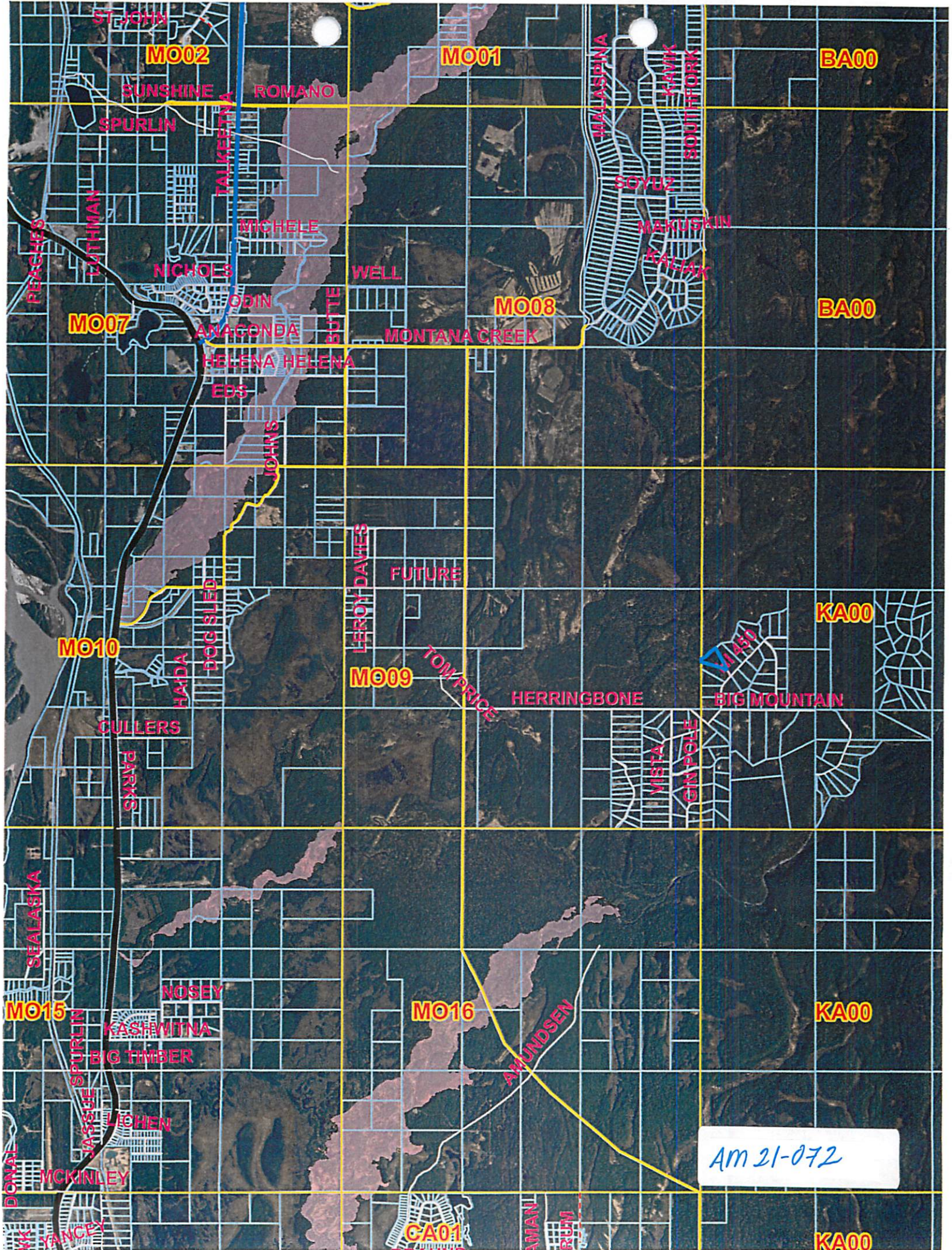
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