

SUBJECT: VACATE MAJORITY OF THE 33-FOOT WIDE SECTION LINE EASEMENT LYING ALONG THE SOUTH BOUNDARY OF LOTS 18 & 19, ROCKY POINT PHASE 2, PLAT NO. 2020-82 AND TRACT A, ROCKY POINT PHASE 1, PLAT NO. 2019-92 EXCEPT FOR A 33' X 33' TRIANGLE SECTION LINE EASEMENT TO REMAIN ON THE WEST SIDE OF LOT 18, ROCKY POINT PHASE 2. LOCATED IN SECTION 10, TOWNSHIP 17 NORTH, RANGE 2 EAST, SEWARD MERIDIAN, ALASKA.

ASSEMBLY DISTRICT 2: STEPHANIE NOWERS

AGENDA: APRIL 19, 2022

ASSEMBLY ACTION:
Approved under the Consent Agenda 4-19-22

MANAGER RECOMMENDATION: Present to the assembly for consideration. *(Signature)*

APPROVED BY MICHAEL BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FLW</i>	
	Planning Director	<i>(Signature)</i>	
	Finance Director	<i>(Signature)</i>	
	Borough Attorney	<i>(Signature)</i>	
	Borough Clerk	<i>Done 4/11/22</i>	<i>(Signature)</i>

ATTACHMENT (S): Fiscal Note: Yes No

- Platting Board Minutes, 3/17/2022 (3 pages)
- Platting Board Action Letter, 3/25/2022 (4 pages)
- Vicinity Map (1 page)
- SOA DNR DML&W Preliminary Approval (7 pages)

REASON FOR REQUEST: The subject Section Line Easement is isolated and can only provide access from the Matanuska River to the subject Lots 18 & 19 and to the lands abutting to the west and south. The lands directly west are not encumbered by a SLE so the subject SLE dead ends - on both sides of the common Section 10 & 15 section line - at the west boundary of the Rocky Point Phase 2. Parcels to the west and south are currently accessed by dedicated right-of-way. Public access to the adjoining/adjacent parcels is not negatively affected by this action. If public access from or to the river is required, the abutting 50' SLE in Section 15 is sufficient to satisfy future needs.

SUMMARY STATEMENT: On March 17, 2022 (written decision March 25, 2022), the Platting Board approved the vacation of the 33-foot wide Section Line Easement except for a 33' x 33' triangle section line easement to remain on the west side of Lot 18, Rocky Point Phase 2. Alternate public access is provided by the abutting 50' SLE in Section 15.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a), as equal or better access exists. Vacation is pursuant to MSB 43.15.035.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on March 17, 2022, 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 Alan Leonard.

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, District Seat #1
Mr. Emmett Leffel, District Seat #2
Mr. Dan Bush, District Seat #4
Ms. Linn McCabe, District Seat #5
Mr. Alan Leonard, District Seat #7, Vice Chair
Ms. Amanda Salmon, Alternate

Platting Board members absent and excused were:

Mr. John Shadrach, District Seat #3
Mr. Wilfred Fernandez, District Seat #6, Chair
Vacant, Alternate

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Sloan Von Gunten, Platting Administrative Specialist
Ms. Kimberly McClure, Platting Technician
Mr. Matthew Goddard, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Ms. Linn McCabe.

C. APPROVAL OF THE AGENDA

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

GENERAL CONSENT: The agenda was approved without objections.

2. APPROVAL OF MINUTES

Vice Chair Leonard inquired if there were any changes to the minutes for February 17, 2022.

GENERAL CONSENT: The minutes for February 17, 2022 were approved without objections.

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

PRESENTATION: The Official Streets and Highways Plan by Planning, Adam Bradway.

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

Am 22-034

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

TIME: 1:37 P.M.

CD: 0:37:33

C. ROCKY POINT: The request is to vacate the 33-foot wide Section Line Easement lying along the south boundary of Lots 18 & 19, Rocky Point Phase 2, Plat No. 2020-82. The property is located south of N. River Rock Circle and west of Matanuska River (Tax ID #8040000L018 & L019); lying within the SE ¼ Section 10, Township 17 North, Range 02 East, Seward Meridian, Alaska. In the Greater Palmer Community Council and in Assembly District #2. (*Owner/Petitioner: Rocky Point Development LLC/GHM Trust; Surveyor: Keystone; Staff: Kimberly McClure*)

Vice Chair Leonard:

- 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 67 public hearing notices were mailed out on February 23, 2022.

Ms. Kimberly McClure:

- Gave an overview of the case, #2022-015.
- Staff recommends approval of the case with findings of fact and conditions.

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

Mr. Kevin Sorenson, the petitioner's representative, gave a brief overview.

Vice Chair Leonard:

- Opened the public hearing for public testimony.

The following person spoke regarding their concerns on the easement being taken away for those accessing the land to the south. The State of Alaska owns the property to the south. Handed the platting clerk an exhibit of a design drawing of the property on what the state might do: Mr. Joseph Mazut.

Vice Chair Leonard

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

Mr. Gary LoRusso, the petitioner's representative, explained the vacation action on the property and answered questions from the platting board. Gave three exhibits to the clerk for the board to view regarding the action and placement on the property. Agrees with all the recommendations.

Vice Chair Leonard moved to the Platting Board for a motion.

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MAIN

MOTION: Platting Member Leffel moved to approve the vacation of the Section Line Easement within Lots 18 & 19 with 9 recommendations. The motion was seconded by Platting Member Cottini

AMENDED

MOTION: Platting Member Bush moved to amend the motion to add recommendation #10. The motion was seconded by Platting Member Cottini

AMENDED

VOTE: The amended motion to add recommendation #10 passed with all in favor by general consent.

TIME: 2:18 P.M.

CD: 01:18:34

BREAK: Time for staff to help the board with the wordage for recommendation #10.

TIME: 2:29 P.M.

CD: 01:29:19

RECOMMENDATIONS:

- Add #10: Petitioner to show 33' x 33' triangle Section Line Easement remaining on the west side of Lot 18, Rocky Point Phase 2.

MAIN MOTION

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

D. BACKWORKIN: The request is to create five lots from Lot 5, Block 1 and three lots from Lot 9, Block 2, Dunworkin, Plat No. 78-65, to be known as Backworkin, containing 9.26 acres +/- . The property is located north of W. Sunset Avenue and directly west and east of S. Gon Fishin Drive (Tax ID #1453B01L005 & 1453B02L009); lying within the SE ¼ Section 28, Township 17 North, Range 02 West, Seward Meridian, Alaska. In the Knik-Fairview Community Council and in Assembly District #5. (*Owner/Petitioner: Premier Homes LLC; Surveyor: Southwest AK; Staff: Kimberly McClure*)

Vice Chair Leonard:

- 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 95 public hearing notices were mailed out on February 23, 2022.

Ms. Kimberly McClure:

- Gave an overview of the case, #2022-016.
- Staff recommends approval of the case with findings of fact and conditions.

Am 22-034



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

March 25, 2022

Rocky Point Development, LLC
PO Box 4136
Palmer, AK 99645

Case #: 2022-015

Case Name: ROCKY POINT SLE VACATION

Action taken by the Platting Board on March 17, 2022 is as follows:

THE VACATION OF THE SECTION LINE EASEMENT WITHIN LOTS 18 & 19 FOR ROCKY POINT PH ASE 2 WAS APPROVED AND WILL EXPIRE ON MARCH 25, 2028 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 2nd Final are \$100.00 Each

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Joseph Mazut
1401 S. Mary Street
Palmer, AK 99645

Ben Price
1410 S. Mary Street
Palmer, AK 99645

Bryan Barlow
1360 N. River Rock Cir.
Palmer, AK 99645

Ofelia Lozano
7116 E. Riparian Loop
Palmer, AK 99645

James Burnem
14900 Omalley Dr.
Palmer, AK 99645

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FINDINGS OF FACT

1. The vacation 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 43.15.035.
3. Petitioner has provided information required pursuant to MSB 43.15.040.
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 has provided 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(D).
7. At the time of staff report write-up, there were no responses to the Request for Comments from USACE, US Postmaster, Community Council Greater Palmer; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Emergency Services, Community Development, Capital Projects, Assessments, Planning or MEA.
8. There were no objections from any federal or state agencies, or Borough departments.
9. At the time of staff report write-up, there was one objection 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 within Lots 18 & 19, Rocky Point Phase 2, contingent upon the following:

1. Obtain approval from the Assembly for the vacation of the Section Line 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. Provide signatory authority for GHM Trust.
5. Pay postage and advertising fees.
6. Provide final approval from State of Alaska for Section Line Easement Vacation.
7. Provide plat copies of the section line vacation plat drawn to the requirement of the state of Alaska pursuant to MSB 43.15.040(B)(5).

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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. Petitioner to show 33' x 33' triangle Section Line Easement remaining on the west side of Lot 18, Rocky Point Phase 2.

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N/C

15

TR C-3
(8096)

16

24

17

23

ROCKY POINT

22

PH 2

21

(8040)

20

18

19

~~50' SECTION LINE ESMT~~

50' SECTION LINE ESMT

B14

1

PROPOSED SECTION LINE EASEMENT VACATION

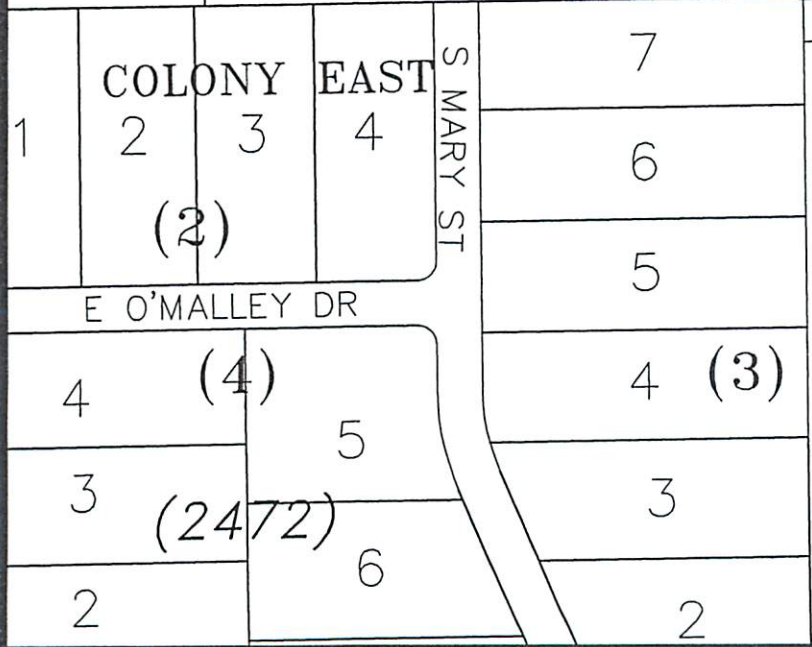
C6

N/C

N RIVER ROCK CIR

MATANUSKA RIVER

TR A
OPEN SPACE



VICINITY MAP

FOR PROPOSED ROCKY POINT
SECTION LINE EASEMENT VACATION
LOCATED WITHIN SECTION 10, T17N, R02E,
SEWARD MERIDIAN ALASKA

AM 22-034

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

Preliminary Decision
Petitioners: Kevin & Diana Sorenson

Section Line Easement Vacation
EV-3-331

Petitioned Action:

The original petitioned action consisted of vacating the 33-foot wide section-line easement (SLE) lying within Tract C, Rocky Point Phase 1 (Plat 2019-92 Palmer Recording District). Since the petition was received said Tract C was subdivided by the plat of Rocky Point Phase 2 (Plat 2020-82 PRD) creating Lots 18 & 19; which overlap the above SLE.

The **Proposed Action** now consists of vacating the 33-foot wide SLE lying along the south boundary of said Lots 18 & 19, Rocky Point Phase 2. This action lies within the SE1/4 of Section 10, Township 17 North, Range 2 East, Seward Meridian, as depicted in Attachment A.

The reasons cited by the applicant:

- The Section-Line Easement has never been used for accessing public lands.
- The Section-Line Easement is isolated by private land.
- The Section-Line Easement is a burden on the property by reducing use.
- The Section-Line Easement can encourage trespass on private land.
- The access to the State land to the east is impractical.

Legal Authority:

AS 19.10.010, AS 19.30.410, AS 38.05.035, AS 38.05.945, 11 AAC 51.025, 11 AAC 51.065 and 11 AAC 51.100

The Alaska Department of Transportation and Public Facilities (DOT/PF) and the Department of Natural Resources (DNR) have concurrent authority for approving the vacation of SLEs.

Administrative Record:

The DNR Survey Case File EV-3-331 constitutes the administrative record used for the basis of this decision.

Borough:

The proposed action is located within the Matanuska Susitna Borough (MSB).

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Attachment T

State Easement Interest:

A 33-foot wide section-line easements exist within the subject properties pursuant to Chapter 19, SLA 1923 (See Discussion #1b below).

A 50-foot wide SLE exists in the property abutting to the south in the NE1/4 of Section 15 pursuant to AS 19.10.010 (See Discussion #1c below).

Underlying Interest:

The petitioners at the time the petition was submitted owned the estate underlying the SLE's proposed for vacation. Now the petitioner is acting on behalf of the current owners.

Alternate Route:

The petition states the proposed alternate access is via adjacent State land via the DePreist Avenue right-of-way which lies approximately 950-feet south. Realistically, the subject SLE is isolated and can only provide access from the Matanuska River to the subject Lots 18 & 19 and to the lands abutting to the west and south. The lands directly west are not encumbered by a SLE so the subject SLE dead ends - on both sides of the common Section 10 & 15 section line - at the west boundary of the Rocky Point Phase 2. Parcels to the west and south are currently accessed by dedicated rights-of-way.

Public access to the adjoining and adjacent parcels is not negatively affected by this action. If public access from or to the river is required, the abutting 50' SLE in Section 15 is sufficient to satisfy future needs.

Land Management Policies:

1) Pursuant to AS 19.30.410 the Department of Natural Resources, the Department of Transportation and Public Facilities, or another agency of the state may not vacate a right-of-way acquired by the state under former 43 U.S.C. 932 unless:

- a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses.

2) 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:

The petitioner on the petition received March 2020 states "This SLE has no known history of use. A field inspection was not conducted prior to issuing this decision. In satellite imagery the subject SLE appears to be is unconstructed.

Practicality of Use:

The SLE proposed to be vacated, as well as the 50-foot wide SLE in Section 15, are isolated segments that only provide access from the Matanuska River – or vice versa – to said Lots 18 & 19, to the lands abutting directly to the south and to the west and to Lot 7, Colony East Subdivision. Platted and dedicated public access exists to the uplands abutting to the south and to the west and to Lot 7, Colony East Subdivision via dedicated rights-of-way per said Colony East Subdivision. No other properties abut these SLEs.

Agency Review:

Initial Agency review of the proposed action began on May 1, 2020 and concluded August 18, 2021. 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 – South Central Regional Office (SCRO), Alaska Mental Health Trust Land Office (MHTLO) and DNR Division of Parks and Outdoor Recreation (DPOR).

Agency Comments:

1. All agencies submitted comments of non-objection.
2. No other comments or objections on the proposed action were received.

Discussion:

1. Determination of the existence of the Section-Line Easements:

- a. The US Rectangular Survey Plat for Township 17 North, Range 2 East, Seward Meridian, Alaska was approved by the General Land Office on August 10, 1916. Said USRS approved the survey of the subject section line (i.e., the line common to Sections 10 & 15).
- b. The lands underlying the SLEs proposed to be vacated were conveyed into private ownership by Patent No. 1100802. The date of entry (application filed) according to the case file abstract for BLM case file AKA 008004 was November 7, 1932. *Because the DOE is subsequent to USRS plat approval BLM Historical Index research must be conducted to verify if, or when the subject lands were unappropriated and unreserved.*
- c. The lands abutting to the west and south were conveyed into private ownership by Patent No. 760238. The date of entry (application filed) according to the case file abstract for BLM case file AKJ 003494 was January 15, 1917.
 - i. Said DOE is prior to USRS plat approval; therefore, the subject private lands were reserved prior to Ch. 19 SLA 1923, the Territory's 1st SLE law, and no RS 2477 SLE could attach; however,
 - ii. On May 10, 1963, the Judge of the Superior Court – regarding the matter of the Estate of John August Springer – signed the "Decree Settling Final Account of Administrator" "No. 61-373 P" recorded October 9, 1963 in

Book 599 at pages 001-007, stating in part "It is FURTHER ORDERED. ADJUDGED and DECREED that the same is hereby transferred to and becomes the property of the STATE OF ALASKA, as preferential lien claimant, as of the 7th day of May, 1963..."

d. BLM Historical Index research:

- i. March 12, 1914: Act of Congress – N/A – this document empowers, authorizes & directs the POYUS to adopt guidelines, procedures & etc. necessary to establish a railroad in the territory of Alaska.
- ii. March 4, 1915: Act of Congress – N/A – reserved Sections 16 & 36 and other areas in the Tanana Valley for School Sections, indicating said reservation goes into effect when said lands are surveyed.
- e. June 22, 1915: Executive Order (EO) 2217 – N/A – said EO reserved the timber along proposed railroad corridors. This EO specifically states "Provided, that said timber reservation shall not prevent the location, settlement, or entry under the public land laws applicable to the Territory of Alaska..."
- f. November 26, 1924: EO 4107 – N/A – revoked the EO 2217 timber reservation.
- g. November 7, 1932: Date of Entry for Patent 1100802. According to the HI research above, the subject lands in Section 10 were unappropriated and unreserved on this date. **For surveyed federal land that was unappropriated and unreserved at any time on or after April 6, 1923 through January 17, 1949, the width identified in Ch. 19, SLA 1923 for any section-line easement is 33 feet (11 AAC 51.025, editor's note #2).**
- h. February 4, 1935: EO 6957 – temporarily withdrew T17N, R2E from settlement, location, sale & entry. This withdrawal did not affect the SLE in Section 10, noted in "g" above; it is a valid existing right.
- i. May 29, 1935: EO 7047 – modified EO 6957 so as to permit settlement on the lands in Section 15.
- j. July 17, 1936: EO 7416 – modified EOs 6957 & 7047 to permit entry in certain lands.
- k. October 17, 1940: Act of Congress – N/A – releases the school section reservation under the 1915 Act.
- l. April 13, 1954: Public Land Order (PLO) 953 modifies EO 6957 to permit leasing.
- m. March 9, 1961: PLO 2294 revokes EO 6957.
- n. May 7, 1963: Court Decree No. 61-373P - Decree Settling Final Account of Administrator – as noted above in 2(c)(ii), this decree states in part "It is FURTHER ORDERED. ADJUDGED and DECREED that the same is hereby transferred to and becomes the STATE OF ALASKA, as preferential lien claimant, as of the 7th day of May, 1963..." The reference to "the same" refers to the "residue of the estate" – mainly cash and remaining properties to be distributed to the State of Alaska. Page 5 of 7 of said decree provides a legal description of the properties, which includes "that remaining portion of Government Lot 1 in the NW1/4 of NE1/4 of Section 15, Township 17 North, Range 2 East, Seward Meridian, Alaska". **For surveyed or unsurveyed land owned by the State of Alaska at any time on or after July 1, 1960 the width identified in AS 19.10.010 is 50 feet (11 AAC 51.025, editor's note #7).**

- 2. The proposed alternate access is reasonably comparable and meets the requirements for vacation of the subject section-line easements pursuant to AS 19.30.410 and 11 AAC 51.065. The proposed alternate route is adequately wide to satisfy all present and reasonably foreseeable uses. Continued access to adjacent lands is ensured by the dedicated rights-of-way in nearby subdivisions and by the remaining SLEs.
- 3. 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.

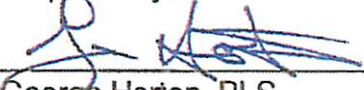
Approval of the proposed action is contingent upon the following conditions:

- 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. The advertising cost for Public Notice is at the expense of the applicant.
- 2. The current property owners of the subject Lots 18 & 19 shall be required to approve and sign the final section-line easement vacation plat.
- 3. Comply with MSB's conditions of approval unless waived by the Director, DMLW.
- 4. A final plat (owner signed / surveyor sealed Mylar) must be submitted to DNR within two years from the date of approval of the Final 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 subject section-line 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:

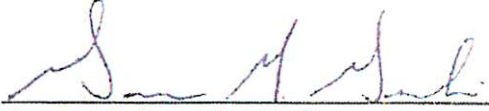


 George Horton, PLS
 For the Adjudicator

8/27/2021

 Date

Approved by:



 Gwen M. Gervelis, PLS
 Chief, Survey Section

8/31/2021

 Date

AM 22-034

PUBLIC NOTICE:

**Notice of Preliminary Decision
Section Line Easement Vacation
EV-3-331**

Pursuant to AS 19.30.410 & 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 vacating the 33-foot wide section-line easement (SLE) lying within Lots 18 & 19, Rocky Point Phase 2 (Plat 2020-82 PRD). This action lies within the SE1/4 of Section 10, Township 17 North, Range 2 East, Seward Meridian.

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/Login.aspx>. All comments must be received in writing at DMLW by 5:00 p.m. on October 4, 2021. **To be eligible to appeal, one must respond in writing during the comment period.**

If public comment analysis indicates the need for significant changes to the PD, additional public notice will be given. If no significant change is required, the PD, including any minor changes, will be issued as a Final Decision (FD). To obtain PD/FD copy, reference case number EV-3-331; include date, your email and mailing address and telephone number. If you have any questions, contact DNR, Victoria Braun, 375-7733 or victoria.braun@alaska.gov.

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.

ATTACHMENT A

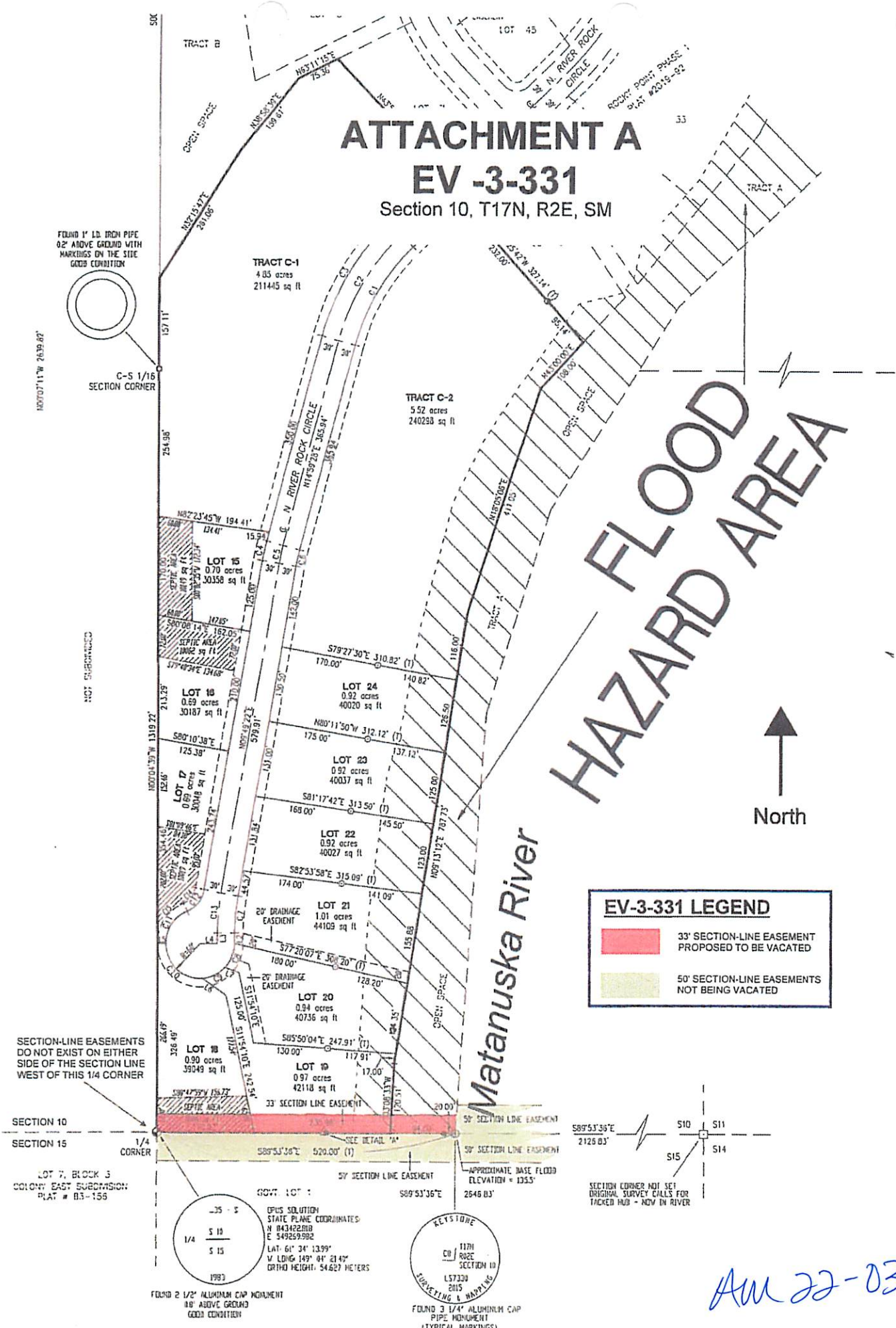
EV -3-331

Section 10, T17N, R2E, SM

FLOOD HAZARD AREA



EV-3-331 LEGEND	
	33' SECTION-LINE EASEMENT PROPOSED TO BE VACATED
	50' SECTION-LINE EASEMENTS NOT BEING VACATED



FOUND 1" I.D. IRON PIPE
0.2' ABOVE GROUND WITH
MARKINGS ON THE SIDE
GOOD CONDITION

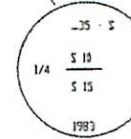
C-S 1/16
SECTION CORNER

NOT SHOWN

SECTION-LINE EASEMENTS
DO NOT EXIST ON EITHER
SIDE OF THE SECTION LINE
WEST OF THIS 1/4 CORNER

SECTION 10
SECTION 15
1/4
CORNER

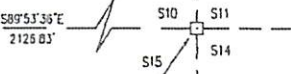
LOT 7, BLOCK 3
COLONY EAST SUBDIVISION
PLAT # 83-155



OPUS SOLUTION
STATE PLANE COORDINATES:
N 043422.010
E 549259.982
LAT: 61° 34' 13.99"
V. LONG: 149° 04' 21.45"
ORTHO HEIGHT: 54627 METERS



FOUND 3 1/4" ALUMINUM CAP
PIPE MONUMENT
(TYPICAL MARKINGS)



SECTION CORNER NOT SET
ORIGINAL SURVEY CALLS FOR
TACKED NUB - NOW IN RIVER

Am 22-034