

NONCODE ORDINANCE

Sponsored By: Borough Manager
Introduced: 10/18/22
Public Hearing: 11/22/22
Adopted: 11/22/22

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 22-124**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE REQUEST BY AGRICULTURAL RIGHTS HEIRS TO AMEND THE PREVIOUS SUBDIVISION REQUEST FOR THE AGRICULTURAL RIGHTS ESTATE PROPERTY TO SEPARATE THE TITLE INTEREST OF THE HEIRS (MSB007376).

WHEREAS, on October 30, 2018, the Assembly approved Ordinance Serial No. 18-101 allowing the subdivision as proposed, to subdivide and combine four parcels into two new parcels that would separate the heirs' title interest as conveyed through their father's estate, Arthur Petersen; and

WHEREAS, on May 10, 2022, the applicants requested an amendment of the subdivision request to subdivide three parcels, a total of 680 acres, into two parcels and create a 440 acre parcel (Mark Petersen) and a 240 acre parcel (Cindy Mattingley; and

WHEREAS, the recorded conditions, covenants, and restrictions states, "Further subdivision of the property is prohibited, except where the owner applies to the Assembly for such subdivision and where the Assembly finds that such subdivision, if permitted, could reasonably be expected to increase the agricultural production to be realized from the new parcel to be generated by virtue of the fact that it will be added to an adjacent farm, or a similar

circumstance favorable contributing to the economics of agricultural production."

WHEREAS, the proposed subdivision will allow the heirs to pursue their individual agricultural endeavors that will favorably contribute to the economics of agricultural production and allow the heirs the ability to separate their real property title interest; and

WHEREAS, on September 21, 2022, the Agriculture Advisory Board passed Resolution Serial No. 22-02 recommending Assembly action to approve the request of the heirs and to subdivide the estate parcels.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a noncode ordinance.

Section 2. Prior Approval. This Ordinance Serial No. 22-124 supersedes the previous subdivision approval adopted on October 30, 2018, Ordinance Serial No. 18-101.

Section 3. Public Notice. Notwithstanding the requirements of MSB 23.05.025 (C), all other public notice requirements for MSB 23.05.025 were met during June 28, 2022 through July 29, 2022; and publication did occur in the Frontiersman September 2, 16, 21, 23, and 28, 2022, with staff accepting written comments from September 1 through September 30, 2022, and no comments were received.


Section 4. Subdivision Approval. The Assembly hereby approves the request for the agricultural rights heirs to separate the title interest by subdivision as provided in Information Memorandum No. 22-223.

Section 5. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this 22 day of November, 2022.


EDNA DeVRIES, Borough Mayor

ATTEST:


LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)



PASSED UNANIMOUSLY: Hale, Nowers, McKee, Yundt, Tew, Sumner, and Bernier