

SUBJECT: ELIMINATE THE 15' WIDE UTILITY EASEMENT WITHIN LOT 1A, BLOCK 3, SETTLERS BAY UNIT NO. 1 ADDITION NO. 1, PLAT NO. 2000-74, LOCATED IN SECTION 27, TOWNSHIP 17 NORTH, RANGE 02 WEST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 5: DAN MAYFIELD

AGENDA: MAY 1, 2015

ASSEMBLY ACTION:

Approved Under the Consent Agenda 5-1-18

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>ZW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>BA</i>	<i>4-23-18</i>

ATTACHMENT (S): Fiscal Note: Yes _____ No X

Minutes	(2 pages)
Notification of Action	(2 pages)
Utility Companies' Non-Objections	(5 pages)
Vicinity Map	(1 page)

REASON FOR REQUEST: The request is to eliminate a 15' wide utility easement within Lot 1A, Block 3, Settlers Bay Unit No. 1 Add No 1. This easement is unused, and all utility companies (MEA, MTA, GCI and Enstar) have provided letters of non-objection.

SUMMARY STATEMENT: On April 5, 2018 (written decision April XX, 2018), the Platting Board approved the elimination of the 15' wide utility easement, contingent on Assembly approval.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the elimination as the Platting Board's decision to vacate is consistent with MSB 43.15.032(A)(1)(a)(i) which notes an elimination is possible where there are currently no existing improvements within the subject easement.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on April 5, 2018, 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 the Chair Jay Van Diest.

1. CALL TO ORDER

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

Platting Board members present and establishing a quorum:

Mr. Jay Van Diest, District #1 (Chair)
Mr. LaMarr Anderson, District #2
Mr. Gregory Pugh, District #3
Mr. Dennis Vau Dell, District #5
Mr. George Thompson, District #7
Mr. John Shadrach, Alternate #2

Platting Board member excused or absent:

Mr. Jordan Rausa, District #4 (Vice Chair)
Mr. Patrick Johnson, District #6

Staff in attendance:

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

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by George Thompson.

C. APPROVAL OF THE AGENDA

Chair Jay Van Diest inquired if there were any changes to the agenda.

GENERAL CONSENT: The agenda was approved without objections.

2. APPROVAL OF MINUTES

Chair Jay Van Diest inquired if there were any changes to the minutes for March 1, 2018.

GENERAL CONSENT: The minutes for March 1, 2018 were approved without objection.

3. UNFINISHED BUSINESS

None

4. PUBLIC HEARINGS

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DISCUSSION:

- Vau Dell asked about fire

VOTE:

- The motion passed with all in favor. There are 16 findings.

TIME: 2:14 P.M.

CD: 01:10:09

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

Gary LoRusso

- Thanked Eileen for work that was done.

5. ITEMS OF BUSINESS & MISCELLANEOUS

A. FIRESTATION 6-2

Fred Wagner & Eileen Probasco gave an overview and explanation of why the action is coming before the board.

MOTION:

- Pugh moved to approve the elimination of the 15' wide utility easement for Firestation 6-2. The motion was seconded by Vau Dell.

DISCUSSION:

- Talked about procedures on the action.
- Discussion on the 15' wide utility easement.

Anderson called for the question.

VOTE:

- The motion to approve the elimination of the 15' wide utility easement passed with all in favor. There are 7 recommendations and 7 findings.

6. RECONSIDERATIONS/APPEALS

7. PLATTING STAFF & OFFICER COMMENTS

- There is 1 case to be heard at the next Platting Board Meeting.
- There will be a presentation on the updated construction manual at the next meeting.
- The Clerk let the board know that they will be going electronic this summer.

8. BOARD COMMENTS

- Pugh commented on sending emails to staff.

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MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

Phone (907) 861-7874 • Fax (907) 861-8407

NOTIFICATION OF ACTION

April 11, 2018

Matanuska-Susitna Borough

Jeff Walden

350 E. Dahlia Ave

Palmer, AK 99645

Case #: **2018-008**

Case Name: **FIRESTATION 6-2 & VACATIONS**

Action taken by the Platting Board on April 5, 2018 is as follows:

THE ELIMINATION OF THE 15' WIDE UTILITY EASEMENT FOR FIRESTATION 6-2 WAS APPROVED AND WILL EXPIRE ON APRIL 11, 2024 CONTINGENT UPON THE FOLLOWING CONDITIONS / REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER 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. Jay Van Diest

Platting Board Chairman

cc:

DPW – Jamie Taylor, Planning – Eileen Probasco

PND Engineers Inc., 1506 W. 36th Avenue, Anchorage, AK 99503

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

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CONDITIONS of APPROVAL for THE ELIMINATION of THE 15' WIDE UTILITY EASEMENT:

The Platting Board approved the Elimination of the 15' wide Utility Easement for Firestation 6-2, contingent upon the following:

1. Obtain approval from Borough Assembly for the proposed utility easement elimination within thirty days of the date of the written decision by the Platting Board.
2. Taxes and special assessments must be paid in full for the year of recording, prior to the recording of the plat, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
3. Pay mailing and advertising fees.
4. Provide updated Certificate to Plat executed within seven (7) days of recording and submit Beneficiary Acknowledgement for any holder of a beneficial interest.
5. Show or list all easements of record on final plat.
6. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
7. Submit final plat in full compliance with Title 43.

FINDINGS:

1. The elimination of the 15' wide utility easement is in accordance with MSB 43.15.032.
2. There were no objections to the elimination of the 15' wide utility easement from any federal or state agencies, Borough departments, or utilities.
3. No objections were received from the public in response to the Notice of Public Hearing; one non-objection was received.
4. At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; Fire Service Area #130 Central Mat-Su; MSB Emergency Services, Road Service Area #14 Fairview, Cultural Resources, Planning, Assessments, Pre-Design Division and Permit Center.
5. Frontage for the subdivision exists, pursuant to MSB 43.20.320 Frontage.
6. Legal and physical access is 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. Land Management Division requests notification and a copy of the recorded plat, along with a site plan once development is completed. A utility easement crossing borough property requires a right of entry and as-built of utility location.

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ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

April 2, 2018

Bart Adams
PND Engineers, Inc.
1506 W. 36th Ave.
Anchorage, AK 99503

Subject: Letter of Non-objection for Vacation of Utility Easements and ROW

To whom it may concern:

ENSTAR Natural Gas Company has no objection to the proposed vacation of the fifteen foot (15 FT) utility easement that diagonally crosses Lot 1A, Block 3, Settlers Bay Subdivision, Unit No. 1, Addition No. 1, as shown on Plat No. 2000-74, located within the Palmer Recording District, Third Judicial District, State of Alaska. ENSTAR does not make use of this easement currently. Vacation of this easement is not contingent upon the ROW being vacated and the existing easement along the Mainsail will remain as is.

Sincerely,

A handwritten signature in green ink that reads "Cassie Acres".

Cassie Acres,
Right-of-way and Compliance Technician
ENSTAR Natural Gas Company

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Amy Otto-Buchanan

From: Jessica Thompson <jthompson@mta-telco.com>
Sent: Monday, April 02, 2018 2:17 PM
To: Bart Adams
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Hi Bart,

MTA has no objections to the revised Note 1: *To vacate the 15' utility easement that diagonally crosses lot 1A. Per previous discussion no utilities run in this easement currently. Vacation of this easement is not contingent upon the ROW being vacated and the existing easement along the Mainsail ROW will remain as is.*

Thank you,
Jessica

Jessica Thompson, Right of Way Agent
907.761.2510



From: Bart Adams [mailto:BAAdams@pndengineers.com]
Sent: Monday, April 02, 2018 2:14 PM
To: Jessica Thompson <jthompson@mta-telco.com>
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Hi Jessica,

I sent along your letter of non-objection to the Mat Su Borough. They asked that I get back with you to clarify/revise point #1 from the previous email. We would like to revise it to say:

1. To vacate the 15' utility easement that diagonally crosses lot 1A. Per previous discussion no utilities run in this easement currently. Vacation of this easement is not contingent upon the ROW being vacated and the existing easement along the Mainsail ROW will remain as is.

This 15' utility easement causes significant problems for the plans, budget and schedule for the proposed construction of the new \$10M Public Safety Building and Regional Training Facility on that lot. The plans for the structure were developed with the understanding that the 15' utility easement would be vacated and the proposed location for the building is across the 15' utility easement. Due to the topography and elevation of the site in relation to Knik Goose Bay Road, moving the building location outside of the 15' utility easement is not an option, essentially killing the project. A considerable amount of tax payer money and MSB effort has already gone into the masterplan and design of the new

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station and training facility. A construction contract is in place and is on schedule to order steel now so construction can start this spring.

No utilities have objected to vacating this easement and the Borough wants to make it clear to the Platting Commission that no utilities object to for the upcoming April 5th reconsideration.

Your expedient response is much appreciated as the deadline for letters is April 3rd.

Thank you and I am available via phone or email to discuss these changes.

T. Bart Adams, P.E. | Senior Engineer
P|N|D Engineers, Inc.
1506 W. 36th Avenue, Anchorage, AK 99503
p. 907.561.1011 f. 907.563.4220 c. 907.441.6193
badams@pndengineers.com | www.pndengineers.com

If you are not the intended recipient, please notify the sender immediately and delete this e-mail from your system.

From: Jessica Thompson [<mailto:jthompson@mta-telco.com>]
Sent: Monday, April 02, 2018 9:45 AM
To: Bart Adams
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Hi Bart,

Thank you for taking the time to answer my questions this morning. MTA has no objections to the modified plat.

We appreciate the opportunity to comment.

Thank you,
Jessica

Jessica Thompson, Right of Way Agent
907.761.2510




From: Bart Adams [<mailto:BAdams@pndengineers.com>]
Sent: Monday, April 02, 2018 8:48 AM
To: Jessica Thompson <jthompson@mta-telco.com>
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Amy Otto-Buchanan

From: Joshua F. Swanson <jswanson1@gci.com>
Sent: Monday, April 02, 2018 3:48 PM
To: Bart Adams
Cc: Rebecca Colton
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests
Attachments: 51717 Knik-Goose Bay Rd Recon Vine Rd to Settlers Bay.pdf

Hi Bart, GCI has no objection to the new statement on vacating the diagonal 15' easement. Let us know if you need anything else and I will expedite if for you.

Thanks,

 **NETWORK SERVICES**
Joshua Swanson | jswanson1@gci.com
Technician II, GIS Mapping | **OSP Design**

From: Bart Adams [mailto:BAadams@pndengineers.com]
Sent: Monday, April 02, 2018 2:22 PM
To: Joshua F. Swanson <jswanson1@gci.com>
Cc: Rebecca Colton <rcolton@gci.com>
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

[External Email]

Hi Josh,

The Mat Su Borough asked that I get back with you to clarify/revise point #1 from the previous email. We would like to revise it to say:

1. To vacate the 15' utility easement that diagonally crosses lot 1A. Per previous discussion no utilities run in this easement currently. Vacation of this easement is not contingent upon the ROW being vacated and the existing easement along the Mainsail ROW will remain as is.

This 15' utility easement causes significant problems for the plans, budget and schedule for the proposed construction of the new \$10M Public Safety Building and Regional Training Facility on that lot. The plans for the structure were developed with the understanding that the 15' utility easement would be vacated and the proposed location for the building is across the 15' utility easement. Due to the topography and elevation of the site in relation to Knik Goose Bay Road, moving the building location outside of the 15' utility easement is not an option, essentially killing the project. A considerable amount of tax payer money and MSB effort has already gone into the masterplan and design of the new station and training facility. A construction contract is in place and is on schedule to order steel now so construction can start this spring.

No utilities have objected to vacating this easement and the Borough wants to make it clear to the Platting Commission that no utilities object to for the upcoming April 5th reconsideration.

Your expedient response is much appreciated as the deadline for letters is April 3rd.

Amy Otto-Buchanan

From: Tammy L. Simmons <Tammy.Simmons@mea.coop>
Sent: Tuesday, April 03, 2018 8:15 AM
To: Bart Adams
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Hello,

MEA does not object to point #1 shown below.

Tammy

From: Bart Adams [mailto:BAAdams@pndengineers.com]
Sent: Monday, April 02, 2018 2:12 PM
To: Tammy L. Simmons <Tammy.Simmons@mea.coop>
Subject: RE: Mat-Su Borough Fire Station 6-2 Easement Vacate Requests

Hi Tammy,

I sent along your letter of non-objection to the Mat Su Borough. They asked that I get back with you to clarify/revise point #1 from the previous email. We would like to revise it to say:

1. To vacate the 15' utility easement that diagonally crosses lot 1A. Per previous discussion no utilities run in this easement currently. Vacation of this easement is not contingent upon the ROW being vacated and the existing easement along the Mainsail ROW will remain as is.

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Thank you and I am available via phone or email to discuss these changes.

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