

SUBJECT: VACATE THE 50' WIDE SECTION LINE EASEMENTS WITHIN LOTS 9 & 10, US SURVEY 4587, SECTIONS 27 & 34, TOWNSHIP 8 NORTH, RANGE 8 WEST, COPPER RIVER MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1: JIM SYKES


AGENDA: APRIL 4, 2017

ASSEMBLY ACTION:

Approved under consent agenda 4-4-17

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>NS</i>	
	Borough Clerk	<i>JAM</i>	<i>3/24/17</i> 

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

Minutes (2 page)
 Notification of Action (3 pages)
 Vicinity Map (1 page)
 Preliminary Plat (1 page)

REASON FOR REQUEST: The State of Alaska (SOA), Department of Natural Resources (DNR) requests to vacate the 50' wide section line easements within Lots 9 & 10, US Survey 4587 to unencumber the potential building sites and allow for better, more efficient use of the property. Alternate public access and utility easements exist and are also being reserved on the vacation plat along property lines.

SUMMARY STATEMENT: On March 16, 2017 (written decision March 22, 2017), the Platting Board approved the vacation of the 50' wide Section Line Easements within Lots 9 & 10, US Survey 4587. SOA DNR is the petitioner and has obtained a preliminary finding of approval for the vacation from the SOA. Alternate access is provided by dedication of public access and utility easements on the west side of Lot 9 and between Lots 9 & 10 to maintain public access to Susitna Lake. 15' wide utility easements within Lots 9 through 13 and depiction of the existing 50' wide Public Access Easement upland from Susitna Lake will also be granted and shown on the final plat. SOA DNR has demonstrated that alternate equal or better access will be provided.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the assembly approve the vacation of the Section Line Easement as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a) and (B)(2)(b) and MSB 43.15.040(B)(8). Equal or better access to all areas affected by the vacation is provided, alternate or better access to the lake is provided, and a preliminary finding of approval was obtained from the SOA. Vacation is pursuant to AS 29.40.120 through 29.40.160 and to MSB 43.15.035 and MSB 43.15.040.

Tracy McDaniel (MSB ROW Department)

- Explained the right-of-way process and the affect it will be to the property.

DISCUSSION:

- More discussion on Diane Lane and the Variance.

VOTE on VARIANCE:

- The motion passed with all in favor. There are 9 findings.

MOTION on PLAT & VACATION:

- Johnson moved to approve the preliminary plat and vacation of the Common Drive Shown on the Quickstar Plat #2003-10 for Quickstar RSB L/1 & 2. The motion was seconded.

VOTE on PLAT & VACATION:

- The motion passed with all in favor. There are 9 findings.

TIME: 2:38 P.M.

CD: 01:31:14

BREAK

TIME: 2:47 P.M.

CD: 01:31:25

C. US SURVEY 4587 SECTION LINE EASEMENT VACATION

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 8 public hearing notices were mailed out on February 23, 2017, to this date there have been no returns, no objections, no non-objections, and no concerns.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, # 2017-014.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward. Seeing no members of the public wishing to speak, closed the public hearing.

Justin Wholey (Petitioner's Representative for AK DNR)

- Agrees with the recommendations.

MOTION:

- Rausa moved to approve the vacation of Section Line Easement within Lots 9 & 10, with replacement public access and utility easements as shown on the preliminary section line easement vacation plat for US Survey 4587. The motion was seconded.

VOTE:

- The motion passed with all in favor. There are 13 findings.

TIME: 2:59 P.M.

CD: 01:42:53

D. WILLOW GARDENS

Chair Jay Van Diest read the case description into the record.

Sloan Von Gunten, Administrative Specialist, provided the mailing report.

- Stated that 10 public hearing notices were mailed out on February 23, 2017, to this date there have been no returns, 1 objection, no non-objections, and no concerns.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, # 2017-015.

Chair Jay Van Diest

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Steve Charles

- Concerned about trail safety with the utilities going in on the easement.

Chair Jay Van Diest

- Closed the public hearing.

The Petitioner or the Petitioner's Representative was not present at the hearing.

MOTION:

- Rausa moved to approve the preliminary plat for Willow Gardens. The motion was seconded. Change the wordage to recommendation #6 and add finding #13.

RECOMMENDATIONS:

- Change wordage on #6 to: "Provide 15' utility easement on both sides of Willow Garden Circle . . ."

FINDINGS:

- Add #13: The Willow Trails committee has concerns that the future utilities using the SLE may impact the "nature" trail experience for users, utility poles and guy wires could present a hazard to trail use. Also, addressed concerns of trespassing if further clearing enables trail users to move off the trail on to private land.

VOTE:

- The motion passed with all in favor. There are 13 findings.



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

March 22, 2017

State of Alaska
Dept. of Natural Resources
Cliff Baker
550 W. 7th Ave, Ste. 650
Anchorage, AK 99501

Case #: **2017-014**

Case Name: **US SURVEY 4587 SLE**

Action taken by the Platting Board on March 16, 2017 is as follows:

THE VACATION OF SECTION LINE EASEMENT WITHIN LOTS 9 & 10, WITH
REPLACEMENT PUBLIC ACCESS AND UTILITY EASEMENTS AS SHOWN ON THE
PRELIMINARY SECTION LINE EASEMENT VACATION PLAT FOR US SURVEY 4587
WAS APPROVED 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

sv

cc: DPW – Jamie Taylor

CONDITIONS of APPROVAL:

The Platting Board approved the Vacation of Section Line Easement within Lots 9 & 10, with replacement public access and utility easements as shown on the preliminary section line easement vacation plat for US Survey 4587, contingent upon the following:

1. Pay Postage and Advertising fee.
2. Obtain the Borough Assembly approval of the vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the request.
3. Submit final section line easement vacation plat, signed by the State and those with a legal and beneficial interest in full compliance with Title 43.
4. Show the replacement public access and utility easements on the section line easement vacation plat as shown on the preliminary plat.
5. Obtain DNR Final Decision of Approval for the Section Line Easement Vacation.
6. Provide updated Certificate to Plat executed within 90 days prior to recording and provide beneficiary affidavits from holders of legal and equitable interest, if any.

FINDINGS:

1. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 *Vacations*.
2. The vacation meets the requirements of MSB 43.15.040 *Section Line and State-Recognized RS-2477 Easement Vacations*.
3. The vacation is consistent with MSB 43.15.035(B)(1)(a) & 43.15.035(B)(2)(b) as the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation and alternate or better access to the lake is being provided or exists as shown on the plat.
4. SOA DNR has issued a preliminary decision approving the vacation of the section line easements (EV-3-259).
5. The vacations are requested to unencumber the potential building sites and allow for better, more efficient use of the property.
6. Public notice was posted for the section line easement vacation notifying the public of the date, time and place of the public hearing.
7. The properties are undeveloped at this time. DMLW, Survey Section has no known information that vehicles, pedestrians or other public interests have been or are using those portions of the SLE proposed to be vacated. A field inspection was not conducted.

8. Petitioners' surveyor of record has provided documentation of the existence of the section line easements within the area to be vacated and adjoining section lines as required by MSB 43.15.040(B)(2).
9. The petitioner is dedicating a public access easements within Lots 9 & 10 to replace the vacated easements and utility easements within Lots 9 through 13 consistent with MSB 43.15.040(B)(8) and MSB 43.15.035(B)(2)(b).
10. A 50-foot wide public access easement upland of and contiguous with the ordinary high water line of Susitna Lake, will also be reserved on the plat within state owned lands.
11. The existing section line easements are not constructed. No construction of the replacement public access easement is required.
12. Public notices were sent to the Glennallen Postmaster, Copper Valley Community Library, Lake Louise Lodge and Eureka Lodge for posting on the community bulletin boards. Notices were also mailed to the Lake Louise Snowmachine Club (also known as The Wolf Pack) and Anchorage Snowmobile Club. The state also has a posting requirement which included posting to the State Online Notices site, Newspaper ads, and copying the decision to various state and local agencies.
13. There are no objections from borough departments, outside agencies, or the public.

**REPLACEMENT PUBLIC
ACCESS TO BE CREATED**

**SUBJECT
PROPERTY**

28 27

33 34 **SECTION LINE ESMT
TO BE VACATED**

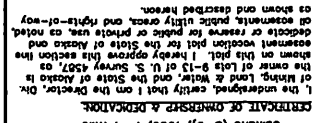
USS 4587

SUSITNA LAKE

VICINITY MAP

FOR PROPOSED USS 4587 SECTION LINE
EASEMENT VACATION
WITHIN SECTIONS 27 & 34, T8N, R8W
COPPER RIVER MERIDIAN, ALASKA

PRELIMINARY
Section Line Easement Vacation



SURVEYOR'S CERTIFICATE

I hereby certify that I am properly registered and
licensed to practice land surveying in the State of
California, and my name is duly entered upon the
List of Registered Surveyors, as required by
the laws of California.

Existing record information.. _____
When hereon is true and correct as compiled from

Dated _____ Registration Number _____

William F. Baker



PLATTING

0m
25m
50m
200m

ONE METER = 3.2808333 U.S. SURVEY FEET
ONE U.S. ACRE = 0.4047 HECTARES

DATE OF SURVEY	DATE OF SURVEY	DATE OF SURVEY	DATE OF SURVEY
EDWARDS, No field	EDWARDS, No field	EDWARDS, No field	EDWARDS, No field
DNR, DATE, STATE SURVEY	DNR, DATE, STATE SURVEY	DNR, DATE, STATE SURVEY	DNR, DATE, STATE SURVEY
530 W. 7th, Suite 630	530 W. 7th, Suite 630	530 W. 7th, Suite 630	530 W. 7th, Suite 630
ANCHORAGE, AK 99501	ANCHORAGE, AK 99501	ANCHORAGE, AK 99501	ANCHORAGE, AK 99501
STATE OF ALASKA	STATE OF ALASKA	STATE OF ALASKA	STATE OF ALASKA
DIVISION OF NATURAL RESOURCES	DIVISION OF NATURAL RESOURCES	DIVISION OF NATURAL RESOURCES	DIVISION OF NATURAL RESOURCES
DEPARTMENT OF MINING, LAND, AND WATER	DEPARTMENT OF MINING, LAND, AND WATER	DEPARTMENT OF MINING, LAND, AND WATER	DEPARTMENT OF MINING, LAND, AND WATER
SECTION-LINE EASEMENT VACATION PLAT	SECTION-LINE EASEMENT VACATION PLAT	SECTION-LINE EASEMENT VACATION PLAT	SECTION-LINE EASEMENT VACATION PLAT
Associated with	Associated with	Associated with	Associated with
US Survey 1587	US Survey 1587	US Survey 1587	US Survey 1587
Located within	Located within	Located within	Located within
Protected Sections 27 & 34	Protected Sections 27 & 34	Protected Sections 27 & 34	Protected Sections 27 & 34
W. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100	Protected Sections 27 & 34	Protected Sections 27 & 34	Protected Sections 27 & 34
Copper River Watershed, Alaska	Copper River Watershed, Alaska	Copper River Watershed, Alaska	Copper River Watershed, Alaska
Tolsona Recording District	Tolsona Recording District	Tolsona Recording District	Tolsona Recording District
APPROVAL RECORDED	APPROVAL RECORDED	APPROVAL RECORDED	APPROVAL RECORDED
DATE: 11 Nov. 17	DATE: 11 Nov. 17	DATE: 11 Nov. 17	DATE: 11 Nov. 17
SCALE	SCALE	SCALE	SCALE
1" = 100'	1" = 100'	1" = 100'	1" = 100'
DATE: 11 Nov. 17	DATE: 11 Nov. 17	DATE: 11 Nov. 17	DATE: 11 Nov. 17
FILE NO.	FILE NO.	FILE NO.	FILE NO.
CV-3-206	CV-3-206	CV-3-206	CV-3-206

Sheet 1 of 1

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE

I certify that this section has economic location plot has been found to comply with the land subdivision regulations of the Malheur-Siskiyou Borough, and that the plot has been approved by the Planning Authority by plot resolution number _____ dated _____ and that this plot has been approved for recording in the recorder in which the Taxpayer Recording District Third Judicial District, State of Alaska in which the

Planning & Land Use Director

NOTES:

All parcels of land owned by the State of Alaska, located within 50 feet of, or abutting by (S-25) assessment, each side of the section line, are subject to a fifty ft. (S-25) assessment, each side of the section line. A portion is transferred to the State of Alaska for public use; the remaining portion is reserved to the State of Alaska for public use and utility easements or reserved as fishing and game land.

1. Diagonally hatched area indicates portions of the section line

II. Diagonally hatched area indicates portions of the section line

III. Right-of-way easements.

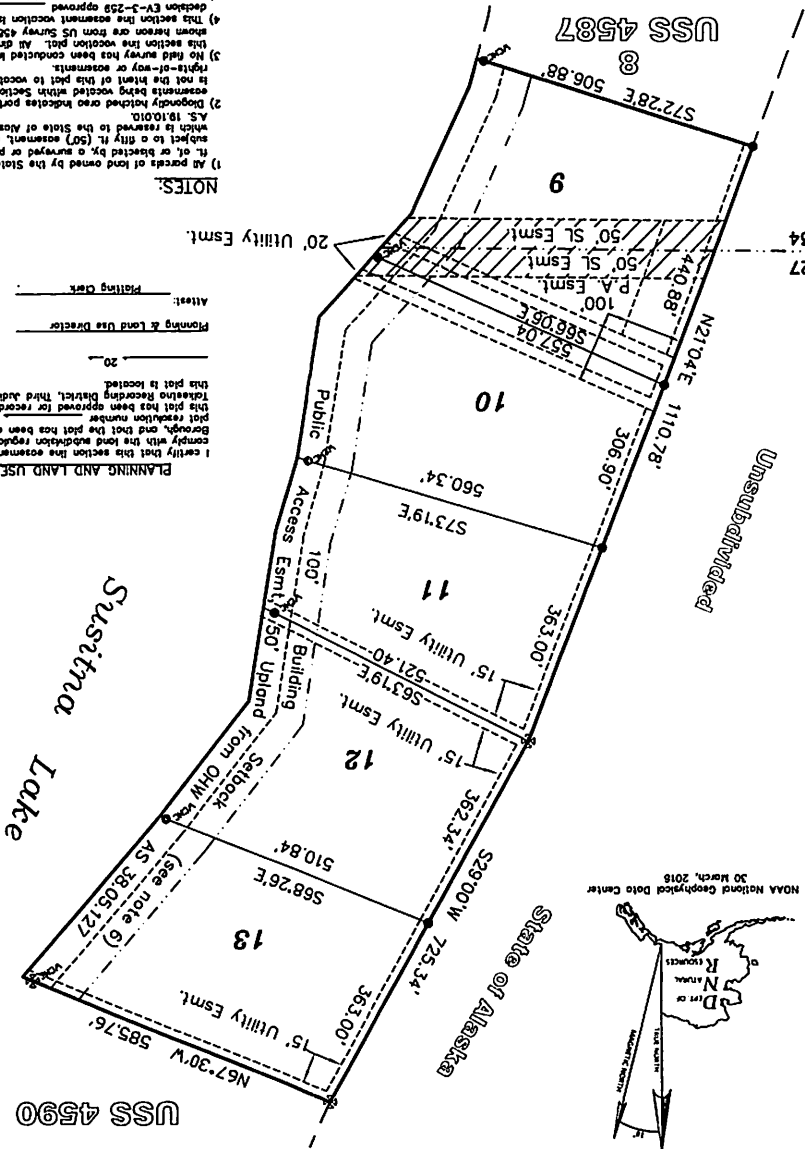
No field survey has been conducted in relation to the proportion of this section the section line. All dimensions and other details are shown as they appear on the 1984

100 ft. bearing created by ADJ 231168 showing

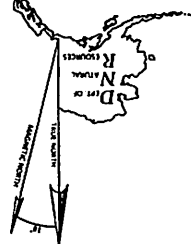
decisions E-2-252 approved

Alutian public access and utility easements or reserved as fishing and game land.

ADJ 231168, dated 2/28/2012



NOAA National Geophysical Data Center
30 March, 2016



SECTION LINE EASEMENT VACATION CERTIFICATE APPROVAL
RECOMMENDATIONS

[illegible]

Date: _____ Approved: _____
Commissioner
Department of Transportation & Public Facilities

Date: _____ Approved: _____
Commissioner
Department of Natural Resources

CERTIFICATE OF LESSEE

I (we), the undersigned, hereby certify that I (we) or the lessee for Lot 1 & U. S. Survey 4507, shown herein, I (we) approve this survey and plat.

Notary for the State of Alaska
My commission expires _____
By _____
of _____ 20____
Subscribed and sworn before me this _____ day
NOTARY'S ACKNOWLEDGMENT
Date _____
[63900]