

**SUBJECT:** VACATE A PORTION OF A 30' WIDE FLOATING TRAIL EASEMENT GRANTED BY QUIT CLAIM DEED RECORDED AT BOOK 1072/PAGE 456, DATED MAY 23, 2000. LOCATED IN SECTION 08, TOWNSHIP 17 NORTH, RANGE 03 WEST, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 5: DAN MAYFIELD

**AGENDA:** JUNE 6, 2017

**ASSEMBLY ACTION:**

*Approved under the Consent Agenda* 6-6-17 *(Signature)*

**MANAGER RECOMMENDATION:** Present to the assembly for consideration.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** *(Signature)*

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>FW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>KS</i>	
	Borough Clerk	<i>JMM</i>	<i>5/26/17</i> <i>(Signature)</i>

**ATTACHMENT (S):** Fiscal Note: Yes \_\_\_\_\_ No X

Minutes (1 page)  
Notification of Action (3 pages)  
Vicinity Map (4 pages)

**REASON FOR REQUEST:** The request is to vacate a portion of a 30' wide floating trail easement granted by Quit Claim Deed, recorded at Book 1072/Page 456, dated May 23, 2000, Matanuska-Susitna Borough as grantor reserved an easement for "public access for recreational trail use, being 30' in width, centered and running along the existing rail that traverses the property, which shall be a floating easement until such time the trail is surveyed and a record of survey or plat is recorded." A 30' wide replacement trail will be granted on the plat of Skyline View Addition #1. This will reroute the trail along the proposed lot lines and the trail will be constructed to the same standard of the trail proposed to be vacated.

**SUMMARY STATEMENT:** On May 4, 2017 (written decision May 10, 2017), the Platting Board approved the plat of Skyline View Addition #1 with the condition of obtaining Assembly approval of the vacation of a portion of the 30' wide floating trail easement with a replacement 30' wide granted easement. All of the trail will be shown on the plat, and the trail will no longer be a floating easement.

**RECOMMENDATION OF ADMINISTRATION:** Staff recommends the Assembly approve the vacation of a portion of the 30' wide floating trail easement, within Skyline View Addition #1, as the Platting Board's decision to vacation the easement is consistent with MSB 43.15.035(B)(1)(a) "a vacation is conditioned upon the final approval of a plat affecting the same land which provided equal or better access to all areas affected by the vacation." This action will reroute a portion of the trail and provide a platted easement.

#### 4. PUBLIC HEARINGS

##### A. SKYLINE VIEW ADD 1 & PUE

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

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

- Stated that 56 public hearing notices were mailed out on April 13, 2017.

Amy Otto-Buchanan, Platting Technician, provided a staff report:

- Gave an overview of the case, # 2017-025.

Chair Jay Van Diest

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

Nancy Cameron (MSB Land & Resource Management Department)

- Talked about Floating Easements and what the Borough's standing is on these easements.

Chair Jay Van Diest

- Closed the public hearing.

The Petitioner and the Petitioner's Representative are not present.

MOTION:

- Johnson moved to approve the preliminary plat and the partial vacation of the trail easement for Skyline View Addition 1. The motion was seconded.

VOTE:

- The motion passed with all in favor. There are 14 findings.

TIME: 1:17 P.M.

CD: 0:15:16

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

Gary LoRusso

- Talked about changing more regulations.

Nancy Cameron (MSB Land & Resource Management Department)

- Land Management would like to present amendments on Title 43 later in the year to the platting board.

#### 5. ITEMS OF BUSINESS & MISCELLANEOUS

10F1





# 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

May 10, 2017

Robert & Barbara Fisher  
PO Box 520209  
Big Lake, AK 99652

Case #: 2017-025/026

Case Name: SKYLINE VIEW ADDITION 1

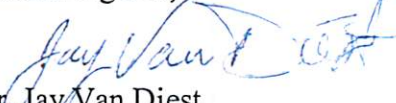
Action taken by the Platting Board on May 4, 2017 is as follows:

THE PRELIMINARY PLAT AND PARTIAL VACATION OF THE TRAIL EASEMENT FOR SKYLINE VIEW ADDITION 1 WAS APPROVED AND WILL EXPIRE ON MAY 10, 2023 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

John Horan Land Surveying  
1448 Friant Drive  
South Lake Tahoe, CA 96150

Additional Plat Reviews After 2<sup>nd</sup> Final are \$100.00 Each

Am17-053

**CONDITIONS of APPROVAL:**

The Platting Board approved the Preliminary Plat and partial Vacation of the trail easement for Skyline View Addition 1, contingent upon the following:

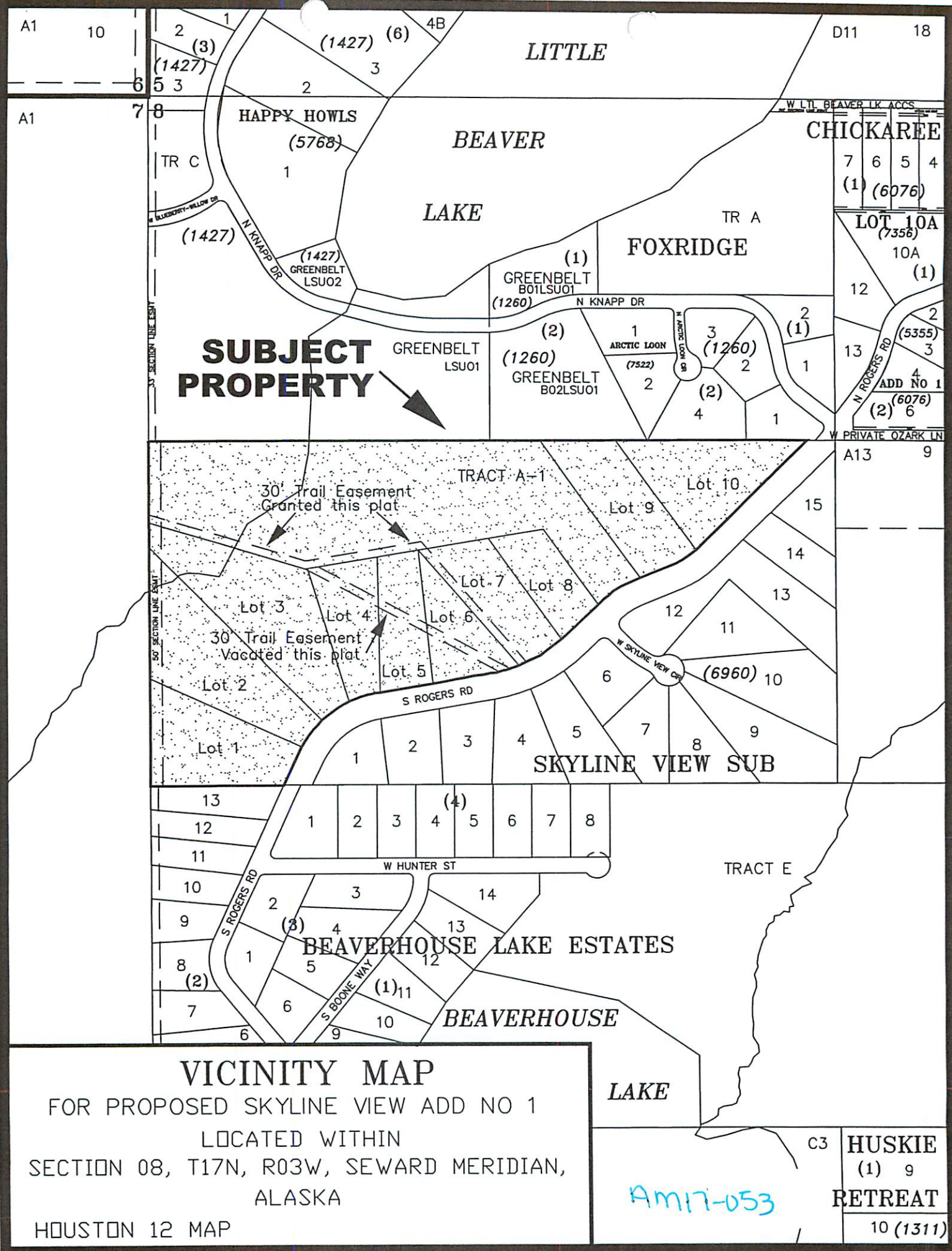
1. Obtain approval from the Assembly for the vacation of a portion of the 30' wide trail easement.
2. Taxes and special assessments must be current prior to the recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
3. Pay mailing and advertising fees.
4. Provide updated Certificate to Plat executed within 90 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. Grant a 30' wide trail easement in the location shown on the preliminary plat.
7. Construct the new location of the trail to the same degree of the portion of the existing trail that is being relocated.
8. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
9. Submit final plat in full compliance with Title 43.

**FINDINGS:**

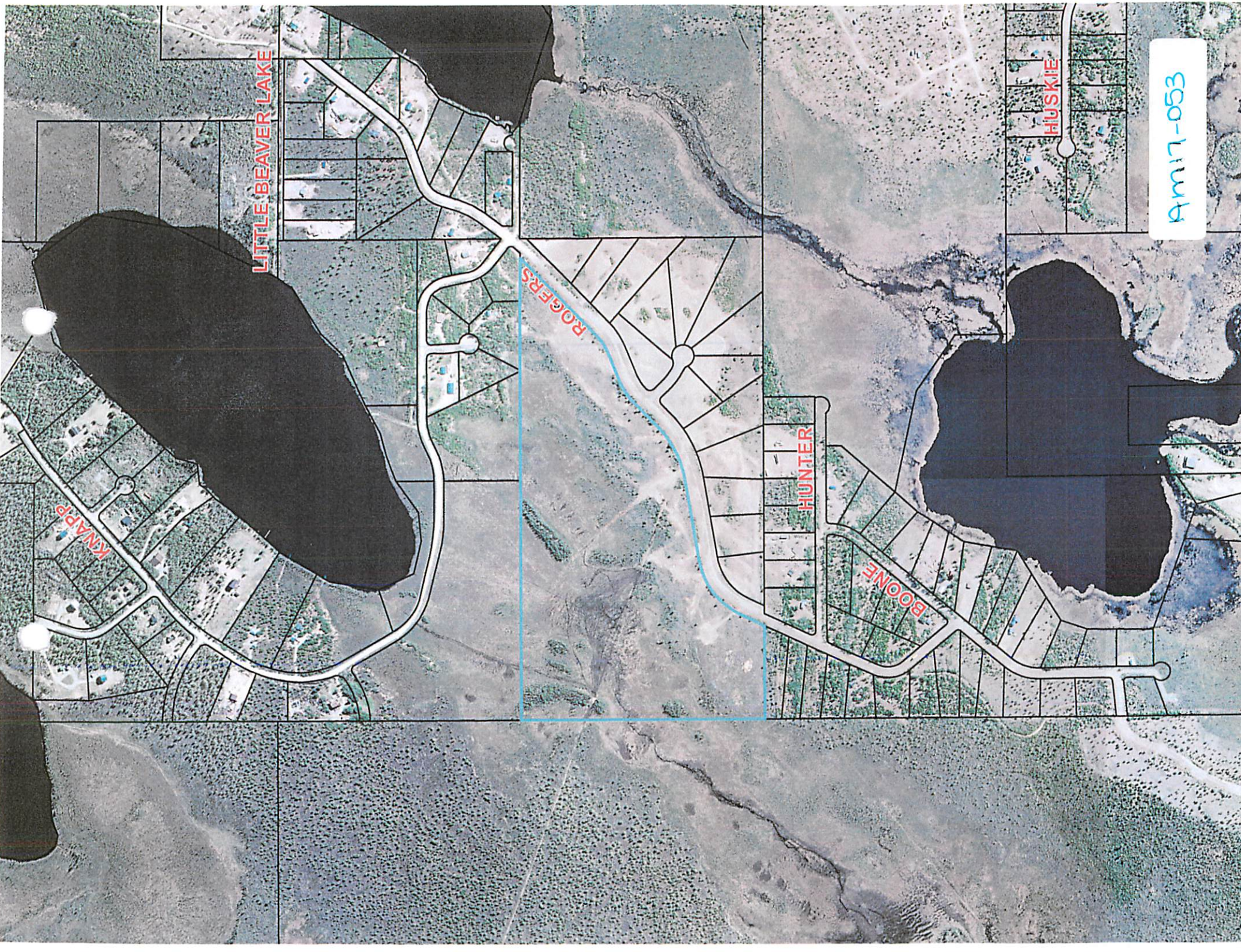
1. The plat of Skyline View Addition No. 1 and partial vacation of the trail easement is consistent with AS 29.40.070 Platting Regulations, MSB 43.15.016 Preliminary Plats, and MSB 43.15.035 Vacations.
2. MSB 43.15.035(B)(1)(a) notes "a vacation is conditioned upon the final approval of a plat affecting the same land which provide equal or better access to all areas affected by the vacation." The granting of a new 30' wide trail easement and the construction of the new alignment provides equal or better access and satisfies code.
3. There were no objections from any federal or state agencies, Borough departments, or utilities.
4. No objections were received from the general public in response to the Notice of Public Hearing.
5. At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Big Lake Community Council; Fire Service Area #136 West Lakes; Road Service Area #21 Big Lake; MSB Emergency Services, Assessments, and Pre-Design Division; MTA or MEA.

6. Lot sizes and useable area are consistent with MSB 43.20.281 Area
7. Frontage for the subdivision exists pursuant to MSB 43.20.320 Frontage.
8. Legal and physical access are 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.
9. A geotechnical report was provided, consistent with MSB 43.20.281(A). Each lot has the required 10,000 sf contiguous useable septic area and 10,000 sf buildable area.
10. Proposed Tract A1 does not require a soils report, as it is larger than 400,000 sf and topographic information was provided, pursuant to MSB 43.20.281(A)(1)(i)(i).
11. Petitioner to grant a 30' wide trail easement.
12. There is a traveled trail on Tract A. Since the granting of the trail easement is essentially moving the location of the traveled trail, the new trail shall be constructed.
13. Petitioner posted and maintained notification of the vacation for 30 days prior to the public hearing.
14. An affidavit of the vacation posting was provided to Platting staff, pursuant to MSB 43.10.065(G).









LITTLE BEAVER LAKE

ROGERS

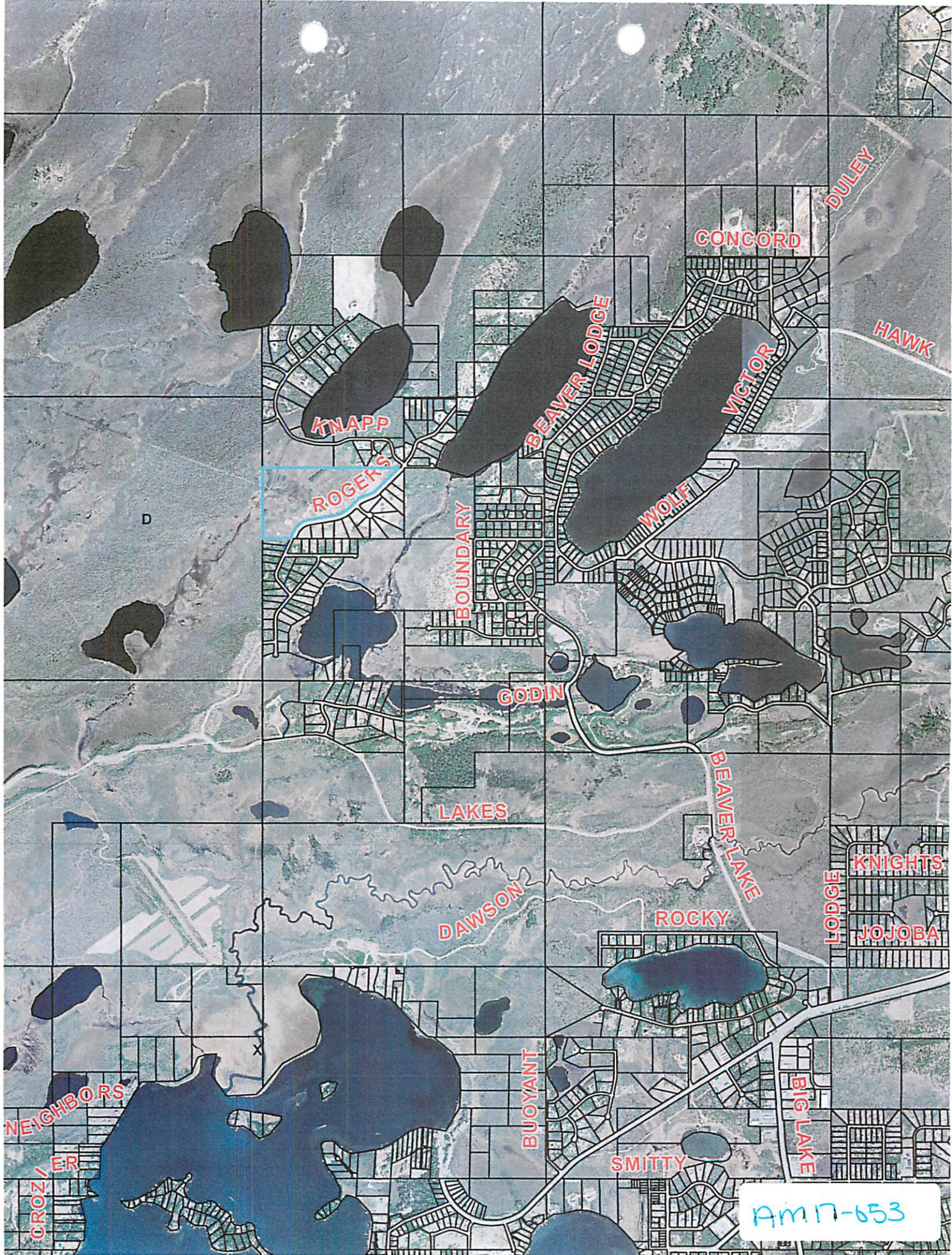
HUNTER

BOONE

HUSKIE

Am17-053



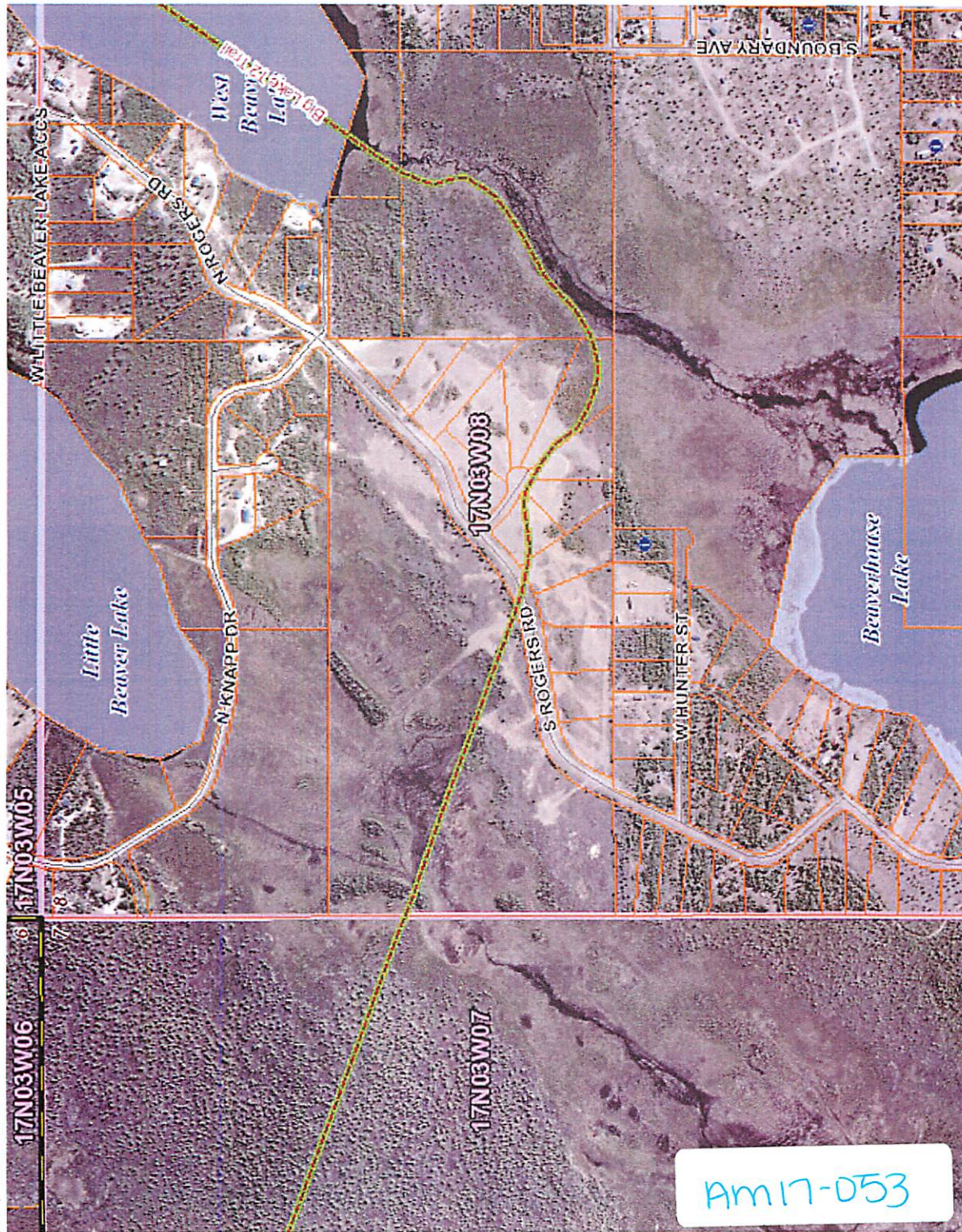


Am17-653





# Matanuska-Susitna Borough



## Legend

- Mileposts
- Land Classification Pts
- Trails
  - MSB TRAILS
  - MSB PROPOSED TRAILS
- Legal Trails 2015
- Lands Plan Disposal
- Lands Plan Retention
- NRMU Boundaries
- Land Classification
  - BOROUGH LANDS
  - BOROUGH TA LANDS
  - BOROUGH MGMT AUTHORITY
- Public Facilities
  - Administrative
  - Animal Care
  - City Hall or Courthouse
  - Community or Senior Center
  - Correctional Facility
  - Landfill or Transfer Station
  - Library
  - Medical
  - Post Office
  - Public Safety EMS
  - Public Safety Fire
  - Public Safety Fire/EMS
  - Public Safety Forestry
  - Public Safety Law Enforcement
  - School
- Alaska Railroad
- Streets
  - Highway
  - Major Street
  - Medium Street
  - Minor Street

1:87,673

## Notes

This map was automatically generated using C - content Essentials.

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Reported on 06/08/2016 09:23 AM

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Mat-Su Borough Boundary