

SUBJECT: NOTICE OF REMOVAL OF A REMOTE CABIN ON MATANUSKA-SUSITNA BOROUGH PROPERTY (TAX ACCOUNT #19N07W22A001). THE CABIN IS LOCATED ON UPPER VERN LAKE IN THE LOCKWOOD LAKE AREA WITHIN TOWNSHIP 19 NORTH, RANGE 7 WEST, SECTION 22, SEWARD MERIDIAN, TALKEETNA RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA. (MSB004776)

AGENDA OF: OCTOBER 17, 2017

ASSEMBLY ACTION:

Presented to Assembly 10-17-17 ~~(B)~~

MANAGER RECOMMENDATION: For information only.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:

Route To:	Department/Individual	Initials	Remarks
	Originator	SD	
	Community Development Director	EP	
	Finance Director	OF	
	Borough Attorney	NS	
	Borough Clerk	DM	10/9/17 <del>(B)</del>

ATTACHMENT(S): Vicinity Map-(1 pp)

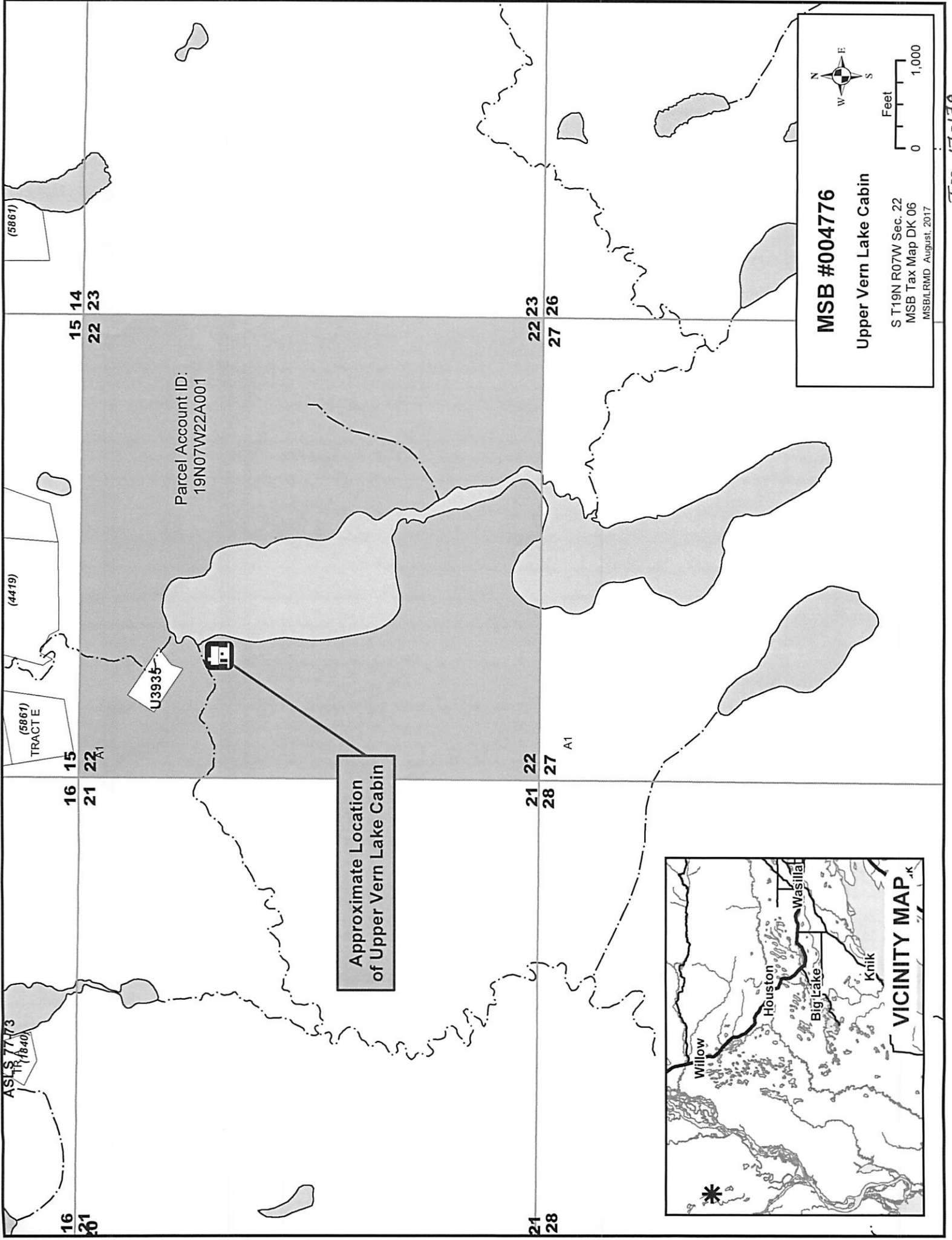
MSB Risk Management/Consultant Opinion-(1 pp)

**SUMMARY STATEMENT:** It has come to the attention of the Land & Resource Management Division there is an existing cabin on a remote Borough owned parcel (tax parcel 19N07W22A001) located on Upper Vern Lake. There are no roads to the cabin and it is not in a fire service area. Access is typically from airplane or snow machine. The cabin was built in the 1970's under a lease between the State of Alaska and the people that built the cabin. The lease expired and the borough received the property from the state pursuant to the Municipal Land Entitlement program. When the borough received the land they also inherited the cabin. The land remains unsurveyed due to the high cost.

The cabin has been used/maintained over the years by several families. There is also suspect commercial flight services may be dropping clients there. For years the Borough has posted the property with "No Trespassing" signs. The signs are continually torn down and the cabin is still being used by the public without authorization from the borough.

Staff has considered offering a long-term or land use permit for use of the cabin. Such a lease or permit would provide exclusive use of the cabin; however both options carry substantial insurance, surveying, and fee requirements. Staff also considered offering the cabin as a public use cabin. If offered as a public use cabin the borough would have the responsibility to maintain and manage the cabin. Due to the remote location it would not be cost effective to maintain a safe cabin. Staff discussed these options with the Borough Risk Manager whose opinion was that the borough simply cannot offer the property for recreational purposes without actively managing it. The Borough Risk Manager also stated allowing the continued use of the property without management is creating an attractive nuisance with no control over the activities on the property, and the borough is liable (loss of life, fires, etc.).

Based on the risk to the Borough, the Land & Resources Management proposes to demolish the cabin located on Upper Vern Lake. Prior to demolishing the cabin staff will make a reasonable effort to identify and contact the unauthorized owners/users of the cabin. Staff's intent is to notice the public of the disposition of the cabin by posting the structure, advertising in the paper and putting a notice on the borough website. These measures come from discussion with the Borough Attorney's office and advice from the borough Risk Manager.



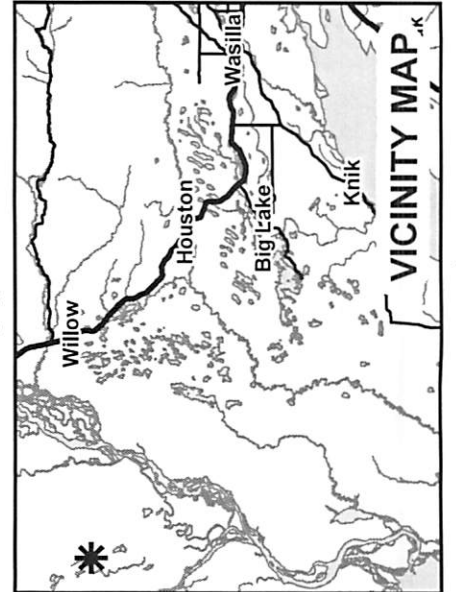
**MSB #004776**

Upper Vern Lake Cabin

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MSB Tax Map DK 06  
MSB/LRMD, August, 2017

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**Lisa Gray**

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**From:** Darren Starr <dbostarr@gmail.com>  
**Sent:** Thursday, June 01, 2017 10:41 AM  
**To:** Lisa Gray  
**Cc:** Eric Phillips; Nancy Cameron; John Moosey  
**Subject:** Vern Lake Cabin

Good Morning Linda,

Pursuant to our discussion on the Vern Lake Cabin, this communication serves to document my recommendation that the structure be removed.

My understanding is that there are 3-4 families in the area that currently utilize the cabin at will without any agreement in place. Due to the remote nature and transportation needs to access the cabin, it is highly unlikely that significant additional traffic would be contemplated should it be offered by the Borough. There is another nearby resident who regularly contacts the Borough to ask about our 'plans' for the property and if I understood the current of our conversation correctly, he would like it to be removed as a nuisance or actively managed.

We discussed alternatives to removal: Operating the cabin under either a Land or Public Use option. It is unlikely that the families which currently utilize the property would be willing to pay a significant sum to use the cabin (use fee + insurance) when they have had the free and unrestricted use of the structure thus far. There was some interest on the part of a fly-in outfit but they too were unwilling to bear any significant cost.

Therefore all costs to operate the property would fall to the Borough. As the cabin has been 'outfitted' by the aforementioned families with various improvements that would not meet code for habitation (stoves for example), should the Borough wish to operate the property as Land/Public use, it would fall to the Borough to actively manage the property and bring it up to code. As it is a fly-in only location in the summer and requires snow machine or similar conveyance in winter, this would require a significant investment in time and materials on the part of the Borough and regularly scheduled visits. We simply cannot offer the property for recreational purposes without actively managing it.

Finally we discussed doing just that, actively managing the property which would be open to the public but realistically only serve 3-4 families. It simply doesn't make economic sense to spend the funds it would require to operate the cabin for the benefit of 3-4 families ... and at the expense of everyone else in the Borough.

It is my opinion that by allowing the continued use of this property without management, we are creating an attractive nuisance and have no control over the activities on the property, while at the same time being liable for it (loss of life, fires, etc.).

Whatever the final decision, I would appreciate if you would circle back around and advise. If we are going to keep it then I consider it as high risk and will need to devise a plan to mitigate and/or manage. Thank you.

Should you have questions or concerns, please do not hesitate to contact me.

Best regards,

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**Darren Starr**