

SUBJECT: THE REQUEST IS TO ELIMINATE A 10-FOOT UTILITY EASEMENT LOCATED ALONG THE SOUTH SIDE OF LOTS 12, 13, & 14, BLOCK 16, WILLIWAW #2, PLAT NO. 76W. LOCATED WITHIN THE E1/2 SECTION 2, TOWNSHIP 17 NORTH, RANGE 1 WEST, SEWARD MERIDIAN, ALASKA, LYING DIRECTLY NORTHWEST OF E. BOGARD ROAD BETWEEN N. COPPER CREEK ROAD AND N. HELEN LANE. ASSEMBLY DISTRICT: 4 TED LEONARD

AGENDA: MAY 21, 2019

ASSEMBLY ACTION:

Approved under the Consent agenda 5/26/19

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

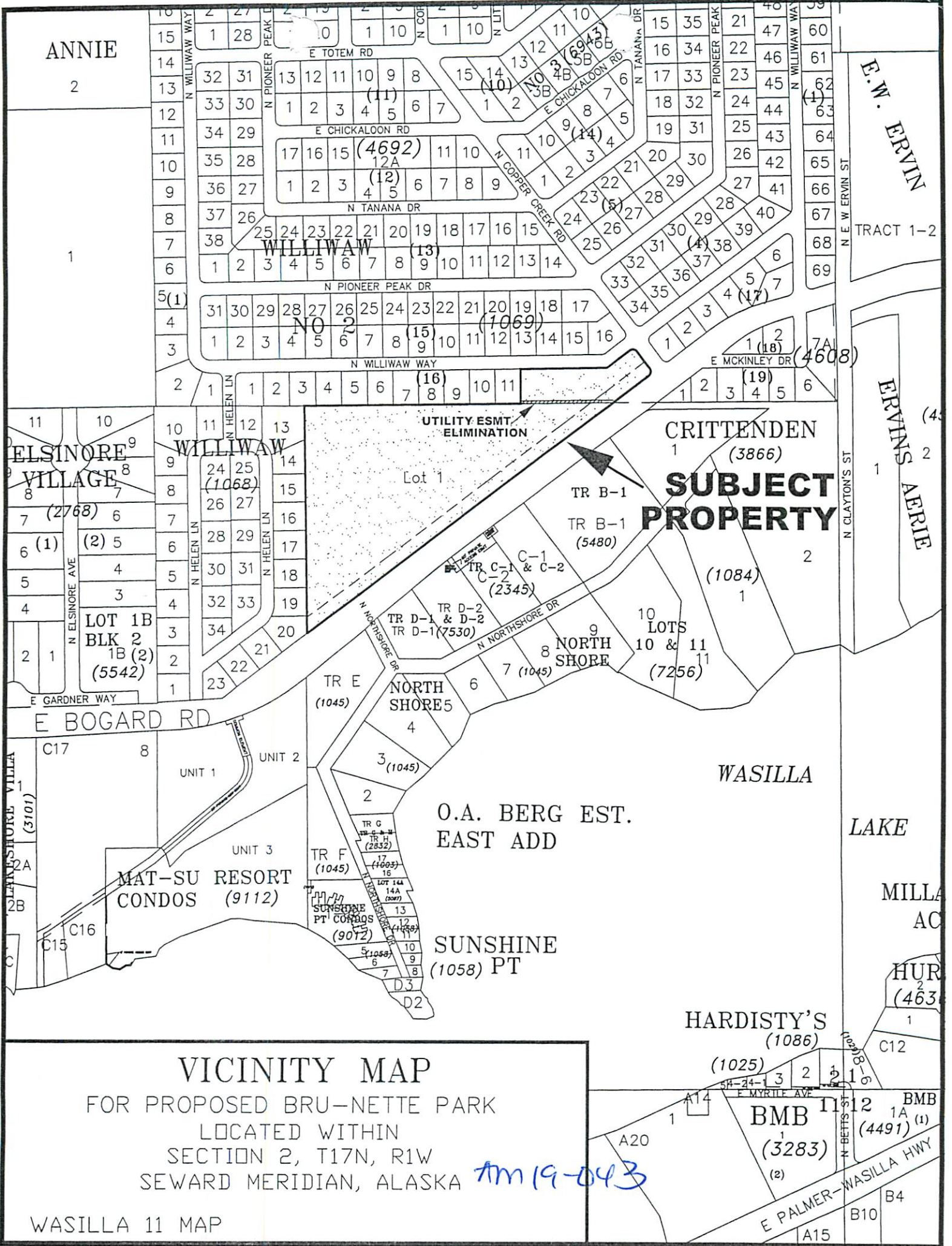
Route To:	Department/Individual	Initials	Remarks
	Originator	FW	
	Planning Director	EP	
	Borough Attorney	NS	
	Borough Clerk	AM	5/13/19 <i>(Signature)</i>

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

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

SUMMARY STATEMENT: On May 2, 2019 (written decision May 8, 2019), the Platting Board approved the elimination of this unused utility easement, contingent on Assembly approval. The easement elimination was approved along with a subdivision plat of Bru-nette Park. The utility easement was originally platted on the Williwaw #2 subdivision plat in 1960. There are no utilities within the easement and the surrounding area has sufficient utility easements for future needs. The petitioner obtained non-objection letters from all four utility companies, agreeing with the elimination. If approved, the associated plat will graphically depict the specific utility easement eliminated along with the Platting Board's resolution.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the utility easement elimination as the Platting Board's decision is consistent with MSB 43.15.032 which allows for elimination or modification of a utility easement provided that the authority having jurisdiction over the easement consents and a vacation resolution is recorded along with a graphic representation showing the specific area eliminated.



VICINITY MAP

FOR PROPOSED BRU-NETTE PARK
LOCATED WITHIN
SECTION 2, T17N, R1W
SEWARD MERIDIAN, ALASKA

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MATANUSKA-SUSITNA BOROUGH

Platting Division

350 East Dahlia Avenue • Palmer AK 99645

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

NOTIFICATION OF ACTION

May 8, 2019

Bru-Nette, LLC
5099 E. Blue Lupine Drive
Wasilla, AK 99654

RI Corporation
5099 E. Blue Lupine Dr.
Wasilla, AK 99654

W&B, LLC
PO Box 876001
Wasilla, AK 99687

Case #: **2019-038/039**

Case Name: **BRU-NETTE PARK w/ UTILITY EASEMENT ELIMINATION**

Action taken by the Platting Board on May 2, 2019 is as follows:

THE PRELIMINARY PLAT FOR BRU-NETTE PARK AND THE UTILITY EASEMENT ELIMINATION WITHIN LOTS 12, 13, & 14, BLOCK 16 OF WILLIWAW WAS APPROVED AND WILL EXPIRE ON MAY 8 2025 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,

Jordan Rausa

Mr. Jordan Rausa
Platting Board Chairman

sv

cc: DPW – Jamie Taylor

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

Acutek Geomatics, LLC
5099 E. Blue Lupine Dr, Ste. 104
Wasilla, AK 99654

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CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Bru-Nette Park and the utility easement elimination within Lots 12, 13, and 14, Block 16 of Williwaw, contingent upon the following:

1. Pay mailing and advertising fee.
2. Dissolve the condominium association prior to plat recordation.
3. Graphically depict the utility easement elimination on the final plat.
4. Obtain borough assembly approval of the utility easement elimination within 30 days of the Platting Board's written decision.
5. Provide updated Certificate to Plat executed within 7 days of plat recordation per MSB 43.15.053(E) and submit Beneficiary Acknowledgement, if applicable.
6. Taxes and special assessments must be paid in full through the year of recording, per MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
7. Submit recording fees; payable to DNR.
8. Submit final plat in full compliance with Title 43.

FINDINGS

1. The proposed preliminary plat for Bru-Nette Park is consistent with AS 29.40.070 Preliminary Plats, MSB 43.15.016, Preliminary Plat Submittal and Approval.
2. A portion of the property is under Common Interest Ownership. This condominium community must be dissolved for the new subdivision to be effective.
3. A community water system services these lots.
4. This plat will combine existing subdivision lots; no useable area report is necessary.
5. The servicing utility companies responded with non-objections to the elimination of the 10' platted utility easement within Lots 12, 13, & 14, Block 16, Williwaw as required in MSB 43.15.032(A)(1).
6. The 10' platted utility easement within Lot 15, Block 16, Williwaw will remain in place; GCI has cable facilities within that easement.
7. Access exists pursuant to MSB 43.20.320 Frontage, MSB 43.20.120 Legal Access, and 43.20.140 Physical Access.
8. ADOT&PF manage the access road, they stated no changes are allowed for the access onto Bogard Rd.

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9. There were no objections from any borough departments, outside agencies, or the public.

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C. BRU-NETTE PARK w/ UTILITY EASEMENT ELIMINATION

Chair Jordan Rausa read the case description into the record.

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

- Stated that 405 public hearing notices were mailed out on April 11, 2019.

Peggy Horton, Platting Technician, provided a staff report:

- Gave an overview of the case, #2019-038/039.

Chair Jordan Rausa

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

The petitioner and/or the petitioner's representative was not present at the meeting.

Chair Jordan Rausa

- Closed the public hearing.

MOTION:

- Thompson moved to approve the preliminary plat for Bru-nette Park and the utility easement elimination within Lots 12, 13 & 14, Block 16 of Williwaw Subdivision, with 8 recommendations. The motion was seconded by Pugh.

VOTE:

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

TIME: 2:26 P.M.

CD: 01:27:217

D. TALBERT PUE

Chair Jordan Rausa read the case description into the record.

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

- Stated that 17 public hearing notices were mailed out on April 11, 2019.

Cheryl Scott, Platting Technician, provided a staff report:

- Gave an overview of the case, #2019-040.

Chair Jordan Rausa

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

Dayna Rumpfelt (Petitioner's Representative)

- Agrees with all recommendations.

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