


SUBJECT: AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SALE OF BOROUGH-OWNED LAND IDENTIFIED AS LOT 8, BLOCK 2, MATANUSKA TOWNSITE, US SURVEY 1169, TO THE ADJACENT PROPERTY OWNER, KENNY MEDDERS, AND REPEALING THE PUBLIC PURPOSE DEDICATION PLACED ON THE BOROUGH LOT (MSB007461).

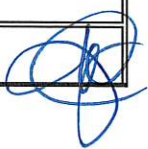
AGENDA OF: April 16, 2019

ASSEMBLY ACTION:

OK 19-050 - public Hearing held.
Adopted w/o objection @
5/7/19 RM 

MANAGER RECOMMENDATION: Introduce and set for public hearing.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: 

Route To:	Department/Individual	Initials	Remarks
	Originator	NSC	
	Community Development Director	ER	
	Finance Director	QY	
	Borough Attorney	John N.S.	
	Borough Clerk	JRM	4/8/19 

ATTACHMENT(S): Fiscal Note: YES ☒ NO ☐
Vicinity Maps (2 pp)
Best Interest Finding (9 pp)
Ordinance Serial No. 19-050 (3 pp)

SUMMARY STATEMENT:

The Matanuska-Susitna Borough Land & Resource Management received application from Kenny Medders to purchase borough-owned Lot 8, Block 2, Matanuska Townsite, US Survey 1169, which lies adjacent to his property. There are no other adjacent lots affected by the sale. The sale is allowed under MSB 23.10.230.

DISCUSSION:

The borough parcel lies within the Matanuska Townsite (USS 1169) which was platted in 1916. Access to the subdivision is via S. East Matanuska Spur Road just off the Glenn Highway at MP 36, across from Matanuska and Kepler Lakes.

The borough received the property in 1993 through tax foreclosure for non-payment of taxes for years 1988 and prior. Matanuska-Susitna Borough AM 00-153 retained this property and classified it as "public purpose" due to its sub-standard size of .11 acres and its inability to be developed as a stand-alone parcel. The public purpose adopted in AM 00-153 was defined as "open space to mitigate river erosion, used for wetlands banking, expansion of the Palmer Hay Flats State Game Refuge, or rights of way for road, utilities, buffers, bike trails, mailboxes, snow storage, cuts, fill, slopes, or other uses compatible with roadway services, maintenance and upgrade." The borough has never developed or otherwise carried out the "public purpose" for the lot, which has sat vacant for 20 years. Additionally, in accordance with Land and Resource policy and procedures, tax foreclosed properties held over ten years do not require classification prior to sale; therefore, it is appropriate to repeal the public purpose dedication placed on the lot and re-classification is not required.

Inter department review was obtained with no objection from borough departments. Public notice was provided in accordance with MSB 23.05.25 with one objection received.

Pursuant to MSB 23.10.230 (A)(1)(d), the manager may, with assembly approval by ordinance, approve a sale of borough-owned real property by application if the purchase is for an adjacent property owner to address a substandard or unusable lot condition. Mr. Medders has submitted an application and qualifies to purchase the property in accordance with MSB Title 23 and Land and Resource Management policy and procedures.

RECOMMENDATION OF ADMINISTRATION:

Matanuska-Susitna Borough Assembly repeal the public purpose dedication placed on Lot 8, Block 2, Matanuska Townsite, US Survey 1169, and approve conveyance of said lot to the adjacent landowner, Kenny Medders, pursuant to MSB 23.10.230 (A)(1)(d).

MATANUSKA-SUSITNA BOROUGH
FISCAL NOTE

Agenda Date: April 16, 2019

SUBJECT: An ordinance of the Matanuska-Susitna Borough Assembly approving the sale of borough-owned land identified as Lot 8, Block 2, Matanuska Townsite, US Survey 1169, to the adjacent property owner, Kenny Medders and repealing the public purpose dedication placed on the borough lot (MSB007461).

ORIGINATOR:

FISCAL ACTION (TO BE COMPLETED BY FINANCE)	FISCAL IMPACT <input checked="" type="radio"/> YES <input type="radio"/> NO
AMOUNT REQUESTED 100.00	FUNDING SOURCE Sale of Land
FROM ACCOUNT #	PROJECT #
TO ACCOUNT : 203.000.000 366.400	PROJECT #
VERIFIED BY: <i>[Signature]</i>	CERTIFIED BY:
DATE: 3-28-2019	DATE:

EXPENDITURES/REVENUES:

(Thousands of Dollars)

OPERATING	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023
Personnel Services						
Travel						
Contractual						
Supplies						
Equipment						
Land/Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL						
---------	--	--	--	--	--	--

REVENUE		0/				
---------	--	----	--	--	--	--

FUNDING:

(Thousands of Dollars)

General Fund						
State/Federal Funds						
Other		:/				
TOTAL		:/				

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

PREPARED BY: _____ PHONE: _____
 DEPARTMENT: *Chesenne Medders* DATE: *3/29/19*
 APPROVED BY: _____ DATE: _____



MSB #007461
Proposed Sale
by Application

S T17N R01E Sec. 26
MSB Tax Map WVA 16
MSB/LRMD January 2019

MATANUSKA

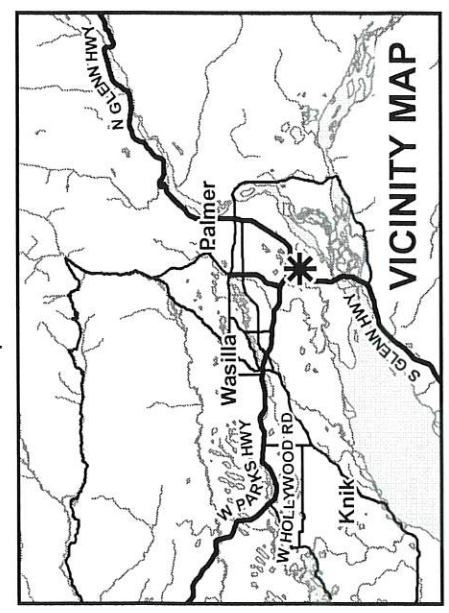
Proposed Parcel
for Sale
Tax ID: 6210B02L008

RAILROAD
RESERVE

RAILROAD
RESERVE

RAILROAD
RESERVE

22 23
27 26



Im 19-063
OR 19-050



Matanuska-Susitna Borough



Legend

- Road Mileposts
- Roads
 - Highway
 - Major Road
 - Medium Road
 - Minor Road
 - Primitive Road
 - Private Road
- + Alaska Railroad
- ▭ Mat-Su Borough Boundary
- ▭ Incorporated Cities
- ▭ Government Lot Lines
- ▭ Parcels
- ▭ Lakes and Rivers
- ▭ Streams

1:2,611



Notes

THIS MAP IS NOT TO BE USED FOR NAVIGATION

This map is solely for informational purposes only. The Borough makes no express or implied warranties with respect to the character, function, or capabilities of the map or the suitability of the map for any particular purpose beyond those originally intended by the Borough. For information regarding the full disclaimer and policies related to acceptable uses of this map, please contact the Matanuska-Susitna Borough GIS Division at 907-861-7858.

WGS_1984_Web_Mercator_Auxiliary_Sphere
© Matanuska-Susitna Borough

Reported on 03/19/2019 02:08 PM

Im 19-063 of 19-050

PRELIMINARY BEST INTEREST FINDING
For the
Disposition of Borough-owned Land

I. Summary of Proposed Action

MSB Land & Resource Management received a request from Kenny Medders to purchase adjacent borough land by application, pursuant to MSB 23.10.230 Agreements By Application. The code provides under subsection (A)(1)(d) that the manager may, with assembly approval by ordinance, approve a sale of borough-owned real property by application if the purchase is for an adjacent property owner to address a substandard or unusable lot condition.

II. Property Site Factors

A. Location: The subject land is located in the Matanuska Townsite, US Survey 1169, which is off S. East Matanuska Spur at MP36 Glenn Highway (across from Matanuska and Kepler Lakes).

B. Legal: Lot 8, Block 2, US Survey No. 1169, plat of Matanuska Townsite, Palmer Recording District, Third Judicial District, State of Alaska. (Tax ID# 6210B02L008)

C. Land Status: The borough received the property through tax foreclosure for non-payment of taxes for the year 1988 and earlier. Due to its substandard size, the parcel was subsequently retained for public purpose in 2000 for use as "open space to mitigate river erosion, used for wetlands banking, expansion of the Palmer Hay Flats State Game Refuge, or rights of way for road, utilities, buffers, bike trails, mailboxes, snow storage, cuts, fill, slopes, or other uses compatible with roadway services, maintenance and upgrade."

D. Restrictions: Notice of Public Dedication recorded on June 6, 1985 and Notice of Tax Foreclosed Properties Retained for Public Purpose recorded on October 4, 2000.

E. Current Land Use: None. Property is vacant.

F. Surrounding Land Use: Residential.

G. Resources: The property is in a designated flood zone with no compensable resources.

H. Value: \$100.00 based on the 2019 certified tax assessment roll.

III. Public Comments

In accordance with Title 23 and the Land & Resource Management Policy and Procedures Manual, 30-day public notice was initiated and sent to landowners within 600 feet of the subject property, Gateway Community Council, South Colony RSA 016, MSB Assembly members, MSB Department of Emergency Services, MSB Parks, Recreation & Trails Advisory Board, and ADF&G. Notice was published in the Frontiersman, posted at the Post Office, and provided on the Borough website. One comment was received in opposition and is attached hereto. With regard to this public comment, MSB Code Compliance has completed a survey of the area of

complaint and tagged the vehicles in the right of way. Neither Mr. Medders nor the borough property are related to the code compliance issue, and in fact, Mr. Medders is actively taking steps to purchase additional private properties with junk and trash on them in order to clean them up and have the ability to control such issues on those properties.

IV. MSB Department Review

Borough inter-departmental review was completed in January 2019 with no objections received.

V. Analysis & Discussion

The adjacent property owner, Kenny Medders (Lot 7, Block 2), resides in the subdivision and submitted an application to Land & Resource Management to purchase Lot 8, Block 2 under MSB 23.10.230, Agreements By Application, subsection (A)(1)(d). As stated in the Summary section above, the manager may through assembly approved ordinance, sell borough property to an adjacent property owner to address a substandard or unusable lot condition. The majority of lots within Matanuska Townsite are substandard in size. Mr. Medders' lot is .11 acres and qualifies as a sub-standard size lot in accordance with borough standards under Title 43, and is the only adjacent property to the borough lot. Mr. Medders cited the ongoing junk and trash and trespass issues in the subdivision, and hopes that owning the borough lot will enable him to control such activity adjacent to his residence more affectively. There has been a recent push by residents in this area to clean up and control illicit activity in the subdivision, which has been prevalent for years.

The borough parcel was received through tax foreclosure in 1993 and has remained vacant since that time. The former record owner was provided notice as statutorily required when the borough was going through foreclosure proceedings. In 2000, Mat-Su Borough AM 00-153 retained this parcel and classified it for public purpose. At that time, borough policy was to retain for "public purpose" those lots that were substandard in size and undevelopable as stand-alone lots. The borough has since revised their policy and only retains parcels when it is in the best interest of the public and makes sense to hold onto the property for public use and/or public facilities. In accordance with Land and Resource policy and procedures, tax foreclosed properties held over ten years do not require classification prior to sale; therefore, the subject parcel will not be re-classified for purpose of this sale.

The public purpose adopted under AM 00-153 was for "open space to mitigate river erosion, used for wetlands banking, expansion of the Palmer Hay Flats State Game Refuge, or rights of way for road, utilities, buffers, bike trails, mailboxes, snow storage, cuts, fill, slopes, or other uses compatible with roadway services, maintenance and upgrade." Such purpose is unrealistic for this .11 acre parcel and no public use has been determined or invoked for over 20 years with regard to this parcel. This parcel does not qualify for river erosion mitigation or wetlands banking. There are no bike trails or mailboxes in this subdivision. Utilities are already in place. The parcel cannot be expanded into the Palmer Hay Flats Game Refuge due to its location and distance from the Refuge. Road services are minimal and the area is flat, so there is no need for cut, slopes or fill, and the parcel has never been used for snow storage. The public purpose dedication will be repealed on the subject lot. The borough parcel will be conveyed by quitclaim in "as-is, where-is" condition and without warranty.

VI. Preliminary Recommendation

The Community Development Department recommends the Matanuska-Susitna Borough Assembly repeal the public purpose dedication of Lot 8, Block 2, Matanuska Townsite, US Survey 1169, and approve conveyance of the parcel to the adjacent landowner, Kenny Medders, for the 2019 tax-assessed value of \$100.



MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

22 56210B240000
PAYNE DANIEL S
PO BOX 1066
PALMER AK 99645

FIRST CLASS

PUBLIC NOTICE

MATANUSKA-SUSITNA BOROUGH PUBLIC NOTICE

Type: Sale (MSB007461)

Tax ID: 6210B02L008

The Matanuska-Susitna Borough (MSB), Land & Resource Management Division, has received a request to purchase adjacent borough land by application. The subject parcel is located in Matanuska Townsite (USS 1169) off Matanuska Road/Glenn Highway. The applicant owns the adjacent property and no other adjacent lots are affected by the sale. Due to the borough lots' substandard size of .11 acres, is not eligible for sale on the open market. Pursuant to MSB 23.10.230 (A)(1)(d) the lot may be sold by application with assembly approval if the sale is to address a sub-standard lot condition. The application and the real property meets code requirements for sale by application.

Supporting material is available for public inspection during normal business hours on the 2nd floor of the Matanuska-Susitna Borough building in the Land Management Division or visit the Public Notice Section on the borough's web page www.matsugov.us. Public comment is invited on this request. If you have any comments please mail or deliver them to the borough offices at the address indicated above, no later than **April 2, 2019**. If you have questions about this request: call Nancy Cameron at 861-7848 between 8:00-5:00 or you can send an e-mail to: LMB@matsugov.us (PLEASE REFER TO "Medders, MSB007461" WHEN SUBMITTING COMMENTS).

Comments: **Not only do I strongly oppose the MSB from transferring any of our property to the people that have substandard lots in the old Matanuska Townsite so they can bring in more junk cars and contaminate more of the property they don't own. Why hasn't the right of way been cleared of the current waste. I have been accessing my property that is of legal lot sizes for over 30 year until the MSB lets someone block the ROW that the public has every right**

Signature:

To use. Enclosed is a copy of the complaints on file and D street is still blocked .

(If you need more space for comments please attach a separate sheet of paper.)

For assistance with your property location, tax or assessment matters please call 861-7801.

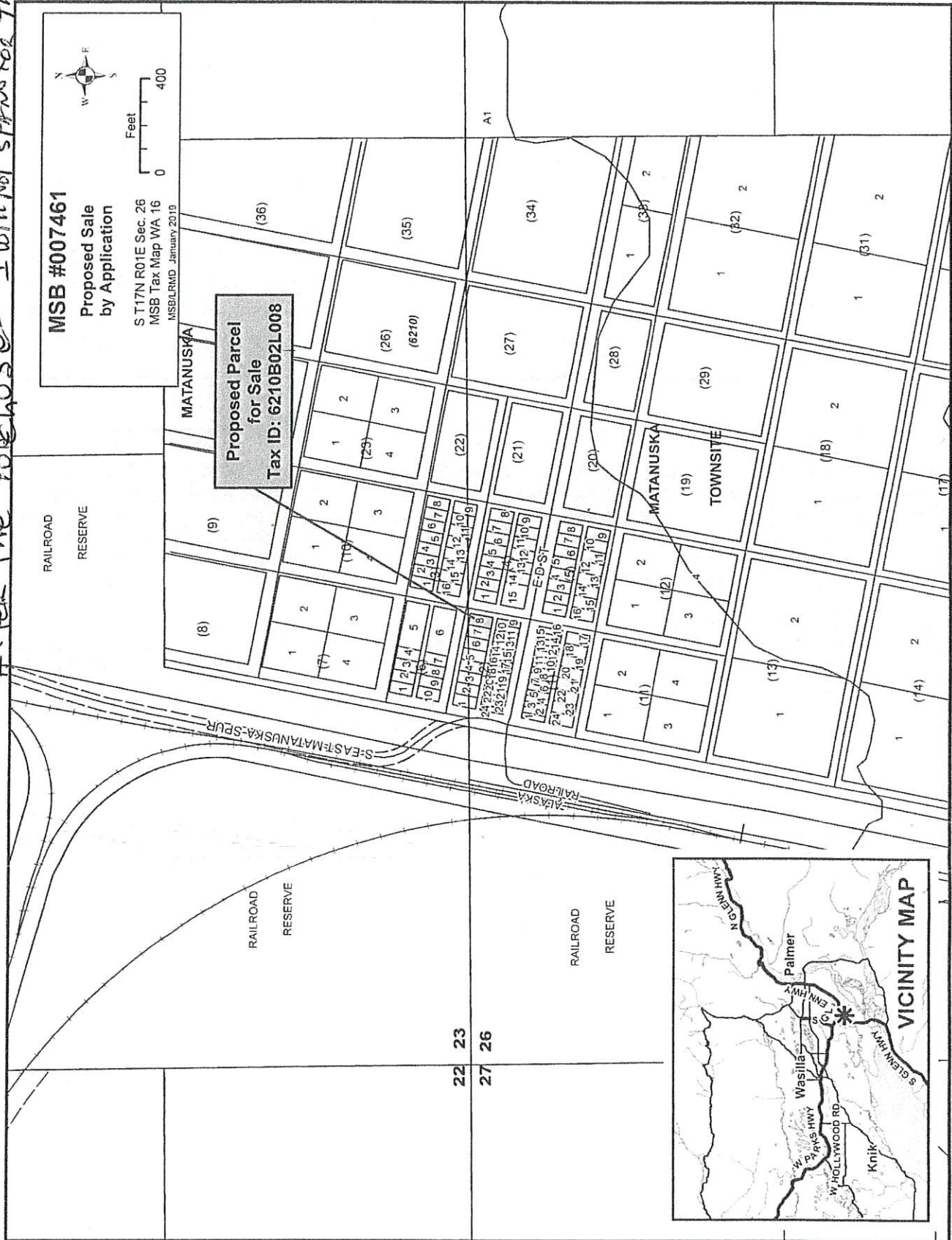
Daniel L Payne

Place
Stamp
Here

MATANUSKA-SUSITNA BOROUGH
Community Development
Land Management Division
350 East Dahlia Avenue
Palmer, Alaska 99645

They will still have a sub-standard lot size
 After the purchase- I will not stand for this

its time to go to court





MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Code Compliance Section
350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7822 • Fax (907) 861-8158
E-mail: ccb@matsugov.us

COMPLAINT FORM

Name: Daniel Payne Email (optional): painebill9@gmail.com
Home Phone: 907-795-2852 Work Phone(optional): _____
Physical Address: Mile 37 Glenn Highway Mailing Address: PO Box 1066 Palmer 99645

Are you willing to provide testimony in court regarding complaint? Yes X No _____

Please fill out completely; attach additional pages if needed.

Complaint topic:

☐ Fireworks ☐ Noise/Vibration ☐ Setbacks ☐ Junk & Trash ☒ Other :ROW serving many properties is blocked. Person living in ROW. Junk cars

Location of the property where the possible violation exists. (If you do not know the address, please provide owners name or directions to property)

Street address 8873 E D ST
Subdivision MATANUSKA TWNST (USS 1169) Block 4 _____ Lot 14 _____
MSB Tax Account 6210B04L014

Property Owner:

Name: POIRIER GERALD EST
Address: 5505 BIG BEND LOOP ANCHORAGE
AK 99502-4059
Phone: _____

Person causing violation:

Name: Unknown Person in Moterhome
Address: 8873 East D ST. MATANUSKA
TWNST (USS 1169)
Phone: _____

Please provide a detailed narrative describing the possible violation (surveys, photos, video tapes or other documentation of the possible violation and a description of what has been provided)

I make this statement freely and voluntarily to the Matanuska-Susitna Borough Code Compliance Office.

I swear or affirm that this statement is true and correct to the best of my knowledge. Junk Motorhome in ROW blocking ROW to many properties and EMT responders. See outline and concerns on additional pages.

Printed Name: Dan Payne Signature: _____ Date: 9-22-18

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Revised 6/5/18

MSB File # _____

medders MSB 007461

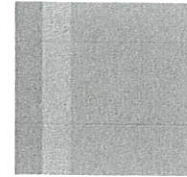
IM 19-063
OR 19-050

Additional pages to MSB complaint dated 9-22-18

Daniel Payne

PO Box 1066 Palmer, Alaska

(907) 795-2852 painebill9@gmail.com



9-22-2018

Borough Attorney's Office

Matanuska-Susitna Borough

350 E. Dahlia Ave Palmer Alaska 99645

Dear Borough Attorney's Office,

This is the added pages to the enclosed complaint. I had originally filed the 1st complaint with code compliance on 8-8-18 I was going to my property on or about that date. I could not get by a motor home that someone is living in on the D street ROW in the old Matanuska Townsite. I noticed the motor home to be leaking fluids and notified DEC. DEC came out but would not go past the no trespassing sign placed on D street ROW before the motor home. As I was talking to DEC staff Lisa Griswold, 907-269-2021 she told me of a massive cleanup of hazardous contamination caused by Property owner Gerald Poirier.

I have been accessing my property (80 acres with 5th ave. address) and property (28.3 acres 8 lots) for over 30 years. Other land owners as well as the public has been accessing the properties since the townsite was surveyed and lots were sold.

Surely the public has a right to access and enjoy the public lands accessed by the blocked right of way. The ROW needs to be open for emergency personal to respond. I have enclosed a recorded document land survey showing a 40-foot easement on either side of center line D street. The easement needs to be cleared.

I filled a 2nd complaint on 8-28-18

After seeing that nothing has been done associated with 2 complaints already filed, I went to file a 3rd complaint. I spoke with Officer Kevin and he asked me not to file a 3rd and



discouraged other people I know, that use the area from filing a complaint. Kevin told me he would go there.

Kevin said he was contacted by DEC and I am sure they are requesting access to the area to perform their job.

After thousand, or maybe millions of tax payer dollars have been spent of the clean-up of hazardous materials caused by Property owner Gerald Poirier and his estate. Why has the properties of Gerald Poirier and his estate in old Matanuska, not been taken by the state or Matanuska-Susitna Borough for costs of the clean-up as well as future costs to come that will be payed by the public again?

Property ownership and access and enjoyment of said property is a fundamental right that this country was founded on. This is what I am requesting.

1. An immediate injunction from the courts baring and prosecuting any attempt to block the ROW's in old Matanuska townsite. The public demands access. Emergency personal needs access and the many private land owners need access.
2. An injunction barring the disposal of vehicles, storage of vehicles, in the right of ways of the Old Matanuska townsite and any critical wildlife wetland in the townsite.
3. Removal of all objects in the ROW's that do not belong there.

The junk, vehicles and illegal squatters are lowering the property values for legitimate land holders as well as stopping the public from enjoying the public property.

There is great potential for further pollution and damage to wildlife and their habitat.

Sincerely,

Daniel Payne

Enclosed: copy complaints 3, D street ROW survey,

1m 19-063
0219-050

NON-CODE ORDINANCE

Sponsored By:
Introduced:
Public Hearing:
Adopted:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 19-050**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY APPROVING THE SALE OF BOROUGH-OWNED LAND IDENTIFIED AS LOT 8, BLOCK 2, MATANUSKA TOWNSITE, US SURVEY 1169, TO THE ADJACENT PROPERTY OWNER, KENNY MEDDERS, AND REPEALING THE PUBLIC PURPOSE DEDICATION PLACED ON THE BOROUGH LOT (MSB007461).

WHEREAS, the Matanuska-Susitna Borough Land and Resource Management Division received application from Kenny Medders to purchase Lot 8, Block 2, Matanuska Townsite, US Survey 1169, which lies adjacent to his property and is owned by the borough; and

WHEREAS, there are no other lots adjacent to the borough-owned lot; and

WHEREAS, the borough received the property in 1993 through tax foreclosure for non-payment of taxes for years 1988 and prior; and

WHEREAS, Matanuska-Susitna Borough AM 00-153 retained this property and classified it as "public purpose" due to its sub-standard size of .11 acres and inability to be developed as a stand-alone parcel; and

WHEREAS, the public purpose adopted under AM 00-153 was defined as "open space to mitigate river erosion, used for wetlands banking, expansion of the Palmer Hay Flats State Game Refuge, or rights of way for road, utilities, buffers, bike trails, mailboxes,

snow storage, cuts, fill, slopes, or other uses compatible with roadway services, maintenance and upgrade;" and

WHEREAS, the borough has never determined a need or invoked such "public purpose" for the lot which sat vacant for 20 years; and

WHEREAS, borough inter-department review was conducted and public notice initiated pursuant to MSB 23.05.025; and

WHEREAS, pursuant to MSB 23.10.230 (A)(1)(d), the manager may, with assembly approval by ordinance, approve a sale of borough-owned real property by application if the purchase is for an adjacent property owner to address a substandard or unusable lot condition; and

WHEREAS, Mr. Medders adjacent property contains .11 acres and is considered sub-standard by MSB Title 43; and

WHEREAS, the property will be conveyed for \$100 based on the borough's 2019 certified tax role assessment which is considered fair market value in accordance with MSB 23.10.060; and

WHEREAS, Mr. Medders' application meets the requirements of MSB Title 23 and Land and Resource Management policy and procedures to purchase the property by application; and

WHEREAS, repeal of the "public purpose" placed on Lot 8, Block 2, Matanuska Townsite, US Survey 1169, by Matanuska-Susitna Borough AM 00-153 is appropriate.

BE IT ENACTED:

Section 1. Classification. This Ordinance is a non-code ordinance.

Section 2. Disposal of Property. The Matanuska-Susitna Borough Assembly hereby approves the sale of Lot 8, Block 2, Matanuska Townsite, US Survey 1169, filed in the Palmer Recording District, to Kenny Medders, the adjacent property owner, pursuant to MSB 23.10.230 (A)(1)(d), and repeals the public purpose dedication on said Lot 8, Block 2.

Section 3. Effective Date. This ordinance shall take effect upon adoption.

ADOPTED by the Matanuska-Susitna Borough Assembly this ___ day of _____, 2019.

VERN HALTER, Borough Mayor

ATTEST:

LONNIE R. McKECHNIE, CMC, Borough Clerk

(SEAL)