

SUBJECT: THE REQUEST IS TO ELIMINATE A 40' X 300' UTILITY EASEMENT LOCATED ON THE SOUTH LOT LINE OF LOT 6A, BLOCK 1, WILDERNESS EAST #1, PLAT NO. 73-99. LOCATED WITHIN THE SE ¼ SW ¼ NE ¼ SECTION 16, TOWNSHIP 17 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, ALASKA, LYING NORTH OF E. PARKS HIGHWSY AND DIRECTLY WEST OF S. JAMES STREET. ASSEMBLY DISTRICT: 2 MATTHEW BECK


AGENDA: MAY 7, 2019

ASSEMBLY ACTION:

AM 19-030 Approved w/o objection @ 5/7/19 RM 
Under Consent agenda

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	JM	4/29/19 

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

Minutes (2 pages)
Notification of Action (2 pages)
Vicinity Map (1 page)
Draft Elimination Resolution (3 pages)

REASON FOR REQUEST: The request is to eliminate a 40' X 300' utility easement granted on Lot 6A, Block 1, Wilderness East #1, Plat No. 73-99. The utility easement is not in use, has not been used previously, and there is a 20' wide utility easement on the west lot line of Lot 6A.

SUMMARY STATEMENT: On April 21, 2019 (written decision April 24, 2019), the Platting Board approved the elimination of unused utility easement, contingent on Assembly approval. The utility easement was originally platted on the Wilderness East #1 subdivision plat in 1973. The easement has not been used previously, has no utilities within the easement and surrounding area has sufficient utility easements. Petitioner has obtained non-objection letters from all four utility companies. If approved, a platting authority elimination resolution along with a graphic representation showing the specific area eliminated will be recorded.

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.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on April 18, 2019, at the Animal Shelter Building Meeting Room, 9470 E. Chanlyut Circle, Palmer, Alaska. The Meeting was called to order at 1:00 p.m. by the Chair Jordan Rausa.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)

Platting Board members present and establishing a quorum:

Mr. Pio Cottini, District #1
Mr. LaMarr Anderson, District #2
Mr. Gregory Pugh, District #3 (Vice Chair)
Mr. Jordan Rausa, District #4 (Chair)
Mr. Dennis Vau Dell, District #5
Mr. Patrick Johnson, District #6
Mr. George Thompson, District #7

Platting Board member excused or absent:

Mr. John Shadrach, Alternate #2

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Sloan Von Gunten, Platting Administrative Specialist
Ms. Peggy Horton, Platting Technician
Ms. Cheryl Scott, Platting Technician
Ms. Amy Otto-Buchanan, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. George Thompson.

C. APPROVAL OF THE AGENDA

Chair Jordan Rausa inquired if there were any changes to the agenda.
GENERAL CONSENT: The agenda was approved without objection.

2. APPROVAL OF MINUTES

- None

3. UNFINISHED BUSINESS

- None

4. PUBLIC HEARINGS

A. GLACIER VIEW ESTATES

Chair Jordan Rausa read the case description into the record.

TIME: 4:37 P.M.

CD: 03:21:44

BREAK

TIME: 4:48 P.M.

CD: 03:21:52

D. WILDERNESS EAST #1 40' UE

Chair Jordan Rausa read the case description into the record.

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

- Stated that 115 public hearing notices were mailed out on March 27, 2019.

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

- Gave an overview of the case, #2019-031.

Chair Jordan Rausa

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

Douglas Rudd (Petitioner)

- Agrees with the recommendations.

Chair Jordan Rausa

- Closed the public hearing.

MOTION:

- Johnson moved to approve the elimination of the 40' wide Utility Easement for Lot 6A, Block 1, Wilderness East #1. The motion was seconded by Pugh.

VOTE:

- The motion passed with all in favor. There are 7 findings.

TIME: 4:56 P.M.

CD: 03:28:55

E. RESOLUTION 19-38

Chair Jordan Rausa read the case description into the record, that was continued from the April 4, 2019 Platting Board Hearing.

Dennis VauDell has withdrawn his original motion.

TIME: 4:58 P.M.

CD: 03:30:50

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



MATANUSKA-SUSITNA BOROUGH

Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 861-7874 • Email: platting@matsugov.us

NOTIFICATION OF ACTION

April 24, 2019

Douglas Rudd
PO Box 536
Palmer, AK 99645

Case #: **2019-031**

Case Name: **WILDERNESS EAST (40'UE)**

Action taken by the Platting Board on April 18, 2019 is as follows:

THE ELIMINATION OF THE 40' WIDE UTILITY EASEMENT FOR LOT 6A, BLOCK 1, WILDERNESS EAST 1 WAS APPROVED AND WILL EXPIRE ON APRIL 24, 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

Bull Moose
200 Hygrade Lane
Wasilla, AK 99654

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

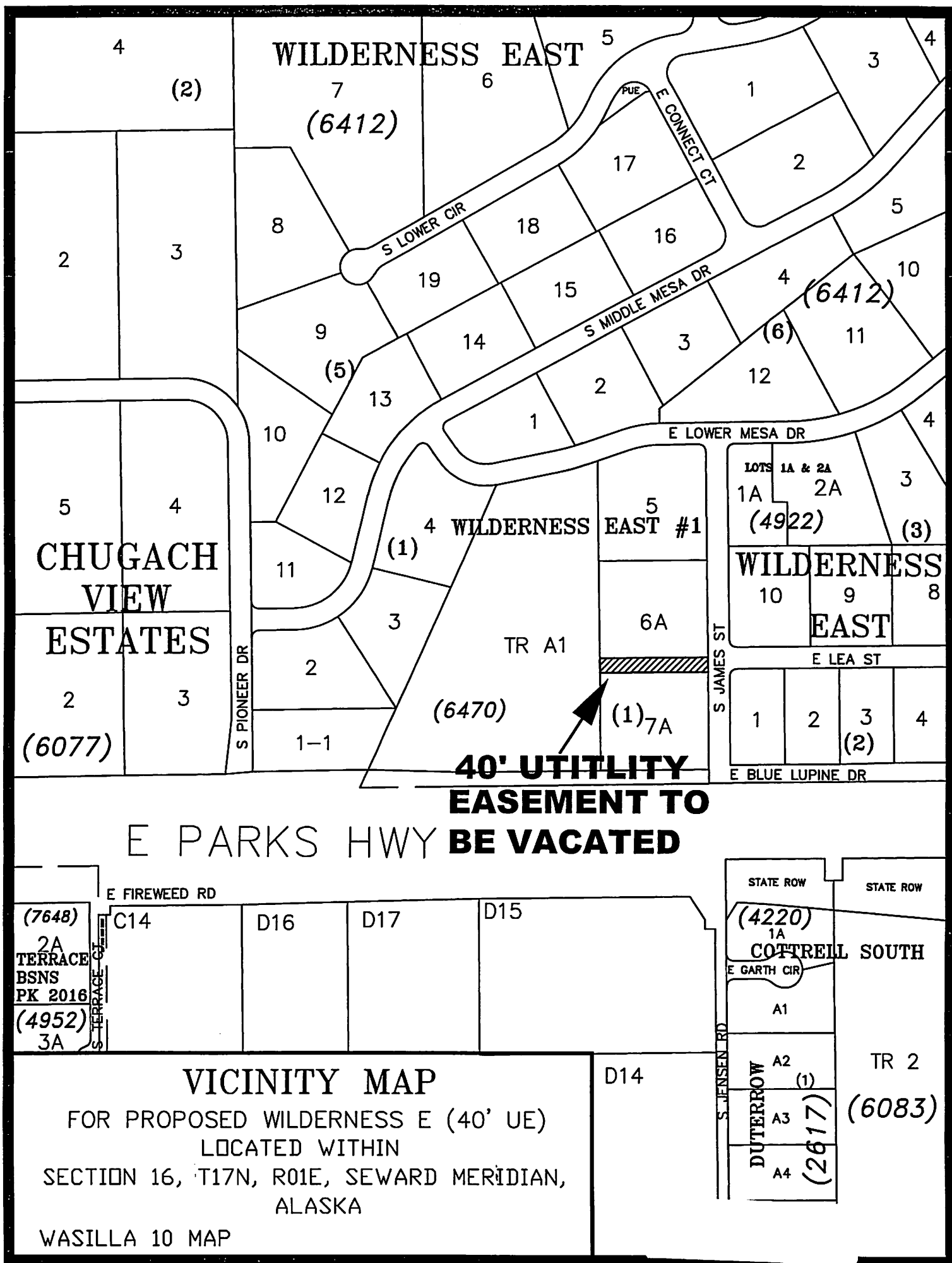
CONDITIONS of APPROVAL:

The Platting Board approved the elimination of the 40' wide Utility Easement for Lot 6A, Block 1, Wilderness East 1, contingent upon the following:

1. Obtain approval from the Assembly for the elimination of the utility easement.
2. Taxes and special assessments must be paid in full for the year of 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. Provide updated Certificate to Plat executed within seven (7) days of recording of plat and submit Beneficiary Affidavit for any holders of a beneficial interest.
4. Pay postage and advertising fees.
5. Submit recording fees, payable to Department of Natural Resources (DNR).
6. Submit final plat in full compliance with Title 43.

FINDINGS:

1. The elimination of the 40' wide Utility Easement granted on Lot 6A, Block 1, Wilderness East #1, Plat No. 73-99, is consistent with MSB 43.15.032 Elimination or Modification of Utility Easement.
2. At the time of staff report write-up, there were no responses to the Request for Comments from US Army Corps of Engineers, ADF&G, Community Council Gateway; Fire Service Area #130 Central Mat-Su; Road Service Area #9 Midway; MSB Community Development, Assessments, Planning, Pre-Design Division, or Code Compliance.
3. There were no objections from any federal or state agencies, or Borough departments.
4. There were no objections from the public in response to the Notice of Public Hearing.
5. A soils report was not required, pursuant to MSB 43.15.032.
6. Letters of Non-Objection are required and were received by Platting staff.
7. Petitioner has provide a draft elimination resolution with accompanying Exhibit A, showing the area of proposed vacation.



ELIMINATION RESOLUTION SERIAL NUMBER 2019-XXX-ELM
MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH PLATTING BOARD APPROVING THE ELIMINATION OF A 40' WIDE UTILITY EASEMENT GRANTED ON LOT 6A, BLOCK 1, WILDERNESS EAST SUBDIVISION #1, PLAT NO. 73-99, ADJOINING THE SOUTH LOT LINE. LOCATED IN SECTION 16, TOWNSHIP 17 NORTH, RANGE 01 EAST, PALMER RECORDING DISTRICT, SEWARD MERIDIAN, ALASKA.

WHEREAS, DOUGLAS RUDD, petitioned the Platting Board of the Matanuska-Susitna Borough to eliminate any public interest in a 40' wide utility easement granted on Lot 6A, Block 1, Wilderness East #1, Plat No. 73-99, located in Section 16, Township 17 North, Range 01 East, Palmer Recording District, Seward Meridian, Alaska.

WHEREAS, notice of public hearing for the elimination request was published and notices sent to affected property owners not signing the petition; and

WHEREAS, the Platting Board heard testimony for or against the petition and considered the merits of the petition; and

WHEREAS, the utility easement being eliminated is unused and not necessary and all utility companies provided letters of non-objection; and

WHEREAS, the Platting Board approved the elimination pursuant to MSB 43.15.032(A)(1)-(3); and

WHEREAS, the borough assembly offered no objection to the elimination.

NOW THEREFORE, BE IT RESOLVED that the Matanuska-Susitna Borough Platting Board resolves that any public interest in a 40' wide utility easement granted on Lot 6A, Block 1, Wilderness East #1, Plat No. 73-99, located in Section 16, Township 17 North, Range 01 East, Palmer Recording District, Seward Meridian, Alaska, is hereby eliminated.

PASSED AND APPROVED by the Platting Board of the Matanuska-Susitna Borough on the _____ day of _____, 2019.

Attest:

Date _____

VICKIELEE FENSTER, CFM

EILEEN PROBASCO,
PLANNING AND LAND USE DIRECTOR

Return to:
Matanuska Susitna Borough
Platting Division
350 E. Dahlia Ave.
Palmer AK 99645

LOT 4

S 89°59'27" W 300.00'

30'

30'

10' UTILITY EASEMENT

10' UTILITY EASEMENT

N 00°00'33" W 310.00'

LOT 6A

S. JAMES ST.

N 00°00'33" W 310.00'

40' UTILITY EASEMENT OF RECORD TO BE VACATED

30'

30'

S 89°59'27" W 300.00'

LOT 7A

UTILITY EASEMENT VACATION EXHIBIT

LOT 6A, WILDERNESS EAST SUBDIVISION REPLAT NO. 1

PALMER RECORDING DISTRICT, ALASKA

BULL MOOSE SURVEYING

ROBERT S. HOFFMAN
200 HYGRADE LANE, WASILLA, ALASKA 99654
(907) 357-6957 bob@bullmoosesurveying.com
VISIT US AT BULL MOOSE SURVEYING.COM

NOTES:

1. IT IS THE RESPONSIBILITY OF THE OWNER TO DETERMINE THE EXISTENCE OF ANY EASEMENTS, COVENANTS, OR RESTRICTIONS WHICH DO NOT APPEAR ON THE RECORDED SUBDIVISION PLAT.
2. ALL BEARINGS AND DISTANCES SHOWN ARE RECORD, UNLESS OTHERWISE NOTED.
3. NO FIELD SURVEY HAS BEEN PERFORMED AS OF THIS DATE.

DRAWN BY:
EEG

DATE OF SKETCH:
2/18/2019

PREPARED
FOR:

DOUGLAS RUDD

CHECKED BY:
RSH

SECTION TWP. RANGE
16 17N 1E S.M.

SCALE:
1"=50'

PLAT # 73-99

