

SUBJECT: VACATE PORTIONS OF THE 50-FOOT WIDE SECTION LINE EASEMENTS EACH SIDE OF THE SECTION LINE COMMON WITH SECTIONS 1 & 12, T2N, R10W, SEWARD MERIDIAN, ALASKA. ASSEMBLY DISTRICT 1: JIM SYKES

AGENDA: JUNE 4, 2019

ASSEMBLY ACTION:

AM 19-048: Approved under Consent agenda w/o objection @ 6/11/19 RMG

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY JOHN MOOSEY, BOROUGH MANAGER: _____

Route To:	Department/Individual	Initials	Remarks
	Originator	<i>JW</i>	
	Planning Director	<i>EP</i>	
	Borough Attorney	<i>NS</i>	
<i>X</i>	Borough Clerk	<i>BAN</i>	

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

Vicinity Maps (2 pages)

Notification of Action (3 pages)

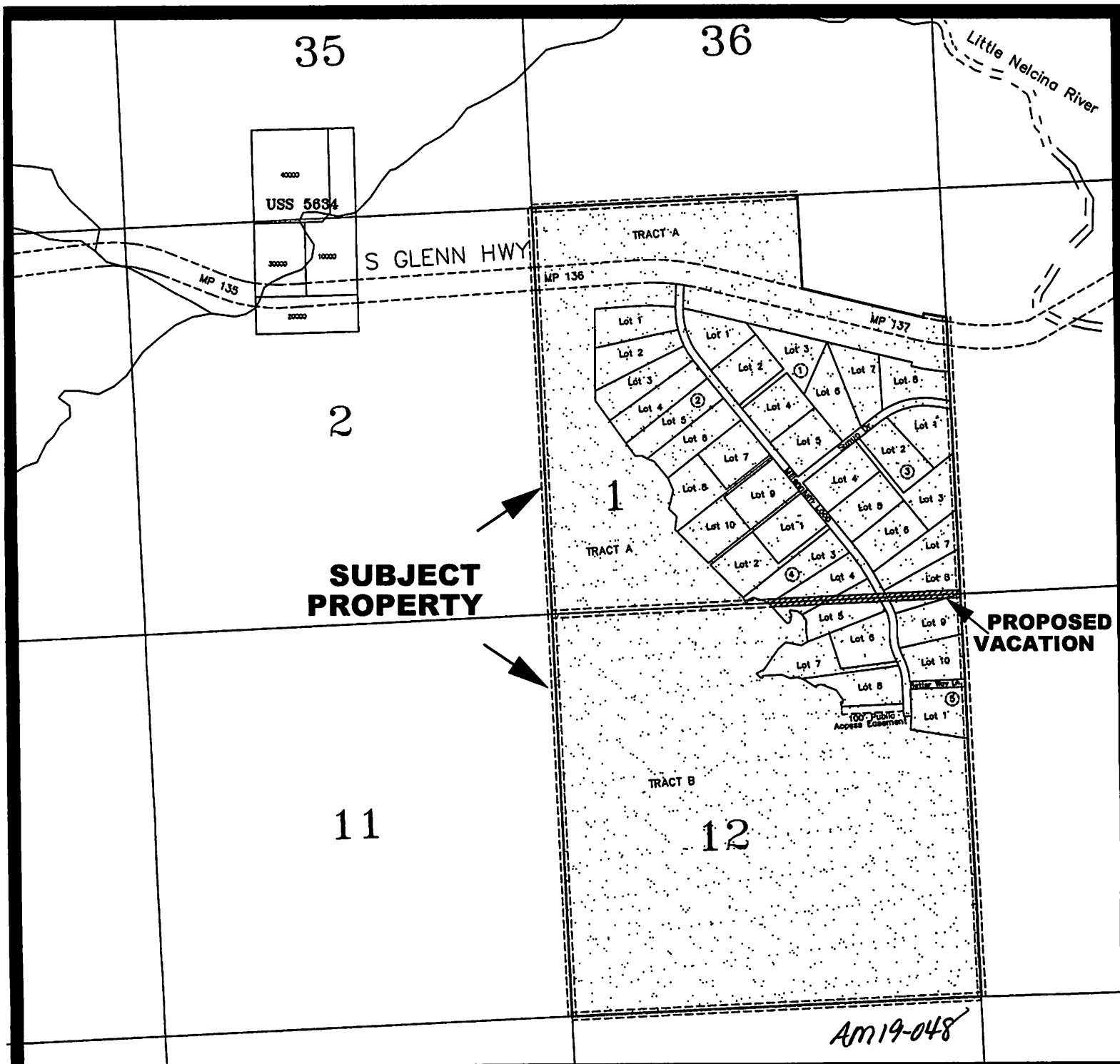
Minutes (2 pages)

SUMMARY STATEMENT: On May 16, 2019 (written decision May 24, 2019), the Platting Board approved the vacation of the 50-foot wide Section Line Easements, contingent on Assembly approval. The vacation request was submitted by the State of Alaska Department of Natural Resources in conjunction with a subdivision plat on the far eastern side of the borough. The vacation was requested to un-encumber proposed lots potential building sites and provide for better, more efficient use of the property. Alternate public access routes consist of the constructed 100-foot wide Millennium Loop and Sunup Drive and the unconstructed 100-foot wide Better Way Lane right-of-ways, a 100-foot wide Public Access Easement at the south end of Millennium Loop, and the remaining unconstructed 50-foot wide section line easements. Additional 20-foot wide public utility easements will be granted along the dedicated roads the subdivision and 50-foot wide public access easements will be granted along the shores of the two unnamed lakes within the subdivision. The proposed alternate access is adequately wide to satisfy all present and reasonable foreseeable uses. Continued access to adjacent lands is ensured by the remaining unconstructed Section Line Easements and the right-of-ways and Public Access Easements shown on the plat.

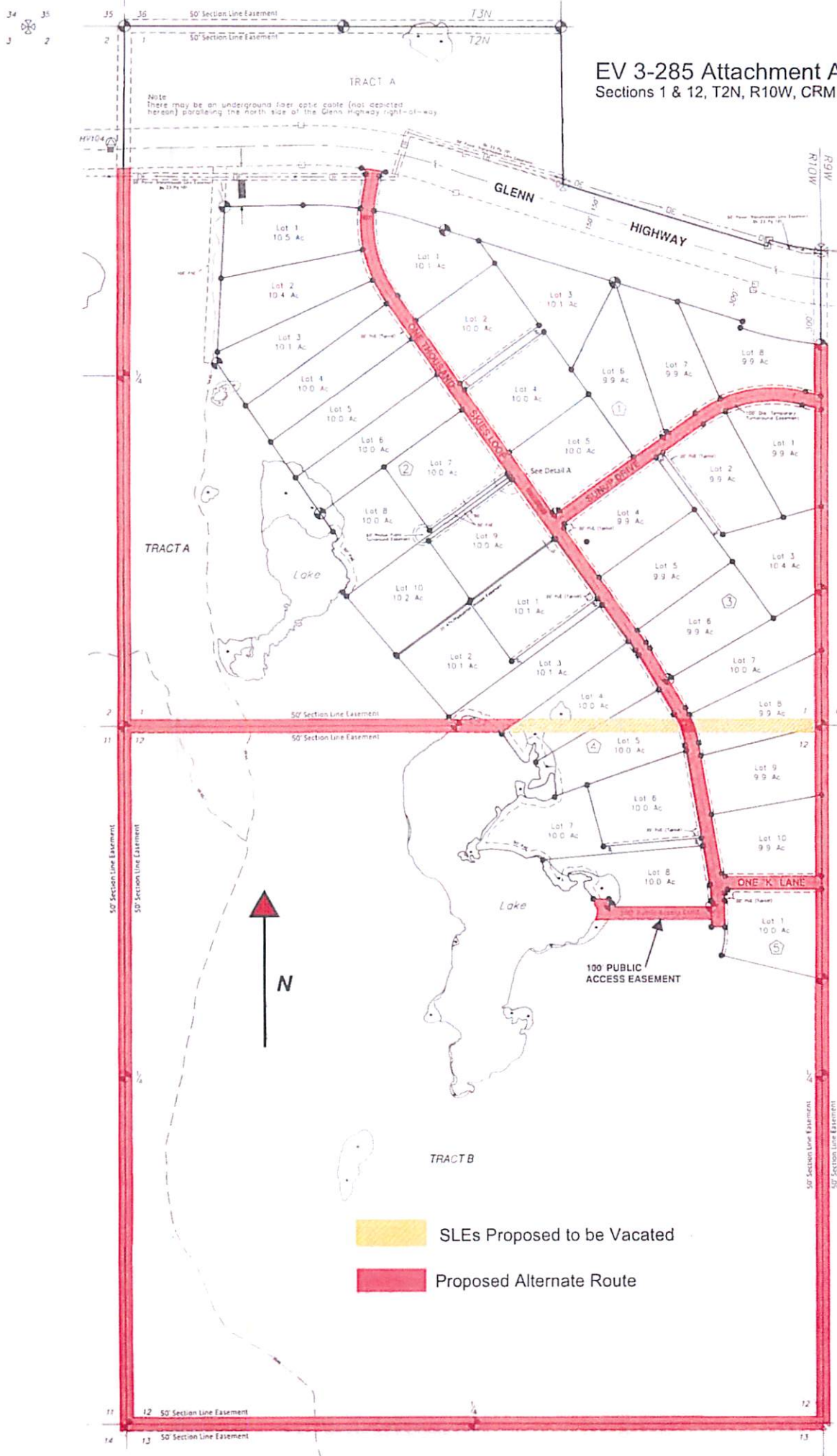
RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the vacation as the Platting Board's decision to vacate is consistent with MSB 43.15.035(B)(1)(a) and (B)(2)(b) and 43.15.040(B)(8) as equal or better access to all areas affected by the vacation and to the unnamed lakes is provided and a preliminary finding of approval was obtained from the State of Alaska, Department of Natural Resources. Vacation is pursuant to AS 19.30.410, 11 AAC 51.065, and to MSB 43.15.035 and MSB 43.15.040.

VICINITY MAP

FOR PROPOSED ASLS 2018-11
ONE THOUSAND SKIES SUNRISE &
SECTION LINE EASEMENT VACATION
SECTION 1 & 12, T2N, R10W
COPPER RIVER MERIDIAN, ALASKA



RECEIVED
APR 03 2019
PLATTING





MATANUSKA-SUSITNA BOROUGH

Platting Division

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

NOTIFICATION OF ACTION

May 24, 2019

SOA DNR
Cliff Baker
550 W. 7th Ave, Ste. 640
Anchorage, AK 99501

Case #: **2018-062**

Case Name: **ONE THOUSAND SKIES SUNRISE & SLEV REVISED**

Action taken by the Platting Board on May 16, 2019 is as follows:

THE REVISION OF THE PRELIMINARY PLAT AND VACATION OF A PORTION OF THE SECTION LINE EASEMENTS WITHIN SECTIONS 1 & 12 FOR ONE THOUSAND SKIES SUNRISE WAS APPROVED AND WILL EXPIRE ON MAY 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

49TH State Star Surveying
321 Fireoved Drive
Anchorage, AK 99508

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

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CONDITIONS of APPROVAL:

The Platting Board approved the revision of the preliminary plat and vacation of a portion of the section line easements within Sections 1 & 12 for One Thousand Skies Sunrise, contingent upon the following:

1. Comply with original conditions of approval dated June 27, 2018.
2. Pay Postage and Advertising fee.
3. Obtain the Borough Assembly approval of the vacation within 30 days of Platting Board's written Notification of Action. MSB Assembly has 30 days from the date of the Platting Board decision to deny the vacation.
4. Obtain DNR Final Decision of Approval for the Section Line Easement Vacation.
5. Submit final subdivision and section line easement vacation plat, signed by the State and those with a legal and beneficial interest in full compliance with Title 43.
6. Provide updated Certificate to Plat executed within 7 days prior to recording and provide beneficiary affidavits from holders of legal and equitable interest, if any.

FINDINGS of FACTS:

1. The preliminary plat modification is pursuant to MSB 43.15.16(H)(6), *Preliminary Plat Submittal and Approval*.
2. The redesigned plat reflects adjusted rights-of-way to accommodate the constructed road and to adjusted lot lines due to the adjusted rights-of-way and constructed cul-de-sac.
3. The section line easement vacation is pursuant to AS 29.40.120 through AS 29.40.140, MSB 43.15.035 *Vacations* and MSB 43.15.040, *Section Line and State Recognized RS-2477 Easement Vacations*.
4. The vacation is consistent with MSB 43.15.035(B)(1)(a) & 43.15.035(B)(2)(b) as the vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation and alternate or better access to the lake is being provided or exists as shown on the plat.
5. SOA DNR has issued a preliminary decision of approval for the vacation of the section line easements (EV-3-269). Assembly approval and DNR final finding of approval is required prior to recording the vacation plat, per A.S. 19.30.410, MSB 43.15.035(D) & 43.15.040(B)(6).
6. The petitioner posted notices for the section line easement vacation notifying the public of the date, time, and place of the public hearing.
7. The petitioner is dedicating 100-foot wide public access easements at the south end of Millennium Loop for additional alternate access consistent with DNR Preliminary Finding of Approval, MSB 43.15.035(B)(2)(b), and MSB 43.15.040(B)(8).

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8. The petitioner is reserving on the plat a 50-foot wide public access easement upland of and contiguous with the ordinary high water line of the two unnamed lakes within the proposed lots.
9. There are no objections from borough departments, outside agencies, or the public.

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The regular meeting of the Matanuska-Susitna Borough Platting Board was held on May 16, 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. John Shadrach, Alternate #2

Platting Board member excused or absent:

Mr. Patrick Johnson, District #6
Mr. George Thompson, District #7

Staff in attendance:

Mr. Fred Wagner, Platting Officer
Ms. Sloan Von Gunten, Platting Administrative Specialist
Ms. Cheryl Scott, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. Gregory Pugh.

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

Chair Jordan Rausa inquired if there were any changes to the minutes for April 18, 2019.

GENERAL CONSENT: The minutes for April 18, 2019 were approved without objections.

3. UNFINISHED BUSINESS

A. ONE THOUSAND SKIES SUNRISE

Chair Jordan Rausa read the case description into the record.

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

- Stated that 5 public hearing notices were mailed out on April 24, 2019.

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Fred Wagner, Platting Officer, provided a staff report:

- Gave an overview of the case, #2018-062.

Chair Jordan Rausa

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

Jeremy Hurst (Petitioner's Representative) & Cliff Baker (SOA DNR)

- Gave a brief description of why the need for the revision.
- Answered questions from the platting board regarding the wet lands in the area.

Chair Jordan Rausa

- Closed the public hearing.

MOTION:

- Pugh moved to approve the revision of the preliminary plat and vacation of a portion of the Section Line Easements within Sections 1 & 12 for One Thousand Skies Sunrise, with 6 recommendations. The motion was seconded by Vau Dell.

VOTE:

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

TIME: 1:23 P.M.

CD: 0:20:55

4. PUBLIC HEARINGS

A. COTTONWOOD RIDGE

Chair Jordan Rausa read the case description into the record.

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

- Stated that 109 public hearing notices were mailed out on April 24, 2019.

Cheryl Scott, Platting Technician, provided a staff report:

- Gave an overview of the case, #2019-044.
- Would like to add finding #11.

Chair Jordan Rausa

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

Jeff Hannasch

- Concerned on the Drainage system for this plat.

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