

SUBJECT: THE REQUEST IS TO VACATE A MAJORITY OF THE 60-FOOT WIDE PUBLIC USE EASEMENT RECORDED AT RECEPTION NO. 2004-032118-0, LOCATED WITHIN THE SE 1/4 NW 1/4 SECTION 18, TOWNSHIP 17 NORTH, RANGE 01 WEST, SEWARD MERIDIAN, ALASKA, LYING SOUTH AND EAST OF S. CLAPP STREET AND WEST OF S. MACK DRIVE.

AGENDA: April 20, 2021

ASSEMBLY ACTION:

approved under the current agenda. KBJ 4.20.21

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY MIKE BROWN, BOROUGH MANAGER: *WB*

Route To:	Department/Individual	Initials	Remarks
1	Originator F. Wagner	<i>FW</i>	
2	Planning & Land Use Director A. Strawn	<i>(5)</i>	
3	Finance Director	<i>OX</i>	
4	Borough Attorney	<i>QA for N.S.</i>	
5	Borough Clerk	<i>Jan 4/12/21</i>	<i>KBJ</i>

ATTACHMENT (S): Fiscal Note: Yes _____ No X
 Platting Board Minutes, 03/18/2021 (3 pp)
 Notification of Action (2 pp)
 Vicinity Map (1 pp)

REASON FOR REQUEST: The request is to vacate a portion of W. Caleb Circle and provide replacement Public Use Easements providing internal access to tax parcels B5, B8, B10, B11, & B12. W. Caleb Circle is a 60-foot wide Public Use Easement over 2000-feet long with a 200-foot wide t-turnaround at the terminus. All properties in the vicinity have legal and physical access.

SUMMARY STATEMENT: On March 18, 2021 (written decision March 28, 2021), the Platting Board approved the vacation of a portion W. Caleb Circle, the Public Use Easement recorded at Reception No. 2004-032118-0.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the vacation of W. Caleb Circle as the Platting Board's decision is

consistent with MSB 43.15.035(B). MSB 43.15.035(B) allows for the vacation of right-of-way as equal or better access to all areas affected by the vacation is provided.

Mr. Gary LaRusso, the petitioner's representative, agrees with all the recommendations and answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Leonard moved to approve the preliminary plat for TY River Raven Woodlands, and the variance from MSB 43.20.300(E)(6)(b) Flag Lot width, with 6 recommendations. The motion was seconded by Platting Member Shadrach.

VOTE: The motion passed with all in favor by general consent. There are 9 findings of fact.

TIME: 1:26 P.M.

CD: 0:26:27

C. ALDEMAN 2 ROW VACATION & PUE: The Adleman ROW Vacation & Public Use Easement request is to vacate a majority of W. Caleb Circle, a 60-foot wide Public Use Easement (PUE), recorded in 2004. Replacement PUEs include a t-turnaround approximately 250-feet west of W. Caleb Circle and S. Mack Drive intersection and a 1750-foot long, 60-foot wide PUE heading west from W. Mill Site Circle and S. Mack Drive intersection, ending in a cul-de-sac. The vacation is requested to remove structural and other encroachments from the existing PUE. The replacement easements provide alternate access to areas affected by the vacation. The property is south and east of S. Clapp Street and west of S. Mack Drive (Tax ID # 17N01W18B005, 17N01W18B008, 17N01W18B010, 17N01W18B011, 17N01W18B012); lying within the S ½ NW ¼ Section 18, Township 17 North, Range 01 West, Seward Meridian, Alaska. In Meadow Lakes Community Council and Assembly District #4: Robert Yundt. (*Owner/Petitioner: Cyrus Aldeman; Caleb Aldeman, Charles & Kathy Aldeman; Surveyor: Denali North; Staff: Fred Wagner*)

Chair Anderson:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record; there was no objection noted by the platting board.

Ms. Borys provided the mailing report:

- Stating that 29 public hearing notices were mailed out on February 24, 2021.

Mr. Fred Wagner:

- Gave an overview of the case, #2021-015/016.
- Would like to add a new finding and remove finding #4.
- Staff recommends approval of the case with the changes to findings of fact and conditions.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

Mr. Wayne Whaley, the petitioner's representative, gave a brief overview.

Chair Anderson:

- Opened the public hearing for public testimony.
- There being no one to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Wayne Whaley, the petitioner's representative, agrees with all the recommendations and answered questions from the platting board.

Chair Anderson moved to the Platting Board for a motion.

Platting Member Bush tried to make a motion. He withdrew his motion.

MOTION: Platting Member Shadrach moved to approve the vacation of a portion of W. Caleb Circle, the public use easement recorded at 2004-032118-0 and to grant replacement Public Use Easements for Aldeman, with 6 Recommendations, adding finding #5 and remove recommendation #4. The motion was seconded by Platting Member Leonard.

Amended

MOTION: Platting Member Vau Dell moved to amend the motion to add another recommendation stating: Install emergency service approved lots at all gates. The motion was seconded by Platting Member Shadrach.

Discussion on the recommendation made by Vau Dell.

TIME: 2:06 P.M.

CD: 01:06:12

BREAK

TIME: 2:11 P.M.

CD: 01:11:27

Amended

VOTE: The motion passed with all in favor by general consent.

FINDINGS:

- Add #5: The petitioners provided the public use easement for W. Caleb Circle in 2004 to provide right-of-way for a possible future subdivision.

RECOMMENDATIONS:

- Remove #4.
- Add #6: Install emergency service approved lots at all gates.

VOTE: The motion passed with all in favor by general consent. There are 5 findings of fact.

TIME: 2:20 P.M.

CD: 01:20:31

D. STANLEY AND SONS: The request is to combine Lots 5A & 10A, Mountain Village Plaza, Plat 82-48, into one lot to be known as Lot 1, Stanley and Sons, containing 2.19 acres +/- . The petitioner is also requesting to eliminate two 15' wide platted utility easements, replacing them with two new utility easements along the west, north, and east sides of the new lot to coincide with a new utility design plan. The property is located northwest of the intersection of S. Mountain Village Circle and E. Sun Mountain Avenue (Tax ID #2304B02L003A, 2304B02L010A); lying within the SW ¼ Section 12, Township 17 North, Range 01 West, Seward Meridian, Alaska. In the City of Wasilla and in Assembly District #4: Robert Yundt. (*Owner/Petitioner: Stanley & Sons, LLC; Surveyor: Bristol; Staff: Fred Wagner*)

Chair Anderson:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record; there was no objection noted by the platting board.

Ms. Borys provided the mailing report:

- Stating that 67 public hearing notices were mailed out on February 24, 2021.

Mr. Fred Wagner:

- Gave an overview of the case, #2021-018/019.
- Staff recommends approval of the case with findings of fact and conditions.

Chair Anderson invited the petitioner and/or the petitioner's representative to give a brief overview.

Mr. Frank Paulson, the petitioner's representative, gave a brief overview.

Chair Anderson:

- Opened the public hearing for public testimony.
- There being no one to be heard, the chair closed the public hearing.
- Invited the petitioner or their representative to provide their comments.

Mr. Frank Paulson, the petitioner's representative, agrees with all the recommendations.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Leonard moved to approve the preliminary plat for Stanley and Sons and the modification of the platted utility easement, with 8 recommendations. The motion was seconded by Platting Member Shadrach.



MATANUSKA-SUSITNA BOROUGH

Platting Division

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

PLATTING BOARD ACTION LETTER

March 28, 2021

Cyrus Aldeman et al
PO Box 870309
Wasilla, AK 99687

Case #: 2021-015/016

Case Name: ALDEMAN 2 PUE & VACATION

Action taken by the Platting Board on March 18, 2021 is as follows:

THE VACATION OF A PORTION OF W. CALEB CIRCLE, THE PUBLIC USE EASEMENT RECORDED AT 2004-032118-0 AND TO GRANT REPLACEMENT PUBLIC USE EASEMENT FOR ALDEMAN WAS APPROVED AND WILL EXPIRE ON MARCH 28, 2027 SUBJECT TO THE ATTACHED CONDITIONS OF APPROVAL. FINDINGS OF FACT SUPPORTING THIS DECISION ARE ALSO INCLUDED.

ALL DECISIONS OF APPROVAL OR DISAPPROVAL BY THE PLATTING AUTHORITY 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,

Mr. Fred Wagner, PLS
Platting Officer

sv

cc: DPW – Jamie Taylor

Denali North
PO Box 874577
Wasilla, AK 99687
Additional Plat Reviews After 2nd Final are \$100.00 Each

AM 21-031

FINDINGS of FACT:

1. The vacation is pursuant to AS 29.40.120 through AS 29.40.140 and MSB 43.15.035 *Vacations*.
2. MSB 43.15.035(B)(1)(c) allows for vacations of public rights-of-way if the right-of-way is not being used, a road is impossible or impractical to construct, and alternate access has been provided. Staff notes the public use easement for W. Caleb Circle is currently unusable due to encroachments and the petitioner is providing alternate access.
3. The petitioner requests the vacation to eliminate the structural encroachments into the public right-of-way, encroachments into the building setbacks, and to remove the public right-of-way where there is a gravesite.
4. Public notice was posted for the right-of-way vacation notifying the public of the date, time, and place of the public hearing and the posting affidavit will be provided prior to the public hearing.
5. The petitioners provided the public use easement for W. Caleb Circle in 2004 to provide right-of-way for a possible future subdivision.

CONDITIONS of APPROVAL:

The Platting Board approved the petition to vacate a portion of W. Caleb Circle, the public use easement recorded at 2004-032118-0, and to grant replacement Public Use Easements for Aldeman 2, contingent upon the following:

1. Pay Postage and Advertising fee.
2. 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 veto the request, if no action is taken within 30 days, the vacation is automatically approved.
3. Provide an updated Plan & Profile drawing.
4. Obtain replacement utility easements for the existing utilities within that portion of N. Caleb Circle that is being vacated.
5. Provide updated Certificate to Plat executed within 7 days prior to recording the vacation and replacement public use easement and submit Beneficiary Acknowledgement, if applicable, in accordance with MSB 43.15.035(H).
6. Install emergency service approved lots at all gates.

4M 21-031

Am 21-031

VICINITY MAP
FOR PROPOSED ALDEMAN ROW VACATION
LOCATED WITHIN
SECTION 18, T17N, R1E
SEWARD MERIDIAN, ALASKA
WASILLA 12 MAP

