

SUBJECT: THE REQUEST IS TO ELIMINATE THE TWO 15-FOOT WIDE PLATTED UTILITY EASEMENTS WITHIN LOTS 5A & 10A, MOUNTAIN VILLAGE PLAZA, PLAT NO. 82-48, LOCATED WITHIN THE SW 1/4 SECTION 12, TOWNSHIP 17 NORTH, RANGE 01 WEST, SEWARD MERIDIAN, ALASKA, LYING NORTHWEST OF THE INTERSECTION OF S. MOUNTAIN VILLAGE CIRCLE AND E. SUN MOUNTAIN AVENUE.

AGENDA OF: April 20, 2021

ASSEMBLY ACTION:

approved under the consent agenda. KBJ 4.20.21

MANAGER RECOMMENDATION: Present to the Assembly for consideration.

APPROVED BY MICHAEL 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>(1)</i> | |
| 4 | Borough Attorney | <i>AB</i> | |
| 5 | Borough Clerk | <i>DM 4/12/21</i> | <i>KBJ</i> |

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

SUMMARY STATEMENT: On March 18, 2021 (written decision March 28, 2021), the Platting Board approved the elimination of the two utility easements within Lots 5A and 10A, Mountain Village Plaza, Plat No. 82-48, contingent on Assembly approval. The easement elimination was approved along with an elimination of common lot line subdivision plat of Mountain Village Plaza upon which replacement utility easements will be provided. 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 and the new easements, 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.

~~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 #2304B02L005A, 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.

Discussion on the utility easements.

VOTE: The motion passed with all in favor by general consent. There are 7 findings of fact.

TIME: 2:28 P.M.

CD: 01:28:43

7. ITEMS OF BUSINESS & MISCELLANEOUS

- A. Special Meeting Session on Title 43 White Board List.
 - No session at this time.

8. PLATTING STAFF & OFFICER COMMENTS

- A. Adjudicatory (if needed)
- B. Upcoming Platting Board Agenda Items

Mr. Wagner provided a brief update on cases that will be coming before the Platting Board on April 1, 2021. We will continue session on Title 43 white board list after the April 1st meeting. We will be interviewing the applicants that have applied for the Platting Tech job in the next week or so.

9. BOARD COMMENTS

- Platting Member Leonard thanked staff for their work.
- Platting Member Bush had no comments.
- Platting Member Vau Dell commented on his surgery. Asked about the teams meeting email that was sent out previously.
- Platting Member Shadrach had no comments.
- Platting Member Anderson asked about the May meeting schedule.

10. ADJOURNMENT

With no further business to come before the Platting Board, Chair Anderson adjourned the meeting at 2:43 p.m. (CD: 01:42:43)

LAMARR ANDERSON,
Platting Board Chair

ATTEST:

LEDA BORYS,
Acting Platting Board Clerk

Minutes approved: _____



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

Stanley and Sons, LLC
802 Gambell Street
Anchorage, AK 99501

Case #: 2021-018/019

Case Name: STANLEY AND SONS W/ UE

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

THE PRELIMINARY PLAT FOR STANLEY AND SONS AND THE MODIFICATION OF THE PLATTED UTILITY EASEMENT 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

Bristol Infrastructure Design Services
111 W 16th Avenue
Third Floor
Anchorage, AK 99501
Additional Plat Reviews After 2nd Final are \$100.00 Each

AM 21-032

FINDINGS of FACT:

1. The plat of Stanley and Sons is consistent with AS 29.40.070 Platting Regulations; and MSB 43.15.016 Preliminary Plat Submittal and Approval.
2. City of Wasilla municipal water and sewer systems serve this property.
3. Lot sizes and block lengths are consistent MSB 43.20.300(A), *Lot and Block Design*.
4. Frontage to all lots are consistent with MSB 43.20.320, *Frontage*.
5. The service utility companies provided non-objections to the utility easement modification petition.
6. MSB 43.15.032 requires the platting board hear platted utility easement eliminations and/or modifications. If approved, the item will be placed on the borough assembly's agenda.
7. There are no borough department, outside agency, or public objections to this plat.

CONDITIONS of APPROVAL:

The Platting Board approved the preliminary plat for Stanley and Sons and the modification of the platted utility easement, contingent upon the following:

1. Submit the mailing and advertising fee.
2. Submit an approved City of Wasilla Land Use Permit for Subdivision.
3. Obtain the Borough Assembly approval of the utility easement modification 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 request.
4. Provide updated Certificate to Plat executed within 7 days, prior to recording the plat per MSB 43.15.053(E).
5. Submit an affidavit from any holders of beneficial interest, if any, to be recorded with the plat.
6. Submit recording fee, payable to the State of Alaska, DNR.
7. 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.
8. Submit final plat in full compliance with Title 43.

Am 21-032

