

SUBJECT: REQUEST TO VACATE THE 33-FOOT WIDE SECTION LINE EASEMENT LYING WITHIN TRACT A, GOODWIN ESTATES PHASE 1, PLAT #2020-73, AND THE 33-FOOT WIDE SECTION LINE EASEMENT LYING WEST OF E. TEX-AL DRIVE WITHIN TAX PARCEL A1. LOCATED WITHIN SECTIONS 10 & 15, TOWNSHIP 18 NORTH, RANGE 01 EAST, SEWARD MERIDIAN, ALASKA, LYING DIRECTLY SOUTH OF E. TEX-AL DRIVE, WEST OF N. TRINITY VIEW DRIVE AND NORTH OF DANDY LAKE.

AGENDA: JULY 20, 2021

ASSEMBLY ACTION:

Approved under the Consent agenda 7-20-21

MANAGER RECOMMENDATION: Present to the assembly for consideration.

APPROVED BY MIKE BROWN, BOROUGH MANAGER: *MB*

Route To:	Department/Individual	Initials	Remarks
/	Originator - <i>Patricia Franco Wainwright</i>	<i>FW</i>	
/	Planning Director <i>Acting Kim Solheim</i>	<i>KS</i>	<i>7/7/2021</i>
/	Finance Director	<i>DF</i>	
/	Borough Attorney	<i>AB</i>	
/	Borough Clerk	<i>MB 7/12/21</i>	<i>MB</i>

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

Platting Board Minutes, 06/17/2021 (8 pages)

Notification of Action (3 pages)

Vicinity Map (6 pages)

REASON FOR REQUEST: The request is to vacate the 33-foot wide Section Line Easement lying within Tract A, Goodwin Estates Phase 1 (Plat #2020-73) and the 33-foot wide Section Line Easement lying west of E. Tex-Al Drive within Tax Parcel A1. Located within Sections 10 & 15, Township 18 North, Range 01 East, Seward Meridian, Alaska, lying directly south of E. Tex-Al Drive, west of N. Trinity View Drive and north of Dandy Lake. The vacation of these Section Line Easements facilitates the connection of E. Tex-Al Drive, a major proposed connecting collector route between N. Wasilla-Fishhook and N. Palmer-Fishhook Roads. All properties in the vicinity have legal and physical access.

SUMMARY STATEMENT: On June 17, 2021 (written decision June 27, 2021), the Platting Board approved the vacation of the 33' wide Section Line Easements.

RECOMMENDATION OF ADMINISTRATION: Staff recommends the Assembly approve the vacation of the 33' Section Line Easements, 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.

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on June 17, 2021, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The Meeting was called to order at 1:00 p.m. by Chair LaMarr Anderson.

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 Seat #1
Mr. LaMarr Anderson, District Seat #2, Chair
Mr. John Shadrach, District Seat #3
Mr. Dennis Vau Dell, District Seat #5
Mr. Wilfred Fernandez, District Seat #6, Vice Chair (by Teams)
Mr. Alan Leonard, District Seat #7
Ms. Amanda Salmon, Alternate

Platting Board members absent and excused were:

Mr. Dan Bush, District Seat #4
Ms. Barbara Doty, Alternate

Staff in attendance:

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

B. THE PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by Platting Board Member John Shadrach.

C. APPROVAL OF THE AGENDA

Chair Anderson inquired if there were any changes to the agenda

GENERAL CONSENT: The agenda was approved without objections.

2. APPROVAL OF MINUTES

Chair Anderson inquired if there were any changes to the minutes for May 19, 2021.

GENERAL CONSENT: The minutes for May 19, 2021 were approved without objections.

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

A. Persons to Be Heard *(There are no persons to be heard)*

Gary LoRusso, presented his concerns on the borough code and procedures.

4. UNFINISHED BUSINESS: Quasi-Judicial Matters
(There is no Unfinished Business)

5. RECONSIDERATIONS/APPEALS

(There are no Reconsiderations/Appeals)

Platting Member Salmon arrived at the platting board meeting.

6. PUBLIC HEARINGS: Quasi-Judicial Matters

Platting Board members may not receive or engage in ex-parte contact with the applicant, other parties interested in the application, or members of the public concerning the application or issues presented in the application.

A. TOBIN: The request is to create four lots from Tax Parcels A9 and B11, to be known as Tobin, containing 42.2 acres +/- . The plat is located east of N. Sitze Road; (Tax IDs # 18N01W17A009/B011); within the NW ¼ NE ¼ and the NE ¼ NW ¼, Section 17, Township 18 North, Range 01 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly District #7. (*Owner/Petitioner: Timothy G. & Tina B. Tobin; Surveyor: Bull Moose; Staff: Amy Otto-Buchanan*)

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. Von Gunten provided the mailing report:

- Stating that 19 public hearing notices were mailed out on May 26, 2021.

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-027.
- 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.

The petitioner and/or the petitioner's representative was not present for an overview.

Chair Anderson:

- Opened the public hearing for public testimony.

The following person spoke regarding their concerns on emergency services comments in the case packet: Mr. Gary LoRusso.

Chair Anderson:

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

The petitioner and/or the petitioner's representative was not present at the hearing.

Chair Anderson moved to the Platting Board for a motion.

MOTION: Platting Member Shadrach moved to approve the preliminary plat for Tobin, with 9 recommendations. The motion was seconded by Platting Member Fernandez. There are 8 findings of facts.

VOTE: The motion passed with all in favor by name call vote.

TIME: 1:16 P.M.

CD: 0:16:23

B. BRUNS LAKE OVERLOOK MASTER PLAN: The request is to create 56 lots, by a four phase Master Plan, from Tax Parcel B4, to be known as Bruns Lake Overlook Master Plan, containing 67.74 acres +/- . The plat is located south of W. Parks Highway and east of S. Sylvan Road (Tax ID# 17N02W15B004); within Section 15, Township 17 North, Range 02 West, Seward Meridian, Alaska. In the Meadow Lakes Community Council and in Assembly District #7. (*Owner/Petitioner: Dennis Byler; Surveyor: Dennis Byler; Staff: Amy Otto-Buchanan*)

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. Von Gunten provided the mailing report:

- Stating that 143 public hearing notices were mailed out on May 26, 2021.

Ms. Amy Otto-Buchanan:

- Gave an overview of the case, #2021-061.
- 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. Gary LoRusso, the petitioner's representative, gave a brief overview.

Chair Anderson:

- Opened the public hearing for public testimony.

The following person spoke regarding their concerns on public safety and the emergency service's code: Mr. Brett Westcott.

The following person spoke regarding their concerns on access for exiting the subdivision during an emergency situation. Concerned about the development being too large and does not want to see duplexes being built in their area: Mr. Panic Holbroom.

The following person spoke regarding their concerns on road access and traffic road safety. Commented on Buttercup Road and emergency services ability to access the roadways in the area: Ms. Joy Bruns.

The following person spoke regarding their concerns on the thinned tree line, with emergency service access and fire suppression. Gave a description of the area's living conditions and businesses: Mr. Dale Bruns.

The following person spoke regarding their concerns on the railroad and safety issues applied with the railroad: Ms. Windy Marshall.

The following person commented on the fire code and about their concerns for safety regarding fires. Would like to see additional access roads to the subdivision: Ms. Michelle Torrez.

Chair Anderson:

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

Mr. Gary LoRusso, the petitioner's representative, went over a handout on the roads and gave a summary on the roadways and the case action being done. 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 Shadrach moved to approve the preliminary plat for Bruns Lake Overlook Master Plan, with 8 recommendations. The motion was seconded by Platting Member Fernandez. There are 7 findings of facts.

Discussion ensued on fires and evacuation.

Mr. John Aschenbrenner, MSB Deputy Attorney, presented borough code, state code, and fire code. Explained what the codes mean and what decisions that platting board members can make.

VOTE: The motion passed with 6 in favor (Fernandez, Cottini, Anderson, Shadrach, Salmon, Leonard) and 1 against (Vau Dell).

TIME: 2:36 P.M.

CD: 01:36:10

BREAK

TIME: 2:48 P.M.

CD: 01:48:05

C. JANA ESTATES PHASE 2: The request is to create one lot and nine tracts from Lots 2, 3 & 4 and Tract D, Block 2, Phase I Jana Estates, Plat # 87-35, to be known as Jana Estates Phase 2, containing 126.7 acres +/- . The plat is located west of Big Lake, directly north of W. Susitna Parkway, directly west of S. Jay Sedor Street, and directly east of S. Kenaka Bena Loop, (Tax ID # 2778000T00D / 2778B02L002/3/4); within Section 34, Township 17 North,

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD MINUTES**

**REGULAR MEETING
JUNE 17, 2021**

Range 04 West, Seward Meridian, Alaska. In the Big Lake Community Council and in Assembly District #5. (*Owner/Petitioner: Nancy Ann Nolfi-Dodge & Adrian Peter Nolfi; Surveyor: Keystone; 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. Von Gunten provided the mailing report:

- Stating that 103 public hearing notices were mailed out on May 26, 2021.

Mr. Fred Wagner:

- Gave an overview of the case, #2021-065.
- 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. Gary LoRusso, 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. Gary LoRusso, 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.

Main

MOTION: Platting Member Leonard moved to approve the preliminary plat for Jana Estates Phase 2, with 7 recommendations. The motion was seconded by Platting Member Vau Dell. There are 8 findings of facts.

Amended

MOTION: Platting Member Shadrach moved to amend the motion to add recommendation #8. The motion was seconded by Platting Member Cottini.

Discussion ensued on adding a recommendation on access from Winterset Drive and on the cul-de-sac at the end of the road.

RECOMMENDATIONS:

- Add #8: Redesign the preliminary plat so that tracts D-3 through D-9 shall access the existing Winterset Drive.

Amended

VOTE: The motion passed with 5 in favor (Anderson, Salmon, Shadrach, Leonard, Cottini) and 2 against (Fernandez, Vau Dell).

Main Motion

VOTE: The motion passed with all in favor by name call vote.

TIME: 3:26 P.M.

CD: 02:26:08

BREAK

TIME: 3.37 P.M.

CD: 02:36:36

D. GOODWIN ESTATES PHASE 1: The request is to vacate the 33-foot wide Section Line Easement lying within Tract A, Goodwin Estates Phase 1 (Plat #2020-73) and the 33-foot wide Section Line Easement lying west of E. Tex-Al Drive within Tax Parcel A1. The vacation of these Section Line Easements facilitates the connection of E. Tex-Al Drive, a major proposed connecting collector route between N. Wasilla-Fishhook and N. Palmer-Fishhook Roads. The plat is located directly south of E. Tex-Al Drive, west of N. Trinity View Drive and north of Dandy Lake, (Tax ID # 18N01E15A001); within Sections 10 & 15, Township 18 North, Range 01 East, Seward Meridian, Alaska. In the Fishhook Community Council and in Assembly District #6. (*Owner/Petitioner: Mary Susanne Goodwin; Surveyor: Hanson; Staff: Fred Wagner*)

Chair Anderson:

- Read the statement regarding Ex-Parte & Interest on quasi-judicial actions into the record.
- Platting Member Cottini recused himself as his company is involved with the case.

Ms. Von Gunten provided the mailing report:

- Stating that 57 public hearing notices were mailed out on May 26, 2021.

Mr. Fred Wagner:

- Gave an overview of the case, #2021-066.
- 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.

The petitioner and/or the petitioner's representative passed on the 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. Craig Hanson, the petitioner's representative, gave an explanation on the action being brought to the board. 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 Shadrach moved to approve the vacation of the 33 foot section line easements within Tract A Goodwin Estates Phase I and Tax Parcel A1, with 9 recommendations. The motion was seconded by Platting Member Leonard. There are 9 findings of facts.

Discussion ensued on the vacation of the section line and Tex-A1 Road.

VOTE: The motion passed with 5 in favor (Leonard, Anderson, Fernandez, Salmon, Shadrach) and 1 against (Vau Dell).

Platting Member Cottini returned to his seat.

7. ITEMS OF BUSINESS & MISCELLANEOUS
(There is no Items of Business & Miscellaneous)

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 June 17, 2021. Platting is in the process of looking for a full time technician and also a part time tech position.

Ms. Von Gunten introduced the platting assistant, Mr. Matthew Goddard, who will be starting next week.

9. BOARD COMMENTS

- Platting Member Cottini thanked staff for their work.
- Platting Member Shadrach commented on the platting process.
- Platting Member Vau Dell had no comments.
- Platting Member Leonard had no comments.
- Platting Member Salmon thanked staff for their work.
- Platting Member Fernandez had no comments.
- Platting Member Anderson thanked staff and the board for their work.

10. ADJOURNMENT

With no further business to come before the Platting Board, Chair Anderson adjourned the meeting at 3:59 p.m. (CD: 02:58:45)

LAMARR ANDERSON,
Platting Board Chair

ATTEST:

SLOAN VON GUNTEN,
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

June 27, 2021

Mary Susanne Goodwin
8202 E. Tex-Al Drive
Palmer, AK 99645

Case #: **2021-066**

Case Name: **GOODWIN SLEV**


Action taken by the Platting Board on June 17, 2021 is as follows:

THE VACATION OF THE 33 FOOT SECTION LINE EASEMENTS WITHIN TRACT A GOODWIN ESTATES PHASE 1 AND TAX PARCEL A1 WAS APPROVED AND WILL EXPIRE ON JUNE 27, 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

Hanson Land Solutions
305 W. Fireweed Ave.
Palmer, AK 99645

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

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FINDINGS of FACT:

1. The vacation of the Section Line Easement is consistent with MSB 43.15.040 Section Line Easement Vacations and MSB 43.15.035 Vacations.
2. A soils report was not required, pursuant to MSB 43.15.032.
3. Petitioner has provided information required pursuant to MSB 43.15.040.
4. Petitioner has obtained preliminary approval from State of Alaska, pursuant to MSB 43.15.040(B)(1). Final approval from the State will be required prior to recording.
5. Pursuant to MSB 43.15.035(E) and MSB 43.10.065(G), petitioner will provide an Affidavit of Posting of the Public Notice of Vacation of the Section Line Easement.
6. Approval from the Assembly will be required prior to recording, pursuant to MSB 43.15.035(F). (D)
7. At the time of staff report write-up, there were no responses to the Request for Comments from ADF&G, Community Council Fishhook; Fire Service Area #132 Greater Palmer Consolidated; Road Service Area #16 South Colony; MSB Community Development, Capital Projects, Assessments, Planning, Development Services; or the public.
8. There were no objections from any federal or state agencies, or Borough departments.
9. MEA requested a 20' wide utility easement within the proposed Section Line Easement vacation.

CONDITIONS of APPROVAL:

The Platting Board approved the vacation of the 33 foot Section Line Easements within Tract A Goodwin Estates Phase I and tax parcel A1, contingent upon the following:

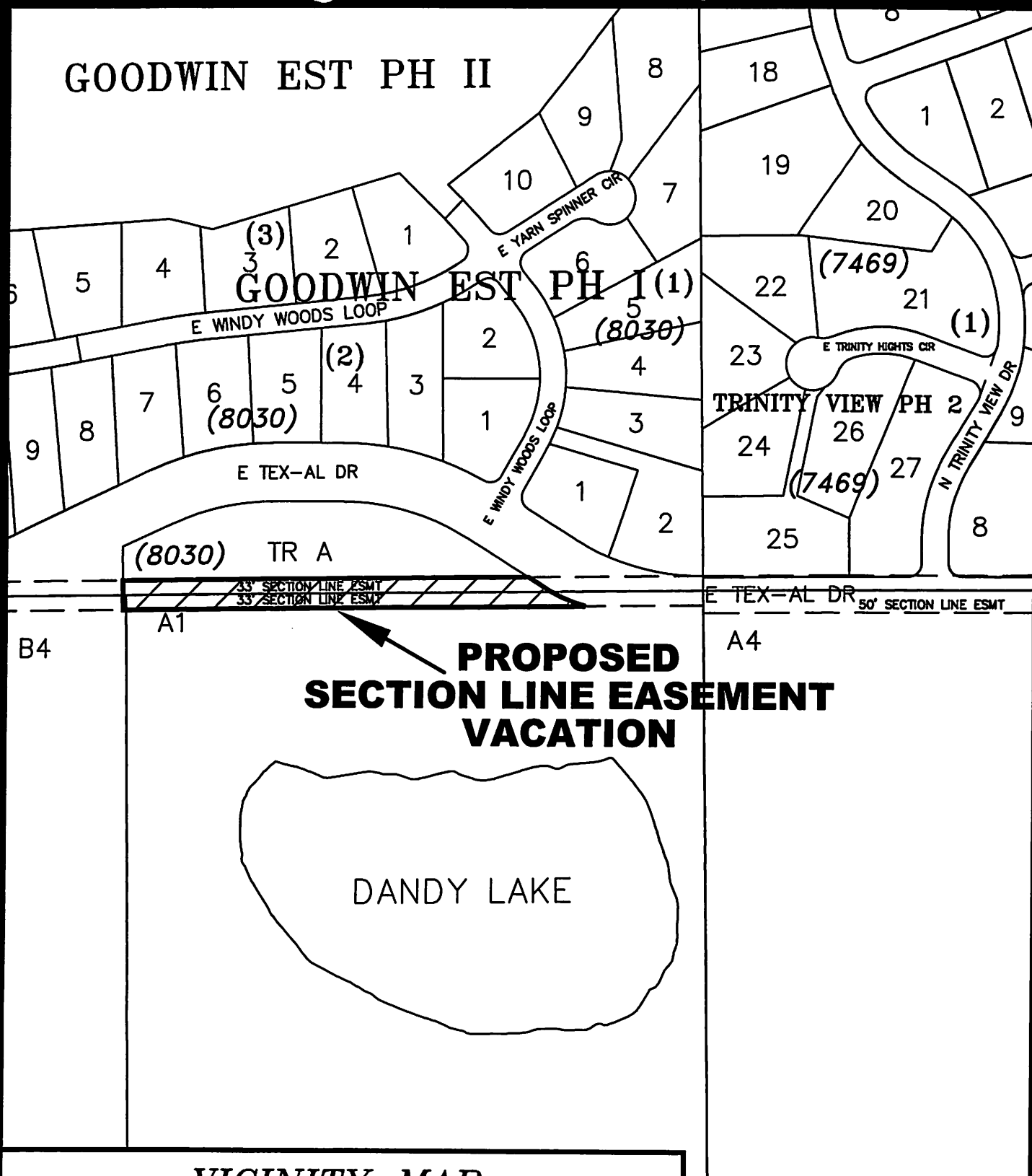
1. Obtain approval from the Assembly for the elimination of the Section Line Easement.
2. Taxes and special assessments must be paid in full for the year of recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs), by CERTIFIED FUNDS OR CASH.
3. Provide updated 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. Provide final approval from State of Alaska for Section Line Easement Vacation.
6. Provide a 20' wide utility easement within the vacated Section Line Easement on the final plat, as requested by MEA.
7. Provide an Affidavit of Posting of the Public Notice of Vacation of the Section Line Easement to Platting staff.

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8. Submit recording fees, payable to Department of Natural Resources (DNR).
9. Submit final plat in full compliance with Title 43 and State of Alaska requirements.

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GOODWIN EST PH II



VICINITY MAP

FOR GOODWIN SECTION-LINE ESMT. VACATION
LOCATED WITHIN
SECTION 15, T18N, R01E, SEWARD MERIDIAN
ALASKA

WA01 MAP

EXHIBIT A-1

Am 21-067

EV 3-326 Attachment A **Sections 10 & 15, T18N, R1E, SM**

- SLEs Proposed to be Vacated
- Existing E. Tex-Al Drive Right-of-Way

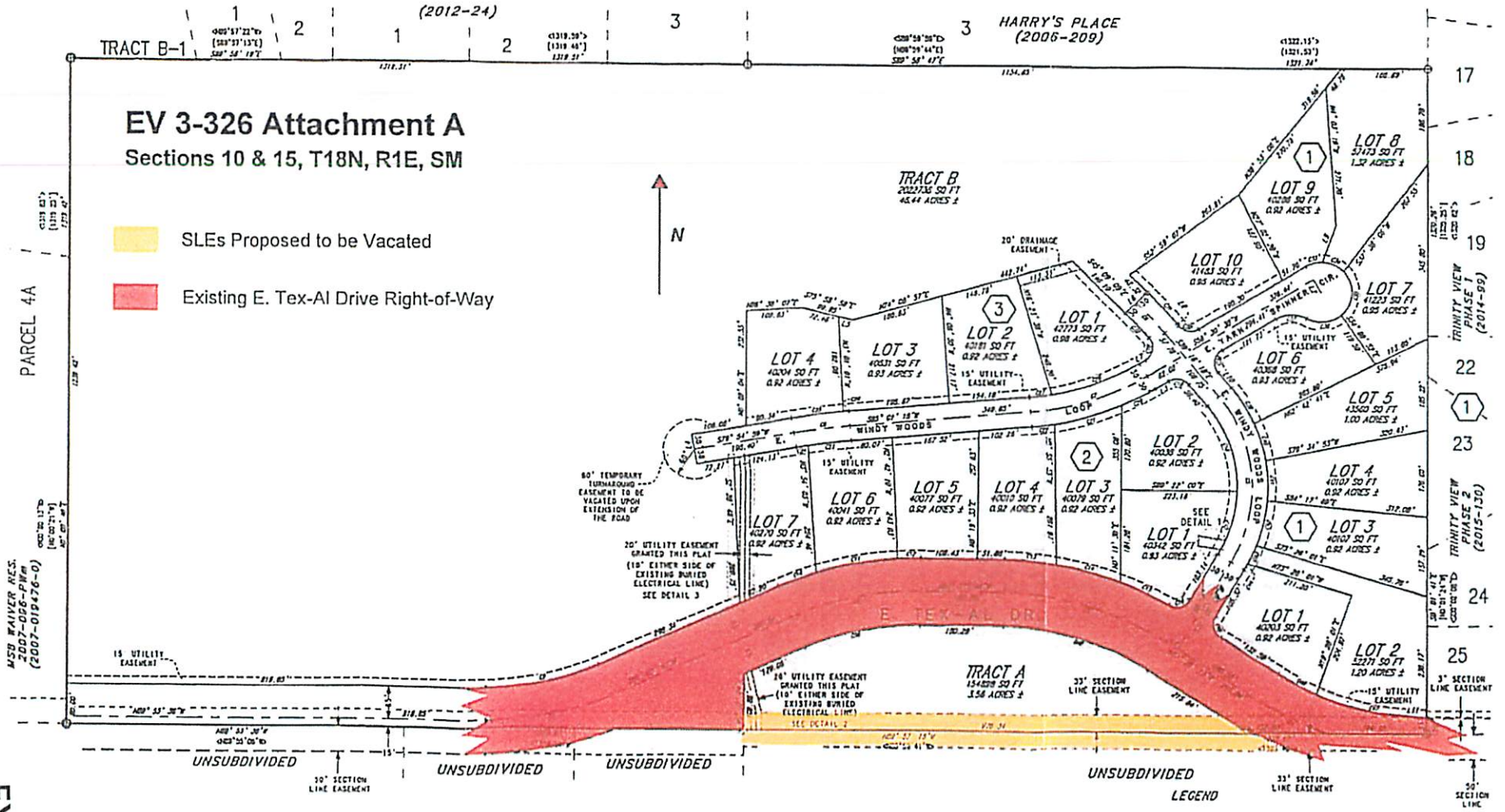


EXHIBIT A-2

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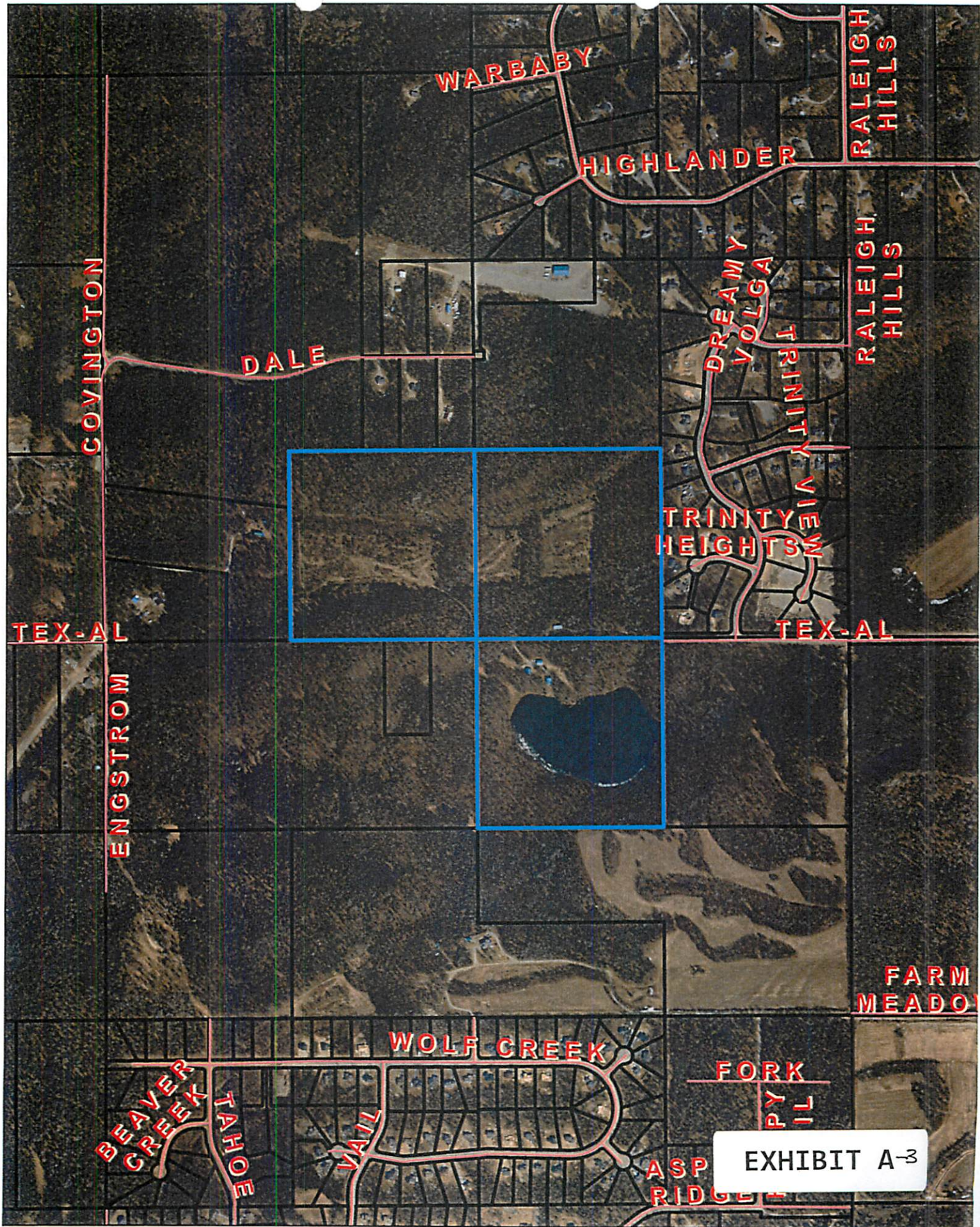


EXHIBIT A-3

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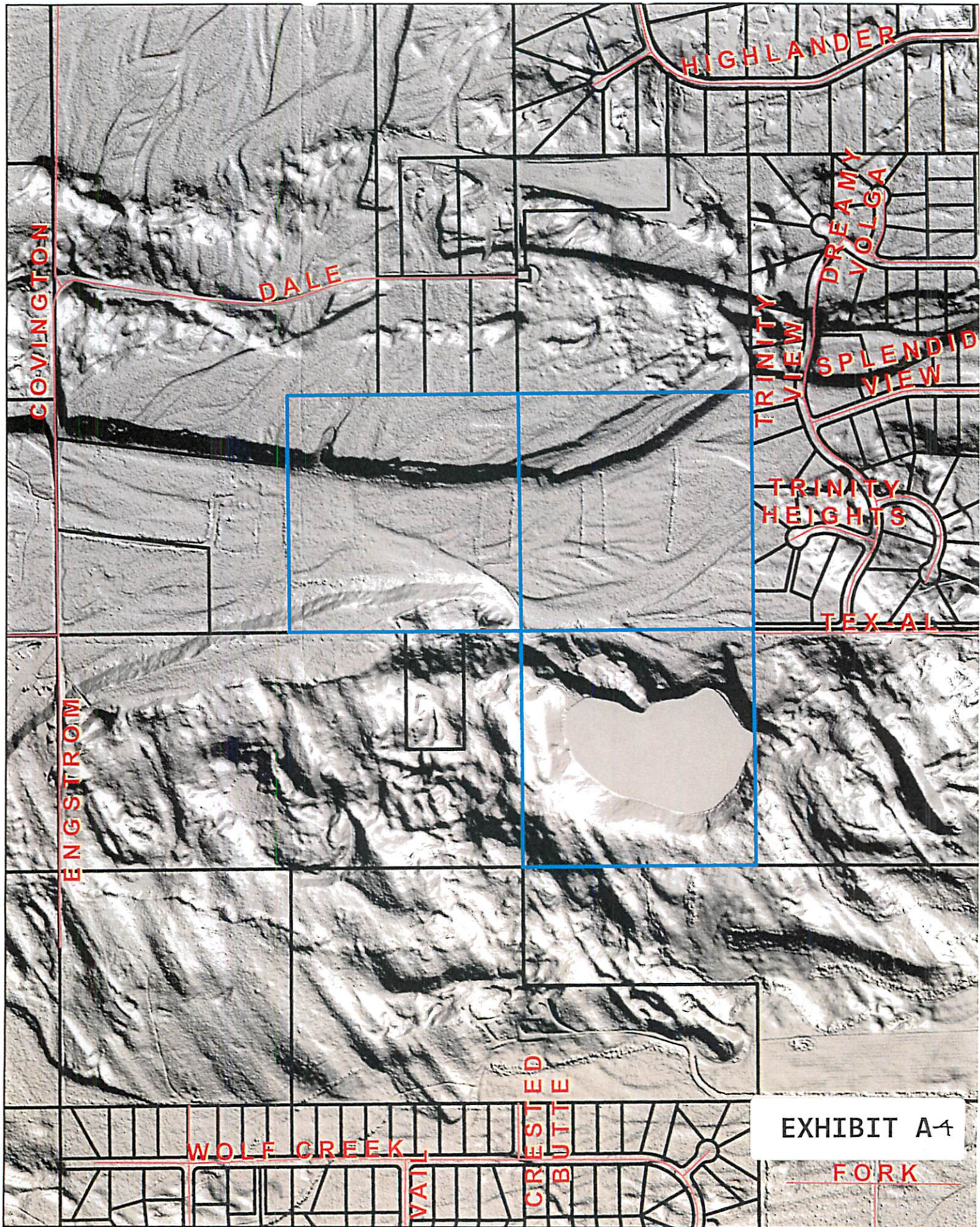
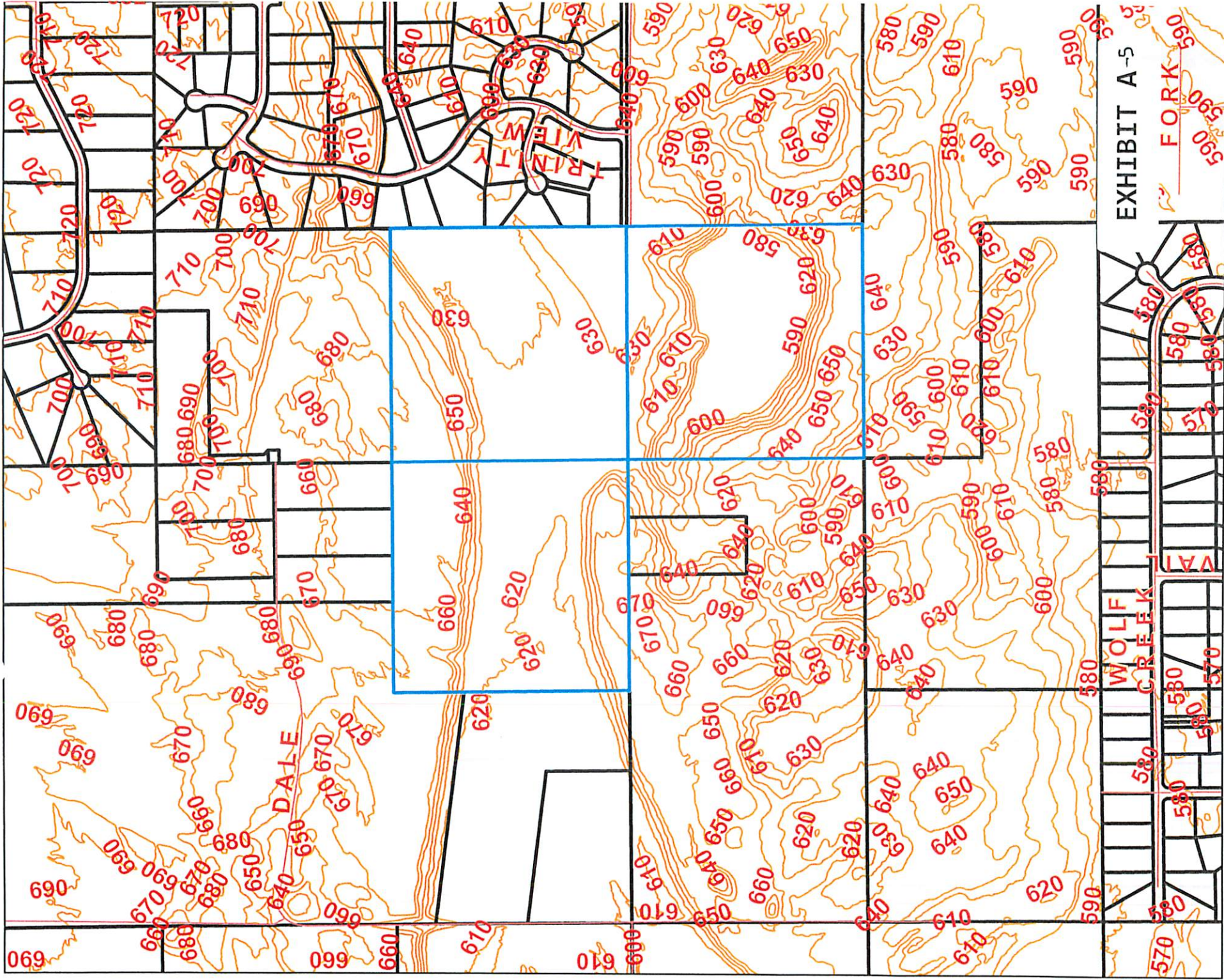


EXHIBIT A-4

FORK

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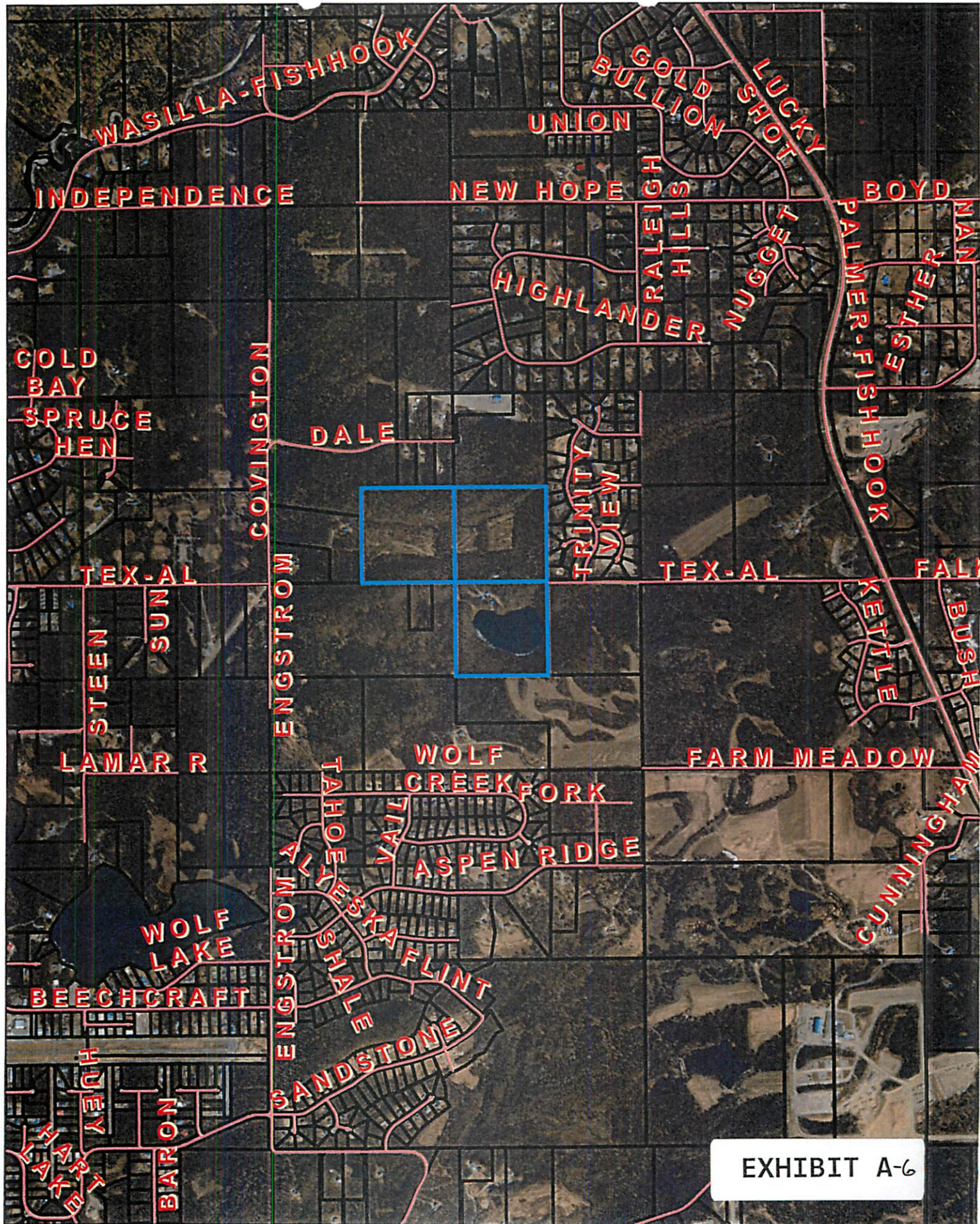


EXHIBIT A-6

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