

CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99687
PHONE: (907) 373-9050
FAX: (907) 373-0788

COUNCIL MEMORANDUM NO. 90-49

FROM: Deputy Administrator


DATE: July 3, 1990

RE: Vacation of Part of Utility Easement

The owner of Lot 35, Block 2, Happy Mountain Subdivision has discovered that his water well is located 2.5 feet into a utility easement. He is requesting vacation of 2.5 feet of the utility easement so that his property may be financed by a mortgage lender.

None of the area utility companies object to the requested vacation.

Recommend that Council not object to the requested vacation.



Robert E. Harris
Deputy Administrator

*No objection
7/9/90*

PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Comes now the undersigned, DALE A. Hammit, and petitions the Matanuska-Susitna Borough to vacate the right-of-way lying within the following described property, to-wit:

lot 35 Block 2 Happy mtn. Estates

Said right-of-way being more fully described as:

15' Utility easement located on the SW corner of lot
Requesting to vacate a key hole 2 1/2' ± surrounding
the well.

Submitted herewith are the following:

- 1. A copy of the plat showing the right-of-way to be vacated or recorded public easement creating public right of way.
- 2. The name, address and telephone number of petitioners as follows: Dale A. Hammit # P.O. Box 870630
376-3314 Wasella, AK. 99687
- 3. The action sought by this petition is for the following reason(s): New FHA guide guidelines do not allow for the well to be in the easement. Therefore, financing cannot be obtained without this vacation of the keyhole surrounding the well head.
- 4. \$200.00 Public hearing fee.

Dated at Palmer, Alaska, this 18 day of June, 1990.

SIGNATURES OF PETITIONER(S):

Dale A. Hammit _____

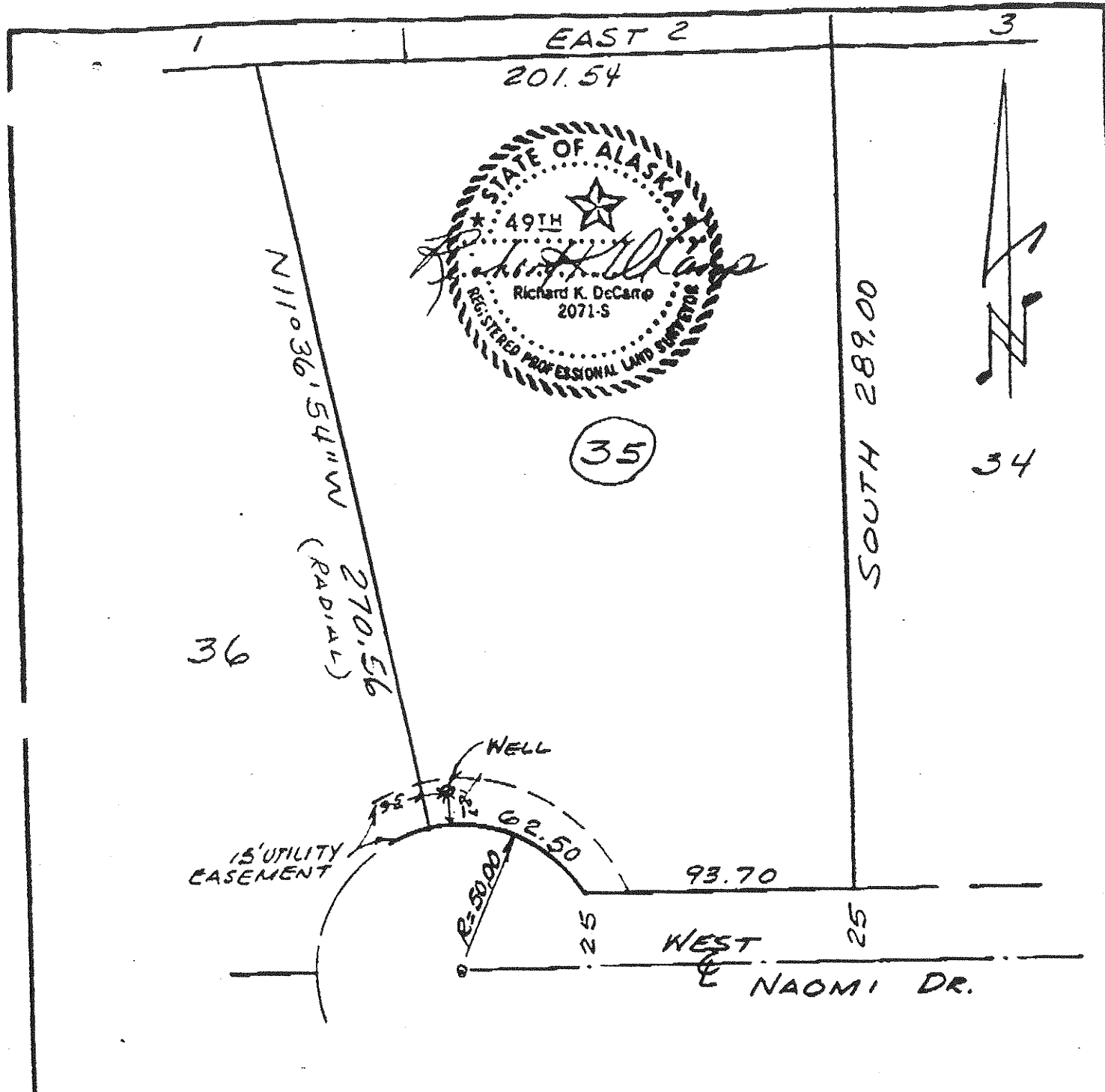
NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn to before me this 18 day of June, 1990.

Melody K. Miller
Notary Public in and for Alaska
My Commission Expires: 5/30/93

ATTACH SUPPLEMENTAL SHEET IF APPLICABLE.

NOTE: In accordance with MSB 16.15.035(D) vacations of Public rights-of-way are subject to consent of the City Council or Borough Assembly. The City Council or Borough Assembly has 30 days from the date of Platting Board decision in which to veto the action.



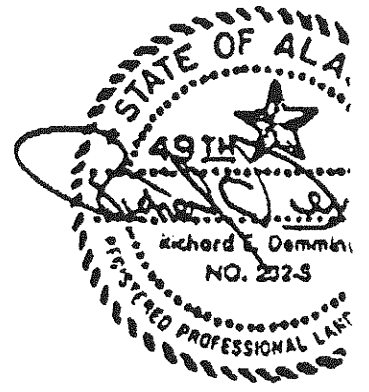
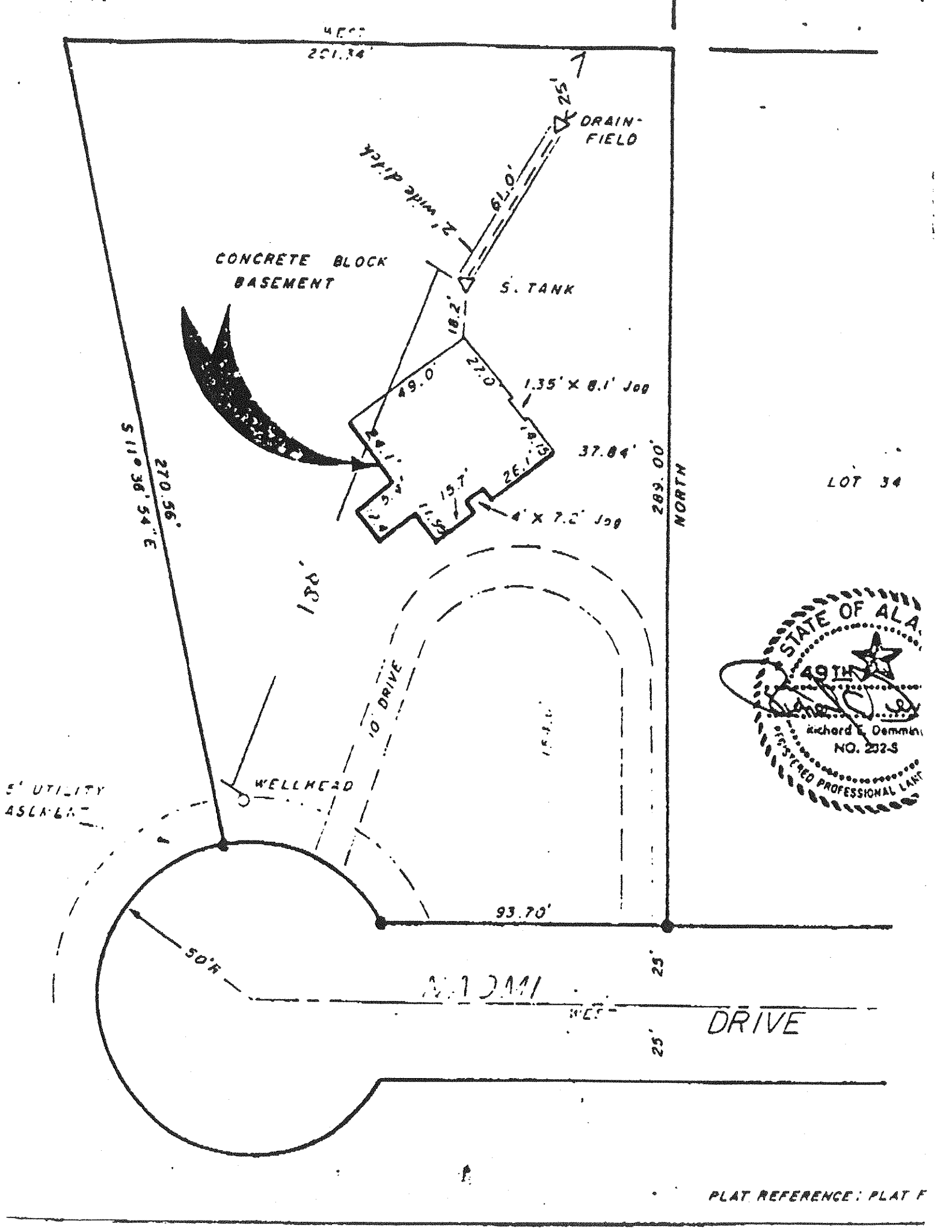
REVISIONS	BY	DATE

AS-BUILT LOT SURVEY
 LOT 35 BLOCK 2, HAPPY MTN. ESTATES SUBDIVISION
PALMER RECORDING DISTRICT, ALASKA

PREPARED BY:
 KEN DeCAMP - LAND SURVEYING
 P.O. BOX 871905, WASILLA, ALASKA 99687
 PHONE: (907) 376-3206

PREPARED FOR:
 DALE HAMMIT

DRAWN BY: <u>RKD</u>	DATE: <u>6-4-90</u>	W.O. NO. <u>—</u>	DWG. NO. <u>—</u>	FIELD BOOK <u>138</u>
CHECKED BY: <u>"</u>	SCALE: <u>1" = 50'</u>	PLAT FILING NO. <u>77-107</u>	SECTION, TOWNSHIP & RANGE <u>Sec. 12, T19N R1W, S4.</u>	

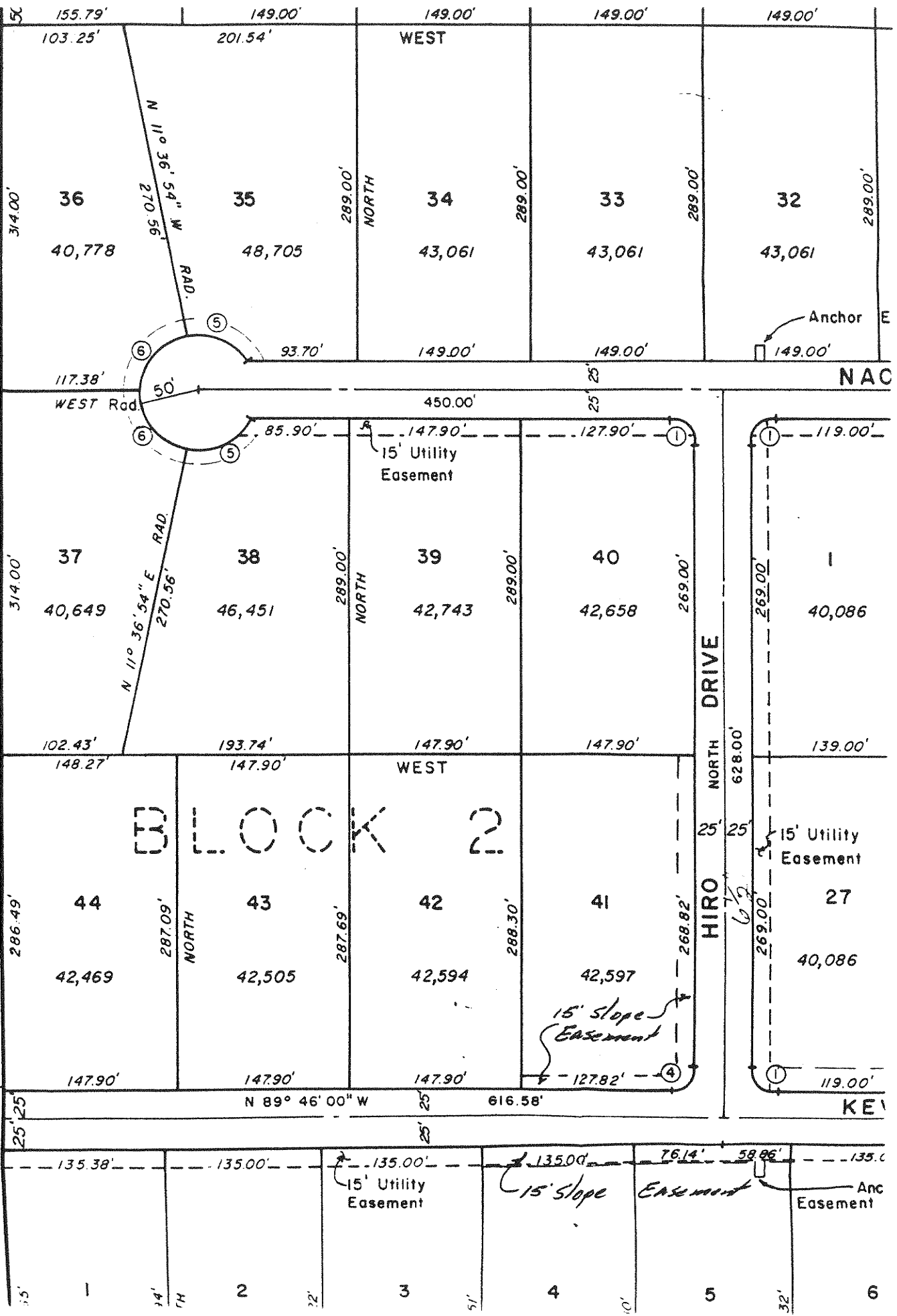


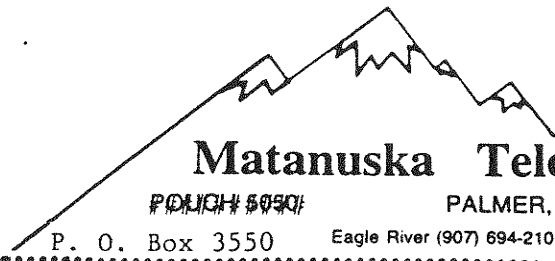
PLAT REFERENCE: PLAT F

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WHISPERING WOODS SUBDIVISION





Matanuska Telephone Association, Inc.

P.O. BOX 5050

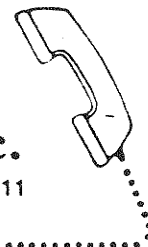
PALMER, ALASKA 99645

PHONE (907) 745-3211

P. O. Box 3550

Eagle River (907) 694-2101

Wasilla (907) 376-3211



Thomas R. Minnich
President/C.E.O.

NON-OBJECTION TO EASEMENT ENCROACHMENT DOCUMENT

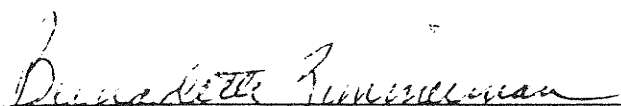
This is to inform you that Matanuska Telephone Association, Inc., has no objection to the placement of a well and underground water system within the indicated utility easement on property described as Lot 35, Block Two, Happy Mountain Estates Subdivision or Aliquot Parts Section 12, Township 17N, Range 1W, Seward Meridian, Third Judicial District, Palmer Recording District.

Please be advised that should Matanuska Telephone Association, Inc., need to upgrade, maintain, replace buried or aerial cable, conduits, or manholes, within the utility easement it will be allowed to do so. Any repairs that may be required to the above well and underground water system, due to utility needs will be borne by the property owner of record.

Special conditions, if any, are described as follows: _____

_____ none _____

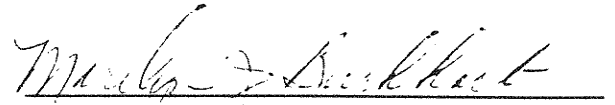
This document must be recorded. The original document is retained and recorded by Matanuska Telephone Association, Inc. Upon recording, the Grantee will be sent a copy of the document. An As-Built copy is on file at Matanuska Telephone Association, Inc.'s Plant Services Building in Palmer, Alaska.


MATANUSKA TELEPHONE ASSOCIATION, INC.

Bernadette Zimmerman
Real Estate and Properties Supervisor

THIS IS TO CERTIFY, that on this 8th day of June,
1990, before me the undersigned, a Notary Public in and for the
State of Alaska, personally appeared BERNADETTE ZIMMERMAN, to me
personally known and to me known to be the individual described
in and who executed the foregoing and acknowledged to me that she
signed and sealed the same freely and voluntarily for the uses
and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed
my official seal the day and year in this certificate first above
written.


NOTARY PUBLIC for Alaska

My Commission Expires: 1/30/92

GRANTOR ADDRESS

Matanuska Telephone Association, Inc.
Post Office Box 3550
Palmer, Alaska 99645-3550

GRANTEE ADDRESS

Dale A. Hammitt
Post Office Box 871922
Wasilla, Alaska 99687

BZ/bz

/FORMS/L TNONOBJ.B22



ENSTAR Natural Gas Company
A DIVISION OF SEAGULL ENERGY CORPORATION
3000 Spenard Road
P.O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551

June 14, 1990

Dale Hammitt
P.O. Box 871922
Wasilla, AK 99687

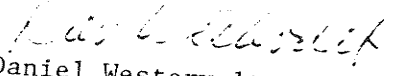
Dear Mr. Hammitt:

ENSTAR Natural Gas Company has no objection to the well that encroaches into the utility easement on Lot 35 Block 2 Happy Mountain Estates Sub-division.

If you have any questions please call me at 264-3743.

Very truly yours,

ENSTAR Natural Gas Company


Daniel Westervelt
Right-of-Way Agent

DW/jm

June 7, 1990

Northern Sights Cable Television
1051 E. Bogard
Wasilla, Alaska 99687

RE: Lot 35, Blk. 2, Happy Mountain Estates
Right-of-way Encroachment

ATTENTION: Right-Of-Way Engineer

Dear Sir:

Please find attached an as-built of Lot 35, Block 2, Happy Mountain Estates.

As you can see, the well located on the lot is within the utility easement. We respectfully request a non-objection letter to the vacating of the easement encroachment.

It is our intent to sell this property and without the letters of non-objection from the utilities it will be impossible to do so. We would appreciate your providing us with letter to that effect.

Thank you for your co-operation.

Sincerely,



Dale A. Hammitt
P.O. Box 871922
Wasilla, Alaska 99687
(907) 376-3314

TO: Dale Hammitt

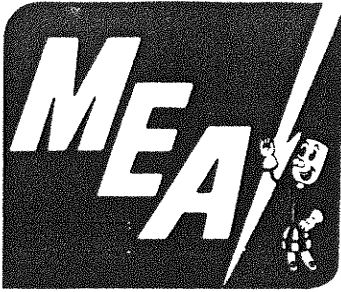
FROM: Kevin Sheridan - Northern Sights CATV

DATE: 6-8-90

SUBJECT:  Letter of Non-Objection

Your request for non-objection is approved. 

Your request for non-objection is not approved for following reason: _____



MATANUSKA ELECTRIC ASSOCIATION, INC.

P.O. BOX 2929
163 EAST INDUSTRIAL WAY
PALMER, ALASKA 99645-2929

TEL: (907) 745-3231
FAX: (907) 745-9328

June 11, 1990

Mr. Dale A. Hammitt
P.O. Box 871922
Wasilla, Alaska 99687

Dear Mr. Hammitt:

Re: Lot 35, Block 2, Happy Mountain Estates

As requested in your letter of June 7, 1990, enclosed is a Statement of Nonobjection for the water well located in the utility easement near the southwest corner of your lot.

This will also acknowledge the check for \$20.00 which accompanied your request as the non-refundable processing fee.

Please call on us if we can be of any further help.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert G. Ylvisaker'. The signature is written in a cursive style with a large initial 'R'.

Robert G. Ylvisaker
Right of Way Agent

Enclosure

STATEMENT OF NON-OBJECTION FOR ENCROACHMENT
WITHIN UTILITY EASEMENT

Matanuska Electric Association, Inc. (MEA) has no objection with the location of a water well within the utility easement along the southerly boundary of the following property;

Lot 35, Block 2, HAPPY MOUNTAIN ESTATES SUBDIVISION, according to Plat No. 77-107, Palmer Recording District, Third Judicial District, State of Alaska.

This non-objection is conditioned by the stipulation that MEA will be held harmless from any and all damages to the encroachment that may result from the existing and future use of said easement.

Matanuska Electric Association, Inc.

by: David E. Ingalls
General Manager or his Representative

June 11, 1990

Date

MEA ACKNOWLEDGEMENT

STATE OF ALASKA)
) SS.
THIRD JUDICIAL DISTRICT)

The foregoing agreement was acknowledged before me this 11th day of June, 1990, by David E. Ingalls.

R. G. [Signature]
Notary Public for the State of Alaska
My commission expires: 3-24-90