



CITY OF WASILLA

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

COUNCIL MEMORANDUM NO. 92-13

FROM: Deputy Administrator

DATE: January 17, 1992

RE: Vacation of Section Line Easement

Mr. Jack Flint, owner of Lot 3A, Block 2 of Fredricks Subdivision, has requested the Borough Platting Board approve the vacation of a portion of a section line easement. Approval is contingent upon concurrence of the Wasilla City Council.

The Platting Board has agreed to vacation of the easement only on Lot 3A. The request, as approved, should not have an adverse impact on the City.

Recommend City Council approval of vacation of the section line easement on Lot 3A, Block 2, Fredricks Subdivision.

Robert E. Harris
Deputy Administrator

Approved 1/27/92



Matanuska-Susitna Borough

350 E. DAHLIA AVE. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF PLANNING - PLATTING DIVISION

January 16, 1992

RECEIVED

JAN 21 1992

City of Wasilla, Alaska

City Council
City of Wasilla
270 East Herning
Wasilla, AK 99687

- AMENDED -

RE: VACATION OF THE 33' SECTION LINE EASEMENT THROUGH LOT 3A,
BLOCK 2 OF FREDRICKS SUBDIVISION, PLAT #87-17

Dear Councilmembers:

On January 2, 1992, the Platting Board approved the vacation of the 33' section line easement through Lot 3A, Block 2, Fredricks Subdivision.

This vacation was approved contingent upon:

CONDITIONS AND/OR REASONS:

1. Work out with DOT/PF R-O-W Branch request, of providing a general utility easement on lot 3A, of a 20' minimum width centered on the existing line (10' either side) and an as-built of the house on Lot 3A so as to facilitate the exclusion of same from the easement.
2. Submittal of final section line easement vacation plat bearing all necessary approvals and signatures of all parties holding a beneficial interest.
3. Wasilla City Council approval within 30 days.
4. Payment of taxes in full for the year in which the section line easement vacation plat is recorded.

FINDINGS FOR THE VACATION:

This vacation complies with MSB 16.15.035(B), ... a dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use.

Vacations of public rights-of-way will ordinarily be approved if the following criteria are met:

- A. CRITERIA: 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.

FINDING: Hallea Lane traversing in a north south direction has a 50' dedication and contains the existing traveled way. It is located approximately 167' to 234' west of the western edge of the 33' section line easement on Lot 3A.

- B. CRITERIA: The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed.

FINDING: A utility easement centered on the existing storm drain will replace the section line easement to be vacated on Lot 3A.

- C. CRITERIA: The right-of-way is not being used, a road is impossible or impractical to construct and alternative access has been provided.

FINDING: The section line easement through Lot 3A is being used by the storm drain, which goes around the house. Because of the house placement/encroachment into the 33' easement road construction is impaired.

- D. CRITERIA: Surrounding area.

FINDING: The alignment extension of Salina Ave. from the east by the City of Wasilla has not been determined. Therefore the Platting Board has found the vacation of the section line easement through Lots 1A, 2A, 4A and 5A would be premature. The section line easement south of Lucille Drive to Lucille Lake has been previously vacated.

- E. CRITERIA: Public Comments.

FINDING: The objections raised by the public will have been resolved by not including Lots 1A, 2A, 4A, & 5A, Block 2 in this vacation.

- F. CRITERIA: Agency Comments.

FINDING: The concerns of the vacation raised by DOT/PF will be met with the recordation of a general utility easement for the existing storm drain.

G. CRITERIA: MSB Comments.

FINDING: No negative comments have been received.

ADDITIONAL FINDINGS AS STATED BY THE PLATTING BOARD:

1. When Mr. Flint acquired this land he was under the impression that there was no section line easement here at all, subsequently, apparently DOT decided that there was going to be a section line easement drawn into one of their plats and as a consequence then the drain line for the Dept. of Transportation for the highway could indeed then travel through this.
2. This is not a logical place for a drain line in the section line easement. Particularly since that section line easement existed in the dreams of the Department of Transportation.
3. Due to the public testimony and the fact that the City of Wasilla has been dealing with an access problem through Snider Subdivision & Fredrick Subdivision and the City has shown us alternate proposed accesses that could utilize portions of the section line easement to Lot 4A, 5A or Lot 1A, & 2A. Normally it would be best to vacate the whole thing but due to this planning stage with the City of Wasilla and the testimony given the recommendation is for only the vacation of section line easement in Lot 3A, which has got a violation of the house within the easement.
4. This action is not detrimental to any of the other surrounding property owners or the public welfare, health and welfare.

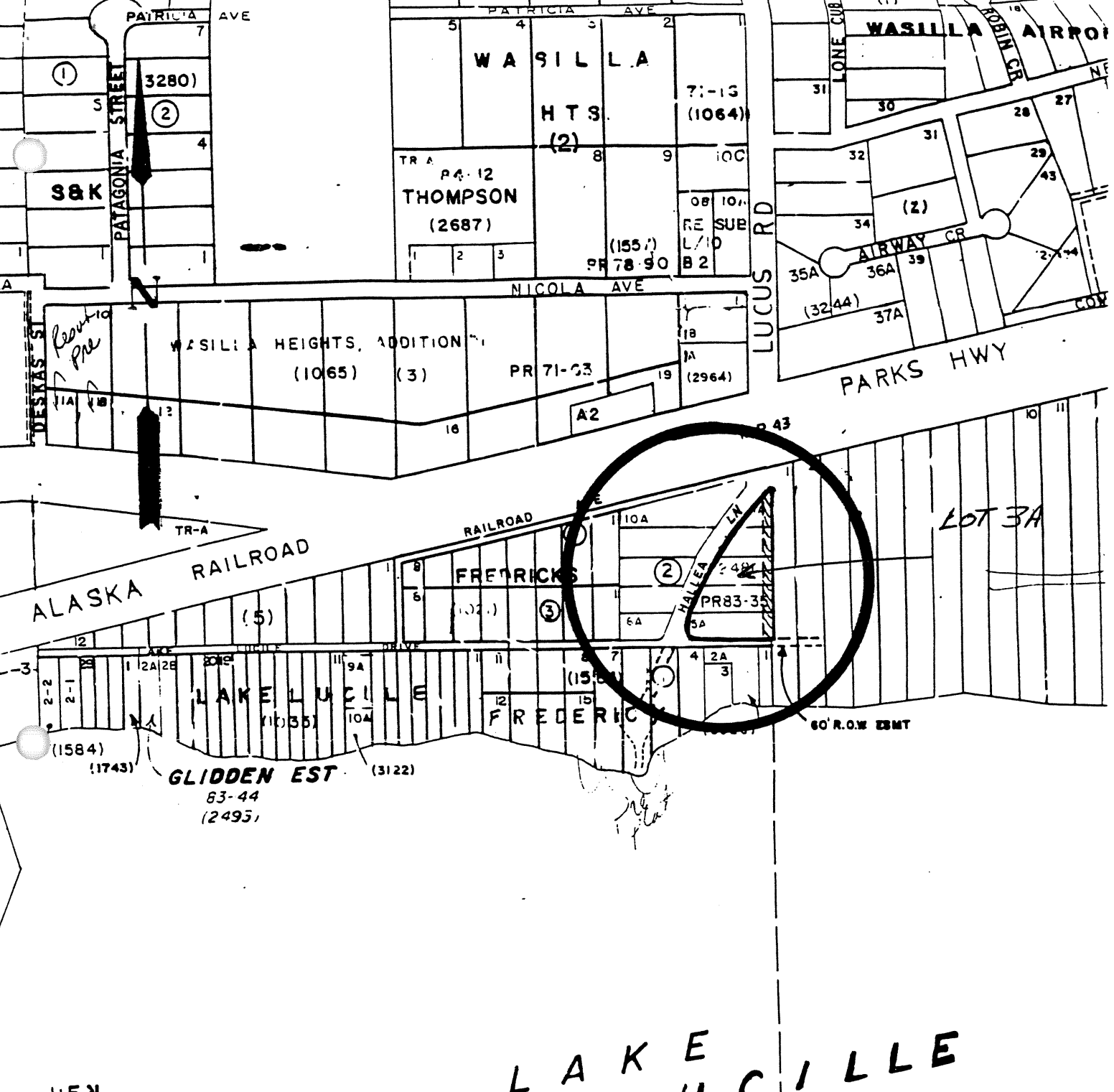
All attendant data, including platting board minutes, staff review, vicinity map and agency comments are attached.

If we do not hear from you within 30 days we will assume the City has no objections to the vacation request.

Sincerely,



Rick Brown
Platting Officer

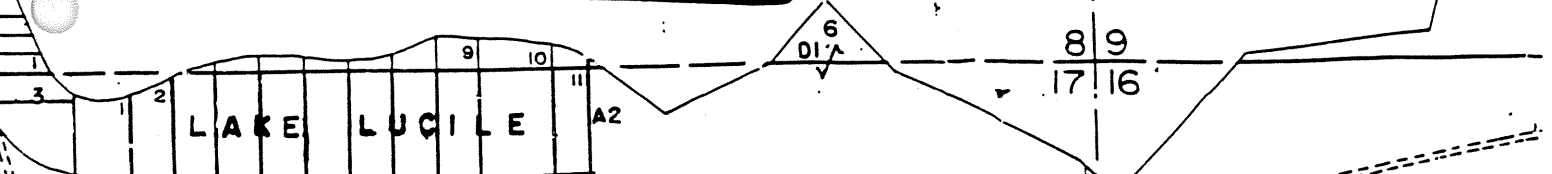


LAKE LUCILLE

VICINITY MAP
 FOR 33 FOOT SECTION LINE EASEMENT VACATION
 REQUEST WITHIN LOTS 1A thru 5A, BLOCK 2
 FREDRICKS SUBDIVISION LOCATED WITHIN SECTION
 8, T 17 N, R 1 W, S.M. ALASKA

SEE // // // // FOR AREA
 TO BE VACATED

WASILLA 12 MAP







Matanuska-Susitna Borough

350 E. DAHLIA AVE. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF PLANNING - PLATTING DIVISION

January 10, 1992

RECEIVED

JAN 16 1992

City of Wasilla, Alaska

City Council
City of Wasilla
270 East Herning
Wasilla, AK 99687

RE: VACATION OF THE 33' SECTION LINE EASEMENT THROUGH LOT 3A,
BLOCK 2 OF FREDRICKS SUBDIVISION, PLAT #87-17

Dear Councilmembers:

On January 2, 1992, the Platting Board approved the vacation of the 33' section line easement through Lot 3A, Block 2, Fredricks Subdivision.

This vacation was approved contingent upon:

CONDITIONS AND/OR REASONS:

1. Work out with DOT/PF R-O-W Branch request, of providing a general utility easement on lot 3A, of a 20' minimum width and an as-built of the house on Lot 3A so as to facilitate the exclusion of same from the easement.
2. Submittal of final section line easement vacation plat bearing all necessary approvals and signatures of all parties holding a beneficial interest.
3. Wasilla City Council approval within 30 days.
4. Payment of taxes in full for the year in which the section line easement vacation plat is recorded.

FINDINGS FOR THE VACATION:

This vacation complies with MSB 16.15.035(B), ... a dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use.

Vacations of public rights-of-way will ordinarily be approved if the following criteria are met:

- A. CRITERIA: 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.

FINDING: Hallea Lane traversing in a north south direction has a 50' dedication and contains the existing traveled way. It is located approximately 167' to 234' west of the western edge of the 33' section line easement on Lot 3A.

- B. CRITERIA: The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed.

FINDING: A utility easement centered on the existing storm drain will replace the section line easement to be vacated on Lot 3A.

- C. CRITERIA: The right-of-way is not being used, a road is impossible or impractical to construct and alternative access has been provided.

FINDING: The section line easement through Lot 3A is being used by the storm drain, which goes around the house. Because of the house placement/encroachment into the 33' easement road construction is impaired.

- D. CRITERIA: Surrounding area.

FINDING: The alignment extension of Salina Ave. from the east by the City of Wasilla has not been determined. Therefore the Platting Board has found the vacation of the section line easement through Lots 1A, 2A, 4A and 5A would be premature. The section line easement south of Lucille Drive to Lucille Lake has been previously vacated.

- E. CRITERIA: Public Comments.

FINDING: The objections raised by the public will have been resolved by not including Lots 1A, 2A, 4A, & 5A, Block 2 in this vacation.

- F. CRITERIA: Agency Comments.

FINDING: The concerns of the vacation raised by DOT/PF will be met with the recordation of a general utility easement for the existing storm drain.

G. CRITERIA: MSB Comments.

FINDING: No negative comments have been received.

ADDITIONAL FINDINGS AS STATED BY THE PLATTING BOARD:

1. When Mr. Flint acquired this land he was under the impression that there was no section line easement here at all, subsequently, apparently DOT decided that there was going to be a section line easement drawn into one of their plats and as a consequence then the drain line for the Dept. of Transportation for the highway could indeed then travel through this.
2. This is not a logical place for a drain line in the section line easement. Particularly since that section line easement existed in the dreams of the Department of Transportation.
3. Due to the public testimony and the fact that the City of Wasilla has been dealing with an access problem through Snider Subdivision & Fredrick Subdivision and the City has shown us alternate proposed accesses that could utilize portions of the section line easement to Lot 4A, 5A or Lot 1A, & 2A. Normally it would be best to vacate the whole thing but due to this planning stage with the City of Wasilla and the testimony given the recommendation is for only the vacation of section line easement in Lot 3A, which has got a violation of the house within the easement.
4. This action is not detrimental to any of the other surrounding property owners or the public welfare, health and welfare.

All attendant data, including platting board minutes, staff review, vicinity map and agency comments are attached.

If we do not hear from you within 30 days we will assume the City has no objections to the vacation request.

Sincerely,



Rick Brown
Platting Officer

enclosures



Matanuska-Susitna Borough

350 E. DAHLIA AVE. PALMER, ALASKA 99645 • PHONE 745-4801

DEPARTMENT OF PLANNING - PLATTING DIVISION

January 7, 1992

NOTIFICATION OF PLATTING BOARD ACTION

JACK FLINT
P.O. Box 870235
WASILLA, AK 99687

Re: FREDRICKS SUBD.
LTS 1A,2A,3A,4A&5A, BLK 2,SLEV
Cse: PQI 0

Action taken by the Platting Board on January 2, 1991 is as follows:

The PETITION TO VACATE was APPROVED FOR LOT 3A, BLOCK 2 ONLY;
CONTINGENT UPON THE FOLLOWING:

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL OF A SUBDIVISION OR OF A WAIVER OF PLATTING REQUIREMENTS BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.38. 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 ROAD CONSTRUCTION IS REQUIRED PLEASE NOTE THE FOLLOWING CONDITIONS:

1. Notice of cost estimate to be submitted by an engineer or a copy of the construction contract or the contractor's proposal, to be approved by the Borough Dept of Public Works.
2. Payment of a 2% fee based upon the approved estimate submitted.
3. Notice to proceed must be issued prior to construction as no road inspection is authorized without this notice.

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.

Yours truly,

Rick Brown

6/3
Rick Brown
Platting Officer

pc: Ken DeCamp Surveying, P.O.B. 875614, Wasilla, AK 99687

CONDITIONS AND/OR REASONS:

1. Work out with DOT/PF R-O-W Branch request, of providing a general utility easement on lot 3A, of a 20' minimum width and an as-built of the house on Lot 3A so as to facilitate the exclusion of same from the easement.
2. Submittal of final section line easement vacation plat bearing all necessary approvals and signatures of all parties holding a beneficial interest.
3. Wasilla City Council approval within 30 days.
4. Payment of taxes in full for the year in which the section line easement vacation plat is recorded.

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FINDING: A utility easement centered on the existing storm drain will replace the section line easement to be vacated on Lot 3A.

- C. CRITERIA: The right-of-way is not being used, a road is impossible or impractical to construct and alternative access has been provided.

FINDING: The section line easement through Lot 3A is being used by the storm drain, which goes around the house. Because of the house placement/encroachment into the 33' easement road construction is impaired.

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E. CRITERIA: Public Comments.

FINDING: The objections raised by the public will have been resolved by not including Lots 1A, 2A, 4A, & 5A, Block 2 in this vacation.

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FINDING: The concerns of the vacation raised by DOT/PF will be met with the recordation of a general utility easement for the existing storm drain.

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FINDING: No negative comments have been received.

ADDITIONAL FINDINGS AS STATED BY THE PLATTING BOARD:

1. When Mr. Flint acquired this land he was under the impression that there was no section line easement here at all, subsequently, apparently DOT decided that there was going to be a section line easement drawn into one of their plats and as a consequence then the drain line for the Dept. of Transportation for the highway could indeed then travel through this.
2. This is not a logical place for a drain line in the section line easement. Particularly since that section line easement existed in the dreams of the Department of Transportation.
3. Due to the public testimony and the fact that the City of Wasilla has been dealing with an access problem through Snider Subdivision & Fredrick Subdivision and the City has shown us alternate proposed accesses that could utilize portions of the section line easement to Lot 4A, 5A or Lot 1A, & 2A. Normally it would be best to vacate the whole thing but due to this planning stage with the City of Wasilla and the testimony given the recommendation is for only the vacation of section line easement in Lot 3A, which has got a violation of the house within the easement.
4. This action is not detrimental to any of the other surrounding property owners or the public welfare, health and welfare.

DRAFT

MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
MINUTES

I. CALL TO ORDER

JANUARY 2, 1992

The regular meeting of the Matanuska-Susitna Borough Platting Board was called to order by Chairman Robert Tucker at 8:36 AM.

Present and establishing a quorum were Chairman Tucker, Ms. Scorup, Mr. Easley, Mr. Campbell, Mr. Colberg, Mr. Maw. and Ms. Herschbach. Mr. DeGregorio, alternate, was not needed. Staff present were Rick Brown, Platting Officer and Jill Carricaburu, Platting Secretary.

Chairman Tucker asked for the changes to the agenda. Mr. Brown advised the Board that there were none.

II. ELECTION OF OFFICERS

Ms. Scorup nominated Mr. Tucker as Board Chairman. Mr. Easley nominated Mr. Colberg as Vice Chairman, Mr. Colberg declined the nomination. Mr. Easley then nominated Mr. Campbell as Vice Chairman, Mr. Campbell declined. Mr. Campbell nominated Mr. Easley as Vice Chairman, Mr. Maw seconded the nomination. The nominations passed unanimously by voice vote.

III. APPROVAL OF MINUTES

A. DECEMBER 19, 1991

Ms. Scorup mentioned a misspelling of the word "dissent" in the second to the last paragraph on page two of the minutes and moved to accept the minutes as corrected, Ms. Herschbach seconded the motion, it passed unanimously.

IV. OLD BUSINESS

V. PUBLIC HEARING

A. CONSENT

Chairman Tucker asked if there were any consent items. Mr. Brown stated that there were not.

B. PUBLIC HEARING FOR FREDRICKS SUBD. VACATION OF
33' SECTION LINE EASEMENT.

Mr. Brown reported that on December 9, 1991, 47 public hearing letters were mailed out. To date two objections have been received and one non-objection received. He gave a brief overview of the case.

DRAFT

Platting Board Minutes
Page 2/Regular Meeting

January 2, 1992

Mr. Tucker opened the public hearing. Mr. Mike O'Neil, owner of Lot 1A Fredricks Subd. and a portion of Lot 1 Snider Subd., addressed the board. Mr. O'Neil objects to the vacation until such time as the City of Wasilla has resolved its intentions with the regards to the extension of Selina Lane from the east.

Mr. Clyde Boyer, owner of Lot 2 of Snider Subd., addressed the board, objecting to the vacation as requested until the City of Wasilla has finalized the extension of Selina Lane.

Mr. Tucker closed the public hearing. Mr. Jack Flint, petitioner and owner of Lots 2A, 3A, and 4A addressed the board explaining his reasons for requesting the vacation.

Mr. Ken DeCamp, surveyor for the petitioner, also addressed the board and answered several questions of the Board members. Lengthy discussion followed.

Mr. Campbell moved to approve the Fredricks Subdivision section line easement vacation with a slight modification of the petitioners request; restricting this vacation to Lots 2A, 3A and 4A of Fredricks Subdivision. Including in the motion Staff's Recommendations, modifying number 1, where it says "general utility easement of the same width as the section line easement" to "providing a general utility easement of 15' as a section line easement" and the rest as is. The utility easement of 15' on Lots 2A, 3A, and 4A as a general utility easement rather than the 33' recommended by staff.

Mr. Maw seconded the motion for discussion.

Mr. Colberg stated that the findings are, (1)"...currently when Mr. Flint acquired this land he was under the impression that there was no section line easement here at all subsequently, apparently DOT decided that there was going to be a section line easement drawn into one of their plats and as a consequence then the drain line for the Dept. of Transportation for the highway could indeed then travel through this; and there is a second finding, (2) this is not a logical place for a drain line in the section line easement particularly since that section line easement existed in the dreams of the Department of Transportation. Along then this 15' general utility easement at least for temporary maintenance of the illusive drain line which appears to be in violation of standards that most of us expect. I think the findings are adequate to restrict the general utility easement to that 15' and then I would presume that if and when that drain line is removed that a comment could be made on the plat that, that 15' general utility easement will also be removed and vacated."

Mr. Campbell moved to amend the motion to accept the vacation of the 33' section line easement in Lot 3A only and that Staff

January 2, 1992

Recommendation number 1 be changed to instead of "comply" to "work out" with DOT/PF right-of-way branch request of providing a general utility easement to Lot 3A, and also of the as-built of the house on Lot 3A and finish out none of the rest it would change. And also conditioned on 2, 3, and 4. His amendment to the motion would be that it be suggested be replaced with "nothing less than a 20' utility easement centered on the existing line", which means 10' each side of the existing utility.

Ms. Herschbach seconded the amendment. Mr. Campbell stated that the reason for his recommendation to vacate is, "due to the testimony here today and that the City of Wasilla has been dealing with an access problem through Snider Subdivision and Fredrick and the City has shown us alternate proposed accesses that could utilize portions of the section line easement to Lot 4A, 5A or Lot 1A, 2A. Normally I think it would be best to vacate the whole thing but due to this planning stage with the City of Wasilla and the testimony here today I would, that is why I am recommending only for the vacation of 3A only, which has got a violation of the house within the easement. I don't see this being detrimental to any of the other surrounding property owners or the public welfare, health and welfare and also including in the findings for the vacation as indicated in writing in our packet by Staff."

Mr. Brown asked Mr. Campbell whether he wanted all the staff recommended findings included in his motion as some of the recommended findings were written for the whole section line easement vacation and an alternate replacement of equal value. Mr. Campbell stated that, "...I would accept staff recommendations as altered, as my motion indicates in effect with Lot 3A. I would also think that once the City of Wasilla has determined what access route and ... at a later date more of it could be taken care of. Try to clean up both messes here."

Voting on the amendment, to vacate the section line easement associated with Lot 3A only and give a 10' utility easement either side of the line, passed with Mr. Campbell, Ms. Scorup, Mr. Easley, Mr. Maw, Mr. Tucker, and Ms. Herschbach voting for and Mr. Colberg dissenting.

Voting on the main motion, as amended to approving the section line easement vacation to Lot 3A only with a 20' utility easement, 10' either side of the storm drain; with original staff recommendations included amended to fit Lot 3A, it passed with Mr. Maw, Ms. Scorup, Ms. Herschbach, Mr. Easley, Mr. Colberg and Mr. Tucker voting for with Mr. Campbell dissenting.

Ms. Scorup inquired about the spelling of "Lucille" on the plat Lucille Drive and Lane are spelled with one "l" and in the packet the drive and lane are spelled with two "l's".

DRAFT

Platting Board Minutes
Page 4/Regular Meeting

January 2, 1992

Several of the board members expressed some confusion over the approved motion. Mr. Brown stated that his understanding of the action was that the vacation only took place on Lot 3A. Mr. Campbell's findings are of record, staff's findings as modified are of record, there is a 20' utility easement over the storm drain on Lot 3A, with the modification of staff recommendation number one to read "work out with DOT/PF" instead of "compliance with".

Mr. Brown asked the gentlemen in the audience if this resolved the concerns they had in opposition over the vacation, they agreed it did.

Mr. Colberg questioned the width of the utility easement which was voted on. Mr. DeCamp stated "...I assumed it was 20' minimum, because we do need a little bit of latitude, we're not approving the vacation here, we're simply recommending approval for it. The approval actually comes from DOT and DNR and the Assembly, so... which basically all the Assembly is doing is recommending approval actually in terms of statute, so ... but the platting authority's recommendation is paramount in the issue, so it is important to be clear, I did understand 20' minimum. We do need a little bit of latitude to try to work it out with DOT."

Chairman Tucker called for a ten minute break at 9:50 AM. The Board reconvened at 10:05 AM.

C. PUBLIC HEARING & PRELIMINARY PLAT FOR
TRAVLOS/ALVORD SUBDIVISION.

Mr. Brown stated that on December 9th, 1991, 10 public hearing letters were mailed out. To date none had been returned, no objections had been received and one non-objection had been received. He gave a brief overview of the case.

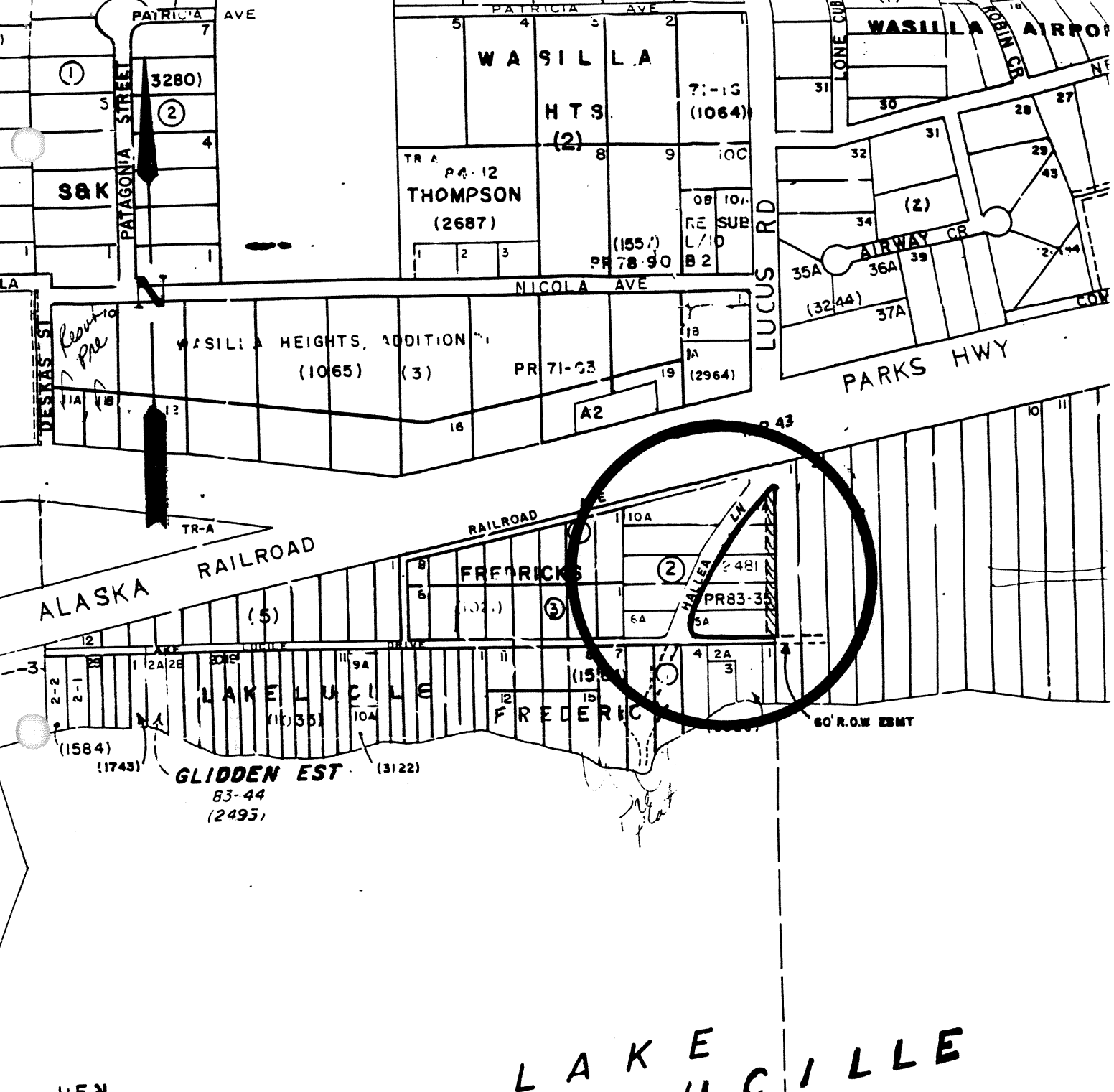
Chairman Tucker called the public hearing open, with no one present wishing to speak Chairman Tucker closed the public hearing.

Mr. John Travlos, petitioner, addressed the board stating his reasons for the subdivision.

Chairman Tucker asked the petitioner if he had any problems with the staff recommendations. Mr. Travlos stated he did not.

Mr. Maw asked what a "break line" as requested by DPW was? Mr. Brown did not know.

Mr. Maw moved to approve the Travlos/Alvord Subdivision contingent upon staff recommendations one through six with findings one through three; modifying staff recommendation five, deleting a, b, e, f and also 2.d. under Findings.



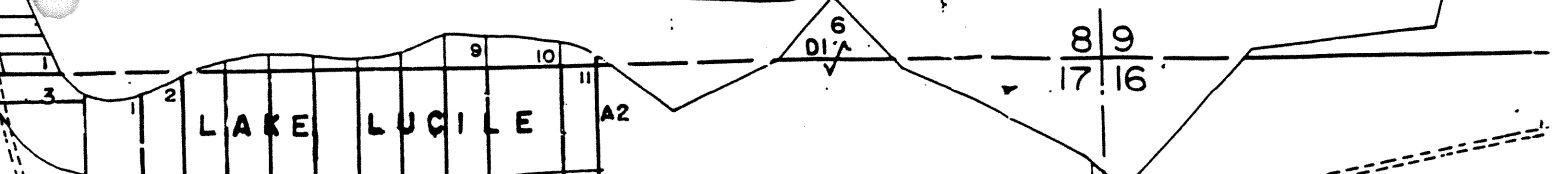
VICINITY MAP

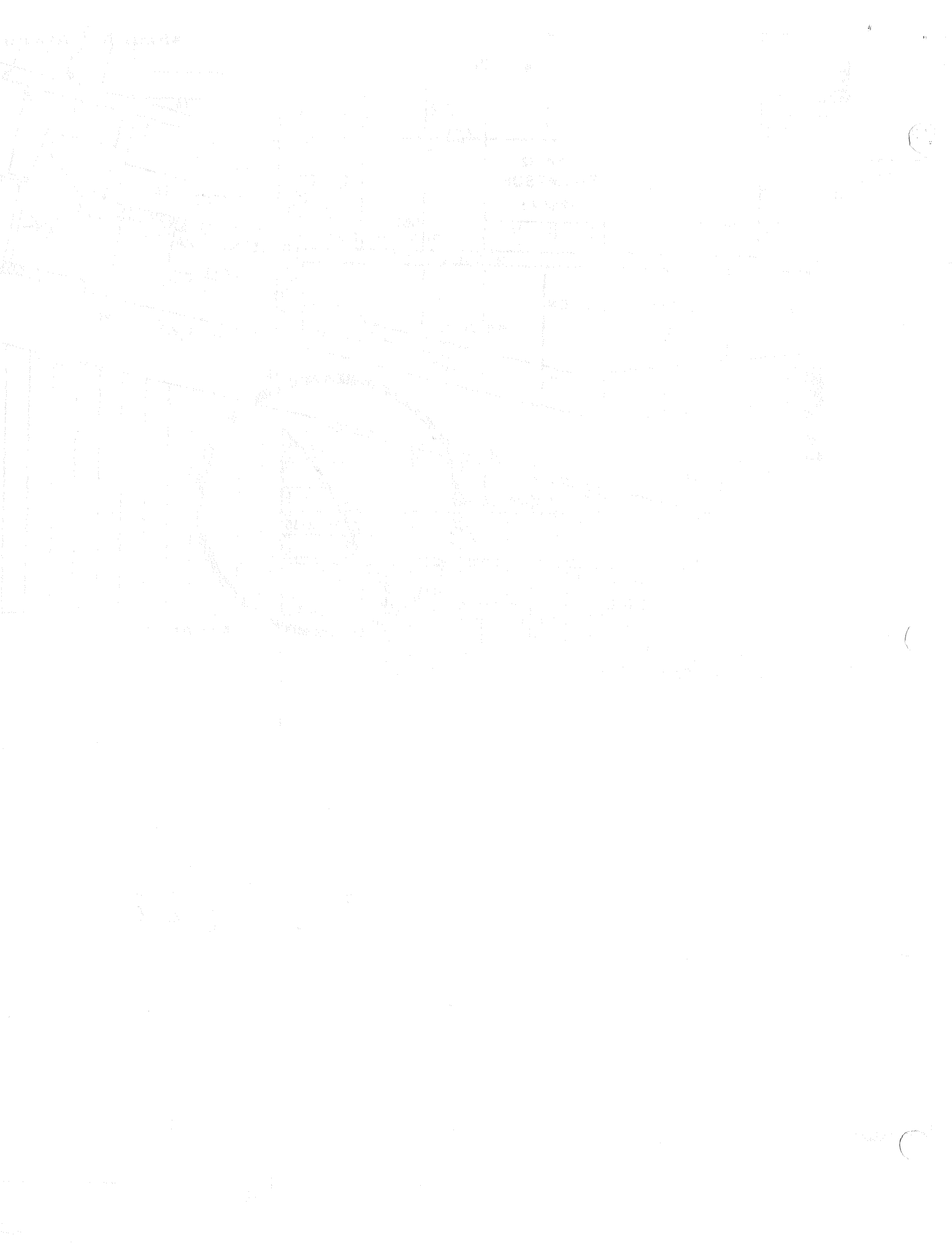
FOR 33 FOOT SECTION LINE EASEMENT VACATION
 REQUEST WITHIN LOTS 1A thru 5A, BLOCK 2
 FREDRICKS SUBDIVISION LOCATED WITHIN SECTION
 8, T 17 N, R 1 W, S.M. ALASKA

SEE // // // // FOR AREA
 TO BE VACATED

WASILLA 12 MAP

LAKE
 LUCILLE





STAFF REVIEW AND RECOMMENDATION
PLATTING BOARD
JANUARY 2, 1992

PRELIMINARY PLAT: FREDRICKS SUBDIVISION SECTION LINE
LEGAL DESCRIPTION: EASEMENT VACATION
W/IN SEC. 8, T17N, R01W, S.M., AK
PETITIONER: JACK FLINT
SURVEYOR/ENGINEER: KEN DeCAMP SURVEYING
ACRES: N/A PARCELS: USE:

REVIEWED BY: PAUL HULBERT

REQUESTS FOR COMMENTS WERE SENT TO:

FEDERAL: Corps of Engineers (Wetlands & Flood Plain)

STATE OF ALASKA: Alaska Dept. of Transportation- Anchorage;
Department of Transportation - Palmer Maintenance; Alaska Dept of
Natural Resources/Land Mgmt

CITIES: Wasilla

UTILITIES: MEA; MTA; Enstar

BOROUGH: Parks & Outdoor Rec; DPW; Planning Department; Cultural
Resources; Emergency Medical Services

FIRE SERVICE AREAS: Wasilla-Lakes

AGENCY COMMENTS: Responses were received from:

SOA DOT/PF: The Department of Transportation definitely does not
want the 33' Section Line Easement on Lots 1A through 5A,
Block 2 of Fredricks Subdivision vacated. Mr. Richard
DeCamp's plat shows DOT/PF's storm drain needs occasional
maintenance and we need the easement to do that maintenance.
Also, maybe sometime in the future, this system will need to
be upgraded or replaced. If you have any questions, please
call me at 745-2159.

DOT/PF: The State of Alaska, Department of Transportation and
Public Facilities, Right of Way Branch, has reviewed the plat
and section line vacation.

At this time we recommend the vacation of the section line
easement in exchange for a general utility easement of the
same width. We are willing to exclude from the easement that
portion of Lot 3-A occupied by the house. We will need an as-
built survey showing the dimensions of the encroachment into

JANUARY 2, 1992

the easement prior to processing the final plat.

Your cooperation is appreciated. If you have further questions please call Bill Butler at 266-1646.

DNR: I talked with Paul Hulbert after my conversation with you, Rick, and it appears that the section line easement from Lucille Drive to Lake Lucille was vacated in 1983 in exchange for an easement for the storm drain only. Since this effectively blocks access to Lake Lucille by use of that part of the Section Line, there is no compelling reason to reserve the petitioned section. As such the Division of Land has no objection to the request by Jack and Florence Flint to vacate that portion of the 33 foot section line easement on Lots 1A through 5A, Block 2 of the Fredricks Subdivision, as shown on the preliminary plat. This non-objection is contingent upon the reservation of a non-specific general utility easement through this same corridor.

CTY CITY OF WASILLA: The City of Wasilla Department of Public Works wished to assure that utilities within the proposed vacation area be protected with new general utilities easements adequate to insure the maintenance, replacement and repair of existing and future utilities needed to serve the adjoining property.

The Department otherwise has no objection to the vacation.

UTI MTA: MTA does not object to the SL vacation however, any utilities within the affected area are to be protected by permanent ingress and egress for maintenance and upgrade purposes.

ENSTAR Enstar Natural Gas Co. Show 25 ft. utility easement on final plat. (as marked on plat in red submitted by Enstar).

MSB Planning Division: No comment, section line easement unlikely to be required for access purposes.

LMO: Borough lands are not affected by this proposed vacation. LMO has no objection providing Lucille Lane has sufficient r-o-w to meet MSB standards. If it doesn't additional r-o-w should be dedicated along the front of these lots to bring Lucille to standards that are acceptable.

Code Compliance: Section line vacation will put the house in compliance with Wasilla Setback requirements. All future development must comply with 17.43.853, Setback Requirements.

Coastal Mgmt: Located in MSB Coastal Management Boundary; 9675C, Zone C. According to the information provided by the

JANUARY 2, 1992

applicant for the above referenced action, a written analysis is required for a determination of consistency with the Matanuska-Susitna Borough Coastal Management Plan (MSBCMP) for this proposal.

In accordance with MSBCMP (September 1987), Chapters 4 and 6, and Amendment #2 dated March 31, 1988, this project is found to be consistent. Please be aware of the following advisory information.

1. The project or action must comply with all rules applicable to special land use districts or geographic areas affected, including but not limited to MSB Titles 15, 16 and 17.
2. This project or action must comply with all rules applicable to the affected uses, activities, habitats and resources, including but not limited to requirements of the Alaska Department of Natural Resources, Department of Environmental Conservation, Department of Fish and Game, U.S. Corps of Engineers and the U.S. Environmental Protection Agency.

This decision does not relieve the applicant from requirements of any other required local, state or federal review or permits for the proposed project. A Coastal Management Plan consistency determination by the State of Alaska may also be required.

Any changes in the execution of this project from the proposal reviewed for this decision will void this decision and will constitute cause for further review and/or initiation or enforcement actions against violations of Borough, State or Federal ordinances.

DPW: Engineering: (1) Concur with vacating section line easement but retain an equal utility easement. (2) Get concurrence from DOT for any easement not around house. (3) Perhaps a 20' U.E. on Lot 3A only, w/33 on others.
RSA: No comment, City of Wasilla.

Parks & Rec: Reviewed with no comment.

Cultural Resources: The above mentioned property has no known cultural resources that will be affected by the above project. This conclusion is based on research of documented sites on file in the Matanuska-Susitna Borough Cultural Resources Division office. Our records, however, are incomplete, therefore should you suspect a site of cultural significance, please contact this office at 745-9860 or 745-9859.

STAFF REVIEW COMMENTS:

1. Request: Vacation of 33' section line easement on east side of Lots 1A through 5A, Block 2, Fredricks Subdivision. (see exhibit A.) A house located on Lot 3A encroaches into same.
2. The vacation requested is south of the ARR and Spenard Builders Supply, just north of Lake Lucille, located within the Wasilla City limits. The Wasilla City Council has the local vacating powers per MSB 16.15.035(D).
3. No section line easement exists on the east side of the section line because of the homesteaders early entry date. That portion through Lot 1, Block 1 Fredricks Subdivision south of Lucille Drive on the west side of the section line has a commissioner's deed of vacation in exchange for a general utility easement to cover the DOT/PF storm drain that runs from the Parks Highway south to Lucille Lake. (see exhibit B)
4. Lucille Lane & Lucille Drive have been constructed and are being used as the access in that area and on the west side of Lake Lucille.
5. The easement is being used for the DOT/PF storm drain and the southern portion for the City of Wasilla's sanitary sewer. Both have no objections to the vacation as long as a general utility easement of like width remains excluding that portion of Lot 3A which is occupied by the house.
6. DNR has no objections to the vacation as long as a general utility easement remains.
7. The City of Wasilla, Department of Public Works, has no objections as long as a general utility easement remains adequate to insure the maintenance and repair of existing and future systems.
8. The MSB Planning Dept., Dept. of Public Works, Land Management, Cultural Resources, Code Compliance/Coastal Mgmt. and Community Services does not object.
9. MTA has no objection to the vacation.

STAFF RECOMMENDATIONS:

Staff recommends that the Platting Board approve the section line easement vacation on the east side of Block 2, Lots 1A through 5A under AS 29.40.120 through AS 29.40.160 and MSB 16.15.035 contingent on the following:

1. Compliance with DOT/PF R-O-W Branch request, of providing a

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general utility easement of the same width as the section line easement and an as-built of the house on Lot 3A so as to facilitate the exclusion of same from the easement.

2. Submittal of final section line easement vacation plat bearing all necessary approvals and signatures of all parties holding a beneficial interest.
3. Wasilla City Council approval within 30 days.
4. Payment of taxes in full for the year in which the section line easement vacation plat is recorded.

FINDINGS FOR THE VACATION:

This vacation complies with MSB 16.15.035(B), ... a dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future public use.

Vacations of public rights-of-way will ordinarily be approved if the following criteria are met:

- A. CRITERIA: 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.

FINDING: The existing road (Lucille Lane & Lucille Court) provides the needed access. Lucille Lane is 50 feet wide.

- B. CRITERIA: The surrounding area is fully developed and all planned or needed right-of-way and utilities are constructed.

FINDING: The vacation is contingent upon the submittal of a general utility easement in exchange for the section line easement vacation.

- C. CRITERIA: The right-of-way is not being used, a road is impossible or impractical to construct and alternative access has been provided.

FINDING: There is only 33' of existing section line easement for roads and inadequate width for street construction. Also a building encroaches into same prohibits its use. Alternate access has been provided.

- D. CRITERIA: Surrounding area.

FINDING: Adequate access is already provided. The section line easement that goes to the lake has been previously vacated.

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E. CRITERIA: Public Comments.

FINDING: One objection from Charles Nevada has been received.

F. CRITERIA: Agency Comments.

FINDING: The concerns of the vacation raised by DOT/PF and the City of Wasilla, Dept. of Public Works will be eased with the recordation of a general utility easement.

G. CRITERIA: MSB Comments.

FINDING: No negative comments have been received.

IMPORTANT MESSAGE

FOR RB

DATE 12-10-91 TIME 2:00 P.M.

M Charles Nevada

OF _____

PHONE 376-2579
AREA CODE NUMBER EXTENSION

TELEPHONED		PLEASE CALL	X
CAME TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RUSH	
RETURNED YOUR CALL		SPECIAL ATTENTION	

MESSAGE

Interferes with future plans

Take Lucille Resident
objects as it is
needed Esmt. Permit
Re: Petition by Jack Flint
for 1st P.B.

SIGNED
LITHO IN U.S.A.

OBJECTION!

TOPS 3000P

FOR RECORD

Returned call @ 4:15 PM 12/10/91

Interferes with future plans

FREDRICK SLEV

The Matanuska-Susitna Borough Platting Board will consider the following:

PETITIONER: JACK & FLORENCE FLINT

REQUEST: TO VACATE THE NORTH-SOUTH 33' SECTION LINE EASEMENT LYING ON THE EAST SIDE OF LOTS 1A THROUGH 5A BLK 2 FREDRICKS SUBD. IN ORDER TO (1) RESOLVE THE ENCROACHMENT OF THE HOUSE ON LOT 3A INTO THE EASEMENT; (2) 33' IS NOT BEING USED AS A ROAD - OTHER EASEMENTS CAN BE CREATED FOR UTILITIES.

TOTAL AREA: NA ACRES. LOCATION: W/IN SEC. 8, T17N, R1W, S.M., AK, LYING SOUTH OF THE ALASKA RAILROAD/HALLEA LN INTERSECTION & NORTH OF LAKE LUCILLE DRIVE.

COMMUNITY COUNCIL AREA: CITY OF WASILLA

The Matanuska-Susitna Borough PLATTING BOARD will hold a public hearing on the proposed section line easement vacation at 8:30 A.M. on January 2, 1992 in the ASSEMBLY CHAMBERS located in the Borough Offices, 350 East Dahlia Ave., Palmer, Alaska.

We are sending you this notice as required by State Law and Borough Ordinances because your property is within the subdivision or within 600' of the petition area. This will be the only public hearing before the PLATTING BOARD and you are invited to appear.

If you would like to send us comments regarding the proposed action, this form may be used for convenience by filling in the information below and mailing this notice to the Matanuska-Susitna Borough, Platting Division, 350 E. Dahlia, Palmer, Alaska. If there is not enough room below please attach this sheet to a separate piece of paper.

NAME: Clyde T. Boyer Jr : ADDRESS: Box 871605 Wasilla, AK 99687
LEGAL DESCRIPTION: Lot 2, Snyder Subd
COMMENTS: Wasilla, Ak

Dec 31, 1991

Dear Platting Board Members:

My wife and I, and Mr. and Mrs. Mike O'Maill, owners of the east 75' of Lot 1, Snyder Subd., are currently involved in a lawsuit against the City of Wasilla to enforce their promise made in 1984 to extend Selvia Lane west through the balance of Snyder Subdivision to meet up with either Lucille Lane to the south or Hallea Lane near the Parks Highway to the north. This section line easement will indeed be needed for the road right of way to complete the Selvia Lane road project. We ask that the easement not be vacated until the City of Wasilla has established the road right-of-way alignment and constructed the road.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

CENTRAL REGION — DIVISION OF MAINTENANCE & OPERATIONS

WALTER J. HICKEL, GOVERNOR
MATANUSKA-SUSITNA BOROUGH
Date Rcv'd: 12/30/91 Initial: BJ
Noted By: [Signature] Log No: PQ1-0
411 AVIATION AVENUE
P.O. BOX 196900
ANCHORAGE, ALASKA 99519-6900
cc: DeCamp
(FAX 243-1512)

December 30, 1991

Mr. Paul Hulbert and Mr. Rick Brown
Department of Planning - Platting
Matanuska-Susitna Borough
350 E. Dahlia Ave.
Palmer, Alaska 99645

Re: Fredricks Subdivision S.L.E.V.
Sec. 8, T17N, R1W, S.M. Alaska

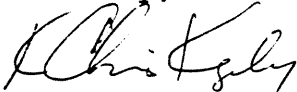
Dear Mr. Hulbert and Mr. Brown:

With this letter, I wish to rescind my stand stated in my letter of November 26, 1991 regarding the section line easement vacation within the subject subdivision.

Since my objection to the vacation, the Depart. of Transportation Right-of-Way section and I have talked it over. Their solution as stated in their letter of December 11, 1991 of exchanging the section line easement vacation for a general utility easement seems good and is fine with me. I was simply interested in being able to work on or replace that section of the Wasilla storm drain if we needed to in the future.

I am sorry, I did not realize that I needed to write back to you about this because I thought the letter from Dan Bearsdley, Chief of Right-of-Ways would do.

Sincerely,



K. Chris Kepler, P.E.
Mat-Su District Superintendent

cc: John Hilderbrand, DOT/PF Planning

KCK:srf

