



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091
PHONE: (907) 373-9050
FAX: (907) 373-0788

COUNCIL MEMORANDUM NO. 92-79

From: Deputy Administrator
Date: July 30, 1992
Subject: Vacation of Utility Easement

The attached request for vacation of utility easements in Southview Subdivision has been received from the Borough Planning Department. One of the conditions for Borough approval is the approval of the Wasilla City Council.

Administration has no objection to the requested easement vacation.

Robert E. Harris
Deputy Administrator

REH/sbh

APPROVED

DATE: 8/10/92

BY: [Signature]

RECEIVED

JUL 23 1992



City of Wasilla, Alaska

Matanuska-Susitna Borough

350 E. Dahlia, PALMER, ALASKA 99645 • PHONE 745- 9874

DEPARTMENT OF PLANNING - PLATTING DIVISION

July 21, 1992

City Council
City of Wasilla
290 East Herning
Wasilla, AK 99654

RE: VACATION OF THE PLATTED 30' UTILITY EASEMENT ACROSS LOTS 1,2,3 & 4 OF SOUTHVIEW SUBDIVISION; THE 30' PLATTED UTILITY EASEMENT, THE 30' UTILITY/DRAINAGE EASEMENT AND THE 15' UTILITY EASEMENT w/in TRACT B, SOUTHVIEW EXTENSION, ON THE NORTH SIDE OF THE MATANUSKA ROAD.

Dear Councilmembers:

On July 16, 1992, the Platting Board of the Matanuska-Susitna Borough approved the vacations of the utility and drainage easements specified above with conditions as follows:

1. Receipt of written approval from MEA, MTA, Enstar and Cable Television.
2. Submit drainage plan and easement location as required by the MSB Department of Public Works.
3. Approval by the Wasilla City Council within 30 days of Platting Board decision.
4. Recordation of vacation resolution simultaneously with the plat.

FINDINGS FOR THE VACATION:

The vacation is consistent to MSB 16.15.035B(3), which states, "In other cases the Assembly will review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future public use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise."

The petitioners reasons for the vacation are as follows:

Thirty foot utility easement is no longer necessary and messes up Lots 1,2,3,4, Southview Subd., and also messes up Tract B, Southview Extension. It was planned before power was brought into the area, and is now redundant. Power into Lots 1 & 2, Southview are covered by easements down west side of Lot 1. Existing power for lower bench, Lots 3 & 4 Southview Subd., is on edge of Lot 3 in Southview, in middle of easement. We could dedicate short, typical 15 foot easement on Old Matanuska edge to cover this. Electric will not progress any further in this area, as there is nothing further to serve. Lot 4 has access to pole in Lot 3.

An alternate 15' utility easement will be shown along the south right-of-way line of Mikey Court.

All attendant data, including platting board minutes, staff review, notification of action, and plat copy 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,

A handwritten signature in black ink, appearing to read "Rick Brown", with a long horizontal flourish extending to the right.

Rick Brown
Platting Officer

Attachments

DRAFT

Voting on the motion it passed unanimously.

Mr. Strother mentioned that when this case was originally submitted it was under 1988 road construction standards. Another option would possibly be to go under the current road standards which would allow a narrower right-of-way of only 50' wide but the road would have to be built to residential standards within the 50'. That is an option.

The platting board granted Mr. Kalmbach the ability to work out with DPW which road standard his subdivision is to fall under. Mr. Campbell agreed to this as the motion maker. Second concurred.

Voting on the motion it passed unanimously.

Ms. Herschbach stated that if Mr. Kalmbach is unable to obtain easement from Mr. Schandelmeier he has the option to come back before the platting board.

The platting board took a break at 9:45 AM. Reconvening at 10:00 AM.

CONTINUATION OF PUBLIC HEARING & PRELIMINARY PLAT FOR ASLS 91-061 with VACATION

Mr. Brown stated that on 02/12/92, 23 public hearing notices were mailed out. To date none have been returned and no objections received.

Mr. Hulbert gave an overview of the case and brief history. Chairman Tucker opened the public hearing, with no one present wishing to speak the public hearing was closed.

Mr. Brown stated that the Borough had no objections to the recommendations. Mr. Maw asked if the encroachments had been taken care of.

Mr. Brown stated that they have not been back to the site to re-inspect the encroachment situation, but assured Mr. Maw that encroachments would be taken care of before recordation of the plat.

Mr. Maw moved to approve ASLS 91-061 with staff recommendations one through six. Also with the staff recommendations for the vacation numbers one and two with findings (a) through (g), changing comment number two to read, "by eliminating encroachments". Ms. Scorup seconded. With no further discussion a vote was called for.

The motion was passed unanimously.

CONTINUATION OF PUBLIC HEARING & PRELIMINARY PLAT FOR SOUTHVIEW TERRACE SUBDIVISION with VACATIONS

STAFF REVIEW AND RECOMMENDATION
PLATTING BOARD
JULY 16, 1992

PRELIMINARY PLAT: SOUTHVIEW TERRACE SUBDIVISION
LEGAL DESCRIPTION: w/in SEC 13, T17N, R1W, S.M., AK
PETITIONER: MIKE CARSON/SOUTHVIEW UNLIMITED, INC
SURVEYOR/ENGINEER: HIGH PHUKAN CONSULTING ENGINEERS
ACRES: 5± PARCELS: 7 USE: RESIDENTIAL

REVIEWED BY: PAUL E. HULBERT CASE NO: PRD-7

REQUESTS FOR COMMENTS WERE SENT TO:

FEDERAL: Corps of Engineers (Wetlands & Flood Plain)

CITIES: Wasilla

UTILITIES: MEA; MTA; ENSTAR

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

FIRE SERVICE AREA: Wasilla

AGENCY COMMENTS: Responses were received from:

CTY CITY OF WASILLA: This is in response to your request for comments regarding the subdivision of Tract B as proposed. Plat notes include remarks concerning wastewater disposal. The developer should be advised that the City of Wasilla will request that the developer construct sewer main line extension into Mikey Court to serve lots on both sides of the streets. The proposed extension will have the additional advantage of avoiding the necessity of multiple excavations and closures of the State maintained Old Matanuska Road and avoid existing buried utility lines. Further, DEC water/wastewater separation distances requirement should be noted on the plat so that new water wells are installed in locations respecting the existence of the sewer trunk line on Old Matanuska Road and the proposed sewer main line on Mikey Court.

Thank you for this opportunity to comment.

MSB PLANNING DIV: Need to check with City of Wasilla re: sewer & drainage

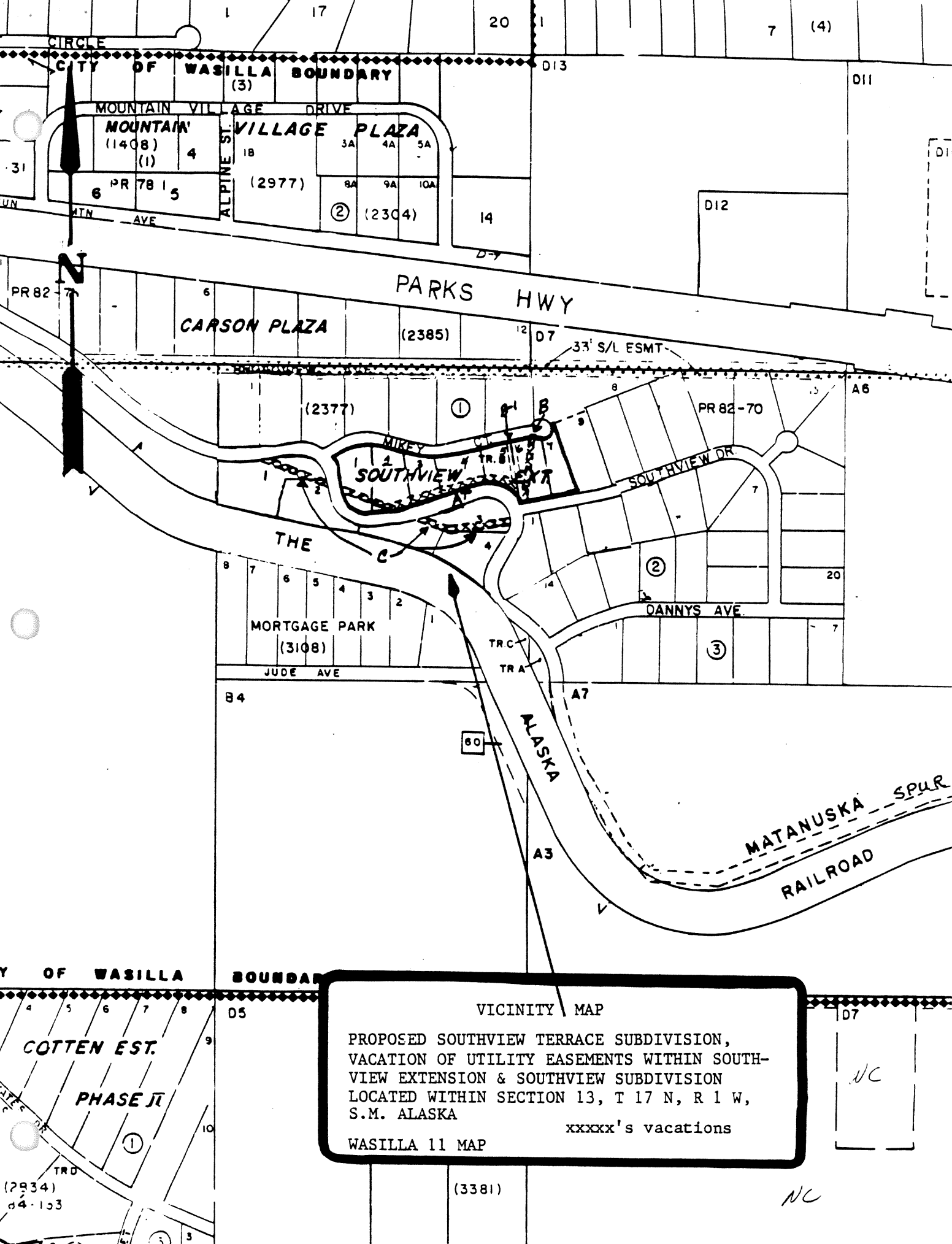
Cable Television, 3) minimum lot size is 40,000 sq. ft. unless community sewer or water installed. Plans and MSB construction permits approved prior to plat final approval, 4) drainage between B5 & B6 to be developed.

6. The Matanuska Road is state maintained, access to lots fronting on it are to be limited to interior roads.

STAFF RECOMMENDATIONS:

The Platting Staff recommends Platting Board approval under MSB 16.15.045 contingent on the following:

1. Obtain DEC approval and signature on mylar. Provide Platting Staff with copies of items submitted to them.
2. Compliance with DPW comments:
 - a) Road must meet MSB Residential Standards
 - b) Submit plans for the sewer system and obtain construction permits.
 - c) Easement vacation and replacement to be approved by all utilities, MEA, MTA, Enstar & Cable Television.
 - d) Drainage to be developed in an easement south from Mikey Court.
4. Obtain construction permits from DPW prior to any road upgrade, if required.
5. Obtain a Major Development Permit per MSB 17.43.460 and comply with the recommendations of the City of Wasilla.
6. Comply with MSB 17.43.885, which states, "Where public sewer facilities are available within five hundred feet of the boundary of a proposed major development the developer shall install collectors and laterals as required by the engineer."
7. Plat note restricting access to lots from Matanuska Road.
8. Submit sign-offs from MEA, MTA and Enstar on blue lines of final plat.
9. Payment of taxes and special assessments in full for year of recording.
10. Submittal of final plat in full compliance with Title 16.



VICINITY MAP

PROPOSED SOUTHVIEW TERRACE SUBDIVISION,
 VACATION OF UTILITY EASEMENTS WITHIN SOUTH-
 VIEW EXTENSION & SOUTHVIEW SUBDIVISION
 LOCATED WITHIN SECTION 13, T 17 N, R 1 W,
 S.M. ALASKA

xxxxxx's vacations

WASILLA 11 MAP

NC

NC

Utility
PETITION FOR VACATION OF PUBLIC RIGHT-OF-WAY

Comes now the undersigned, Southview Unlimited Inc., Michael A. Carson, Pres., and petitions the Matanuska-Susitna Borough to vacate the right-of-way lying within the following described property, to-wit:

Platted 30 foot utility easement running northwest to southeast through Southview Subdivision, Lots 1,2,3,4, and through Tract B, Southview Extension Subdivision. Electrical power is now at the east end of Lots 3 and 4 Southview. Power for Southview Terrace, proposed subdivision, will come down east side of Lot 7 Block 1 Southview Extension, and run along south side of Mikey Court.

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

Was platted on original Southview Subdivision (prior to Southview Extension).

Submitted herewith are the following:

- x 1. A copy of the plat showing the right-of-way to be vacated or recorded public easement creating public right of way.
- x 2. The name, address and telephone number of petitioners as follows:
- x 3. The action sought by this petition is for the following reason(s): Thirty foot utility easement is no longer necessary and messes up Lots 1,2,3,4 Southview Subd, and also messes up Tract B Southview Extension. It was planned before power was brought into the area, and is now redundant. Power into Lots 1 and 2 Southview are covered by easements down west side of Lot 1. Existing power for lower bench, Lots 3 and 4 Southview Subd., is on edge of Lot 3 in Southview, in middle of easement. We could dedicate short, typical 15 foot easement on Old Matanuska edge to cover this. Electric will not progress any further in this area, as there is nothing further to serve. Lot 4 has access to pole in Lot 3.
- 4. \$200.00 Public hearing fee. (Petition paired with Southview Terrace)

Dated at Wasilla, Alaska, this 15th day of MAY, 1992.

SIGNATURES OF PETITIONER(S):

Michael A Carson, Pres.

NOTARY ACKNOWLEDGMENT:

Subscribed and sworn to before me this 15th day of MAY, 1992

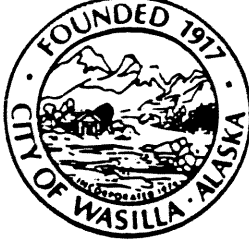
STATE OF ALASKA
NOTARY PUBLIC
JUDITH M. CARSON
My Commission Expires 4-21-94

Judith M. Carson
Notary Public in and for Alaska
My Commission Expires: 4-21-94

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.

8710-42
from
Susan Lee



CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-0788

June 4, 1992

Mr. Michael Carson
P. O. Box 871205
Wasilla, Alaska 99687

Re: Sewer Service - Southview Terrace

Dear Mike:

Thank you for your letter of June 4, 1992 regarding your plans for on-site utilities. You are correct that requirements for sewer connections come into play when structures are built. Vacant lots obviously do not demand sewer service. To further clarify, the 150 feet is ... "measured in a straight line from the sewer system piping to the nearest exterior lot line on which the structure is located". (WMC 5.20.020A). This applies to all of the lots now shown on the preliminary plat.

If sewer stubs are not provided by the plat developer, then future owners developing individual lots will have to deal with the problem.

The provisions of WMC Chapter 5 remain the same and will be applied as described in our June 2 letter. Future sewer development retains the option of L.I.D. financing, developer extension and "charges-in-lieu" use of the 16" trunk.

Sincerely,

Robert E. Harris
Deputy Administrator

cc: Matanuska-Susitna Borough
Wasilla Planning and Utilities Commission
D.E.C.

EXHIBIT C

Council Memorandum No. 92-69

July 2, 1992

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On inquiry from the Mayor, Mr. Carson denied a conflict of interest. On a motion to override the chair, the developer participated in the vote.

The plat of Southview Terrace is an active development project with plat approval pending at the Borough and an application for major development permit (requested to be withdrawn June 4, 1992) on file at the Borough Code Enforcement Office.

On its face, this ordinance is designed to save the developer money on this specific project by eliminating the mandatory sewer hook-up requirement.

A conflict of interest exists. The developer improperly voted on the motion to override the Mayor's determination of a conflict (4-1). Motion to override would have failed otherwise (3-1). The developer improperly participated in Council discussion of the motion to introduce and improperly voted on that motion.

The administration has offered to work with the developer to help him meet the requirements of the code. There are several alternatives available. The Public Works Department is ready to sit down with the developer and attempt to develop a feasible approach.

Alaska statutes provide that Council may vote to override this veto "within 21 days following exercise of the veto or at the next regular meeting, whichever is later."


John C. Stein, Mayor

Date July 2, 1992

cc: Council
Planning Commission
D.E.C.
MSB Platting
MSB Code Enforcement

Ex "C-1"



Matanuska-Susitna Borough

350 E. Dahlia, PALMER, ALASKA 99645 • PHONE 745- 9874

DEPARTMENT OF PLANNING - PLATTING DIVISION

July 20, 1992

NOTIFICATION OF PLATTING BOARD ACTION

Southview Unlimited, Inc.
P.O. Box 871205
Wasilla, AK 99687
Attn: Michael Carson

Re: Southview Terrace
Subd w/Vacations
Cse: PRD-7

Action taken by the Platting Board on July 16, 1992 is as follows:

The PRELIMINARY PLAT with VACATIONS was APPROVED CONTINGENT:

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
Platting Officer

pc: High Phukan Consulting Engineers, 203 W. 15th, Suite 104, Anc. AK, 99501

2. Submit drainage plan and easement location as required by the MSB Department of Public Works.
3. Approval by the Wasilla City Council within 30 days of Platting Board decision.
4. Recordation of vacation resolution simultaneously with the plat.

FINDINGS FOR THE VACATION:

The vacation is consistent to MSB 16.15.035B(3), which states, "In other cases the Assembly will review requested vacations on a case-by-case basis to determine whether the property is necessary or desirable for present or future public use. Public rights-of-way in areas shall be assumed to have a public use unless proven otherwise."

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