



# CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

FAX: (907) 373-9085

## COUNCIL MEMORANDUM NO. 96-08

From: Duane Dvorak, City Planner 

Date: January 17, 1996

Subject: Vacation of a Portion of Discovery Drive Right-of-Way; review of the Mat-Su Borough Platting Board's decision to approve with conditions.

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The Wasilla City Council has 30 days from the date the vacation was approved by the Mat-Su Borough Platting Board to veto the approval. The approval of the platting board was granted on December 28, 1995. If the City Council takes no action by January 28, 1996, the request is automatically approved under provisions of Title 29, Alaska Statutes. If the Council specifically affirms the approval, the remainder of the review period is waived and the applicants can begin developing a plat for filing with the State Recorder's Office, in order to complete the vacation.

The Wasilla Planning Commission voted to forward the approved vacation of a portion of the Discovery Drive right-of-way to the Wasilla City Council for its consideration. The Commission recommends that the approval, with conditions, be upheld by a motion of the Council so that the affected property owners can complete the vacation process. This recommendation is based on a finding by the Commission that vacating a portion of Discovery Drive Right-of-Way will not affect the ability of the City or other public and private utilities to provide services to the public in an efficient and cost-effective manner.

Staff recommends that the Council follow the Commission's recommendation and affirm the decision of Mat-Su Borough Platting Board in its entirety.

**APPROVED**

DATE: 01-22-96

BY: 



## CITY OF WASILLA

290 E. HERNING AVE.

WASILLA, ALASKA 99654-7091

PHONE: (907) 373-9050

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### WASILLA PLANNING COMMISSION RESOLUTION NO. 96-02

A RESOLUTION OF THE WASILLA PLANNING COMMISSION, RECOMMENDING APPROVAL BY THE WASILLA CITY COUNCIL OF A VACATION OF DISCOVERY DRIVE RIGHT-OF-WAY, WITH CONDITIONS, AS APPROVED BY THE MAT-SU BOROUGH PLATTING BOARD.

WHEREAS, the Mat-Su Borough Platting Board has reviewed and approved the vacation of a portion of the Discovery Drive right-of-way, with conditions; and,

WHEREAS, City staff was notified of the proposed vacation by the Mat-Su Borough, prior to the decision by the platting board; and no detrimental impact was preceived by staff as a result of this action; and,

WHEREAS, the vacation of a right-of-way dedicated to the City is like a disposal of interest in City land and should only be allowed when it is determined to be in the best interest of the public; and,

WHEREAS, it appears that the vacation, as approved by the platting board, will not affect the ability of the City, Borough, or any public or private utility from providing services to the public in an efficient and cost-effective manner; and,

WHEREAS, the Wasilla Planning Commission would like to recommend approval of this vacation, as a disposal of interest in land now designated for Discovery Drive, to the Wasilla City Council;

NOW, THEREFORE, BE IT RESOLVED, that:

The Wasilla City Council has 30 days from the date the vacation was approved by the Mat-Su Borough Platting Board to veto the approval. The approval of the platting board was granted on December 28, 1995. If the City Council takes no action by January 28, 1996, the request is automatically approved under provisions of Title 29, Alaska Statutes. If the Council specifically affirms the approval, the remainder of the review period is waived and the applicants can begin developing a vacation plat for filing with the State Recorder's Office in order to complete the vacation.

The Wasilla Planning Commission voted to forward the approved vacation of a portion of the Discovery Drive right-of-way to the Wasilla City Council for its consideration. The Commission recommends that the approval, with conditions, be upheld by a motion of the Council so that the affected property owners can complete the vacation process.

The Commission finds that vacating a portion of Discovery Drive right-of-way, with conditions, will not impair the ability of the City, Borough or any public or private utility to provide services to the public in an efficient and cost-effective manner.

I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 16<sup>th</sup> day of JANUARY, 1996.

RESPECTFULLY SUBMITTED:

APPROVED:

Marilyn L. Stewart  
Marilyn L. Stewart, Planning Clerk

John A. Cannon  
John A. Cannon, Chair



# MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488  
PHONE 745-9874 • FAX 745-9876

December 28, 1996

**RECEIVED**  
PLANNING DEPARTMENT

RECEIVED

**JAN 2 1996**

JAN 2 - 1995

City of Wasilla, Alaska

CITY COUNCIL  
CITY OF WASILLA  
290 E HERNING  
WASILLA, AK 99654

RE: VACATIONS OF RIGHT-OF-WAY AND UTILITY EASEMENT- DISCOVERY DRIVE

Dear council members:

On December 21, 1995 the platting board of the Matanuska-Susitna Borough granted the vacation of of the 60' Discovery Drive access easement through Lots 1 and 3 and the attached 15' utility easement, pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035.

### CONDITIONS AND/OR REASONS

The platting board approved the vacation of the 60' Discovery Drive access easement through Lots 1 and 3 and the attached 15' utility easement pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035 contingent on the following:

1. Wasilla City Council approval within 30 days of Platting Board written decision;
2. Recordation of a plat showing:
  - a. Vacation of the 60' access easement of Discovery Drive;
  - b. Vacation of the utility easement;
  - c. The new boundaries of Lot 1;
  - d. The new boundaries of Lots 2 and 3 showing the limits of the 50' radius cull-de-sac;
  - e. The new plat needs to have a *dedication certificate*;
3. Construct Discovery Drive between Lots 2 and 3 with the cul-de-sac to *city of Wasilla residential standards*;
4. Comply with MTA's request by providing a 15' utility easement around the cull-de-sac. Provide copies of final plat signed by MTA, MEA and Enstar;

5. Obtain a *certificate to plat* and *beneficiary acknowledgments* if any;
6. Pay taxes in full for year of recording;
7. Submit final plat in full compliance with Title 16;
8. Resolve road names with MSB platting staff.

### FINDINGS

**FINDING** The vacation of the Discovery Drive 60' access easement must be approved by the Wasilla City Council.

**FINDING** A plat is to be prepared and recorded showing what is being vacated. The plat is to also show boundaries of the new lots depicting the cul-de-sac being dedicated and the remainder of Discovery Drive.

**FINDING** MSB Dept of Public Works has no objections.

**FINDING** Adjacent properties have superior access via Lucus Road.

**FINDING** The recordation of the plat shows a subdivision of Lot 1 and with the construction of Discovery Drive between Lots 2 and 3 removes the non-development stigma placed by Plat Note #2 on the Discovery Hills Phase I plat.

All pertinent data, including draft platting board minutes, vicinity map, and notification of action are attached.

If we do not hear from you within 30 days we will assume that the City of Wasilla has no objection to this vacation.

Kindest regards,



Rick Brown  
Platting Officer

xc: W/O ENCLOSURES: ROBERT L LUCUS; ROBERT L LARKEY

## PUBLIC HEARINGS

### PUBLIC HEARING for VACATION OF PUBLIC USE EASEMENT & UTILITY EASEMENT, DISCOVERY DRIVE

Mr. Brown stated that on November 30, 1995, 15 public hearing notices were mailed. To date none have been returned and no objections received.

Ms. Scorup opened the public hearing. With no one present wishing to speak the public hearing was closed.

Mr. Robert Larkey, petitioner, addressed the board stating his reasons for wishing to complete this project. He concurred with the recommendations. Discussion followed.

Mr. Nicodemus moved to approve the vacation contingent on recommendations one through seven adding condition number eight stating, "Resolve road names with MSB platting staff;" and findings. Ms. Larson seconded the motion. Voting on the motion it passed unanimously.



SCALE IN FEET

0 500

D4

DISCOVERY HILL PHASE I

MYSTERY AVENUE

DISCOVERY DRIVE

**SUBJECT VACATION**

(3212)

UPPER

MELANIE AVENUE

WASILLA HEIGHTS

VICINITY MAP

FOR PROPOSED DISCOVERY DRIVE & UTILITY EASEMENT VACATION REQUEST LOCATED IN DISCOVERY HILL PH I SUBDIVISION, SECTION 5, T 17 N, R 1 W, SEWARD MERIDIAN, ALASKA

WASILLA 12 MAP

HEIGHTS

(1064)

(1002)

A3

A2

3

1

2

2

(1)

6

5

4

3

2

1

5

4

3

2

1

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30

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32

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(2)

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(4)

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(2)

(1190)

CACHE DRIVE

1

16

17

18

19

(1118)

20

1

2

15

(2)

2A

3

14

13

12

11

(5)

2B

4

PROSPECTOR DRIVE

5

6

7

10

(243)

2C

(1)

8

9

8

2D

13

12

11

10

9

8

5

(243)

2C

HILLS

BRIDGE PLACE

1

2

3

4

5

6

7

(1118)(2)

(9003)

(1104)

1

2

3

4

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7

8

9

10

(1)

HOLIDAY DRIVE

(4)

3

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(1104)

WASILLA ESTATES

14

13

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10

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14

WINTER LANE

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(1108)

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Post-It Fax Note

10/1

From Jill C

To MARGE

Co/Dept C O WASILLA

Co M S B

Phone # 373-9050

Phone # 745-9871

Fax # 373-9085

Fax # 745-9876



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December 28, 1995

## NOTIFICATION OF PLATTING BOARD ACTION

ROBERT L LARKEY  
3541 KACHEMAK CIRCLE  
ANCHORAGE, AK 99515

RE: DISCOVER DR UE & ROW  
VACATIONS  
CS: PTX-0

Action taken by the Platting Board on December 21, 1995 is as follows:

The REQUEST for VACATIONS OF R/O/W AND UTILITY EASEMENT was APPROVED CONTINGENT ON CONDITIONS AND/OR REASONS. (ATTACHED):


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 15.39. 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 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.

Kindest regards,

  
Rick Brown  
Platting Officer

pc: ROBERT L LUCUS, 1200 N LUCUS RD, WASILLA, AK 99654



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