

COUNCIL MEMORANDUM NO. 97-20

From: Duane Dvorak, City Planner

Date: April 9, 1997

Subject: Vacation of Easements for Wasilla Estates, Lots 9, 10 and 11, Block 8.

This request was reviewed by staff prior to the Mat-Su Borough Platting Boards decision to approve the vacation of the above referenced easements. The Wasilla Public Works Department and the Planning Office both reviewed this request and found that there was no planned need for the City's use of the easements in the future. In addition, it is believed that the vacation of the easement will lower the efficiency or raise the cost of providing utility services to the general public and particularly the residents of the surrounding area.

Normally, it would be nice to run this type of decision by the Wasilla Planning Commission for its input prior to Council Review. In this case, the timing of the decision does not permit this request to go to the Commission first. The power to veto a public easement vacation is set forth in Section 29.40.140 (Hearing and Determination) of the Alaska Statutes. The governing body, the Wasilla City Council in this case, has 30 days from the date of the platting boards decision to review and/or veto the proposed vacation. If the Council does not act within the 30 day time period, consent is considered to be given to the vacation. Title 29 does not mention anything about planning commission review prior to the required review by the "governing body".

While it unlikely that the Commission would see anything in this request that was not considered by the staff, as a rule it is recommended that the Planning Commission be included on vacation requests whenever possible. This will help to ensure that local residents have the maximum opportunity to become aware of these actions. In addition, the local knowledge of Planning Commission members may provide certain insights to an action that the staff does not have.

Staff recommends that the City Council approve this request to vacate easements.

APPROVED

DATE: 4/14/97

BY: J. Neuman



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

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

March 28, 1996

RECEIVED

APR 02 1997

CITY OF WASILLA, ALASKA

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

RE: **VACATION OF EASEMENTS for WASILLA ESTATES, LOTS 9, 10, AND 11, BLOCK 8**

Dear council members:

On March 20, 1997 the platting board of the Matanuska-Susitna Borough granted the vacation of the 30' easement for *utilities, pedestrian walkways and any motorized or non-motorized use not prohibited by local ordinance*, located on the common line of Lots 11, 10 and 9 Block 8 Wasilla Estates.

CONDITIONS AND/OR REASONS

The Platting Board approved the vacation of the 30' easement for *utilities, pedestrian walkways and any motorized or non-motorized use not prohibited by local ordinance*, located on the common line of Lots 11, 10 and 9 Block 8 Wasilla Estates 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 written *notification of action*;
2. Recordation of *vacation resolution*.

FINDINGS

FINDING The utilities have no objection to the vacation.

FINDING The Wasilla Planning Department and their Department of Public Works have no objection.

FINDING No public objections have been received as a result of the public hearing mailing.

FINDING This vacation is consistent with MSB 16.15.035(B)(1)(b).

FINDING Adjoining property to the east has superior access.

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,

Paul H. Hunt

b2
Rick Brown
Platting Officer

xc: W/O ENCLOSURES: JACK M & LISA M WALLIS, 701 HOLIDAY DR, WASILLA, AK 99654; DAVID J & BONITA G TESAR, PO BOX 874875, WASILLA, AK 99687

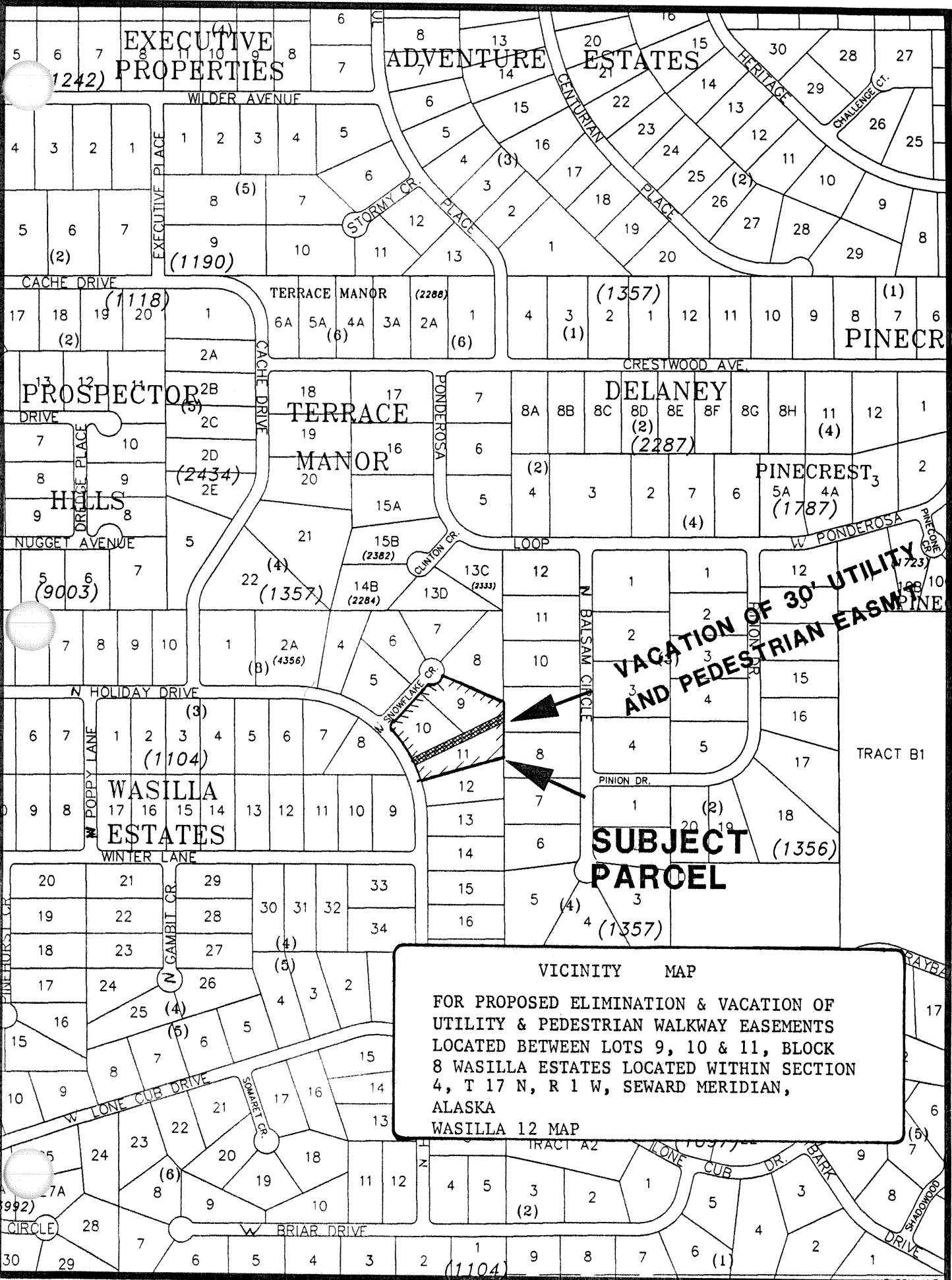
PUBLIC HEARING for VACATION OF EASEMENTS for WASILLA ESTATES, LOTS 9, 10, & 11 BLOCK 8

Mr. Brown stated that on February 26, 1997, 145 public hearing notices were mailed. To date three have been returned, one letter of support was received and no objections. Mr. Hulbert gave an overview. Discussion followed.

Mr. Nicodemus opened the public hearing. With no one present wishing to speak, the public hearing was closed.

Ms. Roberts moved to approve the vacation contingent on conditions one through two. Mr. Timmons seconded the motion. Voting on the motion, it passed.

The board confirmed the suggested findings as read.



VACATION OF 30' UTILITY AND PEDESTRIAN EASMENT

SUBJECT PARCEL

VICINITY MAP
 FOR PROPOSED ELIMINATION & VACATION OF UTILITY & PEDESTRIAN WALKWAY EASEMENTS LOCATED BETWEEN LOTS 9, 10 & 11, BLOCK 8 WASILLA ESTATES LOCATED WITHIN SECTION 4, T 17 N, R 1 W, SEWARD MERIDIAN, ALASKA
 WASILLA 12 MAP



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• PLATTING DIVISION •

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PHONE 745-9874 • FAX 745-9876

March 26, 1997

NOTIFICATION OF PLATTING BOARD ACTION

DAVID J & BONITA G TESAR
PO BOX 874875
WASILLA, AK 99687

RE: WASILLA ESTS
LTS 9, 10 & 11 B8
CS: PUS-6

Action taken by the Platting Board on March 20, 1997 is as follows:

The REQUEST FOR VACATION OF UTILITY EASEMENTS & PEDESTRIAN WALKWAY was APPROVED CONTINGENT UPON 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,

A handwritten signature in black ink, appearing to read "Rick Brown".

Rick Brown
Platting Officer

pc: JACK M & LISA M WALLIS, 701 HOLIDAY DR, WASILLA, AK 99654

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