

SUBJECT: Vacation of Utility Easement, Portion of Alleyway, and Cul-de-sac; Lot 1B, Block 1, Carter Subdivision.

REQUESTED BY: Kristie VanGorder, City Clerk

PREPARED BY: Jamie Newman, Deputy Clerk *J. Newman*

DATE: January 10, 2001

FOR AGENDA OF: January 22, 2001

SUMMARY:

We have received an easement vacation request from the Mat-Su Borough Platting Office. The vacation is for the east 75' of the 10' wide utility easement on Lot 1B, Block 1, Carter Subdivision, as well as, a portion of the alleyway and a portion of the cul-de-sac.

The request was sent to the public works and planning departments for comment and no concerns have been raised.

FISCAL IMPACT: X No ___ Yes, amount requested:

CLERK'S RECOMMENDED ACTION:

Approve Vacation of Utility Easement, Portion of Alleyway, and Cul-de-sac; Lot 1B, Block 1, Carter Subdivision.

Administration Initial: *JN*

Attachments: Letter from Mat-Su Borough Platting Office
Dated: January 5, 2001

Presented to council on 1/22/01
Action taken: Approved Denied
other: _____
Verified by *JN*



**OFFICE OF THE
CITY CLERK AND COUNCIL**

CITY OF WASILLA
290 E. HERNING AVE.
WASILLA, AK 99654-7091
PHONE: (907) 373-9090
FAX: (907) 373-9092

TO: Don Shiesl, Public Works Director
Tim Krug, City Planner

FROM: Jamie Newman, Deputy Clerk *Jamie Newman*

DATE: January 10, 2001

**SUBJECT: Vacations of Utility Easements, Portion of Alleyway and Cul-de-sac
Lot 1B, Block 1, Carter Subdivision**

Please review the attached memo from the Mat-Su Borough, Platting Office regarding a vacation of easement within the city.

This issue will be brought before the city council on January 22, 2001. If you have any concerns or comments, please notify me.

attachments: Memo from MSB Platting Office
Dated: January 5, 2001

cc: Mayor Palin



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

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

January 5, 2001

RECEIVED

JAN 09 2000

CITY OF WASILLA
CLERK'S OFFICE

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

RE: **CARTER SUBDIVISION LOT 1B, BLOCK 1 VACATIONS OF UTILITY
EASEMENT, PORTION OF ALLEYWAY AND CUL-DE-SAC (PXY-0)**

Dear Council Members:

On December 21, 2000, the Platting Board of the Matanuska-Susitna Borough granted the vacation of a the east 75' of the 10' wide utility easement on Lot 1B, Block 1, Carter Subdivision as well as a portion of the alleyway and a portion of the cul-de-sac, pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035. The written *notification of action* is dated January 3, 2001.

CONDITIONS AND/OR REASONS

VACATION OF 10' UTILITY EASEMENT

The Platting Board approved the vacation of the east 75' of the 10' wide utility easement contingent upon the following:

1. City of Wasilla approval within 30 days of written *notification of action*;
2. Show the vacated area on the final plat or record a *vacation resolution*;
3. Obtain MEA, MTA, and Enstar *sign-off's* on final plat;

FINDINGS

FINDING The vacation is to be heard by the Wasilla City Council for final approval.

FINDING The vacation of the utility easement will relieve encroachment of the shop and the shed into the utility easement.

FINDING That portion of the utility easement to be vacated is not in use by the utility companies.

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

VACATION OF PORTION OF THE 20' WIDE ALLEYWAY & 50' RADIUS CUL-DE-SAC

The Platting Board approved the vacation of a portion of the alleyway and a portion of the cul-de-sac. That portion of the cul-de-sac to be vacated is described as all that is on Lot 1B. That portion of the alleyway to be vacated is described as that portion of the 20' wide alleyway sufficient enough to allow a 10' setback around the perimeter of the shop, contingent upon the following:

1. Wasilla City Council approval within 30 days of the written *notification of action*;
2. Show the vacated area on the final plat or record *vacation resolution* simultaneously with the final plat.

FINDINGS

FINDING The vacation of a portion of the alleyway and a portion of the cul-de-sac is pursuant to MSB 16.15.035 and AS 29.40.120 through AS 29.40.160.

FINDING The city of Wasilla has final approval or denial of the vacation.

FINDING The vacation will remove an encroachment of the shop building. The vacation will allow conventional bank financing.

FINDING The turn-around is not constructed nor is it being utilized.

FINDING The temporary cul-de-sac was placed over an existing shop building.

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

All pertinent data, including vicinity map, platting board minutes, 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.

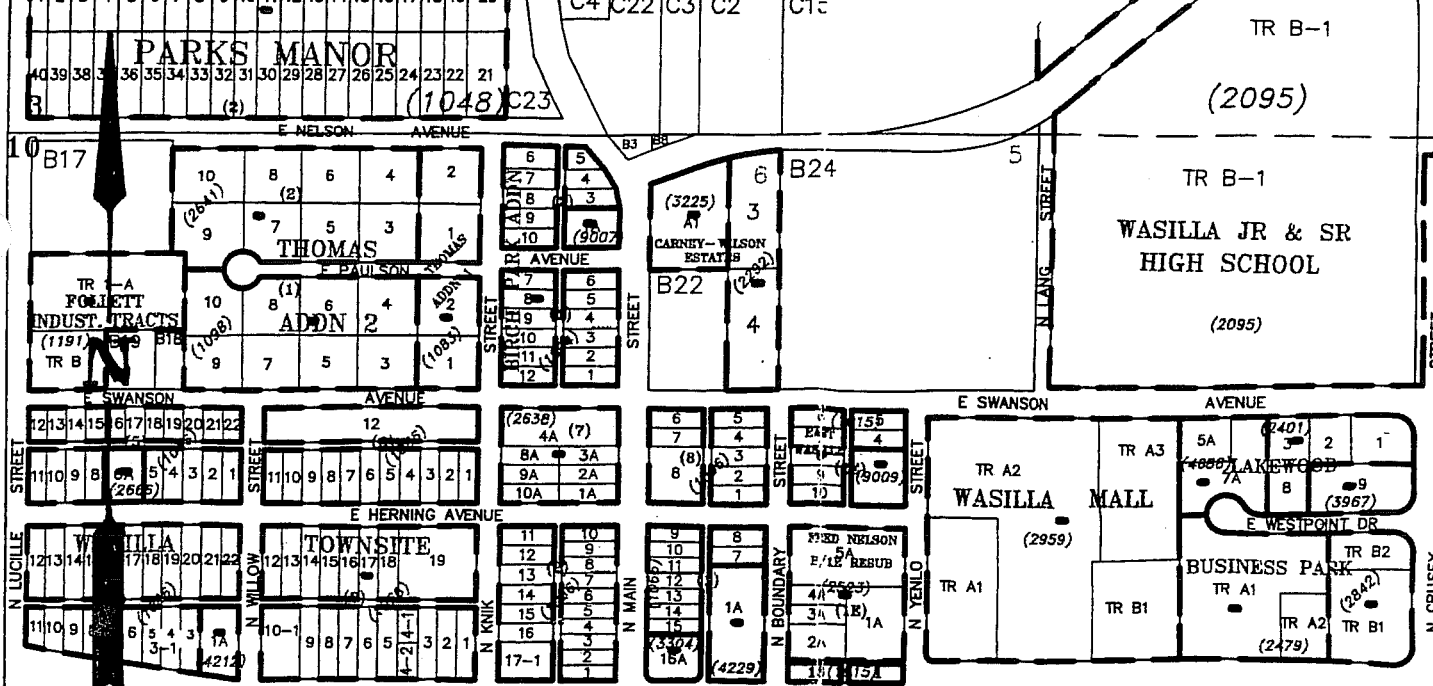
Sincerely,



Paul Hulbert
Acting Platting Officer

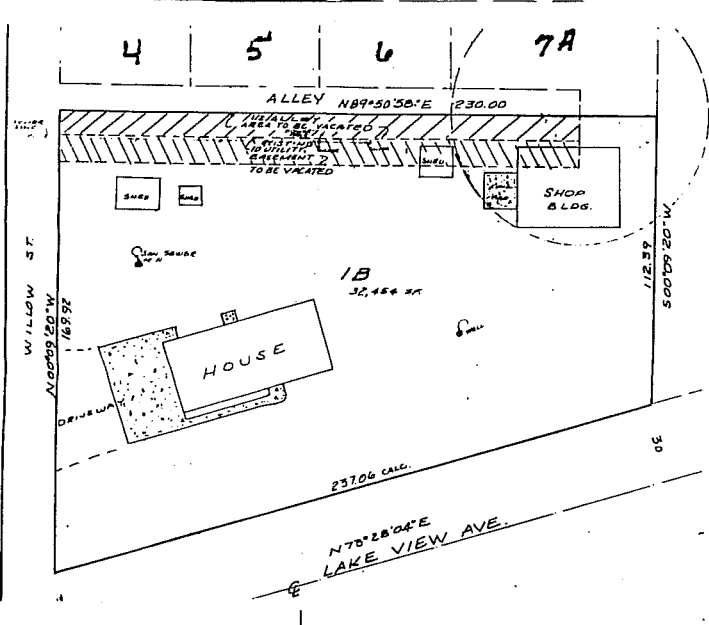
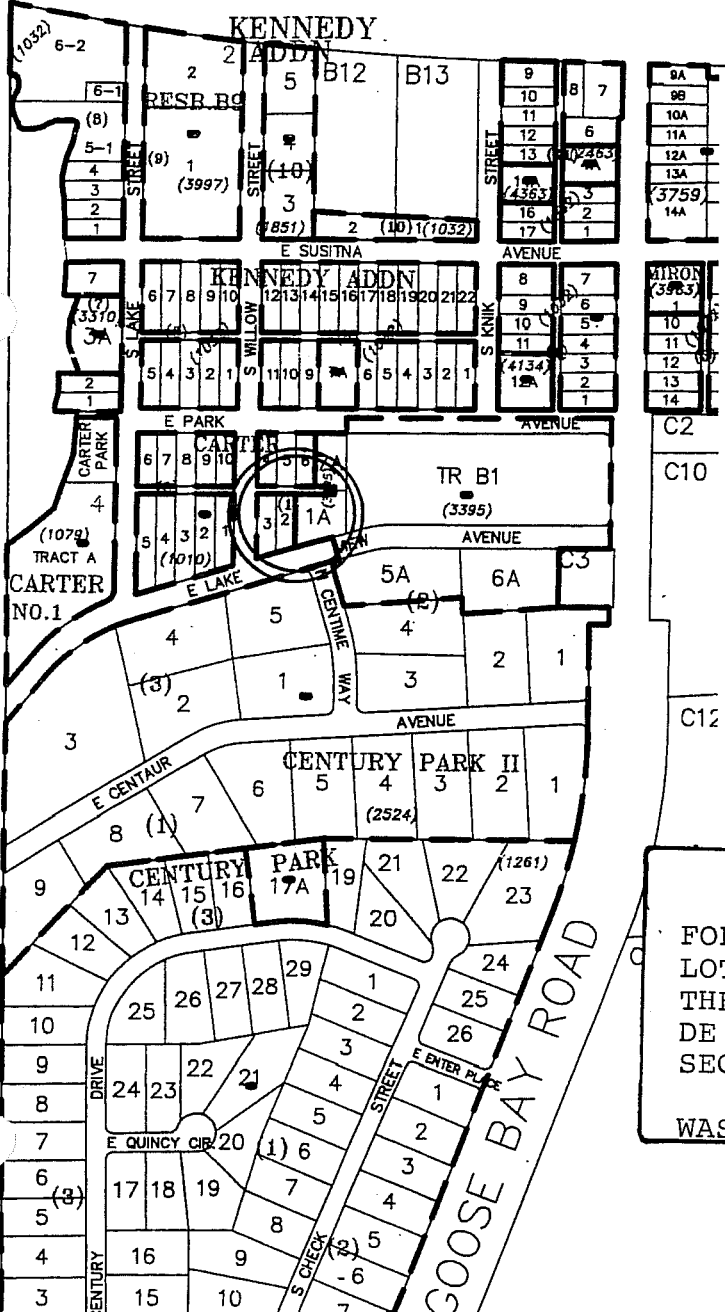
attachments

xc: W/O ENCLOSURES: KEN DECAMP, POB 875614, WASILLA, AK 99687



PARKS HWY

ALASKA RAILROAD



INSET

VICINITY MAP
 FOR PROPOSED CARTER SUBDIVISION
 LOT 1B BLOCK 1 WITH VACATION OF 1/2
 THE ALLEY WAY, PORTION OF THE CUL
 DE SAC & UTILITY EASEMENT W/IN
 SECTION 10, T 17 N, R 1 W, S.M. AK
 "SEE INSET"
 WASILLA 11 MAP

LOT 1B, BLOCK 1, CARTER SUBDIVISION W/VACATIONS

Ms. Carricaburu stated that on November 30, 2000, 20 public hearing notices were mailed. To date, none have been returned and no objections received. Mr. Hulbert gave an overview.

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

Mr. Darnell moved to approve the request for vacation of portion of utility easement with three recommendations. Ms. Larson seconded the motion. Voting on the motion it passed.

Four findings of fact were included.

Mr. Darnell moved to approve the vacation of the setback area for the shop building, within 10' around the perimeter of the shop, out of the 20' alleyway and the 50' radius cul-de-sac with two recommendations. Ms. Larson seconded the motion. Voting on the motion, it passed.

Six findings of fact were adopted.

Mr. Darnell moved to approve the preliminary plat with seven recommendations. Ms. Larson seconded the motion. Voting on the motion it passed.

Four findings were offered adding, "neither the petitioner nor her representative was present at the meeting."

WAGNER SUBDIVISION LOTS 2A & 2B, BLOCK 2 W/VACATION of ROW

Ms. Carricaburu stated that on November 30, 2000, 37 public hearing notices were mailed. To date, none have been returned and no objections received. Mr. Hulbert gave an overview.

Ms. Roberts opened the public hearing.

Nicholas Mihalow, owner of Lot 15, Block 2, Wagner Subdivision, addressed the board stating that the subject lot has inadequate water supplies and the owner of this parcel has to bring water in. Half of the lot is over a steep embankment and unusable. This plan increases density increasing the demand for water. He is concerned that septic will be too close to his well. Discussion followed.

With no one else present wishing to speak, the public hearing was closed.

Wayne Whaley, petitioner's representative, stated that they are in concurrence with the recommendations. They plan to have ADEC approve septic and water systems. There have been some prior water problems. The soils information is included in the packet. Discussion followed.

Ms. Larson moved to approve the request for vacation of portion of right of way with three recommendations. Ms. Elkins seconded the motion. Voting on the motion it passed.



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

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

January 3, 2001

NOTIFICATION OF PLATTING BOARD ACTION

MILDRED E MINNICK
217 E LAKEVIEW AVE
WASILLA, AK 99654

RE: CARTER SUBD L1B
BLK 1 & VACATION
CS: PXY-0, 01 & 02

Action taken by the Platting Board on December 21, 2000 is as follows:

The PRELIMINARY PLAT w/VACATIONS 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.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Hulbert".

Paul Hulbert
Acting Platting Officer

XC: KEN DECAMP, POB 875614. WASILLA, AK 99687; MSB-DPW

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PRELIMINARY PLAT APPROVAL

1. Obtain a *land use development permit* from the city of Wasilla;
2. Submit a vacation plat in full compliance with Title 16;
3. Add the *city tax certificate*, place the *land use note* on the plat;
4. Place a note on the plat that the property is served by city sewer and no on-lot sewer will be permitted;
5. Add a *legend* to the plat showing monuments recovered and monuments set;
6. Obtain a *certificate to plat* and *beneficiary acknowledgments*, if any;
7. Pay taxes in full for year of recording.

FINDINGS

FINDING This plat eliminates encroachments of the house onto lot lines.

FINDING This parcel is connected to the city sewer.

FINDING Three substandard sized lots are being combined into one new lot.

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

FINDING Neither the petitioner nor her representative was present at the meeting.