



	Approved	Denied
Action taken	10/11/04	
Other:		
Verified by:	Admithe	

COUNCIL ACTION MEMORANDUM

AM No. 04-67

TITLE: RILEY ACRES – VACATION OF PUBLIC INTEREST IN AN UNUSED 100’ WIDE PUBLIC RIGHT-OF-WAY AT THE NORTHWEST CORNER OF PROPOSED LOT 1.

Agenda of: October 11, 2004
 Originator: Jamie Newman, Deputy Clerk

Date: October 5, 2004

Route to:	Department	Signature/Date
	Police	
	Recreational and Cultural Services Library, Museum	
	Public Works Planning	<i>[Signature]</i> 10/5/04
X	Finance *signature required	<i>[Signature]</i> 10/9
X	Clerk	<i>[Signature]</i> Admithe

REVIEWED BY MAYOR DIANNE M. KELLER: *Dianne M. Keller*

FISCAL IMPACT: yes or no Funds Available yes no

Account name/number:

Attachments: Notice from the borough platting office, dated September 27, 2004

SUMMARY STATEMENT: The attached notice of vacation of right-of-way on Riley Acres has been reviewed by the public works director and city planner. The right-of-way was originally established for the city’s storm drain system. The strom drain system has been moved to lditapark therefore the right-of-way is no longer needed. Affirmation of this action is requested from the council.

STAFF RECOMMENDED ACTION: To direct the planning office to send a letter of non objection on behalf of the city council regarding the vacation of public interest in an unused 100’ wide public right-of-way at the northwest corner of proposed lot 1 – Riley Acres.



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department
Platting Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9874 • Fax (907) 746-7407

Celebrating **40** Years!

— 1964-2004 —

September 27, 2004

CITY COUNCIL
CITY OF WASILLA
290 HERNING AVENUE
WASILLA, ALASKA 99654

**RE: RILEY ACRES- VACATION OF PUBLIC INTEREST IN AN UNUSED 100'
WIDE PUBLIC RIGHT OF WAY AT THE NORTHWEST CORNER OF
PROPOSED LOT 1.**

Dear Council Members:

On September 16, 2004, the Platting Board of the Matanuska-Susitna Borough approved a vacation within proposed Lot 1 Riley Acres, pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035. The written *notification of action* is dated September 23, 2004.

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
Platting Officer

attachments

LUCILLE LAKE

PROPOSED VACATION

SUBJECT PROPERTY

LOT 2

LOT 1

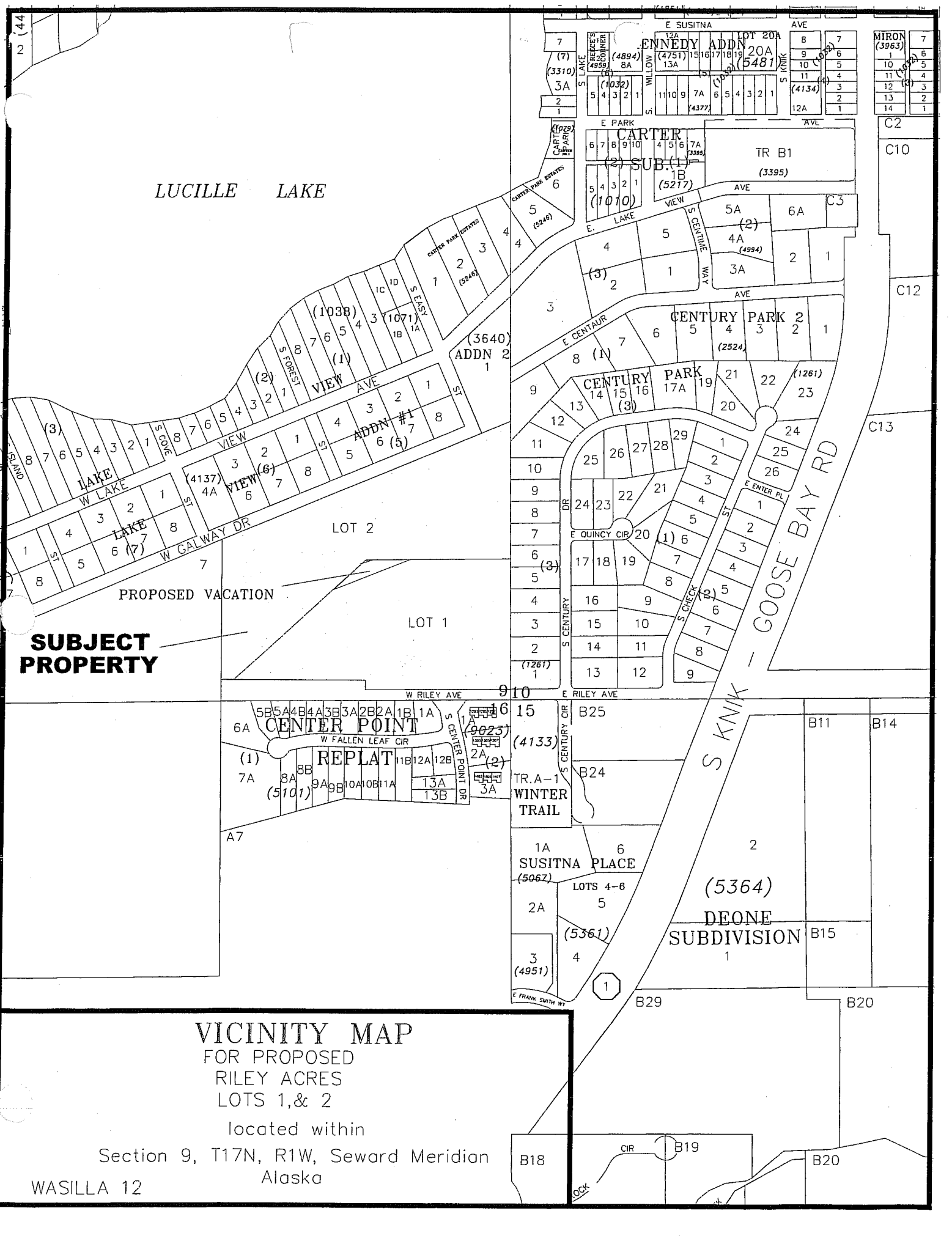
VICINITY MAP

FOR PROPOSED
RILEY ACRES
LOTS 1, & 2

located within

Section 9, T17N, R1W, Seward Meridian
Alaska

WASILLA 12



B.. **RILEY ACRES**

Ms. Thompson (secretary)

- On August 25, 2004, 122 notices were mailed
- To date there has been no returns and 1 concern and 1 objection

Mr. James (platting tech)

- Gave an overview of the case
- Reviewed the agency comments

Mr. Bruu (vice-chair)

- Opened the public hearing
- Closed the public hearing as no one was wishing to testify

There was discussion by the board.

Ms. Jamie Sheilds (petitioner)

- Present to answer any questions.

Ms Whitfield (board member)

- Is Gallway constructible.

Mr. Hulbert (platting officer)

- All roads within the subdivision are constructible.

There was discussion by the board.

Mr. Johnson (board member)

- Is the development of the road going to have a setback impact on the lot owners.

Mr. Hulbert (platting officer)

- Private roads do not have setbacks but new right of way will have set back impact.

CD 9:16:45

Mr. Todd Stafford (rep of the Church)

- Have adjusted the lights so as not to impact the adjacent owners.
- Working with the city of Wasilla to complete the development.

Ms. Jamie Sheilds (pet rep)

- There is a snow machine trail and no trees along this trail
- 2001-37 replat center pointe has a septic easement and a fence easement

MOTION: Ms. Whitfield moved to approve the vacation of a 100' right of way as depicted in Book 636 at page 909 in its entirety with 2 recommendations. Mr. Johnson second No. 1 should say City of Wasilla.

VOTE: The motion passed with all in favor. There were 6 findings.

MOTION: Ms. Whitfield moved to approve the preliminary plat of Riley acres with 7 recommendations. Amend No. 1 pay taxes if applicable. Mr. Johnson seconded.

VOTE: Motion passed with all in favor. There were 12 findings Adding No. 13. " Amend Finding No. 10 one letter of non-objection and petitioner rep additional lights will be turned away from Center Point and exiting adjust. Add to 11 and approved. No. 13 55' and 10' fence on north boundary of Center Pointe Replat 2001-37.

C. PAPHYRIAN WOODS

Ms. Thompson (secretary)

- On August 25, 2004 there were 42 notices mailed
- To date there has been over no objections and 1 concern

Mr. Jeff James (platting tech)

- Gave an overview of the case
- Staff has recommended approval

CD 9:34:24

Mr. Bruu (vice-chair)

- Opened the public hearing

Mr. Bruu (vice-chair)

- Closed the public hearing

Mr. Wayne Woller (petitioner's representative)

Ms. Holly Stinson (spouse of petitioner)

- Agreed with the recommendations
- Answered questions by the board.
- Concerning No. 7 recommendation, the State has paved the apron.
-



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September 27, 2004

NOTIFICATION OF PLATTING BOARD ACTION

WASILLA ASSEMBLY OF GOD
125 W. RILEY AVE.
WASILLA, AK. 99687

RE: **RILEY ACRES & VACATION**

City of WASILLA
290 E HERNING ST.
WASILLA, AK. 99654

CS: 2004-158

Action taken by the Platting Board on September 16, 2004 is as follows:

The PRELIMINARY PLAT & VACATION WERE APPROVED CONTINGENT UPON THE FOLLOWING CONDITIONS/REASONS (see attached).

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL 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 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,

Paul McVort
Ms. Janet Kincaid
Platting Board Chair

Pc BANNER LAND SURVEYS
P O BOX 877432
WASILLA, AK. 99687 DPW/MSB

VACATION CONDITIONS/REASONS

The Platting Board approved the vacation public interest in the 100' public easement recorded in book 636 at page 909 contingent upon the following:

1. City council approval within 30 days of platting board written Notification of Action.
2. Depict the right of way vacation on the final plat of Riley Acres.

VACATION FINDINGS

- FINDING 1** The request is to vacate any public interest in an unused 100' wide public right of way located at the northwest corner of proposed Lot 1.
- FINDING 2** The vacation request is consistent with MSB 16.15.035 VACATIONS. (A) All applications and actions for vacations shall conform to A.S. 29.40.120 through A.S. 29.40.160. (B) A dedication to public use of land or interests in land may be vacated if the dedication is no longer necessary for present or future public use. The assembly shall review applications for vacations as follows: (1) The assembly shall ordinarily approve vacations of public rights-of-way if: (c) the right-of-way is not being used, a road is impossible or impractical to construct, and alternative access has been provided.
- FINDING 3** No agencies object to the vacation request.
- FINDING 4** The owners of property affected by this vacation are in agreement favoring this vacation request.
- FINDING 5** No public comment has been received regarding this vacation request.
- FINDING 6** DPW and MEA did not respond to staff's request for comments.

PRELIMINARY PLAT CONDITIONS/REASONS

The Platting Board approved the preliminary plat of Riley Acres contingent on the following:

1. Pay taxes in full for the year of recording if applicable.
2. Pay public hearing advertising and postage fees,
3. Obtain and submit copy of City of Wasilla Land Use Permit for Subdivision,
4. Construct W. Riley Ave. extension to City of Wasilla road construction standards, submit copy of City acceptance and approval of road construction,
5. Update certificate to plat,
6. Submit recording fee payable to the State of Alaska Dept. of Revenue,
7. Submit final plat in full compliance with Title 16.

PRELIMINARY PLAT FINDINGS

- FINDING 1** The request is to subdivide Parcel A-1, Waiver Resolution #90-4-PWm (tax parcel D9) and Parcel 3, Waiver #78-82 (tax parcel D7) into two lots to be known as Lots 1 and 2 Riley Acres containing 27.71 acres.

- FINDING 2** W. Galway Dr. is not constructed.
- FINDING 3** Legal and physical access to both lots will be gained from W. Riley Ave. which contains 50' of right of way width and is maintained by the City of Wasilla. Ten feet of additional right of way is proposed to be dedicated through this platting action in order to meet minimum City right of way width.
- FINDING 4** For Lot 2 to meet physical access requirements, road construction will be required to the west boundary of the lot. A temporary cul de sac to be terminated upon future road construction is proposed.
- FINDING 5** Both lots have areas greater than 400,000 sq. ft. therefore soils reports are not required.
- FINDING 6** The proposed lots will contain more conforming road frontage.
- FINDING 7** Legal access to the proposed subdivision has been verified. Physical access requirements will be satisfied with the construction of an extension of W. Riley Ave. to the west boundary of Lot 1.
- FINDING 8** The proposed lot designs do not exceed the 3:1 lot width to length ratio.
- FINDING 9** No agency objections have been raised to the preliminary plat.
- FINDING 10** A letter of objection from a neighborhood couple "oppose the request to subdivide this parcel by Wasilla Assembly of God Church." (**Exhibit G**) A reason for their opposition was not given. The petitioner reports that any additional lights will be turned away from Center Pointe and will adjust the existing ones to not create a problem for the adjacent property owners.
- FINDING 11** The request to vacate a 100' wide PUE is associated with this preliminary plat application and was approved.
- FINDING 12** DPW and MEA did not respond to staff's request for comments.
- FINDING 13** There is a 55' X 10' fence on the north boundary of Center Pointe Replat Plat # 2001-37.