



	Approved	Denied
Date Action Taken:	1/22/07	
Other:		
Verified by:	KSmite	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 07-06

TITLE: VACATION OF A PORTION OF E. RAILROAD AVENUE AND A PORTION OF S. ROBERTS STREET FOR THE ALASKA RAILROAD.

Agenda of: January 22, 2007

Date: January 11, 2007

Originator: Archie Giddings, Public Works Director

Route to:	Department	Signature/Date
X	Public Works & Recreation Facility Maintenance Director	<i>[Signature]</i> 1/11/07
X	Deputy Administrator Planning, Economic Development, Human Resources	<i>[Signature]</i> 1-12-07
X	City Clerk	<i>[Signature]</i>

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

FISCAL IMPACT: yes \$ _____ or no Funds Available yes no

Account name/number:

Attachments: MSB Notification of Platting Board Action Case No. 2006-257

SUMMARY STATEMENT: This action is requested by the Alaska Railroad through the Matanuska-Susitna Borough Platting Board for proposed ARR-DOT Subdivision, Tract A and Lots 1-4. The portions of E. Railroad Avenue and S. Roberts Street to be vacated are part of the property acquisition that occurred for the recent Parks Highway improvements, specifically where the Alaska Railroad was relocated 100 feet south of the old alignment. The proposed vacation is part of a proposed plat that is needed to closeout the Parks Highway project by June 30, 2007.

ACTION: To approve vacation of a portion of E. Railroad Avenue and a portion of S. Roberts Street in accordance with Matanuska-Susitna Borough Notification of Platting Board Action Case No. 2006-257.



MATANUSKA-SUSITNA BOROUGH
Planning and Land Use Department
Platting Division

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9853 • Fax (907) 746-7407

January 3, 2007

CITY OF WASILLA
290 E HERNING
WASILLA, AK. 99654

RE: ARR-DOT ROW VACATIONS
CASE: 2006-257

Please respond if you have any objections within 30 days of The Platting Board Notification of Action (January 2, 2007).

REASON FOR REQUEST: The portions of Railroad Avenue and Roberts St within Tract A proposed ARR-DOT Subdivision are being vacated because the tract is being conveyed to the Alaska Railroad as part of the Alaska Railroad's 200' right-of-way.

SUMMARY STATEMENT: On December 21, 2006 (written decision January 2, 2007) the platting board approved the vacations under MSB 16.15.035 (B) (1) (b) "The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed." Also the roads no longer connect to the Parks Highway because of the railroad crossings were removed and alternate access to adjacent properties has been provided.

RECOMMENDATION: Staff recommends the City approve the vacation as the platting board's decision to vacate is consistent with **MSB 16.15.035**.

Regards;

Paul Hulbert, Platting officer

ATTACHMENT(S): Minutes 12-21-06 (3 pages)
Vicinity Map (1 page)
Notification of Action (6 pages)

RECEIVED

JAN 10 2007

**OFFICE OF THE CITY CLERK
CITY OF WASILLA**

boundaries of the proposed plat with 3 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 8 findings. No. 2 DPW does not object as long as DPW is not responsible for the relocation of the easements or utilities No. 7 3 objections.

MOTION: Mr. Johnson moved to approve the vacation of two 15' wide screening easements located within the boundaries of Maney Acres, Plat No. 83-255 with 2 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 5 findings. No. 6 currently borough code does not address screening easements. Amend no. 2 DPW has no objections.

MOTION: Mr. Johnson moved to approve the preliminary plat of Creekside Town Square with 7 recommendations. Amend No. 2 submit fee to DNR Mr. Bruu seconded. Adding No. 8. resolve the utility needs with the utilities as necessary with the utility companies.

VOTE: The motion passed with all in favor. There were 6 findings. No. 6 3 vacations were approved. 7. the borough does not enforce CCR.s and does not fall under the purview of the platting board. No. 8 This petitioner is not responsible for the removal of trees involving eagle's nests.

E. ARR-DOT SUBDIVISION AND VARIANCES

CD 10:11

Ms. Thompson (Secretary)

- Stated that on November 30, 2006, 85 notices were mailed.
- There has been 2 returns and no objections.

Ms. Jensen (Platting Tech)

- Gave a review of the request and agency comments.
- Original creation of 4 new lots and one tract with variances
- To clean up title issues in reference to the tracks and the surrounding property.
- No objections to this proposed subdivision

There was discussion concerning the center line of the tracks of the railroad as per proposed and existing.

Mr. Bruu (Vice_Chair)

- Should there be a PUE for the tunnel going under the railroad.

Mr. Hulbert (Platting Officer)

- \City of Wasilla has a permit for it from the Railroad

Ms. Kincaid (Chair)

- Opened the public hearing and no one wished to speak.
- Closed the public hearing and asked the petitioner to come forward.

Mr. Dave Hale (Petitioner's Representative)

- Answered the board's questions
- No. 6 he has worked with the staff and City of Wasilla
-

Mr. Hulbert (Platting Officer)

- If the area is limiting then the adjacent owner should be notified to add to their lot and it would be a platting action
-

Mr. Hale (pet Rep)

- would like not to have to have a plat note for it
-

Mr. Johnson (member)

- are there going to be any setback problems with existing building
-

Mr. Bruu (Member)

- Where does the cement yard get their access and was answered through Lot 3.
-

- Mr. Hale (pt rep)
- There is a 33' easement to cover that access.
-

MOTION: Mr. Johnson moved to approve the variance from MSB 16.20.300 Lot & Block Design (B) (1) to allow lot length to width ratio to exceed 3:1 ratio. with petitioner's response to criteria and 3 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 8 findings.

MOTION: Mr. Johnson moved to approve the variance from MSB 16.20.280 (B) (1) Area to allow Lot size less than minimum required. The lots are portions of larger lots acquired by the ADOT&PF for Parks Hwy Project and will not be used for commercial development special circumstances for the variance are as in Section 16.15.075, with petitioner response to criteria and with 3 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 8 findings. No. 9 no systems wells on the property

MOTION: Mr. Johnson moved to approve the vacation of a portion of E. Railroad Avenue based on 2 recommendations with 2 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 7 findings.

MOTION: Mr. Johnson moved to approve the vacation of a portion of S. Roberts Street based with 2 recommendations. Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 7 findings. No. 1 to change the name to S. Roberts Street No. 2 objection from MTA has been changed.

MOTION: Mr. Johnson moved to approve the preliminary plat of ARR-DOT Subdivision with 7 recommendations. Amending No. 2 do ad DNR eliminating No. 7 Mr. Bruu seconded.

VOTE: The motion passed with all in favor. There were 8 findings. 9 MTA has removed their Enstar recended as they are centered on the Natural Gas Line.

11:57 lunch break.

12:33 back

F. PROMINENCE POINTE LOTS 6&7 VARIANCE AND VACATION

CD 10:11

Ms. Thompson (Secretary)

- Stated that on November 30, 2006, 38 notices were mailed.
- There has been no returns and no objections and one non-objection.

Mr. Hulbert (Platting Tech)

- Gave a review of the request and agency comments.
- Original creation in 2002.
- Staff recommends approval
- Late DPW comments to be added to the packet

Mr. Johnson (Member)

- Addressed Mr. Conrad's letter as per the lot designation.

Mr. Hulbert (Platting Officer)

- Stated that the lots were not identified with the proposed designation only the present.

Ms. Kincaid (Chair)

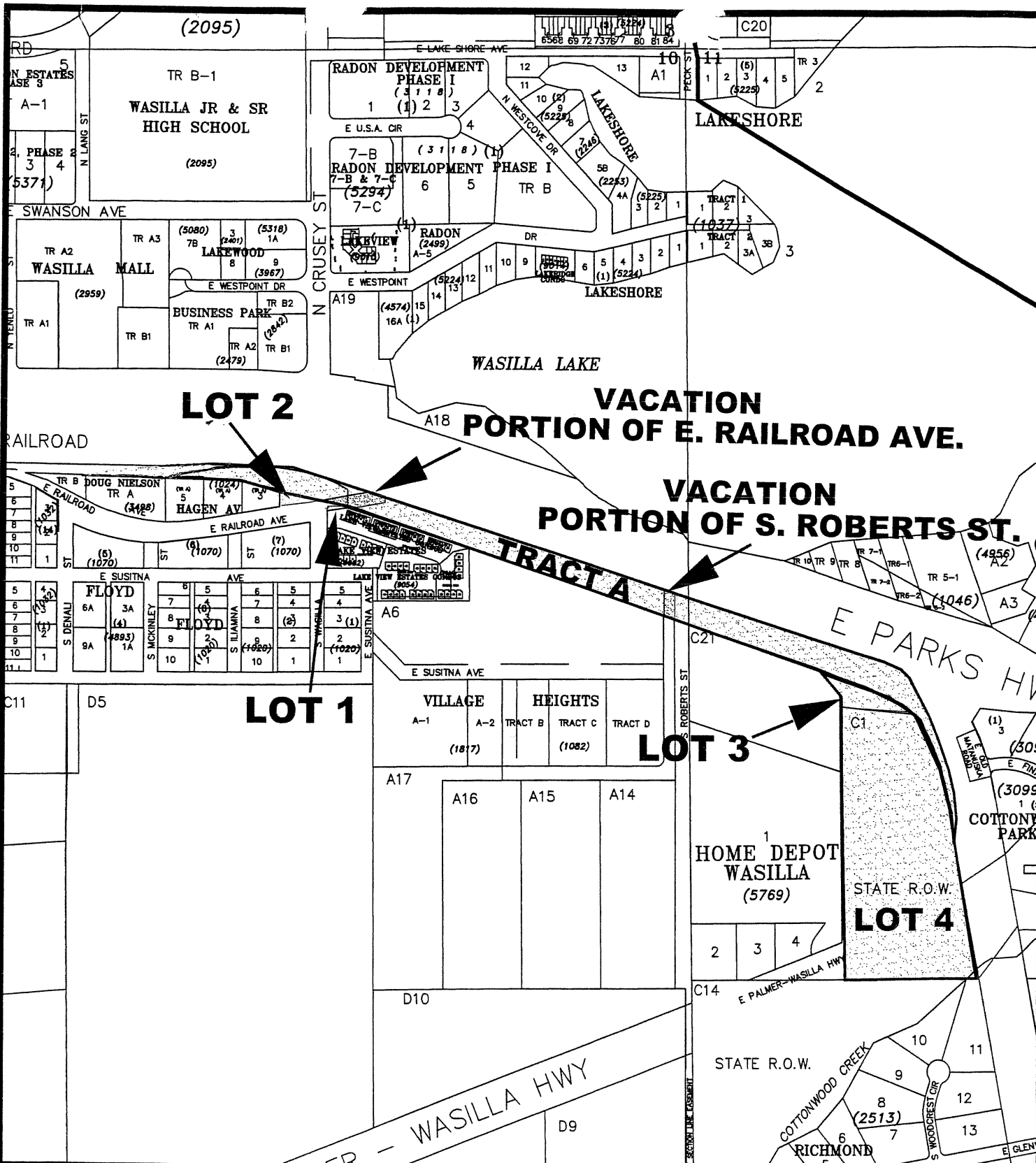
- Opened the public hearing and no one wished to speak.
- Closed the public hearing and asked the petitioner to come forward.

Mr. LoRusso (Petitioner's Representative)

- Answered the board's questions
- Addressed the concerns of the setback from the lake of the structures
-

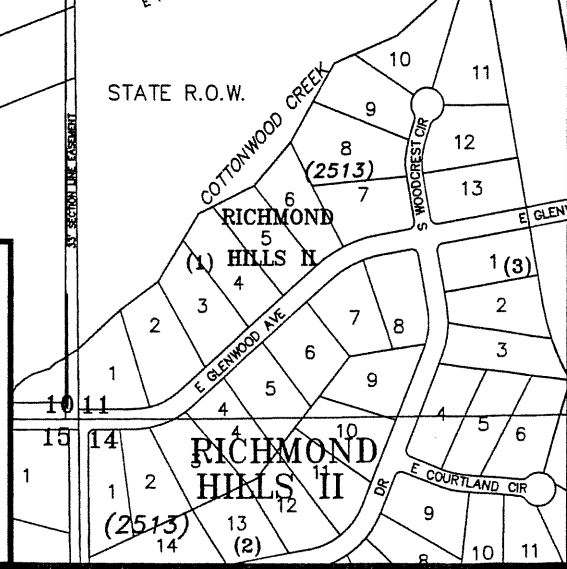
Mr. ???petitioner

- stated that the reason for the shift of the line is a different placement of the house than previously planned.



VICINITY MAP

FOR PROPOSED ARR-DOT SUBD. LOTS 1-4 & TRACT A LOCATED WITHIN NE1/4 SEC 10, NW1/4 SEC 11, SW 1/4 SEC 11, T17N, R1W, SEWARD MERIDIAN, ALASKA





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

January 2, 2007

NOTIFICATION OF PLATTING BOARD ACTION

RE: ARR-DOT & VARIANCES & VACATIONS

SOA Dept of Transportation & Public Facilities

Frances Zimmerman

P O Box 196900

Anchorage, Ak. 99519-6900

Case No. 2006-257

Action taken by the Platting Board on December 21, 2006 is as follows:

THE PRELIMINARY PLAT AND VACATIONS AND VARIANCES 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,

Ms. Janet Kincaid
Platting Board Chair

Cc:

R & M CONSULTANTS

DAVID HALE

9101 VANGUARD DR.

ANCHORAGE, AK. 99507 MSB/DPW

CONDITIONS/REASONS for VARIANCE

The Platting Board approved the variance from MSB 16.20.300 LOT AND BLOCK DESIGN (B) (1) of the Borough Code in order to allow: Lot length to width ratio to exceed 3:1 ratio. The special circumstances for the variance are as refer to in **Section 16.15.075**.

A.) The granting of the variance will not be detrimental to the public health, safety, and welfare or be injuries to adjacent property because:

Answer: The subject property is owned by the State of Alaska. Present and future use is subject to a public process that insures use will not be detrimental to the public health, safety, or welfare, or injurious to adjacent property..

B.) The conditions upon which the variance application is based do not apply generally to properties other that the property for which the variance is sought because:

Answer: The property will not be used for commercial or residential development. The lands within the proposed subdivision have been acquired by the State of Alaska to facilitate on-going improvements to the Parks Highway. The lands within Tract A will be utilized by the Alaska Railroad as a portion of their right-of-way. The ADOT&PF is utilizing the subdivision platting process as a tool to “clean up” under-lying title issues.

C.) Due to unusual physical surroundings, shape, or topographical condition of the property for which the variance is sought or because of surrounding development or conditions, the strict application to the property of the requirements of Chapter 16.20 will result in undue substantial hardship to the owner of the property because:

Answer: The unusual shape of the property is not consistent with ordinary subdivision development; however, it is consistent with shape of parcels , which are acquired and utilized for right-of-way purposes. Approval of the variance and the associated plat will allow:

1. The equal are exchange of lands between the ADOT&PF and the Alaska Railroad;
2. The property to be described and conveyed by lot and subdivision as opposed to cumbersome metes and bounds descriptions;
3. ADOT&PF to “clean up” title issues.

FINDINGS:

1. A Variance is being requested from MSB 16.20.300 LOT AND BLOCK DESIGN (B) (1) of the Borough Code in order to allow: Lot length to width ratio to exceed 3:1 ratio.
2. MTA rescinded objections to this variance from the Request for Comments.
3. MSB Community Development stated concerns regarding meeting the city & MSB platting standards.

4. The City of Wasilla, Code Compliance, Planning, MEA and ENSTAR did not refer to any objections to this variance.
5. DPW has no objection.
6. There are no public comments received from the Notification of Public Hearing.
7. There were no responses received to the Request for Comments from ADF&G, ARR, Corp of Engineers, FSA #130 Wasilla-Lakes, and GCI.
8. The variance was approved.

REASONS/CONDITIONS FOR VARIANCE

The Platting Board approved the variance from MSB 16.20.280 (B)(1) AREA of the Borough Code in order to allow: Lot size less than minimum required by Title 16, Section 16.20.280. Lots 1, 2, and 3, do not meet the minimum requirements for lot size (40,000 sq. ft.). The lots are portions of larger lots acquired by the ADOT&PF for right-of-way for the Parks Highway Project, and will not be used for commercial development. The special circumstances for the variance are as refer to in **Section 16.15.075**.

- A.) The granting of the variance will not be detrimental to the public health, safety, and welfare or be injuries to adjacent property because:

Answer: The subject property is owned by the State of Alaska. Present and future use is subject to a public process that insures use will not be detrimental to the public health, safety, or welfare or injurious to adjacent property..

- B.) The conditions upon which the variance application is based do not apply generally to properties other that the property for which the variance is sought because:

Answer: The property will not be used for commercial or residential development. The lands within the proposed subdivision have been acquired by the State of Alaska to facilitate on-going improvements to the Parks Highway. The lands within Tract A will be utilized by the Alaska Railroad as a portion of their right-of-way. The ADOT&PF is utilizing the subdivision platting process as a tool to “clean up” under-lying title issues.

- C.) Due to unusual physical surroundings, shape, or topographical condition of the property for which the variance is sough or because of surrounding development or conditions, the strict application to the property of the requirements of Chapter 16.20 will result in undue substantial hardship to the owner of the property because:

Answer: The unusual shape of the property is not consistent with ordinary subdivision development; however, it is consistent with shape of parcels , which are acquired and utilized for right-of-way purposes. Approval of the variance and the associated plat will allow:

1. The equal are exchange of lands between the ADOT&PF and the ARR;

2. The property to be described and conveyed by lot and subdivision as opposed to cumbersome metes and bounds descriptions;
3. ADOT&PF to “clean up” title issues.

FINDINGS:

1. A Variance is being requested from MSB 16.20.280 AREA (B)(1) of the Borough Code in order to allow: Lot size less than minimum required by Title 16, Section 16.20.280. Lots 1, 2, and 3, do not meet the minimum requirements for lot size (40,000 sq. ft.). The lots are portions of larger lots acquired by the ADOT&PF for right-of-way for the Parks Highway Project, and will not be used for commercial development.
2. MTA rescinded objections to this variance from the Request for Comments.
3. MSB Community Development stated concerns regarding meeting the city & MSB platting standards.
4. The City of Wasilla, Code Compliance, Planning, MEA and ENSTAR did not refer to any objections to this variance.
5. DPW has no objection.
6. There are no public comments received from the Notification of Public Hearing.
7. There were no responses received to the Request for Comments from ADF&G, ARR, Corp of Engineers, FSA #130 Wasilla-Lakes, and GCI.
8. The variance was approved.

REASONS/CONDITIONS FOR VACATION

The Platting Board approved the vacation for a portion of E. Railroad Avenue contingent on:

1. C.O.W. approval within 30 days of Platting Boards written Notification of Action;
2. Graphically show and label the areas of the rights-of-way being vacated on the final plat or record a Vacation Resolution simultaneously with the final plat.

FINDINGS FOR VACATION

1. The vacation for a portion of E. Railroad Avenue is consistent with MSB 16.15.035 (B)(1b), and is pursuant to AS 29.40.120 thru AS 29.40.160.
2. MTA rescinded objections to this vacation from the Request for Comments.
3. MSB Community Development stated concerns regarding meeting the city & MSB platting standards.
4. The City of Wasilla, Code Compliance, Planning, MEA and ENSTAR did not refer to any objections to the vacation.
5. DPW has no objection.

6. There are no public comments received from the Notification of Public Hearing.
7. There were no responses received to the Request for Comments from ADF&G, ARR, Corp of Engineers, FSA #130 Wasilla-Lakes, and GCI.

REASONS/CONDITIONS FOR VACATION

The Platting Board approved the vacation for a portion of S. Roberts Street contingent on:

1. C.O.W. approval within 30 days of Platting Boards written Notification of Action;
2. Graphically show and label the areas of the rights-of-way being vacated on the final plat or record a Vacation Resolution simultaneously with the final plat.

FINDINGS FOR VACATION

1. The vacation for a portion of S. Roberts Street is consistent with MSB 16.15.035 (B)(1b), and is pursuant to AS 29.40.120 thru AS 29.40.160.
2. MTA rescinded objections to this vacation from the Request for Comments.
3. MSB Community Development stated concerns regarding meeting the city & MSB platting standards.
4. The City of Wasilla, Code Compliance, Planning, MEA and ENSTAR did not refer to any objections to the vacation.
5. DPW has no objection.
6. There are no public comments received from the Notification of Public Hearing.
7. There were no responses received to the Request for Comments from ADF&G, ARR, Corp of Engineers, FSA #130 Wasilla-Lakes, and GCI.

REASONS/CONDITIONS FOR PRELIMINARY PLAT

The Platting Board approved ARR-DOT SUBDIVISION, TRACT A AND LOTS 1-4 contingent upon the following conditions:

1. Prior to recording, pay MSB taxes and special assessments in full for the year of recording by certified funds or cash;
2. Obtain a *Certificate to Plat* and *Beneficiary Acknowledgement*, if any;
3. Pay postage and advertising fee;
4. Apply for a Land Use Permit for Subdivision must be obtained prior to plat recordation in accordance with Titles 16.12.020 & 16.28.030 of the Wasilla Municipal Code, provide copy;
5. Resolve with the city of Wasilla and Platting staff of rewriting plat note #3 to accommodate the best interest of utilization of Lots 1, 2 & 3;
6. Graphically show and label the areas to be vacated on the final plat or record a Vacation Resolution simultaneously with the final plat.
7. Submit final plat in full compliance with Title 16.

FINDINGS / PRELIMINARY PLAT

1. The preliminary plat for ARR-DOT SUBDIVISION, TRACT A AND LOTS 1-4 is consistent with AS 29.40.070 Platting Regulations, MSB 16.15.015 Platting Regulation and MSB 16.20 Subdivision Development Standards.
2. MTA rescinded objections to this preliminary plat from the Request for Comments.
3. MSB Community Development stated concerns regarding meeting the city & MSB platting standards.
4. The City of Wasilla, Code Compliance, Planning, MEA and ENSTAR did not refer to any objections to the preliminary plat action.
5. DPW has no objection.
6. There are no public comments received from the Notification of Public Hearing.
7. There were no responses received to the Request for Comments from ADF&G, ARR, Corp of Engineers, FSA #130 Wasilla-Lakes, and GCI.
8. The 2 variances and the 2 vacations were recommended for approval.
9. MTA has rescinded their objection as their easement is centered on the Natural Gas Line.