



	Approved	Denied
Date Action Taken:	6/11/07	
Other:		
Verified by:	[Signature]	

WASILLA CITY COUNCIL ACTION MEMORANDUM

AM No. 07-28

TITLE: VACATION OF UTILITY EASEMENT FOR SILVER TREE ADDITION NO. 1

Agenda of: June 11, 2007

Date: May 30, 2007

Originator: Archie Giddings, Public Works Director

Route to:	Department	Signature/Date
X	Public Works & Recreation Facility Maintenance Director	[Signature] 5-30-07
X	Deputy Administrator Planning, Economic Development, Human Resources	[Signature] 5-30-07
X	City Clerk	[Signature]

REVIEWED BY MAYOR DIANNE M. KELLER: Dianne M. Keller 6/1/07

FISCAL IMPACT: yes or no Funds Available yes no

Account name/number:

Attachments: MSB Letter Dated May 18, 2007

SUMMARY STATEMENT: This vacation eliminates a small portion of the existing utility easement along Ashford Blvd. to make way for a new platted road that will contain new utility easements to serve the properties in the area. Public Works Department finds that the vacation and replacement easements will provide the necessary access to utilities.

ACTION: To approve vacation of utility easement for Silver Tree Addition No. 1.



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

May 18, 2007

CITY OF WASILLA
290 E HERNING
WASILLA, AK. 99654

RE: Silver Tree Add #1
Vacation of Utility Easement
CASE: 2007-071

Please respond if you have any objections within 30 days of The Platting Board Notification of Action (May 15, 2007).

REASON FOR REQUEST: There is an existing 15' utility easement adjoining No. Ashford Blvd. created by the original Silver Tree Subdivision which recorded in February of this year. It is propose to be replaced by utility easements along the rights-of-way to serve each of the new parcels.

SUMMARY STATEMENT: On May 3, 2007 (written decision May 15, 2007) the platting board approved the vacation under MSB 16.15.032 as the easement is being realigned to follow the proposed cul-de-sac, there are no utilities constructed in the easement, and MTA has no objections.

RECOMMENDATION: Staff recommends the City approve the vacation as the platting board's decision to vacate is consistent with **MSB 16.15.032**

Regards;


Paul Hulbert, Platting officer

ATTACHMENT(S): Minutes 5-3-07 (3 pages)
Vicinity Map (1 page)
Notification of Action (3 pages)

SILVERLEAF ESTATES PHASE III
(5343)

SILVERLEAF ESTATES
PH V
(5868)

SILVER HILLS VIEW
(5759)

SILVERLEAF ESTATES
PH I IV
(5990) (5674)

SILVERLEAF ESTATES
PH II
(5076)

SILVER POND SUB
(5577)

TRACT A4
PHASE II
(5076)

SUBJECT PROPERTY

AREA TO BE VACATED

ASPEN HEIGHTS
ADDN 1
(1125)

ASPEN

HEIGHTS

ESTATES

VICINITY MAP

FOR SILVER TREE ADD #1 & VACATION OF
PORTION OF UTILITY EASEMENT
LOCATED WITHIN SECTION 32, T18N, R1W
SEWARD MERIDIAN, ALASKA

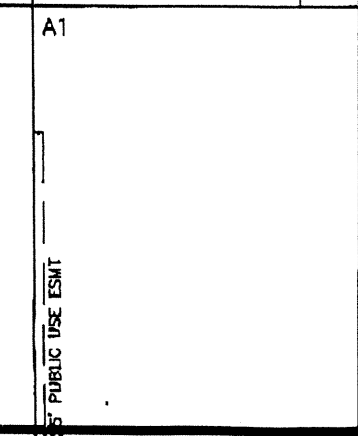
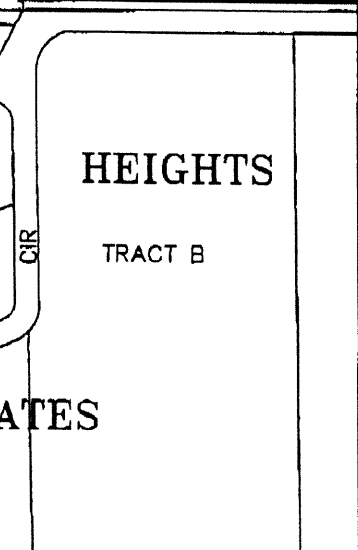
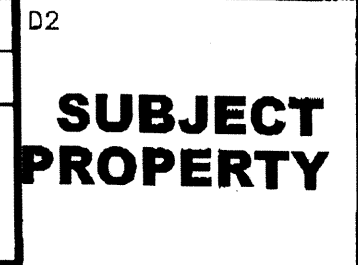
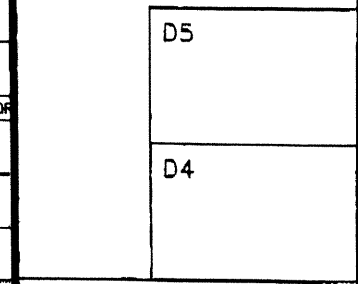
WASILLA 5 MAP

PUBLIC USE ESMT

N CHURCH RD
50' SECTION LINE ESMT

N ASHFORD DR
N ASHFORD BLVD

N CHURCH RD
W SPRUCE AVE
W GLACIER AVE
W DOROTHEA CIR



Mr. Rex Turner (Developer of Ranch Sub)

- Stated that he was in support of the plan before the board.
- Access issues have been worked on for 20 years and this does facilitate the traffic in this area.
- This project will give access to the new elementary school that is being done in Ranch Subdivision.
- This will give an alternate access for many home owners.

Mr. Besse (Petitioner's Representative)

- Permitting with the railroad is in progress and have been working to get the best crossing and site for the intersections.
- Acquisition is in process now and the petitioner is aware and will try to work with the railroad to not impede that.

There was discussion concerning the ADT for sub-collector and collector standards. Nelson is collector road and is being discussed the realigned crossing there. Borough is improving Fairview Loop at this point.

MOTION: Mr. Nicodemus moved to approve the variance from section MSB 16.20.300 (A) for block length to exceed 1400 feet based on the petitioner's response to the criteria. Mr. Larson seconded.

VOTE: The motion passed. There were 3 findings.

MOTION: Mr. Nicodemus moved to approve the preliminary plat of Sweeping Vista with 31 recommendations. Amending No. 14 to add "Nelson Road" after access and before is allowed. Amending No. 16, to add "Tracts C & D will be conveyed to the Homeowners Assoc upon recordation of Phase 4." amending No. 17, in the beginning add "With the exception of Nelson Road" Amending No.19 add "for connecting to Fairview Loop" after obtained and before from. Amending No. 20 to add at the end, "prior to recordation of Phase I". Amending No. 24. to read "Petitioner to provide a Traffic Impact Analysis (TIA) for review by ASOT & PF and obtain approval of report." Adding No. 32. "Upon completion of the reclamation of the site for each phase, provide an updated topo and have a professional engineer verify that each lot within the phase has 20,000 sq. ft. of useable area for on-site systems." Mr. Larson seconded. Amend No. 26 to is not in.

VOTE: The motion passed. There were 13 findings. Amend 13 the variance was approved. No. 14, The petitioner's representative agreed with the recommendations.

CD : 10:41:55

D. SILVER TREE ADD #1 AND VACATION

Ms. Thompson (Secretary)

- Stated that on April 11, 2007 58 notices were mailed.
- There have been no returns and 1 concern.

Ms. Fowler (Platting Tech)

- Gave a review of the request and agency comments.
- Stated that the staff recommends approval.
- City of Wasilla stated they may need a drainage easement along Lot 4.

Mr. Johnson(Chair)

- Opened the public hearing.

Mr. Michael Morrow(Owner Near)

- Stated that this area is an active wetland.
- There is an active creek that runs through there.
- Stated that he had been there for 23 years and only one year has the creek dried up and was not flowing.
- Stated that he had pictures of the area from this morning and will have them printed and given to staff.
- Creek flows through Lots 4 & 5.
- With organic surface there would have to be scraping and backfilling.

CD 10:54:44

Mr. Johnson (Chair)

- Closed the public hearing and asked the petitioner to come forward.

Mr. Wayne Whaley (Petitioner's Representative)

- Reviewed the Silver Leaf Master Plan in the 80's.
- The reconfiguration of W. Spruce Ave affected some of the lots.
- There is one/half mile to the marsh where the creek begins.
- Have spent time tracking the stream and have not been able to track it farther than is shown on the preliminary plat.
- The wetlands maps are not exact and have had trouble with delineation as some are just photo and not testing.
- There are 3 test holes and they show gravel and not peat bog so have questions concerning wetlands designation.
- Agree with conditions as stated. Will work with Mr. Archie Giddings of the City concerning drainage.

Mr. Larson (Member)

- Asked how ADEC defines setback for water bodies and stated that there are differences within agencies.
- Stated that there is a new installers guide from ADEC and there are definitions there.

Mr. Spangler (Member)

- No. 4 could the petitioner add verification and location of creek on property.

Mr. Johnson (Chair)

- Are the test holes representative and was told that they were reverified.

Mr. Larson (Member)

- Stated that he would like to have ADEC state if the creek would require a setback or if it is intermittent is it a boundary of wetland.

Mr. Hulbert (Platting Officer)

- Could have the ADEC present their parameters at the Title 27 Workshop on May 17, 2007.

It was the consensus of the Board that the condition be not specifically put on the petitioner as a condition since there is an engineer's statement.

MOTION: Mr. Nicodemus moved to approve the vacation of a portion of the 15' utility easement with 2 recommendations. Mr. Larson seconded.

VOTE: The motion passed. There were 6 findings.

MOTION: Mr. Nicodemus moved to approve the preliminary plat of Silver Tree Add #1 with 9 recommendations Amending No. 4 to add "resolve the creek location." Amending No. 6 to add "and revise soils report referencing code, confirming 20,000 sq. ft useable area." Mr. Larson seconded.

VOTE: The motion passed with all in favor. There were 10 findings Adding No. 11, "The petitioner agreed with the amended recommendations." No. 12, The vacation was approved."

CD: 11:45 break. Lunch

CD 12:15 back

E. HARMONY ACRES

Ms. Thompson (Secretary)

- Stated that on April 11, 2007, 33 notices were mailed.
- There have been 2 returns and one objection.

Ms. Cameron (Platting Tech)

- Gave a review of the request and agency comments.
- Stated that the accesses are in line with future development.
- DPW agrees with the rights-of-way as depicted.
- Addressed the objection which is really a concern about the access.



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May 14, 2007

NOTIFICATION OF PLATTING BOARD ACTION

RE: SILVER TREE ADD#1

VICTOR GOY
GOY CONSTRUCTION
P O BOX 874799
WASILLA, AK. 99687

CASE: 2007-071

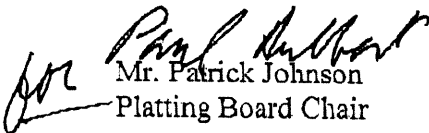
Action taken by the Platting Board on May 3, 2007 is as follows:

THE PRELIMINARY PLAT AND 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,


Mr. Patrick Johnson
Platting Board Chair

CC:
Denali North
847 W. Evergreen
Palmer, Ak. 99645/MSB/DPW

REASONS/CONDITIONS for UTILITY EASEMENT VACATION

The Platting Board approved the vacation of a portion of the 15' utility easement contingent upon the following:

1. Wasilla City Council approval within 30 days of Platting Board's written Notification of Action.
2. Show the vacated area on the final plat.

FINDINGS for VACATION

1. The area of vacation lies within the proposed right-of-way and will be replaced with utility easements along each side of the proposed right-of-way.
2. The request to vacate the portion of the 15' utility easement adjacent to N. Ashford Blvd. is consistent with MSB 16.15.032 Elimination or Modification of Utility, Drainage, Sanitation, and Screening Easements and MSB 16.10.065 Notice; Public Hearing.
3. MEA has no objection to the vacation. MTA, Enstar & GCI did not respond.
4. The vacation is pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.032.
5. The portion of the utility easement being vacated only serves this property.
6. The property is within the City of Wasilla.

CONDITIONS/REASONS for PRELIMINARY PLAT

The Platting Board approved the preliminary plat of Silver Tree Addition #1 contingent on the following recommendations:

1. Pay postage and advertising fees.
2. Provide Beneficiary Acknowledgement.
3. Construct all roads to City of Wasilla standards. Resolve drainage easement with City of Wasilla, submit resolution to platting staff.
4. Resolve need for 75' building setback from intermittent creek with City of Wasilla and show on final plat, if necessary. Resolve the creek location.
5. Resolve road name with platting staff.
6. Resolve wetlands delineation with Army Corps of Engineers, obtain permits if necessary. Provide platting staff with copies. Revise soils report to reflect code to show 20,000 sq. ft of useable area.

7. Submit final plat in full compliance with Title 16.
8. Submit recording fee payable to State of Alaska, Dept. of Natural Resources.
9. Pay taxes and special assessments (LIDs) by certified funds or cash, which are due to MSB in full, for the year of recording.

FINDINGS for PRELIMINARY PLAT

1. The plat of Silver Tree Addition #1 is consistent with AS 29.40.040 Land Use Regulation, AS 29.40.070 Platting Regulations; AS 29.40.120 Alteration or Replat Petition; and MSB 16.15.015 Preliminary Plat with the approval to vacate a portion of the 15' utility easement.
2. The Corps of Engineers preliminary wetland determination indicates there are wetlands on the parcel.
3. A professional engineer attests there is 20,000 square feet of contiguous useable area within with lots pursuant to MSB 16.20.280 Area requirements.
4. There are no agency or MSB department objections.
5. The parcel is located within the City of Wasilla. City of Wasilla did not object.
6. The road name Ashford Circle already exists within Silverleaf Estates PH V.
7. A Certificate to Plat dated Feb 15, 2007 was submitted.
8. No public objections have been received. One public comment was received, concerning the need for caution due to wetlands.
9. There is an intermittent creek within Lot 6 which may or may not necessitate a 75' building setback.
10. There was no response to the request for comments from EMS, MSB Fire Service Area, MEA, Enstar & GCI.
11. The petitioner agreed with the recommendations.
12. The vacation was approved.