

Presented 10/12/98

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 98-114

SUBJECT: VACATION OF EASEMENT: LAKESIDE PLAZA DRIVE AND PORTION OF E. HURLEY LOOP RIGHTS OF WAY.

REQUESTED BY: City Clerk

PREPARED BY: J. Newman, Deputy Clerk

DATE: October 2, 1998

FOR AGENDA OF: October 12, 1998

SUMMARY:

We have received notice from the Matanuska-Susitna Borough regarding the vacation of easement for Lakeside Plaza Drive and a portion of E. Hurley Loop rights of way.

The city has 30 days from September 21, 1998 to object to this vacation in writing to the borough. If we do not respond, the borough will assume that we have no objections. Please see the attached letter from the borough.

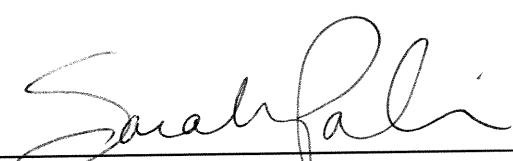
FISCAL IMPACT: No Yes, amount requested: \$

Fund:

RECOMMENDED ACTION:

No action is required. If council objects to this request, direction to administration must be given by motion.

MAYOR REVIEW/COMMENT:



Reviewed by: SARAH PALIN, Mayor

Attachments: Letter from the Mat-Su Borough regarding the vacation of easements.

Presented to Council 10/12 - CV1748-5
CC: 10/11 - Mayor, John C. & Tim K.



September 21, 1998

MATANUSKA-SUSITNA BOROUGH
• PLATTING DIVISION •

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

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

RE: **VACATION OF LAKESIDE PLAZA DRIVE & PORTION OF E. HURLEY
LOOP RIGHTS OF WAY**

VACATIONS OF EASEMENTS A, B, & C (LISTED BELOW)

Dear Council members:

On September 3, 1998, (written *notification of action* dated September 18, 1998), the Platting Board of the Matanuska-Susitna Borough granted several vacations of rights of way and easements included within the proposed Olson Subdivision 1998 pursuant to AS 29.40.120 through AS 29.40.160 and MSB 16.15.035. These vacations are described as follows:

**CONDITIONS AND/OR REASONS for APPROVAL of VACATION OF LAKESIDE PLAZA
DRIVE R/O/W & PORTION OF E HURLEY LP**

The Platting Board approved the vacation of Lakeside Plaza Drive and the 20' wide portion of E Hurley Loop that lies between Lakeside Plaza Drive and the newly dedicated Hurley Loop contingent upon the following:

1. MSB Assembly approval within 30 days of the date of written decision;
(Please note: this property to be annexed into the city of Wasilla)
2. Record a *vacation resolution* simultaneously with the final plat;
3. Provide an 8 1/2 X 11 drawing depicting the vacated areas to be recorded with the vacation resolution and the final plat.

FINDINGS

FINDING The vacation meets the requirements of 16.15.035 allowing for Platting Board and Assembly approval.

FINDING The rights of way are no longer needed as 11 existing parcels have been combined

into one.

- FINDING** No public or agency objections have been receive.
- FINDING** A plat dedicated right of way with cul-de-sac is being provided through the subdivision plat.
- FINDING** Recordation of the vacation action to occur simultaneously with the final plat.
- FINDING** The rights of way vacated by this action are no longer needed and there is no present or future use as eleven lots are combined into one.
- FINDING** Surrounding properties are not accessed by these rights of way as eleven parcel are being combined into one parcel.
- FINDING** The rights of way do not provide access to Wasilla Lake.
- FINDING** All decisions of the platting board are final unless appealed to the Board of Adjustments and Appeal within 15 business days of the date of the written decision.

RECOMMENDATIONS AND/OR REASONS for APPROVAL of VACATION OF EASEMENTS A, B, & C

- A) 15' underground electric and telephone easement, the 15' screening and underground drainage easement. The 20' MTA telephone right of way easement recorded in Book 187 Page 97 all within Tracts 1B & 1C of Olson Subdivision;
- B) The 15' utility easement adjacent to the Parks Highway right of way and within Tract 4 Olson Subdivision (W-3) and Tracts 3A and 3B Olson Subdivision (78-89).
- C) The 20' utility easement located along the east boundary of Tracts 3A and 3B Olson subdivision (78-87)

Approval of vacation of easements A, B, & C is contingent on the following for each above described easement:

1. Resolve with Rogers Cablevision, MEA, and MTA, their concerns regarding the proposed vacations and comply with their comments;
2. City of Wasilla approval within 30 days of the date of the written decision;
3. Recordation of vacation resolution simultaneously with the final plat;
4. Provide 8 1/2" X 11" drawing depicting the vacated areas to be recorded with the vacation resolution and the final plat.

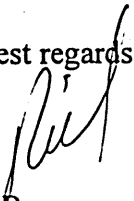
FINDINGS

- FINDING** The petitioner must work with MEA, MTA and Rogers Cablevision to resolve their concerns and objections. Final vacation cannot take place until this occurs backed by written agreement.
- FINDING** The vacation meets the requirements of MSB 16.15.035, allowing for Platting Board and city of Wasilla council approval.
- FINDING** The petitioner must work with the utility companies to resolve or relocate any existing facilities.
- FINDING** Eleven lots are being combined into one.
- FINDING** No public objections have been received.
- FINDING** Recordation of the vacation action to occur simultaneously with the final plat.
- FINDING** All decisions of the Platting Board are final unless appealed to the Board of Adjustments and Appeals within 15 business days of the date of the written decision.

All pertinent data, including *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 these above listed vacations.

Kindest regards,



Rick Brown
Platting Officer

enclosures

xc: W/O ENCLOSURES: McLane Consulting Grp, POB 468, Soldotna, AK 99669; Fred Meyer, Inc, POB 42121, Portland, OR 97242; MSB-DPW

Mr. Strother, addressed the board stating that he has met with developer and surveyor and have not been able to resolve differences. Palmer-Fishhook is one of the major arterials in the borough and accesses off of it need to be restricted. DPW does not object to the length of the lots. Pinnell Circle should be brought up to borough standards. Discussion followed.

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

Pio Cottini, petitioner's surveyor, stated that at the pre-application meeting there were no comment from DPW. If they would have said that they wanted Pinnell Circle to be constructed to residential standards we would not have this plat before you today. Ms. Marble so far, has spent \$1800. in fees and no field surveying has been done yet. She would not have spent this money if she had known she needed to upgrade over 700' of road. If option A is approved today his client will have no choice but to drop the project. Palmer ADOT said they would issue a common access easement. Discussion followed.

Ms. Larson moved to approve the preliminary plat based on *Option B* as presented by staff with 7 recommendations adding to condition number 2, "...resolve location, width and language with staff." Mr. Darnell seconded the motion. Voting on the motion, it passed with Mr. Nicodemus abstaining.

Findings were confirmed adding, 'petitioner testified that she is maintaining her driveway located within Pinnell Circle.'

Ms. Larson moved to approve the variance to 16.20.300(B), based on criteria and responses and incorporated as findings. Mr. Darnell seconded the motion. Discussion followed. Voting on the motion, it passed with Mr. Nicodemus abstaining.

Mr. Nicodemus returned to his place at the board table.

PUBLIC HEARING & PRELIMINARY PLAT for OLSON SUBDIVISION

Ms. Carricaburu stated that on August 11, 1998, 28 public notices were mailed. To date, none have been returned and no objections received. Mr. Brown gave an overview.

Mr. Nicodemus opened the public hearing.

Katie Hurley, resident of Olson Subd Lots 6 and 7A and has lived there for 35 years. Appreciates the staff and their help in answering her questions and helping her obtain information. She understands that Hurley loop will remain a gravel road, item four on the City's conditional use permit. It will preserve her privacy and her safety. The city of Wasilla has agreed to that request. Discussion followed.

George Strother, addressed the board, stating that he agrees with the changes to item 6. Item number 2 should have a period placed after the word 'Wasilla' and delete the rest of the sentence. Item 3 should be reworded to read, 'comply with ADOT/PF comments, forthcoming.'

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

Ms. Elkins moved to approve the vacation of right of way for Lakeside Plaza Drive and a portion of E Hurley Lp contingent upon one recommendation adding numbers 2 and 3, 'record a vacation resolution simultaneously with the final plat; provide and 8 1/2 X 11 drawing depicting the vacated areas to be recorded with the vacation resolution and the final plat.' Ms. Larson seconded the motion. Voting on the motion, it passed.

Nine findings were approved as presented.

Mr. Timmons moved to approve the vacations of easements identified as A, B, and C contingent on four recommendations pertaining to each. Ms. Larson seconded the motion. Voting on the motion, it passed.

Seven findings were confirmed as provided.

Ms. Larson moved to approve the preliminary plat contingent on ten conditions, modifying number 6 to read, 'dedicate a right of way for proposed Hurley Crt and provide cul-de-sac dedication for a total of 60' in width. No construction is required by the city of Wasilla.' Items 2 and 3 were amended as stated above.' Mr. Timmons seconded the motion. Voting on the motion, it passed.

Findings were confirmed adding, 'Ms. Katie Hurley expressed her concern that the gravel driveway remain the way it is and not be paved and the city of Wasilla supports that request.'

Mr. Nicodemus recessed the meeting for lunch. The meeting reconvened at 1:10 PM.

PUBLIC HEARING & PRELIMINARY PLAT for ROBIN'S ROOST SUBDIVISION

Ms. Carricaburu stated that on August 11, 1998, 14 public hearing notices were mailed. To date none have been returned, and no objections received. Mr. Brown gave an overview calling the board's attention to letters from Dori and Halvor Engelstad and Mr. Morehouse.

Mr. Nicodemus opened the public hearing.

Jan Eller, lives on parcel B-9 with her parents, the Englestads, and is their caretaker, addressed the board stating that the northern portion of their road was taken illegally. They were never asked to give easement it was taken, the road needs to be off of her property. Discussion followed.

George Strother, stated that this has been an ongoing saga, at one time there was a 30' easement reserved on the north side of the Englestad's property, the property was sold prior to the easement being signed making it not valid. The road is buildable. He would like included in recommendation number 2, DPW's comments numbers 1-8 in the final conditions. Items 9 and 10 are not necessary. The notice to proceed needs to include specific language regarding the moving of trespass road. Discussion followed.



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

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

September 18, 1998

NOTIFICATION OF PLATTING BOARD ACTION

FRED MEYER, INC
PO BOX 42121
PORTLAND, OR 97242

RE: OLSON SUBD 1998
ADDN w/VACATIONS
CS: PWA-3

Action taken by the Platting Board on September 3, 1998 is as follows:

The PRELIMINARY PLAT w/VACATIONS was APPROVED CONTINGENT UPON CONDITIONS AND OR REASONS (attached)

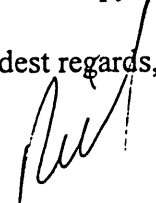
ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL OF A SUBDIVISION OR OF A WAIVER OF PLATTING REQUIREMENTS BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS 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.

Kindest regards,


Rick Brown
Platting Officer

PC: McLane Consulting Grp, POB 468, Soldotna, AK 99669; MSB-DPW

CONDITIONS AND/OR REASONS for PRELIMINARY PLAT

1. Submit final plat to scale of 1" = 100' in full compliance with MSB Title 16;
2. Final approval is conditioned upon annexation into the city of Wasilla;
3. Comply with ADOT&PF comments, forthcoming;
4. Indicate on the final plat that area that is within *Zone A* of the federally designated flood hazard area. Show on the final plat the base flood elevations and identify in 1" high letters "ZONE A FLOOD HAZARD AREA";
5. Comply with city of Wasilla comments;
6. Dedicate a right of way for proposed Hurley Crt and provide cul-de-sac dedication for a total of 60' in width. No construction is required by the city of Wasilla;
7. Resolve Rogers Cablevision, MTA & MEA requests for easements. Provide final blue line signed by all three, also including Enstar;
8. Final plat to be recorded simultaneously with the vacation actions;
9. Payment of taxes and special assessments in full for year of recording;
10. Provide a *certificate to plat* and *beneficiary acknowledgments* if necessary.

FINDINGS

- FINDING** The proposed preliminary plat combines 11 parcels into one parcel to be known as Olson Subdivision 1998 Addition.
- FINDING** ADOT&PF will address the access concerns regarding the Parks and Palmer Wasilla Highway.
- FINDING** The annexation must be complete before final approval and plat recordation. This also applies to the altering of the *Bogard Road service boundary*.
- FINDING** The proposed lot will be served by city sewer and water.
- FINDING** The city of Wasilla has issued a *development land use permit* with conditions.
- FINDING** No public objections have been received.
- FINDING** All decisions of the Platting Board are final unless appealed to the Board of Adjustments and Appeal within 15 business days of the date of the written decision.

FINDING Ms. Katie Hurley expressed her concern that the gravel driveway remain the way it is at this time and not be paved. The city of Wasilla supports that request.

CONDITIONS AND/OR REASONS for APPROVAL of VACATION OF LAKESIDE PLAZA DRIVE R/O/W & PORTION OF E HURLEY LP

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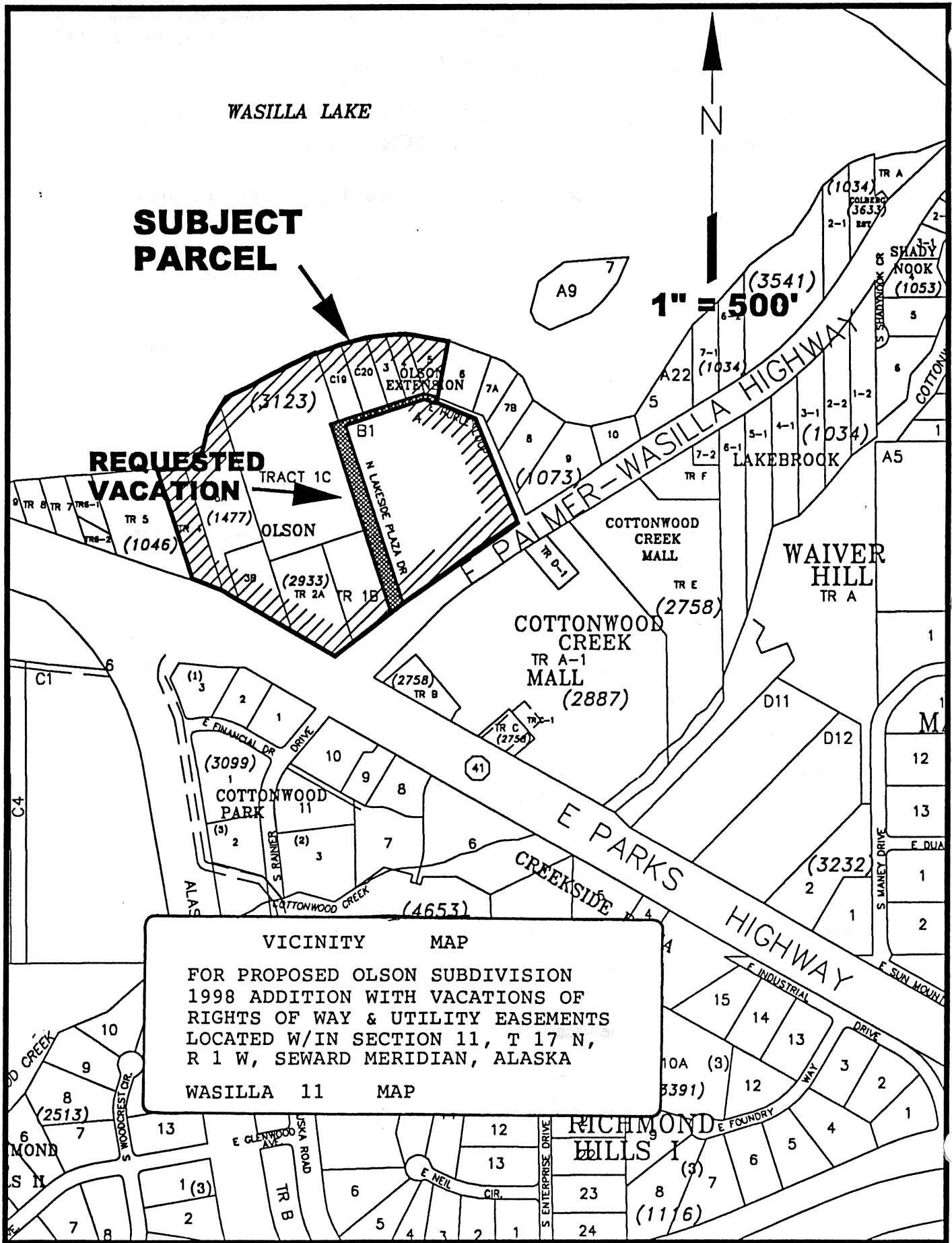
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WASILLA LAKE

**SUBJECT
PARCEL**

1" = 500'

**REQUESTED
VACATION**



VICINITY MAP

FOR PROPOSED OLSON SUBDIVISION
1998 ADDITION WITH VACATIONS OF
RIGHTS OF WAY & UTILITY EASEMENTS
LOCATED W/IN SECTION 11, T 17 N,
R 1 W, SEWARD MERIDIAN, ALASKA

WASILLA 11 MAP