

presented w/ Ord 98-30

WASILLA CITY COUNCIL INFORMATION MEMORANDUM

IM No. 98-56

7/13/98

K.

SUBJECT: NONCONFORMING STRUCTURES AND USES

REQUESTED BY: Wasilla Planning Commission

PREPARED BY: Tim Krug, City Planner 

DATE: June 15, 1998

FOR AGENDA OF: June 22, 1998

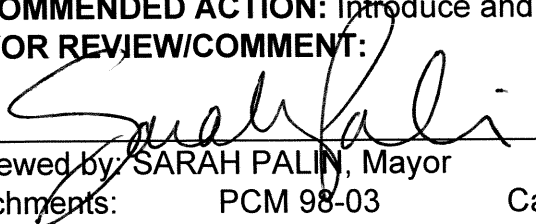
SUMMARY:

- On February 24, 1998 the Wasilla Planning Commission (WPC) requested that staff pursue a rezoning of Adventure Estates Subdivision.
- On March 3, 1998 the Planning Office mailed 269 notices, posted and advertised on rezone request Case No. 98-07.
- On March 7, 1998 a bus tour was held primarily focused on nonconformities on multi-family dwelling units located within Wasilla and Adventure Estates.
- On April 20, 1998 another bus tour was held to review the nonconformities in Adventure Estates Subdivision.
- The Wasilla Planning Commission discussed this issue at three meetings, held a public hearing, and allowed the community to talk at all of the meetings.
- At the WPC meetings all of the proposed resolutions failed in support of rezoning Adventure Estates Subdivision. This memorandum serves as notice to the council should they want to consider pursuing the rezone request of Adventure Estates Subdivision.
- WPC decided to pass Resolution 98-09 in support of modifying the Wasilla Development Code.
- WPC repealed Resolution 98-09 with Resolution 98-11, removed many of the ambiguities, and placed the revised definitions in the "definition section" of the Wasilla Code.
- Kenneth Jacobus provided final modifications that were incorporated into the proposed Ordinance No. 98-30 before you.

FISCAL IMPACT: No Yes, amount requested: \$ Fund:

RECOMMENDED ACTION: Introduce and schedule for Public Hearing

MAYOR REVIEW/COMMENT:



Reviewed by: SARAH PALIN, Mayor

Attachments:	PCM 98-03	Case No. 98-07 Posting	Resolution 98-06
	Resolution 98-06B	Resolution 98-11	K. Jacobus letters

LAW OFFICES OF
KENNETH P. JACOBUS, P.C.

425 G STREET, SUITE 920
ANCHORAGE, ALASKA 99501-2140
TELEPHONE (907) 277-3333
FAX (907) 278-4848

VIA FAX 373-9092
ORIGINAL MAILED

June 15, 1998

City of Wasilla
Attn: Tim Krug
290 East Herning Avenue
Wasilla AK 99654-7091

Re: Ordinance regarding Nonconformities

Dear Tim,

In accord with your request, I have reviewed the proposed ordinance regarding nonconformities, and have the following suggestions:

(1) In Section 3, 16.43.803(A), change "...established prior to the adoption date of this chapter might be maintained unchanged." to "established prior to August 12, 1996, may be continued unchanged."

(2) In Section 3, change 16.43.803(C) to read:

(C) Damage. If any nonconforming structure or use is damaged, by any cause, to the extent of 65% of its value or more, as determined by the City Planner, the structure or use shall not be reconstructed or continued. However, single-family and multi-family dwellings, duplexes, and mobile homes may be replaced within 12 months, regardless of the amount of damage, if the owner obtains a conditional use permit from the City authorizing the owner to do so.

If you have any further questions or comments, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By 

Kenneth P. Jacobus

May 7, 1998

City of Wasilla
Attn: Tim Krug
290 East Herning Avenue
Wasilla AK 99654-7091

RECEIVED

MAY 08 1998

Planning Department

Re: Adventure Estates Subdivision Zoning

Dear Tim,

I am writing in response to our discussion regarding multi-family housing in Adventure Estate Subdivision.

The problem in Adventure Estates is that, prior to 1996, multi-family residential housing was constructed on some of the lots. Multi-family residences were a permitted use at the time of this construction. In 1996, the area was rezoned to limit development to single-family residences (RR District), leaving the multi-family residences as non-conforming uses in the RR District. In addition, there are apparently some undeveloped lots whose owners had hoped to construct multi-family housing units, but who are now not able to do so.

What is to be done about this is a policy decision to be determined by the City Council and the Planning and Zoning Commission, and is something upon which I express no opinion.

Under the present Wasilla ordinances, the multi-family units are non-conforming uses within the terms of WMC 16.43.802(B)(1). (See WMC 16.43.600-.602, particularly the table, which distinguishes between single family, duplex, multi-family and group home residences as "uses") The multi-family units are not "non-conforming buildings" within the terms of WMC 16.43.802(B)(2). Accordingly, if a multi-family residence is damaged so that the cost of repair exceeds sixty-five percent of the current assessed value of the residence, then the building cannot be rebuilt, but the use must be changed to a use which is allowed in the district.

If the City determines that it is appropriate to protect the interests of the owners of the existing non-conforming residences in the event of any loss, it could modify Section (B)(1) to make it similar to (B)(2), which allows the reconstruction of non-conforming residential buildings within one year, provided that the non-conformity is not expanded. This could be done simply by adding some additional language to the last sentence of paragraph (B)(1) so that it reads:

When a nonconforming use is damaged so that the cost of repair exceeds sixty-five percent of the current assessed value of the building, the use must be changed to a use which is allowed in the district, except that any nonconforming use which

City of Wasilla
May 7, 1998
Page 2

consists of a multi-family residential building which has been damaged may be repaired, rebuilt, or replaced within one year of such damage unless an extension is approved by the Commission under the procedures for a conditional use, and such replacement does not extend or expand the previously existing nonconformity.

If the City determines to try to protect the interests of those owners of vacant property who had hoped to build multi-family residences, but have not yet done so, the matter should be considered as a potential rezoning, with all of the requirements of the Wasilla Development Code and Comprehensive Plan being taken into account. Property owners have no right to expect that the zoning of property will always remain the same, and that the property will always be open for the same uses that were allowed at the time the property was purchased. In other words, the City has no obligation to protect owners' property values through rezoning.

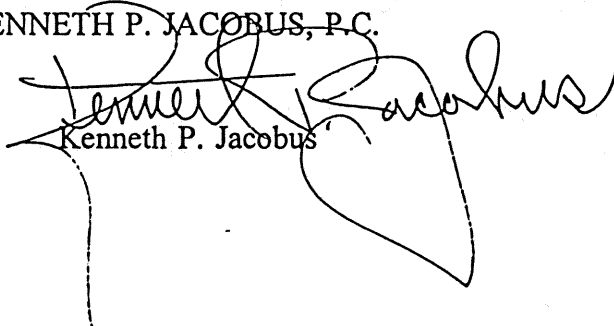
As I indicated in my letter of May 6, 1998, the City need not be concerned about being sued for damages as a result of whatever decision it makes in this matter.

If you have any further questions, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

May 6, 1998

City of Wasilla
Attn: Tim Krug
290 East Herring Avenue
Wasilla AK 99654-7091

Re: Civil Liability of Alaskan Municipality for Rezoning

Dear Tim,

You have indicated to me that some of the members of the Planning and Zoning Commission may be concerned about the liability of the City of Wasilla for changes in zoning. This is not a major concern, because the City is protected against lawsuits for monetary damages by state law.

AS 09.65.070(d)(3) provides that an action for damages may not be brought against a municipality or any of its agents, officers, or employees, based upon the grant, issuance, refusal, suspension, delay or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning. A copy of this statute is attached.

This statute protects against lawsuits for money damages only. It does not protect against lawsuits to obtain a result other than damages. In addition, federal law provides for damage remedies if the action was a violation of civil rights, such discrimination based on race, gender, or national origin.

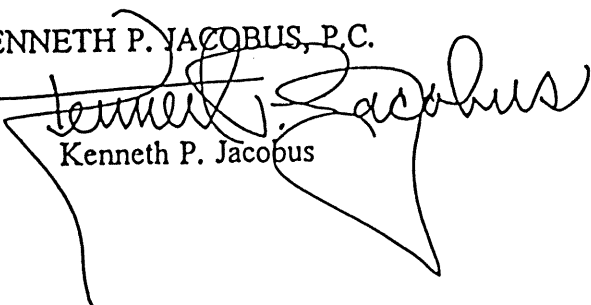
In summary, I would advise the members of the Planning and Zoning Commission not to be concerned about generating litigation against the City because of their decisions. As long as public officials make their decisions in good faith and in what they believe to be the best interests of the City, the City and its personnel should be able to avoid any liability claims.

If you have any particular questions, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

Sec. 09.65.070. Suits against incorporated units of local government.

(a) Except as provided in this section, an action may be maintained against a municipality in its corporate character and within the scope of its authority.

(b) A municipality may not require a person to post bond as a condition to bringing a cause of action against it.

(c) An action may not be maintained against an employee or member of a fire department operated and maintained by a municipality or village if the claim is an action for tort or breach of a contractual duty and is based upon the act or omission of the employee or member of the fire department in the execution of a function for which the department is established.

(d) An action for damages may not be brought against a municipality or any of its agents, officers, or employees if the claim

(1) is based on a failure of the municipality, or its agents, officers, or employees, when the municipality is neither owner nor lessee of the property involved,

(A) to inspect property for a violation of any statute, regulation, or ordinance, or a hazard to health or safety;

(B) to discover a violation of any statute, regulation, or ordinance, or a hazard to health or safety if an inspection of property is made; or

(C) to abate a violation of any statute, regulation, or ordinance, or a hazard to health or safety discovered on property inspected;

(2) is based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty by a municipality or its agents, officers, or employees, whether or not the discretion involved is abused;

(3) is based upon the grant, issuance, refusal, suspension, delay, or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning;

(4) is based on the exercise or performance during the course of gratuitous extension of municipal services on an extraterritorial basis;

(5) is based upon the exercise or performance of a duty or function upon the request of, or by the terms of an agreement or contract with, the state to meet emergency public safety requirements; or

(6) is based on the exercise or performance of a duty in connection with an enhanced 911 emergency system and is not based on an intentional act of misconduct or on an act of gross negligence.

(e) In this section

(1) "municipality" has the meaning given in AS 01.10.060 and includes a public corporation established by a municipality;

(2) "village" means an unincorporated community where at least 25 people reside as a social unit. (§ 5.13 ch 101 SLA 1962; am § 1 ch 23 SLA 1964; am § 1 ch 19 SLA 1975; am § 1 ch 215 SLA 1975; am §§ 1-3 ch 37 SLA 1977; am § 24 ch 74 SLA 1985; am § 2 ch 57 SLA 1993)



CITY OF WASILLA

290.E. HERNING AVE.
WASILLA, ALASKA 99654-7091

WASILLA PLANNING COMMISSION RESOLUTION NO. 98-11

- Area Code (907)
- Administration
Ph: 373-9055
Fcx: 373-9092
- Clerks Office
Ph: 373-9090
Fcx: 373-9092
- Finance
Ph: 373-9070
Fcx: 373-9085
- Library
Ph: 376-5913
Fcx: 376-2347
- Museum
Ph: 373-9071
Fcx: 373-9072
- Parks & Recreation
Ph: 373-9053
Fcx: 373-9072
- Planning
Ph: 373-9094
Fcx: 373-9092
- Police
Ph: 373-9077
Fcx: 373-9051
- Public Works
Ph: 373-9095
Fcx: 373-9054
- _____
Ph: _____
Fcx: _____

A RESOLUTION OF THE WPC RECOMMENDING TO THE TO WCC AMEND WMC 16.43.204 AND ADOPT WMC 16.43.803, NONCONFORMING STRUCTURES AND USES. REPEALING WMC 16.43.802, NONCONFORMITIES AND WPC RESOLUTION NO. 98-09.

WHEREAS, WMC 16.43.802 allows for interpretations when making decisions pertaining to nonconforming uses, lots and structures.

WHEREAS, the intention of the Wasilla Planning Commission is to reduce the opportunity for inconsistency when making interpretations of nonconforming uses, lots and structures.

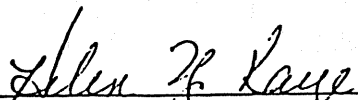
WHEREAS, the amended criteria to WMC Sections 16.43.204 and 16.43.803 are supported by the 1998 International Zoning Code Section on nonconforming uses, lots and structures.

NOW THEREFORE BE IT RESOLVED the WPC recommends that "Exhibit A" be approved as a code ordinance by the WCC.

BE IT FURTHER RESOLVED that the Wasilla Planning Commission Resolution No. 98-9 is repealed.

I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 9th day of June 1998.

ATTESTED:



Helen Y. Kaye, Planning Clerk



Don Bennett, Vice Chair

Code Ordinance

CITY OF WASILLA
ORDINANCE SERIAL NO. 98-_____

AN ORDINANCE OF THE WASILLA CITY COUNCIL AMENDING WMC 16.43.204, AND ADOPTING WMC 16.43.802, NONCONFORMING STRUCTURES AND USES REPEALING WMC 16.43.802, NONCONFORMITIES.

BE IT ORDAINED AND ENACTED BY THE CITY OF WASILLA, ALASKA AS FOLLOWS:

SECTION 1. Classification. This ordinance is of a general and permanent nature and shall become part of the city code.

SECTION 2. Amendment of section. WMC 16.43.204, Definitions, is hereby amended to add two definitions, to be inserted in alphabetical order with subsequent paragraphs renumbered accordingly:

"Nonconforming Structure" means a building or structure or portion thereof lawfully existing at the time this code became effective, which was designed, erected or structurally altered for a use that does not conform to the zoning regulations of the zone in which it is located.

"Nonconforming Use" means a use which lawfully occupied a building or land at the time this code became effective, which has been lawfully continued and which does not now conform with the use regulations.

"Nonconforming Lot" means a lot whose width, area or other dimension did not conform to the regulations when this code became effective.

SECTION 3. Adoption of new section. WMC 16.43.803 Nonconforming Structures and Uses, is adopted to read as follows:

16.43.803 Nonconforming Structures and Uses.

(A) *Continuance.* Except as otherwise required by law, a structure or use that is legally established prior to the adoption date of this chapter might be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

(B) *Vacancy.* Any lot or structure, or portion thereof, occupied by a nonconforming use, which is or becomes vacant and remains unoccupied,

- by a nonconforming use for a period of twelve months shall not be occupied, except by a use which conforms to Wasilla Development Code.

(C) *Damage.* If any nonconforming structure or use is, by any cause, damaged to the extent of 65 percent of its value as determined by the City Planner, it shall not thereafter be reconstructed. Under procedures for allowing a conditional use permit the following exceptions for nonconforming structures and uses have up to 12 months to be replaced:

- (1) Multi-family dwellings
- (2) Mobile homes
- (3) Duplexes
- (4) Single-family dwellings

(D) *Maintenance and repair.* Maintenance, repairs and structural alterations shall be allowed to nonconforming structures or to a building housing a nonconforming use with appropriate permits.

(E) *Changes of nonconforming use.* A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not be changed back to a nonconforming use.

(F) *Additions.* All additions to nonconforming structures shall conform to the requirements of the Wasilla Development Code. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

SECTION 4. Repeal of section. WMC 16.43.802 Nonconformities is hereby repealed in its entirety.

16.43.802 NONCONFORMITIES. THE PURPOSE OF THIS SECTION IS TO CONTROL, REDUCE OR ELIMINATE CONFLICTS FROM THE PRESENCE OF BUILDINGS AND USES NOT CONFORMING TO DISTRICT REGULATIONS. NONCONFORMITY'S THAT ARE MAINTAINED IN FULL COMPLIANCE WITH THE PROVISIONS OF THIS SECTION ARE NOT SUBJECT TO FINES OR REMEDIAL ACTIONS.

A. TYPES OF NONCONFORMITIES. THERE ARE THREE BASIC TYPES OF NONCONFORMITIES:

1. NONCONFORMING USES. A NONCONFORMING USE IS A USE WHICH IS PROHIBITED UNDER THIS TITLE, BUT WHICH WAS LAWFUL PRIOR TO THE EFFECTIVE DATE OF THIS TITLE OR ANY SUBSEQUENT REVISIONS.

2. NONCONFORMING BUILDINGS. A NONCONFORMING BUILDING IS ONE WHICH WAS LAWFUL AT THE TIME OF CONSTRUCTION BUT WHICH DOES NOT PRESENTLY CONFORM TO THE PROVISIONS AND STANDARDS OF THE DISTRICT IN WHICH IT IS LOCATED.

3. NONCONFORMING LOTS OF RECORD. NONCONFORMING LOTS OF RECORD ARE THOSE LOTS IN EXISTENCE ON THE EFFECTIVE DATE OF THIS TITLE OR ANY SUBSEQUENT REVISIONS WHICH DO NOT MEET APPLICABLE MINIMUM LOT SIZE REQUIREMENTS.

B. REGULATION OF NONCONFORMITIES. PRIORITY REGULATORY ATTENTION SHALL BE GIVEN TO NONCONFORMITIES WHICH ARE FIRE AND SAFETY HAZARDS OR WHICH ARE CLEARLY INCONSISTENT WITH SURROUNDING USES OR BUILDINGS. THE FOLLOWING ARE THE REGULATIONS FOR THE VARIOUS TYPES OF NONCONFORMITY'S:

1. USES. A NONCONFORMING USE MAY BE CHANGED TO AN ALLOWED USE OR ANOTHER NONCONFORMING USE WITH APPROVAL OF THE PLANNER AS A USE PERMIT. THE PLANNER MUST FIND THE NEW USE IS MORE CONSISTENT WITH THE USES ALLOWED IN THE ZONING DISTRICT, OR IS LESS OF A FIRE OR SAFETY HAZARD. WHEN A NONCONFORMING USE IS DISCONTINUED OR ABANDONED FOR TWELVE MONTHS OR MORE AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS TITLE, IT SHALL NOT THEREAFTER BE RESUMED UNLESS AN EXTENSION IS APPROVED BY THE COMMISSION UNDER THE PROCEDURES SPECIFIED FOR A CONDITIONAL USE. WHEN A NONCONFORMING USE IS DAMAGED SO THAT THE COST OF REPAIR EXCEEDS SIXTY-FIVE PERCENT OF THE CURRENT ASSESSED VALUE OF THE BUILDING, THE USE MUST BE CHANGED TO A USE WHICH IS ALLOWED IN THE DISTRICT.

2. BUILDINGS. THE MOVING, REPLACEMENT, REPAIR AND MAINTENANCE OF THE NONCONFORMING PORTION OF A BUILDING IS ALLOWED; PROVIDED THAT NO ADDITIONAL BUILDING OR NEW BUILDING IS ADDED WITHIN THE YARD AND THAT THE BUILDING COMPLIES WITH ALL OTHER DISTRICT REQUIREMENTS. ANY NONCONFORMING RESIDENTIAL BUILDING WHICH HAS BEEN DAMAGED MAY BE REPAIRED, REBUILT OR REPLACED WITHIN ONE YEAR OF SUCH DAMAGE UNLESS AN EXTENSION IS APPROVED BY THE COMMISSION UNDER THE PROCEDURES FOR A CONDITIONAL USE; PROVIDED, THAT SUCH REPLACEMENT DOES NOT EXTEND OR EXPAND THE PREVIOUSLY EXISTING NONCONFORMITY. OTHER NONCONFORMING BUILDINGS THAT ARE DAMAGED SO THAT THE COST OF REPAIRS EXCEEDS SIXTY-FIVE PERCENT OF THE CURRENT ASSESSED VALUE OF THE BUILDING SHALL NOT BE CONTINUED UNLESS THE BUILDING CONFORMS WITH ALL REQUIREMENTS OF THE APPLICABLE ZONING DISTRICT.

3. LOTS. NONCONFORMING LOTS OF RECORD IN EXISTENCE ON THE EFFECTIVE DATE OF THIS TITLE WHICH DO NOT MEET APPLICABLE MINIMUM LOT SIZE REQUIREMENTS FOR THE DISTRICT IN WHICH THEY ARE LOCATED MAY BE USED FOR ALL USES PERMITTED IN THE DISTRICT, PROVIDED THAT ALL OTHER PROVISIONS OF THIS TITLE ARE MET. (ORD. 96-29 ATTACHMENT A 1996)

SECTION 5. Effective date. This ordinance is effective upon adoption.

ADOPTED by the Wasilla City Council on this _____ day of _____, 1998

SARAH H. PALIN, Mayor

ATTEST:

KRISTIE VANGORDER, CMC/AE
City Clerk

(SEAL)



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091

WASILLA PLANNING COMMISSION RESOLUTION NO. 98-09

Area Code (907)

Administration
Ph: 373-9055
Fx: 373-9092

Clerks Office
Ph: 373-9090
Fx: 373-9092

Finance
Ph: 373-9070
Fx: 373-9085

Library
Ph: 376-5913
Fx: 376-2347

Museum
Ph: 373-9071
Fx: 373-9072

Parks &
Recreation
Ph: 373-9053
Fx: 373-9072

Planning
Ph: 373-9094
Fx: 373-9092

Police
Ph: 373-9077
Fx: 373-9051

Public Works
Ph: 373-9095
Fx: 373-9054

Ph: _____
Fx: _____

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, RECOMMENDING THE AMENDMENT OF THE WASILLA DEVELOPMENT CODE TO MODIFY CHAPTER 16.43.802 (B)(1).

WHEREAS, the Wasilla Planning Commission has reviewed the Wasilla Development Code as adopted by the Wasilla City Council on August 12, 1996; and,

WHEREAS, the Wasilla Planning Commission has specifically considered non-conforming uses relating to multi-family dwellings created by the adoption of the Wasilla Development Code on August 12, 1996; and,

WHEREAS, the Wasilla Planning Commission held public hearing on March 24, 1998 to resolve this issue; and,

WHEREAS, the Wasilla Planning Commission has agreed to forward a recommendation to the Wasilla City Council requesting an amendment to Chapter 16.43.802 (B)(1) of Wasilla Development Code.

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, respectfully recommends that the Wasilla City Council amend Chapter 16.43, the Wasilla Development Code as follows:

1. Uses. A nonconforming use may be changed to an allowed use or another nonconforming use with approval of the Planner as a use permit. The Planner must find the new uses is more consistent with the uses allowed in the zoning district, or is less of a fire or safety hazard. When a nonconforming use is discontinued or abandoned for twelve months or more at any time after the effective date of this Title, it shall not thereafter be resumed unless an extension is approved by the Commission under the procedures specified for a conditional use. When a nonconforming use is damaged so that the cost of repair exceeds sixty-five percent of the current assessed value of the building; the use must be changed to a use which is allowed in the district, except any nonconforming use which consists of a multi-family residential building which has been damaged may be repaired, rebuilt, or replaced within one year of such damage unless an extension is approved by the Commission under the procedures for a conditional use, and such replacement does not extend or expand the previously existing nonconformity.

I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 12th day of May, 1998.

ATTESTED:

APPROVED:

Helen Y. Kaye, Planning Clerk

Harold Newcomb, Chair



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091

WASILLA PLANNING COMMISSION RESOLUTION NO. 98-06 B

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR—RURAL RESIDENTIAL TO R2—RESIDENTIAL FOR LOTS 1 - 13, BLOCK 1; LOTS 1-7, BLOCK 3; LOTS 11-19, BLOCK 3; LOTS 7-9 , BLOCK 4 AND LOTS 4-5, BLOCK 5, ADVENTURE ESTATES SUBDIVISION AND TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR—RURAL RESIDENTIAL TO R1—SINGLE FAMILY RESIDENTIAL FOR LOTS 17-29, BLOCK 2, AND LOT 20 BLOCK 3, ADVENTURE ESTATES SUBDIVISION.

WHEREAS, this investigation of possible rezone was initiated by the Wasilla Planning Commission; and,

WHEREAS, this issue was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at a duly noticed public hearing on March 24, 1998; and,

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of the staff, public testimony - both written and verbal comments, the applicable provisions of the 1996 Wasilla Comprehensive Plan, and other pertinent codes and information; and,

WHEREAS, the WPC now wishes to forward this request for rezone to the Wasilla City Council along with a recommendation for approval, as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, hereby forwards to the Wasilla City Council, Case R98-07, a request to rezone for Lots 1-13, Block 1; Lots 1-7, Block 3; Lots 11-19, Block 3; Lots 5-9 , Block 4; and Lots 4-5, Block 5, Adventure Estates Subdivision from RR—Rural Residential to R2—Residential and to amend the official Wasilla Zoning Map to reflect a change of zoning from RR—Rural Residential to R1—Single Family Residential for Lots 17-29, Block 2, and Lot 20 Block 3, Adventure Estates Subdivision.

AND, FURTHER BE IT RESOLVED, the Wasilla Planning Commission recommends approval of this request and supports its recommendation with the findings below:

- Area Code (907)
- Administration
Ph: 373-9055
Fx: 373-9092
- Clerks Office
Ph: 373-9090
Fx: 373-9092
- Finance
Ph: 373-9070
Fx: 373-9085
- Library
Ph: 376-5913
Fx: 376-2347
- Museum
Ph: 373-9071
Fx: 373-9072
- Parks & Recreation
Ph: 373-9053
Fx: 373-9072
- Planning
Ph: 373-9094
Fx: 373-9092
- Police
Ph: 373-9077
Fx: 373-9051
- Public Works
Ph: 373-9095
Fx: 373-9054
- _____
Ph: _____
Fx: _____

1. - The R2—Residential district allows multifamily use as a use permit.
2. The rezone will remedy the status of many existing multi-family dwellings which have been nonconforming since the general community wide rezone from I—Intermediate to RR—Rural Residential that occurred in August of 1996.
3. Many of the lots recommended for rezone from RR—Rural Residential have frontage on Lucille Street or Spruce Avenue and are not as desirable for single-family or duplex development.
4. The rezone of properties along Spruce Avenue and Lucille is consistent with the Mixed Use designation depicted in the 1996 Wasilla Comprehensive Plan.
5. This rezone will not have a detrimental impact on the surrounding area because many of the lots have already been developed with multifamily dwellings for the past 10 years or more.
6. The change from RR—Rural Residential to R-1 Single family shall provide an additional buffer to those residing on Heritage Road.

I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 24th day of March, 1998.

APPROVED:

Harold Newcomb, Chair

ATTEST:

Helen Y. Kaye, Planning Clerk

(SEAL)

Opinions of attorney general. — It is not necessary for recordation that an acknowledgment state the capacity in which the document was signed so long

as the document itself, which is acknowledged, states the particular capacity in which it was signed. Sept. 2, 1982, Op. Att'y Gen.

Sec. 09.63.110. Uniformity of interpretation. AS 09.63.050 — 09.63.130 shall be interpreted as to make uniform the laws of those states which enact them. (§ 1 ch 37 SLA 1981)

Revisor's notes. — In 1994, "AS 09.63.050 — 09.63.110" to correct a manifest error in ch. 37, SLA 09.63.130" was substituted for "AS 09.63.050 — 1981.

Sec. 09.63.120. Definition. In AS 09.63.010 — 09.63.130, "notarial acts" means acts that the laws and regulations of the state authorize notaries public of the state to perform, including the administering of oaths and affirmations, taking proof of execution and acknowledgment of instruments, and attesting documents. (§ 1 ch 37 SLA 1981)

Sec. 09.63.130. Short title. AS 09.63.050 — 09.63.130 may be cited as the Uniform Recognition of Acknowledgments Act. (§ 1 ch 37 SLA 1981)

Revisor's notes. — In 1994, "AS 09.63.050 — 09.63.110" to correct a manifest error in ch. 37, SLA 09.63.130" was substituted for "AS 09.63.050 — 1981.

Chapter 65. Actions, Immunities, Defenses, and Duties.

Section

- 70. Suits against incorporated units of local government
- 71. Suits by incorporated units of local government
- 90. Civil liability for emergency aid
- 91. Civil liability for responding to disaster
- 92. Civil liability for voluntary aircraft safety inspection
- 95. Liability for administration of blood test
- 97. Civil liability for emergency veterinary care
- 150. Duty to disabled pedestrians

Section

- 160. Immunity for good faith disclosures of job performance information
- 170. Limited liability of certain directors and officers
- 180. Civil liability of zoos
- 200. Tort immunity for personal injuries or death occurring on unimproved land
- 210. Damages resulting from commission of a felony
- 220. Immunity for certain real property disclosures
- 230. Innocent misrepresentations by agents in real property transfers

Cross references. — For limitations on liability of certain volunteer guardians ad litem, see AS 44.21.450; for civil damages, see AS 09.17.

Secs. 09.65.010 — 09.65.012. Officers authorized to administer oath or affirmation; certification of documents. [Repealed, § 6 ch 37 SLA 1981. For present provisions, see AS 09.63.]

Secs. 09.65.020 — 09.65.040. [Renumbered as AS 09.68.020 — 09.68.040.]

Sec. 09.65.050. [Renumbered as AS 09.15.040.]

Sec. 09.65.060. [Renumbered as AS 09.68.060.]

Sec. 09.65.070. Suits against incorporated units of local government.

Except as provided in this section, an action may be maintained against a municipality in its corporate character and within the scope of its authority.

(b) A municipality may not require a person to post bond as a condition to bringing a cause of action against it.

(c) An action may not be maintained against an employee or member of a fire department operated and maintained by a municipality or village if the claim is an action

for tort or breach of a contractual duty and is based upon the act or omission of the employee or member of the fire department in the execution of a function for which the department is established.

(d) An action for damages may not be brought against a municipality or any of its agents, officers, or employees if the claim

(1) is based on a failure of the municipality, or its agents, officers, or employees, when the municipality is neither owner nor lessee of the property involved,

(A) to inspect property for a violation of any statute, regulation, or ordinance, or a hazard to health or safety;

(B) to discover a violation of any statute, regulation, or ordinance, or a hazard to health or safety if an inspection of property is made; or

(C) to abate a violation of any statute, regulation, or ordinance, or a hazard to health or safety discovered on property inspected;

(2) is based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty by a municipality or its agents, officers, or employees, whether or not the discretion involved is abused;

(3) is based upon the grant, issuance, refusal, suspension, delay, or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning;

(4) is based on the exercise or performance during the course of gratuitous extension of municipal services on an extraterritorial basis;

(5) is based upon the exercise or performance of a duty or function upon the request of, or by the terms of an agreement or contract with, the state to meet emergency public safety requirements; or

(6) is based on the exercise or performance of a duty in connection with an enhanced 911 emergency system and is not based on an intentional act of misconduct or on an act of gross negligence.

(e) In this section

(1) "municipality" has the meaning given in AS 01.10.060 and includes a public corporation established by a municipality;

(2) "village" means an unincorporated community where at least 25 people reside as a social unit. (§ 5.13 ch 101 SLA 1962; am § 1 ch 23 SLA 1964; am § 1 ch 19 SLA 1975; am § 1 ch 215 SLA 1975; am §§ 1-3 ch 37 SLA 1977; am § 24 ch 74 SLA 1985; am § 2 ch 57 SLA 1993)

Revisor's notes. — In 1994, in (c), "An action may not" was substituted for "No action may" and in (d) "An action for damages may not" was substituted for "No action for damages may" in order to conform the

statute to the current style of the Alaska Statutes.

Effect of amendments. — The 1993 amendment, effective June 9, 1993, added paragraph (d)(6) and made related stylistic changes.

NOTES TO DECISIONS

Constitutionality of paragraph (d)(1). — Paragraph (d)(1), which confers immunity to municipalities for liability arising from safety inspections of private property, does not violate the equal protection clause of the Alaska Constitution. *Wilson v. Municipality of Anchorage*, 669 P.2d 569 (Alaska 1983).

Alaska Const., Art. I, § 15, which provides in part that "no law making any irrevocable grant of special privileges or immunities shall be passed," does not bar the legislature from granting to municipalities all rights and immunities that are not also held by private entities; otherwise, municipalities would lose their power to govern. *Wilson v. Municipality of Anchorage*, 669 P.2d 569 (Alaska 1983).

Alaska Const., Art. II, § 21, which provides: "The legislature shall establish procedures for suits against the State," does not apply to municipalities. *Wilson v.*

Municipality of Anchorage, 669 P.2d 569 (Alaska 1983).

For history of section and applicability of Oregon decisions, see *City of Fairbanks v. Schaible*, 375 P.2d 201 (Alaska 1962).

This section is clearly substantive in character, for it creates and defines the rights of persons injured by an act or omission of a city and does not merely provide a rule of procedure for enforcing a right otherwise recognized by substantive law. *City of Fairbanks v. Schaible*, 375 P.2d 201 (Alaska 1962), overruled on other grounds, *Scheele v. City of Anchorage*, 385 P.2d 582 (Alaska 1963).

This section not only removes any procedural disability to maintain a suit against the municipality but is also substantive in character. *Lucas v. City of Juneau*, 168 F. Supp. 195 (D. Alaska 1958).

Liability generally. — For comprehensive discus-

May 6, 1998

City of Wasilla
Attn: Tim Krug
290 East Herning Avenue
Wasilla AK 99654-7091

Re: Civil Liability of Alaskan Municipality for Rezoning

Dear Tim,

You have indicated to me that some of the members of the Planning and Zoning Commission may be concerned about the liability of the City of Wasilla for changes in zoning. This is not a major concern, because the City is protected against lawsuits for monetary damages by state law.

AS 09.65.070(d)(3) provides that an action for damages may not be brought against a municipality or any of its agents, officers, or employees, based upon the grant, issuance, refusal, suspension, delay or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning. A copy of this statute is attached.

This statute protects against lawsuits for money damages only. It does not protect against lawsuits to obtain a result other than damages. In addition, federal law provides for damage remedies if the action was a violation of civil rights, such discrimination based on race, gender, or national origin.

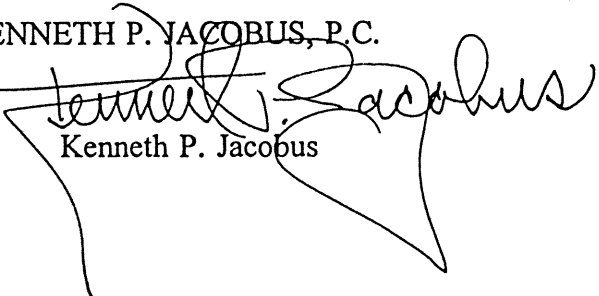
In summary, I would advise the members of the Planning and Zoning Commission not to be concerned about generating litigation against the City because of their decisions. As long as public officials make their decisions in good faith and in what they believe to be the best interests of the City, the City and its personnel should be able to avoid any liability claims.

If you have any particular questions, please let me know.

Very truly yours,

KENNETH P. JACOBUS, P.C.

By


Kenneth P. Jacobus

Sec. 09.65.070. Suits against incorporated units of local government.

(a) Except as provided in this section, an action may be maintained against a municipality in its corporate character and within the scope of its authority.

(b) A municipality may not require a person to post bond as a condition to bringing a cause of action against it.

(c) An action may not be maintained against an employee or member of a fire department operated and maintained by a municipality or village if the claim is an action for tort or breach of a contractual duty and is based upon the act or omission of the employee or member of the fire department in the execution of a function for which the department is established.

(d) An action for damages may not be brought against a municipality or any of its agents, officers, or employees if the claim

(1) is based on a failure of the municipality, or its agents, officers, or employees, when the municipality is neither owner nor lessee of the property involved,

(A) to inspect property for a violation of any statute, regulation, or ordinance, or a hazard to health or safety;

(B) to discover a violation of any statute, regulation, or ordinance, or a hazard to health or safety if an inspection of property is made; or

(C) to abate a violation of any statute, regulation, or ordinance, or a hazard to health or safety discovered on property inspected;

(2) is based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty by a municipality or its agents, officers, or employees, whether or not the discretion involved is abused;

(3) is based upon the grant, issuance, refusal, suspension, delay, or denial of a license, permit, appeal, approval, exception, variance, or other entitlement, or a rezoning;

(4) is based on the exercise or performance during the course of gratuitous extension of municipal services on an extraterritorial basis;

(5) is based upon the exercise or performance of a duty or function upon the request of, or by the terms of an agreement or contract with, the state to meet emergency public safety requirements; or

(6) is based on the exercise or performance of a duty in connection with an enhanced 911 emergency system and is not based on an intentional act of misconduct or on an act of gross negligence.

(e) In this section

(1) "municipality" has the meaning given in AS 01.10.060 and includes a public corporation established by a municipality;

(2) "village" means an unincorporated community where at least 25 people reside as a social unit. (§ 5.13 ch 101 SLA 1962; am § 1 ch 23 SLA 1964; am § 1 ch 19 SLA 1975; am § 1 ch 215 SLA 1975; am §§ 1-3 ch 37 SLA 1977; am § 24 ch 74 SLA 1985; am § 2 ch 57 SLA 1993)



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091

*Didn't pass for
lack of a second*

Area Code (907)

Administration

Ph: 373-9055
Fx: 373-9092

Clerks Office

Ph: 373-9090
Fx: 373-9092

Finance

Ph: 373-9070
Fx: 373-9085

Library

Ph: 376-5913
Fx: 376-2347

Museum

Ph: 373-9071
Fx: 373-9072

Parks &

Recreation
Ph: 373-9053
Fx: 3-9072

Planning

Ph: 373-9094
Fx: 373-9092

Police

Ph: 373-9077
Fx: 373-9051

Public Works

Ph: 373-9095
Fx: 373-9054

Ph: _____
Fx: _____

**WASILLA PLANNING COMMISSION
RESOLUTION NO. 98-06**

A RESOLUTION OF THE WASILLA PLANNING COMMISSION OF THE CITY OF WASILLA, ALASKA, RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR--RURAL RESIDENTIAL TO R2--RESIDENTIAL FOR LOTS 1 - 13, BLOCK 1, LOTS 1-19, BLOCK 3, LOTS 5-9 , BLOCK 4 AND LOTS 4-5, BLOCK 5, ADVENTURE ESTATES SUBDIVISION AND TO AMEND THE OFFICIAL WASILLA ZONING MAP TO REFLECT A CHANGE OF ZONING FROM RR--RURAL RESIDENTIAL TO R1--SINGLE FAMILY RESIDENTIAL FOR LOTS 17-29, BLOCK 2, AND LOT 20 BLOCK 3, ADVENTURE ESTATES SUBDIVISION.

WHEREAS, this investigation of possible rezone was initiated by the Wasilla Planning Commission; and,

WHEREAS, this issue was investigated by the City Planner and reviewed by the Wasilla Planning Commission (WPC) at a duly noticed public hearing on March 24, 1998; and,

WHEREAS, the WPC deliberated on this request, taking into account the recommendation of the staff, public testimony - both written and verbal comments, the applicable provisions of the 1996 Wasilla Comprehensive Plan, and other pertinent codes and information; and,

WHEREAS, the WPC now wishes to forward this request for rezone to the Wasilla City Council along with a recommendation for approval, as follows:

NOW, THEREFORE, BE IT RESOLVED, that the Wasilla Planning Commission of the City of Wasilla, hereby forwards to the Wasilla City Council, Case R98-07, a request to rezone for Lots 1-13, Block 1, Lots 1-19, Block 3, Lots 5-9 , Block 4 and Lots 4-5, Block 5, Adventure Estates Subdivision from RR--Rural Residential to R2--Residential and to amend the official Wasilla Zoning Map to reflect a change of zoning from RR--Rural Residential to R1--Single Family Residential for Lots 17-29, Block 2, and Lot 20 Block 3, Adventure Estates Subdivision.

AND, FURTHER BE IT RESOLVED, the Wasilla Planning Commission recommends approval of this request and supports its recommendation with the findings below:

1. - The R2—Residential district allows multifamily use as a use permit.
2. The rezone will remedy the status of many existing multi-family dwellings which have been nonconforming since the general community wide rezone from I—Intermediate to RR—Rural Residential that occurred in August of 1996.
3. Many of the lots recommended for rezone from RR—Rural Residential have frontage on Lucille Street or Spruce Avenue and are not as desirable for single-family or duplex development.
4. The rezone of properties along Spruce Avenue and Lucille is consistent with the Mixed Use designation depicted in the 1996 Wasilla Comprehensive Plan.
5. This rezone will not have a detrimental impact on the surrounding area because many of the lots have already been developed with multifamily dwellings for the past 10 years or more.
6. The change from RR—Rural Residential to R--1 Single family shall provide an additional buffer to those residing on Heritage Road.

I certify that a resolution in substantially the above form was passed by a majority of those voting at a duly called and conducted meeting of the Wasilla Planning Commission this 24th day of March, 1998.

APPROVED:

Harold Newcomb, Chair

ATTEST:

Helen Y. Kaye, Planning Clerk

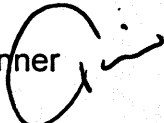
(SEAL)



CITY OF WASILLA

290 E. HERNING AVE.
WASILLA, ALASKA 99654-7091

PLANNING COMMISSION MEMORANDUM NO. 98-03

From: Tim Krug, City Planner 
To: Wasilla Planning Commission
Date: February 19, 1998
Subject: Adventure Estates Possible Rezoning

Mr. John Lipse, the property owner of Lot 7, Block 4 Adventure Estates Subdivision has attempted to contact numerous adjoining property owners in Adventure Estates Subdivision for a rezone. The rezone would be to change a portion of the RR - Rural Residential to R-2 Residential in Adventure Estates Subdivision. The reason for this rezone request is to allow multi-family housing units in this subdivision. Mr. Lipse's letter and responses from his neighbors are attached.

The area that is currently zoned R-1 Single-Family Residential in Adventure Estates Subdivision was by choice of those residents residing on Heritage Road, Challenge Court, and Trail Court.

Adventure Estates Subdivision does not have Covenants, Codes and Restrictions. Therefore, multi-family structures were allowed prior to the city determining the zoning for this area.

According to WMC 16.43.512(A) as quoted below, any member of the Commission may initiate a rezone.

WMC 16.43.512(A)

A. Initiation. A rezoning may be initiated by the developer, the Planner, any member of the Commission, a City council member; the Mayor or by petition bearing the signatures of the owners of at least fifty-one percent (51%) of the owners of property within the area proposed to be rezoned.

Should a Commissioner decide to initiate a rezone, a motion would be appropriate and the motion should include a request to waive application fees in accordance with WMC 16.43.412.

The following options exist:

Option 1 - Leave the properties in Adventure Estates Subdivision as is.

Note: This does not resolve the non-conforming issues of multi-family units currently constructed in this area. Land owners who purchased their property to construct multi-family residential housing units will not be allowed to construct multi-family units. This would encourage multi-family development in our existing C - Commercial, R-2 Residential and RM Multi-Family Residential areas of our community.

Option 2 - Consider rezoning all of Adventure Estates Subdivision to R-2 Residential.

Note: Property owners on Heritage Road, Challenge Court, and Trail Court would be adamantly opposed.

Option 3 - Consider rezoning the properties in Adventure Estates Subdivision as illustrated on Attachment "A" (or modify Attachment "A").

Note: Approximately half of the properties identified to be rezoned R-2 Residential currently have multi-family structures constructed on them. Rezoning the east side of Centurian Place from RR - Rural Residential to R-1 Single-Family Residential would provide a buffer between the proposed R-2 Residential and the property owners located on the west side of Heritage Road. This would also keep the R-1 Residential contiguous with the existing R-1 Residential.

Option 4 - Consider rezoning other portions of the city R-2 at the same time you might rezone a portion of Adventure Estates.

Note: Would reduce the number of mailouts, but might be more confusing and hold up pending development of Adventure Estates Subdivision.

September 01, 1997

RECEIVED**JAN 29 1998**

Planning Department

Dear Property Owner,

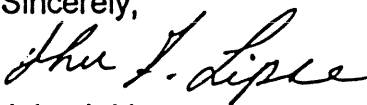
You may or may not be aware of the rezoning of property in Adventure Estates Subdivision, in which you own property. I purchased Lot #7, Block #4 in 1996, for the purpose of building a 4-Plex. The City of Wasilla Planning Office has informed me that unbeknownst to me, the property has been rezoned after we purchased the property to RR-Rural Residential as part of a City wide rezone last year. The RR zoning district does not allow anything over a duplex (please see the attached table of allowed uses). Also, if you own property developed over a duplex, it is now a non-conforming use. I would like to rezone the property in Adventure Estates to R2-Residential, which would allow multi-family development, but I need your help.

In order to consider a rezone application, the parcel of land considered must be larger than two acres and must make a logical, integrated area. There are currently many 4-Plexes in Adventure Estates and I would like to find out how many people in the subdivision would support rezoning to allow 4-Plexes and the other uses in the table enclosed for the R2 district. The cost for a rezone application is \$500.00. The City Planning Office has indicated we may be able to get this fee waived.

What I propose is that three of the units in my building would be for rental purposes and the fourth, will be occupied by my wife and myself. I plan to have a rental agreement drawn up to be signed by the renters. Also, there will be a strict reference check with confirmation before being allowed to rent any of the units. Clean grounds, no junk or unsightly objects about, no pets, a garbage dumpster, etc.

I would sincerely appreciate your consideration in helping me to get this problem resolved. Enclosed you will find a self-addressed postcard, in which you may send your reply.

Sincerely,



John J. Lipse

Enc.: 4

16.43.334 Water And Sewer. All development shall connect to the City water and sewer system. (Ord. 94-41 Attachment "A")

Core Area District

16.43.340 Intent. The CA district governs the Core Area of Wasilla, which contains the main highways and arterial streets, and the major multifamily, commercial, office and industrial areas of the City. It generally includes the areas served by City water and sewer service and is appropriate for continued development as the commercial and service hub of the Valley. (Ord. 94-41 Attachment "A")

16.43.341 Uses-By-Right. The following are uses-by-right in the CA district: residential uses except mobile homes, and accessory uses and structures normally appurtenant to uses-by-right and conditional uses, including, but not limited to signs, garages and required parking areas; except that any use-by right that would otherwise be a major development must obtain a major development permit. (Ord. 94-41 Attachment "A")

16.43.342 Conditional Uses. The following uses are conditional uses: any uses which are not uses-by-right or prohibited uses; subdivisions, criminal transition facilities. (Ord. 94-41 Attachment "A"; Ord. 95-14 §3 1995))

16.43.343 Prohibited Uses And Structures. Heavy industrial uses and salvage yards are prohibited.

Intermediate District

Previous (1986)
AUG. 8

16.43.350 Intent. The I district is intended for the areas surrounding the Core Area and Lake Lucille. It is characterized as generally single-family with some neighborhood commercial, and with public office and commercial uses along the major streets and highways. It is generally not served with major highways and water and sewer, and thus is less suitable than the Core Area for intensive development.

16.43.351 Uses-By-Right. The following uses are uses-by-right in the I district: residential uses except mobile homes, and accessory uses and structures normally appurtenant to uses-by-right and conditional uses, including, but not limited to signs, garages and required parking areas; except, any uses-by-right that would otherwise be a major development must obtain a major development permit. (Ord. 94-41 Attachment "A")

16.43.352 Conditional Uses. The following uses are conditional uses: subdivisions; mobile home parks, mobile homes on individual lots; garden-style public/institutional uses, commercial uses, and light industrial uses, and criminal transition facilities. (Ord. 94-41 Attachment "A"; Ord. 95-14 §3 1995)

16.43.353 Prohibited Uses And Structures. Salvage yards and all other uses and structures not specified as uses-by-right or conditional uses are prohibited. (Ord. 94-41 Attachment "A")

RURAL RESIDENTIAL

No Approval Req.	B & B
AA-Admin. Approval	Accessory Uses Comm. GFA<10K Communica. Equip. Convenience Store Day Care Duplex Farm Animals Heavy Equipment Single-Family dwelling Utility Facility Waterfront Use
UP-Use Permit	Agriculture Animal Husbandry Auto Sales Campground Cemetery Church Group home Kennel Play Field Public Facility Subdivision Zoo
CU-Conditional Use	Institutional Home Planned Unit Dev'lmnt Resource Extraction
EX-Excluded	Adult Business Animal Shelter Comm. GFA>10k Correctional Facility Helipad Heliport Hotel Junkyard Mobile Home Motel Multi-Family

Current
RR-Residential
1996

RESIDENTIAL

RESIDENTIAL	
No Approval Req.	None
AA-Admin. Approval.	Accessory Uses B & B Communica. Equip. Duplex Home Occupation Single-Family Dwelling Waterfront Use
UP-Use Permit	Animal Husbandry Church Convenience Store Day Care Group Home Farm Animals Multi-Family Play Field Public Facility Subdivision Utility Facility
CU-Conditional Use	Institutional Home Kennel Mobile Home Planned Unit Dev'lment
EX-Excluded	Adult Business Animal Shelter Comm. GFA<10K Comm. GFA>10K Agriculture Auto Sales Campground Cemetery Correctional Facility Heavy Equipment Helipad Heliport Hotel Junkyard Motel Resource Extraction Zoo

Proposed
R2-Residential

19 Nov. 96

I, JOHN J. LIPSE, OWNER OF LOT 7,
IN BLOCK 4, IN ADVENTURE ESTATES
IN THE CITY OF WASILLA, AK., THIS
19TH DAY OF NOV. 1996, DO HEREBY GIVE
TO MY SONS KEITH OR KEVIN LIPSE, POWER
OF ATTORNEY TO HANDLE ANY
TRANSACTIONS PERTAINING TO SAID
PROPERTY IN MY ABSENCE

John J. Lipse

Sworn to and subscribed

before me, this 19th day

of Nov. 1896

Dallen J. Manton

ACCOUNT NUMBER	ZONE	OWNER / BUYER	LAND AC	CLDG AC	TOTAL AC	EXERCITION	ACRES	AREAC
119002L029	CITY	PENUSEE ERIDGIE HARIE H	10,000	0	10,000		10,000	1.34
ADVENTURE EST		112 SURRESET PL						
17ND1W04	WA12	SCOUH WA 99202						
119002L001	CITY	VANGORDER ROBT N	14,000	102,300	116,300		116,300	1.14
ADVENTURE EST		PO BOX 870144						
17ND1W04	WA12	HASILLA AK 99287						
119002L002	CITY	LOVE MAYNE P	10,000	140,000	150,000		150,000	.95
ADVENTURE EST		HC 32 BOX 3451B						
17ND1W04	WA12	HASILLA AK 99251						
119002L003	CITY	TERRY RICHARD G & TERRI L	10,000	0	10,000		10,000	.92
ADVENTURE EST		PO BOX 870281						
17ND1W04	WA12	HASILLA AK 99287						
119002L004	CITY	MALONEY TIMOTHY J	10,000	0	10,000		10,000	.93
ADVENTURE EST		PO BOX 770224						
17ND1W04	WA12	EAGLE RIVER AK 99577						
119002L005	CITY	CHRISTIANSEN CAROL CE N P	10,000	0	10,000		10,000	.93
ADVENTURE EST		PO BOX 344						
17ND1W04	WA12	PALMER AK 99245						
119002L006	CITY	CHRISTIANSEN CAROL C & N P	10,000	0	10,000		10,000	.93
ADVENTURE EST		PO BOX 344						
17ND1W04	WA12	PALMER AK 99245						
119002L007	CITY	HILBRETH JOS J & HARLYN	10,000	0	10,000		10,000	.91
ADVENTURE EST		PO BOX 200968						
17ND1W04	WA12	ANCHORAGE AK 99520						
119002L008	CITY	WALKER ROBT L & SONIA	10,000	0	10,000		10,000	.92
ADVENTURE EST		PO BOX 111781						
17ND1W04	WA12	ANCHORAGE AK 99511						
119002L009	CITY	PORT ROLLIC A & CAROL A	10,000	0	10,000		10,000	.92
ADVENTURE EST		1712 5TH ST SW						
17ND1W04	WA12	MINOT ND 58701						
119002L010	CITY	HANN ROBT G & SARUBA J	12,000	128,000	140,000		140,000	.93
ADVENTURE EST		PO BOX 873103						
17ND1W04	WA12	HASILLA AK 99287						
119002L011	CITY	CARLSON ROY S JR	12,000	128,000	140,000		140,000	.93
ADVENTURE EST		HC 31 BOX 81197A						
17ND1W04	WA12	HASILLA AK 99251						
119002L012	CITY	NELSON STARLEY E & D E	10,000	0	10,000		10,000	.92
ADVENTURE EST		4210 WESTWOOD DR						
17ND1W04	WA12	ANCHORAGE AK 99517						
119002L013	CITY	NELSON STARLEY E & D E	10,000	0	10,000		10,000	1.03
ADVENTURE EST		4210 WESTWOOD DR						
17ND1W04	WA12	ANCHORAGE AK 99517						

ACCOUNT NUMBER	ZONE	CARRIER / DRIVER	LAND ACQ.	BLDG AER.	TOTAL AER.	EXERCISED	ACCESSED	REVENUE
1120002L014	CTY	LANE JUDY S TIGERLIN JOSEPHARY PO BOX 871025 WASILLA	10,000	140,000	150,000		150,000	1.05
ADVENTURE EST 17N01W04 WA1E		AK: 92637						
1120002L016	CTY	HUNNER JAS R & PATRICIA PO BOX 874532 WASILLA	10,000	151,500	162,000		162,000	1.36
ADVENTURE EST 17N01W04 WA1E		AK: 92637						
1120002L018	CTY	DRAEGER ALEXANDER A STE 512 N 4407 DIVISION SPICKANE	10,000	0	10,000		10,000	1.10
ADVENTURE EST 17N01W04 WA1E		WA 99207						
1120002L017	CTY	MARINELLI LOUIE B X TONY MARINELLI 9271 SHORE CREST DR ANCHORAGE	10,000	0	10,000		10,000	.97
ADVENTURE EST 17N01W04 WA1E		AK: 99515						
1120002L019	CTY	MENCL DONALD H & HITSUKO BOX 73 OLD WAIRF RD TYASKIN	10,000	134,000	144,000		144,000	.95
ADVENTURE EST 17N01W04 WA1E		ND 58045						
1120002L019	CTY	MIRCAID DAVID A TRE FAMILY IRREVOCABLE TR GARY HELLEN H PO BOX 19415 PALMER	10,000	134,000	144,000		144,000	.95
ADVENTURE EST 17N01W04 WA1E		AK: 92645						
1120002L020	CTY	BROOKER VIVIAN I PO BOX 870598 WASILLA	10,000	71,500	81,500		81,500	1.15
ADVENTURE EST 17N01W04 WA1E		AK: 92637						.95
1120004L001	CTY	RUPRIGHT VERNIE E PO BOX 4250 PALMER	10,000	0	10,000		10,000	.94
ADVENTURE EST 17N01W04 WA1E		AK: 92645						
1120004L002	CTY	RUPRIGHT GUY H SR & C JR PO BOX 492 NORTHWOOD	10,000	0	10,000		10,000	.94
ADVENTURE EST 17N01W04 WA1E		MI 49861						
1120004L003	CTY	CHURCH DONALD DUANE PO BOX 873027 WASILLA	10,000	0	10,000		10,000	.94
ADVENTURE EST 17N01W04 WA1E		AK: 92637						
1120004L004	CTY	CHURCH DONALD DUANE PO BOX 873027 WASILLA	10,000	0	10,000		10,000	.94
ADVENTURE EST 17N01W04 WA1E		AK: 92637						
1120004L005	CTY	CHURCH DONALD DUANE PO BOX 873027 WASILLA	10,000	0	10,000		10,000	1.04
ADVENTURE EST 17N01W04 WA1E		AK: 92637						

ACCOUNT NUMBER	ZONE	CURBER / ELYER	LAND AFR	BU DS AFR	TOTAL AFR	EXEMPTION	ACRES	AVERAGE
1120604006 ADVENTURE EST 17H01W04 WA12	CITY	WDRICH LOUIS A & JANET R 2102 HADDON DR LAS VEGAS	10,000	0	10,000		10,000	1.03
1120604007 ADVENTURE EST 17H01W04 WA12	CITY	LISE JOHN J & JANICE L 2309 GALLANT DR CHALMETTE LA 70043	2,000	0	2,000		2,000	1.04
1120604008 ADVENTURE EST 17H01W04 WA12	CITY	KURAN PAUL & CHERO 2280 DRAVE DR ANCHORAGE	10,000	0	10,000		10,000	.73
1120604009 ADVENTURE EST 17H01W04 WA12	CITY	ALLEN TIMOTHY D 801 WILDER AVE HASTILLA	10,000	106,700	116,700		116,700	.23
1120604010 ADVENTURE EST 17H01W04 WA12	CITY	KEPER MARY E & KAREL L PO BOX 873503 HASTILLA	10,000	23,100	23,100		23,100	.23
1120604011 ADVENTURE EST 17H01W04 WA12	CITY	KOTKE JOEL H HC 33 BOX 2390 HASTILLA	10,000	3,000	13,000		13,000	.73
1120604001 ADVENTURE EST 17H01W04 WA12	CITY	WDRICH LOUIS A & JANET R 2102 HADDON DR LAS VEGAS	10,000	0	10,000		10,000	.76
1120604002 ADVENTURE EST 17H01W04 WA12	CITY	WALGREEN WAYNE & TERESA 836 WILDER AVE HASTILLA	10,000	12,200	22,200		22,200	.76
1120604003 ADVENTURE EST 17H01W04 WA12	CITY	REIFELD ROBT LOUIS PO BOX 211534 ALBUQUAY	10,000	0	10,000		10,000	.76
1120604004 ADVENTURE EST 17H01W04 WA12	CITY	FOX MICHAEL D & THERESE E PO BOX 870307 HASTILLA	10,000	134,000	144,000		144,000	.76
1120604005 ADVENTURE EST 17H01W04 WA12	CITY	HUNT JAS & JAKLIE K 6606A DOMINA DR ANCHORAGE	12,000	0	12,000		12,000	1.36
1120604006 ADVENTURE EST 17H01W04 WA12	CITY	JUDKINS CLIFF & JOANN PO BOX 871310 HASTILLA	10,500	0	10,500		10,500	1.27
1120604007 ADVENTURE EST 17H01W04 WA12	CITY	JUDKINS CLIFFORD P TIRE JUDKINS JOANN R TIRE JUDKINS PHLY TIR PO BOX 871310 HASTILLA	10,500	80,700	91,200		91,200	1.31

ACCOUNT NUMBER	FORM	OWNER	LAND ACQ	BLDG ACQ	TOTAL ACQ	CREATION	ASSESSED	ADTAVE
1190602L002	CITY	MYR DOUGLAS KG DECORAH L	10,000	0	10,000		10,000	1.04
ADVENTURE EST	17ND1W04 WA12	1501 EXECUTIVE FL HASTILLA						
1190602L003	CITY	MYR DOUGLAS KG DECORAH L	11,000	33,400	42,400		42,400	1.04
ADVENTURE EST	17ND1W04 WA12	1501 EXECUTIVE FL HASTILLA						
1190602L010	CITY	JUDKINS CLIFFORD P TR	12,000	271,700	283,700		283,700	1.56
ADVENTURE EST	17ND1W04 WA12	JUDKINS JOANN R TR JUDKINS EMILY TR PO BOX 871310						
1190602L011	CITY	JUDKINS C P & JOANN R TR	10,000	0	10,000		10,000	.95
ADVENTURE EST	17ND1W04 WA12	JUDKINS FAMILY TR PO BOX 871310 HASTILLA						
1190602L012	CITY	HESEFALL JOHN E	10,000	98,300	108,300		108,300	.91
ADVENTURE EST	17ND1W04 WA12	650 STORMY CIR HASTILLA						
1190602L013	CITY	YOUNG GRANT L	10,000	0	10,000		10,000	.99
ADVENTURE EST	17ND1W04 WA12	PO BOX 202742 ANCHORAGE						
1191000T000	CITY	FALL DONALD G & E ANN	60,300	63,900	114,200		114,200	.77
FOLLETT INDUSTRIAL TRACTS	17ND1W10 WA11	11321 BAE ST ANCHORAGE						
1191000T001-A	CITY	BETA INV LTD	84,100	10,300	95,000		95,000	1.92
FOLLETT INDUSTRIAL TRACTS	17ND1W10 WA11	FOLLETT HANK S FOLLETT ERIC G & JILL 7 FOLLETT ASSOC 4241 E ST 6308 ANCHORAGE						
1242001L001	CITY	CHURCH DONALD D	10,000	0	10,000		10,000	1.07
EXECUTIVE PROPERTIES	17ND1W04 WA12	PO BOX 873027 HASTILLA						
1242001L002	CITY	CHURCH DONALD D	10,000	0	10,000		10,000	1.07
EXECUTIVE PROPERTIES	17ND1W04 WA12	PO BOX 873027 HASTILLA						
1242001L003	CITY	CHURCH DONALD D	10,000	0	10,000		10,000	1.07
EXECUTIVE PROPERTIES	17ND1W04 WA12	PO BOX 873027 HASTILLA						
1242001L004	CITY	CHURCH DONALD D	10,000	0	10,000		10,000	1.07
EXECUTIVE PROPERTIES	17ND1W04 WA12	PO BOX 873027 HASTILLA						

LOT# 5 BLOCK# 10
ADVENTURE EST. SUBDIVISION

OWNERS NAME (PLEASE PRINT) GORDON YOUNG
OWNERS SIGNATURE [Signature]

DATE: 9-5-97

REPLY: (PLEASE CHECK ONE)
YES, IN FAVOR OF REZONING
NO, NOT IN FAVOR OF REZONING

COMMENTS: _____



LOT# 5 BLOCK# 10
ADVENTURE ESTATES SUBDIVISION
OWNERS NAME (PLEASE PRINT) ROBERT VAN GELDEREN

OWNERS SIGNATURE [Signature]

DATE: 9-16-97

REPLY: (PLEASE CHECK ONE)
YES, IN FAVOR OF REZONING
NO, NOT IN FAVOR OF REZONING

COMMENTS: IN MY AREA THERE ARE
MOSTLY 4 PLOTS - THERE IS
NO REASON TO CHANGE IT TO DUPLEX ONLY!

LOT# 4 BLOCK# 4
ADVENTURE ESTATES SUBDIVISION

OWNERS NAME (PLEASE PRINT) WILIAM BREWSTER

OWNERS SIGNATURE [Signature]

DATE: 9-16-97

REPLY: (PLEASE CHECK ONE)
YES, IN FAVOR OF REZONING
NO, NOT IN FAVOR OF REZONING

LOT# _____ BLOCK# _____
ADVENTURE ESTATES SUBDIVISION

OWNERS NAME (PLEASE PRINT) _____
OWNERS SIGNATURE _____

DATE: _____

REPLY: (PLEASE CHECK ONE)
YES, IN FAVOR OF REZONING _____
NO, NOT IN FAVOR OF REZONING _____

COMMENTS: _____

LOT# 11 BLOCK# 3
ADVENTURE ESTATES SUBDIVISION

OWNERS NAME (PLEASE PRINT) ROY S. CARLSON JR

OWNERS SIGNATURE [Signature]

DATE: 9/6/97

REPLY: (PLEASE CHECK ONE)
YES, IN FAVOR OF REZONING
NO, NOT IN FAVOR OF REZONING

COMMENTS: _____
