



**CITY OF WASILLA**

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

RESOLUTION NO. WR-95-20

- Area Code (907)
- Administration  
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A RESOLUTION OF THE WASILLA CITY COUNCIL TO "DECLARE A TAKING" OF CERTAIN PRIVATELY HELD LANDS FOR A PUBLIC USE EASEMENT TO COMPLETE THE PECK STREET PAVING AND EXTENSION PROJECT PURSUANT TO WMC 7.08.010.

WHEREAS, WMC 7.08.010 requires the City to exercise the powers of eminent domain and declaration of taking by resolution of the Council; and

WHEREAS, three individually owned and adjoining parcels of land needed for Public Use Easements were identified for acquisition for the extension portion of the Peck Street project; and

WHEREAS, of the three Public Use Easement parcels needed to continue construction efforts, two parcels have been successfully negotiated to be acquired and the third, or middle parcel, has not met with success on a negotiated purchase effort; and

WHEREAS, the Peck Street Paving and Extension project has been an ongoing construction project for several years including finding a suitable location; and

WHEREAS, a construction contract was let and actual roadbed preparation and construction activities began in the Fall of 1994, with expectations to complete the project by the Fall of 1995.

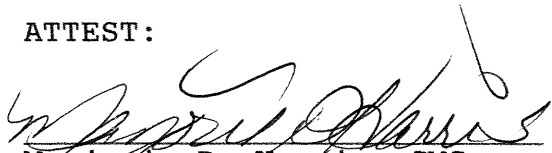
NOW THEREFORE BE IT RESOLVED, that the City of Wasilla shall exercise its powers of eminent domain by herein declaring a taking, and authorizes the utilization of condemnation procedures for the remainder parcel in order to facilitate a timely construction schedule. THE ATTACHED "DECISIONAL DOCUMENT," SIGNED BY DICK LOMAN, P.E., IS HEREBY APPROVED AND ADOPTED.

I certify that a resolution in substantially the above form passed by a majority of those voting at a duly called and conducted meeting of the governing body of the City of Wasilla this 22nd day of May, 1995.

  
\_\_\_\_\_  
John C. Stein, Mayor

ATTEST:

(Seal)

  
\_\_\_\_\_  
Marjorie D. Harris, CMC  
City Clerk



# CITY OF WASILLA

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

## COUNCIL MEMORANDUM NO. 95-39

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Ph: \_\_\_\_\_  
Fx: \_\_\_\_\_

**From:** Deputy Administrator  
**Date:** May 17, 1995  
**Subject:** **DECLARATION OF TAKING - CONDEMNATION OF PROPERTY FOR COMPLETION OF PECK STREET PAVING/EXTENSION PROJECT**

In January of this year Ordinance Serial #95-05 was adopted by the City of Wasilla Council authorizing acquisition of the two remainder parcels of private property needed as Public Use Easements to facilitate the extension of Peck Street from its existing ending (an earlier parcel successfully negotiated as a Public Use Easement), northward to Fishhook Road, crossing Fishhook to a intersection with a realignment of the eastern end of Spruce Avenue.

The northern most parcel (the parcel located between Spruce Avenue and Fishhook Road) has been successfully negotiated for purchase. The remainder parcel (that parcel located between Fishhook Road and the other parcel previously acquired through successful negotiations) is needed to complete the right-of-way required for construction completion. This "missing link" parcel has not been successfully negotiated through normal acquisition procedures.

Efforts to acquire the remainder parcel have been exhausted, leaving the City no other means than condemnation procedures from which to proceed with acquisition and subsequent and timely project completion.

We have issued a Spring Notice to Proceed for project construction efforts to draw this project to a completion this Fall. The contractor is now on the job (but is not authorized to be working on the missing link parcel).

**Recommendation:** Approve Resolution No. 95-20 adopting the "Decisional Document" from which condemnation procedures can move forward, thereby enabling the Peck Street Paving and Extension Project an opportunity to be drawn to a successful conclusion this Fall.

\_\_\_\_\_  
Lee A. Wyatt  
Deputy Administrator

**PECK STREET IMPROVEMENT**  
**DECISIONAL DOCUMENT**

**I. GENERAL BACKGROUND**

The traffic flow in Wasilla, Alaska, particularly in north-south directions, is limited with much of the north-south traffic focused on Main Street/Knik Road which, traveling to the north, turns into Wasilla-Fishhook Road. As a consequence of traffic growth, there has been a concern about developing alternative north-south routes that will alleviate the concentration of traffic on Wasilla-Fishhook. One such possibility is the improvement of Peck Street. That street currently dead-ends on its northerly terminus before connecting with Fishhook Road.

Although, as currently constructed, Peck Street does not intersect with Fishhook Road, there has been a continuing pattern of traffic growth. Traffic counts taken by the State of Alaska, Department of Transportation in 1990 showed daily traffic on Wasilla-Fishhook equal to 4,260 vehicles per day. A similar survey done in 1991 showed traffic counts had risen to 5,130. The traffic survey done in 1992 showed a growth to 5,790.

As a result of the pattern of traffic increase in the neighborhood, a decision was made to try to improve Peck Street as to both a) its utility as a north-south traffic alternative to Fishhook Road by interconnecting Peck Street to Fishhook and by b) widening the driving surface and altering that surface from gravel to pavement.

**II. STATEMENT OF NEED/PURPOSE**

Early City Council deliberations on the potential of improvement of Peck Street included deliberation of the formation of local improvement district, with a portion or all of the improvement costs to be borne by the residents adjoining Peck Street. Due to the resistance of some of the local property owners, as expressed at various Council

meetings, and further due to the general political perception that the improvement of Peck Street would benefit the wider general community as opposed to specifically benefiting just the adjacent property owners, the proposed project received comment in the 1992 comprehensive plan. As already discussed above, the comprehensive plan noted that improvement of Peck Street would allow another alternative for north-south traffic as Peck Street could then be utilized by persons using Crusey Street and Bogard Road to access the Parks Highway.

By Resolution WR 94-02, the City Council took action to designate the streets of Wasilla, Alaska, by category and type. Peck Street was designated by that Resolution as a major collector street. The significance of that designation is that the project was then eligible for the potential of greater general funding support, as opposed to utilization of primary funding from the residents immediately adjacent to the project.

Funding for the project was initially sought by resolution of the City Council WR 93-42, which identified the project and sought state funding support noting that the project was intended as a City priority within the Municipal Capital Project Matching Grant Program - A.S. 37.06. Further funds for the Project had been appropriated from the City of Wasilla general fund as part of the "right-of-way acquisition" program of the City of Wasilla. Sufficient funds now exist to complete the project.

### **III. PROJECT DESIGN**

**Initial Design Considerations.** Community interest, as expressed by residents living on or in the general area of Peck Street, was expressed before the City Council at various meetings as early as 1989. Among the original concepts being discussed was the design idea of improving Peck Street by extending it along the section line easement to a proposed extension of Spruce Avenue. This original concept, after review, was shown to create a less than desirable alignment between Peck Street and Spruce Avenue. It also had the disadvantage of not resolving the proper traffic flow to reach Fishhook Road.

Consequently, the design evaluation focused upon a realignment of the extension

of Peck Street so as to directly intersect with Wasilla-Fishhook Road so as to maximize the desired traffic flow from Peck Street directly to the intersection with Fishhook Road. The concept of realigning the Peck Street extension to intersect directly with Fishhook Road was consistent with the express plans of the State of Alaska, Department of Transportation, the entity responsible for the maintenance of Fishhook Road. Fishhook Road has been the subject of several evaluations for improvement. Those evaluations have included specific plans as expressed in a State of Alaska, Department of Transportation environmental assessment dated June of 1993. Consistent with the proposed state plans for Fishhook Road, the realignment of Peck Street to align with Fishhook Road would result in an approximate 90 degree intersection, highly desirable for the management of traffic flow (the basic reason motivating the extension of Peck Street).

**Finalization of Design Plans.** Consistent with the preliminary design considerations discussed above, an original design was presented as early as March 1992. That design included specification of the alignment of the Peck Street improvement and Peck Street extension, including that portion of the extension that would proceed through the "McSpadden" property, the property which is the subject of this particular Decisional Document.

After review of the original alignment, as proposed as early as March 1992, concerns were expressed as to the need to avoid conflicts with property uses already in existence south of the McSpadden property. Consequently, the alignment was slightly adjusted to accommodate those concerns. In February 1993, the alignment of the Peck Street extension was again re-evaluated, to take into consideration the sight distances for traffic coming onto and coming off of Fishhook Road at the intersection with the Peck Street extension. Following that adjustment, the City of Wasilla came to understand that Mr. McSpadden held concerns that the alignment would cause a portion of his parcel to be isolated and rendered of little utility. To accommodate this concern, a further review

of the alignment was undertaken in February of 1994 so as to move the alignment on the McSpadden property slightly to the south and to the west. The movement of the alignment to the south and west allowed the portion of the McSpadden property located to the north and east of the alignment to be increased in area and, therefore, of presumed greater utility to Mr. McSpadden. This adjustment of the alignment had the effect of creating a relatively large parcel on each side of the easement area going through the McSpadden property and leaving both large parcels of future utility without either parcel being so small as to be of questionable future use.

As of the alignment considerations expressed above, finalized in February 1994, the project design is now finalized as to the location considerations. The location of the easement area, proceeding through the McSpadden property, is described by attached Exhibit A, legal description noting the area to be taken, and attached Exhibit B, a map depicting, by grey shadowing, the easement area to be taken from the McSpadden property.

#### **IV. PROPERTY INFORMATION**

The improvement of Peck Street will include improvement of some subsurface improvements in preparation for paving and some additional general road improvement work. As the project proceeds north, focusing on the extension of Peck Street so as to intersect with Wasilla-Fishhook, the general character of the existing land use changes. On the southerly portion of the Peck Street improvement there are now a number of residential houses populated by citizens of the Wasilla area. Although the lot sizes do vary, the general area can be described as houses placed upon lots generally in the range of 40,000 square feet to one-half acre. Peck Street currently extends north to approximately 100 to 200 feet past Snohomish Avenue. Beyond the current termination of Peck Street, again approximately 100 to 200 feet past Snohomish Avenue, there is limited residential development. Specifically, there is one house constructed on a lot that is accessed by North Star Circle. However, generally speaking, the extension of Peck

Street from its current terminus to Wasilla-Fishhook proceeds through undeveloped land that is in its natural state without housing developments. More particularly, the portion of the Peck Street extension that will proceed through the McSpadden property will go through land that is currently undeveloped.

The State of Alaska, Department of Transportation, the entity responsible for the maintenance of Fishhook Road, discourages direct access by individual housing improvements directly onto Fishhook Road. This serves the purpose of limiting traffic conflicts created by "driveway" access and egress. To the contrary, the State of Alaska encourages the development of "collector" streets where ingress and egress traffic to and from Fishhook Road will be collected in particular locations. Consistent with those design dynamics, the extension of Peck Street will collect the traffic created by present and future development and focus access to Fishhook Road at the intersection between Peck Street and Fishhook.

The particular property, presently owned by the McSpaddens, which is the subject of this Decisional Document, is unimproved land. Subsequent to the construction of the Peck Street extension, development of the McSpadden property is made possible by the existence of road access.

#### **V. RIGHT-OF-WAY PROGRESS TO DATE**

Right-of-way, consistent with the alignment described above, has been obtained from the property owners both north and south of the McSpadden property.

The City of Wasilla entered into negotiations with the property owners to the south of the McSpadden property and have consummated those negotiations by execution of a public use easement document and payment for those easement rights. The property owners north of McSpaddens have also come to an agreement with the City of Wasilla, currently represented by a Purchase Agreement. It is anticipated that Purchase Agreement will soon be fulfilled by a closing where the financial consideration for that easement will be paid by the City.

The result of these companion negotiations and agreements is that the City's proposed alignment is now able to be implemented with actual construction except for the need to acquire the McSpadden easement.

Negotiations were initiated by the City of Wasilla, by the Office of the Deputy Administrator. To date those negotiations and discussions have not resulted in a final agreement with the McSpaddens.

Correspondence between the City of Wasilla and representatives of the McSpaddens indicates that the McSpaddens do not object to the actual taking of an easement. However, the McSpaddens have expressed nonspecific concerns about the location of the easement area.

Given the past thorough evaluations of proper alignment and further given the successful conclusion of alignment acquisition both north and south of the McSpadden property, the City is not in a position to readjust alignment to accommodate any further expressions of concern by the McSpadden. It is to be quickly noted that the earlier concerns of the McSpaddens were accommodated by the realignment discussed and noted above.

Attempts to reach a negotiated resolution with the McSpadden can be documented over several years. The City has reached the conclusion that further negotiating efforts with the McSpaddens will not be fruitful in the absence of proceeding to formal condemnation proceedings.

## **VI. IMPACTS OF TAKING ON REMAINDER OF MCSPADDEN PROPERTY**

The taking proposed by this Decisional Document, depicted in graphic form by Exhibit B, will result in the intersection of the McSpadden property. The first primary impact on the remainder parcels will be to make those properties available for development, thereby presumably making those parcels more valuable than in their current undeveloped state, without access. In addition, the existence of the constructed road through the McSpadden property will, de facto, create a subdivision of the current



existing single tract into two separate parcels, again enhancing the overall value of the property.

A second impact created by the construction of the Peck Street extension will be the availability of access to the McSpadden properties by Peck Street, as opposed to any attempts to develop access by applying to the State of Alaska for individual driveway permits directly from Fishhook Road (permits that are generally disfavored by the State of Alaska for the reasons described above).

As a further potential impact, the Peck Street project calls for eventually paving of the entire length of Peck Street, including the extension. To be clear, the construction season of 1995 will not include paving of the northerly portion where McSpaddens' property is located. However, paving, when completed, will enhance the desirability of the McSpadden property for future development.

#### **VII. LANDOWNER CONCERNS/CONSIDERATIONS**

This topic has already been discussed in considerable detail above. It is not believed, based upon communications to date, that the McSpaddens contest the desirability or the authority of the City to proceed with the condemnation and build the road. There remain unspecified expressions of concern about the alignment. In light of the accommodation of the concerns of the McSpaddens, already discussed above, the nonspecific communications concerning alignment from representatives of the McSpaddens leaves the City with no clear understanding as to what specific objections, if any, the McSpaddens have.

The impression of the City to date is that the McSpaddens' are more focused on the issue of proper compensation as opposed to issues of proper alignment or the need or necessity for the taking.

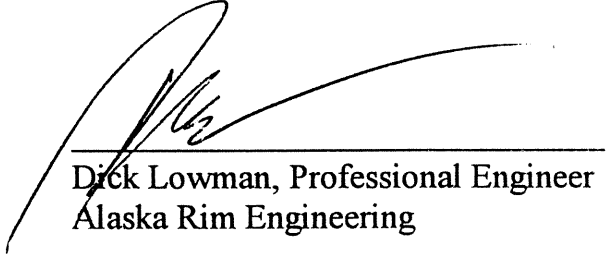
#### **VIII. CONCLUSION**

Attached hereto is Exhibit C, an area map generally depicting the larger region of the land at issue, more particularly described by Exhibits A and B.

In preparing this Decisional Document, I have relied upon the information available to me by a review of file documents and I have also received assistance in the form of a review of correspondence to and from Lee Wyatt, Deputy Administrator of the City of Wasilla, as to those aspects of the above-described matters involving attempts to negotiate a consent agreement between the City of Wasilla and the McSpaddens for a public use easement.

I, Dick Lowman, Professional Engineer, Alaska Rim Engineering, Palmer, Alaska, hereby conclude that the proposed Peck Street extension and the necessary taking of the McSpadden property, as described herein, is being undertaken in a manner that is compatible with the greatest public good and the least private injury. This decision is based upon the rationale set forth above.

DATED this 8<sup>TH</sup> day of MAY, 1995.



Dick Lowman, Professional Engineer  
Alaska Rim Engineering

## EASEMENT PROPERTY TAKEN

A Public Use Easement authorizing access, ingress, egress, and general use, over, through, under, and upon the following-described real property including, but not limited to, the right to construct, operate and maintain public improvements of all kinds, and public utilities of all kinds, over, through, under, and upon the following-described real property, such public easement to endure perpetually and to run with the land, the easement area, and the subject real property described as follows:

That portion of the U.S. Government Lot 1, Section 3, Township 17 North, Range 1 West, S.M., Alaska, and more particularly described as:

Commencing for reference at the northeast corner of Section 3; thence

S 00 degrees 07'47" E on the east boundary of Section 3, for 657.46 ft. to a point common with the northeast corner of Lot 4, as represented on the plat of View Crest Subdivision, filed in the Palmer Recording District as Plat # 78-31, and the TRUE POINT OF BEGINNING, thence

Describing the southwest right-of-way line of this description on a curve northwesterly and concave to the left through an arc length of 145.59 ft. from which the radius point bears S 65 degrees 47'37" W for 424.22 ft.; thence

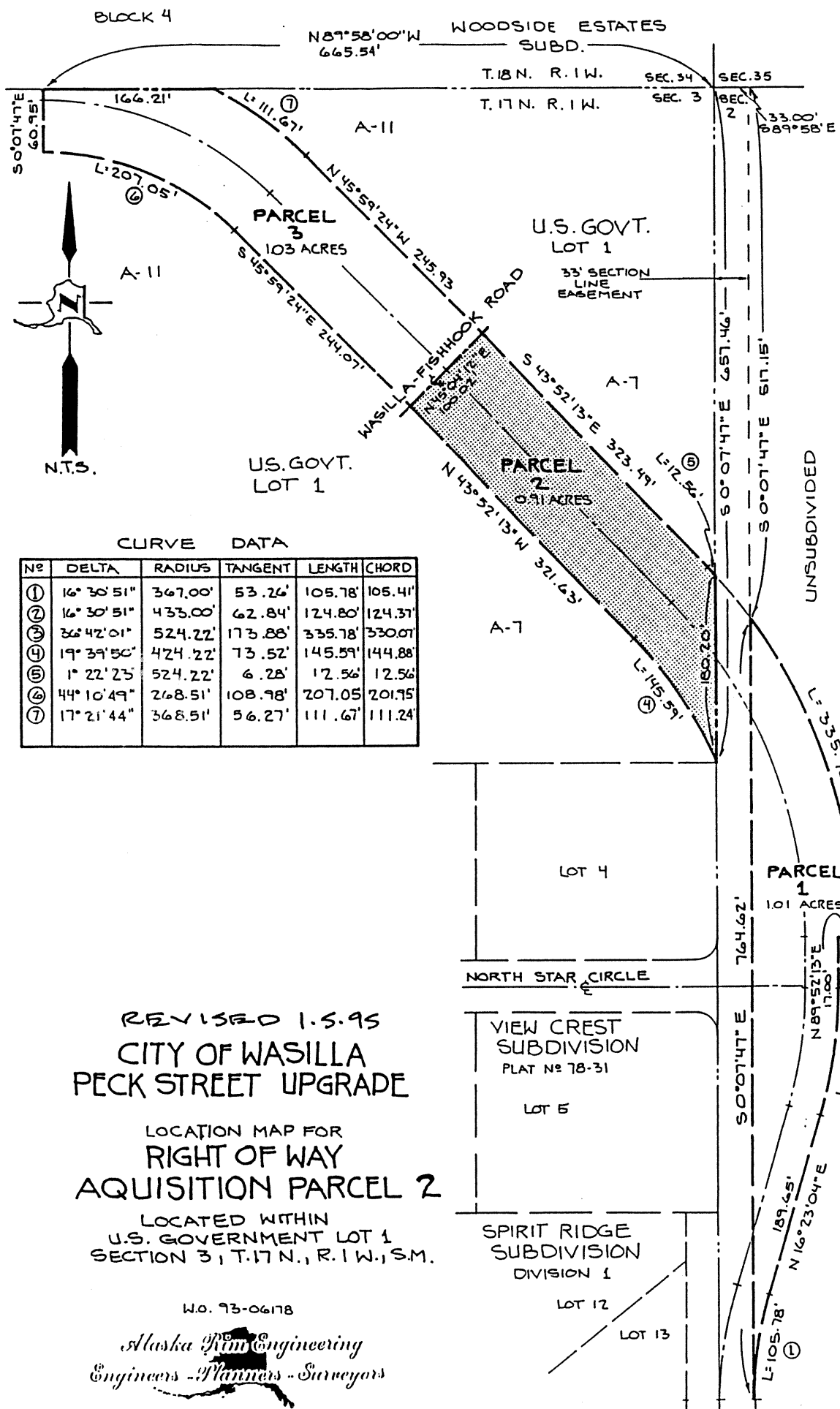
Continuing the southwest right-of-way line N 43 degrees 52'13" W for 321.63 ft. to the centerline of the Wasilla-Fishhook Road; thence

N 45 degrees 04'12" E on the centerline of said road for 100.02 ft. to a point lying 100 ft. as measured perpendicularly from aforesaid southwest right-of-way line; thence

On the northeasterly right-of-way of this description S 45 degrees 52'13" E for 323.49 ft. to the beginning point of a tangential curve to the right from which its radius bears S 46 degrees 07'47" W for 524.22 ft.; thence

Continuing on the northeasterly right-of-way through an arc length of 12.56 ft. to an intersection with the east boundary of Section 3; thence

S 00 degrees 07'47" E on the section line for 180.20 ft. to the TRUE POINT OF BEGINNING and thus encompassing 0.91 acres more or less, located in the Palmer Recording District, Third Judicial District, State of Alaska.



CURVE DATA

Nº	DELTA	RADIUS	TANGENT	LENGTH	CHORD
①	16° 30' 51"	367.00'	53.26'	105.78'	105.41'
②	16° 30' 51"	435.00'	62.84'	124.80'	124.31'
③	36° 42' 01"	524.22'	173.88'	335.78'	330.07'
④	19° 39' 50"	424.22'	73.52'	145.59'	144.88'
⑤	1° 22' 23"	524.22'	6.28'	12.56'	12.56'
⑥	44° 10' 49"	268.51'	108.78'	207.05'	201.75'
⑦	17° 21' 44"	368.51'	56.27'	111.67'	111.24'

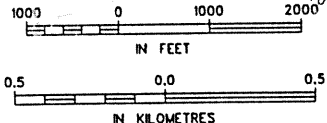
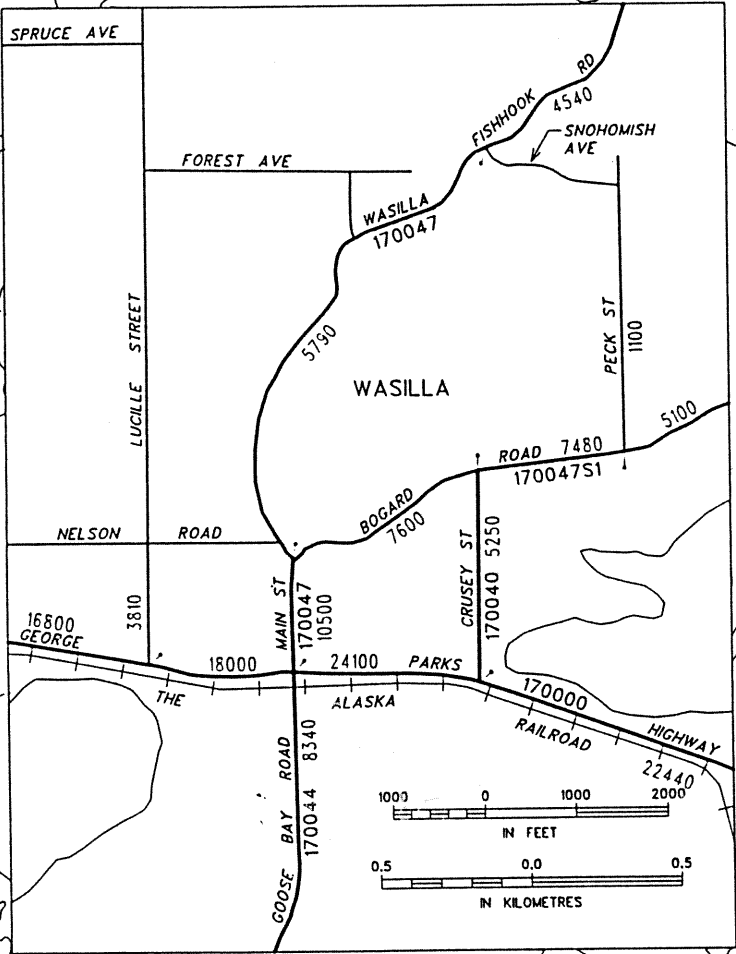
REVISED 1.5.95  
CITY OF WASILLA  
PECK STREET UPGRADE

LOCATION MAP FOR  
RIGHT OF WAY  
ACQUISITION PARCEL 2

LOCATED WITHIN  
U.S. GOVERNMENT LOT 1  
SECTION 3, T.17 N., R.1 W., 1 S.M.

W.O. 93-06178

Alaska *Tim* Engineering  
Engineers - Planners - Surveyors



# MAT-SU VALLEY TRAFFIC MAP

SHOWING AVERAGE DAILY TRAFFIC

## 1992

PREPARED BY THE  
 STATE OF ALASKA  
 DEPARTMENT OF TRANSPORTATION  
 AND PUBLIC FACILITIES  
 CARTOGRAPHIC SYSTEMS SECTION

NOTE: ALL COUNTS INCLUDE BOTH DIRECTIONS

TRAFFIC COUNT DATA COMPILED BY THE  
 CENTRAL REGION HIGHWAY DATA SECTION

