

AGENDA

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD
AGENDA**

REGULAR MEETING

1:00 P.M.

APRIL 21, 2016

The *borough staff recommendations* related to petitions being considered by the platting board will be available at least five days prior to the scheduled consideration. It is the responsibility of the petitioner to review the recommendations prior to consideration.

The Platting Division shall process the official actions of the board. Conversation, discussion and testimony will be recorded and saved on record.

Access and ability to have needed information from the recordings (ex. appeals) will be made available to the petitioner by the Platting Division upon request.

All decisions as to approval or disapproval of a subdivision, vacation, elimination, public use easement, variance, right-of-way, or airport acquisition plat by the platting board shall be final unless a *petition for reconsideration* is submitted to the Platting Division within fifteen days of the date of the written *notification of platting board action*, or an appeal filed with the board of adjustments and appeals in accordance with MSB 15.39.

PUBLIC HEARING PROCEDURES

1. Chair states item to be addressed.
2. **Public Hearing Notices:** Secretary states number of public hearing notices sent out, date sent, and responses thereto.
3. **Staff Report:** The Platting Technician gives an overview of the project for the platting board and the public.
4. **Chair opens the public hearing:** The Chair may ask petitioner to give a short overview prior to public input.
5. **Public Testimony:** Members of the public are invited to sign in and testify before the board. Board members may have questions for the person testifying. Testimony is limited to three (3) minutes. The time limit may be extended at the discretion of the Chairman.
6. **Public hearing is closed by the chair.** No further public input is appropriate.
7. **Petitioner Comments:** Petitioner, or his/her representative, comes before the board to discuss staff recommendations and compliance with Title 43 and other applicable regulations. Testimony is limited to five (5) minutes. The time limit may be extended at the discretion of the Chairman.
8. **Motion, Discussion & Vote:** Motion is made and seconded by board members. No further unsolicited input from petitioner is appropriate.

Platting board discusses motion and votes; four affirmative votes are necessary for approval of the proposed action. Decisions are final, unless reconsidered by the platting board or appealed to board of adjustments and appeals.

**MATANUSKA-SUSITNA BOROUGH
PLATTING BOARD AGENDA**

PLATTING BOARD

Jay Van Diest, Chairman
Tait Zimmerman, Vice Chairman
Stan Gillespie
LaMarr Anderson
Jordan Rausa
Patrick Johnson
Amy Hansen
Marty Van Diest, Alt #1
Gregory Pugh, Alt #2



PLATTING DEPARTMENT

Fred Wagner, Platting Officer
Peggy Horton, Platting Technician
Amy Otto-Buchanan, Platting Technician
Cheryl Scott, Platting Technician
Sloan Von Gunten, Platting Div. Specialist

*Assembly Chambers of the
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer*

**APRIL 21, 2016
ASSEMBLY CHAMBERS
REGULAR MEETING
1:00 P.M.**

1. CALL TO ORDER

- A. Roll Call and Determination of Quorum (by Administrative Specialist)
- B. Pledge of Allegiance
- C. Approval of the Agenda

2. APPROVAL OF MINUTES

- A. April 7, 2016

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS

- A. **JDL ENTERPRISES, INC. LANCE & DONNA CONWAY** (owners/petitioners): The request is to vacate a portion (410 sf) of the right-of-way of W. Trevett Avenue and replace with a 410 sf portion of right-of-way on the southeast corner of the intersection of W. Trevett Avenue and W. Blondell Drive. The vacation is due to a setback encroachment of the structure on Lot 1, Block 1, **FREEMAN ANTHONY SUBDIVISION**, Plat No. 85-1, to be known as **LOT 1A**, containing .96 acres +/- . Located within NW ¼ Sec 10, T17N, R02W, S.M. AK, lying south of W. Parks Highway and the Alaska Railroad and lying east of S. Sylvan Road at the southeast corner of W. Trevett Avenue and W. Blondell Drive. Community Council: Meadow Lakes, Assembly District: #7: Randall Kowalke
- B. **P & J HOMES INC, ET AL** (owners/petitioners): The request is to divide Lots 1-6 and Parcel B10 into 15 lots to be known as **BIRCHWOOD ESTATES**, containing 19.93 acres +/- . The parcel is currently configured as Birchwood Estates Condos, Units 1-6. Located within W ½ NE ¼ NW ¼ Sec 16, T18N, R01E, S.M. AK, lying south of E. Tex-Al Drive. Community Council: Fishhook, Assembly District: #6: Barbara Doty

5. MISCELLANEOUS

- A. Work Session on proposed amendments and changes to Title 43.

6. RECONSIDERATIONS/APPEALS

7. AUDIENCE PARTICIPATION (*Three minutes per person, for items not scheduled for public hearing*)

8. PLATTING OFFICER & CLERK COMMENTS

9. BOARD COMMENTS

In order to be eligible to file an appeal from a decision of the Platting Board, a person must be designated an *interested party* pursuant to MSB 15.39.010. The procedures governing appeals to the Board of Adjustment & Appeals are contained in MSB 15.39.010-250, which is available on the borough Internet home page located at (www.matsugov.us), or at various libraries within the borough.

MINUTES

The regular meeting of the Matanuska-Susitna Borough Platting Board was held on April 7, 2016, at the Matanuska-Susitna Borough Assembly Chambers, 350 E. Dahlia Avenue, Palmer, Alaska. The meeting was called to order at 1:00 P.M. by the Chairman, Mr. Jay Van Diest.

1. CALL TO ORDER

A. ROLL CALL AND DETERMINATION OF QUORUM (by Administrative Specialist)

Platting Board members present and establishing a quorum:

- Mr. Jay Van Diest, District #1 (Chairman)
- Mr. LaMarr Anderson, District #2
- Mr. Stan Gillespie, District #3
- Mr. Jordan Rausa, District #4
- Mr. Tait Zimmerman, District #5 (Vice Chairman)
- Mr. Patrick Johnson, District #6
- Vacant, District #7
- Mr. Marty Van Diest, Alternate 1
- Mr. Gregory Pugh, Alternate 2

Staff in attendance:

- Ms. Sloan Von Gunten, Platting Division Administrative Specialist
- Mr. Fred Wagner, Platting Officer
- Ms. Peggy Horton, Platting Technician
- Ms. Amy Otto-Buchanan, Platting Technician
- Ms. Cheryl Scott, Platting Technician

B. THE PLEDGE OF ALLEGIANCE

- The pledge of allegiance was led by Mr. Jordan Rausa.

C. APPROVAL OF THE AGENDA

The Chairman, Jay Van Diest inquired if there were any changes to the agenda.

- There is request for a reconsideration.

GENERAL CONSENT: The agenda was approved with changes without objection.

2. APPROVAL OF MINUTES

The Chairman, Jay Van Diest inquired if there were any changes to the minutes.

GENERAL CONSENT: The minutes for March 17, 2016, were approved without objection.

3. UNFINISHED BUSINESS

4. PUBLIC HEARINGS

A. SULINT FIELDS

Sloan Von Gunten (Administrative Specialist)

- Stated that 173 public hearing notices were mailed out on March 17, 2016, to this date there have been 1 return, no objection, no non-objections, and no concerns.

Amy Otto-Buchanan (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

Jim Psenak (Owner of Parcel A26, T18N, R02E, Section 32)

- Concerned about the drainage on the properties concerning the culverts and driveway design.

Jay Van Diest (Chairman)

- Closed the public hearing.

Gary LoRusso (Petitioner's Representative)

- Has put a drainage design on the plat.
- Answered drainage questions from the board.

MOTION:

- Mr. Zimmerman moved to approve the preliminary plat for Sunlit Fields, seconded by Mr. Johnson.

DISCUSSION:

- Discussion on if we need more wordage on recommendation #7.
- Gary LoRusso suggested a condition for the drainage area between lot 3 & 4.

RECOMMENDATIONS:

- Add #10: Construct infiltration areas as shown on the drainage plan and construct infiltration point and the drainage easement between Lots 3 & 4.

FINDINGS:

- Add #11: Jim Psenak, owner of property to the north, stated that property has significant drainage issues. The petitioner's representative stated that engineers working on the project will ensure that drainage is mitigated.

VOTE:

- The motion passed with all in favor. There are 11 findings.

TIME: 1:39 P.M.

CD: 0:35:24

B. ABBAS ACRES

Sloan Von Gunten (Administrative Specialist)

- Stated that 10 public hearing notices were mailed out on March 17, 2016, to this date there have been no returns, no objection, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

Jay Van Diest (Chairman)

- Closed the public hearing.

Douglas Abbas (Petitioner)

- Agrees with all the recommendations.

MOTION:

- Mr. Johnson moved to approve the preliminary plat for Abbas Acres, seconded by Mr. Gillespie.

FINDINGS

- Add #9: This platting action will resolve a setback encroachment.

VOTE:

- The motion passed with all in favor. There are 9 findings.

TIME: 1:50 P.M.

CD: 0:46:34

C. US SURVEY 3504

Sloan Von Gunten (Administrative Specialist)

- Stated that 9 public hearing notices were mailed out on March 17, 2016, to this date there have been no returns, no objection, no non-objections, and no concerns.

Peggy Horton (Platting Technician)

- Gave an overview of the case.

Jay Van Diest (Chairman)

- Opened the public hearing and asked any members of the public wishing to speak to come forward.

The following person spoke regarding concerns with public process and a public notice error.
Mr. Eugene Carl Haberman.

Jay Van Diest (Chairman)

- Closed the public hearing.

Mr. Cliff Baker (SOA Petitioner)

- Explained the actions being brought forth to the board.
- Agrees with all the conditions and findings.

MOTION:

- Mr. Rausa moved to approve the vacation the 50' wide Section Line Easement within Lots 6, 11, 12, 13 & 14, US Survey 3504 and replace them with 50 and 100-foot wide Public Access Easements and 15, 20, and 30-foot wide Utility Easements along property lines, seconded by Mr. Gillespie.

FINDINGS:

- Add #14: The lots involved in this project are owned by the State of Alaska.
- Add #15: There was an objection received concerning the public noticing.

VOTE:

- The motion passed with all in favor. There are 15 findings.

TIME: 2:08 P.M.

CD: 01:03:32

5. MISCELLANEOUS

A. Work Session on proposed amendments and changes to Title 43.

Peggy Horton (Platting Technician)

- Gave an overview on discussion items for the Title 43 work session packet.

SUBSTANTIAL ITEM #15:

- Continued the work session on the substantial listing items from the last platting board meeting on substantial #15 staff write up.

TIME: 3:08 P.M.

CD: 02:03:23

6. RECONSIDERATIONS/APPEALS

A. VISTA ROSE

Tony Hoffman (Petitioner for reconsideration)

- Requesting reconsideration for modifying Vista Rose.

DISCUSSION:

- The platting board discussed if Vista Rose reconsideration is applicable.

MOTION:

- Mr. Zimmerman moved to reconsider the preliminary plat for Vista Rose, seconded by Mr. Pugh.

VOTE:

- The motion passed with all in favor.

7. AUDIENCE PARTICIPATION

Gary LoRusso

- Gave examples of what can be done during the work sessions on the agreement subject.
- Explain other aspects of the subdivision agreement and ideas for code.

The following person spoke regarding concerns with public process: Mr. Eugene Carl Haberman.

8. PLATTING OFFICER COMMENTS

- Mr. Fred Wagner, the new Platting Officer thanked the board for welcoming him as part of the staff.

9. BOARD COMMENTS

- The vacant seat for District 7 has been filled by Ms. Amy Hansen.
- Ms. Josi Wilcox will be clerking the next platting board meeting.

Adjourned 3:38 P.M.

CD: 02:29:28

Jay Van Diest, Chairman

Sloan Von Gunten, Platting Division
Administrative Specialist

4A

vacate that portion of the easement and grant a 15' wide utility easement adjoining the dedicated right-of-way. Petitioner can vacate the utility easement by document if MEA agrees and show the portion of vacated utility easement, with recorded information and the granting of the new 15' wide utility easement on the final plat (see **Recommendation #6**). Petitioner will also be responsible for any relocation of utility plants; however, staff notes there are no utility plants within the portion proposed to be dedicated as right-of-way (see as-built on preliminary plat and site visit photos). A geotechnical report was not required, as this is a vacation plat.

VACATION DISCUSSION

Lance and Donna Conway state in the vacation petition, they request to vacate a “*portion of W. Trevett Avenue to correct a setback violation.*”

W. Trevett Avenue was platted as an 80' wide right-of-way on Freeman Anthony Subdivision, Plat No. 85-102.

MSB 43.15.035 VACATIONS (B) A dedication to public use of land or interest in land may be vacated if the dedication is no longer necessary for present or future use. The platting shall review the applications for vacation as follows:

- (1) The platting board shall ordinarily approve vacations of public rights-of-way if:
 - (a) The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; or
 - (b) The surrounding area is fully developed and all planned or needed rights-of-way and utilities are constructed; or
 - (c) The right-of-way is not being used, a road is impossible to construct or impractical to construct, and alternate access has been provided.

Staff notes the vacation request is consistent with MSB 43.15.035(B)(1)(a).

Comments: Department of Public Works Operations and Maintenance Road Service Area Superintendent (**Exhibit C-1**) notes there is always concerns vacating right-of-way due to any future road projects. Starting in the spring of 2016, ADOT&PF will be doing improvement for the Parks Highway, Church Road to Pittman Road, with frontage roads. W. Trevett Avenue is part of this scope of work. DPW Civil Engineer (**Exhibit C-2**) objects to the vacation as the non-standard right-of-way width could present maintenance issues and impede future improvements (i.e., for drainage). *Staff notes W. Trevett Avenue is an 80' wide right-of-way. ADOT&PF has not objected to the vacation.* Code Compliance notes (**Exhibit D**) this parcel is in FIRM #8055, Zone X, no open cases, not in a Special Land Use District (SpUD) and has no further comments. Planning (**Exhibit E**) notes the platting action will resolve the setback violation. Permit Center Right-of-Way Coordinator (**Exhibit F**) notes the vacated portion of the right-of-way shall be replaced with a “maintenance, snow storage and utility easement”. *Staff notes this will be shown on final plat.* Right-of-Way Coordinator also notes the ornamental trees need to be removed back behind the property line. *Staff notes there is no code cited to require this as necessary, and site visit photos show no ornamental trees within the right-of-way.* A driveway permit will be required for any unpermitted driveway(s). *Staff notes a driveway permit is on file for the access onto W. Trevett Avenue and petitioner is reclaiming the driveway onto W. Blondell Drive. Staff recommends petitioner provide proof the driveway onto W. Blondell Drive has been*

reclaimed, or petitioner shall apply for a driveway permit for access onto W. Blondell Drive (see Recommendation #7). Land and Resource Management Division (Exhibit G) notes no MSB owned lands are affected by the subdivision and have no objection. Cultural Resources (Exhibit H) has no objections; however, they recommend caution during construction in the event cultural remains may be recovered. Site visit report with photos, dated March 23, 2016 at Exhibit K.

Utilities: (Exhibit I) Enstar has no recommendations, comments or objections. MTA has no objections. MEA requests the vacated portion of the right-of-way be shown as a utility easement. *Staff notes the vacated portion of the right-of-way shall be replaced with a "maintenance, snow storage and utility easement", and shown on final plat. GCI did not respond.*

Agencies: (Exhibit J) ADOT&PF has no comments.

At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Meadow Lakes Community Council; Fire Service Area #136 West Lakes; Road Service Area #27 Meadow Lakes; MSB Emergency Services, Cultural Resources, Capital Projects Department, Assessments, and Pre-Design Division; or GCI.

CONCLUSION: The preliminary plat of Freeman Anthony RSB Block 1 Lot 1 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats. The vacation of the right-of-way of W. Trevett Avenue is consistent with MSB 43.15.035 Vacations. There were no objections to the plat from any federal or state agency or utilities. Department of Public Works Operations and Maintenance objected to the vacation. No objections were received from the general public in response to the Notice of Public Hearing. Frontage for the subdivision exists pursuant to MSB 43.20.320 Frontage. A geotechnical report was not required.

RECOMMENDATION FOR APPROVAL OF PRELIMINARY PLAT AND VACATION

Suggested motion: "I move to approve the preliminary plat of Freeman Anthony RSB Block 1 Lot 1 and the partial vacation of W. Trevett Avenue, Section 10, Township 17 North, Range 02 West, Seward Meridian, Alaska, contingent on staff recommendations:"

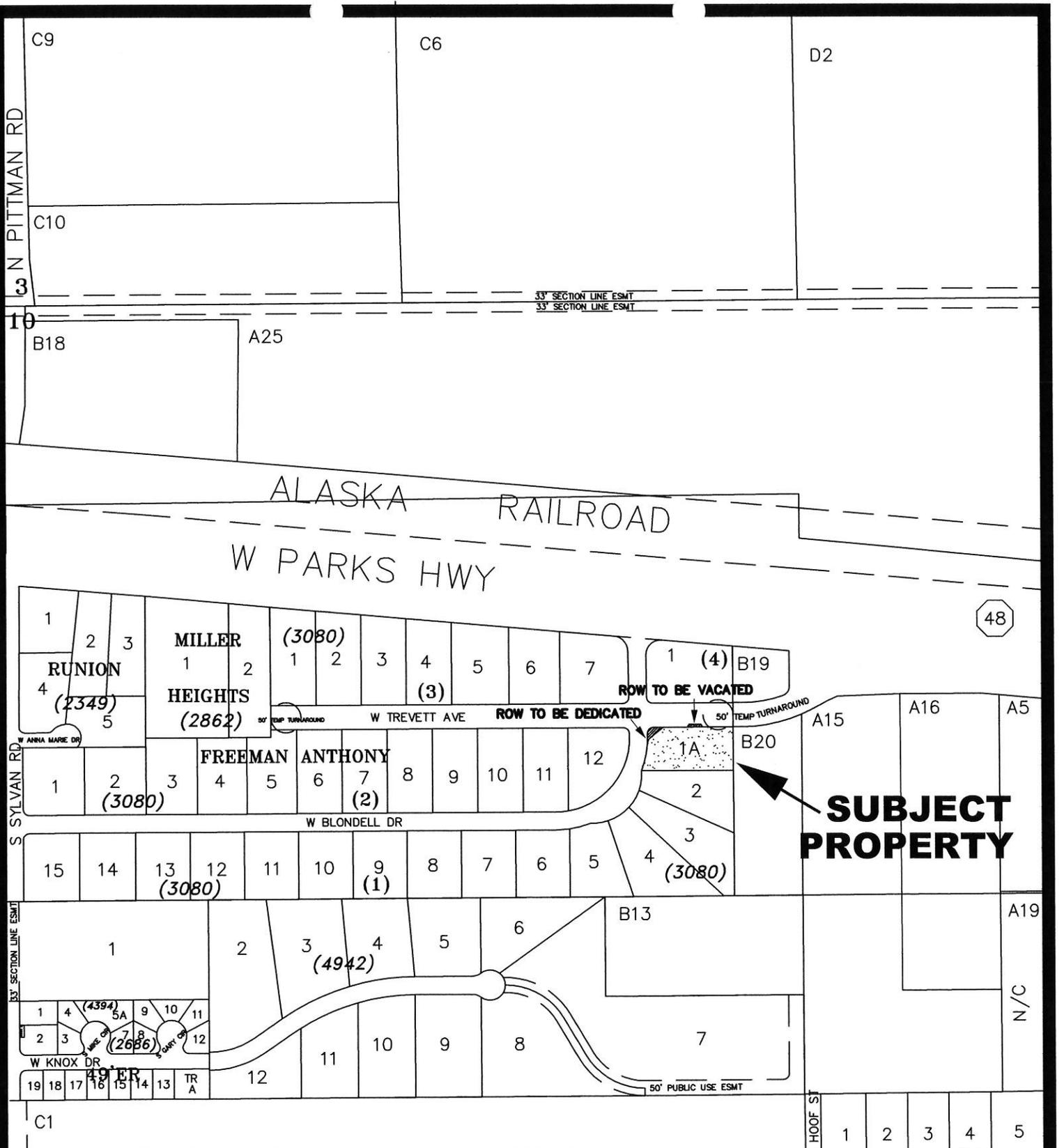
1. Assembly action on the vacation within 30 days of written platting board decision.
2. Taxes and special assessments must be current prior to recording, pursuant to MSB 43.15.053(F) and AS 40.15.020. Pay taxes and special assessments (LIDs) by certified funds or cash.
3. Provide updated Certificate to Plat executed within 90 days of recording and submit Beneficiary Acknowledgement for any holder of a beneficial interest.
4. Provide signatory authority documentation for JDL Enterprises, LLC.
5. Show or list all easements of record.
6. Vacate the portion of the 15' wide utility easement and grant a 15' wide utility easement adjoining the newly dedicated right-of-way. Utility easement can be vacated by document

with MEA's consent. Show the portion of vacated utility easement, with recorded information, and grant a new 15' wide utility easement, adjoining the newly dedicated right-of-way, on final plat.

7. Provide proof to Platting staff that the driveway onto W. Blondell Drive has been reclaimed, or petitioner shall apply for a driveway permit for access onto W. Blondell Drive.
8. Pay mailing and advertising fees of \$56.53.
9. Submit recording fee payable to State of Alaska, Department of Natural Resources (SOA/DNR).
10. Submit final plat in full compliance with Title 43.

FINDINGS for PRELIMINARY PLAT

- 1) The preliminary plat of Freeman Anthony RSB Block 1 Lot 1 is consistent with AS 29.40.070 Platting Regulations and MSB 43.15.016 Preliminary Plats.
- 2) The vacation of the right-of-way of W. Trevett Avenue is pursuant to AS 29.40.120 through A.S. 29.40.160 and MSB 43.5.035 Vacations
- 3) The vacation of the right-of-way of W. Trevett Avenue is consistent with MSB 43.15.035(B)(1)(a): The vacation is conditioned upon the final approval of a plat affecting the same land which provides equal or better access to all areas affected by the vacation; and (c) The right-of-way is not being used, a road is impossible or impractical to construct, and alternate access has been provided.
- 4) There were no objections from ADOT&PF, any other state agencies, federal agency or utilities.
- 5) Department of Public Works Operations and Maintenance objected to the vacation as the non-standard width could present maintenance issues and impede future improvements.
- 6) There were no objections from the general public in response to the Notice of Public Hearing.
- 7) At the time of staff report write-up, there were no responses to the Request for Comments (RFC) from US Army Corps of Engineers; ADF&G; Meadow Lakes Community Council; Fire Service Area #136 West Lakes; Road Service Area #27 Meadow Lakes; MSB Emergency Services, Cultural Resources, Capital Projects Department, Assessments, and Pre-Design Division; or GCI.
- 8) Frontage for the subdivision exists pursuant to MSB 43.20.320 Frontage.
- 9) A soils report was not required, as this is a vacation plat.

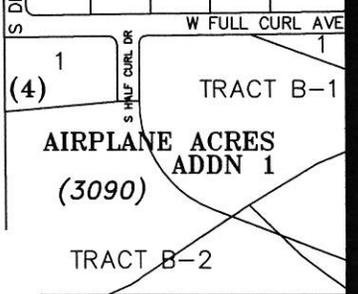


SUBJECT PROPERTY

VICINITY MAP

FOR FREEMAN ANTHONY RSB B/1 L/1
 & PARTIAL VACATION OF W. TREVETT AVE.
 LOCATED WITHIN
 SECTION 10, T17N, R02W, SEWARD MERIDIAN,
 HOUSTON 09 MAP ALASKA

EXHIBIT A - /



PARKS

BLONDELL

TREVETT

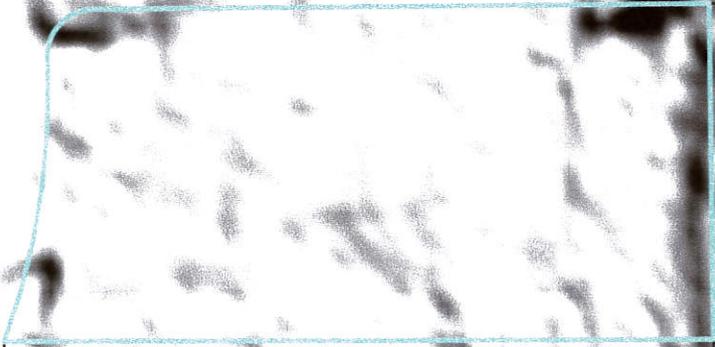
EXHIBIT A-2



PARKS

BLONDELL

TREVETT



PETITION FOR VACATION OF RIGHT-OF-WAY

Comes now the undersigned, Lance & Donna Conway, and petitions the Matanuska-Susitna Borough to vacate the right-of-way lying within the following described property, to-wit:

Lot 1, Block 1, Freeman Anthony Subd. plat # 85-102

Said right-of-way being more fully described as: portion of W. Trevett Ave
(see attached preliminary plat)

(ATTACH SUPPLEMENTAL SHEET IF APPLICABLE)

Submitted herewith are the following:

1. A copy of the plat showing the right-of-way to be vacated or
2. A recorded public easement creating public right-of-way.
3. ~~\$200.00~~ 250.00 Right-of-Way Vacation Fee with Regular Plat

RECEIVED
FEB 25 2016
PLATTING

The action sought by this petition is for the following reason(s): (ATTACH PAGES, IF NEEDED)

To correct a setback violation.

APPLICANT Name: Lance & Donna Conway Email: jdlinco@gmail.com

OR Mailing Address: PO B 879446 Wasilla AK Zip: 99687

OWNER Contact Person: Lance Phone: 748-3250

SURVEYOR Name (FIRM): Acutek Geomatics Email: admin@acuteksurvey.com

Mailing Address: 5099 E. Blue Lupine Dr. #104 Wasilla Zip: 99654

Contact Person: Tendra D. Phone: 376-8800

SIGNATURES OF PETITIONER(S):

4 Lance J Conway
4 Donna M Conway

NOTE: In accordance with MSB 43.15.035(D), vacations of public rights-of-way are subject to consent of the City Council or Borough Assembly. The City Council or Borough Assembly has 30 days from the date of Platting Board written decision in which to veto the action.



THIS AREA TO BE COMPLETED BY THE MATANUSKA-SUSITNA BOROUGH

THE APPLICATION HAS BEEN REVIEWED AND FOUND TO MEET SUBMITTAL STANDARDS AS NOTED ABOVE.

2/29/16
DATE

Amy A Oth-Buch
PLATTING DIVISION REPRESENTATIVE

SCHEDULED FOR PLATTING BOARD MEETING OF: 4/21/16

Amy Otto-Buchanan

From: Jamie Keller
Sent: Thursday, March 17, 2016 12:51 PM
To: Platting
Cc: Amy Otto-Buchanan
Subject: RE: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

My comments are as follows:

- DPW O&M objects to the ROW vacation as the non-standard ROW width could present maintenance issues and impede future improvements (i.e. for drainage)

Jamie Keller, PE
Civil Engineer
Matanuska-Susitna Borough
t: 907-861-7765 c: 907-355-9810
jamie.keller@matsugov.us
<http://www.matsugov.us/>

From: Amy Otto-Buchanan **On Behalf Of** Platting
Sent: Tuesday, March 01, 2016 9:55 AM
To: Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; John Aschenbrenner; Randall Kowalke; Tim Swezey (tim.swezey@mlccak.org); browne@mtaonline.net; ana@mtaonline.net; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Jamie Keller; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteam.com; marty@mtaonline.net; winforhim@aol.com; patrickjhnsn@hotmail.com
Subject: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Attached is the Request for Comments (RFC) for Freeman Anthony RSB Block 1 Lot 1 and the partial vacation of W. Trevett Avenue, MSB Case #2016-032 & 033, Tech AOB. Petitioner is requesting the vacation to alleviate a structure setback encroachment. Petitioner will be dedicating additional right-of-way on the northwest corner of the lot. Also attached is the Vicinity Map, Owner's Statements (2), the Petition for Vacation of Right-of-Way and the preliminary plat. Comments are due by **April 8, 2016**. Please let me know if you have any questions. Thanks. A.

Amy Otto-Buchanan
Platting Technician
email: amy.otto@matsugov.us
Phone: 861.7872 (direct line)

Amy Otto-Buchanan

From: Scott Sanderson
Sent: Tuesday, March 01, 2016 10:36 AM
To: Amy Otto-Buchanan
Cc: Jim Jenson; Terry Dolan
Subject: FW: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave
Attachments: RFC Freeman A RSB & Vac.pdf; Freeman Anthony RSB B1 L1.PDF

There is always concerns vacating road ROW do to any future road projects. DOT starting spring of 2016 will be doing improvements for the Parks Highway, Church Rd. to Pittman Rd. with frontage Rds. W. Trevett Cir. Is part of this scope of work.

Thanks Scott,

Scott Sanderson
Mat-Su Borough
Road Superintendent I
907-861-7757 Desk
907-354-3470 Cell

From: Jim Jenson
Sent: Tuesday, March 01, 2016 10:04 AM
To: Scott Sanderson
Cc: Terry Dolan
Subject: FW: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

RSA 27

From: Amy Otto-Buchanan **On Behalf Of** Platting
Sent: Tuesday, March 01, 2016 9:55 AM
To: Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; John Aschenbrenner; Randall Kowalke; Tim Swezey (tim.swezey@mlccak.org); browne@mtaonline.net; iana@mtaonline.net; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Jamie Keller; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; marty@mtaonline.net; winforhim@aol.com; patrickjhnsn@hotmail.com
Subject: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

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Amy Otto-Buchanan
Platting Technician



Matanuska - Susitna Borough
Development Services

MAR 01 2016

MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 861-7874 • FAX 861-8407

Comments Due: April 8, 2016

Date: February 29, 2016

Preliminary Plat Request for Comments

AK Dept. of Transportation – Anchorage	MSB – Emergency Services
AK Dept. of Transportation – Palmer	Open Cases Y or N
AK Dept. of Transportation – Aviation	SpUD Y or N
AK DNR, Division of Mining/Land/Water	FIRM # <u>8055</u> Zone <u>X</u>
AK DNR, Public Access Defense	Comments: _____
AK DNR, Division of Agriculture	_____
AK DF&G, Habitat Mgmt. & Permitting	_____
AK DF&G, Division of Sport Fish	Date: <u>4/5/16</u> By: <u>[Signature]</u>
AK Railroad, Engineering Department	_____
Corp of Engineers	Assembly District #7 Randall Kowalke
U.S. Postmaster	
City of:	
Community Council: Meadow Lakes	
Fire Service Area: #136 West Lakes	
Road Service Area: #27 Meadow Lakes	
MSB – Borough Attorney	

RECEIVED

APR 05 2016

PLATTING

Title:	FREEMAN ANTHONY RSB BLOCK 1 LOT 1 (W. TREVETT AVENUE)
Location:	SEC 10, T17N, R02W, S.M, AK
Petitioners:	LANCE AND DONNA CONWAY
Address:	PO BOX 879446 WASILLA AK 99687
Surveyor:	ACUTEK GEOMATICS, LLC
Address:	5099 E. BLUE LUPINE DRIVE, SUITE #106 WASILLA AK 99654

The request is to vacate a portion (410 sf) of the right-of-way of W. Trevett Avenue and replace with a 410 sf portion of right-of-way on the southeast corner of the intersection of W. Trevett Avenue and W. Blondell Drive. The vacation is due to a setback encroachment of the structure on Lot 1, Block 1, Freeman Anthony Subdivision, Plat No. 85-10, Section 10, Township 17 North, Range 02 West, SM AK, to be known as LOT 1A, containing .957+ acres.

Please submit your comments in writing, specifying any easements or other requirements that your department or agency may need or any data which you feel should be incorporated on the abbreviated plat to help us more effectively enforce our subdivision regulations. All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **April 8, 2016** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held on **April 21, 2016**.

Sincerely,

Amy Otto-Buchanan
Platting Technician
direct line: 861-7872
amy.otto-buchanan@matnugov.us

Providing Outstanding Borough Services to the Matanuska-Susitna Community.

Case #: 2016-032 & 033 Tax ID: 53080B01L001 Tax Map #: HO 09 Pre-App Date: 09/14/2015

EXHIBIT D

Amy Otto-Buchanan

From: Susan Lee
Sent: Tuesday, March 01, 2016 2:31 PM
To: Platting
Subject: RE: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Platting action will resolve setback violation.

Susan

Susan Lee
Planner II
Matanuska-Susitna Borough
907-861-7862 (Direct Line)
907-861-7876 (FAX)

From: Amy Otto-Buchanan **On Behalf Of** Platting
Sent: Tuesday, March 01, 2016 9:55 AM
To: Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; John Aschenbrenner; Randall Kowalke; Tim Swezey (tim.swezey@mlccak.org); browne@mtaonline.net; ana@mtaonline.net; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Jamie Keller; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; marty@mtaonline.net; winforhim@aol.com; patrickjhnsn@hotmail.com
Subject: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Attached is the Request for Comments (RFC) for Freeman Anthony RSB Block 1 Lot 1 and the partial vacation of W. Trevett Avenue, MSB Case #2016-032 & 033, Tech AOB. Petitioner is requesting the vacation to alleviate a structure setback encroachment. Petitioner will be dedicating additional right-of-way on the northwest corner of the lot. Also attached is the Vicinity Map, Owner's Statements (2), the Petition for Vacation of Right-of-Way and the preliminary plat. Comments are due by **April 8, 2016**. Please let me know if you have any questions. Thanks. A.

Amy Otto-Buchanan
Platting Technician
email: amy.otto@matsugov.us
Phone: 861.7872 (direct line)

EXHIBIT E



MATANUSKA-SUSITNA BOROUGH
 • PLATTING DIVISION •
 350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
 PHONE 861-7874 • FAX 861-8407

RECEIVED
 MAR 14 2016
 PLATTING

Comments Due: April 8, 2016

Date: February 29, 2016

Preliminary Plat Request for Comments

AK Dept. of Transportation – Anchorage	MSB – Emergency Services
AK Dept. of Transportation – Palmer	MSB – Community Development
AK Dept. of Transportation – Aviation	MSB – Cultural Resources
AK DNR, Division of Mining/Land/Water	MSB – Capital Projects, Engineering
AK DNR, Public Access Defense	MSB – Public Works, O&M
AK DNR, Division of Agriculture	MSB – Assessments
AK DF&G, Habitat Mgmt. & Permitting	MSB – Code Compliance
AK DF&G, Division of Sport Fish	MSB – Planning Division
AK Railroad, Engineering Department	MSB – Pre-Design Division
Corp of Engineers	MSB – Permit Center
U.S. Postmaster	M.E.A.
City of:	M.T.A.
Community Council: Meadow Lakes	Enstar
Fire Service Area: #136 West Lakes	GCI
Road Service Area: #27 Meadow Lakes	Assembly District #7 Randall Kowalke
MSB – Borough Attorney	

Title:	FREEMAN ANTHONY RSB BLOCK 1 LOT 1 (W. TREVETT AVENUE)
Location:	SEC 10, T17N, R02W, S.M, AK
Petitioners:	LANCE AND DONNA CONWAY
Address:	PO BOX 879446 WASILLA AK 99687
Surveyor:	ACUTEK GEOMATICS, LLC
Address:	5099 E. BLUE LUPINE DRIVE, SUITE #106 WASILLA AK 99654

The request is to vacate a portion (410 sf) of the right-of-way of W. Trevett Avenue and replace with a 410 sf portion of right-of-way on the southeast corner of the intersection of W. Trevett Avenue and W. Blondell Drive. The vacation is due to a setback encroachment of the structure on Lot 1, Block 1, Freeman Anthony Subdivision, Plat No. 85-10, Section 10, Township 17 North, Range 02 West, SM AK, to be known as LOT 1A, containing .957+ acres.

Please submit your comments in writing, specifying any easements or other requirements that your department or agency may need or any data which you feel should be incorporated on the abbreviated plat to help us more effectively enforce our subdivision regulations. All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **April 8, 2016** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held on **April 21, 2016**.

Sincerely,

 Amy Otto-Buchanan
 Platting Technician
 direct line: 861-7872
amy.otto-buchanan@matsugov.us

Please replace vacated portion with
 " maintenance, snow storage, & utility
 easement.
 Please remove ornamental trees to back
 behind property line,
 1 application for access to Trevett Ave.

Providing Outstanding Borough Services to the Matanuska-Susitna Community. Need one
 for other driveway
 on Trevett Ave. and another
 for access to Blondell.

Case #: 2016-032 & 033 Tax ID: 53080B01L001 Tax Map #: HO 09 Pre-App Date: 09/14/2015

A. D. 3/14/16



MATANUSKA-SUSITNA BOROUGH
Community Development
Land & Resource Management

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 861-7869 • Fax (907) 861-8635

MEMORANDUM

DATE: March 1, 2016
TO: Eileen Probasco, Planning Director
FROM: Land & Resource Management *usc*
SUBJECT: Preliminary Plat Comments / Case #2016-032 & 033

RECEIVED
MAR 01 2016
PLATTING DIV

Platting Tech: Amy Otto-Buchanan
Public Hearing: April 21, 2016
Applicant / Petitioner: Conway
TRS: 17N02W10
Tax ID: 53080B01L001
Subd: Freeman Anthony RSB B/1 L/1
Tax Map: HO 09

Comments:

- No MSB land affected.
- No objection.

EXHIBIT G



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department

Cultural Resources Division

350 East Dahlia Avenue • Palmer, AK 99645

Phone (907) 745-9859 • Fax (907) 745-9876

MEMORANDUM

DATE: 21 March 2016
TO: Amy Otto-Buchanan, Platting Technician
FROM: Sandra Cook, Architectural Historian
SUBJECT: Preliminary Plat
TITLE: Freeman Anthony RSB Bloc 1 Lot 1 (W. Trevett Ave)
LEGAL: Section 10, T17N, R02W, SM
TAX MAP: PA 12

NO OBJECTION

Cultural Resources Division staff has reviewed the above application and finds there are no known *recorded* sites on said property. This conclusion was derived through research of the documented sites on file in the Cultural Resources Division of the Matanuska-Susitna Borough and sites documented in Alaska Heritage Resource files at the State Office of History and Archaeology.

While we have no objection to the proposed Platting action on the said property, and our records are not complete, we recommend caution during construction or related activities in the event cultural remains may come to light or be recovered. If cultural resources are found as a result of the above mentioned activity we would appreciate the chance to document them to augment our knowledge of local history. Cultural remains may include features such as cache pits, house pits, garbage pits, depressions and/or other non-removable indications of human activity, as well as, artifacts, buildings, machinery, etc.

Recording of cultural resources or other remains does not change ownership status of materials found, they belong to the property owner, nor does it prohibit your activity request. If cultural remains are located please contact this office at (907) 861-8655 as soon as possible. This would enable us to photograph and record any cultural materials that may be observed. Thank you for your cooperation. We appreciate you helping us learn more about our past.

Sincerely,

Sandra Cook
Architectural Historian

NOTE§A.S.11.46.482 (a) of the Alaska Statutes states that

A person commits the crime of criminal mischief in the third degree if, having not right to do so or any reasonable grounds to believe the person have such a right...

(3) If a person knowingly

(A) defaces, damages or desecrates a cemetery or the contents of a cemetery or a tomb, grave, or memorial regardless of whether the tomb, grave, or memorial is in a cemetery or whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost, or neglected; (B) removes human remains or associated burial artifacts from a cemetery, tomb, grave, or memorial regardless of whether the cemetery, tomb, grave, or memorial appears to be abandoned, lost or neglected.

EXHIBIT H

Amy Otto-Buchanan

From: Becky Glenn <rglenn@mta-telco.com>
Sent: Tuesday, March 01, 2016 10:30 AM
To: Platting
Subject: RE: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Amy,

MTA has reviewed the preliminary plat for Freeman Anthony RSB B1 L1. MTA has no objections.

Thank you for the opportunity to review and comment.

Becky Glenn
MTA

From: Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>] **On Behalf Of** Platting
Sent: Tuesday, March 01, 2016 9:55 AM
To: Zafian, Holly K (DFG) (holly.zafian@alaska.gov) <holly.zafian@alaska.gov>; mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; John Aschenbrenner <John.Aschenbrenner@matsugov.us>; Randall Kowalke <Randall.Kowalke@matsugov.us>; Tim Swezey (tim.swezey@mlccak.org) <tim.swezey@mlccak.org>; browne@mtaonline.net; lane@mtaonline.net; Richard Boothby <Richard.Boothby@matsugov.us>; Elizabeth Weiant <Elizabeth.Weiant@matsugov.us>; Eric Phillips <Eric.Phillips@matsugov.us>; Sandra Cook <Sandra.Cook@matsugov.us>; Capital Projects <Capital.Projects@matsugov.us>; Cindy Corey <Cindy.Corey@matsugov.us>; Bob Walden <robert.walden@matsugov.us>; Brad Sworts <Brad.Sworts@matsugov.us>; Sheila Armstrong <Sheila.Armstrong@matsugov.us>; Tracy McDaniel <Tracy.McDaniel@matsugov.us>; Jennifer Ballinger <Jennifer.Ballinger@matsugov.us>; Terry Dolan <Terry.Dolan@matsugov.us>; Jim Jenson <James.Jenson@matsugov.us>; Jamie Keller <Jamie.Keller@matsugov.us>; Nicole Wilkins <Nicole.Wilkins@matsugov.us>; Theresa Taranto <Theresa.Taranto@matsugov.us>; Susan Lee <Susan.Lee@matsugov.us>; Eileen Probasco <Eileen.Probasco@matsugov.us>; Jessica Smith <Jessica.Smith@matsugov.us>; Frankie Barker <Frankie.Barker@matsugov.us>; Permit Center <PermitCenter@matsugov.us>; Andy Dean <Andy.Dean@matsugov.us>; MEA <mearow@matanuska.com>; Becky Glenn <rglenn@mta-telco.com>; Jessica Thompson <jthompson@mta-telco.com>; jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com) <Robin.Leighty@enstarnaturalgas.com>; 'ospdesign@gci.com' (ospdesign@gci.com) <ospdesign@gci.com>; 'dblehm@gci.com' (dblehm@gci.com) <dblehm@gci.com>
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; marty@mtaonline.net; winforhim@aol.com; patrickjhnsn@hotmail.com
Subject: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Be wary of unsolicited attachments, even from people you know - If something seems suspicious you may want to check with the person who supposedly sent the message to make sure it's legitimate before opening any attachments.

Attached is the Request for Comments (RFC) for Freeman Anthony RSB Block 1 Lot 1 and the partial vacation of W. Trevett Avenue, MSB Case #2016-032 & 033, Tech AOB. Petitioner is requesting the vacation to alleviate a structure setback encroachment. Petitioner will be dedicating additional right-of-way on the northwest corner of the lot. Also attached is the Vicinity Map, Owner's Statements (2), the Petition for Vacation of Right-of-Way and the preliminary plat. Comments are due by **April 8, 2016**. Please let me know if you have any questions. Thanks. A.



ENSTAR Natural Gas Company
A DIVISION OF SEMCO ENERGY
Engineering Department, Right of Way Section
401 E. International Airport Road
P. O. Box 190288
Anchorage, Alaska 99519-0288
(907) 277-5551
FAX (907) 334-7798

March 2, 2016

Amy Otto-Buchanan, Platting Technician
Matanuska-Susitna Borough, Platting Division
350 East Dahlia Avenue
Palmer, AK 99645-6488

Subject: Preliminary Plat Request for Comments – Freeman Anthony RSB Block 1 Lot 1
(Case No. 2016-32 & 33)

Dear Ms. Otto-Buchanan:

ENSTAR Natural Gas Company has reviewed the subject Preliminary Plat and has no comments, recommendations, or objections.

If you have any questions, please feel free to contact me at 334-7944 or by email at cassie.wohlgemuth@enstarnaturalgas.com.

Sincerely,

A handwritten signature in blue ink that reads "Cassie Wohlgemuth". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Cassie Wohlgemuth
Right-of-Way and Compliance Technician
ENSTAR Natural Gas Company

Sent via e-mail to platting@matsugov.us

EXHIBIT I - 2

Amy Otto-Buchanan

From: Tammy L. Simmons <Tammy.Simmons@mea.coop>
Sent: Wednesday, March 16, 2016 9:50 AM
To: Platting
Subject: RE: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Hello,

Please dedicate the vacated portion of ROW as Utility Easement.

Thank you,

Tammy Simmons
Right of Way Technician
Matanuska Electric Association, Inc.
(907) 761-9276

From: Amy Otto-Buchanan [<mailto:Amy.Otto-Buchanan@matsugov.us>] **On Behalf Of** Platting
Sent: Tuesday, March 01, 2016 9:55 AM
To: Zafian, Holly K (DFG) (holly.zafian@alaska.gov); mark.fink@alaska.gov; regpagemaster@usace.army.mil; brian.young@usps.gov; John Aschenbrenner; Randall Kowalke; Tim Swezey (tim.swezey@mlccak.org); browne@mtaonline.net; lane@mtaonline.net; Richard Boothby; Elizabeth Weiant; Eric Phillips; Sandra Cook; Capital Projects; Cindy Corey; Bob Walden; Brad Sworts; Sheila Armstrong; Tracy McDaniel; Jennifer Ballinger; Terry Dolan; Jim Jenson; Jamie Keller; Nicole Wilkins; Theresa Taranto; Susan Lee; Eileen Probasco; Jessica Smith; Frankie Barker; Permit Center; Andy Dean; MEA_ROW; MTA; Jessica Thompson (jthompson@mta-telco.com); jennifer.diederich@enstarnaturalgas.com; Robin L. Leighty (Robin.Leighty@enstarnaturalgas.com); 'ospdesign@gci.com' (ospdesign@gci.com); 'dblehm@gci.com' (dblehm@gci.com)
Cc: jay@valleymarket.com; lamarra05@gmail.com; stan.gillespie@gmail.com; jordan@alaskaplans.com; tait@zimmermanteamak.com; marty@mtaonline.net; winforhim@aol.com; patrickjhnsn@hotmail.com
Subject: Freeman Anthony RSB B1 L1 & Partial Vac of Trevett Ave

Attached is the Request for Comments (RFC) for Freeman Anthony RSB Block 1 Lot 1 and the partial vacation of W. Trevett Avenue, MSB Case #2016-032 & 033, Tech AOB. Petitioner is requesting the vacation to alleviate a structure setback encroachment. Petitioner will be dedicating additional right-of-way on the northwest corner of the lot. Also attached is the Vicinity Map, Owner's Statements (2), the Petition for Vacation of Right-of-Way and the preliminary plat. Comments are due by **April 8, 2016**. Please let me know if you have any questions. Thanks. A.

Amy Otto-Buchanan
Platting Technician
email: amy.otto@matsugov.us
Phone: 861.7872 (direct line)



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Transportation
And Public Facilities

CENTRAL REGION
Planning & Administrative Services

4111 Aviation Avenue
Anchorage, Alaska 99502
Main: 907.269.0520
Fax: 907.269.0521

March 3, 2016

Eileen Probasco, Acting Platting Officer
Matanuska-Susitna Borough
350 East Dahlia Avenue
Palmer, Alaska 99645

Re: Plat Review

Dear Ms. Probasco:

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has reviewed the following plats and has no comments:

- **Palmer-Wasilla Hwy Center Left Turn Lane Widening ROW Acquisition Plat**
- **Freeman Anthony RSB Block 1 Lot 1 (W. Trevett Avenue)**

The Alaska Department of Transportation and Public Facilities (ADOT&PF) has reviewed the following plats and has the following comments:

- **Tax Map PA02, Sec 5, T18N, R03E**
 - The new trail must be developed to the same quality as the existing trail before the trail vacation would be approved.
- **Tax Map PA 11, Sec 14, T17N, R02E**
 - No access will be granted to Old Glenn Highway. All lots must access E. North Bridge Road
- **US Survey 3504 SLE Vacation**
 - ADOT&PF recommends consideration of an access easement along the side of the lots opposite the lake shore to accommodate future road/trail access along the land side of the lots for access to the parcels behind.

If there are any questions regarding these comments please feel free to contact me at (907) 269-0509 or melanie.nichols@alaska.gov.

Sincerely,

A handwritten signature in blue ink that reads "Melanie Nichols".

Melanie Nichols
Mat-Su Area Planner

cc: Tucker Hurn, Right of Way Agent, Right of Way
Scott Thomas, P.E., Regional Traffic Engineer, Traffic Safety and Utilities
Brad Sworts, MSB Transportation Manager
James Amundsen, Chief, Highway Design
Kevin Vakalis, Right of Way Agent, Right of Way
Allen Kemplen, Mat-Su Area Planner

"Keep Alaska Moving through service and infrastructure."

EXHIBIT J

SITE VISIT REPORT

Case Name: Freeman Anthony RSB B/1 L/1 & Partial Vacation W. Trevett Ave	Date: 03/23/2016	Time: 11:28 am
Owner: Lance & Donna Conway	Case Number: 2016-032	
Surveyor/Engineer: Acutek Geomatics	Tax ID #: 53080B01L001	
Subdivision: Freeman Anthony	Regarding: Partial Vacation	

SITE CONDITIONS

Weather: Warm, sunny	Temperature: 45°F
Wind: None	
General Site Condition: Constructed	

Personnel on site: Amy Otto-Buchanan & Peggy Horton, Platting Technicians

Equipment in use: Camera

Current phase of work: Scheduled for Platting Board April 21, 2016

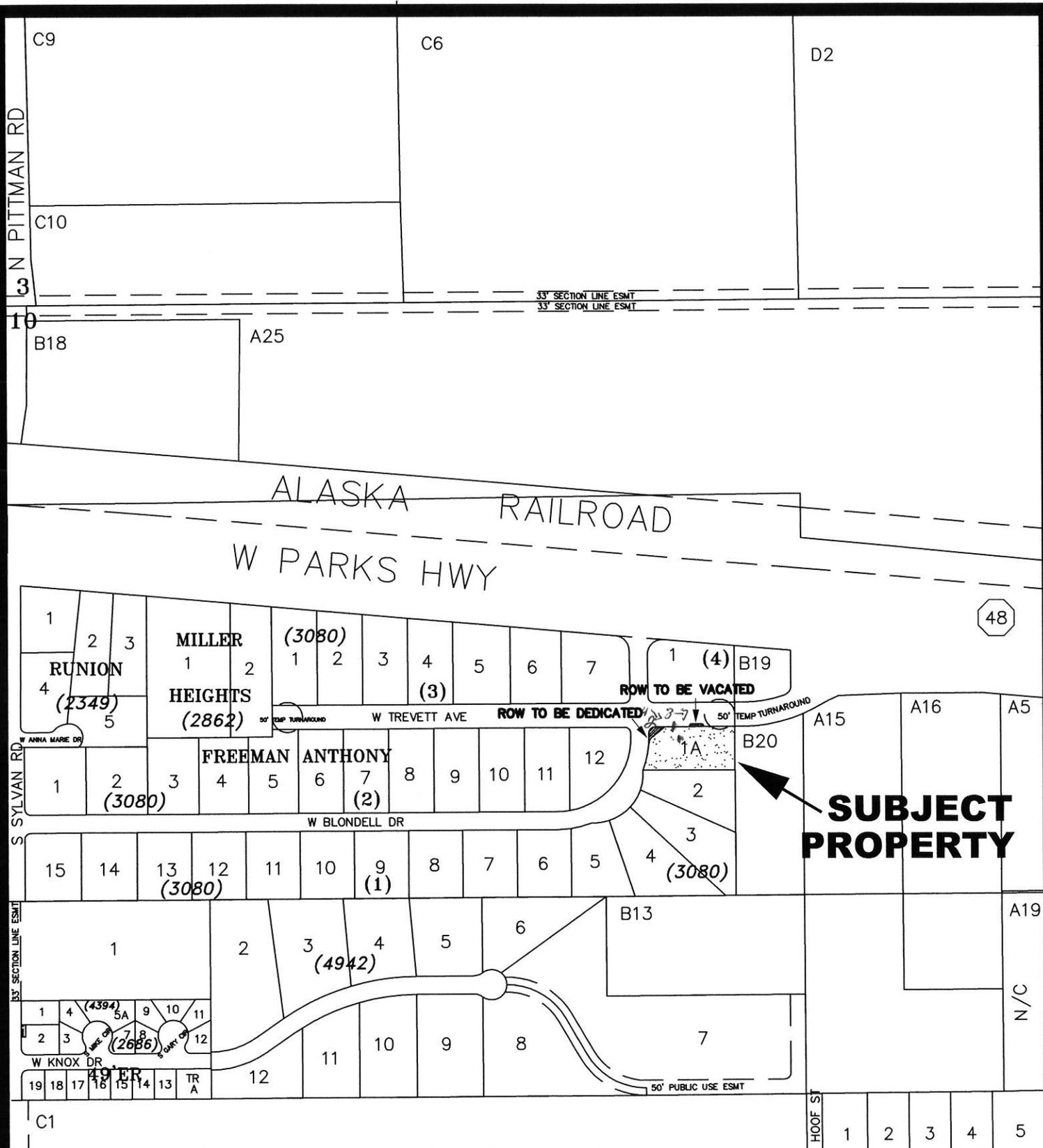
Reason for Visit/Remarks: Check on any other obstructions in right-of-way. Found pedestals in the utility easement in the northwest corner.

(See attached photos)

Signed By: Amy Otto-Buchanan, Platting Technician



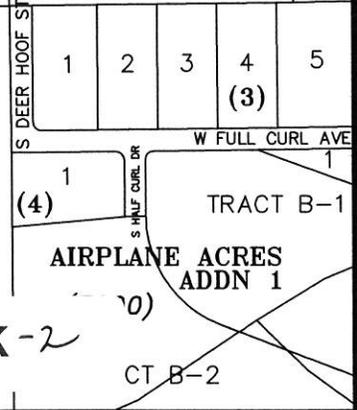
Date: March 23, 2016



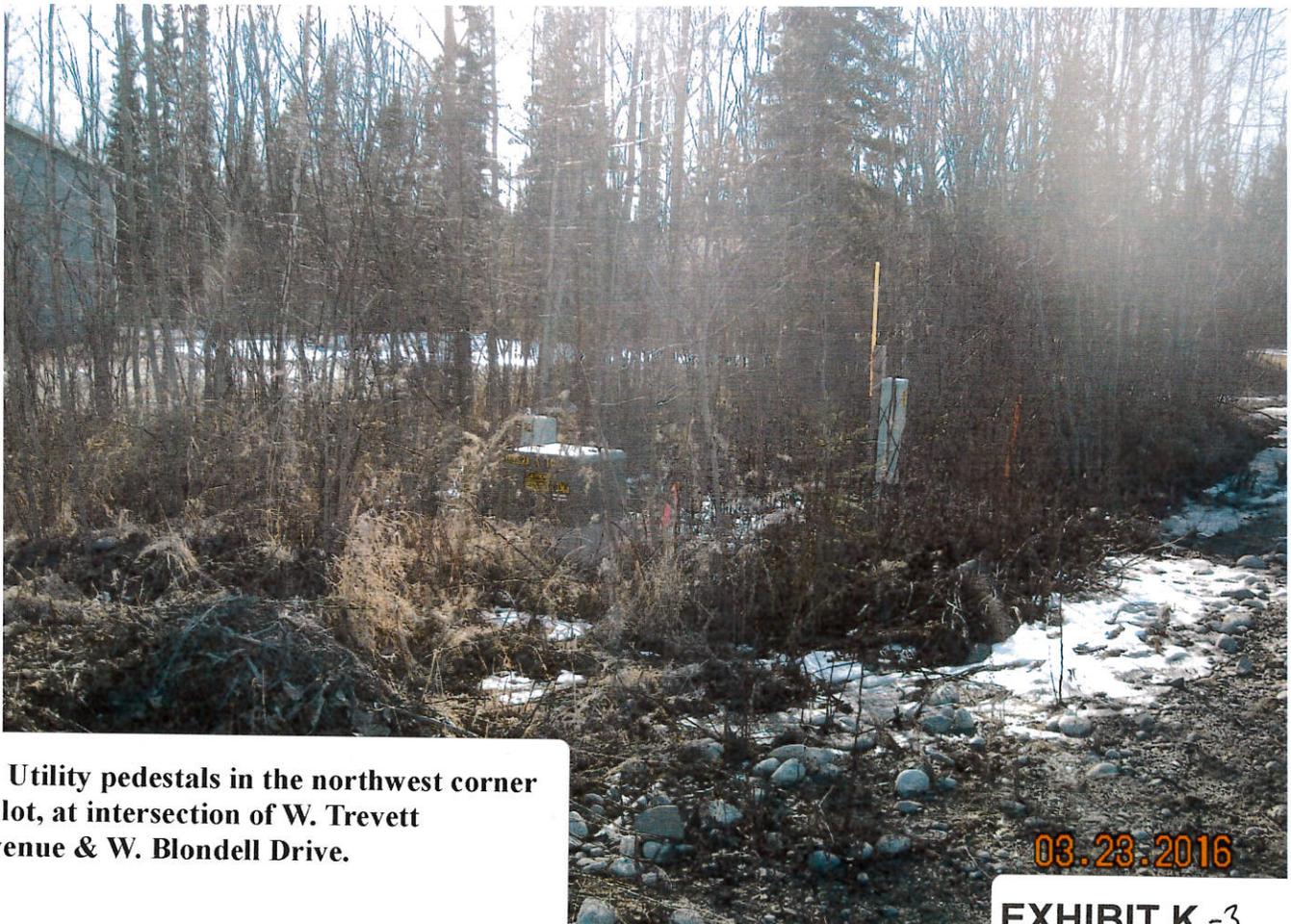
VICINITY MAP

FOR FREEMAN ANTHONY RSB B/1 L/1
 & PARTIAL VACATION OF W. TREVETT AVE.
 LOCATED WITHIN
 SECTION 10, T17N, R02W, SEWARD MERIDIAN,
 HOUSTON 09 MAP ALASKA

EXHIBIT K-2



1. Facing east, stakes show location of 80' wide right-of-way of W. Trevett Avenue.

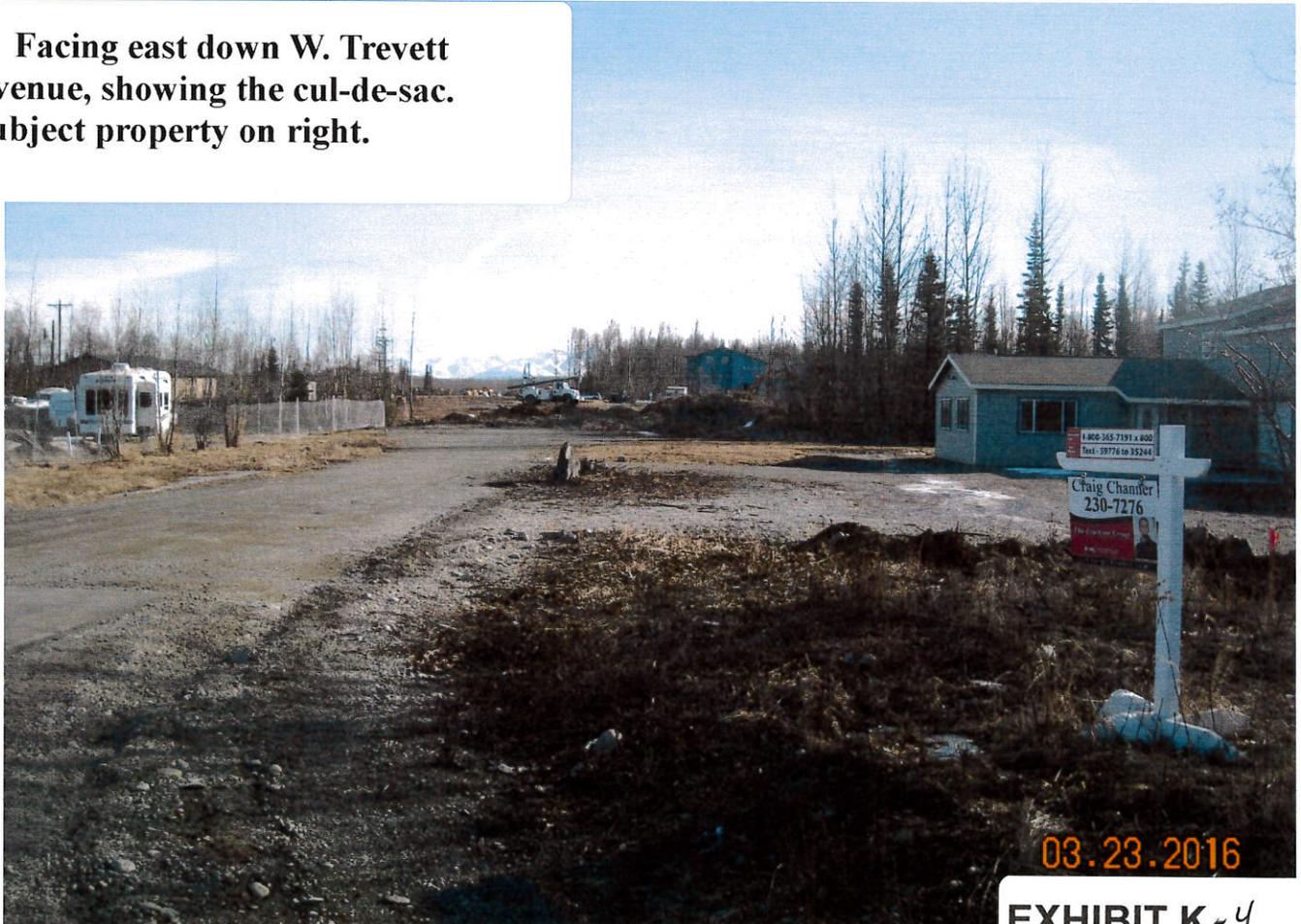


2. Utility pedestals in the northwest corner of lot, at intersection of W. Trevett Avenue & W. Blondell Drive.



3. Facing southwest, showing structure & For Sale sign.

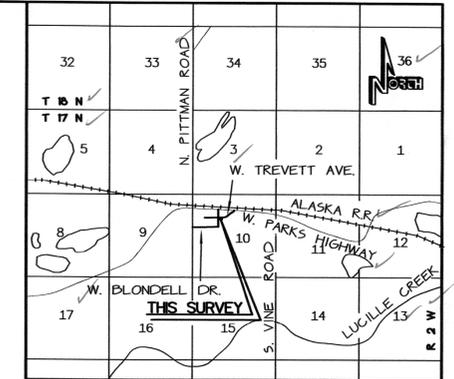
4. Facing east down W. Trevett Avenue, showing the cul-de-sac. Subject property on right.



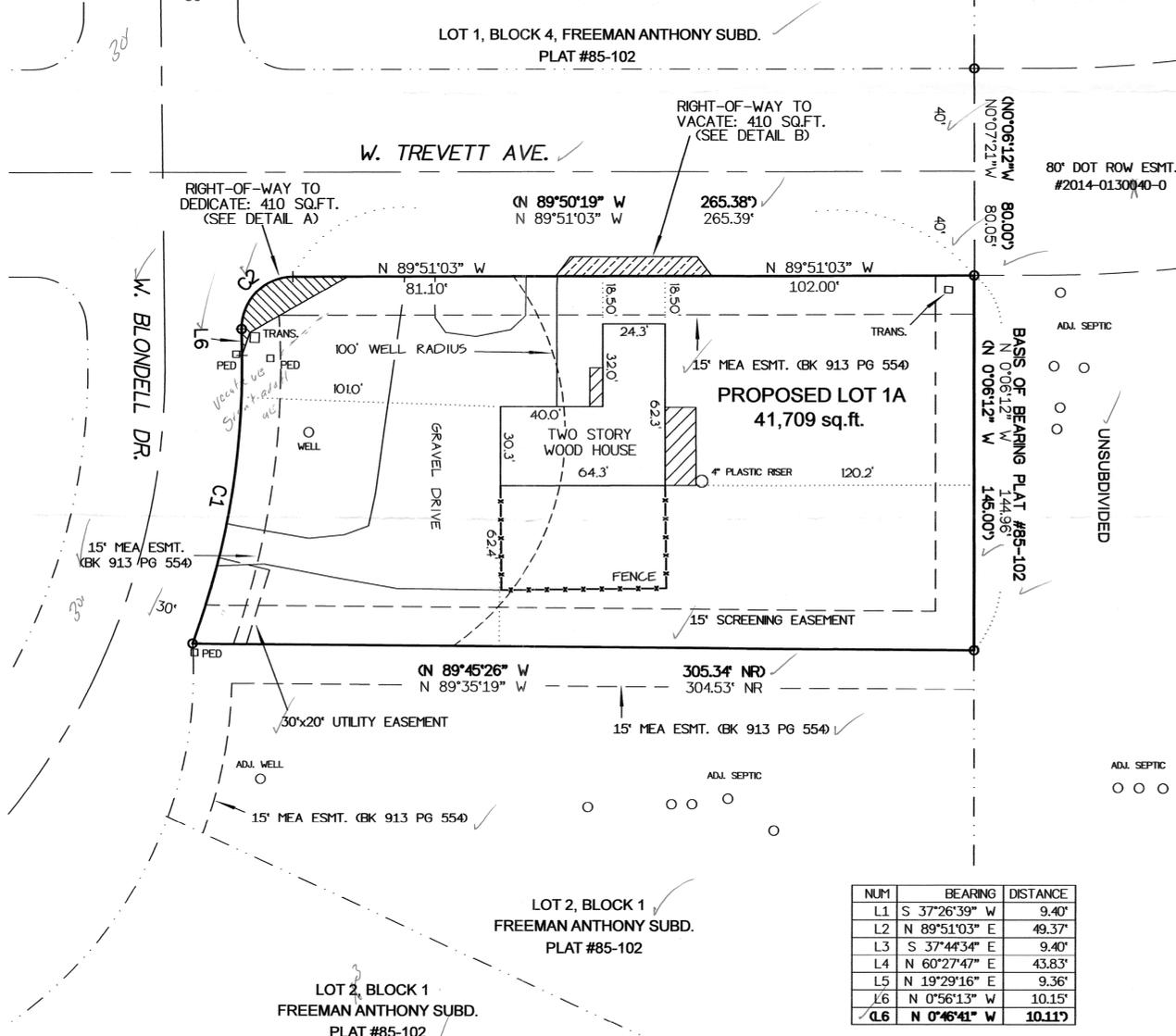
PRELIMINARY PLAT

NUM	DELTA	ARC LENGTH	RADIUS	CH. BEARING	CH. DISTANCE	TANGENT
(C1)	21°36'12"	115.00'	305'	N/A	113.32'	58.19'
C1	21°24'41"	113.98'	305.00'	N 9°41'07" E	113.32'	57.66'
(C2)	90°37'00"	31.63'	20'	N/A	28.44'	20.22'

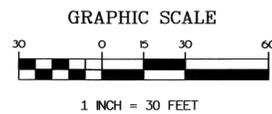
- LEGEND**
- (N 90°00'00" E) RECORD DATA PER PLAT #85-102
 - (N 90°00'00" E) MEASURED DATA
 - SURVEY LINES OF RECORD
 - ADJACENT PROPERTY LINES
 - CENTER LINE
 - FOUND REBAR
 - SET 5/8" x 30" REBAR W/BPC
 - ▨ RIGHT-OF-WAY DEDICATED THIS PLAT
 - ▩ RIGHT-OF-WAY VACATED THIS PLAT



VICINITY MAP
1" = 1 MILE



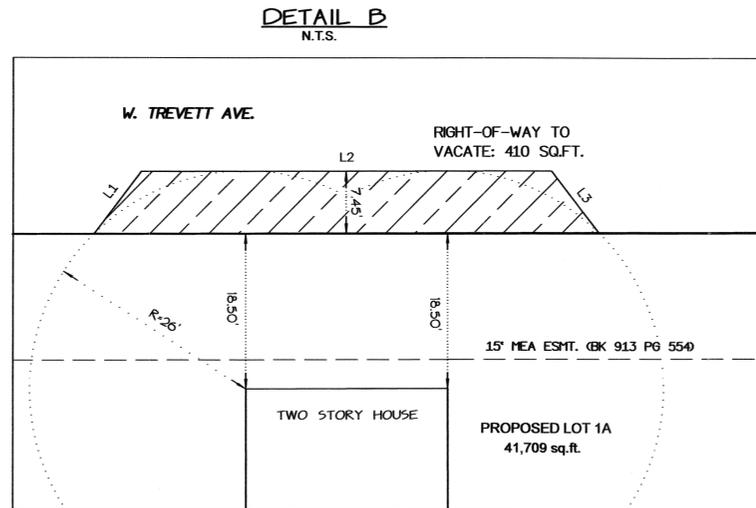
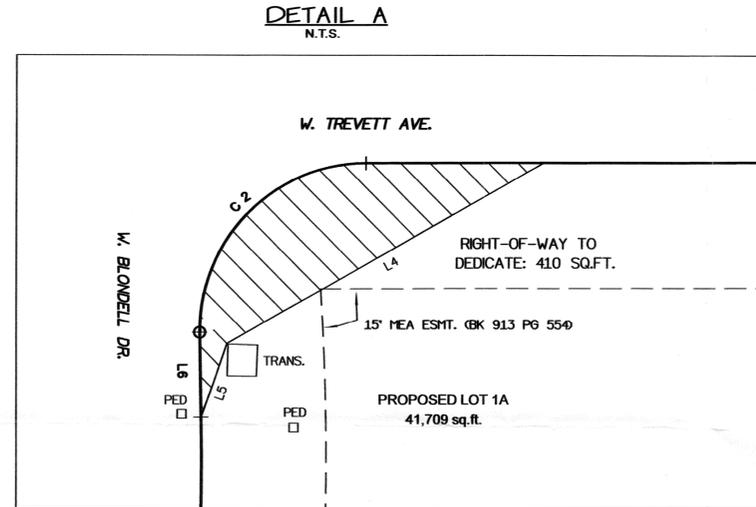
NUM	BEARING	DISTANCE
L1	S 37°26'39" W	9.40'
L2	N 89°51'03" E	49.37'
L3	S 37°44'34" E	9.40'
L4	N 60°27'47" E	43.83'
L5	N 19°29'16" E	9.36'
L6	N 0°56'13" W	10.15'
(L6)	N 0°46'41" W	10.11'



SURVEYOR'S CERTIFICATE
I, TERRY L. NICODEMUS, L.S. 9106, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THE PLAT ACTUALLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



- GENERAL NOTES**
- THERE MAY BE FEDERAL, STATE AND LOCAL REQUIREMENTS GOVERNING LAND USE. THE INDIVIDUAL PARCEL OWNER SHALL OBTAIN A DETERMINATION WHETHER THESE REQUIREMENTS APPLY TO THE DEVELOPMENT OF THE PARCELS SHOWN ON THE PLAT TO BE RECORDED.
 - ALL RECORD INFORMATION TAKEN FROM THE RECORD PLAT OF FREEMAN ANTHONY SUBD., RECORDED AS PLAT #85-102, IN THE OFFICE OF THE PALMER RECORDING DISTRICT.
 - NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT UNLESS THE SYSTEM IS LOCATED, CONSTRUCTED AND EQUIPPED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS AND RECOMMENDATIONS OF THE STATE OF ALASKA, DEPARTMENT OF ENVIRONMENTAL CONSERVATION, WHICH GOVERNS THOSE SYSTEMS.
 - RESTRICTIVE COVENANTS WERE RECORDED IN THE PALMER RECORDING DISTRICT ON 8/23/85 IN BOOK 431 PAGE 909, AND AMENDED ON SEPTEMBER 24, 1996 IN BOOK 866 PAGE 276.
 - BLANKET EASEMENT GRANTED TO MATANUSKA-ELECTRIC ASSOCIATION, INC. RECORDED ON OCTOBER 6, 1961, IN BOOK 39 PAGE 45.



OWNERSHIP CERTIFICATE
WE CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED IN THIS PLAN AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION BY OUR FREE CONSENT, GRANT ALL EASEMENTS TO THE USE SHOWN & DEDICATE ALL ROADS TO MSB.

JDC Enterprises LLC
LANCE AND DONNA CONWAY, Title? Date
PO BOX 87946
WASILLA, ALASKA 99687

NOTARY'S ACKNOWLEDGEMENT
SUBSCRIBED AND SWORN TO ME THIS _____ DAY OF _____, 20____, FOR _____, MY COMMISSION EXPIRES: _____, NOTARY PUBLIC FOR ALASKA

PLANNING AND LAND USE DIRECTOR'S CERTIFICATE
I CERTIFY THAT THE SUBDIVISION PLAT HAS BEEN FOUND TO COMPLY WITH THE LAND SUBDIVISION REGULATIONS OF THE MATANUSKA-SUSITNA BOROUGH, AND THAT THE PLAT HAS BEEN APPROVED BY THE PLATTING AUTHORITY BY THE PLAT RESOLUTION No. _____ DATED _____, 20____, AND THAT THIS PLAT HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE RECORDER IN THE PALMER RECORDING DISTRICT, THIRD JUDICIAL DISTRICT, STATE OF ALASKA.

RECEIVED ATTEST: _____
FEB 25 2016
Planning and Land Use Director Platting Clerk

CERTIFICATION OF PAYMENT OF TAXES
I HEREBY CERTIFY THAT ALL CURRENT TAXES AND SPECIAL ASSESSMENTS, THROUGH _____, 20____, AGAINST THE PROPERTY INCLUDED IN THE SUBDIVISION, OR RESUBDIVISION, HEREON, HAVE BEEN PAID.

PRELIMINARY PLAT OF
PROPOSED LOT 1A, BLOCK 1 FREEMAN ANTHONY SUBD.
CONTAINING 41,709 SQ.FT.
A SUBDIVISION OF LOT 1, BLOCK 1, FREEMAN ANTHONY SUBD., PLAT #85-102, AND A VACATION OF A PORTION OF WEST TREVETT AVENUE, LOCATED WITHIN NW 1/4 OF SECTION 10, TOWNSHIP 17 NORTH RANGE 2 WEST, SEWARD MERIDIAN, ALASKA, PALMER RECORDING DISTRICT

PREPARED BY
ACUTEK GEOMATICS LLC
5099 E. BLUE LUPINE DR., STE. 106 WASILLA ALASKA 99654 (907-376-8800)

DESIGNED BY: TENDRA SCALE: 1" = 30' FIELD BOOK: 15-05 16
DRAWN BY: TENDRA DATE: 2/22/16 MAP NO.: L-HO 09
CHECKED: TLN FILE No. 15-05.12 SHEET: 1 OF 1

Agenda Copy

4B



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488
PHONE 861-7874 • FAX 861-8407

MEMORANDUM

Date: April 21, 2016

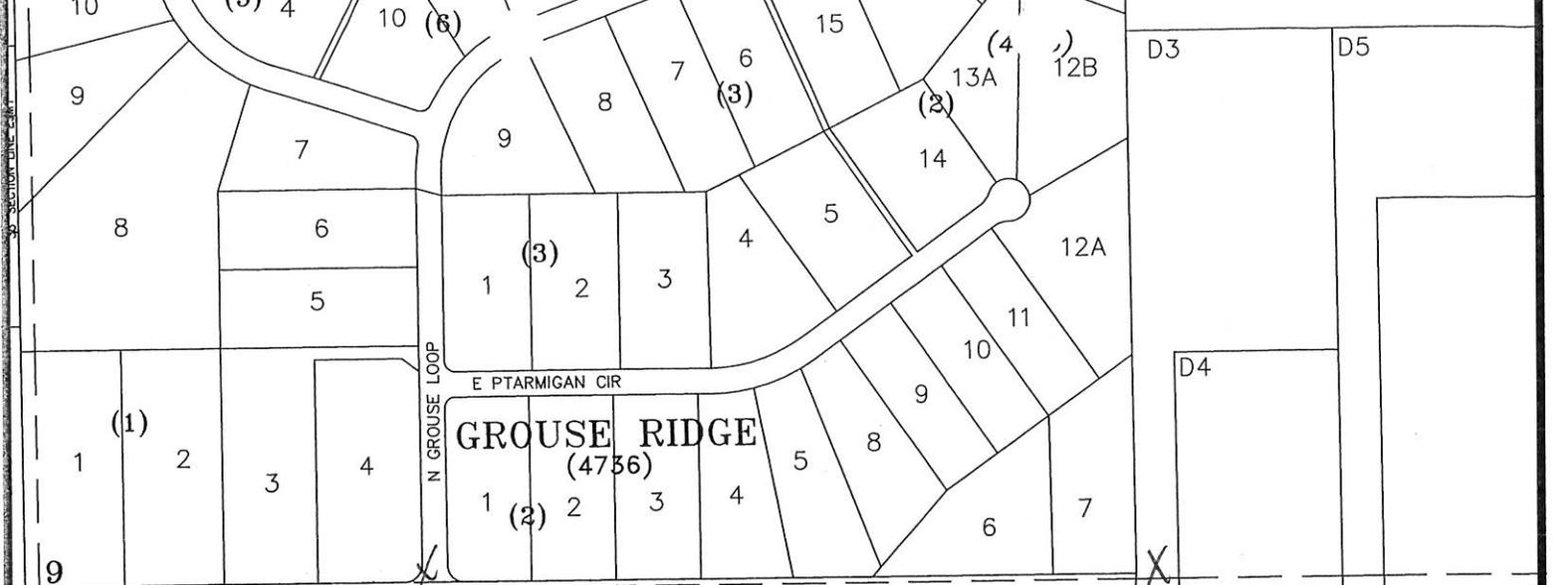
To: Platting Board

From: Peggy Horton, Platting Technician

RE: Birchwood Estates Case #: 2016-012

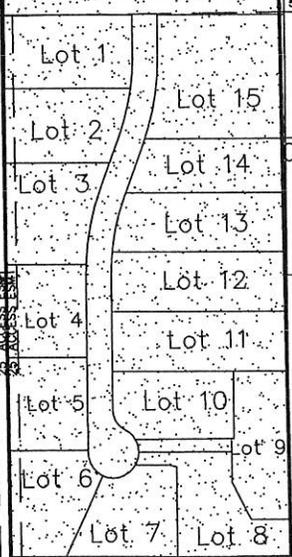
The petitioner and staff have agreed to continue this case for 6 months or until several design details can be worked out.

Suggested motion: “I move to continue the public hearing for Birchwood Estates, located within Section 16, Township 18 North, Range 1 East, Seward Meridian, Alaska, for 6 months or sooner.”



GROUSE RIDGE
(4736)

**SUBJECT
PROPERTY**



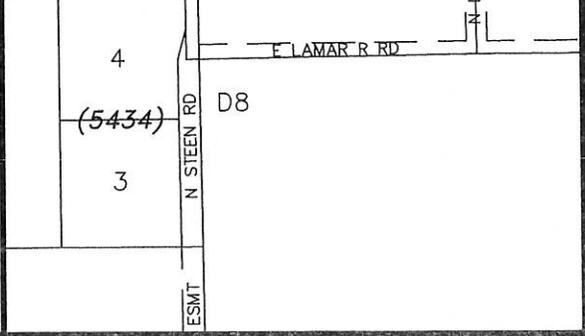
**HAILEY
CHEYANNE
EST**
2 3
(7258)

SUN ACRES	SUN ACRES
4	5A
(5120)	LOTS 5A-6B
3	6A
	(6751)
	6B
2	7
1	(5563)
	8

THUNDER ROAD SUB

1
(5434) **SOLOY**
1
(4129)

VICINITY MAP
FOR PROPOSED BIRCHWOOD ESTATES
LOCATED WITHIN
SECTION 16, T18N, R1E
SEWARD MERIDIAN, ALASKA
WASILLA 2 MAP



5A

CODE ORDINANCE

Sponsored by: Assemblymember

Introduced:
Public Hearing:
Action:

**MATANUSKA-SUSITNA BOROUGH
ORDINANCE SERIAL NO. 16-___**

AN ORDINANCE OF THE MATANUSKA-SUSITNA BOROUGH ASSEMBLY AMENDING
MSB 43, SUBDIVISIONS.

BE IT ENACTED:

Section 1. Classification. This ordinance is of a general and permanent nature and shall become a part of the Borough Code.

Section 2. Amendment of subsection. MSB 43.10.060(A), Platting Authority Procedure, is hereby amended as follows:

(A) The platting board shall act on an application for preliminary plat, variance, public use easement, plat note amendment, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements or vacation of public interest only after holding a public hearing on the application. The platting board shall hear applications for vacations at the hearing on the preliminary plat to which they pertain if an application for plat approval has been filed or is required. The platting board shall consider any

preliminary or final plat affected by the vacation of public interest.

Section 3. Amendment of section. MSB 43.15.005, General Administration, is hereby amended as follows:

(A) The platting board shall act upon applications for preliminary plats, variances, public use easements, plat note amendments, elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements, and vacations of public interest within the procedures outlined by AS 29.40.110 and this title.

(1) The platting board shall not make conditions of plat approval beyond the authority and specific provisions of this title.

(B) The platting officer shall act upon applications for abbreviated plats, waivers, 40-acre exemptions, and right-of-way acquisition plats[, AND ELIMINATION OR MODIFICATION OF UTILITY EASEMENTS AS DESCRIBED IN MSB 43.15.032].

(1) the platting officer shall determine whether agency, department, or public comments provided are within the regulatory authority of this

chapter and whether they should apply to a platting action.

(2) The platting officer shall not recommend or impose conditions of approval for platting actions that are not within the specific authority of this title.

[(3) THE PLATTING OFFICER SHALL DETERMINE WHETHER UTILITY EASEMENT REQUESTS ARE REASONABLE AND ONLY REQUIRE REASONABLE REQUESTS AS RECOMMENDATIONS TO THE BOARD OR AS CONDITIONS OF APPROVAL. THE PLATTING OFFICER SHALL PROVIDE FINAL APPROVAL ON THE ADEQUACY OF AN EASEMENT(S) PROVIDED FOR PLATTING ACTIONS ON FINAL PLATS AND PLATTING ACTIONS DELEGATED AS BY THIS TITLE, WITHIN 20 DAYS OF ACCEPTANCE OF SUBMISSION.]

(C) Leaseholds located within municipal airports are exempt from the requirement to plat.

(D) Commercial leases of ten years or greater are exempt from this title.

Section 4. Amendment of section. MSB 43.15.012, Forty-Acre Exemption, is hereby amended as follows:

(A) Purpose clause. The purpose of this section is to allow the land owner to divide or combine large parcels of land by document in an expedited manner.

The 40-Acre Exemption process is not allowed for parcels created via the waiver process.

(B) Exemptions. The platting officer shall exempt parcels from the provisions of this title where all the following conditions are met:

(1) The smallest parcel created is 40 acres in size, or is one-sixteenth of a section as defined by "aliquot part;"

(2) The parcel is to be conveyed by deed;

(3) The parcels or tracts created can be described by:

(a) aliquot part; or

(b) a metes and bounds description, provided the description is under the seal of a land surveyor;

(4) The document does not alter an existing plat of record, including tracts on a cadastral plat;

(5) A certificate to plat shall be required, consistent with the requirements of MSB 43.15.053(E);

(6) Signatures of consent are provided on affidavits from all parties holding a legal or equitable interest in the property to be recorded with the document;

(7) No more than four parcels shall be created from the parent parcel(s); and

(8) The applicant demonstrates that legal access as defined by MSB 43.20.120 exists to all parcels or tracts created and is suitable for future borough standard road construction.

(a) The suitability of legal access for future road construction shall be documented by the applicant based on the following information available from existing records within the Matanuska-Susitna Borough:

- (i) air photos;
- (ii) USGS mapping;
- (iii) topographic mapping; and
- (iv) other available data.

(b) The platting officer shall review within ten working days the legal access documentation and its "suitability" for future road construction.

[(C) FOR THE PURPOSE OF THIS SUBSECTION, "SUITABILITY" IS DEFINED AS THE ABILITY OF THE LEGAL ACCESS TO CONTAIN A BOROUGH STANDARD ROAD.]

(i) Access for parcels located two miles beyond the limits of the core comprehensive

planning area may be from a trail shown to be constructible to the trail standards listed in MSB 43.20.055(B)(5); however, no trail construction is required for 40-acre exemption approval.

(d) The applicant [BOROUGH SHALL NOT REQUIRE THE PETITIONER TO PROVIDE A DESIGNED ROAD OR TRAIL TO MEET THE REQUIREMENTS OF THIS SUBSECTION] shall be required to submit plan, profile, and cross-sections if existing grades along the proposed route exceed 10%, or if utilities or other land/water features warrant such a submission as determined by the platting officer.

(9) An as-built of all structures or improvements within the parcel boundaries is provided, or a letter from a land surveyor stating that no setback violations exist or will be created by this platting action;

(a) as-built or surveyor's letter described above is not required if combining parcels.

(10) For parcels described by metes and bounds, all parcel corners shall be surveyed and monumented and a record of survey or a detailed sealed drawing prepared by a land surveyor shall be recorded

with the 40-acre exemption document. The survey shall be tied to at least two platted subdivision corners or two aliquot part corners set by the state or federal government, or land surveyor, or any combination of the preceding;

(C) Exemption document. The document exempting a parcel from the provisions of this title shall be reviewed by the platting officer. The platting officer shall approve the exemption document within ten working days once the exemption submittal meets the conditions of this subsection. Upon approval of the document, the platting officer shall execute the approved document, signed by the planning director, and it shall be affixed with the platting board seal. It is the responsibility of the applicant to pay all appropriate fees.

(1) The intent of this provision is to allow prompt approval of a 40-acre exemption.

(D) The decision of the platting officer in this matter is final unless appealed in accordance with MSB 43.35.

Section 5. Amendment of section. MSB 43.15.021, Public Use Easement Acceptance Procedure, is hereby amended as follows:

(A) Prior to acceptance by the borough and recordation, the offeror for a public use easement shall submit a legal description of the proposed easement together with a drawing depicting the location of the proposed easement. If the proposed easement is in the form of a metes and bounds description, the description shall be submitted under the seal of a registered land surveyor. In lieu of a written legal description, a drawing showing the location and dimensions of the public use easement under the seal of a registered surveyor shall be submitted.

(B) The legal description or drawing shall be reviewed for accuracy and completeness. If discrepancies are found, the offeror shall be notified of the discrepancies and shall resubmit the application for approval.

(C) The offeror shall prove that the public use easement is in a practical location where road construction is feasible in accordance with the subdivision construction manual. The offeror [SHALL NOT] **shall** be required to submit [ROAD DESIGNS] plan, profile, and cross-sections if existing grades along

proposed route exceed 10%; or if utilities or other land/water features warrant such a submission as determined by the platting officer.

(D) If road construction is proposed, the offeror shall demonstrate that the physical road is feasible within the public use easement and that all approvals required from federal, state, borough, and other regulatory agencies have been issued or final recording will be contingent upon other permits and approvals.

(E) Public use easements shall be surveyed, monumented on the exterior, or the centerline if approved by the platting officer, and either shown on a record of survey, an associated plat, or a detailed sealed drawing prepared by a land surveyor which shall be recorded with the public use easement document.

[(E)] (F) Upon compliance with subsections (A) through (D)] of this section, a public use easement form with the approved legal description, bearing acknowledgment of acceptance by the borough and being signed by all individuals holding a legal or equitable interest in the property involved, shall be recorded. This provision does not require the signatures of

holders of subsurface estate interests in the land being dedicated.

[(F)] **(G)** It is the responsibility of the offeror to pay all applicable fees.

Section 6. Amendment of section. MSB 43.15.032, Elimination or Modification of Utility, Drainage, Sanitation, Slope, Snow Storage, Buffer, and Screening Easements, is hereby amended as follows:

(A) The platting [OFFICER] **board** shall review and act upon all petitions requesting elimination or modification of platted utility, drainage, sanitation, slope, snow storage, buffer, and screening easements; provided, that:

(1) the authority having jurisdiction over the easement consents;

(a) however, if the beneficiary of an easement refuses to authorize a vacation, the platting [OFFICER] **board** may approve the vacation if the following conditions are met:

(i) there are currently no existing improvements within the subject easement of the easement beneficiary or a portion of the easement will remain which includes the improvements;

(ii) if necessary a substitute easement is provided by document on the plat; and

(iii) findings of facts support granting the vacation;

(2) if the elimination or modification of easement is due to an encroachment, an as-built survey must be submitted with the original petition; and

(3) a vacation resolution is recorded along with a graphic representation showing the specific area eliminated and any alternate easements proposed.

(B) In acting on applications under this section the platting [OFFICER]board shall use the standards [AND THE PROCEDURES USED BY THE PLATTING BOARD IN ACTING ON APPLICATIONS] and procedures under MSB 43.10.060. The platting [OFFICER] board shall act upon the application within [30] 60 days of the acceptance for public hearing.

(C) Public noticing shall be in conformance with MSB 43.10.065. [NOTICE OF PLATTING AUTHORITY APPROVAL SHALL BE SENT TO THE PUBLIC BODY HAVING JURISDICTION IN ACCORDANCE WITH MSB 43.10.065.]

Section 5. Amendment of section. MSB 43.15.049, Final Plat;

General Provisions, is hereby amended as follows:

(A) Board review. The platting officer shall review all plats subdividing lands within the borough boundaries.

(B) Review for deficiencies. The platting officer shall review and check all final plats for deficiencies. Where deficiencies are found, the plat shall be returned to the subdivider for alteration or correction by the land surveyor responsible for the survey and the plat. The platting officer shall approve or disapprove the final plat within 20 days of submittal of the plat. If disapproved, the final plat shall be returned to the subdivider with specification of the deficiencies. The platting officer shall approve or disapprove the second final plat within ten days of resubmittal.

(C) Dedication and adoption. When a tract or parcel of land has been subdivided and the plat bears acknowledgement of the owner and the approval of the planning and land use director has been recorded in compliance with this title, all streets and other public areas shown on the plat shall be dedicated to the public for the use and purpose specified in the plat.

(D) Duplication of names. Road and subdivision names may not duplicate existing road or subdivision names in spelling or sound to avoid confusion with existing names.

(E) Service area boundary requirements. Because of the constraints of state law, it shall not be a condition of subdivision approval that no lot, tract, or parcel be split by a service area boundary. However, if possible the subdivider should configure a lot, tract, or parcel such that it would not be split by a service area.

(F) Utility easements.

(1) A snow storage easement if granted can be placed within a utility easement if there is no overriding surface conflict.

(2) A utility easement can be placed within a slope easement.

(G) Minor plat alterations.

(1) The purpose of this subsection is to resolve platting issues and/or improve the subdivision design and function without burdening staff, the petitioner, and the board with the additional time and costs to rehear the case.

(2) The platting officer is authorized to approve minor changes to an approved preliminary plat or master plan during review of the final plat for the following items. Any amendment or modification of the preliminary plat shall be limited to the following:

(a) The total number of lots may be reduced;

(b) The total number of lots may not be increased;

(c) Individual lot sizes may not be reduced by more than 20 percent per lot, and at no point to less than the minimum requirements that the preliminary plat was approved under. The aggregate of the proposed reductions shall not exceed one acre;

(d) Proposed rights-of-way or easements may be moved up to 25 feet if approved by the platting officer[, IF CHANGES MADE DO NOT AFFECT EXISTING PROPERTIES];

[(E) PROPOSED RIGHTS-OF-WAY OR EASEMENTS MAY BE MOVED BETWEEN 25 FEET AND 100 FEET WITH THE CONCURRENCE OF THE PLATTING OFFICER AND THE DIRECTOR OF THE MATANUSKA-SUSITNA BOROUGH DEPARTMENT OF PUBLIC WORKS, AS LONG AS CHANGES DO NOT INCREASE

THE AVERAGE DAILY TRAFFIC COUNT BY MORE THAN 5 PERCENT
OR NECESSITATE A HIGHER ROAD CLASSIFICATION;]

(f) Approved external accesses cannot
be changed; and

(g) Amendments and modifications cannot
create setback violations.

Section 10. Amendment of subsection. MSB 43.15.053(C),
Final Plat; Certificates, is hereby amended as follows:

(C) Surveyor's certificate. A surveyor's
certificate shall be substantially in one of the forms
that follow, whichever is appropriate:

I, (surveyor's name and land surveyor number),
hereby certify that I am a registered professional
land surveyor in the state of Alaska and that this
plat represents a survey made by me or under my direct
supervision, and that the monuments shown on the plat
actually exist as described, and that all dimensional
and other details are true and correct to the best of
my knowledge.

(SEAL)

I, (surveyor's name and land surveyor number),
hereby certify that I am a registered professional
land surveyor in the state of Alaska and that this

plat was prepared by me or under my direct supervision using record dimensions from Plat #_____.

(SEAL)

[I, (SURVEYOR'S NAME AND LAND SURVEYOR NUMBER) HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT THE MONUMENTS SHOWN ON THE PLAT SHALL BE SET ON OR BEFORE _____, AND THAT ALL DIMENSIONAL AND OTHER DETAILS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

(SEAL)]

Section 12. Amendment of subsection. MSB 43.15.053(E), Final Plat, Certificates, is hereby amended as follows:

(E) Certificate to plat. Every final plat of a subdivision submitted for recording shall be accompanied by a certificate to plat or a preliminary commitment for title insurance, executed no more than [90]14 days prior to recording, by a title insurance company, confirming that the title of the land described and shown on the plat is in the name of the person signing the certificate of ownership as it is

shown on the plat, or in the name of the corporation as shown in the certificate of ownership.

Section 11. Repeal of subsection. MSB 43.15.054(D), Final Plat; Surveyor Requirements, is hereby repealed in its entirety:

[(D) MONUMENTS AND MARKERS SET AFTER RECORDING OF PLAT. ALL MONUMENTS OR MARKERS, OTHER THAN THE PERMANENT CONTROL MONUMENTS REQUIRED IN SUBSECTION (A) OF THIS SECTION, SHALL BE SET BEFORE THE RECORDING OF THE PLAT UNLESS THE LAND SURVEYOR INCLUDES IN THE SURVEYOR'S CERTIFICATION ON THE PLAT THAT THE ADDITIONAL MONUMENTS REQUIRED BY THIS TITLE SHALL BE SET ON OR BEFORE A SPECIFIED LATER DATE. THIS SUBSECTION SHALL ONLY BE USED WITH A SIGNED AND APPROVED SUBDIVISION AGREEMENT.]

Section 13. Amendment of subsection. MSB 43.20.060(A), Dedication to Public, is hereby amended as follows:

(A) All roads shall be dedicated to the public, except as provided in [SUBSECTION (D) OF THIS SECTION] **MSB 43.20.100(C)**; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the subdivision

with the dedication secured from the adjacent property owner before final plat approval.

Section 14. Amendment of section. MSB 43.20.100, Access Required, is hereby amended as follows:

(A) There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section and any other exemption within this title.

(B) Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a showing that permanent public access by air, water, or railroad is both practical and feasible, the platting board shall waive the road requirements of subsection (A) of this section. If other than road access is approved, the mode of access shall be noted on the plat.

(C) Gated subdivisions and private roads shall be approved, provided they meet the following criteria:

(1) [ROADS ARE CONSTRUCTED TO THE REQUIRED BOROUGH STANDARDS] internal roads conform to the requirements of the Subdivision Construction Manual

for residential standards minimum except as allowed in MSB 43.20.055;

(2) emergency services shall be provided access to deliver services within the private subdivision[. BOROUGH MAINTENANCE SHALL BE PROVIDED ACCESS TO GET THROUGH THE SUBDIVISION TO PROVIDE SERVICES BEYOND THE PRIVATE SUBDIVISION];

(3) there is no possibility or public necessity to provide for public through traffic because alternate legal access to adjoining properties is available and that access is constructible to borough road standards;[.]

(4) private road maintenance is guaranteed.

(a) the applicant shall submit a documented plan stating

(i) what seasons road maintenance will be performed,

(ii) contact information for road maintenance,

(iii) length of the maintained roads in feet, and

(iv) surface type.

(D) A subdivider proposing to create roads shall ensure access to adjoining [PRIVATELY OWNED] parcel(s) [BEYOND A PROPOSED SUBDIVISION AS FOLLOWS] meets the following criteria:

(1) legal access shall be provided along a constructible alignment;

(a) geometrical alignment shall meet a minimum of subcollector standards unless the applicant demonstrates that it is not necessary; and

(b) provided that constructing physical access to said adjoiners shall not be a condition of plat approval. [; AND]

(E) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title 13 is exempt from the road construction standards of the MSB Subdivision Construction Manual; provided, that the following conditions are fulfilled:

(1) prior to preliminary plat submittal the agriculture rights property owner is to obtain assembly approval of the sale of the home/headquarters

site through an application made to the borough land and resource management division; and

(2) the maximum parcel size is five acres for the home/headquarters site; and

(3) only two parcels can be created from the farm unit parcel, the home/headquarters site and the remainder;

(4) the applicant demonstrates that legal access as defined in MSB 43.20.120, Legal Access, exists to all parcels or tracts created, and the suitability of the legal access for future residential road construction is documented by a registered land surveyor or civil engineer hired by the applicant;

(5) the property is to be surveyed and monumented and a plat submitted in conformance with MSB 43.15.016, Preliminary plat submittal and approval, 43.15.049, Final plat; general provisions, and 43.15.051, Final plat; submitted;

(6) a plat note declaring that the borough is not responsible for road construction or road maintenance; and

(7) a plat note restricting further subdivision of the parcels being created.

Section 15. Amendment of section. MSB 43.20.140, Physical Access, is hereby amended as follows:

(A) Roads used for access or internal circulation shall:

(1) be located entirely within dedicated or legal rights-of-way; [AND]

(2) conform to existing requirements of the Subdivision Construction Manual[.]; and

(a) Prior to recordation, a surveyor's sealed drawing shall be submitted showing roadways within existing or proposed rights-of-way and any slopes steeper than 2.5 to 1 that extend beyond the right-of-way limits.

(b) A centerline profile shall be provided for those sections of roadway exceeding 6 percent grade.

Section 16. Amendment of subsection. MSB 43.20.281(A), Area, is hereby amended as follows:

(A) Unless designated otherwise by another authority having jurisdiction, minimum lot sizes shall be as follows:

(1) Except as allowed under subsections (A)(2), (3), and (4) of this section, all lots within

this district shall contain at least 40,000 square feet of area with at least 10,000 square feet of usable building area and 10,000 square feet of contiguous usable septic area. Lots having 20,000 square feet or less of the total of usable building area and usable septic area shall have 10,000 square feet of contiguous usable septic area surrounded by a well exclusion area extending 100 feet from the perimeter, delineated and reserved on the plat at the discretion of the platting board.

(a) Usable septic area is that area where seasonal high water table is a minimum of eight feet below the surface. Where water is encountered at ten feet or less below the surface, the seasonal high subsurface water is to be determined between May 1st and October 30th, and:

(i) that area where slopes are less than 25 percent;

(ii) that area which is more than 100 feet from open water, surface waters, and wetlands;

(iii) that area which is located at least 50 feet from the top of a slope which is

greater than 25 percent and has more than ten feet of elevation change;

(iv) that area which is not within an area dedicated to public use;

(v) that area which is outside of utility or other easements that would affect the use of the areas for on-site septic installation;

(vi) that area which is outside of a protective well radius;

(vii) that area which is outside of any known debris burial site; and

(viii) This subsection (A)(1)(a) may be changed to a minimum of six feet below surface if all of the following criteria are met:

(aa) There are special considerations which would preclude reasonably creating usable area by placing suitable fill to provide eight feet water table clearance;

(bb) A standard design is provided which is certified to meet applicable ADEC requirements at the time of recording by a state of Alaska licensed professional engineer; and

(cc) A note is provided on the plat stating an engineer designed and certified wastewater disposal system or packaged treatment plant meeting ADEC requirements will be required on subject lots (L#B#).

(b) Water table and ability of soils to accept effluent shall be determined by a number of borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivision. All of the borings and test holes shall be located within the perimeter of the proposed subdivision. Borings and test holes must have the following minimum depths below the ground surface:

(i) in areas known or suspected to contain permafrost, the lesser of:

(aa) twenty feet deep; or

(bb) a depth at which permafrost or an impermeable layer is encountered; and

(ii) the least depth associated with the following conditions, where they apply:

(aa) two feet below the depth where the water table is encountered;

(bb) twelve feet deep for shallow trench or bed systems;

(cc) sixteen feet deep for areas where deep trench or seepage pits will likely be used;

(dd) the depth to bedrock, clay, or other impermeable strata with an expected percolation rate slower than 120 minutes per inch; or

(ee) As determined by the engineer, a lesser depth as required to verify usable areas is acceptable for hand-dug excavations on parcels with limited or no access for heavy equipment.

(c) The minimum number of test holes shall be determined by the engineer.

(d) When the water table is encountered in the test holes, the depth to the seasonal high water table must be determined by:

(i) monitoring test holes or soil borings at times between May and October (inclusive);

(ii) soil mottling or staining analyses;

(iii) interpretation of levels of standing open water;

(iv) local knowledge and experience, if approved by the borough; or

(v) a combination of these methods.

(e) The depth to any seeps must be noted and may require subsequent monitoring.

(f) Soils in a usable wastewater disposal area must be:

(i) clearly shown to be visually classified as GW, GP, SW, or SP under the Unified Soils Classification System and expected to have a percolation rate of 15 minutes per inch or less (faster);

(ii) clearly shown to be GM or SM under the Unified Soils Classification System by a sieve analysis; or

(iii) shown by a percolation test conducted in accordance with (ADEC) Alaska State Department of Environmental Conservation regulations to have a percolation rate of 60 minutes per inch or less (faster).

(g) These borings or test holes shall be accomplished under the direct supervision of a

state of Alaska registered civil engineer, who shall submit soil logs and other findings in writing to the Matanuska-Susitna Borough certifying 10,000 square feet of contiguous usable area for septic drain field use.

(h) Where lots, tracts, or parcels exceed five acres in size, the platting authority may accept a reduced number of test holes or other supporting information, accomplished under the direct supervision of a state of Alaska registered engineer.

(i) The platting authority shall exempt the submission requirements of MSB 43.15.016(A)(2) for purposes of fulfilling usable area requirements for subdivisions of land where:

(i) the lot size is 400,000 square feet or greater and an engineer or land surveyor submits a detailed topographic narrative; or

(ii) the existing subdivision was previously approved by the Alaska State Department of Environmental Conservation or by the borough after July 1, 1996, and the proposed subdivision action is limited to moving one or more lot lines a distance of ten feet or less.

(2) Lots containing at least 20,000 square feet but less than 40,000 square feet must be serviced by an approved municipal or community water or municipal or community septic system. The platting authority may approve lots having at least 20,000 square feet, provided each lot is serviced by an approved municipal or community water system or municipal or community wastewater system. A community wastewater disposal system shall include a common wastewater disposal site on separate lot(s) that serves the entire subdivision.

(a) Lots containing at least 20,000 square feet but less than 40,000 square feet not served by an approved municipal or community septic system must have a minimum 10,000 square feet of useable septic area and are exempt from the useable building area requirement.

(3) The platting authority may approve lots having less than 20,000 square feet but at least 7,200 square feet if served by a community or municipal water system and community or municipal sewage disposal facilities.

(4) For those areas not served by municipal sewer and water, lots less than 20,000 square feet must be approved by a planned unit development as authorized by MSB 17.36.

Section 17. Amendment of section. MSB 43.55.010, Subdivision Agreement Required, is hereby amended as follows:

(A) Agreement. Where subdivision improvements are required under this title as a condition of plat approval the subdivider may enter into a subdivision agreement with the borough in accordance with this chapter. **Road access and drainage must be at least 85 percent complete and all signage installed prior to entering into a subdivision agreement.**

(B) Application. Application for a subdivision agreement shall be made to the platting division. The application shall include a tentative schedule of all proposed construction of public improvements [AND UTILITIES] and the subdivider's estimate of the cost of each required public improvement, plans, specifications, descriptions of work, the limits of the work area, the methods to be employed, and any other pertinent data and information necessary for the platting division to evaluate the proposed

installation. The borough may require a showing of the subdivider's financial responsibility.

(C) Contents of agreement. The subdivision agreement shall include, but need not be limited to, the following provision:

(1) a designation of the public improvements required to be constructed;

(2) the construction and inspection requirements of the borough [OR UTILITY] for which the improvements are constructed;

(3) the time schedule for completing the improvements;

(4) the guarantee required by MSB 43.55.030;

[(5) A SCHEDULE FOR ANY PAYMENTS REQUIRED UNDER THIS CHAPTER;]

(6) the allocation of costs between the borough and the subdivider for required public improvements;

(7) the warranty required by MSB 43.55.037;

(8) the consent of the subdivider for the ownership of specified public improvements to vest with the municipality upon final acceptance by the borough;

(9) a warranty that the subdivider has title to the subdivision property and the authority to execute the subdivision agreement;

[(10) WHERE THE SUBDIVISION IS WITHIN THE REGULATORY FLOODWAY, A PROVISION REQUIRING THE SUBDIVIDER TO SUBMIT CERTIFICATION OF FLOODPROOFING, INFORMATION ON THE ELEVATION OF THE LOWEST HABITABLE FLOOR, AND INFORMATION ON THE ELEVATION TO WHICH THE STRUCTURE IS FLOODPROOF FOR EACH BUILDING OR STRUCTURE TO BE CONSTRUCTED AS PART OF THE SUBDIVISION AGREEMENT;]

(11) a provision that all work shall be performed pursuant to Matanuska-Susitna Borough specifications for subdivision improvements or, where city specifications are applicable, city specifications for such improvements;

(12) a provision that work shall not commence until plans have been approved by the platting division and notice to proceed is given.

Section 18. Amendment of section MSB 43.55.030, Guarantee of Completion of Public Improvements, is hereby amended as follows:

(A) Guarantee. To assure the installation of required public improvements which are not accepted at the time the final plat is filed, the subdivision agreement shall require the subdivider to guarantee the completion of all the improvements by one or more of the methods specified below. [THE MEANS OF A GUARANTEE MAY BE CHANGED DURING THE GUARANTEE PERIOD THROUGH A WRITTEN MODIFICATION OF THE AGREEMENT. THE AMOUNT OF GUARANTEE SHALL BE DETERMINED ON THE BASIS OF THE BOROUGH'S COST ESTIMATE.] The guarantee shall remain in effect until final acceptance of the public improvements and the posting and acceptance of security for the warranty period.

(B) Cost estimates. The engineer's [BOROUGH'S] estimate shall state the estimated cost of completion for each required public improvement. Cost estimates for each required public improvement shall be approved by the [PLATTING DIVISION]borough's civil engineer and shall be adequate for the borough to complete the construction. For purposes of establishing the amount necessary for the guarantee of completion of public improvements, a percentage of overrun allowance shall

be added to the total estimated cost of public improvements as follows:

Total Estimated Cost of Improvement	Percent for Overrun Allowance
\$0 to \$500,000	20 percent
Over \$500,000	10 percent

(C) Methods of public improvement guarantee. The subdivision agreement shall include one or more of the following methods to guarantee the construction of required public improvements:

(1) Performance bond. The subdivider may provide a surety bond from a company authorized to do such business in the state of Alaska. The bond shall be in an amount equal to the estimated cost of the remaining [ALL] required public improvements plus an overrun allowance as provided in subsection (B) of this section. The bond shall be payable to the borough in the event that any required public improvements are not finally accepted in accordance with the provisions of this title and shall be posted by no person other than the subdivider.

(2) Deposit in escrow. The subdivider may elect to deposit a cash sum equal to the estimated

cost of the remaining [ALL] required public improvements plus overrun allowances as provided above either with the borough or in escrow with the responsible financial institution authorized to do such business in the state of Alaska. In the case of an escrow account, the subdivider shall file with the borough an escrow agreement which includes the following terms:

(a) Funds of the escrow account shall be held in trust until released by the borough and may not be used or pledged by the subdivider as security in any matter during the period other than payment for the improvements. The funds may be released upon authorization by the borough for payment of improvements as made, except that the escrow holder shall always withhold from disbursement so much of the fund as is estimated by the borough as being necessary to complete the construction and installation of the improvements, plus an overrun at the percentage under subsection (B) of this section that is applicable to the cost of the remaining construction.

(b) In the case of a failure on the part of the subdivider to complete any improvement

within the required time period, the institution shall immediately make all funds in the account available to the borough for use in the completion of those improvements.

[(3) LETTER OF CREDIT. THE SUBDIVIDER MAY ELECT TO PROVIDE FROM A BANK OR OTHER RESPONSIBLE FINANCIAL INSTITUTION AUTHORIZED TO DO SUCH BUSINESS IN THE STATE OF ALASKA AN IRREVOCABLE LETTER OF CREDIT THAT IS GOOD UNTIL A TIME AS THE BOROUGH AUTHORIZES ITS REVOCATION. THE LETTER SHALL BE FILED WITH THE BOROUGH AND SHALL CERTIFY THE FOLLOWING:

(A) THAT THE CREDITOR IRREVOCABLY GUARANTEES FUNDS IN AN AMOUNT EQUAL TO THE ESTIMATED COST OF ALL REQUIRED PUBLIC IMPROVEMENTS PLUS OVERRUN ALLOWANCES AS REQUIRED IN SUBSECTION (B) OF THIS SECTION FOR THE COMPLETION OF ALL SUCH IMPROVEMENTS;

(B) THAT IN THE CASE OF FAILURE ON THE PART OF THE SUBDIVIDER TO COMPLETE ANY SPECIFIED IMPROVEMENTS WITHIN THE REQUIRED TIME PERIOD, THE CREDITOR SHALL PAY TO THE BOROUGH IMMEDIATELY AND WITHOUT FURTHER ACTION THE FUNDS AS THE BOROUGH DETERMINES ARE NECESSARY TO FINANCE THE COMPLETION OF

THOSE IMPROVEMENTS UP TO THE LIMIT OF CREDIT STATED IN
THE LETTER.]

Section 19. Amendment of subsection MSB 43.55.050(A),
Release of Warranty, is hereby amended as follows:

(A) Inspection shall be made by the borough at
the end of the warranty period and prior to the
release of guarantees. All deficiencies shall be
corrected prior to release of the warranty security.
Upon satisfactory correction of all deficiencies, the
borough shall release the remaining security.

Section 31. Effective Date. This ordinance shall become
effective upon adoption by the Matanuska-Susitna Borough
Assembly.