



	Approved	Denied
Date Action Taken:	6/8/09	
Other:		
Verified by:	K. Smith	

WASILLA CITY COUNCIL ACTION MEMORANDUM


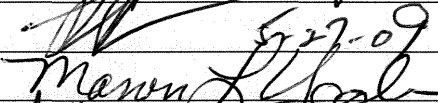

AM No. 09-23

TITLE: VACATION OF ANDERSON ROAD RIGHT-OF-WAY.

Agenda of: June 8, 2009

Date: May 26, 2009

Originator: Public Works Director

Route to:	Department	Signature/Date
	Chief of Police	
	Recreational and Cultural Services Manager	
X	Director of Public Works	 5/26/09
	Director of Finance	
X	Deputy Administrator	 5/27-09
X	City Clerk	

REVIEWED BY MAYOR VERNE E. RUPRIGHT: 

FISCAL IMPACT: yes or no Funds Available yes no

Account name/number:

Attachments: Mat-Su Borough Platting Notification

SUMMARY STATEMENT: Anderson Road is a remnant from a road that has not been used in over 30 years. The portion of Anderson Road that used to go through Carefree Acres has been vacated. This section of Anderson Road connects Old Matanuska Road with the Wal-Mart parking lot that is not designed for this access. This right-of-way is not needed for a City road or City utilities, now or in the future. The right-of-way needs to be vacated to allow the parcel to be fully developed.

STAFF RECOMMENDATION: Approve the adoption of Action Memorandum 09-23 that authorizes the vacation of Anderson Road Right-of-way.



MATANUSKA-SUSITNA BOROUGH

• PLATTING DIVISION •

350 EAST DAHLIA AVENUE, PALMER, ALASKA 99645-6488

PHONE 745-9874 • FAX 746-7407

Comments Due: May 8, 2009

04-24-09P02:39 RCVD

Vacation Distribution List

AK. Dept. of Fish & Game	MSB –O & M Division
AK. Dept. of Transportation - Anchorage	MSB – Cultural Resources
AK. Dept. of Transportation – Palmer	MSB – Transportation Division Manager
AK. Dept. of Transportation – Aviation	MSB – Dept. of Public Works, Engineering
AK. DNR, Land Mgmt. & Water Mgmt.	MSB – Code Compliance
AK. DNR Habitat Mgmt. & Permitting	MSB – Community Development
Corp of Engineers	MSB – Planning Division
City of: Wasilla	M.E.A.
Fire Service Area: Wasilla Lakes	M.T.A.
Community Council:	Enstar Natural Gas
MSB – Road Service Area:	G.C.I.

TAX MAP: WA 11

ASSEMBLY DISTRICT: 2

Pre-App: 4-03-09

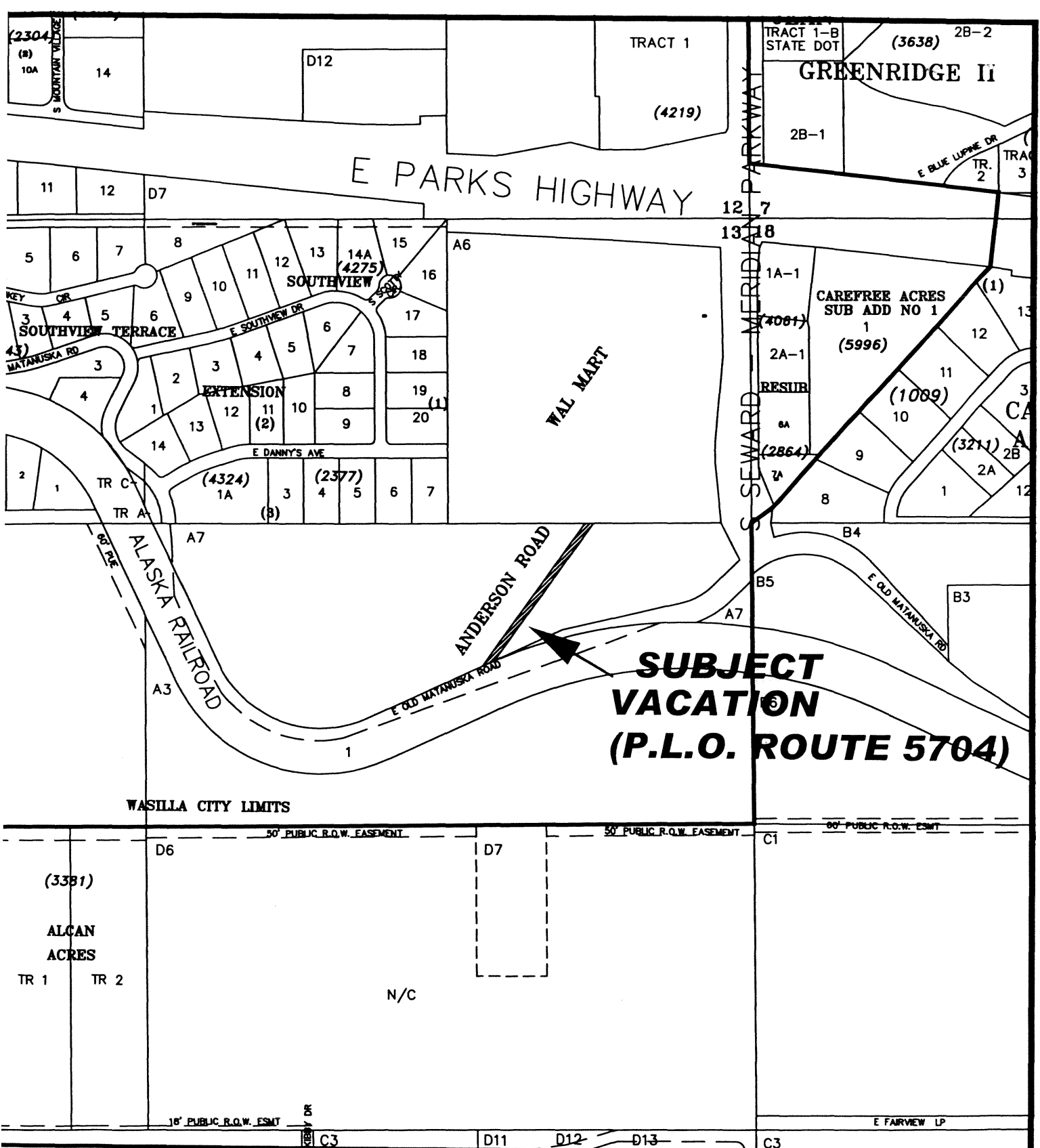
TITLE:	Anderson Rd. Vacation
LEGAL:	Sec. 13, T17N, R1W S. M. , ALASKA
PETITIONERS:	Sally Karabelnikoff
ADDRESSES:	7435 Old Harbor Rd. Anchorage, AK 99504-1925
SURVEYOR:	Lee Karabenifoff RLS
ADDRESS:	7435 Old Harbor Rd. Anchorage, AK 99504-1925

Attached is a copy of a petition which has been received by the Matanuska-Susitna Borough Platting Division for the proposed VACATION within subject property.

The request is to vacate any public interest in the un-used portion of Anderson Road lying within tax parcel A007 Sec 13, T17N, R1W S.M. Anderson Road is identified as Route 5704 in the Federal Public Land Order 601 filed August 1949. Anderson Road started at the Old Matanuska Road within Section 13 and traveled northeasterly thru Section 18, T17N, R1E S.M. into Sec. 7, T17N, R1E S.M. It stopped being used when the Parks Hwy. was constructed in 1972/73. The portion of Anderson Rd. through Care Free Acres in Sec. 18, T17N, R1E S.M. was previously vacated. The State of Alaska has constructed S. Seward Meridian Pkwy. connecting the Parks Hwy to the Old Matanuska Rd. on the east side of Section 13, T17N, R1W S.M.

All comments, existing files and correspondence that you may have relating to this case must be submitted to the Platting Division by **May 8, 2009** so that we may incorporate this information into our recommendations to the Platting Board, for the public hearing to be held **May 21, 2009**.

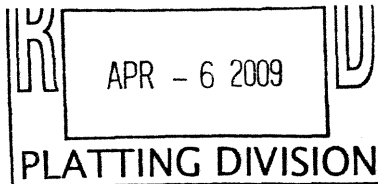
Thank you,
Paul Hulbert
Paul Hulbert, Platting Officer



**SUBJECT
VACATION
(P.L.O. ROUTE 5704)**

VICINITY MAP

FOR VACATION OF ANDERSON ROAD
LOCATED WITHIN
SECTION 13, T17N, R1W, SEWARD MERIDIAN,
ALASKA



PETITION FOR VACATION OF RIGHT-OF-WAY

Comes now the undersigned, Sally A. Karabelnikoff, and petitions the Matanuska-Susitna Borough to vacate the right-of-way lying within the following described property, to-wit: 5 1/2 NE 1/4, Sec 13, T17N R1W, S.M. WALL

Said right-of-way being more fully described as: Anderson Road, Public Land Order Route # 5704

(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 recorded public easement creating public right-of-way.
- 2. The action sought by this petition is for the following reason(s): (ATTACH PAGES, IF NEEDED)
The right-of-way has not been used for more than 30 years, a road is impractical to construct, the portion through Carefree Acres has been vacated, the portion of adjoining parcel A currently used as part of the WalMart parking lot has numerous access on to Seward Meridian Road.
- 3. \$1300.00 Right-of-Way Vacation Fee or \$500.00 with Preliminary Plat

APPLICANT OR OWNER
 Name: Sally A. Karabelnikoff
 Mailing Address: 7435 Old Harbor Ave, Anchorage Zip: 99504
 Contact Person: Terry Ellis Phone: 232-6821

SURVEYOR
 Name (FIRM): Karabelnikoff Surveying
 Mailing Address: 7435 Old Harbor Ave, Anchorage Zip: 99504
 Contact Person: Lee Karabelnikoff Phone: 337-3434

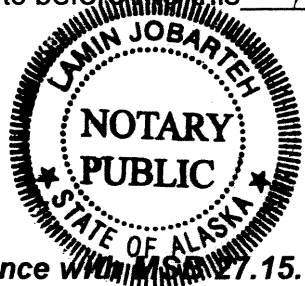
SIGNATURES OF PETITIONER(S):

Sally A. Karabelnikoff

Sally A. Karabelnikoff

NOTARY ACKNOWLEDGEMENT:

Subscribed and sworn to before me this 4 day April, 2009.



[Signature]
NOTARY PUBLIC in & for Alaska
My Commission Expires: 10/23/2010

NOTE: In accordance with MSB 27.15.110(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.

4-20-09
DATE

Paul Hubert
PLATTING DIVISION REPRESENTATIVE

SCHEDULED FOR PLATTING BOARD/SHORT PLAT MEETING OF: 5-21-09

BOOK 391 PAGE 52
Aleutian Recording District

BOOK 14 PAGE 11
Aleutian Islands Recording District

BOOK 54 PAGE 247
Homer Recording District

BOOK 220 PAGE 117
Eward Recording District

BOOK 33 PAGE 147
Cordova Recording District

ALASKA

FEDERAL-AID SECONDARY HIGHWAY SYSTEM, CLASS "B" ROUTES

R-17

BOOK 115 PAGE 170

Chitina Recording District

BOOK 12 PAGE 124

McCarthy Recording District

BOOK 58 PAGE 52

Koon Recording District

BOOK 7 PAGE 41

Ilukona Recording District

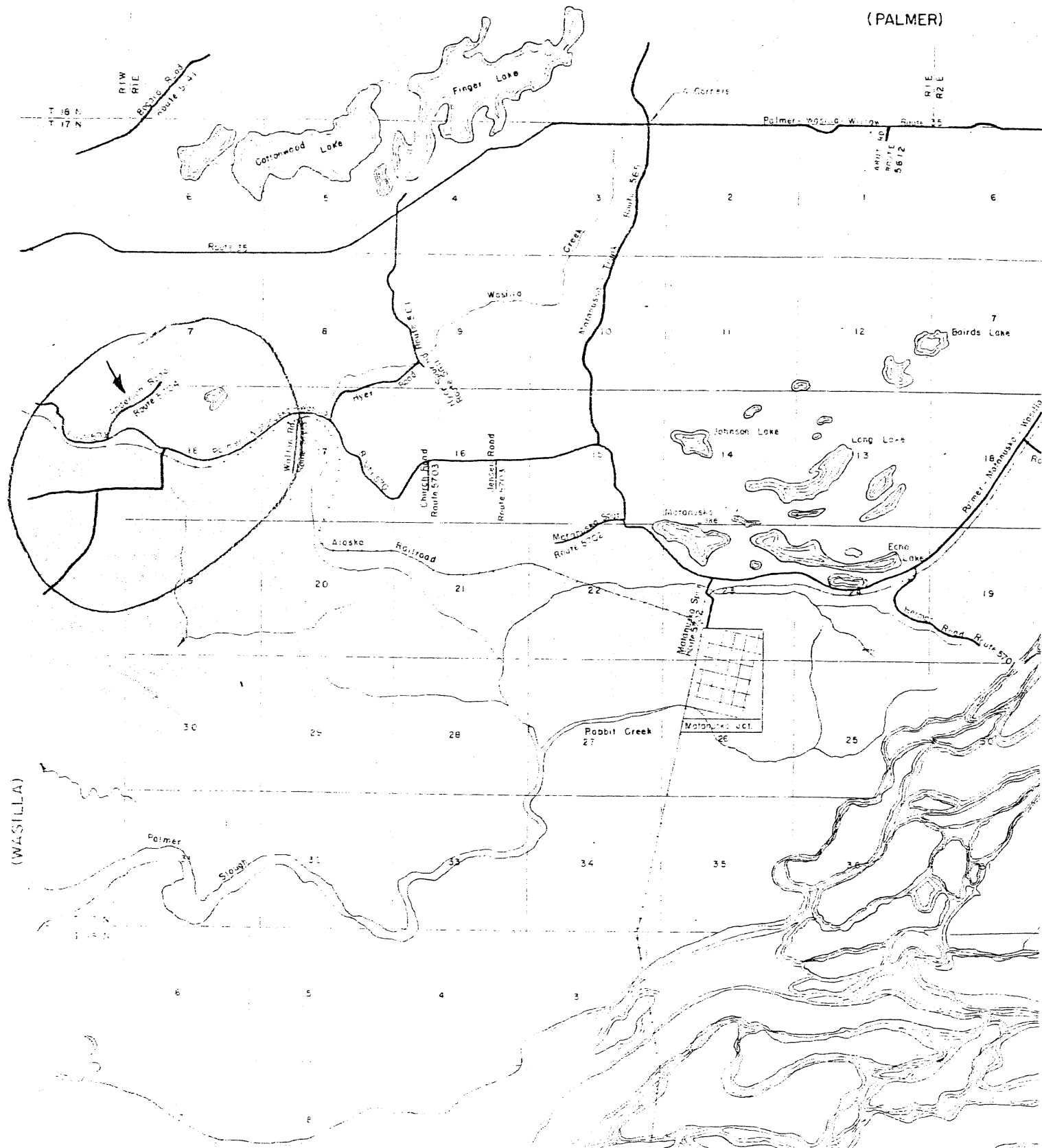
BOOK 2 PAGE 125

Ilukona Recording District

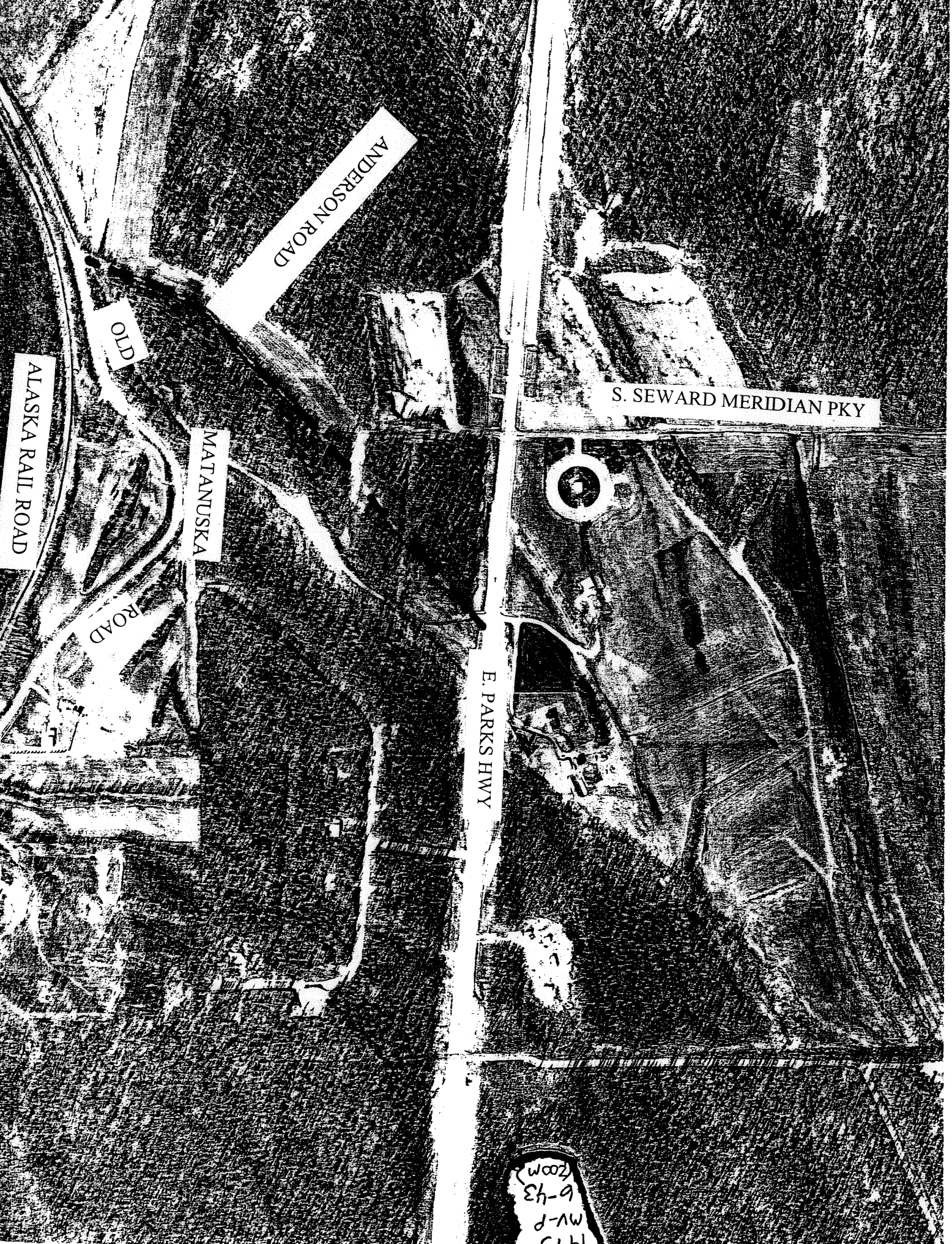
FAS Route No.	Name	Description	Highway District No.	Constructed Mileage	System Mileage
Jensen-Church-Walton Roads					
0	Walton Road	From a point approx. 0.3 mile west of FAS Routes 561 and 570 junction, south 0.5 mile. Length 0.5 mile.			
5704	Anderson Road	From a point approx. 0.5 mile west of FAS Routes 562 and 570 junction, northeast 0.4 mile.	10	0.4	0.4
5741	Bogard Road	From a point on FAS Route 525 approx. 0.4 mile north of Wasilla, northeast to junction with FAS Route 5743, thence east to FAS Route 565.	10	7.2	7.2
5742	Engstrom Road	From a point on FAS Route 5741 approx. 0.4 mile west of junction of FAS Routes 565 and 5741 north 1.6 miles.	10	1.6	1.6
5743	Lakeview Road & Branch	From a point on FAS Route 525 approx. 3.3 miles northeast of Wasilla, southeast along south side of Kings Lake to FAS Route 5741. Spur 0.2 mile north along west side of Kings Lake.	10	3.1	3.1
5771	Eddenburg Spur	From a point on FAS Route 577 approx. 1.25 mile west of FAP Route 42, south 0.5 mile.	10	0.5	0.5
5781	Scott-Marsh Roads		10	2.1	2.1
	Scott Road	From a point on FAP Route 42 at Palmer City limits westerly 1.7 mile. Length 1.7 mile.			
	Marsh Road	From a point on FAP Route 42 approx. .25 mile north of Palmer City limits, west 0.4 mile. Length 0.4 mile.			

63
63

(PALMER)



(WASILLA)



ANDERSON ROAD

S. SEWARD MERIDIAN PKY

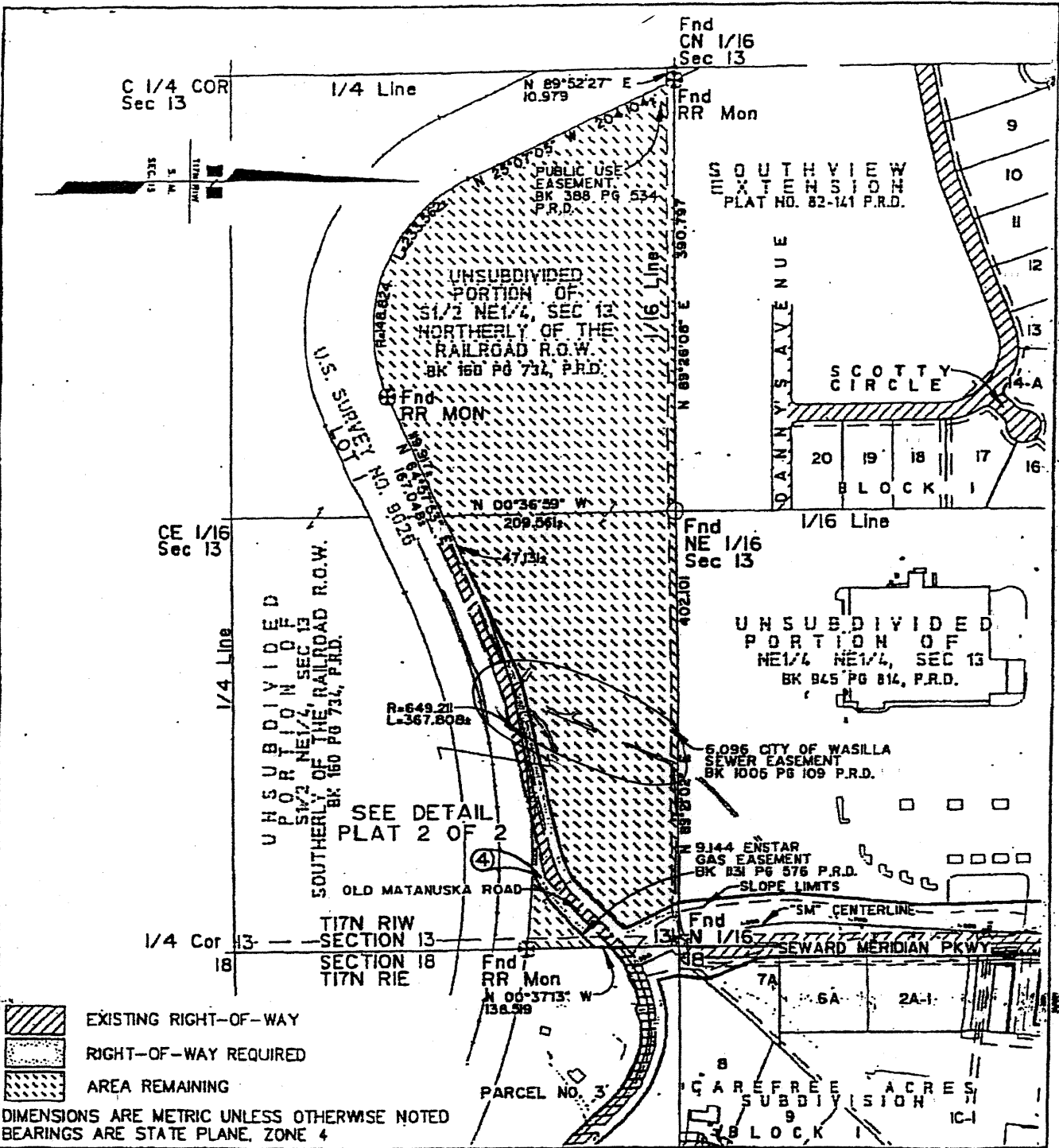
E. PARKS HWY

MATANUSKA ROAD

OLD ROAD

ALASKA RAIL ROAD

1413
MV-P
6-43
(200M)



STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RIGHT OF WAY REQUIRED FOR
 PARKS HIGHWAY SEWARD MERIDIAN TO CRUSEY STREET
 NH-0A4-1(12) / 52474

OWNER'S INITIAL
 ATTACHED TO N.D.
 PAGE 3 OF 4 DATED 2/20/03

PLAT 1 OF 2	GROSS TAKE	0.7529 ha
	NET TAKE	0.5416 ha
DRAWN BY <u>CJH</u>	REMAIN	13.7349± ha

3 of 4
 2003-007757-0

SCALE 1:5000 DATE 01/22/03 PARCEL NO. 4

RECEIVED
 APR - 6 2009
 PLATTING DIVISION

Regarding Hm No. 09-23



MATANUSKA-SUSITNA BOROUGH

**Planning and Land Use Department
Platting Division**

350 East Dahlia Avenue • Palmer, AK 99645
Phone (907) 745-9874 • Fax (907) 746-7407

June 5, 2009

CITY OF WASILLA
290 E HERNING
WASILLA, AK. 99654

RE: Vacation of Anderson Road
CASE: 2009-031

Please respond if you have any objections within 30 days of the Platting Board Notification of Action (June 5, 2009).

REASON FOR REQUEST: To vacate the existing right-of-way in favor of dedication of a 30' public use easement centered on the common property lines of Tracts 1 and 2 of the future waiver.

SUMMARY STATEMENT: On June 4, 2009 (written decision June 5, 2009) the platting board approved the vacation under MSB 27.15.110 Vacations as the right-of-way is being replaced by equal or better access to all areas affected by the vacation.

RECOMMENDATION: Staff recommends the City approve the vacation as the platting board's decision to vacate is consistent with **MSB 27.15**.

Regards;


Paul Hulbert, Platting officer

ATTACHMENT(S): Minutes 06-04-09 (3 pages)
Vicinity Map (1 page)
Notification of Action (2 pages)



MATANUSKA-SUSITNA BOROUGH

Planning and Land Use Department Platting Division

350 East Dahlia Avenue • Palmer AK 99645
Phone (907) 745-9874 • Fax (907) 746-7407

June 5, 2009

NOTIFICATION OF PLATTING BOARD ACTION

Sally Karabelnikoff
7435 Old Harbor Ave
Anchorage, AK 99504

RE: ANDERSON ROAD VACATION

CASE: 2009-031

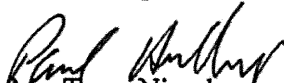
Action taken by the Platting Board on June 4, 2009 is as follows:

THE VACATION OF ANDERSON ROAD WAS APPROVED, CONTINGENT UPON THE FOLLOWING CONDITIONS/REASONS (see attached),

ALL DECISIONS AS TO APPROVAL OR DISAPPROVAL BY THE PLATTING BOARD OR OFFICER SHALL BE FINAL UNLESS APPEALED TO THE BOARD OF ADJUSTMENT AND APPEALS, MSB 15.39. A PETITION WHICH IS TABLED BY THE BOARD SHALL BE DEEMED DENIED UNLESS THE APPLICANT BRINGS THE MATTER BACK BEFORE THE BOARD WITH ALL CONDITIONS MET WITHIN THE TIME ALLOWED BY THE BOARD OR BY LAW.

If this is in reference to a plat application, recordation at the appropriate District Recorder's Office of the plat is required before any transfer of title can occur. Should you have any questions or require a copy of the minutes of the meeting, please feel free to contact this office.

Kindest regards,


Mr. Terry Nicodemus
Platting Board Chair

cc:

MSB/DPW

City of Wasilla
290 E Herning
Wasilla, AK 99654

CONDITIONS OF APPROVAL:

The Platting Board approved the vacation of any public interest in Anderson Rd contingent on the following:

- 1) Wasilla City Council approval within 30 days of platting board's written decision
- 2) Granting a 30' wide public use easement centered on the common property line of Tracts 1 and 2 of the future waiver
- 3) The public use easement's legal description is to be prepared by a registered land surveyor and the perimeter is to be surveyed and monumented with a record of survey filed or a sketch recorded with the public use easement
- 4) Staff will prepare a vacation resolution that will be recorded simultaneously with the public use easement.

VACATION FINDINGS

1. The vacation is pursuant to AS 29.40.120 thru AS 29.40.160 and MSB 27.15.110.
2. The vacation is consistent with MSB 27.15.110(B)(1)(a); the right-of-way is being replaced by equal or better access to all areas affected by the vacation.
3. The dedication of the 30' public use easement as a replacement satisfies MSB/DPW, MSB Transportation, MSB Land Management and SOA DOT/PF requirements for support of the vacation.
4. The City of Wasilla Administration supports the vacation and is agreement with the 30' public use easement as a replacement
5. Sally Karabelnikoff (owner) is in agreement with the replacement public use easement.
6. An affidavit was submitted verifying a vacation notice was posted at the location of the requested vacation as per MSB 27.10.070(H).
7. No written public objections to the vacation have been received as a result of the public notification.
8. Access to adjacent property is not being affected or diminished.
9. Petitioner's representative was in agreement with recommendations made.

Mr. Nicodemus (Chair)

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

Ms. Murphy (Adjacent Property Owner)

- Concerned about the high water.
- Concerned about water fowl and possible contamination or harm from the proximity of the development.

Mr. Darrell Black (Adjacent Property Owner)

- Concerned Lot #1 because the driveway comes along the edges of 4 other lots.
- Does not believe the shape of the lot and location of the easement do not suit the highest and best use of the land.

Janet Carlton

- Has concerns over access.

Mr. Nicodemus (Chair)

- Seeing no additional members of the public wishing to speak, closed the public hearing and asked the petitioner and/or representative to come forward.

Mike Addington (Petitioner's Representative)

- In agreement with the conditions.
- Has recorded a document providing for the current access to remain for the existing adjacent property owners.
- Believes there are pockets of "wet" spots but the majority of the land is good solid ground, heavily treed with 18" birch trees.
- Recommendation #5, the existing cabin was encroaching into the setback. Removed 6' of decking to alleviate the setback. The cabin will be removed in the future.

DISCUSSION:

- Groundwater/Useable Area requirement was read from Code.

MOTION:

- Mr. Smith moved to approve the Preliminary Plat for Denton Shores. Mr. MacKenzie seconded.

VOTE:

- The motion passed with all in favor. Recommendation #5 is being removed and being added as Finding #7. Recommendation #5 is being replaced with: "Re-monitor the water level in test hole #4".

B. ANDERSON ROAD VACATION

Ms. Croswhite (Secretary)

- Stated that this case is continued from a previous public hearing so no new notices were mailed, however 81 public hearing notices were mailed out on April 30, 2009, to this date there have been no returns, no objections, no non-objections and no concerns.

Mr. Hulbert (Platting Officer)

- Gave an overview of the case.
- Anderson Rd is identified as Route 5704 in the Federal Public Land Order 601 filed August 1949.
- Route 5704 is a Class B Route, Improved Real Property.
- This property was patented prior to the territory accepting Section Line Easements so there are no Section Line Easements on this property.
- This property was entered into prior to PLO 601 being enacted, so all the state would have would be a prescriptive, or ditch to ditch.
- Anderson Rd is a one lane farm to market road.
- There is a future Waiver Subdivision happening within that tax parcel.
- Tract 2 will be a future movie theater site.
- DOT is concerned with the traffic volume and the interconnectivity to adjacent parcels and the retention of this easement until an alternate is established.
- On June 2, 2009 a meeting attended by SOA DOT/PF, borough staff (DPW, Land Management Transportation Planner, Platting Officer), City Of Wasilla, DOWL, Coming Attractions, Terry Ellis agent for the owner and the owner was held to discuss the vacation and remedial actions.
- At the May 21 public hearing the platting board approved a continuance of the vacation to allow SOA DOT PF to review the Traffic Impact Analysis and interested parties a chance to discuss the vacation and alternatives.
- After a lengthy debate everyone agreed that a 30' wide public use easement centered on the new line between Tracts 1 and 2 was a satisfactory replacement for the vacation of Anderson Road as it will overlay the proposed driveway access to the theater parking lot and provide a continual access to the Wal Mart property to the north.
- The replacement easement will also be consistent with MSB 27.15.110(B)(a) as equal or better access is provided to all areas affected by the vacation.

DISCUSSION:

- Discussion of how the 30' easement was determined to be sufficient.

Mr. Nicodemus (Chair)

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

Mr. Jim Holycross (Wasilla City Planner)

- City of Wasilla Administrative Staff supports the vacation & the changes being proposed.
- Asks to amend the staff report to change City of Wasilla to COW Administrative Staff.
- Wasilla City Council will hear this June 8, 2009.

Mr. Nicodemus (Chair)

- Seeing no additional members of the public wishing to speak, closed the public hearing and asked the petitioner and/or representative to come forward.

Mr. Terry Ellis (Petitioner's Representative)

- Petitioner agrees with the recommendations.
- Available for questions.

MOTION:

- Ms. Larson moved to approve the Vacation of any public interest in Anderson Rd contingent on the recommendations as amended and read into the record. Mr. Buzard seconded.

VOTE:

- The motion passed with all in favor. There were 8 findings. Recommendation #2 amended to show Tracts 1 & 2. Finding #4 amended to include City of Wasilla Administration. Added #9: Petitioner agrees with the recommendations

CD 12:10:51 PM

BREAK

Mr. Thomas Smith was excused from the remainder of the meeting for a business engagement.

C. MOUNTAIN RANCH ESTATES #3

Ms. Croswhite (Secretary)

- Stated that this case is continued from a previous public hearing so no new notices were mailed, however, 183 public hearing notices were mailed out on April 30, 2009, to this date there has been eleven returns, six objections, no non-objections and no concerns.

Ms. Fowler (Platting Technician)

- Pointed out there were an additional 7 objections received and provided as a handout.
- Read into the record a letter from the City of Palmer regarding a meeting between Petitioner, Jess Hall, and Property Owners from the Industrial Complex.
- Read into the record the recommendations.

Mr. Nicodemus (Chair)

- Opened the public hearing and asked any members of the public wishing to speak to come forward, seeing no members of the public wishing to speak, closed the public hearing and asked for the petitioner and/or representative to come forward.

Mr. Jess Hall (Petitioner)

- Here to respond to questions.

Mr. Gary LoRusso (Petitioner's Representative)

- Crowther Rd will be a fee dedication.
- Agrees with the recommendations.

Mr. Michael Erdman (Petitioner's Representative)

- Here to respond to questions.

MOTION:

- Ms. Larson moved to approve the vacation of a portion of E. Crowther Rd. Mr. Spangler seconded.

VOTE: