



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Date: December 9, 2016

From: Staff

To: Planning Commission

Re: Massey Minor Subdivision P 16-17 at 109 Harbor Mountain Road

GENERAL INFORMATION

Applicant Ernestine Massey

Property Owner: Ernestine Massey

Property Address: 109 Harbor Mountain Road

Legal Description: Lot 2 LLA of
Lot 3 of USS 3317

Parcel ID Number: 25610000

Size of Existing Lot: approx. 81,008 (55,586 and 25,422)

Zoning: R-1 MH

Existing Land Use: Residential/Mobile/Mfg. Home Park/Undeveloped

Utilities: Full city services

Access: Access from Harbor Mountain Road

Surrounding Land Use: Residential/Mobile/Mfg. Home Park, Undeveloped, Public Lands, & Recreational

ATTACHMENTS

Attachment A: Vicinity Map

Attachment B: Aerial Vicinity Map

Attachment C: Parcel Pictures

Attachment D: Application

Attachment E: Proposed Plat

Attachment F: Current Plat

MEETING FLOW

- Report from Staff
- Applicant comes forward
- Applicant identifies him/herself – provides comments
- Commissioners ask applicant questions
- Staff asks applicant any questions
- Floor opened up for Public Comment
- Applicant has opportunity to clarify or provide additional information
- Comment period closed - brought back to the board
- Findings
- Motion to approve

Attachment G: Zoning Map
Attachment H: Flood Zone Map
Attachment I: Mailing List
Attachment J: Proof of Payment
Attachment K: Proof of Ownership

BACKGROUND

Massey's property, 109 Harbor Mountain Road, has been historically used a mobile/manufactured home park with a single-family house located adjacent to Halibut Point Road. Prior to the request for a minor subdivision a boundary line adjustment (BLA), Platting Project 16-16, that requested a 4,234 square foot equal exchange of property along mutual boundary lines of the Massey and Stengl properties, and Platting Variance (V 16-22) have been presented.

PROJECT DESCRIPTION

The minor subdivision request assumes a BLA of Massey's Lot 2 expanding by 4,234 sf and Massey's Lot 1 contracting by 4,234 sf and Stengl's property size staying the same in the equal exchange. The request also assumes a request to deviate from the required right-of-way access easement requirement of twenty feet as required in SGC 21.40.120(A). If the BLA failed, this minor subdivision fails unless amended. If the platting variance failed, this request must fail unless approved with conditions of approval to correct the access easements and/or encroachments.

Minor Subdivision Includes Easements and Encroachments

The minor subdivision includes easements below existing standards and encroachments into adjacent property. The minor subdivision would result in splitting Massey's property (Lot 2 – 80,868 sf measured by former plat 96-29) into two lots (Lot 1 25,422sf and Lot 2 55,586 sf (total sum of 81,008 sf) measured by proposed preliminary minor subdivision plat).

Recorded and Historically Existing Easements

Existing recorded and historically existing easements are shown as follows:

The *existing* recorded easements include:

1. A 10 foot access and utility easement from Book 31, Pg. 717
2. A 15 foot access and utility easement from Book 21, Pg. 49-52
3. A 15 foot waterline easement from Book 21, Pg. 49-52
4. A 30 foot public access easement for Harbor Mountain Road

The *proposed & historically existing* easements include:

1. The 10 foot access and utility easement shifted slightly and expanded by approximately 48 feet (see 1 above)
2. The 15 access easement slightly shifted and expanded approximately 13.12 feet (see 2 above).

Encroachments into Right-of-Way and Municipal Property

The plat shows existing encroachments in three areas:

- 1) Encroachments into Stengl's property that would be corrected by the BLA
- 2) Encroachments into North Shuler Drive that are proposed to remain (shed)
- 3) Encroachments into municipal property at the rear of Massey's property (trailer, car port, shed) that are proposed to remain.

Purpose of Subdivision Code

The purpose of the subdivision code includes, but it not limited to, a direction:

- to promote and protect the public's health, safety and welfare;
- provide access for firefighting apparatus; and
- For orderly growth and development consistent with the SGC and the Comprehensive Plan (SGC 21.04.020(A, F, K).

The current proposed minor subdivision contain elements of substandard development standards, encroachment into right-of-ways, and encroachment into adjacent property that are examples of clear impacts to the public's health, safety, and welfare, do not comply with the letter and spirit of the law found in Title 21 and 22 in regards to protecting private property rights, access/easement standards, regulation of nonconforming uses, and do not comply with the Comprehensive Plan. The existing and proposed access easements, which are substandard, could negatively impact the ability of firefighting apparatus to have access to the parcels in case of emergency response as well as negatively impact the use of the parcels due to inadequate ingress and egress. In addition, the encroachments, which are types of trespass, are injurious to the municipality's property rights and therefore are not in compliance with orderly growth and development consistent with SGC and the Comprehensive Plan.

Subdivision Code – Design and Construction Requirements and Monumentation

SGC 21.40.120(A), dictates that unless necessitated by unusual topographic, physical, or design features as determined by the planning commission, easements shall be twenty feet.

In this case, there are no unusual topographic conditions, physical features (including the existing mobile/mfg. homes), nor design features that necessitate deviation from the existing code features.

Platting Variance – Required Findings

The proposed minor subdivision includes a variance from access easement widths of twenty feet pursuant to SGC 21.40.120(A). SGC 21.48.010 sets forth the requirements of findings mandatory for platting variances. A variance from the requirements of this title may be granted **only if** the planning commission **finds** that (emphasis added):

- A. The granting of the variance will not be detrimental to the public safety, or welfare, or injurious to adjacent property.
- B. The tract to be subdivided is of such unusual size and shape or topographical conditions that the strict application of the requirements of this title will result in undue and substantial hardship.

In regard to the first requirement, there can be neither detriment to public health or safety nor injurious to adjacent property. The facts presented show encroachments into adjacent municipal property that are injurious to the property rights of the municipality. Not only does it tread upon the property rights it also increases liabilities as well – both of which are *per se* injuries. Further, it can be argued the access easements below standard could affect access of firefighting apparatus in the case of emergency another potential detriment. In this case, only harm to adjacent property need be shown to defeat the entire variance request.

The second requirement is twofold: First there must be a parcel of unusual size and shape or topographical conditions. The lot in creation has none of these features. Next, these unusual features must also cause undue and substantial hardship. In this case, not only are there no facts supporting unusual shape, size, or topographical features, there is also no proof that the requirement for meeting the code easement standard would cause undue and substantial hardship (exceptional hardship).

Final Plat Submission requirements

SGC Section 21.12.010 states monuments must exists that are sufficient and that means legal sufficiency. To be

legally sufficient, SGC Section 21.12.030 Final Plat, subsection A, states that the Minor Subdivisions Final Plat “shall comply with all major subdivisions final plat submission requirements in Section 21.32.160.” SGC 21.32.160 Major Subdivision – Final Plat submission requirements states “The Plat shall comply with the development and design standards contained in this title” This includes the design and monumentation standards set forth in Chapter 21.40, specifically SGC Section 21.40.160 - Required monumentation – Final Plat monuments. While it is staffs’ opinion and determination that this requires primary monuments, staff also recognizes that primary monuments have rarely been required in practice and are not required to such an extent by the state. In addition, there are sections that support flexibility within Title 21 for submission requirements and waiver pursuant to 21.52.

Purpose of Zoning Code

Among other principles, the purpose of the zoning code is:

- Provide for orderly development;
- Promote fire safety and public order;
- **Protect** the public health and general welfare;
- To protect private property rights; and
- Provide for gradual elimination of nonconformity (SGC 22.04.020(F & K)).

In this case, the proposal incorporates design features that are below standards for access easements and have numerous locations of encroachment into municipal property and the adjacent right-of-way. Interestingly, the purpose of the prior BLA was, in part, to correct encroachment into Mr. Stengl’s property, but Ernestine Massey has chosen not to take corrective steps regarding encroachment into municipal property nor the right-of-way. The facts support that while the proposal does eliminate the nonconformity of the encroachments into Stengl’s property it seeks to expand and relocate the nonconforming access easements and does not seek to correct the encroachments into municipal property or the North Shuler ROW.

Development Standards of Title 22 – Zoning

The zone of the lots in question is Single-Family/Duplex/Manufactured Home District, which requires a minimum lot size of 8,000 sf.¹ The minimum lot area does not include access easements.² Here the lots are far in excess of the minimum lot size, therefore, net lot size is a non-issue.

Conformity with Code

SGC 22.04.030 requires conformity with code, which includes design standards and non-conforming uses. In this case, the proposal does not comply with design standards regarding easements, there are existing use and structures encroaching into public right-of-ways and/or adjacent property, it does not entirely protect private property rights, it does not protect the public’s health, safety, and welfare, nor does it provide for the gradual elimination of nonconformity, but seeks to expand, extend, and relocate such nonconformity.

Non-Conforming Use/ Structures

As a matter of persuasive code, SGC 22.24.050(E)(3), gives wide flexibility for certain instances where nonconforming use and structures may be reconstructed, but explicitly does not allow encroachment into the public right-of-way or adjacent property.

¹ SGC Table 22.20-1.

² SGC 22.20.035 Note 1 to Table 22.20-1.

In this case, there are several encroachments into public right-of-ways and/or adjacent municipal property.

Comprehensive Plan

Section 2.4.2 directs decision makers to make land use decisions in compliance with all applicable land use laws and policies. In addition, Section 2.4.19 directs decision makers “to consistently follow and enforce land use polices, codes, regulations and decision, and do so in accordance with the following policies and objectives...” “zoning and subdivision regulations are the primary mechanisms to manage land use in the Borough ... variances, and relief from the requirements shall be granted when all appropriate factors have been considered.” The above code sections would be the applicable land use laws and the policy and code below would also be the basis for the decision in conjunction with the underlying principles and direction set out in the Comprehensive Plan above.

Encroachment Policy

Effective July 7, 2016, the Planning and Community Development Director established Policy 16-03, which states, “It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This Policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include, but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure’s new location will be in a setback, a variance will be required.

Grandfathering / Historical Use / Legal Nonconformity

It will be argued that the existing easements are “grandfathered” or should be grandfathered in. Those arguments should fail for several legally supported reasons.

First, what the code states:

- 1) Nonconformity is defined in SGC 22.08.640 and can be summed as follows: a use that is no longer in compliance with current code, but was created in conformity with existing code.
- 2) Such a use, pursuant to SGC 22.24.050 (D 1-2), may continue so long as it is not enlarged or increased nor extended to a greater area or moved in whole or in part to any portion of land or lot.

Why it fails:

- 1) First, it was not legally created. The existing proposed easements are located in different locations than originally approved (There is a general legal principle that no rights ‘vest’ pursuant to illegal or erroneous action)³;
- 2) Further, the proposed easements show various degrees of enlargement, extension, relocation, and increase;

³ Land Use Planning and Development Law, 2ed, Juergensmeyer, Section 5.28, pg. 183.

- 3) The proposed easement expands the land area of the nonconforming use; and/or
- 4) Moreover, the historical use is not a listed criteria for the approval of a variance from a development standard and grandfathering in is not the subject matter of this action.

FINDINGS

It is found that as proposed the minor subdivision:

1. Does not meet the required access easements as found in section SGC 21.40.120(A);
2. Is detrimental to the public health, safety, and welfare because of limited access widths that would limit the ability of firefighting apparatus to have access;
3. Have impacted the ingress and egress of the public and property owners.
4. Is injurious to adjacent property owners because of encroachment into municipal property
5. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments.
6. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
7. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.

Alternatively, if the minor subdivision is modified and approved subject to the attached conditions that 1) the easements be platted in according with existing design standards (i.e. 20 foot widths) and 2) that all encroachments into adjacent property be corrected it is found that the impacts to public, health, safety and welfare and the potential injuries to adjacent property have been satisfactorily eliminated.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planners' analysis and suggested 2 sets of findings, and approve a modified minor subdivision subject to the attached conditions of approval.

Recommended Motions: (3 motions - read and voted upon separately)

- 1) I move to find that as proposed the minor subdivision (supports denial as presented):
 - a. Does not meet the required access easements as found in section SGC 21.40.120(A);
 - b. Is detrimental to the public health, safety, and welfare because of limited access widths that would limit the ability of firefighting apparatus to have access;
 - c. Have impacted the ingress and egress of the public and property owners.
 - d. Is injurious to adjacent property owners because of encroachment into municipal property
 - e. Has a detrimental impact to the general welfare and rights of those in the adjacent right-of-way of North Shuler Drive because of the encroachments.
 - f. There are no facts presented to support a lot of unusual size or shape or topographical features that necessitate the platting variance; and
 - g. There are no facts to support an undue or substantial hardship to correct the access easements and/or encroachments.
- 2) I move to find that if the minor subdivision is modified and approved subject to the attached conditions that 1) the easements be platted in according with existing design standards (i.e. 20 foot widths) and 2) that all encroachments into adjacent property be corrected it is found that the impacts to public, health, safety and welfare and the potential injuries to adjacent property have been satisfactorily eliminated (supports a modified and conditional approval).
- 3) I move to approve a modified preliminary plat for a minor subdivision request for 109 Harbor Mountain Road in the R-1 MH district, for the purpose of a minor subdivision subject to the attached conditions of

approval. The property is also known as Lot 2 Lot Line Adjustment of Lot 3 of USS 3317. The request is filed by Ernestine Massey. The owner of record is Ernestine Massey.

a. Conditions of Approval:

- i. The easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet); and
- ii. All encroachments connected to the properties in question into adjacent properties be removed prior to recording the discussed Boundary Line Adjustment (P 16-16) and Final Plat for the Massey Subdivision.



City and Borough of Sitka

100 Lincoln Street Sitka, Alaska 99835

Coast Guard City, USA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

POLICY 16-03

ENCROACHMENT

Effective Date: July 7, 2016

Purpose: To establish consistent standards for planning actions involving encroachments within the Department.

Policy: It is the policy of the Planning and Community Development Department (PCDD) that planning actions will be approved according to SGC and these guidelines.

This policy is intended to give general guidance, recognizing that every situation is different and methods may be adjusted accordingly. The purpose of this encroachment policy is to ensure that the department approves planning actions in a consistent manner.

Guidelines:

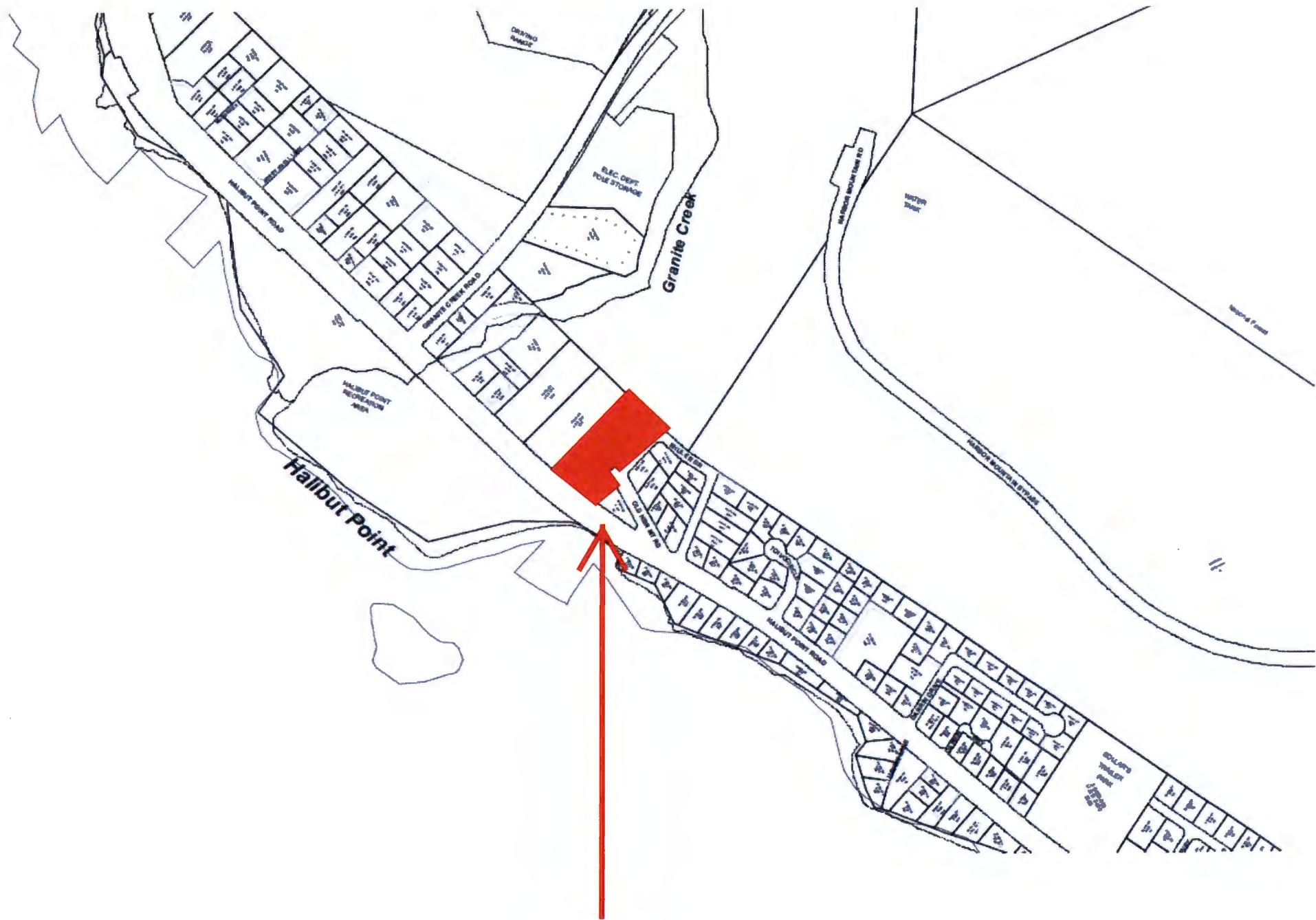
1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - a. The owner may remove encroaching structures.
 - b. The owner may remove an encroaching portion of a structure.
 - c. The owner may move an encroaching structure. If the structure's new location will be in the setback, a variance will be required.

Approved

Maegan Bosak
Maegan Bosak, Director

Date

7/13/16





City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed on 11/25/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

100 m
500 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.





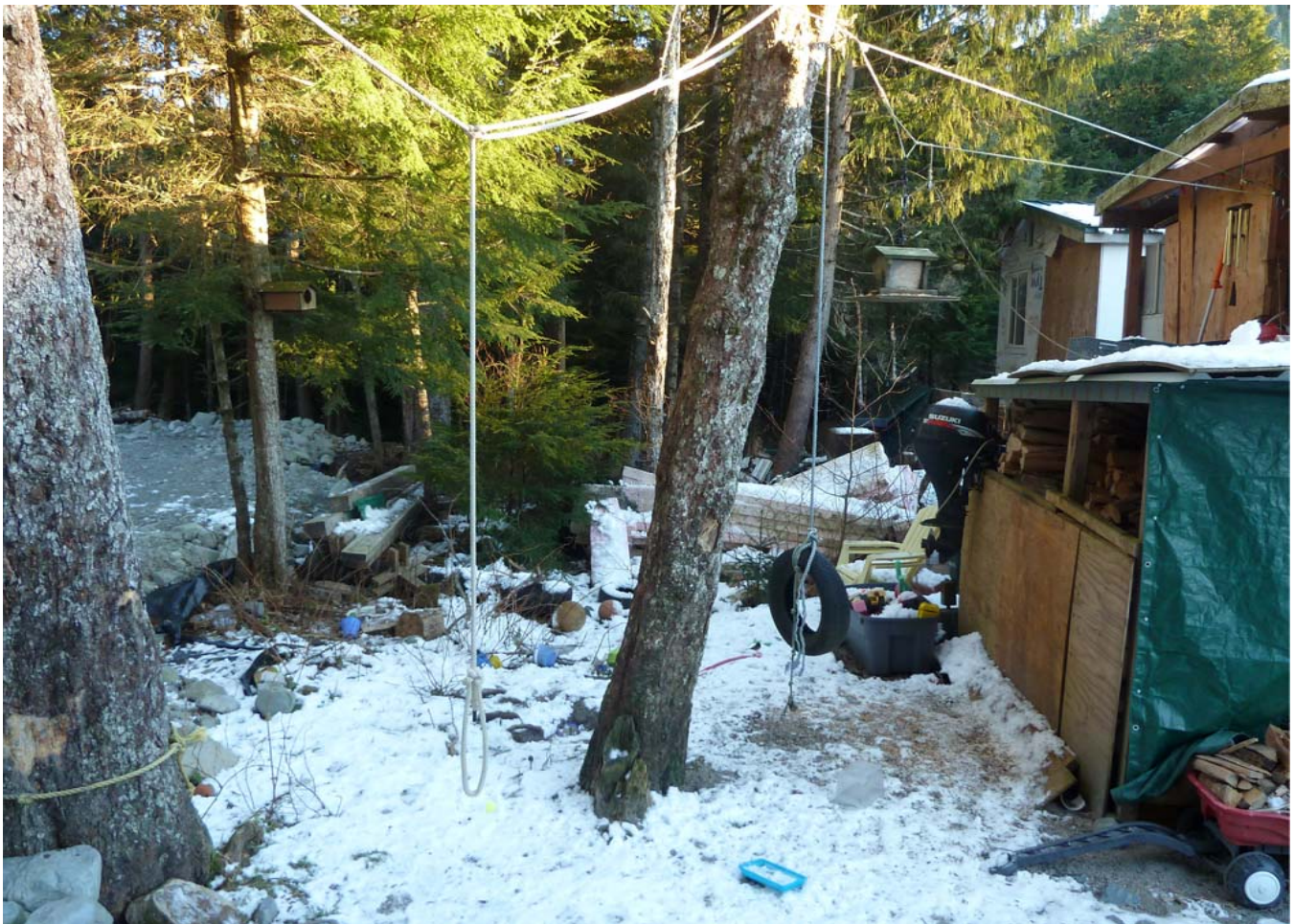


























CITY AND BOROUGH OF SITKA

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

GENERAL APPLICATION FORM

1. Request projects at least TWENTY-ONE (21) days in advance of next meeting date.
2. Review guidelines and procedural information.
3. Fill form out completely. No request will be considered without a completed form.
4. Submit all supporting documents and proof of payment.

APPLICATION FOR:

☒ VARIANCE☐ CONDITIONAL USE☐ ZONING AMENDMENT☒ PLAT/SUBDIVISION

BRIEF DESCRIPTION OF REQUEST: - MASSEY SUBDIVISION - LOT LINE ADJUSTMENT

BETWEEN LOT 4, USS 3317 AND LOT 2 OF LOT LINE ADJUSTMENT LOT 3, USS 3317, SUBDIVISION

OF LOT 2 OF LOT LINE ADJ. OF LOT 3, USS 3317 INTO TWO LOTS. * VARIANCE TO ALLOW RELOCATION
OF 2 EXISTING EASEMENTS, RETAINING ORIGINAL WIDTHS.

PROPERTY INFORMATION:

CURRENT ZONING: R1-MH PROPOSED ZONING (if applicable): _____

CURRENT LAND USE(S): _____ PROPOSED LAND USES (if changing): _____

APPLICANT INFORMATION:

PROPERTY OWNER: ERNESTINE MASSEY DEL STENGL

PROPERTY OWNER ADDRESS: 109 HARBOR MT. RD. 4323 VALHALLA DR.

STREET ADDRESS OF PROPERTY: 109 HARBOR MT. RD. 3614 HALIBUT PT. ROAD

APPLICANT'S NAME: ERNESTINE MASSEY DEL STENGL

MAILING ADDRESS: (SAME) (SAME AS OWNER ADDRESS)

EMAIL ADDRESS: 747-3319 DAYTIME PHONE: 738-8084

PROPERTY LEGAL DESCRIPTION:

TAX ID: _____ LOT: LOT 4, USS 3317 BLOCK: _____ TRACT: _____

SUBDIVISION: LOT LINE ADJUSTMENT OF LOT 3, USS 3317 US SURVEY: _____

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEE		PARKING PLAN	

REQUIRED SUPPLEMENTAL INFORMATION:

For All Applications:

- ☐ Completed application form
- ☐ Narrative
- ☐ Site Plan showing all existing and proposed structures with dimensions and location of utilities
- ☐ Proof of filing fee payment
- ☐ Proof of ownership
- ☐ Copy of current plat

For Conditional Use Permit:

- ☐ Parking Plan
- ☐ Interior Layout

For Plat/Subdivision:

- ☐ Three (3) copies of concept plat
- ☐ Plat Certificate from a title company
- ☐ Topographic information
- ☐ Proof of Flagging

If Pertinent to Application:

- ☐ Landscape Plan
- ☐ Drainage and Utility Plan

CERTIFICATION:

I hereby certify that I am the owner of the property described above and that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request. I understand that public notice will be mailed to neighboring property owners and published in the Daily Sitka Sentinel. I further authorize municipal staff to access the property to conduct site visits as necessary. I authorize the applicant listed on this application to conduct business on my behalf.

DeStengl Ernestine Massey
Owner

11/23/2016
Date

I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee is non-refundable, is to cover costs associated with the processing of this application, and does not ensure approval of the request.

Applicant (If different than owner)

Date

CERTIFICATE OF OWNERSHIP AND DEDICATION

WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____
 DATE _____ DONOR _____ SIGNATURE _____

NOTARY'S ACKNOWLEDGMENT

US OF AMERICA
 STATE OF ALASKA
 CITY & BOROUGH OF SITKA

THIS IS TO CERTIFY THAT ON THIS _____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND EXERCISING PERSONALLY APPOINTED.

TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTES THE WITHIN PLAT AND, ACKNOWLEDGES TO ME THAT, SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESSES MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN MENTIONED.

NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA
 MY COMMISSION EXPIRES _____

CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) FIRST JUDICIAL DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND ASSESSOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED IN THE TAX RECORDS OF THE CITY & BOROUGH OF SITKA, IN THE NAME OF _____

AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 20____, WILL BE DUE ON OR BEFORE AUGUST 31, 20____, DATES THIS _____ DAY OF _____.

ASSESSOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ CHAIRMAN, PLATTING BOARD _____
 SECRETARY _____

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & BOROUGH OF SITKA ASSEMBLY AS RECORDED IN HOUSE BOOK _____ PAGE _____, DATED _____, 20____, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT CLERK, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE _____ MAYOR _____
 CITY AND BOROUGH CLERK _____

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

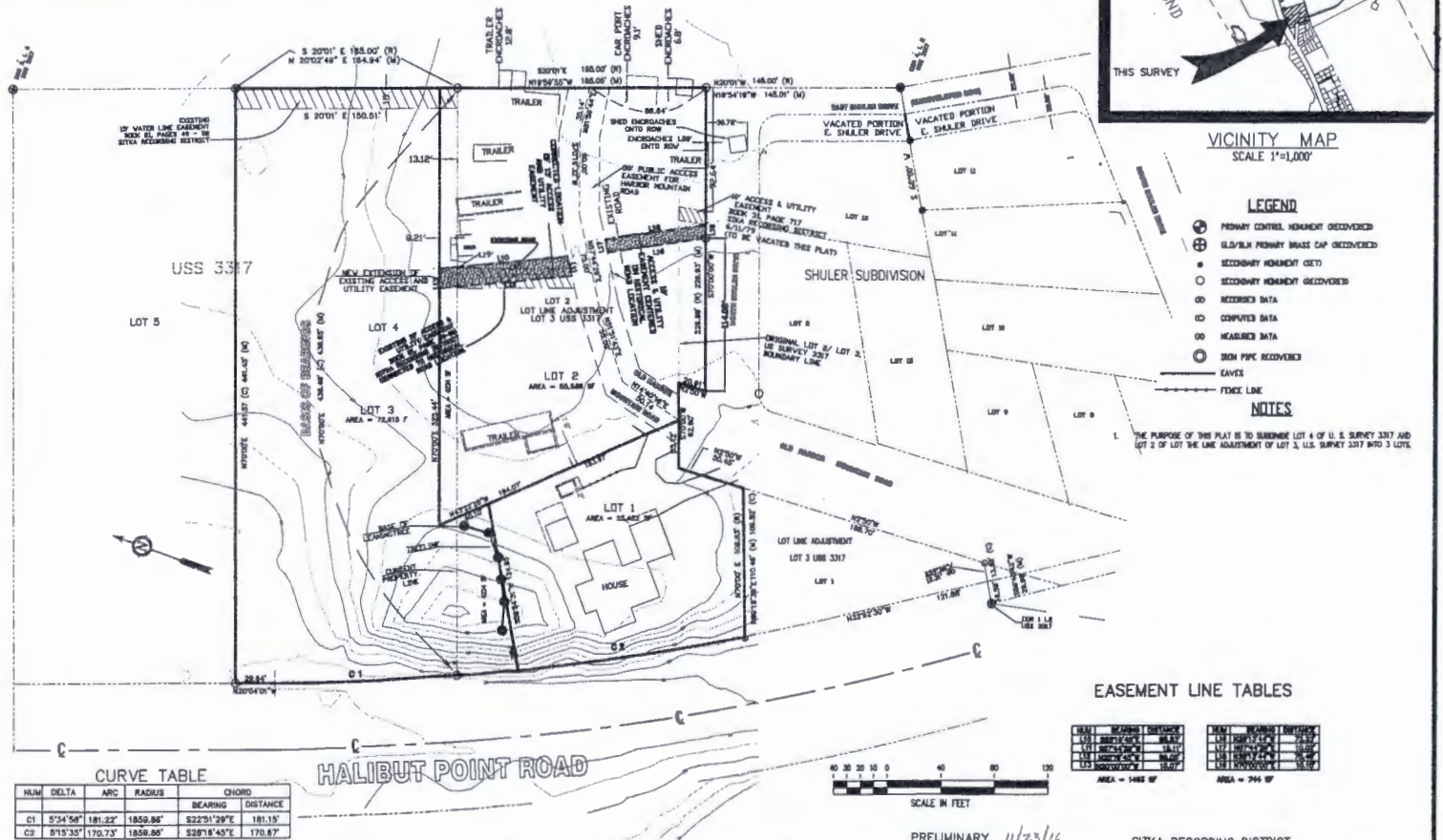
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED, AND FINANCE DIRECTOR FOR THE CITY & BOROUGH OF SITKA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY & BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED IN THE RECORDS IN THE NAME OF _____

ALL OWNERS OF RECORDS, AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.L.S.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS _____ DAY OF _____, 20____, AT SITKA, ALASKA.

FINANCE DIRECTOR
 CITY & BOROUGH OF SITKA

LOT 1, USS 3670



VICINITY MAP
 SCALE 1"=1,000'

LEGEND

- PRIMARY CONTROL MONUMENT RECOVERED
- GLASS PRIMARY BRASS CAP RECOVERED
- SECONDARY MONUMENT SET
- SECONDARY MONUMENT RECOVERED
- RECOVERED DATA
- COMPUTED DATA
- MEASURED DATA
- IRON PIPES RECOVERED
- CAVES
- POLE LINE

NOTES

1. THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE LOT 4 OF U.S. SURVEY 3317 AND LOT 2 OF LOT 1 LINE ADJUSTMENT OF LOT 3, U.S. SURVEY 3317 INTO 3 LOTS.

PRELIMINARY 11/23/16

SITKA RECORDING DISTRICT

MASSEY SUBDIVISION

LOT 4, US SURVEY 3317 AND LOT 2 OF THE LOT
 LINE ADJUSTMENT OF LOT 3, US SURVEY 3317

CLIENT: ERNESTINE MASSEY
 199 HARBOR MOUNTAIN ROAD
 SITKA, ALASKA 99835

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR, LICENSED BY THE STATE OF ALASKA, AND THAT IN A SURVEY OF THE HEREIN DESCRIBED LANDS WAS CONDUCTED UNDER MY DIRECT SUPERVISION AND THAT THIS PLAT IS A TRUE AND ACCURATE REPRESENTATION OF THE FIELD NOTES OF SAID SURVEY, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT ACCORDING TO SAID FIELD NOTES.

DESIGNED BY: J. D. MALL
 DRAWN BY: J. D. MALL
 DATE OF PLAT: NOV 2016
 SCALE: 1" = 40'
 DRAWING NAME: MASSEY SUBDIVISION
 PROJECT NO: 30601-02



O'NEILL
 SURVEYING AND ENGINEERING

BOX 1849 SITKA, ALASKA 99835
 PHONE: (907) 747-8700
 FAX: (907) 747-7580
 EMAIL: onellengr@aol.net

BY	DATE	REV	DESCRIPTION OF CHANGE

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF:

ERNESTINE MASSEY

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL L.I.D.'S ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL.

DATED THIS 15th DAY OF November, 1996
AT SITKA, ALASKA.

FINANCE DIRECTOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA PLATTING BOARD, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. 84-86-3 DATED 11-20-96 AND THAT THE PLAT HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 10-22-96 Rene Bailey
CHAIRMAN

ATTEST:
Edwina Barnett Simmons
SECRETARY
SEAL:

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY AND BOROUGH OF SITKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY AS RECORDED IN MINUTE BOOK PAGE 12 DATED NA AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX OFFICIO RECORDER, SITKA, ALASKA.

DATE 10/22/96 Pat Halligan
MAYOR

ATTEST:

CLERK

CERTIFICATE

STATE OF ALASKA } SS
1ST JUDICIAL DISTRICT }

I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ACTING ASSESSOR FOR THE CITY AND BOROUGH OF SITKA, DO HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS IN THE NAME OF:

ERNESTINE MASSEY

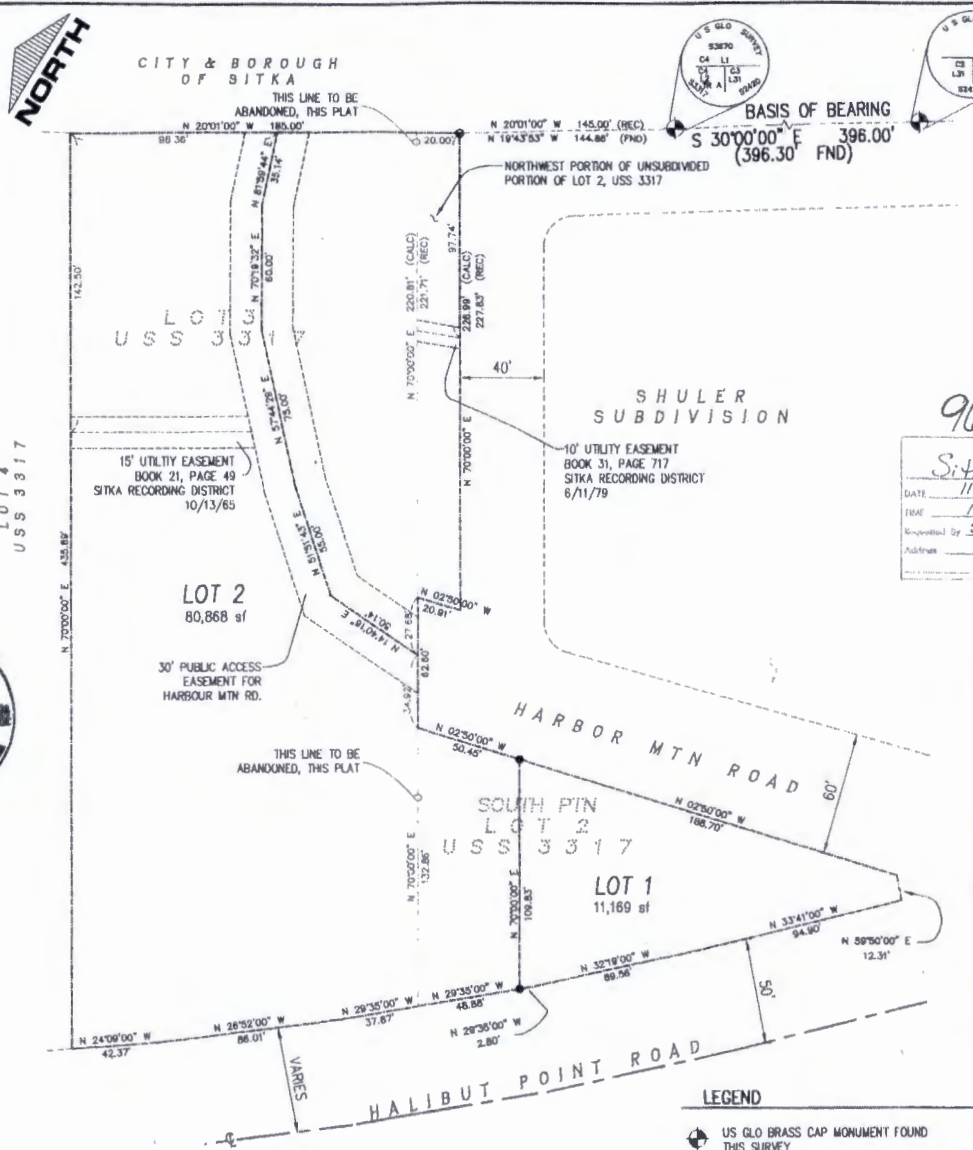
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH ARE PAID IN FULL, THAT CURRENT TAXES FOR THE YEAR 1996 WILL BE DUE ON OR BEFORE:

DATED THIS 14th DAY OF Nov., 1996
AT SITKA, ALASKA.

Pat Halligan
ASSESSOR, CITY AND BOROUGH OF SITKA

PLAT NOTES

THE PURPOSE OF THIS PLAT IS TO ADJUST THE PROPERTY LINES OF LOT 3 AND THE UNSUBDIVIDED PORTION OF LOT 2, USS 3317 SOUTH OF HARBOR MTN RD., INTO THE CONFIGURATION SHOWN ON THIS PLAT.



THIS PROJECT

VICINITY MAP
SCALE 1" = 1000'

96-29

Sitka 20.00
DATE 11-21 MK DIST. 1996
TIME 1:12 P. 45
Represented by Scg B.
Address

STATE OF ALASKA
NOTARY PUBLIC
EDWINA BARNETT SIMMONS
My Commission Expires Nov. 10, 1997

CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PARKS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 10/22/96
OWNER
Ernestine Massey

THE NOTARY'S ACKNOWLEDGEMENT

UNITED STATES OF AMERICA } SS
STATE OF ALASKA }
CITY AND BOROUGH OF SITKA }

THIS IS TO CERTIFY THAT ON THIS 22 DAY OF October, 1996, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AS SWORN, PERSONALLY APPEARED

Ernestine Massey
TO ME KNOWN TO BE IDENTICAL INDIVIDUAL(S) MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND THAT SHE ACKNOWLEDGED TO ME THAT SHE SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.

WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST HEREIN WRITTEN.
Edwina Barnett Simmons
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA

MY COMMISSION EXPIRES 11-18-97

LOT LINE ADJUSTMENT LOT 3, USS 3317

LOT LINE ADJUSTMENT OF LOT 3

AND UNSUBDIVIDED PORTION LOT 2, USS 3317

JOB NO. 2693 CHECKED BY: NPS DATE: 10-21-96
DRAWN BY: PS SCALE: 1"=400'

PREPARED FOR:
ERNESTINE MASSEY
PO Box 808
SITKA, AK 99835

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I AM PROPERLY REGISTERED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA, AND THAT THE PLAT HEREON IS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THAT THE PLAT HEREON IS CORRECTLY EXIST AS DESCRIBED, AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.

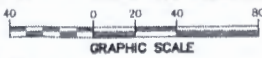
DATE 11-22-96 COMMUNICATION NO. 2693
Cliff Stragier
REGISTERED LAND SURVEYOR
NORTH STRAGIER 2537-S

PREPARED BY:

**STRAGIER ENGINEERING
SERVICES, INC.**

CIVIL ENGINEERING
LAND SURVEYING

504 Oudroft St., Sitka, Alaska 99835 907-743-5613
Real "State" Stragier, P.E., R.L.S., President





City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

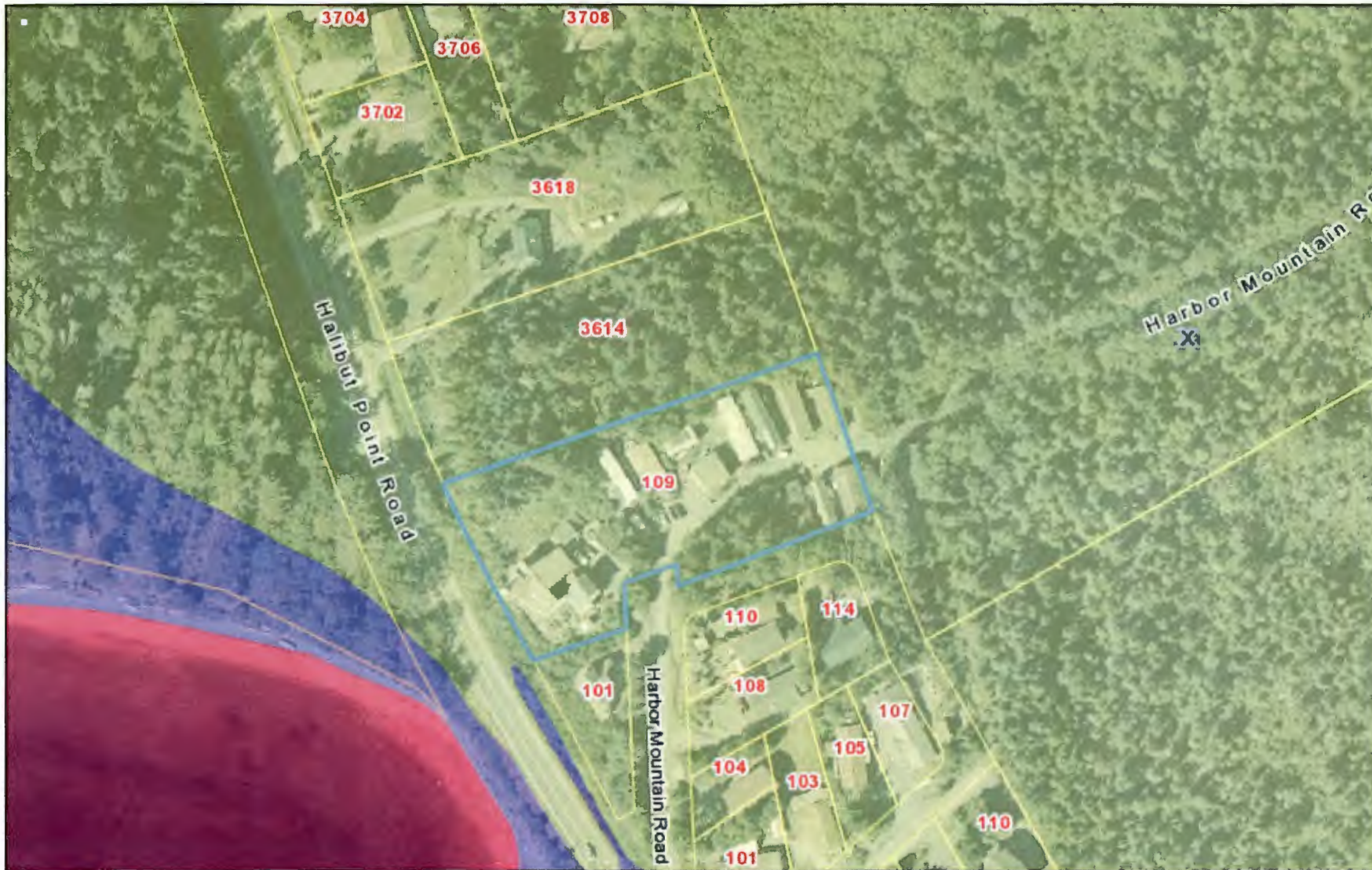
Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

This map is for informational purposes only. It is not for appraisal of, description of, or conveyance of land. The City & Borough of Sitka, Alaska and MainStreetGIS, LLC assume no legal responsibility for the information contained herein.



City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

Printed 11/28/2016 from <http://www.mainstreetmaps.com/ak/sitka/internal.asp>

50 m
200 ft



MainStreetGIS
MainStreetGIS, LLC
www.mainstreetgis.com

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Parcel ID: 25571004
DONOVAN/JANE SEESZ
SEESZ, DONOVAN, D./JANE, M.
114 HARBOR MOUNTAIN RD.
SITKA AK 99835

Parcel ID: 25571005
LUCAS/JULIE SKORDAHL/MAUCH
SKORDAHL, LUCAS & MAUCH, JULIE
116 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25571006
MARK REID
REID, MARK, K.
P.O. BOX 1201
SITKA AK 99835-1201

Parcel ID: 25605000
ROBERT/ERNESTIN PEEL/MASSEY
PEEL, ROBERT/MASSEY, ERNESTINE
109 HARBOR MT RD
SITKA AK 99835

Parcel ID: 25610000
ERNESTINE MASSEY
SEA & SKI TRAILER COURT
MASSEY, ERNESTINE
109 HARBOR MOUNTAIN RD
SITKA AK 99835

Parcel ID: 25615000
DEL STENGL
STENGL, DEL
4323 VALHALLA DR
SITKA AK 99835

Parcel ID: 25620000
PAULINE BERGDOLL REVOCABLE
TRUST
C/O LINDA SCHMIDT
BERGDOLL TRUST, PAULINE, F.
4406 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 25624000
ALASKA, STATE OF
HALIBUT POINT REC AREA
ALASKA, STATE OF
3700 HALIBUT POINT RD
SITKA AK 99835

Parcel ID: 26004000
CITY & BOROUGH OF SITKA
CITY & BOROUGH OF SITKA
100 LINCOLN ST
SITKA AK 99835

City and Borough of Sitka, AK
100 Lincoln St
Sitka, AK 99835

Date: 11/25/2016
Receipt: 2017-00025713
Cashier: Front Counter
Received From: O'NEILL SURVEYING

PLAN - Planning Permits/Zoning	150.00
STL - Sales Tax 4th quarter	7.50
CY	
Receipt Total	157.50
Total Check	157.50
Total Remitted	157.50
Total Received	157.50

PAID
NOV 25 2016
CITY & BOROUGH OF SITKA

INVOICE

CITY AND BOROUGH OF SITKA

100 LINCOLN STREET, SITKA ALASKA 99835

DATE: 11/23/16

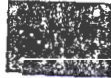
To: O'Neill Surveying

ACCOUNT # 100-300-320-3201.002

PLANNING & ZONING

Variance.....	75.00
Conditional Use Permit.....	
Minor Subdivision.....	50.00
Major Subdivision.....	
Zoning Map Change.....	
Zoning Text Change.....	
Lot Merger.....	
Boundary Line Adjustment.....	25.00
General Permit.....	
Appeal of Enforcement Action (Pending).....	
Other.....	
Sales Tax.....	7.50
TOTAL.....	157.50

Thank you



2004-000659-0

Recording Dist: 103 - Sitka

4/13/2004 1:48 PM Pages: 1 of 2

A
L
A
S
K
A

cc

PERSONAL REPRESENTATIVE'S DEED

The Grantor, Ernestine Massey, Personal Representative of the Estate of Walter Massey, in Case No. 1SI-73-04 PR in the Superior Court for the State of Alaska, First Judicial District at Sitka, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, for valuable consideration, conveys and grants to the Grantee, Ernestine Massey, a married person, whose address is 109 Harbor Mountain Road, Sitka, Alaska 99835, all right, title and interest in the following described real estate:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, including within its boundaries Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, described by metes and bounds as follows: commencing at the northernmost corner of Lot One (1) of the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as the true point of beginning, thence N 02° 50' 00" W a distance of 50.45 feet to Corner No. 1, thence S 70° 00' 00" W a distance of 132.86 feet to Corner No. 2, thence S 29° 35' 00" E a distance of 48.88 feet to Corner No. 3, thence S 32° 19' 00" a distance of 89.56 feet to Corner No. 4, thence S 33° 41' 00" E a distance of 94.90 feet to Corner No. 5, thence N 59° 50' 00" E a distance of 12.31 feet to Corner No. 6, and thence N 02° 50' 00" W a distance of 188.70 feet back to the true point of beginning, a parcel commonly known as the south portion of Lot Two (2), USS 3317;

And as follows:

a portion of Lot Two (2), USS 3317, Sitka Recording District, First Judicial District, State of Alaska, described by metes and bounds as follows: commencing at the northernmost corner of Lot Three (3), USS 3317, thence S 20° 01' 00" E a distance of 165.00 feet to the true point of beginning, thence S 20° 01' 00" E a distance of 20.00 feet to

Σ7m * S 29° 35' E a distance of 2.8 feet.

Personal Representative's Deed
Estate of Massey
Page 1 of 2

PEARSON & HANSON
Attorneys at Law
713-B Sawmill Creek Boulevard P.O. Box 98
Sitka, Alaska 99835
(907) 747-3257 (phone) (907) 747-4977 (fax)

Corner No. 1, thence S 70° 00' 00" W a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 226.99 feet (and a recorded distance of 227.83 feet according to that same plat), to Corner No. 2, thence N 02° 50' 00" W a distance of 20.91 feet to Corner No. 3, and thence N 70° 00' 00" E a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 220.81 feet (and a recorded distance of 221.71 feet according to that same plat) to the true point of beginning, a parcel commonly known as the northwest portion of unsubdivided portion of Lot Two (2), USS 3317.

DATED this 13th day of APRIL, 2004.

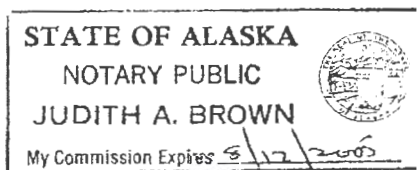
Ernestine Massey, Personal Representative of
Ernestine Massey, Personal Representative of the
Estate of Walter Massey *the Estate of Walter Massey*

STATE OF ALASKA)

) ss:

FIRST JUDICIAL DISTRICT)

The foregoing instrument was acknowledged before me this 13 day of, March, 2004, by Ernestine Massey, Personal Representative of the Estate of Walter Massey.



J. H. Brown
Notary Public for Alaska

RETURN TO:
Pearson & Hanson
P.O. Box 98
Sitka, Alaska 99835

MAE1PRD1.wpd.c:\masseye

Personal Representative's Deed
Estate of Massey
Page 2 of 2

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(907) 747-3257 (phone) (907) 747-4977 (fax)



2004-000669-0