

POSSIBLE MOTION

I MOVE TO vacate the 20 foot right-a-way within Carlson Subdivision requested by Conner and Valorie Nelson – 4600 Halibut Point Road

and

if necessitated request that an ordinance be prepared

Colleen Ingman

From: Valorie <valorie@ablueberryinn.com>
Sent: Tuesday, June 05, 2012 2:33 PM
To: Colleen Ingman; James Dinley
Cc: Connor Nelson
Subject: Fwd: Planning Commission minutes from May 1
Attachments: May 1 Final.doc

Municipal clerk & administrator: In checking w/the planning department we discovered that the request for vacation of right of way at 4600 HPR had not been forwarded this on to you. Please add this to the next agenda. Thankyou!

Sent from my Samsung smartphone on AT&T

----- Original message -----

Subject: Planning Commission minutes from May 1
From: Melissa <melissa@cityofsitka.com>
To: 'Connor Nelson' <keystone99835@yahoo.com>, 'Valorie' <valorie@ablueberryinn.com>
CC:

Attached are the minutes I promised as discussed over the phone.

Thank you,

Melissa Henshaw, Planner I
City and Borough of Sitka

100 Lincoln Street

Sitka, AK 99835

907-747-1814 FAX 907-747-6138



Nelson
Vacate Right-of-Way
4600 Block of Halibut Point Road

**CERTIFICATE
STATE OF ALASKA)**

FIRST JUDICIAL DISTRICT)

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

CHARLES CARLSON

AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY AND BOROUGH OF SITKA ARE PAID IN FULL; THAT CURRENT TAXES FOR THE YEAR 1977 WILL BE DUE ON OR BEFORE JULY 31, 1977

DATED THIS 19th DAY OF SEPTEMBER 1977
Paul C. Aheir
ASSESSOR, CITY AND BOROUGH OF SITKA

**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 ASSEMBLY AS RECORDED IN MINUTE BOOK 4, PAGE 21-22 DATED APRIL 12th 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE 7/11/77
BY *[Signature]*
SEAL

Paul C. Flynn
CITY AND BOROUGH CLERK

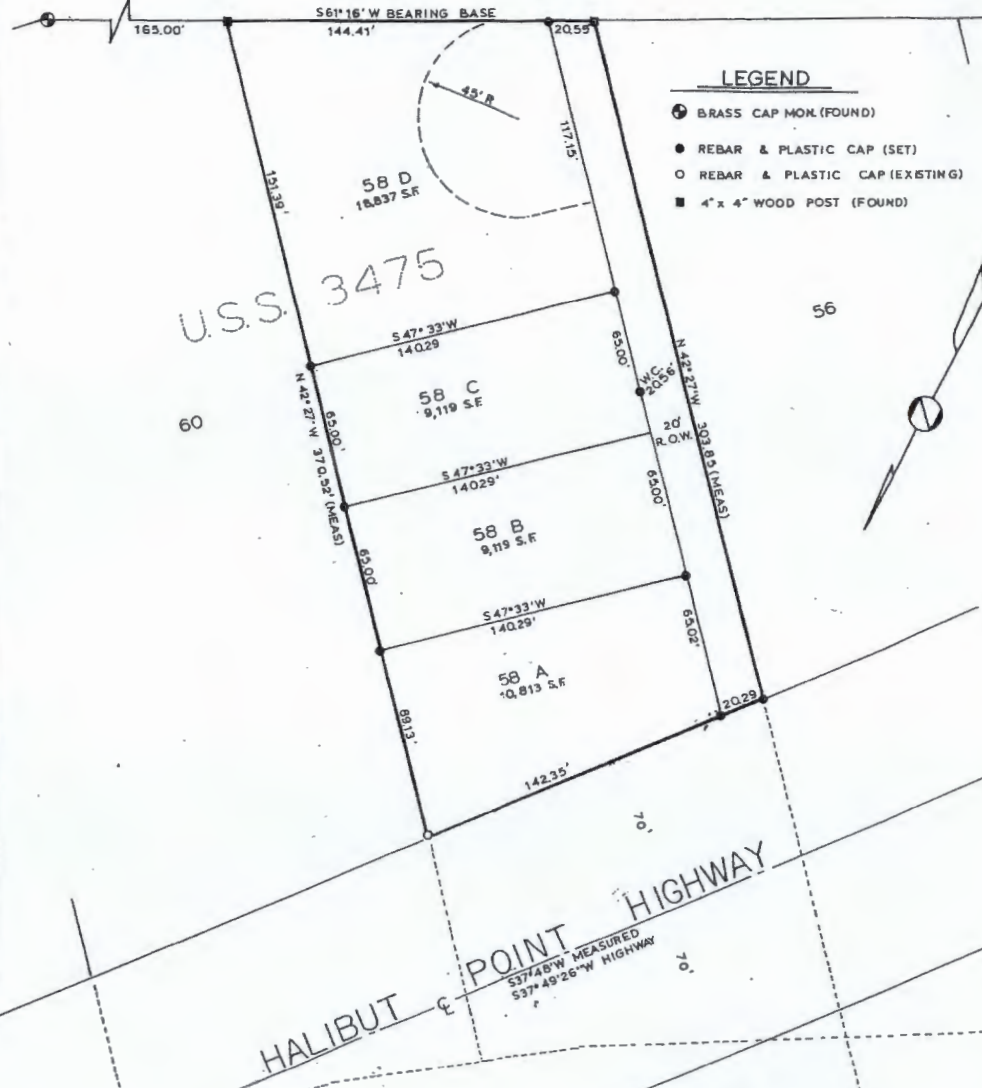
**CERTIFICATE OF APPROVAL
BY THE BOARD**

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. 77-6 DATED APRIL 4th 1977, AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.

DATE Sept. 16, 1977
BY *[Signature]*
CHAIRMAN, PLATTING BOARD

[Signature]
SECRETARY

U.S.S. 3670



NOTE:
45' R TEMPORARY TURNAROUND
TO EXPIRE WHEN ROAD IS EXTENDED

- LEGEND**
- BRASS CAP MON. (FOUND)
 - REBAR & PLASTIC CAP (SET)
 - REBAR & PLASTIC CAP (EXISTING)
 - 4" x 4" WOOD POST (FOUND)

**CERTIFICATE OF OWNERSHIP
AND DEDICATION**

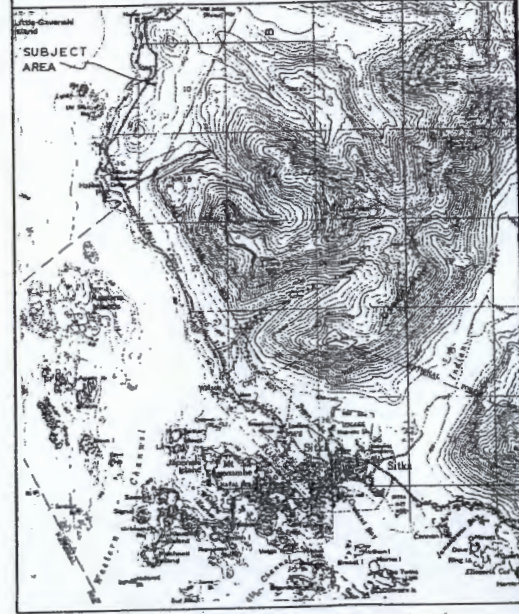
WE HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT WE HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH OUR FREE CONSENT AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE 9-21-77
WITNESSES *Charles Carlson* *Philip G. Swanson*
OWNERS

NOTARY'S ACKNOWLEDGEMENT

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)
THIS IS TO CERTIFY THAT ON THIS 21st DAY OF SEPTEMBER 1977, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, PERSONALLY APPEARED CHARLES CARLSON AND PHILIP G. SWANSON TO ME, KNOWN AND KNOWN TO ME TO BE THE PERSONS NAMED IN THE FOREGOING CERTIFICATE OF OWNERSHIP AND DEDICATION AND THAT THEY INDIVIDUALLY ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN MENTIONED.
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND THE YEAR BY THIS CERTIFICATE NAMED FIRST ABOVE.

Paul S. Halpern
NOTARY PUBLIC FOR ALASKA
MY COMMISSION EXPIRES 10/11/79



VICINITY MAP
SCALE: 1" = 1 MILE

SURVEYOR'S CERTIFICATE

I hereby certify that I am a registered Surveyor, licensed in the State of Alaska, and that in JULY 1977 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.



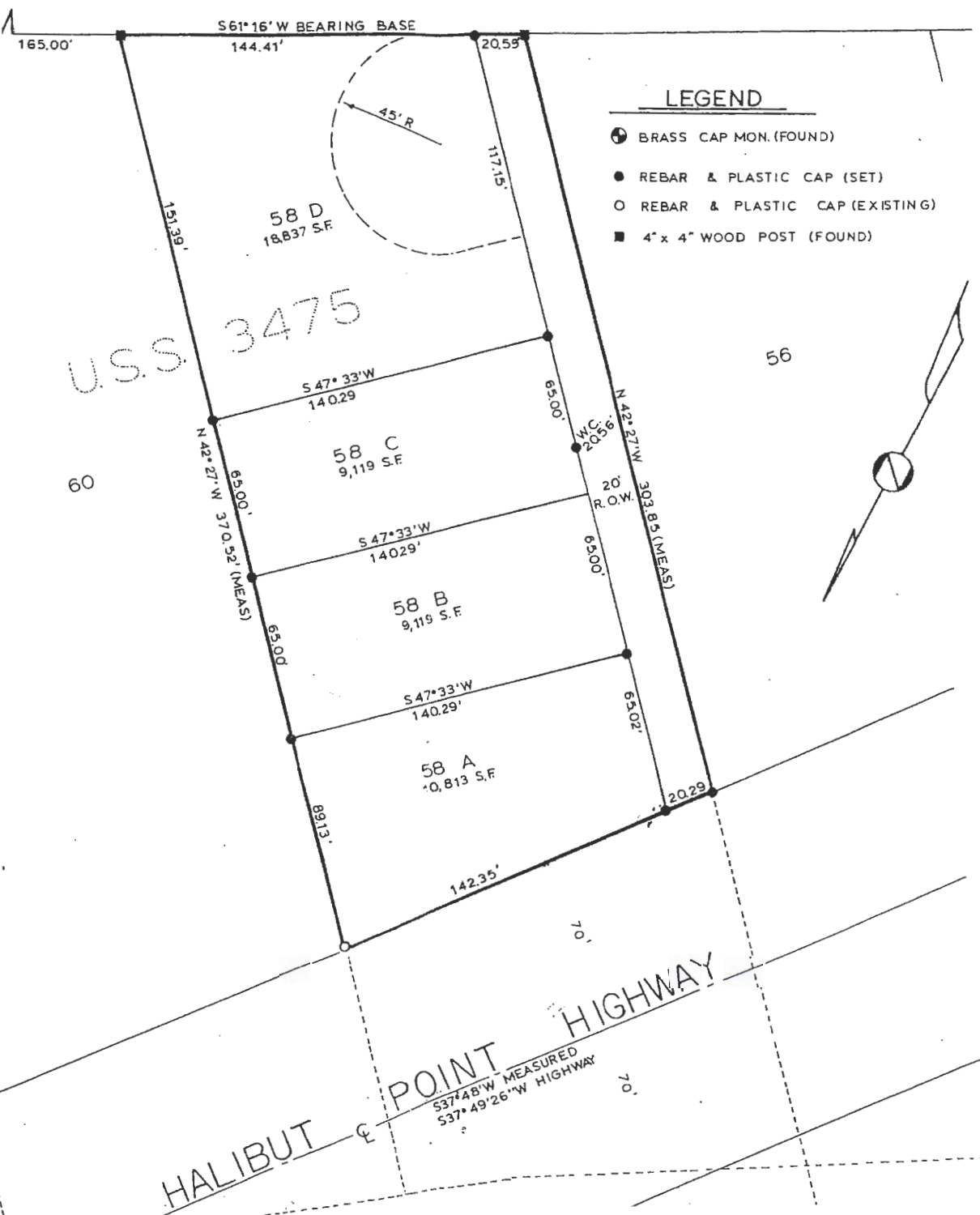
RECORDED 77-1719
SITKA REC. DIST.
DATE 9/19/77
TIME 10:31 A.M.
BY *C. T. Breen*
SITKA

CARLSON SUBDIVISION

LOT 58 U.S. SURVEY 3475		
FOR: CHARLES CARLSON BOX 903 SITKA, ALASKA		
DAVIS - SWANSON AN AFFILIATE OF CHARLES POOL & ASSOCIATES CONSULTING ENGINEERS AND SURVEYORS P.O. BOX 1048, SITKA, ALASKA 99585		
DATE 19 JULY 1977	NAME OF PHIL DAVIS	PROJ. NO. 15210-01-00
SCALE 1" = 40'	DRAWN BY P.D.	

U.S.S. 3670

NOTE:
45' R TEMPORARY TURNAROUND
TO EXPIRE WHEN ROAD IS EXTENDED.



LEGEND

- BRASS CAP MON. (FOUND)
- REBAR & PLASTIC CAP (SET)
- REBAR & PLASTIC CAP (EXISTING)
- 4" x 4" WOOD POST (FOUND)

U.S.S. 3475

HALIBUT POINT HIGHWAY

537°48'W MEASURED
537°49'26"W HIGHWAY

Nelson
Vacate Right-of-Way
4600 Block of Halibut Point Road

77-1719

RECORDED	INDEXED	5 th
SITKA - REC. DIST.		
DATE	9/19	1977
TIME	10:34	A.M.
Prepared by	C. T. Bora	
Address	SITKA	



Nelson
Vacate Right-of-Way
4600 Block of Halibut Point Road



Nelson
Vacate Right-of-Way
4600 Block of Halibut Point Road

Nelson
Vacate Right-of-Way
4600 Block of Halibut Point Road





Nelson

Vacate Right-of-Way

4600 Block of Halibut Point Road

**City and Borough of Sitka
Planning and Zoning Commission
Draft Minutes of Meeting
April 17, 2012**

Present: Jeremy Twaddle (Chair), Darrell Windsor (Member), Richard Parmelee (Member), Tom Rogers (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Stephen Weatherman (Municipal Engineer), Brian Oberreuter, Valorie/Connor Nelson, Craig Giammona (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:05 p.m.

Consideration of the Minutes from the April 3, 2012 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for April 3, 2012.

ACTION: Motion **PASSED unanimously** on a voice vote.

This evening's business:

**VARIANCE REQUEST
417 MARINE TSREET
BRIAN OBERREUTER**

Public hearing and consideration of a variance request filed by Brian Oberreuter at 417 Marine Street. The request is for a reduction in the rear setback to 5 feet and an increase in lot coverage to 37% for placement of a garage. The property is also known as Lot 32 Block 26 Spruce Glen Subdivision.

Planner Henshaw review the request stating that this is an old area of town and therefore the lot is 5,000 square feet. The width is less than 60 feet and the 5 foot side setback is allowed by code. The applicant is asking for a rear setback from 10 feet to 5 feet and with the garage placement the lot coverage goes up to 37% from the allowed 35%. Water and sewer lines are accounted for and do not run under the proposed area. The applicant has talked with the adjacent neighbor stating that there are no objections.

Applicant: Brian Oberreuter came forward with plans that were passed around to Commissioners. It is a US steel building that he can put up himself and afford.

Chair Twaddle confirmed with Mr. Oberreuter that the shed is the same rear setback just that this new garage will be closer to the side property line.

Mr. Oberreuter expressed concern with his equipment and belongings out in the weather, and that this garage would cover them up to protect them.

Chair Twaddle confirmed with Planning Director Williams that the height restriction is 16 feet. This building has a height of 14 feet.

Public Comment: None

MOTION: M/S PARMELEE/ROGERS moved to approve a variance request filed by Brian Oberreuter at 417 Marine Street. The request is for a reduction in the rear setback to 5 feet and an increase in lot coverage to 37% for placement of a garage. The property is also known as Lot 32 Block 26 Spruce Glen Subdivision.

ACTION: Motion **PASSED unanimously** on a voice vote.

Staff recommended findings in support of the approval.

MOTION: M/S PARMELEE/ROGERS moved to approve the following findings in support of the approved variance:

1. That there are special circumstances that do not generally apply to other properties specifically the size of the property and the orientation or placement of existing structures;
2. The variance is necessary for the preservation and enjoyment of a substantial property right or use possessed by other properties but are denied to this parcel;
3. That the granting of such a variance will not be materially detrimental to the public welfare or injurious to the property, nearby parcels or public infrastructure; and
4. That the granting of such a variance will not adversely affect the comprehensive plan.

ACTION: Motion **PASSED unanimously** on a voice vote.

**VACATE 20' RIGHT-OF-WAY
4600 BLOCK HALIBUT POINT ROAD
VALORIE/CONNOR NELSON**

Consideration of a request to vacate the 20 foot right-of-way in the Carlson Subdivision in the 4600 block of Halibut Point Road.

Planning Director Williams explained where this requested 20 foot right-of-way is and that US Survey 3670 which is owned by the City is behind this right-of-way and the Carlson Subdivision. There is a cult-de-sac on the last lot that was never built out. The history of minor subdivision plats has been experimented with in the last 25 years and there have been various ways to do them. The street vacation process, if the Commission gets to that point, is an ordinance process. Although unusual it would be possible to have an Ordinance supersede and attorneys would recognize the process.

Chair Twaddle received confirmation from Planning Director Williams that this right-of-way is City owned but not City maintained.

Chair Twaddle called Stephen Weatherman, Municipal Engineer forward. He explained Public Works policy in order to vacate a right-of-way that there would have to be a benefit to the community in order to sell it. Although this right-of-way is not wide enough to build a road, it could be useful to run the water, sewer and electrical among other utilities up to US Survey 3670 without permission. Since the City is looking at developing

Planning Commission Minutes

April 17, 2012

Page 2 of 5 Final

quarries in US Survey 3670, there is no benefit to the community at large to vacate this. If they gave up this right-of-way then the City would have to look elsewhere for permission to get access to that parcel. Mr. Weatherman stated that if they wanted to use this for road access they would look at acquiring additional right-of-way, but this would be for bringing utilities up in that area. He discussed access, wetlands, utilities and breakwater rock to/from US Survey 3670. If the quarries are done right after the quarries are finished it can be turned into residential areas.

APPLICANT: Connor Nelson came forward showing a topographical map of the area noting that there is a steep grade in this area. He discussed the history of this area starting with the 1977 Carlson Subdivision. There were two subdivisions and the City had the subdividers give up a 20 foot right-of-way making it a 40 foot right-of-way up to the Benchlands. Then 20 feet of the 40 foot right-of-way sunset in 1986. The City gave it up. In 1993 the City replatted the right-of-way into an easement. When Mr. Nelson asked the City whether it was a right-of-way or an easement years ago, Planning Director Williams stated at that time it was an easement.

Confirmation about the sunset was made by Planning Director Williams that it was a note on the plat.

Mr. Nelson continued that when the one 20 foot right of way went away both of them should have gone away. He stated that the City should give it back and that it isn't a right-of-way any longer.

Discussion occurred on the lot number(s) of the subdivisions involved.

Mr. Nelson has plans that include topographical information from 1998 that he showed the Commission. Planning Director Williams stated that it is possible that the maps are outdated.

Chair Twaddle asked Planning Director Williams what he thought the intent was to which he responded with initially it looked like an easement but that it also could have been made to accommodate an uncertain future as a right-of-way. He mentioned that Halibut Point Road was very different in 1977. The 1977 Carlson Subdivision has not changed and it is still considered a right-of-way. Wyatt-Cox Subdivision has changed but not the Carlson Subdivision.

Discussion occurred on this right-of-way as an easement.

Chair Twaddle asked if there are different possible locations for access to the tract to which Planning Director responded that as Mr. Weatherman mentioned earlier that the City would have to acquire property to do so.

PUBLIC COMMENT: Valorie Nelson came forward. She stated that the road maintenance agreement was drawn up for the City to sell Lot 1A of 3670 by competitive bid. There had to be a legal access to this parcel to sell it. The City was told by a judge that the City had to subdivide it before they sold it. Then when the Nelson's were out of town a road maintenance agreement was done. They didn't know about it until last year when it showed up on a title search. They then had to pay an attorney to get the property released that the City took. In 1994 the City and Nelson's reached an agreement on litigation about that rock quarry and what happened there. It states that when all rock is

Planning Commission Minutes

April 17, 2012

Page 3 of 5 Final

extracted (an estimated 500,000 cubic yards) quarrying activities will cease. When the City took the right-of-way and platted it into an easement so they could have their road maintenance agreement to get their sale through to extend the pit; it no longer was a right-of-way on Carlson's because they made it an easement. They couldn't just use the 20 feet because the 20 feet only can serve four lots. So they then came over to Wyatt-Cox and took 20 feet from the Nelson's that they should not have been legally able to take.

Planning Director Williams responded that the City released their interest in property. After he asked if the Nelson's would be in town for the next Planning Commission meeting, Mr. Nelson replied that there isn't a question that this is an easement. It was replatted as an easement in 1993. He stated that the owners were kind of "arm twisted" to put them in on good faith that the City would make an access up to the Benchlands within five years and the City didn't do that so when the one went away, the other should have gone away. It was discussed if this was a right-of-way or an easement. The conclusion of the discussion is that Planning Director Williams sees this as a right-of-way and Mr. Nelson sees it as an easement.

Planning Director Williams stated that his view is that this process would need to be an Ordinance. He stated that the Planning Commission needs to make decision on if this is a right-of-way or an easement. Then decide whether to transfer it to the owner.

Chair Twaddle mentioned the last time that a right-of-way was vacated. Planning Director responded with some history in regards to previous vacations.

Public Comment: None.

Applicant: Mr. Nelson added that in 1993 there was a replat to turn this into an easement and the cult-de-sac was removed. He would like to do some projects out in this area however, unless this is an easement, then it wouldn't be feasible.

Chair Twaddle expressed that keeping the language clean would be in every ones best interest regardless of what the Commission chooses to do. Planning Director Williams agreed.

The Commission discussed this item, how to clear it up, Staff's views, and the process.

Mr. Weatherman confirmed that he could provide at the next meeting other routes up to US Survey 3670 from Halibut Point Road.

MOTION: M/S WINDSOR/ROGERS moved to defer the consideration of a request to vacate the 20 foot right-of-way in the Carlson Subdivision in the 4600 block of Halibut Point Road to the next Planning Commission meeting on May 1, 2012.

ACTION: Motion **PASSED unanimously** on a voice vote.

PLANNING DIRECTOR'S REPORT: Planning Director Williams stated that there would be two items on the next meeting on May 1. The deferred item from this meeting and another item that the Nelson's have interest in with regards to zero lot line code changes. Planning Director Williams invited the Chair to the next Assembly meeting for Planning Commission Minutes

April 17, 2012

Page 4 of 5 **Final**

the Anderson appeal of Didrickson's variance. Staff passed out the new application for conditional use permits requests for island properties. This application now includes the code sections that staff promised at the last meeting.

PUBLIC BUSINESS FROM THE FLOOR: Connor Nelson came forward to mention the issues with the S & S rock quarry. A few years back they moved their operation onto Lot 63 and they have been quarrying that. He believed that it is zoned C-2 and questioned why it is going on there as he thinks that they are not allowed to do so.

ADJOURNMENT

MOTION: M/S PARMELEE/ROGERS moved to adjourn at 8:43 p.m.

ACTION: Motion PASSED unanimously on a voice vote.

Jeremy Twaddle, Chair

Melissa Henshaw, Secretary

**City and Borough of Sitka
Planning and Zoning Commission
Draft Minutes of Meeting
May 1, 2012**

Present: Jeremy Twaddle (Chair), Darrell Windsor (Member), Richard Parmelee (Member), Wells Williams (Planning Director), Melissa Henshaw (Planner)

Members of the Public: Stephen Weatherman (Municipal Engineer), Richard Guhl, Valorie/Connor Nelson, Shannon Haugland (Daily Sitka Sentinel)

Chairman Twaddle called the meeting to order at 7:00 p.m.

Consideration of the Minutes from the April 17, 2012 meeting:

MOTION: M/S PARMELEE/WINDSOR moved to approve the meeting minutes for April 17, 2012.

ACTION: Motion **PASSED unanimously** on a voice vote.

This evening's business:

**VACATE 20' RIGHT-OF-WAY
4600 BLOCK HALIBUT POINT ROAD
VALORIE/CONNOR NELSON**

Consideration of a request to vacate the 20 foot right-of-way in the Carlson Subdivision in the 4600 block of Halibut Point Road.

Planning Director Williams stated that Staff comments will be just before deliberations.

Chair Twaddle called Stephen Weatherman, Municipal Engineer forward. Mr. Weatherman showed the previously requested right-of-way aeriels from Halibut Point Road to US Survey 3670. Three are pointed out on the aerial with one being the 20 foot right-of-way in the Carlson Subdivision. He mentioned that a conditional use permit request will be coming to the Commission in the near future for a quarry for a section in US Survey 3670. He continues to maintain that this right-of-way needs to remain in place as it is beneficial for utilities and drainage purposes.

Chair Twaddle received confirmation of a possible right-of-way location and its width.

Mr. Weatherman replied to Commissioner Windsor the difference between a right-of-way and an easement with regards to owner permission.

APPLICANT: Connor Nelson came forward with handouts. O'Neill Surveying and Engineering drew up a concept drawing to resubdivide the Carlson Subdivision. He would like to expand into this subdivision and build commercial buildings and living space. This entails changing the right-of-way with a jog and the access. He told about the history of this area with regards to previous owners, the other 20 foot right-of-way with the sunset, and that he was told in 1993 that this was an easement. He has put in a

lot of effort to this area with regards to a highway crossing permit and utilities. He also feels that there is good access to US Survey 3670 from Lot 65 just past the cove area. The right-of-way in the Carlson Subdivision would consist of cutting into a steep slope behind it thus creating a drainage issue. He explained about rock quarrying in US Survey 3670. In 1998 he proposed to put in a 40 foot right of way in the Wyatt-Cox Subdivision to have access to US Survey 3670 in which the City turned him down. Mr. Nelson confirmed to Commissioner Windsor that the right-of-way setback has to be 20 feet and with an easement, the owner can build right up to it.

PUBLIC COMMENT: Richard Guhl came forward stating that he is in support of Mr. Nelson's request. He has concerns that Public Works doesn't have the history from 5 years ago in which a study was done to determine topographically the preferred access to US Survey 3670. He passed out a drawing of an easement of 60 feet through mostly Lot 60 (his lot) which is the most gentle grade. He believes that this right-of-way should be given back since it has not benefitted the City and it will be on the tax rolls.

Planning Director Williams discussed chapter 18.12 Real Property Disposal. He reminded the Commission that this is only in regards to the 1977 plat of the Carlson Subdivision. Nelson's have owned it for 1.5 years and PAMCO owned it for 18 years. He read 18.12.010 that states "Real property, including tidelands, and land acquired from the state, may be sold or leased only when authorized by ordinance". And 18.12.015 C 2 that states "If the person or persons petitioning for vacation is, or are, the original subdividers who established the street, alley, or public thoroughfare, or portion thereof, sought to be vacated, then the municipality may vacate the same without payment of any kind being acquired from the petitioner or petitioners or the property owner or owners who receive the property by virtue of vacation" does not apply. He suggested based on history that the action be by making a motion recommending to the Assembly. There is not a precedence on this request since Public Works is not supporting it. Therefore, the applicant will then need sponsors from the Assembly or the Administrator to continue this request.

The Commission had a discussion with regards to the property, deeds, dedications, the size of the right-of-way and a viable right-of-way.

MOTION: M/S PARMELEE/WINDSOR moved to recommend to the Assembly that an Ordinance be prepared consistent with Title 18 to vacate the 20 foot right-of-way within Carlson Subdivision.

ACTION: Motion **PASSED unanimously** on a voice vote.

MOTION: M/S PARMELEE/WINDSOR moved to approve the following findings in support of the recommended vacation of the right-of-way:

1. The 20 foot right-of-way is insufficient in size;
2. Due to the steep topographical nature of US Survey 3670 in this location; and
3. Based on the study in 2008 by Public Works in which they found a superior alternative route where a 60 foot right-of-way could be in place.

CODE TEXT AMENDMENTS ZERO LOT LINES

SITKA PLANNING OFFICE

Public hearing and consideration of zoning and subdivision text amendments to zero lot lines including sections 21.08.260; 21.24.010; 21.24.020; 21.24.030; 21.24.040; 21.24.050; 22.08.580; 22.08.722 New; and Table 22.16.015-1. Full description details are available at the Sitka Planning Office and are available online at www.cityofsitka.com.

Planning Director Williams stated that he initiated this request to accommodate concerns that the Nelson's raised with the Menendez day care. He reviewed the changes with the Commission which included the inconsistency with the zoning code and the subdivision code, the reworded term to residential zero lot line, and definitions.

Chair Twaddle received confirmation from Planning Director Williams that a conditional use permit under this new code does not allow a day care of more than four children that are non family members.

PUBLIC COMMENT: Connor Nelson came forward hoping that this request wouldn't be rushed. He stated that he doesn't think that home occupations should be allowed. He is concerned with the language and doesn't think that we go back and retroact uses. The party wall agreements state residential use only. He isn't sure if people that have zero lot lines knows what is going on. Zero lot lines in his mind were always a trade off since the square footage is less. Since it is less then owners should get a residential unit only not a bed and breakfast or other uses.

Valorie Nelson came forward. She attended the January 17th meeting in which the party wall agreement was to be evaluated by the Municipal Attorney. In scope and jurisdiction 21.04.030 under C 21.24 a subdivision creating lots for residential units within common walls or for building residences on the side lot lines. Residences are just that; residences and not businesses. She doesn't think the Commission had enough time to explore nor did the attorney give favorable approval. The parking plan submitted was different than what the Commission requested. Home occupancy is a non residential use.

Planning Director Williams suggested this go to the first meeting in June also noting that Home Occupations should be looked at in this request.

Chair Twaddle confirmed with Planning Director Williams that it was determined by the Municipal Attorney that the party wall agreement is a private contract and not part of a conditional use permit. Discussion occurred in regards to home occupations, accessory use tables and affordable housing with too many rules and regulations.

PLANNING DIRECTOR'S REPORT: None

PUBLIC BUSINESS FROM THE FLOOR: Connor Nelson came forward with a question without a clear solution in regards to the dedications of right-of-ways and easement on a plat to which Planning Director Williams stated that it wasn't clear in the past whether it was private or public use.

ADJOURNMENT

MOTION: M/S PARMELEE/WINDSOR moved to adjourn at 8:59 p.m.

ACTION: Motion **PASSED unanimously** on a voice vote.

Jeremy Twaddle, Chair

Melissa Henshaw, Secretary

Nelson Right of Way Conversion Request
Carlson Subdivision in the 4600 Block of Halibut Point Road
May 1, 2012

Back before the board Tuesday night is the Nelson's request. Staff holds firm on their view that this is a right-of-way not an easement.

Stephen Weatherman, Municipal Engineer has submitted the requested material from the last meeting which is other possible locations from Halibut Point Road to US Survey 3670.

Nelson Right of Way Conversion Request
Carlson Subdivision in the 4600 Block of Halibut Point Road
April 17th, 2012

Connor and Valorie Nelson have asked that their request to convert a right of way to an easement be placed on the Planning Commission agenda. The property involves Carlson Subdivision near the Halibut Point Marine boat yard. The Nelsons have submitted a detailed packet for the board's review.

Carlson Subdivision was approved in 1977. While it is a four lot subdivision, a twenty foot wide right of way serves the parcels. This right of way was created instead of a twenty foot access and utility easement.

The Sitka General Code describes a detailed right of way vacation process in SGC Section 18.12.015. While a conversion of a right of way to an easement is not, specifically, referred to in this code section, it appears that the section is applicable in this case.

Historically, right of ways have only been vacated when the municipality makes an affirmative determination that the property will not be required by the city in the future. The Public Works Department tends to comment on these requests and is instrumental in deciding whether or not this high threshold has been met. If it has been met, the right of way is sold to the adjacent property owners. SGC 18.12.015 C. 2 provides the opportunity for the original subdivider to obtain the right of way at no cost. It is staff's understanding that the Nelsons were not a party of the subdivision in 1977.

Municipal Engineer Stephen Weatherman submitted an email, dated April 9th, that raises issues about the right of way conversion request. The issues include the elimination of right of the municipality to install utilities in the large USS 3670 tract above Carlson Subdivision.

If this request were to proceed, it would likely require a special purpose ordinance that would provide an exemption to SGC 18.12.015.

Chapter 18.12

REAL PROPERTY DISPOSAL

Sections:

18.12.010 Real property disposal.

18.12.014 Requirement for a public vote and disclosure of information for land disposals related to a dock or vessel transfer facility that could be used by large cruise ships.

18.12.015 Street and public area vacations.

18.12.010 Real property disposal.

A. Real property, including tidelands, and land acquired from the state, may be sold or leased only when authorized by ordinance.

18.12.015 Street and public area vacations.

A. Petition. No street, alley or public thoroughfare or any part thereof shall be vacated except upon petition of the owners of the majority of the front feet of the land fronting upon the part of the street, alley or public thoroughfare sought to be vacated.

B. Title to Vacated Area. Title to the street or other public area vacated on a plat, attaches to the lot or lands bordering the area in equal proportions; except that if the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area that lies on one side of the boundary line shall attach to the abutting property on that side. The portion of a vacated street that lies inside the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the municipality. If the property vacated is a lot, title vests in the rightful owner.

C. Payment.

1. If the municipality acquired the street or other public area vacated for legal consideration or by express dedication to the municipality, other than as a subdivision platting requirement, before the final act of vacation, the fair market value, as required by AS 29.40.170(b), shall be deposited by the petitioner or petitioners with municipality to be paid to the permanent fund upon vacation.

2. If the person or persons petitioning for vacation is, or are, the original subdividers who established the street, alley, or public thoroughfare, or portion thereof, sought to be vacated, then the municipality may vacate the same without payment of any kind being acquired from the petitioner or petitioners or the property owner or owners who receive the property by virtue of vacation.

3. If the person or persons petitioning for the vacation are not the original subdividers, but the municipality acquired the street, alley, or public thoroughfare or portion thereof as a result of a subdivision platting requirement, before the final act of vacation, the petitioner or petitioners or the owners of the land fronting upon that part of the street, alley, or public thoroughfare sought to be vacated shall be required to pay the amount determined by the assembly. (Ord. 93-1130 § 4(2), 1993.)



City and Borough of Sitka

PUBLIC WORKS

100 LINCOLN STREET • SITKA, ALASKA 99835
PHONE (907) 747-1804 • FAX (907) 747-3158

4/26/2012

Dear Chairman Twaddle, Planning Commission

Re: Consideration to vacate 20 feet Right Of Way in the Carlson Subdivision.

In response to your request for information showing the available Right of Way (ROW) access to the U.S.S. 3670 Parcel from Halibut Point Road we are providing the attached map. The map shows that access is available at Granite Creek Road, an un-named ROW, the ROW on the Carlson Subdivision and at the base of the No Name Mountain. If the ROW is vacated there will be approximately 5,000 feet between ROW accesses from Halibut Point Road to the U.S.S. 3670 Parcel in this area. The nearest access to the north from the Carlson Subdivision is approximately 1,800 feet and to the south is 3,200 feet.

Public Works opposes the vacation or the conversion of the ROW to an access and utility easement. There is no public good to be gained by the vacation. There are many ROWs in Sitka that are 20 foot wide. Some of the old Townsite has these ROWs. While we would prefer these roads to be one way they are currently mostly used as two way roads. In almost all cases the lots on either side of the ROWs are served by water, sewer, storm, electrical, phone and cable from these ROWs. The utilities extend down the ROW's block after block. The ROW on the Carlson Subdivision can be used for the same purpose to provide service to future subdivision and industrial development of U.S.S 3670. While the slope at the east side of the Carlson Subdivision is steep that does not preclude utilities or even a road if properly designed.

Public Works does not have a current plan to develop a road or utilities using this ROW however this is not important. This access has been used in planning concepts from the time it was established. We are currently moving forward on developing several new quarry sites on U.S.S 3670. It is not unreasonable to expect this ROW could be important for future development of either quarries or eventual conversion of the reclaimed quarries to residential or commercial subdivisions. Because these quarries and other uses for U.S.S 3670 require access to Halibut Point Road it is fiscally responsible to retain this ROW instead of acquiring it in the future from private holdings.

One final point is that the original subdivision was approved in 1977. Regardless of why the ROW was established the ROW existed when Mr. Nelson acquired the property.

Sincerely

Stephen L. Weatherman P.E.
Municipal Engineer
City and Borough of Sitka

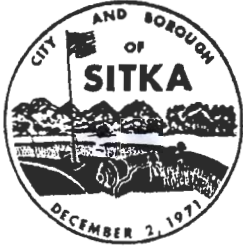
Melissa

From: Stephen Weatherman [stephen@cityofsitka.com]
Sent: Monday, April 09, 2012 3:04 PM
To: 'Wells Williams'; Melissa Henshaw
Cc: 'Michael Harmon'
Subject: Consideration to vacate 20 foot ROW in Carlson Subdivision

Dear Wells and Mellissa

Public Works does not support this proposed vacation. The CBS property located within U.S.S. 3670 can only be accessed at a very limited number of locations from Halibut Point Road. This location is one. This existing ROW could be used to bring utilities (water, sewer, storm and electrical) up into the CBS property. If the CBS property within U.S.S. 3670 is to be developed in the future this access is required. There is no public interest being served by vacating this ROW. A utility and access easement does not provide the same rights to the CBS as ROW.

Stephen L. Weatherman P.E.
Municipal Engineer
City and Borough of Sitka
100 Lincoln Street
Sitka, AK 99835
(907) 747-4042 office
(907) 738-5063 Cell
(907) 747-3158 Fax
stephen@cityofsitka.com



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Sitka Planning Commission Agenda

Tuesday, April 17, 2012

Held in the Harrigan Centennial Hall

330 Harbor Drive, Sitka, Alaska

7:00pm

- I. CALL TO ORDER AND ROLL CALL
- II. CONSIDERATION OF THE MINUTES FROM April 3, 2012
- III. THE EVENING BUSINESS
 - A. Public hearing and consideration of a variance request filed by Brian Oberreuter at 417 Marine Street. The request is for a reduction in the rear setback to 5 feet and an increase in lot coverage to 37% for placement of a garage. The property is also known as Lot 32 Block 26 Spruce Glen Subdivision. ** NO KNOWN CONFLICT WITH WATER OR SEWER.*
 - B. Consideration of a request to vacate the 20 foot right-of-way in the Carlson Subdivision in the 4600 Block of Halibut Point Road.
- IV. PLANNING DIRECTOR'S REPORT
- V. PUBLIC BUSINESS FROM THE FLOOR
- VI. ADJOURNMENT

NOTE: Individuals having concerns or comments on any item are encouraged to provide written comments to the Planning Office or make comments at the Planning Commission meeting. Written comments may be dropped off at the Planning Office in City Hall, emailed to melissa@cityofsitka.com, or faxed to (907) 747-6138. Those with questions may call (907) 747-1814.

Publish: April 9, 11

① NO KNOWN CONFLICT WITH WATER OR SEWER IN 20 FT ROW.

② SMALL WATER SERVICE (1" OR 3/4") AND 4" SEWER TO LOT 58 POSSIBLY EXISTS BUT LOCATION UNKNOWN BUT RUMORED TO BE CLEAR OF 20' ROW.

Providing for today...preparing for tomorrow

Connor/Valorie Nelson
107 Littlebyrd Way
Sitka, AK 99835

Paul/Lamoyne Smith
PO Box 777
Walnut Grove, CA 95690

Connor & Valorie Nelson
107 Littlebyrd Way
Sitka, Ak.

Melissa Henshaw
Sitka Planning Commission

Ref: Carlson Subdivision
Lot 58
Sub: Vacant R.O.W.

Dear Melissa,

If you could, I'd like this on your Apr. 3rd meeting. We'll be in town until March 22 if you have any questions, after that, you have my e-mail, and 738 0027 always works.

The Smiths and ourselves are the owners of Lots 58A – 58D. Our request is to turn the 20" R.O.W. into a private easement.

Short history. When Mr. Carlson sub-divide in 1977 he was required to dedicate the 20', with the understanding that when Lot 56 was sub-divided they would also be required to dedicate 20', with the understanding this would become a 40' R.O.W. to the benchlands.

In 1981 Lot 56 was sub-divided and 20' was dedicated for the 40' Benchland R.O.W., however, this dedication gave the City 5 yrs. To develop the R.O.W. or lose it. The 20' dedicated on Lot 56 went back to a private easement, as should have the 20' on Lot 58. Obviously, this 20' can't stand on it's own, nor can it perform the indicated function it was set aside for.

Thanks for your time,

Connor/Valorie
3/19/12

February 24, 2011

Mr. Jim Dinley

Administrator

City of Sitka

Dear Sir,

We are the owners of record for lots 58A and 58B of the Carlson Subdivision, Lot 58 U.S. Survey 3476. We would like to request the conversion of the 20 foot right-of-way as shown on the plat to a private easement.

My current assignment with the Coast Guard has me at Air Station Cape Cod, but my wife and I will be in Sitka next month for a 3 week visit. We would be available to meet and discuss at that time if you would like.

Thank you for your consideration of this matter.

Sincerely,

Paul and Kay Smith



City and Borough of Sitka

PUBLIC SERVICES

100 LINCOLN STREET • SITKA, ALASKA 99835

PHONE (907) 747-1804 FAX (907) 747-3158

FOUNDATION ONLY PERMIT

This permit is issued to the undersigned with the understanding that the applicant assumes all responsibility for the construction of the foundation, realizing that the plans have not been completely checked nor approved for construction, as to the loads presumed to be carried on the foundation or as to the superstructure to be erected thereon.

Before the foundation is used or a permit is issued for the construction of any structure on the foundation, the same must be made to conform in every manner with current ordinances and laws governing the construction of foundations for buildings. In issuing this permit, the municipality makes no warranties concerning compliance with either codes or ordinances and takes no responsibility for any failure of compliance or its consequences.

City approval of this permit does not authorize encroachment into any easement, required zoning setback, or recorded or unrecorded utility easement. Note that not all easements are reflected on plats. Nor does approval invalidate any covenants or subdivision plat restrictions. We strongly recommend a title search prior to any construction.

Received
JUN 24 2003

No work above the sole plate is to be started before a building permit has been issued.

STREET ADDRESS: 4608 HPR

DATE: June 24 2003 CONTACT PHONE NUMBER: 747-5030

OWNER/APPLICANT: Connor Nelson

OWNER/APPLICANT SIGNATURE: Clarice Bayne for Connor Nelson

ENGINEER: Macie J. Hareglak

ELECTRIC DEPARTMENT: _____ **DUPLICATE**

WATER/WASTEWATER DEPT: _____

BUILDING OFFICIAL: MM 6/27/03

PLANNING DIRECTOR: Madrusell 6/20/03 5' setback from leaves

FLOOD ZONE N/A

Elevation certificate is required for any structure located within a flood plain.

COMMENTS: Unless specifically approved otherwise, this permit does NOT authorize construction of a stem wall, or retaining device more than four (4) feet in height.

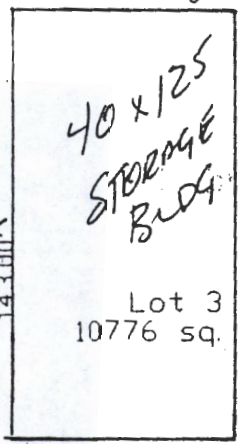
X

ITEM 1

UNSUBDIVIDED REMAINDER
OF LOT 1 OF U.S.S. 3670

10' MIN.

5'0" MIN.
 20' RIGHT-OF-WAY WITHIN CARLSON SUBD.
 not to be considered a public right of way as per Well's



VOID PROP. LINES

Lot 4
9406 sq. ft

20.00' ACCESS AND
UTILITY EASEMENT
FOR LOTS 1 & 2
ONLY

20' ACCESS AND UTILITY
EASEMENT TO BE VACATED

LOT 58 C

80.19'
N 49°19' E

80.19'
N 49°19' E

CARLSON SUBDIVISION

LOT 58 B

Lot 1
12182 sq. ft

Lot 2
10854 sq. ft

20.00' ACCESS AND
UTILITY EASEMENT
FOR LOTS 1, 2, 3 & 4

LOT 58 A

81.38'

N 37°34'43" E

40 30 20 10 0 40



SCALE IN FEET

LOT 54 U.S.S. 3475

4608
H.P.R.

14000 R

PLANNING AND ZONING COMMISSION
REGULAR MEETING
APRIL 4, 1977

PRESENT: Dee Longenbaugh, Chairman, Al Perkins, Bob Couch, Michael Schmidt, Planning Director, and Esther Middleton, Secretary.

ABSENT: Ted Larsen, (X) and Gordon Whitcomb, (X)

GUESTS: Dorothy Johnson, Ross Bingham, Phil Davis, Mike White, Dee White, Bonnie Davis, Caroline Breiding, Richard J. Buhl, Marianne McShane, Linda White and Diana L. Skannes.

The regular meeting of Planning and Zoning was called to order by the Chairman at 7:35 P.M.

Minutes of the previous meeting were deferred until next meeting.

PLATTING

CAROLINE BREIDING
PRELIMINARY
SUBDIVISION
Lot 15, USS 3317
of the lots.

Mr. Schmidt showed a plot plan, explaining that a lot of time has been spent on the road situation. The cul de sac has been moved down and the road straighten. Mrs. Breiding is also asking for a 10' setback for the existing house. It was pointed out that by moving the cul de sac, it was not hurting any developability of the


Condition of the road followed, with it being pointed out that the existing road is just a driveway but will be expanded.

VARIANCE: Mr. Couch moved to accept the variance of 10' front setback on Lot 15-A. Mr. Perkins seconded, and the motion carried unanimously.

SUBDIVISION: Mr. Couch moved to allow the major subdivision of Lot 15, USS 3317, providing the survey drawing is corrected for the assembly as pencilled in on the sketch drawing showing the lowered cul de sac, the straighten road—seconded by Mr. Perkins. The motion carried unanimously.

CHARLES CARLSON
SUBDIVISION
LOT 58, USS 3475

Mr. Schmidt showed a plot plan showing four lots. One lot now has an existing trailer on it. He also showed pictures of the area. There would be a 20' R-O-W up the side. Most of the land is very flat. He is planning on putting in 4-plexes if he can get the financing. The lots range from 9,000 to 18,000 sq. ft. The adjoining neighbor would need to give 20' for R-O-W should he ever subdivide.



Mrs. Longenbaugh asked if it were possible to put a 4-plex on 9,000 ft. lot; was told yes. She also recommended that parking be on the property.

Mr. Perkins moved to approve the subdivision with the provision that parking be on the property, seconded by Mr. Couch and the motion carried unanimously.

MIKE WHITE
SUBDIVISION
OF LOT 3 of 6
USS 3557

Mr. Schmidt asked Mr. White how he was going to get into the 4th lot that he was creating and a short discussion followed on land-locked property. Mr. White said he thought access would be from Kainulainen Dr. Discussion on the setbacks of the existing house followed. Mrs. Longenbaugh asked if the back of the house was far enough from the lot line. Mr. Davis said it was calipered to be 10'.

ITEM 2

Page Four
Minutes, Regular Meeting,
Assembly, City and Borough of Sitka
April 12, 1977

NEW BUSINESS: (Continued)

Bid Opening: VARIOUS WOOD STRUCTURES,
EQUIPMENT, VEHICLES
(Contd.)

<u>LLOYD PROUTY:</u>	
Item #1, Wood Frame Structure - - - - -	\$ 76.59
Item #2, Wood Frame Structure - - - - -	86.99
Item #3, Wood Frame Structure - - - - -	151.59

The Administrator recommended acceptance of the following bids:

Item #7, 1967 FORD ECONOLINE VAN, LARABEE LOGGING COMPANY.
Electric Winch, ERIC OLSEN (\$25.00).
1975 Ford Torino Sedan: WILLARD MAXEY (\$627.50).
Items #1, #2, #3, LLOYD PROUTY (totalling \$315.17).

M/S Nelson - Keck: For acceptance of the bids recommended for approval by the Administrator.

Motion carried unanimously upon roll call vote.

Subdivision Request:
CAROLINE BREIDING

In addition to her present home, Mrs. Breiding wishes to create an additional five lots on her property, Halibut Point Road (Lot 15, U. S. Survey 3317). In order to gain access to the additional lots, her present home would be located 8.3' instead of the required 20' from the proposed access road. The access road was difficult to plan because of the steep grade.

The Planning Commission recommended approval.

M/S Richards - Fager: For approval of the 8.3' setback variance requested.

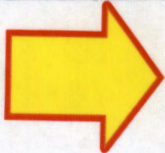
Upon call for the question, the motion failed by a 3 - 4 vote.

Mr. Schmidt, Planning Director, showed a plat of the property involved and explained that it would not be possible for Mrs. Breiding to move her current home over to meet required setback regulations.

M/S Keck - : That the subdivision requested by Mrs. Breiding be granted. The motion died for lack of a second.

It was therefore recommended by the Assembly that the subdivision and setback variance request be sent back to the Planning Commission for redesign.

Subdivision Request:
CHARLES CARLSON



Mr. Carlson's property is located in U. S. Survey 3475, Lot 58. Mr. Schmidt showed a plat of the property and explained that Mr. Carlson wishes his lot subdivided into four lots. There would be a 20' private road on his property for access to the upper lots which would be widened at a later time if the adjacent property owner was to subdivide and dedicate his required 20'. The owner of the adjacent lot has been informed of this.

PLANNING COMMISSION
REGULAR MEETING
OCTOBER 20, 1980

A 1

PRESENT: Ron McClain, Michael Trent, Bob Dale, Al Perkins, Bob Couch, Chairman;
Glenda Boddy, Secretary.

ABSENT: Ben Grussendorf (E).

GUESTS: E. Z. Smith, Sr., David Cox, Art Schmidt, and Ernest Barker.

The meeting convened at 7:30 p.m. and the minutes were approved as corrected.

SUBDIVISION

Victor Wyatt
USS 3475,
Lot 56
Zoned C-2

Mr. Wyatt is requesting a subdivision of 3 lots containing (56A) 21,680 sq. ft.; (56B) 10,840 sq. ft., and (56C) 21,680 sq. ft. a total of 43,360 sq. ft. The property is zoned C-2, Commercial District Including Mobile Homes and Mobile Home Parks. The property is undeveloped and is relatively level. The site is on the north-west side of Halibut Point Road and has adequate access. A 20' access easement would be extended through Lot 56B and a 90' cul de sac would be shared with Charlie Carlson, owner of Lot 58.

David Cox, co-owner with Wyatt, cannot put 40' easement to the back lot and make 2 nice lots, it would take 2,360 sq. ft.

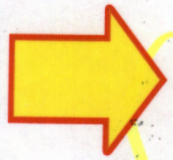
Dale: Are you requiring 10,000 sq. ft. per lot?

Cox: Yes, we feel for the C-2 zoning we should have it.

Dale: You could redesign the plot plan to make up the difference.

Cox: Cannot do that according to their (Cox/Wyatt) agreement, Wyatt will have 56A and Cox will have 56B,C.

Dale: There was a verbal agreement per Carlson (who was in the office today about 3:00) between Wyatt and himself to put in a 40' easement that will be dedicated to the City for access to the benchland.



A lengthy discussion was held (1) the importance of the road for access to the benchland, (2) the 30' to 40' bank that will be left after clearing and excavation is done and if it can still be used as access, (3) when the City would make final decisions in regards to access to benchland, and what would be done if it is not used, (4) the legality of the City requesting access on private lands (Section 21.20.010), and (4) how Mr. Cox would develop his land, and placement of structures in regards to the access easement.

Item 4

Approved

A2

SUBDIVISION

Continued

Wyatt



M/S McClain/Perkins to grant this request for subdivision of 3 lots with the 20' road access to be developed to lots 56B and 56C, and a 20' road access along the north side of Lot 56B to be dedicated to the Municipality for access to the benchland.

The question was asked and voted (4-0-0) to approved this request for subdivision with the conditions noted in the motion.

Smith/Bernard
USS 3482
Lots 38A & B
Zoned C-2

This application proposed to resubdivide Lots 38A and B to provide better access to the property. The lots consist of 30,000 sq. ft. each and are located on the north side of Halibut Point Road.

The site is between the residential Estrem subdivision to the south east and residential lots to the northwest. This subdivision proposal is in response to access problems due to the steepness of the property and lot width. Existing road frontage is 82.5' as proposed the road frontage is 165'. Access to 38D would be through the Estrem Subdivision on Vallhalla Drive.

Couch questioned the use of Vallhalla Drive since it belongs to Estrem and not the City.

The Planning Department recommends approval of this request with the following conditions: (1) Access be obtained to Lot 38D across Viking Way and Vallhalla Drive through the Estrem Subdivision, (2) a 10' utility easement be granted along the southern property line of lot 38C and (3) tentative subdivision approval shall expire one (1) year from Planning Commission approval.

Access to Smith's property will be off Halibut Point Road with parking to the right of the shop.

A lengthy discussion was held on: (1) the future subdivisions of these lots, (2) the C-2 Zoning, (3) access off of Vallhalla Drive, and (4) plat history.

M/S Perkins/McClain to grant this request for subdivision with the following stipulations (1) access be obtained to Lot 38D across Viking Way and Vallhalla Drive through the Estrem Subdivision, (2) a 10' utility easement be granted along the southern property line of Lot 38C. The question was asked and voted (4-0-0) to approve with the stipulations mentioned in the motion.

A-3

October 20, 1980

PLANNING COMMISSION
STAFF REPORT

RE: P 80-16 PROPOSED LOT DIVISION OF LOT 56, U.S. SURVEY 3475 FOR 3
LOTS LOCATED AT 4602 HALIBUT POINT ROAD.

(C-2) (WYATT) (STRAGIER)

RECOMMENDATION: FOR APPROVAL

PROJECT DESCRIPTION

This application proposes to subdivide a 43,360 sq. ft. lot into 3 parcels of 10,580 sq. ft., 10,580 sq. ft., and 21,680 sq. ft.

ZONING: C-2 COMMERCIAL DISTRICT INCLUDING MOBILE HOME AND MOBILE HOME PARKS

SITE AND AREA CONSIDERATIONS

The property is undeveloped and is relatively level. The site is one the northwest side of Halibut Point Road and has adequate access.

PLANNING DEPARTMENT RECOMMENDATIONS

For approval

Conditions of approval:

1. Twenty (20) foot road access be developed to Lots 56B and 56C.
2. Road access be dedicated to the Municipality
3. Tentative plat approval shall expire one year from Planning Commission approval date.



RD:glb

intensities, densities, and land uses.

(Ord. 03-1729 § 4 (part), 2003.)

21.08.020 "B".

A. "Block" means an area of land within a subdivision that is entirely bounded by rights-of-way (other than alleys), physical barriers, and exterior boundaries of the subdivision.

B. "Block length" means the distance between intersections of through streets, measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.

C. "Boundary survey map" is a map of the boundaries of a parcel.

(Ord. 03-1729 § 4 (part), 2003.)

21.08.030 "C".

A. "Comprehensive plan" means an official adopted document including text, charts, graphics or maps or any combination designed to portray general and long range proposals for the arrangement of land uses and development of an economic base and human resource and which is intended to guide development policy towards achieving orderly and coordinated development within the entire community.

B. "Crosswalk" means a public right-of-way, ten feet or more in width, which provides pedestrian passage through a street or within a block.

(Ord. 03-1729 § 4 (part), 2003.)

21.08.040 "D".

A. "Dedication" means the deliberate appropriation of land or rights in land by its owner for any general and public use, reserving to himself or herself no other rights than such as are compatible with the full exercise and enjoyment of the public use to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentation for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the city. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in AS 34.15.030. The dedication of streets, alleys, sidewalks, or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way including utility rights-of-way shall be deemed to create an easement ingress to perform the indicated function in the area depicted.

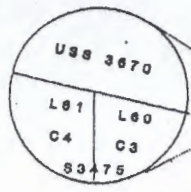
(Ord. 03-1729 § 4 (part), 2003.)

21.08.050 "E".

A. "Easement" means an interest in land owned by another that entitles the easement holder to a specified limited use of said area of land.

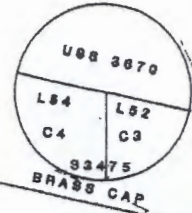
B. "Engineer" means a registered, professional, civil engineer authorized to practice engineering in the state of Alaska. Engineers perform the consultation, investigation, evaluation, planning, design, and inspection of private and public works, structures, or projects. Unless also qualified as a surveyor, an engineer may not engage in the preparation of subdivisions. (Cross reference: AS 08.48.291(8)).

Item 5

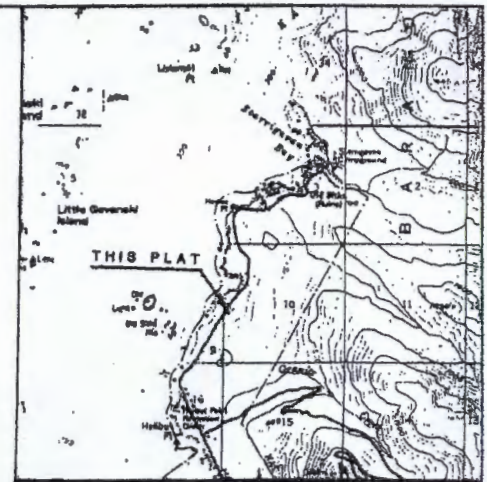


BRASS CAP

U . S . S . 3 8 7 0



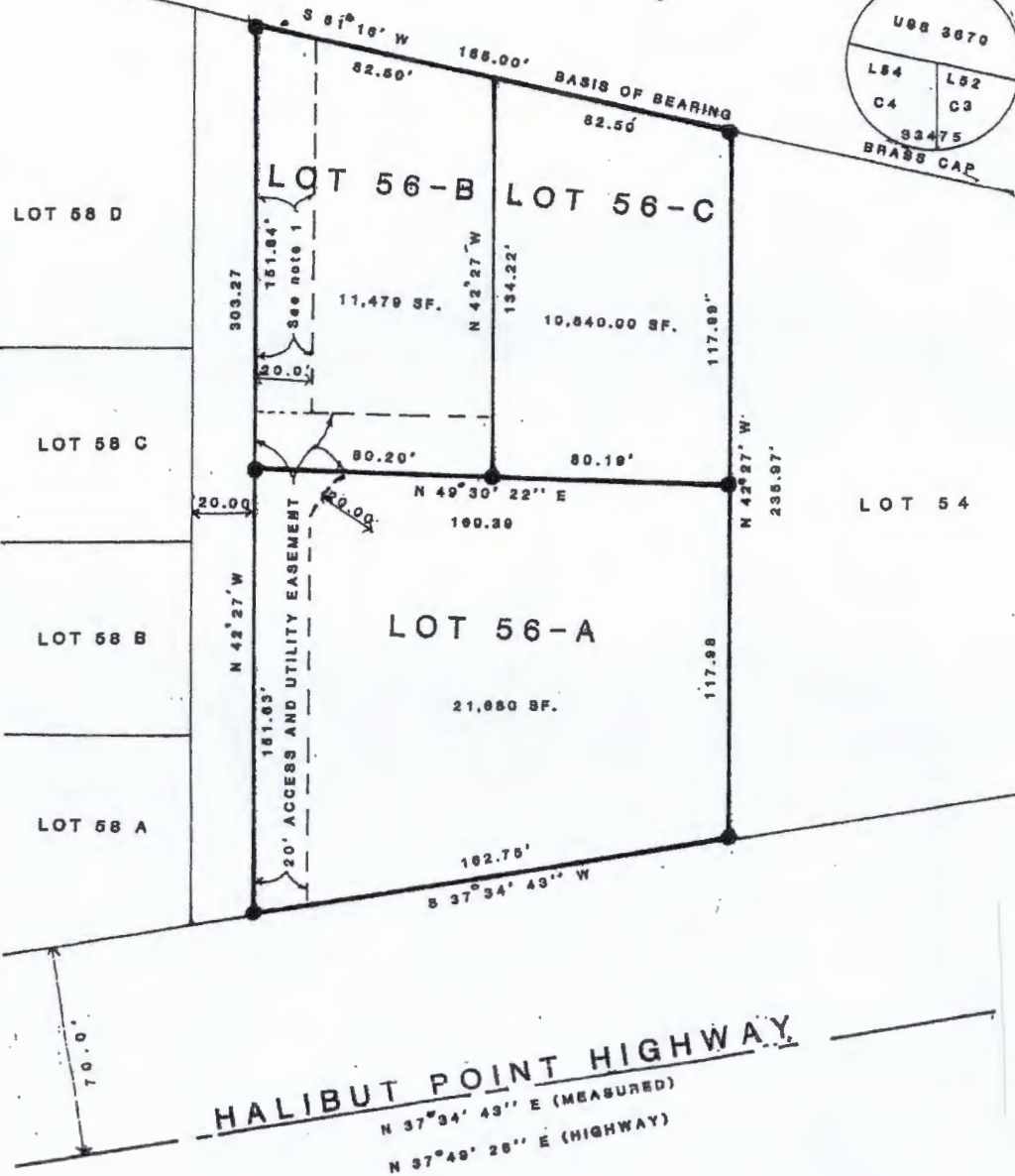
BRASS CAP



VICINITY MAP

NOTE 1
 Easement granted to the City & Borough of Sitka for a period not to exceed 5 years. If this easement is not utilized & developed 5 years after the filling of this plat it will become null and void.

C A R L S O N S U B D I V I S I O N



NOTE 1
 Easement granted to the City & Borough of Sitka for a period not to exceed 5 years. If this easement is not utilized & developed 5 years after the filling of this plat it will become null and void.

Nelson
 Vacate Right-of-Way
 4600 Block of Halibut Point Road

HALIBUT POINT HIGHWAY
 N 37°34' 43" E (MEASURED)
 N 37°40' 28" E (HIGHWAY)

Return to:
City and Borough of Sitka
Municipal Clerk's Office
100 Lincoln Street
Sitka, Alaska 99835

RELEASE OF EASEMENT

City and Borough of Sitka ("CBS"), 100 Lincoln Street, Sitka, Alaska 99835, and Roger and Judith Sudnikovich, PO Box 1171, Sitka, Alaska 99835, vacate and release any interest they have in an easement along the southwest side of Wyatt-Cox Subdivision #2.

Wyatt-Cox Subdivision #2 is set out in Sitka Alaska Recording District Plat # 2010-15, filed on October 20, 2010.

The easement vacated and released by this document was granted in a Road Maintenance Agreement, dated November 28, 1992. That document was recorded in the Sitka Alaska Recording District at Book 99, Pages 297 and 298.

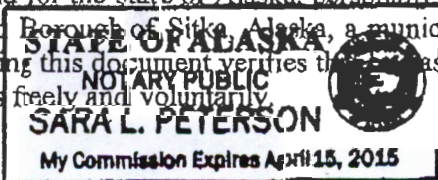
Roger and Judith Sudnikovich are the owners of Lot 1A of USS 3670 Subdivision. USS 3670 was recorded as Plat 93-23 in the Sitka Alaska Recording District on November 2, 1993. The easement was originally made to provide access across property in Wyatt-Cox Subdivision #2. This Release of Easement is made because access is not required to access Lot 1A of USS 3670 Subdivision.

This Release of Easement is binding on all future land owners of Lot 1A of USS 3670 Subdivision.

CITY AND BOROUGH OF SITKA
James Dinley
James Dinley, Municipal Administrator

STATE OF ALASKA)
) ss.
FIRST JUDICIAL DISTRICT)

THIS CERTIFIES that on the 24 day of May, 2011, before me, a Notary Public in and for the State of Alaska, personally appeared JAMES DINLEY, Municipal Administrator of the City and Borough of Sitka, Alaska, a municipality organized under the laws of the State of Alaska, and by signing this document verifies that he has been authorized to execute the documents on its behalf, and he signs freely and voluntarily.



Sara L. Peterson
Notary Public for Alaska
My Commission expires: 4-15-2015

Roger Sudnikovich
ROGER SUDNICKOVICH

Judith Sudnikovich
JUDITH SUDNIKOVICH

State of Alaska)
) ss.
First Judicial District)

THIS CERTIFIES that on this 24 day of May, 2011, before me, the undersigned, a Notary Public in and for the State of Alaska, duly commissioned and sworn, personally appeared Roger Sudnikovich and Judith Sudnikovich known to me to be the persons mentioned and who executed this document, and they acknowledged to me that they signed this document freely and voluntarily.



Ruth M. Joens
Notary Public in and for the State of Alaska
My Commission Expires: 4/12/2012

Return to:
City & Borough of Sitka
304 Lake Street Room 104
Sitka, Alaska 99835

BOOK 99 PAGE 297
SITKA RECORDING DISTRICT

Book _____ Page _____
SITKA RECORDING DISTRICT

Road Maintenance Agreement

Whereas, the City and Borough of Sitka has subdivided USS 3670, Sitka Recording District, First Judicial District, State of Alaska, and,

Whereas, the City and Borough of Sitka owns both Lot 1A and the remainder of USS 3670, and,

Whereas, there is a need to establish access for Lot 1A should it be sold to another party,

Now, therefore, in consideration of the premises and the future purchase of Lot 1A, USS 3670 Subdivision, USS 3670, the City and Borough of Sitka agrees as follows:

1. The City and Borough will grant a 20 foot access easement from Lot 1A to the dedicated access from Halibut Point Road located at Lots 58, A-D of Carlson Subdivision and Lots 56A, & B of Wyatt Cox Subdivision USS 3475.
2. The purchaser shall at his or her convenience build an access road across the dedicated access and the granted easement from Lot 1A to Halibut Point Road.
3. This easement and agreement shall run with the land and shall be binding upon the owners of Lot 1A and any future owners of affected portions of USS 3670.
4. The cost of maintaining the proposed access shall be borne proportionately by the affected owners based upon the benefit derived by their prospective properties.

DATED this 28th day of October at Sitka, Alaska



Gary L. Paxton
Administrator

Road Maintenance Agreement
City and Borough of Sitka
11/28/92 USS 3670
Page 2.

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)

Municipal Acknowledgment

THIS CERTIFIES that on this 28th day of October, 1992 before me, a Notary Public in and for the State of Alaska, personally appeared GARY L. PAXTON to me known and known to me to be the person whose name is subscribed to the foregoing deed, and after first duly sworn according to law, he stated to me under oath that he is the Administrator of the City and Borough of Sitka, Alaska a corporation organized under the laws of the State of Alaska, that he has been authorized by said corporation to execute the foregoing deed on its behalf and he executed the same freely and voluntarily as the free act and deed of said corporation.

WITNESS my hand and official seal the day and year in this certificate first above written.



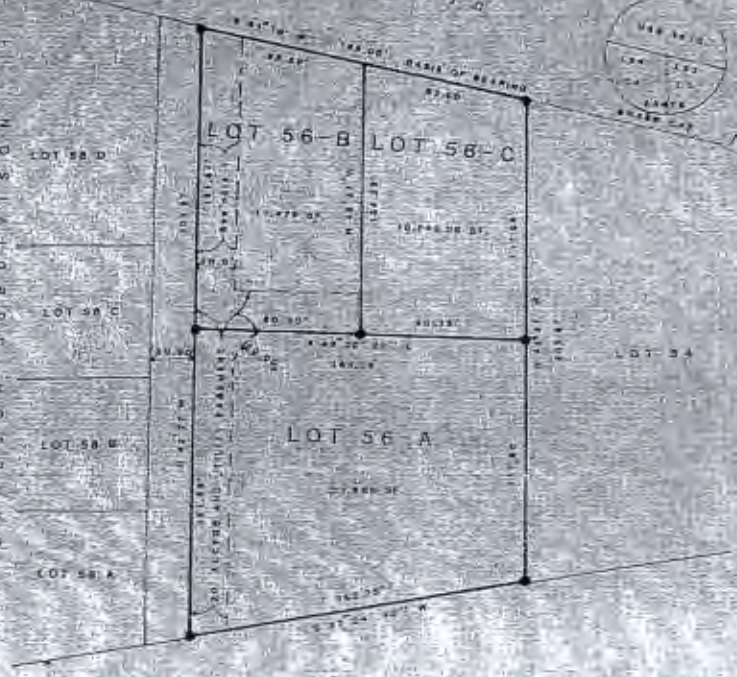
[Signature]
Notary Public for Alaska
residing at Sitka, Alaska
Commission expires 7-1-95

92-1588
1800
RECORDED FILED
SITKA REC
DISTRICT
OCT 28 11 34 AM '92
REC'D
SITKA



NOTE 1

1. VERIFICATION OF THIS PLAN BY THE BOARD OF PUBLIC WORKS OF THE CITY AND BOROUGH OF SITKA, ALASKA, IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED HEREIN. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND OFFICIALS.



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, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE ASSEMBLY THIS RECORDING IN BOOK _____ PAGE _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, 14 WILKES BUILDING, SITKA, ALASKA, ON THIS _____ DAY OF _____, 19____.

HALIBUT POINT HIGHWAY
S 27° 52' 48" E (MEASURED)
S 27° 52' 48" E (HIGHWAY)

CERTIFICATE OF OWNERSHIP AND DEDICATION

I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND ACCORDING HERETO AND I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT AND DEDICATE ALL STRIPED ALLEYS, WALLS, PARTS, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

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, ALASKA, AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD BY PLAT RESOLUTION NO. _____ DATED _____ AND THAT THE PLAT SHOWN HEREON HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT COURT, 14 WILKES BUILDING, SITKA, ALASKA.

CERTIFICATE

STATE OF ALASKA
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: Victor Knight
AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAID LANDS IN FAVOR OF THE CITY AND BOROUGH OF SITKA AND PAID IN FULL THAT CURRENT TAXES FOR THE YEAR 19____ WILL BE DUE ON OR BEFORE _____
DATED THIS ____ DAY OF _____, 19____, AT SITKA, ALASKA.

OWNER: Victor Knight
THE NOTARY'S KNOWLEDGING AND BELIEF:
UNITED STATES OF AMERICA
STATE OF ALASKA
THIS 15th DAY OF _____, 19____, I, _____, Notary Public in and for the State of Alaska, do hereby certify that the foregoing is a true and correct copy of the original plat and the same was presented to me by the owner and he acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein specified.
WITNESS MY HAND AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST WRITTEN.

RECORDED - FILED

Book	Page
10-34-75	1-1
10-34-75	1-2
10-34-75	1-3
10-34-75	1-4
10-34-75	1-5
10-34-75	1-6
10-34-75	1-7
10-34-75	1-8
10-34-75	1-9
10-34-75	1-10



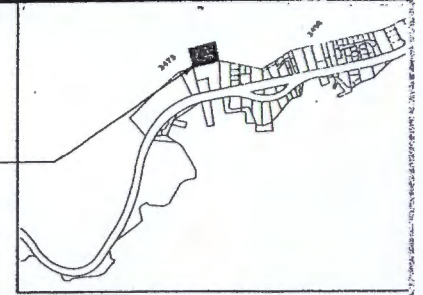
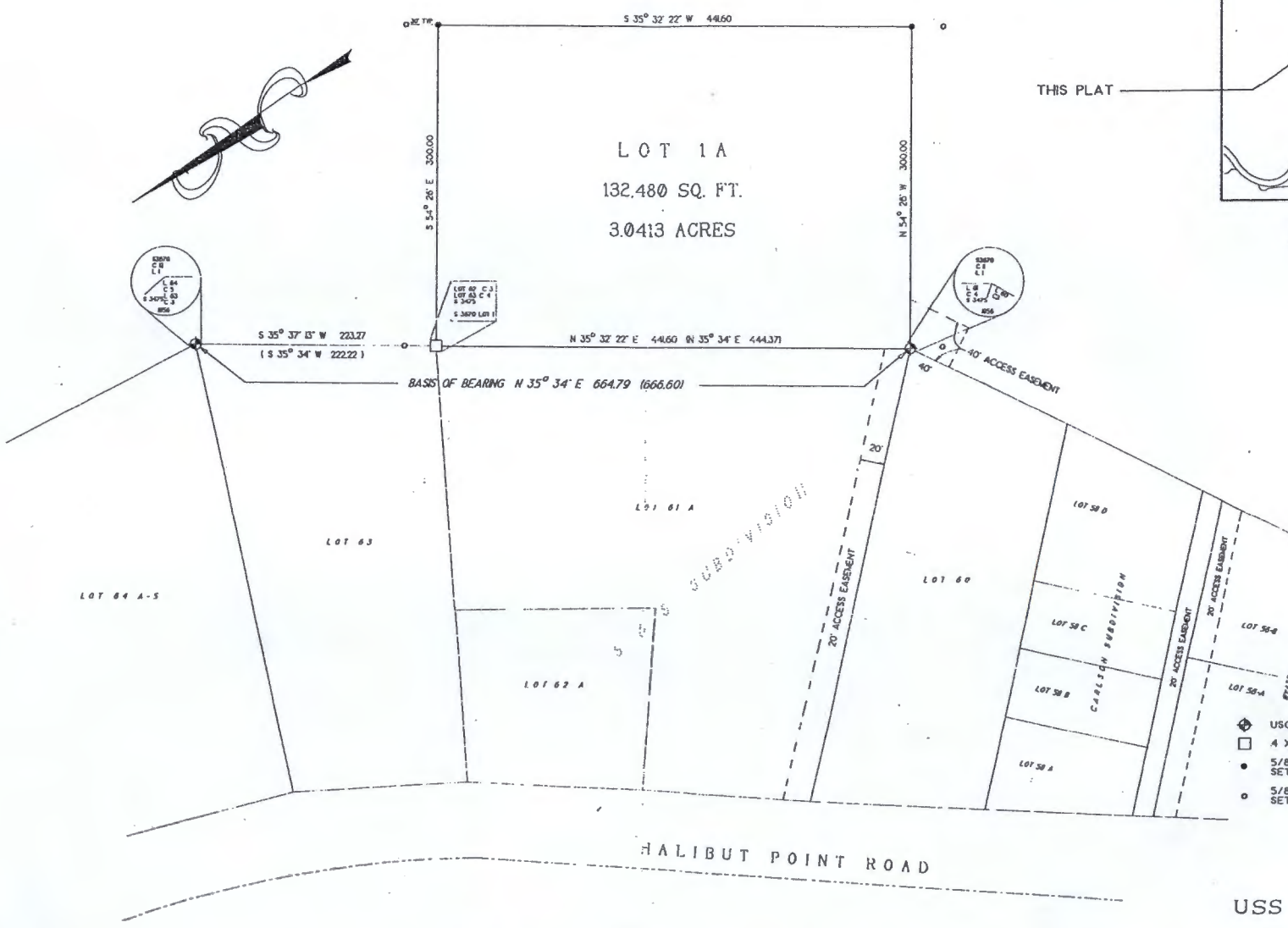
WYATT-COX SUBDIVISION
LOT 56 U.S.S. 3475
PREPARED FOR: W.A. RICHARD WYATT
P.O. BOX 2 SITKA, AK
SCALE: 1" = 40'
DATE: 10-31-75
DRAWN BY: P.C.C.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT I AM A LICENSED SURVEYOR AND LICENSE TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THE PLAN REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE WORK HEREON SHOWN HEREON ACCURATELY EXCEPT AS NOTED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.
DATE: 10-31-75
NOTED BY: ROBERT F. STRANIER
LICENSED LAND SURVEYOR
LIC. NO. 3387-B

Stratier Engineering Services
1840 1/2 Ave. - 11, S.I.T.A.
(907) 743-5433
CIVIL ENGINEER
LAND SURVEYOR
P. O. Box 4556
SITKA, ALASKA 99832

81-29 SITKA

USS 3670



VICINITY MAP
SCALE: 1" = 1000'



93-23
 APPROVED - 11-2-93
 SITHA
 11-2
 11-23
 246 P.N.
 204 LAKE ST
 SITKA, AK 99831

- LEGEND**
- ◆ USGLO BRASS CAP FOUND THIS SURVEY
 - 4 X 4 WOODEN POST FOUND THIS SURVEY
 - 5/8" REBAR WITH 1-1/2" ALUMINUM CAP SET THIS SURVEY
 - 5/8" REBAR WITH 1-1/2" ALUMINUM CAP SET THIS SURVEY AS A 30' WITNESS CORNER.



SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT I AM PROPERLY EDUCATED AND LICENSED TO PRACTICE LAND SURVEYING IN THE STATE OF ALASKA AND THAT THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECT SUPERVISION AND THE MEASUREMENTS SHOWN THEREIN ACCURATELY EXIST AS DESCRIBED AND THAT ALL DIMENSIONS AND OTHER DETAILS ARE CORRECT.
 DATE: 7-20-93 REGISTRATION NO. 33375
 Noel F. Stragier
 REGISTERED LAND SURVEYOR
 NOEL F. STRAGIER 2327-1

PREPARED BY:
STRAGIER ENGINEERING SERVICES INC.
 CIVIL ENGINEERING
 LAND SURVEYING
 504 D-GROFF ST., SITKA, ALASKA 99835
 NOEL "BABE" STRAGIER, P.E., R.L.S., PRESIDENT

SHEET 2 OF 2
 A SUBDIVISION OF A PORTION OF LOT 1, USS 3670
 JOB NO. 1697 DATE: 7-12-93
 DRAWN BY: BABE SCALE: 1" = 50'
 PREPARED FOR:
 CITY & BOROUGH OF SITKA
 304 LAKE ST.
 SITKA, ALASKA 99835

SITKA PLAT 93-23

CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT

APPOINTED, IN HIS FULL APPOINTMENT AND IN HIS FIDELITY AS FINANCE DIRECTOR FOR THE CITY AND BOROUGH OF SITKA, ON BEHALF OF THE CITY AND BOROUGH OF SITKA, THE FOLLOWING DESCRIBED DISTRICT IS CARRIED ON THE RECORDS IN THE NAME OF: Cheryl S. Sisk / Roger A. Sisk / Sisk Subdivision

DATE: 10/21/93
 TO THE CITY AND BOROUGH OF SITKA, ALASKA
 BY: Cheryl Sisk
 CITY DIRECTOR, CITY AND BOROUGH OF SITKA

CERTIFICATE OF APPROVAL BY THE BOARD

THE BOARD OF THE CITY AND BOROUGH OF SITKA CERTIFIES THAT THE SUBDIVISION PLAT SHOWN HEREIN 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 BOARD BY PLAT RESOLUTION NO. 2597 DATED 10/21/93 AND THE PLAT HEREON HAS BEEN APPROVED AND RECORDED IN THE OFFICE OF THE DISTRICT COURT, SITKA, ALASKA.

BY: Cheryl Sisk
 BOARDMAN

CERTIFICATE OF APPROVAL BY THE ASSEMBLY

THE CITY AND BOROUGH OF SITKA CERTIFIES THAT THE SUBDIVISION PLAT SHOWN HEREIN 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 THE DISTRICT COURT, SITKA, ALASKA.

DATE: 10/21/93
 BY: Cheryl Sisk
 MAYOR

CERTIFICATE

OF ALASKA, DISTRICT OF SITKA, COUNTY OF SITKA, I, Cheryl Sisk, FINANCE DIRECTOR, 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: Cheryl Sisk / Roger A. Sisk / Sisk Subdivision

DATE: 10/21/93
 BY: Cheryl Sisk
 FINANCE DIRECTOR, CITY AND BOROUGH OF SITKA

PLAT OF THIS PLAT IS TO SUBDIVIDE SAID LAND INTO TWO LOTS AS SHOWN ON THIS PLAT AND ON SHEET 2 OF 2.

ADDITIONAL AGREEMENT FOR THIS ACCESS EASEMENT IS FILED IN THE SITKA DISTRICT COURT, THE APPLICABLE BEING BOOK 78-2, PAGE 263-272.

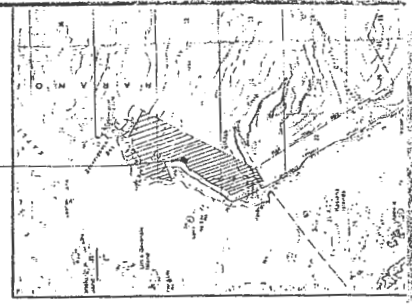
NOTICE TO THE PUBLIC

THE PLAT OF THIS SUBDIVISION IS BASED ON THE ASSUMPTION THAT NO MATTER FACTS WILL BE DISCOVERED OR DISCOVERED ON ANY LOT, CONDITIONS OF THE SUBDIVISION FOR PUBLIC UTILITIES AND DISPOSAL SYSTEMS MAY OBTAIN UNDER TREATMENT AND DISPOSAL SYSTEM BY THE REGULATORY REQUIREMENTS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

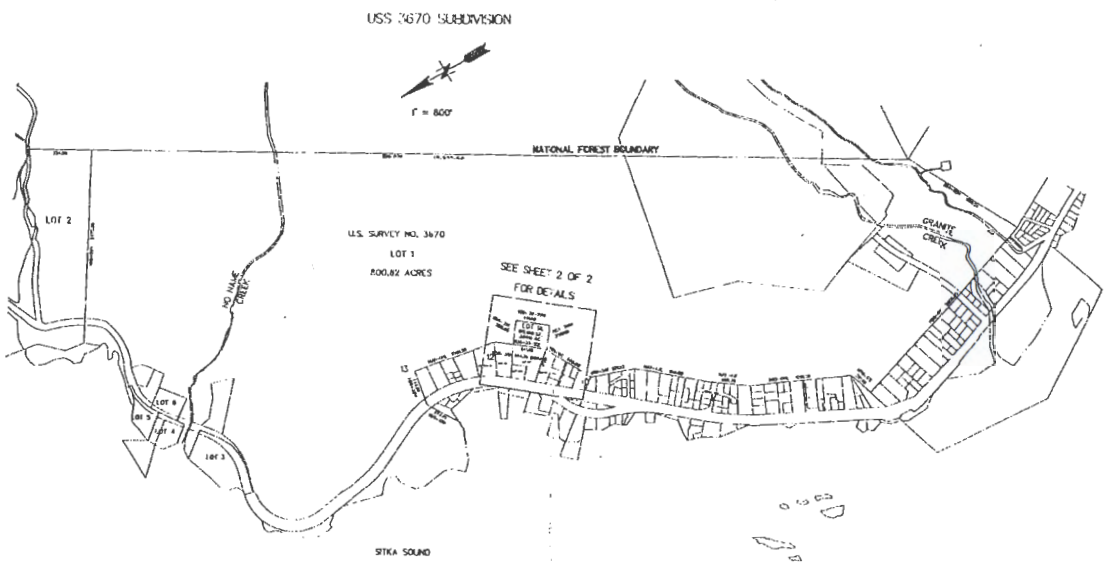
TO ANY NOTED RESTRICTIONS, THE ALASKA LIST OF ENVIRONMENTAL CONSIDERATIONS IS THIS SUBDIVISION FOR PLATING.

BY: Cheryl Sisk DATE: 10/21/93

THIS PLAT



VICINITY MAP
 SCALE: 1" = 1 MILE



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 ALL FREY CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PAVES, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 10/21/93
 BY: Roger A. Sisk
Cheryl Sisk

THE NOTARY'S ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
 STATE OF ALASKA) SS
 CITY AND BOROUGH OF SITKA)
 I, Cheryl Sisk, FINANCE DIRECTOR, DO HEREBY CERTIFY THAT ON THIS 21st DAY OF October 1993, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, FULLY COMMISSIONED AS SHOWN PERSONALLY APPEARED:
Roger A. Sisk
Cheryl Sisk
 WHOSE NAMES ARE MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND INSTRUMENTS, AND I HEREBY ACKNOWLEDGE TO ME THAT THEY SAID THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
 WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR SHOWN SPECIFICALLY FIRST HEREON WRITTEN.
Cheryl Sisk
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA.
 MY COMMISSION EXPIRES 10/25



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 ALL FREY CONSENT AND DEDICATE ALL PUBLIC STREETS, ALLEYS, WALKS, PAVES, AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.

DATE: 10/21/93
 BY: Cheryl Sisk
Roger A. Sisk

THE NOTARY'S ACKNOWLEDGMENT

UNITED STATES OF AMERICA)
 STATE OF ALASKA) SS
 CITY AND BOROUGH OF SITKA)
 I, Cheryl Sisk, FINANCE DIRECTOR, DO HEREBY CERTIFY THAT ON THIS 21st DAY OF October 1993, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, FULLY COMMISSIONED AS SHOWN PERSONALLY APPEARED:
Roger A. Sisk
Cheryl Sisk
 WHOSE NAMES ARE MENTIONED AND WHO EXECUTED THE WITHIN PLAT AND INSTRUMENTS, AND I HEREBY ACKNOWLEDGE TO ME THAT THEY SAID THEY SIGNED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.
 WITNESS MY HAND AND NOTARIAL SEAL THE DAY AND YEAR SHOWN SPECIFICALLY FIRST HEREON WRITTEN.
Cheryl Sisk
 NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA.
 MY COMMISSION EXPIRES 7/95



93-23
 Sitka 2500
 11-2-93
 3:46 P.M.
 SCSB
 304 LAKE ST
 SITKA, ALASKA 99835

USS 3670 SUBDIVISION



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 THE MEASUREMENTS SHOWN THEREON ACCURATELY REPRESENT THE ACTUAL MEASUREMENTS AND OTHER DETAILS ARE CORRECT.
 DATE: 10/21/93 REGISTRATION NO.: 1111
Cheryl Sisk
 REGISTERED LAND SURVEYOR
 NO. 1, STRAGIER 3-27-9



PREPARED BY:
STRAGIER ENGINEERING SERVICES INC.
 CIVIL ENGINEERING
 LAND SURVEYING
 504 O'GROFF ST., SITKA, ALASKA 99835
 NOEL 'BABE' STRAGIER, P.E., R.L.S., PRESIDENT

A SUBDIVISION OF A PORTION OF LOT 1 USS 3670	
JOB NO. 1697	DATE: 7-12-93
DRAWN BY: BABE	SCALE: 1" = 80'
PREPARED FOR: City and BOROUGH OF SITKA 304 LAKE STREET SITKA, ALASKA 99835	