

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: P 16-16 Boundary Line Adjustment 3614 Halibut Point Road and 109 Harbor Mountain Road

GENERAL INFORMATION

Applicant: Del Stengl & Ernestine Massey

Property Owner: Del Stengl & Ernestine Massey

Property Address: 109 Harbor Mountain Road and
3614 Halibut Point Road

Legal Description: Lot 4 of USS 3317 and
Lot 2 LLA of
Lot 3 of USS 3317

Parcel ID Number: 25610000 & 25615000

Size of Existing Lot: 80,868/81,008 sf & 72,615 sf

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

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 E: Proposed Plat

Attachment F: Current Plat

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 as a mobile/manufactured home park with a single-family house located adjacent to Halibut Point Road. Stengl's property, 3614 Halibut Point Road, is largely undeveloped, with the exception of some grading.

PROJECT DESCRIPTION

The Boundary Line Adjustment (BLA) is requesting a 4,234 square foot equal exchange of property. Massey will give to Stengl an equally sized portion near the SE portion of the property adjacent to Halibut Point Road, and Stengl will give to Massey an equal portion of property that runs parallel to the side property line to remove encroachments of existing trailers into Stengl's current property. The BLA will result in Massey's and Stengl's property changing boundary line, but gross area will remain the same in the equal *quid pro quo* exchange. **For contextual purposes, the proposed, related minor subdivision would result in Massey's Lot 2 expanding by 4,234 sf and Massey's Lot 1 contracting by 4,234 sf.

BLA – Incorporates a platting variance for easements and encroachments

In addition, the BLA shows the platting of easements and encroachments. **For contextual purposes, the proposed, related 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, carport, shed) that are proposed to remain.

Boundary Line Adjustment

A boundary line adjustment (BLA) is applicable where two adjoining property owners wish to move, but not remove, a common boundary; this type of replat is common to eliminate or reduce encroachments and nonconformities with the provisions of Sitka General Code Titles 21 and 22 (SGC 21.16.010 A). The applicants are adjacent property owners who wish to move a boundary line at least in part to correct some encroachments into Mr. Stengl's property.

The decision to approve a BLA may be made by the department administratively pursuant to SGC 21.16.010, subject to the zoning regulations set out in Title 22. In this case, staff had the authority to make the decision on the BLA. If staff had exercised that authority, it would have decided to deny this application based upon Department policy regarding encroachment and the impacts such encroachments have on property rights as well as the substandard easements present. A denial of the BLA would have acted like a *defacto* denial of the platting variance application and the application for the minor subdivision that follow since those applications assume approval of the boundary line adjustment. Because of this and the interrelated nature of the variance and minor subdivision with the boundary line adjustment at hand, staff have decided to defer to the Planning Commission as staff believes there is one way where the approval could happen and that is with conditions of approval that mitigate the adverse impacts related to encroachments into adjacent property through removal of encroachments and modification of the easements to meet the standards of the subdivision code regarding access easements widths (SGC 21.40.120(A)).

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 SGC and the Comprehensive Plan (SGC 21.04.020(A, F, K)).

The current proposed boundary line adjustment contains 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 that are substandard and 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

An assumption in the BLA and Minor Subdivision includes a variance from access easement widths of twenty feet pursuant to SGC 21.40.120(A). Therefore a Platting Variance is an assumed integral aspect of all of the proposals.

SGC 21.48.010 Requirements 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).

Purpose of Zoning Code

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

- to protect and promote 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 proposal's purpose is to correct encroachment into Mr. Stengl's property, but Ernestine Massey has chosen not to take corrective steps regarding encroachment into municipal property. The facts support that the proposal does not correct encroachments into municipal property or the right of way, which does not promote or protect private property rights; while the proposal does eliminate the nonconformity of the encroachments into Stengl's property it seeks to expand the nonconforming access easements.

Development Standards of Title 22 – Zoning

The zone of the two parcels 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.

Germane to this discussion, the notes to the Development standards state "Where lots or parcels do not front on and have direct access to streets, a minimum twenty-foot improved driveway with a minimum twelve-foot wide

¹ SGC Table 22.20-1.

² SGC 22.20.035 Note 1 to Table 22.20-1.

drivable surface on a legal easement shall provide access between the subject development and the street.”³

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.

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 policies, 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 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.

³ SGC 22.20.035 Note 2 to Table 22.20-1.

Grandfathering / Historical Use / Legal Nonconformity

It will be argued that the existing roads 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 as 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)⁴;
- 2) Further, the proposed easements show various degrees of enlargement, extension, and increase;
- 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

As proposed, the BLA:

1. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public’s health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.
2. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public’s health, safety, and welfare.
3. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.
4. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support adequate lot size and shape with no unusual topographical features in the areas surrounding the easements’ location.
5. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.

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

⁴ Land Use Planning and Development Law, 2ed, Juergensmeyer, Section 5.28, pg. 183.

RECOMMENDATION

It is recommended that the Planning Commission adopt the Planners' analysis and suggested 2 sets of findings, and approve the BLA subject to the attached conditions of approval to mitigate any detrimental impacts

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

- 1) I move to find that:
 - a. As proposed, the BLA:
 - i. Does not provide for orderly and consistent development consistent with the Sitka General Code and the principles, goals, and objectives of the Comprehensive Plan by not coming into compliance with existing design and development standards regarding easements as well as not correcting existing encroachments into adjacent property, both of which present detrimental impacts to the public's health, safety, and welfare. Further, the proposal does not present facts that support the necessary findings regarding variances, which the SGC and the Comprehensive Plan require.
 - ii. Access for firefighting apparatus would be dimensioned and below standard, which could be detrimental to the public's health, safety, and welfare.
 - iii. The encroachments into the adjacent municipal property and the right of way (North Shuler) would be injurious to those property rights.
 - iv. There are not facts presented, as required by the findings for platting variances, to support a lot of unusual size and shape or topographical features, and the facts support a lot of adequate size and shape with no unusual topographical features in the areas surrounding the easements' location.
 - v. There are no facts presented to support undue and substantial hardship to provide the appropriate easements and to correct the encroachment.
- 2) I move to find that:
 - a. If modified subject to the attached conditions of approval that the easements be platted in accordance with existing design standards for easement widths (i.e. 20 feet) and all encroachments connected to the properties in question into adjacent properties be removed prior to recording the Boundary Line Adjustment that the modifications and conditions of approval would eliminate the detrimental impacts to public, health, safety and welfare and the potential injuries to adjacent property.
- 3) I move to approve the Boundary Line Adjustment of 109 Harbor Mountain Road and 3614 Halibut Point Road in the R-1 MH district, subject to the attached conditions of approval. The property is also known as Lot 4 of USS 3317 and Lot 2 LLA of Lot 3 of USS 3317. The request is filed by Del Stengl and Ernestine Massey. The owners of record of the respective lots are Del Stengl and 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 Boundary Line Adjustment.



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:

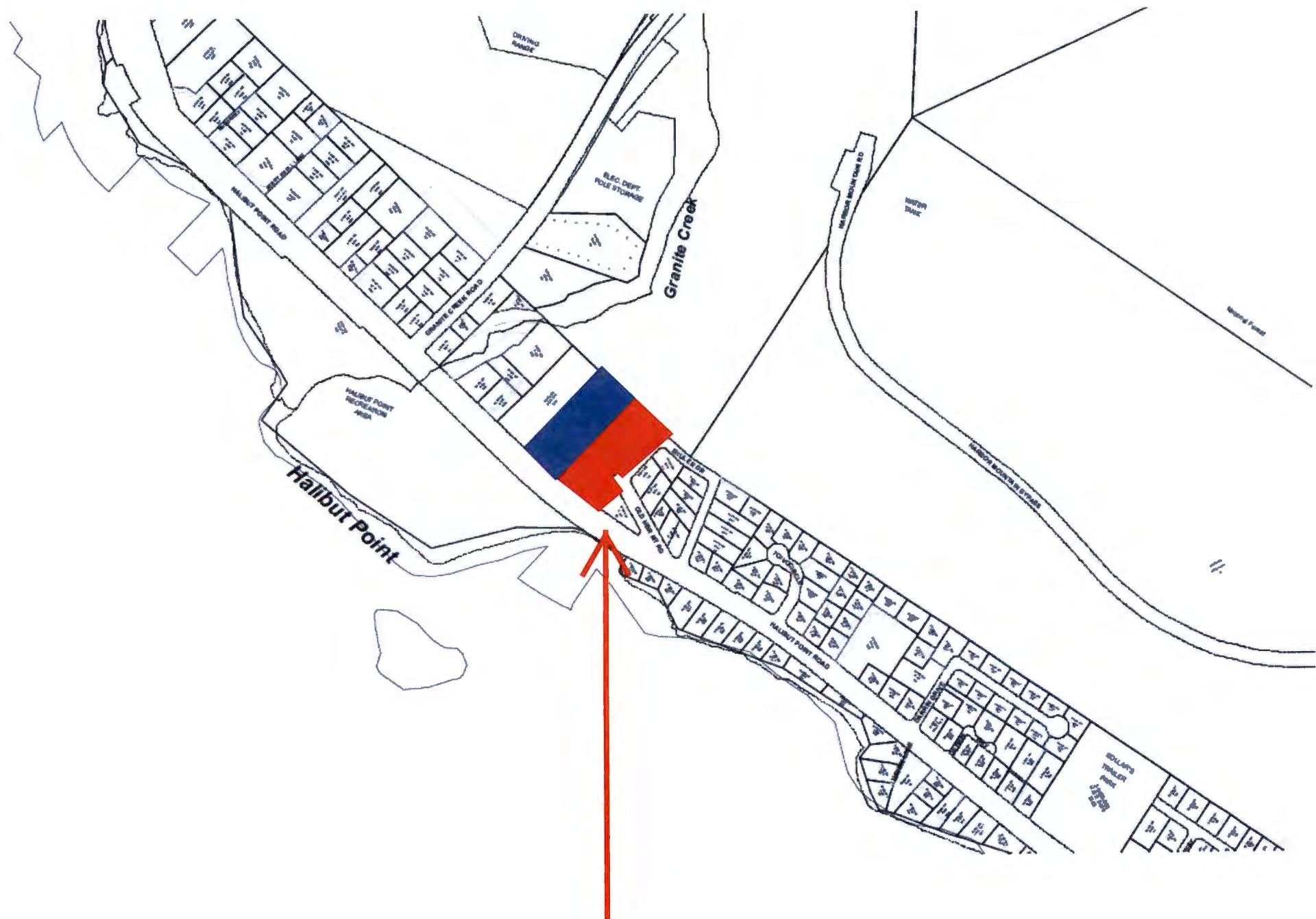
1. Planning actions will not be approved for properties with existing encroachments, except for actions to correct encroachments. These planning actions include but are not limited to platting and variances.
2. Encroachments must be corrected through appropriate means before planning actions may be considered.
 - 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

A handwritten signature in black ink that appears to read "Maegan Bosak".

Maegan Bosak, Director

Date 7/13/10

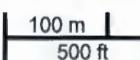




City & Borough of Sitka, Alaska

Selected Parcel: 109 HARBOR MOUNTAIN ID: 25610000

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



 **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.





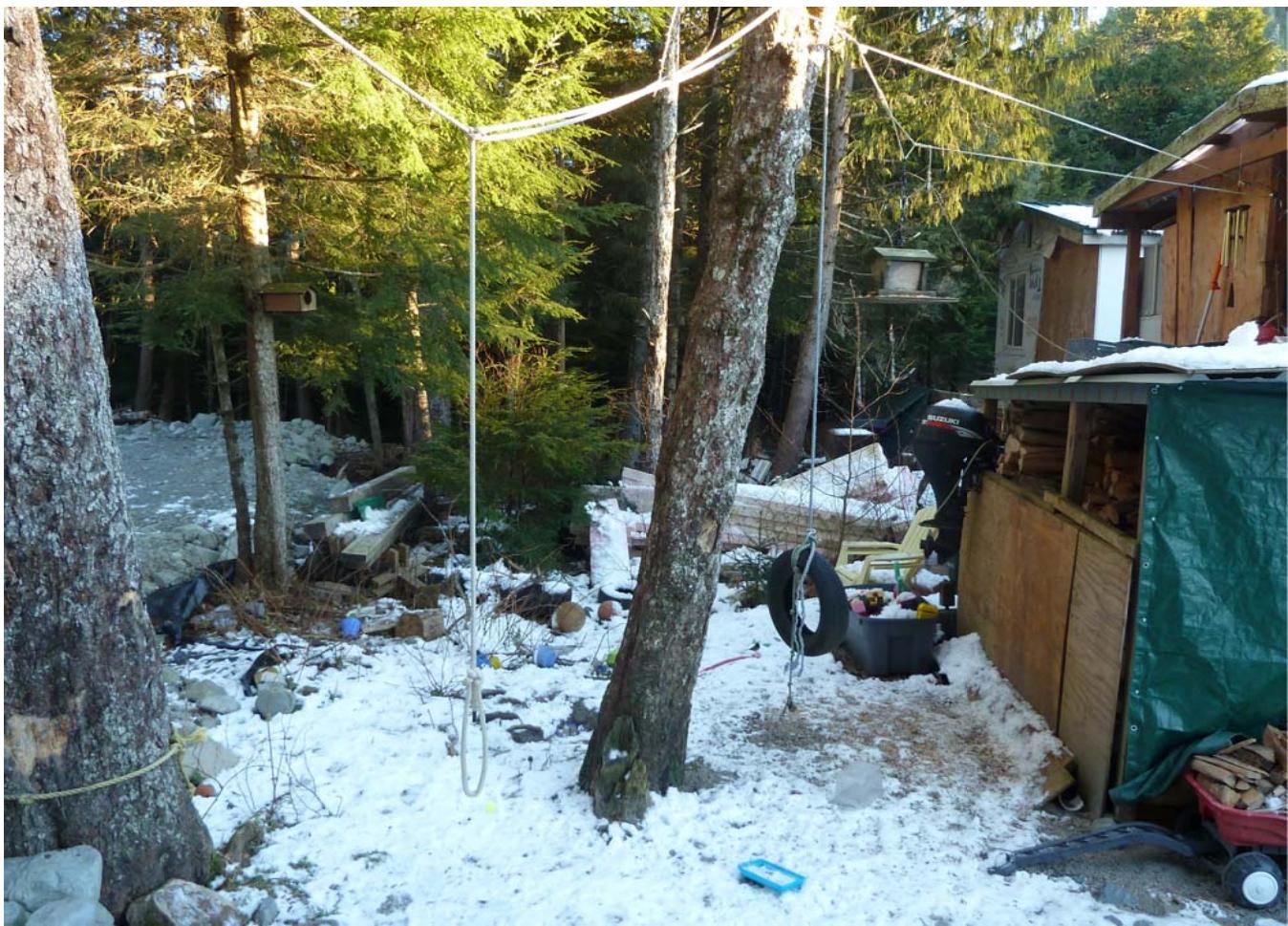








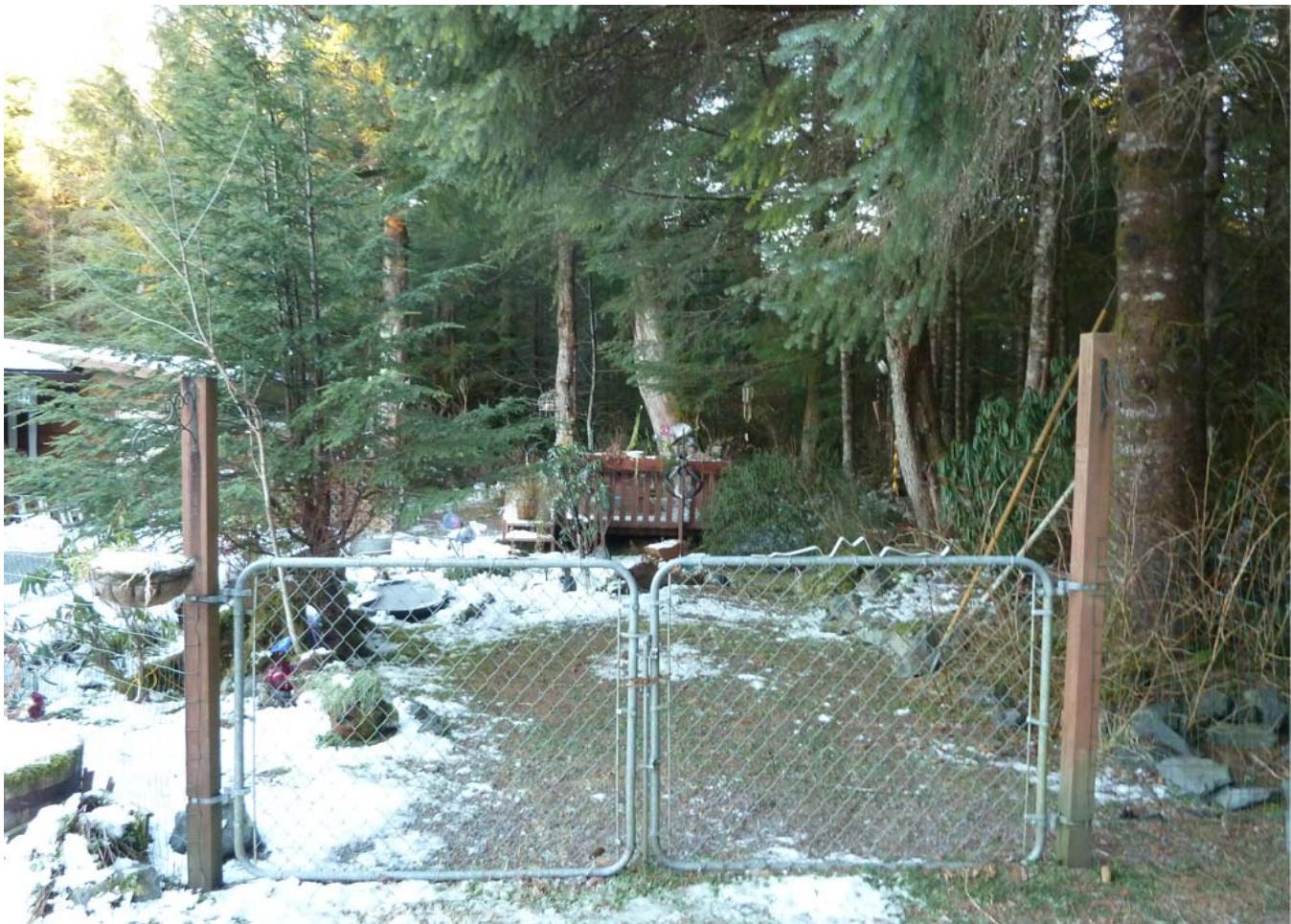


















(907) 747-6700 Fax (907) 747-7590

TO

DATE 4/23/16

SUBJECT STENGL & MASSRY SUBDS

CBS Planning Dept.

> ATTACHED ARE COPIES OF TWO SUBDIVISION CONCEPT PLATS (FOR
BENISTINE MASSRY & DEL STENGL) THAT WE WOULD LIKE PUT ON THE
PLANNING COMMISSION MEETING AGENDA FOR DEC. 20, 2016.

THE "MASSRY SUBDIVISION" IS THE 3 LOT SUBD. / LOT LINE ADJ. YOU HAVE
BEEN LOOKING AT FOR THE LAST SEVERAL MONTHS. ANOTHER PLAT, THE
"STENGL - MASSRY LOT LINE ADJUSTMENT" INVOLVES ONLY THE LLA BETWEEN THE
EXISTING STENGL & MASSRY LOTS. ITS APPROVAL WOULD ALLOW IMMEDIATE LOGISK
CONSTRUCTION ON THE STENGL LOT, WHILE ENCROACHMENTS ARE BEING REMOVED
FROM THE TRAILER COURT AS PART OF THE MASSRY SUB. SIGNED Pat O'Brien

PLEASE REPLY NO REPLY NECESSARY



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: - STENGL-MASSEY LOT LINE ADJUSTMENT -

ADJUST LOT LINE BETWEEN LOT 4, USS 3317 AND LOT 2 OF THE LOT LINE

ADJUSTMENT OF LOT 3, USS 3317

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 MARSH MOUNTAIN RD.

4323 VALHALLA DR.

STREET ADDRESS OF PROPERTY: (SAME)

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 2 BLOCK: _____ TRACT: _____

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

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEES		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.

De/Steeg
Owner

Ernestine Messay

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

O'NEILL SURVEYING & ENGINEERING

P.O. BOX 1849, SITKA, ALASKA 99835



(907) 747-6700 Fax (907) 747-7590

TO

DATE 4/23/16

SUBJECT STENGL & MASSRY SUBDVS

CBS Planning Dept.

> ATTACHED ARE COPIES OF TWO SUBDIVISION CONCEPT PLATS (FOR
BENISTINE MASSRY & DEL STENGL) THAT WE WOULD LIKE PUT ON THE
PLANNING COMMISSION MEETING AGENDA FOR DEC. 20, 2016.

THE "MASSRY SUBDIVISION" IS THE 3 LOT SUBDV. / LOT LINE ADJ. YOU HAVE
BEEN LOOKING AT FOR THE LAST SEVERAL MONTHS. ANOTHER PLAT, THE
"STENGL - MASSRY LOT LINE ADJUSTMENT" INVOLVES ONLY THE LLA BETWEEN THE
EXISTING STENGL & MASSRY LOTS. ITS APPROVAL WOULD ALLOW IMMEDIATE LOGISK
CONSTRUCTION ON THE STENGL LOT, WHILE ENCROACHMENTS ARE BEING REMOVED
FROM THE TRAILER COURT AS PART OF THE MASSRY SUB. SIGNED Pat O'Brien

PLEASE REPLY NO REPLY NECESSARY



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: - STENGL-MASSEY LOT LINE ADJUSTMENT -

ADJUST LOT LINE BETWEEN LOT 4, USS 3317 AND LOT 2 OF THE LOT LINE

ADJUSTMENT OF LOT 3, USS 3317

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 MARSH MOUNTAIN RD.

4323 VALHALLA DR.

STREET ADDRESS OF PROPERTY: (SAME)

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 2 BLOCK: _____ TRACT: _____

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

OFFICE USE ONLY

COMPLETED APPLICATION		SITE PLAN	
NARRATIVE		CURRENT PLAT	
FEES		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.

De/Steeg
Owner

Ernestine Messay

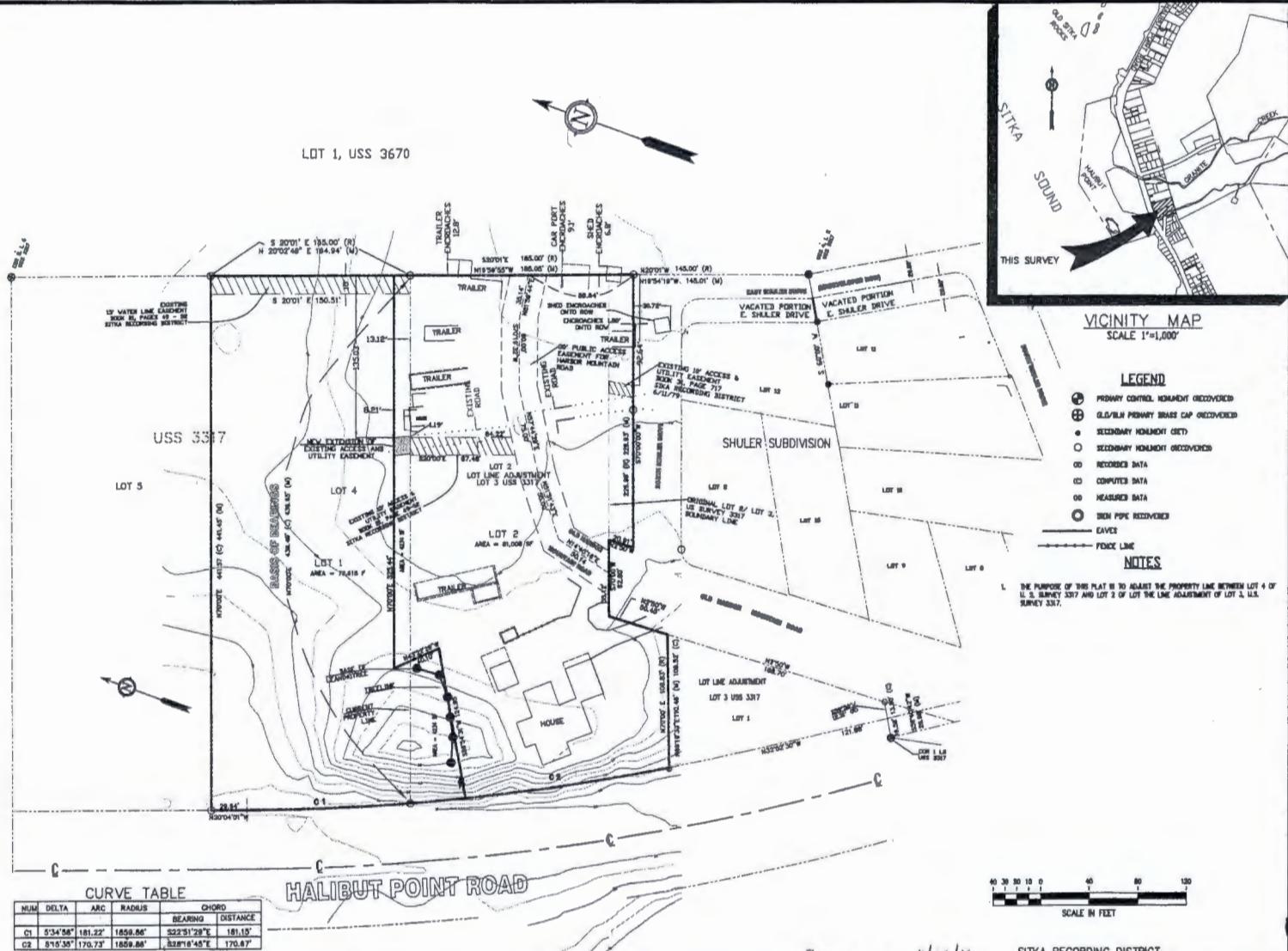
11/23/2016
Date

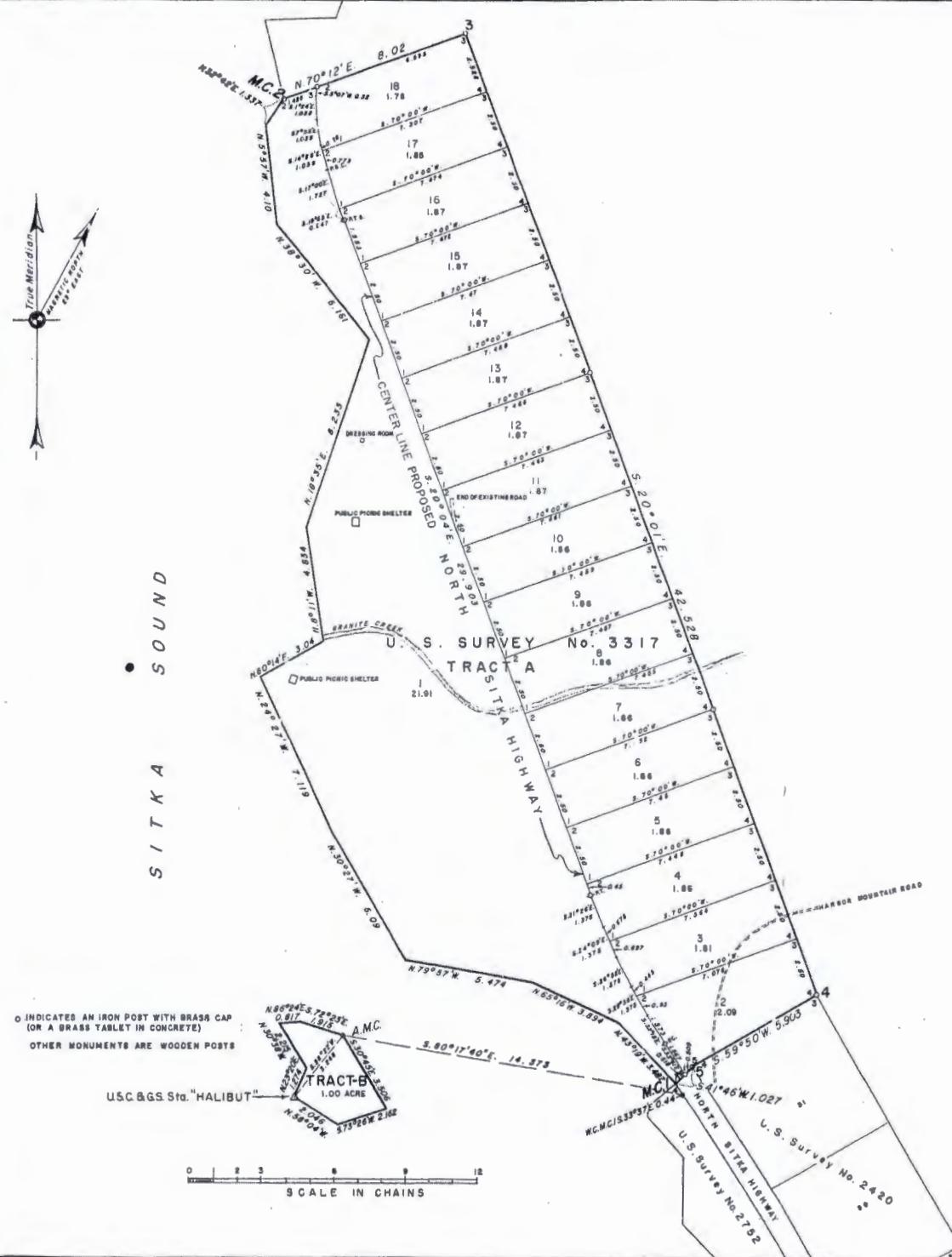
I certify that I desire a planning action in conformance with Sitka General Code and hereby state that all of the above statements are true. I certify that this application meets SCG requirements to the best of my knowledge, belief, and professional ability. I acknowledge that payment of the review fee 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 HEREIN 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	OWNER	SIGNATURE
DATE	OWNER	SIGNATURE
NOTARY'S ACKNOWLEDGMENT		
STATE OF ALASKA CITY & MUNICIPALITY OF SITKA I, THE NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SWORN, PERSONALLY APPEARED.		
TO ME KNOWN TO BE THE IDENTICAL INDIVIDUALS MENTIONED AND WHO EXECUTED THE FOREGOING PLAT AND WHO ACKNOWLEDGED TO ME THAT THEY STATED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES THEREIN SPECIFIED.		
WITNESS MY NAME AND NOTARY SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST MENTIONED.		
NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA MY COMMISSION EXPIRES		
CERTIFICATE OF PAYMENT OF TAXES (STATE OF ALASKA) CITY & MUNICIPAL DISTRICT		
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND ASSESSOR FOR THE CITY & MUNICIPALITY OF SITKA, HEREBY CERTIFY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX ROLL OF THE CITY & MUNICIPALITY 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 & MUNICIPALITY OF SITKA, ARE PAID IN FULL THAT CURRENT TAXES FOR THE YEAR _____ WILL BE DUE ON OR BEFORE AUGUST 31, _____ DATED THIS _____ DAY OF _____.		
ASSESSOR, CITY & MUNICIPALITY OF SITKA		
CERTIFICATE OF APPROVAL BY THE BOARD		
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREIN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE CITY & MUNICIPALITY OF SITKA AND THAT SAID PLAT HAS BEEN APPROVED BY THE BOARD OF PLAT RECORDER AND THAT SAID PLAT WILL BE DULY RECORDABLE. DATED _____ AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE OFFICE OF THE DISTRICT MAGISTRATE, EX-OFFICIO RECORDER, SITKA, ALASKA.		
DATE	CHARTER, PLATTING BOARD	
NOTARY		
CITY AND MUNICIPAL CLERK		
CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT		
I, THE UNDERSIGNED, BEING DULY APPOINTED AND QUALIFIED AND FINANCE DIRECTOR FOR THE CITY & MUNICIPALITY OF SITKA, HEREBY CERTIFY THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF _____		
ALL OWNERS OF RECORD, ARE THAT, ACCORDING TO THE RECORD IN MY POSSESSION, ALL LIENS ASSESSED AGAINST SAID LANDS AND IN FAVOR OF THE CITY & MUNICIPALITY OF SITKA ARE PAID IN FULL.		
DATED THIS _____ DAY OF _____ AT SITKA, ALASKA		
FINANCE DIRECTOR CITY & MUNICIPALITY OF SITKA		





U. S. SURVEY
No. 3317, ALASKA
embracing
TRACTS A AND B

SITUATED

ON THE EASTERLY SHORE OF SITKA SOUND
AT HALIBUT POINT, NORTHWEST OF AND ADJOINING

U. S. SURVEY NO. 2420

AND

DEPENDENT RESURVEY OF LINE 3-4

U. S. SURVEY NO. 2420

TOTAL AREA: TRACTS A AND B 54.88 ACRES

Latitude $57^{\circ}05'57.753''$ N. Longitude $135^{\circ}23'40.421''$ W.

AT WITNESS MEANDER CORNER NO. 1, TRACT A

SURVEYED BY

JOHN M. SHORT, CARTOGRAPHER (CADASTRAL)

AUGUST 26 to SEPTEMBER 10, 1954

UNDER SPECIAL INSTRUCTIONS
DATED APRIL 12, 1954
AND APPROVED APRIL 26, 1954.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D. C. January 4, 1955

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
Carl G. Harrington
Cadastral Engineering Staff Officer



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.

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
110 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/Zo ning	150.00
STL - Sales Tax 4th quarte r CY	7.50
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.....	750
TOTAL.....	157.50

Thank you

AFTER RECORDING, RETURN TO:

Del Stengl
PO Box 6575
Sitka, AK 99835

AETIA/51448

DEED OF PERSONAL REPRESENTATIVE

The GRANTOR Jonathan O. Lowrance, Personal Representative of the Estate of Marguerite I. Lowrance, deceased, in the Superior Court, First Judicial District Case No. 1SI-11-55PR, whose mailing address is 3408 Halibut Point Rd. Apt. A, Sitka, AK 99835, and in consideration of TEN DOLLARS (\$10.00) and other good and valuable consideration in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and warranted and by these presents does grant, bargain, sell, convey and transfer to the said Del Stengl, Grantee, whose mailing address is PO Box 6575, Sitka, AK 99835, and to the heirs and assigns, forever, all of the right, title and interest that the Estate of Marguerite I. Lowrance, Deceased, at the time of her death, and also all of the right, title and interest that said Estate, by operation of law or otherwise, may have acquired, in and to the following described real estate located in the Sitka Recording District, First Judicial District, State of Alaska:

***Lot 3, Tract A, U.S. Survey 3317, Sitka Recording District, First Judicial District, State of Alaska EXCEPTING THEREFROM any portion lying within the Right-of-Way of Halibut Point Rd.**

SUBJECT TO reservations, exceptions, easements, covenants, conditions and restrictions of record, if any.

DATED this 5th day of August, 2015.

GRANTOR: The Estate of Marguerite I. Lowrance, deceased, in the Superior Court, First Judicial District Case No. 1SI-11-55PR

By: Jonathan O. Lowrance
Jonathan O. Lowrance, Personal Representative

***Lot 4**

PERSONAL REPRESENTATIVE'S DEED -1-
A-4350-3909



2 of 3
2015-000897-0

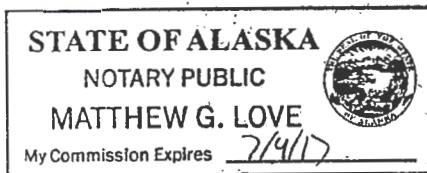
STATE OF ALASKA)
FIRST JUDICIAL DISTRICT)
) SS.

THIS IS TO CERTIFY that on this Fifth day of August, 2015, before me, the undersigned Notary Public in and for the State of Alaska, duly commissioned and sworn as such, personally came **Jonathan O. Lowrance, Personal Representative of the Estate of Marguerite I. Lowrance, deceased, in the Superior Court, First Judicial District Case No. 1SI-11-55PR**, to me known to be the individual who signed this document and known to me to be the person described in and who executed the foregoing document as Personal Representative of the Marguerite I. Lowrance, and acknowledged to me that he signed the same freely and voluntarily for the uses and purposes therein mentioned as Personal Representative on behalf of the Estate of Marguerite I. Lowrance.

Witness my hand and seal.

(SEAL)

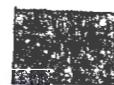
Attn G. Sre
Notary Public in and for Alaska
My Commission Expires: 7/4/17



PERSONAL REPRESENTATIVE'S DEED -2-
A-4350-3909



3 of 3
2015-000897-0



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

Σ^m * S 29° 35' E a distance of 2.8 feet.

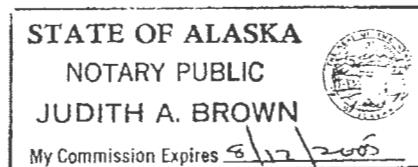
Corner No. 1, thence S $70^{\circ} 00' 00''$ W a distance calculated per the U.S. Survey 3317 Lot Three (3) Lot Line Adjustment plat, recorded with the Sitka District Recorder as Plat No. 96-29 on November 21, 1996, as 226.99 feet (and a recorded distance of 227.83 feet according to that same plat), to Corner No. 2, thence N $02^{\circ} 50' 00''$ W a distance of 20.91 feet to Corner No. 3, and thence N $70^{\circ} 00' 00''$ 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)
FIRST JUDICIAL DISTRICT)
) SS:

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




Ruth A. 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

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)



2 of 7

2004-000659-0