

City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Planning and Community Development Department

Case No:

P 18-06

Proposal:

Easement vacation and realignment

Applicant:

Michael Tisher

Owner:

Michael Tisher, George/Tamara Eliason, Jeremiah Jeske, Volney/Linda Smith

Location: Legal Desc.: 2314, 2316, 2318, and 2370 Halibut Point Road

Zone:

Lots 1, 2, 3, 4 Oceanview Ridge Subdivision

R-1 MH single-family, duplex and manufactured home zoning district

Size:

Existing: Lot 1 - 142,308 square feet, Lot 2 - 17,223 square feet, Lot 3 - 20,173 square

feet, Lot 4 - 20,413 square feet

Parcel ID:

2-5210-000, 2-5210-001, 2-5210-002, 2-5210-003

Existing Use: Residential, Undeveloped Adjacent Use: Residential, undeveloped

Utilities:

Existing from Halibut Point Road and Proposed from Kramer Avenue

Access:

From Halibut Point Road

KEY POINTS AND CONCERNS:

- Request requires signature of all parties (SGC 21.20.010.A.2) that has been requested and not provided. This is required.
- Proposal requires agreements (access and utility easements and agreements including maintenance and access to them) from all parties (SGC.20.010.A.3).
- All beneficiaries of an easement modification shall approve the modification prior to review by the Planning Commission (SGC 21.20.060).
- Easement and Design Standards: must comply with 21.40.030 especially subsections A (City a Party), B (Utility easements), C (Access Easements), and D (Drainage Easements).
- Utility plans and any applicable easements and maintenance/access agreements shall be provided.
- How this vacation may impact Tisher and Licari Subdivisions in regards to ability to provide access and utilities. While each is separate in various ways they are part of the same whole, at least by implication of proposed easements and existing easements.

RECOMMENDATION: Postpone or pull prior to hearing.

ATTACHMENTS:

Attachment A: Applicant Materials
Attachment B: Staff Materials

BACKGROUND:

Plat 84-24 was recorded August 2, 1984 for the Oceanview Ridge Subdivision, which subdivided Lot 14 of the USS 2418 into 4 lots. Lot 1 of the Oceanview Ridge Subdivision is proposing an additional 4 lot minor subdivision on a separate agenda item. Lot 13 of USS 2418 is proposing a 2 lot minor subdivision on a separate agenda item.

PROJECT DESCRIPTION:

The request is to vacate a platted private access drive that was platted as a cul-de-sac 50 feet wide with a 50 foot radius, but was never fully developed and more homes were built encroaching into the right of way, which impacts their ability to sell and creates legal risk. In essence, the request is to solve this mistake. One note: this ROW should have never been platted due to lack of practical development and topography. This is an example to consider for Licari and Tisher for the other agenda items.

The proposed access easement is approximately at least 25 feet wide and varies slightly in width due to existing development. As proposed (and as built) it would no longer serve Lot 1. There is no information as to ownership agreement, maintenance, access, nor utilities.

<u>Title 21</u>

The purposes of the subdivision regulations are: to promote and protect the public, health, safety and welfare; provide for appropriate roads, streets, and access; provide for useful, adequate and convenient open space; provide for means for efficient transportation, mobility, and access; assure adequate utilities; provide for emergency response accessibility; provide adequate recreation, light, and air; avoid population congestion; facilitate orderly development and growth; and accurate surveying. ¹

In this case, careful consideration and postponement should occur to make sure the owners' interests are preserved, that appropriate easements are established, that appropriate agreements are established, and that appropriate access and utilities are preserved.

Subdivision Development Standards

Maximum grade for access easements shall not exceed 20% in any case and shall only exceed 15% in exceptional cases. The applicant should submit verification from a registered land surveyor to verify the slope of the easement.²

¹ SGC 21.04.020

² SGC 21.40.030(C)4-5

Title 22

22.16.045 R-1 MH single-family, duplex and manufactured home zoning district.

A. Intent. See the intent statement for the R-1 district. The R-1 MH district is intended primarily for single-family, single-family manufactured homes or duplex dwellings, at moderate densities, but structures and uses required to serve recreational and other public needs of residential areas are allowed as conditional uses subject to restrictions intended to preserve the residential character of the R-1 MH district.

Zoning Development Standards

The minimum lot area for the R-1 MH District is 8,000 square feet. Minimum lot width is 80 feet. Proposed lots meet these requirements. Access width shall be at least 20 feet and wide enough to serve drainage, slope development, and road development/maintenance (and utilities if incorporated).

Project Analysis

Site: Existing developed lots. Platted easement never developed as platted due to topography and slope. Houses encroach into easement.

Utilities: Utility plans, potential utility easements and maintenance/access agreements should be provided by applicant. There is concern here that there could be utility issues.

Access, Roads, Transportation, and Mobility: Need all owners' agreements and signatures on access and utilities.

Public, Health, Safety and Welfare: Need more information as to agreements and utilities.

Rec, Light, Air: Proposed lots are larger than the minimum lot size for the zone. No concerns.

Orderly and Efficient Layout and Development: Need more detail as to agreements and utilities.

Comprehensive Plan

The proposed minor subdivision complies with Comprehensive Plan Section 2.4.19 by going through the required subdivision process.

next page

Recommendation and Motions

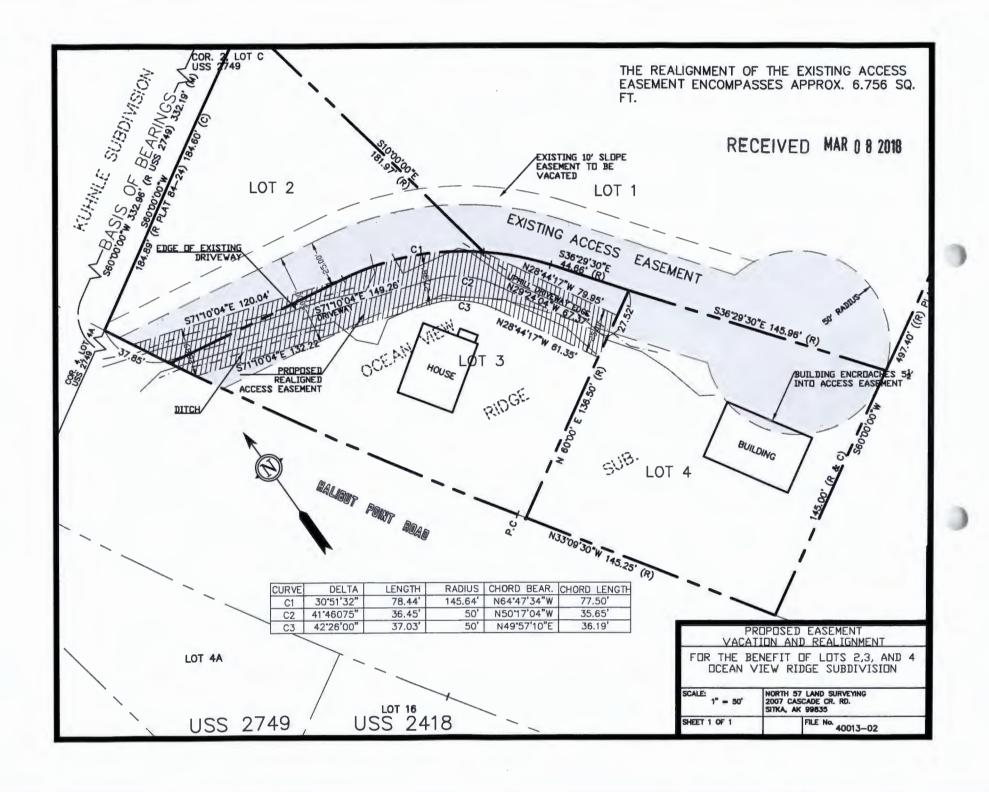
It is recommended that the Planning Commission postpone or pull this item prior to consideration and discussion.

<u>I move to postpone</u> Public hearing and consideration of a request to vacate platted access and slope easements and realign the access easement at 2314, 2316, 2318, and 2370 Halibut Point Road in the R-1 MH district with direction to provide the <u>requested information</u>. The property is also known as Lots 1, 2, 3, and 4 Oceanview Ridge Subdivision. The request is filed by Michael Tisher. The owners of record are Michael Tisher, Jeremiah Jeske, George and Tamara Eliason, and Volney and Linda Smith.

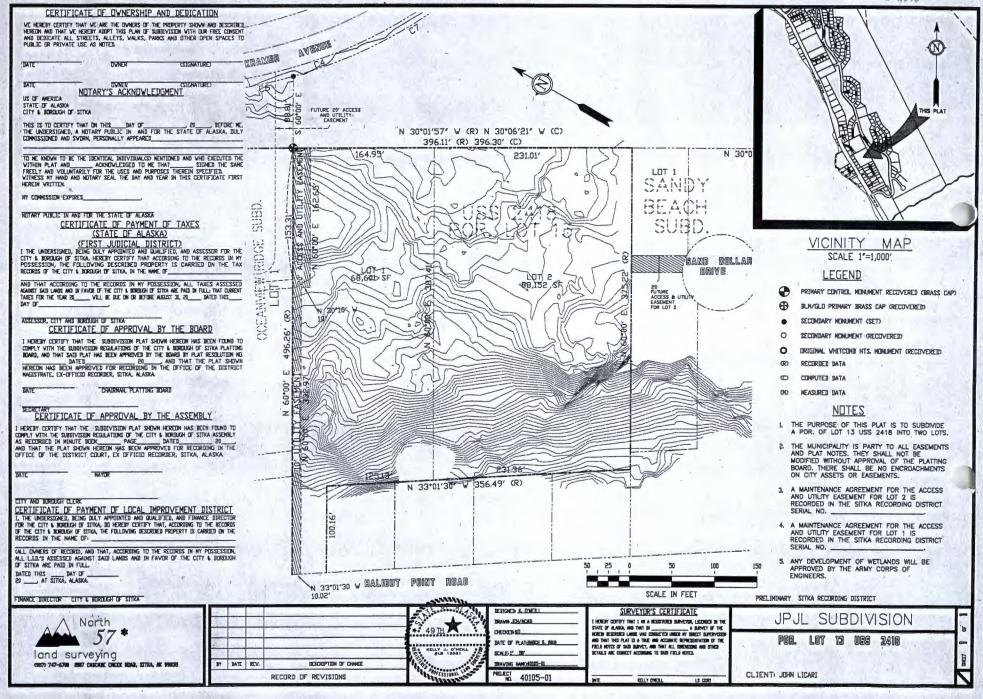
Requested Information:

- 1. Signatures of all ownership interests in easement and agreement to vacate and modify easement.
- 2. Access easement agreements including maintenance agreements
- 3. Utility plans, and;
 - a. if needed, utility easement agreements including maintenance agreements
- 4. Approval of entire subdivision concepts for Tisher, Licari, and this vacation to ascertain if access and utilities are best provided in the proposed designs. Staff would request a sit-down with all subdivision applicants and staff.

Attachment A Applicant Materials



OCCUPANTE DE CLASCOCITO AND DESCATORI							A COMPANY I
CERTIFICATE OF OWNERSHIP AND DEDICATION			and the same of				A STATE OF THE STA
VE HEREBY CERTIFY THAT WE ARE THE DVNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREDN AND THAT WE HEREBY ADDPT THIS PLAN OF SUBDIVISION WITH DUR FREE CONSENT	NUMBER DELTA ANGL	E RADIUS	ARC LENGT	H CHORD DIRECTION	CHORD LENGT	TH	
AND BEDICATE ALL STREETS, ALLEYS, VALKS, PARKS AND OTHER OPEN SPACES TO PUBLIC OR PRIVATE USE AS NOTED.	C1 38*11′50*	150.00′	36.71'	N 43*29'53' W	36.62'		
	CS 08,35,00,	390.00	58.08	S 33*17'23' E	58.03		
DATE CSIGNATURE)	C3 08*19'36'	551.24	80.11	S 41°43′12° E	80.04		1800
WILLIAM TO THE STREET OF THE S							
NOTARY'S ACKNOVLEDGMENT		The state of	ACCESS EASEMEN	NT'7			
US DE AMERICA STATE DE ALASKA CITY & BOROGRI DE STIKA	N 59*59' E (R N 60*30'11' E (C 29.99' (R) 30.75' (C	7					THIS PLAT
THIS IS TO CERTORY THAT ON THOS DAY OF 20 BOYORE ME, THE UNDERSIONED, A NOTARY PUBLIC IN AND FOR THE STATE OF ALASKA, DULY COMMISSIONED AND SYDNM, PERSONALLY APPEARED.			-	ZRAMER +	VAEWINE		
TO HE ROOM TO BE THE IDENTEAL INDIVIDUAL CS HENTIDED AND VIOL EXCUIDED THE VITHIN PLAT AND ACKNOWLEDGED TO HE THAT. SIGNED THE SAME FREDLY AND VITHIARILY FOR THE USES AND PRIPRIESS THEREIN SPECIFIES. WITHERS BY HAND AND RIGHTS SEAL THE DAY AND THEM BY THE STEATHER FIRST	-	+s	N 37°33′23′	261.34	E3	10' PEDESTRIAN /BICYCLE RIGHT-OF-WAY	
HEREIM VIGITIEM. NY COMMISSION EXPIRES	0 0 03	000	50.95	No. 11/34	883 80.00	ACCESS AND UTILITY EASEMENT	
NOTARY PUBLIC IN AND FUR THE STATE OF ALASKA CERTIFICATE OF PAYMENT OF TAXES STATE OF ALASKA)		301.89	N 30 07 45	395.65'	E	EMSEMENT	VICINITY MAP
THE UNDERSIONED, BEING BUT APPRINTED AND DIALEDS. AND ASSESSOR FOR THE CITY & BORDLEH OF STIVA, MODELY CORTEY THAT ACCORDING TO THE RECORDS IN MY POSSESSION, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE TAX RECORDS OF THE CITY & BORDLEH OF STIVA IN THE MAKE OF			Suff of the same o	LOT	える。例	LOT,	SCALE 1'=1,000' LEGEND
AND THAT ACCORDING TO THE RECORDS IN MY POSSESSION, ALL TAXES ASSESSED AGAINST SAN LANGS AND IN FAVOR OF THE CITY & RORLIGH OF STITIA ARE PAID IN FALL THAT CARROTT TAXES FOR THE TEAM 20	SALL	36 419 55	经	29.398		13331	PRIMARY CONTROL MONUMENT RECOVERED OBRASS CAP) BLA/GLO PRIMARY BRASS CAP GRECOVERED
ASSESSOR, CITY AND MOROUGH OF STINA CERTIFICATE OF APPROVAL BY THE BOARD	5.79	25		EWIRING	R 20 0	EXISTING	SECONDARY MUNUMENT (SET) SECONDARY MUNUMENT (RECOVERED)
I HERBY CERTIFY THAT THE SUBJIVISION PLAT SHOWN HERBON HAS BEEN FOUND TO COMPLY THIS DESCRIPTION FOR REGULATIONS OF THE CITY IS BROODER OF STRIKE A PATTOR BOARD, AND THAT SAID PLAT HAS BEEN HPROVED BY THE BOARD BY PLAT RESOLUTION NO. BATCO. SO, AND THAT THE PLAT SHOWN HERBON HAS BEEN HPROVED FOR RECORDING. IN THE EFFICE OF THE DISTRICT	BAIRWINIAN STREET	33°04'32° 5	-	100 8 34 14 65 E	175.59	ACCESS AND UTILITY EAS	EMENT OR RECORDED DATA
MAGISTRATE, EX-OFFICIO RECURBER, STIKA, ALASKA BATE CHAIRMAN, PLATTING BOARD	STREET		The second	174.02	3	ON	COMPUTED DATA OD MEASURED DATA
SECRETARY CERTIFICATE OF APPROVAL BY THE ASSEMBLY	100	SF				<u>55</u>	NOTES
I HEREBY CERTIFY THAT THE SUBMITISTION PLAT SHOWN HEREBY HAS BEEN FOLKO TO COPATY VITH THE SUBMITISM REGULATIONS OF THE CITY'S DROUGH OF STIME ASSOCIALY AS RECORDED IN HINTER BOOK. PAGE. DATED. AN ECORDED IN HINTER BOOK.	23 65	30 07			00,09	32	L THE PURPOSE OF THIS PLAT IS TO SUBDIMIDE LOT 1 OF THE OCEAN VIEW RIDGE SUBDIMISION INTO 4 LOTS.
AND THAT THE PLAT SHOWN HEREIN HAS BEEN APPROVED FOR RECORDING IN THE DEFICE OF THE DISTRICT COURT, EX DEFICIO RECORDER, SITKA, ALASKA.		34		36.861 3		品品	 THE MUNICIPALITY IS PARTY TO ALL EASEMENTS AND PLAT NOTES. THEY SHALL NOT BE MODIFIT
DATE HAYOR		57/1/	EXISTINGE ID SLOPE EASENENT CATER	E CONTRACTOR OF THE CONTRACTOR	EASTMENT DE DE LONG	र रहे	WITHOUT APPROVAL OF THE PLATTING BOARD. THERE SHALL BE NO ENCROACHMENTS ON CITY ASSETS OR EASEMENTS.
CITY AND BORDUGH CLERK CERTIFICATE OF PAYMENT OF LOCAL IMPROVEMENT DISTRICT I, THE UNDERSTORED, BEING DLY APPOINTED AND GRANLIFIED, AND FINANCE DIRECTOR	370.00		TO BE	w I			 AN EASEMENT AGREEMENT IS RECORDED IN THE SITKA RECORDING DISTRICT UNDER SETIAL NO. REGARDING THE
FIR THE CITY & BORDLEH OF SITEA, DO HERCHY CONTRY THAT, ACCREDING TO THE RECORDS OF THE CITY & BORDLEH OF SITEA, THE FOLLOWING DESCRIBED PROPERTY IS CARRIED ON THE RECORDS IN THE NAME OF	Ln	181.97		S 36.E9'30' E 190	BE (R)		VACATION AND REALIGNMENT OF THE SLOPE EASEMENT AND EXISTING ACCESS AND UTILITY EASEMENT FOR LOTS 1,2,3 AND 4 OCEAN VIEW RIDGE SUBDIMISION.
GULL OWNERS OF RECORD, AND THAT, ACCORDING TO THE RECORDS IN MY POSSESSION, ALL LLE'S ASSESSED AGAINST SAID LAMBS AND IM FAVOR OF THE CITY & BOROLUGH OF STRKA ARE PAID IN FULL BATED THUS 20 AT SITKA, ALASKA.	-	2//	EXISTIN	ACCESS AND	DT 4		50 25 0 50 100 150 SCALE IN FEET
FDIANCE DIRECTOR CITY & BORDUGH OF SITKA		//	Marin.	3	4		SITKA RECORDING DISTRICT
		3	15.00.00	DESIGNED IL D'METLL	SURVEYOR'S CER	TIFICATE	TICLIED CLIDDINGS
. A North	I HOUST COTT				MEMBERY CONTRY THAT I AM A MEGESTERS		TISHER SUBDIVISION
57*	The second second	2 * 5	49时人	DEDEDE	STATE OF ALASKA, AND THAT IN MERCIN RESCRIBED LAVING WAS COMMUTED UNDER MY SINCE TRADSPOSSOR AND THAT THE PLAT IS A THAIR AND ACCOUNTS REPRESENTATION OF THE		LOT 1 OCEANVIEW RIDGE SUBD.
		-	PATRICK K. D'HEILL	THE IS PURISONED TO THE	is that thes play is a tale and action els hotes of each survey, and that a talls are correct according to said i	AT INFIRENCE AND DIVER	
and surveying ONO7 747-6700 ENT CASCANE CHEEK NONE, STINA, AK 99835 BY MATE RE	EV. DESCRIPTION OF CHARGE	1/2	185	SCALD 1' 50' E	THE COURSE PLEASURE IN SAID	THE MILES	
Service and Service Services S	RECORD OF REVISIONS	(1)		PROJECT 40063-03			LIENT MIC TISHER
	ACCOUNT OF REVIOUS		. illines	MA 40003-03	NELLY DWEAT	13 1391	



Attachment B

Staff Materials

