

43.20.060 DEDICATION TO PUBLIC.



- (A) All roads shall be dedicated to the public, except as provided in subsection (D) of this section; provided, that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of the street on the exterior boundary of the subdivision with the dedication secured from the adjacent property owner before final plat approval.
- (B) When accepting roadway dedication, the platting authority shall conduct a public hearing.
- (C) Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision. Dedications shall be sufficient to carry all traffic generated by the subdivision and to provide residential rights-of-way for projected traffic through the subdivision.
- (D) The platting board may require the dedication or improvement, or dedication and improvement of rights-of-way, tracts, or easements no narrower than ten feet in width to accommodate the construction of walkways up to eight feet in width in any of the following circumstances:
- (1) if a walkway is indicated as appropriate in the borough's comprehensive plan or other ordinance, i.e., special land use district (SPUD);
 - (2) if the walkway is reasonably necessary to provide safe and efficient pedestrian access to a school, playground, park, shopping center, public cemetery, transportation, or other community facility; or
 - (3) if the walkway is reasonably necessary to provide connectivity to a dedicated right-of-way in an adjoining subdivided or unsubdivided parcel.
 - (4) The above requirements for dedication of additional right-of-way for a walkway shall apply only where a walkway cannot be contained within the legal right-of-way reserved for a street;
 - (a) plats or master plans of 20 lots or less shall be exempt from requirements to construct a walkway, unless evidence is presented supporting the need for pedestrian safety or the walkway will provide connectivity to other pedestrian facilities.

(Ord. 11-072, § 3 (part), 2012)

43.20.100 ACCESS REQUIRED.



- (A) There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section and any other exemption within this title.
- (B) Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a showing that permanent public access by air, water, or railroad is both practical and feasible, the platting board shall waive the road requirements of subsection (A) of this section. If other than road access is approved, the mode of access shall be noted on the plat.
- (C) Gated subdivisions and private roads shall be approved, provided they meet the following criteria:
- (1) roads are constructed to the required borough standards;
 - (2) emergency services shall be provided access to deliver services within the private subdivision. Borough maintenance shall be provided access to get through the subdivision to provide services beyond the private

subdivision;

(3) alternate legal access to adjoining properties is available.

(D) A subdivider proposing to create roads shall ensure access to adjoining privately owned parcel(s) beyond a proposed subdivision as follows:

(1) legal access shall be provided along a constructible alignment;

(a) geometrical alignment shall meet a minimum of subcollector standards unless the applicant demonstrates that it is not necessary;

(b) provided that constructing physical access to said adjoiners shall not be a condition of plat approval; and

(2) access to adjoining lands does not have to be provided where legal and constructible alternative access is available.

(E) A subdivision plat whose sole purpose is to separate/divide a home/headquarters site in a Matanuska-Susitna Borough agricultural rights parcel under former MSB Title [13](#) is exempt from the road construction standards of the MSB Subdivision Construction Manual; provided, that the following conditions are fulfilled:

(1) prior to preliminary plat submittal the agriculture rights property owner is to obtain assembly approval of the sale of the home/headquarters site through an application made to the borough land and resource management division; and

(2) the maximum parcel size is five acres for the home/headquarters site; and

(3) only two parcels can be created from the farm unit parcel, the home/headquarters site and the remainder;

(4) the applicant demonstrates that legal access as defined in MSB 43.20.120, Legal Access, exists to all parcels or tracts created, and the suitability of the legal access for future residential road construction is documented by a registered land surveyor or civil engineer hired by the applicant;

(5) the property is to be surveyed and monumented and a plat submitted in conformance with MSB 43.15.016, Preliminary plat submittal and approval, 43.15.049, Final plat; general provisions, and 43.15.051, Final plat; submitted;

(6) a plat note declaring that the borough is not responsible for road construction or road maintenance; and

(7) a plat note restricting further subdivision of the parcels being created.

(Amended during 4/15 supplement; Ord. 11-072, § 3 (part), 2012)

43.20.120 LEGAL ACCESS.



(A) The applicant shall provide the platting division a right-of-way document verifying the existence of legal access. In this title, legal access exists only if one of the following is met:

(1) An unrestricted, public right-of-way connects the subdivision to a state or municipal highway system or a regularly served public airport and one of the following is met:

(a) The applicant's registered land surveyor submits to the platting division for review and approval

documentation and an opinion demonstrating that the right-of-way exists; or

(b) The applicant provides copies of borough-accepted recorded conveyances creating the public easement or right-of-way where the access is located, or that access or right-of-way is maintained by the state of Alaska or an incorporated municipality; or

(c) The applicant provides documentation satisfactory to the borough demonstrating the legal access is guaranteed through judicial decree;

(2) The right-of-way is an easement or fee interest at least 50 feet in width dedicated or irrevocably conveyed to the public; or

(3) The applicant proves that the proposed access can be constructed practically and economically within the legal access documented.

(Ord. 15-036, § 23, 2015; Ord. 11-072, § 3 (part), 2012)

43.20.140 PHYSICAL ACCESS.



(A) Roads used for access or internal circulation shall:

(1) be located entirely within dedicated or legal rights-of-way; and

(2) conform to existing requirements of the Subdivision Construction Manual.

(Ord. 11-072, § 3 (part), 2012)