

PLANNING DEPARTMENT  
PLANNING STAFF ANALYSIS

PLATTING

**DATE:** August 4, 2004

**CASE:** S-11284-1 Resolution Pointe Subdivision, Addition # 1, Tracts A-1 & B-1; and Lot 1, Bk. 1, Resolution Pointe Subdivision  
Vacation of a section line easement only

**SITE:** 2.25 acres

**LAND USE:** Vacant Land

**SOILS:** Public services available

**TOPO:** See attached

**VEGETATION:** Residential Landscaping

**ZONING:** R-1 (Single Family )

**COMPREHENSIVE PLAN**

Classification: West Anchorage Planning Area (Anchorage 2020 Comprehensive Plan) Residential (1982 Comprehensive Plan)  
Intensity: 3-6 DUA

**SURROUNDING AREA**

	NORTH	EAST	SOUTH	WEST
Zoning:	R-1	R-1	R-1	R-1
Land Use:	Campbell Lake	Single Family	Single Family	Vacant Land

**FINDINGS**

1. Utility easements have been requested.
2. Public Works states:
  - a. Resolve the need to carry over the "receding water" note from underlying plat 82-302: "Owners of lots and tracts abutting on Campbell Lake shall have the exclusive use of all land up to the water's edge whether or not such land is included in the legal description of a lot or tract."

3. DSD ROW notes that the application is missing from the package. Without a platting action, the vacation of the easement will not reflect on the plat. Resolve with the Planning and Traffic Departments, the need for additional or less right-of-way width for West 100<sup>th</sup> Avenue. Retain/provide necessary utilities easements.
4. AMATS Coordinator states that staff met with the petitioner to discuss this plat. There is no objection to vacation of the BLM section line.
5. Alaska Department of Transportation (ADOT) states:
  - a. Section line easement vacation requires submittal of an application to the Department of Natural Resources (DNR) to under go the State agency review process. The applicant may contact George Horton at DNR, 269-8610 for an application and assistance.
6. Municipal Traffic Engineering has no comment on the vacation.
7. Trails Coordinator has no objections to this vacation.
8. Physical Planning made no comment.
9. Bayshore/Klatt Community Council has not returned comment.

#### **PAST SURROUNDING LAND USE**

11/13/02	Plat 2002-146	Resolution Pointe Subdivision, Add. No. 1 Tracts A-1 and B-1 w/vacation of utility easement. Section line easement vacation was approved by the PB on 7/17/02, but was not included in the final plat. (S-10947)
09/08/82	Plat 82-277	Re-file of Plat 79-128 (Case S-4956)
09/22/82	Plat 82-302	Final plat recorded for Resolution Pointe, Blocks 1, 2, 3 & Tracts A, B, & C (Case S-5132 & S-5953)
08/14/79	Plat 79-128	Final plat recorded for Tracts 1A & 1B Campbell Lake Heights Add #11. (Case S-4956)
03-24-72	Area "F"	Area wide Zoning Created R-1 Zoning For This Area

#### **COMMENTS**

##### **Vacation Request**

*AMC 21.15.130 - Approval of Vacations. The platting authority shall consider the merits of each vacation request, and in all cases the platting authority shall deem the area being vacated to be of value to the municipality unless proven otherwise. The burden of proof shall lie entirely with the petitioner.*

## Request

This is a request to vacate a portion of a section line easement between Sections 14 and 15, T12N, R4W, S.M. Alaska, beginning at the property line common between Tract B1, Resolution Pointe Subdivision, Addition No. 1 and Lot 37, Campbell Lake Heights Subdivision, then south to the north right-of-way of West 100<sup>th</sup> Avenue and Pointe Resolution Drive, affecting Tracts A1, B1 Resolution Pointe Subdivision, Addition No. 1 and Lot 1, Block 1, Resolution Pointe Subdivision. The said section line easement is 66 feet wide and approximately 225 feet in length.

## Site Description and History

On July 17, 2002 The Platting Board approved a request for the vacation of this same section line easement on Tracts A-1 and B-1, a 20-foot utility easement and a replat (S-10947, Final Plat 2002-146). The request was approved by the Platting Board subject to approval by the Alaska Department of Transportation (ADOT) and Alaska Department of Natural Resources (DNR). Because of some time constraints, the applicant went forward with recording the plat and showed the section line easement on the final plat. The approval has since expired and the application for vacation has been resubmitted with letters of non-objection from neighbors and the Board of Campbell Lake Homeowners Association. The petitioner will need to apply to State Department of Natural Resources (DNR) for and obtain approval of the vacation of the section line easement.

Campbell Lake is a man-made lake and the owners association owns the underlying land of the lake itself. This is a private lake which has been man made with no public access. U.S. Department of Transportation, FAA submitted a letter confirming that Campbell Lake Seaplane Base is a private use seaplane base managed by the Campbell Lake Owners, Inc.

Projection Management and Engineering, Traffic Engineering, Street Maintenance, Parks Coordinator, and the Planning Department are not opposed to the vacation. Staff concurs with the letter dated June 15, 2004 from DOWL Engineers, which makes a summary statement refuting the "public need" for the easement.

- Existing topography is steep;
- Utilities and roads will not be extended north across the lake or to the south from this location;
- The lake is closed to sport fishing so anyone attempting to access via this easement for fishing could not fish legally;
- Floatplane base and flight safety is not compatible with casual access to the lake by swimmers and boaters unfamiliar with operational safety guidelines and near shore operations; and

- Protection of trail access will result in a variety of parking, access, circulation and security/safety related problems, on the adjacent private property and public roadway.

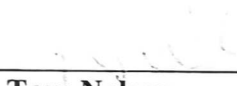
Additionally, the easement is not needed for efficient movement of vehicular and pedestrian traffic; elimination of the easement promotes the public health, safety and welfare of the general public; it is not needed to facilitate the orderly and efficient layout and use of the land; and is of no value to the municipality.


### DEPARTMENT RECOMMENDATION

Approval of the request to vacate the 33 foot section line easement, subject to filing suitable replat within 18 months which shall include carrying over the notes from plat 2002-146.

Reviewed by:

Prepared by:

  
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**Tom Nelson**  
Acting Director

  
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**JoAnn B. Contreras**  
Associate Planner

Case S-11284-1

S-11284-1-10 4/2004

SECTION LINE EASEMENT VACATION  
CASE NO. S-11284-1, RESOLUTION NO. 2004-08-04  
OF 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



