

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2013-17

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING TITLE 17 OF THE DILLINGHAM MUNICIPAL CODE TO ADD SECTION 17.33 ESTABLISHING A SIMPLE PROCEDURE FOR DEDICATING RIGHTS-OF-WAY FOR A PUBLIC PURPOSE

BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. Amendment of Title 17. Title 17 of the Dillingham Municipal Code is hereby amended by adoption of a new chapter 17.33 to read as follows:

**Chapter 17.33
RIGHTS-OF-WAY DEDICATED FOR A PUBLIC PURPOSE**

Sections:

- 17.33.010 Right-of-Way Acquisition Plats.**
- 17.33.020 Standards and Requirements Generally.**
- 17.33.030 Certificates and Affidavits Required.**
- 17.33.040 Recordation.**

17.33.010 Right-of-Way Acquisition Plats.

A. A plat that is not intended to create lots, but limited to the dedication of rights of way for a public purpose such as streets, highways, or airports, is subject to approval under this chapter only and is not subject to any other approval procedure for plats under this chapter, except where hereinafter stated.

B. Submission Requirements. A right-of-way acquisition plat submitted under this section must contain the following information:

1. The location, name and number of the project for which the acquisition is required;
2. The proposed timetable for acquisition and construction;
3. The dimensions and area of the parcels to be acquired and each remainder parcel;
4. The names of the property owners identified by parcel.

C. Review and Approval Procedures. The Planning Director, or his/her designee, shall review the preliminary right-of-way acquisition plat for completeness prior to consideration by the Planning Commission. If the plat does not meet the requirements of this section it shall be returned to the submitting agency with an explanation of the deficiencies.

1. The public notice and hearing requirements applicable to other plats submitted for approval by the Commission apply to right-of-way acquisition plats.

2. The preliminary approval of a right-of-way acquisition plat is effective for twenty four months, provided the Planning Director may grant an extension for filing the final plat upon finding that it is in the public interest to do so.
3. No parcel may be acquired for right-of-way purposes until a preliminary plat has received final approval.

D. Survey and Monumentation. Unless otherwise agreed to in writing by the Planning Commission, all monumentation, re-monumentation, right-of-way alignment and reconstruction and other requirements of the Planning Commission or of this title must be met before approval of the final plat unless it is clearly impractical or legally impossible to accomplish prior to final plat approval. Any action required as a condition of final plat approval but not to be accomplished prior to such approval must be completed under such terms and conditions as are set out in writing by the Planning Commission.

E. Remainder Parcels. No remainder parcel resulting from the right-of-way acquisition plat shall be allowed which does not conform to applicable City codes unless a note is placed on the plat indicating that damages have been paid to the owner of the remainder and that the nonconforming remainder cannot be developed without first being re-platted so as to conform to applicable City codes.

17.33.020 Standards and Requirements Generally.

A. Reasonable Compliance. To the extent reasonably practicable, a right-of-way acquisition plat shall comply with the provisions of this chapter setting forth the general requirements and design standards and required improvements of subdivisions.

B. Registered Survey. The survey shall be performed and the map prepared by a surveyor registered in Alaska. Such map shall describe the entire ownership involved in the process of division; provided, that where the division results in a residual parcel in excess of ten acres, not intended for immediate sale or other conveyance, the Planning Commission may waive the requirement for inclusion of the residual parcel. In this event, a supplementary map of reasonable accuracy shall be attached showing the relationship to the original ownership of the parcel being severed.

C. Monuments. All corners shall be permanently monumented.

D. Drafting Standards. The final plat shall be clearly and legibly drawn in India ink on Mylar. The size of the map shall not be less than 11" x 17". The map of a right-of-way acquisition plat shall be drawn at a scale that is appropriate for the area depicted.

17.33.030 Certificates and Affidavits Required.

A. Owners and Surveyors. The right-of-way acquisition plat shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. public land survey or some corner providing reference to a corner

marked and established in the U.S. public land survey. Such affidavit shall include the statement of the surveyor to the effect that he or she fully complied with the requirements of this section. Every right-of-way acquisition plat shall show the initial point of survey, the basis of bearing original or re-established corners, with description of them, referencing the recorded distance and bearings and the source of record and actual traverse showing area of closure and all measured, calculated and recorded distances required to determine initial point, corners and distances of the plat.

B. Certificate of Approval. Certificates of approval, as required, shall be typed, lettered or reproduced legibly with non-fading black ink on the face of the map.

17.33.040 Recordation.

Following approval of the final plat of the right-of-way acquisition plat the certified map shall be submitted to the Planning Director for recording.

Section 2. Effective Date. This ordinance shall be effective upon adoption.

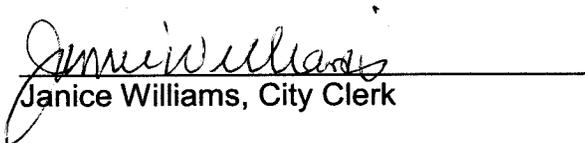
PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on
Oct. 10, 2013.

SEAL:




Alice Ruby, Mayor

ATTEST:


Janice Williams, City Clerk

Subject: An Ordinance of the Dillingham City Council establishing a simple procedure for approving right-of way plats for roads

Agenda of: October 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Public Works/Francisco Garcia	<i>FG</i>	
X	Planning/Jody Seitz	<i>JS</i>	
X	City Clerk / Janice Williams	<i>JW</i>	

Fiscal Note: Yes _____ No X Funds Available: Yes _____ No NA

Other Attachment(s):

- PCR Resolution No. 2013-16

Summary Statement.

This ordinance was requested by the Alaska Department of Transportation and Public Facilities because it is an expeditious way to establish a tentative road right-of-way preliminary plat for the purposes of acquisition of rights of way. There is no current process in code for acquiring rights-of-way for roads.

Once the right-of-way acquisition period is over and all the rights-of-way have been acquired or not, the final plat can be presented and recorded.

This process simplifies the platting needed to record a road right-of-way and avoids the prospect of doing individual small subdivisions along the road.

The process presented in draft ordinance would apply to all future road projects.

RESOLUTION 2013-16
A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending adoption of an ordinance to plat rights-of way

WHEREAS, the Alaska Department of Transportation and Public Facilities will be upgrading the Downtown Streets in 2015; and

WHEREAS, the ADOT will need to acquire rights-of-way for the project; and

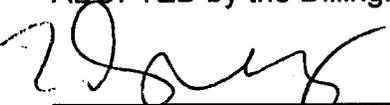
WHEREAS, ADOT has requested a different procedure than the City has for subdivisions in Title 17 in order to have the flexibility and coordination required to complete right of way acquisition in a practicable manner; and

WHEREAS, the City of Dillingham does not currently have an ordinance which is specifically for platting rights-of-way, and

WHEREAS, other municipalities have enacted such ordinances at ADOT's request;

THEREFORE, BE IT RESOLVED that the Dillingham Planning Commission recommends adoption of an ordinance for approving preliminary and final right-of-way acquisition plats.

ADOPTED by the Dillingham Planning Commission August 20, 2013.



Bill Rodawalt, Presiding Officer



Jody Seitz, Recorder