

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-03

**A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ORDERING THAT PLANNING COMMISSION RESOLUTION NO. 2013-01 BE VETOED**

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WHEREAS, the owner of Lot 1 Block 18 USS 2732 A&B requests that the alley between his property and Lot 2A White Subdivision be vacated; and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050), 50 feet; and

WHEREAS, the alley dead ends at Lot 4 Block 18 USS 2732 A&B; and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 feet wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120); and

WHEREAS, the City has already vacated the upper end of the alley between Lots 1 and 3 Block 18 USS 2732 A&B; and

WHEREAS, January 4, 2013, the Dillingham Planning Commission held a public hearing on the vacation of this alley; and

WHEREAS the Planning Commission of the City of Dillingham, Alaska, recommends to the Dillingham City Council that it approve the vacation of the alley, contingent on securing a plan for loading and service access from the owners of Lot 1 Block 18, USS 2732AB; and

WHEREAS, the Dillingham Municipal Code, Section 17.15, allows if a vacation of a city street or other public area is involved, the petition shall be forwarded to the City Council with a copy of the Planning Commission recommendation; and

WHEREAS, the Council has thirty days from the date of the decision of the Planning Commission in which to veto a recommended vacation; and if no veto is received, consent is considered to have been given and the Planning Director shall notify the Planning Commission and the applicant;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby orders that the Planning Commission recommendation for Planning Commission Resolution No. 2013-01 is VETOED.

PASSED and ADOPTED by the Dillingham City Council on \_\_\_\_\_, 2013.

SEAL:

\_\_\_\_\_  
Alice Ruby, Mayor

ATTEST:

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Janice Williams, City Clerk

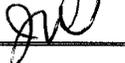
**Subject:** A Resolution of the Dillingham City Council ordering that Planning Commission Resolution No. 2013-01 be vetoed

Agenda of: January 10, 2013

Council Action:

Manager: Recommend approval.

City Manager: Rose Loera  
Rose Loera

Route To:	Department / Individual	Initials	Remarks
X	Planning Director / Jody Seitz		
X	City Clerk / Janice Williams		

Fiscal Note: Yes \_\_\_\_\_ No X Funds Available: Yes \_\_\_\_\_ No \_\_\_\_\_

**Other Attachment(s):**

- PC Resolution No. 2013-01
- Petition for Right-of-Way Vacation for Lot 1 Block 18 USS 2732 A&B, and Lot 2A White Subdivision

**Summary Statement.**

Planning Commission Resolution No. 2013-01 was adopted at the public hearing held on January 4, 2013. The process followed the Dillingham Municipal Code. The City Council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

**DMC 17.15.030 Determination and recording.**

A. Following the public hearing, the planning commission shall make its decision on the merits of the proposal.

B. If vacation of a city street or other public area is involved, the petition shall be forwarded to the city council with a copy of the planning commission recommendation.

C. The council has thirty days from the date of the decision of the planning commission in which to veto a recommended vacation. If no veto is received, consent is considered to have been given and the planning director shall notify the planning commission and the applicant.

D. If the vacation, alteration, or replat is approved, the revised plat shall be acknowledged and filed in accordance with AS 40.15, as amended from time to time. (Ord. 90-03 § 1 (part), 1990.)

Staff contacted Attorney Chandler for the proper presentation to the Council. It was his recommendation that the resolution be presented in this fashion. Please note the following email excerpt.

Attorney Brooks Chandler:

The January 10 meeting may be the only regular meeting at which a veto could be exercised within the 30 day time limit. Therefore I recommend that a resolution be prepared using the phrase: "It is hereby ORDERED that the Planning Commission recommendation [reference property or PC Resolution NO.] is VETOED.

This resolution would be placed on the agenda. It is NOT required that the Council actually vote on the Resolution. Theoretically there will be another 3 weeks available to act should Council desire more information or just not wish to act on Jan. 10. So we could have a motion to table, a motion to postpone consideration to some specified future date, a motion to adopt that dies for lack of a second or an actual vote on the Resolution.

If the Council does actually vote and the 24 hour period for reconsideration passes then the platting process would proceed. Otherwise, that process will await the expiration of the 30 day veto period.

RESOLUTION 2013-01

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending the vacation of the alleyway between Lot 1 Block 18 of USS 2732AB and Lot 2A White Subdivision

WHEREAS, the owner of Lot 1 Block 18 USS 2732AB requests that the alley between his property and Lot 2A White Subdivision be vacated; and

WHEREAS, the alley is less than half the minimum size required for street access by current code (DMC 17.19.050), 50 feet, and

WHEREAS, the alley dead ends at Lot 4 Block 18 USS 2732AB; and

WHEREAS, this alley does not meet the code requirements for alleys (DMC 17.19.110, 20 ft wide, no dead ends) or the minimum 20 feet wide easement for minor utilities required by code (DMC 17.19.120) and

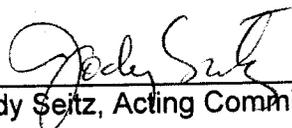
WHEREAS, the City has already vacated the upper end of the alley between Lots 1 and 3 Block 18 USS 2732AB; and

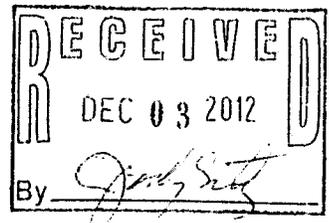
WHEREAS, January 4, 2013, the Dillingham Planning Commission did hold a public hearing on the vacation of this alley,

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Dillingham, Alaska, recommends to the Dillingham City Council that it approve the vacation of the alley, contingent on securing a plan for loading and service access from the owners of Lot 1 Block 18, USS 2732AB.

APPROVED AND ADOPTED THIS 4<sup>th</sup> DAY OF January, 2013.

  
Terry Hoefferle, Presiding Officer

  
Jody Seitz, Acting Commission Clerk



**Mammoth Consulting, L.L.C.**  
Land Research • Surveying • Mapping • Development Consulting  
11001 Ridgecrest Drive Anchorage, Alaska 99516  
Tele. (907) 346-3767

November 26, 2012

Dillingham Planning Commission  
P.O. Box 889  
Dillingham AK 99576

Re: Petition for Right-of-Way Vacation

Dear Members of the Dillingham Planning Commission:

Please consider this petition for the vacation of that portion of the 16-foot-wide alley bounded by Lot 1 Block 18 Dillingham Townsite, U.S. Survey 2732A&B and Lot 2A Block 18 White Subdivision. The area is depicted by red hatching on the attached maps. Also shown on the maps by red shading is that portion of the same alley that was vacated in 1985.

The area proposed for vacation is not practical for the uses or purposes authorized by a public right-of-way. Block 18 of the Dillingham Townsite is bounded by "D" Street, Alaska Street, and Main Street West. With the exception of Lot 3, all lots in Block 18 have frontage on one or more of those streets. Lot 3, in the middle of Block 3, was provided access to Alaska Street via two 16-foot-wide alleys. Because both alleys terminated at Lot 3, they were never intended as a public thoroughfare linking Alaska Street and "D" Street.

In 1985, Lyman Smith, the owner of Lots 1 and 3, successfully petitioned the City of Dillingham to vacate that portion of the alley bounded by those two lots. In accordance with Section 17.15.040 (A) of the City of Dillingham's municipal code, title to the vacated area attached to the bordering lands in equal proportion. The vacation action thus created two parcels of equal width, which are designated as Parcels A and B on the attached sketch. Parcel A belongs to the owner of Lot 1, and Parcel B belongs to the owner of Lot 3. The alley now terminates at the southerly boundaries of Parcels A and B. It is no longer practical for vehicular ingress and egress between Alaska Street and Lot 3, as it is only 8.2 feet wide at the southerly boundary of Parcel B.

Attached to this letter are:

- Ownership form signed by the owners of a majority of the land adjoining the proposed vacation (University of Alaska – Lot 1, Block 18 Dillingham Townsite, U.S. Survey 2732A&B, and Brian and Stephanie McCumber – Lot 2A, Block 18, White Subdivision)
- Detailed Sketch of the affected area, including buildings and their distances from lot lines
- Overlay of Vacation Areas on Plat of Dillingham Townsite, U.S. Survey 2732A&B
- Overlay of Vacation Areas on Plat of White Subdivision, Plat No. 89-8
- Overlay of Vacation Areas on 2006 Aerial Photo
- Copy of “Vacation of Easement and Right-of-Way,” recorded August 21, 1985, Book 30, Page 100
- Application fee (check for \$75)

Please call me if you have any questions or need additional information.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Shelley Williams".

Shelley Williams, P.E., P.L.S.

## Ownership

Signatures of all legal owners are required on this application. If signing for a corporation or partnership, provide proof of authority to sign.

**For vacations, signatures of owners of a majority of the land adjoining the proposed vacation must be submitted. This does not apply to public utility easement vacations.**

By this signature, owners authorize processing of this application and site inspection of land involved.

Name: (print) KIT DUKF Phone: 907.786.7791  
Signature:   
Mailing Address: 1815 Blagov Street, Suite 101, Anchorage, AK 99508-3438  
Property Owned: Lot 1, ~~lot 2A~~, Block 17, Dillingham, AK per attached surveys

Name: (print) BRIAN C McCUMBER Phone: 907 843 2514  
Signature: Brian C McCumber  
Mailing Address: PO BOX 945, 318 ALASKA STREET, DILLINGHAM, AK 99576  
Property Owned: \_\_\_\_\_

Name: (print) Stephanie McCumber Phone: 843-2558  
Signature: Stephanie McCumber  
Mailing Address: P.O. 945 Dillingham, AK 99576  
Property Owned: 318 Alaska St.

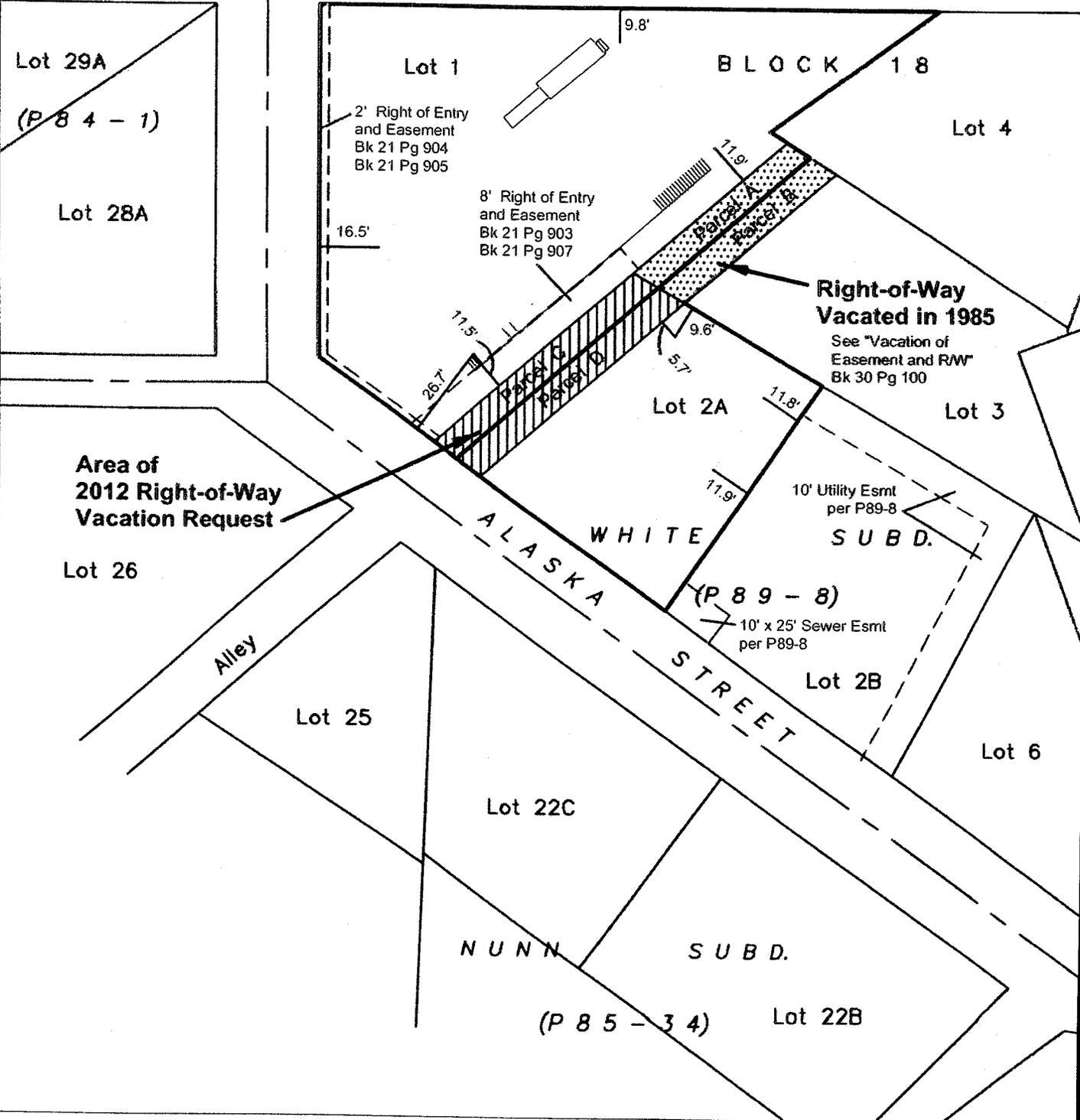
Name: (print) \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Property Owned: \_\_\_\_\_

Name: (print) \_\_\_\_\_ Phone: \_\_\_\_\_  
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Mailing Address: \_\_\_\_\_  
Property Owned: \_\_\_\_\_

Name: (print) \_\_\_\_\_ Phone: \_\_\_\_\_  
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Mailing Address: \_\_\_\_\_  
Property Owned: \_\_\_\_\_

Name: (print) \_\_\_\_\_ Phone: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Property Owned: \_\_\_\_\_

"D" STREET



Lot 29A

(P 8 4 - 1)

Lot 28A

Lot 1

BLOCK 18

Lot 4

2' Right of Entry and Easement  
Bk 21 Pg 904  
Bk 21 Pg 905

8' Right of Entry and Easement  
Bk 21 Pg 903  
Bk 21 Pg 907

**Right-of-Way  
Vacated in 1985**

See "Vacation of  
Easement and R/W"  
Bk 30 Pg 100

**Area of  
2012 Right-of-Way  
Vacation Request**

Lot 2A

Lot 3

Lot 26

10' Utility Esmt  
per P89-8

SUBD.

Alley

ALASKA  
WHITE  
STREET

(P 8 9 - 8)

10' x 25' Sewer Esmt  
per P89-8

Lot 2B

Lot 6

Lot 25

Lot 22C

NUNN

SUBD.

(P 8 5 - 3 4)

Lot 22B