

CITY OF DILLINGHAM, ALASKA

RESOLUTION NO. 2013-04

A RESOLUTION OF THE DILLINGHAM CITY COUNCIL ORDERING THAT PLANNING COMMISSION RESOLUTION NO. 2013-02 BE VETOED

WHEREAS, the owner of Lot 6 Block 18 USS 2732 requested to the Planning Commission that the alley between his property and Lot 7 USS 2732 A&B be vacated; and

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

WHEREAS, a city sewer line is buried in the alley between lots 6 and 7, and there is a manhole beyond the north end of the alley close to the lot line between lots 7 and 3; 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 Public Works Department feels the City would have adequate means of servicing the sewer line and manhole by retaining an easement where the right of way is now; and

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

WHEREAS, Planning Commission is now recommending to the Council the vacation of the alleyway between Lots 6 and 7 Block 18 of USS 2732A&B and approving the replat contingent on the following:

1. Retain 14 feet of easement for public utilities where the alley is; and
2. Install a gate on the south end of the alley (the Alaska Street end).

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. 2013-02 is VETOED.

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

SEAL:

Alice Ruby, Mayor

ATTEST:

Janice Williams, City Clerk

Subject: A Resolution of the Dillingham City Council ordering that Planning Commission Resolution No. 2013-02 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	JOS	
X	City Clerk / Janice Williams	JW	

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

Other Attachment(s):

- PC Resolution No. 2013-02
- Petition for Right-of-Way Vacation for Lot 6, Block 18 USS 2732, and Lot 7, USS 2732 A&B

Summary Statement.

Planning Commission Resolution No. 2013-02 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 2013-02

A RESOLUTION OF THE DILLINGHAM PLANNING COMMISSION

Recommending the vacation of the alleyway between Lots 6 and 7 Block 18 of USS 2732AB and approving the replat

WHEREAS, the owner of Lot 6 Block 18 USS 2732 requests that the alley between his property and Lot 7 USS 2732AB be vacated, and

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

WHEREAS, a city sewer line is buried in the alley between lots 6 and 7, there is a manhole beyond the north end of the alley close to the lot line between lots 7 and 3, 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 Public Works Department feels the City would have adequate means of servicing the sewer line and manhole by retaining an easement where the right of way is now; and

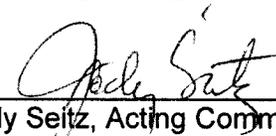
WHEREAS, January 4, 2013, the Dillingham Planning Commission did hold a public hearing on the vacation of this alley,

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 the following:

- a. Retain 14 ft of easement for public utilities where the alley is.
- b. Install a gate on the south end of the alley (the Alaska Street end).

APPROVED AND ADOPTED THIS 4th DAY OF January, 2013.


Terry Hoefler, Presiding Officer


Jody Seitz, Acting Commission Clerk



Preliminary Platting Application

Date received
Received By
Application Fee \$50
Date Completed

RECEIVED
paid \$100
JUN 21 2010
06/21/2010

City of Dillingham Planning • PO Box 889, Dillingham, AK 99576 • (907) 842-3785

Note: An informal pre-application conference by appointment with Planning Department staff prior to the submission of this application is encouraged.

Applicant: Scott King No plat needed
Mailing Address: P.O. Box 1255 Dillingham AK 99576
Telephone: (Home) 907 842-5173 (Work) 907 842-5173
Email: _____
Surveyor: South West Alaska Surveying John O'Connor

Property Information

Legal description of property involved in this request (as shown on attached title report):

US 2732 Lot 18 BLK 18

Please include Section: _____ T _____ R _____

Total Acreage: _____ No. of Lots Resulting: _____ Size each lot: _____

Describe the proposed change: _____

Proposed name (non-duplicate/unique) for new subdivision: _____

For VACATION, Complete This Section

Legal description of area to be vacated: Alley between Lot 6 and Lot 7

Dedicated public right-of-way—street name _____

_____ Section line easement—width of easement _____

_____ Type of easement (Federal) _____ (State) _____ (Other) _____

_____ Park or public area _____

Trail easement—width of easement _____

The Planning Commission deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary): Alley as currently or formerly configured was unusable as access to lot due to terrain/disrepair. Alley was considered an eyesore and vacation of said alley improves neighborhood.



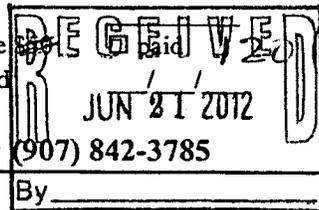
Preliminary Platting Application

Date Received 6/21/12

Received By _____

Application Fee Paid _____

Date Completed _____



for 2 lots

City of Dillingham Planning • PO Box 889, Dillingham, AK 99576 • (907) 842-3785

Note: An informal pre-application conference by appointment with Planning Department staff prior to the submission of this application is encouraged.

Applicant: Robert Karlstrom
 Mailing Address: Box 550 Dillingham, AK 99576
 Telephone: (Home) 842-2460 (Work) 842-5244
 Email: _____
 Surveyor: South West Alaska Surveying John O'Connor

Property Information

Legal description of property involved in this request (as shown on attached title report):

US 2732 Lot 4+3

Please include Section: _____ T _____ R _____

Total Acreage: _____ No. of Lots Resulting: 1 Size each lot: _____

Describe the proposed change: Redivide property to combine lots.

Proposed name (non-duplicate/unique) for new subdivision: _____

For VACATION, Complete This Section

Legal description of area to be vacated: _____

- ____ Dedicated public right-of-way—street name _____
- ____ Section line easement—width of easement _____
- ____ Type of easement (Federal) _____ (State) _____ (Other) _____
- ____ Park or public area _____
- ____ Trail easement—width of easement _____

The Planning Commission deems the area for which vacation is requested to be of value to the public. The applicant must show that the area proposed for vacation is no longer practical for the uses or purposes authorized or that other provisions have been made which are more beneficial to the public.

Justification for requested vacation (attach separate page if necessary): _____

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) Robert Kallstrom Phone: 842-5241
Signature: Robert Kallstrom
Mailing Address: Box 540 - Dillingham, AK 99576
Property Owned: _____

Name: (print) Scott King Phone: 907 842-5173
Signature: Scott King
Mailing Address: P.O. Box 1255 Dillingham AK 99576
Property Owned: L6 B18 Uss 2732

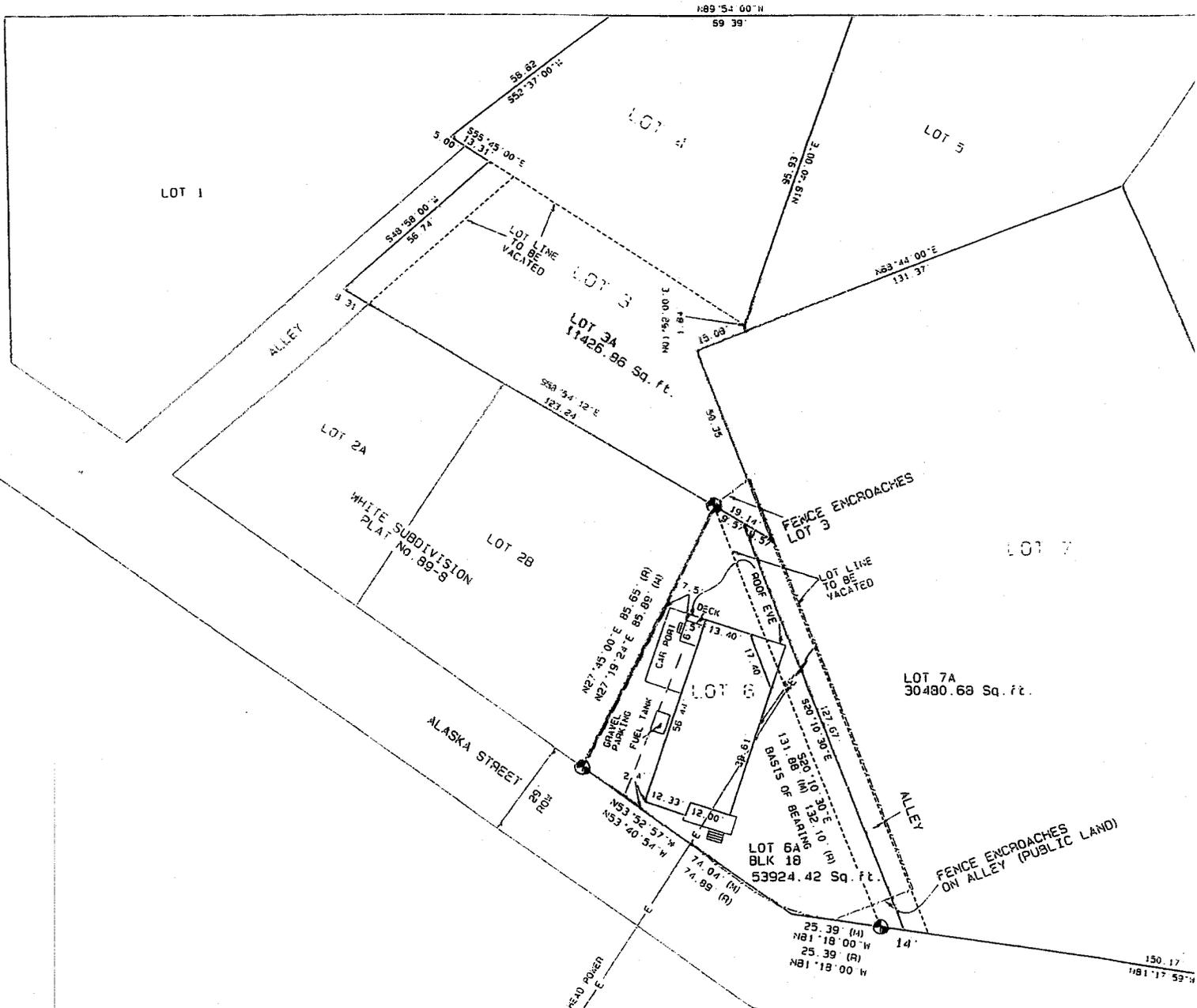
Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____

Name: (print) _____ Phone: _____
Signature: _____
Mailing Address: _____
Property Owned: _____



PLAT APPROVAL:

THIS PLAT, HAVING BEEN APPROVED BY THE CITY OF DILLINGHAM PLANNING COMMISSION, AS RECORDED IN THE OFFICIAL MINUTES OF THE MEETING OF _____ 201_____, IS HEREBY ACKNOWLEDGED AND ACCEPTED AS THE OFFICIAL PLAT SUBJECT TO ANY AND ALL CONDITIONS AND REQUIREMENTS OF ORDINANCES AND LAW APPERTAINING THERETO.

BY: PAUL LIEBERG CHAIRPERSON, PLANNING COMMISSION DATE _____

LEGEND:

- 1" ALUMINUM CAP FOUND
- (M) MEASURED THIS SURVEY
- (R) RECORD DATA