

Planning Commission Staff Report & Finding of Fact

Meeting Date:

APPLICANT/AGENT:

Dave Thynes

OWNER(S), IF DIFFERENT:

AK Mental Health Trust Land Office

LEGAL DESCRIPTION:

Lot 24C, Melisa Kegans View
Subdivision

LOT AREA:

33,977 SQ Ft (.78 AC)

LOCATION:

807 & 808 Mitkof Hwy (the Highway)

SURROUNDING ZONING:

North: Rural Residential

South: Rural Residential

East: Rural Residential

West: Rural Residential

ZONING:

Rural Residential

PID:

Not Assigned

APPLICATION SUBMISSION DATE:

1/12/2024

RECOMMENDATION:

Approve

I. APPLICANT REQUEST: The applicant is requesting a replat of the Melisa Kegans View Subdivision to dedicate a portion of the subdivision to the Alaska Department of Transportation for use as a public right-of-way.

II. APPLICABLE CODES:

18.19 REPLAT

19.20 SINGLE-FAMILY RESIDENTIAL

III. FINDING:

- a. The subject property is owned by the Alaska Mental Health Trust Authority (AMHT).
- b. The State of Alaska recorded a quitclaim deed in 1996 granting G.L. 24, containing approximately 2.5 acres, to the AMHT. The deed did not reserve a right-of-way for Mitkof Highway.
- c. The deed conveyed the parcel according to a federal supplemental plat for Section 35 recorded in 1954. The Section 35 plat depicted the centerline of Mitkof Highway for "topography only" but did not include a specific reservation for the right-of-way.
- d. As a result, there is ambiguity as to whether Lot 24C commonly referred to as the Mitkof Highway exists as a public easement with the AMHT owning the underlying land or exists as a right-of-way with fee interest held by the State of Alaska/Department of Transportation.

IV. PUBLIC NOTICE

The borough provided public notice consistent with PMC 19.84.040. Notice was mailed by first class mail to the owner of record of the property within six hundred feet of the exterior boundary of the property that is the subject of the application.

V. APPLICATION REVIEW

Planning Commission Staff Report & Finding of Fact Meeting Date:

The application is classified as a request to replat.

a. ZONING DISTRICT STANDARDS – N/A

c. Criteria – Per 18.14, the platting authority shall inquire into and determine the merits of the relief petitioned for and make such order as justice and the public welfare require.

The proposed replat eliminates ambiguity as to whether Lot 24C commonly referred to as the Mitkof Highway exists as a public easement with the AMHT owning the underlying land or exists as a right-of-way with fee interest held by the State of Alaska/Department of Transportation.

VI. ACTION


Proposed motion: I move to approve the Melisa Kegans Subdivision replat to dedicate Lot 24C as a state-owned public right-of-way along with the findings and conditions of approval.

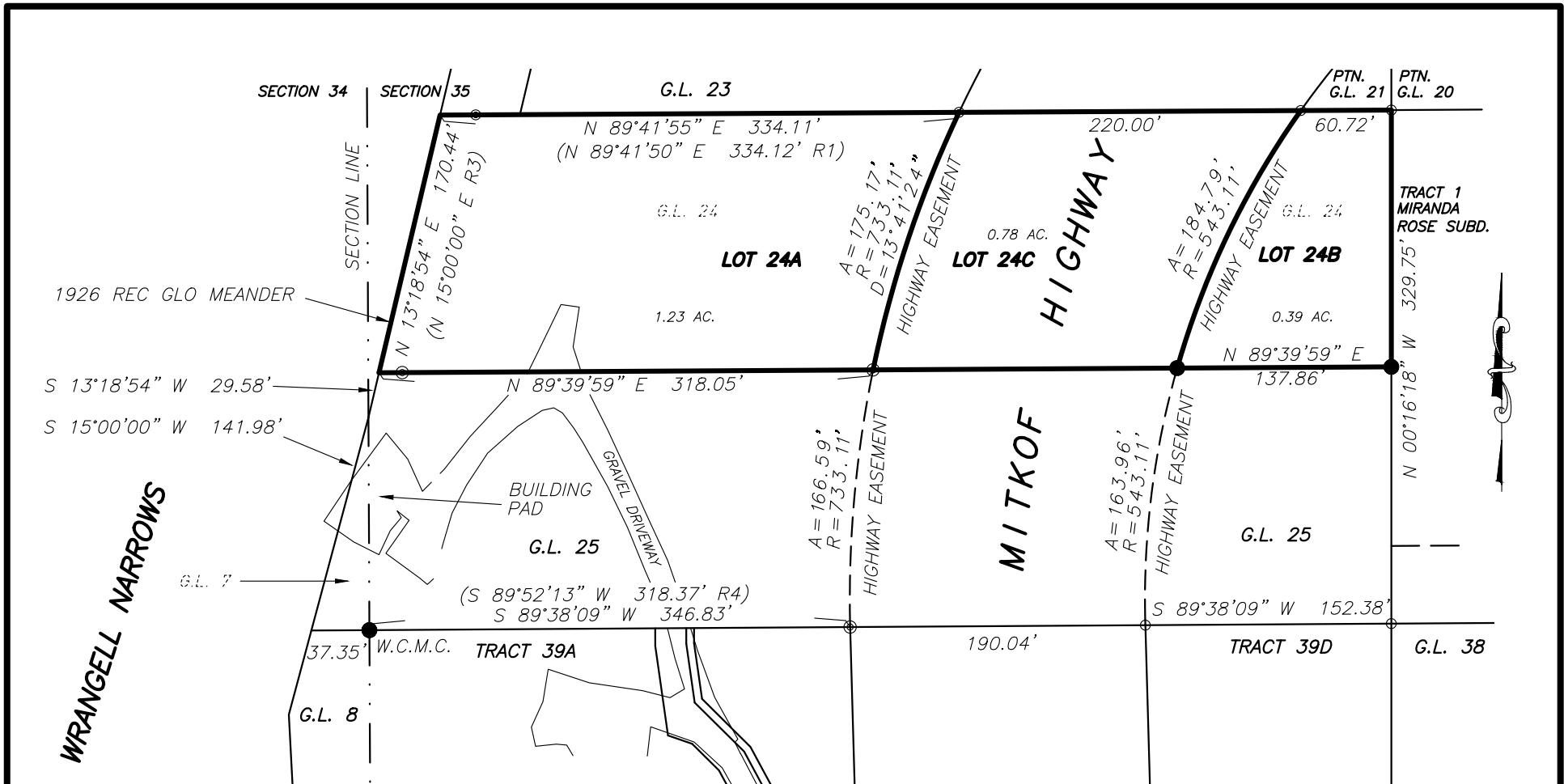
Based on the preceding findings of fact, the Petersburg Planning Commission, acting as the Platting Board, makes the following recommendation to the Borough Assembly:

- a. The proposed Melisa Kegans Subdivision meets the conditions outlined in Title 18 for a replat.
- b. As a condition of approval, the Applicant/Owner shall:
 - Provide a unique name of the re-platted subdivision.
 - Submit a plat with legible lettering meeting the generally accepted standards for good draftsmanship as prepared by a professional land surveyor, properly registered in the state of Alaska, drawn to scale, and provided in a format, size, suitable for recording.
 - Remove any references or labels with the word(s): “Easement” or “Highway Easement”.
 - Label the property being dedicated either by label/leader or by the hatch in the legend with the following text: “Alaska Department of Transportation and Public Facilities Right-of-Way Dedicated by this Plat.”

EXHIBITS

- A. Applicant materials
- B. Vicinity & Detail Maps
- C. Public Hearing Mailout
- D. Public Comments

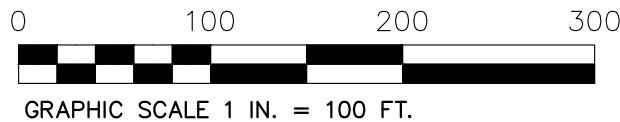
 PETERSBURG BOROUGH LAND USE APPLICATION		CODE TO: 110.000.404110
		BASE FEE: N/C
		PUBLIC NOTICE FEE: \$70.00
		TOTAL: N/C
DATE RECEIVED:	RECEIVED BY:	CHECK NO. or CC:
APPLICANT/AGENT		LEGAL OWNER (IF DIFFERENT THAN APPLICANT/AGENT)
NAME David Thynes	NAME T.L.O. (Chandler Long)	
MAILING ADDRESS PO Box 533	MAILING ADDRESS 1900 First Avenue, Suite 313	
CITY/STATE/ZIP Petersburg, AK 99833	CITY/STATE/ZIP Ketchikan, AK 99901	
PHONE 907-518-0075	PHONE 907-269-8421	
EMAIL fvocona@gmail.com	EMAIL chandler.long@alaska.gov	
PROPERTY INFORMATION		
PHYSICAL ADDRESS or LEGAL DESCRIPTION: 807-812 Mitkof Highway		
PARCEL ID: 01-174-220/225/226/300/380	ZONE: RR	OVERLAY: -
CURRENT USE OF PROPERTY: vacant land	LOT SIZE:	
PROPOSED USE OF PROPERTY (IF DIFFERENT): vacant land		
CURRENT OR PLANNED SEWER SYSTEM: <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> DEC-approved on-site system		
CURRENT OR PLANNED WATER SOURCE: <input type="checkbox"/> Municipal <input checked="" type="checkbox"/> Cistern/Roof Collection <input type="checkbox"/> Well		
LEGAL ACCESS TO LOT(S) (Street Name): Mitkof Highway		
TYPE OF APPLICATION & BASE FEE		
<input type="checkbox"/> 19.84 Zoning Change (\$100)		
<input type="checkbox"/> 18.18 Record of Survey (\$50) (Note: No Public Notice Fee)		
<input checked="" type="checkbox"/> 18.20 Minor Subdivision/18.24 Preliminary Plat/18.19 Replat (\$75 + \$10 per lot)		
<input type="checkbox"/> 18.24 Final Plat (\$25 per lot)		
SUBMITTALS:		
For Zoning Change, please submit letter stating the new zoning and explaining the need for the change. For Subdivision approvals, please submit a prepared plat map as required by borough code.		
SIGNATURE(S):		
I hereby affirm all of the information submitted with this application is true and correct to the best of my knowledge. I also affirm that I am the true and legal property owner(s) or authorized agent thereof for the property subject herein.		
Applicant(s): <u>David C. Thynes</u>	Date: <u>1/12/2024</u>	
Owner: <u>DocuSigned by: Chandler Long</u>	Date: <u>1/12/2024</u>	
Owner: _____	Date: _____	
Owner: _____	Date: _____	



**PRELIMINARY SUBDIVISION PLAN
MELISA KEGANS VIEW SUBDIVISION**
A SUBDIVISION OF G.L. 24, SECT. 35,
T59S, R79E, C.R.M.,
CREATING LOT 24A, LOT 24B & LOT 24C
TRUST LAND SURVEY 2023-08

PETERSBURG RECORDING DISTRICT
AREA SUMMARY:

- LOT 24A = 1.23 AC.
- LOT 24B = 0.39 AC.
- LOT 24C = 0.78 AC.
- GOV'T. LOT 24 = 2.40 AC.



CLIENT: ALASKA MENTAL HEALTH LAND TRUST OFFICE
2600 CORDOVA STREET
ANCHORAGE, AK 99503

ATTN: CHANDLER LONG T.L.O. SENIOR PROJ. MANAGER

SURVEYOR
CENTRAL SOUTHEAST SURVEYORS
P.O. BOX 533, PETERSBURG AK 99833
PH (907) 518-0075

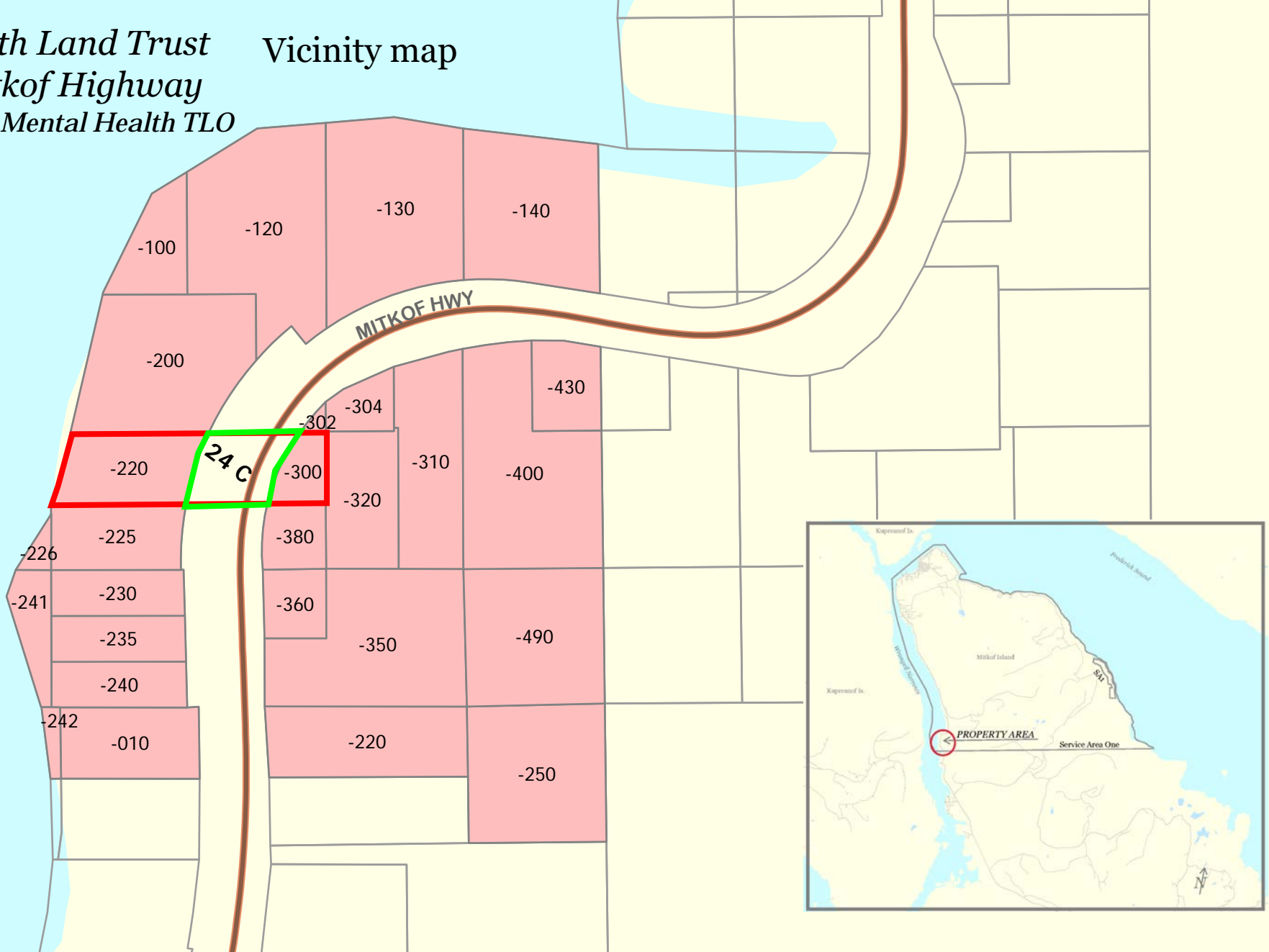
DRAWING COMPLETED 1/9/24

DRAWN BY D.C.T.

DRAWING No. KEGANS SUBD1 2024

Mental Health Land Trust
807 & 808 Mitkof Highway
LOT 24C - Alaska Mental Health TLO

Vicinity map





February 20, 2024

**WOODYARD VINTON WOODYARD ELIZABETH
PO BOX 1217
PETERSBURG, AK 99833-1217**

NOTICE OF SCHEDULED PUBLIC HEARINGS

The Petersburg Borough Planning Commission has scheduled a public hearing to consider:

An application from the Alaska Mental Health Trust Land Office for a replat of the Melisa Kegans Beach Subdivision to dedicate Lot 24C as public right-of-way at 807/808 Mitkof Hwy also, an application from the Alaska Mental Health Trust Land Office for a replat of the Chelsea Kegans Beach Subdivision to dedicate Lot 25C as public right-of-way at 809/812 Mitkof Hwy.

The public hearing and consideration of the application will be held:	Tuesday, March 12th 2024, at 12:00 PM Assembly Chambers, Municipal Building 12 South Nordic Drive, Petersburg, Alaska.
The meeting is open to the public. To attend via ZOOM , please contact Anna Caulum at 907-772-5409.	

Interested persons desiring to present their views on the applications, either in writing or verbally, will be given the opportunity to be heard during the above-mentioned hearing. Said hearing may be continued from time to time as necessary. If the Planning Commission is unable to meet at the date and time stated above, this application will be considered at a future meeting with no further notice provided except for the general notice provided to the public.

TO SUBMIT WRITTEN COMMENTS TO THE PLANNING COMMISSION	
By Mail:	PO Box 329, Petersburg, Alaska 99833
By Email:	acaulum@petersburgak.gov
Hand-Deliver:	Petersburg Municipal Building, 12 S. Nordic Dr.

The Petersburg Municipal Code (PMC) provides for an appeal of a Planning Commission decision to the Borough Assembly by the property owner or a governmental agency, or any property owner within 600' of the applicant property and requires that such an appeal be filed within 10 consecutive calendar days of the date the decision is made. For more information regarding appeal requirements, please see PMC Chapter 19.92.

Sincerely,

Liz Cabrera,
Community & Economic Development Department

Name1	Name2	Address1	City	State	Zip
CHRIST FRY		PO BOX 1440	PETERSBURG	AK	99833-1440
HEATHER O'NEIL		PO BOX 1083	PETERSBURG	AK	99833-1083
SALLY DWYER		PO BOX 1788	PETERSBURG	AK	99833-1788
JIM FLOYD		PO BOX 281	PETERSBURG	AK	99833-0281
JOHN JENSEN		PO BOX 681	PETERSBURG	AK	99833-0681
PHIL MEEKS		PO BOX 1514	PETERSBURG	AK	99833-1514
MARIETTA DAVIS		PO BOX 673	PETERSBURG	AK	99833-0673
ALASKA MENTAL HEALTH TRUST		2600 CORDOVA ST STE 201	ANCHORAGE	AK	99503
BEERS RUSSELL		PO BOX 1441	PETERSBURG	AK	99833-1441
FILE MICHAEL A	FILE CHERYL H	PO BOX 1666	PETERSBURG	AK	99833-1666
HAAS BRYAN HAAS LISA	BRYAN & LISA HAAS LIVING TRUST	5601 E FREEDOM LN	WASILLA	AK	99654
KEGANS CHRISTOPHER L KEGANS SAMAI	ALASKA MENTAL HEALTH TRUST SELLER	PO BOX 1277	PETERSBURG	AK	99833-1277
KEGANS MELISA CHANEL BUYER	ALASKA MENTAL HEALTH TRUST SELLER	3616 45TH ST	TACOMA	WA	98422
KISSINGER EVERETT J	KISSINGER KRISTINE O	PO BOX 741	PETERSBURG	AK	99833-0741
LOMBARDO MICHAEL A		PO BOX 2034	PETERSBURG	AK	99833-2034
OBROCTA STEPHEN	OBROCTA SARAH L	PO BOX 656	PETERSBURG	AK	99833-0656
SMITH STAN & BECKY	MYERS MARK & ALICE	200 BREE AVE	ANCHORAGE	AK	99515
THORSEN DEREK	THORSEN STACEY	PO BOX 784	PETERSBURG	AK	99833-0784
WOODYARD VINTON	WOODYARD ELIZABETH	PO BOX 1217	PETERSBURG	AK	99833-1217