

CITY OF VALDEZ, ALASKA

RESOLUTION # 17-47

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VALDEZ,
ALASKA, VACATING THE DEDICATED EASEMENT FOR THE RIGHT
OF WAY AND SNOW STORAGE EASEMENT ON KODIAK COVE

WHEREAS, Lee and Lucas Brown of Geeks in the Woods submitted a petition to the Valdez Planning and Zoning Commission, requesting that the right-of-way and snow storage easement for Kodiak Cove be vacated; and

WHEREAS, Geeks in the Woods are the owners of all of the land fronting the street sought to be vacated; and

WHEREAS, the City of Valdez does not have a fee interest ownership in the snow storage easement or right-of-way; and

WHEREAS, Alaska State Statute 29.40.120 governs the process by which platted streets may be vacated; and

WHEREAS, AS 29.40.120 states that, "recorded plats may not be altered or replatted except by the platting authority on petition of the state, the borough, a public utility, or the owners of a majority of the land affected by the alteration or re-plat"; and

WHEREAS, Geeks in the Woods submitted a petition to the City of Valdez Planning and Zoning Commission on October 13, 2017; and

WHEREAS, the City of Valdez Public Works Department found no objection to the right-of-way and snow storage easement vacation after reviewing the petition and site plan; and

WHEREAS, the City of Valdez Planning and Zoning Commission held a public hearing on the proposed vacation of easement on October 25, 2017; and

WHEREAS, the public hearing notice was sent to property owners within a 300ft radius of Kodiak Cove on October 13, 2017; and

WHEREAS, the public hearing notice was published on the City of Valdez website on October 19, 2017; and

WHEREAS, the recommendation to grant the petition was approved by the City of Valdez Planning and Zoning Commission on November 8, 2017; and

WHEREAS, the City of Valdez Planning and Zoning Commission found granting of this petition to be consistent with the City of Valdez Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, that

Section 1. The City of Valdez hereby vacates the dedicated Right-of-Way easement for Kodiak Cove.

Section 2. The City of Valdez hereby vacates the dedicated snow storage lot at the end of Kodiak cove, as designated on Plat #2011-5.

Section 3. The Geeks in the Woods hereby take responsibility to provide safe access via road maintenance and snow removal to each of their parcels.

Section 4. The vacation of the easement will be recorded through the subdivision approval process and associated replatting.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VALDEZ, ALASKA, this _____ day of _____, 2017

CITY OF VALDEZ, ALASKA

Ruth E. Knight, Mayor

ATTEST:

Sheri L. Pierce, MMC, City Clerk