

Introduced by: City Manager Herron
Date: January 11, 2005
Public Hearing: January 25, 2005
Action: Passed
Vote: 7-0

CITY OF BETHEL, ALASKA

Ordinance #05-01

AN ORDINANCE PROVIDING FOR PRELIMINARY AND FINAL RIGHT-OF-WAY ACQUISITION PLATS FOR THE STATE DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITY'S ACQUISITION OF PROPERTY FOR THE RIGHT-OF-WAY NECESSARY TO UPGRADE TUNDRA RIDGE ROAD

WHEREAS the State Department of Transportation and Public Facilities ("DOT/PF") will be upgrading Tundra Ridge Road in 2005 or 2006;

WHEREAS DOT/PF will need to acquire certain property for the right-of-way for the road between now and then;

WHEREAS DOT/PF has requested the City to enact a different procedure than currently exists in Title 17 of the Bethel Municipal Code for platting of right-of-ways in conjunction with its acquisition of property for the Tundra Ridge Road right-of-way;

WHEREAS other communities in Alaska have enacted similar procedures at DOT/PF's request;

WHEREAS the Planning Commission at its regularly scheduled meeting of December 9, 2004 recommended by a motion passed unanimously the adoption of these procedures.

THEREFORE BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This ordinance is a non code ordinance.

SECTION 2. Tundra Ridge Road Right-of-Way Acquisition Plat Authorization.

A. Approval Process Generally.

1. The plats for the State of Alaska Department of Transportation and Public Facility's ("DOT/PF's") subdivision created by its acquisition of property for the right-of-way for the Bethel Tundra Ridge Road, STIP-0001(207), DOT/PF Project No. 54289 ("Tundra Ridge Road Project") is subject to approval under this section. DOT/PF is hereafter referred to in this section as "the government agency".

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2. Approval of the preliminary or final right-of-way acquisition plat for the Tundra Ridge Road Project shall conform to the requirements of this section and is not subject to any other approval procedure for plats under BMC Title 17, except hereinafter stated.

B. Submission Requirements.

1. The preliminary right-of-way acquisition plat for the Tundra Ridge Road Project shall contain the following information:

- a. The location and name of the acquisition project.
- b. The approximate timetable for acquisition of the right-of-way and construction of the road.
- c. The dimensions of the area of the proposed tract(s), lot(s) or parcel(s) to be acquired.
- d. The name of the record owner(s) of the tract(s), lot(s) or parcel(s) identified by acquisition parcel number to be acquired.

C. Tundra Ridge Road Project Right-of-way Acquisition Plat Review and Approval Procedures.

1. The platting officer or his or her designee (hereafter "platting officer") shall review the preliminary right-of-way acquisition plat for completeness prior to consideration of it by the planning commission. If the platting officer determines that the preliminary right-of-way acquisition plat does not meet the requirements of this ordinance, it shall be returned to the government agency with an explanation of the deficiencies.

2. If the platting officer determines that the preliminary right-of-way acquisition plat is complete and does conform to the requirements of this ordinance, the preliminary right-of-way acquisition plat shall be considered by the planning commission at a regularly scheduled planning commission meeting. Notice of the meeting shall be provided in accordance with BMC 17.04.025 and the planning commission's action on the preliminary right-of-way acquisition plat shall be governed by BMC 17.12.070.A, excluding 17.12.070 B. and C.

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3. The planning director, or his designee may grant approval of minor revisions to the preliminary plat. Substantive revisions shall be subject to planning commission consideration.

4. The planning commission may approve the preliminary right-of-way acquisition plat for a period of twenty four (24) months. The platting officer may grant additional extensions, (one-year or longer) if the platting officer determines, in his or her sole discretion, that such extensions are in the public interest to do so.

5. In its resolution approving a preliminary right-of-way acquisition plat, the planning commission may provide for final approval of the right-of-way acquisition plat by the platting officer.

6. No tract, parcel or lot, other than one of record, may be acquired for right-of-way purposes until this ordinance is approved.

7. Right-of-way plats are not subject to other agency review.

D. Requirements for the Final Tundra Ridge Road Project Right-of-way Acquisition Plat

1. The planning commission, or the platting officer in accordance with Section 2.C.4 of this Ordinance, may approve the final right-of-way acquisition plat in accordance with this section.

2. All acquisitions from the owners of record of the tract(s), lot(s) or parcel(s) identified on the preliminary right-of-way acquisition plat shall be accomplished prior to recording of the final right-of-way acquisition plat.

3. Statement of plat approval. The following certificate shall be shown on the final plat to be completed after final approval by the Platting Officer:

Plat Approval

I certify that this plat has been found to comply with the land subdivision regulations pertaining to the right-of-way of Tundra Ridge Road, and that this plat has been approved by the City of Bethel Planning Commission by Resolution Number _____ dated _____, 20__ and is approved for recording in the office of the District Recorder in the Fourth Juridical District at Bethel, Alaska in which the plat is located.

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E. Survey and monumentation requirements for the Right-of-Way Acquisition Plat.

1. The minimum monumentation required will be a 5/8" X 24" reinforcement bar with appropriate identification cap set on the margin of the right-of-way at all points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. An alternate method may be proposed which shall consist of placing primary type monuments at centerline points marking the beginning and end of each curve and on tangents so that no distance between monumented points exceeds 1,320 feet. The survey and monumentation shall be completed by a land surveyor registered in the State of Alaska.

2. If construction of improvements is scheduled to follow the right-of-way acquisition, the placement of the centerline monuments may be delayed until such improvements have been completed, in which case a statement designating the schedule for placing the monuments must be included on the plat.

F. Remainder Parcels.

1. No remainder parcel resulting from the right-of-way 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 replatted so as to conform to applicable city codes;

or

2. Any remainder parcels created as a result of property acquisition for the Tundra Ridge Road Project shall conform to the requirements of BMC Title 17.24, Article III or fall under the exceptions of BMC 17.20.020 Substandard Lots.

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**ENACTED THIS 25TH DAY OF JANUARY 2005, BY A VOTE OF SEVEN IN FAVOR AND
NONE OPPOSED.**



Stanley "Tundy" Rodgers,
Vice-Mayor

ATTEST:


Selena Malone, City Clerk

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