

Title 15

BUILDINGS AND CONSTRUCTION

(RESERVED)

Title 16

SUBDIVISIONS

Chapters:

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- 16.08 Administration, Construction and Enforcement
- 16.12 Preapplication Procedure
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Chapter 16.04

GENERAL PROVISIONS

Sections:

- 16.04.010 Purpose of provisions.**
- 16.04.020 Title citation.**
- 16.04.030 Applicability of provisions.**
- 16.04.040 Jurisdiction—Administrative authority.**

16.04.10 Purpose of provisions.

A. This title comprises the Subdivision Ordinance for the city of Pelican. This local government regulatory ordi-

nance is designed to fulfil a valid, recognized public purpose and does so by establishing guidelines for development and land use that best meets the needs of the city of Pelican.

B. The purposes of this title are as follows:

1. Implement the city’s planning, land use, and platting powers under Alaska Statutes 29.40.040 and 29.40.080 through 29.40.250;
2. Provide for the health, safety, welfare and common good of the citizens of Pelican through the regulation of land subdivision and development.
3. Guide the future growth of the city in accordance with the city’s comprehensive plan;
4. Prevent pollution, safeguard the water supply and encourage the wise management and use of natural resources; and
5. Preserve the character of the community. (Ord. 1989-4; prior code §§ 12.01, 12.01.02)

16.04.020 Title citation.

This title shall be known and cited as the “Subdivision Ordinance of the City of Pelican.” (Ord. 1989-4; prior code § 12.01.01)

16.04.030 Applicability of provisions.

This title governs all subdivisions within the city. Where this title restricts the use or development of land to a greater degree than other statutes, ordinances, private agreements, conveyances, covenants, conditions or restrictions, this title shall govern. Except as otherwise provided by law, this title governs subdivisions of land owned by the city, the state and its instru-

mentalities and political subdivisions in the same manner as it governs subdivisions of land owned by private persons. (Ord. 1989-4; prior code § 12.01.03)

**16.04.40 Jurisdiction—
Administrative authority.**

A. The planning commission shall act as the platting board. The building administrator will act as the platting officer and in the absence of the platting officer, the platting board will assume the responsibility. The platting board has jurisdiction over platting and shall adopt and publish rules and regulations to implement this power. Jurisdiction includes, but is not limited to, the control of the following:

1. Form, size and other aspects of subdivisions, dedications and vacations of land;
2. Dimensions of lots or tracts;
3. Street width, arrangement and right-of-way including allowance for access to lots and installation of street paving, curbs, gutters, sidewalks, sewers, water lines, drainage and other public utility facilities and improvements (Alaska Statutes 29.40.040). (Amended during 1993 codification; Ord. 1989-4; prior code § 12.01.03)

Chapter 16.08

**ADMINISTRATION,
CONSTRUCTION AND
ENFORCEMENT**

Sections:

16.08.010 Applications and

**requirements for
approvals, variances
and similar
entitlements.**

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**16.08.030 Approvals—
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**16.08.040 Approval conditions
included in final
plat when.**

**16.08.050 Notice of decision on
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16.08.070 Appeals procedure.

16.08.080 Fees.

16.08.090 Violation—Penalty.

**16.08.10 Applications and
requirements for
approvals, variances
and similar
entitlements.**

A. Application for approval of any of the entitlements described in this title shall be submitted to the platting officer. Fees are to be paid at the time of the application. The platting officer shall reject any application that does not conform to the requirements of this title, and inform the applicant in writing of the reason for the rejection. A rejected application may be re-submitted, in proper form, without payment of additional application fees if the resubmission occurs within ninety days of the date notice of the rejection was sent to the applicant.

B. The platting board shall act on an application for preliminary plat approval, variance or vacation only after holding a public hearing on the application. The platting officer shall establish a yearly agenda of the platting board public hearings with

deadlines for submittals. (Ord. 1989-4; prior code § 12.04.01(1), (2))

16.08.20 Approvals—Conditions.

A. The platting board may approve an application only upon finding that the application conforms to the standards set forth in this title and other applicable statutes and ordinances. The platting board shall not approve an application where it finds that any applicant or any owner of an interest in the property that is the subject of the application current is in violation of this title, any condition of approval of a variance, subdivision plat or other land use entitlement granted under this title, or the terms of any other agreement with the city.

B. The platting board may approve an application subject to any condition(s) that it finds necessary to implement the purposes of this title, or to conform the application to this title or other applicable statutes or ordinances. The condition(s) shall be set forth in the notice approving the application. (Ord. 1989-4; prior code § 12.04.01(3), (4))

16.08.030 Approvals—Development in phases.

Where a subdivider intends to develop a subdivision in phases, approval of the preliminary plat shall be conditional upon the subdivider's compliance with a phased development master plan prepared by the subdivider and approved by the platting board. (Ord. 1989-4; prior code § 12.04.01(5))

16.08.040 Approval conditions included in final plat

when. Any conditions imposing a continuing burden on the land that is the subject of the application shall be included in a written declaration of covenants, conditions and restrictions, executed by all persons holding an interest in the land or their authorized representatives, to be recorded with the approved final plat.

(Ord. 1989-4; prior code § 12.04.01(6))

16.08.050 Notice of decision on application.

Notification of the platting board's decision approving or disapproving an application shall be mailed to the applicant within ten days after the decision on the application. If the application is approved, a final plat or a resolution setting forth the decision of the board shall be filed with the district recorder after all conditions of approval have been met. If the application is disapproved, the reasons for disapproval will be stated. (Ord. 1989-4; prior code § 12.04.01(7))

16.08.60 Public notice procedure.

A. The platting board shall fix a time for a hearing on the application which shall not be more than sixty days after the filing. The board shall publish a notice stating when and by whom the application was filed, its purpose, and the time and place. The notice shall generally describe the alteration or replat sought. The notice shall be posted in two public places for two consecutive weeks. The board shall also mail a copy of the notice to each affected property owner not signing the petition and within

two hundred feet of the existing boundary and/or nearest property owner.

B. The failure of any person to receive any notice required under this section, where the records of the city indicate the notice was provided in a timely and proper manner, shall not affect the validity of any proceeding under this title. (Ord. 1989-4; prior code § 12.04.02)

16.08.70 Appeals procedure.

A. The city council shall sit as a board of adjustment to hear and decide appeals of decisions made by the platting board. Any decision of the platting board is subject to appeal to the board of adjustment, and anyone may file an appeal.

B. A decision of the platting board shall be final unless the decision is appealed to the board of adjustment within thirty days of the day the platting board's decision was made.

C. An appeal shall be filed with the city clerk and shall contain a written narrative explaining the basis of and reasons for the appeal. The narrative shall be specific and concise.

D. If an appeal is made based on new evidence not previously considered by the platting board, the appeal shall be returned to the platting board for their reconsideration. The platting board may also rehear its decisions on appeal if either of the following two circumstances prevails:

1. A clerical error was made in the original decision; or
2. The decision resulted from fraud or mistake.

E. The city council sitting as the board of adjustment shall consider the appeal on the basis of the record of evidence

presented before the platting board. The introduction of new evidence shall remand the appeal to the platting board; however, the board of adjustment has the authority to interpret relevant ordinances according to its judgment.

F. A party aggrieved by the decision of the board of adjustment may appeal the decision to the Superior Court for the state of Alaska within thirty days of the date of decision of the board of adjustment. (Ord. 1989-4; prior code § 12.04.03)

16.08.080 Fees.

The city council shall establish a schedule of fees for actions associated with this title. The schedule of fees shall be posted in the city offices and may be altered or amended only by the city council. (Ord. 1989-4; prior code § 12.03)

16.08.90 Violation—Penalty.

A. The owner or agent of the owner of land located within a subdivision who transfers, sells or enters into a contract to sell land in a subdivision before a plat of the subdivision has been prepared, approved and recorded is guilty of a misdemeanor and upon conviction is punishable by a fine or not more than one thousand dollars and/ or imprisonment not to exceed ninety days for each lot or parcel transferred, sold or included in a contract to be sold. The platting board may enjoin a transfer, sale or contract to sell, and may recover the penalty by appropriate legal action.

B. No person may record a plat or seek to have a plat recorded unless it bears the approval of the platting board. A person who violates this requirement is pun-

ishable upon conviction by a fine or not more than one thousand dollars. (Amended during 1993 codification; Ord. 1989-4; prior code § 12.02)

Chapter 16.12

PREAPPLICATION PROCEDURE

Sections:

- 16.12.010 Platting officer review of proposed plans.**
- 16.12.020 Interpretation of provisions.**

16.12.10 Platting officer review of proposed plans.

A. Before submitting an application for preliminary plat approval, variance, vacation or other action under this title, a subdivider shall submit his proposed plan(s) to the platting officer.

B. The platting officer shall review with the subdivider the city's development policies and platting procedures and requirements as they pertain to the proposed application, and recommend modifications to conform the proposed application to those policies, procedures and requirements. The platting officer will also identify any state and/or federal agencies which may require review and approval of the plat.

C. Upon receiving approval from the platting officer for the proposed action, the petitioner may prepare an application. (Ord. 1989-4; prior code § 12.05.01)

16.12.020 Interpretation of provisions.

The subdivider may discuss any interpretation of this code with the platting officer which the subdivider regards as incorrect or unreasonable. The appearance shall be heard at the next regular platting board meeting for which the agenda deadline has not passed. While taking no formal action on the proposal application, the platting board may indicate its views on the issues of interpretation raised by the subdivider. (Ord. 1989-4; prior code § 12.05.02)

Chapter 16.16

PRELIMINARY

PLATS

Sections:

- 16.16.010 General requirements for application.**
- 16.16.020 Application—Contents.**
- 16.16.030 Application—Planning commission review.**
- 16.16.040 Application—Recommendations of platting boards to be available when.**
- 16.16.050 Public hearing procedures.**
- 16.16.060 Application—Procedure upon notification of decision.**
- 16.16.070 Expiration of plans—Extensions.**
- 16.16.080 Application form.**
- 16.16.090 Certification form.**
- 16.16.100 Submittal requirements form.**

16.16.010 General requirements for application.

An application for preliminary plat approval shall incorporate applications for any variances and vacations necessary to the approval of the preliminary plat. The application must be signed by all persons holding an interest in the property that is the subject of the application or their representative. If a subdivider intends to develop the land in phases, the application shall include a master plan indicating the intended timing and sequence of development. (Ord. 1989-4; prior code § 12.06.01(1))

16.16.20 Application—Contents.

The subdivider shall submit an application for preliminary plat approval, including the following items, no less than thirty days before the regular meeting of the platting board at which the plat is to be considered and shall include:

A. Ten copies of the preliminary plat, or less as approved by the platting officer, drawn to a scale of one inch equals one hundred feet with each sheet being the same size as the following sizes: eighteen by twenty-four inches, twenty-four by thirty-six inches, or thirty-one-and-one-half by thirty-four inches;

B. The preliminary plat shall include the following information:

1. Title block enclosed in the bottom right-hand corner of the plat showing:

- a. Name of proposed subdivision,
- b. Scale,
- c. Date,
- d. Sheet number(s),
- e. Total area,
- f. Description of parcel being subdivided,

g. Name and address of person(s) preparing the plat, surveyor and subdivider(s),

2. North arrow,

3. Vicinity map which includes the following:

a. Township(s), range(s) and section(s),

b. Principal road systems, major water bodies and/or water courses, and location of subdivision,

4. Dedicated rights-of-way, patent reservations, road easements, section line easements and other easements or reservations, public or private, within the proposed subdivision boundaries and within two hundred feet of the subdivision boundaries, showing location, dimensions and purposes,

5. Adjacent property lines within two hundred feet of the proposed subdivision boundaries shall be shown in dashed lines to show their general relation to the proposed plat,

6. Proposed lot lines, tract lines, and rights-of-way, including approximate dimensions and areas of all lots and tracts, approximate curve radii, arc lengths, and similar information,

7. Designation of proposed public areas,

8. Preliminary horizontal location of streets water supply, sewage disposal system, and other public improvement details to enable the platting board to make a preliminary determination as to conformance with city and state standards,

9. The location of existing facilities and structures within the proposed subdivision, such as roadways, buildings, sewage

systems, wells, utility poles and lines, excavations, bridges and culverts,

10. Topographic information within two hundred feet of proposed subdivision. This item may be waived by the platting officer at the pre-application conference;

C. Legal access documentation from the public road system where necessary;

D. A certificate to plat; an updated certificate to plat must be provided at time of final plat recording;

E. The subdivider will submit to the Alaska Department of Environmental Conservation all soils and engineering data for the review of installation of on-site sewer and water facilities. Applications proposing community water supply and/or sewage disposal systems shall include engineering plans, data and any other information required;

F. It will be the responsibility of the subdivider to submit the project when applicable to review by the state for consistency with federal and/or state regulatory agencies applicable to the property;

G. The preliminary plat shall include all land under contiguous ownership unless separate legal descriptions exist as a matter of record or by deed;

H. If only a portion of the land is intended for immediate development, the remaining portion shall be given a tract designation and shall be part of the preliminary and final plat;

I. Preliminary plat fees will be paid upon submittal of the application (these will vary depending upon the type of action sought by the petitioner). (Ord. 1989-4; prior code § 12.06.10(2))

16.16.30 Application—Planning commission review.

A. The planning commission shall review the application to determine the requirements, if any, for capital improvements. (See IV.B.)

B. As the platting board reviews the application, they may have questions about the application. The petitioner will be notified of such questions by the platting officer. (Ord. 1989-4; prior code § 12.06.01(3),(4))

16.16.040 Application—Recommendations of platting boards to be available when.

Approximately seven days before the platting board's public hearing, the recommendations from the platting board on the request will be available for examination. The recommendations will be based upon the data received from the reviewing agencies, adopted city plans and sound platting principles. The petitioner may pick up a copy of these recommendations at the platting officer's office prior to the platting board's public hearing. (Ord. 1989-4; prior code § 12.06.01(5))

16.16.50 Public hearing procedures.

A. Each petition is scheduled on the platting board's agenda. A copy will be mailed to all petitioners appearing on the agenda. The platting board follows the agenda in the order the petitions are listed.

B. The platting board will conduct a public hearing as follows:

1. The platting officer will announce the item that is to come before it;

2. The platting officer will then present the platting board's recommendations for application conditional approval or rejection;

3. The platting officer will then open the public hearing and request to hear from the petitioner or his representative first. The petitioner or his representative should then come forward and make their statement;

4. Following questions of the platting board, the platting officer will open the public hearing to anyone in the audience who has something to say about the application;

5. When everyone in the audience who has testimony on the application has had an opportunity to speak, the platting officer will close the public testimony portion of the public hearing;

6. The platting officer will then call forward the petitioner who will be given the opportunity to answer questions raised by public testimony;

7. The platting officer will then close the public hearing and the platting board will render a decision on the petition. (Ord. 1989-4; prior code § 12.06.01(6))

16.16.60 Application—Procedure upon notification of decision.

A. If the platting board disapproves the petitioner's application, the petitioner may either appeal the decision to the board of adjustment or modify the plans and submit a new preliminary plat application.

B. If the platting board approves the petitioner's application, the subdivider must incorporate any conditions of approv-

al into the plat or master plan. (Ord. 1989-4; prior code § 12.06.01(7),(8))

16.16.70 Expiration of plans—Extensions.

A. Approval of a preliminary plat expires twenty-four months after its issuance, unless the platting board grants an extension at the request of the applicant. The platting board may approve an extension only if it finds that the conditions supporting approval of the preliminary plat have not been materially changed.

B. Approval of a master plan for phased development expires thirty-six months after its issuance unless an extension is approved by the platting board in the same manner extensions of preliminary plats are approved. (Ord. 1989-4; prior code § 12.06.01(1))

16.16.080 Application form.

City of Pelican
Application for Preliminary Plat Approval

The undersigned hereby applies to the City of Pelican Platting Board for action on the lands presently described as:

Present Designation of Property

SUBDIVISION
Block(s)
) Lot(s)

OR

ALIQUOT PARTS or METES AND BOUNDS
DESCRIPTION

LOCATED IN THE (aliquot part) OF Section(s) , Township(s) , Range(s) , Meridian. Future Designation of Property

SUBDIVISION

Block(s) Lot(s) CONTAINING ACRES, LOTS, TRACTS

Supplementary Information

- 1. Is there any related vacation activity? YES NO Sec. Line Esmt Vac. R W Vac. Sub'd Vac. 2. Is there any related variance activity? YES NO 3. The plat boundary includes all land under contiguous ownership unless separate legal descriptions exist as a matter of record. YES NO 4. Are there any existing historical or cultural features existing within this proposed subdivision? YES NO If YES, please describe. 5. Proposed land use (circle): Commercial Industrial Residential 6. The existing access road meets the minimum access requirement? YES NO

Applicant Name of Owner: Mailing Address:

Zip Code Contact Person: Phone

Surveyor Name of Surveyor(firm): Mailing Address: Zip Code Contact Person: Phone

Engineer Name of Engineer(firm): Mailing Address: Zip Code Contact Person: Phone

(Ord. 1989-4; prior code § 12.10.03)

16.16.090 Certification form.

Certification

I HEREBY CERTIFY THAT I (am) (have been authorized to act for) the owner of the property of described above and that (I) (the owner) desire(s) to subdivide this property in conformance with the City of Pelican Subdivision Ordinance and hereby depose and say that all of the above statements are true. I am familiar with the Plat Requirements and certify that, to the best of my knowledge, belief, and professional ability, that this plats meets them. I understand that payment of the Preliminary Plat Fee is non-refundable and is to cover the costs associated with the processing of this application and that it does not assure approval of the plat.

Date:
Signed:

Plat Checklist

Petitioner

1. Size of plat (circle one): 18x24 24x36 31-1/2x34
2. Title Block

(Ord. 1989-4; prior code § 12.10.04)

16.16.100 Submittal requirements form.

Subdivision Name of proposed Description of Parcel being

subdivided

Scale

City of Pelican Submittal Requirements

Date

Please complete all blanks as Necessary ("X") or Not Applicable ("N/A")

Name & Address of Surveyor

Sheet

Number preparing plat, including Total Area

Supporting Data

Zip Code

3. North Arrow

4. Vicinity Map

Sections, Town-

1. Filing fee of \$
2. 10 copies maximum of the plat, or

less as approved

3. Certificate to Plat

4.5 topographic maps, or less as approved, stamped by surveyor and/or engineer

5. Legal access to public highway system documentation

6. Legal access by section line easement to public highway system documentation

7. Copy of proposed Covenants (if other than single family residential use)

8. Preliminary construction plans and/or soils information requested at time of Preliminary Plat Application

Conference

9.

10.

11.

ships, Ranges

Principal Road Systems

vision

Location of Subdi- Major Water

Bod- ies Courses

5. Name and Address of Owner, including Zip Code

6. Proposed Lot Tract Lines

7. Proposed Lot Tract Areas

8. Approximate Distances

Lots

Easements

Rights-of-Way

Curve Radii Length

9. Within Subdivision (Existing)

Easements ROW

Dedications

Septic Systems

Lot Tract

Courses
 Water Bodies
 Utilities
 Political Subdivisions
 Wells
 (service areas, city
 bdys)
 Culverts
 10. Within 200 Feet of Subdivision
 Lot Tract Lines
 ROWS and Easements
 Topography
 11. Surveyors Stamp
 12. Street Gradients
 Less than 10%
 Exceeds 10%
 13. Flood Hazard Area
 (Ord. 1989-4; prior code § 12.10.05)

Chapter 16.20

FINAL PLATS

Sections:

- 16.20.010 Submittal for review and approval.**
- 16.20.020 Satisfaction of preliminary plat approval conditions.**
- 16.20.030 Phased development conditions.**
- 16.20.040 Map preparation—Form—Information to be shown.**
- 16.20.050 Certificates and forms.**
- 16.20.060 Dedications.**
- 16.20.070 Final plat submittal form.**
- 16.20.080 Submittal requirement form.**

16.20.090 Final plat checklist form.

16.20.010 Submittal for review and approval.

Application for final plat approval shall be submitted to the platting officer. If the platting officer finds that the final plat conforms to the requirements of this chapter, he or she shall approve the plat for recording. If the platting officer finds the plat does not conform to the requirements of this chapter, he or she shall return the plat to the subdivider stating, in writing, the reasons for the rejection. A rejected final plat may be modified to remedy the cause of its rejection and resubmitted as a final plat without payment of an additional fee, if resubmission occurs within thirty days of the date the notice of the rejection was sent to the applicant. (Ord. 1989-4; prior code § 12.06.04(1))

16.20.020 Satisfaction of preliminary plat approval conditions.

A final plat shall satisfy all conditions that the platting board imposed on the approval of the preliminary plat and shall conform substantially to the approved preliminary plat. (Ord. 1989-4; prior code § 12.06.04(2))

16.20.030 Phased development conditions.

The final plat shall incorporate only as much of the preliminary plat as is proposed for recording and development. If a final plat incorporates only a part of the preliminary plat, it shall conform to a master plan for phased development which is approved with the preliminary plat, and the part of

the preliminary plat incorporated in the final plat, independently, shall conform to the standards for subdivision design, dedications and improvements. (Ord. 1989-4; prior code § 12.06.04(3))

**16.20.40 Map preparation—
Form—Information to be
shown.**

A. The subdivider shall submit an original and three copies of the final plat. The original shall be reproducible, drawn on mylar or equivalent, and be of good drafting in ink, with lettering to be by tem-plate instrument or equivalent.

B. In addition, the final plat shall show the following:

1. The boundaries of the plat showing clearly what stakes, monuments or other evidence were found on the ground to determine the boundaries of the tract. If existing, the corner of adjoining subdivisions or portions thereof shall be identified and ties shown;

2. Bearings and distances to the nearest established street lines, section lines or official monuments which are necessary in accurately describing the location of the plat. Where a government authority has established the centerline of a road or path, such data shall be considered in making the surveys and preparing the final plat. All monuments found shall be indicated, and proper references, including the date set, type of monument, the surveyor and his registration number shall be indicated, and proper references made to public or private records relating to monuments. If the points were reset by ties, that fact shall be stated. The basis of bearing shall be identified on the plat;

3. Within the subdivision, the final plat shall show the centerlines of all roads, lengths, tangents, radii, and central angles of all curves; the total width of each road; the width of the portion being dedicated, and the width of the existing dedication; the width of portions of roads each side of the centerline, or culvert, and any other easement appearing on the plat. All lot lines should be radial to a curve and if not shall be called "net radial." Dimensions shall be in feet and hundredths of a foot;

4. The final plat shall show the width, bearing, and other necessary data to delineate all easements to which the lots are subject. Easements for sewers, storm drains and other purposes shall be denoted by broken lines. If an easement is not parallel to and adjacent to the lot lines, distances and bearings on the sidelines of the lots which are cut by the easement shall be shown to indicate clearly the actual length of the lot line from the lot corners to the easement;

5. Sufficient data shall be shown to readily determine the bearing and length of each property line. No ditto marks shall be used;

6. The names of adjacent subdivisions and the lot numbers of adjacent lots shall be shown. If the adjacent land is not subdivided, it should be so indicated;

7. The exact boundaries of all areas to be dedicated or reserved for public use or for the common use of property owners shall be shown. The purpose of the dedication or reservation shall be set forth on the plat. Rights-of-way not dedicated to the public must be clearly marked as not dedicated on the face of the plat;

8. All lot and block numbers for the subdivision shall be shown. (Ord. 1989-4; prior code § 12.06.04(4))

16.20.50 Certificates and forms.

A. The final plat shall bear the following certificates:

1. A certificate signed and sealed by the land surveyor who prepared the plat, as follows:

I, _____, certify that I am a registered land surveyor in the State of Alaska; that this plat is a true and correct representation of lands surveyed by me or under my direct supervision; that the distances and bearings are shown correctly and the error of closure for field traverses does not exceed one part in 5,000; and that all permanent control monuments have been set and staked.

2.a. Where a dedication of land or easement to the public is proposed in the plat, the final plat shall bear a statement of ownership and dedication as follows, using the appropriate context where indicated:

I (we) hereby certify that I (we) hold the herein specified property interest in the property described hereon. I (we) hereby dedicate to the City of Pelican all areas depicted for use as public utility easements, streets, alleys, thoroughfares, parks, and other public areas shown hereon. I (we) hereby agree to this plat, and to any restrictions or covenants appearing hereon, and any such restriction or covenant shall be binding and enforceable against present and successive owners of this subdivided property.

Date Owner's Address(es) Owner's Name(s)

Notary Acknowledgment

b. This certificate shall be signed by all persons holding any legal or equitable interest in the land being platted or dedicated. The certificate shall be signed before the city clerk or a notary public. Proof that all persons who hold such an interest have signed the certificate shall be established by the certificate to plat. A certificate to plat showing all persons holding any legal equitable interest in the land being subdivided shall be prepared by a title insurance company authorized by law to do business in the state of Alaska. Said certificate must be current within three days of final plat submittal.

3. When the platting board has required that access from certain lots or tracts be denied to certain roads or other rights-of-way, the statement outlined above shall be followed by one which reads substantially as follows:

Said dedication to the public shall in no way be construed as a permit for access to street(s) from lot(s) _____.

4. A certificate of acceptance for signature by the planning commission chairman, as follows:

The city of Pelican hereby accepts for public uses and for public purposes the real property dedicated on this plat including, but not limited to the easements, rights-of-

way, alleys, roadways, thoroughfares and parks shown hereon.

Dated at Pelican, Alaska this day of 19 .

ATTEST:

Municipal Clerk Planning Commission
Chairman

5. A certificate of approval for signature from the department is required.

In accordance with Alaska Statute 46.03.090 and the Alaska Administrative Code 18 AAC 72.065, the Department of Environmental Conservation has reviewed this subdivision and issues approval to subdivide in accordance with this plat, subject to any noted restrictions.

Date

6. A certificate signed by the city clerk stating that all special assessments and city real property taxes levied against the property are paid in full, or, in the case of real property taxes, if approval is sought between January 1st and the tax due date, that there is on deposit with the city an amount sufficient to pay estimated real property tax for the current year at the time of filing. The final plat shall bear the following certificate:

CERTIFICATION OF PAYMENT OF TAXES

I hereby certify that all current City of Pelican taxes and special assessments through , 19

against the property, included in the subdivision or resubdivision, hereon have been paid.

, 19

City Clerk

B. The final plat shall bear the following information:

1. A note regarding water supply and sewage disposal as follows:

WATER SUPPLY & SEWAGE DISPOSAL—No individual water supply system or sewage disposal system shall be permitted on any lot unless such system is located, constructed, and equipped in accordance with the requirements, standards, and recommendations of the State of Alaska which governs those systems.

2. A statement referring to covenants governing the subdivision, if any, as follows:

Restrictive covenants were recorded , 19 , at the Sitka Recording District in Book , Page .

(Ord. 1989-4; prior code § 12.06.04(5), (6))

16.20.060 Dedications.

Offers to dedicate rights-of-way, roadways, easements or other public areas to the public on a final plat are accepted automatically by the city upon approval and recording of the final plat by the city. Unless otherwise provided, by accepting an offered dedication, the city assumes no

obligation to establish, operate or maintain any public service, improvement or facility in the area dedicated. (Ord. 1989-4; prior code § 12.06.03)

16.20.070 Final plat submittal form.

City of Pelican
Final Plat Submittal Form

The undersigned hereby applies to the City of Pelican Platting Board for Action on the final plat on lands described as:

Present Designation of Property
SUBDIVISION
Block(s)
Lot(s)

OR
ALIQUOT PARTS or METES AND
BOUNDS DESCRIPTION
LOCATED IN THE (aliquot part)
OF Section(s) ,
Township(s) , Range(s)
, Meridian.

Future Designation of Property
SUBDIVISION
Block(s)
Lot(s)

CONTAINING ,
ACRES, , LOTS,
TRACTS

Applicant
Name of Owner:
Mailing Address:
Zip Code Contact Person:
Phone

Surveyor
Name of Surveyor (Firm):
Mailing Address:
Zip Code Contact
Person: Phone

Engineer
Name of Engineer (Firm):
Mailing Address:
Zip Code Contact
Person: Phone

Certification
I HEREBY CERTIFY THAT I (am)
(have been authorized to act for) the owner
of the property of described above and that
(I) (the owner) desire(s) to subdivide this
property in conformance with the City of
Pelican Subdivision Ordinance and hereby
depose and say that all of the above state-
ments are true. I am familiar with the Plat
Requirements and certify that, to the best
of my knowledge, belief, and professional
ability, that this plat meets them. I under-
stand that payment of the Preliminary Plat
Fee is non-refundable and is to cover the
costs associated with the processing of this
application and that it does not assure ap-
proval of the plat.

Dated

: Signed:

(Ord. 1989-4; prior code § 12.10.06)

16.20.080 Submittal requirements form.

Submittal Requirements

Complete all blanks as
Necessary ("X") or Not
Applicable ("N/A").

boundary

determine

(3) copies

1. Original mylar and three
2. Filing fee \$
3. Certificate to Plat
4. Covenants (if applicable)
5. Subdivision Agreement (if applicable)
6. Tax Receipt (if applicable)
- 7.
- 8.
- 9.
- 10.

All exist-
ing monuments, course,
distances neces- sary
to
restake any portion of plat
existing corners of
adjoining subdivisions

E

Show

ties to

subdivisi

on

Diamete

r

Relative condition of point

Height in relation to
ground
Accessories described

XI. Curves

Length Tangent
Radii
Central angle

Submittal
Requirements
(contin-
ued)

(Delta)

Basis of bearings Source of
basis of

XII. Control

Refer to previous

bearings

plat showing point

XIII. Boundary

Set monuments:

Cap stamping

marking

Set Monuments

16.20.
080

and

M
i
n

i
m
u
m

Reset

all exterior points that are not at least an approved (2"—2-1/2") cap attached to a (2" x 30") pipe, shall be 5/8" x 30" rebar

is approved (2"—2-1/2") cap attached to (2" x 30") pipe

Each line, bearing

Length
Diamete
r
Relative

and distance

XIV. Monumentation

condition of point

Height in

F
o
u
n
d

All found monuments, stakes, other evidence which

relation to ground, + 2' at time of filing
Accessories described

16.20.90 Final plat checklist form.

Final Plat Checklist

| | | | |
|---|---|--|---|
| dies | Stamping Cap By steel Subdivi- Year L. S. | | |
| Minimum two on | | I. Plat Material | |
| registration number | | Mylar Direct positive photographic reproducible mylar | Black water proof |
| or within subdivision boundary | If two | acetate ink | |
| monuments exist on or within boundary, Platting | II. Plat Size | 18" x 24" | |
| may waive additional monuments to be set | Officer | 24" x 36" | 31.5" x 34" |
| Intervisi- ble (on same straight property line) | | sheet, all sheets consecutive-ly numbered | If more than one same size and numbered |
| Unob- structed line of sight, e.g., no trees, build- ing, etc. | | III. Plat Scale | 1" = 100' |
| Monuments tied to subdivision lines | Distance | IV. Plat Accuracy (Use scale to check for drafting errors.) (Use 100 scale to verify data.) | |
| between not greater than 1,320 feet | No part of | V. Vicinity Map | |
| subdivision greater than 1,320 feet from a monument | General | ship, Range, Meridian seal | Section, Town- ships courses visions |
| icates | North Arrow Appropriate certif- Surveyor's | | |

Major water

Principal

Location of

16.20.
090

bod-

road sys-

subdi-

with signature

Measurements to

VI. Title Block

Subdivision name

0.01 foot

(Ord. 1989-4; prior code § 12.10.07)

Location
Width
Purpose
to locate All necessary data

X. Streets

indicate as such If unsubdivided, Name
Centerline drawn Bearing
and dis-
Width of each side Total
width of

Final Plat Checklist
(continued)

tance on tangents
of centerline each
street

VIII.Subdivision Lots and
Blocks

All
lot
lines
draw
n All
lot
and
block

numbers No dittos (“
Lot numbers by (Ord. 1989-4; prior code §
12.10.08)

block Block numbers Area of each lot Chapter
in
“Not Radial” if lot Sufficient 16.24

square feet data to DEVELOPMENT

line not radial to curve STANDARDS

Sections:
16.24.010 Survey and
monumenta
tion.

readily determine bearing and length of 16.24.020
each line 16.24.030

have monument, rebar, or other permanent 16.24.040
marker 16.24.050

Lot area.
Setbacks.
Screening easements.
Roads—Dedication to
public.

- 16.24.060 Roads—Access required.**
- 16.24.070 Roads—Legal access.**
- 16.24.080 Roads—Physical access.**
- 16.24.090 Utility access.**
- 16.24.100 Individual septic systems.**
- 16.24.110 Community systems.**
- 16.24.120 Drainage.**
- 16.24.130 Capital improvements.**
- 16.24.140 More restrictive standards apply when.**

16.24.10 Survey and monumentation.

A. All subdivisions shall be surveyed and provided with monumentation in compliance with this section.

B. The subdivision of sections into aliquot parts and restoration of lost corners shall be performed in accordance with the U.S. Bureau of Land Management (BLM) current Manual of Instructions for the Survey of Public Land (“manual”), unless indicated otherwise by the historical survey record.

C. Monuments shall be set at all one-quarter (1/4) corners controlling the location of a subdivision, unless the platting officer allows use of reference monumentation tied to subdivision lines upon a finding that location of monuments at all one-quarter (1/4) corners is impractical.

D. When a center one-quarter (C 1/4) corner must be determined, it will be set.

E. All exterior subdivision boundary corners shall be marked with monuments equivalent to a metal marker which is thirty inches in length, and has a metal cap at the top with a minimum diameter of two inches. Such monument shall clearly dis-

play the following information: year set, monument identification, corner number and registration number of surveyor. Monuments set as section breakdown shall be stamped as per BLM current manual.

F. All interior subdivision corners shall be marked by at least five-eighths-inch by thirty-inch iron rod if not otherwise monumented with similarly durable material.

G. All monuments of record disturbed or destroyed shall be remonumented or reference monumented as required by the platting officer.

H. A minimum survey accuracy of one to five thousand (1:5,000) is required. (Ord. 1989-4; prior code § 12.09.05)

16.24.20 Lot area.

The planning commission has jurisdiction over lot areas within the following guidelines:

A. Except as allowed under subsection (B) of this section, all lots within this district shall contain at least five thousand square feet of usable area.

B. The platting board may approve lots having at least five thousand square feet of usable area, provided each lot is serviced by approved community water system. (Ord. 1989-4; prior code § 12.09.03(1))

16.24.30 Setbacks.

A. No building line shall be placed within ten feet from the right-of-way line of any public right-of-way. Eaves shall protrude no more than three feet into the required setback.

B. No building line shall be placed within five feet from any side or rear lot

line. Eaves shall protrude no more than three feet into the required setback. (Ord. 1989-4; prior code § 12.09.03(4)(a), (b))

16.24.040 Screening easements.

The platting board may require screening easement strips between residential lots and arterial and collector roads or industrial or commercial lots. (Ord. 1989-4; prior code § 12.09.03(4)(c))

16.24.50 Roads—Dedication to public.

A. All roads shall be dedicated to the public; provided that a subdivider shall be required only to provide the designated right-of-way width within the subdivision, and one-half of the designated right-of-way width of such a street, on the exterior boundary of the subdivision if the dedication is secured from the adjacent property owner before final plat approval.

B. Roads shall be dedicated for access to all lots within the subdivision and parcels of land adjacent to the subdivision. Dedications shall be sufficient to carry all traffic generated by the subdivision and to provide residential and collector rights-of-way for projected traffic through the subdivision. (Ord. 1989-4; prior code § 12.09.02(1))

16.24.60 Roads—Access required.

A. There shall be legal and physical road access provided to all subdivisions and to all lots within subdivisions, except as allowed by subsection (B) of this section.

B. Upon finding that no practical means of providing road access to a proposed subdivision exists and upon a show-

ing that permanent public access by air or water is both practical and feasible, the platting board shall waive the requirements of subsection (A) of this section. If other than road access if approved, such mode of access shall be noted on the plat.

C. A subdivision plat which moves or eliminates lot lines of an existing subdivision, but does not increase the number of parcels of land or the projected traffic, shall not require the construction of a physical road if the existing road is sufficient to meet the road standards of the city. (Ord. 1989-4; prior code § 12.09.02(2))

16.24.70 Roads—Legal access.

In this chapter, legal access exists if:

A. An unrestricted public right-of-way connects the subdivision to a public road system or a regularly served public airport and:

1. Ingress and egress will be provided over section line rights-of-way located within a surveyed section,

2. The applicant provides copies of city accepted recorded conveyances creating the public easement or right-of-way where the access is located, or that access or right-of-way is a state of Alaska maintained road, or

3. The applicant provides documentation satisfactory to the city demonstrating that legal access is guaranteed through judicial decree;

B. The right-of-way is an easement, or fee interest dedicated, or irrevocably conveyed to the public, of at least fifty feet in width; and

C. The applicant proves that the proposed access can be constructed practically and economically within the legal access

documented. (Ord. 1989-4; prior code § 12.09.02(3))

16.24.80 Roads—Physical access.

A. Roads used for access or internal circulation shall:

1. Be located entirely within dedicated or legal rights-of-way; and
2. Conform to existing road requirements.

B. Internal roads shall be constructed to meet the projected traffic both generated by and traveling through the subdivision.

C. Access roads shall be constructed to the same standards as internal roads except that an access road is only required to be constructed to meet the standards of the traffic actually generated by the subdivision. (Ord. 1989-4; prior code § 12.09.02(4))

16.24.090 Utility access.

The platting board may require dedication of utility easements along lot lines, rights-of-way or through subdivider lots as required for utilities. (Ord. 1989-4; prior code § 12.09.06)

16.24.100 Individual septic systems.

A. The platting board may approve a sewage disposal method only if it is installed and maintained in accordance with the statutes and regulations of the State of Alaska Department of Environmental Conservation governing sewage systems and water wells.

B. Water table and ability of soils to accept effluent shall be determined by a number of twelve-foot deep borings or test holes sufficient to indicate subsurface conditions over the entire area of the subdivi-

sion. These borings or test holes shall be accomplished under the direct supervision of a state registered engineer who shall submit his soil logs and other findings in writing to the State of Alaska Department of Environmental Conservation, for review and recommendations, and to the city of Pelican.

C. When soil logs indicate a questionable seepage capability, percolation testing shall be required on individual lots or any marginal area of the subdivision. Percolation tests shall be conducted according to the Manual of Septic Tank Practice, U.S. Department of Health, Education and Welfare, and in compliance with statutes and regulations of the state of Alaska which govern these requirements. Percolation tests shall be conducted under the direct supervision of a state registered engineer.

D. The subdivider shall be responsible for insuring that all test hole data, percolation tests data, soil logs, and Department of Environmental Conservation recommendations are made available to the platting board for consideration.

E. No part of a subsurface sewage disposal system shall be closer than one hundred feet from any body of water or watercourse. The platting board shall require that this distance be increased where necessary to protect waters within the city.

F. No surface discharge of treated or untreated sewage shall be allowed. (Ord. 1989-4; prior code § 12.09.04(1)—(6))

16.24.110 Community systems.

A. Where an existing approved community public water supply or public sewage treatment facility is near or within

the boundary of a proposed subdivision, the subdivider and the state regulatory agency having the jurisdiction shall evaluate the feasibility of connecting to the system.

B. Any proposed community sewage treatment facility or water supply shall be designed by the subdivider's engineer and the design approved by the state regulatory agencies having jurisdiction prior to construction. Construction of the system(s) shall be inspected and approved by the subdivider's engineer and the appropriate state agencies. Two sets of as-built drawings, stamped by the subdivider's engineer, shall be submitted for each community system installed. The state regulatory agency having jurisdiction will review the submitted drawings for compliance and issue a letter of approval to the city and the subdivider when all requirements have been met.

C. The subdivider shall, unless system is accepted by the city, through formation of a service area, homeowner's association, utility company or by other means, provide for the operation and continued maintenance of community water or sewer systems in a manner satisfactory to and approved by the public works director and platting board. (Ord. 1989-4; prior code § 12.09.04 (7))

16.24.120 Drainage.

The size and slope of drainage structures or ditching shall be sufficient to carry seasonal high water volumes for existing conditions and also any additional high water volumes which may be created by further development of a similar nature. Temporary and permanent erosion runoff

control shall be designed by the subdivider's engineer in compliance with the governing statutes and regulations. (Ord. 1989-4; prior code § 12.09.07)

16.24.130 Capital improvements.

A. Subdivision of land may require development of capital improvements. These improvements are required for integration of the new subdivision with the city's public utility and transportation systems and comprehensive development plan. Required capital improvements will be identified by the platting officer. To obtain a notice to proceed for construction of capital improvements, it is necessary to submit to the platting officer a schedule of construction, a cost estimate, and plans and specifications. A fee may be charged for review by a registered Alaska engineer.

B. If submittals are not approved, the reasons for rejection will be clearly stated in writing. If submittals are approved, the platting officer will determine an inspection fee. When the city clerk receives payment from the developer, the city clerk will notify the platting officer who will then issue a notice to proceed. Upon completion, capital improvements will require inspection, approval and acceptance by the city prior to recording of the final plat. A request for inspection will be made in writing to the platting officer. A fee may be charged to cover inspection costs. (Ord. 1989-4; prior code § 12.06.02)

16.24.140 More restrictive standards apply when.

When the platting board finds that the subdivision or development of land may result in a hazard to persons or property on

or beyond the boundaries of a proposed subdivision, the board may impose more restrictive standards than established in this section, and may require construction of public improvements in addition to those required by this and other provisions of law. (Ord. 1989-4; prior code § 12.09.01)

Chapter 16.28

VARIANCES

Sections:

- 16.28.010 Conditions for variance.**
- 16.28.020 Application contents.**
- 16.28.030 Filing of approval decision.**
- 16.28.040 Application form.**

16.28.10 Conditions for variance.

A. A variance may be granted only if the platting board finds all of the following:

1. The granting of the variance will not be detrimental to the public health, safety or welfare or injurious to adjacent property;
2. The conditions upon which the variance application is based do not apply generally to properties other than the property for which the variance is sought; and
3. Because of unusual physical surroundings, shape or topographic condition of the property for which the variance is sought, or because of surrounding development or conditions, the strict application to the requirements of this title will result in undue substantial hardship to the owner of the property.

B. The burden of demonstrating that the variance request meets the require-

ments of subsection (A) of this section lies with the petitioner. (Ord. 1989-4; prior code § 12.08)

16.28.20 Application contents.

An application for a variance shall include:

- A. The preliminary plat to which the variance pertains or a copy of the plat of record if it has previously been approved and filed;
- B. A description of the variance requested;
- C. A specific statement of the reasons why the variance is requested. (Ord. 1989-4; prior code § 12.08)

16.28.030 Filing of approval decision.

If the application is approved by the platting board, a final plat or a resolution setting forth the decision of the platting board shall be filed with the district recorder after all conditions of approval have been met. (Ord. 1989-4; prior code § 12.08)

16.28.40 Application form.

City of Pelican
Variance Application

This application is to the City of Pelican Platting Board for a Variance from the Subdivision Ordinance.

Petitioner's
Name: Mailing
Address:
Zip Code
Legal Description of Property:

Fee: \$

An application for a variance from a requirement of the Subdivision Ordinance shall contain:

1. The preliminary plat to which the variance pertains or a copy of the plat of record if it has previously been approved and filed.

2. A description of the variance requested.

3. A specific statement of the reasons why the variance is requested.

4. If the variance is sought because of the existence or proposed location of a structure,

a plot plan or as-built of the particular parcel(s) affected, submitted under the seal of a professional

land surveyor.

I, _____, the owner (or owner's representative) of the above-described property apply for a variance from the Subdivision Ordinance Subdivision Development Standards of the City of Pelican in order to allow:

A. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to adjacent property because:

B. The conditions upon which the variance application is based do not apply generally to properties other than the prop-

erty for which the variance is sought because:

C. Due to unusual physical surroundings, shape, or topographical condition of the property for which the variance is sought, or because of surrounding development or conditions, the strict application to the property of the requirements of the Subdivision Ordinance will result in undue substantial hardship to the owner of the property because:

Date

:

Signed:

Petitioner

(Ord. 1989-4; prior code § 12.10.02)

**Chapter 16.32
VACATIONS OF LAND**

Sections:

- 16.32.010 Definitions.**
- 16.32.020 Vacation of public land.**
- 16.32.030 Vacation of section line easement.**
- 16.32.040 Other types of vacation.**
- 16.32.050 Determination of title of vacated area.**
- 16.32.060 Application form.**

16.32.010 Definitions.

“Block” means an area of land within a subdivision that is entirely bounded by rights-of-way (other than alleys), physical barriers, exterior boundaries of the subdivi-

sion or other separation which logically divides clusters of lots.

“Block length” means the distance between intersections of through streets, measured between the right-of-way lines of the intersecting streets, which distance is the longest dimension of a block.

“Dedication” means the reservation of land to a public use by the owner, manifesting the intention that it shall be accepted and used presently or in the future for such public purpose. A dedication by the owner under the terms of this section is a conveyance of an interest in property which shall be deemed to include the warranties of title listed in Alaska Statutes

34.15.030. The dedication of streets, alleys, sidewalks or public open space shall convey a fee interest in the area dedicated. The dedication of all other public rights-of-way, including utility rights-of-way, shall be deemed to create an easement in gross to perform the indicated function in the area depicted.

“Easement” means a grant of land by a property owner to the public or other entity, for specified uses and activities.

“Engineer” means a professional civil engineer registered in the state of Alaska.

“Fee interest” means interests in land:
1) fee simple absolute, 2) determinable fee, 3) fee upon condition-subsequent, 4) fee subject of conditional limitation, and 5) life estate.

“Lot” means a measured portion of a parcel or tract of land which is delineated and fixed on a plat filed for record.

“Lot depth” means the average distance between front and rear lot lines.

“Lot frontage” means all property abutting the right-of-way of a dedicated street,

or road easement, measured along the right-of-way between side lot lines of a lot.

“Lot width” means the average distance between side lot lines.

“Monument” means a permanent survey control point.

“Parcel” means an unsubdivided plot of land.

“Physical access,” for a recorded subdivision, means access over a roadway meeting, at a minimum, pioneer access road standards, constructed in accordance with official construction standards approved by the platting authority.

“Plat” means a map or other representation of a subdivision showing lots, blocks, rights-of-way, easements, dedications and other information as required under ordinance.

“Right-of-way” means a strip of land occupied or intended to be occupied by a street, road, walkway, railroad, utility, gas or oil pipeline, water main, sewer main, shade trees, or for any other public purpose.

“Road” means a street, road, highway or other right-of-way for vehicle or pedestrian travel, created by dedication, easement, grant or operation of law.

1. “Access road” means a road extending from the boundary of a subdivision to a public road meeting the road standards required for the traffic generated by the subdivision.

2. “Internal road” means a road within a subdivision which directly serves one or more lots of the subdivision.

“Section” means a tract of land one mile square and containing six hundred forty acres, as near as may be.

“Section line” means clearly marked straight lines running between sections.

“Structure” means anything that is constructed or erected and located on or under the ground, or attached to something fixed to the ground.

“Subdivider” means a person who holds any legal equitable interest in land being subdivided. Their terms shall also include all heirs, assigns or successors in interest, or representatives of the subdivid- er.

“Subdivision” means the division of a tract or parcel of land into two or more lots, sites or other divisions for the pur- pose, whether immediate or future, of sale, lease for more than ten years, including any resubdivision, and when appropriate to the context, the process of subdividing on the land actually subdivided.

“Surveyor” means a professional land surveyor who is registered in the state of Alaska.

“Tract” means an area of land which has been delineated on a recorded plat but has not been designated by lot and block numbers.

“Usable area” means only that area where seasonal high water table is a minimum eight feet below the surface and not within an area dedicated to public use.

“Vacation” means the transfer or sale of a public easement or right-of-way into private ownership. (Ord. 1989-4; prior code § 12.10)

16.32.20 Vacation of public land.

An application for a vacation of public land shall include:

A. The materials required for a preliminary plat under this title;

B. A legal description of the area to be vacated;

C. A statement showing why the area to be vacated is no longer necessary for present or future public use. (Ord. 1989-4; prior code § 12.07.01)

16.32.30 Vacation of section line easement.

An application for vacation of a section line easement, in addition to the requirements of Section 16.32.020 of this chapter, shall contain:

A. Documentation satisfactory to the platting officer evidencing existence of a valid section line easement within the area to be vacated and stating the width of that section line easement;

B. A legal description of the section line easement proposed for vacation;

C. Thirty copies of a section line va- cation plat drawn to the requirements of the state depicting the area to be vacated. The preliminary plat may be used as a base map. (Ord. 1989-4; prior code § 12.07.03)

16.32.40 Other types of vacation.

Additionally, for vacations other than section line easements, applications to vacate a platted street, alley, road, public thoroughfare, or other public area shall include the following:

A. Description of the right-of-way or other public area requested for vacation, including a copy of the record plat showing the area to be vacated;

B. The reason for the requested vaca- tion;

C. Notarized signatures of the major- ity of the owners adjacent to the right-of- way requested for vacation, together with

their mailing addresses and legal description of their property. (Ord. 1989-4; prior code § 12.07.02)

16.32.50 Determination of title of vacated area.

Title to a vacated area shall be determined as follows:

A. Title attaches to the lot or lands bordering on the vacated area in proportionate amounts, except that if the area originally was dedicated by different persons, original boundary lines shall be adhered to so that the area which lies on one side of the boundary line shall attach to the abutting property on that side, and the area which lies on the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition bordering on the area. However, if a public square is vacated, the title to it vests in the city.

B. If the city acquired the vacated area for legal consideration or by express dedication to and acceptance by the city other than as a prerequisite to plat approval, the fair market appraised value of the vacated area shall be deposited with the planning commission before the final act of vacation, to be paid over to the city upon final vacation.

C. The city council may determine if all or a portion of a vacated area should be devoted to another public purpose and, if so, title to the area vacated and held for another public purpose remains in the city as applicable.

D. A decision to grant a vacation is not effective unless approved by the city council if the vacated area is a street or

public land of the city. The platting board shall immediately give notice to the council of a vacation which is approved.

E. The council shall have thirty days from the date of notice to either consent to the vacation or to veto it. A vote to approve the vacation which fails shall constitute a veto. Notice of veto of the vacation shall be immediately given to the platting board. Failure to act on the vacation within thirty days shall be considered to be consent to the vacation. (Ord. 1989-4; prior code § 12.07.04)

16.32.60 Application form.

CITY OF PELICAN
VACATION APPLICATION

This application is to the City of Pelican Platting Board for a Vacation of Public Lands.

Petitioner's Name:
Mailing
Address: Zip Code

Fee: \$

A. An application for a vacation of public land shall contain:

1. The materials required for a preliminary plat under the subdivision ordinance.

2. A legal description of the area to be vacated.

3. A statement showing why the area to be vacated is no longer necessary for present or future public use.

B. Additionally, for vacations other than section line easements, application to vacate a public street, alley, road, public thoroughfare, or other public area shall include the following:

1. Description of the right-of-way or other public area requested for vacation.

2. The reason for the requested vacation.

3. Notarized signatures of the majority of the owners of the right-of-way requested for vacation, together with their mailing addresses and legal description of their property.

C. An application for vacation of a section line easement, in addition to Items A.1 through A.3, shall contain:

1. Documentation satisfactory to the Platting Officer evidencing existence of a valid section line easement within the area to be vacated and stating the width of that section.

2. A legal description of the section line easement proposed for vacation.

3. Thirty (30) copies of a section line vacation plat drawn to the requirements of the State of Alaska depicting

the area to be vacated. The preliminary plat may be used as a base map.

Dated:

Signed:

Petitioner

(Ord. 1989-4; prior code § 12.10.01)

Title 17

ZONING

Chapters:

| | |
|-------|--|
| 17.04 | General Provisions |
| 17.08 | Definitions |
| 17.12 | Administration, Construction and Enforcement |
| 17.16 | Adoption of Zones and Zoning Maps |
| 17.18 | Adoption of Zoning Districts |
| 17.20 | R-1 One and Two Family Residential District |
| 17.24 | R-1 MHP One and Two Family Residential District Including Mobilehome Parks |
| 17.28 | C-1 General Commercial District |
| 17.32 | I-1 Industrial District |
| 17.36 | Public Use District |
| 17.40 | Supplementary District Regulations |
| 17.44 | Nonconforming Uses |
| 17.48 | Conditional Use Permits |
| 17.52 | Variances |
| 17.56 | Zoning Amendments |