

HAINES BOROUGH  
ORDINANCE 09-01-196

# Adopted

AN ORDINANCE OF THE HAINES BOROUGH AMENDING TITLE 14 TO CLARIFY THE APPLICATION PROCESS FOR BOROUGH ROW VACATIONS.

BE IT ORDAINED:

Section 1. Classification. This ordinance is of a general and permanent nature and the adopted amendment shall become a part of the Haines Borough Code.

Section 2. Severability. If any provision of this ordinance or any application thereof to any person or circumstance is held to be invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected thereby.

Section 3. Effective Date. This ordinance shall become effective immediately upon adoption.

Section 4. Purpose. This ordinance amends Title 14 to clarify the application process for borough row vacations. the code is amended as follows:

NOTE: **Bolded/UNDERLINED** ITEMS ARE TO BE ADDED  
**STRIKETHROUGH** ITEMS ARE DELETED

## **Chapter 14.32** **VACATION OF RIGHTS-OF-WAY**

### **14.32.010 State statutes applicable.**

The provisions of AS 29.40.120 through 29.40.160, as amended from time to time, shall apply to the vacation of rights-of-way.

### **14.32.020 Assignment of costs.**

All filing fees, land acquisition costs, administrative costs, processing fees, commission fees, recording fees, mapping costs, survey costs, and other associated expenditures shall be borne by the applicant or applicants in prorated amounts as determined by the ~~chief fiscal officer~~ borough manager or designee.

### **14.32.030 Procedures.**

The following are the procedures which shall be followed in a vacation of a public right-of-way request:

A. ~~A written request~~ An application for the vacation shall be signed by all affected property owners and accompanied by an accurate paper plat created by a surveyor licensed by the state of Alaska showing the property in question, along with a \$100.00

nonrefundable filing fee, ~~must be submitted to the planning commission, c/o the clerk~~ A form shall be provided for this purpose by the clerk and filed with the clerk on a form provided by the borough. Only applications completed in full and accompanied by a \$100.00 filing fee will be accepted for filing. Filing fees are not refundable.

B. The clerk borough shall notify, in writing, all persons who own property within 200 feet of the proposed vacation, giving information on the location of the vacation and scheduling of a public hearing on the vacation at the next appropriate planning commission meeting.

C. The planning commission shall hold a public hearing on the requested vacation. This hearing must be advertised in the local newspaper at least seven days before the hearing takes place. The planning commission shall make its recommendation to the assembly regarding the request.

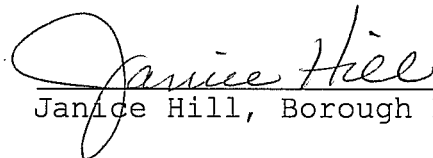
D. If the assembly grants the vacation request, the applicant must have the vacated land surveyed and replatted by a registered land surveyor in a format suitable for filing with the State Recorder's Office. ~~More information regarding what is required on the plat is available from the clerk.~~

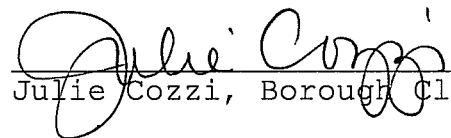
E. An assembly resolution must be adopted to authorize the disposal of any vacated rights-of-way. The resolution shall contain a statement that the assembly found the property surplus to its needs as a right-of-way. It must give a legal description of the property to be vacated, the names of the applicants to whom the vacation is to be granted, and the assessed market value of the land to be vacated.

F. Applicants granted a vacation of a public right-of-way shall pay to the borough an amount not less than the current assessed value of the vacated property as determined by the assessor or land manager.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY ON THE 10<sup>th</sup> DAY OF FEBRUARY, 2009.

Attest:

  
Janice Hill, Borough Mayor

  
Julie Cozzi, Borough Clerk

Date Introduced: 01/13/09  
Date of First Public Hearing: 01/27/09  
Date of Second Public Hearing: 02/10/09 - Adopted

