

An Ordinance of the Haines Borough amending Haines Borough Code Title 14.32 and Title 18 to add provisions for Section Line and State Recognized RS-2477 Easement Vacations.

BE IT ENACTED BY THE HAINES BOROUGH ASSEMBLY:

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 is effective upon adoption.

Section 4. Amendment of Sub-Section 14.32. Sub-Section 14.32.040 of the Haines Borough Code is hereby amended as follows:

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

14.32.040 Section Line and State Recognized RS-2477 Easement Vacations.

The procedures for Section Line and State Recognized RS-2477 Easement Vacation shall be set forth by the provisions of HBC 18.100.140

Section 5 Amendment of Subsection 18.30.020. Sub-Section 18.30.020 of the Haines Borough Code is hereby amended as follows:

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

18.30.020 Public notice.

For conditional use permits, rezonings, ~~and~~ appeals, **and section line and State recognized RS-2477 easement vacations**, public notice shall consist of all of the following:

- A. An agenda item on the posted agenda;
- B. Publication of the time, date and place of the meeting and the agenda item in a newspaper of general circulation in the borough a minimum of 10 business days prior to the date of the meeting;
- C. All property owners within an area of 500 feet from the location of a proposed variance, conditional use or rezoning, **or section line easement** and all property owners abutting a transportation corridor identified in a conditional use permit application shall be notified in writing of the application, the date of the hearing thereon, the proposed use or zone, and the fact that

further information is available from the manager. Such notification shall be issued at least 10 business days prior to the conduct of the hearing. (Ord. 17-06-459 § 4)

Section 6 Amendment of Subsection 18.100. Sub-Section 18.100.140 of the Haines Borough Code is hereby amended as follows:

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

Chapter 18.100
SUBDIVISION REGULATIONS

Sections:

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18.100.125 Financial responsibility.

18.100.135 Amended plats, altered plats, vacations or otherwise changed plats

18.100.140 Section Line and State Recognized RS-2477 Easement Vacations.

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18.100.140 Section Line and State Recognized RS-2477 Easement Vacations.

A. An application for the vacation of section line easements and state recognized RS-2477 easements, also referred to as rights-of-way acquired under former 43 U.S.C. 932, along with a \$100 nonrefundable filing fee, shall contain the following:

1. **A preliminary finding of approval from the appropriate agency of the state of Alaska;**
2. **Documentation by a land surveyor establishing the existence of a valid section line easement or RS-2477 easement within the area to be vacated, stating the width of the section line easement or RS-2477 easement and verifying the existence and width of any adjoining section line easements or RS-2477 easements;**
3. **Legal description of the section line easement or RS-2477 easement proposed for vacation;**
4. **Reason for vacation request;**
5. **Plat copies, as needed, of a section line or RS-2477 vacation plat, drawn to the requirement of the state of Alaska;**
6. **Demonstration that a reasonably comparable, established alternate right-of-way or means of access exists that is sufficient to satisfy all present and reasonably foreseeable uses pursuant to AS 19.30.410. In making this determination, the platting board shall consider comments from utilities concerning the adequacy of alternative access to provide for utility facilities and services; and**
7. **Demonstration that the vacation shall meet the standards set forth under HBC 18.100.**

B. Public Notice will follow provisions set forth under 18.30.020.

C. The planning commission shall hold a public hearing on the requested vacation. The Planning Commission shall make it's recommendation to the Alaska Department of Natural Resources in the form of approved meeting minutes.

ADOPTED BY A DULY CONSTITUTED QUORUM OF THE HAINES BOROUGH ASSEMBLY THIS 26th DAY OF MARCH, 2019.

ATTEST:


Alekka Fullerton, Borough Clerk




Janice Hill, Mayor

Date Introduced:	02/26/19
Date of First Public Hearing:	03/12/19
Date of Second Public Hearing:	03/26/19 - Adopted