

1 IN THE HOUSE

BY MR. BUCKALEW

2

HOUSE BILL NO. 108

3

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4

TWENTY-THIRD SESSION

5

A BILL

6

For an Act entitled; "An Act relating to title to vacated

7

streets, alleys, public squares and dedi-

8

cated areas, and relating to the approval

9

of subdivisions; amending Section 3 of

10

Chapter I of Chapter 115, SLA 1953; amending

11

Section 1 of Chapter II of Chapter 115, SLA

12

1953; and amending Sections 1 and 5 of

13

Chapter III of Chapter 115, SLA 1953."

14 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

15

Section 1. Section 3 of Chapter I of Chapter 115, SLA 1953,

16

is hereby amended to read as follows:

17

Section 3. DEDICATION OF STREETS, ALLEYS AND THOROUGH-

18

FARES. When an area has been subdivided and a plat thereof

19

approved and recorded in accordance herewith, all streets,

20

alleys, thoroughfares, parks and other public areas shown

21

thereon shall be deemed to have been dedicated to public use.

22

Title to all such areas dedicated shall be in fee simple and

23

vest in the city, where an area dedicated lies within the

24

corporate limits of any municipality, or in the Territory of

25

Alaska when the area dedicated lies outside the corporate

26

limits of any municipality.

27

Sec. 2. Section 1 of Chapter II of Chapter 115, SLA 1953,

28

is hereby amended to read as follows:

29

Section 1. PLATTING AUTHORITY. Whenever any land

1 proposed to be subdivided or dedicated is situated within a
2 city the same shall be submitted for approval to the city
3 planning commission which shall be the platting authority
4 for such city; if no city planning commission exists, the
5 same shall be submitted to the city council, which shall
6 then be submitted to the city council, which shall then be
7 the platting authority. Whenever any land proposed to be
8 subdivided or dedicated is situated within a school district
9 but outside a city, the same shall be submitted for approval
10 to the Platting Board as hereinafter created, which shall
11 be the platting authority for such school district outside
12 the city. No subdivision may be filed for record until
13 approved by the respective platting authority or the city
14 council. The final authority for any approval of a sub-
15 division involving property within the corporate limits of
16 any municipality shall be by the city council.

17 Sec. 3. Section 1 of Chapter III of Chapter 115, SLA 1953,
18 is hereby amended to read as follows:

19 Section 1. PETITION. No plat of any area shall be
20 altered, amended or changed, except upon petition of the
21 owners of a majority of the land to be thereby affected,
22 showing the changes contemplated. A ~~NO~~ street, alley
23 or public thoroughfare or any part thereof may ~~SHALL~~ be
24 vacated ~~EXCEPT~~ upon petitions of the owners of the
25 majority of the front feet of the land fronting upon the
26 part of the street, alley or public thoroughfare sought to
27 be vacated or upon petition initiated by the city planning
28 commission. Such petitions shall be filed with the Clerk of
29 the City or of the Platting Board, praying that the plat,

1 addition or subdivision, or part thereof, be amended,
2 replatted or vacated, or that the street, alley or public
3 thoroughfare or part thereof be vacated. The petition shall
4 be accompanied by a plat, draft or a copy of the existing
5 plat, showing the proposed amendment, replat or vacation.
6 Sec. 4. Section 5 of Chapter III of Chapter II5, SLA 1953,
7 is hereby amended to read as follows:

8 Section 5. TITLE TO VACATED AREA, STREETS, PUBLIC
9 SQUARES. If an alley, right-of-way, or street is vacated
10 within the corporate limits of any municipality, title shall
11 vest in fee simple absolute in said municipality for the use
12 of said municipality to be used and disposed of as other
13 public lands. If an alley, right-of-way, or street is vacated
14 outside the corporate limits of any municipality, title shall
15 vest in fee simple absolute in the Territory of Alaska for
16 the use of the Territory, to be used and disposed of as other
17 public lands. THE TITLE TO THE STREET OR OTHER PUBLIC
18 AREA VACATED SHALL ATTACH TO THE LOTS OR LANDS BORDERING ON
19 SUCH AREA IN EQUAL PROPORTIONS, EXCEPT THAT WHERE THE AREA
20 HAS BEEN ORIGINALLY DEDICATED BY DIFFERENT PERSONS, ORIGINAL
21 BOUNDARY LINES SHALL BE ADHERED TO SO THAT THE STREET AREA
22 WHICH LIES ON ONE SIDE OF SUCH BOUNDARY LINE SHALL ATTACH TO
23 THE ABUTTING PROPERTY ON SUCH SIDE, AND THE STREET AREA
24 WHICH LIES UPON THE OTHER SIDE OF SUCH BOUNDARY LINE SHALL
25 ATTACH TO THE PROPERTY ON SUCH OTHER SIDE, PROVIDED, HOWEVER,
26 THAT ALL THAT PORTION OF A VACATED STREET WHICH LIES WITHIN
27 THE LIMITS OF A PLATTED ADDITION SHALL ATTACH TO THE LOTS
28 OF THE PLATTED ADDITION BORDERING ON SUCH AREA. 7 If a
29 public square is vacated, the title thereto shall vest in

1 the independent school district wherein the square lies or.
2 if it lies within a city, then it shall vest in said city
3 for the use of said city or school district, to be used and
4 disposed of as other public lands. If the property vacated
5 is a lot, lots or tract, title thereto shall vest in the
6 rightful owner.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29