

Original sponsor: Merdes

Offered: 4/15/70  
Referred: Rules

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2

HOUSE CS FOR SENATE BILL NO. 507

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to powers of fourth class cities."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 29.25 is amended by adding a new section to read:

9       Sec. 29.25.295. POWER TO VACATE STREETS. (a) The council of a  
10 fourth class city located outside an organized borough may vacate such  
11 streets, alleys, crossings, sidewalks or other public ways as may have  
12 been previously dedicated or established when the council, in its discre-  
13 tion, finds that the streets, alleys, crossings, sidewalks or other  
14 public ways are no longer necessary for the public welfare, or when the  
15 public welfare will be enhanced by the vacation.

16       (b) If the council determines that all or a portion of the area  
17 vacated under (a) of this section should be devoted to another public  
18 purpose, title to the area vacated and held for another public purpose  
19 does not vest as provided in AS 40.15.180 but remains in the city.

20 \* Sec. 2. AS 29.25 is amended by adding a new section to read:

21       Sec. 29.25.335. BONDS. The council may incur bonded indebtedness  
22 on behalf of the city as provided for other municipal corporations in  
23 AS 29.50.010 - 29.50.080, except that nothing in this section authorizes  
24 the council to levy ad valorem taxes unless such levy is necessary to  
25 avoid a default upon payment of principal and interest of bonds which are  
26 secured by a pledge to levy ad valorem or other taxes without limit to  
27 meet debt payments.

28 \* Sec. 3. AS 40.15.140 is amended to read:

29       Sec. 40.15.140. PETITION. No plat shall be altered, amended or

1 changed, except upon petition of the owners of a majority of the land  
2 affected by the alteration, amendment or change, showing the changes  
3 contemplated. Except as otherwise provided by law, no [NO] street,  
4 alley or public thoroughfare or any part of one shall be vacated,  
5 except upon petition of the owners of the majority of the front feet  
6 of the land fronting upon the part of the street, alley or public  
7 thoroughfare sought to be vacated. The petition shall be filed with  
8 the clerk of the city or the platting board, requesting that the  
9 plat, addition or subdivision be amended, replatted or vacated, or that  
10 the street, alley or public thoroughfare be vacated. The petition  
11 shall be accompanied by a plat, draft or a copy of the existing plat,  
12 showing the proposed amendment, replat or vacation.

13 \* Sec. 4. AS 40.15.180 is amended to read:

14 *need* Sec. 40.15.180. TITLE TO VACATED AREA, STREETS, AND PUBLIC  
15 SQUARES. Except as otherwise provided by law, the [THE] title to  
16 street or other public area vacated attaches to the lots or lands  
17 bordering on the area in equal proportions, except that where the area  
18 was originally dedicated by different persons, original boundary lines  
19 shall be adhered to so that the street area which lies on one side of  
20 the boundary line shall attach to the abutting property on that side,  
21 and the street area which lies upon the other side of the boundary line  
22 shall attach to the property on that side. The portion of a vacated  
23 street which lies within the limits of a platted addition attaches to  
24 the lots of the platted addition bordering on the area. If a public  
25 square is vacated, the title to it vests in the independent school  
26 district where the square is located or if it lies in a city, then it  
27 vests in the city for the use of the city or school district, to be  
28 used and disposed of as other public lands. If the property vacated is  
29 a lot or tract, title vests in the rightful owner.