

Introduced: 3/24/71
Referred: Local Government

1 IN THE SENATE

BY HAMMOND BY REQUEST

2 SENATE BILL NO. 189

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to land platting authority."

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

8 * Section 1. AS 40.15 is amended by adding a new section to read:

9 Sec. 40.15.075. AUTHORITY IN THE UNORGANIZED BOROUGH. The
10 division of lands shall be the platting authority in the area outside
11 organized boroughs and outside cities in the unorganized borough and
12 in the third class borough for only the purposes of hearing and
13 acting on petitions for the change or vacation of plats and shall
14 execute this function substantially in conformity with the provisions
15 of secs. 150 - 180 of this chapter. Costs of publication and mailing
16 as well as other costs authorized in sec. 150 of this chapter shall be
17 paid to the division by the petitioner. The Department of Natural
18 Resources shall adopt reasonable regulations governing the exercise
19 of the authority conferred by this section upon the division of lands.

20 * Sec. 2. AS 40.15.070 is amended to read:

21 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be sub-
22 divided or dedicated is situated within a first or second class borough
23 the proposed subdivision or dedication shall be submitted to the
24 borough planning commission for approval. If the land is situated
25 within a city in the unorganized borough or within a city in a third
26 class borough the proposed subdivision or dedication shall be submitted
27 to the city planning commission for approval. The borough planning
28 commission is the platting authority for a [THE] first or second class
29 borough, the city planning commission is the platting authority for the

1 city in a third class borough or in the unorganized borough and the
2 division of lands is the platting authority in the remaining areas
3 of the state and third class borough for the change or vacation of
4 existing plats or a portion of such plats, as provided in sec. 75
5 of this chapter. If the borough or the city does not have a plan-
6 ning commission, the borough assembly or the city governing body,
7 respectively, is the platting authority and the proposed subdivision or
8 dedication shall be submitted to it. No subdivision may be filed for
9 record until it is approved by the platting authority.

10 * Sec. 3. AS 40.15.140. is amended to read:

11 Sec. 40.15.140. PETITION. No plat may [SHALL] be altered, amended
12 or otherwise changed or vacated [,] except upon petition of the owners
13 of a majority of the land affected by the alteration, amendment, [OR]
14 change or vacation[,] showing the changes contemplated. Except as
15 otherwise provided by law, no street, alley or public thoroughfare or
16 any part of one may be vacated, except upon petition of the owners of
17 the majority of the front feet of the land fronting upon the part of
18 the street, alley or public thoroughfare sought to be vacated. The
19 petition shall be filed with the clerk of the platting authority having
20 jurisdiction [BOROUGH], requesting that the plat, addition or sub-
21 division be amended, replatted or vacated, or that the street, alley
22 or public thoroughfare be vacated. The petition shall be accompanied
23 by a plat, draft or a copy of the existing plat, showing the proposed
24 amendment, replat or vacation.

25 * Sec. 4. AS 40.15.190(2) is repealed and re-enacted to read:

26 (2) "subdivision" means the division of land into two or more
27 parcels, tracts, lots or other divisions, and includes resubdivisions.
28 However, land that is divided into four or fewer parcels, tracts, lots
29 or other divisions which have access to a public highway or street or

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provides street and utility easements to all contiguous parcels and can be described by aliquot parts description, is not a subdivision.