

Original sponsor: Ostrosky, Gruening,
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Offered: 4/7/75
Referred: Rules

1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the adoption of official maps by
7 home rule and first class cities outside organized
8 boroughs and first and second class boroughs."

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

10 * Section 1. AS 29.33 is amended by adding a new section to read:

11 Sec. 29.33.100. OFFICIAL MAP. (a) The assembly of a first or
12 second class borough may adopt and modify by ordinance an official map
13 based upon the recommendations of the planning commission and consis-
14 tent with the comprehensive plan. The map shall show existing and
15 proposed future streets, schools, park land and trails and the area
16 needed to acquire, widen and enlarge them. It shall be prepared in
17 sufficient detail to permit the establishment of the future acquisition
18 lines on the ground and shall be attested to by a registered land
19 surveyor. After adoption, a certified copy of the map shall be recorded
20 in each recording district in which any of the land shown on the map
21 is located. The adoption of the official map shall establish a reserva-
22 tion of the areas shown for future acquisition for the purpose indicated
23 on the official map. The recorded official map is notice of the planned
24 future location of major streets, schools, parks, and trails, but does
25 not relieve the borough of the obligation to acquire these areas in the
26 manner prescribed by law.

27 (b) For the purpose of preserving the integrity of an official
28 map, no plat may be recorded and no permit may be issued for a building,
29 or other structure located within a street, school site, park land or

1 trail, or other area identified for public purposes shown or laid out on
2 the map except as provided in this section. However, the reservation of
3 particular property for public use under the map lapses and becomes void
4 18 months after an owner of the property reserved makes application for
5 a preliminary plat, special exception, or building permit for the loca-
6 tion or construction of a building or structure within the area reserved,
7 unless during that time the borough acquires the property or files
8 eminent domain proceedings to acquire the property. Property reserved
9 on the map but not acquired within five years after the reservation is
10 recorded in the district recorder's office shall automatically be
11 released from the restrictions of the map unless affirmative action is
12 taken by ordinance to hold or reserve the property on the map for another
13 five-year period.

14 (c) The adoption of an official map does not of itself give the
15 borough a right, title, or interest in areas identified for public
16 purposes but authorizes the borough to acquire an interest without
17 paying compensation for buildings or structures which are created in
18 those areas without a permit or in violation of the conditions of a
19 permit.

20 (d) At the request of the state, the assembly shall reserve land
21 for the state in the same manner and on the same terms that it reserves
22 land for the borough.

23 (e) At the time the owner files a preliminary plat or requests a
24 building permit, the municipality shall offer to purchase an option on
25 the owner's property reserved on the official map. The option price
26 shall be equal to the amount of taxes paid by the owner on the property
27 reserved on the official map accruing during the 18-month reserve period.
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