

Original sponsor: Ostrosky, Gruening,  
Kelly, et al

Offered: 4/22/75  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 2d 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 or the council of a first class city located in the  
13 unorganized borough may adopt and modify by ordinance an official map  
14 based upon the recommendations of the planning commission and consis-  
15 tent with the comprehensive plan. The map shall show existing and  
16 proposed future streets, schools, park land and trails and the area  
17 needed to acquire, widen and enlarge them. It shall be prepared in  
18 sufficient detail to permit the establishment of the future acquisition  
19 lines on the ground and shall be attested to by a registered land  
20 surveyor. After adoption, a certified copy of the map shall be recorded  
21 in each recording district in which any of the land shown on the map  
22 is located. The adoption of the official map shall establish a reserva-  
23 tion of the areas shown for future acquisition for the purpose indicated  
24 on the official map. The recorded official map is notice of the planned  
25 future location of major streets, schools, parks, and trails, but does  
26 not relieve the borough of the obligation to acquire these areas in the  
27 manner prescribed by law.

28 (b) For the purpose of preserving the integrity of an official  
29 map, no plat may be recorded and no permit may be issued for a building,

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

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.

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

20 (e) At the time the owner files a preliminary plat or requests a  
21 building permit, the municipality shall offer to purchase an option on  
22 the owner's property reserved on the official map. The option price  
23 shall be equal to the amount of taxes paid by the owner on the property  
24 reserved on the official map accruing during the 12-month reserve period.

25 (f) A proposed official map shall be published at least 90 days  
26 before its effective date. Owners of land part or all of which is desig-  
27 nated on the official map for future public use shall be notified by  
28 registered mail of the designation.

29 (g) No municipality may exercise the powers authorized under

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

this section unless it requires, by ordinance, issuance of permits for erection of buildings and structures within the municipality.