

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 If the municipality fails to exercise its option, the option price shall
26 be paid to the property owner. If the municipality does exercise its
27 option, the price to be paid shall be the option price plus the fair
28 market value of the land to be taken.

29 (f) A proposed official map shall be published at least 90 days

1 before its effective date. Owners of land part or all of which is desig-
2 nated on the official map for future public use shall be notified by
3 registered mail of the designation.

4 (g) No municipality may exercise the powers authorized under
5 this section unless it requires, by ordinance, issuance of permits for
6 erection of buildings and structures within the municipality.

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