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1 IN THE HOUSE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 SENATE CS FOR 2d CS FOR HOUSE BILL NO. 140

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the adoption of official maps by
7 municipalities."

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

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

10 Sec. 29.33.100. OFFICIAL MAP. (a) The assembly or council of a
11 municipality which exercises planning and zoning powers under this
12 chapter and which requires issuance of permits for the erection of
13 buildings and structures may adopt and modify by ordinance an official
14 map of the municipality or any portion of it based upon the recommenda-
15 tions of the planning commission and consistent with the comprehensive
16 plan. The map shall show existing and proposed streets, schools,
17 park land and trails, and the area needed to acquire, widen and enlarge
18 them. It shall be prepared in sufficient detail to permit the estab-
19 lishment of the future acquisition lines on the ground and shall be
20 attested to by a registered land surveyor. After adoption or modifica-
21 tion, a certified copy of the map shall be recorded in each recording
22 district in which any of the land shown on the map is located.

23 (b) A proposed official map shall be published at least 90 days
24 before its effective date. Owners of land part or all of which is
25 designated on the official map for future public use shall be notified
26 by registered mail of the designation.

27 (c) The recorded official map is notice of the planned future
28 location of streets, schools, parks and trails, but does not relieve
29 the municipality of the obligation to acquire these areas in the manner

1 prescribed by law.

2 (d) Adoption of the official map establishes a reservation of the
3 areas shown for future acquisition for the purpose indicated on the
4 official map. For the purpose of preserving the integrity of an offi-
5 cial map, no plat may be recorded and no permit issued for a building
6 or other structure located within a street, school site, park land or
7 trail, or other area identified for public purposes shown on the map
8 except as provided in this section. However, the reservation of parti-
9 cular property for public use under the map lapses and becomes void
10 18 months after an owner of the property reserved makes application for
11 a preliminary plat, conditional use, or building permit for the location
12 or construction of a building or structure within the area reserved
13 unless during that time the municipality contracts to purchase the
14 property or institutes eminent domain proceedings to acquire the prop-
15 erty.

16 (e) At the time the owner files a preliminary plat or requests a
17 building permit, the municipality shall offer to purchase an option on
18 the owner's property reserved on the official map. The option price
19 shall be equal to the amount of taxes paid by the owner on the property
20 reserved on the official map accruing during the 18-month reserve
21 period. If the municipality fails to exercise its option, the option
22 price shall be paid to the property owner. If the municipality does
23 exercise its option, the price to be paid shall be the option price
24 plus the fair market value of the land to be taken.

25 (f) Property reserved on the official map but not acquired within
26 five years after the reservation is recorded in the district recorder's
27 office is released from the restrictions of the map unless affirmative
28 action is taken by ordinance to hold or reserve the property on the
29 map for another five-year period.

1 (g) The adoption of an official map does not of itself give the
2 municipality a right, title, or interest in areas identified for public
3 purposes.

4 (h) At the request of the state, the assembly or council shall
5 reserve land for the state in the same manner and for the same purposes
6 that it reserves land for the municipality. At the time the owner files
7 a preliminary plat or requests a building permit for property within an
8 area subject to reservation for the benefit of the state, the municipali-
9 ty shall advise the state agency having an interest in the property and
10 the Department of Administration. Provisions of (d) of this section
11 governing the purchase and exercise of an option within an area subject
12 to reservation for the benefit of the state are applicable to the state
13 and not to the municipality.
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