

SB81

() USE COMMITTEE REPORT

(11)

Date Referred: May 16, 1991

FURTHER REFERRALS:

Date of Committee Action: 5/17/91

The FINANCE Committee considered:

CSSB 81(FIN) am

CS FOR SENATE BILL NO. 81 (FINANCE) am

PLATTING AUTHORITY FOR STATE

"An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date."

RECOMMENDATIONS:

be replaced with HCS CSSB 81 (FIN) the same title
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact _____

1 fiscal note(s) DNR

zero fiscal note _____

3 zero fiscal note(s) DOT PF 2/25/91 DCRA 4/15/91 DEC 2/25/91

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>EP Meehan</u> <u>MAClean</u>	<input checked="" type="checkbox"/>	_____			
<u>Mike Navarre</u> <u>NAVARRE</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>NACKO</u>		<input checked="" type="checkbox"/>	
<u>Mark Boyer</u> <u>Boyer</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Barnes</u>		<input checked="" type="checkbox"/>	
<u>Tom Brown</u> <u>BROWN</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Shay</u>		<input checked="" type="checkbox"/>	
<u>_____</u> <u>KOPONEN</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Phillips</u>		<input checked="" type="checkbox"/>	
<u>_____</u> <u>hanson</u>	<input checked="" type="checkbox"/>	<u>_____</u> <u>Ulmer</u>		<input checked="" type="checkbox"/>	

Mike Navarre Eileen P. Meehan
 Co-CHAIRMAN'S SIGNATURE
 NAVARRE. MAClean

STATE OF ALASKA
1991 LEGISLATIVE SESSION

no. 1
BILL NO. SB 81 Version: SB 81
(S) Publish Date: 2/25/91

FISCAL NOTE

Revision Date: Department Affected: DOT&PF
Title: DNR Platting Authority in Unorganized Borough BRU: Admin. Services
Sponsor: Fahrenkamp Component: Leasing
Requestor: Component Serial Number:

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY92	FY93	FY94	FY95	FY96	FY97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING:	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE	0	0	0	0	0	0

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER	0	0	0	0	0	0
TOTAL FUNDING:	0	0	0	0	0	0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None.

ANALYSIS: (Attach a separate page if necessary)

The bill, as drafted, will not unduly affect impact capital or fiscal budgets. However, there are two portions of the bill, which if changed or eliminated, would have serious fiscal implications. These include the the language found in Sections 40.15.360 and 40.15.380. So long as these sections remain intact, we fully support and endorse this bill.

Prepared by: Kit Duke, Regional Director

Phone: 266-1440

Division: Central Region

Date: February 7, 1991

Approved by Commissioner: Frank G. Turpin

Phone: 465-3900

Agency: Department of Transportation and Public Facilities

Date: February 7, 1991

Distribution By Preparer: Leg

Changes in CS5891 (Fin) have no fiscal impact. This fiscal note is appropriate.

Changes in CS5801 (PS) have no fiscal impact. This fiscal note is appropriate.

REV 2/7/91

4-5-91 date KU Comte Aide (initial)

2/25/91 date RT Comte Aide (initial)

FISCAL NOTE

Bill Version: SB 81
 (S) Publish Date: 2/25/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: Feb. 8, 1991 Department Affected: Environmental Conservation
 Title: DNR Platting Bill BRU: Environmental Quality
 Component: Environmental Quality Projects
 Sponsor: Senator Fahrenkamp
 Requestor: _____ COMPONENT SERIAL NO.

1	0	1	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME	-0-	-0-	-0-	-0-	-0-	-0-
TEMPORARY	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year impact: None

Changes in CS 5881 (Fin) cessary.)
 have no fiscal impact. This
 fiscal note is appropriate.

4-5-91 KU
 date Comte Aide (initial)

Changes in CS 5881 (RS)
 have no fiscal impact. This
 fiscal note is appropriate.

2/28/91 PT
 date Comte Aide (initial)

Prepared By: Dick Farnell Phone: 465-2656
 Division: Environmental Quality Date: Feb. 5, 1991
 Approved by Commissioner: Paul Taylor
 Agency: Environmental Conservation Date: _____

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

No. 3
 Bill Version: CS SB 81 (FIN)
 (S) Publish Date: 4/5/91

STATE OF ALASKA
 1991 LEGISLATIVE SESSION

Revision Date: _____ Department Affected: Community & Regional Affairs
 Title: "An Act establishing..Dept of BRU: _____
Natural Resources as..plattng authority" Component: _____
 Sponsor: Sen Fahrenkamp
 Requestor: _____ COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Changes in CS SB 81 (Fin) have no fiscal impact. This fiscal note is appropriate.

4-5-91 date ku Comte Aide (initial)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708
 Division: Administrative Services Date: 4/2/91
 Approved by Commissioner: Edgar Blatchford *Edgar Blatchford*
 Agency: Community & Regional Affairs Date: 4/2/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

No. 4

Bill Version: CSSB 81(FIN)

BILL 1

(S) Publish Date: 4/5/91

Revision Date: 19-Mar-91 Department Affected: Natural Resources
 Title: Establishing DNR as platting authority BRU: Land & Water Management
in certain areas Components: Land & Water Management
 Sponsor: Senator Fahrenkamp
 Requestor: Senate Finance COMPONENT SERIAL NO. 431

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	66.0	66.0	66.0	66.0	66.0	66.0
TRAVEL						
CONTRACTUAL	5.0	5.0	5.0	5.0	5.0	5.0
SUPPLIES	3.0	3.0	3.0	3.0	3.0	3.0
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	74.0	74.0	74.0	74.0	74.0	74.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	74.0	74.0	74.0	74.0	74.0	74.0
FEDERAL FUNDS						
OTHER						
TOTAL	74.0	74.0	74.0	74.0	74.0	74.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of Current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Ron Swanson Phone: 762-2680
 Division: Land & Water Date: 19-Mar-91

Approved by Commissioner: Harold Heinze Date: 19-Mar-91
 Agency: Department of Natural Resources

Distribution (by preparer) : Legislative Finance, legislative Sponsor, Requestor, OMB,
 & Impacted Agency(ies).

Position Title Cadastral Surveyor I		No. of Positions	Range/Step 19 A	Barg. Unit GGU
Time Status FTT	Staff Months 12	Location Anchorage		Election District
		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary	41.4			
Benefits	16.8			
Premium Pay				
Other				
Total Personal Services		58.2		
Travel				
Contractual		4.0		
Commodities		2.0		
Equipment				
Other				
Total Cost		64.2		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	64.2		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
Personal Services Salary and Benefits costs are from PACS.				

A professional land surveyor is required to review all survey plats outside of organized municipalities with platting authority to ensure that all plats meet minimum requirements before they are recorded. SB 81 requires that all plats must be reviewed within 45 days of submittal. The bill also requires that surveys of subdivisions have sufficient ties to monuments of record to ensure the accurate geographic position of the new subdivision and that the plat is done in such a way to make individual lots readily locatable to future owners and surveyors retracing the lots in the future.

We expect that we will need to review between 150 to 200 plats per year under this program. The review will ensure that all plats meet state standards and future land owners rights of valid ownership are protected.

Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 1992 budget.

Request For
New Position

Agency Natural Resources
BRU Land and Water
Component Land and Water

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Revised Date

FY 92

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Position Title Clerk Typist III		No. of Positions 1	Range/Step 3B	Barg. Unit GGU	
Time Status PP3	Staff Months 3	Location Anchorage		Election District	
Type of Expenditure		Justification			
1	2	3			
Salary	5.1	Three months of a Clerk-Typist time will be needed to receive submittals, track plats through until recorded, process correspondence associated with the platting authorities review, and to maintain files.			
Benefits	2.7				
Premium Pay					
Other					
Total Personal Services		7.8			
Travel		Existing staff cannot handle this increased workload. This is a new service. The department is proposing a reduction of Cadastral Survey staff from 20 positions to 12 in the FY 92 budget.			
Contractual					1.0
Commodities					1.0
Equipment					
Other					
Total Cost		9.8			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	9.8			
I-A Receipts	1006				
CIP Receipts	1061				
Other					
*Personal Services Salary and Benefits costs are from PACS.					

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**Request For
New Position**

Agency Natural Resources
 BRU Land and Water
 Component Land and Water

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 Revised Date

FY 92

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03/13/91 10:23

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Fiscal Note for SB 81, continued

This bill requires the Department of Natural Resources to approve a plat or return it to the applicant for modification or correction within 45 days. If the department fails to take action within 45 days, and the applicant does not consent to an extension of time, the plat is automatically approved and a certificate of approval must be issued. Because of the need to review an estimated 150 plats per year within the 45 day time period, a new, full time Cadastral Surveyor I position and a part time Clerk Typist III position are required. Additional funds are needed for rental space, telephones and supplies.

HOUSE CS FOR CS FOR SENATE BILL NO. 81 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): SENATORS FAHRENKAMP, Sturgulewski

A BILL

FOR AN ACT ENTITLED

1 "An Act establishing the Department of Natural Resources as the platting authority in
2 certain areas of the state; relating to subdivisions and dedications; and providing for an
3 effective date."

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

5 * Section 1. AS 29.03.030 is amended to read:

6 Sec. 29.03.030. PLATTING AUTHORITY. The [SUBJECT TO AS 40.15.075, THE]
7 Department of Natural Resources is the platting authority for the state except within a
8 municipality that has the power of land use regulation and that has adopted ordinances
9 implementing AS 29.40 [IN THE UNORGANIZED BOROUGH IN THE AREA OUTSIDE
10 ALL CITIES].

11 * Sec. 2. AS 40.15.010 is amended to read:

12 Sec. 40.15.010. APPROVAL, FILING, AND RECORDING OF SUBDIVISIONS. Before
13 the lots or tracts of any subdivision or dedication may be sold or offered for sale, the subdivision
14 or dedication shall be approved by [SUBMITTED FOR APPROVAL TO] the authority having

1 jurisdiction, as prescribed in this chapter and [. THE REGULAR APPROVAL OF THE
2 AUTHORITY SHALL BE SHOWN ON IT OR ATTACHED TO IT AND THE SUBDIVISION
3 OR DEDICATION] shall be filed and recorded in the office of the recorder. The recorder may
4 not accept a subdivision or dedication for filing and recording unless it shows this approval. [IF
5 NO PLATTING AUTHORITY EXISTS AS PROVIDED IN AS 40.15.070 AND 40.15.075,
6 LAND MAY BE SOLD WITHOUT APPROVAL.]

7 * Sec. 3. AS 40.15.070 is amended to read:

8 Sec. 40.15.070. PLATTING AUTHORITY. If land proposed to be subdivided or
9 dedicated is situated within a municipality that has the power of land use regulation and that
10 has adopted ordinances implementing AS 29.40 [FIRST OR SECOND CLASS BOROUGH],
11 the proposed subdivision or dedication shall be submitted to the municipal [BOROUGH]
12 planning commission for approval. If a municipality that has the power of land use
13 regulation and that has adopted ordinances implementing AS 29.40 [THE LAND IS
14 SITUATED WITHIN A CITY IN THE UNORGANIZED BOROUGH OR THE THIRD CLASS
15 BOROUGH, THE PROPOSED SUBDIVISION OR DEDICATION SHALL BE SUBMITTED
16 TO THE CITY PLANNING COMMISSION FOR APPROVAL. THE BOROUGH PLANNING
17 COMMISSION IS THE PLATTING AUTHORITY FOR THE FIRST OR SECOND CLASS
18 BOROUGH, THE CITY PLANNING COMMISSION IS THE PLATTING AUTHORITY FOR
19 THE CITY, AND THE DEPARTMENT OF NATURAL RESOURCES IS THE PLATTING
20 AUTHORITY IN THE REMAINING AREAS OF THE STATE AND THIRD CLASS
21 BOROUGH FOR THE CHANGE OR VACATION OF EXISTING PLATS OR A PORTION OF
22 SUCH PLATS, AS PROVIDED IN AS 40.15.075. IF THE BOROUGH OR THE CITY] does
23 not have a planning commission, the [BOROUGH ASSEMBLY OR THE CITY] governing body
24 [, RESPECTIVELY,] is the platting authority and the proposed subdivision or dedication shall
25 be submitted to it. A subdivision may not be filed and recorded until it is approved by the
26 platting authority.

27 * Sec. 4. AS 40.15.070 is amended by adding a new subsection to read:

28 (b) The Department of Natural Resources is the platting authority in the areas of the state
29 not described in (a) of this section.

30 * Sec. 5. AS 40.15.200 is amended to read:

31 Sec. 40.15.200. APPLICATION TO STATE AND POLITICAL SUBDIVISIONS. All

1 subdivisions of land made by the state, its agencies, instrumentalities and political subdivisions
2 are subject to the provisions of AS 40.15.010 - 40.15.200 [THIS CHAPTER] and AS 29.40.070 -
3 29.40.160, or home rule ordinances or regulations governing subdivisions, and shall comply with
4 ordinances and other local regulations adopted under AS 40.15.010 - 40.15.200 [THIS
5 CHAPTER] and AS 29.40.070 - 29.40.160 or former AS 29.33.150 - 29.33.240, or under home
6 rule authority, in the same manner and to the same extent as subdivisions made by other
7 landowners.

8 * Sec. 6. AS 40.15 is amended by adding new sections to read:

9 ARTICLE 4. PLATTING IN AREAS OUTSIDE CERTAIN MUNICIPALITIES.

10 Sec. 40.15.300. EXAMINATION OF PLATS BEFORE RECORDING. (a) The
11 commissioner shall exercise the platting authority for the state except within a municipality that
12 has the power of land use regulation and that has adopted ordinances implementing AS 29.40.

13 (b) The commissioner shall review and approve each plat under AS 40.15.300 -
14 40.15.380 before the plat is recorded under AS 40.17. The approval by the commissioner shall
15 be affixed to the plat in the form of the following statement:

16 PLAT APPROVAL

17 This plat is approved by the commissioner of natural resources, or the
18 commissioner's designee, in accordance with AS 40.15.

19 _____
20 Commissioner

_____ Date

21 (c) The recorder may not accept for filing and recording a plat for which the
22 commissioner's approval is required under this section without the approval of the commissioner
23 endorsed on the plat.

24 (d) Within 45 days after a plat is filed, the commissioner shall approve the plat or return
25 it to the applicant for modification or correction. Unless the applicant for plat approval consents
26 to an extension of time, the plat is approved and a certificate of approval shall be issued by the
27 commissioner if the commissioner fails to act within that period. The commissioner shall state
28 in writing reasons for disapproval of a plat.

29 (e) A recorded plat may not be altered or replatted except on petition of the state, a
30 municipality, a public utility, or the owner of a majority of the land affected by the proposed
31 alteration or replat. The petition shall be filed with the commissioner and shall be accompanied

1 by a copy of the existing plat showing the proposed alteration or replat. The provisions of
2 AS 29.40.130 and 29.40.140(a) apply to an alteration or replat submitted under this subsection.
3 The provisions of (d) of this section do not apply to an alteration or replat petition, but the
4 commissioner shall state in writing reasons for disapproval of the petition.

5 (f) In the case of a vacation of a street, right-of-way, or other public area, the provisions
6 of AS 29.40.140(b) and 29.40.160(a) and (b) apply. When applying these provisions to land
7 outside a municipality, the word "municipality" should be read as "state" when the context
8 requires.

9 Sec. 40.15.310. REQUIREMENTS FOR PLAT APPROVAL. (a) Each plat must show
10 on its face a certificate of ownership, with the names and addresses of each owner listed. Each
11 owner of record shall sign the certificate and the signatures shall be acknowledged.

12 (b) The surveyor preparing the plat shall sign and affix the seal of the surveyor.

13 (c) The commissioner shall require that a plat submitted for approval bear the certificate
14 of approval of any other state agency having subdivision plat approval authority.

15 Sec. 40.15.320. MONUMENTS. (a) In a subdivision with five or fewer lots, the
16 existence of each monument at a controlling exterior corner of the subdivision shall be
17 established by the surveyor.

18 (b) In a subdivision of more than five lots, each lot corner shall be monumented.

19 (c) If a monument of record does not lie on the parcel or tract boundary, the plat shall
20 reflect a boundary survey and tie to a monument of record.

21 Sec. 40.15.330. PLAT STANDARDS. The commissioner shall establish plat standards
22 by regulation.

23 Sec. 40.15.340. ENGINEERING STANDARDS. Except for subdivisions of state land,
24 the commissioner may not establish engineering standards for subdivisions.

25 Sec. 40.15.350. CERTIFIED COPY OF PLAT AS EVIDENCE. A copy of a plat
26 certified by the recorder of the recording district in which it is filed or recorded as a true and
27 complete copy of the original filed or recorded in the recording office for the district is
28 admissible in evidence in all courts in the state with the same effect as the original.

29 Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not
30 apply to maps, site plans, or other graphic representations prepared for

31 (1) the purpose of transferring a leasehold interest; the extraction of natural

1 resources; or solely for the issuance of licenses or permits; or

2 (2) disposing of land by aliquot part descriptions of 40 acres or more within
3 surveyed sections provided that the least aliquot part unit shall be not less than a 1/4 1/4 section.

4 Sec. 40.15.370. REGULATIONS. The commissioner may adopt regulations to
5 implement, clarify, or make specific the provisions of AS 40.15.300 - 40.15.380.

6 Sec. 40.15.380. APPLICABILITY TO GOVERNMENTAL BODIES; RIGHT-OF-WAY
7 ACQUISITION PLATS. (a) Except as provided in this section, AS 40.15.300 - 40.15.380 apply
8 to the state, its agencies, instrumentalities, and political subdivisions in the same manner and to
9 the same extent that they apply to other landowners.

10 (b) A plat for a subdivision created by the acquisition by the state, its agencies,
11 instrumentalities, or political subdivisions, of a right-of-way, airport parcel, or land for a similar
12 public purpose in an area outside a municipality that has the power of land use regulation that
13 has adopted ordinances implementing AS 29.40, is subject only to the approval provisions of this
14 section and any provision of AS 40.15.300 - 40.15.380 not in conflict with this section.

15 (c) A right-of-way acquisition plat must contain the

16 (1) location and name of the acquisition project;

17 (2) approximate timetable for the acquisition and construction;

18 (3) dimensions and area of the proposed tract, parcel, or parcels to be acquired
19 and the remainder of the parcel or parcels;

20 (4) name of the record owner or owners of the subject parcels;

21 (5) signature and seal of the surveyor preparing the plat.

22 (d) The commissioner shall review each right-of-way acquisition plat for compliance with
23 this section. If the plat does not meet the requirements of this section, it shall be returned to the
24 submitting agency with an explanation of the deficiencies. A plat for which the commissioner's
25 approval is required under AS 40.15.300 may not be recorded under AS 40.17 without the
26 commissioner's approval endorsed on the plat.

27 (e) After approval by the commissioner, the original plat shall be filed with the
28 appropriate district recorder within 30 days by the submitting agency.

29 (f) The minimum monumentation requirements for

30 (1) right-of-way acquisition subdivisions are a 5/8" x 24" reinforcement bar with
31 appropriate identification cap set on the margin of the right-of-way at all points marking the

1 beginning and end of each curve and on tangents so that the distance between monumented points
2 does not exceed 1,320 feet; an alternate method may be utilized that consists of placing primary
3 type monuments at centerline points marking the beginning and end of each curve and on
4 tangents so that no distance exceeds 1,320 feet; all recovered monumented property corners of
5 records, the lines of which are intersected by a right-of-way acquisition, shall be monumented
6 as part of the right-of-way plat, either on the right-of-way line or at the original monument
7 position;

8 (2) an airport parcel and land for a similar public purpose subdivision not defined
9 by centerline shall be as provided in AS 40.15.320.

10 (g) If construction of improvements is scheduled to follow the right-of-way acquisition,
11 the placement of the centerline monuments may be delayed until the improvements have been
12 completed, in which case a statement designating the schedule for placing the monuments must
13 be included on the plat.

14 (h) The state, its agencies, instrumentalities, or political subdivisions may acquire or
15 obtain conveyances, including dedication of lots or tracts of a right-of-way acquisition plat,
16 before submittal of a right-of-way acquisition plat for approval by the commissioner. A right-of-
17 way acquisition conveyance may be recorded before approval and recording of the right-of-way
18 acquisition plat.

19 ARTICLE 5. GENERAL PROVISIONS.

20 Sec. 40.15.900. DEFINITIONS. In this chapter,

21 (1) "commissioner" means the commissioner of natural resources;

22 (2) "monument" means a fixed physical object marking a point on the surface of
23 the earth used to commence or control a survey or to establish a lot corner;

24 (3) "plat" means a map or delineated representation of a tract or parcel of land
25 showing the subdivision of land into lots, blocks, streets, or other divisions;

26 (4) "street" means an access way in common use including all of the land lying
27 within a dedicated right-of-way as delineated on a plat showing streets, whether improved or
28 unimproved;

29 (5) "subdivision"

30 (A) means the division of a tract or parcel of land into two or more lots,
31 sites, or other divisions for the purpose, whether immediate or future, of sale or building

1 development, and includes resubdivision and, when appropriate to the context, relates to
2 the process of subdividing or to the land or areas subdivided;

3 (B) does not include cadastral plats, cadastral control plats, open-to-entry
4 plats, or remote parcel plats created by or on behalf of the state regardless of whether
5 these plats include easements or other public dedications.

6 (6) "surveyor" means an individual licensed to practice land surveying in the state
7 under AS 08.48.

8 * Sec. 7. AS 40.15.075 and 40.15.290 are repealed.

9 * Sec. 8. AS 40.15.330 and 40.15.370, added in sec. 6 of this Act, take effect immediately under
10 AS 01.10.070(c).

11 * Sec. 9. Except as provided in sec. 8 of this Act, this Act takes effect September 1, 1991.

Alaska State Legislature

SENATOR BETTYE FAHRENKAMP
CHAIRMAN, LEGISLATIVE COUNCIL
CHAIRMAN, ADMINISTRATIVE REGULATION
REVIEW COMMITTEE
119 N. CUSHMAN STREET, SUITE 201
FAIRBANKS, ALASKA 99701
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WHILE IN JUNEAU
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MEMORANDUM

TO: Representative Mike Navarre and Representative Eileen Maclean, Co-Chairs, House Finance Committee.

FROM: Senator Bettye Fahrenkamp

DATE: May 10, 1991

SUBJECT: SB 81.
An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; efd.

BILL SUMMARY:

- * DNR is established as the plat approval authority in areas of the state without land use planning ordinances.
- * Minimal monumentation standards are established (page 4, line 4). The commissioner is directed to establish plat standards, but is specifically prohibited from setting engineering standards for subdivisions.
- * Maps prepared for the purpose of transferring leasehold interests; extraction of natural resources; or solely for the issuance of licenses or permits are exempted from approval requirement. Land disposals by aliquot part descriptions of 40 acres or more within surveyed sections are also exempt.

FISCAL IMPACT:

\$74.0 FN from DNR; Zero FNs from DEC, C&RA, and DOT.

DEPARTMENT POSITION:

Supported by DNR, DEC, DOT, C&RA. Requested by State Surveying and Mapping Advisory Board. Supported by AFN.

ABOUT THE BILL:

Under present law, in areas of the state without land use planning ordinances, there is no requirement for subdivision plats to meet standards of mapping and monumentation before recording. This leads to problems of proving clear and clean title to subdivision parcels. With increased activity in subdivision, acquisition and conveyance in the unorganized borough; state agencies, survey professionals and Native regional corporations have come to the legislature to propose this bill as a solution.

An Act establishing the Department of Natural Resources as the platting authority in certain areas of the state; relating to subdivisions and dedications; and providing for an effective date.

This bill was drafted at the request of the State Surveying and Mapping Advisory Board in order to address certain deficiencies and ambiguities in statute pertaining to subdivision plats in the unorganized borough.

Present Situation: In the areas of the state, outside of boroughs and municipalities with the power of land use regulation pertaining to subdivision plat approval under AS 29.40, there is no requirement for any authority to approve the plat of a subdivision except for re-plats and vacations. At least two state agencies have limited approval authority. DEC has authority to see that a subdivision plat addresses environmental health questions, i.e. sewage and water provisions. DOT has authority relating to access from public roads and highways. However, no agency is granted authority to approve the plat of a subdivision to ensure that it will substantiate clear and clean title to the component parcels. This can lead to expensive r-plats and contentious litigation when questions of clear title arise.

WHAT THIS BILL DOES:

- ◆ CLOSES LOOPHOLE THAT ALLOWS RECORDING OF SUBDIVISIONS IN THE UNORGANIZED BOROUGH WITH INADEQUATE MONUMENTATION AND SLOPPY PREPARATION.
- ◆ APPLIES ONLY TO AREAS OF THE STATE WHERE THERE IS NO MUNICIPALITY WITH LAND USE PLANNING ORDINANCES.
- ◆ ENSURES CLEAR AND CLEAN TITLE TO PARCELS.
- ◆ APPLIES TO SUBDIVISIONS FOR THE PURPOSE OF SALE OR BUILDING DEVELOPMENT, DOES NOT INCLUDE CADASTRAL PLATS, CADASTRAL CONTROL PLATS, OPEN-TO-ENTRY PLATS, OR REMOTE PARCEL PLATS CREATED BY, OR ON BEHALF OF THE STATE.
- ◆ DOES NOT APPLY TO MAPS PREPARED FOR LEASES, NATURAL RESOURCE EXTRACTION OR LICENSES OR PERMITS.
- ◆ DOES NOT APPLY TO ALIQUOT PART SUBDIVISIONS 40 ACRES OR LARGER.
- ◆ MINIMUM MONUMENTATION:
5 OR FEWER LOTS= MONUMENT AT CONTROLLING EXTERIOR CORNER OF SUBDIVISION.
MORE THAN 5 LOTS= MONUMENT AT EACH CORNER OF THE SUBDIVISION.
IF NO MONUMENT OF RECORD LIES ON PARCEL OR TRACT BOUNDARY,

PLAT WILL REFLECT A BOUNDARY SURVEY AND TIE TO A MONUMENT OF RECORD.

◆ ESTABLISHES SPECIFIC MONUMENTATION REQUIREMENTS FOR GOVERNMENTAL BODIES ACQUIRING RIGHTS OF WAY FOR ROADS, AIRPORTS AND OTHER PUBLIC PURPOSES (THESE ARE MINIMAL AND REFLECT CURRENT DOT PRACTICES).

◆ FISCAL: BILL REQUIRES APPROVAL OR RETURN TO APPLICANT WITHIN 45 DAYS. ESTIMATED 150 PLATS PER YEAR WOULD FALL UNDER THIS SECTION. DNR FISCAL NOTE FOR \$74.0/YEAR IS FOR 1 FTE CADASTRAL SURVEYOR I AND A PART TIME CLERK TYPIST III. NOTE: DNR FY 92 DECREMENT REQUEST OF REDUCTION FROM 20 TO 12 CADASTRAL SURVEYORS. HOUSE BUDGET REFLECTS 14. THIS WOULD ADD ONE MORE BACK. STATE WOULD STILL HAVE 5 LESS CADASTRAL SURVEYORS THAN FY 91.

◆ THIS BILL DOES NOT AFFECT LAND USE PLANNING AUTHORITY IN MUNICIPALITIES OR BOROUGHs THAT HAVE ORDINANCES.

◆ DOES THIS BILL MAKE SUBDIVISION PLAT REQUIREMENTS MORE STRINGENT IN THE UNORGANIZED BOROUGH?

YES, BECAUSE NOW THERE ARE NO REQUIREMENTS FOR APPROVAL, OTHER THAN FOR VACATIONS OF RIGHTS OF WAY ETC. AND RE-PLATS. REMEMBER, THIS BILL ONLY APPLIES TO AREAS OUTSIDE OF MUNICIPALITIES THAT HAVE LAND USE PLANNING ORDINANCES.

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

May 8, 1991

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POSITION PAPER

RE: Committee Substitute for SB 81 (Fin) am

SPONSOR: Senators Fahrenkamp and Sturgulewski

Background and Position

The Department of Community and Regional Affairs has participated in the Alaska Surveying and Mapping Advisory Board's development of legislation to provide for a platting authority in those rural areas of Alaska where none now exists. The bill proposes that the Department of Natural Resources become the platting authority for those areas. Additional sections have been added to the bill to establish basic standards for plats and their recording. The philosophy of the proposed legislation has been to establish a minimal standard that will not place a burden on the development and management of rural land.

Because of the bill's philosophy, the Department of Community and Regional Affairs (DCRA) supports the bill. The basis of DCRA's support is due in part to language in the bill that allows for a plat review exemption for subdivisions of large parcels of land and for parcels with less intensive uses such as leases, licenses and permits.

The Department has identified one item it feels warrants clarification in the bill. The Department's recommendation on this item is for clarification only and is not intended to alter the intent of the bill in any way.

Clarification of "map" in Sec. 40.15.360 APPLICABILITY.

The word "map" in Sec. 40.15.360 is intended to refer to documents other than plats which are submitted to delineate land subject to leasehold interests, natural resource extraction or similar situations where individuals, corporations and municipalities do not intend to pass title.

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Recommendations

Without a definition of "map" to clarify this intent, it is suggested that the following amendment be made to Sec. 40.15.360;

Sec. 40.15.360. APPLICABILITY. The provisions of AS 40.15.300 - 40.15.380 do not apply to maps, site plans or any such graphic representation prepared for

(1) the purpose of transferring a leasehold interest; the extraction of natural resources; or solely for the issuance of licenses or permits; or

(2) disposing of land by aliquot part descriptions of 40 acres or more within surveyed sections.


Edgar Blatchford, Commissioner

Repealed

Sec. 40.15.290. Definitions. In this chapter

(1) "street" includes streets, avenues, boulevards, roads, lanes, alleys, and other ways;

(2) "subdivision"

(A) means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or areas subdivided;

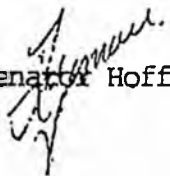
(B) does not include cadastral plats, cadastral control plats, open-to-entry plats, or remote parcel plats created by or on behalf of the state regardless of whether these plats include easements or other public dedications. (§ 7 (ch II) ch 115 SLA 1953; am § 3 ch 95 SLA 1955; am § 41 ch 113 SLA 1981)

provided in SB 81
DEFINITIONS

Alaska Federation of Natives, Inc.

April 2, 1991

Mr Lyman Hoffman
Alaska Senate
P. O. Box V
Juneau, Alaska 99811


Dear Senator Hoffman:

The drafting of CSSB 81 was an effort of the Department of Natural Resources Platting Advisory Board. Membership of the Advisory Board represents DNR, DCRA, private surveying interests and the AFN Land Committee.

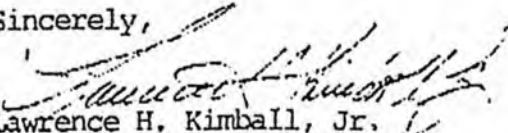
The AFN Land Committee represents twelve regional and twenty five village ANCSA corporations. Mr Pete Nagel of Chugach Alaska Corporation has held a seat on the Advisory Board representing the Land Committee. The entire Land Committee has met on a quarterly basis to review draft language.

The CSSB 81 currently in Senate Finance Committee is supported by the Land Committee. The bill will assist ANCSA corporations in their efforts to purify title by codifying surveying and recording standards for those areas outside of municipal jurisdictions that administer subdivision and platting regulations.

The Land Committee appreciates your interest in this bill and requests your continued support for it.

Thank you.

Sincerely,


Lawrence H. Kimball, Jr.
Chairman, AFN Land Committee