

by adding a new section thereto, providing for the issuance of a Retail Stock Sale License.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. That Section 35-4-21 of the Compiled Laws of Alaska, 1949, be and the same is hereby amended to read as follows: After Section K, add new Section L.

L. Retail Stock Sale License. A Retail Stock Sale License shall give to the holder thereof the right to sell in bulk quantities, of not less than five wine gallons per sale, but not to the consumer, the entire stock of a former retail liquor store, where the owner thereof is desirous of closing out or terminating the business of the store. Such license shall issue only when the owner does not have a retail license, but not where he has been deprived of a retail license because of a violation of this Act, or a violation of any other law of the Territory of Alaska. Such license shall issue for a period of ninety days only for each store so closing out, and shall not be renewable. A Retail Stock Sale License Fee shall be one hundred dollars (\$100.00).

Retail Stock Sale
liquor licenses.

Fee.

Approved March 30, 1953.

CHAPTER 115

AN ACT

[C. S. S. Bs. Nos. 78 and 112]

Controlling plats, subdivisions and dedications and creating Boards of Platting and defining their jurisdiction; providing for the alteration and vacation of plats and further providing for standards to govern the recording of plats and prescribing penalties for the violation of this Act, and repealing Sections 16-6-1 and 16-6-2 ACLA 1949; and making an appropriation.

Be it enacted by the Legislature of the Territory of Alaska:

CHAPTER I.

PLATS — RECORDING

Approval of
subdivisions or
dedications.

Section 1. APPROVAL AND RECORDING OF SUBDIVISIONS. Each subdivision or dedication, before any of its lots or tracts may be sold or offered for sale, shall first be submitted for approval to the authority having jurisdiction thereof, as herein prescribed, and no sale or offer for sale shall be made unless and until the same shall be approved by such authority as herein provided, with the regular approval of such authority duly shown thereon or attached thereto and until the same has been duly filed for record in the office of the U. S. Commissioner, ex-officio recorder, and no such U. S. Commissioner shall accept for filing any such subdivision or dedication unless it shows thereon such approval.

Recording.

Acknowledgment
of plats
required.

Section 2. PLATS TO BE ACKNOWLEDGED — CERTIFICATES THAT TAXES AND ASSESSMENTS ARE PAID. Every plat shall be acknowledged before any officer authorized to take acknowledgment of deeds, a certificate of which acknowledgment shall be endorsed on or annexed to the plat and recorded therewith. A person desiring to file a plat, map, subdivision, or replat of any property, or to vacate the whole or any portion of an existing plat, map, subdivision, or replat, must at the time of filing the same for record or of filing the petition to vacate, file therewith a certificate from the tax collecting official or officials of the area wherein the land is situate that all taxes levied against the property at such date have been paid.

Certificate from
tax official.

Dedication of
public areas
presumed.

Section 3. DEDICATION OF STREETS, ALLEYS AND THOROUGHFARES. When an area has been subdivided and a plat thereof approved and recorded in accordance herewith, all streets, alleys, thoroughfares,

parks and other public areas shown thereon shall be deemed to have been dedicated to public use.

Section 4. CERTIFIED COPY OF PLAT IS EVIDENCE. A copy of any plat certified by the Precinct Recorder of the precinct in which it is recorded to be a true and complete copy of the original thereon on file in his office shall be admissible in evidence in any court of the Territory with the same effect as the original.

Copy as evidence.

Section 5. RECORDED PLATS LEGALIZED. All plats recorded before the effective date of this Act, whether executed and acknowledged in accordance with the provisions of this Act or not, are hereby validated and all streets, alleys or public thoroughfares shown thereon are deemed to have been dedicated to public use, provided that nothing herein contained shall be construed as prohibiting the abandonment of any such prior plat if a subsequent plat thereof has been filed indicating such abandonment, that is to say, the last plat of the area of record, as of the effective date of this Act, shall be deemed to be the official plat of such area, and the streets, alleys or thoroughfares shown thereon shall be deemed to be the streets, alleys or thoroughfares dedicated to public use, and all streets, alleys or thoroughfares as shown on any prior plat of the same area or any part thereof, and which are in conflict with those shown on such last plat shall be deemed to have been abandoned and vacated.

Prior recorded
plats validated.

Section 6. MISSING PLATS. Where a recorded plat is missing and no present record is available except by reference thereto, counterpart copies approved by the platting authority, may be recorded as of the original date of the missing plat and thereafter shall be of the same legal effect and notice as the original missing plat.

Missing recorded
plats.

CHAPTER II.

CONTROL OF PLATS, SUBDIVISIONS AND

DEDICATIONS; CREATION OF BOARDS OF PLATTING

Designation
of platting
authority.

Section 1. PLATTING AUTHORITY. Whenever any land proposed to be subdivided or dedicated is situated within a city the same shall be submitted for approval to the city planning commission which shall be the platting authority for such city; if no city planning commission exists, the same shall be submitted to the city council, which shall then be the platting authority. Whenever any land proposed to be subdivided or dedicated is situated within a school district but outside a city, the same shall be submitted for approval to the Platting Board as hereinafter created, which shall be the platting authority for such school district outside the city. No subdivision may be filed for record until approved by the respective platting authority.

Platting boards
established.

Section 2. PLATTING BOARDS ESTABLISHED. There are hereby created Platting Boards with jurisdiction over lands within those portions of independent school districts lying outside the corporate limit of cities of the first class, each of which Boards shall be composed of two members appointed by the City Council of each city within the independent school district, two members appointed by the Board of the independent school district, and one member from each utility district which may lie within the independent school district, to be appointed by the Board of each such utility district. If the total of the foregoing members be an even number, one member at large shall be chosen by the preceding named members. The initial terms of office shall be for one, two and three years, as determined by lot at the first meeting of the Board, and the terms shall thereafter be for three years. At the first meeting of such Board, one of its members shall be chosen as Chairman and a Clerk shall be appointed. All hearings and regular meetings shall be open to the public. Decision shall be

Membership.

Terms of office.

by majority vote when a quorum is present, and proceedings shall be governed by Roberts' Rules of Order. Action shall be taken in the form of resolutions and orders. Board members shall serve without pay.

Hearings public.

Form of board action.

Section 3. JURISDICTION AND POWER OF BOARDS. The Boards of Platting shall have jurisdiction over platting and subdividing as herein provided, and shall make and publish rules and regulations to implement the grants of power herein contained.

Powers.

Section 4. PROCEDURE ON PLATS. The platting authority shall approve or disapprove the plat of subdivision or dedication within 60 days after the filing thereof, or shall return such plat to the applicant for modification or correction within 60 days from the date of filing thereof; otherwise, such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the platting authority on demand; provided, however, that the applicant for plat approval may consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the platting authority.

Procedure on plats.

Section 5. INFORMATION REQUIRED. Every plat, subdivision or dedication shall show initial point of survey, original or re-established corners, with description of them, and actual traverse showing area of closure and all distances, angles and calculations required to determine initial point, corners and distances of the plat.

Contents of plats.

Section 6. PENALTIES. Whoever, being the owner or agent or the owner of any land located within the subdivision, transfers, sells, or agrees, or enters into a contract to sell any land in such subdivision, whether by reference to or by other use of a plat of such subdivision or otherwise, unless and until a plat of such subdivision has been prepared in full compliance with the

Transfer of land not-platted.

Penalty.

provisions of this Act and of subdivision regulations adopted hereunder and has been approved by the platting authority having jurisdiction and has been recorded in the office of the U. S. Commissioner, as provided herein, shall be guilty of a misdemeanor, punishable by fine of not more than \$500.00 for each lot or parcel so transferred or sold or agreed or included in a contract to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalty or from the limits herein provided. The platting authority may sue to enjoin such transfer or sale or agreement to sell, and may recover the said penalty by appropriate action in any court of competent jurisdiction.

Failure to show platting authority approval.

It shall be unlawful to file or record any such plat of subdivisions in any public office unless the same shall bear thereon, by endorsement or otherwise, the approval of the platting authority, and any person, partnership, or corporation violating this provision shall, upon conviction thereof, be fined not more than \$500.00, or be punished by a term of imprisonment of not more than six months, or may be subjected to both such fine and imprisonment.

Penalty.

"Street" and "subdivision" defined.

Section 7. DEFINITIONS. For the purposes of this Act, the term "street" or "streets" means, relates to, and includes streets, avenues, boulevards, roads, lanes, alleys, and other ways; "subdivision" means the division of a tract or parcel of land into five 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 area subdivided.

CHAPTER III.

VACATION OF PLATS AND STREETS

Section 1. PETITION. No plat of any area shall be altered, amended or changed, except upon petition of the owners of a majority of the land to be thereby affected, showing the changes contemplated. No street, alley or public thoroughfare or any part thereof shall be vacated, except upon petitions of the owners of the majority of the front feet of the land fronting upon the part of the street, alley or public thoroughfare sought to be vacated. Such petitions shall be filed with the Clerk of the City or of the Platting Board, praying that the plat, addition or subdivision, or part thereof, be amended, replatted or vacated, or that the street, alley or public thoroughfare or part thereof be vacated. The petition shall be accompanied by a plat, draft or a copy of the existing plat, showing the proposed amendment, replat or vacation.

Petitions for amendment, replat or vacation.

Section 2. TIME AND PLACE OF HEARING; NOTICE. Upon the payment of the costs thereof, the Clerk shall fix a time for the hearing of the petition which shall not be less than thirty nor more than sixty days after the filing, and shall cause a notice to be issued under his hand and the seal of the platting authority, stating when and by whom the petition was filed, the object thereof, and the time and place of the hearing. The notice shall also generally describe the plat, addition or subdivision sought to be amended, replatted or vacated, or the street, alley or public thoroughfare or part thereof sought to be vacated. This notice shall be published once a week for three consecutive weeks in a newspaper of general circulation published within the largest governing district in which the land is located; the Clerk shall also mail by registered mail a copy of such notice to each of the owners of the affected property not joining in the petition as

Hearing upon petition.

Notice of hearing.

shown by the records in the property taxing office of the largest jurisdiction in which the land, plat or addition or subdivision is located, at the addresses there shown.

Determination
and order.

Section 3. HEARING, DETERMINATION AND ORDER. At the hearing, the platting authority shall inquire into and determine the merits of the relief prayed for and make such order as justice and the public welfare require.

Filing of new plat.

Section 4. NEW PLAT TO BE FILED; ORDER OF VACATION. If the amended plat or replat be approved, it shall be filed and recorded with the Recorder of the Recording District where the property is situated and thereafter shall be the lawful plat. Should the plat, addition, subdivision, street, alley or public thoroughfare, or part thereof be vacated and not otherwise altered, or replatted, it shall only be necessary to file with the said Recorder the order or resolution vacating the same and the Recorder shall thereupon note upon the original plat the part so vacated.

Filing of vacation
order.

Title to vacated
areas.

Section 5. TITLE TO VACATED AREA, STREETS, PUBLIC SQUARES. The title to the street or other public area vacated shall attach to the lots or lands bordering on such area in equal proportions, except that where the area has been originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of such boundary line shall attach to the abutting property on such side, and the street area which lies upon the other side of such boundary line shall attach to the property on such other side, provided, however, that all that portion of a vacated street which lies within the limits of a platted addition shall attach to the lots of the platted addition bordering on such area. If a public square is vacated, the title thereto shall vest in the independent

school district wherein the square lies or if it lies within a city, then it shall vest in said city for the use of said city or school district, to be used and disposed of as other public lands. If the property vacated is a lot, lots or tract, title thereto shall vest in the rightful owner.

Section 6. REPEAL OF CONFLICTING ACTS. Sections 16-6-1 and 16-6-2 ACLA 1949 shall be and the same are hereby repealed.

Statutes repealed.

CHAPTER IV. MISCELLANEOUS

Section 1. There is hereby appropriated out of any monies in the Territorial Treasury not otherwise appropriated the sum of Two Thousand Dollars (\$2,000.00) to carry out the purposes of this Act for the 1953-55 biennium, which sum shall be allocated to those boards created under the authority of this Act upon proper vouchers submitted by the officers of such boards in the form prescribed by the Auditor.

Appropriation.

Approved March 30, 1953.

CHAPTER 116

AN ACT

[S. B. 113]

Relating to the location of beverage dispensaries and package liquor stores in the Territory, and amending sub-section (3) of Section 35-4-15 ACLA 1949 as amended by Chapter 83, SLA 1949.

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Sub-section (3) of Section 35-4-15 ACLA 1949 as amended by Chapter 83, SLA 1949 is amended to read as follows:

(3) Proximity to School or Church. No beverage dispensary license or package liquor

Sale of liquor near schools or churches.