



LAWS OF ALASKA

1970

Source

HCSSB 507

Chapter No.

128

AN ACT

Relating to powers of fourth class cities.

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

* Section 1. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.295. POWER TO VACATE STREETS. (a) The council of a fourth class city located outside an organized borough may vacate such streets, alleys, crossings, sidewalks or other public ways as may have been previously dedicated or established when the council, in its discretion, finds that the streets, alleys, crossings, sidewalks or other public ways are no longer necessary for the public welfare, or when the public welfare will be enhanced by the vacation.

(b) If the council determines that all or a portion of the area vacated under (a) of this section should be devoted to another public purpose, title to the area vacated and held for another public purpose does not vest as provided in AS 40.15.180 but remains in the city.

* Sec. 2. AS 29.25 is amended by adding a new section to read:

Sec. 29.25.355. BONDS. The council may incur bonded indebtedness on behalf of the city as provided for other municipal corporations in AS 29.50.010 - 29.50.080, except that nothing in this section authorizes the council to levy ad valorem taxes unless such levy is necessary to avoid a default upon payment of principal and interest of bonds which are secured by a pledge to levy ad valorem or other taxes without limit to meet debt payments.

* Sec. 3. AS 40.15.140 is amended to read:

Sec. 40.15.140. PETITION. No plat shall be altered, amended or changed, except upon petition of the owners of a majority of the land affected by the alteration, amendment or change, showing the changes contemplated. Except as otherwise provided by law, no street, alley or public thoroughfare or any part of one shall be vacated, except upon petition 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. The petition shall be filed with the clerk of the city or the platting board, requesting that the plat, addition or subdivision be amended, replatted or vacated, or that the street, alley or public thoroughfare 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.

* Sec. 4. AS 40.15.180 is amended to read:

Sec. 40.15.180. TITLE TO VACATED AREA, STREETS, AND PUBLIC SQUARES. Except as otherwise provided by law, the title to the street or other public area vacated attaches to the lots or lands bordering on the area in equal proportions, except that where the area was originally dedicated by different persons, original boundary lines shall be adhered to so that the street area which lies on one side of the boundary line shall attach to the abutting property on that side, and the street area which lies upon the other side of the boundary line shall attach to the property on that side. The portion of a vacated street which lies within the limits of a platted addition attaches to the lots of the platted addition bordering on the area. If a public square is vacated, the title to it vests in the independent school district where the square is located or if it lies in a city, then it vests in the city for the use of the city or school district, to be used and disposed of as other public lands. If the property vacated is a lot or tract, title vests in the rightful owner.